In his famous book, Man and the State, the French philosopher Jacques Maritain draws attention to the universal essence of human rights above ideologies. He says, “The recognition of a particular category of rights is not the privilege of one school of thought at the expense of the others; it is no more necessary to be a follower of Rousseau to recognise the rights of the individual man than it is to be a Marxist to recognise the economic and social rights.” At the time Maritain was writing these lines, he was deeply concerned with the political and philosophical situations of Europe and the world post World War II and during the Cold War. The practical challenge for a philosopher like Maritain was to formulate the means which could help people around the world to discuss their differences while respecting and assuring human dignity for everyone on the planet. Maritain was right to underline that a dignified life was based on the establishment of the basic needs and rights of every individual independent of his or her race, language, culture, religion or nationality. The core idea of this optimistic philosophy — that states and peoples can discuss practical issues and arrive at mutual agreements despite ideological differences — probably had an effect on René Cassin, the French legal scholar, who was later awarded the Nobel Peace Prize for his efforts in drafting the final version of the Universal Declaration of Human Rights in 1948.

In his speech to the UNESCO General Council in 1947, Maritain asked the key question about the challenge of overcoming obstacles posed by diverse cultures and ideological differences throughout human history. “How,” he asked, “can we imagine an agreement of minds between men who come from the four corners of the globe and who not only belong to different cultures and civilisations, but are of antagonistic spiritual associations and schools of thought?” Unsurprisingly, the members of the Human Rights Commission, under the leadership of Eleanor Roosevelt (First Lady of the United States from March 1933 to April 1945), charged with the drafting of the declaration, were all well aware of the importance of this challenge. In that sense, from the very beginning, their task was as much philosophical as it was judicial. As such, in the manner of Maritain, who was in search of a new universal ethics, the commission members extended the theoretical foundations of the Universal Declaration of Human Rights beyond “the narrow limits of the Western tradition”. Maintaining that human rights transcend religious and cultural differences, Cassin, nonetheless, recognised that they embodied generations of rights expressed by their humanistic and natural law
foundations. Moreover, neither Cassin, nor the other drafters of the Universal Declaration were unaware of the contributions and influences of ancient philosophies and religions to the modern understanding of rights. However, influenced by the spirit of the French Revolution and its revolutionary motto “Liberté, Égalité, Fraternité”, Cassin identified the four foundational blocks of the Universal Declaration of Human Rights as “dignity, liberty, equality, and brotherhood”. By “dignity”, developed in the first two articles of the universal declaration, Cassin referred to all the values which were shared by individuals beyond their sex, race, creed and religion. As for “liberty”, it included articles three to 19, and emphasised on rights related to individual life, liberty and personal security. Under “equality”, Cassin understood rights related to the public sphere and political participation (articles 20 to 26), and, under “brotherhood” were economic, social and cultural rights (articles 27 and 28). Finally, the three last articles (28, 29 and 30) focused on the conditions in which these could be realised in society and the state.

However, the concept of rights — long recognised in historically significant laws, charters and constitutions such as the Magna Carta (1215), American Declaration of Independence (1776), Bill of Rights (1791) and the French Declaration of Rights of Man and the Citizen (1789), and at the foundation of the Universal Declaration of Human Rights of 1948 — did not succeed in overcoming the approaches of the states and individuals who distinguished between “themselves” and “others”. Let us not forget that out of then 58 members of the United Nations, only 48 ratified the universal declaration while Saudi Arabia, South Africa, the Soviet Union, Poland, Ukraine, Yugoslavia, Byelorussia and Czechoslovakia abstained, because they were worried that the moral appeal of the document would endanger the sanctity of their domestic laws and regulations.

Consequently, despite Maritain’s call for the universality of human rights and Cassin’s insistence on their indivisibility, the Cold War rivalry between the two blocks and the admission of the newly independent states in the UN, ended with the adoption of two covenants in 1966 on civil and political rights, on the one hand, and, economic and social rights, on the other hand. However, despite the tireless struggles of three generations of individuals and institutions, and the impact of globalisation on human rights, the Universal Declaration is considered as a lantern of hope viewed from afar by political prisoners and refugees around the world. And yet, the philosophy of human rights continues to propel humanity into the future, where many still believe that justice, rights and peace can be constructed. Therefore, if the lessons of the Universal Declaration of Human Rights are not learned, and if we do not consider the past 70 years, which separate us from the foundation of this monumental document as a positive journey; the future generations will have great difficulties in overcoming the challenges of the next 70 years.