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Re-Learning the Human Rights Language: An Imperative for Our COVID-19 Era

Georges Enderle¹

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ABSTRACT

The inherent nature of human rights means that human rights are concrete entitlements grounded in the dignity of every human person. It is not only absent, forgotten or ignored in many cases, but when it is used, it is often confused and misused. Human rights language and law became the platform for thousands of domestic and international nongovernmental organizations (NGOs) and served as a model for the bills of rights in the constitutions of dozens of countries liberated from colonial yokes and crumbling empires. It is thus a language of liberation. This short article is analyzing the current status of the human rights language in a such tough situation of pandemic corona virus.

1. Introduction

If we don't learn and speak the language of human rights, the powerful moral language of the Universal Declaration of Human Rights fades away and die. The talk of dignity easily remains abstract. The historic struggle for human rights is in vain and provides no lens to face the challenges of human rights violations today. We lose the moral lingua franca that is understandable in each country and we cannot articulate the common ethical ground we need to live and work together on the planet Earth. The drafting of the Universal Declaration of Human Rights from 1946 to 1948 – under the leadership of Eleanor Roosevelt – was an extraordinary consultative process involving representatives of 58 countries (including all continents, but without the

1. Professor of International Business Ethics at the Mendoza College of Business, Department of Marketing, University of Notre Dame, Notre Dame, United States, E-mail: genderle@nd.edu (Corresponding Author), Tel: (574) 631-5595

defeated powers of Germany and Japan and the numerous colonies). Its task from the newly created United Nations was to elaborate a new moral order for the world after World War II; the Declaration was adopted by the Third UN General Assembly on 10 December 1948 with no votes against it. With this powerful impetus, the human rights language was created, not in scholarly conversations, but in intensive personal exchanges among the 58 drafters, who were “endowed with reason and conscience” as Art. 1 of the Declaration proclaims as true for all human beings.

Human rights language and law served as a model for the bills of rights in the constitutions of dozens of countries liberated from colonial yokes and crumbling empires. It is thus a language of liberation. If we don’t learn and speak the language of human rights, the powerful moral language of the Universal Declaration of Human Rights fades away. The talk of dignity easily remains abstract. The historic struggle for human rights is in vain and provides no lens to face the challenges of human rights violations today. We lose the moral lingua franca that is understandable in each country and we cannot articulate the common ethical ground we need to live and work together on the planet Earth.

2. Human rights discourse

When we talk about the current crises plaguing the world—the pandemic, climate change, racial injustice, increasing inequality, and more—there is scarce attention to human rights language. The inference is that human rights discourse is irrelevant – or, curiously, absent or forgotten. Maybe we do not speak the language of human rights fluently any longer. Maybe we fail to appreciate its relevance. In any case, we need to re-learn this language. This can be an arduous process, akin to learning a foreign language; it requires continued commitment and many steps. But the effort can open unexpected perspectives and generate deep insights.

To underscore the “absence”: apparently the COVID-19 pandemic is not seen as violating the right to life, liberty and security of the person (Universal Declaration of Human Rights Art. 3) and the right to health care (UDHR Art. 25, International Covenant on Economic, Social and Cultural Rights Art. 12).

The economic crisis is not perceived as violating the rights to work (UDHR Art. 23, ICESCR Art. 6), to social security (UDHR Art. 22, ICESCR Art. 9) and to an adequate standard of living (UDHR Art. 25, ICESCR Art. 11). And racism is not understood as violating the human rights of non-white people, enshrined for everyone in UDHR Art. 2, ICESCR Art. 2 and International Covenant on Civil and Political Rights Art. 2. (Note: human and civil rights may include the same contents of rights, but be grounded differently: in being a human person or in the U.S. Constitution, respectively).

The absence of the human rights language is also striking in the bold statement of the Business Roundtable on the purpose of the corporation (2019; [businessroundtable.org](https://www.businessroundtable.org)). While this illustrious organization of the top 200 US business leaders proclaims its “fundamental commitment to all of [its] stakeholders ... each of them is essential [to them],” no reference is made to the UN Guiding Principles on Business and Human Rights that was endorsed by the UN Human Rights Council already in 2011¹.

Moreover, as an interesting webinar of the Pulte Institute for Global Development (on July 21, 2020) revealed, USAID developed a sophisticated map for evaluating the evidence of private sector engagement in its wide range of activities. Unfortunately, however, human rights do not figure among the dozens of criteria (<https://pulte.nd.edu/projects/usaid-private-sector-engagement/>).

Human rights language is not only absent, forgotten or ignored in many cases, but when it is used, it is often confused and misused. In the past several months the yelling and fighting for “human” rights arose from many sides of the political spectrum: “rights” to not wear masks in public, “rights” to loot and destroy shops in protest in the name of justice, “rights” to gather in large groups on a beach or to celebrate an event, “rights” to open, “rights” to remain closed, etc. Another fiercely defended right – claimed to be a human right or even more important than a human right – is the right to keep and bear arms according to the Second Amendment of the United States Constitution.

1. www.ohchr.org/documents/publications.

Let us take a look at the unique contribution of the human rights language. What can it accomplish that other languages cannot?

3. A glance at the evolution of international human rights

The drafting of the Universal Declaration of Human Rights from 1946 to 1948 – under the leadership of Eleanor Roosevelt – was an extraordinary consultative process involving representatives of 58 countries (including all continents, but without the defeated powers of Germany and Japan and the numerous colonies). Its task from the newly created United Nations was to elaborate a new moral order for the world after World War II; the Declaration was adopted by the Third UN General Assembly on 10 December 1948 with no votes against it.

This astounding consensus – unique in the history of humankind – was sparked by the vivid remembrance of the recent barbarous acts of the Holocaust. The outcry crossed political and ideological borders (as the outcry of the killing of George Floyd and other African-Americans recently did). The moment and the moral outrage needed an appropriate language to express what is ethically unacceptable under any circumstances. With this powerful impetus, the human rights language was created, not in scholarly conversations, but in intensive personal exchanges among the 58 drafters, who were “endowed with reason and conscience” as Art. 1 of the Declaration proclaims as true for all human beings.

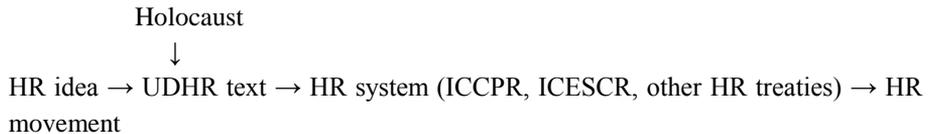
I would like to highlight three important features of this astounding consensus (following Morsink (1999, 2009, 2017, 2019):

- (1) Human rights are inherent or birthrights.
- (2) The development of human rights spans a long period of time.
- (3) In the global and pluralistic world religions play an important, but limited role with regard to human rights. These three features will help us understand the unique contribution of this language.

First, the inherent nature of human rights means that human rights are concrete entitlements grounded in the dignity of every human person. They are birthrights which are not given by the state or any other human institution. They are inalienable (or unalienable) and thus incapable of being alienated,

surrendered or transferred. They cannot be taken away or given up. They are universal: each life matters in the same way from a rights-perspective.

Second, the timeline for the development of human rights can be summarized as follows (according to Morsink 2019, p. 8):



The UDHR text draws on the idea of human rights as it emerged over time in different (not only Western) cultures. Human rights became the moral engine of the international legal system. It both inspired the creators of that legal system and also functioned as a moral mirror for nations to look at in their international legal endeavors. It has been the inspirational source for millions of persecuted and oppressed individuals around the world. Human rights language and law became the platform for thousands of domestic and international nongovernmental organizations (NGOs) and served as a model for the bills of rights in the constitutions of dozens of countries liberated from colonial yokes and crumbling empires. It is thus a language of liberation.

Third, in today's global and pluralistic world, religions play an important, but limited role with regard to human rights. After intensive discussions the drafters of the UDHR text agreed to not include any reference to God. The representatives of Christian countries (although they held a majority of votes) did not want to impose their religious view on others. They did so, according to Morsink (2017, p. 113), out of "the duty of civility," the Rawlsian proviso that requires restraint from all religious and nonreligious participants in the public square (Rawls 1996, p. 217). This philosophy of restraint that characterizes the International Bill of Human Rights can be called "**benign secularism**" as opposed to militant and aggressive secularism.

Benign secularism means that in the public square of global pluralism assumptions and propositions must be argued for in ways that are communicable to everybody. It is not acceptable to impose and enforce on

other people assumptions and propositions of one's own belief system. And, as a duty of civility, one has to respect opposing religious and nonreligious worldviews. This benign secularism can be justified not only from the perspective of political philosophy but also from a religious perspective that takes seriously and respects the human right to freedom of thought, conscience and religion (UDHR Art. 18). The language of human rights offers a bridge between world views.

4. Why should we learn the human rights language (again)?

The language of human rights is unifying. If we don't learn and speak the language of human rights, the powerful moral language of the Universal Declaration of Human Rights fades away and dies. The talk of dignity easily remains abstract. The historic struggle for human rights is in vain and provides no lens to face the challenges of human rights violations today. We lose the moral lingua franca that is understandable in each country. And we cannot articulate the common ethical ground we need to live and work together on the planet Earth.

Fortunately, we don't have to start from scratch at Notre Dame. A shining example is the current year-long initiative entitled "Building an Anti-Racist Vocabulary" run by the Keough School's Klau Center for Civil and Human Rights. The project seeks to educate students and members of the broader Notre Dame community, helping them explore and deconstruct concepts that undergird racism. Similar initiatives can be launched on human rights in broader and more specific terms (see, for example, the 2020 Cahill Lecture in Business Ethics "Advancing Racial Literacy in Tech" <https://ethicalleadership.nd.edu/events/>).

The Keough School of Global Affairs is committed to Integral Human Development; one important aspect of "integral" development is the proper consideration of religions and faith-based contributions to "our common home." The language of human rights can serve as a bridge between religious voices and the secular world. It can offer an integral perspective that includes

everyone and reminds the whole of humanity that each person has dignity and each person has corresponding human rights that have to be respected. Each life matters, each life is protected by rights.

5. Conclusion

The drafting of the Universal Declaration of Human Rights from 1946 to 1948 – under the leadership of Eleanor Roosevelt – was an extraordinary consultative process involving representatives of 58 countries (including all continents, but without the defeated powers of Germany and Japan and the numerous colonies). Its task from the newly created United Nations was to elaborate a new moral order for the world after World War II; the Declaration was adopted by the Third UN General Assembly on 10 December 1948 with no votes against it.

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The language of human rights can serve as a bridge between religious voices and the secular world. It can offer an integral perspective that includes everyone and reminds the whole of humanity that each person has dignity and each person has corresponding human rights that have to be respected. Each life matters, each life is protected by rights.

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