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## Book Reviews

Glendon, Mary Ann. *A World Made New. Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House, 2001. Pp. xxi and 333. Appendices and Index. US\$ 25.95. ISBN 0-679-46310-0.

Before the Second World War, systems for the international protection of the rights of minorities operated under the aegis of the League of Nations; there was one regional system in Upper Silesia, underpinned by a relatively effective system of institutional support. But there existed no such thing as an international bill of rights. The movement supporting the idea that there should exist such a bill came as a by-product of the war; under pressure, mainly from unofficial American groups, the United Nations Charter committed the Organization to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The first post-war international bill of rights was the American Declaration of the Rights and Duties of Man, adopted in March 1948; it embodied no mechanisms and established no institutions to monitor or encourage respect for its provisions. So far as the United Nations was concerned, it set about the task of producing an international bill of rights in 1947, working through the Human Rights Commission. In a remarkably short time this body produced a text of a declaration, which was adopted on 10 December 1948 as the Universal Declaration of Human Rights. The Declaration's precise significance in international law was at the time not entirely clear, but the prevailing view was that it imposed no international obligations on member states, and it certainly incorporated no mechanisms for checking up on compliance with its require-

ments, which were, in the main, best viewed as statements of ideals or aspirations. It was not until 1966 that the United Nations contrived to complete the second part of the bill of rights, which took the form of the two basic covenants on civil and political rights, and and on economic, social and cultural rights. Today the adoption of the Universal Declaration is commonly presented as a critical step in inaugurating the age of human rights in which we now live; at the time there were some who viewed its adoption as a pathetic response to the horrors of the immediate past by an international community willing enough to make grand gestures which cost nothing, but unwilling to make the surrender of sovereignty which was required to provide an international bill of rights with teeth. They included the leading human rights lawyer of the time, Hersch Lauterpacht, who viewed the proceedings with contempt.

Professor Mary Ann Glendon, writing over half a century later, views the operation instead as something of a success. She has, in this elegant book, provided a highly readable and perceptive account of the processes of negotiation which produced the Universal Declaration. These negotiations are the principal concern, but she both provides the background to these negotiations, explaining, for example, how the United Nations came to be established, and gives a short account of the processes which produced the two Covenants in 1966. She approaches her subject as a story-teller, and her heroine is Eleanor Roosevelt, who contrived, by her bustling management, to dragoon the Human Rights Commission, described by one British diplomat, rather unfairly, as 'a wild and woolly body', into producing a coherent text which could be submitted to the General Assembly in 1948. It was adopted on 10 December, now Human Rights Day. Almost incredibly the

Declaration was drafted and adopted in under two years. Glendon's book has, inevitably, an American emphasis, somewhat overstated in the title and made visual in a dust jacket in which the heroine appears in Paris, draped with a dead fox. But in the book itself Glendon is at pains to evaluate the part played by other important actors in the story. What a remarkable group they were! To mention only some, there was Peng-chun Chang, playwright, musician, educator, diplomat, philosopher; Hansa Mehta, former detainee of the British, Indian nationalist, writer of children's stories; the ferocious Stalinist Alexie Pavlov, nephew of 'dogs' Pavlov; the cuddly Alexander Bogomolov, dispenser of caviar; René Cassin, First World War veteran, champion of the disabled, legal adviser to General de Gaulle and the Free French in wartime Britain; the diminutive Carlos Romulo of the Philippines, aide to General MacArthur, anti-colonialist, novelist and pamphleteer; the peppery Australian Colonel William Hodgson, whisky drinker and survivor of Gallipoli; Vladislav Ribnikar, former editor of *Politika* and wartime partisan. Then, as it were, behind the scenes there was the Canadian John Humphrey, head of the human rights division of the secretariat, and from the State Department such officials as Marjorie Whiteman, James Hendrick, the bossy James Simsarian, and Durward Sandifer. But most remarkable of all was the Lebanese Christian Arab philosopher, one-time pupil of Martin Heidegger, Charles Habib Malik. It was he who contrived, almost miraculously, to pilot the Declaration through the anarchic Third Committee of the General Assembly, limiting the speaking time of delegates by force of character, gavel and stopwatch. In telling her story Professor Glendon has made extensive use of archival material, including Malik's diaries, which surely should be published, and has even been able to access archival material to provide an account of how things looked from the Soviet side. Behind the delegates there were governments, and some of the members of the Human Rights Commission were controlled by instructions: this was, for example, the case with Eleanor Roosevelt herself and with the

British members, such as Charles Dukeston, the elderly trade unionist, and Geoffrey Wilson, the briefless barrister recruited for the work. Others, like Cassin, appear to have had no instructions, and so far as some others are concerned, the position is not known. No doubt there is further archival work to be done which might well throw light on the matter.

There are various ways in which a book might be written about the Universal Declaration. One could, for example, try to evaluate what effect it has had, either in influencing the negotiations leading to other human rights instruments or in making the world a better place than it would otherwise be, though it is obscure to me what methodology would provide a clear answer to this last question. Glendon's principal interest is in the process of negotiation, and the role played by the various actors in it. The sessions of the Human Rights Commission, of the Economic and Social Council, and of the General Assembly, are very fully documented. But in international negotiations much of the horse-trading and drafting of texts goes on outside the official sessions and is poorly, if at all, documented. Professor Glendon's account, in which the sessions of the Human Rights Commission, reminiscent of some high-powered academic seminar, are dominated by Chang and Malik, and occupy centre stage, may not tell the whole story. I suppose all historical writing is distorted to some extent by the nature of the sources being used.

Her presentation of the story expresses the belief that the Declaration represents a major intellectual and moral achievement, one which has not been fully recognized as such. In her final chapter, 'Universality under Siege', she defends the Declaration from the common charge that its claim to universality is bogus:

To accept the claim that meaningful cross-cultural discussions of freedom and dignity are impossible is to give up on the hope that the political fate of humanity can be affected by reason and choice (at 223).

And in her Epilogue, 'The Declaration Today', she faces up to the argument that the

age of human rights is a disastrous period of human history in which abuse of the individual has flourished. Here she comes across as an optimist:

Yes, the enterprise is flawed. Yes, dreadful violations of human dignity still occur. But thanks in great measure to those who framed the Universal Declaration growing numbers of women and men have been inspired to do something about them.

Her book is both an essay in intellectual history and a statement of faith. That the adoption of the Universal Declaration provided the foundation tablets of the law for the international human rights movement few would doubt. Professor Glendon's book makes an important contribution to our understanding of how the tablets came to be delivered, and why they took the particular form they did. Some mysteries remain. In spite of having devoted a great deal of attention to the subject myself, I confess to finding the dominance of human rights talk in the contemporary world extremely puzzling. It is today virtually impossible to read a newspaper without coming across some reference to human rights. Some suggest that it all has something to do with the decline in the appeal of organized religious practice and belief, but this explanation fails to fit the facts. In the period during which the American Declaration, the Universal Declaration, the two basic United Nations Covenants, and the European Covenant came into force, the world of international relations was dominated by two factors: one was the Cold War, and the other was the process of decolonization. The formal enunciation of rights became a weapon in the struggle against forces which were perceived in some circles as evil: Soviet communism and European colonialism. Glendon touches on all this in a chapter entitled 'The Deep Freeze', and as this title indicates the picture presented is one in which a cloud descends on a movement which was essentially a reaction to the horrors of the Second World War. One wonders, however, whether it was the conflicts of the post-war period which gave strength to the movement, and thus made the

Universal Declaration and the other instruments possible.

Elsewhere, and in a very different context, Professor Glendon has herself expressed the view that 'rights talk', at least in American popular culture, can indeed all get rather out of hand when used to express a simplistic and in some ways selfish individualism. This, and the fact that she represented the Vatican at the Beijing Women's Conference in 1995, may suggest in some circles, where any association with the Holy See is, as I understand, viewed as imposing the mark of Cain, a certain superficial inconsistency in approach to the subject. I do not myself think this is a fair assessment, and perhaps at some future date she will return to the whole subject. For now we need to be grateful for this original, attractive and fascinating book.

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