

Debating the origins of human rights

Until recently, the study of human rights was the preserve of legal scholars, political theorists and human rights activists. Historians only began to explore the subject in the 1990s, when the Cold War ceased to dominate the international scene and the social, cultural, technological and economic forces driving globalization appeared to erode national sovereignty and empower a new form of global conscience.

Historians agree that the elaboration of international human rights was a historically contingent process that reflected larger ethical, legal and political trends in Europe, but they disagree about when human rights emerged. Some scholars, such as Lynn Hunt and Paul Gordon Lauren, trace their origins to seventeenth- and eighteenth-century Enlightenment philosophers, who argued that natural law provided a firm basis for the protection of life, liberty and property from the arbitrary exercise of power by the crown. Linked to this is also the anti-slavery campaign, although this is matter of dispute, for some contend that the campaigners merely wanted to convert slaves into Christians and, by doing so, provided a new legitimacy for colonial expansion and consolidation in the nineteenth century. In this light, the 'civilizing mission' of abolishing slavery was simply a moral pretext for imperialism by the European powers.

Other scholars, including Elizabeth Borgwardt and Mark Mazower, challenge the narrative of a long triumphant rise of human rights and trace their origins instead to the 1940s, when the founders of the United Nations asserted the primacy of state sovereignty and non-intervention in national and colonial affairs in international politics. According to this view, the adoption of individual human rights as a non-binding legal norm through the United Nations was a way for the victorious great powers to evade binding commitments to protect minorities and to confer upon them collective rights, which had been a distinctive feature of the pre-war League of Nations system, and to overlook population transfers, particularly the expulsion of 13 million Germans from East-central Europe. However, while human rights entered the language of international politics in the 1940s and became a weapon in the rhetorical arsenal of the Cold War and the struggle over decolonization and national liberation, it was not until the 1970s that they had significant consequences for the conduct of international relations generally. It was in that decade, so runs the argument, that non-governmental organizations such as Amnesty International and Human Rights Watch campaigned for the enforcement of human rights across frontiers, and the Carter administration first advanced human rights as the basis for the United States' claim to global leadership. Thus one of the most significant entrants into this debate, Samuel Moyn, in his book *The Last Utopia: Human Rights in History*, argues that the modern concept of human rights only emerged in the

1960s and 1970s as idealists lost their faith in socialism and anti-colonialism and settled for campaigning for a more limited utopian vision.

The burgeoning of human rights history has not only sparked a debate about origins, but also has raised historiographical issues, the most important of which is how should the history of human rights be researched and written? Is it simply the history of an idea and is the historian's task to be defined simply as tracing continuities? Is it the story of how human rights law was negotiated by political leaders, foreign ministries and diplomats? Is it the history of human rights activism and the creation of powerful formal and informal social networks that sought to influence politics? One strand of the literature focuses on the efforts of important personalities, such as Eleanor Roosevelt and her role in the making of the 1948 Universal Declaration of Human Rights or the jurist Raphael Lemkin who drafted the Genocide Convention. Studies that focus on individual or lobby groups tend to portray them as being on the side of justice struggling against the cynicism and realpolitik exercised by powerful nations. Yet the success of individuals and groups in promoting international human rights begs the question of why states adopted them as a moral cause after the Second World War. To answer that question presses historians to explore deeper into how and why normative shifts occur in the realm of international politics and trace the complex ways in which ideas become causes.