

**REFLECTIONS ON A HUMAN RIGHTS CULTURE AS THE
FOUNDTION OF SOCIAL JUSTICE**

**DR. JOSEPH WRONKA, PROFESSOR, SPRINGFIELD COLLEGE, MA,
USA**

**AUTHOR: *HUMAN RIGHTS AND SOCIAL JUSTICE: SOCIAL ACTION
AND SERVICE FOR THE HELPING AND HEALTH PROFESSIONS* (SAGE,
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**FULBRIGHT SCHOLAR IN SOCIAL JUSTICE, POVERTY, HUMAN
RIGHTS**

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Good morning, everyone. When I say those words I think of the words of Martin Buber a philosopher, social activist, theologian, a rabbi actually and author of the classic work, *I and Thou* which urged us to view one another as a profound spiritual presence capable of creating his or her own destiny, rather than as an “It,” to be manipulated and controlled. When asked when will we have world peace, he said “When everyone says good morning to each other and means it.” Well, that is my first thought, reflection if you will, one of our many challenges that everyperson, everywhere learns to greet each other with loving/kindness as the Buddha would say, only because they are human and irrespective of their race, ethnicity, sex, class and other accidental

characteristics (in an Aristotelian sense) as enunciated in Article 2 of the United Nations Universal Declaration of Human Rights (UDHR), which I will get to shortly. Now Martin Buber was obviously a theist, but I would also like to quote another philosopher, social activist, theologian, and holocaust survivor, Emmanuel Levinas, who said: “The issue is not whether to believe or not believe in God, but rather that love without reward is valuable” which ultimately I think human rights is all about.

Before continuing, however, I would like to quote Confucius who said that “The wise person keeps on trying even though he [or she] knows that it is useless.” I learned this from the eminent Noam Chomsky, my claim to fame receiving an email he had sent me when I was going to the United Nations to represent the NGO the International Association of Social Work (IASSW) to combat extreme poverty and quite honestly despairing a bit, as there just seemed so many documents, resolutions, and conventions, which continue to this day. But, I have not and will not give up hope that each of us can make the world a better place. I would also like to quote a great American also J. William Fulbright known for his tireless efforts to try to put an end to the Vietnam War and established the Fulbright Foundation whose aim is to create a global interchange of scholars to work toward mutual understanding. He said: “Criticism of one’s country is an implied tribute.” So, today, when I

speaking of the need for a human rights culture, you might think I am somewhat harsh on my country, which I'm using by way of example, but I am only so because I think we can do better and I, quite honestly am rather proud that it was an American, Eleanor Roosevelt, who chaired the drafting committee of the Universal Declaration of Human Rights. When asked if the Universal Declaration of Human Rights were dangerous to governments, she said "Yes, oh yes."

Rationale – A Little History

Now to get into the "meat" of this presentation, ideas move people as Eleanor Roosevelt was fond of saying and nothing is more powerful as an idea whose time has come as Viktor Hugo, author of *Les Miserables* said with verve. Today, human rights is that idea. Let us recall the Conference of Evian (1938) called by President Roosevelt of the US to stop the abuses of the Third Reich. It was a total failure. While the German representative was there admitting to the growth of camps "housing" Jews, gypsies, Jehovah's Witnesses, basically he called other countries to the fore the US, for instance, for having public lynchings, their genocide against Indigenous People; France for its policies of torture in Algeria;, and other European countries for genocidal practices in Africa. He told them to mind their own business, that domestic sovereignty was the key. The conference disbanded because no one

wanted to bring attention to their own atrocities. What occurred was World War II, ten million innocents dying in the camps, and an estimated additional 80 million dying from such things as carpet bombing and the atomic bombs on Hiroshima and Nagasaki. In order for that never to happen again, the governments of the world formed the United Nations in 1945 thus replacing the notion of domestic sovereignty with that of international accountability. Yet, we need to recall that there was much government reluctance to include human rights in the UN Charter and to even come up with a Universal Declaration of Human Rights, which happened three years later on December 10th 1948, known the world round as Human Rights Day. Government reluctance continues to this day. Yet, despite this reluctance the peoples of the world in my view have come to recognize and appreciate the importance of human rights now over 80 years after Evian, though reluctant, no government would dare say it is against human rights.

Preliminary Issues to Consider

The questions becomes what exactly are human rights, or perhaps we can say what exactly *is* human rights as rights are indivisible and interdependent as we shall see: “What, after all, is freedom of speech (a civil right) for a person who is homeless or lacks health care (economic rights) and lives in a world at war (the right to peace being a solidarity right).” But

before getting into the Universal Declaration of Human Rights and its progeny so to speak known as the Human Rights Triptych, I would like to talk about the etymological root of social justice, a rather ambiguous concept and one that does not have as much force as the idea of human rights. It is from the Latin *socius* meaning friend or ally and justice meaning equal treatment. Thus, we need to treat our friends equally. But it needs further clarification and human rights, which ought to be the foundation of social justice, concretizes and lays out explicitly what human rights means. Ultimately, what I am calling for is a human rights culture, a “lived awareness” of human rights principles in our minds, hearts, and bodies and the world and integrated into our everyday lives. Culture, after all, is from the Latin *cultura* meaning “tilling,” yes, a human rights culture can help till the soil so metaphorically speaking flowers, rather than weeds, can grow and a human rights culture create a world where human needs can flourish and ultimately is not human rights merely the legal mandate to fulfill human need? Now human rights instruments, i.e. documents (from the Latin *docere* meaning to teach and a lot of this is about learning and teaching about human rights principles) can serve as a means to educate others in the true meaning of that word from the Latin *educare* meaning to grow, nourish, strengthen. And, furthermore, such a culture cannot be forced on anyone, otherwise, it just

won't work. It must be chosen or as St. John Paul II, said: "Human Rights needs to be lived in letter and in spirit and Shulamit Koenig who helped launch the initial People's Decade for Human Rights Education said: "Human rights is a way of life."

Human Rights as the Foundation for Social Justice with Implications for Proactive and Reactive Interventions to Improve the Quality of Life

I have here a diagram, which illustrates that human rights as the foundation for social justice ought to serve as guiding principles to improve the quality of life, aka, social policy implications in more elitist terms.. Very briefly and it is not within the scope of this talk at this time to discuss the various levels of intervention (which I will do more in depth on Tuesday evening and speak how this is related to Indigenous People having worked in Alaska for a number of years) very briefly, the global, whole population, at-risk, clinical, and everyday life, but let me say this that if we want to solve the problem of homelessness, we need on the global level to ratify the UN Convention on Economic, Social, and Cultural Rights and on the domestic level to have a right to adequate shelter on the federal constitution (both which my country has not done), to see who is at risk for homelessness, largely those who lost their jobs because of a lack of collective bargaining in the workplace, thus recognizing the need for workers to organize as enunciated in numerous human rights documents, such as Article 23 of the Universal

Declaration of Human Rights, then counseling the homeless and providing support groups also enunciated in various instruments, particularly the document on the Principles for the Protection of Persons with Mental Illness and Improvement in Mental Health Care.

The Human Rights Triptych

Now if we are truly to understand the nature of human rights, which in my view transcends as human rights should, certain notions of natural law, such as the papal bull the doctrine of discovery decreed in 1493 by Pope Alexander VI that heeding to natural law, all people not Christian should submit to being colonized and their lands seized, still on the books, and leading to such supreme court decisions as the Tee-Hit-Ton decision in 1955 which stated that by that doctrine the state of Alaska had a right to seize the lands of Indigenous peoples living there, citing the "doctrine of discovery."

So, to continue, to truly understand the true meaning of human rights, we need to look at the Human Rights Triptych, which consists in brief of the Universal Declaration of Human Rights (UDHR), the authoritative definition of human rights standards at its center; guiding principles, declarations and conventions which elaborate upon the UDHR on the right panel; and implementation mechanisms on the left. The UDHR, a progeny of the U.N. Charter, is an historical-philosophical-religious compromise. It consists of five crucial notions: (1) human dignity in Article 1, reflecting substantively the Judeo-Christian-Islamic tradition; (2) non-discrimination in Article 2 on the basis of such

characteristics as race, gender, national origin, or political opinion integral also to those traditions; (3) civil and political rights in Articles 2–21, such as freedoms of speech, the press, worship, and peaceful assembly reminiscent of the Age of Enlightenment; (4) economic, social, and cultural rights, in Articles 22–27 as rights to meaningful and gainful employment, rest and leisure, medical care, including thus mental health care, security in old age, social protections for the family as the fundamental unit of society, special protections for motherhood and children, education teaching tolerance and friendship, and participation in cultural life, evoking the Age of Industrialization; and (5) solidarity rights, reflecting the failure of domestic sovereignty to solve global problems, in Articles 28–30 calling for a “just social and international order,” intergovernmental cooperation, duties, and limitations of rights, which have given sustenance to rights to peace, a clean environment, humanitarian disaster relief, development, self-determination, global distributive justice, the preservation of the common and cultural heritages of humanity, like the oceans, space, and cultural and religious landmarks, and the promotion of world citizenship (Regarding the right to peace, I would like at this point to mention the words of former President Dwight D. Eisenhower who said in essence that every bomb made, every warship launched was theft from the poor. With much sadness I must say that my government produces roughly 55% of all armaments in the world.). Let me emphasize that human rights are interdependent and indivisible is integral to human rights discourse. What, after all, is freedom of speech to a person who is homeless, lacking access to health care and lives in a world at war? On the right there are nine major international conventions, which largely elaborate upon rights in the UDHR, considered treaties: Civil and Political Rights (ICCPR); Economic, Social, and Cultural Rights (ICESCR); the

Elimination of Discrimination Against Women (CEDAW); the Elimination of All Forms of Racial Discrimination (CERD); the Rights of the Child (CRC); the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); the Rights of Persons with Disabilities (CRPD); the Convention Against Torture (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearances (CPAPED)

Thus, the UDHR urges “special care and assistance” for motherhood and children (Article 25). CEDAW elaborates that such protections “should be accorded to mothers during a reasonable period before and after childbirth ... wherein working mothers should be accorded paid leave or leave with adequate social security benefits” (Article 10). The U.S.A has ratified three: ICCPR, CAT, CERD, which, according to the Supremacy Clause of the U.S. Constitution, Article VI, must because they have the status of international treaty, become “law of the land ... and the judges bound thereby” (Weissbrodt, Fionnuala, Fitzpatrick, and Newman, 2009). China has ratified six: CERD, CEDAW, CRC, CAT, CESC, CPD. Other documents, such as, in brief, the Principles for the Protection of Persons with Mental Illness (PPMI), Principles of Medical Ethics (PME), the Declaration of Human Rights Defenders (DHRD), and the Declaration on the Rights of Indigenous Peoples (DRIP) are also part of the right panel. Those are in addition to a plethora of others, including, but not limited to: Guiding Principles on Extreme Poverty and Human Rights, Declaration on the Rights of Peasants and the Genocide Convention. The left panel on implementation consists briefly: of the periodic filing of reports by countries roughly every five years on progress toward compliance with ratified documents; taking part in the Universal Periodic Review (UPR) where every U.N. member country’s human rights practices, which can be defined not only by conventions, but also, by declarations and

guiding principles come before the Human Rights Council every four years; the appointing of special rapporteurs who report on select themes, such as on Human Rights Defenders (2018), eradication of extreme poverty (2017), privacy (2015), contemporary forms of slavery (2014) and democracy and a just equitable order (2012)); world conferences, such as on: Climate Change (2017), Indigenous Peoples (2014), and Water (2013) generally with follow-ups every five years; and select countries' situations, such as by special rapporteur on extreme poverty Philip Alston on extreme poverty in the United States (2017). As a case in point, regarding mental health in the United States, Philip Alston stated, *inter alia*: Poverty, unemployment, social exclusion and loss of cultural identity also have significant mental health ramifications and often lead to a higher prevalence of substance abuse, domestic violence and alarmingly high suicide rates in indigenous communities, particularly among young people. Suicide is the second leading cause of death among American Indians and Alaska Natives aged between 10 and 34 The point of these implementation measures, ultimately, is a creative dialogue with member states, relevant U.N. bodies, and civil society, where positive aspects and select concerns are discussed openly, and hopefully, in a spirit of humility and dignified compromise, as the social activist, Mahatma Gandhi advocated should we desire a socially just world.

Provisos

Before showing you a content analysis of the US Constitution and the 50 state constitutions I would like to mention some other thoughts or words of caution in implementing human rights. They are first the doctrine of humanitarian action, that invading another country for a human rights violation is wrong; the hypocrisy of governments that governments have an *a la carte* approach to human rights principles; the

sanitization of oppression, that governments choose one set of rights over another, as Marx stated that rights (at that time such rights were roughly the US Bill of Rights) can be called the “façade of capitalism.”; narrow definitions of human rights, emphasizing only for instance civil rights, and hate groups using it as an excuse for oppression; demonization of the other, that our enemies are often seen as evil, but we need to engage in a creative dialogue with them; rights documents as human creations, that what we have now can always be improved and I am thinking of the rights of people of differing sexual orientations and identities that need to build upon the Yogyakarta Principles; and cultural relativism as possible pretext, that, for instance, female genital mutilation is wrong in every instance and while, yes, we have freedom of religion, we cannot hide behind that notion in that “harmful practice” to use human rights terminology.

A Look at Select Human Rights Issues in the United States of America

As part of my doctoral dissertation under the tutelage of Dr. David Gil, who was also co-chair of the American Socialist Party, I did a comparison, more accurately an “educated layperson’s” reading of the US Constitution in relation to the UDHR. (The reader may now wish to refer to the PowerPoint slides, particularly 11-22.). Very briefly doing a content analysis of both documents, there were serious gaps in the area of economic, social, cultural, and solidarity rights discussed earlier. Nothing on such rights as health care, security in old age (I am really not here to compare, but I must note here that filial piety [from the Latin *pious* meaning loyal is a fundamental traditional Chinese value which we do not have in the US), employment, rest and leisure, housing and the like.

Now states, which ought to act as “laboratories of democracy,” to extend rights not found in the US Constitution according to former Supreme Court Justice Louis Brandeis,

namesake of my alma mater, do not really do much better. (The reader may wish to refer to slides 23-25). But the majority of states do express the right to education, which, if I may, considering that many school textbooks in the US by and large are divided by wars, the Revolutionary War, the War of 1812, the Civil War, World War I, World War II, the Persian War etc., It may very well that Dr. Martin Luther King's (who said the era of civil rights is over the era of human rights has begun") pithy statement that the US was the most violent country in the world, may have some validity as school children are often socialized aka, "educated" into viewing war as inevitable the major means to resolve conflict.

Briefly I would also like to mention select comments by what is called the monitoring committee for CERD discussed earlier. (The reader may wish to refer to PowerPoint slides 23-32). Positive aspects were mentioned like Executive Order 13583 requiring agencies to develop strategies to identify and remove existing barriers to employment for minorities; executive Order 13515 aimed at improving participation of Asian Americans in federal programs and employment and adoption of the Fair Sentencing Act to reduce disparity for more lenient sentences for powder-cocaine vs. more severe sentencing for crack-cocaine. However the committee did express some concerns like: racial and ethnic profiling as an ineffective law enforcement practice; lack of prohibition of hate speech; underreporting of hate crimes by victims to the police; the disproportionate negative impact of environmental pollution on racial and ethnic minorities.; and adverse effects related to exploitation of national resources by transnational corporations.

The UN recently also sent Philip Alston as mentioned, Special Rapporteur on Extreme Poverty to look at that situation in the USA. (The reader may wish to refer to

PowerPoint slides 34-53). Very briefly, questioning American Exceptionalism he noted *inter alia*: one of the world's wealthiest countries but one that spends roughly 55% on national defense; infant mortality highest in the developed world; highest prevalence of obesity in the developed world ;highest incarceration rate in the world; only 55.7% in the 2016 election voted, placing 28th in the world; access to sanitation the US ranks 36th in the world; and the fact that “most Puerto Ricans believe deeply that they are colonized and the US Congress is happy to leave them in no man’s land.”

Concluding Comments

I hope that my thoughts and comments will give you some fodder for further discussion, let me emphasize a phrase I have heard often at the United Nations, a “creative dialogue” to improve the quality of life for every person, everywhere to construct a socially just world, constructed from the foundation, pillars if you will, of human rights. Ultimately, what we need I think is what has been called the Spirit of Crazy Horse, as asserted by that great spiritual and Indigenous leader of the Lakota Sioux. He said that we needed “the vision and courage of the eagle.” The eagle as some of you know is apparently the only bird, that will go right into the storm to search for food for his young. And ultimately, the Spirit of Crazy Horse is “peace, humility, and everlasting love.”

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