

Denver Journal of International Law & Policy

Volume 9
Number 2 *Summer*

Article 12

May 2020

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Recommended Citation

L.C. Green, Human Dignity, 9 Denv. J. Int'l L. & Pol'y 287 (1980)(book review).

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BOOK REVIEW

Human Dignity

HUMAN DIGNITY: THE INTERNATIONALIZATION OF HUMAN RIGHTS. Edited by Alice H. Henkin. Copublished by the Aspen Institute for Humanistic Studies, New York, NY; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands; and Oceana Publications, Inc., Dobbs Ferry, NY (1979). Pages xii, 203. \$12.10 (clothbound).

During President Carter's term in office, human rights issues have taken on a new dimension in international relations.¹ Increasingly, they have become a weapon of United States foreign policy.² Among recent events, the plight of refugees³ and the taking of diplomatic hostages in the seizure of the United States Embassy in Teheran⁴ have emphasized the necessity of treating human rights and their observance as a matter of international concern. Before the Helsinki Final Act⁵ was due for reexamination in Belgrade, two Programs of the Aspen Institute for Humanistic Studies—the Program on Justice, Society and the Individual, and the Program in International Affairs—held a workshop on the Internationalization of Human Rights. The published result, *Human Dignity*, consists of papers delivered at, developed during, or inspired by that workshop, together with selected human rights documents.⁶ In addition to the papers discussed below, valuable pieces were contributed by Elaine Pagels, Professor of History and Religion at Barnard College, Columbia University, and by Charles E. Wyzanski, Jr., Senior Judge, United States District Court for the District of Massachusetts. *Human Dignity* was edited by Alice H. Henkin, Associate Director of the Program on Justice, Society

1. Derian, *Review of Human Rights in Latin America*, DEP'T STATE BULL., Oct. 1980, at 51.

2. Nanda, *Human Rights and U.S. Foreign Policy Under Carter: Continuity and Change*, 8 DEN. J. INT'L L. & POL'Y 517 (1979).

3. Warren, *Refugees, A Global Issue*, DEP'T STATE BULL., Sept. 1980, at 53.

4. N.Y. Times, Nov. 5, 1979, at 1, col. 6.

5. For text of the Final Act of the Conference on Security and Cooperation in Europe, done at Helsinki, Aug. 1, 1975, see 14 INT'L LEGAL MAT. 1293 (1975) or HUMAN DIGNITY 135-203 (A. Henkin ed. 1979).

6. Documents reproduced in HUMAN DIGNITY are the U.N. Charter (selected articles), the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe.

and the Individual.

In a useful commentary on codification and implementation, Thomas Buergenthal, Fulbright and Jaworski Professor of Law at the University of Texas, makes the interesting comment that not all the rights set out in the Universal Declaration⁷ are "deemed to be equally basic or fundamental."⁸ In Professor Buergenthal's opinion,

an international consensus on core rights is to be found in the concept of 'gross violations of human rights' and in the roster of rights subsumed under it. That is to say, agreement today exists that genocide, apartheid, torture, mass killings and massive arbitrary deprivations of liberty are gross violations. To the extent that this agreement exists, it reflects an international consensus on the type of governmental activities that are impermissible.⁹

In other words, those matters which, at least on the basis of ideological belief in 'motherhood,' are generally considered as forming the basis of international criminal law. Professor Buergenthal goes on to say that "[t]his consensus, incidentally, is not ideologically colored and can be applied to any form of government. That is probably why there is consensus with regard to these rights."¹⁰ Unfortunately, this is a somewhat idealistic view of the situation, for apart from the universal lip service these ideas receive, it can hardly be said with truth that there is a reality of observance in practice. Professor Buergenthal concludes his essay with a call for full United States support for human rights covenants and agreements, for without this he "doubt[s] that we shall be able to legitimate our current international human rights policies and avoid charges that we are trying to impose our values on the rest of the world."¹¹

The elements of the United States human rights strategy are considered by Abraham Sirkin, formerly a member of the State Department's Policy Planning Staff. To some extent Mr. Sirkin differs from Professor Buergenthal's basic approach in that he says that one American view holds "that all rights [in the Universal Declaration] are created equal and that we must not, in principle, play favorites among them."¹² He still feels, however, that there are "core" rights, like that of emigration or of freedom of the press or of religion, so that "a United States human rights policy would stand a better chance if its more widespread efforts were devoted, initially at least, to reducing or eliminating the gross violations of the 'core' rights of the individual person."¹³ As to the suggestion that is heard with ever increasing emphasis today, particularly in connection

7. Universal Declaration of Human Rights, adopted Dec. 10, 1948, G.A. Res. 217A, U.N. Doc. A/810 (1948).

8. HUMAN DIGNITY, *supra* note 5, at 17.

9. *Id.* at 17-18.

10. *Id.* at 18.

11. *Id.* at 21.

12. *Id.* at 27.

13. *Id.* at 28.

with the hostage-taking crisis in Iran,

[i]mpatient as we may become with rulers who fail to heed our call to freedom, we must recognize that we cannot control the consequences of a successful 'destabilization.' As bad as things may currently be in a particular country, the results of a change forced by outside pressure might turn out to be even worse.¹⁴

On the other hand, Iran also teaches that care must be taken that noninterference with an autocratic regime does not shade into active support, which itself stimulates active anti-Western hatred.

Dr. Harlan Cleveland, Director of the Aspen Institute's Program in International Affairs, widens the concept of human rights to cover the rights of states on behalf of their people in fields that were formerly considered as falling within the rubric of *abus de droit*. He points out how easily domestic interests such as weather control may affect the interests of other nations, and concludes that

[m]aybe the time has come for us to stop thinking of human rights and human needs as 'internal affairs.' 'Human needs' are coming to be regarded as a first charge on the world's resources. And 'human rights' are becoming a first charge on the public conscience of people (if not governments) everywhere.¹⁵

Aspen Institute Special Adviser Thomas W. Wilson, Jr., however, points out in a piece entitled *A Bedrock Consensus of Human Rights* that

there are severe limits on what one government can do directly in support of human rights in another country. It is manifest, too, that, at the most, human rights can be no more than one among a myriad of considerations entering into policy determinations—that the weight given to human rights will differ according to time and circumstances—and that the only available operating procedure is to keep a weather eye out for targets of opportunity.¹⁶

Recent reactions to Idi Amin, the tragedy of the "boat people," the problem of *apartheid*, particularly if understood in a wider sense than just what white southern Africa does to its blacks, and the response to recent terrorist acts, culminating in the Teheran Embassy incident, all emphasize that these caveats are as valid on the multilateral as on the bilateral level.

In *Human Dignity's* concluding paper, Robert McKay, Director of the Aspen Program on Justice, Society and the Individual, asks what is yet to come. He emphasizes the importance of education and the deeper involvement of nongovernmental organizations, and suggests as the most important and immediate issues on the world agenda those of the relationship of man to the natural and the man-made environments, the rela-

14. *Id.* at 29.

15. *Id.* at 46.

16. *Id.* at 54.

tionships among rich and poor nations, and the role of human rights in the North-South and East-West dialogues.¹⁷ This program could keep any number of colloquia, symposia, and workshops on human rights busy for years. It could also keep diplomats, if they were serious, in a frame of mind to deal with issues which, if solved, might make hatred and war a little less likely.

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17. *Id.* at 81.

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