

The History of Human Rights and Human Rights Discourse

<u>Year</u>	<u>Historical Event</u>	<u>Location</u>	<u>Content/ Idea</u>
I. Early Forms of Human Rights			
479-221 B.C.E.	Confucius: <i>The Analects</i>	Asia	Definition of 5 virtues (respectfulness, tolerance, trustworthiness, quickness, generosity) for making an empire benevolent ⁱ
c. 350 B.C.E. ⁱⁱ	Aristotle: <i>The Politics</i>	Greece	Freedom, equality and justice are the basis of democratic communities and human coexistence ⁱⁱⁱ
1188	Cortes de León	Spain	Confirmation of the political right of freedom ^{iv}
1215	Magna Charta Libertatum	England	Protection of the subject against the Crown's improper use of the laws ^v
II. 17th/ 18th Century: Liberalism^{vi}			
1625	Hugo Grotius: <i>The Law of War and Peace</i>	France	Hypothesis of a "law of nations"; the right of killing in a lawful war; the treatment of prisoners ^{vii}
1628	Petition of Rights	England	Protection of the subject's person and property by <u>birthright</u> ^{viii}
1644	John Milton: <i>Areopagitica</i>	England	Freedom from censorship for authors ^{ix}
1679	Habeas Corpus Act	England	Protection from arbitrary arrests ^x
1689	Bill of Rights	England	Acknowledgement of every individual as the measure of law ^{xi}
	John Locke: <i>A Letter Concerning Toleration;</i> <i>The Second Treatise</i>	England	Freedom of worship; separation of religion and state ^{xii} Freedom of action; individual disposition of possessions for the convenience of life ^{xiii}
1756	Jean-Jacques Rousseau: <i>The Geneva Manuscript</i>	France	Theory of a social contract at the expense of natural freedom for the benefit of the general will ^{xiv}
1759	Adam Smith: <i>The Theory of Moral Sentiments</i>	UK	The just distribution of products among landlords and the poor ^{xv}
1776	Declaration of Independence	USA	Equality and independence of every individual; declaration of certain <u>self-evident rights</u> such as the right of life, property and the pursuit of happiness ^{xvi}
<u>1789</u>	Declaration of the <u>Rights of Man</u> and of the Citizen	France	<u>Human rights</u> such as freedom, property, protection and resisting oppression are natural and inalienable ^{xvii}
1792	Thomas Paine : <i>The Rights of Man;</i> Mary Wollstonecraft : <i>A Vindication of the Rights of Women</i>	UK UK	The foundation of civil rights on <u>natural rights</u> ; obligations and restrictions for a government ^{xviii} The right of an education that promotes reason for women and girls ^{xix}
1795	Immanuel Kant: <i>Perpetual Peace;</i>	Prussia/ Germany	Theory of a republican constitution based on the principles of freedom for all, their dependence on the law and equality of all citizens
1797	<i>The Metaphysics of</i>		The legislative power's dependence on the will of

III. 19th Century/ early 20th Century: Socialism^{xxi}

1878	Friedrich Engels: <i>The Anti-Dühring</i>	Germany	Morality is not universal but dependent on social classes; a “human morality” is possible only after having overcome class contradictions ^{xxii}
1866	Karl Marx: Instructions for the Delegates to the Geneva Congress	Germany	Demand for limitation of the working day to 8 hours as the legal limit; freedom of trade unions ^{xxiii}
1891	<i>Critique of the Gotha Programme</i>		Compulsory school attendance; equal elementary education through the state; restriction of women’s labor; prohibition of child labor; regulation of prison labor ^{xxiv}
1916	Rosa Luxemburg: <i>The Junius Pamphlet</i>	Germany	The connection between capitalism, imperialism and World War I as the cause for inhumanity and the destruction of culture ^{xxv}

IV. 20th Century: Post-War Period

1945	United Nations Charter	United Nations	Continued adherence to the basic human rights ^{xxvi}
1948	Universal Declaration of Human Rights	United Nations	Determination of negative rights (such as protection against the state), positive rights (political participation rights), individual rights of social welfare ^{xxviii}
	Convention on the Prevention and Punishment of the Crime of Genocide ^{xxvii}	United Nations	

V. Late 20th Century/ 21st Century: Development of Group Rights^{xxix}

1949	Protocol to the Geneva Convention	United Nations	Determination of the treatment of prisoners of war ^{xxx}
1951	Convention Relating to the Status of Refugees ^{xxxi}	United Nations	Right to be treated in the same way as nationals ^{xxxii}
1973	International Convention on the Suppression and Punishment of the Crime of Apartheid ^{xxxiii}	United Nations	
1975	Declaration on the Rights of Disabled Persons	United Nations	Right to have special needs; protection against exploitation and discrimination ^{xxxiv}
1979	Convention on the Elimination of All Forms of Discrimination against Women	United Nations	Right to participate in political, social, cultural and economic life ^{xxxv}
1984	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ^{xxxvi}	United Nations	
1989	Convention on the Rights of the Child ^{xxxvii}	United Nations	Freedom of expression; protection from physical and mental violence, (sexual) abuse, exploitation ^{xxxviii}

Brownlie, Ian; Guy S. Goodwin-Gill (ed.): *Basic Documents on Human Rights*. Oxford: Oxford University Press, 2006

Ishay, Micheline R.: *The Human Rights Reader. Major Political Essays, Speeches, and Documents from Ancient Times to the Present*. New York: Routledge, 2007

Pulte, Peter (ed.): *Menschenrechte. Texte internationaler Abkommen, Pakte und Konventionen*. Leverkusen/ Opladen: Heggen, 1974

Sandkühler, Hans Jörg (ed.): *Enzyklopädie Philosophie*. 2 volumes. pp. Hamburg: Felix Meiner Verlag, 1999

ⁱ Ishay 2007, pp. 24-25

ⁱⁱ *ibid*, p. 12

ⁱⁱⁱ Pulte 1974, pp. 7-8

^{iv} Sandkühler 1999, p. 820

^v Pulte 1974, p. 9

^{vi} Ishay 2007, p. 95

^{vii} *ibid*, p. 127

^{viii} Sandkühler 1999, p. 820

^{ix} Ishay 2007, pp. 96-97

^x Sandkühler 1999, p. 820

^{xi} Sandkühler 1999, p. 820

^{xii} Ishay 2007, pp. 97-99

^{xiii} *ibid*, pp. 116-120

^{xiv} *ibid*, pp. 120-121

^{xv} *ibid*, pp. 148

^{xvi} Sandkühler 1999, pp. 820-821

^{xvii} *ibid*, p. 821

^{xviii} Ishay 2007, pp. 148-151

^{xix} *ibid*, pp. 180-181

^{xx} *ibid*, pp. 153

^{xxi} *ibid*, p. 225

^{xxii} *ibid*, pp. 198-199

^{xxiii} *ibid*, pp. 218-219

^{xxiv} *ibid*, pp. 222-223

^{xxv} *ibid*, pp. 233-239

^{xxvi} Pulte 1974, p. 13

^{xxvii} Brownlie/ Goodwin-Gill 2006, p. xv

^{xxviii} Ishay 2007, p. 819

^{xxix} *ibid*, p. 339

^{xxx} *ibid*, pp. 497-501

^{xxxi} Brownlie/ Goodwin-Gill 2006, p. xv

^{xxxii} Ishay 2007, p. 384

^{xxxiii} Brownlie/ Goodwin-Gill 2006, p. xvi

^{xxxiv} Ishay 2007, p. 526-527

^{xxxv} *ibid*, pp. 527-532

^{xxxvi} Brownlie/ Godwin-Gill 2006, p. xvii

^{xxxvii} Ishay 2007, pp. 538-544

^{xxxviii} *ibid*, pp. 538-543

Issues on the Human Rights Discourse:

1) Approaching a definition of human rights:

- a) Comparison between *The Declaration of the Rights of Man and of the Citizen* (1789) and the *Universal Declaration of Human Rights* (1948):
Where do they correspond with/ differentiate from each other?
- b) Is it possible to conclude from the 2 references certain criteria for a universal definition of human rights?

2) Considering origins of and justifications for human rights:

- a) How many and what different grounds for a universal declaration of human rights are possible and implied in both preambles? (Please also consult Sandkühler p. 820 and the table on *The History of Human Rights*)
Are they opposed to each other?
- b) To which degree are these sorts of justifications convincing?
Is there indeed a lowest common factor shared by all cultures to every point of time?

3) Considering historical problems of validity:

- a) How do you evaluate the development of the human rights as indicated in the table with regard to its claim of universality?
- b) To which degree could you find the abandonment of the idea of universality in the concept of human rights acceptable?