

The Evolution of International Human Rights

Visions Seen

THIRD EDITION

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Chapter 2

To Protect Humanity and Defend Justice

Early International Efforts

Now there are states of affairs in which human sympathy refuses to be confined by the [old] rules, necessarily limited and conventional. . . . Let us cast aside our narrow and ill-conceived construction of the ideas of a former period . . . in order to protect humanity and defend justice.

—William Gladstone of Britain

The power of visions of human rights prior to the nineteenth century could be seen largely in inspiration, in their ability to create and then nurture an ideal of compassion and respect for others simply because they were human brothers and sisters. Their capacity to influence actual behavior, however, was largely confined to specific individuals, locales, regions, or in a very small number of cases, groups within nations. Traditional practices, prejudices, vested interests, and capabilities developed over the centuries all served to obstruct human rights and to confine them to exclusive domestic jurisdiction, far removed from consideration as a legitimate issue for serious international action. The seeds of visions sown in the past, often forced to lie dormant for generations, nevertheless slowly began to germinate as appeals to the conscience on behalf of rights began to fall on more fertile soil.

There are many reasons why this change began to occur, and by identifying them we can understand any number of forces that made the evolution of international human rights possible. Some of these were physical and structural. Revolutions and foreign and civil wars, for example, overthrew many power structures and vested interests from the past and thereby began to make emerging democratization possible. Industrialization and urbanization created still further pressures for change. A technological revolution enabled railroads to cross the land, steamships to ply the seas, electronic pulses to surge through telegraph wires, printing presses to mass produce newspapers and thought-provoking novels, and something as simple as the invention of an inexpensive postal stamp all enhanced the process of actually knowing something about the lives of other people and their plight. This made it possible to more fully connect humankind with each other transnationally and thereby to develop a greater sense of empathy for victims of abuse. With these developments, awareness of the fate of those who suffered

in one form or another could no longer be completely silenced, isolated, or delayed as in the past. Instead, new means emerged to spread new ideas and visions of rights.

The experience of these early efforts also began to reveal a process of crossing thresholds that would become increasingly pronounced. In the first instance, activism on behalf of human rights occurred only when people empathized enough with victims to reassess the values and practices that they had inherited, to conclude that particular actions long accepted as "normal" were wrong, and to determine that these abuses should no longer be tolerated. The next step required moving beyond outrage over an injustice to the point of taking action, or, in the words of the parable of the Good Samaritan that inspired many campaigners of the nineteenth century, to "go and do likewise." This explains why so many men and women began to assign such importance and urgency to their visions of rights that they decided actually to do something personally and collectively about it, including active participation in the first large-scale human rights movements in history. The final threshold, and one that would continue to grow in importance for international human rights, required moving beyond concern for only one's own self-centered rights and focusing attention and effort on the rights of someone else.

All these features and the aspirations for rights that they generated would serve as both a catalyst and as an outcome of intense upheaval and profound change. Those visionaries devoted to advancing human rights thus found themselves as never before encouraged to confront overwhelming odds and enabled to pursue early international action by beginning to free the enslaved, to assist the exploited, to care for the wounded, and to protect the persecuted.

To Free the Enslaved

It is hardly surprising that the first systematic efforts to realize visions of human rights should focus on the tragic fate of those condemned to slavery. Nowhere were the violations of humanity and justice—however defined—more blatant or brutal. The debasement of living human beings into property and their forceful capture, restraint with chains or neck irons, violent branding and torture, and lifelong enslavement for themselves and their descendants revealed one of the most vicious and repulsive chapters in all of history.

Up to the beginning of the nineteenth century the international slave trade flourished and the power and profits from human bondage made slavery commonly practiced, legally authorized, and taken for granted in most places of the world. To fully appreciate the magnitude of the transformation that would occur, we need to understand that at the time well over three quarters of all people alive were held in bondage of one kind or another.¹ From Asia to Africa, from India to the Caribbean, from the Ottoman Empire to South America, and from Russia and Eastern Europe to North America, the overwhelming majority of men, women, and children suffered as victims of forced labor who were bought, sold, leased, and inherited. They knew no other way of life. As such, the "peculiar institution" was not slavery—it was freedom.²

Common practice and a widespread acceptance of slavery, however, did not mean

unanimous approval to be swayed by the interests seeking to justify the status quo. Instead, the power of their religious convictions was often a source of strength. They were prepared to face persecution, yet exist and endure. Abolishing the plantation owners' barbaric forms of slavery was completely normal. The conditions among Muslims did not, however, as the political interests of the status quo. In order to gain advantages to acquire trade to stop the

The first serious efforts in America and Britain. He confronted the status quo of the slave trade, which was the rights of man. The moral strength of evangelical Christianity and the emergence of the abolitionist movement, all combined to begin to realize the vision of freedom to take the next

Toward this end, the activists. They pursued their goal, but it had been extraordinary and by the resistance of a long tradition, many of which, hence, or profits. Nevertheless, the steered for the status quo. These were the courageous individuals with deep religious convictions, the "steam engine" of something that he could speak

unanimous approval. Through time, a growing number of thoughtful people refused to be swayed by the prevailing arguments of powerful and well-financed vested interests seeking to justify the owning of slaves as part of the natural hierarchy of the universe. Instead, they began to view enslavement as completely contrary to the precepts of their religious faith and/or their political philosophy—and increasingly said so. They were prepared to make that critical mental leap of imagining a world that did not yet exist and envisioning slaves not as property, but as living and suffering human beings. Abolishing slavery, it is important to observe, was not a “Western” value. Indeed, plantation owners in the West devised and practiced one of the most brutal and barbaric forms of slavery ever known, and it was widely accepted by the majority as being completely normal. What the West did possess that those with deep religious convictions among Muslims and Buddhists who denounced the holding of humans as slaves did not, however, were the means to express opposition and influence opinion as well as the political institutions with the potential for responding to challenges to the status quo. In order to free the enslaved, abolitionists understood that they had to use these advantages to achieve two difficult objectives: first, outlawing the international slave trade to stop the flow of human cargo from abroad, and then, ending slavery at home.

The first serious efforts to render the slave trade illegal occurred in the United States and Britain. Here, declared former slave trader Thomas Branagan, all citizens had to confront the stark contrast between their stated principles and their practice of the slave trade, which made them “butchers of their brethren, destroyers of liberty and the rights of man, promoters and supporters of legal barbarity.”³ The intellectual and moral strength of this argument, along with a growing sense of guilt, a crusading zeal of evangelical Christianity, a fear of the consequences of importing more slaves, and the emergence of new economic interest groups unconnected with or even hostile to slavery, all combined to exert pressure. Importantly, the opponents of the slave trade began to realize that simply detesting abuse was not enough, and that they now needed to take the next and necessary step of action.

Toward this end, many organized themselves into early NGOs and became dedicated activists. They pledged that they would not use armed force or violence to achieve their goal, but instead rely on the peaceful means of moral persuasion. It would have been extraordinarily difficult for them not to be overwhelmed by the task at hand and by the resistance aligned against their cause. They knew that they would confront long tradition, accepted practice, entrenched political forces, and economic interests, many of which would stop at nothing to prevent any diminution of the power, influence, or profits and government revenue that came from the trade in human beings. Nevertheless, these new activists refused to be swayed, particularly those who volunteered for the Society for Effecting the Abolition of the Slave Trade. Foremost among these was Thomas Clarkson, an innovative organizer and indefatigable campaigner, a courageous individual when facing danger from those opposed to him, and a man of deep religious conviction described by the poet Samuel Taylor Coleridge as “the moral steam engine” of the crusade.⁴ He was joined by William Wilberforce, who possessed something that Clarkson lacked: access to political power. As a member of Parliament he could speak out in the House of Commons, submit petitions, draft legislation, and

form coalitions—and he did. Together, they and their colleagues pioneered many of the tools and techniques that human rights activists still use today to arouse and mobilize outrage against abuse. These include writing pamphlets, delivering public speeches, organizing meetings and marches, recruiting volunteers, preaching sermons, raising funds, using wall posters and lapel pins with a message, investigating and collecting information on violations of rights, launching letter-writing and media campaigns, gathering signatures on petitions, lobbying politicians, participating in economic boycotts, and initiating acts of protest. It is for this reason that the leading expert on the members of the Society for Effecting the Abolition of the Slave Trade goes so far as to describe them as “the greatest of all human rights movements.”⁵

Persistent and often coordinated efforts and agitation by NGOs in both America and Britain gradually began to transform public attitudes about the slave trade in the name of “the common rights of humanity.”⁶ This, in turn, began to transform politics. Indeed, President Thomas Jefferson, in his 1806 message to Congress, explicitly used the language of rights when he urged lawmakers “to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe.”⁷ By the next year the strength of those who wanted to end their own nation’s involvement in the slave trade had reached such proportions as to force votes in both Congress and Parliament. In the United States the result took the form of the 1807 Act to Prohibit the Importation of Slaves, making those who brought persons seized from Africa for slavery subject to losing their ships and cargo and facing possible fines and imprisonment. In Britain the 1807 Act for the Abolition of the Slave Trade similarly made it illegal to trade in, purchase, sell, barter, or transport human beings for the purpose of slavery.⁸ It remarkably brought an end to a practice that had sustained the largest slave-trading nation in the entire world, had involved four continents, and had lasted three centuries. As such, it is easy to understand why these two acts gave hope to millions of human beings on both sides of the Atlantic.⁹

Both of these laws provided a necessary beginning to eliminating the slave trade, but neither could solve all the difficulties at once. As human rights activists of later generations would discover from their own experiences, acts in and of themselves often are not sufficient. These national laws from the United States and Britain, for example, applied only to their own areas of jurisdiction and lacked enforcement that could significantly influence the behavior of others beyond their own borders. In order to address this larger problem, therefore, those who wanted truly to end the slave trade turned their attention and energies toward international action.

Almost all of the major breakthroughs in the long struggle for international human rights, as we shall see repeatedly, emerged in the wake of upheavals, wars, and revolutions. Although visions of rights served as absolutely essential elements in these efforts, they rarely were sufficiently powerful in and of themselves to move governments into effective action. More often than not, they needed the testing of existing institutions and values by disruption or chaos, significant shifts of power, or the destruction of previous sources of resistance to create new opportunities for significant change. Those

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activists of the early nineteenth century had seen this with their own eyes in the cases of the American and French revolutions, the slave revolt in Haiti, the Irish rebellion, and upheavals in Latin America producing new constitutions that explicitly spoke of liberty, equality, duties, and "the rights of man."¹⁰ But peace conferences at the end of major wars offer even more. Peacemaking provides opportunities to fulfill promises made during wartime, to be reminded of the fact of international relations that the fate of one country and its people is tied to that of others, and, finally, to address the hopes of those who have made great sacrifices of creating a more enduring peace or a world made new.¹¹ Those activists who worked to abolish the slave trade began to appreciate this relationship between human rights and peace conferences, and thus directed their energies on influencing the diplomats restructuring the international order after the lengthy Napoleonic wars at the Congress of Vienna in 1814–1815.

The leadership in this effort was taken by William Wilberforce and Thomas Clarkson. Wilberforce initiated correspondence with leading political and literary figures, arranged for private meetings with Tsar Alexander I of Russia, and instigated the largest petition campaign in all of British history to politically pressure Parliament to insist that the Congress of Vienna be used as the forum to abolish the slave trade. Clarkson simultaneously prepared a special abridgment of his earlier report entitled *Evidence on the Subject of the Slave Trade* that could be easily read and immediately understood. Here, and of particular importance, he also reproduced one of the most famous political images of all time: the drawing of the slave ship *Brookes* with its living and dying people stacked like cordwood and chained from head to toe in suffocating and terrifying conditions. It forced viewers to confront not sterile charts, graphs, maps, or accounting ledgers—but human beings. The precision and eloquent starkness of this illustration gripped not only the mind but the emotions, and revealed the power of images to evoke that essential ingredient of empathy. It allowed readers to see and feel what previously could hardly be imagined in terms of the raw fear, terror, and pain experienced by so many innocent victims. Then a particular verse from "Amazing Grace" came to their minds: "[I once] was blind, but now I see." Clarkson's materials were widely translated and a preface encouraged all leaders to seize the opportunity to finally conclude that the slave trade was no longer acceptable.¹² Lord Castlereagh, the chief British delegate, found all of this and the public pressure that it aroused to be irritating interference, complaining bitterly that it was wrong "to force it upon nations, at the expense of their honor and of the tranquility of the world."¹³

Delegates at the Congress of Vienna could not ignore this mounting pressure, however, and consequently established a special committee to deal with the international slave trade. They quickly found themselves locked into a battle between power, principle, and prejudice. Here they made and heard contesting arguments about human rights, religious imperatives, economic profits, comparative strategic advantages, the unreliability of other nations, and the continued claims of national sovereignty. These knew that they had to avoid the Scylla of achieving nothing and thereby provoking the wrath of public opinion and the Charybdis of accomplishing too much and thereby antagonizing serious vested interests. Through a complicated combination of threats and bribes ranging from money to territory, the delegates finally agreed to sign the Eight

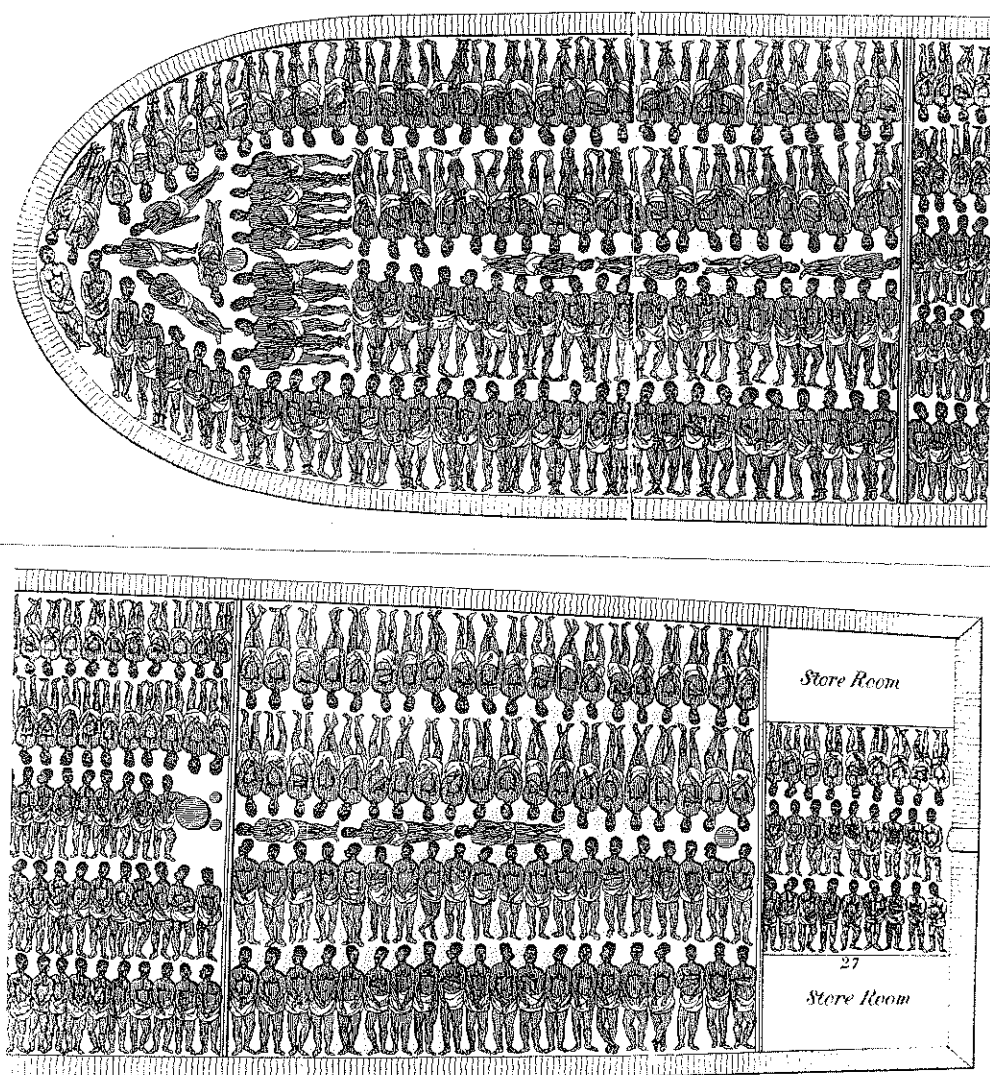


Figure 3. Human Beings as Property: The Horrors of Slavery. Thomas Clarkson, *Evidence on the Subject of the Slave Trade*.

Power Declaration acknowledging that “the public voice in all civilized countries calls aloud for its prompt suppression,” proclaiming that the international slave trade was “repugnant to the principles of humanity and universal morality,” and recognizing that they had a responsibility to abolish the trade as soon as practicable.¹⁴ This language, in turn, served to stimulate another treaty provision in which Britain, Russia, Austria, Prussia, and France pledged themselves to consider further measures “for the entire and definitive abolition of a Commerce so odious and so strongly condemned by the laws of religion and nature.”¹⁵ Britain and the United States similarly declared in the

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Treaty of Ghent during the same year that the traffic in slaves "is irreconcilable with the principles of humanity and justice."¹⁶

Many abolitionists hailed these new international declarations and pledges as tremendous accomplishments. Never before had powerful sovereign nations been willing to discuss openly such a difficult subject as trading in human cargo. Never before had they been willing to acknowledge any sense of responsibility to end the slave trade in order to protect humanity and defend justice. At the Congress of Vienna they did. Nevertheless, they also began to reveal what other international human rights efforts all would realize in turn: agreement was easier to obtain on solemn words than on the specific provisions of enforceable commitments. The final texts of 1815, for example, did not make the slave trade illegal, sanction the arrest of slavers, provide machinery for enforcement, or authorize any activity that might challenge national sovereignty.

Interestingly enough, however, even Wilberforce concluded that such declarations marked a significant beginning and that, given the long history of the slave trade and the powerful vested interests of the time, they represented all that could reasonably be expected in the world of practical politics and diplomacy. Rather than taking the line of least resistance by quitting in disgust or cynicism, he and his British colleagues in the Society for Effecting the Abolition of the Slave Trade and the Aborigines Protection Society, along with American activists in the Society for the Suppression of the Slave Trade and the Association of Friends for Promoting the Abolition of Slavery as well as French members of the Société des Amis des Noirs and the Société de la Morale Chrétienne, determined to build on the words of these first declarations and to press onward to secure the "teeth" to abolish the trade. They unceasingly wrote letters, organized meetings, sponsored lectures by fugitive slaves, conducted investigations, supported boycotts of slave-produced goods, communicated with each other through the pages of the *Christian Observer*, and, convinced of the growing power of the printed word, launched press campaigns and published and distributed thousands of copies of Clarkson's *The Cries of Africa to the Inhabitants of Europe; Or, A Survey of That Bloody Commerce Called the Slave Trade*, which they translated into French, German, Spanish, Portuguese, Dutch, and Arabic. They rejoiced when the pope finally issued instructions to all Catholics to abstain from the slave trade. They appealed to national leaders, petitioned governments, and pressured diplomats to consider such actions as making the slave trade an act of piracy, granting navies the right to search ships, and creating an international agency with a maritime force and authority to halt the slave shipments at their source. In addition, they organized the British and Foreign Anti-Slavery Society (later the Anti-Slavery International for the Protection of Human Rights and acknowledged as the longest standing human rights NGO in the world) and in 1840 sponsored their first World Anti-Slavery Conference in order to arouse and mobilize global opinion.¹⁷ Even today this effort is described as "one of the great moral revolutions in human history."¹⁸

The British government proved to be the most responsive to this kind of public pressure, and thus came to be the leading crusader to abolish the international slave trade. For years it stood nearly alone among nations doing so. Inspired by moral principles, and acting contrary to its economic interests, Britain committed naval squadrons and

thousands of troops, shouldered heavy financial costs, and risked seriously damaging their own empire and relations with other countries by seizing slave ships.¹⁹ They established a special Slave Trade Department within the Foreign Office to entice, cajole, and coerce others into signing agreements to suppress slave trading. As a result of their efforts over several decades, more than fifty bilateral treaties were signed with all of the Atlantic maritime powers and countries throughout Europe, North and South America, the Middle East, and rulers in Africa and Asia to do precisely this. These proved to be of considerable importance in not only creating a maritime police force for enforcement, but especially in establishing the beginnings of international human rights law. Collectively they created an unprecedented network of antislavery courts presided over by judges from different countries who met on a continuing basis and applied emerging international law for humanitarian objectives. It is estimated that over the course of more than 600 cases they freed nearly 80,000 slaves found aboard illegal slave trading ships. As such, they were the very first international human rights courts designed to hold individuals accountable for certain abuses under the law.²⁰

These international courts and their domestic equivalents made remarkable contributions in their own time and pointed the direction toward the development of international human rights law and international criminal law for the future. But they demonstrated limitations as well. They could restrain only certain activities and always had to confront problems of smuggling, maritime claims, colonial and commercial rivalries, nonparticipation, and, at a time of the growth of nationalism, the sensitivities of national sovereignty and pride.²¹ Most significantly, they starkly revealed the fact that the necessary prerequisite for completely abolishing the slave trade abroad hinged on one important condition: abolishing the market that fed it by ending the practice of slavery and emancipating slaves at home.

The great abolitionist campaign insisting that slavery was no longer acceptable now began in earnest. More and more people demonstrated the capacity to change their minds and say: "this is not right." New leaders such as Thomas F. Buxton in Britain and Augustin Cochin in France, as well as new NGOs such as the Confederação Abolicionista in Brazil emerged with intensity and determination. In the United States the issue of slavery increasingly tore the nation apart. Here William Lloyd Garrison, a passionate activist who spoke out against injustice, emerged as one of the leading abolitionists. His vision was based on his religious conviction that the enslavement of another human being was a sin and his political belief that the rights enshrined in the American Declaration and Bill of Rights should be seen as natural, as equal, and as universal for everyone. As he declared in one famous—and fearless—public speech:

Fifty-three years ago, the Fourth of July was a proud day for our country. It clearly and accurately defined the rights of man; . . . it shook, as with the voice of a great earthquake, thrones which were seemingly propped up with Atlantean pillars; it gave an impulse to the heart of the world. . . . But what a pitiful detail of grievances does this document present, in comparison of the wrongs which our slaves endure! . . . Before God, I must say, that such a glaring contradiction as exists between our creed and our practice the annals of six thousand years cannot parallel. In view of it, I am ashamed of my country. I am sick of our unmeaning declamation in praise of liberty and equality; of our hypocritical cant about the unalienable rights of man.²²

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Garrison's vision and his call for action immediately provoked resistance. Opponents threatened and physically attacked him. Nevertheless, he adamantly refused to be silent and determined, in his own words, "to turn the world upside down."²³ To mobilize outrage he created the American Anti-Slavery Society and a newspaper entitled *The Liberator*. In the first issue he announced that his purpose was to advance "the great cause of human rights" and boldly declared: "I will be as harsh as truth, and as uncompromising as justice. On this subject, I do not wish to think, or speak, or write, with moderation. No! no!. . . I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD!"²⁴

Others joined this effort, and a movement began to grow. Abolitionists such as Theodore Weld motivated action by compiling the widely read *American Slavery as It Is: Testimony of a Thousand Witnesses* that gathered direct, personal accounts about the horrors of slavery.²⁵ Others wrote articles and editorials in journals entitled *The Rights of All*, *The Genius of Universal Emancipation*, and *Human Rights*. Some courageously campaigned to free those Africans held captive on the slave ship *Amistad* by bringing their plight to trial before the Supreme Court itself in a case that would help alter the nation's history. Still others sought to enter the political arena directly and created the Liberty Party in 1841, announcing their vision of achieving "Liberty—the liberty that is twin born with justice—the liberty that respects and protects the rights, not of the weak only, or of the strong only, but of the weak and the strong; and simply because they are human rights."²⁶ Former slaves Frederick Douglass and Sojourner Truth delivered hundreds of public speeches encouraging their listeners to become activists and join in the cause for the "rights of man" and "human rights."²⁷ Henry David Thoreau attracted others by publishing *Civil Disobedience* and declaring himself to be an abolitionist, publicly burning copies of the U.S. Constitution, and risking severe punishment for helping slaves escape through the Underground Railroad.

The abolitionist movement grew even more when in 1852 a diminutive woman named Harriet Beecher Stowe, deeply committed to her religious faith and moved by her personal encounters with fugitive slaves, published her remarkable and evocative *Uncle Tom's Cabin*. This book is described to this day as "probably the most influential novel ever published in the United States."²⁸ She created powerful images of slaves being ruthlessly beaten to death by heartless owners and fleeing across the ice on rivers, with babes in arms and bloodhounds baying at their heels, in order to be free. Such scenes stirred emotions and, importantly, evoked empathy. Moreover, her explicit dialogue about Christian values called readers to be faithful to their religious responsibilities. Within the first year alone, Stowe's book sold more than 300,000 copies, keeping eight rotary presses with the latest steam-driven technology operating around the clock. In Britain its circulation quickly passed the million mark, and its translation into twenty languages extended the impact by mobilizing international outrage against slavery.²⁹

Such growing outrage, whether inspired by compassion and empathy, religious principle and a sense of responsibility, or political conviction about human rights, provided essential components in the process of abolishing slavery and freeing the enslaved. It began to move people from passivity into action and the movement began to grow.

But as people became activists, they increasingly realized that they confronted not only determined resistance but a serious debate about *means*. That is, they struggled among themselves over a fundamental question that still confronts all those who work on behalf of human rights: Should they use reason and moral persuasion to gradually change minds and behavior, or should they employ violence to force power and privilege from those unwilling to share them? Clarkson, Wilberforce, Garrison, Stowe, and many others, believed that they could realize their vision by the peaceful and nonviolent means found in the power of beliefs and ideas, rational discourse, procedures of liberal democracy, moderation, and moral persuasion. People, they pointed out, certainly are capable of changing. Others argued that some people may change by such means, but not all are willing or able to do so and must be forced to. They pointed out the historic strength and fierceness of resistance and the extent to which opponents of human rights had gone to crush those who opposed them. As one man asserted while threatening an activist: "We cannot afford . . . to let you and your associates succeed in your endeavor to overthrow slavery. . . . We mean, sir, to put you Abolitionists down,—by fair means if we can, by foul means if we must."³⁰ With this in mind, they agreed with the fiery John Brown who raided an arsenal to seize weapons for the cause, that the only language opposition clearly understands is armed force and violence. When asked his opinion about this difficult issue, Frederick Douglass thought carefully. Although not prone to violence himself, he certainly understood it and appreciated that it might sometimes be necessary. He concluded:

The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of struggle. . . . If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation are men who want crops without plowing the ground, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. . . . Power concedes nothing without a demand. It never did and it never will.³¹

Although the debate between moral persuasion and violence raged with strong adherents on both sides, the fact remains that for better or worse slavery largely ended due to transformations brought about by tumultuous wars, revolutions, or upheavals. All of these tore down the existing structures of those who had been unwilling to share their power voluntarily. As such, they shifted power, opened up space for dialogue about human rights, and created new opportunities for change. In the Spanish colonies of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, slavery was abolished only after Spain and its empire fell as a result of invasion from the French army on land, attacks from the British navy at sea, armed uprisings from revolutionaries at home, and military defeats abroad during the wars for independence, some led by "The Liberator" Simón Bolívar. The British emancipated slaves in their colonies ranging from the West Indies to the southern tip of Africa and the Indian Ocean from 1833 to 1838, but only in the wake of a violent slave revolt in Jamaica and a dramatic shift of political power at home that resulted in the Great Reform Act of 1832, expanding the electorate and giving voice to anti-slavery opinion. France ended slavery in its colonial possessions only after the bloody Revolution of 1848. Civil and foreign

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wars surrounded the abolition of slavery in Argentina, Colombia, Ecuador, Peru, and Venezuela during the 1850s. In the United States, President Abraham Lincoln's Emancipation Proclamation of 1863 announced abolition as a war aim of the Union during the Civil War. This paved the way for the Thirteenth Amendment to the Constitution, which abolished slavery in 1865, but it was made possible only after military victory destroyed the power of slave-owning states and inflicted what remains to this day the most devastating conflict in the nation's history. Cuba and Brazil did not free their slaves until additional wars and struggles forced them to do so in the late 1880s.³² The abolition of serfdom, as we shall see, followed a similar pattern. One observer saw all these events as portions of an international whole, parts of "a great fight going on the world over . . . between free institutions and caste institutions, Freedom and Democracy against institutions of privilege and class."³³

With these upheavals, the relationship between emancipation and the fate of the slave trade became apparent for the world to see. Once nations outlawed slavery within their own domains, the slave trade had no market; and once they withdrew their active support for or passive acquiescence in the trade, this commerce in human beings could no longer survive. Those who had been so actively involved in slave trading realized that politically, diplomatically, economically, intellectually, and morally they simply could sustain it no longer. Recognition of these facts, in addition to continued pressure from anti-slavery NGOs and religious leaders such as Cardinal Lavigerie of France and his *Œuvre Antiesclavagiste*, finally brought these nations together to search for international solutions. By 1885 they agreed under the Berlin Act that they shared a responsibility to declare that "the trading in slaves is forbidden."³⁴

More significantly, a number of states negotiated what became the 1890 General Act for the Repression of the African Slave Trade. Representatives ranging from Europe, the United States, and the Scandinavian countries to the Ottoman Empire, Persia, the Congo, and Zanzibar professed their intention "of putting an end to the crimes and devastations engendered by the traffic in African slaves, of efficiently protecting the aboriginal population of Africa, and of securing for that vast continent the benefits of peace and civilization."³⁵ Their convention bound them to repress the slave trade at places of origin as well as at sea and along inland caravan routes by searching slave ships, punishing offending slave captors and dealers, liberating slaves and granting them protection, and creating for the first time an enforcement mechanism known as the "slave trade bureaux," located in Zanzibar. This marked a culmination of the struggle to associate the major powers with a comprehensive legal agreement to end a practice that had existed for centuries. Despite its challenges to national sovereignty and its defects, the act revealed the capacity to change normative values by embodying the principle that an international responsibility existed to abolish the trade and enslavement of human beings. As such, it marked an important step in establishing a moral standard for behavior and legitimacy by which the powers might judge each other and the rest of the world might judge them, thereby setting a most significant precedent in the evolution of international human rights.³⁶

When one looks back on the successes of these many efforts to abolish the slave trade and slavery in the face of such seemingly impossible odds, it is almost difficult

to believe. In the case of the British, the anti-slavery movement that began as a mere fringe group accomplished its goals within the span of little more than a single lifetime. For others it took slightly longer, but the results were the same. "We have seen something absolutely without precedent in history," concluded the astute French observer Alexis de Tocqueville well before the process was even over. "If you pore over the histories of all peoples, I doubt that you will find anything more extraordinary."³⁷

To Assist the Exploited

Visions of protecting humanity and defending justice, once awakened, have a way of inspiring others. It is precisely for this reason that freeing the enslaved inspired those wanting to assist the rights of other victims who were abused and exploited. The successes of abolishing the slave trade and breaking the chains of slavery created momentum and greatly encouraged and enabled activists to launch further movements that challenged injustices and broadened a rights agenda. Slavery became an image, a metaphor, and a lens through which to view other cases of exploitation. As such, it raised with renewed vigor that question that would continue to grow in importance: rights for whom? If the fate of slaves heretofore without any hope could be so dramatically changed, then why not the fates of countless others who also suffered? Indeed, by the early nineteenth century the overwhelming majority of the world's population still found itself exploited in one way or another and denied basic human rights because of race, gender, or class.

The powerful impact of race on human affairs, for example, continued to plague those who truly held a vision of equal rights for all, irrespective of skin color. They watched in both frustration and sorrow as the abolition of the institution of slavery often brought not an end to prejudice but rather an extension of racist ideology and exclusion in the form of racial segregation and discrimination. In one of the great paradoxes of the nineteenth century, racism actually increased as democracy expanded, demonstrating that the evolution of human rights does not always proceed in a straightforward, linear progression.³⁸ The loss of slave status did not always bring with it a diminution of caste status, for freedom from slavery often exacerbated existing prejudices. Emancipation in the West Indies, for instance, created a curious system of caste based on gradations of color. Freed blacks in the United States, despite new Constitutional amendments guaranteeing equal protection under the law and the Civil Rights Act of 1866, faced intense discrimination. "The Master he says we are all free," declared one former slave, "but it don't mean we is white. And it don't mean we is equal."³⁹ In anger many former slaves demanded: "Let's have our rights!"⁴⁰ Strenuous and often courageous attempts in the face of determined opposition were made to assist them in finding employment, creating educational opportunities, fighting the "black codes" of racial segregation, and obtaining protection from lynchings through organizations such as the National Equal Rights League. Yet, given the power of traditional vested interests and the prerogatives of sovereignty and domestic jurisdiction at the time, these efforts rarely could move beyond the narrow confines of national borders.

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Some early efforts did seek to address racial matters internationally, however, and these focused on indigenous peoples. One of the most striking features of the nineteenth century, for example, was the outburst of imperialist activity by white Europeans and their cousins in North America, Australia, New Zealand, and South Africa against those whom they described as less-than-fully human "inferior races" and "lesser breeds of color."⁴¹ With an intensity that is still astonishing to recall, these Westerners rushed into Africa, Asia, the Pacific, and North America, dispossessing, debasing, exploiting, and even exterminating the nonwhite native inhabitants. Not everyone, of course, supported these policies and instead decided to follow in the footsteps of Las Casas by declaring that it was no longer acceptable for their governments to violate the rights of millions of indigenous human beings. Rather than trying to act alone, however, they formed larger organizations to mobilize their efforts for more effective action. Some launched the great missionary movement of the nineteenth century, taking seriously the biblical injunction to "go ye into all the world."⁴² Hundreds of new organizations such as the Friends Foreign Mission Association, Société des Missions Évangéliques, Berliner Missionsgesellschaft, Russian Missionary Society of the Orthodox Church, American Board of Foreign Missions, Canadian Baptist Foreign Mission Board, Evangelical Union of South America, and World Missionary Conference emerged at this time and joined their Catholic Jesuit counterparts in sending out missionaries. By foot, horseback, cart, canoe, ship, or eventually train, they made efforts to reach people from the Eskimos in Alaska to the Zulus in Africa, from the Chinese and Koreans in Asia to the Amerindians in Latin America, and from the Blackfeet in the American West to the Maori in New Zealand.⁴³ Others created NGOs such as the Aborigines' Protection Society in Britain, the Société des Amis des Noirs in France, the Aborigines' Rights Protection Society in Africa, the Anti-Imperialist League, and the Indian Rights Association founded by Herbert Welsch, a devout Episcopalian who articulated a vision "to secure to the Indians of the United States the political and civil rights already guaranteed to them by treaty and statutes."⁴⁴

Although the members of these organizations always risked the very real danger of being used and manipulated by national governments eager to advance their own political, economic, and strategic interests, Christian missionaries and humanitarians nevertheless made earnest efforts, often at the cost of their own lives, to assist those of other races exploited far from their own shores. They attempted to bring the needs of these peoples to international attention through publications such as the *Missionary Review of the World*, *Journal des Missions Évangéliques*, and *Allgemeine Missionszeitschrift*. Their efforts resulted in hospitals and schools, food and relief supplies, orphanages for children and stations for lepers, rescue homes for young girls and aged women, missions for former slaves, instruction for the blind and deaf, and the extension of legal protections for the rights of indigenous peoples through treaty law. In Britain they pressured Parliament into creating the Aborigines' Committee to consider "the native inhabitants of countries when British settlements are made, and to the neighboring tribes in order to secure to them the due observance of justice and the protection of their rights."⁴⁵ In New Zealand they established the position of Protector of Aborigines and passed the Native Rights Act of 1865 to defend the rights of the Maori. In India

they inspired the Caste Disabilities Removal Act, and in Canada the 1880 passage of the comprehensive Act Respecting Indians.

In the United States, human rights activists not only helped to secure the position of the Commissioner of Indian Affairs but were quick to draw attention to two famous court decisions and one celebrated speech. The first came from the Supreme Court itself, stating explicitly, "By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers, or the clamor of an excited people."⁴⁶ A circuit court then went on to break new ground by ruling: "That an Indian is a 'person' within the meaning of the laws of the United States, and has, therefore, . . . the inalienable right to 'life, liberty, and the pursuit of happiness.'"⁴⁷ At the same time, Chief Joseph of the Nez Perce tribe declared in a moving speech:

Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They all are brothers. The earth is the mother of all people, and people should have equal rights upon it.⁴⁸

The momentum of these different national efforts began to grow. In 1885 fifteen different nations pledged in the Berlin Act to provide guarantees for the right of freedom of religion in their possessions and promised to "watch over the preservation of the native tribes and to care for the improvement of their moral and material well being."⁴⁹ The Brussels Act of 1890 reiterated this concern for "native welfare" and committed seventeen nations to "efficiently protecting the aboriginal population of Africa."⁵⁰ During the same year the black American missionary George Washington Williams published a scathing account of Belgian atrocities in the Congo, calling for international action to protect the rights of natives and, in one of the earliest uses of the expression, accused the perpetrators of "crimes against humanity."⁵¹

These various international activities and treaty provisions, it must be acknowledged, did not always produce the intended result for the exploited of different races. The adoption of policies and their actual fulfillment can be two very different matters. Mixed motives, changing circumstances, and unscrupulous white settlers unwilling to abide by the promises of treaty law continually revealed the familiar human rights problem of the gap between theory and practice, or between vision and reality. Through time some missionaries found themselves more interested in securing their own converts than in advancing the interests of indigenous peoples. Humanitarians came to realize that it often did not take much for ideals of "trusteeship" to degenerate into arrogant paternalism or forced assimilation into a presumed "superior" culture. Invaders alone could define the meaning of rights declared in treaties and decide whether, when, and to what extent they would be applied. Moreover, governments bent on imperial conquest learned soon enough that expressions about "advancing civilization" also could be used as an excuse for carving up of spheres of influence and seizing territory around the world. Those who genuinely devoted themselves to the early efforts on behalf of indigenous peoples thus came to realize an important lesson: namely, that words of promise in declarations or treaties provided essential beginnings, but without the political will to honor and enforce them they would remain forever insufficient to realize visions of international human rights in practice.

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Other visions focused on those suffering exploitation on the basis of gender. The nineteenth century began much as did all of its predecessors, with a long and entrenched tradition of the subordination of women to men and gendered inequalities that appeared as though they would continue forever. Even in the most progressive societies of the time, females could not vote or hold elective office, speak in public, participate in political organizations, own or inherit property, manage their earnings, sue in court, enter most professions or schools, leave an abusive marriage, maintain custody of children if divorced by a husband, or have the right to personal autonomy and bodily integrity when legally regarded as their husband's personal property. To be husbandless was to be stateless. The status and treatment of females in nondemocratic countries elsewhere in the world was much, much worse. Yet, the subject of the rights of women began to emerge with particular force when the emancipation of slaves forced serious discussion about the meaning of rights for free blacks. Members of each group might be technically recognized as citizens, but were nevertheless still regarded as being less-than-fully human and therefore not deserving of the basic rights enjoyed by white males.⁵² Race and gender thus became linked.

Many of those who became famous in the early campaign for women's rights in fact began their careers as activists in the abolitionist movement. Here they became acutely conscious that both race and gender were determined by genetic factors over which they had no control. They began to see the significance of the interrelationship of rights and genuine equality, and the experience of a successful challenge gave them hope. If slaves had rights, then why not women? "In striving to strike his irons off," observed Abby Kelley Foster referring to black slaves, "we found most surely, that we were manacled ourselves."⁵³ Here they discovered the support of at least some men such as George Thompson in Britain and William Lloyd Garrison and Frederick Douglass in the United States who, through publications like the *Liberator*, *The Genius of Universal Emancipation*, *Human Rights*, and *The Rights of All*, championed the exploited—whether they were slaves or women. Here they also gained experience, developed leadership skills, and learned practical techniques that empowered them to raise public consciousness through speeches and publicity, gather petitions, organize political protest and agitation, mobilize resources and sympathetic churches, challenge traditional boundaries of what was considered to be appropriate feminine behavior, and develop visions with the courage of their convictions. All of these became essential when they found themselves forced to confront powerful resistance and intimidation from those who pelted them with rotten eggs, hit them with rocks, and burned buildings where they tried to speak.

This could be seen in the efforts of the deeply religious and committed abolitionist Angelina Grimké, who courageously argued that the struggle was one for human rights—not man's, not woman's, but equal rights for all human beings whatever their color, sex, or station. "This is part of the great doctrine of Human Rights," she wrote, "and can no more be separated from Emancipation than the light from the heat of the sun; the rights of the slave and the woman blend like the colors of a rainbow."⁵⁴ Her influential sister, Sarah Grimké, published a manifesto in 1838 entitled *Letters on the Equality of the Sexes and the Equality of Woman*, starkly comparing the exploitation of women with that of slaves, demanding equal rights in the name of religious and moral

principles, and arguing that rights must be coupled with responsibilities.⁵⁵ Elisha Hurlbut expressed the same vision in her suggestive book *Essays on Human Rights*.⁵⁶

In this setting an event took place that would have a great impact on women's rights. It began when two American Quakers, Elizabeth Cady Stanton and Lucretia Mott, traveled to the 1840 World Anti-Slavery Conference meeting in London. Having made the arduous trip across the Atlantic to even attend, they were shocked to discover that they were not allowed to be seated. Why?—because they were women. The majority of men in control did not regard them as being fully human and capable of serving as full-fledged participants. Stanton and Mott were outraged. Here was a conference ostensibly addressing human rights and liberating victims from oppression and exploitation, but at the same time unwilling to acknowledge the rights of women. Such discrimination, they insisted, would no longer be tolerated. They thus determined to turn both their anger and their strong religious convictions into action—"to do and dare anything," as they said—by organizing the very first convention in history devoted solely to the rights of women.⁵⁷ Under their leadership, nearly three hundred delegates gathered in 1848 in the Wesleyan Chapel at Seneca Falls, New York. Here they produced the famous Declaration of Sentiments asserting: "The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her." In language modeled after the revolutionary Declaration of Independence, they claimed their rights to "which the laws of nature and nature's God entitle them," asserting:

We hold these truths to be self-evident: that all men *and women* are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it. . . .

They thus called for agitation and action, demanding "the equality of human rights."⁵⁸

This historic declaration—like all declarations of human rights—proclaimed a vision seen of what might be. It was a bold vision of equal rights for women. The signatories were under no illusion about the resistance they would face. But they were determined. "In entering upon the great work before us," they announced, "we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object."⁵⁹ Such determination to see this vision of the Declaration of Sentiments realized emerged during exactly the same year as the bursting into print of a journal in Europe entitled *Voix des Femmes* (*Voice of Women*) and a newspaper called *Frauen-Zeitung* (*Women's News*), as well as the founding of a new NGO called the Society for the Emancipation of Women. These developments launched the women's rights movement.

Momentum began to build as philosophers and reformist writers contributed their voices as well. The influential proponent of liberalism John Stuart Mill, for example, argued in *On Liberty* (1859) that human rights possessed an empirical value both for the achievement of individual happiness and for the advancement of society as a whole. Drawing evidence from a vast array of historical examples ranging from

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Europe to Asia, he developed a broad theory of rights based on mankind freed from unwarranted interference by others or from the arbitrary actions of governments and balanced between individual freedom and social necessity. His growing outrage over gender inequalities prompted him to collaborate with his wife, Harriet Taylor, in *The Subjection of Women* (1869), comparing women to slaves and addressing the injustices in marriage, divorce, property, and law that denied rights to women.⁶⁰ The translation of these works rapidly spread these ideas abroad, but writers from other countries also made their own contributions. The founder of the Bahá'í faith, Mírzá Husayn 'Alí, or Bahá'u'lláh, shocked many of his contemporaries in the Middle East by advocating equality between men and women based on his beliefs about the oneness of humankind and the necessity for justice. In China, Tan Sitong wrote about *ren*, or benevolence, and stressed the importance of securing gender equity. In Japan, Toshiko Kishida published her remarkable essay entitled "I Tell You, My Fellow Sisters," insisting that all people should enjoy equal human rights.⁶¹ Rosa Guerra similarly championed equality for women throughout Latin America through her periodical *La Camelia*, asserting: "We are entering an era of liberty and there are no rights which exclude us!"⁶²

These treatises, declarations, and manifestos all provided essential expressions of grievances and inspiration to those who fought for the rights of women. But in order for their visions to be realized, they required significant transformations not only in thought, but also in the political, economic, and social patterns of the past. The powerful, wrenching turmoil of the Industrial Revolution, July Revolution of 1830 in France (evocatively portrayed by Eugène Delacroix in his famous painting not of a man but of a courageous woman at the forefront of struggle entitled *Liberty Leading the People*), European revolutions of 1848, Crimean War, India Mutiny, American Civil War and abolition of slavery, insurgencies and wars throughout Latin America, Taiping Rebellion in China, demise of the Tokugawa shogunate and civil war in Japan, revolutionary Paris Commune during the Franco-Prussian War, Maori-Pakeha wars in New Zealand, and collapsing strength of the Ottoman Empire, among other upheavals, ignited just such a process and set into motion dramatic changes.⁶³ They disrupted, distorted, and in some cases actually destroyed traditional structures of power and thought, thereby providing new spaces for human rights discourse and new opportunities to liberate many of those exploited in one way or another due to race, gender, or class.

British women, to illustrate, seized these openings and successfully pressured Parliament to reform laws governing marriage, age of consent, and control of their property and bodies. In France females secured the right to legalized divorce. German reformers Helene Lange and Gertrud Bäumer and their Allgemeiner deutscher Frauenverein gained remarkable improvements in educational opportunities and in labor conditions for working women. Swedish crusaders obtained equal property rights in marriage, and the right for women to work without their husband's permission. In India women secured the abolition of *suti*, or the burning to death of living widows with the corpses of their dead husbands, and the Hindu Widows' Remarriage Act legalizing intercaste marriages. Chinese women began to achieve reforms allowing them to hold supervisory offices in the bureaucracy and restricting the ancient and painful practice of mutilation of their feet by footbinding. In Argentina women gained recognition of

certain civil rights in a new constitution. Women gradually secured gains in the United States as well, made all the more visible by the efforts of activists who organized the American Equal Rights Association to advance their cause and launched their own newspaper entitled *The Revolution*, published with the motto "Men, their rights and nothing more; women, their rights and nothing less!"⁶⁴ They began slowly to break down the door that prevented female suffrage by obtaining the franchise in Wyoming, Colorado, Utah, and Idaho. Then, in 1893, after many years of unswerving effort by Kate Sheppard and her colleagues in the Women's Christian Temperance Union, New Zealand became the very first country in the world to make the extraordinary breakthrough of giving women the right to vote. This inspired countless other women to hope that they, too, might someday secure the same right for themselves.

Just like the other early efforts to promote and protect human rights, these activities for women's rights usually focused on conditions within particular countries. Activists understood all too well that the many domestic obstacles and resistance at home presented formidable enough challenges without having to confront the prerogatives of national sovereignty or worry about the world at large. Nevertheless, some increasingly began to believe that they did have larger responsibilities to sisters (and brothers) beyond their own borders, and ventured out to address the global issue of the exploitation of women. Using the new technological inventions of steamships and telegraphs, as well as printing presses and inexpensive postage stamps, activists such as Jenny d'Héricourt of France, Margaret Bright Lucas of Britain, Stanton and Susan B. Anthony of the United States, and Sheppard of New Zealand, among others, achieved international stature as speakers and writers of women's rights. Together they refused to let their differences divide them or to let the gains they had made in their own countries remain isolated from the rest of the world by reaching out to like-minded campaigners, sharing their visions and experiences, and creating transnational networks of advocacy. They circulated a common body of literature in translation, including Stanton's *The Woman's Bible*, d'Héricourt's *The Emancipated Woman*, written for "the equality of all before the law" by one "who believes in the unity of the human family," and Swedish author Fredrika Bremer's novel, *Hertha, or the Story of a Soul*, about a heroine who imagines women across the world from China to Europe all rising up against centuries of subordination and being told by a chorus: "Your vision will be victorious."⁶⁵

The international dimensions of this growing movement could be seen in still further ways. Widespread attention was given to Norwegian playwright Henrik Ibsen's feminist drama *A Doll's House*, especially upon its explosive turning point when the character of Nora finally decides that she will no longer tolerate her abused life. She dramatically renounces her assigned role of unquestioned obedience to male domination, and says as she slams the door and walks out:

But our home has been nothing but a play-room. I've been your doll-wife, just as at home I was Papa's doll-child. . . . It's no good your forbidding me anything any longer. . . . I believe that before everything else I'm a human being—just as much as you are!⁶⁶

Such language was scandalous for the times and provoked enormous controversy, but it struck a powerful chord. The play was widely translated and quickly led to the

formation of "Nora" saw in Ibsen's character. In Egypt, jurist Qasim a debate about women. In addition, advocates, including Indian women, Here they sought to "slave status" and to among those who ad

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formation of "Nora Societies" throughout Europe and Asia composed of women who saw in Ibsen's character a stark reflection of their own fate—and their possible future. In Egypt, jurist Qasim Amin published a book entitled *The Liberation of Women*, forcing a debate about women's rights within Islamic consciousness that continues to this day. In addition, advocates from fifty-three American organizations and from eight countries, including India, organized the first International Council of Women in 1888. Here they sought to assess progress already made in assisting females to escape their "slave status" and to lay the foundation for what they called "universal sisterhood" among those who advocated women's rights around the world.⁶⁷

Still other visions and movements of assisting the exploited focused on divisions of class. In fact, when the nineteenth century began, most people viewed their world in terms more of classes than of nations. Abuses derived either from traditional patterns of dominance tenaciously left over from the past or new ones created by modern capitalism and the Industrial Revolution. Among the former, rigid class distinctions by feudal or semi-feudal societies positioned what were described as "perpetual serfs" at the absolute bottom of a hierarchy where for generations they faced the hardships of forced labor.⁶⁸ Masters regarded them as their permanent property to be exploited, bought and sold, exiled, or subjected to oppressive deprivations and severe punishments. As such, little appreciable distinction existed between serfdom and slavery.

As the nineteenth century progressed, however, these practices increasingly came to be questioned. Some challenged serfdom as an impediment to the development of a trained army or to a free labor force required by industrial development. Others began to see the exploitation of serfs and the ownership of one human by another as not only inhumane but morally wrong, concluding that it was "the evil of evils."⁶⁹ Novels—once again—played an important role in transforming attitudes about such practices no longer being acceptable, for as Nikolay Gogol demonstrated with *Dead Souls* and Ivan Turgenev with *Sportsman's Sketches*, they allowed readers to see something to which they heretofore had been blind by portraying serfs as actual human beings and thereby eliciting empathy for their tragic plight. For the first time many saw themselves and their own emerging social consciousness through the lens of these novels and sometimes from the mirror of insight so often gained from an international or comparative perspective. If slaves had rights, then why not serfs? As one Russian recounted in his memoirs: "One day we were sitting quietly on the terrace listening to the reading aloud of *Uncle Tom's Cabin*, a [recently translated] book which was then in fashion. My sisters could not get over the horrors of slavery and wept at the sad fate of poor Uncle Tom. 'I cannot conceive,' said one of them, 'how such atrocities can be tolerated. Slavery is horrible.' 'But,' said Bunny in her shrill little voice, 'we have slaves too.'"⁷⁰

As in so many other cases, such a realization provided an essential element for considering and then directing change, but it ultimately took the wars, revolutions, and upheavals of the nineteenth century to break practices of the past. Liberation came to the serfs in Prussia after Napoleon's 1807 military victory over their country. Serfdom ended in the Austro-Hungarian Empire following the revolutions of 1848. The defeat of Russia in the Crimean War led Alexander II, the "Tsar-Liberator," to launch the "Great Reforms" and sign his dramatic Decree of Emancipation in 1861, freeing

the serfs across the vast empire and granting them "all the rights of free cultivators." The abolition of serfdom in Russia, and then in Poland, marked a development of unprecedented scale. It liberated at least fifty million serfs. By comparison, emancipation of all the slaves in the United States just a few years later freed four million.⁷¹ The collapse of the Tokugawa shogunate in Japan shortly thereafter led to the abolition of feudalism, a new Meiji constitution with provisions about "rights and duties," and the growth of the Jiyū minken undō, or Popular Rights Movement.⁷² At exactly the same time, Iranian reformer Mirza Yusef Khan began writing about equality before the law regardless of class and Huquq-i Insani, or basic human rights.⁷³

Not all class divisions during the nineteenth century, of course, centered on hereditary serfs or peasants toiling the land in agriculture. The Industrial Revolution created many beneficial developments, but also brought the emergence of an exploited working class among the urban proletariat. In factories and textile mills, millions of men, women, and children suffered in wretched squalor, thick smoke and soot, disease-infested water, overcrowded slums, misery, and oppressive working conditions. Five-year-old boys chained around the waist hauled carts of coal in mines, while girls of eight worked underground in complete darkness for twelve hours a day to open and close passage doors. Women stood on swollen feet for fifteen hours a day changing the thread on bobbins attached to power looms with no safety devices at all. Men labored under similar conditions, received pitiful payment for their efforts, remained at the mercy of those who owned the means of production, and suffered back-breaking hardships of almost unimaginable duration. Estimates place the average workweek in Europe by midcentury at an appalling eighty-four hours.⁷⁴

The exploitation of these workers with its attendant starvation, poverty, crime, prostitution, epidemics, family dislocations, and the enormous chasm between the extreme wealth of the rich and the extreme poverty of the poor became so glaring that it simply could not be hidden. Personal observations, exposés in newspapers, reports from official commissions of inquiry, provocative portrayals of poverty in Friedrich Engels's *The Condition of the Working Class* and Caroline Norton's *A Voice from the Factories*, and the misery dramatized by such widely read and translated novelists as Honoré de Balzac and Charles Dickens all contributed to a burgeoning public consciousness about the extent of human suffering and its relationship to rights. One of Dickens's characters in *Hard Times*, for example, pleads:

Oh, my friends and fellow-countrymen, the slaves of an iron-handed and a grinding despotism! . . . I tell you that the hour is come when we must rally round one another as One united power, and crumble into dust the oppressors that too long have battered upon the plunder of our families, upon the sweat of our brows, upon the labor of our hands, upon the strength of our sinews, upon the God-created glorious rights of Humanity.⁷⁵

These words increasingly came alive when enhanced by images. As we saw in the cases of the slave trade and slavery, visual representations have a way of literally allowing people to see—and emotionally feel—the reality of abuses. Indeed, workers used this as a model when they carried a banner at protest rallies showing an image of a maimed factory worker with these words: "Am I Not a Man and a Brother?"⁷⁶ Stark

pen-and-ink drawings of emaciated fathers holding languishing along gutters after midcentury a new impact on the evolutioners to look for the first empathy for them as being in the same situation. A widespread reaction generated by *the Other Half Lives*, showing the eyes of those in destitute

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pen-and-ink drawings of artist Gustave Doré similarly depicted sullen-eyed children, emaciated fathers holding starving children in their arms, or destitute men and women languishing along gutters. But this was only a foretaste of what would now come, for after midcentury a new invention appeared that would eventually have an enormous impact on the evolution of human rights: photography. Actual images enabled viewers to look for the first time into the faces of real victims, to see their plight, to have empathy for them as human beings and feel their pain, and to imagine themselves in the same situation. This power to elicit outrage was dramatically revealed by the widespread reaction generated by Jacob Riis's collection of photographs entitled *How the Other Half Lives*, showing the brutal reality of slums and the despair in the haunting eyes of those in destitution.

Such obvious and severe misery ignited new and profoundly serious questions about the meaning of human rights. If slaves and women had rights, then why not workers? What good were civil rights such as the freedom of speech or political rights of voting, to people who had no food, no home, no clothing, no medical care, or no prospect of an education? What were the benefits of freedom from slavery or serfdom if the alternative was "wage slavery" or destitution as "factory slaves"? Was an individual's right to private property compatible with the need to protect society's less fortunate members? Did this mean that the declarations of human rights represented no more than the abstract ideas of philosophers, parchment prose, or the hollow concepts and empty platitudes of politicians? Or, when all was said and done, did human rights really remain no more than the exclusive possession of the rich ruling class marching under the banner of untrammelled laissez-faire and the "iron law" of wages?⁷⁷ With these questions in their minds, the have-nots of the working class and their leaders increasingly began to speak out not just about "negative" or "freedom from" rights to be protected from unwarranted government interference but also about more "positive" or "freedom to" or "freedom of" rights.

Interestingly enough, Thomas Paine had raised these very issues in *Rights of Man*, advocating what has been described as "a new vision."⁷⁸ But when he proposed them at the end of the eighteenth century, few people listened. Now, with the extent of human suffering caused by the Industrial Revolution, they did. Outspoken critic William Cobbett charged during the 1830s, for example, that the poor had been cheated of their rights, and demanded before agitated crowds: "the right to have a living out of the land of our birth in exchange for our labor duly and honestly performed; the right, in case we fell into distress, to have our wants sufficiently relieved out of the produce of the land, whether that distress arose from sickness, from decrepitude, from old age, or from inability to find employment."⁷⁹ It is out of this context of class exploitation that we thus discover the significant emergence of the movement for the rights of workers and a second generation of human rights known as social and economic rights.

These problems and claims of the exploited poor once again raised the extremely serious debate among activists over how best to realize their visions of human rights. They understood that they faced fierce resistance from those who benefitted from this system of class divisions, who insisted on doing anything that they wanted with their own property even if others were harmed in the process, or who argued in the name

of Social Darwinism that the poor were not fully human and needed to be weeded out because they were lazy or unfit. But to confront this opposition, should they rely on the strategy of moral persuasion and gradual reform? Or, should they employ more radical action, mobilize resistance, or even turn to violence and revolution to achieve their ends?

When faced with these choices, many advocates of economic and social rights turned to the path of moral persuasion, direct assistance, and liberal reform within civil society. Indeed, the century was marked by an unprecedented reforming impulse described as universal "service to humanity" based upon strong religious convictions.⁸⁰ The Ramakrishna Movement in India, for example, denounced the rigid caste system and spoke out on behalf of rights of the exploited poor, seeking to reduce social injustice and economic inequality on the basis of the Hindu precept of *sādhana*, or social service.⁸¹ Many Buddhists did the same. Activists in the West, particularly among upper- and middle-class women, found inspiration in what they called the Social Gospel, or a strong sense of Christian responsibility to assist "the least of these." They thus created a wide variety of charitable organizations and movements such as the Salvation Army, Young Men's Christian Association, Young Women's Christian Association, Women's Christian Temperance Union, and the Paulist Fathers, making extraordinary efforts to provide direct relief to the needy and to work for social reform.

As the century unfolded, additional religious voices joined in as well. For years the deep concerns of local Catholic clergy and laity about severe social problems had met only silence from a Vatican frequently identified with reaction. But in the face of overwhelming evidence of human deprivation and in light of his own personal observations of the sufferings of the exploited, Pope Leo XIII issued his remarkable and seminal 1891 encyclical *Rerum Novarum* (Of New Things), explicitly addressing what he called "the natural rights of mankind." Here he warned that "the first concern of all is to save the poor workers from the cruelty of grasping speculators, who use human beings as mere instruments for making money. It is neither justice nor humanity so to grind men down with excessive labor as to stupefy their minds and wear out their bodies." For this reason, he declared, human rights

must be religiously respected wherever they are found; and it is the duty of the public authority to prevent and punish injury, and to protect each one in the possession of his own. Still, when there is question of protecting the rights of individuals, the poor and helpless have a claim to special consideration. The richer population have many ways of protecting themselves. . . . [But] wage-earners, who are, undoubtedly, among the weak and necessitous, should be specially cared for and protected by the commonwealth.⁸²

A few years later, Protestants found their consciences stirred by one of the best selling novels of the time, *In His Steps*, written by Charles Sheldon, who asked his readers to answer one simple question when confronted with destitution among the poor: "What would Jesus do?"⁸³

Some held visions of economic and social rights but were motivated more by liberal political philosophy than by religious principles. One of these was John Stuart Mill. He believed strongly in private property and that people should be free from government

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interference. Nevertheless, he argued that the worst excesses of the Industrial Revolution needed to be tempered with some safety net, and that relief for the working poor should be regarded as "an absolute right."⁸⁴ Henry George's influential book entitled *Progress and Poverty* added yet another voice to this argument. Others such as Henri de Saint-Simon, Charles Fourier, and Robert Owen sought to bring about economic and social justice by establishing ideal or "utopian" towns and factories in which owners and workers cooperatively shared in management, benefits, and risks by peaceful means.

Others activists addressed these problems of the exploited poor and their rights by more militant action. Impatient at the slow pace of moderate reform, and angered by repressive laws forbidding unionization and what they perceived as economic theories seeking to justify exploitation under the "law" of supply and demand and laissez-faire capitalism, more radical workers channeled their discontent into labor agitation, protest, trade unionism and collective bargaining, pickets, strikes, factory sabotage, and clashes with police and troops. The Chartist Movement, for example, attracted throngs of impoverished and alienated British workers and middle-class radicals. In the face of persecution, imprisonment, and exile, they issued a "People's Charter," signed by more than three million people, denouncing rich exploiters, calling for universal suffrage and the elimination of property qualifications to vote or hold office, and demanding their rights. Some workers turned to the more radical approaches of the fiery Irish organizer Feargus O'Connor or the new theories of socialism expounded by Louis Blanc and Pierre-Joseph Proudhon from France and Ferdinand Lasalle and August Bebel from Germany challenging capitalist greed, rejecting private property, and advocating radical resistance.

Still others grew weary of words, theories, and mere protest and turned instead to revolutionary violence. The upheavals throughout Europe in 1848 fueled new demands for rights and forged a clarion call for worldwide revolution, as advocated by Karl Marx and Friedrich Engels. Their powerful and widely translated *Communist Manifesto* inspired European workers and then, during the next century, fired the imagination of Communists throughout Asia, Latin America, Africa, and Europe. Influenced by G. W. F. Hegel in his *Philosophy of Right*, they saw contradictory dialectic forces constantly competing with each other and viewed the struggle between the rich and the impoverished proletariat as class warfare that was global in scope. With their own materialist interpretation of history, they argued that liberal conceptions of the right to private property and civil and political rights, which sought to protect individual autonomy and liberty by limiting the power of the state, were hopelessly egotistical and a part of "bourgeois democracy" representing no more than a "narrow bourgeois horizon of rights" that should "be left far behind."⁸⁵ Marx and Engels proposed a more radical communitarian or communist society that focused on economic and social rights, but insisted that it could be achieved in only one way:

The Communists everywhere support every revolutionary movement against the existing social and political order. . . . They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. WORKING MEN OF ALL COUNTRIES, UNITE!⁸⁶

In issuing this charge, Marx and Engels argued that only an international strategy would enable exploited workers to secure these rights. They thus founded in 1864 the International Working Men's Organization, or First (Communist) International, exhorting their followers to ignore their nation in an age of nationalism and instead form a "bond of brotherhood . . . between the workingmen of different countries" and "to master themselves the mysteries of international politics; . . . [and] to counteract them, if necessary, by all means in their power."⁸⁷

These vastly different approaches to economic and social rights produced vastly different results. Violence, at least in the short term, begat violence, as evidenced by the repression against the radical Paris Commune in 1871, which claimed the lives of fifteen thousand people in a single week, or the bloody Haymarket Square riot of 1886 in Chicago. But other early efforts clearly resulted in direct and very specific measures to assist exploited workers and their families, and in the process helped to launch what has been called the "revolution in government": state-supported regulation and welfare relief designed to provide the greatest good to the greatest number.⁸⁸ Settlement houses were created to provide food to the hungry, shelter to the homeless, and, influenced in part by pamphlets like *The Rights of Infants*, maternity care for mothers and their young babies. Any number of national laws in a variety of countries prohibited the employment of children under nine years old, limited working hours for teenagers, and banned women and children from labor in underground mines. These were followed by legislative regulations designed to provide better working conditions, reduced hours in a workday, minimum wages, safety inspection measures, accident insurance, the right of labor to organize and bargain collectively, and the lowering of property qualifications for voting. Others made provision for the beginnings of child welfare, better sanitation, standards for food and drink, prison reform, and public education opportunities. Today, in most countries, these protections and services are regarded as normal functions of government and society and as a part of everyday life. At the beginning of the nineteenth century, they did not exist.

To Care for the Wounded

Ever since men began fighting each other, they left the wounded victims of armed combat scattered across countless blood-soaked battlefields, destined to be killed or captured by enemies, assisted by their comrades if possible, or simply left to fend for themselves as best they could. The vanquished remained at the mercy of the victor—and mercy was rare. Although as early as the fourth century B.C. the Chinese military theorist Sun Tzu wrote in *The Art of War* about the obligation to care for prisoners and the wounded, nations remained unable or unwilling to restrict their behavior in war by establishing any mutually acceptable rules. Those unfortunate soldiers wounded in battle had no international society, no organization, no law to which they could turn for any protection or care. They hence remained largely forgotten and without rights, condemned to suffer and very likely die.

A number of developments during the nineteenth century began to seriously challenge and transform these traditional practices. One of these was the number of early

successes from the vision have explored, for they the same time, the size of as nations increasingly during the Industrial Revolution planning of warfare. Railroad from one location to another, possible to do the same with considerable distances. (solid metal balls) made it with devastating results for to kill more people than showing piles of bodies did much to influence artistic paintings attempt concluded that the resu

It is in this setting that concern. As such, it was in the form of brutality rights. This could be seen neering efforts of three Pavlovna of Russia organized the Crimean War, earning Barton provided similar as "the Angel of the Field" dedicated and strong-willed Member of Parliament Jews and Dissenters, and into Christian service. "beneath" her "station" she traveled to the Crimean victims tormented by the conditions of chaos and in eventually that of a night giving care, wrote the press to bring the of readers for attention holding a candle or lantern returning soldiers who one of the most important described as a visionary recognized and admired One of those direct passionate man of str

successes from the visions and movements in other areas of human rights that we have explored, for they provided hope that still other advances could be made. At the same time, the size of armed forces and numbers of men in uniform expanded as nations increasingly drew upon drafted conscripts. Technology produced by the Industrial Revolution played a particularly significant role, for it began the mechanization of warfare. Railroads made it possible to transport large numbers of troops from one location to another and have them arrive ready to fight. Steamships made it possible to do the same with sailors at sea. Artillery made it possible to rain death from considerable distances. Rifles firing expanding bullets (as compared to muskets firing solid metal balls) made it possible to greatly increase accuracy and the volume of fire, with devastating results for the victims. The lethality of these weapons made it possible to kill more people than ever before in history. Moreover, the advent of photographs showing piles of bodies strewn across battlefield, severed limbs, and mutilated bodies did much to influence public opinion about the actual conditions (as compared to artistic paintings attempting to convey excitement and glory) of war. Many observers concluded that the result was no longer war—but carnage.

It is in this setting that the fate and the rights of the wounded came to be of such great concern. As such, it would serve as yet another example that it often takes the worst, in the form of brutality or atrocities, to bring about change in the evolution of human rights. This could be seen in the empathy, compassion, sense of responsibility, and pioneering efforts of three courageous and extraordinary women. Grand Duchess Elena Pavlovna of Russia organized a group of nurses known as the Sisters of Mercy during the Crimean War, earning the gratitude of thousands of soldiers and the public. Clara Barton provided similar service in the American Civil War and became widely known as "the Angel of the Battlefield."⁸⁹ The one who made the greatest impact was the dedicated and strong-willed British nurse Florence Nightingale. A granddaughter of a Member of Parliament who had championed the rights of factory workers, defended Jews and Dissenters, and supported abolitionists, she believed that she had been called into Christian service. Over the objections of her parents (who considering nursing as "beneath" her "station" and as shamefully exposing her to the naked bodies of men), she traveled to the Crimea to aid British soldiers. Here she witnessed thousands of victims tormented by painful battle wounds, dysentery, cholera, and starvation in conditions of chaos and indescribable filth. Nightingale's experience changed her life and eventually that of a nation insofar as it cared for the wounded. She worked day and night giving care, wrote to Queen Victoria and leading politicians, and campaigned in the press to bring the rights of these victims before a broad public and into the homes of readers for attention. Her remarkable successes in these efforts, visual images of her holding a candle or lantern as she cared for her patients, and the many reports from returning soldiers who believed that they owed their lives to her, made Nightingale one of the most important and influential women of her time. Indeed, she came to be described as a visionary "whose heroic efforts on behalf of suffering humanity will be recognized and admired by all ages as long as the world shall last."⁹⁰

One of those directly inspired by her efforts was J. Henry Dunant, a deeply compassionate man of strong religious conviction who had helped to establish the Young

Men's Christian Union in Geneva. While traveling in 1859, he found himself in a town in northern Italy and quickly concluded that he was in the wrong place at the wrong time. Here he unexpectedly encountered the horror of the monumental Battle of Solferino, fought between the combined forces of the Italians and French against the Austrians. Three hundred thousand troops ferociously battled along a ten-mile front for fifteen hours in suffocating heat. But there was more, for they fought with the weapons produced by the Industrial Revolution. When the fighting finally stopped, Dunant witnessed the catastrophe of thousands of wounded soldiers mixed with the dead, sprawled across the destroyed landscape, and suffering in total exhaustion and excruciating pain with almost no hope of medical assistance. The horror of this forced him to confront a revealing and brutal fact: armies of the time had four veterinarians for every thousand horses but less than one physician for the same number of men.

The care of these wounded soldiers attracted Dunant's attention more than anything else. He became haunted by their horrible fate and decided to speak out in 1862 by writing an intensely moving memoir entitled *A Memory of Solferino*. There are times when a single book can alter the course of history by changing minds. This was one of those. Here Dunant recounted his empathy, his shock, and his outrage at what he saw, writing not to glorify war but rather to describe its butchery. His first-hand descriptions speak for themselves:

One poor wounded man has his jaw carried away; another his head shattered; a third, who could have been saved, has his chest beaten in. Oaths and shrieks of rage, groans of anguish and despair. . . . Brains spurt under the wheels, limbs are broken and torn. . . . [Men are] left behind, lying helpless on the naked ground in their own blood! . . . Heart-rending voices kept calling for help. Who could ever describe the agonies of that fearful night!⁹¹

Dunant went on to describe the hideous wounds, painful sufferings, amputations conducted without anesthesia, infections, nauseating sounds and smells, vermin-covered bodies, and limbs rotting with gangrene. The numbers of wounded completely overwhelmed all efforts made by a pitifully small group who attempted to care for them. In this heroic endeavor, Dunant found himself struck with the fact that suffering made no distinction between the wounded of the victors and those of the vanquished. "Men of all nations lay *side by side* on the flagstone floors of the churches of Castiglione—Frenchmen and Arabs, Germans and Slavs," he observed, providing graphic evidence of the Italian phrase *Tutti fratelli*, "All are brothers," and that "Our Lord Jesus Christ made no such distinctions between men in doing well."⁹²

This personal experience moved Dunant to see a vision. It was a vision of a world that ought to be: a world acknowledging that soldiers did not completely surrender their basic human rights simply because their countries forced them to put on military uniforms. Toward this end, he made a proposal in the single most important passage in his book by asking whether it would not be desirable "to formulate some international principle, sanctioned by a Convention inviolate in character, which, once agreed on and ratified, might constitute the basis for societies for relief of the wounded?"⁹³ He envisioned creating an international body of trained and dedicated providers with

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Dunant's vision became launched one of the important was read, reviewed, quoted, to hand, and translated into a tangible—and unacceptable—of literary, political, and hopeful optimism, persuasion of duty to Christian service to this movement of creating assistance. An organizing committee governments to send representatives realm of theory to that of met in 1863 and attracted thropic societies. Although their countries to an agreement their own countries to as blem the Swiss flag in reward a new humanitarian organization Red Cross. During a Nobel "one of the great miracles

The members of this committee equal, and universal, and understood that their vision of governments and their sovereignty by resisting any members of the committee government leaders of the representatives of sixteen negotiate the path-breaking of the Wounded. The rights of soldiers in time Red Cross personnel from medical care to combat sickness or wounds and common humanity.⁹⁶

This Geneva, or Red Cross, immediately on ratification preparing for the time soon enough. Indeed, the emblem appeared for War. Trained personnel drawn ambulances qu

affiliates in all countries to care for the rights of the wounded as fully human beings without any distinction as to nationality, class, race, or other form of difference.

Dunant's vision became an instant topic of the day, aroused public opinion, and launched one of the important movements in the history of human rights. His book was read, reviewed, quoted, published in second and third editions, passed from hand to hand, and translated into several languages. It made the fate of the wounded in war a tangible—and unacceptable—reality to those who read it, and attracted the attention of literary, political, and financial figures who offered to provide support. His own hopeful optimism, persuasiveness, simple dignity and genuineness, energy, and sense of duty to Christian service and the message of the Good Samaritan attracted others to this movement of creating a permanent system for international humanitarian assistance. An organizing committee, not without a little audacity, then decided to invite governments to send representatives "to transpose Monsieur Dunant's ideas from the realm of theory to that of practice."⁹⁴ The resulting Geneva International Conference met in 1863 and attracted delegates from fourteen different nations and four philanthropic societies. Although none of these participants possessed any authority to bind their countries to an agreement, they agreed to establish auxiliary medical societies in their own countries to assist in carrying this vision forward. They chose as their emblem the Swiss flag in reverse, placing a red cross on a white background, and created a new humanitarian organization. They called it the International Committee of the Red Cross. During a Nobel Peace Prize ceremony it eventually would be described as "one of the great miracles in human history."⁹⁵

The members of this committee strongly believed that human rights were natural, equal, and universal, and thus should apply to *all* soldiers. But at the same time they understood that their vision could never be fully realized without the political support of governments and their respective armies interested in protecting their national sovereignty by resisting any legally binding treaties. Nevertheless, Dunant and the other members of the committee refused to be deterred. They worked tirelessly to persuade government leaders of the necessity to take action. Success came when they convinced representatives of sixteen nations to attend an international conference in 1864 and negotiate the path-breaking Geneva Convention for the Amelioration of the Condition of the Wounded. This was the first multilateral treaty in history establishing the rights of soldiers in times of war. It required all signatories to respect the immunity of Red Cross personnel from attack or captivity in order that they might provide equal medical care to combatants regardless of nationality when unable to fight because of sickness or wounds and thereby conduct their work around the world in the name of common humanity.⁹⁶

This Geneva, or Red Cross, Convention ignited a human rights movement. Immediately on ratification of the treaty, national Red Cross societies began to multiply, preparing for the time when their services would be desperately needed. This came soon enough. Indeed, even before the details had been fully prepared, the Red Cross emblem appeared for the first time on the battlefield during the 1864 Prussian-Danish War. Trained personnel, stocks of dressing material, surgical instruments, and horse-drawn ambulances quickly found themselves being mobilized to care for the wounded

of the Austro-Prussian War of 1866 and the Franco-Prussian War of 1870–1871. In fact, their work so impressed eyewitness Clara Barton that she returned home to establish the American Association of the Red Cross. The demands of the Russo-Turkish War of 1877–1878 encouraged the creation of the Red Crescent Society.⁹⁷ Not long thereafter the Nippon Sekijūji Sha, or Japanese Red Cross Society, was formed. Subsequent adherents to the convention soon included Siam, China, most of the Latin American countries, and the United States. Whenever a new war or armed conflict broke out, Red Cross units were there: the Serbo-Bulgarian War of 1885, Sino-Japanese War of 1894–1895, and Spanish-American War of 1898. In each case, these early efforts sought to protect the wounded and establish the principle of universality for the rights of all soldiers, “recognizing man as man, without any distinction whatever.”⁹⁸

These evolving norms inspired additional international legal protections. During the 1899 Hague Peace Conference, for example, delegates ranging from Europe to Latin America and from Asia to the United States who could agree on practically nothing else, publicly committed themselves to “the laws of humanity and the requirements of the public conscience” and adopted a Convention Respecting the Laws and Customs of War on Land.⁹⁹ The text spoke explicitly of “rights”—the right of the wounded to receive medical treatment, the right of prisoners of war to be given food and clothing and protection under the law, the right of individuals to be considered inviolable if they carried a white flag and sought to communicate their intention to surrender, and the right of civilians to be protected in times of war. The treaty also established provisions recognizing the right of relief societies like the Red Cross to visit camps and provide medical care, inform home countries of individuals’ whereabouts and physical condition, arrange correspondence with families, and facilitate the repatriation of the most seriously wounded. At the same time, representatives signed the Convention for the Adaptation to Maritime Warfare of Principles of the Geneva Convention, guaranteeing the neutrality of hospital ships and their staffs and extending protection to individuals wounded at sea.¹⁰⁰

These legal conventions were necessarily gradual and tentative. Given the context and the tension between broad international humanitarianism and parochial national interests, they could hardly be expected to be otherwise. All nations continued to insist that there would be no compromise with their own interpretations of national sovereignty and that they were free to either ratify or to reject the treaties as they wished. They seemed to be motivated more by elemental self-interest and brutal calculations of utility rather than larger principles of humanity, and thus refused to include specific enforcement provisions within the texts. Particularly troublesome to the International Committee of the Red Cross was the tendency of governments to distort and subvert the vision of universal care for all wounded by intoxicating their respective national Red Cross societies with the heady brew of nationalism and xenophobia that sought to provide exclusive attention only for their own nationals.¹⁰¹ Moreover, and ironically, these conventions also demonstrated that it was war rather than peace—the care of soldiers rather than civilians—that stimulated such international efforts for human rights.¹⁰²

Despite these difficulties, the fact remains that all of these developments marked

changes in normative humanitarian law, or Red Cross “war” that focused on the *people*. As such, these early efforts began articulating the principles of positive law in treaties that defined the rights of combatants and prisoners of war. Through further by including civilians or natural disasters, and defended dwellings, and lay the critical foundation for certain basic human rights in international action.¹⁰⁴

To Protect the People

Most of these efforts to protect the people of the nineteenth century were aimed at foreign nation-states. The care for the wounded and the principles of cooperation. Given the fact that the principles of international law were based on their own accord, allow international relations to be promoted and protection to this took the

A number of the early question of whether a the internal affairs of exceeded the limits of Gentili maintained the mon law of humanity, als in turn can find th that the use of armed their ruler” or from a t prove.”¹⁰⁶ Emerich de power may rightfully g Through time, they ar the theory that if any ated international out be considered legitim

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changes in normative values and the beginning of what is known as international humanitarian law, or Red Cross law, in armed conflict.¹⁰³ In contrast with earlier "laws of war" that focused on the use of *objects* such as weapons or ships, this new form of law focused on *people*. As such, it marked dramatic advances for visions of human rights. These early efforts began by acknowledging the "dictates of the public conscience" and articulating the principles of the "laws of humanity." For the first time, they created positive law in treaties establishing certain rights for the protection of victims of war: the rights of combatants wounded in battle and then the rights of those captured as prisoners of war. Through time, as we shall see, they expanded the scope of rights still further by including civilians, refugees, displaced persons, others victimized by human or natural disasters, and prohibitions against torture, mutilation, pillage, attack on undefended dwellings, and destruction of places of worship. Together, they all helped to lay the critical foundation of humanitarian law recognizing that individuals possessed certain basic human rights, even in times of war, and that their protection required international action.¹⁰⁴

To Protect the Persecuted

Most of these efforts to advance some dimension of international human rights during the nineteenth century required the voluntary cooperation and compliance of sovereign nation-states. That is, attempts to free the enslaved, to assist the exploited, and to care for the wounded in the world could not succeed unless the governments agreed to cooperate. Given the political realities of the time, the definitions of internal affairs, and the principles of the doctrine of sovereignty, independent nations had to be willing on their own accord to sign and abide by the terms of international treaties or to allow international relief organizations into their countries in order for human rights to be promoted and protected. Otherwise, nothing would change. One important exception to this took the form of humanitarian intervention.

A number of the early founders of international law had addressed the complicated question of whether any nation or group of nations should ever actively intervene in the internal affairs of others when the mistreatment of victims became so brutal that it exceeded the limits of acceptable behavior. Writing in the sixteenth century, Alberico Gentili maintained that resort to arms could be justified when defending the "common law of humanity," for "in the violation of that law we are all injured, and individuals in turn can find their personal rights violated."¹⁰⁵ Hugo Grotius went on to argue that the use of armed force could be justified if defending subjects "from injuries by their ruler" or from a tyrant's "atrocities towards his subjects, which no just man can approve."¹⁰⁶ Emerich de Vattel similarly wrote in the eighteenth century that "any foreign power may rightfully give assistance to an oppressed people who asked for its aid."¹⁰⁷ Through time, they and others who stressed that rights were universal contributed to the theory that if any state persecuted its own people to such an extent that it generated international outrage, then intervention by others to protect those rights could be considered legitimate.

This idea of humanitarian intervention, of course, immediately clashed with other

theories of international relations, especially those of sovereignty and its uncompromising corollaries of domestic jurisdiction and nonintervention. It went far beyond merely protecting alien nationals,¹⁰⁸ and proposed to deal directly with the protection of the citizens or subjects of other countries. Humanitarian intervention also confronted both practical and political realities of power. Any nation considering launching an unwelcomed and uninvited intervention into another understood perfectly well that it possessed limitations on its ability to actually project sufficient power abroad to coerce behavior. In addition, intervening in another state in the name of human rights might well invite criticism of abuses at home and dangerously risk prompting others to reciprocate with their own interventions in return. Nevertheless, by the nineteenth century, a growing concern about severe abuses, enhanced by the technological means to gather and transmit information, increasingly encouraged governments to reevaluate at least some of their traditional reluctance to consider domestic abuse as a matter of legitimate international concern and to envision a new level of direct action on behalf of the persecuted.

Not surprisingly, the fate of minorities persecuted for their religious convictions or ethnic affiliations would most likely draw the interest of members of the same group elsewhere. They would be the ones most interested in protecting the right of religious freedom by humanitarian intervention if their coreligionists were threatened with persecution. In the past, these concerns received only slight international attention from states unwilling to challenge any prerogatives of national sovereignty.¹⁰⁹ This began to change at the Congress of Vienna, when diplomats explicitly recognized the beginnings of an international right of religious freedom and acknowledged that intolerance might jeopardize other aspects of international peace and security. Here they pledged themselves to maintain "religious equality" and "assure equal protection and favor to every sect" in Belgium, and to guarantee "without any distinction of Religion . . . the same political and civil rights which are enjoyed by [other] inhabitants" in Switzerland.¹¹⁰ At the same time, they agreed to "an amelioration in the civil state of those who profess the Jewish religion in Germany," paying "particular attention to the measures by which the enjoyment of civil rights shall be secured and guaranteed to them."¹¹¹ The fact that these provisions occurred as integral parts of multilateral, negotiated treaties provided an important early step in establishing the principle and practice of international guarantees to protect such rights.

This issue rose with particular force in the nineteenth century over the fate of Christians living in the Ottoman Empire. Given the volatility and diversity ranging from Algeria across North Africa through the Middle East and to Asia Minor and the Balkans, the Ottomans could maintain internal peace only by recognizing the interests of the *millets*, or religious communities, of Greek Orthodox and Armenian Christians, Muslims, and Jews. Yet, even under this system, the *dhimmis*, or non-Muslim subjects, suffered various forms of discrimination.¹¹² Among these victims, however, only the Christians had powerful friends concerned and informed about their fate and able to project power beyond their own borders.¹¹³ The Great Powers of Europe alone possessed the capabilities of exerting influence, if they so chose, by employing a variety of means ranging from diplomatic pressure to humanitarian intervention.

Europeans who already, with the Catholic Emancipation Act of 1846 in Britain, and several other countries, seen with expressions of Christian subjects within the Ottoman Empire, claiming blatant interference by reform-minded governments and used it as a means of intervention. The edicts promulgated by Sultan Abdulmejid before an assemblage of foreign consuls, claiming rights to "all our subjects without exception." The Treaty of Paris accepting the rights of religious subjects . . . without distinction of religion, the Christian population

When diplomatic protests by European states were prompted by watching extensive human rights abuses of Christians at the hands of the Ottoman Empire, resolved in 1827 to ignore the "Greek question" and sent naval vessels to the Aegean Sea, a most unusual formal agreement to stop to the effusion of blood. The European community called for, no less by the Congress of Europe.¹¹⁶ By the subject of Christians in the Ottoman Empire, efforts occurred in the nineteenth century, thousand Christian Maronites, what was described as "unprecedented calamities" caused such suffering that they themselves forced to consider national responsibilities and Russia, with the agreement, organized a collective military intervention to persecute. These six powers agreed to investigate the causes of the persecutions, to draft a new law to prevent persecutions in the future. It is to be hoped that the nineteenth century

This was just the beginning of the persecution of Christians in the Ottoman Empire, revolts in the 1870s. When the Ottoman Empire, their attacks against

Europeans who already had taken measures to ensure greater religious toleration with the Catholic Emancipation Acts of 1829 and 1832 and the Religious Disabilities Act of 1846 in Britain, and the relaxation of many legal restrictions against Jews in several other countries, increasingly turned their attention abroad. This could be seen with expressions of concern and formal protests about the treatment of Christian subjects within the Ottoman Empire. Many Ottomans responded with resentment, claiming blatant interference into their internal affairs. Interestingly enough, some reform-minded government officials actually welcomed this international pressure and used it as a means of bringing about change. The result was the *Hatti-i Sherif* promulgated by Sultan Abdulmejid in 1839. This famous decree, read for the first time before an assemblage of foreign diplomats, guaranteed certain legal, social, and political rights to "all our subjects, of whatever religion or sect they may be; they shall enjoy them without exception."¹¹⁴ Further pressure forced Sultan Abdul-Aziz to sign the 1856 Treaty of Paris accepting an international obligation to honor "the welfare of his subjects . . . without distinction of religion or race" and "his generous intentions towards the Christian population of his Empire."¹¹⁵

When diplomatic protests proved to be insufficient to protect the persecuted, European states were prepared to use direct military intervention. After several years of watching extensive human suffering and the slaughter of many Greek Orthodox Christians at the hands of the sultan's forces, to illustrate, Britain, France, and Russia resolved in 1827 to ignore the claim by the Ottomans that the conflict was an "internal affair" and sent naval vessels and troops to Greece. Their motives, they announced in a most unusual formal agreement, could be found in their desire of finally "putting a stop to the effusion of blood" and "re-establishing peace . . . by means of an arrangement called for, no less by sentiments of humanity, than by interests for the tranquility of Europe."¹¹⁶ By the subsequent London Protocol of 1830, they affirmed the rights of Christians in the Ottoman Empire and the rights of Muslims in Greece. Further efforts occurred in the wake of persecution and murder of perhaps as many as eleven thousand Christian Maronites by Muslim Druze from Syria during 1860, which evoked what was described as "universal reprobation."¹¹⁷ Indeed, observed one diplomat, these "calamities" caused such a "profound emotion" of outrage that governments found themselves forced to confront the question of whether or not they had certain international responsibilities to protect the persecuted.¹¹⁸ Austria, France, Britain, Prussia, and Russia, with the agreement of the Ottoman Turks themselves, consequently authorized a collective military force of six thousand men to intervene and protect the persecuted. These six powers also created a ground-breaking international commission to investigate the causes and the extent of the abuses, to assist the victims and punish the guilty, to draft a new constitution guaranteeing religious freedom, and to prevent persecutions in the future.¹¹⁹ Said the British secretary of state for external affairs: "It is to be hoped that the measures now taken may vindicate the rights of humanity."¹²⁰

This was just the beginning, however. Years of notorious misrule and unrelenting persecution of Christians in Bosnia, Herzegovina, and Bulgaria finally exploded in revolts in the 1870s. When the Ottoman Empire sent in troops to crush the rebellion, their attacks against non-Muslims provoked international horror and outrage.

Eyewitnesses told of unrestrained killing, looting, raping, burning, pillaging, and torture. The massacre of no fewer than twelve thousand Christians during a single month prompted observers to describe it "as the most heinous crime that had stained the history of the present century."¹²¹ Newspaper accounts and drawings of Turkish troops burning homes and slaughtering innocent women and children provided words and visual images that aroused widespread empathy and provoked public outrage.¹²² William Gladstone, the future British prime minister, published a book entitled *The Bulgarian Horrors* that sold forty thousand copies in just three days describing "the horror and infamy" of victims "murdered, or worse than murdered, by thousands." He spoke of "rights and duties," telling his readers that this kind of persecution was no longer acceptable and urging them to consider their larger responsibility to "protect humanity and defend justice." "For the purposes of humanity alone," Gladstone concluded, the fleet should be sent "in concert with the other Powers, for the defense of innocent lives."¹²³ Such action, he believed would convey one simple message: "You shall *not* do it again!"¹²⁴

This determination by the Great Powers to take action to protect the persecuted played a major role when negotiating the path-breaking 1878 Treaty of Berlin at the end of the war between Russia and the Ottoman Turks. It imposed upon the Ottoman Empire and the new states of Bulgaria, Serbia, Montenegro, and Romania important provisions on civil and political rights, including religious freedom and the protection



Figure 4. Images of Persecution. *Illustrated London Times*, 1876.

of Christians and Jews. International interests" of ethnic minorities went on to sign the International Convention for the Protection of the Rights of Muslims to freely practice their religion given to Greece.¹²⁶ Such provisions were given to other countries by international treaties and practices.

Their efforts did not stop the Ottoman Empire. The Treaty of Berlin issued a strong criticism of his policies, but it also threatened of further intervention. Gladstone argued that his government had a duty "which naturally occur in the course of more this international protection." He also noted their protests during 1878, but that they were in rural areas but within the Ottoman Empire, France, and Russia. He called for a halt to all such bloodshed.

Persecution of minorities became a focal point for international attention. In a way that the atrocities of "ethnic cleansing" in Yugoslavia and other of human rights in other parts of the world. Considerable pressure was put on the suppression of Poles and other ethnic minorities (including "Magyarization." The Habsburg Empire and the United States that deliberately persecuted minorities. Governments to take action against expulsion, persecution, and Russia. When the Ottoman Empire announced that it could not protect the "claims of our common humanity."

Along with the hope of international intervention at the same time, saving lives could cost lives and be beneficial, but it was also for masking more suffering. Nations taking action thus opening themselves to standards that applied to all. The eagerness to protect also happened to be

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of Christians and Jews. Interestingly enough, the treaty also recognized "the rights and interests" of ethnic minorities, such as the Armenians.¹²⁵ The same powers then went on to sign the International Convention of Constantinople, guaranteeing the right of Muslims to freely practice their religion with complete equality in territories given to Greece.¹²⁶ Such provisions designed to protect human rights within particular countries by international treaties marked striking early departures from traditional practices.

Their efforts did not stop here. Within just two years, the signatory powers of the Treaty of Berlin issued a highly publicized collective note to Sultan Abdul Hamid, strongly criticizing his persecution of Armenians. He resented such interference and threats of further intervention from what he described as "over-zealous people" and argued that his government was being unfairly singled out for criticism of practices "which naturally occur in every country in the world."¹²⁷ He nevertheless could not ignore this international pressure, and began to make changes. Other nations renewed their protests during 1895 and 1896 when further massacres occurred not only in distant rural areas but within full view of the diplomatic community in Istanbul itself. Britain, France, and Russia publicly demanded a commission of inquiry and an immediate halt to all such bloodshed and violations of human rights.

Persecution of minorities within the Ottoman Empire provided a highly visible focal point for international attention, condemnation, and action, in much the same way that the atrocities of the Third Reich in Germany, apartheid in South Africa, and "ethnic cleansing" in Yugoslavia would do in the next century. But similar violations of human rights in other countries also prompted widespread outrage and criticism. Considerable pressure was placed on the government of tsarist Russia for its brutal suppression of Poles and on the Hungarians over their persecution of religious and ethnic minorities (including Roma) through a policy of forced assimilation known as "Magyarization." The Evangelical Alliance, composed of churches from throughout Europe and the United States, focused attention to new variants of "Russification" that deliberately persecuted non-Orthodox believers. Jewish groups also urged governments to take action that might protect their coreligionists from discrimination, expulsion, persecution, and murder in anti-Semitic pogroms, particularly in Romania and Russia. When the United States formally protested on one of these occasions, it announced that it could not remain silent in the face of this abuse of rights and the "claims of our common humanity."¹²⁸

Along with the hope held out to victims, these early experiences with humanitarian intervention at the same time revealed troubling difficulties and serious dangers. Saving lives could cost lives. Intervention in the name of "humanity" could be legitimate and beneficial, but it also could provide a convenient pretext for coercion or a guise for masking more suspicious motives of self-interest and aggrandizement. Similarly, nations taking action against others were likely to be guilty of abuses of their own, thus opening themselves up for accusations of hypocrisy and having arbitrary standards that applied to some but not to all. The Great Powers who demonstrated such eagerness to protect the rights of the persecuted in the Ottoman Empire, to illustrate, also happened to be the same ones known to persecute indigenous peoples whom

they regarded as less-than-fully human within their own overseas empires. In addition, whereas carefully negotiated and solemn treaty provisions concerning human rights indicated a strength of desire, the lack of enforcement by means of permanent institutions or mechanisms whereby victims could initiate complaints revealed a lack of will. "Whether use will be made of this . . . opportunity which has been thus obtained . . . by the interposition of the Powers of Europe," conceded one diplomat, "or whether it is to be thrown away, will depend [ultimately] upon the sincerity with which the Turkish statesmen now address themselves to the duties of good government and the task of reform."¹²⁹ Finally, and not surprisingly, those who engaged in this activity had reason to worry about what they described as "the inconveniences and dangers which an intervention of this kind might produce."¹³⁰ One of these was precedent, for it could well be turned against those who used it, thereby threatening their own independence, domestic jurisdiction, territorial integrity, and national sovereignty. In addition, humanitarian intervention, however worthy, always carried the danger that it could provoke even worse reactions against the very people it desired to protect.

Even though such problems clearly existed, these early efforts contributed heavily to the growing theory and practice of protecting the rights of the persecuted. They helped develop the emerging legal principle that certain fundamental *lois de l'humanité* (laws of humanity) must be honored, and that there were certain limits to the impunity states could enjoy under international law when it came to how they treated their own nationals. Legal scholars described these in terms of natural law and human rights, arguing that it was no longer acceptable for other states to be passive in the face of such serious violations. Pressure and force, they insisted, should be used by nations acting collectively to protect the rights of victims in another state unable to defend themselves from their own government if the abuses became so egregious as to exceed the limits of reason and justice and "to shock the conscience of mankind." In addition, and very importantly, the whole issue began to suggest the possibility that the violation of human rights in one country might well endanger the peace and security of other countries.¹³¹

* * *

Those visionaries and activists of the nineteenth century who worked so hard to claim, to articulate, to extend, and to protect human rights experienced both the pain and frustration of problems as well as the elation of successes. From the very beginning they had to confront the harsh reality and strength of countervailing old sources of resistance arising from entrenched traditions, racism, male domination, vested interests, class discrimination, and national sovereignty. Added to these were opposing forces that became more pronounced during their own day, including imperial conquest and doctrines of manifest destiny, unrestricted laissez-faire, "scientific" explanations for sexism and racism, anti-Semitism, and extreme nationalism that strongly opposed any internationalist visions whatsoever. They had to face the cruel paradox that attention to human rights tended to become most intense when abuses were the most obvious and egregious: in slavery, in exploitation, in war, and in persecution. Like all

pioneers, they had to proceed in an area of great uncertainty where progress was slow and unpredictable. They often found themselves torn between themselves and the world, between philosophical, and political, and economic considerations. They fundamentally came from a tradition where they themselves challenged the status quo, not instead in liberalism, or socialism, or communism. They similarly engaged in a struggle of moral persuasion and action.

At the same time, though, they knew that rights did not always come from above. Those who claimed that human rights belonged to all people, that they were part of a seamless web, for example, instead insisted that some people had the same rights. Support for human rights often guaranteed an extension of rights to ethnic minorities, the rights of women, the rights of strangers, etc.

In the face of these challenges, the early efforts of human rights achievements. Never had it been so difficult to cross the boundaries of what was no longer acceptable, and to demand of others beyond their own. They were willing to examine such issues, though long taken for granted. They encouraged movements to take action, not in single-issue campaigns, but to explore expanded commitment toward humanity and to challenge the boundaries of domestic law. They developed mechanisms for enforcement of international law, and the evolution of international government representation to territories, borders, and responsibilities people, populations, etc.

At the beginning of the nineteenth century, trade flourished, often at the expense of inequality and trade abuses. The wounded were not healed. Moreover, states could often act with impunity and

pioneers, they had to proceed without any clear guidelines and in the face of great uncertainty where progress was rarely linear but always incremental and often erratic and unpredictable. They also had to encounter the existence of serious differences between themselves and to realize that they came from highly diverse religious, philosophical, and political points of departure. Those who believed that human rights fundamentally came from God or from natural law, to illustrate, increasingly found themselves challenged by those who argued that the source of rights could be found instead in liberalism, rationalism, utilitarianism, secularism, materialism, or humanism. They similarly engaged in severe arguments about whether to choose the means of moral persuasion and gradual reform or the path of revolution and violence.

At the same time, they had to face the fact that there were different visions, and that rights did not always form a single and consistent package in practice. Those who claimed that human rights were always natural, equal, and universal, and thus belonged to all people without distinction and as interconnected and indivisible parts of a seamless web, for example, often found themselves confronted by those who instead insisted that some people were not fully human and thus did not deserve the same rights. Support for the rights of slaves and serfs, to illustrate, did not necessarily guarantee an extension of concern for the rights of women, the rights of racial or ethnic minorities, the rights of the working poor, the rights of indigenous peoples, or the rights of strangers persecuted in other lands.

In the face of these obvious limitations and inconsistencies and often severe challenges, the early efforts on behalf of international human rights made remarkable achievements. Never before had so many people been able to use the forces of the time and to cross the thresholds of determining that certain behavior was wrong and no longer acceptable, that outrage needed to be followed by action, and that the rights of others beyond themselves needed to be protected. Never before had they been so willing to examine such dark places and practices in the world and to confront abuses long taken for granted. Never before had they been so willing to work together in great movements to take action in the name of human rights. Whether in broad-based or in single-issue campaigns, they began to experiment, develop networks, open space to explore expanded definitions of human rights, build a larger sense of responsibility toward humanity as a whole, establish political precedents, challenge traditional boundaries of domestic jurisdiction and national sovereignty, and create practical mechanisms for enforcement. In this regard, and particularly important for the evolution of international human rights, these experiences marked a new willingness of government representatives to go beyond the traditional provisions in treaties limited to territories, borders, and states and their leaders to now include among their responsibilities people, populations, and victims of abuse.

At the beginning of the nineteenth century, slavery was common and the slave trade flourished, often with government sanction and support. Hereditary systems of inequality and traditional exploitation due to race, gender, or class continued unabated. The wounded in war were left to suffer and die where they fell on battlefields. Moreover, states could engage in persecution against their religious or ethnic minorities with impunity and without the slightest fear of criticism from abroad. When the

century ended, most of the living victims of slavery, the slave trade, and serfdom were emancipated and those who suffered from exploitation, warfare, and persecution possessed a prospect of being helped in some, perhaps even significant, ways from others beyond their own immediate borders. These successes, made in the face of seemingly overwhelming obstacles, demonstrated that normative values could be changed and that certain goals might not be just desirable—but actually *possible*. As such, they laid a foundation, established a direction, and created hope for those who would carry further visions of human rights forward into the new century.

Chapter 3 Entering the '20s

Visions, War, Revolution

We must do away with the boundaries of color and race, render all races free, independent, and in harmony.

The experience of entering the new century provided opportunities to reflect on the changes that were taking place. In this regard, those who lived through the first half of the century—one that even today is remembered for both worry and hope—were well positioned to see the vested interests, and nationalisms, that were bound to disappear. At the same time, they witnessed the birth of them a newfound confidence in the future, sustained but even accelerated by the events that within just a few years would bring unprecedented suffering and the destruction of empires. The new century would witness the rise of new empires, shift the world balance of power, and the 1919 peace conference, creating a new vision of international human rights.

Modernization, Internationalism

The new century unleashed a new energy, and visions to the future were caught and whirled about by the winds of change. Adams. His essay "A Lament for the Future" is a vision: "dynamic theory,"