

DETAILED CONTENTS

Dedication Page	v
Brief Contents	vii
Detailed Contents	ix
Preface	xix
Introduction, Human Rights: Historical and Contemporary Controversies BY MICHELINE R. ISHAY	xxi

PART I: THE ORIGINS: SECULAR, ASIAN, AND MONOTHEISTIC TRADITIONS 1

Introduction 1

- I.1 Jacques Maritain: The Grounds for an International Declaration of Human Rights (1947) 2

CHAPTER 1 Liberty, Tolerance, and Codes of Justice 7

- 1.1 United Nations Universal Declaration of Human Rights (1948): Articles 1, 3, 5–12, 18–20, and 27 7

The Secular Tradition 8

- 1.2 Hammurabi Code: On Freedom of Speech and Civil Rights (c. 1700 B.C.E) 9
- 1.3 Plato: Justice in State and Individual (*The Republic*, 360 B.C.E) 10
- 1.4 Aristotle: On Justice and Political Constitutions (*The Politics*, c. 350 B.C.E) 12
- 1.5 Cicero (*The Laws*, 52 B.C.E) 15
- 1.6 Epictectus, "Of Freedom" ("The Discourses of Freedom," 135 B.C.E) 19

Asian Religions and Traditions 23

- 1.7 Confucius: "On Rightful Conduct of Rulers and Subjects" (*The Analects*, 479–221 B.C.E) 24
- 1.8 Kautilya: On the Penal System (*The Arthashastra*, c. 200 B.C.E) 26

1.9	Asoka: "Against Religious Intolerance and Discrimination within the Community" (<i>The Edicts</i> , 272–231 B.C.E.)	29
1.10	Chinese Buddhist Verses: On Moral Conduct (Mahaparinirvana Sutra, Early 4 th Century)	30
	<i>Monotheism</i>	31
1.11	The Hebrew Bible: On Universalism and the Ten Commandments	31
1.12	The New Testament: On Faith and the Law (c. 50)	33
1.13	The Koran: On Tolerance and Just Society (c. 632)	35
CHAPTER 2 Social and Economic Justice		39
2.1	United Nations Universal Declaration of Human Rights (1948): Articles 17 and 22–26	39
	<i>The Secular Tradition</i>	40
2.2	Hammurabi Code: On Property (c. 1700 B.C.E.)	40
2.3	Plato: On the Community of Property (<i>The Republic</i> , c. 360 B.C.E.)	41
2.4	Aristotle: On Property (<i>The Politics</i> , c. 350 B.C.E.)	42
	<i>Asian Religions and Traditions</i>	45
2.5	Confucius: On Fair Distribution and Education (<i>The Analects</i> , c. 551–479 B.C.E.)	45
2.6	Kautilya: On Labor and Property Rights (<i>Arthashastra</i> , c. 300 B.C.E.)	47
2.7	Manu: On Property Rights (<i>The Laws</i> , c. 200 B.C.E.)	48
2.8	Buddhism: On the Limitation of Property and Altruism (<i>Bodhicaryāvatāra of Śāntideva</i> , c. 8th Century)	49
	<i>Monotheism</i>	50
2.9	The Hebrew Bible: On the Welfare of the Poor, the Laborer, and the Stranger	50
2.10	The New Testament: On Greed and Charity (c. 50)	51
2.11	The Koran: On Social and Economic Aid (c. 632)	53
CHAPTER 3 Justice, War, and Peace		55
3.1	United Nations Universal Declaration of Human Rights (1948): Articles 28–30	55
	<i>The Secular Tradition</i>	55
3.2	Thucydides: On Justice versus Power: "The Melian Dialogue" (<i>The History of the Peloponnesian War</i> , c. 411 B.C.E.)	56
3.3	Plato: On How to Treat One's Enemy (<i>The Republic</i> , c. 360 B.C.E.)	59
	<i>Asian Religions and Traditions</i>	60
3.4	Confucius: On Peace and Economic Justice (<i>The Analects</i> , c. 551–479 B.C.E.)	60
3.5	Mencius: On the Right to Overthrow a Tyrant (c.372–289 B.C.E.)	61
3.6	Asoka: On Peace and Justice (<i>The Edicts</i> , c. 272–231 B.C.E.)	62

<i>Monotheism</i>	63
3.7 Hebrew Bible: On Temperance in War and Peace among Nations	64
3.8 New Testament: “Never Pay Back Evil for Evil” (c. 50)	64
3.9 Koran: On Just War (c. 632)	65
3.10 Saint Augustine: On War, Peace, and Harmony (<i>The City of God</i> , 413–426)	67
3.11 Saint Thomas Aquinas: On Just War (<i>Summa Theologica</i> , 1265–1273)	70
CHAPTER 4 Justice for Whom?	73
4.1 United Nations Universal Declaration of Human Rights (1948): Articles 1–2, 4, 13–14, 16, and 24	73
<i>The Secular Tradition</i>	74
4.2 Hammurabi Code: On Women and Slaves (c. 1700 B.C.E.)	74
4.3 Plato: On Women’s Abilities (<i>The Republic</i> , c. 360 B.C.E.)	75
4.4 Plato: On Homosexuals (<i>The Symposium</i> , c. 360 B.C.E.)	77
4.5 Aristotle: On the Justification of Slavery (<i>The Politics</i> , 350 B.C.E.)	78
<i>Asian Religions and Traditions</i>	80
4.6 Kautilya: On Women, Slavery, and Homosexuality (<i>The Arthashastra</i> , c. 300 B.C.E.)	80
4.7 Manu: On Women and the Caste System (<i>The Laws</i> , c. 200 B.C.E.)	83
4.8 Mahayana Buddhism: On the Affliction of Womanhood (<i>The Twelve Vows of Bhaisajyaguru</i> , Early 4th Century)	85
<i>Monotheism</i>	85
4.9 The Hebrew Bible: On Adultery and Homosexuality, the Stranger and the Slave	86
4.10 The New Testament: On Women, Homosexuals, and Slaves (c. 50)	87
4.11 The Koran: On Women, Homosexuals, Slaves and Nonbelievers (c. 632)	89
PART II: THE LEGACY OF LIBERALISM AND THE ENLIGHTENMENT	93
<i>Introduction</i>	93
II.1 United Nations Universal Declaration of Human Rights (1948): Article 3	93
CHAPTER 5 Liberal Visions of Human Rights	95
<i>The Fight for Freedom of Expression and Against Religious Oppression</i>	95
5.1 United Nations Universal Declaration of Human Rights (1948): Articles 18–19	96
5.2 John Milton: On Censorship (<i>Areopagitica</i> , 1644)	96
5.3 John Locke: On the Separation of Religion and State (<i>A Letter Concerning Toleration</i> , 1689)	97
5.4 Voltaire: “Religion” (<i>Philosophical Dictionary</i> , 1764)	99
<i>The Right to Life (The Cases against Torture and Capital Punishment)</i>	102
5.5 United Nations Universal Declaration of Human Rights (1948): Articles 3 and 5–12	103

5.6	United Nations International Covenant on Civil and Political Rights (1966): Part III	103
5.7	Thomas Hobbes: On the Inalienable Right to Life (<i>The Leviathan</i> , 1652)	104
5.8	Cesare Beccaria: On Torture and the Death Penalty (<i>Treatise on Crimes and Punishments</i> , 1766)	107
	<i>The Right to Property</i>	113
5.9	United Nations Universal Declaration of Human Rights (1948): Article 17	114
5.10	Gerard Winstanley "A Declaration from the Poor Oppressed of England" (1649)	114
5.11	John Locke: On Property (<i>The Second Treatise</i> , 1690)	116
5.12	Jean-Jacques Rousseau: On the Limits of Property (<i>The Geneva Manuscript</i> or the First Draft of the Social Contract, 1756)	120
5.13	Maximilien de Robespierre: "On Property Rights" (1793)	121
CHAPTER 6 How to Promote a Liberal Conception of Human Rights		125
	<i>Just War, Free Trade, and Republican States</i>	125
6.1	United Nations Universal Declaration of Human Rights (1948): Preamble	126
6.2	Hugo Grotius (<i>The Law of War and Peace</i> , 1625)	127
6.3	John Locke: On the Separation of Powers and Rebellion (<i>The Second Treatise</i> , 1690)	132
6.4	Jean-Jacques Rousseau: On the General Will and Commercial Inequity (<i>The Geneva Manuscript</i> , 1756)	139
6.5	Jean-Jacques Rousseau: On the General Will and Commercial Inequity (<i>The State of War</i> , c. 1753–1755)	141
6.6	Jean-Jacques Rousseau: On the General Will and Commercial Inequity (<i>Consideration on Government of Poland</i> , 1772)	141
7	Adam Smith: On Free Trade and Mutual Advantage (<i>The Wealth of Nations</i> , 1776)	142
3	Adam Smith: On Free Trade and Mutual Advantage (<i>The Theory of Moral Sentiments</i> , 1759)	148
6.9	Thomas Paine: On Just Revolutionary Wars, Commerce and Republicanism (<i>The Rights of Man</i> , 1792)	148
6.10	Maximilien de Robespierre "On Revolutionary Government" (1793)	151
6.11	Immanuel Kant: On Republican Peace and International Law (<i>Perpetual Peace</i> , 1795)	153
6.12	Immanuel Kant: On Republican Peace and International Law (<i>The Metaphysics of Morals</i> , 1797)	153
CHAPTER 7 Human Rights for Whom?		163
7.1	United Nations Universal Declaration of Human Rights (1948): Articles 2 and 4	164
7.2	Bartolomé de Las Casas (<i>In Defense of the Indians</i> , c. 1548)	165
7.3	Hugo Grotius: On the Right of the Stranger and the Refugee (<i>The Law of War and Peace</i> , 1625)	168
7.4	Olaudah Equiano: On the Memoirs of an African Slave (<i>The Interesting Narrative</i> , 1789)	169

7.5	Adam Smith: On Slavery and Serfdom (<i>The Wealth of Nations</i> , 1776)	171
7.6	Maximilien de Robespierre: On the Propertyless and Male Suffrage (1791)	173
7.7	Olympe de Gouges ("The Declaration of the Rights of Woman," 1790)	175
7.8	Mary Wollstonecraft (<i>A Vindication of the Rights of Women</i> , 1792)	181
7.9	"Admission of Jews to Rights of Citizenship" (1791)	188
PART III: THE SOCIALIST CONTRIBUTION AND THE INDUSTRIAL AGE		189
	<i>Introduction</i>	189
III.1	T. H. Marshall: On Civil, Political, and Social Rights (<i>Citizenship and Social Classes</i> , 1950)	190
III.2	United Nations Universal Declaration of Human Rights (1948): Articles 20–26	194
CHAPTER 8 Challenging the Liberal Vision of Rights		197
	<i>A Historical Materialist Approach</i>	198
8.1	Friedrich Engels (<i>The Anti-Dühring</i> , 1878)	198
	<i>The Struggle for Voting Rights</i>	204
8.2	Chartism: On the Petition for Voting Rights (1838)	204
8.3	Karl Marx: On Universal Suffrage (1852)	205
8.4	Ferdinand Lassalle: On Universal and Direct Suffrage (<i>The Working Class Program</i> , 1862)	206
8.5	Manifesto of the Paris Commune (1871)	207
	<i>The Struggle for Economic and Social Rights</i>	208
8.6	Pierre-Joseph Proudhon (<i>What Is Property? or, An Inquiry into the Principle of Right and of Government</i> , 1840)	208
8.7	Louis Blanc: On the Material Basis for Rights (<i>Organization of Labor</i> , 1848 Edition)	215
8.8	Karl Marx: On Limitation of the Working Day (1866)	218
8.9	Karl Marx: On Freedom of Association and Trade Unions (1866)	218
8.10	Karl Marx: On Education for Both Sexes (1866)	219
8.11	Karl Marx: On National Education (1869)	220
8.12	Karl Marx: On Social and Economic Rights (<i>Critique of the Gotha Program</i> , 1891)	222
CHAPTER 9 How to Promote a Socialist Perspective of Human Rights		225
	<i>On Free Trade's Virtues and Injustices</i>	225
9.1	Karl Marx (<i>The Communist Manifesto</i> , 1848)	225
9.2	Karl Marx ("Speech on the Question of Free Trade," 1848)	228
	<i>Just War: (Class) War or Political Reform?</i>	229
9.3	Karl Marx (<i>The Communist Manifesto</i> , 1848)	231
9.4	Karl Marx (<i>The Class Struggles in France</i> , 1850)	231

9.5	Karl Marx: ("On the Possibility of a Non-Violent Revolution," 1872)	232
9.6	Rosa Luxemburg: On World War I and Imperialism (<i>The Junius Pamphlet</i> , 1916)	233
9.7	Karl Kautsky: On Political Reform and Socialism (<i>The Dictatorship of the Proletariat</i> , 1918)	239
9.8	Leon Trotsky (<i>Their Morals and Ours</i> , 1938)	246
	<i>International Organizations</i>	251
9.9	Pierre-Joseph Proudhon (<i>The Principle of Federalism</i> , 1863)	252
9.10	Karl Marx ("Inaugural Address of the Working Men's International Association," 1864)	255
9.11	Leonard S. Woolf: On International Government and International Court (<i>International Government</i> , 1916)	257
CHAPTER 10 Human Rights for Whom?		261
10.1	Robert Owen: On Children ("Address to the Inhabitants of Lanark," 1816)	262
10.2	Karl Marx (<i>On the Jewish Question</i> , 1843)	263
10.3	Karl Marx: Letter to President Abraham Lincoln on the Abolition of Slavery (1865)	271
10.4	August Bebel (<i>Woman and Socialism</i> , 1883)	272
10.5	Clara Zetkin: On Women's Rights and Social Classes (1896)	277
10.6	Vladimir I. Lenin: On the Emancipation of Women (1919)	279
10.7	J. Henry Dunant: On the Rights of Wounded Soldiers (<i>A Memory of Solferino</i> , 1876)	280
PART IV: THE RIGHT TO SELF-DETERMINATION AND THE IMPERIAL AGE		283
	<i>Introduction</i>	283
IV.1	Eleanor Roosevelt ("The Universal Validity of Man's Right to Self-Determination," 1952)	284
IV.2	United Nations Universal Declaration of Human Rights (1948): Preamble, Articles 1–2, 15	287
IV.3	United Nations International Covenant of Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (1966)	287
CHAPTER 11 On the National Question		289
11.1	John Stuart Mill (<i>Considerations on Representative Government</i> , 1861)	291
11.2	Rosa Luxemburg (<i>The National Question and Autonomy</i> , 1909)	297
11.3	Vladimir I. Lenin (<i>The Right of Nations to Self-Determination</i> , 1914)	304
11.4	Woodrow Wilson ("The Fourteen Points Address," 1918)	308
11.5	The Covenant of the League of Nations (1919)	311
11.6	Polish Minority Treaty (1919)	313
11.7	Mahatma Gandhi ("Passive Resistance," 1909)	315
11.8	Mahatha Gandhi ("An Appeal to the Nation," 1924)	317
11.9	Mahatma Gandhi ("Means and Ends," 1909–1947)	318
11.10	Mahatma Gandhi ("Equal Distribution through Nonviolence," 1940)	319

11.11	Sati' al-Husri ("Muslim Unity and Arab Unity," 1944)	321
11.12	Ho Chi Minh (Declaration of Independence of the Democratic Republic of Vietnam, 1945)	324
11.13	Kwame Nkrumah (Speech on Decolonization at the United Nations, 1960)	325
11.14	Frantz Fanon (<i>The Wretched of the Earth</i> , 1963)	326
PART V: HUMAN RIGHTS IN THE ERA OF GLOBALIZATION		333
	<i>Introduction</i>	333
V.1	Thomas L. Friedman and Ignacio Ramonet ("Duelling Globalizations," 1999)	333
CHAPTER 12 Redefining Rights in the New Millennium		339
	<i>On Labor and Development Rights</i>	339
12.1	Milton Friedman ("Economic Freedom, Human Freedom, Political Freedom," 1991)	340
12.2	Charles Tilly ("Globalization Threatens Labor Rights," 1995)	346
12.3	Amnesty International ("Amnesty International on Human Rights and Labor Rights," 1998)	353
12.4	Amartya Sen ("Development as Freedom," 1999)	356
	<i>On Environmental Rights</i>	360
12.5	Ken Saro-Wiwa: On Environmental Rights of the Ogoni People in Nigeria (1995)	360
12.6	Ramachandra Guha ("Radical American Environmentalism and Wilderness Preservation: A Third World Critique," 1999)	363
12.7	Rio Declaration on Environment and Development (1992)	369
	<i>On Refugees, Immigrants, and Sexual Trafficking</i>	373
12.8	Hannah Arendt: On the Rights of the Stateless (<i>The Origins of Totalitarianism</i> , 1951)	373
12.9	Saskia Sassen ("Women's Burden: Counter-Geographies of Globalization and the Feminization of Survival," 2000)	376
12.10	United Nations Convention Relating to the Status of Refugees (1951)	383
12.11	United Nations Covenant on the Rights of the Child (1989)	385
12.12	United Nations Guidelines on the Protection of Refugee Woman (1991)	385
12.13	United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)	386
12.14	On Sexual Trafficking: United Nations Convention on the Rights of the Child (1989)	387
12.15	On Sexual Trafficking: The Beijing Declaration (1995)	388
12.16	On Sexual Trafficking: African Charter on the Rights and Welfare of the Child (1999)	388
CHAPTER 13 Human Rights for Whom? Cultural and Group Rights versus Universalism		389
13.1	United Nations Universal Declaration of Human Rights (1948): Articles 1–2 and 29	391

13.2	United Nations International Covenant on Economic, Social, and Cultural Rights (1966)	391
13.3	United Nations International Covenant on Civil and Political Rights (1966)	391
13.4	Steven Lukes ("Five Fables about Human Rights," 1993)	392
13.5	Eric Hobsbawm ("The Universalism of the Left," 1996)	402
13.6	Rhoda Howard-Hassman and Jack Donnelly ("Liberalism and Human Rights: A Necessary Connection," 1996)	404
13.7	Richard Rorty ("Human Rights, Rationality, and Sentimentality," 1993)	410
13.8	Chandra Muzaffar: On Western Imperialism and Human Rights ("From Human Rights to Human Dignity," 1999)	414
13.9	Will Kymlicka ("The Good, the Bad, and the Intolerable: Minority Group Rights," 1996)	418
13.10	Martha Nussbaum ("Women and Cultural Universals," <i>Sex and Social Justice</i> , 1999)	422
13.11	Carl F. Stychin ("Same-Sex Sexualities and the Globalization of Human Rights Discourse," 2004)	430
CHAPTER 14 How to Promote Human Rights		437
	<i>Civil Liberties, Security, and War</i>	437
	<i>Civil Liberties versus Security</i>	439
14.1	David Cole ("Let's Fight Terrorism, Not the Constitution," 2003)	439
14.2	Douglas W. Kmiec ("Confusing Freedom with License — Licenses Terrorism, Not Freedom," 2003)	443
14.3	Israel Supreme Court Judgment on Torture (1999)	447
14.4	U.S. Department of Justice Memorandum, On Torture (2002)	448
14.5	U.S. Department of Justice Memorandum, On Torture (2004)	449
14.6	Richard A. Posner ("Torture, Terrorism and Interrogation," 2004)	451
14.7	Alan Dershowitz ("Tortured Reasoning," 2004)	452
	<i>Humanitarian Interventions</i>	456
14.8	Samantha Power ("Raising the Cost of Genocide," 2002)	456
14.9	Michael Ignatieff ("The Burden," 2003)	461
14.10	Eric Hobsbawm ("Spreading Democracy," 2004)	463
14.11	Micheline R. Ishay ("Debating Globalization and Intervention: Spartacists versus Caesarists", 2006)	465
PART VI: HUMAN RIGHTS AND LEGAL DOCUMENTS: A BRIEF HISTORICAL NARRATIVE		475
	<i>Introduction</i>	475
VI.1	Franklin Delano Roosevelt ("The Four Freedoms," 1941)	479
CHAPTER 15 Documents		483
15.1	The Magna Charta (1215)	483

15.2	The Habeas Corpus Act (1679)	484
15.3	The English Bill of Rights (1689)	486
15.4	The United States Declaration of Independence (1776)	488
15.5	The French Declaration of the Rights of Man and Citizen (1789)	490
15.6	United Nations Charter (Adopted, 1945; Entry into Force, 1945)	491
15.7	United Nations Convention on the Prevention and Punishment of the Crime of Genocide (Adopted, 1948; Entry into Force, 1951)	492
15.8	United Nations Universal Declaration of Human Rights (1948)	493
15.9	Geneva Convention Relative to the Treatment of Prisoners of War	497
15.10	Protocol Additional to the Geneva Conventions of 1949 (Adopted, 1977; Entry into Force, 1979)	499
15.11	European Convention for the Protection of Human Rights and Fundamental Freedoms (Adopted, 1977; Entry into Force, 1979)	500
15.12	United Nations International Covenant on Civil and Political Rights (Adopted, 1966; Entry into Force, 1976)	507
15.13	United Nations International Covenant on Economic, Social, and Cultural Rights (Adopted, 1966; Entry into Force, 1976)	513
15.14	American Convention on Human Rights (Adopted, 1969; Entry into Force, 1978)	519
15.15	United Nations Declaration on the Rights of Disabled Persons (1975)	526
15.16	Convention on the Elimination of All Forms of Discrimination against Women (Adopted, 1979; Entry into Force, 1981)	527
15.17	African [Banjul] Charter on Human and Peoples' Rights (Adopted, 1981; Entry into Force, 1986)	533
15.18	United Nations Convention on the Rights of the Child (Adopted, 1989; Entry into Force, 1990)	538
	Permission Acknowledgments	545
	Index	549