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**Eleanor Roosevelt and Charles Malik:
Titans of Peace and Architects of Post-WWII International Cooperation**

An honors thesis presented to the
Department of History,
University at Albany, State University of New York
In partial fulfillment of the requirements
For graduation with Honors in History and
Graduation from The Honors College

Ankeith Prince Illiparambil

Research Mentor: Richard Fogarty, Ph.D.
Second Reader: Christopher Pastore, Ph.D.

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Abstract

This thesis examines the impact that the leadership of Eleanor Roosevelt and Charles Malik had on both the Universal Declaration of Human Rights of 1948 and the greater trajectory of international cooperation as orchestrated by the United Nations. The study begins by looking at the “Big Three” conferences organized by the Allied Powers near the end of World War II and the hope that American President Franklin D. Roosevelt had for what could be accomplished by international cooperation. From there, we follow the leadership of Eleanor Roosevelt and Charles Malik as members of the United Nations Commission on Human Rights. Specifically, I highlight the socially progressive imperative championed by Chairwoman Eleanor Roosevelt and the emphasis on the individual over the state that ECOSOC President Charles Malik believed should be the first priority of any future legislation produced by the U.N. Finally, the thesis considers subsequent legislation and court cases that are seen as victories for universal human rights, and that draw on the UDHR as their justification and philosophical predecessor.

Drawing on the words of Roosevelt and Malik through their diaries, personal correspondence, and the transcripts of United Nations meetings and debates, this essay refutes the critiques of those who believe the Universal Declaration of Human Rights to be a failed attempt at universal legislation, it challenges those who view Roosevelt and Malik as merely figureheads and pawns in a game of compromises among the strongest nations, and it defines the deliberations that produced the UDHR in 1947 and 1948 as a pivotal moment in the course of international cooperation and ‘universal’ legislation. Before December 10, 1948, the balance of power and the terms of peace were dictated by the strongest states. After that day, the United Nations, guided by the UDHR, determined to give every state and every individual an equal voice in the debates and products of international cooperation.

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For the first two years of my college career, I thought that I would never make it to this moment. Time and time again, Dean Chang and my honors advisor, Anita Hanson, pushed me to power forward when the odds were against me. Even when I gave up, they believed in me.

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A Consensus Has (Almost) Been Reached

On December 10, 1948, the United Nations Commission on Human Rights Chairwoman Eleanor Roosevelt and U.N. Economic and Social Council President Charles Malik stood together at the head of the Great Hall of the Palais de Chaillot before fifty-eight national delegations from across the world. There, they presented to the U.N. General Assembly the culmination of nearly two years of negotiations, what Roosevelt had referred to as the ‘Magna Carta to all Mankind,’ the Universal Declaration of Human Rights.¹ With the Eiffel Tower less than a kilometer away, a triumph of human determination soaring over the Seine, the world leaders gathered, recognizing the countless hours that had gone into the program and the leadership that had made it possible.

The Declaration was a watershed moment in human history; mankind, the document proclaimed, would not make the same mistakes again.² Hundreds of men and women gathered that cold winter day to say no more to pointless death and destruction, and to do their part in preventing the apocalyptic wars and genocides that had plagued humanity for centuries. Hernán Santa Cruz, a Chilean member of the drafting committee, wrote:

“I perceived clearly that I was participating in a truly significant historic event in which a consensus had been reached as to the supreme value of the human person, a value that did not originate in the decision of a worldly power, but rather in the fact of existing—which

¹ UN General Assembly. “Universal Declaration of Human Rights,” 217 (III) A (Paris, 1948).

² Lynn Avery Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Co., 2007) “traces the roots of human rights to the rejection of torture as a means for finding the truth. She demonstrates how ideas of human relationships portrayed in novels and art helped spread these new ideals and how human rights continue to be contested today.” Further works on the development of human rights include: Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, NY: Cornell University Press, 2013); Amartya Sen, *Development as Freedom*. (Johanneshov: MTM, 2019); William Easterly, *The Tyranny of Experts: Economists, Dictators, and the Forgotten Rights of the Poor*, (Basic Books, a Member of the Perseus Book Group, 2015); Mary C. Burke, *Human Trafficking: Interdisciplinary Perspectives* (New York: Routledge, 2018); Kevin Bales, *Disposable People: New Slavery in the Global Economy*. (California: Univ. of California Press, 2012); and Brian Greenhill, *Transmitting Rights: International Organizations and the Diffusion of Human Rights Practices* (Oxford University Press, 2016).

gave rise to the inalienable right to live free from want and oppression and to fully develop one's personality."³

Representative Santa Cruz saw in that moment the hope of millions of people who had known pain and persecution at the hands of authoritarian regimes. The Universal Declaration of Human Rights (UDHR) was to serve as a protective barrier between the dignity of the individual and the unbridled ambition of governments and their rulers. The Declaration was successful in this goal because it emphasized the equality of people regardless of the color of their skin, the religion they practiced, their race or nationality, their gender, or their political beliefs.

The UDHR's lasting impact came by way of fundamentally rewriting the way in which the nations of the world cooperated to produce international legislation. In a similar event, at the end of World War I, President Woodrow Wilson declared his support for the self-determination of colonial peoples. Around the world, heads of state began to vocalize their full support of this idea. What would later become known as the Wilsonian Moment, however, ultimately failed to produce the fundamental shift that the Universal Declaration of Human Rights would two decades later. From the time the UDHR was adopted, the international community recognized that there would be no return to the system in which the most powerful industrial nations alone decided the course of history. Rather, every nation, regardless of size, population, race, or religion should have one vote and an equal say in the legislation that the U.N. would produce.

On December 10, 1948, Eleanor Roosevelt praised the work that they had accomplished as an important step in the "unfinished task of lifting human beings everywhere to a higher standard

³ "History of the Document" The Universal Declaration of Human Rights, The United Nations, <https://www.un.org/en/sections/universal-declaration/history-document/index.html>. Accessed September 28, 2019.

of life and to a greater enjoyment of freedom.”⁴ She continued, explaining that the foundation of the document was the “spiritual fact that man must have freedom in which to develop his full stature and through common effort to raise the level of human dignity”⁵ Roosevelt, like her husband, believed that the goal of achieving universal human rights could not be resolved with a single resolution or a single treaty. Rather, every major step in that direction was simply one part of a greater journey. She knew that critics would lambast their work as, at best, nonbinding, or, at worst, superficial and meaningless. Despite this, she understood that entire societies would benefit greatly from the UDHR. If they could help one person, then creating a declaration of human rights was worth the effort. This paper argues that despite its shortcomings, the Universal Declaration of Human Rights was a momentous step forward in the right direction, one that fundamentally changed the conversation regarding international cooperation by welcoming in disenfranchised former colonies and emerging nations to create a more equal, more democratic world order.

Until the end of World War II, the scope of international relations was largely determined by the most powerful nations. The European powers were joined by the United States and the Soviet Union in dictating the balance of power. Small nations had little, if any, say in the process. The colonies of the European powers, in particular, had no say in the international community since they were treated as accessories of their imperial rulers. The nineteenth-century Concert of Europe is a perfect example of this kind of selective power brokering. After centuries of endless continental wars, the most powerful states (at that time, the United Kingdom, France, Austria,

⁴ Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2003), 167.

⁵ Eleanor Roosevelt, “Statement by Mrs. Franklin D. Roosevelt,” *Department of State Bulletin*, December 19, 1948, 867.

Prussia, Russia, and Italy) determined who would control lands, trade routes, and economic markets.

The Universal Declaration of Human Rights challenged the principles of this antiquated system. The preamble of the UDHR establishes three main concepts. First, it argued that human beings had rights that were rooted in their common humanity and independent from the will of government. Second, it argued that human rights were an essential component of international relations. Third, it asserted that it was the responsibility of all nations to protect these rights. The thirty articles that followed laid out what the Drafting Committee believed were the core human rights from which all other rights could be derived. These include the right to equal protection before the law, the right to movement within and between borders, the right to marry freely, the right to freedom of expression, the right to assemble, the right to work, the right to adequate health, and the right to education, among others. The Declaration concluded by prohibiting actors (individuals, governments, or organizations) from abusing the words in the Declaration to encroach upon the rights of any individual.⁶

The Universal Declaration of Human Rights, in essence, was a statement of liberation. Its implied intent was to protect the rights of the individual from the ambition of collectives, be that governmental, political, social, economic, religious, or philosophical.⁷ This idea challenged the kind of governmental power brokering that came before the signing of the UDHR. For example, legislation like the Treaty of Versailles of 1918, which was written and enforced by a handful of countries despite there being dozens of combatants in World War I, would not be possible in the

⁶ “Universal Declaration of Human Rights,” Universal Declaration of Human Rights, The United Nations, <https://www.un.org/en/universal-declaration-human-rights/>. Accessed March 22, 2020.

⁷ Samuel Moyn, “The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism” *Critical Inquiry* 40, no. 4 (2014): 365-384.

new system. The freedoms that were agreed upon in December 1948 forced the international community to reconsider the ways in which states interacted with one another. By establishing the principles and values of an international organization, the UDHR created an entity which checked the power of individual governments, preventing any head of state from wielding limitless power.

Some historians attribute the newfound international emphasis on human rights to the guidance provided by Eleanor Roosevelt throughout the drafting of the Universal Declaration of Human Rights drafting process.⁸ Her leadership, supporters argued, proved to be indispensable as she laid the groundwork for the challenges made by smaller nations against the traditional powers. In time, however, historians came to question not only her legacy as a social revolutionary, but also the efficacy of the UDHR as a whole.⁹ Roosevelt's true legacy, however, is as the first international figure leader who broke the unspoken norms of international power brokering. Her willingness to challenge the motivations of historically powerful nations set the tone for the U.N. Charles Malik proved to be a powerful ally and a worthy successor. He took her vision a step further, framing her progressive values in the lens of an international philosophy. Together, they established the backbone of the United Nations: universality and equality. In doing so, they challenged the nations of the world to break the mold to which they had long conformed, a system of silent deference to established powers.

⁸ For a history of Eleanor Roosevelt's pivotal impact on the development of human rights legislation and theory in the latter half of the twentieth century, see *Fundamental Freedoms: Eleanor Roosevelt and the Universal Declaration of Human Rights* (Facing History and Ourselves, 2013). Eleanor Roosevelt, *The Moral Basis of Democracy* (New York: Howell, Soskin, Publishing, NY, 1940); Ivy P. Urdang, "Franklin and Eleanor Roosevelt: Human Rights and the Creation of the United Nations," *OAH Magazine of History* 22, no. 2 (2008): 28-31.

⁹ Two authors who offer a critical analysis of the UDHR are: Zehra F. Arat, "Human Rights and Democracy: Expanding or Contracting?," *Polity* 32, no. 1 (1999): 119-144 and Samuel Moyn, "The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism" *Critical Inquiry* 40, no. 4 (2014): 365-384. For a specific case analysis of an apparent shortcoming of the UDHR when faced with the interests of a traditionally powerful state, see Adamantia Pollis, "Cyprus: Nationalism vs. Human Rights," *Universal Human Rights* 1, no. 2 (1979): 89-102.

The Titan and the Architect

Anna Eleanor Roosevelt, the Commission on Human Rights Chairwoman and the former First Lady of the United States, was the first member of the UDHR Drafting Committee to publicly disavow the old international system which had, for decades, dominated the world.¹⁰ As First Lady, Roosevelt had built a reputation in the United States of being an outspoken advocate for socially progressive causes, especially women's equality. From the moment she arrived at the United Nations, she dealt with the skepticism of the male American delegates who expected her to either fail or to be a "loose cannon" on the international stage, advocating for things outside the scope of American self-interest.¹¹ She quickly won the favor of both large and small nations by her willingness to pick a fight with the Soviet delegation and openly side with former colonies when it was in the interest of the international community.

Charles Habib Malik, the Commission on Human Rights Rapporteur and President of the Economic and Social Council (ECOSOC) was the guiding hand behind the Universal Declaration of Human Rights.¹² A quiet Lebanese professor who had no political aspirations of his own, Malik was a philosopher and academic who time and time again challenged the motivations of both weak and powerful nations, and pushed them to re-evaluate their stated virtues and principles when

¹⁰ For a history of Eleanor Roosevelt, see Blanche Wiesen Cook, *Eleanor Roosevelt, Vol. 1: 1884-1933* (New York: Penguin, 1993); Blanche Wiesen Cook, *Eleanor Roosevelt, Vol. 2: The Defining Years, 1933-1938* (New York: Viking, 1999); Blanche Wiesen Cook, *Vol. 3: The War Years and After, 1939-1962* (New York: Viking, 2016); Doris Kearns Goodwin, *No Ordinary Time: Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 2013); and Eleanor Roosevelt, *The Autobiography of Eleanor Roosevelt* (London: Zed, 2018). For a truly comprehensive overview of Roosevelt's involvement with the Universal Declaration, see Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2003).

¹¹ Glendon, *A World Made New*, 22.

¹² For a history of Charles Habib Malik, see Mary Ann Glendon, *The Forum and the Tower: How Scholars and Politicians Have Imagined the World, from Plato to Eleanor Roosevelt* (Oxford: Oxford University Press, 2011). For a truly comprehensive overview of Malik's involvement with the Universal Declaration, see Charles Malik and Habib Malik, *The Challenge of Human Rights: Charles Malik and the Universal Declaration* (Oxford: Charles Malik Foundation, 2000).

debating the UDHR. As ECOSOC President, and a vocal contributor to the substance of the Declaration, Malik rarely hesitated to engage with the interests of smaller nations and to provide a reality check to larger nations. The Soviet Union and Saudi Arabia, in particular, hoped to use the UDHR as a vehicle to advance their own national interest or to vocalize their nation's social and spiritual values; Malik challenged these agendas repeatedly.

While Roosevelt and Malik grew to be highly admired members of the drafting committee, they were virtually unknown figures during the Commission's early days. Mrs. Roosevelt was President Roosevelt's wife, a champion of women's rights and social progressivism, but largely an apolitical figure whose own countrymen questioned her abilities as an effective stateswoman.¹³ Malik's appointment came directly from the President of Lebanon who had grown to admire the academic and calculated nature of the professor. Malik was sent to the U.N. with the hope that he would prove to the Western powers that Lebanon was not just an overambitious new state, but rather one that deserved to be at the table alongside the Americans and European powers.¹⁴

For Eleanor Roosevelt and Charles Malik, the Universal Declaration of Human Rights felt, at times, like a compromise between their progressive hopes and the pragmatic limits of international cooperation. Despite the tangible success of the Declaration, the mission of protecting individuals against oppressive governments always felt far from accomplished. The framers constantly had to fight the influence of powerful nations like the USSR and Saudi Arabia, which sought to derail the progress, and so even the smallest victories felt significant. Delegates understood that those final days were their last opportunity to see that the Declaration would become something capable of positively changing the world, and if not, at the very least, they

¹³ Eleanor Roosevelt, *On My Own* (New York: Harper, 1958), 39.

¹⁴ Glendon, *A World Made New*, 126-127.

could make it something more navigable for their domestic audiences. Only thirty years earlier, the first attempt at worldwide international cooperation, the League of Nations, was not adopted by the United States Senate. The Americans feared that signing the charter would surrender too much individual sovereignty to the international community. The success of the Declaration, it became clear, would not be possible unless it was palatable to the majority of conservative-leaning moderate nations.

In the weeks leading up to December 10, Eleanor Roosevelt was caught up in a whirlwind of last-minute negotiations. Delegates insisted on altering miniscule details, pushing through sweeping amendments, or even postponing a full vote on the resolution. Roosevelt later lamented, “The effort to get in everybody's ideas, I think, resulted in so much detail that there is the risk of clouding the entire meaning.”¹⁵ She feared that in the last few feet of a two-year marathon, senseless turns were being taken, and the runners were losing sight of the finish line. She believed that reservations were hindering the UDHR from being what its framers had intended. Roosevelt believed that in choosing the politically palatable over the revolutionary good that was within grasp, politicians had lost sight of what a resolution like this could mean for millions of marginalized people around the world.

Charles Malik, more so than Roosevelt, understood the politically pragmatic nature of the process. He had long come to terms with the atmosphere of compromise that dominated the proceedings in the final two months. He maintained steadfast hope, however, that the UDHR would still possess the power of international imperative and that such a resolution, if successful, would signal a turn in global history that would directly improve the lives of millions of people.

¹⁵ Eleanor Roosevelt, “November 23, 1948,” My Day Columns, Eleanor Roosevelt Papers Project, George Washington University. <https://erpapers.columbian.gwu.edu/browse-my-day-columns>. Accessed September 28, 2019.

Malik led with conviction, winning the admiration of his colleagues. He is often quoted as having quipped later in life that “Man struggles for peace . . . because he is essentially a struggling [and] caring being— struggling and caring, above everything else, for the integrity of his being.”¹⁶ Malik understood that total global cooperation was an admirable goal in an endeavor that served to benefit all people. The greatest barrier to this success, it appeared, was pride and the prioritization of national sovereignty over individual rights.

As the Universal Declaration of Human Rights developed throughout 1948, Roosevelt and Malik’s concerns hung over the debates, but their leadership allowed the Drafting Committee to overcome these barriers. Ultimately, their fears dissipated as the General Assembly overwhelmingly adopted the resolution. Their reservations did, however, manifest in a new way.

At the beginning of the process, Drafting Committee Vice-Chairman P.C. Chang warned that any resolution on human rights would need to be grounded in the principle of ‘universality,’ that the drafters would need to look beyond their national biases and draw from a global pool of ideas to create legislation that transcended national borders regardless of claims of national sovereignty. Modern historians debate whether this principle, which was meticulously affirmed in the language of the Declaration, succeeded.¹⁷ The struggle between national sovereignty and

¹⁶ This quote is attributed to Charles Malik, but its origins are unclear. “Quotable Quote,” Quote, Charles Malik, GoodReads, <https://www.goodreads.com/quotes/254717-man-struggles-for-peace-and-for-other-things-too-because>. Accessed March 2, 2020.

¹⁷ The debate on the relevance of universality has been one of the chief points of contention concerning the Universal Declaration of Human Rights. See Kristin Choo, “Chasing a Dream: Living up to the Universal Declaration of Human Rights Remains a Struggle,” *ABA Journal* 95, no. 5 (May 2009): 65-67; Jacob Dolinger, “The Failure of the Universal Declaration of Human Rights,” *University of Miami Inter-American Law Review* 47, no. 2 (2016): 164-99; Bradley R. Munro, “The Universal Declaration of Human Rights, Maritain, and the Universality of Human Rights,” in *Philosophical Theory and the Universal Declaration of Human Rights* (Ottawa: University of Ottawa Press, 2003), 109–25; Susan Waltz, “Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights,” *Human Rights Quarterly* 23, no. 1 (February 2001): 44-72.

universalism dominated the debates in the autumn of 1948 and continued well into the second half of the twentieth century.

Optimistic supporters of the Universal Declaration of Human Rights believed that after centuries of abuses by corrupt or misguided leaders, power was being returned to the people. They believed that now, the value of the individual was inarguable, and that every free person was obligated to protect the inviolability of human rights. The document, they believed, held the promise of sustainable peace. Pragmatic skeptics of the UDHR argued, however, that such a resolution was doomed to be meaningless in the grand scheme of international relations, if not corrupted by self-interest. They saw supporters of the UDHR as misguided elites who did not fully understand the magnitude of their undertaking or the resolution's shortcomings.¹⁸

Regardless of which argument a person chooses to believe, it is indisputable that the Universal Declaration of Human Rights was a pivotal moment in the course of history. This thesis argues that despite its shortcomings, the principles and values that were agreed upon with the adoption of the UDHR helped to shape the future of the United Nations and its resolutions and provided a legal basis for the rights of the individual. Critics of the UDHR argue that because it was not a perfectly universal document, it could not protect the rights of all people.¹⁹ This paper contends that the value of the UDHR transcended the scope of its text because it established the possibility of international cooperation whereby states, regardless of their age or size, had a voice and were encouraged to use it. One of the first major resolutions adopted by the United Nations, the UDHR demonstrated that that universality and equality were not just admirable, they were

¹⁸ Roland Burke, "'The Compelling Dialogue of Freedom': Human Rights at the Bandung Conference," *Human Rights Quarterly* 28, no. 4 (November 2006): 947-965.

¹⁹ Choo, "Chasing a Dream," 65-67; Dolinger, "The Failure of the Universal Declaration of Human Rights," 164-99.

possible. Roosevelt and Malik ushered in a fundamental shift in international relations. They were certainly titans of peace, but they were also the architects of a new system of international cooperation, that gave the oppressed and the unseen a new presence on the world stage.

From Yalta to Paris: The Americans and Post-World War II Peace Legislation

The history of human rights legislation and the path that it has taken from the Enlightenment into the modern day has been inextricably tied to the history of the United States. From the Declaration of Independence to France's Declaration of the Rights of Man and Citizen to the Universal Declaration of Human Rights, the entanglement of American values within the fabric of the international community has helped to shape the approach and focus the priorities of the authors of both peacekeeping and human rights legislation. When it became apparent that the Axis Powers were doomed to fall in 1945, the Americans, now one of the most powerful members of the Allies and one of the most influential members of the international community, led the discussion on human rights.

As World War II came to a close, the Big Three of the United States, the United Kingdom, and the Soviet Union, looked to construct a global peace that would last more than two decades, as the last one had. In February 1945, the leaders of the three nations met in Yalta, Greece, to lay out the blueprint of the victory they now viewed as inevitable. Building on the vision of the Dumbarton Oaks Conference during the prior fall, they laid out the items they saw as necessary in any successful peace agreement. For American President Franklin D. Roosevelt, it was here that the pursuit of a revolutionary, and sustainable, international peace began. Eleanor Roosevelt wrote of her exhausted, yet optimistic, husband after he returned from Yalta: "He hoped for an era of peace and understanding, but he knew well that peace was not won in a day— that days upon days

and years upon years lay before us in which we must keep the peace by constant effort.”²⁰ President Roosevelt understood that a single piece of legislation would never provide the total solution, but that he could do his part by fighting every day to build a lasting peace.

President Roosevelt’s pursuit of peace began long before the Allied conferences of 1945. In 1941, Roosevelt and Prime Minister Winston Churchill signed the Atlantic Charter, which outlined the Allied Powers’ plans vision of postwar peace and included a halt on the pursuit of colonial holdings (for the Axis Powers) and a right to self-determination.²¹ That same year, Roosevelt also gave the Four Freedoms Speech, in which he outlined the four fundamental freedoms that people everywhere were entitled to, regardless of state or nationality.²² These four were freedom of speech, freedom of worship, freedom from want, and freedom from fear, and they would all appear, in some form, in the Universal Declaration.

The Yalta Conference had borne abstract ideas of peacekeeping legislation, but this cloud of concepts needed to be set into a coherent strategy that could be executed as the war concluded.²³ For the states that had been combatants or battlegrounds in the global conflict, there were a number of pressing issues that needed to be addressed. Namely, many sought to make the genocides orchestrated by the Germans and Japanese an impossibility going forward, others wanted to see the refugee crises created by collapsing empires dealt with in a humanitarian way, still others

²⁰ Eleanor Roosevelt, *This I Remember*, (New York: Harper, 1949), 340-341.

²¹ “1941: The Atlantic Charter,” United Nations, <https://www.un.org/en/sections/history-united-nations-charter/1941-atlantic-charter/index.html>. Accessed April 20, 2020.

²² Franklin D. Roosevelt, “Transcript of President Franklin Roosevelt’s Annual Message (Four Freedoms) to Congress (1941),” Our Documents - Transcript of President Franklin Roosevelt’s Annual Message (Four Freedoms) to Congress (1941), <https://www.ourdocuments.gov/doc.php?flash=false&doc=70&page=transcript>. Accessed April 20, 2020.

²³ The Editors of Encyclopedia Britannica, “Yalta Conference,” Yalta Conference, January 28, 2020, from <https://www.britannica.com/event/Yalta-Conference>. Retrieved April 5, 2020.

prioritized the rebuilding of the world economy.²⁴ Tying all of these objectives together was the need to find a balance between the desires of heads of state and the needs of the individuals within those states. A political peace was needed, but a humanitarian solution was just as important in ensuring that peace would last this time and that the nations of the world would not be drawn into another global conflict.

The priorities of The Big Three and other powerful nations and the priorities of smaller nations did not, however, necessarily align. Mary Ann Glendon argues in *A World Made New* that “on the eve of the San Francisco Conference of 1945, one thing was clear: The Great Powers were not going to take the initiative in making human rights a centerpiece of their postwar arrangements. It was not in their interest to do so.”²⁵ While the powerful nations wanted to see World War II conclude and peace restored, the idea of placing human rights at the core of this peace was a nonstarter. Glendon implies that the human rights legislation would be detrimental to the individual agendas of the Big Three. This argument was more than an assumption; it proved to be the truth all throughout the drafting of the UDHR. Through Roosevelt and Malik’s leadership, however, this selfishness would be rejected in the Declaration.

In April 1945, two weeks after President Roosevelt unexpectedly died, representatives from more than fifty Allied nations gathered in southern California in another step toward the lasting peace of which the late president had dreamt. Two months and one day after the Conference

²⁴ The debate regarding postwar priorities ranged dramatically from country to country. For an overview of some of the many topics see, Everett J. Burt, “Full Employment in the Postwar Period,” *Social Science* 18, no. 1 (January 1943): 23-26; Gilbert G. Lentz, “Public Agencies in the Postwar Period,” *The ANNALS of the American Academy of Political and Social Science* 222, no. 1 (July 1942): 148-151; Robert M. MacDonald, “Collective Bargaining in the Postwar Period,” *ILR Review* 20, no. 4 (July 1967): 553-577; Earl J. McGrath, “General Education in the Postwar Period,” *The ANNALS of the American Academy of Political and Social Science* 231 (January 1944): 74-80; Joseph S. Wall, “Child Health in the Postwar Period,” *AJN, American Journal of Nursing* 45, no. 3 (March 1945): 209-212.

²⁵ Glendon, *A World Made New*, 8.

opened, the single item on the agenda, the United Nations Charter, had been written and agreed to by the Allied Powers. The deliberations were far from smooth, however, as many grappled with the magnitude of the task before them. Would this be a simple strategy for peace, or was it the start of something greater? Eleanor Roosevelt wrote on the day that the Charter was finalized: “[The people of the world] are willing to give up a good deal of what usually is called national rights to help prepare ‘the way of the Lord.’ I do not think they will be very patient this time with men who bring up minor points. . . because they are afraid of real cooperation among the nations.”²⁶ Roosevelt assured her colleagues that people had little patience for politicking when meaningful change was within grasp. As such, United Nations resolutions should not be riddled with self-undermining compromises. Drafters struggled from the beginning to find a way to incorporate human rights into a document which, first and foremost, was a declaration of postwar peace, not eternal peace. The final product did, however, serve to open the discussion regarding human rights legislation as an imperative component of a strategy for lasting peace.

The preamble to the United Nations Charter states, in part, “We the peoples of the united nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person in the equal rights of men and women and of nations large and small.”²⁷ The Charter goes on to use the term ‘human rights’ a further six times in laying out the purpose of the U.N. and the role of the General Assembly, as well as identifying it as a necessary part of the process for achieving international economic and social cooperation. The Universal Declaration began the mission of carrying out the United Nations Charter. It placed human rights at the core of the institution tasked with creating lasting international peace. Eleanor Roosevelt and Charles Malik,

²⁶ Eleanor Roosevelt, “July 26, 1945,” My Day Columns, Eleanor Roosevelt Papers Project, George Washington University. <https://erpapers.columbian.gwu.edu/browse-my-day-columns>. Accessed December 28, 2019.

²⁷ “Charter of the United Nations,” United Nations. <https://www.un.org/en/charter-united-nations/>. Accessed December 15, 2019.

as the chief architects behind the UDHR created the central document behind the United Nations, and therefore fundamentally changed international relations. This new system, regardless of what critics say, indisputably took the first step in giving a voice to historically underrepresented peoples. Whether or not it was completely successful, it made progress where there had never before been hope for progress.

In the decades since the founding of the United Nations, the course of international relations has largely been tied to the successes and shortcomings of the U.N. Charter.²⁸ The essence of the discussion that took place in that month-long conference, however, has been just as prominent in the debates that have driven peacekeeping and international development. Any time individuals in a collective are asked to cooperate, to compromise for the greater good, they must surrender some of their personal ambition in the name of the success of the group. Eleanor Roosevelt spoke to this pressing dynamic saying, “I know very well that there are dangers in cooperation, but I know, too, what the dangers are when you have no cooperation. . . . I think I speak for the average man and woman when I say that we might as well take a chance and try something new, having faith in our fellow men because they have suffered just as we have suffered and must want peace as much as we do.”²⁹ Roosevelt, in saying this, was lobbying her colleagues to recognize that they did not need to devise an absolute solution, but they could not just write off the endeavor as unachievable. The people of the world needed them to take a chance and take the first step.

²⁸ Mats Berdal, "The United Nations in International Relations," *Review of International Studies* 22, no. 1 (1996): 95-106.

²⁹ Roosevelt, "July 26, 1945."

Six months after the Yalta Conference, four months after President Roosevelt had died, and two months after the U.N. Charter had been finalized, the Allied Powers took that first step by agreeing to the Nuremberg Principles. The Principles stated, in part, that “planning, preparation, initiation or waging a war of aggression or a war in violation of international treaties, agreements or assurances” is a crime against peace and that to persecute individuals or groups of people on political, racial, or religious grounds was a crime against humanity.”³⁰

Until the mid-1940s, the idea of a ‘crime against international society’ or a ‘crime against humanity’ did not exist. These were entirely new concepts that were meant to begin to address the horrors committed by the Nazis and the Japanese during World War II. Despite the new classification of these acts, critics pointed out that “the Nuremberg Principles left the issue of *peacetime* violations of human dignity untouched.”³¹ They believed that it was one thing to name the enemy, but it was another thing entirely to begin to battle it. Once again, critics believed, the international community took a step toward international legislation that protected the rights of people on an individual level, but once again left an intentional loophole for states to take advantage of as they pleased. By failing to address peacetime violations, the Nuremberg Principles made it impossible to intervene to protect human rights before abuses reached cataclysmic levels. The United Nations Charter, for this reason, detailed the creation of the Human Rights Commission to create comprehensive international human rights legislation.

³⁰ The International Law Commission, “The Nuremberg Principles,” November 21, 1947.

³¹ Glendon, *A World Made New*, 9.

Eleanor Roosevelt Breaks the Mold



Eleanor Roosevelt— from the U.N. Photo Archives

In 1945, President Harry Truman took the consequential step of nominating former First Lady Eleanor Roosevelt to the American delegation to London. From the beginning, Roosevelt was viewed as an outsider who had no place among the male career politicians who formed the rest of the American delegation. Foreign policy professionals worried “that the outspoken former First Lady would be a loose cannon in her new environment.”³² This belief stemmed from the reputation she had built as a political activist and popular journalist. In these roles, she had developed “a formidable reputation for her independence of mind and determination to champion progressive causes.”³³ Roosevelt’s prioritization of people over politics proved to be her greatest strength at the United Nations.

Eleanor Roosevelt did not always see eye to eye with her late husband. Famously, she had been openly critical of certain domestic policies that he had enacted during their time in the White House. American media had noted how vocally opposed she was to certain legislation within the New Deal that increased unemployment among women to decrease it among men. The president, however, had taken these disagreements in stride, reportedly having said to her once, “Lady, this

³² Glendon, *A World Made New*, 22.

³³ *Ibid.*

is a free country[;] the whole world knows I can't control you.”³⁴ FDR knew that Eleanor Roosevelt would not be limited, least so by entitled politicians. She would speak her mind, advocate for the disadvantaged, and do it with the same passion that had made her an American icon.

The public’s perception of Eleanor, however, often did not align with how she saw herself. She later wrote to her daughter, Anna: “You can never know how terribly frightened I was when I got on the ship that night to go to London. I came to the ship alone and I was simply terrified. I felt that I was going to do a job that I knew nothing about, I knew I did not know anything about it.”³⁵ Throughout the early days of the U.N., she carried a nagging feeling of inadequacy and lack of qualification. To prepare for the greatest challenge of her life, she diligently studied everything she could find relating to international peace legislation and the people with whom she would be working. Her critics expected little of her, but she would prove them wrong.

Roosevelt’s rise to prominence during the drafting process was a byproduct of her outspoken nature and her willingness to put aside her reservations about the opinions of vocal opponents. Roosevelt understood that she was not representing just the American people, but, in her own words, “I might be able to use the experiences of a lifetime and make them valuable . . . to the peoples of the world.”³⁶ Writing again to Anna, she said,

“During the entire London session of the Assembly I walked on eggs. I knew that as the only woman on the delegation I was not very welcome. Moreover, if I failed to be a useful member, it would not be considered merely that I as an

³⁴ Wiesen Cook, *Eleanor Roosevelt, Volume 2, 1933-1938*, 37.

³⁵ Irene Sandifer, *Mrs. Roosevelt as We Knew Her* (Maryland: Mrs. Durward Sandifer, 1975), 22.

³⁶ Allida M. Black, *What I Hope to Leave Behind*, (New York: Carlson, 1995), 35.

individual had failed, but that all women had failed, and there would be little chance for others to serve in the near future.”³⁷

Despite her reputation and achievements in the United States, Roosevelt entered the United Nations with most onlookers expecting her to fail. Early on in her time in London, she proved her critics wrong and earned her place among the career diplomats in the room. There were two reasons for her success. First, she maintained the same passion that had made her popular at home. Second, she treated the other delegates as nothing more, or less, than her equals. This style quickly won over the weaker and newer states and forced the stronger and larger states to get accustomed to the idea that they would no longer have free rein to do as they pleased, as had been the case for centuries.

Eleanor Roosevelt’s U.N. debut came in dramatic fashion and set the tone for the kind of delegate that she would be during her tenure. She had become involved in a very public debate with the Soviet Union’s Deputy Foreign Minister, Andrei Vishinsky, on the question of the forced deportation of refugees who had fled their homes during World War II. The Soviets were of the opinion that as the present threat had passed, the refugees should be sent back. The problem with this assertion, opponents argued, was that refugees had fled the violence and destruction of war and that while the war had concluded, their homes and businesses had not magically been rebuilt. It should, they argued, ultimately be up to the individuals to choose where they lived; the pursuit of safety and opportunity was not a sin, after all.

³⁷ Roosevelt, *On My Own*, 47.

Roosevelt, speaking on behalf of her delegation, asked Vishinsky, “would the Soviet Union . . . want to see political refugees forcibly repatriated to Franco's Spain?”³⁸ Continuing, she appealed to the South American delegates by referencing Simon Bolivar, the Great Liberator, and his wars of independence. Roosevelt, in an entirely unplanned speech, challenged a high-ranking Soviet officer, eloquently laid out her case, lobbied on behalf of the refugees (who had been historically underrepresented), referenced historical imperative, and appealed to the sensibilities and national pride of a large number of delegates from non-traditional powers. The committee sided with the former First Lady, and that day she won their respect, and, in their eyes, earned her place at the table. More importantly, however, despite being from a traditionally powerful nation, she voiced the fears and concerns of smaller states that were new to the international community. This early act empowered delegates from South America, Africa, Asia, and Oceania to voice their opinions in ways they never could before.

Roosevelt and Vishinsky’s debate was important for another reason: it put the larger states on notice. Roosevelt’s willingness to argue with the Soviets was not a new position as the Americans had been challenging Soviet authority for decades by this time. When she appealed to the South Americans, though, she gave recognition to their right to be a part of the discussion and to their standing in the United Nations. The latter also acknowledged that they, too, were now equal players in the international arena.

Shortly after her successful debut on the stage as a diplomat, she was asked by the U.N. Economic and Social Council to serve on a small commission charged with laying out the processes and functions of the U.N. Commission on Human Rights. The commissioners were

³⁸ Roosevelt, *On My Own*, 51-53.

selected for their individual merits, not because of the governments that they represented. In this new role, they would not be asked to represent any one nation; their job was to represent all peoples of the world, acting as a voice for every ideology. Eleanor Roosevelt was appointed soon after her debate with Vishinsky. The placement was a testament to the personality, attitude, and virtue that she had displayed then, the same traits that had made her popular among the American public.³⁹ The commission then quickly moved to elect Roosevelt their commission Chairman.⁴⁰

The temporary commission, under the guidance of Eleanor Roosevelt, asserted that it was of the utmost importance that the first project of the permanent Human Rights Commission ought to be the creation of a bill of human rights. She later recounted, “many of us thought that lack of standards for human rights the world over was one of the greatest causes of friction among the nations, and that recognition of human rights might become one of the cornerstones on which peace could eventually be based.”⁴¹ In Roosevelt’s own words, universal human rights needed to be at the core of any lasting peace, so peace was not possible unless it transcended notions of state sovereignty or traditional international agreements. This was the main philosophy of Roosevelt’s leadership, and ultimately it became the philosophy of the United Nations.

They believed that to bring about a lasting peace, a proper and necessary first step was to clearly lay out the rights that people derive from their humanity, regardless of race, religion, sex, age, or nationality. Any peace that would protect all people would need to be based on the common rights shared by all people by virtue of being human. Roosevelt had shed her critics to shine in that

³⁹ Glendon, *A World Made New*, 30.

⁴⁰ Eleanor Roosevelt’s official title was “Chairman;” the title was treated as non-gendered.

⁴¹ Eleanor Roosevelt, “The Promise of Human Rights,” *Foreign Affairs* (1948): 470, 473.

moment as a beacon for what the permanent commission could accomplish if it set aside its personal and political biases.

In March of 1947, President Harry Truman presented the Truman Doctrine which, in part, offered hundreds of millions of dollars in aid to the Greek and Turkish, governments which were actively fighting communist uprisings within their respective nations. Truman did not consult with the United Nations or the American U.N. delegation before making the announcement. Roosevelt, as the highest ranking American abroad at the time, was not pleased. She wrote to Acting Secretary of State Dean Acheson, saying, “I hope never again that this type of action will be taken without at least consulting with the secretary general and with our permanent member on the Security Council beforehand.”⁴² Roosevelt argued with her own home government that they were setting a precedent that the progress made by the United Nations did not matter. In essence, her argument was that no one was above the law.

Roosevelt again ran into issues with the UDHR and the West. Specifically, she understood that the document would need to be ratified by the United States Senate. Thus, it needed to be acceptable to a two-thirds majority of the upper house of the American legislature. The Declaration would undoubtedly be a hard sell to southern senators and isolationists, who took personal issue with the UDHR’s principles. At the same time, the document would need to be an agreement that the moderates would accept as they were the critical vote in making sure the Americans adopted the Declaration. To the rest of the delegations then, it appeared that Roosevelt was advocating for something that was, in the words of Soviet representative Alexander Bogomolov, “short and empty

⁴² Joseph P. Lash, *Eleanor: The Years Alone* (New York: W.W. Norton & Company, 2014) 94-99.

as possible.”⁴³ In a meeting with State Department officials, she rejected that idea, explaining that “essential in present day consideration of human rights” was “to secure publicity,” something which would be accomplished even without international enforcement mechanisms.⁴⁴ Roosevelt’s argument offered an explanation for her actions, but nonetheless demonstrated her ability to be pragmatic and political when necessary. Her underlying motivations, however, remained consistent and she continued to highlight the importance of progress. She emphasized again that the delegates would not arrive at a perfect solution in a single day or with a single document. Rather, by empowering states, even incrementally, the world would move closer to the lasting peace that both she and her husband had long pursued.

In 1947, at the first meeting of the permanent United Nations Commission on Human Rights, Eleanor Roosevelt was unanimously elected as the Chairwoman. As the Universal Declaration of Human Rights was finalized, Roosevelt would establish herself as a clear leader in the international fight for human rights and as someone who would not concede to political strong-arming. Roosevelt was a pivotal figure in international relations because of the path that she paved for her successors, including Charles Malik. Her primary agenda was apolitical and driven by the same passion that drove her mission of social progress in the United States during the 1930s and 1940s. Through her work with the U.N. she brought this mission to the international community. She had earned her place among the titans and would make sure that her voice, and the voices of millions of oppressed peoples would be heard.

⁴³ Alexander Bogomolov, “Report on the Human Rights Commission Session December 31, 1947,” Drawer 21-b, Folder 48, File 37, 55, Fund of Secretariat A. Vishinsky, Russian Center for Documents on Modern History, Moscow, Russia.

⁴⁴ James P. Hendrick, “Memorandum of July 3, 1947 Meeting,” Box 4587. Eleanor Roosevelt Papers, Roosevelt Library, Hyde Park, New York.

A Changing of the Guard: The Rise of Charles Malik

Entering the post-World War II conferences, Charles Habib Malik was a relative unknown. A young Catholic man from the newly established Middle Eastern nation of Lebanon, he was a political novice, a shy and reserved individual. He rarely engaged in politicking and was hardly one to demand



Charles Malik— from the U.N. Photo Archives

the attention of the room when he spoke. From 1945 to 1948, however, he rapidly grew into one of the major power players of the peace negotiations. By December 1948, he was the President of the United Nations Social and Economic Council, as well as the chief rapporteur of the U.N. Commission on Human Rights. He would prove to be a diplomat quite unlike the career politicians at the table, and his meteoric rise to power was a testament to his abilities and his colleagues' faith in his leadership.

Charles Malik and Eleanor Roosevelt were cut from the same cloth. Malik came into the post-World War II peace negotiations unsure of his qualifications and worried that he would be shamefully useless in the proceedings. He was not a career politician; he was a professor first. He himself admitted that he was not really interested in politics. Malik wrote to a friend, “my interest in politics and diplomacy is only temporary. My heart lies definitely in teaching and speculation to which I shall return as soon as I find my mission reasonably fulfilled.”⁴⁵ He went from San

⁴⁵ Charles Malik, “Letter from Charles Malik to Alfred North Whitehead, June 27, 1945,” Manuscript Division, Library of Congress, Washington, D.C.

Francisco to Paris not for fame or glory, but out of a sense of responsibility. A well-known professor in his native Lebanon, he studied mathematics, physics, and philosophy. Word of Malik's intelligence and academic prowess quickly spread to the social circles of his nation's elite, and it is believed that his presence at upscale events led to him catching the eye of President Bechara El-Khoury who then chose him as a proper representative in their nation's first foray into the international community. Malik hoped, above all else, to do good work that would prove beneficial for the millions of people around the world who had suffered from inadequate international policies and leadership that apparently did not care to fix the systematic issues that had caused two global conflicts in the span of three decades.

When the United Nations Commission on Human Rights was formed, Malik was appointed rapporteur and was tasked with preparing official reports on the committee's work. With Eleanor Roosevelt having been appointed Chairwoman and China's P.C. Chang named Vice-Chairman, the "triumvirate symbolically represent[ed] West, East, and, in the case of Malik, a crossroads of many cultures."⁴⁶ Malik, as his role grew, would become a focal point of the Commission, acting as a true crossroads, in which many cultural values intersected and no one national identity was permitted to dominate. While Roosevelt had a very determined set of ideas that she believed constituted essential human rights, Malik represented a shift away from the focus on creating a collective identity and toward underscoring a single human identity.

Howard Shomer, who served as an aide to Charles Malik at the United Nations said he "was quite impecunious, always wearing the same outfit— a ridiculous greenish tweed jacket and knickers."⁴⁷ Malik gained a reputation among those in the U.N. for his preference for academics

⁴⁶ Glendon. *A World Made New*, 33.

⁴⁷ Howard Schomer, "In Homage to My Icons and Mentors," *Berkeley Outlook Club*, February 20, 1992. 19-20.

over politics. Once a week, Malik invited local students to come to his apartment “for free-wheeling exchanges of ideas and concerns. . . . Charles launched the evening talk both by reading a brief provocative passage from some current theologian, philosopher, scientists, or intellectual historian.”⁴⁸ Both privately and publicly, Malik enjoyed a philosophical debate more than he did arguing about policy with career politicians. He was not a flashy individual. On the contrary, he was simple and cared deeply about the work that he did.

Upon arriving at the United Nations, he kept to himself, often making his voice heard only in his diary, where his anxiety showed in his writing. Introspective and unsure of himself, he watched and learned before opening his mouth. He noted in his diary, “Many people talk rhetorically in order to produce an impression. The mere thought that I might be doing that is enough to paralyze my powers of speech.”⁴⁹ His fear of appearing headstrong coupled with his academic nature gave his colleagues the impression that he was shy and likely would not be a central figure in the coming years.

Often, he sat alone at meals or stayed in his apartment until called upon for meetings. He felt like an outsider among the career statesmen, and this filled him with anxiety. Other political men, he wrote, had “followers, supporters, parties, comrades who stand by them.”⁵⁰ Malik felt alone, writing extensively about this feeling of isolation, but he ultimately turned his self-doubt into strength. His colleagues came to view him as truly independent, “for which he was respected even by those who opposed his positions; [he] discover[ed] by trial and error what Eleanor Roosevelt knew in her bones about the political importance of personal relationships.”⁵¹

⁴⁸ Ibid.

⁴⁹ Charles Malik, *The Challenge of Human Rights: Charles Malik and the Universal Declaration of Human Rights*, (Oxford: Center for Lebanese Studies, 2000), 14-15.

⁵⁰ Charles Malik, “Malik Diaries, April 1945.”

⁵¹ Glendon, *A World Made New*, 128.

Charles Malik and Eleanor Roosevelt appear not to have interacted much on a personal level, but professionally, they admired each other and worked together extensively to develop the first draft of the UDHR, eventually becoming two of the most powerful people behind the Declaration. Nonetheless, their long-term views of international cooperation and global governance and their approaches to these matters began to diverge during the deliberations. By December 1948, Malik had become Roosevelt's equal, and by virtue of being president of the Economic and Social Council, he had been critical in shaping the UDHR debates.

Malik's breakout moment came early in the deliberations. Upon taking the podium for the first time, he openly criticized the agreements made at the Dumbarton Oaks Conference as having been too abstract and not far-reaching enough. "We are dealing," he complained, "with mere framework and form," an issue that he traced to the 1947 Conference, a meeting that he described as "disappointingly superficial— envisaging political, military, judicial, economic, and social measures for the maintenance of international peace and security, while failing to address the underlying causes of aggression and conflict."⁵² Malik, in his first words at the Conference openly launched criticism at the way international relations had been handled in the past. He understood that since the definition of 'international community' had now expanded beyond the traditional powers and included dozens of emerging states, the old way of doing things would no longer work. How could a handful of states dictate the peace for the dozens that had been impacted by World War II? How could they alone determine the way international cooperation would look in the United Nations? He continued, explaining that "certain outwardly peaceful and secure situations. . . do not spring from genuine justice. . . [they] only cloak terrible inner conflicts. . . [creating] a

⁵² Malik, *The Challenge of Human Rights*, 14-15.

security that is utterly insecure.”⁵³ Malik believed that a truly sustainable peace would require re-evaluating the approach that states had taken in the past. A comprehensive peace could not be achieved without breaking the boundary between conventional elitist solutions, such as ones based on politics, military conflict, reparations, economic competition, and humanitarian imperatives like the essence of being, the protection of human dignity, and a shift from a focus on states’ rights to individual rights.

In 1948, the United Nations Commission on Human Rights determined that rather opening the debate with a free-for-all, they ought to create a small group of commissioners who would create an initial draft of essential human rights. Malik, along with Eleanor Roosevelt, was appointed a member of this core group of commissioners. Around the same time, *The New York Herald Tribune* began reporting that Malik was the leading candidate for President of the United Nations Economic and Social Council.⁵⁴ Interestingly, the president of this council would be the one to whom the Drafting Committee was to submit the UDHR for approval. These two roles placed Malik squarely at the head of the table when it came time to both draft and finalize the Universal Declaration of Human Rights.

The image of Charles Malik that many of his colleagues had come to know— the quiet, introverted man— quickly disappeared at the first session of the Human Rights Commission. In fact, his words during that session prompted the Commission’s first contentious debate. He asserted, “When we speak of human rights, . . . we are raising the fundamental question, ‘What is man? When we disagree about human rights,’” he explained, “we’re really disagreeing about the

⁵³ Ibid.

⁵⁴ Quoted in Anna Rothe, *Current Biography 1948*, Anna Rothe, ed. (New York: H.W. Wilson, 1949), 411.

nature of the person.”⁵⁵ He asked, “Is man merely a social being? Is he merely an animal? Is he merely an economic being?”⁵⁶ Malik challenged his fellow delegates who were at the table with a specific agenda— he implied that by wading into the specifics of only the matters which interested them (and arguing for these positions) the delegates were reducing the value of a person. He continued, “the deepest danger of the age, . . . is posed by a collectivism that demands the extinction of the human person as such in his own individuality and ultimate inviolability.”⁵⁷ Collectivism, as the misguided delegates were debating it, would focus on the international community, again, reducing the role of the individual in human rights.

Malik also did not hesitate to directly criticize his colleagues who he believed were impeding the greater discussion. For example, Malik took issue with the Soviet delegates who repeatedly harkened back to the importance of state sovereignty. He responded to one such debate point by saying, “I hope it to be eminently true that the human person, in his ultimate freedom, is in mortal danger today from the totalitarian state, and that every allowance is made for full social responsibility, the state in all its functions is for the sake of the free human person, and that this doctrine should be reflected in the proposed Bill of Rights.”⁵⁸ Here, Malik drew attention to the hypocrisy of the USSR arguing for state sovereignty as protection from totalitarianism, when the USSR itself was the largest and most powerful totalitarian state in the world. Here, he argued for the protection of individual freedom above any single state’s agenda, an argument that would become increasingly prevalent as long as Malik remained in power.

⁵⁵ Charles Malik, *The More Important Speeches and Interventions of Charles Malik, Taken from the Verbatim Records of the First Session of the Human Rights Commission*, Papers of Charles Habib Malik, Manuscript Division, Library of Congress, Washington, D.C., 11-12.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, 35-37.

⁵⁸ *Ibid.*, 46.

Malik's most important contribution, by most accounts, was his work on Article 18 of the UDHR which, with his amendment, supported the right of individuals to change their religion. He wrote later that he made this proposal because his "native Lebanon had become a haven for people fleeing religious persecution, some because they had changed their religious affiliation."⁵⁹ Malik's amendment, while it won the admiration of Westerners, raised disapproval among the Muslim nations of the Middle East, particularly the Saudi Arabian delegates. The amendment likely played a contributing role in Saudi Arabia's decision to abstain from the U.N. General Assembly's vote to adopt the Declaration, as the Saudi delegates had been vocally opposed to the amendment and its perceived infringement on Islam.

This episode was significant for a number of reasons. First, Malik proved that he did not owe allegiance to any voting bloc, a rumor that came as a result of his voting along with the Muslim bloc that had earlier voted to denounce Palestinian partition to create Israel. Second, it affirmed his commitment to values which transcended state sovereignty, instead prioritizing the rights of the individual and their dignity. Time and time again, Charles Malik used his position and his time at the podium to ensure that the delegates, specifically the ones from the larger nations, did not take the Universal Declaration of Human Rights as an opportunity to push an agenda. He represented a shift away from the desperate politicization that had been a hallmark of previous attempts at global governance.

Shortly before the adoption of the resolution that created the Universal Declaration of Human Rights, Malik admitted in the *U.N. Weekly Bulletin*, "we have all along been underestimating the complexity and difficulty of this issue. . . Power politics [was] entering into

⁵⁹ Human Rights Commission, "Drafting Committee Meeting, Verbatim Record, June 23, 1947," Papers of Charles Habib Malik, Manuscript Division, Library of Congress, Washington, D.C., 19-20.

and vitiating everything. . . The nobility and importance of our task is matched only by its inherent difficulty and by the long time we must in all fairness allow for its unfolding.”⁶⁰ Throughout the process, Malik was very open about his opinions on how individuals conducted themselves. Even up to the day before the vote, he lamented the fact that powerful actors tried to strip this momentous occasion of its strength. In the end, political jockeying had its say, but in large part because of Charles Malik’s leadership, the debates stayed on course and the product that the Commission on Human Rights presented to the General Assembly on December 10, 1948 was a document free of politics and detached from state sovereignty.

The young university professor from Lebanon had little desire to be involved with politics and diplomacy, let alone with the Universal Declaration of Human Rights. To the final moment, he debated with himself about whether he had anything useful to offer the international community. Like Eleanor Roosevelt, he doubted his value at a table full of career diplomats. Upon arriving in New York City and then Paris, he struggled with isolation and loneliness. His success, however, came from his ability to turn his weakness into his strength. He won the admiration of his colleagues, and in 1948 they recognized his individual merits by appointing him the ECOSOC President. Charles Malik’s largest contribution to the Universal Declaration of Human Rights was his constant reminders to the other commissioners that the task at hand extended beyond boundaries; the borders that mankind had drawn did not determine the individual rights of human beings owed to them by virtue of their humanity.

Despite the similarities between Roosevelt and Malik, where they diverge is of the utmost importance to the fight for human rights. Malik, in many ways, was Roosevelt’s successor in the

⁶⁰ Charles Malik, “Human Rights in the United Nations,” *United Nations Weekly Bulletin*, September 1, 1952.

international community. She laid the groundwork for individuals like him to define the narrative of human rights. Until Roosevelt entered the discourse, the desire for sustainable peace came down to maintaining the balance of power and negotiating between states to create the greatest utilitarian good. As someone who was not a career politician, Roosevelt broke down this barrier, reminding the delegates that issues such as rights cannot be made the subject of politicking. Malik took this a step further, asserting that national agendas should not be dictating the proceedings of legislation, which is aimed at, above all else, improving the lives of individuals. Malik used the power of the podium to ensure that narrow, national concerns did not have a place in the diplomacy of human rights. As he put it, progress until then had been “disappointingly superficial [. . .] while failing to address the underlying causes of aggression and conflict [creating] ‘a security that is utterly insecure.’”⁶¹

The actions that Charles Malik took to reorient the international community had a profound impact on the direction that the United Nations would take. While Roosevelt was the heart and soul of the Universal Declaration of Human Rights, Charles Malik was the brain of this massive undertaking. Through his role, Malik challenged the delegates to act as representatives for the world at-large, not only the governments that had sent them or the countries to which they swore their allegiance. His prioritization of the individual over the state is the reason why universalism and equality remain at the core of every United Nations debate today. While in practice, it has not been perfect, the ideological foundations of these principles can be traced back to Malik’s leadership.

⁶¹ Malik, *The Challenge of Human Rights*, 14-15.

A Pivotal Moment: Eleanor Roosevelt and Charles Malik Reject the Old Order

In recent years, some historians have grown critical of the Universal Declaration of Human Rights, labeling it a product of Western, specifically Anglo-American, interests and ideals that unfairly sought to impose this standard on the rest of the world.⁶² Consequently, the argument then turned to whether the UDHR falls into a large category of international agreements that, at face value, sought to improve the status quo, but in reality, propagated the very system that made them necessary, an agreement which, critics argue, systematically benefitted traditionally powerful nations and impeded the progress of smaller emerging nations.⁶³ Critics of the UDHR have doubted the ability of a single document to effectively represent billions of diverse people, asserting that universality is a false concept that really implies rule by the most powerful.⁶⁴

A noted critic of the Universal Declaration of Human Rights, Zehra Arat, argues “the Lockean model [of government] presents a very narrow conceptualization of [human rights]” because “it recognizes only ‘some’ rights as natural rights that are worth protecting.”⁶⁵ She continues to explain that the so called ‘inalienable rights,’ when they are defined in terms of the Lockean system “correspond to most of what are currently called civil and political rights.”⁶⁶ The issue with this, she argues, is that since Locke’s model is built on the idea that political rights are derived from property rights, in his system, representative government is “appropriate only for those individuals who were ‘rational’ and ‘independent’— two qualities that he treated as interdependent and believed could be held only by property owners.”⁶⁷ What happens then, when

⁶² Two authors who offer a critical analysis of the UDHR are: Zehra F. Arat, “Human Rights and Democracy: Expanding or Contracting?,” *Polity* 32, no. 1 (1999): 119-144; and Samuel Moyn, “The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism” *Critical Inquiry* 40, no. 4 (2014): 365-384.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, 127.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

a colonial subject or a slave are subject to this system? Arat argues that this would indicate that they have no rights. And this, in her mind, is the original sin of the UDHR.

Critics of the Declaration picture the UDHR as inextricably tied to the biases of the most powerful nations at the time of its drafting. Arat argues that delegates whose governments operate under Lockean systems were essentially flawed because they did not effectively consider the essence of rights in a way that applied to all states. As she explains, property rights and the ability to participate in government, because they are limited to a small percentage of the human population, are fundamentally limited in the Lockean system. Consequently, this means that human rights that are founded in this system are also fundamentally flawed. As a result, most former colonies and indigenous peoples had non-Lockean government systems, and an international cooperation that was based on Lockean government would be incompatible with their local culture.

This argument, however, is too pessimistic considering what the UDHR did accomplish. The debate of Article 2 of the Declaration offers a powerful example of attempted manipulation by an imperial nation exactly in the vein that Arat argues, but ultimately, the pro-colonial, anti-universal argument was rejected by the United Nations General Assembly. The second clause of Article 2 removed the restriction of rights on the basis of territorial status. Communist nations (especially the USSR, who initially suggested the amendment) argued that rights should extend to people living under colonial rule. Omar Loutfi, an Egyptian delegate, authored the clause, “whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.”⁶⁸ The British delegation aggressively fought against this clause, eventually taking it

⁶⁸ UN General Assembly. “Universal Declaration of Human Rights,” 217 (III) A, (Paris, 1948). Article 2.

to a plenary session of the General Assembly, as the amendment would allow the subjects of the British Empire to argue for the ability to exercise the human rights outlined in the Declaration. ECOSOC President Charles Malik, while ensuring a balanced debate, guided the states towards adopting the amendment. Malik's Lebanon had been a French colony. Could he argue that his only recently freed statesmen did not deserve the human rights for which he had been fighting so aggressively? The openly dismayed British delegation accepted defeat, signaling that the UDHR would, in fact, apply to colonized peoples as well as free peoples.⁶⁹

The role that new and emerging states played cannot be understated. Susan Waltz argues that they were active participants in the UDHR debate, explaining, "they saw in the concept of human rights a chance to establish a new and respected standard of behaviour for all governments, and hope for retrieving and extending their own political autonomy."⁷⁰ It is important to note that there is no reason to believe that any, let alone the majority, of the smaller states who argued for the inclusion of clauses such as the removal of territorial status did not intend to elevate small states above large ones, or even to end colonialism. Largely, they were seeking a recognition of common humanity, a common understanding that people were worth more than property, to recognize humanity as a trait unfettered by national identity or loyalty. Roosevelt and Malik understood that navigating the debate between the powerful states' agendas and the weaker states' aspirations could make or break the mandate they hoped the UDHR would carry.

Eleanor Roosevelt and Charles Malik's beliefs about this conflict deviated in a major way. Roosevelt feared "a rebellion determined on racial lines, pitting the dark skinned people against

⁶⁹ Paul Gordon Laurent, *The Evolution of International Human Rights: Visions Seen* (Philadelphia, PA: University of Pennsylvania Press, 1998), 168-169.

⁷⁰ Susan Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," *Third World Quarterly* 23, no. 3 (2002): 445.

the white,” while Malik “presciently identified the more significant element in the ‘revolt,’ which was the antithesis between the developed and less developed.”⁷¹ Roosevelt’s fears, while they addressed the conflict that had been developing, represented the old way of thinking, the way the traditional powers thought. Her words imply an assumption that when current and former colonies demanded rights, the core issue was white versus non-white. Malik’s assessment recognized that the revolution at hand was not an overthrowing of the traditional powers, but a reordering of the balance of power.

As states developed new social and political structures, and the United Nations gave them an avenue into the international arena, the UDHR allowed them to ask for a minimum standing. Malik, however, relabeled the conflict as being between those that had retained relative power throughout recent history and the nations that had only just begun to emerge as contenders in the international community. Their difference in interpretation is representative of the struggle between the two sides of history they represented. Roosevelt provided the old-world explanation that social conflict was a derivative of racially motivated discontent. Malik’s explanation is reflective of the new way of looking at international conflict: that this social unrest was the result of a power change which, while it freed many people, came at a cost: temporary political instability. These interpretations are one symptom of the larger shift in international relations: the interaction between governments was no longer, by default, viewed through the lens of traditional powers. Instead, analyses prioritized a holistic overview.

While it is easy to point to Roosevelt’s rise to prominence through her work with the UDHR as a turning point in international diplomacy and global governance, historians are divided as to

⁷¹ Roland Burke, “From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968,” *Journal of World History* 19, no. 3 (2008): 279.

her role in the final product, and the subsequent shift in international relations. Some argue that while she was pivotal, the failure of the UDHR to successfully revolutionize the entire world system undermines the case that the UDHR was as important as its supporters claim it to be.⁷² Others recognize that while she was limited in her role, she was indispensable because of how she incorporated social progressivism into diplomatic debates.⁷³ Roosevelt, by her own account, was limited in her capacity to be a revolutionary international figure. She was undoubtedly a powerful and charismatic leader in the international debate, but her contributions, make her a transitional figure, and the first voice of an incremental revolution. While the UDHR did not wipe clean the old international system, it propelled international relations towards a new system, and Roosevelt's leadership was largely responsible for this shift.

Eleanor Roosevelt had a fair degree of autonomy in how she conducted American affairs at the U.N., but her freedom to roam came within an often-overlooked structural limit. Roosevelt was far from a career politician, and so her knowledge of the issues at play and her ability to formulate strategy was determined by her State Department advisors who were tasked with keeping her up to date with daily briefings and instructions from Washington, D.C. She exercised a large amount of control over the policy that came out of the American delegation, but her perception was inevitably skewed by the information selectively given to her by her advisors.⁷⁴

The balance between her freedom to shape policy and the restriction on the information she received made her "less independent than delegates such as Charles Malik, Rene Cassin, and

⁷² Moyn, "The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism."

⁷³ Anya Luscombe and Dario Fazzi. "Eleanor Roosevelt and Diplomacy in the Public Interest." *European Journal of American Studies* 12, no.1 (2017): 1-5.

⁷⁴ Glendon. *A World Made New*, 82.

P.C. Chang, who had been given rather free rein by their governments.”⁷⁵ What Roosevelt lacked in political know-how, however, she made up for with empathy and social progressivism, the two characteristics that brought her adoration and the label of a revolutionary leader. She brought about the philosophical shift, while Charles Malik carried out the mission she began.

Charles Malik’s philosophy and the changes that he helped usher in during the 1940s and 1950s represent a dramatic shift in international relations. Acting as the bridge between East and West, old and new, Malik was a pivotal character who through charisma and hard work swayed the opinions of his colleagues, allowing for his meteoric rise to power. His leadership throughout the formulation of the Universal Declaration of Human Rights fundamentally challenged the way that powerful states had historically conducted themselves. His decisions allowed delegates to question the status quo that had allowed for the rise of self-preserving authoritarians. Powerful states and their rulers, unsurprisingly, then became the biggest opponents of the revolution of international power that Malik was leading.

The universality imagined by Charles Malik hinged less on navigating the intricate individualities of peoples and cultures, and more on recognizing that below all of that is an innate humanness that commanded a respect of individual rights and freedoms. This innate humanness was the foundation of the collectivism that Malik believed should be emphasized by the United Nations and the point from which all right to individuality should thrive. In thriving, people may pursue social, economic, political, cultural, and all other kinds of freedoms. The framers of the Universal Declaration asserted that “their starting point was the simple fact of the common

⁷⁵ Ibid.

humanity shared by every man, woman, and child on earth, the fact that, for them, put linguistic, racial, religious, and other differences into their proper perspective.”⁷⁶

Charles Malik was Eleanor Roosevelt’s ideological successor in the international community. Roosevelt humanized the pursuit of peace; rather than weighing decisions based on net benefit, she prioritized the individuals behind the illusion of ‘foreign policy.’ Malik, in turn, further separated the individual from the state, arguing that the interests of the state should never violate the fundamental rights of the individual. As he put it, progress until then had been “disappointingly superficial— envisaging political, military, judicial, economic, and social measures for the maintenance of international peace and security, while failing to address the underlying causes of aggression and conflict;” they had created “a security that is utterly insecure.”⁷⁷ It is for this reason that he used his power in the United Nations to free the discussion of national agendas and arguments of ‘state sovereignty,’ calling them out for what they were: a selfish attempt to limit individual freedoms.

Eleanor Roosevelt and Charles Malik’s impact on human rights cannot be overstated. Due in large part to their leadership during the late 1940s, the larger discourse regarding the balance between state sovereignty and individual rights began gaining significant traction among academics and politicians alike. Much of the subsequent United Nations international cooperation policies and human rights theories developed in the second half of the 20th century was rooted in the philosophies of Roosevelt and Malik, philosophies that emerged during the drafting of the Universal Declaration of Human Rights.

⁷⁶ Ibid, 232.

⁷⁷ Malik, *The Challenge of Human Rights*, 14-15.

Body of Proof: The Universal Declaration of Human Rights in Legislation Since 1948

On December 10, 1948, Eleanor Roosevelt touted the UDHR as the first step in the ongoing task of elevating people across the world “to a higher standard of life and to a greater enjoyment of freedom.”⁷⁸ Reflecting on the Declaration shortly after its adoption, Charles Malik said, “the Genesis of each article, and each part of each article, was a dynamic process in which many minds, interests, backgrounds, legal systems and ideological persuasions played their respective determining roles.”⁷⁹ In the end, Roosevelt and Malik asserted that the Declaration did not, and would not, bend to the political pressure of powerful states that had attempted to undermine the UDHR and submerge it in the ‘old’ political norms. In more than seventy years since then, the document has been criticized as too abstract and noncommittal to effectively enact change. These charges incorrectly imply that the endeavor proved pointless in the grand scheme of international relations.

The importance of the UDHR transcended the text of the document. To label it as a success or failure based solely on its ability to utterly shatter the old-world order and create a new one is a logical fallacy. The Declaration realistically never would have resolved all issues stemming from the flaws of traditional international relations. Jose A. Lindgren Alves explains that the criticism of the UDHR in contemporary writing is generally misguided because of a misunderstanding of what the document was really trying to accomplish. Alves explains:

“[The Universal Declaration of Human Rights] codified the hopes of the oppressed, supplying authoritative language to the semantics of their claims. It

⁷⁸ Roosevelt, “Statement by Mrs. Franklin D. Roosevelt,” 751-752.

⁷⁹ Charles Malik, “Introduction,” in *Free and Equal: Human Rights in the Ecumenical Perspective* (Geneva: World Council of Churches, 1968), 12.

offered legislative basis to the political struggles for liberty and led national constitutions to transform the notion of citizens' rights into positive law. It subverted the rules of the Westphalian system of international relations, in which sovereign states were the only actors, by conferring upon the human person the status of a subject of law beyond domestic jurisdiction.”⁸⁰

Alves’ assessment corresponds to the philosophy of Eleanor Roosevelt and Charles Malik. By codifying the rights of the individual apart from the domain of the state government, it gave an avenue to the oppressed to voice their hardship and stand up to their state governments with the philosophical backing of the international community. These kinds of claims were often ignored or shutdown before the passage of the Universal Declaration; and while implementation has not been perfect, the Declaration marked the start of something revolutionary.

The argument against the UDHR’s universality, however, persists as an attempt to invalidate its accomplishments. The most common argument against universality is the fact that only a fraction of the states of the world were involved in the document’s conception. The argument can be made that since “eight countries abstained out of an international body made up then of only fifty-six states– most of which were from the West or politically ‘Westernized’– the Universal Declaration of Human Rights was thus not born "universal," even for those who took direct part in the process of its elaboration.”⁸¹ This document, however, was designed with universality constantly at the forefront of the debate. Ultimately, the universality imagined by Eleanor Roosevelt and the other drafters was, at the very least, a starting point.

⁸⁰ Jose A. Lindgren Alves, “The Declaration of Human Rights in Postmodernity,” *Human Rights Quarterly* 22, no. 2 (May 2000): 478.

⁸¹ *Ibid*, 481.

The universality of the UDHR was successful because it has been “a world-wide referential document for the past [seventy] years [that] proves that, regardless of their origins, positive values of one culture can be assimilated in good faith by another without prejudice to the essential canons of each”⁸² As Charles Malik believed, its universality has succeeded because it united humanity at the most basic level, rather than by attempting to ignore the things that make peoples and cultures different. Alves explains that “besides having inspired domestic legislation, the anti-colonial struggle, and the claims of the oppressed, the Universal Declaration of Human Rights forms the basis of an impressive corpus of treaties and mechanisms to which states voluntarily adhere.”⁸³ Proof of the UDHR’s eventual philosophical, social, and political success is evidenced through decades of legislation that reference the document as its justification and precedent; it is the parent legislation to numerous documents and court opinions that followed.

There are numerous examples of the Declaration as a reference point. In both the fight to end South African apartheid and in the defense of Palestine’s right to exist, international actors referred to the UDHR as a basis for multilateral action against offenders.⁸⁴ In the preamble to the Convention on the Political Rights of women, Article 21 of the UDHR is paraphrased, recognizing the right of all to freely participate in government and access public services. The preamble to the I.L.O. Convention on the Abolition of Forced Labor states that forced labor is “a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights.” The Discrimination in Employment and Occupation Convention, the 1951 Peace Treaty with Japan, and the constitutions of Libya, Eritrea, the Republic of Guinea, Togo, Cameroon, and France are further examples of references to the Universal Declaration of

⁸² Ibid, 497.

⁸³ Ibid, 498.

⁸⁴ Ibid, 482.

Human Rights in both international agreements and foundational domestic legislation in states that gained independence or formed after the UDHR was signed in 1948.⁸⁵

Furthermore, domestic courts have routinely upheld the Declaration as a binding document, the violation of which must be treated as a violation of the law. Two examples of this exist in German law: in 1956, German courts prevented the deportation of a non-German on the basis of a criminal record; in 1957, a provision in the German Income Tax Act was found unconstitutional because it more negatively affected married couples than single people.⁸⁶ In the cases, the UDHR was cited as protecting the rights of people to freely move and the right to marry, respectively. A number of cases also exist in American law: in 1952, in *Fujii v. The State of California* courts ruled that a California law was illegal because it prevented certain non-Americans from owning land; in 1949, in *American Federation of Labor v. American Sash and Door Company*, courts determined that the prohibition of union membership was illegal; in 1951, in *Wilson v. Hacker*, courts cited the UDHR in condemning sex discrimination.⁸⁷ All five of these court rulings were predicated on the country's adoption of the Universal Declaration of Human Rights.

One of the major questions regarding the UDHR was how effective it would be without a means of enforcement. Roosevelt explained, "essential in present day consideration of human rights" was "to secure publicity," something that would be accomplished even without international enforcement mechanisms, but would nonetheless progress the mission.⁸⁸ As courts began making rulings that used the Declaration as justification, it set into domestic law the

⁸⁵ Each of these cases are detailed in Egon Schwelb, "The Influence of the Universal Declaration of Human Rights on International and National Law," *American Society of International Law*, 1959, 221-225.

⁸⁶ *Ibid*, 224, 225.

⁸⁷ *Ibid*, 226.

⁸⁸ Hendrick, "Memorandum of July 3, 1947 Meeting."

enforcement that skeptics had been seeking. The UDHR empowered people to voice their struggles, and the courts subsequently used the UDHR to protect the people.

As the constitutions and courts affirmed the legal backing to the UDHR, the question of universality melted away for a time, reemerging in force within the last few decades. Alves argues that the Declaration “must be preserved as what it is: a least common denominator for a culturally varied universe; a quite precise parameter for the behavior of all; a yardstick of progress for an unjust reality; a tool for the attainment of all other aims of society without losing their human dimension.”⁸⁹ Malik argued that the foundations of the UDHR should be rooted in the common rights of the individual without concern for claims of state sovereignty. The constitutions and courts affirmed this idea by often ruling against governments or organizations to side with individuals. The Universal Declaration today, over seventy years later, is not meant to direct the discourse on human rights and international relations as it had when it was first adopted. Today, above all else, it serves as a reminder of the international standards that shape domestic laws. It is ‘the least common denominator’ because, as its framers hoped, it prioritizes the rights and dignity of the individual, despite the diversity of origins, emphasizing what unites all people: common humanity and the rights derived from it.

Alejandro Alvarez, a former judge of the International Court of Justice said in the dissenting opinion in *Competence of the Assembly for the Admission of a State to the United Nations* that “a treaty or a text that has once been established acquires a life of its own. Consequently, in interpreting it, we must have regard to the exigencies of contemporary life rather than to the intentions of those who framed it.”⁹⁰ The Universal Declaration of Human Rights is

⁸⁹ Alves, “The Declaration of Human Rights in Postmodernity,” 500.

⁹⁰ Schwelb, “The Influence of the Universal Declaration of Human Rights on International and National Law,” 217.

one such text that has taken on a life of its own. Its true meaning does not exist in the debate over universality, but rather how it has helped to progress the fight for human rights. It has been a guiding principle. Egon Schwelb, a former aide on the United Nations Division of Human Rights wrote, “the General Assembly adopted the Declaration not only as ‘a common standard of achievement,’ but also stressed that a ‘common understanding’ of the rights and freedoms.”⁹¹ The essence of the Universal Declaration of Human Rights was revolution rooted in human compassion. Skeptics who argue that this vague and ambitious goal was impossible because of the lack of enforcement mechanisms were proved wrong through decades of legislation which wrote the UDHR into the domestic laws of countries and organizations all around the world.

A World Made New

“Many different kinds of music could be played on the document’s thirty strings.”⁹²

Historians have long questioned the extent to which the Universal Declaration of Human Rights produced any real positive change in the lives of those for whom it claimed to be written. In theory, the UDHR was meant to free the individual from the ambitions of limitless government. The most appealing historical recollections often highlight the triumph of mankind– the rise from savagery to enlightened government, social success, and the freedom of the individual to pursue a life worth living– one where the only limits they have are the ones they elect to impose. The Universal Declaration of Human Rights was not the moment that a switch flipped, and a flawed system crumbled. Through the leadership of Eleanor Roosevelt and Charles Malik, the UDHR laid the groundwork for a new style of international cooperation, which through decades of hard work

⁹¹ Ibid, 218.

⁹² Jacques Maritain, “Introduction,” in *Human Rights: Comments and Interpretations*, UNESCO, ed. (New York: Wingate, 1949), 16.

and persistence, has worked to break the balance of power that had resulted in a handful of states dominating and oppressing hundreds of millions of people.

The Universal Declaration of Human Rights was far from the moment that the old-world order was destroyed and replaced by a liberalist world order.⁹³ Historians today question the UDHR's effectiveness for one main reason: they argue that the Declaration was never capable of being a universal document that could claim to be representative of all people. Critics, for this reason, often cite events such as the Cold War, the Bangkok Declaration of 1993, and the United Nations Security Council as evidence of this shortcoming. During the Cold War, the U.N. and the UDHR appeared to take a back seat to the political tension between two large traditional powers. Did the equality of states and the value of the individual suddenly become irrelevant? The Bangkok Declaration affirmed the spirit of the UDHR but questioned the triumph of 'universality.' Did the UDHR fail the states that emerged from former European colonies? The United Nations Security Council has five permanent members with veto power who are representative of the most powerful nations at the time the Security Council was formed: the United States, the United Kingdom, Russia, China, and France. Did the UDHR fail smaller nations by allowing the old powers to maintain a built-in advantage?

The claim that the Universal Declaration of Human Rights failed in its objective is not without merit, but it misunderstands what the objective of the document was. It was never meant to be the final answer or to reverse centuries of systematic injustice. Rather, it was meant to be the first step in righting the course of international relations and the debate on human rights. Eleanor Roosevelt and Charles Malik were optimistic of what could be accomplished in that moment, but

⁹³ In international relations theory, liberalist refers not to the political definition of the role of a liberal government. It refers to the idea that states pursue actions which produce the most net good in the international community, regardless of whether their actions appear counterintuitive.

neither of them believed that December 10, 1948 would be the end of the journey. Roosevelt said in 1945 of her husband that “he hoped for “an era of peace and understanding, but he knew well that peace was not won in a day– that days upon days and years upon years lay before us in which we must keep the peace by constant effort.”⁹⁴ Throughout her time with the United Nations, she came to the same realization.

Roosevelt and Malik’s involvement with the UDHR helped to guide the progress and to rewrite the discussion. They forced the delegates to put aside their own beliefs on government and their personal agendas to consider what the new world would look like for those who were repeatedly victimized in the past. Roosevelt, a champion of social progress in the United States, advocated for the historically overlooked peoples of the third world. Malik provided the muscle for this new leadership, serving as a check on the larger nations and as an apolitical leader who wanted the best possible outcome for individual rights. P.C. Chang argued that no solution would solve all the problems, but the best solution would recognize the unity of people at the human level, regardless of state borders or interests. The UDHR proved to be a statement of intent, demonstrating that universality and equality were not just admirable, they were possible. The Declaration was just the first step. Roosevelt and Malik drove forward a fundamental shift in international relations.

The fundamental shift in the balance of power in the international community can best be understood as the shift away from the nineteenth-century Concert of Europe, which was typified by power brokering among the most powerful states in Europe. The decisions that they made would become law for every weaker state that was subject to their will (at the time, this was most of the

⁹⁴ Roosevelt. *This I Remember*, 340-341.

world). Critics of the UDHR believed that despite the adoption of the Declaration, the ‘new world order’ would be the same as the old, but with a different name. The pursuit of universality, they believed, had failed and that despite the nominal successes, subsequent events such as the Cold War and Bangkok Declaration of 1993 were proof of failure.

One such example of the supposed weakness of the UDHR was the way in which it was apparently pushed to the side during the Cold War. The Cold War was a political standoff between the United States and Soviet Union that lasted from 1947 to 1991. While no direct conflict between the two superpowers erupted, the time was characterized by proxy wars in Korea and Vietnam, heightened fear of nuclear conflict, and, in the international community, the development of two alliances— NATO, headed by the Americans, and the Warsaw Pact, headed by the Soviets. At this time, international cooperation took a back seat to the interests of the two main states. The social, economic, and political interests of the two states dominated the priorities of the United Nations and, at times, pushed the U.N. to overlook obvious human rights violations in Africa, Asia, South America, and parts of Eastern Europe.⁹⁵ If the Americans and Soviets could, despite the adoption of the UDHR, still dominate the international community with their interests, to the extent of once again ignoring human rights issues around the world, then was the UDHR ever truly successful? The United Nations was intended to be a forum for even the smallest states to voice their complaints against the most powerful ones without fearing retaliation. The Cold War proved that the Declaration would need to bend to the will of powerful states at times.

While there were definite violations of the spirit of the UDHR and its goals for the international community, it is important to acknowledge that it was far from a return to the past.

⁹⁵ Wotipka, Christine Min, and Kiyoteru Tsutsui, “Global Human Rights and State Sovereignty: State Ratification of International Human Rights Treaties, 1965-2001,” *Sociological Forum* 23, no. 4 (2008): 724-754.

Throughout the twentieth-century, nations continued to develop domestic and interstate legislation that underlined the importance of human rights and the value of the individual. Those that point to the Cold War as proof of the UDHR's failure have a clouded understanding of how international legislation operates. As Roosevelt and Malik came to understand, systematic change would take decades of incremental advances. The actions taken by the Americans and Soviets undermined the work accomplished in 1948, but it did not destroy the spirit of it. The UDHR at this time did not fail. Rather, it took a backseat to the issues of the time.

A second event that critics of the Declaration often point to as evidence of its shortcomings is the Bangkok Declaration. In March 1993, Asian state representatives organized a regional conference in Thailand where they, among other things, issued the Bangkok Declaration. Viewed as a response to the Universal Declaration of Human Rights, this new declaration offered an Asian person's perspective on the legacy of the UDHR. While it contained an affirmation of the 1948 document's values, it also argued that it fell short in upholding its value of 'universality.' It then underscored the importance of interdependence and objectivity when organizing international cooperation. They argued that while the UDHR was well-intentioned, it had failed in being a truly universal document that it did not emphasize the need for an international coalition to respond to international needs.

When P.C. Chang spoke to the drafters of the Universal Declaration of Human Rights, he reminded his colleagues that an international human rights document would fail unless it was guided by a spirit of universality because if nations felt unrepresented by it, they would have no desire to uphold it. The Bangkok Declaration was a warning that universality had been (at least) partially unsuccessful and would need to be re-evaluated. Despite what critics claim it represents,

however, the Bangkok Declaration was a logical step forward for the UDHR, a point at which shortcomings could be identified and solutions could be formulated. The Bangkok Declaration upheld the values of the Universal Declaration of Human Rights but offered a roadmap to improving its shortcomings. It is easy to assume that a new declaration would be a critique of the old one and an attempt to replace it, but here it was not. The Bangkok Declaration was an amendment to the Universal Declaration of Human Rights. Critics who point to it as evidence of the failures of 1948 are improperly labeling the UDHR as the ultimate solution when it was merely the beginning of a long and complicated process.

A third case for the failing of the Universal Declaration of Human Rights is existence of the five permanent members on the United Nations Security Council. According to the United Nations, “The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.”⁹⁶ The Security Council has fifteen members— five permanent members and ten elected members from the United Nations General Assembly, with each elected term lasting two years. Each member gets one vote. Permanent members (also called the P5) have the ability to veto any resolution made by the Security Council. While the U.N. Charter does not explicitly include a veto protocol, it states that the support of the P5 is a necessary part of any resolution. Therefore, when a P5 member states that they are voting against a resolution, the vote is colloquially referred to as a veto. For a resolution to pass, it requires nine votes and no vetoes from the P5. As per the U.N. Charter, all Assembly members must comply with the actions taken

⁹⁶ “United Nations Security Council,” United Nations, <https://www.un.org/securitycouncil/>. Accessed April 20, 2020.

by the Security Council. The P5 are the United States, Russia, the United Kingdom, France, and China.

The existence of the P5 ensures that the principle of one nation one vote will not be realized. If even one these five countries decides to oppose an act of the United Nations, even if the hundreds of other member states support it, the motion fails. In this case, then, there is a fair argument that the equality among states was never realized. The most powerful nations at the time of the formation of the United Nations maintained, in effect, absolute control over the international initiatives of the United Nations. This, admittedly, is an impediment that the Universal Declaration was never able to overcome. The P5 is proof that the mission of the UDHR is not complete. To judge the entire document on its shortcoming, however, overlooks its accomplishments. Perfection was never possible because cooperation is built on compromise. When the U.N. members entered into an agreement (the U.N. Charter) they made compromises for the greater good. In the case of the P5, without veto power, they likely would not have joined; it was an imperfect solution for the greater good. Once again, critics who point to the permanent members of the Security Council are reducing the value of the UDHR to the text on the paper, rather than acknowledging the profound impact it had on international norms.

As the adoption of Universal Declaration of Human Rights becomes a more distant memory, its spirit continues to direct the ways in which international cooperation and humanitarian legislation develops. The leadership of Eleanor Roosevelt and Charles Malik guided the United Nations away from the European balance of power that had been dominant in the centuries prior and ushered in a new a new world order which gave an equal voice and vote to every state. The failures of power brokering by the hands of the few were replaced by equality among individuals

and equality among states. While the process was far from perfect and the subsequent decades have seen compromises on the values established in 1948, there is no arguing that the UDHR changed the way that human rights would be considered.

Today, more than seventy-five percent of the U.N.'s budget goes towards humanitarian assistance, development assistance, and peacekeeping operations.⁹⁷ These initiatives are all part of the ideals that drove the Allied Powers to establish the United Nations and to shift away from organizations like the Concert of Europe. The United Nations' overriding goal is to keep international peace and to help elevate the quality of life for individuals living in every country. The thirty articles of the UDHR were, and continue to be, the groundwork for these values. Over the last seven decades, the thirty articles have been interpreted in many ways and cited in dozens of different national and international court cases, offering domestic laws as the enforcement mechanism of the document. The UDHR instituted a series of philosophical reforms that, through court cases, has trickled down to the local level and has, slowly but surely, helped to bring about a revolutionary change in international relations.

The Universal Declaration of Human Rights was a revolutionary document because it dared to question the principles and morality of a system of international relations which had been normalized over the course of centuries. Charles Malik said, "When we speak of human rights . . . we are raising the fundamental question, 'What is man?' When we disagree about human rights, we're really disagreeing about the nature of the person. . . Is man merely a social being? Is he merely an animal? Is he merely an economic being?"⁹⁸ To this end, Roosevelt and Malik, through

⁹⁷ Shendruk, Amanda. "How Does the UN Get and Spend Its Money?" Quartz, September 6, 2019. <https://qz.com/1396994/where-does-the-un-get-its-money-a-simple-explanation-of-a-complex-system/>.

⁹⁸ Malik, *The More Important Speeches and Interventions*, 11-12.

the UDHR, argued that universal human rights should be the core of how governments are to behave towards each other. While the Declaration did not unilaterally alter the fabric of international relations, it gave a voice to the historically disenfranchised, something that would have been outside of the realm of possibility only a few years earlier. Eleanor Roosevelt and Charles Malik were titans of peace, but because of the philosophy they instilled in the United Nations through their leadership with the drafting of the UDHR, they became the architects of a new system of international cooperation. Together, they built the foundation of a world order that spoke for the oppressed and the unseen, not just the wealthy and powerful.

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