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Human Rights and World Public Order: The Basic Policies of an International Law of Human Dignity

Myres S. McDougal
Harold D. Lasswell
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New York Law School

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_Human Rights and World Public Order_

_The Basic Policies of an International Law of Human Dignity_

by Myres S. McDougal, Harold D. Lasswell, and Lung-chu Chen

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TO
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SU-TON CHEN
LAI-CHU HUANG CHEN
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The demands for human rights being made today around the world are heir to all the great historic movements for human freedom, equality, and solidarity—including the English, American, French, Russian, and Chinese revolutions and the events they set in train. They derive also from the more enduring elements in the traditions both of natural law and natural rights and of most of the world's great religions and philosophies. They achieve support, further, from the findings of modern science about the close link between simple respect for human dignity and the shaping and sharing of all other values. It has been generally

many times observed how rudimentary demands for freedom from despotic executive tyranny have gradually been transformed into demands for protection against not only the executive but all institutions or functions of government and all private coercion. Early demands for the barest "civil liberties," inherent in the most primitive conception of rule by law, have burgeoned into insistence upon comprehensive "human

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2. For an excellent, succinct account, see Claude, The Classical Model of Human Rights Development, in Comparative Human Rights, supra note 1, at 6-50.


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3. From demands for physical security and inviolability of the person, with freedom from cruel and inhuman treatment and freedom from arbitrary arrest and confinement, a progression may be noted to demands for freedom of conscience and religion, of opinion and expression, and of association and assembly. With the impact of industrialization, massive concentration of wealth, sprawling urbanization, accelerating change, and the attendant ills of exploitation, disparities in wealth distribution, unemployment, inadequate housing, medical care, education, skills, and so on have come not unnaturally demands for fair and adequate wages, basic income, improved working and health conditions, access to education and skill acquisition, and protection against the hazards of unemployment, sickness, old age, and the like.

Different peoples located in different parts of the world, conditioned by varying cultural traditions and employing divergent modes of social organization, may of course assert these fundamental demands in many different modalities and nuances of institutional practice. There would appear, however, to be an overriding insistence, transcending all cultures and climes, upon the greater production and wider distribution of...
all basic values,\(^6\) accompanied by increasing recognition that a world public order of human dignity can tolerate wide differences in the specific practices by which values are shaped and shared, so long as all demands and practices are effectively appraised and accommodated in terms of common interest. The important fact is that the peoples of the world, whatever their differences in cultural traditions and styles of justification, are today increasingly demanding the enhanced protection of all those basic rights, commonly characterized in empirical reference as those of human dignity, by the processes of law in all the different communities of which they are members, including especially the international or world community.\(^7\)

\(^6\) For specification of the value terms with which we work, see H. Lasswell & A. Kaplan, Power and Society (1950); Lasswell & Hohmberg, Toward a General Theory of Directed Value Accumulation and Institutional Development, in COMPARE THEORIES OF SOCIAL CHANGE 12 (H. Peter ed. 1960).

\(^7\) Thus, President Carter in his address to the United Nations stated: "The basic thrust of human affairs points toward a more universal demand for fundamental human rights." Peace, Arms Control, World Economic Progress, Human Rights: Basic Priorities of U.S. Foreign Policy, 76 DEPT STATE BULL. 329, 392 (1977); N.Y. Times, Mar. 18, 1977, at A10, col. 6 (city ed.).

For an abundant collection of expressions of the common demands of peoples for values across cultures and through time, see Birthright of Man supra note 1. On a more formal level, demands for all important values have been eloquently articulated and summarized in the Universal Declaration of Human Rights, the International Covenants on Human Rights and their ancillary expressions, the regional human rights conventions, and the bills of rights embodied in various national constitutions. Useful compilations include: BASIC DOCUMENTS ON HUMAN RIGHTS (L. Brownlie ed. 1971); BASIC DOCUMENTS ON INTERNATIONAL PROTECTION OF HUMAN RIGHTS (L. Sohn & T. Buergenthal eds. 1973); UNITED NATIONS, HUMAN RIGHTS: A COMPILATION OF INTERNATIONAL INSTRUMENTS OF THE UNITED NATIONS, U.N. Doc. ST/HR/1 (1973).


Ralph Linton characterizes demands for values in terms of "biological needs," "social needs," and "psychic needs." R. Linton, The Study of Man 394-96, 412-17 (1937). In his words: "While human needs, in the abstract, are probably constant, the forms in which they present themselves to the members of societies are rarely twice the same." Id. at 414.

In Abraham Maslow's postulation, the demands of beings in human society find expression in a hierarchy of needs, and the lower level needs must be fulfilled before the higher ones. See A. Maslow, Motivation and Personality, 97-104 (2d ed. 1970); A. Maslow, The

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**THE RISING COMMON DEMANDS**

For a systematic, though necessarily synoptic and impressionistic, review of the empirical content of the demands commonly described as of "human rights," we offer an itemization in terms of the principal features of a number of representative value processes, believed to be indigenous in varying forms of equivalency in most contemporary cultures. Because of its critical importance, we begin with the value of respect. When respect is conceived as the reciprocal honoring of freedom of choice about participation in value processes, it is an indispensable component and determinant in all human rights.\(^8\) With regard to each value, we itemize in comparable pattern:

**DEMANDS RELATING TO RESPECT**

For a fundamental freedom of choice for all individuals regarding participation in all value processes:

For an effective equality of opportunity that precludes discriminations based on race (color), sex, religion, political opinion, language, or other grounds irrelevant to capability, and a social environment that affords conditions enabling people to enjoy a wide range of effective choice in their interactions with others:

For distinctive recognition of preeminent contribution to the common interest:

For an aggregate pattern of social interactions in which all individuals and groups are protected in the utmost freedom of choice and subjected to the least possible coercion, governmental or private:

For effective participation in the shaping and sharing of respect, both individually and through groups:

**FARTHER REACHES OF HUMAN NATURE** 299-340, 370-90 (1971). We find it unnecessary and counter-productive to indulge in debate about a hierarchy in demands. It suffices to say that the overall trend is clearly toward demands for a wider shaping and sharing of all values.

In his book ENDS AND MEANS (1937), Aldous Huxley observed: "About the ideal goal of human effort there exists in our civilization and, for nearly thirty centuries, there has existed, a very general agreement." Quoted in Reston, The Condition of the Press in the World Today (1), 7 HUMAN RIGHTS J. 593, 595 (1974). Similarly, the late Secretary-General U Thant:

A gradual development is taking place within the United Nations of a common philosophy regarding the right of every individual, without distinction as to race, sex, language or religion, to secure respect for his dignity as a human being whether in the political and civil, or the economic, social and cultural fields.

Quoted in NOBEL SYMPOSIUM ON HUMAN RIGHTS, supra note 1, at 267-68.

8. See chapter 6 infra.
For freedom to acquire a demand for respect, with appropriate opportunity to discover latent capabilities and to exercise such capabilities;
For freedom to establish and change identifications;
For opportunity to achieve realism in expectations;
For freedom to initiate and constitute institutions specialized to respect;
For freedom of access to institutions specialized to respect;
For freedom of access to institutions not specialized to respect;
For protection of respect even under conditions of crisis;
For the availability of processes of authoritative decision and effective power to defend and fulfill respect;
For special assistance to overcome handicaps not attributable to merit;
For freedom to employ the different instruments of policy (diplomatic, ideological, economic, military) in the protection of respect;
For freedom from imposition of disrespect by the use of the different instruments of policy;
For freedom from forced labor and from imprisonment for debt;
For freedom from terrorist activities and other acts of violence.

DEMANDS RELATING TO POWER

For recognition as a human being;
For admission to group membership (nationality);
For fullest participation in both the processes of government (including voting and officeholding) and effective power;
For freedom from discrimination in participation;
For freedom to establish and join groups (including political parties, pressure groups, and private associations);
For protection of minority associations;
For freedom to change rulers of groups;
For freedom to constitute a new entity;
For freedom from coercion external to the group;
For freedom to acquire a demand for power;
For freedom of access to, movement within, and egress from territory (including asylum);
For stability of expectations about continuation of rights;
For freedom to initiate and constitute power and other value institutions;
For freedom of access to adequate power and other value institutions;
For freedom from deprivations disproportionate to crisis;
For the availability of processes of authoritative decision adequate to defend and fulfill all rights;
For the comparable availability of processes of effective power;
For freedom to employ the diplomatic and other instruments to enhance the shaping and sharing of power;
For freedom from arbitrary restraints in the employment of the diplomatic, ideological, economic, and military instruments of strategy;
For freedom from coercive employment of the diplomatic and other instruments;
For freedom from arbitrary seizure and confinement;
For the maintenance of, and access to, adequate institutions for making and applying law;
For protection of equality before the law;
For the establishment and maintenance of a community that effectively, responsibly, and responsibly performs all essential decision functions (intelligence, promotion, prescription, invocation, application, termination, and appraisal).

DEMANDS RELATING TO ENLIGHTENMENT

For achievement of an optimum aggregate in the shaping and sharing of enlightenment (in the gathering, dissemination, and enjoyment of knowledge and information);
For the provision of a basic enlightenment to all individuals;
For additional access to enlightenment on the basis of capability and contribution;
For general participation in the giving and receiving of enlightenment (knowledge and information);
For freedom from discrimination in the acquisition, use, and communication of knowledge and information;
For group participation in opportunity to acquire and disseminate knowledge;
For freedom to acquire the demand for enlightenment;
Delimitation of the Problem

For freedom from state or private conditioning;
For freedom from distorted communications (misinformation);
For disclosure of special interests;
For freedom to initiate and constitute institutions specialized to enlightenment;
For freedom of access to adequate enlightenment and other value institutions;
For freedom from deprivations of enlightenment disproportionate to crisis;
For the availability of processes of authoritative decision adequate to defend and fulfill demands for enlightenment;
For the comparable availability of processes of effective power;
For freedom to acquire and employ appropriate language;
For freedom in both small group and mass communications;
For freedom in the assembly of appropriate resources for enlightenment;
For freedom from coerced deprivations of enlightenment (censorship, indoctrination, distortion).

Demands Relating to Well-Being

For an optimum aggregate in the shaping and sharing of well-being;
For the right to life;
For a basic minimum in safety, health, and comfort, and for additional opportunities in accordance with choice;
For progress toward optimum somatic and psychological development throughout life;
For a merciful euthanasia (for freedom to depart or continue life);
For general participation in the realization of bodily and mental health and development;
For freedom from restrictions for reasons irrelevant to individual capabilities and contributions;
For group survival and development;
For an environment that is conducive to survival and development;
For freedom to initiate and constitute institutions specialized to well-being;
For freedom of access to adequate well-being and other value institutions;

For the availability of processes of authoritative decision adequate to defend and fulfill demands for well-being;
For the comparable availability of processes of effective power;
For being a beneficiary of pertinent science and technology;
For the employment of appropriate strategies in relation to health for prevention, deterrence, restoration, rehabilitation, reconstruction, and correction;
For freedom from coerced experimentation and other deprivations;
For freedom to accept or reject medical service;
For freedom to accept or reject transplantation and repair;
For freedom to employ specific strategies in birth control;
For the employment of genetic engineering.

Demands Relating to Wealth

For the maintenance of high levels of productivity;
For a basic minimum of benefits from the wealth process (guaranteed income, social security, abolition of poverty);
For the enjoyment of benefits on the basis of contribution;
For general participation in wealth shaping and sharing (working, investing, employing resources, enjoying, etc.);
For freedom from restrictions irrelevant to capabilities for contribution;
For freedom of association in group shaping and sharing (producers, entrepreneurs, laborers, consumers, investors);
For freedom to acquire (or reject) a demand to participate in the wealth process;
For freedom to initiate and constitute, and freedom of access to, institutions specialized to wealth;
For freedom from deprivations of wealth disproportionate to crisis;
For the availability of processes of authoritative decision and effective power to defend and fulfill wealth demands (including the right to property);
For freedom to accumulate and employ resources for productive purposes;
For freedom from wasteful use of resources;
For freedom to employ all relevant strategies, without coercion or discrimination, in production, conservation, distribution, and consumption.
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Demands Relating to Skill
For an optimum aggregate in the acquisition and exercise of skills;
For acquisition of a basic minimum of skills relevant to effective participation in all value processes;
For additional acquisition in terms of talent and motivation;
For unrestricted opportunity to acquire and exercise socially acceptable skill;
For opportunity to have talent discovered;
For opportunity to acquire and exercise skill without discrimination;
For accordance of skill to groups;
For acquisition of a demand for, and capability of, skill expression;
For freedom to initiate and constitute, and freedom of access to, institutions specialized to skill;
For the availability of processes of authoritative decision and effective power to defend and fulfill demands for the acquisition and exercise of skills;
For special assistance to overcome handicaps;
For exposure to training, both in content and method, appropriate to a culture of science and technology;
For freedom from coercive strategies other than those inherent in compulsory education;
For exposure to a socialization process that enables the individual to acquire the motivations and capabilities appropriate to the performance of adult roles in value processes.

Demands Relating to Affection
For an optimum aggregate in the shaping and sharing of affection (loyalties, positive sentiments);
For the basic acceptance necessary for individuals to acquire the motivations and capabilities of functioning effectively in the shaping and sharing of values;
For additional affection in terms of capability and contribution;
For giving and receiving affection on a reciprocal basis, free from restrictions irrelevant to capabilities;
For freedom to give and receive loyalty to groups of one's choice;
For freedom of association;
For freedom to acquire (or reject) a demand to participate in the affection process;

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Demands Relating to Rectitude
For the maintenance of public and civic order in which individuals demand of themselves and others that they act responsibly for common interest;
For a minimum opportunity to receive positive evaluation of rectitude;
For movement toward a fuller participation of all in responsible conduct;
For freedom to participate in the formulation and application of standards of responsibility (religious and secular);
For freedom from discrimination in the shaping and sharing of rectitude;
For freedom of association for rectitude purposes;
For freedom to acquire a demand on the self to act responsibly;
For freedom to choose among justifications of responsible conduct (secular and religious, transempirical and empirical, etc.);
For freedom to initiate and constitute, and freedom of access to, institutions specialized to rectitude;
For the availability of processes of authoritative decision and effective power to defend and fulfill rectitude demands;
For freedom to employ all relevant strategies, without coercion or discrimination, in the pursuit of rectitude.

Inadequate Responses—Deprivations and Nonfulfillment of Human Rights
All this cumulative upsurge in common demands for human rights has not, in common knowledge, been matched by the effective realization of such rights in the public and civic orders about the world. The responses of both transnational and national processes of authoritative decision to these rising common demands have been most halting and inadequate.
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Whether one looks with difficulty back into the remote past or considers the more clearly recorded world picture of the last two hundred years, the condition of the great mass of peoples in terms of the protection of their demands for values has not been great. Even a cursory look at daily events on a global scale leaves no doubt, further, that nonfulfillment of human dignity values still characterizes all cultures and that large-scale deprivations of individuals and groups continue to prevail everywhere. Though the nature, scope, and magnitude of values at stake may differ from one community to another and from occasion to occasion, the nonfulfillments and deprivations encompass every value sector. We offer selective itemizations:

9. For example, the New York Times of Oct. 31, 1976, included the following headings: U.S. Study Links Rise in Jobless to Deaths, Murders and Suicides, N.Y. Times, Oct. 31, 1976, § 1, at 1, col. 1; State Department Said to Have Urged Korea Inquiry in ’75: Investigation of Park Tong Sun Followed Testimony in Senate on Payment by Gulf Oil, id.; Protection of Alaska’s Wilderness New Priority of Conservationists, id. § 1, at 1, col. 3; Human Rights Group Reports Repression in South America, id. § 1, at 3, col. 3; Lebanese Fight On as Fractious Quarrel over Peace Plan Terras, id. § 1, at 3, col. 1; Devolution Aiding to Mexico’s Unrest, id. § 1, at 4, col. 1; China Posters Link Left to Killing Plot, id. § 1, at 5, col. 1; Three Investigations Begun in Bizarre Tokyo Case Involving Miki, a Judge and a Midnight Telephone Call, id. § 1, at 8, col. 1; India Puts Off Parliament Election, id. § 1, at 10, col. 1; Indira Gandhi’s Aunt Says She Is “Profoundly Troubled” at Direction India is Taking, id. § 1, at 11, col. 2; Increase in Crime Worries Hungary, id. § 1, at 12, col. 3; Thai Purge Results in Climate of Fear: With More Than 5,000 Arrested by the Military Junta, Roundups and Searches Continue Daily, id. § 1, at 13, col. 1; Separatists in Quebec May Profit as Popularity of Liberals Declines, id. § 1, at 20, col. 3; Military Institute Told to Admit Girls, id. § 1, at 25, col. 1; Children’s Rights Drive Centered in Courtroom, id. § 1, at 26, col. 1; Lower East Side Churches Mobilize against Violence and Fires, id. § 1, at 58, col. 3.

In an unpublicized report to Congress, prepared in connection with the Foreign Assistance Act of 1975, the Department of State indicated: “Repressive laws and actions, arbitrary arrest and prolonged detention, torture or cruel, inhuman or degrading treatment or punishment, unfair trials or other flagrant denials of rights of life, liberty and the security of the person are not extraordinary events in the world community.” Id., Nov. 19, 1975, at 14, col. 7.

Emphasizing that “[h]uman rights abuses follow no pattern,” the report further pointed out: “They are not limited to types of political regimes or political philosophies. Abuses take place in both the Western and Eastern Hemispheres. They are carried out by and against persons of virtually all races and major religions of the world.” Id.


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Deprivations Relating to Respect

Widespread denial of individual freedom of choice regarding participation in value processes, including the comprehensive and systematic deprivations inherent in slavery, caste, apartheid, and equivalents; Persistent discrimination on such invidious grounds as race (racism), sex (sexism), religion, political opinion, language, alienage, and age; Bestowal or withholding of honor (symbolic recognition) in disregard of actual contribution to common interest; Massive encroachments upon the zone of individual autonomy, especially privacy, as a consequence of the trends toward militarization, concentration of power, governmentalization, regimentation, and high bureaucratization; Depression of demands for respect by denying opportunity to discover latent capabilities for participation and to acquire and exercise such capabilities; Denial of freedom to initiate and constitute, and of freedom of access to, institutions specialized to respect (e.g., suppression of civil rights organizations); Inability of processes of authoritative decision and effective power to defend and fulfill respect; Controversies and difficulties about programs of affirmative action;
Widespread practices of forced labor, debt bondage, and so on;\textsuperscript{15} Occurrences or threats of terrorist activities endangering innocent people (e.g., kidnapping, hijacking, terrorist bombs, etc.).\textsuperscript{16}


16. See the appendix infra, at notes 160-386 and accompanying text.

17. See the appendix infra, at notes 160-386 and accompanying text.


19. For an attempt by a distinguished political scientist to classify and rating countries (114 in total) according to "eligibility to participate in elections and degree of opportunity for public opposition," see \textit{R. Dail, Polycharty: Participation and Opposition} 231-45 (1971).


21. See, e.g., N.Y. TIMES, Oct. 31, 1976, at 1, at 10, col. 1 (India); \textit{id.}, Nov. 6, 1976, at 3, col. 1 (India); \textit{id.}, Nov. 8, 1976, at 1, col. 1 (India); \textit{id.}, Oct. 14, 1976, at 8, col. 1 (Thailand).
Denial of full participation in the process of effective power because of disparities in the distribution of base values among members of the community;

Denial or severe restrictions on participation in the power process on invidious grounds, especially through intolerance of political nonconformists;

Prevalence of one-party rule, de jure or de facto;

Total suppression of opposition parties or toleration only of token opposition parties;

Denial or severe restrictions on freedom of association and assembly;

Suppression of minority groups;

Severe sanctions against efforts to change incumbent power elites or to form a new entity;

Denial or severe restrictions on freedom of access to, movement within, and egress from territory (e.g., emigration of minorities, restrictive immigration policies).21


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Mass expulsion of resident aliens (expulsion of Asians in Uganda);

Vast numbers of refugees fleeing persecution amidst deterioration of the practices of asylum;

Imposition of restrictions on freedom to initiate and constitute, and freedom of access to institutions specialized to power;22

Governmental institutions closed to free access;

Deprivation or suspension of important human rights through spurious invocation or abusive application of national security, as through declarations of martial law (state of siege);23


Subverting the normal civilian processes of government by declarations of martial law (or state of siege); contempt for the law by the Federal Bureau of Investigation under its late director J. Edgar Hoover, the persistent violations of its own charter and of fundamental civil liberties by the Central Intelligence Agency and similar transgressions by the Internal Revenue Service.


Delimitation of the Problem

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For the recent tragic events, including the large-scale arrest and imprisonment of opposing political leaders in the name of national security and emergency, in India, once the world’s most populous democracy, see id., June 13, 1975, at 1, col. 1; id., June 27, 1975, at 1, col. 6; id., June 28, 1975, at 1, col. 6; id., Aug. 5, 1975, at 10, col. 3.

Subversion of the procedures of due process and of fair and public trial;  
Subjection of civilians to court-martial;  
Arbitrary arrest and detention of individuals, kept incommunicado, without the filing of charges;  
Widespread failure to establish and maintain community structures that effectively and responsibly perform all essential decision functions.

Deprivations Relating to Enlightenment

Continuing high illiteracy rate in many communities around the world.29

Unequal and limited opportunity in access to institutions of higher learning;30  
Wholesale indoctrination (thought control, brainwashing, conditioning);31  
Deliberate fabrication and dissemination of misinformation (distorted information), especially by the government;32  
Politics of enlightenment;33  
Withholding or suppression of information essential to independent appraisal of governmental policies and decisions;34


33. For attempts by the Third World nations to pool their government-controlled news agencies in order to replace coverage by the existing major news gathering and disseminating organizations and to liberate "information and mass media from the colonial legacy," see N.Y. Times, July 14, 1976, at 3, col. 5. See also id., Jan. 25, 1976, at 2, col. 1; id., Aug. 2, 1976, at 20, col. 4. For a reaction to such an attempt, see Muzzling the World's Press, Wall St. J., July 23, 1976, at 10, col. 1 (editorial).

34. For vivid illustration, see H. Smith, The Russians 341-74 (1976). Smith observes: "The absence of such routine and obviously necessary information is typical. Russians take it as a fact of life that much of the information they need to know just to get along day by day does not appear in their press." Id. at 343. Smith further states:

In the West, Soviet censorship has a reputation for suppressing bad news like airplane crashes or political purges, or for turning Trotsky, Khrouchtchiv, and other foes of the regime into nonpersons. But what is more important is that on behalf of the Soviet elite, the system of censorship suppresses the facts of life in many areas that seem to have no obvious connection with national security or the political secrets of Soviet rulers—and this cripples independent public discussion of almost any serious issue. Id. at 375.

The profound consequence of withholding or suppressing information was explored by one of the authors many years ago:
Dissemination of information calculated to win blind public support rather than create public enlightenment;

Monopoly of the instruments of public enlightenment (the media of mass communication) by the ruling power elites;25

Politicalization and governmental domination of universities and denial of academic freedom;26

Excessive concentration in private ownership of the instruments of mass communication;

Systematic undertaking of drastic measures to curb freedom of opinions and expression (freedom to acquire, use, and communicate knowledge and information) under the pretext of national security and internal order;27

Exploitation of the process of authoritative decision to support and defend practices suppressing freedom of expression;28

Suppression of nonindigenous languages;29

Cut off from the means by which statements can be tested in reality, cut off from the quickening support of institutions of genuine inquiry, independent minds are cast adrift from their moorings. They are no longer in a position to exercise the kind of criticisms which they themselves most respect; for mature independent minds respect information and inquiry. The impoverished pabulum available to the ego first weakens the ego and typically ends in transforming the conscience. The ego is constrained to admit that given the miserable sources of current intelligence, the individual has little more than his suspicions to contribute to the consideration of public policy. And the coercive menaces of the ruling regime provide strong incentives against speaking up and demanding wider access to intelligence sources.


37. See, e.g., Iran, The Indian Press under Pressure, 30 Freedom at Issue 7 (1975). See also notes 25-24 supra.

38. See N.Y. Times, June 2, 1974, § 1, at 18, col. 1 (Singapore); id., Sept. 6, 1974, at 8, col. 4 (Peru); id., Apr. 11, 1976, § 1, at 2, col. 3 (Nigeria); id., Aug. 15, 1976, § 1, at 1, col. 3 (South Africa); id., Oct. 26, 1975, § 1, at 14, col. 4 (Latin America).

Deprivations Relating to Well-Being

Persistence of human misery from disease and hunger (starvation);44
High mortality rate and low life expectancy in many parts of the world;45
Frequent occurrences of death by violence;
Continued employment of death penalty;46


Regarding India, see Censorship in India: Grim Editors, Lifeline Papers, N.Y. Times, July 3, 1975, at 4, col. 5; Indian Censorship Uproar, U.S. Press, id., July 22, 1975, at 7, col. 1; India Parliament Approves Censorship, id., July 24, 1975, at 1, col. 7; India Seeking to Tighten Control over the Press, id., Dec. 21, 1975, § 1, at 1, col. 1; Permanent Censorship Approved in Indian Parliament, id., Jan. 30, 1976, at 3, col. 5.


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Inadequate provision for safety, health, and comfort;
Unhealthy psychosomatic development because of malnutrition;
Recurrences of communicable diseases in parts of the world;
High incidences of mental and emotional disturbances in stress-laden societies;
Intense anxieties generated by threats of violence, both large-scale and small-scale;
Indiscriminate mass killings in armed conflict and other situations;
Deliberate destruction of group members (genocide).214

47. Protein malnutrition is an important cause of infant and young child mortality, stunted physical growth, low work output, premature aging and reduced life span in the developing world. Recent research has also revealed a link between malnutrition in infancy and early childhood and impaired learning and behaviour in later life. The widespread occurrence of protein malnutrition especially among infants, pre-school children, and expectant and nursing mothers in many developing nations spells grave danger to the full expression of the genetic potential of the population of large sections of the world community.


The conflicts and contradictions inherent in rapid social change, urbanization and the difficulties in adapting to the urban style of life, crowding, the increased pace and stress of life, changing social structures and a growing proportion of old persons are factors responsible for an increasingly heavy toll of mental disorders in the developed and developing world.

Id. at 221.


52. Undoubtedly the Third Reich remains the archetype of genocide, but events of the recent years in Tibet, Indonesia, Nigeria, Bhutan, Rwanda, East Pakistan (now Bangladesh), the Middle East, and other areas suggest that genocidal practices are far from a thing of the past. See C. Agui, Biafra: Its Case for Independence (1969); N. Arkans, The Struggle for Secession, 1966-1970 (1972); M. Bowen, G. Freeman, & K. Miller, Passing By: The United States and Genocide in Burundi, 1972 (1973); L. Dawidowicz,
Globalization of torture as a deliberate instrument of policy.\textsuperscript{32}

Inadequate medical care and services, especially for the handicapped and the aged.\textsuperscript{30}

Poor and overcrowded housing and other living conditions (e.g., poor sanitation).\textsuperscript{34}


Recent examples include the disastrous earthquakes in China and Turkey. See China, Quake Leaves 80,000 Dead, N.Y. Times, Aug. 9, 1976, at 30–32; N.Y. Times, Nov. 26, 1976 at A1, col. 6.

Delimitation of the Problem

Difficulties associated with family planning and restrictions on birth control; Controversy about genetic engineering, euthanasia, etc.  


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Deprivations Relating to Wealth

Prevalence of poverty around the globe, except in some pockets of affluence;

Inadequate provision of a basic income and social security;

Enjoyment of benefits of goods and services disproportionate to actual contribution;

Serious problems of mass unemployment.


Even in what is commonly regarded as the most affluent country—the United States—poverty has not disappeared. For the classic that exposed poverty in the United States and was instrumental in the initiation of the "war on poverty," see M. Harrington, The Other America: Poverty in the United States (1962).

In the same vein, Peter Drucker observes:  

"What impresses the outside world about the United States today is not how our rich men live—the world has seen riches before, and on a larger and more ostentatious scale. What impresses the outside world is how the poor of this country live.

"Up to Poverty" is the proper slogan,...


63. See id. at 68-78.

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Wasteful use of resources;
Depletion of available and potential resources without adequate regard for future generations;
Massive diversion of resources for destructive purposes (for military overkill or for suppression of internal opposition); 68
Severe restrictions on the employment of relevant strategies in production, conservation, distribution, and consumption;
Continuing practices of forced labor. 69

68. "World military expenditures are now approaching $300 billion a year—nearly $35 million every hour of every day—and they continue to rise... The net transfer of financial resources from rich to poor countries amounts to about one thirtieth of world military expenditures and they are 163 times more than the sums spent on peace and development through the United Nations system." RIO, supra note 67, at 25.


69. See W. KLOOSTERBOER, INVOLUNTARY LABOUR SINCE THE ABOLITION OF SLAVERY (1960).
Delimitation of the Problem

Expropriation without adequate compensation.70

DEPRIVATIONS RELATING TO SKILL

The requisitioning of talent and skill;
Compulsory assignment of skill training to fit a particular role and reduction of the freedom of job choice;
Alienation from work—intense feelings of meaningfulness because of high degree of automation in modern process of production;71
Restrictions on freedoms of skill groups to organize and function;
Inadequacy in overcoming hardships caused by rapid obsolescence of skills amid accelerating change in science-based technology;72
Lack of exposure to training, in both content and method, appropriate to a culture of science and technology;
The problem of the brain drain.73

DEPRIVATIONS RELATING TO AFFECTION

The requisitioning of loyalty in the name of the state;
Intense demands for submission to regimentation on behalf of the institutions of power;


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Undermining or weakening of rival groups competing for loyal service of the individual;
Calculated administration of hate;
Denial or severe restrictions on freedom of association;
The family in crisis at a time of rapid social change;74
Practices of involuntary or disguised marriage and sham adoption;75
Prohibition of interracial marriages or interreligious marriages;76
Confusion and difficulties associated with the search for alternative modes of affection in lieu of the traditional affection unit—the nuclear family;77
Unreasonable limitations on freedom to terminate uncongenial personal relationships;78


78. See generally N.Y. Times, June 8, 1976, at 19, col. 1 (a joint Roman Catholic-Anglican report on mixed marriages urging relaxation of the requirements for recognition of such marriages).
Social ostracism by tactics of presuming "guilt by association"; Frustration (stifling) of congenial personal relationships, by manipulating fear and anxiety in a pervasive atmosphere of mutual suspicion sustained by a network of the secret police and informers.

**Deprivations Relating to Rectitude**

The politicization of rectitude; Widespread tactics of ostentatious conformity in evading individual responsibility of conscience; Denial of freedom to worship; Adoption of atheism as a national policy; Intolerance and persecution of heretics or nonbelievers; Intolerance and persecution of religious minorities; Discrimination regarding participation in value processes on religious grounds.

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79. See chapter 12 infra, at note 33 and accompanying text.
81. See supra supra note 41, at 2, col. 3 ("Church-State Conflict Troubles Latin Lands").
84. At the fifth assembly of the World Council of Churches held in Dec. 1975, in Nairobi, Kenya, the enduring problem of religious persecution was "the most nettlesome issue." Allegations of religious persecution came from every part of the world, ranging from "restrictions on preaching to outright physical punishment of believers," and affecting Protestants, Catholics and Jews. N.Y. Times, Dec. 13, 1975, at 13, col. 3.
85. See chapter 11 infra, at notes 1-47 and accompanying text.
86. It is a dismal truth that probably half or more of the wars now being fought around the world are either openly religious conflicts or involved with religious disputes. And, since virtually all formerly organized creeds are monotheistic, this means that at this very instant men are killing other men in the name of an identical, if variously named, God.

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Human Rights in Comprehensive Context

Restrictions on formation of association for rectitude purposes; Warfare over religious conflicts; Coercion to worship and compulsory conversion; Imposition of religious or atheistic instruction; Arbitrary restrictions on modalities of worship, places of worship, and the performance of rites; Caprice in recognizing or rejecting conscientious objection to military service.

**Conditions Affecting Deprivations and Nonfulfillment**

The conditions which have resulted in these great disparities between the rising common demands of people for human dignity values and the degree of achievement of these values are both environmental and predispositional. The relevance of the environmental factors derives from the limitations which such factors impose upon peoples' achievements, irrespective of their predispositions. The relevance of predispositional factors derives from the maximization postulate—that human beings act in social process in such a way as to maximize all basic values, conscious