

72. *Oxford English Dictionary*, online edition.
73. Thomas W. Laqueur, "The Moral Imagination of Human Rights," in Ignatieff, *Politics and Idolatry*, 131; Cmiel, "Recent History", 6-7.
74. Geertz, *Local Knowledge*, 16.
75. Palonin, *Quentin Skinner*, 20, quoting Skinner.

## Chapter 2



### Where Do We Begin? Human Rights, Public History, and the Challenge of Conceptualization

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Contemporary human rights scholarship labours under a crisis of historicity. Historians have raised critical questions about the meanings and origins of human rights that challenge long-standing orthodoxies and conventional wisdom in the field. The main critique is that human rights scholarship is trapped in an intellectual tradition of presentism and linear progressivism that tends to hinder proper understanding of the tensions inherent in both human rights theory and praxis. The trend has been to present human rights—despite frequent setbacks and many contradictions—as part of a saga of relentless human progress. In a field long dominated by social science and legal scholars, this is the inevitable consequence of an ahistorical preoccupation with the “here and now” and a tendency to read history backward. The crisis of historicity in human rights scholarship is compounded by the problem of conceptualization. Human rights may have become a dominant concept in global discourses of morality and ethics; they may be seen as “trumps” and transcendental claims by many,<sup>1</sup> but to some, human rights remain “nonsense on stilts”<sup>2</sup> and only as real as unicorns.<sup>3</sup>

The growing involvement of historians has not resolved the crisis of historicity that confronts human rights scholarship. If anything, it appears only to have deepened it. In his radically revisionist history of human rights, Samuel Moyn accuses historians of adopting a largely celebratory attitude toward the emergence and progress of human rights, providing recent enthusiasms with uplifting back stories and differing primarily about where to locate the breakthroughs in the evolution of the human rights idea.<sup>4</sup> Historians, he claims, have used history to confirm the inevitable rise of human rights as the “last utopia” rather than an ideology, one of several utopias, shaped by conscious choices and historical accidents.<sup>5</sup>

This is not an entirely new charge. Historians themselves have previously critiqued other human rights scholars for not historicizing their

subject enough. Contemporary human rights discourse has, for the most part, produced a triumphalist vision of the role of rights talk in securing progressive and transformative social change.<sup>6</sup> To exercise one's human rights has come to be taken as something inherently good; an objective index of social and political progress. What has not been sufficiently explored in the discussion are the ways in which rights talk has been deployed to further more complex and sometimes contradictory agendas—progressive and reactionary. Historians have therefore argued for some shift away from the linear progressivism that underlies contemporary human rights scholarship.<sup>7</sup> A different approach is needed to reveal the “true origins” of human rights not as some inevitable outcome of a trajectory of liberal idealism but as the most recent of several universalist utopian programs.<sup>8</sup> A “true history” of human rights, one historian has argued, matters most of all to confront the prospects of human rights today and the prospects for the future.<sup>9</sup>

There is some value in the call for restoring nuance, skepticism, and context to human rights scholarship. However, the seeming fixation with “true origins” and “true histories” is telling. For the human rights historian, I discern a certain proprietary concern with historical authenticity. As with the concept of *globalization*, historical contributions to human rights scholarship in the past decade have been concerned with not only the question of historicity but also that of authenticity. What might an “authentic” history of human rights look like?

Even before historians became actively involved in the field, legal and social science scholars recognized the need to historicize human rights. Across the disciplines, human rights textbooks typically include a chapter or section on “Historical Background” and “Origins,” however fleeting or perfunctory. For the most part however, the concern with historicization has been at the margins rather than the centre of human rights scholarship. Although late to the game, historians have sought to fill in the missing link. Initial skepticism of “human rights” as a subject of historical inquiry or tool of historical analysis has given way to cautious engagement. There is increasing readiness to re-examine key historical events through a human rights lens—the antislavery movement,<sup>10</sup> Enlightenment liberalism, eighteenth-century Euro-American political revolutions,<sup>11</sup> colonialism,<sup>12</sup> and even decolonization.<sup>13</sup> As the president of the American Historical Association proclaimed a few years ago, we have indeed all become historians of human rights.<sup>14</sup>

What does the growing involvement of historians in human rights scholarship portend for this uniquely multidisciplinary discipline? For one, it suggests a shift in interest in the history of human rights from the margins toward the centre of human rights scholarship. It also suggests renewed focus on old questions about the origins and historical antecedence of contemporary human rights. Attention to historicization brings novel perspectives to long-standing human rights debates over questions of *origin* and *meaning*, *scope* and *context*, *ordering*, and *prioritization*.

Perhaps the most contentious of these key human rights questions is that of origin and meaning. While many scholars trace the philosophical foundations of modern notions of human rights to natural law and Western liberal traditions, others argue for a more eclectic understanding of the term, focusing on differing notions of rights within both Western and non-Western societies. Even more contentious is the debate over the *meaning* and appropriateness of employing the concept of human rights in pre-modern contexts. Some scholars argue for an essentialist and historically specific definition of human rights, distinct from historical notions of rights, equity and “distributive justice.” They contend that the contemporary idea of “human rights” is uniquely founded on post-Second World War developments and specifically, the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations in 1948. Others argue for a more evolutionary definition of human rights hinged not so much on the restricted context of postwar usage as on the continuing ideas that have historically underlined notions of liberty and justice in various societies.

These are old and familiar debates to human rights scholars. However, when new concerns about “historical authenticity” intersect with old debates about the origins, meanings, and scope of human rights they take on added significance. The tenor of these debates also changes significantly when human rights shifts from the confines of academic discourse to the terrain of public history. This chapter reviews some of the dominant arguments in debates about the origins and meanings of human rights and explores their implications for constructing a public history of human rights. It argues that the growing interest in the public history of human rights offers historians, even as late entrants into the field, an opportunity to move history from the margins of human rights scholarship to its centre. It also argues that need for public

histories of human rights to engage, yet transcend, polemical academic debates about the meaning and origins of human rights.

As discourses and representations of human rights expand from the confines of academic and policy think-tank framings to the public square, historical contributions will become more crucial. Historians will inevitably shape debates about how to commemorate and memorialize human rights ideas, events, and struggles for public consumption. In doing so, historians will have to temper fixations with “historical authenticity” with a willingness to engage other forms of understandings and dialogue about human rights. Historians who dabble into the novel terrain of public human rights history must be open to drawing on multiple and eclectic methodologies and speaking a uniquely multidisciplinary human rights vernacular that is accessible to other scholars and to public audiences. The goal should be not so much to present the public with a “true” history of human rights as to offer a relevant and engaging history of human rights.

Human rights scholars and historians in particular need to pay more attention to what has been described as the “vernacularizing” of human rights—the complex process by which external impulses intersected with local ideas and situations to produce hybridized understandings of rights.<sup>15</sup> This also refers to the course of interpreting and translating “universal” human rights language to local contexts and how this affects the application of human rights norms for better or worse. Understanding the divergent processes of vernacularization or domestication of universal human rights is crucial to telling the human rights story. After all, the “universal,” properly so called, is meaningless if not the aggregate of local experiences.

## HUMAN RIGHTS AND PUBLIC HISTORY

In recent years the debate over the origins of human rights has shifted from academic publications and conferences to the realm of public history. Public history as used here refers broadly to history as seen, heard, read, and interpreted by or for a popular audience. It is history that “belongs” to the public, differing essentially from academic history in its emphasis on the public context of scholarship.<sup>16</sup> The public historian’s approach to historical research, documentation, and dissemination promotes the collaborative study and practice of history in ways that are accessible and useful to the public. Traditional forums for public history—museum presentations, audio-visual documentaries, and historic site preservation

projects—now increasingly include open-access websites dedicated to documenting historical heritage and collective memories.

This is not the place to engage the debate over the value of public history. It suffices to note that not everyone is keen on public history. Some academic historians remain cynical about public history, seeing it as a dumbing down of historical scholarship or as an opportunistic enterprise.<sup>17</sup> What is indisputable however, is the relevance of, and interest in public history as evident in the ever-growing popularity of representations about the past. Museums, once synonymous with “dry as dust history” now enjoy high public regard as influential sources of national histories. When people in Australia and the United States were recently asked to rank the sources of information about the past that they trust, museums came close to the top, well ahead of history teachers.<sup>18</sup> In many parts of the world, public interest in museums appears to have grown along with mounting concern about globalization, illegal migration, terrorism, and other threats to the integrity of the nation-state.<sup>19</sup>

In Canada, where recent museums and heritage projects have been largely private ventures, the trend is slightly different. Heritage concerns have been driven more by identity politics as much as if not more than overarching national agendas. To be sure, some politicians see the boom in identity-centred heritage museums in Canada as a threat to their vision of the country; but this is hardly the view of those building the museums or, arguably, the majority of the population. Still, the question has been asked in Canada and elsewhere: Why is it that as the public appetite for history grows the audience for academic historical productions shrinks or remains stagnant? The answer may lie partly in the differing attitudes that academic historians, museum historians, and the public bring to the making of history.<sup>20</sup>

In recent years, there has been an explosion in interest in the public history of human rights. This interest is most evident in the documentation of historical heritage and the commemoration of collective memories. Museums and museology have become key spaces for human rights commemoration and memorialization projects.<sup>21</sup> If the second half of the twentieth century marked the age of the “human rights revolution,” the first half of the twenty-first century is shaping up to be the age of human rights commemoration and memorialization.

By the nature of their collections and exhibitions, museums are integral sites in the representation of past abuses, and they are becoming

increasingly responsive to human rights violations in their programming. Besides several museums across the world dedicated to memorializing the Holocaust and other genocides, there are now a growing number of museums dedicated to human rights issues—slavery, torture, and historical incidents of political or social oppression. Many of these are national museums, relating narratives that are geographically and time specific.<sup>22</sup> There is the International Slavery Museum in the United Kingdom; the National Slavery Museum, the Civil Rights Museum, and the Museum of Tolerance all in the United States; the Apartheid Museum in South Africa; the Museum of Genocide Victims in Lithuania; the Tuol Sleng Museum in Cambodia; the Kigali Genocide Memorial Centre in Rwanda; the Museum of Memory and Human Rights in Chile; the *Lugar de Memorial* in Peru; and the Museum of Terror in Hungary. Such is the growth in the number of museums dedicated to human rights commemoration that there is now an umbrella organization called the Federation of International Human Rights Museums.<sup>23</sup>

### A Global Museum of Human Rights

Add to this growing list, the Canadian Museum of Human Rights (CMHR). At its establishment in 2008, the CMHR was the first national museum created in Canada since the 1960s and the first to be located outside the capital territory.<sup>24</sup> The museum is unique in its scope and mandate. Unlike other human rights-oriented museums that tend to have a national and geographically limited focus, the CMHR was conceived to be broadly dedicated to the subject of human rights in Canada and beyond.<sup>25</sup> Its aims, as mandated by the Museums Act, is to “inform visitors about human rights, promote respect for others, and to encourage reflection and dialogue.”<sup>26</sup> Its stated approach is to “foster critical thinking about the ways that large-scale human rights abuses unfold at home and *in the world*.” Its goal is to inspire people to “take a stand for human rights in their community, their country, and beyond.”<sup>27</sup> This aspiration toward supra-nationality and globality is what makes the CMHR a distinctive human rights public history project.

The CMHR and other new generation human rights museums call into question the social purpose of public museums. Museums constantly deal with accusations of imposing their visions of the past on their public audience.<sup>28</sup> Scholars have drawn attention to how museums have been used historically to construct and promote specific social and

political agendas within the public sphere. Studies have also emphasized the museum’s role as a locus to which artifacts are transported into a constructed narrative as a manifestation of power.<sup>29</sup> Indeed, many human rights museums combine their traditional role of education and commemoration with an explicit activist mandate.<sup>30</sup>

There is recognition, and some cases, concern that human rights museums, like others, serve more than just archival and repository functions, becoming instead “advocacy organizations” and “social justice centres.” It is a concern that human rights museums constantly struggle with. Faced with controversies over what to include in the museum and how, officials of the CMHR at its inception sought to position the museum not just as a memorial to the past but also as a window into the future and an agent of change.<sup>31</sup> They stressed that the purpose of the museum is not to be a memorial for the suffering of different groups but to be a learning experience for visitors. It is considered a “museum of ideas,” not just a museum of past events.<sup>32</sup>

Apart from questions pertaining to their roles and relevance, human rights museums face the challenge of conceptualization in constructing human rights narratives. What are human rights and where does the human rights story begin? This question is central to the work of human rights museums. In the critical public spaces where museum researchers and curators do their work, the human rights story has to be told in ways that make practical sense. For the CMHR, telling the human rights story began with academic and public consultations. Public consultations were aimed at ascertaining what Canadians wanted to see in a human rights museum.<sup>33</sup> Academic consultations were aimed at addressing questions about the concept, origins, and evolution of human rights. One goal was to develop a comprehensive Global Human Rights Timeline to guide the museum’s displays and inaugural exhibits. This timeline would analyze major events, documents, and personalities in the development of human rights ideas around the world. This was in line with the museum’s vision of fostering critical thinking about human rights at home and in the world.<sup>34</sup>

In what follows, I examine the debates about the *meaning*, *origins*, and *scope* of human rights and the challenges they pose for constructing a public history of universal human rights. This chapter draws on my work with the Canadian Museum of Human Rights and the Global Human Rights Timeline.

## QUESTIONS OF MEANING AND ORIGIN

For public history projects, questions of origins and scope have practical implications. Questions about the meaning and origins of human rights determine where museum displays begin. They also determine what to include or exclude, what to emphasize, how to order displays and make connections between them. For the historian engaged in constructing a public history of human rights, postmodernist ambiguities have limited appeal. Here, the familiar argument that “human rights are indeterminate and deeply contested” is of little value. Human rights may indeed be contested in an abstract sense but for the museum curator, a working historical timeline should provide some clarity on the meaning and scope of human rights. Constructing a public history of human rights therefore raises old questions in new ways and forces us to rethink old answers to these questions.

The universal human rights regime continues to be challenged and complicated on multiple fronts by proponents of varying degrees of cultural relativism; by positivists who refuse to recognize any human rights other than legally enforceable entitlements, and by “essentialists” who subscribe only to a post-Second World War United Nations-inspired definition of human rights. Marie-Bénédicte Dembour has offered an innovative proposal for making sense of these competing understandings of human rights—“natural scholars” conceive of human rights as given; “deliberative scholars” conceive of human rights as political values that liberal societies choose to adopt through agreement; “protest scholars” see human rights as something fought for, and “discourse scholars” see human rights as talked about.<sup>35</sup> This classification underscores the complexities of the human rights idea and holds both possibilities and challenges for constructing a public history of human rights.

Another schematization that I find useful is Michel Ignatieff’s recent reimagining of his treatise *The Human Rights Revolution*. There was not, after all, a single rights revolution but three related but somewhat distinct revolutions in the post-Second World War era—a revolution of *self-determination*; a revolution of *democracy*, and a revolution of *equality*.<sup>36</sup> Each preceding revolution held the promise of ushering in the next one even though this did not always materialize.

The academic discourse on the origins and philosophical foundations of human rights has been characterized by what I call “defining episodes.” These are the historic landmarks in the development of the

human rights idea that various scholars have identified and emphasized. Most scholars agree that these defining episodes represent milestones in the development of contemporary notions of human rights. There is, however, substantial disagreement over which of these episodes marked the most significant turning point in the developments of the human rights idea. I have identified a number of these defining episodes: ancient religious and secular humanism; Western legal and philosophical traditions and Enlightenment liberalism; eighteenth-century Euro-American political revolutions; the antislavery movement; the Holocaust and the Universal Declaration of Human Rights (UDHR) epoch; anti-colonial movements; and the universalization agenda of the 1970s. An exhaustive discussion of each of these defining episodes is not possible within this limited space. Here, I examine the most dominant of these episodes in human rights scholarship.

## FROM HUMANIST ANTIQUITY TO ENLIGHTENMENT LIBERALISM

The argument that human rights are as old as civilization has been made by many scholars.<sup>37</sup> Several accounts of the history of human rights begin with the Hammurabi Code; Buddhist, Hindu, and Confucian texts; the Torah, the Bible, and the Quran. Although few draw direct connections between these traditions and the modern concept of human rights, ancient discourses of justice have come to be seen as the normative seeds of contemporary universal human rights. Is this therefore the natural place to begin the human rights story? To be sure, many religious texts contain passages that can be read as being human rights-affirming. But questions persist as to the real links between these early traditions and contemporary human rights. The connections may simply be too tenuous to provide meaningful basis for defining contemporary human rights.

Although scholars are increasingly seeking human rights origins in ancient humanism, a dominant defining episode in the origins of human rights debate is Western legal and philosophical tradition: specifically, *natural law theory*. Most academic studies begin the human rights story here. They trace contemporary conceptions of rights and liberties from natural law and ancient Greek stoicism through the medieval period to the Enlightenment. Natural law philosophy, characterized by a belief that laws and rules of conduct are embedded and derivable from human nature, has become a secure place in antiquity to ground universal human

rights. Since human nature is the same the world over, the laws derived from that nature are seen as universal and true to all people, at all times and places. Thus, they are objective and eternal and are neither changeable nor alterable.<sup>38</sup>

Some scholars suggest that the defining notion of natural law underlies the concept of rights as expressed in the socio-political and philosophical developments in fifteenth- and sixteenth-century Europe. The Renaissance and the decline of feudalism inaugurated a long period of transition to the liberal notions of freedom and equality, particularly in the use and ownership of property. This created an unprecedented commitment to individual expression and world experience which was subsequently reflected in diverse writings—from the teachings of Thomas Aquinas and Hugo Grotius to the Magna Carta, the Petition of Rights of 1628, and the English Bill of Rights of 1689.<sup>39</sup> Enlightenment thought founded on natural law theory, many argue, inaugurated a new intellectual and political tradition in which the individual as a political actor was abstracted from the holistic totality of medieval society.

Related to the privileging of Enlightenment liberalism in discourses about human rights origins is the emphasis on the wave of Euro-American revolutions of the eighteenth century. The revolutions and the documents they inspired are said to be central to this history of contemporary human rights because they were founded on the notion of the autonomous person endowed with certain inalienable rights.<sup>40</sup>

In *Inventing Human Rights*, Lynn Hunt locates the origin of the human rights idea firmly in the American and French Revolutions and the Declarations they inspired. Hunt traces the impact of Enlightenment ideas on the social and political expansion of human rights and argues that equality, universality, and naturalness of rights gained direct political expression for the first time in the American Declaration of Independence and the French Declaration of the Rights of Man and Citizen.<sup>41</sup> These developments underscore a “sudden crystallization of human rights claims at the end of the eighteenth century.”<sup>42</sup> Is this then an appropriate place to begin a global history of human rights?

Privileging the Enlightenment as the origin of human rights may have gained currency in human rights scholarship but it remains a decidedly Eurocentric approach. Limiting the discussion on the “invention” of human rights to the history of the Western world lends credence to the notion, already deeply held in certain quarters, that human rights

are a Western invention—an idea conceived in the West and exported to the rest of the world. It is an argument that hardly serves the cause of universal human rights and one that may be problematic for a constructing a global public history of human rights. Unless used figuratively, the term *invention* clearly gets in the way of a full historical understanding of the complex cross-cultural processes by which human rights ideas have evolved. It simply implies too one-sided a historical happening.

## ANTISLAVERY

If the origins of the human rights idea cannot be narrowed to Enlightenment liberalism or eighteenth-century Euro-American revolutions, perhaps it can be located in a related movement with more global ramifications—the antislavery movement. Several scholars have pointed out that the defining character of universal human rights has been significantly shaped by key reformist impulses of the late nineteenth century—the abolition of the slave trade, the development of factory legislation, mass education, trade unionism, and universal suffrage.<sup>43</sup> These developments served to broaden the scope of individual rights and stimulate an increasing international interest in their protection.

In *Bury the Chains*, Adam Hochschild presents the eighteenth-century antislavery movement as a story of successful human rights struggles led by a few groups of men and women who took on the vested interests of state, church, and big business. With organization, enthusiasm, and imaginative campaigning that foreshadowed the work of present-day human rights organizations, these abolitionists forced the British Parliament to uphold the rights and humanity of the enslaved and accede to the will of the British people in their opposition to slavery. It was, as Hochschild put it, “the first time in history that a large number of people became outraged, and stayed outraged for many years over someone else’s rights.”<sup>44</sup>

Challenging the view that human rights law is a post-Second World War invention, one legal scholar has argued that use of international law to promote human rights began more than a century earlier with the movement to ban the international slave trade. Abolitionists in Britain, spurred by both Enlightenment conceptions of natural rights and by religious beliefs, pushed their governments to make the suppression of the slave trade a focus of diplomacy and treaty-making. The result over the first few decades of the nineteenth century was a novel network of international

treaties prohibiting the slave trade. These treaties crafted the world's first international human rights courts—admiralty tribunals and the Courts of Mixed Commission—empowered to confiscate ships engaged in the illegal slave trade and liberate Africans found onboard.<sup>45</sup>

The conceptualization of the slave trade as a crime against humanity, and of slave traders as *hostis humani generis* (enemies of mankind) helped lay the foundation for twentieth-century international human rights law. Legal action against the slave trade introduced into modern international legal discourse the idea that violations of human rights were offences of concern to humankind generally, not just between people and their sovereign. This is the key conceptual step that separates the contemporary world of international human rights law from the idea of natural and universal rights that arose during the Enlightenment and took national legal form in documents like the Declaration of Independence and the French Declaration of the Rights of Man.<sup>46</sup>

To the extent that contemporary human rights operate within a legal and state-centric framework, this argument is persuasive. There are obvious historical parallels between the contemporary human rights movement and the antislavery movement. The role of antislavery in shaping the discourse on ethics and morality in the nineteenth century was so far-reaching, it has been described as “anti-structural.”<sup>47</sup> With the antislavery campaign, something new and permanent was attempted that represented a significant break with the old political morality. Antislavery did not guarantee freedom for everyone, and sometimes even created new orthodoxies that took on elements of older oppressive structures. However, the success of antislavery as “anti-structure” is that it provided new opportunities to former slaves and captives or those most at risk, to escape from old structural constraints. It was the ethics of a second chance for such former slaves and the stress put on individual responsibility and equality before the law that gave antislavery its anti-structural force and transformative power. This radically anti-structural force is what antislavery shares with human rights.

Beyond these connections; was the antislavery discourse really a discourse of human rights? Can the public historian begin the story of human rights with antislavery? There is the temptation to do so. Humanitarians and evangelicals at the forefront of the antislavery movement certainly thought and advocated in terms of a certain universal humanism. Within this context of humanism, antislavery became a universal movement of

rights, and the structure of profit, domination, and advantage that lived off slavery was challenged by this new social radicalism.<sup>48</sup> Abolitionists, in Europe and across the Atlantic, employed the language of human rights to articulate their opposition to slavery. Nowhere was this more evident than in early missionary literature. In a special issue of its journal, *The Anti-Slavery Examiner*, the American Antislavery Society in 1838 challenged slavery, not just in terms of Christian ethics but also as a “human rights” issue.<sup>49</sup> The journal, aptly titled “The Bible Against Slavery: An Inquiry into the Patriarchal and Mosaic Systems on the Subjugation of Human Rights,” has been described as one of the strongest contemporary intellectual statements that we possess on the human rights character of antislavery.<sup>50</sup>

Still, there are many reasons why the public historian may be skeptical of beginning the history of human rights with antislavery. The most compelling of these is the arguments that in spite of the universalist parallels with antislavery, contemporary human rights are a uniquely modern invention with roots in the Second World War. Among those who hold this view, there is disagreement over where precisely to place the origin of contemporary human rights in the tumultuous decade of the 1940s—either during the Second World War or just after it.<sup>51</sup>

The emerging consensus is that the post-Second World War notion of universal human rights is fundamentally different from anything that had come before. The rise and fall of Nazi Germany had a most profound impact on the idea of universal human rights in the twentieth century as the world united in horror and condemnation of the Holocaust. Nazi atrocities, more than any previous event, brought home the realization that law and morality cannot be grounded in any purely utilitarian, idealist, or positivist doctrines.<sup>52</sup> Certain actions are wrong, no matter the social or political context, and certain rights are inalienable no matter the social or political exigencies. It also led to a growing acknowledgment that all human beings are entitled to a basic level of rights and that it was the duty of both states and international community to protect and promote these rights.

Postwar international consciousness of the need to protect the basic rights of all peoples by means of some universally acceptable parameters is evident in the UN Charter's affirmation of fundamental human rights and the “dignity and worth of the human person.”<sup>53</sup> This commitment to universal human rights was followed by the Universal Declaration of

Human Rights (UDHR) in 1948 and international human rights conventions that have come to be collectively known as the International Bill of Rights.<sup>54</sup> The UDHR and these conventions, many now contend, constitute the source and essence of human rights.<sup>55</sup>

## THE UDHR EPOCH

The idea that the UDHR marked a paradigmatic shift in the understanding of the notion of the human in relation to historical rights discourses has become a canon of human rights scholarship. In one of the early contributions to the debate over conceptualizing human rights, the political scientist Jack Donnelly made the argument for distinguishing between the concepts of *distributive justice* and human rights. Distributive justice, he argued, involves giving a person that which he or she is entitled (his or her rights). Unless these rights are those to which the individual is entitled simply as a human being, the rights in question will not be human rights. In many pre-modern societies, rights were assigned on the basis of communal membership, family, status, or achievement. These were therefore, strictly speaking, “privileges” granted by ruling elites, not human rights.<sup>56</sup> The idea of human rights, properly so called, is firmly rooted in the adoption of the UDHR by the United Nations in 1948. Other historical thoughts or events may well have influenced contemporary human rights, but the UDHR created an entirely new and unprecedented concept of rights.

More recent contributors have made the same point. “There were no human rights prior to World War II except those concretized domestically by the state,” one historian has argued.<sup>57</sup> The argument distinguishes between precursors that represent a “politics of citizenship at home” and post-1970s “politics of suffering abroad” in which the state is also the source of the abuses. One has a domestic scope with a discourse of justice while the other is universal in latitude, international in outlook with a connection with the UN human rights idea.<sup>58</sup> The UDHR is also seen as marking a “juridical revolution.”<sup>59</sup> Its adoption by the United Nations General Assembly in 1948 was not simply another episode in the human rights story but was an epoch-making event that *created* the concept of human rights. The UDHR articulated for the first time in human history a regime of basic and inalienable rights to which all human beings are entitled simply by virtue of their humanity. This concept of unfettered rights contingent on a universalist humanism is a uniquely post-Second

World War invention. Thus, the argument goes, the UDHR should principally define our understanding of human rights.

At an abstract and intellectual level, this argument has undeniable appeal. It is clean and structured. It allows us to talk about human rights with almost clinical precision and with much less uncertainties and ambiguities. We can clearly map their parameters, date them, and measure their enforcement. Beyond these however, what are the implications for public history? Is the public historian then constrained to begin the human rights story in the tumult and uncertainties of postwar internationalism? Does this imply, as some have argued, that talking about human rights in pre-1940s contexts is historically anachronistic? Can pre-UDHR rights discourses be (re)constructed as human rights histories?

Admittedly, the UDHR was a ground-breaking document; perhaps indeed an epoch-making event. It heralded a global milestone in the long struggle for human rights, promising “a magna carta for all humanity.”<sup>60</sup> Its language of universal rights provided a framework for articulating new and long-standing demands for fundamental freedoms and political autonomy across the globe. However, crediting the UDHR and its drafters with “inventing” the notion of human rights may be stretching its historical significance. The idea that human beings are born free and equal certainly did not emerge in 1948. The articulation of this universalist principle under the auspices of an institution representative of nations of the world is what is unique about 1948.<sup>61</sup> But even this process of articulating a universal humanity, like those before it, was profoundly flawed.

It is well documented that in the discussions leading to the establishment of the United Nation and adoption of the UDHR, representatives of the key players in the UN negotiated the meaning of human rights in such a way that it did not encroach upon their sovereignty and in some cases, the possession of colonies. Many of the states at the forefront of drafting the UDHR defended their sovereignty and evaded glaring contradictions such as their own colonialism. In some instances, the principle of sovereignty and the concept of human rights were viewed as fundamentally opposed to each other; one had to do with the rights of states and the other with the rights of individuals. The work of the Human Rights Commission was not free of the underlying struggles over which rights to include and which to leave out.<sup>62</sup> It was partly because all major powers had something to be ashamed of in their conduct of human rights at the time, at home and



abroad, that in the UDHR they enunciated rights without explaining why people have them and agreed on high principles while leaving the matter of enforcement unresolved.<sup>63</sup> The United States government, for example, was keenly aware of the international embarrassment caused by Martin Luther King Jr and the civil rights movement, especially in Asia and Africa where it feared at the time that many countries were leaning toward communism.

One of the most persistent critiques of the postwar human rights movement is that it was, at least at inception, an essentially Western movement with spurious claims to universality. Makau Mutua has argued that the contemporary human rights corpus, only put into effect following the atrocities of the Second World War, has its theoretical underpinnings in Western colonial attitudes and that it continues to be driven by totalizing Eurocentric impulses.<sup>64</sup> The UDHR and the postwar human rights regime they ushered are seen as a product of Western ethnocentrism imposed progressively on the rest of the world. Such skepticism is not limited to "Southern" voices. In 1947, the American Anthropological Association famously asked how the proposed UDHR could be applicable to all human beings and not be a "statement of rights conceived only in terms of values prevalent in the countries of Western Europe and America?"<sup>65</sup>

Others have pointed to the deep skepticism that greeted the adoption of the UDHR in the colonized "Third World"—the sense that it "took the suffering of whites to force the powers that be into action . . . [whereas] slavery and colonialism [had] left the world largely indifferent."<sup>66</sup> Moreover, at the adoption of UDHR in 1948, key signatory nations were complicit in gross human rights violations. Racial segregation was constitutional in the United States; Aboriginal people were poorly treated in Canada; France and Britain still held on to their colonies in Africa and Asia. For many in the non-Western world, still under colonial domination in the 1940s, the adoption of the UDHR did not elicit much excitement.<sup>67</sup> Anti-colonial nationalists were generally ambivalent and even cynical about a declaration purportedly affirming the rights of all human beings, drawn up by the same imperialist powers that denied them their right to self-determination.<sup>68</sup>

To begin the history of human rights with the adoption of the UDHR in 1948 is to ignore other defining moments that have shaped the human rights idea particularly in non-Western contexts. Take the example of the African National Congress (ANC) in South Africa. From its formation

in 1923 until the collapse of the apartheid state in the 1990s, the ANC waged a relentless struggle for democracy and against state-sanctioned racism and oppression. ANC struggles drew on multiple rights discourses including natural rights, Christian humanism, Marxist solidarity rights, cultural morality, and international law. By the 1940s these rights discourses expanded to include the universal human rights language of the emergent United Nations system. For ANC activists, the adoption of the UDHR in 1948 only provided one more legitimizing weapon in a long-standing struggle against white minority rule.

The difficulty with beginning the story of universal human rights with the UDHR is that its presumed epochal significance remains open to question. A global public history of human rights should consider the ground-breaking elements of the UDHR, but it must also be alert to historical and contemporary contestations of its claim to universality. A global human rights story that begins with the UDHR invariably privileges one narrative out of many on the origins of human rights. But perhaps a West-centric, UDHR-centred human rights story can be balanced by focusing also on anti-colonialism—a movement that developed contemporaneously with the UDHR but which, unlike the UDHR, involved many peoples and societies in the global South.

### **Anti-colonialism**

Anti-colonial struggles for self-determination had a significant impact on the development of the idea of universal human rights. Colonized people drew on the language of rights emerging in the West in their ideological struggles against imperial powers and their demands for national self-government. Anti-colonial movements in Asia, Africa, and elsewhere in the colonized world were among the first mass movements to draw on the universal language of human rights of the post-Second World War era. The adoption of the UDHR and the signing of the European Convention on Human Rights (ECHR) in 1950 lent the moral legitimacy of human rights to long-standing anti-colonial struggles for self-determination.<sup>69</sup> Anti-colonial nationalists demanded that the ideals of freedom and self-determination advanced as the basis of Allied military campaigns against Nazism in Europe and Japanese imperialism in Asia be also extended to them. In India, nationalists led by Gandhi took advantage of the new international emphasis on the right to self-determination espoused in the UN Charter to demand independence

from British colonial rule. On these grounds, I have argued elsewhere that anti-colonial struggles were not only nationalist movements but were also veritable human rights movements.<sup>70</sup>

For the public historian seeking to balance a Eurocentric UDHR-inspired human rights narrative with one that engages perspectives from the global South, reconstructing anti-colonial history as human rights history hold interesting possibilities. But even this approach runs into difficulties. Some scholars insist that anti-colonialism was not a human rights movement because it was “already fully formed before human rights rhetoric after World War II had a chance to impact it seriously.”<sup>71</sup> Others argue that anti-colonialism was not in essence a human rights movement because its primary aim was not to reduce the power of the state over the individual which is “the defining character of all human rights activism.”<sup>72</sup> Concern over the unfettered power of the state over the individual led to pressure for international mechanisms of human rights protection, for states cannot be trusted themselves to respect limitations to their power unless there exist external controls of one kind or another.<sup>73</sup> This argument is premised on the rather contentious assumption that human rights apply primarily to individuals rather than to groups or collectives. Self-determination, as a collective entitlement and a core feature of the broader struggle for decolonization, should therefore not be considered part of the human rights movement.<sup>74</sup>

I find these arguments unconvincing. The assumption that socio-political struggles are “human rights” struggles only when they focus explicitly on reducing state power over the individual privileges particular ideological strands in the conceptualization of human rights. The problem with excluding anti-colonialism from the human rights story is that it treats classical individual-centred, state-centric civil and political rights as paradigmatic and overlooks the tensions and complementarities with other understandings of human rights—communal, collective, shared, economic, and social rights.

Human rights are not just individual rights, they are also people's rights; they are not just entitlements that individuals hold against the state, they are also entitlements that individuals and communities hold in their relationships with each other. As Hannah Arendt famously argued, the rights of “man” are indistinguishable from the rights of peoples.<sup>75</sup> In the context of anti-colonialism, emancipation meant that not only individuals, but also peoples, were free to determine their own fate. The

question of human rights, therefore, quickly and inextricably blended with the question of national emancipation; only the emancipated sovereignty of peoples seemed to be able to ensure them. The realization and import of this identification of individual rights with people's rights came to light only with the rise of rightless peoples, comprising those who were deprived en masse of human rights.<sup>76</sup>

The dominant theme in nationalist discourse was the right to national self-determination which was seen as the starting point and indispensable condition for all other rights and freedoms. As would be expected in such circumstances, collective rights expressed in terms of the right of peoples to national self-determination took precedence over individual rights. Kwame Nkrumah, the Ghanaian nationalist who became prime minister of Ghana at independence, famously enjoined his countrypeople: “Seek ye first *the political kingdom* and all other things shall be added unto you.”<sup>77</sup> The clear emphasis in anti-colonial nationalist rights discourse was on the collective right to political self-determination which was considered a prerequisite for the observance of individual rights. Does this strategic linking of collective self-determination with individual liberties make anti-colonialism any less a human rights movement?

There are even more explicit connections between anti-colonialism and the postwar human rights movement. In 1960 the UN General Assembly issued the Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>78</sup> The Declaration reaffirmed the fundamental human rights, dignity, and worth of all humans, and the equal right of peoples of all nations to self-determination. It asserted that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty, and the integrity of their national territory. It also firmly placed anti-colonialism within the emergent universal human rights corpus. In the UN debates on colonialism and human rights, the presumption was that national self-determination is the starting point and indispensable condition for all other rights and freedoms. Individual rights could only be fully achieved when the collective rights of nationhood and self-determination were attained. The adoption in 1966 of the United Nations International Covenant on Civil and Political Rights, which explicitly articulates the right to self-determination, also reflects the influence that self-determination and anti-colonialism had on the development of the human rights idea.

Beyond all these however, it is important to note that human rights claims and struggles do not always take the form of organized political or social movements. Long before the first anti-colonial and nationalist political organizations were formed, individuals and groups articulated rights claims and undertook actions aimed at fulfilling their rights as humans, as indigenous peoples, and as colonial subjects and “protected persons.” These non-formal and non-structured struggles for freedom, equity, and justice were no less struggles for human rights.

In constructing a global public history of human rights, the question is not so much whether the story should begin with anti-colonialism as whether it should be included at all. At a theoretical level, the argument against reading anti-colonialism as a human rights movement is unconvincing; at a practical level it is untenable. Anti-colonialism did not develop in isolation from the universal human rights discourse. Rather, it was integral to the development, translation, and vernacularization of the postwar universal human rights language to colonial and post-colonial contexts. This is an important part of the human rights story.

### THE UNIVERSALIZING AGENDA OF THE 1970S

More recently, some scholars have made arguments for placing the defining locus of human rights not in the developments of the 1940s or the UDHR but in the universalizing impulses of the 1970s onward. The argument runs thus: Contemporary human rights may have been articulated at the United Nations in the 1940s, but it only became truly universal in the 1970s as it captured the global imagination. During this period, human rights activism experienced a dramatic boom, reaching into the very areas where human rights infractions occurred most frequently and violently.<sup>79</sup> This, accordingly, is what allowed it to evolve into a global movement, becoming the standard discourse for engaging with situation of systematic injustice.

Arguments have also been made for a conceptual distinction between pre-1970s discourses that espoused citizenship rights under the state and post-1970s discourses about paradigmatic rights-holders—rights that people have simply by virtue of being human. The precursors represent a “politics of citizenship at home” while the 1970s represent the “politics of suffering abroad,” in which the state is also the source of the abuses.<sup>80</sup> One has a domestic scope with a discourse of justice while the other is universal in latitude and international in outlook with a connection with the UN human rights idea.<sup>81</sup>

The argument for privileging the 1970s as a defining epoch of universalization in the human rights story may be contested on two grounds. First, the distinction made between the “politics of citizenship at home” and “politics of suffering abroad” creates a conceptual dichotomy, another of those Manichean taxonomies that human rights scholarship now seems so inextricably trapped in. One of the problems with these kinds of dualities is that they create a false, albeit tidy, dichotomy in which two alternatives are considered, when in fact there are many shades of grey between the extremes.<sup>82</sup> Secondly, inherent in this dichotomy is a conflation of internationalism and universalism. As has been noted in relation to the UDHR, the so-called “universalizing impulses” of the 1970s were not always universally shared. The projection of ideas from powerful and influential metropolises to diverse locales may indeed internationalize these ideas and foster certain cosmopolitanisms, but that alone does not make them universal. If by “universal” we mean that which affects, concerns, and involves *all*, then claims to universality must continually be measured by the extent to which they aggregate local perspectives and experiences.

The 1970s indeed ushered in an era in which the focus of human rights discourse in the West shifted from infractions at home to violations abroad. These shifts are evidenced by the decision of the Jimmy Carter administration in the late 1970s to make human rights the centerpiece of US foreign policy and by the establishment of organizations such as Helsinki Watch (now Human Rights Watch) in 1975 to monitor human rights violations in the Soviet bloc. However, these developments must be read within the context of the international ideological politics of the Cold War. One of the Cold War legacies for human rights was the creation and intensification of the boundaries between civil/political rights and economic/social rights; between domestic “civil rights” infractions and foreign “human rights” violations. These boundaries reflect the East versus West polarization in international relations, which reduced human rights to a weapon of propaganda and political ideology in a bipolar struggle. As one United Nations report stated:

The West emphasized civil and political rights, pointing the finger at socialist countries for denying these rights. The socialist (and many developing) countries emphasized economic and social rights, criticizing the richest Western countries for failure to secure these rights for all its citizens.<sup>83</sup>

Cold War politics shaped the way human rights was understood and talked about in different countries, creating new epistemological and pedagogical fault lines. For many in the West, human rights violations became something that only happened abroad. When it involved "us" it was a civil rights issue but when it involved "others" it became a human rights issue. How else can one explain the persistent reference in history books to the struggles by blacks against Jim Crow segregation laws in United States as "civil rights" struggles whereas contemporaneous movements by black Africans against apartheid in South Africa are described in the same textbooks as "human rights" struggles?<sup>84</sup> The distinction between the "politics of citizenship at home" and "politics of suffering abroad" in the 1970s was an essentially ideological construct which makes sense only in specific historical contexts. It is problematic as defining global benchmark for human rights.

Besides, it has been suggested that the critical universalizing phase in the development of human rights was not the 1970s but the 1940s through the 1950s, when formerly colonized Asian and African voices became the most vocal champions of universality at international forums such as the United Nations.<sup>85</sup> Non-Western delegates made strident demands for universal application of rights a key plank in the attack on colonialism while colonial powers replied with well-crafted arguments about the essential cultural difference of their overseas territories. In what would today seem an ironic reversal of roles, Western nations argued for a restricted culturally relative interpretation of human rights while non-Western nationalists drew on universalist ideals of self-determination.

Yet, by the late 1960s and early 1970s, this universalist position began a precipitous reversal, coincident with the rise of authoritarian regimes in Asia and Africa. The 1970s saw the virtual abandonment of universality in many parts of the global South and the "decline of human rights."<sup>86</sup> Unlike the first wave of anti-colonial nationalist leaders, post-colonial governments denounced human rights as a Western imposition, and emphasized the need for different rights in developing countries. There were strident calls to consider Asian and African values in the interpretation and application of universal human rights standards. The most extreme voices even rejected the very possibility of universal human rights. Universality, unimpeachably anti-colonial in the 1950s, was thus rendered deeply suspect by the 1970s and 1980s.<sup>87</sup> The enthusiasm

with which "Third World" opinion leaders embraced universality in anti-colonial struggles faltered once independence was attained.

What is the public historian to make of these fundamentally contradictory assessments of a key phase in the human rights story? Did the 1970s mark the ascendancy of universal human rights or did it in fact mark an era of decline? This question in many ways epitomizes the challenges of conceptualizing and historicizing human rights. It shows that far from being settled history, our understanding of human rights history remains patently a work in progress. Long-standing debates over the meaning, origins, and development of human rights make constructing a "global" public history of human rights an inherently challenging exercise. Apart from the disagreement over which defining episodes constitute the locus of the human rights story, the public historian must also grapple with contentious questions of ordering and prioritizing human rights ideas, events, and personalities. Key questions remain: Does the public historian adopt a simple chronological approach, or a selective thematic approach taking account of the generations of rights schema which has become a canon of human right scholarship? How does the public historian deal with concerns that such ordering privileges a particular ideological and epistemological construct of human rights?

For museum projects, these questions have practical implications. They hold implications for the relative prominence and scope of exhibits and displays; what to emphasize or deemphasize, and what to include or exclude. In the consultations leading to the establishment of the Canadian Museum of Human Rights these questions generated interesting, and sometimes, polarizing public debates. Should the Holocaust exhibits be accorded more prominence than others given its presumed centrality to the origin and development of the contemporary human rights movement? Should Aboriginal rights exhibits take prominence over others given the Canadian historical experience? Do these choices amount to privileging particular human rights narratives? How can gay rights and women's rights material be included in ways that serve an objective human rights agenda rather than an ideological one?<sup>88</sup> My goal here has not been to engage these questions dealing specifically with the public debates concerning the CMHR. The task here has been to explore broader conceptual arguments about meanings and origins, and their implications for constructing a broad public history of human rights.

## CONCLUSION

The goal of public history should not simply be to bring academic debates to a wider public. Rather, it should be to inform and engage the public in the very process of historical construction. For museums in particular, the goal should not be to remake them in the image of the academy but to come up with ways to combine the strengths of the history profession in the museum and the academy.<sup>89</sup> Visitors who walk into the halls of a museum of human rights should feel a sense of ownership and engagement with the histories represented within its walls. A public history of human rights should therefore be able to engage, yet transcend, polemical academic debates about the meaning and origins of human rights. Such histories should be able to draw links between earlier notions of human dignity or distributive justice and modern ideas of “human rights,” which are in many ways contextual reinterpretations of age-long notions of defining human worth and value. The concern should be less about placing the “true” origins of human rights than drawing connections between the historical epochs and episodes that have shaped the human rights idea.

The key object of a human rights history, I think, should be to understand and appreciate the varied yet related historical circumstances under which human rights as a normative idea has manifested in different societies. This calls for attention to nuance and context. But given its predilection for structural analysis, contemporary human rights scholarship tends to be driven more by the quest for neat models and precise labels. The messy middle has, for the most part, been left out. Yet, it is the messy middle that reveals the transformative power of the human rights idea. While structural analyses may be useful in systematizing the academic study of human rights, fuller understanding can only come from going beyond these structures to explore the complexities, nuances, and connections that underlie them. This is where the historian’s attention to context, change, and continuity becomes relevant. Even if we agree that the UDHR or the universalizing impulses of the 1970s were epoch-making phases in the human rights story, the historian (public or academic) cannot start or stop the story at such break points. It is the historian’s task to look for continuities (and discontinuities), for the varied roots of supposedly epoch-making events and how they connect with other historical episodes in the development of the human rights idea. It is inherently more useful to think in terms of a concatenation

of defining episodes rather than a compartmentalization of these episodes.

However, in drawing the crucial link between the defining epochs and episodes of human rights, it is important to leave open the possibility that the peoples and societies being studied and represented may not themselves have construed rights in the precise sense and terms of today. Still, a public history of human rights should be able to convey the multiple strands in the evolving human rights story—how the idea of human rights is at once a historical product of the modern age and the outcome of cumulative human experiences; an assertion of individual liberties but also an affirmation of collective entitlements; a means of breaking down the impunity of rulers but also a way of forging relationships; a resource for civil repair but also a transcendental norm of resistance; an effect of power and resistance but also a form of freedom and discipline.<sup>90</sup> The complexity of the human rights idea is that it can play all these roles. A public history of human rights should aspire to capture and reflect these complexities.

## NOTES

1. Ronald Dworkin, *A Matter of Principle* (Cambridge, MA: Harvard University Press, 1985).
2. The English jurist and philosopher Jeremy Bentham famously remarked that the very idea of rights is “nonsense on stilts” for there is no right which, when the abolition of it is advantageous to society, should not be abolished. Some contemporary human rights scholars agree. See Jeremy Bentham, *Introduction to the Principles of Morals and Legislation* (London, 1789, n.p.); Roger Scruton, “Nonsense on Stilts,” in *International Handbook of Human Rights*, ed. Thomas Cushman (New York: Routledge, 2011), 118–28.
3. Alasdair MacIntyre, “Why Is the Search for the Foundations of Ethics So Frustrating?” *Hastings Center Report*, 9, 4 (1979): 16. Also Jack Donnelly, “In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development,” *California Western International Law Journal* 473 (1985).
4. For some exemplary works, see Micheline Ishay, *The History of Human Rights: From the Stone Age to the Globalization Era* (Berkeley, CA.: University of California Press, 2008); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003); John M. Headley, *The Europeanization of the World: On the Origins of Human Rights and Democracy* (Princeton: Princeton University Press, 2007); Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton, 2007); Elizabeth Borgwardt, *A New Deal for the World: America’s Vision for Human Rights* (Cambridge, MA: Belknap Press, 2005).
5. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press, 2010), 5.
6. Bonny Ibhawoh, *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History* (Albany, State University of New York Press, 2007), 2.
7. *Ibid.*, 3.
8. Moyn, *The Last Utopia*, 5.
9. *Ibid.*, 9.

10. Jenny Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford; New York: Oxford University Press, 2012).
11. Hunt, *Inventing Human Rights*.
12. Alice Conklin, "Colonialism and Human Rights: A Contradiction in Terms? The Case of France and West Africa, 1895–1914," *The American Historical Review* 103, 2 (1998).
13. Ronald Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).
14. Linda K. Kerber, "We Are All Historians of Human Rights," *Perspectives: Newsmagazine of the American Historical Association* 44, no. 7 (2006): 3–4.
15. For the notions of domestication or "vernacularization" of rights see Sally Engle-Merry, "Transnational Human Rights and Local Activism: Mapping the Middle" in *American Anthropologist* 108, no. 1 (2006): 38–51; Judy L. Ledger and Kheang Un, "Global Concepts and Local Meaning: Human Rights and Buddhism in Cambodia" in *Journal of Human Rights* 2, no. 4 (2003): 531–49.
16. See for example Ann Curthoys and Paula Hamilton, "What Makes History Public," *Public History Review*, 1 (1993) and Otis Graham, "Editor's Corner," *The Public Historian* 15, no. 1 (1993), 6–7.
17. Jill Liddington, "What is Public History? Publics and their Pasts: Meanings and Practices," *Oral History* 30, no. 1 (2002): 83–93.
18. Graeme Davis, "A Historian in the Museum: The Ethics of Public History," in *The Historian's Conscience: Australian Historians on the Ethics of History*, ed. Stuart Macintyre (Carlton, Vic.: Melbourne Univ. Publ., 2004), 52.
19. *Ibid.*, 52.
20. Thomas A. Woods, "Museums and the Public: Doing History Together," *The Journal of American History* 82, no. 3 (1995): 1112.
21. Museum scholars make a distinction between "human rights museums" and "human rights museology." Human rights museums are museums that explicitly take up the subject of human rights as central to their mission. Human rights museology on the other hand is about a form of practice: "one that proclaims the social vocation of the museum and incorporates practices other than those traditional to the museum: i.e. teaching about citizenship practices and methods of activism." See Jennifer Carteri and Jennifer Orangeii, "Fighting for Equality: Social Change through Human Rights Activism: The Work of Museums: The Implications of a Human Rights Museology," paper presented at Federation of International Human Rights Museums Conference, International Slavery Museum, Liverpool, UK October 10–13, 2011.
22. Carteri and Orangeii, "Fighting for Equality."
23. Many of these museums combine their traditional role of education and commemoration with an activist mandate. For example, the theme of the second international conference of the Federation of International Human Rights Museums in 2011 was "Fighting for Equality: Social Change through Human Rights Activism." [www.fihrm.org](http://www.fihrm.org) (accessed January 23, 2012).
24. Museums Act, S.C. 1990 c. 3, as amended, Canadian Museum for Human Rights, <http://humanrightsmuseum.ca/about-museum> (accessed January 23, 2012).
25. Canadian Museum for Human Rights, <http://humanrightsmuseum.ca> (accessed January 23, 2012).
26. *Ibid.*
27. *Ibid.*
28. Davis, "A Historian in the Museum," 55.
29. Carrierd Avid, *Museum Skepticism: A History of the Display of Art in Public Galleries* (Durham: Duke University Press, 2006).
30. For example, the theme of the second international conference of the Federation of International Human Rights Museums (FIHRM) was: "Fighting for Equality: Social Change through Human Rights Activism."
31. For insight into the public debate surrounding the establishment of the museum see Ira Basen,

- "Memory Becomes a Minefield at Canada's Museum for Human Rights," *Globe and Mail*, August 20, 2011.
32. Canadian Museum for Human Rights, <http://humanrightsmuseum.ca> (accessed January 23, 2012).
33. Basen, "Memory Becomes a Minefield."
34. Stuart Murray, "Goal of Canadian Museum for Human Rights is to Inspire Visitors, Encourage Action," *The Hill Times*, January 24, 2011, <http://humanrightsmuseum.ca/about-museum/news/goal-canadian-museum-human-rights-inspire-visitors-encourage-action> (accessed January 23, 2012).
35. Marie-Bénédicte Dembour, "What Are Human Rights? Four Schools of Thought," *Human Rights Quarterly* 32, no. 1: 2010.
36. These themes were stressed in Michel Ignatieff's lecture at the Taking Liberties workshop.
37. See, for example, Ishay, *The History of Human Rights*; Lauren, *The Evolution of International Human Rights*.
38. Margaret Macdonald, "Natural Rights," in *Theories of Right*, ed. Jeremy Waldron (London: Oxford University Press, 1984), 27–29.
39. Burns Weston, "Human Rights," *Human Rights Quarterly* 6, no. 3 (1984): 259.
40. The US Declaration of Independence, for instance, states: "all men are created equal, they are endowed by their creator with certain inalienable rights, among these are life, liberty and pursuit of happiness; men are born and remain free and equal in rights."
41. Hunt, *Inventing Human Rights*.
42. *Ibid.*, 20.
43. See for example Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (New York: Verso, 2011).
44. Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves* (Boston: Houghton Mifflin, 2005), 5.
45. Martinez, *The Slave Trade and the Origins of International Human Rights Law*, 13–14.
46. *Ibid.*, 149.
47. Lamin O Saneh, *Abolitionists Abroad: American Blacks and the Making of Modern West Africa*. (Cambridge: Harvard University Press), 1999, 10.
48. *Ibid.*, 246.
49. *The Antislavery Examiner* 6 (1838).
50. Saneh, *Abolitionists Abroad*, 246.
51. For example, Samuel Moyn critiques the notion that human rights is an old idea that finally came into its own as a response to the Holocaust, describing it as a "universally accepted myth" about the origins of human rights. However, he does not question the essential presumption that human rights came to being in the postwar UN system of the 1940s. Moyn, *The Last Utopia*, 6.
52. Orlando Patterson, "Freedom, Slavery, and the Modern Construction of Rights," in *Historical Change and Human Rights: The Oxford Amnesty Lectures 1994*, ed. Olwen Hufton (New York: Basic Books, 1995), 176–77.
53. Article 1 of the Charter of the United Nations.
54. These include the International Covenants on Civil and Political Rights and the International Covenant on Social and Cultural Rights introduced in 1976.
55. The human rights corpus now includes not only United Nations conventions and declarations but also regional instruments and institutions such as the European Convention on the Protection of Human Rights and Fundamental Freedoms, the American Declaration on the Rights and Duties of Man, and the African Charter for Human and People's Rights.
56. Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-Western Human Rights Conceptions," *American Political Science Review* 76, no. 2 (1982): 303.
57. Samuel Moyn, "Imperialism, Self-Determination and the Rise of Human Rights," in *The Human Rights Revolution: An International History*, ed. Akira Iriye et al. (New York: Oxford University Press), 162.

58. See Moyn, *The Last Utopia*, 12.
59. Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 5–7.
60. United Nations Department of Public Information, “A Magna Carta for all Humanity,” [www.un.org/rights/50/carta.htm](http://www.un.org/rights/50/carta.htm) (accessed February 6, 2012).
61. Even this point is subject to dispute. At the signing of the UDHR in 1948, many African and Asian countries were still under colonial rule and were not members of the United Nations. They were therefore not party to the drafting of the original document, although most of these nations have since ratified the declaration.
62. Johannes Morsink, *The Universal Declaration of Human Rights: Origins. Drafting and Intent*, Philadelphia: University of Pennsylvania Press, 1999), 12–14.
63. Tiyambe Zeleza and Philip McConaughay, eds. *Human Rights and Economic Development in Africa: Establishing the Rule of Law* (Philadelphia: University of Pennsylvania Press, 2004), 9.
64. Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2002), 3.
65. American Anthropological Association, “Statement on Human Rights,” *American Anthropologist* 40 (1947), 359–45.
66. Marie Dembour, “Foundations: Critiques” in *International Human Rights Law*, ed. Daniel Moeckli, Sangeeta Shah, and Sandesh Sivakumaran (Oxford: Oxford University Press, 2010), 81; David Slater, “Contesting Occidental Visions of the Global: The Geopolitics of Theory and North-South Relations” in *Beyond Law*, December 1994, 100; Isidore Bonabom, “The Development of a Truth Regime on ‘the Human’: Human Rights in the Gold Coast 1945–57” (PhD thesis, University of Sussex, 2012), 33.
67. Arguments that Third World actors were not part of the postwar human rights program are contested. Roland Burke has argued that Asian, African, and Arab human-rights specialists played a key role in the evolution of the human-rights program almost from its inception. However, he reaches this conclusion only because he shifts the focus from the story of the creation of the Universal Declaration, which is primarily a Western story, to how its implementation evolved both within the United Nations and in the political interactions between the First and the Third World.

The essentially West-centric character of the UDHR and developments leading up to its adoption in 1948 remains unchallenged. Ronald Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).

68. Bonny Ibhawoh, “Colonialism: Legacy for Human Rights,” in *Encyclopedia of Human Rights*, ed. David P. Forsythe (Oxford: Oxford University Press, 2009), 363.
69. Burke, *Decolonization and the Evolution of International Human Rights*, 37.
70. Bonny Ibhawoh, “Colonialism: Legacy for Human Rights.”
71. Moyn, “Imperialism, Self-Determination and the Rise of Human Rights,” 164; Moyn, *The Last Utopia*. In particular, Chap. 3: “Why Anti-Colonialism wasn’t a Human Rights Movement.”
72. A.W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (Oxford: Oxford University Press, 2004), 301.
73. Simpson goes on to argue that the real connection between the human rights movement and anti-colonialism lie in a common commitment to the notion of human dignity. Simpson, *Human Rights and the End of Empire*, 301.
74. Petra Goedde, Review of Roland Burke, *Decolonization and the Evolution of International Human Rights*, *Human Rights Quarterly*, 33 (2011): 564.
75. Hannah Arendt, *The Origins of Totalitarianism* (New York: Harvest Books, 1973), 291.
76. Roger Berkowitz, “Hannah Arendt on Human Rights” in *International Handbook of Human Rights*, ed. Thomas Cushman (New York: Routledge, 2011), 59.
77. Kwame Nkrumah, *The Autobiography of Kwame Nkrumah* (Edinburgh: Thomas Nelson Publishers, 1976), 146.
78. Office of the United Nations Commissioner for Human Rights, [hwww2.ohchr.org/english/law/independence.htm](http://hwww2.ohchr.org/english/law/independence.htm) (accessed October 17, 2012).

79. Petra Goedde, Review of Roland Burke, *Decolonization and the Evolution of International Human Rights*, 564.
80. Moyn, *The Last Utopia*, 12.
81. Ibid.
82. Bonabom, “The Development of a Truth Regime on ‘the Human,’” 30.
83. United Nations Development Program, *Human Development Report: Human Rights and Human Development* (New York: UNDP, 2000), 3.
84. But even here there is disagreement since some scholars argue that pre-UDHR struggles were not human rights struggles.
85. Burke, *Decolonization and the Evolution of International Human*, 95.
86. Ibid., 4.
87. Ibid., 4.
88. One critic described the CMHR as a “Temple of Propaganda,” arguing that its supporters have “made a monster of the word tolerance, [have] raped the word gay, and [have] beheaded the term human rights.” John Jalsevac, “Winnipeg’s Museum for Human Rights: Canada’s \$300 Million Temple of Ideology,” [www.lifesitenews.com/news/archive/ldn/2005/jul/050701a](http://www.lifesitenews.com/news/archive/ldn/2005/jul/050701a) (accessed January 25, 2012).
89. Thomas A. Woods, “Museums and the Public: Doing History Together,” *The Journal of American History* 82, no. 3 (1995): 1115.
90. Robert Fine, “Cosmopolitanism and Human Rights,” in *International Handbook of Human Rights*, 101.