

## THE POLITICS OF WORDS

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When the drafting committee adjourned on June 25, 1947, it had produced a document that would serve as the starting point for many rounds of further talks and revisions, as well as many deadlocks, breakthroughs, hopes, and disappointments. The committee's work was done, but before the full Human Rights Commission could begin the sequel, delegates knew they had to make a strategic decision. Eleanor had observed with dismay as the American public and its elected officials turned away from the international affairs. It was unlikely that Congress—so dominated by isolationists and southern segregationists—would approve any declaration of human rights except in gradual stages. So she proposed that the work should be broken up: first a nonbinding declaration, then a treaty, and last an enforcement mechanism would be put forward.

This view prevailed, and the commission broke into three working groups: declaration, treaty, and implementation. Though it would take 19 years to complete social-economic and civic-political human rights treaties, the Human Rights Commission forged ahead. Its second session took place in Geneva, Switzerland. Many believed that setting the conference in Europe, where the war's atrocities had hardly faded, would give their work additional urgency.

The opening meeting took place on December 2, 1947. During the first session, Eleanor informed her colleagues at the HRC that the United States would not support the drafting of a legally binding "covenant" of human rights until the political conditions for its good-faith use materialized. She also said that "flagrant, prolonged, and repeated violations" of such conventions would certainly hurt the United Nations.<sup>56</sup> The United States' position was rejected, and the HRC broke up into the three working groups mentioned above. Charles Dukes (who became Lord Dukeston), of the United Kingdom, led the drafting of the covenant, and India's Hansa Mehta headed the group that debated the ways in which human rights would be enforced and their violations addressed. Eleanor was to chair the drafting of a human rights declaration.

And that she did. Wasting no time, she told her colleagues:

*I want to be home for Christmas, and I assume everyone else does, too. . . . In fact, I have made reservations, and I hope to keep them.*

*If we work night sessions from the beginning, instead of waiting until the last week as usual, we should get through in time.*<sup>57</sup>

Although the delegates muttered that the chairwoman's schedule violated their human rights, they set to work and maintained a remarkable spirit of friendliness and cooperation over the ensuing weeks.<sup>58</sup>

If we look at the concerns that surrounded a single word, we get some idea of how cultural, political, and social ideals shaped the language of the Declaration. When the delegates opened their folders of the draft and took a look at Article 1, here is what they saw:

*All men are brothers. They are endowed by nature with reason and conscience. They are born equal in dignity and rights.*

The representative from India, Hansa Mehta, was concerned about use of the word "men." A freedom fighter during her country's recent struggle for independence, she imagined that the word would be interpreted in India and other countries to mean males alone. She questioned whether the word could be used to exclude women from enjoying the rights listed in the Declaration. Eleanor disagreed: the English term was inclusive of both men and women.<sup>59</sup> For now, the wording did not change.

But nothing had really been settled. In the fall of 1948, when the final draft was debated by the Third Committee before it was brought to the General Assembly for adoption, several female delegates insisted that the Declaration's language be "gender neutral." They refused to back down, and the final version of Article 1 finally read "All *human beings*. . ." Eleanor later described how she came to accept this change:

*The women on Committee III—and remember there were 58 representatives of governments in Committee III, not 18—58—and the women said “‘all men,’ oh, no. In this document we are not going to say ‘all men’ because in some of our countries we are just struggling to recognition and equality. Some of us have come up to the top, but others have very little equality and recognition and freedom. If we say ‘all men,’ when we get home it will be ‘all men.’” So you will find in this Declaration that it starts with “all human beings” in Article I, and in all the other Articles it says “everyone,” “no one.” In the body of the Article, it occasionally says “his,”*

*because to say “his or hers” each time was a little awkward, but it is very clearly understood that this applies to all human beings.<sup>60</sup>*

Our attitudes and our prejudices are often built into the language we use every day. The twentieth century saw women gain voting rights, become wage earners, and achieve a position comparable to men’s in many nations around the world. Language, therefore, also underwent a transformation. Women were making forays into politics and public office—and the women sitting around the commission’s table were determined to use their new power to refashion the world, one word at a time.

Greater challenges, however, lay ahead, as the delegates from the Soviet Bloc and from the West retreated into hostile positions. In her memoirs, Eleanor reflected:

*Over the years, in one capacity or another, I saw a great deal of the Russian delegates, and not infrequently, felt I saw and heard too much of them, because of course they were usually the center of opposition to [the American delegation’s] ideas.<sup>61</sup>*

She devoted many lines to the diatribes delivered by “a big, dramatic man with flowing white hair and a bristling black beard—Dr. Alexei P. Pavlov.” She noted that Pavlov, a nephew of the famous physiologist, “was a brilliant talker,” but he often

*arose with a flourish, shook his white locks angrily, and made a bitter attack on the United States on the basis of some report or even of some rumor that had to do with discrimination against Negroes, particularly in our southern states.<sup>62</sup> Of course, I always replied vigorously, pointing out that, despite discrimination of one kind or another, the United States had done a great deal to improve the social and economic status of the Negro, but Dr. Pavlov never admitted any such improvement. On one occasion I took pains to explain that I had spent a good part of my own life fighting against discrimination, and working for education and other measures for the benefit of Negro citizens of the United States. But to everything I said, Dr. Pavlov replied by sticking out his black beard and barking: “Yes, you worked. But where did it ever get you?”*

Eleanor believed that these attacks were calculated to derail the work of the

commission while “publicizing the Communist point of view.”<sup>63</sup> Keeping the commission’s work on schedule while coping with a speaker whose “words rolled out of his black beard like a river” required all of Eleanor’s political skills.

*On one occasion, it seemed to me that the rash accusations he brought up against the United States. . . . were proving a real detriment to our work. . . . I banged the gavel so hard that the other delegates jumped in surprise and, before he could continue, I got in a few words of my own. “We are here,” I said, “to devise ways of safeguarding human rights. We are not here to attack each other’s governments and I hope when we return on Monday the delegate of the Soviet Union will remember that!” I banged the gavel again. “Meeting adjourned!”<sup>64</sup>*

*I can still see Dr. Pavlov staring at me in surprise. But this maneuver may have had some effect, because his orations were brief and to the point for about a week after that.<sup>65</sup>*

While she rarely had to gavel delegates into silence, Eleanor did need to cope with the larger-than-life personalities in the Human Rights Commission, and her remarkable skill at doing so proved to be one of the keys to the group’s success. She was a principled and disciplined negotiator, which ensured that work proceeded professionally and smoothly. But there was no dodging or finessing certain hard questions, and before the end of the commission’s third and final session, the meeting room echoed with prolonged arguments.

During September 1948, supporters of the focus on civil and political rights argued with a newer generation committed to protecting social and economic rights. The first group drew its inspiration from British philosophers John Locke, James and John Stewart Mill, and other classical liberal thinkers. They supported these “old rights” and favored relatively weak government that did not interfere in the life of the common person. Precious to them were the right to hold property, the freedoms of expression, assembly, and protest, a legal system that proceeded rationally without any prejudice toward the accused, and the right to elect (and replace) government officials in accordance with the interest of the public.<sup>66</sup>

Social and economic rights, by contrast, became a fixture on national political agendas in the West with the rise of working-class politics in the late

nineteenth century. During the Industrial Revolution, many of the rural poor moved to towns and cities where they labored in factories. Exposed to dangerous machinery, toxic chemicals, and the whims of managers, these workers began to unionize in the late nineteenth century. They demanded higher wages, safer surroundings, and protection against injury and unemployment. Workers also formed political parties and labor unions, and in a few decades, they managed to win a number of important new social and economic rights including child labor laws and workplace safety laws.<sup>67</sup>

The distinctions between old and new rights were not very pronounced at the early stages of the drafting process, and many delegates believed that both needed to be written into the Declaration. Not least among these delegates was Henri Laugier, the assistant secretary general responsible for the United Nations' social and economic affairs (as well as the human rights project). As early as April 1946, Laugier instructed the committee to address these new rights. He told them to

*show that the political rights are the first condition of liberty, but that today the progress of scientific and industrial civilization has created economic organizations which are inflicting on politically free men intolerable servitude and that, therefore, in the future, the declaration of the rights of man must be extended to the economic and social fields.*<sup>68</sup>

But many American officials argued that guarantees of social and economic rights would interfere with the fundamentals of the American economy. Some raised the specter of communism in response to nearly every government-sponsored social program. One of the strongest opponents of the inclusion of social and economic rights in the Declaration was Undersecretary of State Robert Lovett. Indeed, Lovett opposed the creation of any international agreement on human rights; such agreements, he believed, ran contrary to the interests of the United States. These and other sentiments— isolationism and objection to international criticism of United States racial policies—account for the United States' failure to ratify the Genocide Convention and a number of later international treaties.<sup>69</sup>

In spite of Eleanor's best efforts, the delegates from the Soviet Union baraged the American and British delegates with criticism of their countries' "ruthless" exploitation of the working poor. Other delegates—Santa Cruz, for example—promoted social and economic rights with far less drama and

antagonism. Moreover, having helped her husband forge the New Deal in the 1930s, Eleanor was not opposed to government playing a role in the economy; she believed that such intervention had helped pull the American people out of the Great Depression.

When news from Moscow indicated that vast numbers of Russian citizens were being sent to prison camps on suspicion of dissent, Eleanor, evidently frustrated by Soviet disparagement, presented her view on the commission's negotiations to a general audience. In a speech given at the Sorbonne University in Paris in 1948, she said,

*I think the best example one can give of this basic difference of the use of terms is "the right to work." The Soviet Union insists that this is a basic right which it alone can guarantee, because it alone provides full employment by the government. But the right to work in the Soviet Union means the assignment of workers to do whatever task is given to them by the government, without an opportunity for the people to participate in the decision. . . .*

*We in the United States have come to realize it means freedom to choose one's job, to work or not to work as one desires. We, in the United States, have come to realize, however, that people have a right to demand that their government will not allow them to starve because as individuals they cannot find work of the kind they are accustomed to doing. . . . But we would not consider in the United States that we had gained any freedom if we were compelled to follow a dictatorial assignment to work where and when we were told. The right of choice would seem to us an important, fundamental freedom.<sup>70</sup>*

Months later, when the Human Rights Commission's work was nearly done, Eleanor replied to yet another round of Soviet criticism by acidly demanding to know "if those in the USSR's forced labor camps enjoyed paid vacations."<sup>71</sup> More typically, though, she tried to find compromise:

*A society in which everyone works is not necessarily a free society, and may indeed be a slave society; on the other hand, a society in which there is widespread economic insecurity can turn freedom into a barren and vapid right for millions of people.<sup>72</sup>*



That was why Eleanor insisted that labor rights, such as the right to organize without jeopardizing one's income, were perfectly legitimate and needed to be included in the Declaration. And, as one expert claimed, "contrary to what many suppose today, it was Santa Cruz, far more than any Soviet Bloc representative, who was the Commission's most zealous promoter of social and economic rights."<sup>73</sup>

If Eleanor found negotiations with the Soviet delegates "tough," she noted that she had "never felt any personal bitterness" toward them and that she was certain that, with time, the two camps would find common ground.<sup>74</sup> And there was common ground: she believed there were some things that, within a complicated social and economic system, private citizens could not handle alone. "It is basic in a democracy," she wrote, "that leadership for the welfare of the people as a whole must come from the government." Long after right-wing critics of the New Deal had targeted her and Franklin as undercover socialists, she soberly stated "that a democracy must meet the needs of its people."<sup>75</sup>

In the end, Article 23 read, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment." This practical formulation satisfied the vast majority of the delegates, regardless of their cultural and political backgrounds.

## ADOPTION

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The United Nations' Committee on Social, Humanitarian and Cultural Questions, known as the Third Committee, began its review of the Declaration on September 28, 1948, and spent almost the entire session debating the draft. In 85 meetings, it considered 170 amendments—but, fortunately, many members of the Human Rights Commission, including Eleanor, Malik, Chang, Cassin, and Pavlov, also served as delegates to the Third Committee, enabling the committee's work to continue smoothly.<sup>76</sup>

When the Third Committee began to discuss the preamble (or introduction), Father Beaufort of the Netherlands moved that it should mention the divine origin of human beings and the immortal destiny of man. Both suggestions were entirely in keeping with Beaufort's own faith, which taught that God had created human beings and endowed them with immortal souls. Non-believers, said Beaufort, could simply ignore the references to Christianity.

Of course, the declaration was not meant to speak only to Christians and non-believers; it was meant to speak to all people everywhere without regard to religious identities and beliefs. The first Human Rights Commission itself was comprised of 18 representatives of the world's main religions and cultures, including those that were Jewish, Muslim, Hindu, Christian, and secular.<sup>80</sup> "[W]hen it became clear to Father Beaufort that his amendment would not be supported by the majority of the committee, he withdrew it. The result was that the Universal Declaration of Human Rights mentioned neither God nor nature."<sup>81</sup> The passage in question, in the final version, stated plainly:

*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, is the foundation of freedom, justice, and peace in the world. . . .*<sup>82</sup>

After a long struggle between those who could not imagine a foundational document about rights that did not mention God and those who rejected such a mention, Eleanor fully appreciated the extraordinary delicacy needed to achieve consensus:

*Now, I happen to believe that we are born free and equal in dignity and rights because there is a divine Creator, and there is a divine spark in men. But, there were other people around the table who wanted it expressed in such a way that they could think in their particular way about this question, and finally, these words were agreed upon because they stated the fact that all men were born free and equal, but they left it to each of us to put in our own reason, as we say, for that end.*<sup>83</sup>

She insisted on the necessity of finding "the words that most people can say and that will accomplish the ends you desire, and will be acceptable to practically everyone sitting around the table, no matter what their background, no matter what their beliefs may be."<sup>84</sup>

A similar conflict erupted over the first article in the Declaration. At a certain moment, months before, Article 1 had read:

*All men are brothers. They are endowed by nature with reason and conscience. They are born equal in dignity and rights.*



## WHO WAS CHARLES MALIK?



UN Photo

Dr. Charles Malik, representative from Lebanon and successor to Eleanor Roosevelt as chairman of the seventh session of the Human Rights Commission at Geneva, Switzerland, on April 16, 1951.

*Credited for his brilliant contribution in shaping the Universal Declaration of Human Rights, Charles Malik served as the influential rapporteur for the Human Rights Commission in 1947 and 1948.*

*Malik was born in 1906 in Lebanon and graduated with a degree in mathematics and physics from the American University of Beirut in 1927. He developed an interest in philosophy and studied in Freiburg, Germany, in 1932 before obtaining a PhD in philosophy from Harvard University in 1937.<sup>77</sup>*

*After teaching at Harvard University and other American universities, Malik returned to Lebanon and founded the philosophy department and a cultural studies program at his alma mater. In 1945 he was appointed to the position of Lebanese ambassador to the United Nations, and he signed the United Nations charter on behalf of his country. A defender of individual freedoms, Malik promoted the view that human rights were rooted in natural rights—rights belonging to every person before he or she gave some of them up to become a member of society. According to Malik, individual rights were more important than state rights. In his opinion, the UN Declaration was important for advocating individual rights: now, he argued in 1948, “I can agitate against my government, and if she does not fulfill her pledge, I shall have and feel the moral support of the entire world.”<sup>78</sup>*

*As the drafting process continued, the question of national sovereignty became increasingly personal for Malik and other members of the drafting committee. At stake was the formation of the state of Israel, which Eleanor and Cassin supported and Malik didn't. Despite the disagreement, Malik, Cassin, and Eleanor were able to continue their work together cordially and effectively. Malik replaced Eleanor as chairperson of the Human Rights Commission in 1951, served as president of the 13th session of the General Assembly in 1958, and, in 1960, returned to his academic career in Beirut.*