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Human rights and speaking out

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When Independent Jewish Voices (IJV) was launched in February 2007, the founding Declaration repeatedly expressed a commitment to ‘human rights’. The statement, like this book, bears the title ‘A Time to Speak Out’. It is a resonant phrase, for the link between the two – human rights and speaking out – was partially forged through the experience of Jewish people in Europe.

Today we tend to forget how recent is the idea that human rights abuses anywhere in the world should matter to us all. It is less than 60 years since crimes like torture or genocide were outlawed by international human rights instruments in the wake of the Nazi holocaust. Until then the fate of individual citizens and minorities was effectively in the hands of sovereign states alone; there were virtually no universally accepted standards to hold genocidal governments to account.

The 1919 Covenant of the League of Nations, formed in the wake of the first world war, made no reference to human rights. When, in the autumn of 1933, the League of Nations debated a petition condemning the disenfranchisement of Jewish citizens by the Third Reich, the German representative to the League, Mr Von Keller, declared that rights under the new Nazi regime depended on race, not citizenship. Jewish men and women in Nazi Germany were already barred from working in the civil service, law or medicine and Jewish children had severely limited access to non-Jewish schools. The philosophy of the Third Reich, Mr Von Keller explained, was based on the concept of “Volkstum”: national identity defined in terms of race. He contended that the “Jewish problem” was outside the scope of the League of Nations or even the “minority protection clauses” which stemmed from the 1919 Versailles Peace Conference.

Three days after this debate Germany announced its permanent withdrawal from the League, which proved unable to stop the Axis powers from committing aggression against their neighbours in the years that followed. The first international effort to secure world peace and protect minorities from persecution ended in global war and near-genocide.

The establishment of the United Nations (UN) in 1945, soon after the second world war, was dedicated to learning the lessons of this failed experiment. But the inclusion of human rights principles within the founding UN Charter was not uncontentious and involved sustained campaigning by a lobby of respected NGOs, including the American-Jewish Committee, the Federal Council of Churches and the National Association for the Advancement of Coloured People. They, and others, argued that the contempt for human dignity that the world had just witnessed called for the introduction of an international bill of rights

By the time delegates gathered to draft the *Universal Declaration of Human Rights* (UDHR) two years later, photos and reports of the Nazi death camps had proliferated around the world. One of the authors of the Declaration, the Lebanese philosopher Charles Malik, testified that the delegates were “inspired by opposition to the barbarous doctrines of Nazism and fascism.” The Holocaust of Jews, Gypsies, gays and lesbians, disabled people, political opponents and others classed as ‘*untermenchen*’ by the Nazis – described in the Preamble to the UDHR as “barbarous acts which have outraged the conscience of mankind” – led the drafters to question the very nature of humanity and the meaning of inalienable rights.

The crucial factor that distinguished the Universal Declaration from the rights charters of the earlier Enlightenment era– such as the American Bill of Rights and the French Declaration of the Rights of Man and of the Citizen– was an acute awareness that responsibility for this carnage could not be placed at the door of the Nazi state alone. “Speaking out” became central to the quest for fundamental rights from this point on. The industrial mass murder of millions of men, women and children throughout Europe required the active or passive collaboration of thousands of their fellow citizens. The Universal Declaration’s first injunction that all human beings “endowed with reason and conscience” should “act towards one another in a spirit of brotherhood,” reads more like a biblical commandment than an Enlightenment proclamation of liberty!

Renee Cassin, the French Jewish social democrat who played a leading role in drafting the Declaration, was keen to stress that it was not “a mere offshoot of the eighteenth century tree of rights;” a reference to the focus on individual freedoms from the state which characterised earlier rights charters. The UDHR covered similar grounds but with the crucial distinction that it was also a plea for us all to speak out in defence of the human rights of others. As the Chinese Delegate, Dr Chang, put it, the aim “was not to ensure the selfish gains of the individual, but to try to increase man’s moral stature.”

It was with an awareness of this history, and its significance, that some of us signed the IJV Declaration, “A Time to Speak Out”. The statement was drafted in response to the daily humiliations and flagrant human rights abuses of the Palestinian people under occupation in the West Bank and Gaza and the widespread discrimination of Palestinians within Israel itself. The immediate context was the death of over a thousand civilians, mainly Lebanese, and the displacement of hundreds of thousands of people in a futile war. However, in the background there was a much larger story. The text of the statement reaches to the core of Jewish experience down the ages.

When we look back, we see how different conclusions can be drawn from the trauma of repeated persecution and vilification that culminated, during the second world war, in the death of two thirds of Europe’s Jews. If the yearning for a state to provide Jewish people with safety and sanctuary emerged out of this bleak history, so did other responses. Anecdotal evidence suggests that a disproportionate number of Jewish men and women have been active in human rights and social justice campaigns in different parts of the world, most notably the US civil rights and South African Anti-Apartheid movements. Nelson Mandela remarked in his autobiography that “I have found Jews to be more

broad-minded than most whites on issues of race and politics, perhaps because they themselves have historically been victims of prejudice.”

The majority of Jewish people, like other groups, have supported the status quo, of course. But common sense would suggest that this engagement with political struggles that are not necessarily linked to direct self-interest might partly stem, as Mandela hints, from empathy and solidarity forged through a long history of exclusion and persecution.

The fate of Jewish people in Europe, both as individuals and as a group, was closely linked with the movement for fundamental rights from the outset. Two years after the introduction of what is widely perceived as one of the founding documents of modern human rights, the 1791 French Declaration of Rights, Jews were granted formal ‘emancipation’ in France as equal citizens, following lengthy debate on the issue in the French National Assembly. This was, however, at a price. Jews had to renounce the right to live in autonomous communities with their own customs, reflecting the common Enlightenment distinction between Jews as assimilated individuals, worthy of equal rights, and Jews as a group, still subject to vilification and denigration. This distinction was given intellectual justification by prominent philosophers and writers. Well before the French Declaration, Voltaire condemned discrimination against individual Jewish people whilst describing the Jewish “nation” as “in many respects, the most detestable ever to have sullied the earth.”

Even this distinction between individual Jews and the so-called Jewish “nation” was frequently blurred. Early French Socialists, like Charles Fourier, rued the emancipation of Jewish citizens lest they infect French society with capitalism; an idea ‘given legs’ by Marx who pronounced in 1844, in *On the Jewish Question*, that “money is the zealous god of Israel, beside which no other god may stand...Exchange is the true god of the Jew.” This ongoing hatred and stereotyping of Jews in Europe, even amongst those who spoke the language of justice and liberation, reinforced the sense that Jews could only rely on themselves for true emancipation. At the very least it suggested at the time that there was little hope that Jews would ever be accepted as a “people,” entitled to practice their own customs and beliefs without discrimination or vilification.

By the turn of the twentieth century the notorious Dreyfus affair in France exposed the emptiness of ‘formal rights’ in the face of state sponsored antisemitism whilst the pogroms in Russia and Eastern Europe appeared relentless. It is not difficult to understand how both of these developments breathed life into the nascent Zionist movement. Nor is it hard to envisage how the Nazi Holocaust a few decades later – which did not respect Voltaire’s distinction between assimilated Jews and the ‘Jewish nation’ – led many Jews who hitherto had not supported Zionism to question whether there was any other way for them, religious or secular, to experience a ‘normal life’ – or indeed any life at all – other than in a state of their own.

But, as we have seen, the establishment of the state of Israel, and the consequent catastrophe for the Palestinian people, was not the only momentous event to flow from this extraordinary history. The Universal Declaration of Human Rights, acknowledged as

the most translated document in the world, largely owes its form and substance to these traumatic events.

Whilst it is not a legally binding treaty as such, the UDHR has exerted a huge moral and legal influence on the world. The rights within it have formed the basis of all subsequent international and regional human rights treaties, including the European Convention on Human Rights, now incorporated into UK law through the 1998 Human Rights Act. In their preambles, virtually every one of these instruments refers to the UDHR as a source of inspiration for fundamental rights. It has also served as the model for most domestic bills of rights around the world.

Addressing the UN General Assembly as the UDHR was debated, Rene Cassin proclaimed that “ something new has entered the world.....the first document about moral value adopted by an assembly of the human community.” Fifty years later, Mary Robinson, then UN High Commissioner for Human Rights, spoke similarly when she described the UDHR as an “elevating force on the events of our world” which embodies our “legal, moral and philosophical beliefs.”

What does this association between the Universal Declaration and morality denote? Does it suggest that, like the biblical texts on whose spirit it partly drew, the UDHR is aimed at establishing an ethical framework for humankind, not just a set of legal entitlements or limitations on governments? The Universal Declaration is not confined to proclaiming the importance of liberty and self-expression. Written in the wake of the Holocaust, and reflecting the lessons that this implosion of ethical norms impressed upon the world, the UDHR insists that “conscience” dictates that human beings support each other. When the chips are down, and life or basic liberties are at stake, it privileges our common humanity above any considerations of kith and kin or group affiliation.

It is clear from the Preamble that the UDHR is addressed not just to governments, but to the people of the world who have an obligation to take positive steps to both promote and protect human rights. It urges “every individual and every organ of society” through “keeping this Declaration constantly in mind” to “strive by teaching and education to promote respect for these rights and freedoms” and “secure their universal and effective recognition and observance.”

In declaring that this is the time to make our voices heard, those of us who signed the Independent Jewish Voices Declaration were invoking the values of that earlier Declaration which urged us to strive to promote the rights and freedoms of all. In the words of the IJV statement, we were reclaiming “the tradition of Jewish support for universal freedoms, human rights and social justice.” It is “the lessons we have learned from our own history” which “compel us to speak out” now.

Although no historic parallels are exact, when we hear of the debate over whether the state of Israel should give full and equal rights – and equal recognition – to all its citizens, regardless of ethnicity or creed, how can we not recall the struggles for Jewish emancipation in post-revolutionary France? When we read of the ‘collective punishment’

meted out to whole Palestinian families because of the actions of a few, when we learn of terrified children and humiliated parents, how can we not recall the experiences of the Jews of Europe down the generations?

How often have we thought: if only the world had not turned away when our own human dignity was denied? How can we turn away when we see injustice done to others in the name of our own suffering? Not to speak out about such abuses of human rights: what a betrayal that would be of our history!

Francesca Klug.
February 2008.