

DAS RECHT, DAS UNS ZU MENSCHEN MACHT



STIFTUNG
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Menschenrechte als Antwort auf historisches und aktuelles Unrecht.

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Vortrag: Nach dem Zweiten Weltkrieg. Menschenrechte als Antwort auf Unrechtserfahrungen

Abstract

In their second recital the drafters of the 1948 Universal Declaration tell us that one reason they drew up this list of universal human rights was that recent “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.” Fifty years later, in 1998 the State Parties to the International criminal Court invoke this same conscience (in less sexist terms) when they tell us that in creating their Court they were “mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shocked the conscience of humanity.” These two appeals to the conscience of humanity point us to the moral epistemology of human rights, which is one that wells from the bottom up. When they witness or are told about gross violations of human dignity ordinary people (whose consciences are not in some way blocked) become aware of the existence of moral rights that are inherent in the human person on account of their birth into the human family. These rights are not in first instance the result of legislative or judicial procedures of either an international or domestic kind. The UD recital tells us that these rights are inherent and inalienable and Article 1 says that we are born with them. It was a shared revulsion against the horrors of the concentration camps that gave delegates from all over the world a common platform from which to do their drafting. They went straight from specific horrors in the camps to particular rights and Articles in their declaration. The unanimous vote of 48 states for and 8 abstentions was not the result of any kind of Western imposition on the rest of the world. Nor is it undercut by the fact that membership in the UN has quadrupled by now or that eight nations did abstain. These representational “defects” are eclipsed by the conscience of humanity that spoke in 1948 as it still does now sixty years later in the very room where the violators that perpetrated the barbarities that caused this great text to be written were condemned and found guilty by that very same conscience.

Zur Person:

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Ausgewählte Publikationen:

- Inherent Human Rights Philosophical Roots of the Universal Declaration (Philadelphia: University of Pennsylvania Press, forthcoming 2009)
- "Cultural Genocide, The Universal Declaration, and Minority Rights," Human Rights Quarterly, Volume 21, No.4, November 1999, 1009-1060
- The Universal Declaration of Human Rights Origins, Drafting and Intent (Philadelphia: University of Pennsylvania Press, 1999), awarded a 2000 Certificate of Merit by the American Society of International Law
- "Women's Rights in the Universal Declaration," Human Rights Quarterly, Volume 13, No.2, May 1999, 229-256
- "World War Two and the Universal Declaration," Human Rights Quarterly, Volume 15, May 1993, 357-405

Weitere Informationen und vollständige Publikationsliste:

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