
Chapter 1

The Contemporary Idea of Human Rights

Human rights, as we know them today, are the rights of the lawyers, not the rights of the philosophers. “Human rights” is not just another label for historic ideas of natural rights. Instead, the term is typically used to describe the specific norms that emerged from a political project initially undertaken after World War I in the minority rights treaties and then continued on a larger scale after World War II. This political project, embodied in the contemporary human rights movement, aspires to formulate and enforce international norms that will prevent governments from doing horrible things to their people and thereby promote international peace and security.

Although today’s conception of human rights was surely influenced by ideas of natural rights, there are substantial differences. First, human rights are specific and numerous, not broad and abstract like “life, liberty, and property.” The Universal Declaration and the subsequent human rights treaties are lists of specific rights that address particular problems such as imprisonment without trial and suppression of political dissent. The Universal Declaration asserts that “All human beings are born free and equal in dignity and rights.” But it is not mainly a declaration of abstract political principles. It declares the specific and numerous rights of lawyers, not the abstract rights of philosophers. Historic bills of rights were the main inspiration.

Second, today’s human rights are not part of a political philosophy with an accompanying epistemology. They may make philosophical assumptions, but they do not require acceptance of a particular philosophy or ideology. Because the human rights movement was an international political movement with aspirations to create international law, it did not place great emphasis on identifying the normative foundations of human rights. Postwar efforts to formulate international human rights norms have gone forward despite obvious and persistent philosophical and ideological divisions. To gather as much support for the movement as possible, the

philosophical underpinnings of human rights were sketched broadly but vaguely in the Universal Declaration by saying that people are “born free and equal in dignity and rights,” and have “equal and inalienable rights.”

A dangerous aspect of Hitler’s rule, clearly demonstrated during World War II, was its lack of concern for people’s lives and liberties. The war against the Axis powers was often defended in terms of preserving human rights and fundamental freedoms. The carnage and destruction of World War II led to a determination to do something to prevent war, to build an international organization to address severe international problems and to impose standards of decency on the world’s governments. The United Nations Organization, created in 1945, has played a key role in the development of the contemporary idea of human rights.

The creators of the UN believed that reducing the likelihood of war required preventing severe and large-scale oppression within countries. Because of this belief, even the earliest conceptions of the UN gave the organization a role in promoting rights and liberties. Some early conceptions of the UN Charter suggested that it contain an international bill of rights to which any member nation would have to subscribe, but the idea did not succeed. Instead, the Charter simply committed the UN to promoting human rights. The Charter expressed “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (United Nations 1945: preamble). Its signatories pledged themselves to “take joint and separate action in cooperation with the organization” to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion” (United Nations 1945, article 1.3).

Shortly after the approval of the Charter, a UN committee was charged with writing an international bill of rights. It was to be similar in content to bills of rights already existing in some countries, but applying to all people in all countries. The UN took a familiar genre, a national bill of rights, and adapted it for use at the international level. An international bill of rights emerged in December 1948 as the Universal Declaration of Human Rights. The Universal Declaration was a set of proposed standards, rather than a treaty. It recommended promotion of human rights through “teaching and education” and “measures, national and international, to secure their universal and effective recognition and observance” (United Nations 1948b; for histories of the Universal Declaration see Glendon 2001; Lauren 1998; and Morsink 1999).

The first 21 articles of the Universal Declaration present rights similar to those found in historic bills of rights. These civil and political rights

include rights to equal protection and nondiscrimination, due process in legal proceedings, privacy and personal integrity, and political participation. But articles 22 through 27 make a new departure, incorporating economic and social standards. They declare rights to benefits such as social security, an adequate standard of living, and education.

The Universal Declaration has been amazingly successful in establishing a fixed worldwide meaning for the idea of human rights. Broadly speaking, the list of human rights that it proposed still sets the pattern for the numerous human rights treaties that have gone into operation since 1948. Those treaties include the European Convention on Human Rights (Council of Europe 1950), the International Covenant on Civil and Political Rights (“Civil and Political Covenant,” United Nations 1966a), the International Covenant on Economic, Social and Cultural Rights (“Social Covenant,” United Nations 1966b), the American Convention on Human Rights (Organization of American States 1969), and nearly a dozen others.

Defining Features of Human Rights

Human rights, as conceived in the Universal Declaration and subsequent human rights treaties, have a number of general characteristics. Eight important features are described briefly in this section. A fuller treatment of the defining features of human rights is provided in Chapter 3.

First, lest we miss the obvious, human rights are rights. But the exact import of this status is unclear and will be one of my subjects of inquiry. I will suggest that at a minimum it means that human rights have *rightholders* (the people who have them); *addressees* (parties assigned duties or responsibilities); and *scopes* that focus on a freedom, protection, or benefit. Further, rights are mandatory in the sense that some behaviors of the addressees are required or forbidden.

Second, human rights are universal in the sense that they extend to every person living today. Characteristics such as race, sex, religion, social position, and nationality are irrelevant to whether one has human rights.

Third, human rights are high priority norms. They are not absolute but are strong enough to win most of the time when they compete with other considerations. As such, they must have strong justifications that apply all over the world and support the independence and high priority of human rights. The Universal Declaration states that human rights are rooted in the dignity and worth of human beings and in the requirements of domestic and international peace and security.

Fourth, human rights are not dependent for their existence on recognition or enactment by particular governments. They exist as legal norms at the national and international levels, and as norms of justified or enlightened political morality. In promulgating the Universal Declaration as a “common standard of achievement,” the UN did not purport to describe rights already recognized everywhere. Instead, it attempted to set forth an enlightened international political morality that addresses familiar abuses of contemporary political institutions. Subsequently, however, international treaties were used to make human rights norms part of international law. Their proponents would like to see them embedded in all people’s beliefs and actions and effectively recognized and implemented in law, government, and international organizations.

Fifth, human rights are international standards of evaluation and criticism unrestricted by political boundaries. They provide standards for criticism by “outsiders” such as international organizations, people and groups in other countries, and foreign governments.

Sixth, human rights are primarily political norms rather than interpersonal standards. They are standards of decent governmental conduct and mainly speak to social and political leaders and institutions. Governments are their primary addressees. We must be careful here, however, since rights against racial and gender discrimination, for example, are concerned to regulate behavior that is more often private than governmental (Cook 1994; Okin 1998). Still, governmental action is directed in two ways by rights against discrimination. First, the rights forbid governments to discriminate in their actions and policies. Second, they impose duties on governments to prohibit both private and public forms of discrimination.

Seventh, human rights are numerous and specific rather than few and general. Like other bills of rights, the Universal Declaration is a list of specific rights that addresses severe but familiar problems of governments. Accordingly, the Universal Declaration is not a restatement of Locke’s rights to life, liberty, and property (Locke 1986, originally published 1689), although some abstract values are identified in the preamble. Instead, it is a list of roughly two dozen specific rights (see Table 1.1).

Finally, human rights set minimum standards; they do not attempt to describe an ideal social and political world. They leave most political decisions in the hands of national leaders and electorates. Still, they are demanding standards that impose significant constraints on legislation, policy-making, and official behavior.

Table 1.1 The Universal Declaration's Rights

Security Rights

- Life, liberty, and security of person (article 3)
- No torture or cruel punishments (article 5)

Due Process Rights

- Right to an effective remedy for violations of rights (article 8) and to a social and international order in which human rights can be enjoyed (article 28)
- No arbitrary arrest, detention, or exile (article 9)
- Right to a trial in criminal cases (article 10)
- Presumption of innocence in criminal cases (article 11)
- No retroactive criminal laws or penalties (article 11)
- No arbitrary deprivation of nationality (article 15)
- No arbitrary deprivation of property (article 17.2)
- Protection of moral and material interests resulting from any scientific, literary, or artistic production of which one is the author (article 27.2)

Basic Liberties

- No slavery or servitude (article 4)
- No arbitrary interference with one's privacy, family, home, or correspondence (article 12)
- Freedom of movement and residence (article 13)
- Freedom to leave and return to one's country (article 13)
- Freedom to seek and enjoy in other countries asylum from persecution (article 14)
- No marriage without full and free consent of the intending spouses (article 16.2)
- Freedom to own property individually and collectively (article 17.1)
- Freedom of thought, conscience, and religion (article 18)
- Freedom of opinion and expression (article 19)
- Freedom of peaceful assembly and association (article 20)
- Freedom to form and join trade unions (article 23.4)
- Freedom of parents to choose the kind of education that shall be given to their children (article 26)
- Freedom to participate in cultural life (article 27)

Rights of Political Participation

- Freedom to participate in government, directly or through freely chosen representatives (article 21.1)
- Equal access to public service (article 21.2)
- Opportunities to vote in periodic and genuine elections (article 21.3)

Equality Rights

- Equality of fundamental rights and freedoms (article 2)
- Legal personality (article 6) and equality before the law (article 7)
- Freedom from discrimination (articles 2, 7)
- Equal rights in marriage and family (article 16)
- Equal pay for equal work (article 22)
- Equal social protection for children born out of wedlock (article 25.2)

Economic and Social Rights

- Social security (article 22)
 - Just and favorable remuneration for workers (article 23.3)
 - Rest and leisure (article 24)
 - Adequate standard of living for health and well-being (article 25)
 - Health care (article 25)
 - Special care during motherhood and childhood (article 25.1)
 - The right to educational opportunities (article 26)
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Old and New Rights

The authors of today's conception of human rights used familiar ideas about freedom, justice, and individual rights. It is not a distortion to view human rights as the recycling and updating of old ideas within a new, transnational context. The notion of a natural or divine law requiring decent treatment of everyone is ancient. It was wedded to the idea of rights by theorists such as Locke and Jefferson as well as in declarations of rights such as the French Declaration of the Rights of Man and the Citizen (1789, in Ishay 1997) and the US Bill of Rights (1783, in Urofsky and Finkelman 2002). The idea of normative protections of people against their governments is far from new.

The contemporary view of human rights, embodied in the Universal Declaration and the subsequent human rights treaties, differs from earlier – particularly eighteenth-century – conceptions in three ways. Human rights today are more egalitarian, less individualistic, and more internationally oriented. The egalitarianism of recent human rights documents is evident, first, in the great emphasis they place on equality before the law and protections against discrimination. Although eighteenth-century rights manifestos sometimes declared equality before the law, the reality in that era was that basic rights were denied to whole classes of people based on their race, nationality, and gender. Legal protections against discrimination are nineteenth- and twentieth-century developments. Victory over chattel slavery in the Americas came in the nineteenth century, but racist attitudes and practices remain a central problem of our time. The demand for equality for women in all areas of life has also become part of the human rights agenda. The Convention on the Elimination of All Forms of Discrimination against Women (United Nations 1979) condemns discrimination against women and advocates equal rights. Article 11, for example, commits the participating countries to taking “all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights.”

The egalitarianism of contemporary human rights documents can also be seen in the inclusion of social rights. Earlier lists of political rights were mainly concerned with governments doing things they should not, rather than failing to do things they should. The duties generated by these rights were mainly negative – duties of restraint. Positive duties were found mainly in the duty of governments to protect people's rights against internal and external invasions. Due process rights such as rights to a fair trial, and freedoms from arbitrary arrest, torture, and cruel punishments, were

seen as remedies for abuses of the legal system. These abuses included manipulating the legal system to favor the friends and disadvantage the enemies of those in power, jailing political opponents, and ruling through terror. Rights of privacy and autonomy such as rights to freedom from warrantless invasion of home and correspondence, freedom of movement, free choice of residence and occupation, and freedom of association were seen as remedies for invasions of the private sphere, which included governmental prying into the most intimate areas of life and attempts to control people by limiting where they are able to live, work, and travel.

Rights of political participation such as rights to freedom of expression, to petition government, to vote, and to run for public office were seen as remedies for such abuses as refusing to consider complaints by citizens, suppressing dissent and opposition, crippling the development of an informed electorate, and manipulating the electoral system to stay in power.

Even if governments were restrained from the various abuses just listed, however, social and economic problems such as poverty, disproportionate illiteracy among women and girls, disease, and lack of economic opportunities would be undisturbed. Many contemporary political movements have mainly focused on these social and economic problems. One result has been to broaden the scope of the rights vocabulary to include these problems within the human rights agenda. The vehicle for delivering the services demanded by rights to social security, education, and basic health care is the modern welfare state, a political system that uses its taxation powers to collect the resources required to supply essential welfare services. Contemporary notions of human rights are not only more egalitarian than earlier conceptions in the sense that they extend the guarantee to freedom from discrimination to more classes of people, but also in the sense that they actually provide positive rights serving to mitigate economic and social inequalities.

The second difference between today's concept of human rights and eighteenth-century natural rights is that today's human rights are less individualistic. Recent rights manifestos have tempered the individualism of classical theories of natural rights. They continue to protect individual rights and liberties, but they often conceive of people as members of families and communities, not as isolated individuals (Glendon 2001: 93). And the human rights movement has produced treaties and declarations that forbid genocide and protect the rights of women, minorities, and indigenous peoples.

Thirdly, today's human rights differ from eighteenth-century natural rights in being internationally oriented and promoted. Not only are they prescribed internationally – which is nothing new – but they are also seen

as appropriate objects of international action and concern. Although eighteenth-century natural rights were viewed as rights of all people, they served mainly as criteria for justifying rebellion against existing governments. International organizations with power to investigate, expose, and adjudicate human rights problems were not yet on the horizon. While states remain jealous of their sovereignty and anxious to prevent outsiders from interfering in their affairs, the principle that international inquiries and interventions are justifiable in cases of large-scale violations of human rights is now well established.

The International Protection of Human Rights

This section offers a description of how human rights are promoted and protected by governmental and nongovernmental institutions in 2006. An annually updated version of this section is available in the “human rights” entry in the online Stanford Encyclopedia of Philosophy (<<http://plato.stanford.edu/entries/rights-human/>>).

The agencies involved in the effort to bring about international respect for human rights today include the United Nations, various regional governmental organizations such as the Council of Europe and the Organization of African Unity, nongovernmental organizations, and individual nations acting alone or in concert with others. This section offers brief descriptions of each of these mechanisms for promoting and enforcing human rights as well as some of the most important treaties that have been enacted. Readers with limited interest in international organizations and human rights treaties are invited to skim this section and move on to Chapter 2. Treaties and declarations dealing with the rights of minorities are discussed in Chapter 10.

The United Nations

United Nations human rights treaties

After the approval of the Universal Declaration in 1948, efforts to create international human rights treaties were handicapped by the Cold War but went ahead anyway. The Genocide Convention was approved in 1948, and as of 2003 has more than 130 participating countries (United Nations 1948a). It defines genocide and makes it a crime under international law.

It also calls for action by UN bodies to prevent and suppress acts of genocide and requires states to enact national legislation prohibiting genocide, to try and punish persons or officials who commit genocide, and to allow extradition of persons accused of genocide. The International Criminal Court, which was created by the Rome Treaty of 1998, is authorized to prosecute genocide, along with crimes against humanity and war crimes, at the international level (see Schabas 2001).

The plan to follow the Universal Declaration with analogous treaties also went ahead, but at a glacial pace. Drafts of the International Covenants were submitted to the General Assembly for approval in 1953. To accommodate those who believed that social rights were not genuine human rights or that they were not enforceable in the same way as civil and political rights, two treaties were prepared, the Civil and Political Covenant and the Social Covenant.

Between the Universal Declaration of 1948 and the General Assembly's approval of the two Covenants in 1966, many African and Asian nations, recently freed from colonial rule, entered the United Nations. These countries were generally willing to go along with the human rights enterprise, but they modified it to reflect their own interests and concerns, such as ending colonialism, apartheid in South Africa, and racial discrimination around the world. The two Covenants reflect these concerns. They assert the rights of peoples to self-determination and to control their own natural resources, give rights against discrimination a prominent place, and omit the Universal Declaration's rights to property and to remuneration for property taken by the state.

A country ratifying a UN human rights treaty agrees to respect and implement the rights the treaty covers. It also agrees to accept and respond to international scrutiny and criticism of its record. The Civil and Political Covenant, which has been ratified by 152 countries, illustrates the standard UN system for implementing an international bill of rights. It created an agency, the Human Rights Committee, to promote compliance with its norms. The 18 members of the Committee serve in their personal capacity as experts rather than as state representatives. The Committee can express its views as to whether a particular practice is a human rights violation, but it is not authorized to issue legally binding judgments (Alston and Crawford 2002).

Participating states are required to prepare and present periodic reports on their compliance with the treaty, and the Human Rights Committee has the job of receiving, studying, and commenting critically on these reports (Boerefijn 1999; McGoldrick 1994). While doing so, the Committee holds meetings in which it hears from nongovernmental organizations such as Amnesty International and meets with representatives of

the state making the report. At the end of this process the Committee publishes “Concluding Observations” which evaluate human rights compliance by the reporting country. The reporting procedure is useful in encouraging countries to identify their major human rights problems and to devise methods of dealing with them over time. But the reporting system has few teeth to deal with countries that stonewall or fail to report, and the Human Rights Committee’s conclusions often receive little attention (Bayefsky 2001).

In addition to the reports on compliance that the treaty requires of all participating countries, the Civil and Political Covenant has an optional provision requiring separate ratification that authorizes the Human Rights Committee to receive, investigate, and mediate complaints from individuals alleging that their rights under the Civil and Political Covenant have been violated by a participating state (Joseph, Schultz, and Castan 2000). By June 2004, 104 of the 152 states adhering to the Covenant had ratified this optional provision. The United States has ratified the Covenant but not its first protocol.

Overall, this system for implementing human rights is limited. It does not give the Human Rights Committee the power to order states to change their practices or compensate a victim. Its tools are limited to persuasion, mediation, and exposure of violations to public scrutiny.

Many other UN human rights treaties are implemented in roughly the same way as the Civil and Political Covenant. These include the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations 1965), the Convention on the Elimination of All Forms of Discrimination against Women (United Nations 1979), the Convention on the Rights of the Child (United Nations 1989), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations 1984).

Other human rights agencies within the United Nations

Human rights treaties are only one part of the UN’s human rights program. There are a number of UN agencies that are charged with promoting human rights independently of the requirements imposed by human rights treaties. These bodies include the UN High Commissioner for Human Rights, the Human Rights Council, and the Security Council.

The High Commissioner for Human Rights is charged with coordinating the many human rights activities that go on within the UN. The High Commissioner receives complaints about human rights violations, assists in the development of new treaties and procedures, sets the agenda for human rights agencies within the UN, and provides advisory services

to governments. Most importantly, the High Commissioner serves as a full-time advocate for human rights within the United Nations (Korey 1998: 369).

The Human Rights Council is a standing body of the United Nations that replaced the Human Rights Commission in 2006. Its role is to examine serious human rights problems in all parts of the world and make recommendations. It has 47 members who are elected by the General Assembly. They serve for three years and for no more than two consecutive terms. The main purpose of the 2006 reforms was to keep representatives from countries with bad human rights records from serving on the Council.

The Security Council's mandate under the UN Charter is the maintenance of international peace and security. The 15-member body can authorize military interventions and impose diplomatic and economic sanctions (Bailey 1994; Rodley 1999; Ramcharan 2002). During the Cold War the Security Council tended to avoid human rights disputes other than apartheid in South Africa. But since the early 1990s the Security Council has dealt with many issues pertaining to human rights and war crimes. It authorized the use of military force in Somalia, the former Yugoslavia, Rwanda, Haiti, and East Timor, and sponsored a number of peacekeeping missions (Katayanagi 2002). It also established international criminal tribunals for Rwanda and Yugoslavia.

Regional systems

The Council of Europe and the European Convention on Human Rights

In 1949 the countries of Western Europe founded a political organization, the Council of Europe, that sought, among other things, to promote human rights. The European Convention on Human Rights, agreed to a year later, contained a list of civil and political rights similar to that found in the Universal Declaration. Social rights were later treated in a separate document, the European Social Charter (Council of Europe 1961). With the end of the Cold War in the early 1990s, many countries in Eastern Europe, including Russia, have joined the Council. In 2004, the Convention covered 46 countries and 800 million people.

Countries that ratify the Convention agree to respect and implement the rights enumerated in the treaty, but they also agree to the extra-national investigation, mediation, and adjudication of human rights complaints. The Convention establishes the European Court of Human

Rights, to which complaints about human rights violations can be made and in which remedies for them can be pursued. It is the most effective system currently operating for protecting human rights at the international level. The Court, based in Strasbourg, France, has one judge from each participating state – although the judges are appointed as independent jurists rather than as state representatives. Individuals from the participating countries with human rights complaints who have been unable to find a remedy in their national courts are able to petition the European Court of Human Rights. Complaints by governments about human rights violations in another participating country, though rarely made, are also permitted. If the Court agrees to hear a complaint, it investigates and adjudicates it. The Court first attempts to mediate the dispute, but if conciliation fails, it will issue a judgment and impose a remedy (McKaskle 2005). Through this process a large body of international human rights jurisprudence has developed (Janis, Kay, and Bradley 1995; Jacobs and White 1996). Governments almost always accept the Court's judgments. Compliance occurs because governments are committed to human rights and because their membership in good standing in the European Community would be endangered were they to defy the Court.

The Inter-American and African Systems

There are two regional systems outside of Europe. One is the Inter-American System operating in North, Central, and South America under the auspices of the Organization of American States; the other is the African System sponsored by the African Union.

The Inter-American System, which includes almost all countries of the Americas, is broadly similar to the European System. It includes a human rights declaration, the American Declaration of the Rights and Duties of Man (Organization of American States 1948); a treaty, the American Convention on Human Rights (Organization of American States 1969); a commission; and a court. The Commission receives, investigates, and attempts to resolve individual complaints and prepares reports on countries with severe human rights problems. The Inter-American Court of Human Rights interprets and enforces the Convention (Davidson 1997). It may submit cases to, or request advisory opinions from, the Inter-American Court of Human Rights, which was established in 1979. The Court's jurisdiction is limited to cases brought by the state parties and the Commission. The Court issued its first decision in 1980, and to date has decided more than 65 cases.

The African System, which covers the countries of the African continent, has a human rights treaty and a human rights commission. The

treaty, created by the African Union (formerly the Organization of African Unity), is the African Charter on Human and Peoples' Rights (African Union 1981). The African Commission on Human and Peoples' Rights, created in 1986, promotes human rights in Africa and monitors compliance with the treaty. Countries must submit regular reports to the Commission on their human rights problems and efforts to address them. An effort to create a court, the African Court on Human and Peoples' Rights, is currently under way. The African System has enormous human rights problems to address, frequently faces non-cooperation by governments, and has inadequate resources to play a major role (Evans and Murray 2002; Flinterman and Ankumah 2004).

Promotion of human rights by states

States sometimes act, individually or jointly with other states, to promote or protect human rights in other countries. The methods used include diplomacy, publishing reports and statements, conditioning access to trade or aid on human rights improvements, economic sanctions, and military intervention. For example, Portugal attempted to defuse the 1999 crisis concerning East Timor's independence from Indonesia, and Australia led the military effort that created an independent state of East Timor.

These efforts by states add some real power to the international human rights system. The historic pillars of the human rights establishment have been the countries of Western Europe plus Australia, Canada, and (less consistently but still importantly) the United States. They have lent their considerable support and clout to the system, keeping it going during hard times and helping it expand and flourish in better times. Although they have not always risen to the challenge of human rights emergencies, they have sometimes done so at considerable cost to themselves in money and lives (see Power 2002). In doing this, they have often worked closely with the Security Council. They do not, however, have a standing legal commitment to do this, except their commitment in the UN Charter to support the actions of the Security Council (Steiner and Alston 2000: 987–8).

Nongovernmental organizations dealing with human rights

Many nongovernmental organizations are active at the international level in the areas of human rights, war crimes, and food and medical assistance.

Examples include Amnesty International, Human Rights Watch, the International Commission of Jurists, Doctors without Borders, and Oxfam. NGOs are seen everywhere in the international human rights system. They attend and often participate in the meetings of UN human rights bodies, and they provide information about human rights violations through the reports they publish and the testimony they give. They also shape the agendas, policies, and treaties of the UN through their participation and lobbying, and provide links between the international human rights system and politics at the domestic level (Korey 1998).

Modest achievements?

The human rights regime within international law is still under construction. So far it has developed a substantial body of norms and a variety of international institutions to promote and protect them. Outside of the European System, it relies more on encouragement, consciousness-raising, persuasion, exposure, and shaming than it does on imposing sanctions. Legal enforcement of human rights at the national level – in countries where it is actually available – continues to be the main vehicle for the effective implementation of human rights.

The fact that the international human rights system only rarely forces recalcitrant violators to change their practices leads many people to view it as ineffectual and hypocritical. There is truth in this, but the system has helped to create an international climate in which most countries are willing to discuss and address human rights issues. Powerful countries such as China and the United States can resist its demands. Still, the system creates continuous pressure on all countries, including powerful ones, to take human rights seriously.

Overview

Human rights as we know them today are the (specific and numerous) rights of the lawyers, not the (few and abstract) rights of the philosophers. They comprise families such as security rights, due process rights, basic liberties, and social rights. Human rights today are internationally oriented and promoted. Most countries have ratified international treaties that list specific human rights and that create courts and other bodies to scrutinize national practices and conditions.

Further Reading

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