Will Human Rights Survive in a Multipolar World?

Human rights have had a transformative influence on the post-World War II political order. The Universal Declaration of Human Rights (UDHR), the most prominent symbol and instrument of these changes, successfully challenged the view that sovereignty provided an iron shield behind which states could mistreat their people without outside scrutiny. It strengthened the movements that would soon bring an end to colonialism, apartheid, and eventually communist rule behind the Iron Curtain, and it contributed to the wave of democratization that started in the 1970s in Europe and spread across Latin America, Africa, and Asia.

But human rights have depended on Western ascendancy far more than is typically realized. Western countries have played an extraordinarily large role as funders and conveners of human rights organizations and scholarly debates, directly and indirectly shaping agendas, analytical frameworks, and evaluation methods in the process. The U.S. government’s direct international intervention on the side of human rights, which started in the 1970s, has given the movement’s actors far greater influence on the world’s stage than would be possible otherwise. The end of the Cold War brought on American unipolarity, dramatically accelerating the movement’s expansion and its ambitions, yielding institutions such as the International Criminal Court and doctrines such as the “Responsibility to Protect,” over which human rights actors have significant influence.

This Western predominance has meant that human rights have come to reflect the values, norms, and political leanings of the West, making them less than universal from the perspectives of many from other regions. What was once—in the
formulation of the 1948 UDHR and the major international treaties that followed—a nonpolitical, cross-cultural project has become, and is seen to be, more the product of a particular culture and political dispensation. Although there have always been disputes between different parts of the globe—during the Cold War, the United States championed political and civil rights while the Soviet Union emphasized the importance of social and economic rights—they took place at a time when the human rights field was still in its infancy, with much less influence. Since then, global human rights promotion has expanded remarkably while being shaped by ideas that are more representative of some cultures and groups than others. When human rights are a “part of a distinctive modernist vision of the good and just society that emphasizes autonomy, choice, equality, secularism, and protection of the body,” they naturally exclude—and lose legitimacy among—those who have different visions of the good life.

This evolution now threatens the future of the whole human rights project. Where other regions once accepted the ideas either out of deference to Western accomplishment or power, today they push back because these are diminished—and alternatives are as or more influential. And suspicion of human rights universalism among many of these actors runs deep: they risk being seen as a “Trojan horse” of intervention that continues the long, negative experiences Southern countries had with Western colonialism and imperialism. This should not be surprising given that Western governments and interest groups have often employed the language of human rights in the service of their own political, economic, and military objectives.

Westerners (or at least Western elites), have long presumed that their own experiences and outlook are ideal and ought to be universal. This presumption is partly due to centuries of technological and military superiority, colonial domination, and the strong influence of a faith (Christianity) that assumed universality. Accordingly, while Islam and Confucianism represent cultural areas just as large and significant, their values are considered particular by major human rights organizations while Western norms are assumed to be the de facto standard.

While such an outlook could be sustained in a unipolar world, it is unsustainable in a multipolar world. Countries in Asia, Africa, the Middle East, and Latin America have less and less reason to accept ideas and concepts that do not reflect their own values and understandings of the good life. Human rights will only survive in this new era if they are genuinely universal, reflecting the ideals and beliefs of all peoples. The Universal Declaration was designed for just such a
world, incorporating and balancing ideas from different places in a way that was flexible and universal. A restoration of the vision of its drafters—a return to basics—is essential if human rights are to be a powerful force in this century.

**Far-Reaching Influence**

Even though World War II saw previously unimaginable violations of human dignity, and colonial oppression, discrimination, poverty, and conflict continued in its aftermath, there was great reluctance among the major powers to establish any system that threatened their national sovereignty. The idea of “human rights” barely existed, and it had almost no role in international law. The idea that rights could be universal—applicable across all the world’s different societies—was controversial.

Yet today, it is hard to find any concept that has had such striking influence on the post-World War II political order. The Universal Declaration of Human Rights (UDHR) has been the centerpiece of these changes, with wider acceptance and deeper impact than any similar document. Passing the United Nations with no dissensions in 1948, the Universal Declaration is by far the single most important human rights document, a “constitution” for the movement and an “international bill of rights for governments.”

The Declaration is the foundation for much of the post-1945 codification of human rights. It became the principal model for the bills of rights in scores of postwar constitutions including Germany, Spain, Portugal, and postcolonial countries such as Algeria, Senegal, and Togo. It led to the creation of dozens of international treaties, charters, conventions and declarations, some global in scope and others specific to regions or sets of countries, such as the European Convention of Human Rights. It gave expression to deep yearnings among people across the world, birthing legions of activists who wrote reports, published articles, pressured politicians, appealed to courts, and publicized abuses. It has been translated into over 500 different languages—from Abkhaz to Zulu—making it the most translated document in the world.

Together with the Nuremberg Trials and the Genocide Convention that was approved by the UN one day before the Declaration in December 1948, the UDHR transformed the international legal landscape. But whereas the former innovations sought to punish and prevent mass atrocities, the UDHR was aimed at something more ambitious—the creation of societies where everyone would
“act towards one another in a spirit of brotherhood.” By recognizing the “inherent dignity and of the equal and inalienable rights of all members of the human family,” it sought to set a minimum standard for how societies should operate.\(^8\)

**Original Vision**

The Universal Declaration has had such impact across all parts of the world because its drafters built a human rights framework that was both universal and flexible. This was essential not only to gain broad political support during the vote at the UN, but also to ensure that the framework would have deep and long-lasting support across vastly different cultures, belief systems, and political ideologies. The final product combines various elements, connected to and interdependent with each other, greater as a whole than a simple sum of the individual components. Some elements focus on the individual, others on community and society. Some focus on freedom, others on solidarity and duty. The vision of liberty is inseparable from the call for social responsibility.

Influenced by a combination of community-oriented and individualistic concepts that enabled them to gain support from a wide assortment of European, Middle Eastern, Latin American, Asian, communist, capitalist, developed, and developing countries, the framers believed, as Harvard Law School Professor and former U.S. ambassador to the Holy See Mary Ann Glendon argues in her popular study of the UDHR, that the Declaration “achieved a distinctive synthesis of previous thinking about rights and duties. After canvassing sources from North and South, East and West, they believed they had found a core of principles so basic that no nation would wish openly to disavow them. They wove those principles into a unified document.”\(^9\)

The United Nations’ Commission on Human Rights, which drew up the initial draft, included people from a broad range of different cultural, religious, economic, and political systems. Individuals from a diverse set of countries—including France, Chile, Lebanon, precommunist China, the USSR, Canada, and the United States—played prominent roles in the debates. The major actors—including French jurist René Cassin, Chinese scholar Peng-chun Chang, Lebanese diplomat Charles Malik, and Eleanor Roosevelt—were universalists but not homogenizers. They believed they had adopted a pluralistic document that was flexible enough to respond to different needs in terms of emphasis and implementation, but was not malleable enough such that none of the basic rights would become eclipsed or subordinated for the sake of others.\(^10\) Chang argued in his speech to the General Assembly urging adoption that there was no single way of thinking or living, and that such a uniformity could only be achieved by force or at the expense of truth and would be unsustainable.\(^11\)

Malik, who played a critical role shepherding the document through the General Assembly (when he was president of the Economic and Social
Council), encapsulated the diverse influences on the Declaration in his speech urging acceptance. Directing his arguments to the public and posterity as much as to his fellow delegates, he said that the UDHR was “a composite synthesis of all these outlooks and movements and of much Oriental and Latin American wisdom. Such a synthesis has never occurred before in history.” He pointed to different parts of the document as examples to show where Latin America, India, the United Kingdom, the United States, the Soviet Union, China, France, and other countries had contributed.12

Early on, when they risked becoming paralyzed by differences, the drafters realized that they had to set aside assumptions about God, nature, human nature, reason, natural rights, politics, and whatever other metaphysical, theological, and ideological beliefs they had in order to reach agreement.13 As a result, even though the UDHR promoted a common standard, it stood upon very different philosophical foundations and, within limits, was open to being implemented differently in dissimilar parts of the world. The result was an agreement on basic principles—laid out in the Preamble, Proclamation, and first two Articles—but not the reasons for them. As Jacques Maritain, who played a crucial role in the lead up to drafting the Universal Declaration, has often been quoted, “Yes, we agree about the rights, but on condition no one asks us why.”14 The drafters went out of their way to coordinate civil, cultural, economic, political, and social rights, and in Articles 28 to 30 they expressly referenced duties and a “social and international order” for realization of the rights. Their nuanced approach was meant to bridge, not overcome, different points of view.15

Indeed, they expected the Declaration’s fertile principles to be interpreted in a variety of legitimate ways, and they anticipated that each country would provide experiences and ideas for others to learn from. The document thus provides ample leeway for different ways of imagining, prioritizing, and interpreting the rights included. Maritain explained that this would allow “different kinds of music” to be “played on the same keyboard.”16

The framers would find alien the contemporary notion that the Declaration prescribes a single model of human rights (a model rooted in individualistic conceptions of selfhood and personal rather than communal empowerment) and that the only alternative is a relativistic approach that allows rights to be completely determined by circumstances. On the contrary, the framers were able to achieve broad consensus because they crafted a flexible legal document that everyone—from West, East, North, or South—could accept, and that everyone could believe was morally important.

The Declaration does not present the specific rights as items to be isolated from the others and propagated on their own. Indeed, one of the surest ways to misconstrue—or misuse—human rights is to think that any particular right is absolute, or
that all the diverse rights can ever wholly be in harmony with each other. For example, many post-conflict countries need to balance the need for reconciliation, a secure peace, and economic development with the need for retribution for crimes committed; there is no universal map on how to achieve this—an overzealous attempt to accomplish the latter can easily undermine the former. On the contrary, every distinct right must have certain limitations and boundaries and exist within a constellation of other rights for it to have any real meaning. There is no clear blueprint for how to respond when rights conflict. Communities must balance the weight of claims of one right versus another before determining the best course of action.

Understanding why this was both necessary to achieve agreement and desirable is crucial to appreciating the vision of the drafters and the success of the UDHR over time. The advancement of human rights, after all, depends much more on moral authority than on legal commitments written on pieces of paper. Unless people around the world accept rights as morally binding, such that they become embedded within local values systems, they are unlikely to gain wide acceptance. Universal commitments must allow each culture to flourish as it might see fit. The drafters of the UDHR knew that; as Malik put it, human rights would only be realized when they were defended in each country “in the mind and the will of the people.”

The only exception to this flexibility in the UDHR is for a narrow core of “primary rights” that specifies strict restrictions on things like torture, enslavement, degrading punishment, and discrimination. This suggests that although all rights in the UDHR are important and need to be upheld, there was universal agreement that a few have special priority and thus require more rigid enforcement in all contexts. This idea is echoed in the many subsequent human rights treaties that have a set of legally-binding non-derogable or emergency-proof rights.

The UDHR’s flexibility is paralleled in how the drafters viewed implementation. It was understood that each country’s circumstances would affect how they would fulfill their requirements. Developing countries would have fewer resources than developed countries. Communist states would emphasize different priorities than capitalist ones. Muslim states’ values would vary from those of Western states. Each part of the world would have its particular concerns. This is especially the case where economic and social rights are concerned. As Article 22 of the Declaration declares, the UDHR would be put into practice “in accordance with the organization and resources of each State.”
Although the state has the ultimate obligation to fulfill its human rights commitments, any group in society—including the market, religious bodies, social networks, communities, families, and individuals—can play the leading role. After all, the Proclamation clause of the UDHR calls on “every organ of society” to promote recognition and observance of human rights. In some countries, given the failures of the state-centric approach in so many areas of human rights—and the importance of social norms, relationships, and morality to promoting rights—it is hard to imagine anything but an alternative approach working. As with other major human rights documents, the UDHR mandates a certain result—though without a clear definition or threshold at times—and provides great flexibility in how it is achieved.20

### Individualism and Rights Promotion in the West

The evolution of the rights discourse within the West—alongside growing secularization and individualization—has prompted many of the growing disagreements over human rights. Whereas liberty was once thought to depend on a healthy body politic and a careful balance of rights and obligations—a modern understanding—since the 1960s, it has increasingly meant individual rights and freedom from constraints—a postmodern understanding.21 As a result, even though most of the world sees social institutions as crucial to protecting or advancing rights, Western countries such as the United States increasingly see them as in natural conflict with rights. Jack Donnelly, one of the most prominent Western human rights scholars, argues that rights are “inherently ‘individualistic,’” the “inalienable entitlements of individuals held in relation to state and society.”22

This evolution has left the West with a “very particular and context-bound theory of rights”23 that is different in a number of ways from the rights-based morality that preceded it. This theory has particular definitions of who has rights, what rights are covered, how rights can be exercised, and what qualifies as violations against rights—and it pushes for adult autonomy in ways that a different vision of how society works would not. For instance, marriage used to emphasize the needs of children; now it is centered on the rights of adults. Whereas approval of any right to kill or harm oneself was once unthinkable, now ever widening forms of physician-assisted suicide are becoming acceptable.

The ascendancy of individualism means that non-individualistic values—such as those promoting communal duties or tied to religious belief—have been de-emphasized. A one-size-fits-all approach has triumphed over the idea of a common standard that could be
brought to life in a variety of legitimate ways. The indivisibility and interdepen-
dence of fundamental rights has also been forgotten. And the promotion of human rights has been tied to the promotion of democracy and free markets.

Meanwhile, the number of basic rights has risen steeply as various well-meaning special interest groups have sought to harness the moral authority of the human rights idea to their causes. According to the Freedom Rights Project, there are 64 human rights agreements under the auspices of either the United Nations or the Council of Europe, including 1,377 provisions (some of which may be technical rather than substantive).24 This makes, as University of Pennsylvania president Amy Gutmann writes, “it far more difficult to achieve the broad intercultural assent to rights that an international human rights regime requires to be effective.”25 Yet, as Jacob Mchangama and Guglielmo Verdirame, co-founders of the Freedom Rights Project, note with disappointment, “much of the human rights community has not only shied away from expressing qualms about rights proliferation, it has often led the process.”26 To make matters worse, activists have been selective in their promotion of rights, often emphasizing new or novel interpretations of rights while ignoring or attacking established rights that do not suit their aims. For example, human rights advocates often promote LGBT rights, though these rights do not appear in international agreements, while ignoring or downplaying the importance of religious freedom rights which are included.

These changes in focus were accompanied by significant shifts in ambition. From the 19th century to the latter parts of the 20th century, neutrality, reciprocity, and noninterference in the affairs of sovereign states had been considered core humanitarian principles (as exemplified by the International Committee of the Red Cross, or ICRC). Since the late 1970s, however, an interventionist approach, backed by Western (especially American) power, gained much ground.

The massive growth and transformation of the middle class and the spread of mass media in the West fueled (through donations) the expansion of the region’s human rights organizations, which subsequently promoted their ideas to populations globally and to governments in North America and Europe. A greater orientation toward civic causes and progressive ideals combined with Cold War politics gave the issue growing salience in American foreign policy on both the left and right, especially after Congress established the human rights bureau within the U.S. State Department in 1976 and President Jimmy Carter made an explicit commitment to the cause in his inaugural speech.

The end of the Cold War dramatically accelerated the movement’s expansion. American predominance combined with Western ideological ascendency, a series of atrocities and conflicts, and a growing role for the United Nations and other international actors spurred the rapid growth of the field in the 1990s. By the 2000s, there was an enormous assortment of human rights organizations, including
specialists, activists, agencies for monitoring and enforcement, and academic journals. Western human rights organizations worked to enlarge the international legal infrastructure that supported their efforts, creating state-like institutions such as the International Criminal Court, and doctrines such as the “Responsibility to Protect” (which obligates the international community to intervene in states in order to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity). These increased the human rights field’s ability to frame the international agenda and set global standards.

The move to a more interventionist approach was evident in the rhetoric of politicians, the discourse of public policy forums and academia, and in the priorities of governments throughout the West. Despite differences between the expansionist liberalism of those on the right, such as American neoconservatives, and the liberal internationalists of those on the left, such as Human Rights Watch, American government policy has consistently reflected a firm, individualistic perspective since the late 1970s.

This “incontestable universal framework for promoting moral development and social progress on a global scale” has repeatedly played a major role in American (and to a lesser extent European) policymaking, starting with the establishment and funding by the U.S. government of the National Endowment of Democracy, a nonprofit tasked with promoting democracy abroad, in the early 1980s. The emphasis on the Washington Consensus—a standard set of economic reform measures that emphasized the expansion of market forces but ignored the role of institutions and local context—in the late 1980s and “good governance”—which measured every state against the Western liberal democratic model and found them lacking—in the 1990s and 2000s development discourse were in a similar vein.

The result of all these changes is that the human rights movement has become monocultural, representing one particular part of the world and its values and way of living the good life. It prefers to downplay the role of culture as a factor in how people act and think, and is thus less likely to recognize its own culture and how that might differ from cultures in other communities.

Leaders and groups who appeal to culture or tradition are seen as either “dangerously paternalistic” or as using these as “a mere cloak for self-interest or arbitrary rule.” Arguments that there are other means of promoting and ensuring human dignity are dismissed as unrealistic. Non-Western cultures are seen as too weak to play a significant role improving lives in the modern world. Ideas mostly travel in one direction—transnational actors and some national elites generally do not consider complicated local social practices and contexts. African, Asian, and other non-Western human rights institutions and laws are marginalized on the assumption that the West is the leader in the field and everyone else just a follower—even when this is not true.
International Backlash

These developments have stirred a growing backlash in many countries because many feel the resulting agenda does not represent their values and needs. The rise of Eastern and Southern states that are, for the most part, wary of Western motives, uneasy with some aspect of the existing human rights agenda, and anxious to promote their different identities and cultures will thus lead to growing pressure for change in the international discourse and regime. These powers do not necessarily disagree with the goals of today’s rules-based international system, but rather, as Brazilian academic Oliver Stuenkel writes, the “operationalization of liberal norms,” and the “implicit and explicit hierarchies of international institutions” that privilege Western countries. Pushback against what is perceived to be a Western-led agenda from countries around the world is already widely evident, as in the ASEAN case discussed below and growing constraints on foreign-funded civil society organizations.

Southern and Eastern value systems, ideas, and ways of organizing society, which are more sociocentric and tradition-based, are now having greater credence and sway. China, India, Indonesia, Brazil, Ethiopia, Nigeria, Russia, Turkey, Saudi Arabia, and others already have greater or at least comparable influence within their regions than the West; their political and social norms are increasingly being reflected well beyond their borders, sometimes rolling back Western initiatives and ideas in the process.

Freedom House reports that democracy, which is practically synonymous with human rights in the West, “is under assault and in retreat around the globe.” The organization’s measurements of political rights and civil liberties have registered 12 consecutive years of decline. Meanwhile, foreign-funded civil society organizations that promote human rights are increasingly viewed suspiciously. This is true not only in authoritarian regimes such as Russia, Azerbaijan, Turkey, Sudan, Egypt, and Venezuela, but also democracies such as Mexico, Malaysia, Nigeria, Hungary, and Israel, all of which have passed or are considering passing legislation regulating the sector.

Part of the problem is that Western human rights organizations—reflecting Western cultural orientation and autonomy-centered value systems—have strongly identified civil and political rights with human rights in general. This bias is reflected in the reports of Amnesty International, Human Rights Watch, and others, which lack a comprehensive set of standards to judge countries based on the full gambit of rights agreed upon in international human rights
documents including the UDHR, International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), and Vienna Declaration.

Many states argue that they signed up to legal commitments in international agreements, not a singular way of organizing society or addressing various challenges. Many have also grown disenchanted with the role of supranational institutions—their distance from the people whose lives they affect, their lack of public scrutiny and accountability, their susceptibility to lobbying and political influence, and their lack of internal checks and balances. A growing number of scholars and public figures have raised their voices against the sort of internationalism that is untroubled by overriding national constitutions and even democratic legislation in the name of human rights.

When such disagreements come from repressive regimes or communal leaders, they are easy to dismiss. But when they come from people who are sympathetic to the cause of human rights, they reflect something more fundamentally troubling. For example, some women’s rights activists believe it is better to leverage existing social institutions and a given cultural normative order to advance their cause than simply denigrating—and trying to overturn—these. An overly narrow approach too often incites resistance from societies to even those reforms that ought to be acceptable to them. Such a dynamic yields a cycle whereby Western condemnation helps feed a negative reaction, which leads to further condemnation, more reaction, and so on. Such a pattern is apparent in the relationship between the West and the Middle East and, to a lesser degree, parts of Asia. It has seeped into the relationship with Africa as the latter has grown rapidly and become less dependent on Western largesse.

This unhealthy dynamic holds back efforts aimed at separating legitimate cultural concerns from criticisms that merely advance the interests of self-serving leaders and governments abroad. This distinction is possibly the biggest long-term question in the human rights field. Cultural concerns, when articulated by those that have little power to lose, do not challenge the need for human rights like those in the Universal Declaration; these concerns respond to how inflexibly they are often construed. The ability to outlaw certain groups (e.g., due to hate speech), increase limits on free speech, jail opponents without the right of habeas corpus (e.g., during a civil war), introduce special security measures (e.g., due to concerns over terrorism), and limit the rights of women (e.g., to hold leadership positions in certain institutions) are all legitimate topics of debate. Yet today, too many Eastern and Southern

Too many hide behind the cultural card because of the unease created by the Western approach.
governments can hide behind the cultural card when criticized by Western universalists in such areas—precisely because of the unease created by the approach adopted by Western governments, organizations, and activists. The defensiveness that people in these communities feel may weaken the overall case for human rights—reducing their legitimacy and moral authority as a result.

For instance, instead of rebuking Southeast Asian governments for adopting the 2012 ASEAN Human Rights Declaration, Western institutions should have submitted how it might be improved. The Declaration contained all the civil and political rights that similar documents elsewhere had, and included a wide range of economic, social, and cultural rights as well as innovative provisions related to AIDS sufferers, childbearing mothers, human trafficking, vulnerable groups, and children, but it emphasized that rights must be balanced with duties, and that the realization of rights must take into account the local political and cultural context. Sharp criticism is more likely to back the region into a corner, setting off a backlash as happened during the “Asian values” debates during the 1990s (during which a number of prominent East Asian leaders, most notably Dr. Mahathir Mohamad, the prime minister of Malaysia, and Lee Kuan Yew, the former prime minister of Singapore, challenged the notion that human rights were universal), than lead to any improvement. Yet, leading international human rights organizations “called for the postponement of the adoption of the ASEAN Human Rights Declaration” because it “falls short of existing international human rights standards and risks creating a sub-standard level of human rights protection in the region.”

The fact that the West has often tried to use a rights-first approach to solve problems that require more comprehensive and differentiated treatment has played a major role in these disputes. The failure of Western attempts, for example, to help developing countries overcome their biggest challenges—including ethnic conflict, weak institutions, and exclusionary growth—has undermined the moral authority of human rights in the countries where they are needed most.

While it is legitimate to criticize China (or other states) for treating minorities inequitably, torturing prisoners, limiting the right to a fair hearing, or locking up citizens without due process, the success the government has had developing the country and improving the lives of hundreds of millions should inform any criticism of its political system. In fact, if you compare its success against the failure of many democracies in Africa and elsewhere—places where the state cannot even preserve the right to a secure social order in some cases—it is hard to say China’s leadership is less accountable and responsive despite its very different form from the Western norm. Indeed, the ability to meet the most basic needs of its citizens over many decades has enabled China’s government to generally outperform many democracies on surveys of public satisfaction. The fact that Westerners define democracy in procedural terms and emphasize the role of public
participation and regular elections while Chinese tend to see it as “guardianship” and emphasize the qualifications and performance of rulers may also explain the population’s different priorities. Other Southern developmental states such as Ethiopia, Rwanda, Singapore, and in an earlier era, South Korea and Taiwan have worked hard to satisfy their publics even if they haven’t met Western political norms. However, if, as these countries develop, their populations’ expectations of their governments increase, yielding greater pressure from within for a different form of government—as was the case in South Korea and Taiwan—then external advocacy for change may be warranted.

A Return to Basics: Flexible Universalism

The rising economic and political power of Asian, African, Middle Eastern, and Latin American countries is making Western-dominated international institutions and Western universalist global norms increasingly untenable. As a result, the stark difference between how different societies interpret human rights risks undermining the human rights regime’s legitimacy and relevance as a multicultural, multinational project. A better strategy would recognize that human rights are a combination of natural and positive rights; that there is a very strong consensus on the importance of a relatively small core set of basic rights, but only a loose consensus on a broader set of rights—and this latter consensus depends on letting prioritization vary; and that the ability to maintain a global architecture robust enough to pressure violators depends very much on politics.

A more consensual concept of universal rights—based on the idea of human rights as a partly political and legal project without involving any particular culture-dependent philosophy of the person and society—would yield greater agreement and build stronger moral authority for human rights. A return to the basics, as envisioned in the UDHR, with a strong common core and a flexible interpretation of other priorities would achieve this. It would bridge the growing differences between different societies while unifying all of humanity behind a shared agenda.

A flexible approach to the universality of human rights would recognize that, although there are some things that are so conducive to human flourishing that hardly anyone will openly oppose them and some things that are so bad that hardly anyone will openly espouse them, there will always be different ways of bringing human rights to life in different social and political contexts. This commitment to pluralism has often been restated in human rights documents, notably in the 1993 Vienna Declaration which affirms the universality of human rights, providing that “the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind.”
As it takes a more flexible approach to the greater panoply of rights, the human rights field should focus on the systematic elimination of a narrow set of evils for which a broad consensus exists across societies. This would reduce the risk of human rights inflation sapping broad political support. This “return to basics” approach would have much less difficulty gaining deep support from a wide set of people who normally are far apart in their philosophical and cultural outlooks. It would not end debates over rights—these are inevitable—but would reduce attacks on and strengthen the legitimacy of the universal human rights idea.

The bedrock of this group would be the handful of rights prioritized by the drafters of the Declaration in the sense that they are so tightly drafted as to allow little scope for variation. The list, which could be augmented through negotiations, would include protections against genocide; slavery; torture; cruel, inhuman or degrading treatment or punishment; retroactive penal measures; deportation or forcible transfer of population; discrimination based on race, color, sex, language, religion, nationality or social origin; and protection for freedom of conscience and religion.

Prioritizing only a small group of core rights would certainly not please everyone—not least those who have advocated for a more expansive and rigid approach—but it would do much to forge a consensus around and promote a set of universal minimum standards for human rights across the globe. It would garner wide support across all types of societies—whether they are based in the North, South, West, or East—and whether they are religious or secular, communal or individualistic, socialist or capitalist.

The result would be more representative and seen as a legitimate reflection of global human aspirations, and thus as a universal human project, than the existing human rights regime. It would thus be much more legitimate across societies—and much more sustainable as the world develops different poles of influence in this new era.

Notes


10. Ibid., 232.


17. Glendon and Abrams, “Reflections on the UDHR.”


