

The Impact Of The Changes Of International System On The Concept Of Human Rights

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Introduction

At first glance, it might not seem very logical to set up a causal or even mutual relation between international system and the concept of human rights: for the international system is a political and international issue whereas human rights are regarded legal and sometimes internal. However, the issue of human rights has become a matter of great controversy in political centres ever since the advent of political relations: the treatment of the POWs, the situation of the people in occupied lands, the religious freedoms of new subjects and tens of other issues are directly or indirectly connected with human rights without assuming such a title. If Cyrus, the founder of the Achaemenid Dynasty, was the only non-Hebrew king mentioned in the Torah, it was because he was a stunning paragon of one who observed the rights of different people in his empire.

However, nowadays, human rights have transcended international relations, and turned into a determining factor; as other similar forces, it has been instrumental in changing the foundation of contemporary international system. This change is the product of a long process, which began, with the American Declaration of Independence and the Declaration of Rights of Man and of Citizens of France and the bitter experiences of 1930s and the conflicts ensuing World War II and challenged one of the foundations of international system, namely the rulership of state-nations to struggle the verge of destruction.

This process, which was accompanied with the misusing of human rights by superpowers, left a double impact, intensifying the complication of the issue. In point of fact, the pleasant breeze of freedom and respect for human beings were infested by the vicious domination of the world-devourers; hence human rights turned into a double-edged sword, and the dangling state of the oppressed nations is the result of

this poisonous gift.

In order to lend intellectual flavour to our discussion, we need to propose a question: has human rights remained constant despite the changes in international relations? Or, has it been influenced like other social concepts in the course of time? Why has human rights faced opposition and denial especially on the part of countries, which were expected to adopt a different attitude? Our conjectural answer is that the concept of human rights has undergone changes for progress; furthermore, varying interpretations are made touching it. Therefore, human rights have lost its universality and turned into a controversial issue in international relations.

Besides, a brief survey of the past eras enables us to build up our discussion based on three historical eras conforming to three international systems.

First era: Indeed, man is not the subject of any rights whatsoever; people have no other task but obey the ruler or emperor as their subjects; if the ruler is an easterner, he observes a better attitude towards his subjects due to his moral sense; if the ruler is a westerner, he observes the rights of his subjects because of his own benefits; this is the era when the state–nations have not yet emerged.

Second Era: It begins with the end of the Medieval Ages and the advent of humanistic thoughts; man becomes the centre of the universe. However, the fundamental clash between new international system on the basis of the unquestionable rulership of the State on one hand and the rights of people on the other hand, results in a constructive struggle which leads to the Declaration of Rights of Man and of Citizen of France towards the close of the eighteenth century.

Third Era: In this era, human rights gradually turns into a main element of international community in the form of the rights of people, the rights of nations, the principle of the independence of nations, the equal rights of nations, the necessity of respecting human rights for the sake of world peace. The culmination of this process is the Declaration of Human Rights in 1948. Since then, human rights have been regarded as a goal to be achieved by international community; besides, it has left an increasing impact on the policies of great powers. However, in the first part of this brief report, we shall be dealing with a short study of the first and the second era; in part two we shall detail on the third era.

Part One –The Concept of Human Rights From Beginning up to the French Revolution.

The Age Of Ignorance

If Greece was the bedrock for political thoughts and the core of those thoughts was the inequality of human persons, Rome was the seat of thoughts and legal foundations where the rights of people were discussed. However, the Latin word *populus* meaning people was not used concerning just anyone. In fact, the unilineal descent group who enjoyed civil and political rights and belonged to one of the

Patrician or Egoists classes was called *gens* and the term *populus* was used with respect to upper classes.¹ Hence, the impoverished plebeian people did not enjoy the rights of people nor did women. Before they waged a campaign to have their civil and political rights restored and get themselves established as *populus*, the organisations and civil and legal institutes were obliterated from the core and the Roman democracy changed into an empire.

The legal system, which could have gradually moved towards progress and development deteriorated under the sway of the emperor and fell into oblivion in the wake of the penetration of the Berbers. However, since then, the bases for new divine laws were founded which eliminated the difference between master (patrician) and slave (plebeian). The interpretation of these rights and freedoms was distinctive from the modern criteria of human rights. Man's freedom consists in discovering the Divine Will and obeying Divine commands. By recourse to Him, one can find the straight path to life.

The Christian rights, which could be the right basis for human rights, soon found mighty outriders who violated human rights more than any one else. Despite the advancements and withdrawals, the Church of Rome increased its authorities every ten years. The wealth and public charities raised its dignity. For every important issue, the Christian world was the counselling party. The innovation of fighting apostasy was the defined law of the bible.² The exigency increased when the papal power exceeded that of the emperor.³ The crusade wars broke out. They treated the pagans in a way that history had never witnessed.

Saint Thomas Aquinas, the outstanding medieval theologian tried to reconcile reason and faith and apply Aristotelian logic in service of religion. His move paved the way for natural rights, which were stressed by the Roman lawmakers, for nature, the tangible and documented creation of God is by referring to reason. This way was paved by the emergence of renaissance into the European community.

The Time Of Transition And New Hypotheses On Rights

Renaissance was a period marked by a surge of interest in every field of activity. In the field of science, the Copernican Revolution (1473–1543) was a striking change although there was great distance to the formation of natural sciences. In politics, Machiavelli's *Prince* (1513) paved the way for the formation of new states, namely the functionalist system substituting traditional ones although it first caused the creation of despotic States. The Westphalia Covenant was the subsequent result of this process, which necessitated the basis of international relations in new national states.

On the other hand, renaissance is not separate from humanism, which places man in the centre of material and spiritual issues. According to Renaulder, the French writer, humanism is so great a moral and mental improvement that we can call it the creation of the greatest kind of humanity.⁴ Humanism⁵ bore no enmity to the church. Even people like Lefebvre d'Étaple (1450–1536) were the first humanists who sought to create a relationship between Platonic and Aristotelian thoughts and Christian teachings. And Erasmus (1469–1536), a powerful humanist, was the founder of the Christian philosophy.

However, the spread of such thoughts brought back to man his forgotten role. Thus, the church was no longer an intermediary between man and God. When man was discussed, reason, man's weightiest foundation of existence, was recognised more than anything else. Reason was a torch to discover laws. Thus, natural law, which was based on reason, took the place of canonical rights.

However, the relation between natural rights and the rights of people was not settled. Suarez, the Spanish scholastic philosopher and lawyer (died 1617) whose thoughts were deeply influenced by Saint Thomas Aquinas maintained that the rights of people must not be taken the same as natural rights, for the necessities of the rights of people did not stem from objective statements: for the same reason, they lacked the stability and equality of natural rights equally recognised for all nations. Grotius, the Dutch lawyer (1588–1645) known as the father of people's rights had a similar stand.

However, Hobbes, the English philosopher (1588–1679) questioned this difference and later on, lawyers like Pufendorf (*Natural and People's Rights* 1672) and Wolff (*Principles Natural Law and People's Rights* 1750) stressed the point that people's rights were the continuation of natural rights.⁶ Natural law gradually gave place to natural rights stemming from the nature of objects, which was nothing but positivism in rights. Likewise, Hobbes' theories can be regarded a change in law and politics and international relations.⁷ His theories of the natural situation remained an accepted principle in the theories of international relations until the emergence of the contemporary realists.

The fundamental point was that although Hobbes reached leviathan or the Ghoul State, which was the despotic State, his main concern was freedom. Freedom is the inseparable part of nature, for animals enjoy absolute freedom in nature.

The sixteenth and seventeenth centuries, in which traditions gradually gave place to modernity, witnessed a fundamental conflict between the principles dominating international relations and the situation of man's rights. At international stage, national States acted as a political unit and a legal entity in a scene, which knew no bounds for their freedoms. They were free and equal because they followed the laws of nature just like animals. The only thing, which could impede their acts, was power. Power was the only instrument which counteracted other powers; balance of power.

However, people closed eyes to their right of enjoying freedom, entrusting it to the state at the price of security. They exchanged freedom for security and deprived themselves of the right to object because the ruler had not assumed any responsibility. In other words, there was no other party involved. People had entered a covenant to entrust their freedoms and power to others whereas a legal contract required two parties. On the other hand, that the people could overlook their rights and freedoms indicated that there was a fundamental difference between natural rights and the rights of people. Man intervened in nature by virtue of his reason.

Whatever happened in the sixteenth century in the realm of ideas and action was going to turn into a fundamental and stable basis in the eighteenth century which not only fed Europe for two centuries but

also by the universalisation of the European system extended to the entire globe. The European State, the international European system, the European political thought, the European rights and values pervaded the culture of the whole world in the form of imposed values.

The Creation Of International System And The Study Of Individual And Public Rights

State–nation, which was the innovation of Europe in the Westphalia Covenant of 1648, had a gradual birth and what was certain at the beginning was its first part, that is, the State. The first step was to concentrate the power in the hands of the ruler and the disempowering of the heirs in feudalism period.⁸ In other words, state–nation consisted of two parts; central and circumstantial. Its centre was established in the sixteenth and seventeenth centuries in the form of state,⁹ but in fact, its circumstantiality was the urban community which was to find a basic role by the process of people’s participation and to fix its sublime status in its political life as the only source of rulership. This took shape in the eighteenth century during the revolutions, which happened in most European countries such as France and England, and the issue of people’s participation gradually took effect.

During the French revolution as the only source of rulership, its definitions and dimensions were specified and since then, it has been accepted as an independent element in civil and international life. What created a new criterion in the political life was the reversion of the state–nation. If until then people had a secondary role just because they were the ruler’s subjects, the states found a legal character because they were the representatives of people. Thus, the international system took a clear shape based on this new element.

Until the eighteenth century, five powers determined their powers in the pyramid of international power, namely France, England, Russia, Prussia, and Austria. During the seven wars between the years 1756–1763, these five powers realised that it was impossible to rout each other out of the arena and that it was advisable to divide the booty among themselves. Thus, the international system multidimensionally took shape based on exchange in which the states were the main representatives of nations in the scene.¹⁰

As the international system took shape based on European state–nation, the principles of political life were moulded based on reason, secularism of individual rights and democracy. All principles were summarised in philosophy and liberalism. The turning point in this process was Lock’s theories (*On Civil State 1690*).¹¹ Unlike Hobbes, he did not believe in a despotic state, for in his contract, people did not overlook all their freedoms but rather they overlooked those freedoms of theirs, which were for the good of their community, preserving individual freedoms for themselves. These freedoms turned into the basis for socio–political order in the light of reason and law of nature.

The quest for the laws of nature led to research touching the rights based on the nature of man, the

actualisation of which was possible on the basis of social contract and the power which did not function to create the world but the redemption of the sovereignty of reason, the sovereignty which the feelings of man had then usurped.¹²

As an eighteenth century encyclopaedia says, “The general law is reason, governing all the people in the earth and the civil and political laws of nations should not be but certain and objective cases of the exercise of this public law.” Thus, reason was set against faith and individual freedom against church, and its secular arm, the ruler. Freedom was not only a matter of consciousness and conscience but also the basis of each person’s autonomy against any alien power. Hence, the Christian freedom was bound to give place to human freedoms.¹³ Here, human rights found totally non-religious and mundane basis.

Two social and intellectual movements reached a common point in the French Revolution: on the one hand, the centralisation of reason as the wholesome power to distinguish right from wrong and truth from untruth together with freedom as a necessary condition for it and on the other hand, the social movement whose goal was the participation of people in political affairs and the redemption of the sovereignty of people. This process was manifested in the International Bill of Human Rights.

Before that, in the wake of the glorious revolution of England in 1688, the bill of rights of 1689 served as a suitable model for the latter and the American Declaration of Independence with Jefferson’s introduction in which equal rights, the unalienable rights granted by the Almighty such as the right to life, freedom, and that the ultimate goal of all states was the perseverance of these rights and that the power of state was dependent on the general will stressed therein.

Fifteen years later, these rights became the model for the Constitution of France and the preamble of the International Bill of Human Rights.¹⁴ All the freedoms reasonable and naturally particular to man were universally and abstractly defined in the declaration of 1789. The boundary for these freedoms according to article four of the declaration included other freedoms, which should not be violated.

Since then, the relation between human rights and the international relations mingled, like the influence of human rights within the framework of liberalism and individual freedoms on political regimes and naturally on the international relations and sometimes in the form of a factor which has a direct economic or nationalistic form and sometimes it is discussed from a Marxist point of view. Finally, new interpretations of human rights are made in sociological context, the protection of workers’ rights, the rights of women, the rights of minorities, and the rights of refugees.

Part Two–Development of the Concept and the Function of Human Rights from the French Revolution up to the Present

From the French revolution onwards, three phases can be mentioned as to the relation between the developments of international relation and the concept of human rights: the first phase extends from the beginning of French revolution until the end of World War II. New issues such as the rights of women, of

children, and of the refugees are contained within the concept of human rights the concept of human rights includes two points from the perspective of international relation: one, the non-intervention of States in others' privacy (on the basis of liberalism) which leads to the development of non-state relations particularly trade relations.

The other issue is the function of nationalism stemming from the right of choosing the State by people which in fact carries the human rights into national level, giving rise to the emergence of new European States in the nineteenth century and the independence movements in the colonies in the years between and after the war.

The second phase marks the period of institutionalisation of the human rights at international level through bills and covenants on the one hand, and the exercise of human rights as an instrument for the intervention in internal affairs on the part of the Western countries, mainly America and the settling with the totalitarian countries during the Cold War on the other hand. The third phase in fact is a period, which begins with the Islamic revolution of Iran. Its characteristic is firstly the use of human rights against a third world country on the one hand and the new interpretations of the bill of human rights on the other, which may lead to varying interpretations of human rights and the questioning of human rights in Europe.

From The French Revolution To The End Of World War II

This phase, is in fact, a period, which nourished and influenced human rights rather than being influenced by it. The declaration of 1789 defined human rights as the expression of principles transcending the will of man without limitation due to birthplace, social status or nationality. The universality of the declaration turned it into an international document previously set forth in the framework of the Great Bill (1215), the Lament for Rights (1628), the Declaration of Rights (1689), Settlement Act (1701). The American Declaration of Independence (1776) and the likes. However, the declaration of 1789 became a model for all liberalistic movements and even nationalistic ones.

In the nineteenth century, human rights directly and indirectly left a great though little known impact on international relations. The indirect impact was made on the one hand by the liberalistic movements including the leftist and the rightist namely liberalism and socialism and the direct impact was made by nationalistic movements which led to the creation of new countries, totally changing the European map and on the other by exercising the international contracts.

The first article of the Universal Declaration of Human Rights enumerates man's freedoms and determines the zone of power and the degree of intervention of governments. In the wake of the fulfilment of these freedoms, the despotic regimes turned constitutional. Since, however, the States did not do this voluntarily, the nineteenth century Europe instigated revolutions for achieving these freedoms.

The 1830 revolution led to the relative victory of the democrats in France, Belgium, England and Spain

and the constitution which was the manifestation of this victory prevented the States or the rulers from assuming excessive power. As opposed to these countries, there were countries in which the revolutions came to waste.

Hence, an ideological and political segregation separated these two groups of countries, turning compatible systems to non-compatible ones.¹⁵ Another impact of such revolutions, which found a more striking manifestation in 1848, was the shift of power. The mighty Austrian State grew weak and France grew stronger than ever before.

Despite the similarities between human rights and liberalism and individualism, the socialistic movements took recourse to human rights to justify their demands. Exploitation of man by man and the sex discrimination, which resulted in the violation of women's rights, was the debated subject of socialistic movements.

Thomas Spence (1750–1814) struggled against private ownership in the name of human rights and demanded for the collectivisation of farms and lands in a Federal government. Thomas Paine (1737–1809) advanced democracy in the name of human rights with a view to equally distributing the revenues.¹⁶ Later, in 1870s and 1880s, the working hour was reduced to eight hours a day. The healthcare conditions and the prohibition of child labour were called for by all the socialist parties in Europe.

The development of individual freedom led to national freedom and the right to self-determination. Another point is that the message of the French Revolution was conveyed to all people by the leader of this revolution, Napoleon I who himself violated these rights. The Italian people were the first who sought to fulfil these rights with the arrival of Napoleon in their country.

Two nationalistic movements, namely the movement of the Italian people and the Germans in the nineteenth century led to the emergence of two kingdoms of Italy and the German Empire, which had determining effects on international relations. The emergence of the German Empire disturbed the balance of power, providing the conditions for World War I.

Also, the nationalistic sentiments in the Balkan Peninsula especially in the form of Pan-Slavism left perceptible effects. Many of new countries which took shape after World War I such as Yugoslavia, Hungary, Poland, Czechoslovakia, Lithuania, Litonia, and Estonia were all the results of growth of national sentiments and the use of human rights which allowed each nation to determine its own destiny.

The impact of human rights on international rights showed its signs in the second half of the nineteenth century. The observance of human principles in the field battles was considered in the Declaration of St Petersburg of 1868, the Brussels Conference of 1874 and the Hague Convention and achieved some success. With the act of June 2, 1890 on abolition of slavery initiated by England and approved by some countries, another sign of the impact of human rights on international rights became manifest. The effect was extended to the Declaration of Human Rights in the twentieth century.

Constitutions, declarations and charters point to human rights directly or indirectly: the 1918 Bolshevik Declaration relating to the rights of oppressed workers, the 1934 Declaration of the Falanges in Spain, the Russian Constitution in 1936 and the 1933 Constitution of Portugal and many others.

Position Of Human Rights In Bipolar System

The bipolar system after World War II was not limited to the existence of two powers. In fact, these two poles represented two different cultural, political and social worlds. Hence, their struggle was a perfect and many-sided one. It was under such conditions that human rights found a prominent position as an organisation and as the product of Western civilisation within the legal and political pillars of international system.

Although according to Raymond Aron, the 1948 Universal Declaration of Human Rights criticised the liberal society in the name of the social ideal and the socialistic society in the name of liberalistic ideal,¹⁷ it undoubtedly accorded more with the Western liberal societies than with despotic eastern ones. The domination of Western civilisation in shelter of human rights has two general manifestations. First, the institutionalisation of human rights at international level through declarations and conventions and its instrumentation in foreign policies of Western powers.

International Institutionalisation of Human Rights

The recognition of human rights at international level started with the reflection of parts of the principles set forth in the International Bill of Human Rights. In the preamble of this bill, the basic rights of man and the necessity for respect for them and in article 1, it talks of international cooperation with a view to encouraging people to respect human rights and fundamental freedoms. Naturally, this is very general, abstract and impractical. However, the nature of the matter could have been effectual in developing human rights.

The most important and well-known international text on human rights is the Universal Declaration of Human Rights approved on 10 December 1948 with 48 positive votes and 8 neutral ones by the General Assembly of the United Nations (later, Declaration on Child Rights, the Elimination of Discrimination against Women and Elimination of Racial Discrimination). This bill enumerates the civil and political rights and freedoms, presented as a common ideal of all nations and peoples: however, it lacks international contract and the countries have no responsibility towards it.

In my opinion, what in this declaration is more important than commitment and guarantee is the way the rationalisations are done as in the beginning of the declaration, in justification of planning this case and the fact that there is a close relationship between the democratic states and freedoms and international peace. If a government adopts a tyrannical attitude within the country, it shall definitely adopt an aggressive attitude within foreign policies. This was the experience secured in the Fascist States in 1930s. Hence, for the preservation of international peace, it is essential to supervise the happenings in a

country. This provides for the intervention in the affairs of other countries.

Of course, if this supervision is done honestly and by international authority, it shall prove to the benefit of international peace, for regimes like Saddam Hossein's regime in Iraq have started domination and tyranny within the country, extending it to aggression against neighbours at international level. However, as we shall see, the supervision of human rights has become an instrument in the hands of the despots.

These kinds of ratifications continued years later in the context of universal and public declarations. Of these, is the Universal Declaration of People's rights as was published in the form of a non-stat declaration on 4 July 1976 in Algeria: its goal was to ratify the rights of people who had not taken the shape of state-nation (like Palestine). Article 1 recognised the right to life and article 2 recognised the right to national and cultural identity. However, more important than these declarations were the conventions, signed at regional or international levels.

At international level, one should mention conventions formulated in the framework of United Nations by the United Nations Organisation or other organisations, for instance, the Four Geneva Conventions and their properties in time of war, the Child Rights, the Elimination of all Kinds of Discrimination approved by more than 140 votes. However, the similar contracts signed in 1966 did not go into effect due to the refusal of some countries until 1976.

On 16 December 1966, the General Assembly approved two Covenants, which despite 1948 declaration were obligatory. The first was the Covenant on Economic, Social and Cultural Rights whose gradual realisation was required in developing countries on the basis of observing human rights and the attention to national economy and until 1980, about 63 countries attended it and by 1990, they amounted to 100 countries. The second was the Covenant on Civil and Political Rights and self-determination whose prompt realisation was required, until 1981, only 16 countries joined it, and by 1990, they amounted up to 95.

However, the regional conventions enjoy more functionality because the goals are clear and the members are self-motivated. In 1950, the European Convention on Human Rights (it went into fore in 1953) established a firm bond between morality and power, and between internal commitments of the States and intergovernmental relations for the first time in the province of human rights. It was because it responded to the moral commitments of human rights on the one hand and on the other hand, it used the power of the government as a support.

The articles set forth in this convention are kept but the European commission on Human Rights which was made up of one judge from each country supervises the observance of human rights in Member States. This convention and the annexed protocols as to executive organisations turned into a common point among the nations which had become members of the European Council (founded 1949), except France which joined the convention in 1981. [18](#)

Article three of European Council provided that the members should vow that everyone who is within

their judicial domain should enjoy human rights and fundamental freedoms. At first, the Council had 10 members, which has reached 35 member countries (many of the eastern European countries joined it between 1990 and 1996). In fact, the increase of the countries is the expansion of the European Convention on Human Rights, especially because the European social bill, observing the fundamental social rights which was accepted in the 1989 Convention by the European Council in Strasbourg was completed in 1950.

These fundamental rights included the right to profession with sufficient wages, the right to the amelioration of living conditions, the equal rights of man and women, the right to social security, the right to participate in public gatherings, the right to job instructions, healthy working condition, support for children, minimum wages for old people, social and professional adaptation for the disabled people.¹⁹ These show the change of human rights and their development to a realm not conceived before. The right to healthy living conditions and social security for senior citizens and disabled ones are among the cases, which deserve contemplation as to the concept of human rights.

European innovative functions in human rights were emulated by other regions including the American Convention on Human Rights signed in 1969 between Latin American countries with 25 member countries today. The articles in this convention are quite similar to the ones in the European Convention. Even as to the mechanisms of exercise of these rights, Europe has been the model.

In 1981, the African Organisation of the time ratified the African Charter on Human and People's Rights with 49 positive votes. In the same year, the Cairo Declaration of Human Rights in Islam was reported to the world by UNESCO, which was the work of the Islamic Council in Europe and still does not have functional validity. In 1994, the Arab Union approved the Arab Bill of Human Rights whose text has not yet been ratified by any Member States.²⁰

The common point of international institutionalisation of human rights and its employment in the foreign policies of great powers, is the Conference on Security and Co-operation in Europe known as the Helsinki Conference. In this conference in which the European countries and the two superpowers of Russia and America and Canada attended, regard and respect for human rights was accepted. Although the articles in Helsinki Conference were not as binding as in a convention, it was of importance due to other reasons. The function that this declaration found in the policies of Western countries especially the U.S.A. during the Cold War accelerated its obvious effects, which shall be dealt with in due course.

The Instrumentalization of Human Rights in the Foreign Policies in Western Countries

The American Declaration of Independence (1776) and the Declaration of Rights of Man and of Citizen of France (1789) reveal the formal position of human rights in the laws and policies of these countries. Besides, there are two points which call for notice. One, most of the violations of human rights in the world are done by the mighty Western countries the evidence for which can be found in the independence wars of different countries such as Algeria and Vietnam. Two, the only protection for

human rights is the weapon of morality. Maurice Cranston, the British writer, states that human rights are moral rights, deriving its executive power from social moralities.[21](#)

These moralities are closely associated with public opinions, which in the twentieth century turned into an organised process. This process can be interpreted as the public opinion of the world.

Naturally, the use of human rights as a weapon in foreign policies should be equally abolished. In this regard, the United States has been a pioneer for two reasons: one is what Stanley Huffman says about the Americans. He states that the Americans often imagine themselves on an island surrounded by drowning people and their duty is to save them. That is why they always assume a teacher-like attitude and based on moral grounds they give themselves the license to interfere in the affairs of others and guide them on the straight path.

Secondly, America turned into a power, which could do anything, thus what remained was the justification of power. The Wilson Declaration including 14 articles was a combination of a despotic nature in the guise of saviour which did not succeed in adopting an isolated policy but succeeded by the same strategy to force the old empires and the despotic regimes to leave the scene so that the republic and democratic states could be instated.

After World War II, the US directly struggled against Russia but with the policy of New Look, it sought to control the rivals by using diplomatic and legal weapons and to avoid direct conflict. In this process, every instrument could be used, even human rights. However, this required that the rivals should first accept the rules of the game and then put a golden bridle around its neck. This important issue was provided in Helsinki Conference.

Although the Helsinki Declaration did not have binding guarantee, it strengthened the controversies within the eastern bloc. Russia gave in to this deal for the determination of the boundaries in Eastern Europe was not aware of its consequences. The Russians realised that the refugees had increased and asked for migration to the West due to the right to freedom of movement set forth in the Helsinki Declaration. Or when the 77 Bill in Czechoslovakia succeeded in sending its documents to the West, the Russian leaders realised that it had been short-dealt.

The matter turned serious when the American president, Jimmy Carter protected the notorious adversaries such as Bukovsky and Sakharov.[22](#) Jimmy Carter who became president in the late 1976 officially established the foreign policy on the basis of human rights: on 6 December, 1978, on the 30th celebration of the Declaration of Human Rights, he stated, "Even these rights constitute our national identity. This policy should be a poultice for the wounds of Vietnam and the declaration a way to return to ideal and humane principles of the liberal America and on the other hand, an instrument for imposing force on its rival, Russia."[23](#)

Some believe that Carter really believed in human rights, applying them in the third world and the American cronies. If that was the case, the Christian aspects of this policy soon grew pale in the light of

opposing national interests. Some people consider the fall of Shah, this faithful ally of the West as the result of the same policy and some others describe the sorrow of the military regimes of Latin America as the manifestation of this policy.

The American economic and political failures, which made American leadership, look ridiculous to the Japanese and the Europeans, the general policy of Carter, should be questioned.²⁴ With the election of Reagan as the president, the direct policy with Russia took the place of human rights and when Gorbachev came to leadership in 1985, it seemed that he had adopted the Western policy and that there was no longer the need for human rights in Russia and the third world countries became the targets of this weapon.

However, as Marcel Merle states, the way of using this weapon determined from the beginning that the U.S.A. used human rights as a pressure instrument and that sadly, the historical instances of such uses were not few. For instance, the Russian Czars exerted pressure on the Ottoman empires under the pretext of protecting the Christian minorities.²⁵

However, it is not only the U.S. that uses human rights as an external instrument, but the European countries take such steps in the European union as well. Entering this union not only necessitated the observance of human rights the way Europe has in mind, but also the commercial transactions are dependent on this condition. For the same reason, Turkey has fallen behind and as long as it fails to provide political freedoms for its subjects and settle accounts with the Kurds, it is inconceivable for it to enter the European union.²⁶

The voluntary eastern European countries should accept the supervision of the European commission on human rights. The conference on security and co-operation in Europe, preparing itself to dominate all eastern and Western countries, stressed the religious freedoms and the rights of cultural, linguistic and religious identities in the Geneva session in 1989. In addition, this conference stressed human rights as the foundation of this organisation in the session of 35 member countries in Paris (November 1990) during which it changed its name to the Organisation of Security and Co-operation.

On the other hand, the increase of the Member States from 35 to 53 during the years 1990 and 1996 which took place with the acceptance of the countries broken away from Russia, helped develop the concept of human rights to countries where there was no mention of European human rights. It is understood that Europe seeks to use human rights as an instrument in foreign policy just like the U.S. as the European community demanded human rights in development plans, asking for a text in re-signing the Lome pact known as Lome 4 between this union and 63 African countries, Caribbean and the Pacific Oceania in December 1989, despite the importance it accorded to African countries and the former colonies.

Critique Of The Principles Of Western Human Rights And Protest Against Its Misuse In Foreign Policies

At first, we need to point to an opposition in the attitude of third world countries. The use of human rights by non-European people first took place in the struggle against exploitation. Here, the non-European people sought to fight Europe by means of European concepts. According to a French writer, the European domination from the sixteenth century up to the twentieth century induced the non-European people to think in a European fashion. The people of Asia, Africa and America had to arm themselves with European concepts in order to survive, for these concepts had taken hold of other concepts, and guns had taken the place of slings. The exploited ones used the same concepts that Europe had used against their freedom, independence, and self-determination.²⁷ Thus, the function of human rights found international expansion by dominated countries in the late 1960s.

In this time, the Russian-American relations were getting better and the West-cast axis was losing its importance and on the contrary, the north and south axis was finding importance. The discussion on universal order, which was invigorated in the early 1970s, was soon concentrated on the injustice in accessing to information. The importance of information and its control by Western institutes was the main subject of north and south relations and the UNESCO Conferences in Nairobi (1976) and Paris (1978) allotted their main subject to his case. In the end, McBride's report in the general conference in Belgrade held on October 25 1980 was accepted. In this context, the necessity of observing justice is stressed.

1. Elimination of imbalance and inequality
2. Elimination of the negative effects of some of the public monopolistic centres and the elimination of excessive concentration
3. The observance of the rights of all peoples in participating in international exchange of information on the basis of equality, justice and mutual interests

This debate gave rise to an overwhelming crisis within UNESCO. In December 1948, the United States left this organisation. In December 1985, England joined the United States and condemned the so-called world terrorism in UNESCO. As for the third world countries, they could not do anything.²⁸ At all events, there was no debate on the concept of human rights and it seemed as if the concept of human rights as accepted by the Europeans was accepted by all nations of the world.

However, in the early 1980s, this question emerged whether humanity was a single, universal and inalienable affair and that human rights were the clear sign of man's position, a reasonable man, a master for whom the society was a place of his flowering intellect or on the contrary it was an affair influenced by time, place and diverse cultures. This question was accompanied with the question, which emerged, from the basic opposition of human rights with the authorities of states. The Islamic revolution

of Iran was instrumental in motivating these two questions, for on the one hand, it demanded national authority and the refusal of foreign domination and rejected any kind of interference under any circumstances including human rights and on the other hand, as a pioneer of a movement arising from Islamic values it sought to find a new definition for social concepts especially the legal concepts and principles including human rights.

Before this, diverse steps had been taken in Islamic countries. In 1968, the union of Arab countries created the permanent Arab commission on Human Rights and in 1981, the Universal Declaration of Human Rights in Islam was declared to the world through the immediacy of UNESCO. However, none of these steps has been able to question the domination of the European concept of human rights.

On the other hand, the policies for a Universal Declaration of Human Rights in Islam in which the similarities and dissimilarities between the West society and Islamic world are determined have not yet taken place. The important point in this process is the initiation of debates over the principles and the possibility of diverse ideas as to human rights,

The Asian countries have well understood that the West employs human rights as a pressure weapon in foreign policies. Chandra Mozafar, professor of political science in Malaysia states that the foundation of the debate between Asia and the West is economical. "On the basis of one of the studies of European commission, until the year 2020 there will be five strong economics in eastern Asia as to the equality of purchase power. The economy of China will be the greatest economy of the world, which will be 40 percent greater than the second economic power, that is, the U.S.A. They feel that they are losing the domination that they have had for over 200 years. Is the protection of human rights one of the few policies in ensuring the preservation of such domination?"²⁹

Therefore, we realise that human rights have never been so entangled with international relations. In fact, human rights are a part of the international system, which is important both in dominating relations and in debates. The uniformity and opposition in international system finds reflection in the same way as in human rights. On the one hand, the eastern domination and the attempt to protect it and on the other, the opposition of the countries under domination. The future of human rights is dependent on such debate. The countries under domination want to keep human rights as a shield to preserve their identities (see the Algerian declaration of 1976) and the dominating countries seek to use human rights as the means to interfere in the affairs of others and use the resolutions of the United Nations on humanitarian assistance as a means to this end.

Conclusion

From the beginning, human rights have been one of the data, subjects and determining factors in international relations and the more we advance, the more the relation between human rights and international relations grows. It is true that governments are independent and have national authority but there are two points which should not go unnoticed: the increase of transnational forces associated with

all communities, such as environment and on the other hand, the increasing elimination of the distance between national community and international community. This means that the age of authority of States is diminishing and the transnational forces including human rights have gained greater importance and shall penetrate the national frontiers.

Encountering such forces, if necessary, should be done with forces of the same nature. Stress on diminishing national authority will not be sufficient for preventing the impact of human rights. There should be another form of human rights of another kind to be placed against the existing one.

On the other hand, the concept of human rights is not so stable in order that we can recognise it as being limited to the 1789 declaration but that which belongs to a contradictory issue, developing and involving in international debates. Hence, it influences these debates and is influenced by them. The sequence of debates over human rights and its diverse interpretations, which are changing, is a witness to the same case. The last point is that the third world countries are condemned to either accept the European interpretation of human rights or offer a reliable interpretation of them.

- [1.](#) Wil Durant, *Story of Civilisation*, Vol. 3, "Caesar and Christ", Translated by Hamid Inayat and Others, Tehran: Intisharat-i Ingilab-i Islami, 1993, p. 28.
- [2.](#) *Ibid.*, p.723
- [3.](#) J. B. Duroselle, et J. M. Mayeur, *Histoire du Catholicisme*, Paris: PUF, 1974, pp. 62 et sq.
- [4.](#) Andre Corvisier, *Precis d 'Histoire Moderne*, Paris: PUF, 2em, ed (1981) p. 50.
- [5.](#) For further information, see: A. Chastel et R. Klen, *L'Age de l'humanisme*, Paris: PUF, 1963.
- [6.](#) For more information, see Marcel Merle, *Forces et enjeux dans le relations internationales*, Paris: Economica, 1985, pp. 15-16.
- [7.](#) For more information, see R. Dolin, *Politique et philosophie chez Thomas Hobbes*, Paris: PUF, 1953.
- [8.](#) Max Weber, *Scientist and Politician*, translated by Ahmad Naqibzadah, Tehran: Tehran Univerrity Press, 1994, pp. 110-130.
- [9.](#) B. Badie, *Eisenstad's Theories, Recan and Shiles in Political Development*, Translated by Ahmad Naqibzadah, Tehran: Qumis, 1997: B. Badie:, *le Developpement politique*, Paris: Economica, 1984, pp. 111-134.
- [10.](#) Jacques Droz, *Histoire Diplomatique de 1648 a 1919*, Paris: Dalloz, 1972, pp. 67-69.
- [11.](#) *Essay on Civil Government*, 1690
- [12.](#) Georges Burdeau, *le Liberalisme*, Paris: Seuil, 1979, p. 33.
- [13.](#) G. Burdeau, *op, cit.*, p. 29.
- [14.](#) Albert Mallet, *The History of Eighteenth Century*, Translated by Rashid Yasami, Tehran: Jahan-i Kitah, 1984, p. 234.
- [15.](#) Ahmad Naqibzadah, *The Changes in International Relations*, Tehran: Qumis, 1997, p. 36 onwards.
- [16.](#) For further infonnation see Michel Lallement, *Histoires des idees Sociologiques*, tom 1, Paris: Nathan, 1993, p. 70.
- [17.](#) R. Aron, "Pensee Sociologique et Droit de l'Homme", in: *Etudes Politiques*, Paris: Gallimard, 1972, p. 234.
- [18.](#) Voir. J. Mourgeon, *le Droit de l'Homme*, Paris: PUF, 1996, p. 79.
- [19.](#) Pascal Fountaine:, *l'Union Europeene*, Paris: Seuil, 1994, p. 141.
- [20.](#) J. Mourgeon, *Op, Cit.*, pp. 79-80.
- [21.](#) Maurice Cranston, *Human Rights Today*, London, 1962.
- [22.](#) Merle, *Op. Cit.* p. 50.
- [23.](#) Berstein and Milza, *Op, Cit.* p. 466.
- [24.](#) Pierre Melandri, *La Politique Exterieurde des Etats-Unis de 1945 a nos jours*, Paris: PUF, 1982, p. 190.

[25.](#) Merle, Op, Cit. p. 51.

[26.](#) Fredric Charillon, "L'Union Europeene en 1995", in: A. Grosser, Les pays de l'Europe Occidentale, Paris: Documentation Francaise, 1996, p. 304.

[27.](#) Voir. P. Moreau- Defaeges, Relations Internationales, Vol. 2 Question Mondiales, Paris: Seuil, 1994. p. 22.

[28.](#) Ibid., pp. 222-223.

[29.](#) Chandra Muzafar, "Europe-Asia and the Case of Human Rights." Ittila'at Newspaper, 27 January, 1996, p. 12.

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