

**THE UNIVERSAL DECLARATION OF HUMAN RIGHTS:  
HOW MUCH SHOULD RIGHTS BE AFFECTED BY  
RELIGION, CULTURE, AND RESPONSIBILITY?**

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Let me open by saying what a pleasure and privilege it is to be here this morning. Your invitation to speak arrived completely out of the blue and came as a great compliment to the original version of this paper, which was a sermon prepared for the Unitarian Universalist Fellowship of Paris and written to honour the Sixtieth Anniversary of the Universal Declaration of Human Rights and the contributions to that amazing document by a Canadian Unitarian and Law Professor. I am delighted to have this opportunity to revise and expand that address as a lead into your Annual Spring Seminar.

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In the sixty years since the signing of the Universal Declaration of Human Rights, the UDHR has beneficially affected the lives of scores of nations and millions of individuals. Yet few of even the most developed and progressive countries (not even Britain, the United States, Canada or France, for instance) have incorporated its provisions fully into their domestic law; Amnesty International has described it as one of "the world's best kept secrets"; and it was highly possible in 1946-

48 that it would not be adopted at all. Given all these obstacles, the Declaration must be regarded as one of the 20<sup>th</sup> century's great secular miracles.<sup>1</sup> From the very beginning and continuing to this very moment, it has been under challenge from at least two different sources: one is the obvious source of political dictatorships; the other is the perhaps more surprising source of religious or cultural groups, who see the Declaration as going against their sacred Scripture or faith tradition, or at least as representing Occidental worldviews to the exclusion of Oriental ones. Perhaps less surprising is the occasional attempt of dictatorships to hide behind such religious or cultural arguments. But let's not overlook a third source of resistance — that of our own advanced industrial democracies simply not wanting to assume all the obligations (all the responsibilities) that a complete adoption of the UDHR would entail.

Our task this morning is to examine some of the religious & cultural challenges to human rights and to try to respond to some of the concerns of its detractors. But first let us look briefly at the Canadian Unitarian who was responsible for the initial working draft put before the U.N. Commission on Human Rights. This was John Peters Humphrey (1905-95), an already distinguished professor in civil, common &

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<sup>1</sup> President Franklin Delano Roosevelt's early summing up of the allied powers' war objectives could be, and often was, invoked in diverse contexts to maintain momentum & stiffen spines. These famous Four Freedoms — of expression and religion, from want and fear — not only summed up all human rights, but they also bridged the philosophical & political, partisan divides of Eastern & Western cultures, Socialist & Capitalist countries. Furthermore, the founding Charter of the United Nations several times referred to human rights & freedoms as among the new Organization's fundamental goals, and in phrases that seemed immediately driven by Roosevelt's four essential freedoms.

international law at McGill University in Montreal.<sup>2</sup> He had just been engaged as the head of the UN Secretariat's Human Rights Division, and for the next twenty years, he was to supervise that part of the UN bureaucracy which was directly charged to promote human rights around the world. Losing his left arm in an accident at age six, orphaned at eleven, he learnt to detest abusive authority in the boarding school to which he was then consigned. But his fluency in both of Canada's official languages was to assist his friendship with Henri Laugier, a French war refugee who was to become the UN's assistant secretary-general for social affairs and who lured Humphrey away from his academic career.

Humphrey's new official duties required his presence at all the UN's human rights meetings, where he was frequently frustrated by his ineligibility to speak & intervene as a national delegate, since all views (including those he abhorred) were voiced repeatedly, often in apparent ignorance of already established facts & previously decided points. The following entry in his diary ends with an observation that many would regard as typically Unitarian:

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<sup>2</sup> Humphrey was of course a public servant of the UN; most of the individuals gaining notice were the national diplomats. The most prominent of the diplomatic participants were Eleanor Roosevelt, recently widowed and entrusted by President Harry Truman to represent American interests in human rights & occasionally elsewhere (elected first president of the Human Rights Commission, she ably & energetically steered it through two years of challenging negotiations); French law professor René Cassin (who had joined Charles de Gaulle in London & advised him on legal matters during the War), Lebanese philosophy professor Charles Malik (who would succeed Eleanor Roosevelt as the Commission's second chair), Chinese philosopher, diplomat & playwright Peng-chun Chang (who played a key role interpreting East & West to each other), Philippine journalist & freedom fighter Carlos Romulo, Chilean Leftist & long-time UN diplomat Hernán Santa Cruz (a lifelong friend of Salvador Allende), Indian Hansa Mehta (one of the rare women, whose tenacity finally saw the removal of gender-exclusive language), and Russian Alexei Pavlov (the continually obstructive nephew of the famous psychologist).

[M]oral bankruptcy is the reason for our failure to organize peace. I once thought that socialism could fill this moral gap; but now, although I still remain a socialist, I know better. For socialism is a technique and nothing more. What we need is something like the Christian morality without the [theological] tommyrot.<sup>3</sup>

After retiring in 1966 from his distinguished service with the United Nations, Humphrey returned to McGill University, whence he helped found the Canadian branch of Amnesty International and championed the cause of Korean comfort women.

John Humphrey and his staff were formally requested to unearth and examine all bills of rights known to history and then to sketch the initial draft of the proposed UN Declaration; in addition, he was in-formally asked to make a prior thorough study of Confucianism — meaning, “Make sure you incorporate non-Western perspectives on human rights”. From a veritable mountain of papers, Humphrey and an assistant compiled a document of 48 articles that was presented to the small drafting committee in June 1947. Self-admittably based “on no philosophy whatsoever”,<sup>4</sup> it was a scattered if comprehensive list, seemingly unorganized except that the traditional civil & political rights came first and the newer social, economic & cultural rights followed; nonetheless, it was heavily annotated (thus about 400 pages in all) and so

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<sup>3</sup> Quoted in Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), p. 155. Other information about Humphrey is gleaned from pp. 48, 58, 65-66, 143, 208 & 212. Indeed, very many & significant parts of this entire address are owed to Glendon’s magnificent study.

<sup>4</sup> Humphrey’s response to criticism. Glendon, p. 58.

provided an invaluable perspective on each of the rights.

French law professor René Cassin (1887-1976; awarded the Nobel Prize for Peace in 1968) was asked to take the list in hand, and give it the impulsion of a justifying philosophy and the organization of a deliberate synthesis. The labour of one weekend, with the help of Humphrey's same assistant, Cassin's 46 articles met a warmer reception by the drafting committee, and he was later to be widely regarded as the "author" of the ultimate Declaration. But his version was at least three-quarters based on the Humphrey draft,<sup>5</sup> and the Universal Declaration of Human Rights as finally adopted was sixteen articles shorter and five more drafts down the line. One must conclude that the Canadian Unitarian John Humphrey deserves extensive credit for laying the foundations for this famous & significant document.

Before turning directly to the way religious & cultural attitudes influence our approach to human rights, it would be useful to distinguish and classify the rights themselves. When Professor Humphrey and the United Nations Commission on Human Rights began their work in early 1947, there were several precedents they could draw on from numerous bills & charters of rights around the world, as well as from scores of religious passages from each of the world's sacred scriptures. These rights may be classified in four categories:

**First**, there were the various Bills of Rights entrenched in the constitutions of Western democracies: England's in 1689,<sup>6</sup> France's in

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<sup>5</sup> Glendon, p. 252, note 27—citing Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: U Pennsylvania P, 1999), p. 8.

<sup>6</sup> To be precise, Britain denies that it has a "constitution", but the *Magna Carta* (1215), the 1689 Bill of Rights, and the Act of Union (1707, merging

1789, that of the United States in 1791, and the many imitators of these in Europe & America during the 19<sup>th</sup> and 20<sup>th</sup> centuries. Almost all these precedents restrict themselves to the **civil and political rights** familiar to most of us: for example, freedom of expression and assembly, freedom of religion, freedom from arbitrary arrest & detention and from inhumane treatment or punishment, and the right to a fair trial while being presumed innocent unless & until found guilty.

These are called "positive rights", because human beings do (or are deemed to) possess them innately and should be free & able to exercise them without assistance from other individuals or social/political agencies. The only obligation of the State is to stay out of the way, prevent aggressive individuals from intruding on anyone else's freedoms or possessions, and ensure appropriate resolution of alleged theft, assault or other dispute through fair & just trial procedures. But some states **do** interfere with their subjects' freedoms, arrest them without cause, and fail to provide fair judicial procedures. And sometimes the argument is that the interests of the community or of its dominant religion should take precedence over the interests of the individual. One of the purposes of the UDHR is to **discourage** such governmental behaviour, and over the last sixty years, it has had some amazing successes.

Turning to our **second** category, the 20<sup>th</sup> century had begun to witness bills of rights that sought to establish **social, economic and cultural guarantees** to citizens of various states. These rights were often found alongside the traditional, political & civil rights that we have

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England and Scotland) certainly possess something approaching constitutional weight! It could be argued that what's left of the Act of Settlement (1702) also has the gravity of fundamental law.

just examined, in constitutions such as those of the Soviet Union, the Scandinavian countries, and in some Latin American countries. These declarations include such rights as those to an education, health care, adequate nutrition & shelter, the right to work and to form & join a trade union, or the right to leisure and to participation in cultural activities.

These rights are (logically, but I think unfortunately) known as "negative rights", because no one is born inherently possessing any of them. Even those who can afford these amenities on their own must pay to possess or enjoy them, while the majorities of virtually all populations in the world are dependent on social or religious agencies or on the State to provide them. (In fact, unlike the almost "state-of-nature" civil & political rights, these rights really present themselves only in & to relatively developed societies.) Unlike civil & political rights, which order the State to refrain from interference, social, economic & cultural rights appear to request the State TO intervene — for example, to provide work if there is significant unemployment, to provide free & compulsory schooling (at least at the elementary level), to ensure that its citizens enjoy medical attention as needed, to build public housing and transportation & communication networks, to subsidize culture, or even to attempt adjustments to economic & power imbalances. One of the purposes of the UDHR is to **encourage** such behaviour, and over the last sixty years, it has had some amazing successes.

Traditional, so-called positive rights had been won & secured virtually alongside the historical development of capitalism, and in

many minds the two are fused interdependently. With these rights securely in place, the so-called free market is supposed to foster opportunities for the enjoyment of social, economic and cultural amenities, but individualist/liberal/capitalist theory tends to doubt that any of the latter should be deemed "rights" at all; indeed, ideologues prefer the word "entitlements" — a word which they use pejoratively. And by no means, they argue, should the State be encouraged to assist, subsidize or otherwise interfere. In addition to the ideological tension between individualism and statism or corporatism, these newer rights also posed grave challenges to developing countries, many of whom, even today, lack the resources & infrastructure to implement them. Thus, it would be easy to predict that negotiations to draft a Declaration covering virtually all the essential rights of men & women would be often hard & bitter.

Then, a **third** category of rights intruded in a way that both aggravated & complicated that already daunting cleavage. In Africa, Asia, and a few places still under colonial rule in the Western Hemisphere, equally **new rights** were being asserted: **to self-determination, even to self-government**. These rights threatened to dissolve the colonial empires of Britain, France, Belgium, and the Netherlands. At the same time, formalized racism in the United States and its imminent institutionalization in South Africa exposed these two states to related charges of racial discrimination, and so to charges of hypocrisy. We must remember that, in addition to the wide-spread absence of civil & political rights for African-Americans during two thirds of the 20<sup>th</sup> century, racial intermarriage was also illegal in half the states of

the Union.

Finally, a **fourth** category of rights thrust itself forward — related to some of the issues in the second & third categories, yet nonetheless distinct. Would it be possible to protect **the cultural rights & distinctiveness of ethnic, linguistic or religious minorities** against the majoritarian sweep of liberal-democratic principles & institutions? Liberal theory not only developed alongside capitalist attitudes & institutions; it prided itself on its exaltation of the individual, free to act independently of even the customs & expectations of the community. Democratic theorists saw differences of opinion as purely "political" (that is, as virtually "philosophical"). The best decisions about public policy, at least in theory, were thought to be achievable through rational debate, and differences could be resolved through majority vote — with open debate and free elections being the only necessary mediators among disagreements. The trouble is, racial, religious, & ethnic differences are not "philosophical" distinctions and are no way subject to rational persuasion & conversion (though, religious differences are occasionally overcome through discussion and/or social pressure).

These are not "ballot-box" issues, and the minority in such cases are often the victims of virtual colonialism within a given State. Official holidays; nutritional & dress codes; educational curricula & language of instruction; employment, promotion & housing opportunities; commercial & zoning regulations; equal access to public transportation or to subsidies for cultural events, for example, may all fail to take some minority's needs & wishes into account. There is no political for-

mula that guarantees protection or remediation where such rights infractions occur, short of an historically almost unknown cultural sensitivity on the part of the majority & equally rare institutional accommodations. To aggravate the discussion of this fourth category of rights, most of the countries in the Western Hemisphere were so deeply committed to the integration & assimilation of immigrants that they were completely blind to the real cultural issues at stake for minorities in long-established geo-political jurisdictions. Even French Canadians and Hispanic Americans, let alone our Native Peoples — and myriad minorities in almost every country in the world — demand rights protections that fly in the face of classical liberal theory and the exclusivist prejudices of nationalism.

Perhaps ironically, these third and fourth categories intimately entail most of the characteristics of Europe's 19th-century debates concerning that very nationalism. The best known cases were the unification struggles of Italy and Germany and the ultimate disunification of the Austro-Hungarian and Ottoman Empires. Yet rare is the textbook that gives emphasis to, for example, the resulting fates of Slav populations in Germany's Prussia or the Hungarians isolated in the heart of the newly independent Roumania, let alone remembering the long-before-decided fates of the Celtic populations in Britain and France. Whether colonies at a distance or clusters of minorities in the homeland, millions of individuals around the world had, and still have, their personal liberties qualified in negative ways by the otherwise liberal democratic decisions of capriciously predominant groups.

These latter two categories (or even a **fifth**, which might be

opened for political refugees & other stateless persons) do not offer any rights that are not already found in the first two categories. But they are very important, because they try to ensure that all civil & political and all social, economic & cultural rights are made available to all human beings, including to those whom selfish or prejudiced majorities (or dictators) might want to deprive of them.

And so the human-rights discussions throughout 1947 and '48 were intellectually challenging, emotionally heated, and physically exhausting. Meanwhile, the Declaration's title gradually evolved from "International" to "Universal", in order to emphasize that human rights were essentially PRIOR to the State, in fact both above and underlying all States. The Declaration also gradually evolved (except in French!) from "the rights of man" into "human rights" or "rights of the person", in order to ensure that women were recognized in all legal respects as being equal to men.

Looking at the Declaration as a whole, "Rights" is the key word, and it obviously applies to all four or five categories. "Responsibility" is the other key word, but its application is much trickier: In the first category, we clearly have a responsibility to respect our neighbour's freedoms, but do we have the responsibility (**or**, indeed, the right!) to suppress a neighbour's freedom in order to protect, or out of respect for, the community's or some religion's perceived interests, let alone its quasi-paranoid sensitivities? If so, when? ... under what circumstances? In the second category, secular or religious communities may have, and the State definitely does have, a responsibility to provide certain rights, but doing so is often perceived as

impinging on or curtailing the rights of especially those fortunate individuals who can provide most of these benefits/rights for themselves and who want to be left alone (essentially meaning, who would like lower taxes).

The third category has almost, but not quite, departed the world as an issue, but one could ask whether today's economic imperialism is not in many respects more pernicious than were traditional colonies. And the fourth category imposes on majority populations in countries with significant minorities the responsibility to respect the minority's right to be different. But does it impose a responsibility to accept slightly higher taxes or other costs in order, for example, to duplicate social benefits essential to the minority's comfort & survival, such as language services, parallel schools, or additional religious holidays? In all these considerations, does religion play a major or only a minor role? Might it be that faith-like ideologies such as Communism or Capitalism influence one's approach to rights & responsibilities more often today than does religion?

As we stated at the beginning, it was something resembling a secular miracle that the Universal Declaration of Human Rights emerged from the seven drafts in three layers of committees to be adopted by the fourth layer of the General Assembly. The final vote was declared unanimous, with 48 countries voting in favour of and none against the Declaration, but two countries were absent and eight abstained.

Of these eight, the six members of the Soviet Bloc denounced the entire result as inadequate and without teeth, while inconsistently also arguing that it threatened to invade national sovereignty and un-

dermine governments. Saudi Arabia objected to the right to change one's religion (though all other Moslem countries voted affirmatively), and the Union of South Africa recognized that its constitutional amendment was about to contravene the articles against racial discrimination. In the subsequent six decades, many political observers have, indeed, credited the Universal Declaration, at least in part, not only with influencing the constitutions of scores of both old and new countries, but also with undermining the dictatorships of many others, including those in Eastern Europe, and with bringing an end to apartheid. The miracle continues, and it's not yet finished having its effects.

There are at least three approaches that we can take to examining the religious aspect of our topic, and none of them is straightforward. In defense of human rights, the world's religions offer both the best and the worst records known to history. Let's have a look at at least three issues. Proper discussions of theology and morality are obliged to make a clear distinction between "sin" and "crime", though institutionalized religion often fails to do so. **Sin** is a religious malfeasance, and is to be dealt with by penance, excommunication or shunning, and by God's ultimate justice; **crime** is a secular misdemeanor, and is to be dealt with through fines, exile/banishment, imprisonment, or diverse forms of corporal punishment. Naturally, the two overlap where theft, perjury, fraud or murder are concerned, and one might even be correct to say that every justifiably designated crime is also a sin when considered from a religious point of view — though we immediately face such doubtful cases as the possession or personal use of hallucinogenic drugs, which perhaps should not be seen as "crimes"

either.<sup>7</sup>

But many religions muddy the waters by trying to have every sin designated as a crime. Blasphemy, heresy, apostasy, failure to attend worship service, failure to respect dress or dietary codes, perhaps adultery, certainly homosexuality & associated behaviours, and even sacrilege where defacement or destruction of property is not involved: none of these should be prosecuted by the State, yet in many countries they are still prosecuted, and in most countries (including Western ones) they have been prosecuted in the past. In fact, leaving individual deviations aside, every Christian denomination except 16<sup>th</sup>-century Unitarians in Transylvania<sup>8</sup> and 18<sup>th</sup>-century Baptists in Rhode Island have both prosecuted & persecuted religious minorities where they have had the power to do so; religious freedom has been supported by Christian faiths, prior to two or three centuries ago, only when they were in the minority.

As a final, difficult example, should we not argue, given the profound diversity of opinion among ethical & well-informed people,

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<sup>7</sup> Whether the possession & use of such drugs should be considered crimes, one might think I've become confused in implying that they are not already sins in any case. In fact, even if decriminalized, these activities will continue to be considered sins by many faith traditions, but we must remember that other religions positively encourage their use in certain rituals.

<sup>8</sup> King John Sigismund of Transylvania (1540-1571) presided over the Diet of 1568 (at Torda), which passed modern Europe's first Act of Religious Tolerance and Freedom of Conscience ("for faith is the gift of God"); and then encouraged the Diet of 1571 to recognize four "received religions" — Roman Catholicism, Lutheranism, Calvinism, and Unitarianism — with equal constitutional status. An alert participant in the Spring Seminar (whose name I unfortunately failed to obtain) pointed out that the Orthodox peasantry did not have their religion included, but neither she nor I know why this omission occurred (though social class may have been at the root of the slight). Of course, absence of constitutional recognition does not necessarily mean presence of prosecution, let alone persecution.

that actions such as abortion & euthanasia should be left exclusively as "sins" for those who so regard them, but not be elevated into "crimes" for the state to deal with? Religions only tarnish their reputations & weaken their credibility when they try to foist all of their notions about what is sinful onto their neighbours & governments.

We have just dealt glancingly with my second issue. When not members of majorities, religions have been among history's most zealous defenders of minority rights. In fact, their willingness to resort even to violent rebellion in the defence of their faith was a principal source of Europe's slow progress towards liberal attitudes & democratic processes in general. Indirectly, it gave us the modern ideal of clearly separating church & state in the Euro-American world. And don't let Protestant historiography deceive you! Protestants have not been at the barricades when in the majority, and Catholics have pushed liberal attitudes forward when in the minority. Jews and Moslems also embrace minority rights in Europe & America, but the record in Israel & throughout the Islamic world is more ambiguous and often even sordid. When holding the reins of power, religions rarely stop to reflect how puny they make their God look when they try to regulate the ideas & behaviours of the State on His or Her behalf.

The third issue is much larger and more complicated than the other two, for it raises questions of scriptural interpretation and historical religious change. As we shall see in a moment, the basic principle is human dignity, the basic test is reciprocity, and the basic right is freedom to choose for oneself. The core of no religion or culture or political ideology justifies anything else, though many

religious & political institutions far too often argue the contrary. That is, all agree that God does not welcome the coerced conscience, and yet almost all religions have supported behaviours that do precisely that. I would suggest that most religions & cultures start out pretty well, as regards accepting dignity in principle, but falter in the logic or manner of applying reciprocity, and thus badly fail in the matter of freedom. Examining this progression, I would further argue, in the first, and hopefully non-controversial, place, that the original sacred Scriptures are often far more progressive than the subsequent religion that grew up in their shadow, usually by applying their Scriptural injunctions partially & even selectively. Most religions need to revisit their Scriptures in an honest & open-minded manner.

In the second, and inevitably more controversial, place, Scriptures need to be seen in their historical context, as revelations received, at a specific time & place, very obscurely and only partially understood. If the black words on a manuscript cannot be read & interpreted in response to our evolving human experience, then such a religion is perhaps negligent in its scholarship, but it is certainly failing in its responsibility before God, the responsibility to learn from the experiences through which God continues to put the human species. This is not a recipe to change with every fad & fashion, but it is permission, indeed the responsibility, to learn over the course of centuries.<sup>9</sup> Conceived of as "God in the Present Tense", as the God-person who

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<sup>9</sup> The irony here is that, although virtually all religious traditions possessed of a deity think of the Deity and His or Her decrees as **eternal**, they have all undeniably evolved changing interpretations, beliefs & practices over time. Despite this actual evolution, they resolutely claim that rationally conceived innovative changes are unscriptural, sacrilegious, & impossible when some extrinsic standard judges their present characteristics adversely.

will "always be with you", the Christian's Holy Spirit is virtually a prescription for responding to history's evolution. But this opportunity goes unnoticed rather too ubiquitously. Even more controversially, I would argue that if it is absolutely impossible to reconcile one's religious beliefs to the Universal Declaration of Human Rights, then it may be time to question the interpretations offered by one's religious leaders or the claims of one's religion or its scriptures to accurately reflect its God.

Up to now, I have been strikingly, perhaps even annoyingly, blunt. On the points so far addressed, I may be open to the charge of being the "ugly & insensitive, Western, secular liberal"! Despite being profoundly conservative in my love of family, neighbourhood, larger community, traditions & customs, conventional morality, and even appropriate state intervention in the society, I remain radically liberal in the matter of individual freedoms.<sup>10</sup> I frequently disapprove of unconventional speech, dress or behaviour; condemn them as immature & discourteous exhibitionism; and even worry that sometimes social cohesion is under threat. But I loudly affirm that every individual must be free to make significant, even wildly unconventional & potentially disruptive choices for him- or herself. Thus, I empathize with Oriental & Southern-Hemisphere respect for the community, traditions, & religion as a social cohesion, and I recognize the danger that unconventional activities may erode social norms and radically alter social behav-

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<sup>10</sup> I use the term "conservative" in its classical & still largely European sense; not in its inverted American sense, where "conservatism" is really a form of 19<sup>th</sup>-century liberalism.

iours. But I assert that accepting such risks is the responsibility of any self-respecting society, and I disagree with the attitude taken towards diverse Human Rights by those claiming that certain prescriptions in the Universal Declaration are abhorrent to their faith or cultural traditions.

To be really respectful of any particular faith or culture, we have a responsibility to enter into frank & open discussion with its adherents, to recognize & tolerate, perhaps even to accept & validate, their fundamental beliefs, but then also to address any inconsistencies of application. First, for reasons yet to be set forth, individual freedom is simply the logical consequence of the commitment to human dignity which is at the heart of all religions & political philosophies. No community has the right to deny any individual's decision to think, communicate or act in merely unconventional ways; no community has the right to distort various ideas or activities by defining them as "criminal", or even as "unpatriotic", merely because they are startling, untraditional or unpopular.<sup>11</sup> Western society has learnt this truth the hard way, for we used to share most of the assumptions common to traditional or more "closed" societies, but we are now the better-off for having left such constricting attitudes behind. Other cultures must be encouraged to evolve in the same direction. Put differently, it can be misleading to locate the essential differences in the varied cultures of "East" and "West", when in fact the differences at issue are equally to be found in Europe's evolution from the historical "then" to the present "now"!

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<sup>11</sup> The U.S. Congress's "Committee on **Un**-American Activities" is a disgraceful conception & creation in a so-called free & democratic country.

Second, the threat to political & social stability or to religious community that is posed by thoughtful or even eccentric departures from the norm is greatly exaggerated. To raise such fears is an admission of illegitimacy & self-doubt, of cowardice, or at least of historical-sociological ignorance. Let's be cynical in our honesty; one of the reasons we enjoy so much freedom in the West is that our economically & politically dominant classes finally learnt that their economic interests are safer and the polity less dangerously restless when individuals & even groups are free to express their discontents, even vigorously. This insight, too, is a free offering from the so-called secular Occident to the currently more spiritual & anxious East & South, as well as to political dictatorships & to religious zealots (whether Oriental or Occidental). Conventions & traditions are not all that brittle; their being tested by criticism & deviance even reaffirms their wisdom & strengthens their attraction.

Third, change is inevitable, and not always dangerous. A culture open to change is a culture more likely to survive,<sup>12</sup> not just because it learns, adopts and implements the necessary tools of coping & competition, but also because its core values & customs are enriched & reaffirmed by the gradual absorption of diverse threads spun & even woven at other times & in other places. Again, the Euro-American experience

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<sup>12</sup> An alert friend has challenged this assertion, pointing out how long Ancient Sparta, China, and many other cultures & countries survived while resisting, even suppressing, change. However, I suspect all these examples subtly absorbed more change than is usually remarked. The same friend began to list ways in which European & American cultures have profoundly changed since 1650, though I don't think these endanger my fundamental point, however overstated my rhetorical flourishes.

is exemplary: even if one could accurately assert that our culture was thoroughly religious in 1650 and is thoroughly secular today, can one honestly say that we've changed in many or any other significant respects, apart from evolving liberal democracies and absorbing some more science & technology? Are we, really & truly, no longer genuine Europeans or Americans?!

Let us turn now to more emphasis on responsibility and on community. They are certainly worthy of celebration & emulation. Euro-Americans tend to stress individuals and their **rights**; most of the rest of the world would stress the **responsibilities** of individuals within & towards their communities. Here are some sentences of Mahatma Gandhi that will help us understand our "responsibility". In 1947 (in his newspaper *Harijan*), Gandhi stated:

All rights to be deserved and preserved come from duty well done. Thus the very right to live accrues to us only when we do the duty of citizenship of the world. From this very fundamental statement perhaps it is easy enough to define the duties of man and woman and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be usurpation hardly worth fighting for.<sup>13</sup>

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<sup>13</sup> In 1939, Gandhi had similarly written (also in *Harijan*), "Rights accrue automatically to [those] who perform [their] duties. In fact, the right to perform one's duties is the only right that is worth living and dying for." These quotations are owed to a packet prepared to aid British Unitarian congregations in their worship services in celebration of the sixtieth anniversary of the UDHR. (Published by the Worship Panel of the British Assembly of Unitarian and Free Christian Churches, 2008)

*Harijan* was several weekly newspapers published by Mahatma Gandhi, one for each of three languages (English, Gujarati, and Hindi), in which he concentrated on social and economic problems. "Harijan" (meaning, son of God) was a term coined by Gandhi for the Dalits, but is now considered patronizing.

Arguably the most profoundly religious person of the 20<sup>th</sup> century — and someone who had thoroughly blended Western & Eastern cultures into his outlook — Mohandas Gandhi helps us remember that great religious leaders must be politically engaged, that great political movements quite often have religious principles underlying them.<sup>14</sup>

All religions are grounded in some basic notion of human **dignity**, whether through assertions that we share the image of God or such beliefs as that God loves every single person equally or that in every human face we behold the face of God. Even most totalitarian political philosophies present some vision of more fully realized human personalities as their goal. And all rights flow from efforts to recognize, to protect, and to promote the dignity of each and every human being — irrespective of gender, race, sexual orientation, or such social distinctions as religious allegiance or economic circumstances. At the same time, no individual would self-consciously exist without living, working & playing within a community; all that we are, including our uniquely critical thoughts & unconventional actions, we owe to our community. Its traditions & its substance deserve our respect, loyalty & support. If we value it enough, we also make it the object of our loving criticism, so that it will avoid complacency, societal rigidity & self-righteousness.

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<sup>14</sup> The failings of the Christian Right are not so much their efforts to impose religious principles on public policy, but rather, their lack of any true religious understanding & their hostile/intolerant/ungenerous — in short, un-Christian — political vision.

The trouble begins immediately, however — as soon as we try to understand & apply the notion of dignity. All human beings, few would disagree, deserve to be treated with dignity, as persons beloved of God. But some would go on to argue that the so-called strong need to be privileged somehow in order the better to look after the so-called weak. I agree with the traditional conservative principle that the fortunate have a very clear & perhaps God-given responsibility to succor the less fortunate, but I would deny that they have any special rights deriving from that responsibility. Furthermore, some definitions of good fortune are purely figments of the human imagination, even when religious or cultural traditions seem to support the distinction.<sup>15</sup>

The basic test has to be **reciprocity**: when one of his disciples asked if there was one word that would "serve as a rule of practice for all one's life", Confucius replied, "Is not reciprocity such a word? What you do not want done to yourself, do not do to others."<sup>16</sup> Elsewhere, Confucius expressed the same idea in positive terms. Attempts to demonstrate the intellectual or physical need of certain groups to be denied rights miss the point! The

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<sup>15</sup> The most mischievous, often even the most pernicious, of these culturally prejudiced distinctions concern gender. It is factually untrue that women are less intelligent and more emotional than men, that they are physically weaker, or that they are less courageous. Any religion or culture that denies that truth and claims observed experience for its beliefs has simply not had the courage to enfranchise women and to watch what they do when they're free.

<sup>16</sup> *Analects*, XV.23. This is to accept Richard Hooker's 1996 translation. William Edward Soothill, in 1910, used the word "sympathy" rather than "reciprocity". I see the differences as complementary.

point is that the **individual** members of no matter what group must have the right to decide for themselves, not the government nor society, neither the powerful nor the so-called "saved". Some things, like theft or murder or perjury, **no one** should have the right to do. But if something is deemed appropriate for any human being, of whatever putative sub-category, then it should be deemed appropriate for anyone else to aspire to, to exercise, or to enjoy — unless and until overwhelming evidence justifies the contrary **as regards an individual**, taken one at a time, not as regards the group. Children are the only group that may justify an exception to this rule, but not nearly as often as conventionally thought.

Let us repeat, the basic principle is human dignity, the basic test is reciprocity, and the basic right is freedom to choose for oneself. No religion or culture or political ideology justifies anything else, though many religious & political institutions deny their better selves and betray their original vision by arguing the contrary in diverse & selected circumstances.

And so, we must conclude our considerations of the Universal Declaration of Human Rights as written for & offered to a culturally plural world. In the name of faith, what rights become fundamental? Which ones become problematical? And what are the responsibilities of religion with respect to the definition & protection of rights? The detailed answers to those questions I leave to your later private or collective reflections, for there has only been time to sketch some of the framework in which such

answers reside. "In the name of faith: rights, religion and responsibility" — such is our theme for this seminar. None of these terms is simple. There are several kinds of faith, both spiritual & secular, those offering individual solace or salvation & those ministering to communal or at least congregational health, both those stressing rights & those stressing responsibility. There are at least four categories of rights, but with much more interdependence on each other than is usually acknowledged, for without social, economic & cultural rights one's political & civil rights can be impossible to access — and *vice versa*. And responsibility is both a matter of personal dignity & duty and a matter of social & governmental regulations & initiatives. Furthermore, responsibility is what we owe towards every individual's freedom to choose and every community's & culture's right to loyal support & respect. Let's ask ourselves, then, before we close, is there a role, however modest, for Unitarian Universalists to play in meeting the diverse challenges of sustaining rights & responsibilities in today's complex world? After all, many of our friends & members have proudly noted similarities between the Universal Declaration of Human Rights and our UU Principles. Can we start there? One of the primary sources and driving principles of the Declaration was what is known as "the dignitarian family" of law traditions, which has in fact been a basic theme of this address.<sup>17</sup> Lo and be-

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<sup>17</sup> An early national enunciation of this notion was in the German Basic Law of 1949 as Article 1. Cited in Glendon, p. 263, note 2.

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hold, not only is it in the UDHR's first article, but it is the UU's First Principle too! Although our Principles do not specify such rights as those to work, health or education, one could say that these rights are covered by our commitment to "dignity", "justice", "equity" and "peace". Although we UUs rarely acknowledge democracy's potential for majoritarian tyranny, we can hope that our affirmation of "justice, equity and compassion in human relations" would act as a restraint wherever an ethnic minority might be threatened. And perhaps we go beyond the UN's Declaration in our promotion of "spiritual growth", our "goal of a world community", and in our "respect for the interdependent web of all existence". Finally, we don't just **allow** the "search for truth"; we actually **promote** it.

(We should also note that our seventh principle almost anticipates contemporary aspirations to up-date the Universal Declaration so as to add what might be called "ecological" rights. And in fact, UUism has for decades shown leadership in rights concerning the diversity of sexual orientation, an area of discrimination that was overlooked in 1948.)

In practice, Unitarian Universalists have tended to be, disproportionately, avid supporters of the United Nations since its inception, as well as of several of its primary agencies such as UNESCO, UNICEF and the World Health Organization. John Peters Humphrey would not have felt alone in his passion for human rights. We have founded Unitarian Service Committees in both the

United States and Canada,<sup>18</sup> have for decades maintained an office in New York specifically to monitor and support the UN in its work, and tend to be active in both the World Federalists and Amnesty International (of the latter of which our former UUA President, William Schultz, was for over a decade American Director).

Much work remains to be done. Both our Principles and the historical habits of our membership suggest that UUs will continue to be dedicated participants in this work. Like most religions, we understand and endorse the intimate relationship between rights and responsibilities, even if, again like most religions, we don't always keep them in appropriate balance. But then, to end with a quotation by Robert Browning, our "reach should exceed [our] grasp, or what's a Heaven for?"

To stray from UUism but in honour of her unparalleled contributions to the drafting of the UDHR, I hope you will indulge my closing with Eleanor Roosevelt's nightly prayer:

Our Father, who has set a restlessness in our hearts and made us all seekers after that which we can never fully find, forbid us to be satisfied with what we make of life. Draw us from base content and set our eyes on far-off goals. Keep us at tasks too hard for us that we may be driven to Thee for strength. Deliver us from fretfulness and self-pitying; make us sure of the good we cannot see and of the hidden good in the world. Open our eyes to

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<sup>18</sup> Economies of expression forced the unhappy omission here of the Universalist Service Committee, founded in the United States in 1945 (the Unitarian S.C. having been founded in 1940.) The two Service Committees merged in 1963.

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simple beauty all around us and our hearts to the loveliness men  
hide from us because we do not try to understand them. Save us  
from ourselves and show us a vision of a world made new.<sup>19</sup>

[Amen! So be it!]

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<sup>19</sup> Let us remember that F.D.R.'s now widowed First Lady (1884-1962) became the first President of the UN Commission on Human Rights and in that post was a major contributing force in the achievement of the UDHR.

## APPENDIX

[Here follows a large & significant section of an early draft of this address, which had to be left out for reasons of space & time; indeed, I couldn't quite convince myself that it fit within our theme. However, discussions & comments heard throughout the Seminar suggest that the following thoughts are on several of our minds and that my re-attaching them now may well be welcomed.]

When we consider the second category of rights, those to economic, social & cultural freedoms and opportunities, we must keep in mind that we are still focussed on "rights", even though the road to their realization is paved with "responsibility". We have noted that these are not literally "innate" rights, which require only birth & maturation. They are rights that require community participation — the nurturing of the family, the collaboration of the neighbourhood, the responsibility of the State. In other words, they place a large stress on "responsibility"; they can only be realized through sharing, through both small & large social institutions, through government action, and through sufficient levels of taxation.<sup>20</sup> These rights seem to make a more natural fit with Confucian thought, also with Hindu & Buddhist religious & cultural traditions, and so are often associated especially with the Asian world. But they are just as natural within traditional African cultures, as well as to the Native heritage of North & South America. And we haven't yet exhausted the list. For, in Western cultures, responsibility towards one's neighbour & one's community is as

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<sup>20</sup> The wisdom of Oliver Wendell Holmes should be kept always before our eyes: "Taxes are the price we pay for civilization." (Huston Smith recalls the famous quotation differently, though he paraphrases: "Justice Holmes used to say that he liked to pay taxes because he felt he was buying civilization". *The World's Religions: Our Great Wisdom Traditions* [New York: Harper-Row, 1991], p. 179.)

old as the Hebrew people's covenant with Yahweh, Plato's *Republic* & Aristotle's *Politics*, and the Sermon on the Mount. Social connectedness, rights & responsibilities, and civil proprieties in human relations were all part of the warp & woof of medieval societies, and they have survived the triumph of rampant individualism, capitalism and liberal democracies in the form of socialism — a form of government & economic behaviour which throughout the 20<sup>th</sup> century has been freely chosen in one or more elections by every industrially & democratically advanced country except Canada and the United States.

It's true, of course, that economic, social & cultural rights have not been explicitly discussed in the traditional narratives of Euro-American history. But that literary & academic tradition has distorted our reality. Freedom of religion, for example, is worthless to the individual, if she or he does not have access to the group called a congregation; here, at the very core of our Euro-American rights tradition is a social & cultural right. Furthermore, freedom to work is only partial without rights to an education, to a trade union, & to adequate health care; freedom of commerce is only as good as the legal & judicial institutions which constrain theft & murder and enforce contracts; freedom for ordinary people to lend or borrow does not exist if banks & investment brokers are not required to respect leveraging limits & to disclose fully their operations. In these & so many other areas, our capacities to act responsibly are limited by our individual reach and by the human inclination towards greed & power. Religious exhortations and our natural tendency to social bonding cannot alone realize the full range of human rights; they need the facilitation of responsibil-

ity that only government initiatives can provide.

One would think some of this was common sense: no wonder human sympathy, social duty, tribal rituals, distributive justice, public spiritedness are all deeply embedded in Oriental religions, where they are still stressed, but also in Occidental religions, where they have been relatively neglected in recent centuries. Indeed, most Christian churches remained suspicious of capitalism throughout the 19<sup>th</sup> century. But communal responsibility implemented in significant part through government initiatives would also be the ultimate conclusion of unprejudiced empirical reflection. How did we Euro-Americans, and in particular we North Americans, stray so far from our traditional religious & communal values? The answers to this question are diverse, complex and controversial, and not least because so many of our leading social scientists would not even agree that we have made a significant mistake in letting individual rights leave social responsibility so far behind. But I am going to seize on our conference theme to focus on one, small but important strand of the problem: namely, "faith" or "religion". And my justification for this impertinence is going to bring us back to some of the problems confronting the United Nations Organization itself.

The American Declaration of Independence and Adam Smith's *Wealth of Nations* appeared in the same year (1776), and the separation of church and state became one of the fundamental mantras of the new nation's constitutional settlement. The problem that developed was not the fault of laissez-faire capitalism *per se* — free private agriculture, mining, fishing, manufacturing & commerce have certainly demon-

strated their superiority over both medieval feudalism and 20<sup>th</sup>-century communism. The problem was that, without a minimum of government involvement to regulate and occasionally direct entrepreneurial activity, the latter overwhelms community aspirations for neighbourliness and eventually becomes the greatest threat to small private initiatives too, not only to distributive justice and social cohesion. Large corporate operations are **not** really "private" any longer; they are very definitely "public" and so require public supervision. But "capitalism" had become a doctrinaire ideology, and hence indistinguishable in many respects from a religious faith. As America's secular faith since 1776, it was put above & beyond criticism. And its rhetoric linked liberal democracy to an economic system, at least in its contemporary manifestations, that wasn't always respectful of democracy's interests, let alone of one's responsibility to respect human rights.<sup>21</sup>

There isn't time to develop this thesis adequately nor to explore all of its implications. But this secular faith has hurt American interests as much as it has tarnished America's reputation, and it has undermined the work of the United Nations from the very beginning. It accounts for the frequent incompetence of the C.I.A. (no doubt, even of the F.B.I.), because agents were not hired unless their personal views linked economic capitalism to political freedom and, conversely, even democratic socialism to communism. Based, thus, on faulty intelligence, resulting American initiatives in southwest & southeast Asia, in Latin America, and elsewhere have led to what is famously & correctly called

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<sup>21</sup> Recent & shocking examples of even abusing the rhetoric of "rights" have allowed the private patenting of long- & widely known seed grains & herbal medicines, not to mention the privatization of communal water resources.

"blowback". But much less well known has been the withholding of American financial & other support, not just to the United Nations as a whole, which at least some media commentators are aware of, but also from scores of U.N. committees & agencies over the decades — wherever & whenever trade unions were given too much support, land reform was promoted to widen property ownership & enhance agricultural self-reliance, commercial regulations were suggested to keep a level playing field, or health initiatives threatened the profits of Big Pharma. These are just some examples, and generalized ones at that, but these U.N. frustrations with American policy have paralleled the hypocrisy of supporting some military dictatorships while undermining others, between whom, quite often, no human-rights distinctions could be drawn except, occasionally, to the greater condemnation of those whom the U.S. favoured (e.g., Pinochet vs. Castro).

Driven by the same blind ideology, the World Bank, the International Monetary Fund, and the World Trade Organization (previously "GATT") have imposed financial & economic policies on both developed & developing countries which have badly hurt human rights through requirements to weaken trade unions, decrease government support for schools & hospitals, reduce the size of the civil service, and stop public construction of much-needed infrastructure. Without a more pragmatic & flexible approach to economic policies, more sensitivity to cultural diversity, and a greater respect for the laws of historical evolution, international assistance will be forever doomed to uselessness or worse, as indigenous patterns of life and of coping with its challenges are mindlessly destroyed and replaced by little or nothing

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that fits the local context — or that respects human rights. [- 30 -]