

# IS THE 1948 VERSION OF HUMAN RIGHTS ADEQUATE AS A MORAL GUIDE FOR THE CHALLENGES OF THE 21<sup>ST</sup> CENTURY?



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## AN IMPORTANT DEBATE

There are several reasons why contemporary intellectuals should subject the UN Declaration of Human Rights to a critical analysis. I am therefore grateful for the arranging committee's initiative to organize this conference, and I feel honoured to be invited as one of the contributors to this debate.

I shall here shortly take up three big issues which I think ought to be discussed more widely: First, the question of what philosophical status the Human Rights Declaration can be said to have. The answer to this question is of importance when we discuss the moral authority of the Declaration and to what extent it can be justifiable to criticise the Declaration.

Second, I shall raise the question of possible political consequences of the Declaration, past, present and in the near future, with regard to some vital measures of functionality and dysfunctionality; which is not the same as manifest intentions.

Third, I shall discuss what could be regarded as alternatives to the UN Declaration of 1948, if we find it inadequate as a moral guide to contemporary and future challenges facing humanity in this century.

## A POLITICAL DECLARATION

For many people the UN Declaration of Universal Human Rights is simply universally valid, as its name could indicate. In the so-called Preamble to the Declaration we find a self-presentation proclaiming a moral superiority, a superiority which would cast suspicion on the person contradicting it. Here we read:

“Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. As a contrast to this postulate we can read another sentence from the same Preamble: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”.

However, the undoubtedly good intentions of those who approved the Declaration are not a sufficient guarantee for its universal status, or for its overall good consequences. The Declaration cannot be justified on the basis of Natural Rights, whether we use the arguments from Aristotle, Aquinas or the modern philosophy of Karl-Otto Apel. Nor can it be seen as a common denominator of all contemporary cultures and civilizations. American cultural anthropologists were among the first to criticize the Declaration for being too “Westernized” in its emphasis on the individual as the source of morality in society. Spokesmen for Natural Science have criticized the Declaration on general premises for ignoring Man’s place in Nature, particularly the Darwinist perspective on this issue.

In short, we should see the Declaration of Human Rights, passed as Resolution 217 by the United Nation’s General Assembly the 10th of December 1948, as a political document from that time. This does not mean that it is without authority, but it does mean that its status is not raised above what can be critically discussed.

The UN Declaration was written and approved shortly after World War II. People of that time had the Nazi atrocities in their memories, as they had the experience of Stalin’s dictatorship close at hand, and in the near future they would see the rise of a new totalitarian state, the China of Mao Tse Tung. No wonder they were focused on the challenge of totalitarian political leaders suppressing the freedom and dignity of ordinary citizens. This was a major concern of the time, and not only among democratic politicians. 1948 was the year when George Orwell published his novel *1984*, describing a future dominated by the Big Brother. Two years later American social scientists published an influential study titled *The Authoritarian Personality* in which they warned, on a broad scale, against anti-liberal attitudes to be found in several societies, not only in dictatorships.

The UN Declaration of Universal Human Rights was a manifesto of its time. Peace among nations, freedom and social security within nations, were the great goals for the politicians approving the Declaration of 1948.

## FUNCTIONS AND DYSFUNCTIONS

A first question to be asked would be whether the Declaration has contributed to the achievement of these goals. It is obvious that the political development around the world during the following decades has not been characterized only by peace, prosperity, and human dignity. The question should therefore rather be whether things would have been worse without the Declaration as a well-known moral banner. I think the answer to this question would be yes.

The Declaration has in various ways served as a moral guide to what national politicians should do, and should not do. Dictatorships have at least tried to uphold some internationally acceptable facades. Ruling groups in established democracies have tried to take the needs of ordinary people more into account than they used to do. New nations have used the Declaration as a moral measure, legitimating claims of international support.

The political, cultural, and economic development during the decades after WWII has certainly not been determined by declared moral standards only. Nor have the effects of these standards, when a connection can be demonstrated, been unqualifiedly good for groups or individuals, or necessarily functional for the long-term development of societies.

It is of course difficult to discuss indirect effects of a political declaration, but some conclusions seem nevertheless to be quite reasonable. The Declaration from 1948 has undoubtedly contributed to the focusing of individual rights as a measure for good societies. This can be seen as positive contributions to decent social development, but not only. Good intentions for the individual may have bad consequences for society, at least over time and when individual morality is not balanced by systematic process analysis. The cultural consequences of a Declaration that strongly emphasize equal moral rights for individual in all kinds of societies, without balancing this against the duties of the individual for preserving society, or for changing society in a direction where welfare spending is sustainable, can lead to a dysfunctional development.

In the Western world, but not only here, several spokesmen have been concerned over a dysfunctional moral development in their countries, for which the Declaration may not be directly responsible, only indirectly, as the Declaration has given a moral priority to individual rights, not to supra-individual institutions and systems. Those who would defend the moral importance of protecting the institutionalized family, the local community, the national state, a specific civilization with cultural and religious premises or a nature consisting of ecological systems,

have not found much support for their views in the general interpretations of the declarations for human rights.

To fight authoritarian lack of freedom may be one thing. To fight all kinds of supra-individual authority is something else. In the 1960s we could see several examples of a kind of anarchistic freedom, legitimated in the name of human rights. The weakening of family life, to be found in several countries in the following years, cannot be understood independently of the cultural change of those years.

The Declaration from 1948 has been presented as a banner for universal democracy. However, the democratic ideal is not something that can be realized just by legal proclamations. Some years ago I wrote an article in the Oslo newspaper *Aftenposten*, saying that we, the Norwegians, had experienced one thousand years of national development before Norway became a parliamentary democracy. Therefore, I wrote, we should perhaps show some patience when other nations need time to reach social and cultural conditions necessary for a sustainable democracy. That passage was later translated into Arabic and quoted in four Arabic papers.

The UN Declaration from 1948 proclaims thirty specified Articles of Human Rights, without discussing the conditions needed to fulfil these needs, nor who should be responsible for them and who could sanction against regimes not living up to these ideals. In some parts of the world these rights can then be seen as merely wishful thinking.

In other parts of the world the unclearness of responsibility has been interpreted as a justification for powerful nations to intervene in regions where human rights are not adequately secured. Not everyone in Iraq or Afghanistan has welcomed these kinds of interventions.

But also in more developed countries doubts have been raised against the democratic influence of organizations and nations referring to Human Rights as a justification for their politics. In countries like Denmark and Norway a discussion has recently taken place about the democratic status of international commands in the name of human rights. A concrete example of this issue is a protest among Danish debaters against commands from Central European bureaucrats, claiming that Denmark, in the name of Human Rights, has to follow a certain policy with regard to immigration. - Why is it democratic to let bureaucrats in Brussels or Strasbourg decide how legally elected Danish politicians should handle the immigration issue, it is asked.

Here we can see a difference in opinion about what is democratic. The Danes

would claim that democratic policy is a policy according to the will of the people or of an elected national majority. People referring to a European derivation of the UN Declaration of Human Rights would see democracy as a measure for equal treatment of individuals, regardless of the background of an individual.

#### THE MOST SERIOUS CRITIQUE

The critique that can be raised against the UN Declaration from 1948 and its later derivations for wishful thinking, unclear responsibility, and a possibly negative effect on an established political or moral order may however be regarded as minor objections compared to the critique raised against a one-sided anthropocentric morality and coming from an ecological expertise. This critique is not directed to any particular text in the Declaration, but against the absence of any text about our responsibility for Nature and Nature's possibility to renew resources of vital importance for human life.

In 1948 climatic change and resource crises were not issues on the political agenda. Today they are. Man's consumption of natural resources is now greater than nature's capacity to renew those resources.

Mathis Wackernagel, leader for *Global Footprint Network*, published in 1994 an article estimating nature's "carrying capacity," a measure for what others have called "sustainable development." His conclusion was that human consumption and human use of natural resources exceeded nature's capacity to renew those resources in 1987<sup>1</sup>. Since then human adjustment to nature has become more and more dysfunctional<sup>2</sup>.

In a later report, *Living Planet Report* from 2006, World Wide Fund for Nature stated that if all humans were to live according to the current consumption patterns of Europeans, we would spend three times more than what this planet can renew<sup>3</sup>. Humanity as a whole was at that time said to be using 40 percent more than what Earth could regenerate.

Even if the exactness of these figures can be disputed, there is no doubt that Humanity as a whole is adjusting to Nature in a way that in the long run is not sustainable. For responding adequately to these challenges, the anthropocentric

<sup>1</sup> Wackernagel M. and Rees W. E., "Ecological footprints and appropriated carrying capacity: Measuring the natural capital requirements of the human economy." In: A Jansson *et al.*, *Investing in Natural Capital: The Ecological Economics Approach to Sustainability*. Washington D. C.: Island Press, 1994.

<sup>2</sup> Heinberg R., *The End of Growth*. Gabriola, BC, Canada: New Society Publishers, 2011.

<sup>3</sup> < [http://en.wikipedia.org/wiki/Overpopulation#cite\\_note-75](http://en.wikipedia.org/wiki/Overpopulation#cite_note-75) >.

Declaration of Human Rights from 1948 is of very little help. Quite the contrary, many actors on political, economic, and humanitarian arenas use the authority of the Human Rights Declaration as a moral justification for their battle against Nature, or for attempts to reduce human dysfunctionality to some questions of pollution and greedy life styles.

The unwillingness to see dysfunctional consequences of a humanistic morality has deep roots in our culture and in popular ideology,<sup>4</sup> perhaps even in our nature<sup>5</sup>. We want to believe that the kind of principles declared in Article 3 of the Declaration is above dispute. Here we can read: *Everyone has the right to life, liberty and security of person*. And we want to combine this with the good intentions of Article 25 which reads: *Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services*<sup>6</sup>.

However, the mismatch between humanity and nature, based upon an over-consumption of resources, has to do with both consumption patterns, idealized in modern culture, and with the number of consumers<sup>7</sup>. Modern ecologists have stated that the number of human beings on this planet should not exceed a certain number, thoughts that were unfamiliar to the politicians approving the 1948-Declaration of universal human rights<sup>8</sup>.

#### ALTERNATIVES TO THE UN DECLARATION OF UNIVERSAL HUMAN RIGHTS

We have to find other sources for moral guidance if we want to avoid a future situation of competition, conflict and war between groups fighting for scarce natural resources<sup>9</sup>. I think it is still possible to find moral guidance to handle these

<sup>4</sup> Ehrlich P. R. and Ehrlich A. H., *Betrayal of Science and Reason. How Anti-Environment Rhetoric Threatens Our Future*, Washington: Island Press, 1996.

<sup>5</sup> Hart D. and Sussman R. W., *Man the Hunted: Primates, Predators, and Human Evolution*. New York: Westview Press 2008. Goodall J., *In the Shadow of Man*. London: Phoenix, 1999.

<sup>6</sup> Skirbekk S. N., "Human Rights as a belief system." Ch. 4 of *Dysfunctional Culture. The Inadequacy of Cultural Liberalism as a Guide to major Challenges of the 21<sup>st</sup> Century*. Lanham, Md, University Press of America, 2005.

<sup>7</sup> Hardin G., *Living within limits: ecology, economics, and population taboos*. New York, N. Y.: Oxford Univ. Press, 1993.

<sup>8</sup> Cohen J. E., *How many people can the earth support?* New York, Norton, 1995.  
Postel S., "Carrying Capacity: Earth Bottom Line." In: Lester R. Brown et. al.: *State of the World 1994*. World Watch Institute, London. William Ophuls, *Requiem for modern politics: the tragedy for the enlightenment and the challenge of a new millennium*. Boulder CO.: Westview Press, 1997.

<sup>9</sup> Reference to statement of Eric Pianca by John Ballantyne in *Weekly News*, April 2006.

dilemmas. I will mention three sources for supra-individual and supra-national principles, which should be considered seriously.

First, there is such a thing as Natural Rights. In philosophy this term does not mean that superior moral principles can be found under a stone or anywhere else in nature, if we only look well enough. Natural Rights refers to that kind of moral justification that cannot be logically criticized, independently of a logic destroying the authority of the critique.

A first principle for such an ethic would be that rationality cannot logically be reduced to non-rationality. A second principle would be that rationality is communicative; a rationality that cannot be communicated to others is not rational. From this there follows a third principle: Other human beings, with a capacity for rational communication, cannot be regarded as mere objects, they have to be taken seriously as subjects. From this principle some ethical rules against suppression can be deduced: Attempts to reduce the rationality of other rational beings to something non-rational, cannot be justified by a supra-intellectual authority.<sup>10</sup>

Another source of alternative authority can be found in science. And since the issue of concern would here be the relation between nature and human consumption, ecology would be a central science. Several relevant books could here be mentioned.<sup>11</sup>

However, even science has its limits. Ecology could, within certain frames, say something about natural limits for human consumption, but it is not a question to be answered scientifically, whether these limitations should be achieved by changing individual consumption patterns or by reducing the number of consumers. Nor can we expect political spokesmen for different nations to agree on what would be the less unethical of the two main alternatives for securing a responsible human adjustment to nature.

Here we come to what I will call a third source for supra-individual and supra-national principles for adjustment: the civilization studies. Ethics for human adjustment is not the same in all parts of the world. As civilizations vary, so do the moral principles.

Morality in Western civilization has for a long time been related to individual consciousness, and to guilt as a moral sanction. In eastern civilizations we more often find morality related to collective loyalty, and to shame as a moral sanction.

<sup>10</sup> Apel K.-O., "Das Apriori der Kommunikationsgemeinschaft und die Grundlagen der Ethik." In: *Transformation der Philosophie II*. Frankfurt a. M.: Suhrkamp, 1973.

<sup>11</sup> Postel S., "Carrying Capacity: Earth Bottom Line." In: Lester R. Brown et. al.: State of the World 1994. World Watch Institute, London. Hardin, Garrett, 1993, *Living within limits: ecology, economics, and population taboos*. New York, N.Y.: Oxford Univ. Press.

In some parts of the world it would be more acceptable to limit the number of people to be born than to limit the freedom of each too strictly. In other parts the judgments will be otherwise. The chosen adjustment will vary, and as long as the total sum of consumption corresponds to the resources of the region, such variations should be accepted.

A conclusion of these considerations would then be that the work of organisations like the *International Society for the Comparative Study of Civilization* can be of great importance for finding future frames for a responsible human adjustment to nature.

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AR ŽMOGAUS TEISIŲ 1948 METŲ VERSIJA TINKA KAIP MORALINIS KOMPASAS XXI  
AMŽIAUS IŠŠŪKIAMS?

S a n t r a u k a

Nors 1948 metais Jungtinių Tautų paskelbta Visuotinių žmogaus teisių deklaracija pretenduoja į universalų galiojimą, ji kritikuojama ir kritikuotina dėl to, kad jos negalima išvesti iš prigimtinių teisių koncepcijos, ji realybę painioja su gerais norais bei ketinimais, nepriskiria aiškios atsakomybės jai nusižengiantiesiems ir gali turėti neigiamų pasekmių įsitvirtinusiai politinei ir moralei tvarkai. Dar svarbesnė yra kritika, kuri kyla iš ekologinės ekspertizės dėl Deklaracijos vienpusiško antropocentrizmo: ji tiesiog ignoruoja mūsų atsakomybę gamtai ir gamtos galimybėms atnaujinti išteklius, būtinai reikalingus žmogaus gyvybei. Straipsnyje nagrinėjama Deklaracijos kūrimo aplinkybės bei kontekstas ir keliamas klausimas, ar šiai Deklaracijai yra alternatyvų. Ginamas teigiamas atsakymas į šį klausimą.