
The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century

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The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century

Jan Herman Burgers

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I. INTRODUCTION

Twice in the course of history the idea of human rights arose as a wave, exerting a powerful influence in the fields of politics, legislation and the administration of justice. The first wave had its beginnings in the seventeenth century and its culmination towards the end of the eighteenth century. The second wave began its rise in the present century and has, I am sure, not yet reached its culmination. But what was the origin of this revival of the human rights idea? When did it come about and how?

Many historical accounts treat this question in a way that cannot satisfy me. Having dealt with the famous declarations of the late eighteenth century,

they make a big jump to the San Francisco Conference of 1945 where the promotion of human rights was included among the purposes of the United Nations. This inclusion is then explained as a reaction to the atrocities committed during the Second World War. I do not doubt that there is a link between the horrors perpetrated by the Nazis during the war and the emphasis placed on human rights in the San Francisco Charter, but this can only be a partial explanation. Human rights already had been recognized as a matter of international concern in important policy statements when the most sinister part of these horrors—the holocaust—was yet to come.

On 6 January 1941 President Roosevelt said in his State of the Union Message: "Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain these rights or keep them." At that time the United States, the Soviet Union and Japan were not yet involved in the war. On New Year's Day 1942, less than four weeks after Pearl Harbor, the Allied Powers included the protection of human rights among their war aims by stating "that complete victory over their enemies is essential . . . to preserve human rights and justice in their own lands as well as in other lands." Evidently, human rights were already back on the political scene at an early stage of the war. One might even guess that the comeback of human rights as guiding principles for national and international relations had begun in the period between the First and the Second World War. That period had seen the rise of a new phenomenon, the Totalitarian State, whose total disregard for human life and liberty made previous forms of despotism appear comparatively mild. Wouldn't it seem logical to assume that, in the face of the totalitarian threat, freedom-loving intellectuals had rediscovered the value of the human rights concept?

For many years I have wished to read a book about the origin of the revival of the human rights idea in the twentieth century. I am particularly intrigued by this question because the idea of human rights, which had enjoyed tremendous popularity in the late eighteenth century, fell into virtual oblivion until my own lifetime. In view of the absence of a book on this question, I made an investigation of my own during the past few months. For this purpose I relied mainly on two libraries in my hometown The Hague: the Royal Library (which is the Dutch national library) and the library of the Peace Palace.

The results of this limited research were surprising. I learned about the important contributions of two men I had never heard of before: the lawyer-diplomats Mandelstam and Frangulis, a Russian and a Greek who lived as émigrés in Paris. Contrary to my expectations, I found that the comeback of human rights to the political scene had not really started before the Second World War. I discovered that this comeback was mainly due to a large-scale campaign initiated by a person I knew very well but not in that role: the British author H.G. Wells. Finally, the prominent place of human rights in the United Nations Charter turned out not to be a reaction to information

that had become available in San Francisco after the collapse of the Third Reich. In the following sections I report on the findings of my investigation.

II. THE LEAGUE OF NATIONS AND THE MINORITY CLAUSES

One of the most striking differences between the Covenant of the League of Nations of 1919 and the Charter of the United Nations of 1945 is that human rights had no place in the Covenant (apart from some references in Article 23 to "fair and humane conditions of labour" for everyone and to "just treatment" of the native inhabitants of dependent territories). This is not to say that human rights matters had not been raised during the drafting of the Covenant.¹

President Wilson had proposed at the Paris Peace Conference to include in the Covenant an obligation of all League members to respect religious freedom and to refrain from discrimination on the basis of religion (draft Article 21). The British delegate Lord Robert Cecil considered this not strong enough and proposed to give the Council of the League a right of intervention against states that would disturb world peace by a policy of religious intolerance. For President Wilson this proposal went too far. In the course of the discussion the Japanese delegate Baron Makino proposed to add to draft Article 21 an obligation of all member states to refrain from discrimination on the basis of race or nationality against foreigners who would be nationals of League members. The Japanese proposal obtained majority support at the commission level but was rejected by the United Kingdom and the United States. In this situation the American delegation also withdrew its own proposal concerning religious freedom. As a result, no obligations regarding human rights were incorporated in the Covenant of the League.²

However, in various other instruments established in the aftermath of the First World War explicit obligations were laid down with a view to protecting the members of *minorities* (in the sense of groups who by language, religion or race differed from the majority of the population). These "minority clauses," which applied only to some specific countries or regions, were contained in the peace treaties with Austria, Bulgaria, Hungary and Turkey (not in the peace treaty with Germany), in special treaties concluded with Czechoslovakia, Greece, Poland, Rumania and Yugoslavia, and in decla-

1. The data in this section are mainly based on: A.N. Mandelstam, "La protection internationale des droits de l'homme" in *The Hague Academy of International Law, Recueil des Cours* (1931), 129–229, and René Brunet, *La garantie internationale des droits de l'homme* (Genève: Ch. Grasset, 1947).

2. See also Paul Gordon Lauren, "First Principles of Racial Equality: History and the Politics and Diplomacy of Human Rights Provisions in the United Nations Charter," *Human Rights Quarterly* 5 (Winter 1983): 2–3.

rations which Albania, Estonia, Finland, Latvia and Lithuania had to make as a condition for their admission to the League of Nations. Moreover, similar clauses were included in two bilateral treaties, namely between Germany and Poland regarding Upper Silesia and between Germany and Lithuania regarding the Memel Territory. All these instruments assigned certain supervisory powers to the Council of the League of Nations.

It is important to note that the special regime created by these "minority clauses" included guarantees that were not limited to the members of minorities as such. In fact, the regime consisted of three categories of obligations. Firstly, it guaranteed full and complete protection of life and liberty to all *inhabitants* of the country or region concerned, without distinction of birth, nationality, language, race or religion. Secondly, it guaranteed that all *nationals* would be equal before the law and would enjoy the same civil and political rights, without distinction as to race, language or religion. Thirdly, it provided for a series of special guarantees for *nationals belonging to minorities*, for instance concerning the use of their language and the right to establish social and religious institutions.

Although the minority clauses only covered a handful of countries, they were of historical significance as unprecedented limitations on national sovereignty under international law. The states upon which these clauses had been imposed protested time and again that they were discriminated against since no other states had to observe similar international obligations. The only result of their protests was that the Assembly of the League of Nations adopted on 21 September 1922 a resolution expressing the *hope* that states not bound by such clauses would nevertheless observe in the treatment of their own minorities at least as high a standard of justice and toleration as required by these clauses. In 1925 some states bound by minority clauses proposed in the Assembly of the League the elaboration of a general convention among all League members determining their obligations towards minorities. This proposal was rejected. The same happened to similar proposals in 1930 and 1932.

III. THE PIONEER ROLE OF ANDRÉ MANDELSTAM AND THE INVOLVEMENT OF NONGOVERNMENTAL ORGANIZATIONS

While in the period between the First and the Second World Wars most governments were unwilling to accept obligations under international law regarding the treatment of their own citizens, a far more positive attitude developed among the *scholars* of international law. The first scholar to be mentioned in this context is the Chilean jurist Alejandro Alvarez, co-founder and secretary-general of the American Institute of International Law. Already in 1917 he submitted to this Institute a draft declaration on the fundamentals of future international law which included a section on "international rights

of the individual," giving a detailed enumeration of the individual liberties that should be enjoyed by any person on the territory of any state.³ However, the principal champion of international protection for human rights in the period after Versailles was A.N. Mandelstam.

André Nicolayévitch Mandelstam (1869–1949) was a Russian jurist who had been a diplomat under the Tsarist government and had been head of the legal office of the ministry of foreign affairs in 1917. After the Bolsheviks had come into power, he emigrated to Paris and devoted himself to the study and teaching of international law. On his initiative, the International Law Institute set up in 1921 a commission to study the protection of minorities and of human rights in general, with Mandelstam as rapporteur.⁴

Several of Mandelstam's acquaintances shared his interest in the international dimension of human rights. One of these was Boris Mirkine-Guetzévitch, a Russian of a younger generation who had been professor of international law before he was obliged to leave his native country. He also settled down in Paris, where he became secretary-general of the International Institute of Public Law. In 1929 he was co-editor of a collection of the human rights provisions in the constitutions of all countries.⁵ The next year he published a work on the new trends of the declarations of human rights.⁶

In his efforts for giving human rights an international status Mandelstam had an important companion in the person of another member of the Paris émigré community, A.F. Frangulis. Antoine Frangulis (1888–1975) was a Greek jurist and diplomat who had represented his country at the League of Nations from 1920 to 1922, until General Venizelos abolished the Greek monarchy. Frangulis broke with the new government because, as he put it, "Greece has ceased to be a nation possessing an army and has become an army having a whole nation in its power."⁷ He moved to Paris, where he founded in 1926 the International Diplomatic Academy (together with, among others, the above-mentioned Chilean Alvarez, the later president of Czechoslovakia, Eduard Beneš, and the erstwhile diplomatic adviser of President Wilson, Colonel House). This Academy, in which Frangulis held the

3. Brunet, note 1 above, 87. Albert Verdoodt, *Naissance et signification de la Déclaration universelle des Droits de l'Homme* (Louvain: E. Wary, 1964), 41. Verdoodt refers to José Natos, *La segunda sesión del Instituto Americano de Derecho Internacional* (Havana). From 1946 to 1955 Alvarez was a judge in the International Court of Justice.

4. Mandelstam, note 1 above, 204. It may be deemed quite appropriate that this work was undertaken under the aegis of the International Law Institute, founded in 1873 by eleven jurists including the Dutchman Tobias Asser who received the Nobel Peace Prize in 1911, for already at the time of its inception, the Institute took the position that international law encompasses more than only relationships between states.

5. A. Aulard and B. Mirkine-Guetzévitch, *Les Déclarations des Droits de l'Homme: Textes constitutionnels concernant les droits de l'homme et les garanties des libertés individuelles dans tous les pays* (Paris: Payot, 1929).

6. B. Mirkine-Guetzévitch, *Les nouvelles tendances des Déclarations des Droits de l'Homme* (Paris: 1930).

7. Article by Antoine Frangulis, "Greece," *Dictionnaire Diplomatique*, 1st ed. (1933).

post of "perpetual secretary-general," organized conferences and various other activities; it also published a voluminous *Dictionnaire Diplomatique* which appeared in an irregular series of editions from 1933 to 1973.⁸

One of the first actions of the Academy was to set up a commission to study the question of the protection of human rights. Both Frangulis and Mandelstam were members of this commission. On the basis of a memorandum submitted by the latter, the commission drew up a resolution that was adopted by the Academy on 28 November 1928. This resolution took as its starting point the first and the second category of the obligations laid down in the minority clauses of 1919 and 1920. It stated that it was highly desirable to generalize the protection of the rights covered by these obligations, namely the right of all inhabitants of a state to full and complete protection of life and liberty, and the right of all nationals of a state to equality before the law and to enjoyment of the same civil and political rights, without distinction as to race, language or religion. The resolution concluded by expressing the wish that a worldwide convention would be brought about under the auspices of the League of Nations ensuring the protection and the respect of these rights.⁹

Mandelstam already had presented to the commission of the International Law Institute a draft text on the same matter. After several rounds of discussion in the commission, a modified version was finally dealt with by the Institute in its plenary session in New York in 1929. This resulted in the adoption on 12 October 1929 of a *Declaration of the International Rights of Man*, consisting of a preamble and six articles. The preamble opened by stating "that the juridical conscience of the civilized world demands the recognition for the individual of rights preserved from all infringement on the part of the state." The first three articles defined the duty of every state to recognize the equal right of every individual on its territory to life, liberty and property, religious freedom and the use of his own language. The other articles defined obligations of the state towards its own nationals.¹⁰

It is apparent from Mandelstam's writings that he accorded extraordinary importance to this *Declaration* of the International Law Institute, which had been adopted with an overwhelming majority in a meeting chaired by the distinguished director of the "Institut des Hautes Etudes Internationales" in Paris, Professor De La Pradelle, who also had actively participated in the elaboration of the text. Mandelstam thought that the *Declaration*, which solemnly defied the notion of absolute state sovereignty, opened a new era

8. The second edition (1938) of the *Dictionnaire* contains an article of six pages under the heading "Rights of Man (internationally guaranteed by legal means)" written by Frangulis himself. The 1949 edition of the *Dictionnaire* contains a ten page article on human rights by René Brunet. The 1968 and 1973 editions of the *Dictionnaire* contain articles on human rights written by René Cassin.

9. Mandelstam, note 1 above, 218.

10. *Ibid.*, 204–217.

in international law, because the *Declaration* might be viewed as constituting "the teachings of the most qualified publicists"—a source of international law which the Permanent Court of International Justice had to apply according to Article 38 of its Statute.

Mandelstam did his best to give publicity to the *Declaration* and the philosophy underlying it. He published several articles as well as a book on the subject.¹¹ In January 1931 he gave a course on human rights at the "Institut Universitaire des Hautes Etudes Internationales" in Geneva. In the summer of the same year he gave a course on the international protection of human rights at the Academy of International Law in The Hague. He also endeavored to involve other nongovernmental organizations besides the International Law Institute and the International Diplomatic Academy.

Maybe it was at Mandelstam's instigation that the International Institute of Public Law in Paris organized a discussion on the subject of human rights in 1930. Mr. Alvarez took part in this discussion, revising his concepts of 1917 and declaring that the classical individual liberties should be adapted to the conditions of modern society.¹²

At any rate, it was on the basis of a report by Mandelstam that the Council of the "International Federation of Leagues for the Defense of the Rights of Man and of the Citizen" adopted a resolution on 11 November 1931 endorsing the principles of the New York *Declaration*.¹³

Again on the basis of a proposal submitted and defended by Mandelstam, the matter was discussed by the Assembly of the "International Union of Associations for the League of Nations," meeting in Montreux from 3 to 7 June 1933.¹⁴ According to the proposal presented by Mandelstam, the Union would draw the attention of the League of Nations to the desirability of convening a conference of all states for the elaboration of a general convention for the international protection of human rights. The proposal gave

11. A.N. Mandelstam, "La déclaration des droits internationaux de l'homme adoptée par l'Institut de Droit international," *Revue de Droit International*, No. 1 (1930); "La déclaration des droits internationaux de l'homme," *L'Esprit International* (1 April 1930); "La généralisation de la protection des droits de l'homme" in *Revue de Droit International et de Législation Comparée* (1930); "Der internationale Schutz der Menschenrechte und die New-Yorker Erklärung des Instituts für Völkerrecht" [The international protection of human rights and the New York Declaration of the International Law Institute], *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Band II (1931); *Les Droits Internationaux de l'Homme* [The International Rights of Man] (Paris: Les Editions internationales, 1931); "Les dernières phases du mouvement pour la protection internationale des droits de l'homme" [The latest developments of the movement for international protection of human rights], *Revue de Droit International*, No. 4 (1933) and No. 1 (1934).

12. Brunet, note 1 above, 88. Brunet probably participated himself in this meeting.

13. See Mandelstam, *Revue de Droit International* (1933), 4: 486. Mandelstam also wrote an article on this in *Les Cahiers des droits de l'homme* (20 December 1931). The International Federation had been founded in 1922.

14. See Mandelstam, *Revue de Droit International* (1934), 1: 62–69. Formally, the proposal was not made by Mandelstam but by the Russian Association for the League of Nations, an organization living in exile.

rise to animated discussions, in particular with regard to the idea of a conference under the aegis of the League of Nations.¹⁵ In the end, a revised text was adopted unanimously which abandoned the idea of such a conference but charged a special committee of seven members to examine on what bases a draft convention on international guarantees for human rights could be established.¹⁶ In the same resolution the Union declared that the principle of legal equality between men as well as between states required the generalization of the protection of human rights, and that humanitarian interventions should be directed to all states where necessary, and through the League of Nations as far as League members were concerned. In the meeting of Montreux, the Union also adopted a resolution concerning the situation of the Jews in Germany, in which it referred to the text it had just adopted on the international protection of human rights and the responsibility of the League of Nations in this domain.¹⁷

Before concluding this section I should mention one action by a non-governmental organization that was probably not instigated by Mandelstam. The French League of Human Rights adopted in July 1936, at a congress held in Dijon, a *Complement to the Declaration of the Rights of Man and of the Citizen*, consisting of a preamble and fourteen articles. This is a peculiar document, expressing radical socialist convictions apt to deter many supporters of the human rights idea.¹⁸ On the other hand, all such supporters should be able to subscribe to the third sentence of Article 1 which read: "The international protection of human rights must be universally organized and guaranteed in such a manner that no state can deny the exercise of these rights to any human being living on its territory."

15. It is remarkable that the proposal initially ran into strong opposition from the founder and president of the Union, Lord Robert Cecil, who had been so radical on the question of religious freedom at the Paris Peace Conference. Lord Cecil argued in Montreux that, if every infringement of human rights would constitute a problem under international law, any violation of individual rights inside a state would implicate the League of Nations. He warned against mixing up national and international law. Eventually, he agreed with the revised text.

16. Mandelstam was of course a member of this committee which also included, among others, the Frenchman Jacques Dumas (who in 1937 gave a course at the Hague Academy of International Law on "The international guarantee of human rights") and the Belgian Henri Rolin (who in 1945 as a delegate in the San Francisco Conference insisted on opening the UN Charter with the words "We the peoples" and who in 1968 became president of the European Court of Human Rights). The committee later co-opted a second Frenchman, Professor George Scelle. I do not know what results this committee has produced.

17. Mandelstam, note 14 above, 1:71.

18. The French sociologist of law Georges Gurvitch praised this document in his booklet *La Déclaration des Droits Sociaux* [The Bill of Social Rights] (New York: 1944). In this connection, he remarked that the document formulated in legal terms the inspiration of the Popular Front movement and government in France of 1936–1937. On the other hand, Herbert George Wells criticized the text of Dijon in his 1940 Penguin Special *The Rights of Man, or What are We Fighting For?*

IV. THE EMERGENCE OF NAZI GERMANY AND THE HAITIAN PROPOSALS TO THE LEAGUE OF NATIONS

As far as Mandelstam was motivated by concrete experiences to work for international protection of human rights, his principal concerns related of course to the Bolshevik repression in Russia. He was also deeply shocked by the persecution and massacre of Armenians in Turkey in 1915, the more so because he had been posted many years in Constantinople as a Russian diplomat and had been the drafter of a prewar agreement between Russia and Turkey concerning reforms for Turkish Armenia.¹⁹ As to Frangulis, we may assume that he was primarily motivated by the repression in Greece under the Venizelos dictatorship, but his concerns also related to human rights abuses elsewhere, including the persecution of the Jews in Germany under the Nazis.

Already a few months after Hitler had come into power on 30 January 1933, the question of the anti-Jewish policies of the new regime was formally put before the League of Nations. On 12 May a petition was submitted to the Council of the League by Franz Bernheim, a thirty-two year old German national of Jewish descent who had been a resident of Gleiwitz in German Upper Silesia and was now temporarily staying in Prague.²⁰ Bernheim stated that he had been employed by a German firm in Gleiwitz which had discharged him at the end of April because all Jewish employees had to be dismissed. He based his petition on the 1922 German-Polish Convention regarding Upper Silesia, whose Article 147 provided that the Council of the League of Nations was competent to pronounce on petitions relating to the minority clauses of the Convention and directly addressed to it by members of a minority.

The petition cited a series of German laws, decrees and administrative measures issued in April 1933 that provided for the discharge of Jewish civil servants, exclusion of Jewish lawyers from legal practice, exclusion of Jewish doctors from practice for health insurance funds, cessation of the activities of Jewish notaries, and limitation of the admission of Jewish pupils to schools. It also referred to a public boycott of Jewish businesses carried out by S.A. and S.S. formations who were under the orders of the German Chancellor. The petition pointed out that these measures and actions were incompatible with the German obligations under the Convention regarding Upper Silesia which guaranteed, *inter alia*, equality of all German nationals before the law and in respect to civil and political rights, equal treatment of all German

19. Mandelstam devoted several publications to the plight of the Armenian people: *La Société des Nations et les Puissances devant le problème arménien* (Paris: Pedone, 1925), and *Das Armenische Problem in Lichte des Völker- und Menschenrechts* (Kiel, 1931).

20. The text of the petition of Franz Bernheim and the proceedings of the Council thereon are reproduced in the *Official Journal of the League of Nations*, July 1933.

nationals regarding the exercise of their callings, and nondiscriminatory protection of the life and liberty of all inhabitants. The petition requested the Council to declare these legal and administrative measures null and void for Upper Silesia and to give instructions that the situation guaranteed by the Convention should be restored, that the affected Jews should be reinstated in their rights, and that they should be given compensation.

The Council of the League, composed mainly of ministers for foreign affairs or their deputies, acted with amazing speed and devoted a series of discussions to the Bernheim petition during its session of 22 May to 6 June 1933. The Irish delegate played a central role as rapporteur on this case. The German Foreign Office, which at that time was not yet under Nazi control, opted for the strategy of flexibility in response. It authorized its representative, Mr. von Keller, to affirm categorically that German internal legislation could in no case affect the fulfillment of Germany's international obligations and that any measures taken by subordinate authorities that might be incompatible with the 1922 Convention would be corrected. On 6 June the Council declared itself satisfied by these assurances and closed the case, with the proviso that damage that might have been sustained by the petitioner or other members of the Jewish minority in Upper Silesia could be referred to the local procedure.

The local procedure in this instance meant submission to the (Swiss) president of the Mixed Commission set up under the 1922 Convention. In this procedure a compromise was reached with Mr. Bernheim and the matter was concluded by the payment of 1,600 marks. Several other cases of Jewish employees, doctors and lawyers were settled in a similar manner under the same procedure.²¹

The Bernheim case exposed of course the absurdity of the limited regime for the protection of minorities created after the World War. In the course of the Council deliberations several speakers touched upon the greater principles involved. However, matters of principle were raised in a more explicit way in the Assembly of the League of Nations during its regular annual session. This session, which lasted from 25 September to 11 October 1933, was overshadowed by the recent developments in Germany.

At the start of the session some sensation was caused by the sudden arrival of the Nazi propaganda minister Joseph Goebbels, who had himself inscribed as a delegation member in the plenary and in the sixth committee (the political committee).²² However, Goebbels only paid a short visit to the

21. Georges Kaeckenbeeck, *The International Experiment of Upper Silesia* (London: Oxford University Press, 1942), 266.

22. The Assembly of the League of Nations prepared most of its decisions in six committees, but the themes were arranged in a different manner than they are in the comparable committees of the UN General Assembly. The first committee dealt with legal questions, the second committee with technical organizations, and the sixth committee with political questions.

Assembly and did not take the floor at all. Instead, he gave a long speech for an audience of invited journalists in a Geneva hotel on 27 September and then went back to Germany.²³ During the session the German delegation took no part in the general debate in the plenary Assembly.

Mr. Frangulis participated in the Assembly as delegate for Haiti. On 30 September he addressed the plenary in the general debate, criticizing the existing system for the protection of minorities and calling for international guarantees for human rights everywhere. He referred, *inter alia*, to the resolutions adopted by the International Diplomatic Academy in 1928, the International Law Institute in 1929, and the International Union of League of Nations Associations in June 1933. On behalf of the President of Haiti, Stenio Vincent, he tabled a draft resolution identical to the 1928 resolution of his own Academy. According to the final paragraph of this draft, the Assembly would express the wish that a worldwide convention would be brought about under the auspices of the League, ensuring the protection and the respect of the rights defined in the resolution. Mr. Frangulis asked to refer the Haitian proposal to the sixth committee.²⁴

In fact, two committees of the Assembly dealt in 1933 with the external and internal implications of Nazism. The second committee discussed the problem of assistance to Jewish and non-Jewish refugees from Germany, and reached agreement on a Netherlands proposal to appoint a High Commissioner to coordinate this assistance. The sixth committee discussed the anti-Jewish measures in Germany itself under the heading of protection of minorities.

On 3 October Mr. von Keller explained to the sixth committee the new German philosophy based on the concept of *Volkstum*: national identity defined in terms of race. This new philosophy drew sharp criticism from many delegations. Even the Italian delegate dissociated himself from Germany's racial doctrine. The Bernheim case was cited and the question was asked how Germany could reconcile its new legislation with its earlier

23. This speech has been published in Joseph Goebbels, *Signale der neuen Zeit* [Signals of the New Era] (Munich: Zentralverlag der NSDAP, 1934). Having read the full text, I am convinced it had originally not been written for journalists but for delivery in the Assembly itself. Apparently, Goebbels' plan to speak in the Assembly did not get Hitler's consent. It is interesting to note that the speech does not sound aggressive and clearly aims at persuading the other powers to cooperate with "the new Germany." Evidently, when delivering the speech Goebbels did not foresee that Hitler would decide a few weeks later to withdraw Germany from the League of Nations, for if he had known this he would certainly have given a different kind of speech.

24. The records of the plenary meetings of the 1933 session of the Assembly are reproduced in *Special Supplement No. 115* to the *Official Journal of the League of Nations*; the records and the report of the sixth committee in *Special Supplement No. 120*. Mandelstam described the discussions of the 1933 Assembly concerning the protection of minorities and the proposal of Haiti in his 1934 article, "Les dernières phases." Frangulis himself gave an account in his 1938 *Dictionnaire* article, "Rights of Man." A somewhat confused account of the same matter is contained in Brunet, note 1 above, 46–49 and 90–93.

commitment to treat all minorities with tolerance and justice. Mr. von Keller refused any comment on the Bernheim case; at the same time he contended that the "Jewish problem" in Germany was a question *sui generis* that fell outside the scope of the minority clauses.

Several delegations advanced anew the idea of generalization of the protection of minorities. Poland submitted a draft resolution envisaging the conclusion of an international convention to that end. France came with a different proposal, consisting of two parts: the first part being a reaffirmation of the 1922 Assembly resolution, and the second part specifying that this should apply without exception to all categories of nationals who differ from the majority of the population by race, language or religion.

Mr. Frangulis defended the Haitian proposal, arguing that the solution should not be sought in generalization of the rights of minorities but in generalization of the human rights pertaining to *all* people, whether belonging to a minority or to a majority. In the public debate hardly any delegate referred explicitly to Frangulis' remarks. However, the Greek and the Irish delegate did advocate the conclusion of a universal convention for the safeguarding of human rights. The Greek delegate referred in particular to the *Declaration* of the International Law Institute. The Czechoslovak delegate, Minister Beneš, agreed that respect for the human being as such was the only true basis for solving the problem of the minorities.

After this first round of discussion all proposals were referred to a subcommittee meeting behind closed doors. There the delegates of Haiti and Poland were persuaded to withdraw their proposals in favor of the French proposal. The Polish draft had no sufficient support because many governments continued to dislike the idea of a general convention for the protection of minorities, fearing that it would provoke minority problems where they didn't yet exist and that it would stimulate separatist tendencies. As to the objections raised against Frangulis' proposal, some had to do with its implications for the situation in the colonies. It was also argued that acceptance of the proposal would alienate the United States (obviously in view of the position of the black population). Moreover, there were apprehensions that the Haitian proposal would lead to a fateful confrontation with the German government. At that time the other major powers were still bent on keeping Germany in the League of Nations, in particular as they still hoped to achieve agreement with the Germans in the Disarmament Conference. Anyway, a majority in the subcommittee seems to have believed that, in the existing circumstances, the French proposal offered the best prospect for strengthening the position of the Jews in Germany.²⁵

25. This summary of objections raised against the Haitian proposal outside the public meetings is mainly based on indications in Frangulis' 1938 article, "Rights of Man." Frangulis also suggests that the Secretariat of the League of Nations played a negative role with regard to this proposal.

However, when the sixth committee dealt with the sub-committee's report, the German delegation said it regarded the second part of the French proposal as directed against Germany and voted against it. All other votes were in favor. Accordingly, the proposal was adopted by the sixth committee since the notorious unanimity rule of the League of Nations only applied to voting in plenary meetings of the Assembly and the Council.

On 11 October, the last day of the session, the plenary Assembly adopted unanimously the first part of the French draft resolution; the second part was not put to the vote because the German delegation announced it would vote against it. Even this meager result was welcomed by some as important progress, since Germany had now formally endorsed the Assembly resolution which had been adopted in 1922 without its participation because at that time it was not yet a member of the League.

However, all this was of no avail. Three days later Germany announced its withdrawal from the League of Nations as well as from the Disarmament Conference.

I do not know whether the Haitian proposal was ever mentioned in the world press. But the monthly journal *La Revue Diplomatique* reproduced the text of Frangulis' speech of 30 September under the eye-catching headline "The rights of man and of the citizen before the 14th Assembly of the League of Nations," together with a big portrait of the man himself and the assertion that he had been named in Geneva "the delegate of the rights of man."²⁶

In the Assembly session of 1934 Frangulis advocated again the generalization of the safeguarding of human rights. In this context he submitted a brief Haitian draft resolution which called for the convening of a conference. Although the problem of avoiding a German walkout no longer existed, Frangulis' proposal still found insufficient support. Apparently even democratic governments were wary of the idea of an international status for human rights, an idea which as yet had no base of support among public opinion.²⁷

V. CONTINUING NEGLECT OF THE HUMAN RIGHTS CONCEPT BY PREWAR POLITICAL THOUGHT

The human rights concept, which had been popular in the eighteenth century, fell into disregard in the course of the nineteenth century when the opposition between autocracy and freedom was gradually replaced by the alignment of political convictions on a left-right spectrum primarily dominated by

26. *La Revue Diplomatique*, No. 2.122 (31 October 1933), 56: 6–7.

27. The records of the sixth committee of the 1934 session of the Assembly are reproduced in *Special Supplement No. 130* to the *Official Journal of the League of Nations*. See also Frangulis, "Rights of Man," note 8 above.

socioeconomic conceptions.²⁸ In the 1930s, however, the inadequacy of the traditional left-right formula became manifest, for this formula seemed to imply that the firmest opponents of Nazism should embrace Stalinism, and conversely that those who abhorred Stalin's reign of terror should endorse Hitler's.

Until last year I thought that this was what brought human rights back to the political scene. I assumed that, against the backdrop of this pernicious polarization, several leading European intellectuals had turned to the human rights concept in order to set a positive philosophy against the totalitarian ideologies of left *and* right, a philosophy, moreover, that could be supported by people of divergent persuasions, by socialists as well as by the advocates of free enterprise, by atheists as well as by religious believers. I further assumed that human rights were understood in this new philosophy as requiring not only a national but also an international status.

In the autumn of 1991 I discovered that my assumptions were not correct. In that time I read and browsed in many books and pamphlets dating from the late 1930s to find confirmation of my view. I found that the wish to set positive concepts against right wing and left wing totalitarian ideologies was a characteristic trend indeed of the intellectual climate of that period, but this trend was expressed mostly in terms of freedom and democracy and almost never in a reassertion of the human rights idea itself.

What perhaps came closest to my view was a Netherlands movement "Unity Through Democracy," founded in 1937, which endeavored to rally people from different political quarters in a common front against fascism and communism. Its declared aims were: maintenance of the democratic form of government, maintenance of the civil liberties, and maintenance of the rule of law.²⁹ Although these aims belonged entirely under the heading of human rights, they made no explicit reference to the human rights concept as such. Incidentally, one of the leaders of this movement, Professor Willem

28. This applies in particular to Europe, where the human rights concept fell into greater disregard than in the Western Hemisphere. In Latin America, the human rights idea was held in esteem by the influential anti-clericalist current which continued to pay homage to the spiritual legacy of the Enlightenment. In the United States, the idea was kept alive, at least on a theoretical level, as an essential element of the national heritage. Nevertheless, I sometimes get the impression that even in the United States the human rights concept went almost out of circulation. This is illustrated by three American dictionaries I consulted: *The Heritage Illustrated Dictionary* (New York: American Heritage Publishing Co, 1975), *Webster's New World Dictionary of the American Language* (Cleveland: William Collins, 1976) and *Webster's Ninth New Collegiate Dictionary* (Springfield: Merriam-Webster, 1984). In these dictionaries I found entries for "human being," "human ecology," "human engineering," "human nature," and "human relations," but not for "human rights." As to the Netherlands: the gigantic subject index of the Royal Library in The Hague had no entry for human rights up to the year 1980!

29. *Democratie of Dictatuur?* (Bilthoven: Nederlandsche Beweging voor Eenheid Door Democratie, 1937).

Schermerhorn, became in 1945 the first prime minister of The Netherlands after the war.

A British organization comparable to this Dutch movement was the "Association for Education in Citizenship" led by Sir Ernest Simon. This association organized in July 1937 a conference on "The Challenge to Democracy" which was addressed by twelve speakers, including Clement Attlee, William Beveridge and Lord Halifax. The speeches were later published in book form.³⁰ The opening chapter of this book is preceded by written statements signed by Lord Lytton, Archibald Sinclair and Mr. Attlee in which they declared that they regarded this chapter as a statement of the fundamental aims of British democracy which should be generally acceptable to members of the Conservative, Liberal and Labour Parties. The chapter makes a strong stand against fascism and communism. I was particularly struck by the remark: "The most revolting aspect of the new dictatorships has been the sudden reappearance of torture in a world from which it was believed to have disappeared for ever." The whole chapter can be seen as an assertion of the belief in human rights. In conclusion Mr. Simon observes: "The essence of democracy is the belief in the ultimate importance of every individual; that the state exists for man, not man for the state." However, the *concept* of human rights is not mentioned explicitly in this chapter nor anywhere else in this volume.

Another illustrative publication is *Freedom: Its Meaning*, edited by Ruth Nanda Anshen and published in 1940.³¹ Although this book appeared during the war, its contents were almost entirely written before the war. The volume consists of contributions by nineteen distinguished thinkers, including Charles Beard, Henri Bergson, Benedetto Croce, John Dewey, Albert Einstein, J.B.S. Haldane, Harold Laski, Thomas Mann, Jacques Maritain, Bertrand Russell, and A.N. Whitehead. This can really be considered a representative sample of freedom-loving western intellectuals in the 1930s. Significantly, in the book's index containing over six hundred entries, including one for "human nature," there are no entries for "human rights," "rights of man" or "fundamental freedoms." Although all the articles deal with the concept of freedom, most contributors do not mention the human rights concept at all. Two American authors mention it in passing. Maritain uses at least the *term* "human rights" when he distinguishes between "true political emancipation or the true city of human rights" and "false political emancipation or the false city of human rights." Only the geneticist Haldane deals at some length with such freedoms as freedom of movement, freedom to communicate, political freedom and religious liberty. None of the contributors calls for a reassertion of the human rights idea as a rallying cry for the defense of freedom against the totalitarian menace.

30. *Constructive Democracy*, ed. Ernest Simon (London: George Allen & Unwin, 1938).

31. *Freedom: Its Meaning*, ed. Ruth Nanda Anshen (London: George Allen & Unwin, 1940).

The lack of emphasis on human rights in this volume is even more striking in view of the following. In 1947 UNESCO sent to various thinkers a questionnaire on the theoretical problems of the human rights concept. A number of the answers received were published in 1949 in a comparable volume.³² Here again we find a collection of celebrities such as E.H. Carr, Pierre Teilhard de Chardin, Aldous Huxley, Salvador de Madariaga and Quincy Wright, and here again we have contributions by Benedetto Croce, Harold Laski and Jacques Maritain. This time all these thinkers write explicitly about human rights.

The UNESCO volume was prepared by a Committee of Experts chaired by Professor E.H. Carr. In this context it is relevant to note that the same scholar had published a book in 1942 under the title *Conditions of Peace*, mainly consisting of essays he had written in the beginning of the war.³³ Guarantees for the observance of human rights did *not* figure at that time among his conditions of peace!

As regards French political thinking before the war, I gave of course special attention to René Cassin (1887–1976) who later became the personification *par excellence* of the human rights idea. In the period between the two world wars Cassin was active in national and international veterans' organizations and was also an ardent supporter of the League of Nations. He knew the *Declaration of the International Rights of Man* of 1929 and he probably also knew the resolution adopted in 1933 by the International Union of League of Nations Associations.³⁴ He was a member of the French delegation to the Assembly of the League when Frangulis submitted there his proposal for an international convention for the protection of human rights. He was very conscious of his Jewish identity, and throughout the thirties he showed himself an articulate opponent of Nazism while he also harbored no illusions about the Soviet Union. Nevertheless, I did not find any evidence that he advanced before the war the human rights idea as a unifying concept for the fight against totalitarianism.³⁵

Another francophone writer to whom I gave attention was the Swiss Protestant author Denis de Rougemont, who was highly admired by Professor

32. *Human Rights: Comments and Interpretations*, ed. UNESCO (London: Allan Wingate, 1949).

33. Edward H. Carr, *Conditions of Peace* (London/New York: Macmillan, 1942).

34. In 1930, Cassin mentioned the New York *Declaration* with approval in a course at the Hague Academy of International Law on the domicile concept; see *Recueil des Cours* (1930), 770. Furthermore, Cassin was a member of the French Association for the League of Nations, which makes it likely that the June 1933 resolution of the International Union came to his knowledge, the more so as he was himself a delegate to the League Assembly.

35. I consulted his prewar articles reprinted in René Cassin, *La Pensée et l'Action* (Paris: Editions F. Lalou, 1972), as well as, his biography by Marc Agi, *René Cassin: Fantassin Des Droits de l'Homme* [René Cassin: Foot-soldier of human rights] (Paris: Plon, 1979).

Schermerhorn whom I mentioned above.³⁶ De Rougemont advocated a new political approach outside the time-worn framework of the existing political parties, an approach based on the value of the human person and opposed to all forms of totalitarianism. However, I found that he showed no particular interest in the human rights idea.

De Rougemont named his political philosophy "personalism." About the same time the earlier mentioned Catholic philosopher Jacques Maritain developed a political philosophy which he called "humanism," which is not a very different term.³⁷ Both De Rougemont and Maritain started from religious convictions, both emphasized the inviolable value of the human person against the collectivist reduction of man to zero. However, the human rights concept of the Enlightenment had no special place in their prewar writings. Where Maritain sometimes used the term "human rights" he had a different concept in mind, as is illustrated by the above-given quotations from his contribution to *Freedom: Its Meaning*.

To round off my cursory review of French political thought of the thirties I consulted a book published after the war on the political and social ideas of the French resistance movement in the time of the German occupation.³⁸ If, as I assumed, the human rights idea had played a significant role in prewar French political thinking, some reflection of this should be visible in the clandestine documents of 1940–1944. However, I did not find such a reflection. The volume contains one article on human rights that appeared in 1943 in the underground press, but this deals with human rights in a purely domestic setting and not as a guiding principle for a new world order. Furthermore the book contains a speech given by André Philip³⁹ in New York in November 1942 on "Une nouvelle déclaration des droits de l'homme," but this is just a reflection of current English and American thinking. The volume has an introductory chapter of forty pages under the title "La pensée politique et constitutionnelle de La Résistance" (The political and constitutional thinking of the resistance movement), written by Mirkine-Guetzévitch. The fact that this introduction does not mention any original French thinking on human rights is particularly significant in view of the author's own vivid interest in that subject.⁴⁰

36. The principal works in which De Rougemont set out his political ideas were *Politique de La Personne* (Paris: Editions Je Sers, 1934), *Penser avec les mains* [Thinking with your hands] (Paris: Albin Michel, 1936), and *Journal d'un intellectuel en chômage* [Diary of an unemployed intellectual] (Paris: Albin Michel, 1937).

37. Maritain's political ideas can be found in *Humanisme intégral* (Paris: Fernand Aubier, 1936) and *Principes d'une politique humaniste* (New York: Editions de la Maison Française, 1944). In the latter volume he collected various articles, including his 1939 contribution to the Anshen volume (*Freedom: Its Meaning*).

38. H. Michel and B. Mirkine-Guetzévitch, *Les idées politiques et sociales de la Résistance: documents clandestins 1940–1944* (Paris: Presses universitaires de France, 1954).

39. French politician who took part in the resistance movement until 1942 when he had to flee and became (like René Cassin) a close collaborator of General De Gaulle.

40. See notes 5 and 6 above.

When in the autumn of 1991 I began my investigation into the origins of the revival of the human rights idea, I started with an inquiry into European political thought of the 1930s. The negative outcome of this inquiry, which contradicted my preconceived views, surprised me. I was even more surprised when I learned later about the proposals of the International Law Institute and the International Diplomatic Academy and in particular about the resolution adopted in 1933 by the International Union of League of Nations Associations but found that they had not elicited any meaningful political response. As far as I know, there has not been any European opinion-leader in the prewar years who picked up the political message embodied in these proposals and resolutions: the vital need for international protection of human rights.

VI. THE RIGHTS OF MAN CAMPAIGN OF H.G. WELLS

Herbert George Wells (1866–1946) wrote on 23 October 1939 a letter to *The Times* in which he referred to “the extensive demand for a statement of War Aims on the part of young and old, who want to know more precisely what we are fighting for,” but also to “the practical impossibility of making any statement in terms of boundaries, federations and political readjustments at the present time.” He contended that there was, however, a way of answering this demand in a satisfactory manner in the best tradition of the Atlantic parliamentary peoples: the method of a declaration of rights.⁴¹

At various crises in the history of our communities, beginning with Magna Carta and going through various Bills of Rights, Declarations of the Rights of Man and so forth, it has been our custom to produce a specific declaration of the broad principles on which our public and social life is based. . . . The present time seems peculiarly suitable for such a restatement of the spirit in which we face life in general and the present combat in particular. . . . In conjunction with a few friends I have drafted a trial statement of the rights of man brought up to date. I think that this statement may serve to put the War Aims discussion upon a new and more hopeful footing.⁴²

The letter included the text of this draft “Declaration of Rights,” consisting of a short preamble and ten articles.

41. Most of the data in this section are based on: H.G. Wells, *The Rights of Man, or What Are We Fighting For?* (Harmondsworth: Penguin Books, 1940); Vincent Brome, *H.G. Wells* (London/New York: Longmans, Green and Co., 1951), 214–18; Lord Ritchie Calder, *On Human Rights* (H.G. Wells Society, 1968); Norman and Jeanne MacKenzie, *The Time Traveller: The Life of H.G. Wells* (London: Weidenfeld and Nicolson, 1973), 421–25; and in particular David C. Smith, *H.G. Wells: Desperately Mortal* (New Haven: Yale University Press, 1986), 428–33, 442–49, 601–08.

42. H.G. Wells, *The Times*, 23 October 1939.

The first friend with whom Wells had discussed his idea of launching a new bill of rights was Ritchie Calder, at that time the science correspondent of the *Daily Herald*. This had led to letters to various personalities who contributed to the draft. Wells now called for a Great Debate in *The Times*, but after nearly a month *The Times* refused. Then at Calder's instigation a combination of the National Peace Council and the *Daily Herald* agreed to serve as the forum for the discussion. The *Herald* would make available a page a day for a month. Wells would introduce each group of clauses of the Declaration with an article followed by a "priming" by distinguished persons, followed by a free for all for other interested people.

A drafting committee was formed consisting of H.G. Wells, Norman Angell (recipient of the 1933 Nobel Peace Prize), Margaret Bondfield (a Labour politician), Ritchie Calder (who acted as secretary), Richard Gregory (the editor of *Nature*), Lord Horder (an eminent physician), Lord Lytton (a former viceroy of India and leader of the Conservative Party), John Orr (who after the war became the director-general of the FAO), Viscount Sankey (a former Lord Chancellor, i.e., president of the House of Lords), Francis Williams (the editor of the *Daily Herald*) and Barbara Wootton (a well-known economist). Lord Sankey who, by the way, was a member of Frangulis' International Diplomatic Academy since 1930, was the only legal expert in this group.

In the meantime Wells had sent his draft declaration to many people he knew. President Roosevelt sent him a reaction on 9 November 1939. Dorothy Thomson, America's best-known woman journalist, did likewise on 20 November; she also wrote a column and gave a speech on the subject. Wells himself wrote about his ideas in the *Manchester Guardian* and several other periodicals, and in early 1940 he included the text of the declaration in his books *The New World Order*⁴³ and *The Commonsense of War and Peace*.⁴⁴

The final version of the Declaration, as elaborated by the drafting committee, was published in the *Daily Herald* as a series under the title "The Rights of Man" from 5 to 24 February 1940, with comments by distinguished persons continuing up to 1 March. Comments were printed of *inter alia* J.B. Priestley, C.E.M. Joad, A.A. Milne, Kingsley Martin, Salvador de Madariaga and Clement Attlee.

The Declaration now opened with a very long preamble, followed by ten clauses which were not ordered in exactly the same sequence as in Wells' initial draft. These clauses dealt *inter alia* with the rights to nourishment and medical care, the rights to education and to access to information, the freedom of discussion, association and worship, the right to work, the free-

43. H.G. Wells, *The New World Order* (London: Secker and Warburg, 1940).

44. H.G. Wells, *The Commonsense of War and Peace: World Revolution or War Unending* (Harmondsworth: Penguin Books, 1940).

dom of movement, and protection from violence, compulsion and intimidation.

To give the reader some idea of the ambitious character of this Declaration, I quote here parts of clauses 7, 9 and 10.

That a man unless he is declared by a competent authority to be a danger to himself or to others through mental abnormality, a declaration which must be annually confirmed, shall not be imprisoned for a longer period than six days without being charged with a definite offence against the law, nor for more than three months without a public trial. At the end of the latter period, if he has not been tried and sentenced by due process of law, he shall be released. Nor shall he be conscripted for military or any other service to which he has conscientious objection. . . . That no man shall be subjected to any sort of mutilation or sterilisation except with his own deliberate consent, . . . nor to torture, beating or any other bodily punishment; he shall not be subjected to imprisonment with such an excess of silence, noise, light or darkness as to cause mental suffering. . . . He shall not be forcibly fed nor prevented from starving himself if he so desire. . . . That the provisions and principles embodied in this Declaration shall be more fully defined in a code of fundamental human rights which shall be made easily accessible to everyone.⁴⁵

In later publications this Declaration is usually referred to as the "Sankey Declaration" and it is interesting to know how this came about. In his first article on 5 February 1940 Wells made a digression by violently attacking Prime Minister Chamberlain and Foreign Secretary Halifax and calling for their resignation. As a reaction Lord Lytton quit the drafting committee. Although Lord Sankey personally agreed with Wells' remarks, he felt he also had to resign; if he had done so, Lord Horder who was Chamberlain's private doctor would have followed suit. In this embarrassing situation Ritchie Calder found an elegant solution by persuading Wells to hand over the formal chairmanship of the committee to Sankey. Although Wells continued to chair the actual discussions of the group, which usually met at his home, and Sankey was never more than a figurehead, the product of the committee went henceforward by the name "Sankey Declaration." Wells himself considered it convenient to have the Declaration not linked too closely with his own name.

As a follow-up to the *Daily Herald* series, a meeting sponsored by the National Peace Council was held on 12 March 1940 at Central Hall, Westminster, under the name "The New World Order—Its Fundamental Principles." About 3,600 people attended this meeting presided over by C.E.M. Joad and addressed by H.G. Wells and Salvador de Madariaga.

Soon thereafter, a Penguin Special appeared, *The Rights of Man, or What*

45. H.G. Wells, *The Rights of Man or What are We Fighting For?* (London: Penguin Books, 1940), 82–83.

Are We Fighting For? by H.G. Wells, containing the draft of October 1939 as well as the text of the Sankey Declaration, with a commentary mainly borrowed from Wells' articles in the *Daily Herald*. In this booklet Wells also reproduced the text adopted in 1936 by the French League of Human Rights, which had been brought to his notice after the Sankey Declaration had been drawn up, and he critically compared the two documents. This Penguin edition sold very well.

Besides disseminating the "Rights of Man" series at home (the *Daily Herald* claimed to have 30,000 copies in circulation in the UK alone), a great effort was made to spread it internationally. World syndication of the articles was made available at a nominal fee. Translation into ten different languages was provided immediately, along with a message from Francis Williams discussing possible press usage. A filing system was set up to handle the various comments which came in. According to Calder the discussion of Wells' articles was taken up in twenty-nine countries. It even got to the front page of Mussolini's *Popolo d'Italia* and was attacked for a solid week on Goebbels' radio. As to my own country: the leading Dutch newspaper of the time, *Nieuwe Rotterdamsche Courant*, devoted on 13 February 1940 half a page under the headline "De rechten van den mensch" to the national debate opened in Britain, giving the composition of the drafting committee (still naming Wells as the chairman), the full text of the draft declaration, an explanation of its purposes, and a summary of the first comments that had come in. Evidently, all this was based on the briefing supplied by Francis Williams. On 15 March 1940 the *Nieuwe Rotterdamsche Courant* followed this up with an editorial. In France publicity on Wells' initiative started earlier since the monthly journal *Les Nouveaux Cahiers* had published Wells' initial draft declaration on 2 January 1940.

Some time later, when Ritchie Calder became Director of Plans of Political Warfare in the Foreign Office, he had the materials on the Wells debate dropped on the European continent. Wells himself had the Declaration translated and published in an astonishing number of languages, covering practically all European languages (including Estonian and Icelandic) as well as Chinese, Japanese, Arabic, Urdu, Hindi, Bengali, Gujarati, Hausa, Swahili, Yoruba, Esperanto, and Basic English.

Among the persons to whom Wells spoke or wrote about the Declaration were Jan Masaryk, Chaim Weizmann and Jan Christiaan Smuts (who in 1945 drafted the preamble of the UN Charter). He also received reactions from Beneš as well as from Gandhi and Nehru. Furthermore Wells included the Declaration in at least four works he published in 1941 and 1942.⁴⁶

46. *Guide to the New World: A Handbook of Constructive World Revolution* (London: Victor Gollancz, 1941); *Phoenix: A Summary of the Inescapable Conditions of World Reorganisation* (London: Secker and Warburg, 1942); *The Outlook for Homo Sapiens* (London: Secker and Warburg, 1942); *The New Rights of Man* (Kansas: Handeman-Julius, 1942).

Wells' books and articles were widely circulated in America. Moreover, from September to November 1940 Wells promoted the Declaration during a transcontinental lecture tour in the United States. At that time the discussion of the issue in Britain had lost its momentum. It had typically been a matter of public interest during the "phony war." After Germany had opened its offensive on the Western front in May 1940, the British people had more urgent priorities than theorizing about an ideal world order. On the other hand, the United States was not directly involved in the war until December 1941. There, thinking about the post-war world order engaged many minds as will be illustrated in section VIII.

VII. PRESIDENT ROOSEVELT AND THE FOUR FREEDOMS

When President Franklin Roosevelt addressed the US Congress on 6 January 1941 about the "State of the Union," he concluded his address with his famous peroration on the Four Freedoms.⁴⁷ This formula was entirely of his own making. When the State of the Union Message was being drafted and had already gone through three versions, Roosevelt surprised his collaborators by dictating an addition which he opened with the sentence: "In the future days, which we seek to make secure, we look forward to a world founded upon four essential freedoms," after which he set out the freedom of speech and expression, the freedom of worship, the freedom from want, and the freedom from fear.⁴⁸

Although the 1941 State of the Union address was the first occasion at which Roosevelt presented his formula to the public, he had spoken before in private of this concept. In a meeting with church leaders in January 1940 he had already advanced the idea of formulating some fundamental principles for a new world order.⁴⁹ I know no report of that meeting, but there is a transcript of a talk with journalists on 5 July 1940 which makes clear that he had then already set out his idea many times.⁵⁰

47. *The Public Papers and Addresses of Franklin D. Roosevelt*, ed. Samuel I. Rosenman (New York: Random House, 1950), 1940: 672.

48. Samuel I. Rosenman, *Working with Roosevelt* (New York: Harper & Bros., 1952), 262–64.

49. *Complete Presidential Press Conferences of Franklin D. Roosevelt* (New York: Da Capo Press, 1972), 15: 61.

50. *Ibid.*, 16: 18–23. Roosevelt replied to a reporter who had asked: "Off the record, last January—I think it was January—you spoke about certain long-range peace objectives you had." I believe Roosevelt had set out his idea many times before because of two mistakes he made in this reply. First of all, he started with the list without having said what the list was about, then interrupted himself and started anew. The transcript reads as follows: "Now, I come down to your questions. The first is—you might say there are certain freedoms. The first I would call 'freedom of information,' which is terribly important." In the second place, Roosevelt initially forgot to mention the "freedom from want" and had to be reminded

Incidentally, in that talk he listed five freedoms instead of four because he distinguished between "freedom of knowledge, freedom of information" and "freedom to express oneself."

What motivated Roosevelt to look for a short formulation of human rights as long-term peace objectives? In the first place there was a practical reason why he could not present the war that had started in 1939 as a battle for the defense of American national interests, since up to December 1941 the United States did not participate in this war and the majority of the American people wished to stay out of it. Therefore Roosevelt had to present the issue in ideological terms. But I think he was also personally convinced that internationalization of the care for human rights was the proper idea for uniting the American people against the forces of totalitarianism. In order to mobilize public opinion in this sense, he thought it expedient to cast the human rights idea in a new simple form. The customary long list of civil liberties, including sophisticated procedural guarantees, was not suitable for that purpose. Besides, Roosevelt wanted to include more than only the classical liberties. Therefore he proclaimed "freedom from want" as a synopsis of social and economic human rights. The Sankey Declaration had already demonstrated that the time was ripe for the inclusion of such rights.

Meanwhile, there is a peculiar problem about the interpretation of the concepts "freedom from want" and "freedom from fear" because Roosevelt gave a rather restrictive explanation of these concepts in his address of 6 January 1941. He explained "freedom from want" only in terms of economic understandings between nations, and "freedom from fear" in terms of a worldwide reduction of armaments. However, it is clear from many of his other statements that he meant far more by these concepts than was covered by that explanation. "Freedom from want" must be understood first of all in the spirit of Roosevelt's New Deal philosophy: it refers to the responsibility of governments actively to promote the well-being of their citizens. Later Roosevelt worked out this concept in his plea for an "Economic Bill of Rights" which should complement the classical bill of rights.⁵¹ As regards "freedom from fear" Roosevelt meant protection of people against oppression by their own state as well as protection of people against aggression by other states. By way of illustration I quote the following from his Special Message to Congress of 20 June 1941: "Our Government believes that freedom from cruelty and inhuman treatment is a natural right. It is not a grace to be given

of it by the reporter. I believe Robert Sherwood was mistaken when he wrote that Roosevelt had no name in mind for this freedom and took over the reporter's suggestion to call it that way [Robert E. Sherwood, *Roosevelt and Hopkins* (New York: Harper & Bros, 1950), 231]. My reading of the transcript is that the reporter knew very well that Roosevelt had used this label before.

51. He did so explicitly in his State of the Union Message of 11 January 1944. See Rosenman, note 47 above, 1944–1945: 41.

or withheld at will by those temporarily in a position to exert force over a defenseless people."⁵²

In the course of 1941 Roosevelt came back to the Four Freedoms again and again.⁵³ I dare say he has done more than any other statesman of this century to bring the human rights idea home to the public at large. In this way he prepared the ground for the inclusion of the protection of human rights among the war aims of the Allied Powers in their Declaration of 1 January 1942 which I quoted in my introduction.

Roosevelt must have been encouraged in his action by the initiative of H.G. Wells. The two men knew each other well. Wells had lunched more than once with Franklin and Eleanor Roosevelt in the White House. In 1934 he had received a very cordial letter from Roosevelt about his *Experiment in Autobiography*. In November 1939 Roosevelt commented on Wells' draft declaration of the rights of man.⁵⁴ There can be little doubt that he saw at least parts of the discussion about the Sankey declaration. Possibly Roosevelt considered that text too overloaded and too sophisticated for enlisting mass support, and therefore worked out his own brief formula.⁵⁵

52. *Ibid.*, 1941: 228.

53. For example, in an address for White House correspondents of 15 March 1941: "A few weeks ago I spoke of four freedoms—freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want, freedom from fear. They are the ultimate stake. . . . If we fail—if democracy is superseded by slavery—then those four freedoms or even the mention of them will become forbidden things. Centuries will pass before they can be revived." *Ibid.*, 65–66. Likewise, in a radio address titled "We choose human freedom" of 27 May 1941: "Today the whole world is divided between human slavery and human freedom. . . . We will accept only a world consecrated to freedom of speech and expression—freedom of every person to worship God in his own way—freedom from want—and freedom from terrorism. Is such a world impossible of attainment? Magna Carta, the Declaration of Independence, the Constitution of the United States, the Emancipation Proclamation, and every other milestone in human progress—all were ideals which seemed impossible of attainment—yet they were attained." *Ibid.*, 192–93.

54. Smith, note 41 above, 419–20, 603.

55. Maybe Roosevelt was also influenced by the work of the International Diplomatic Academy, of which he was an early member. According to Frangulis (article on F.D. Roosevelt in the fifth edition of the *Dictionnaire Diplomatique*, probably of 1954), Roosevelt was brought into contact with the Academy at the instigation of Colonel House some time before he became President of the United States. When he was in Paris after a visit to the spa of Vittel, a luncheon was arranged in his honor where he met Frangulis and several prominent members of the Diplomatic Academy and was informed about its functions and activities. Apparently Roosevelt then became a member. In 1932 he contributed an article about the foreign policy of the United States to the first edition of the *Dictionnaire* (criticizing the immobilism of the Hoover administration). He also gave a reception in Albany for the American members of the Academy. As a member he must have received regularly the proceedings and publications of the Academy, but it seems unlikely that he had time to look at these papers when he had become President of the United States. It is possible that he knew of the resolution adopted by the Academy on 28 November 1928. In the first year of his Presidency he was of course keenly interested in the reactions of the League of Nations to German Nazism; one may wonder whether in that context he took note of the proposal tabled by Frangulis on 30 September 1933. I should like to add that there is sometimes a certain similarity between formulations of Mandelstam or Frangulis and lan-

VIII. THE HUMAN RIGHTS MOVEMENT DURING WORLD WAR II

Whereas before the Second World War the idea of giving human rights an international status was only advocated by some limited circles without meeting a meaningful political response, during the war it finally broke through to the mainstream of public discussion. A flood of publications developed on this issue, mostly in the United States. We may assume that much of it was triggered by Wells' Rights of Man campaign and further stimulated by Roosevelt's battle-cry of the Four Freedoms.⁵⁶

Of the numerous organizations and institutions that participated in this discussion, I will highlight here only one. Although the United States was not a member of the League of Nations, there did exist in this country an American League of Nations Association. After the outbreak of the war in 1939 this Association set up a "Commission to Study the Organization of Peace." Chairman of the commission was the eminent historian James T. Shotwell, who had been a member of the United States delegation at the Paris Peace Conference in 1919 and who had been ever since an outspoken advocate of American entry into the League of Nations. Shotwell's commission achieved more than just the preparation of studies. It exerted a considerable influence on public opinion and ultimately on the decision-makers in Washington. The international safeguarding of human rights was one of the subjects to which it gave attention.

The wartime proposals for giving human rights an international status related to catalogues of rights as well as to international machinery for promoting and protecting these rights. In the course of my investigation I found so much information on such proposals that I shall mention here only those documents that refer explicitly to the human rights concept in their titles, leaving aside all such proposals which constitute only a clause or a paragraph of a broader scheme for postwar world organization. Furthermore I shall limit myself to documents presented prior to the publication of the official Dumbarton Oaks proposals in October 1944.

The Movement for Federal Union published in 1940 a pamphlet under

guage used by Roosevelt. Frangulis wrote, for example, in his 1938 article, "Rights of Man": "It is, in fact, between the concept of freedom and the concept of non-freedom and slavery that the future war will be waged."

56. The data in this section are largely based on the works of Brunet, note 1 above, Lauren, note 2 above, and Verdoodt, note 3 above, as well as on: Jacob Robinson, *Human Rights and Fundamental Freedoms in the Charter of the United Nations* (New York: Institute of Jewish Affairs of the American Jewish Congress, 1946). All publications mentioned in this section are referred to in one or more of those works. These publications, which appeared in the United States while the Netherlands was under German occupation, are not available in the libraries in The Hague, except the books by Maritain and Gurvitch which were republished after the war and the reports of the Commission to Study the Organization of Peace which were reprinted in the journal *International Conciliation*.

the title *How Shall We Win?* which included a proposal for an international charter of freedoms.⁵⁷

On 14 April 1941 Wilfred Parsons S.J. presented a proposal under the title *An International Bill of Rights* to the Catholic Association for International Peace.⁵⁸

A chapter "New Rights of Man in an International Organization" was contained in *The World's Destiny and the United States*, a report of a conference of experts in international relations published in Chicago in 1941.⁵⁹

The popularity of the idea of international bills of rights is illustrated by the fact that the New Educational Fellowship Conference adopted on 12 April 1942 in London a charter setting forth basic rights for all children.⁶⁰

On 3 June 1942 an *International Declaration of Human Rights* was proposed by Rollin McNitt, honorary dean of the Law School of Southwestern University (Los Angeles).⁶¹

Jacques Maritain wrote a book, *Les Droits de l'Homme et la Loi Naturelle*, which was published in New York in 1942.⁶²

The Czechoslovakian president-in-exile Eduard Beneš wrote an article "The Rights of Man and International Law" in the 1942 *Czechoslovak Yearbook of International Law*.⁶³

Meanwhile the United States State Department had set up a special legal subcommittee for studying the problems of postwar international organization. James Shotwell also participated in this subcommittee, which worked in secrecy.⁶⁴ The subcommittee presented in July 1942 a preliminary draft and in December 1942 a final draft of an International Bill of Rights. However, the higher echelons of the State Department made no use of this document and it was never published.

From 1941 onwards the Commission to Study the Organization of Peace issued a number of reports on postwar world organization. In February 1943 it published, together with its Third Report, a paper presented to the Commission by Quincy Wright, entitled "Human Rights and the World Order."⁶⁵

57. "How Shall We Win?" (The Movement for Federal Union, 1940).

58. Wilfred Parsons S.J., "An International Bill of Rights," Appendix C of *American Peace Aims* (Washington: The Catholic Association for International Peace, 1941), 23-24.

59. "New Rights of Man in an International Organization" In *The World's Destiny and the United States* (Chicago: World Citizens Association, 1941).

60. See Jacques Maritain, note 62 below, 138.

61. *Los Angeles Daily Journal*, 3 June 1942.

62. Jacques Maritain, *Les droits de l'Homme et la Loi Naturelle* (New York: Editions de la Maison française inc., 1942).

63. Eduard Beneš, "The Rights of Man and International Law." In *Czechoslovak Yearbook of International Law* [HI idka mezinarodniho prava] (London: Published under the auspices of the Czechoslovak Branch of the International Law Association).

64. Lauren, note 2 above, 7-9.

65. Quincy Wright, "Human Rights and the World Order," in *The United Nations and the Organization of Peace: Third Report of the Commission to Study the Organization of Peace* (New York: American Association for the United Nations, 1943). Wright's paper was also

Under the aegis of the Twentieth Century Association, Irving A. Isaacs published in 1943 *The International Bill of Rights and Permanent Peace Concordance*.⁶⁶

Hersch Lauterpacht expounded his own draft of an international bill of rights in a public lecture at the University of Cambridge in 1943.⁶⁷ Two years later he published a booklet *An International Bill of the Rights of Man*.⁶⁸

The American Law Institute had started in 1942 extensive work for the preparation of an international bill of rights. One of its preliminary reports contained a survey of existing human rights clauses in national constitutions. In February 1944 it published the final result, a *Statement of Essential Human Rights*⁶⁹ drafted by a committee of advisers representing the principal cultures of the world. This text has had a considerable impact since it became the principal source used by John Humphrey in 1947 when he drew up the first draft of the Universal Declaration of Human Rights.⁷⁰

In May 1944, the Commission to Study the Organization of Peace issued the last part of its Fourth Report under the titled *International Safeguard of Human Rights*.⁷¹ In the concluding paragraph the Commission summarized its recommendations as follows:

. . . we propose that measures be taken to safeguard human rights throughout the world by (1) convening without delay a United Nations Conference on Human Rights to examine the problem, (2) promulgating, as a result of this conference, an international bill of rights, (3) establishing at the conference a permanent United Nations Commission on Human Rights for the purpose of further developing the standards of human rights and the methods for their protection, (4) seeking the incorporation of major civil rights in national constitutions and promoting effective means of enforcement in each nation, (5) recognizing the right of individuals or groups, under prescribed limitations, to petition the Human Rights Commission, after exhausting local remedies, in order to call attention to violations.⁷²

reproduced in the monthly journal *International Conciliation* (published in New York by the Carnegie Endowment for International Peace), No. 389, April 1943, 238–62.

66. Irving A. Isaacs, *The International Bill of Rights and Permanent Peace Concordance* (Boston: The International Bill of Rights Committee of the Twentieth Century Association, 1943).

67. Hersch Lauterpacht, *International Law and Human Rights* (London: Stevens & Sons, 1950), 79.

68. Hersch Lauterpacht, *An International Bill of the Rights of Man* (New York: Columbia University Press, 1945).

69. Americans United for World Organization, *Statement of Essential Human Rights* (New York: American Law Institute, 1945).

70. John P. Humphrey, *Human Rights & the United Nations: A Great Adventure* (Dobbs Ferry: Transnational Publishers, 1984), 32.

71. Commission to Study the Organization of Peace, *International Safeguard of Human Rights* (New York: American Association for the United Nations, 1944). This part of the Commission's Fourth Report was also reproduced in *International Conciliation*, No. 403, Sept. 1944, 552–75.

72. *International Conciliation*, No. 403, 574.

An article by C.A. Baylis, "Towards an International Bill of Rights," was published in the Summer 1944 issue of *Public Opinion Quarterly*.⁷³

A book by the French sociologist of law Georges Gurvitch, *La déclaration des droits sociaux*, was published in New York in 1944.⁷⁴

What I have mentioned above, mainly the work of legal experts, is only the tip of the proverbial iceberg. In 1947 René Brunet, a French ex-minister and ex-delegate to the League of Nations, described this iceberg as:

[A] vast movement of public opinion which, born in England and the United States nearly at the beginning of the hostilities, grew incessantly in force and in scope as the war rolled on. Hundreds of political, scholarly and religious organizations have, by their publications, appeals, manifestations and interventions, spread and impressed the idea that the protection of human rights should be part of the war aims of the Allied Powers, and that the future peace would not be complete if it would not consecrate the principle of international protection of human rights in all States and if it would not guarantee this protection in an effective manner.⁷⁵

IX. THE OPENING PHASE OF THE SAN FRANCISCO CONFERENCE

As regards an international status for human rights, the proposals for a new world organization worked out by the United States, the United Kingdom, the Soviet Union and China at the Dumbarton Oaks Conference in September-October 1944 did not meet the expectations raised by the human rights movement. An American proposal to insert into the Charter a statement of principle about respecting human rights had been opposed both by the United Kingdom and the Soviet Union. A Chinese proposal to write into the Charter the principle of equality of all races (reminiscent of the Japanese proposal at the Paris Peace Conference of 1919) had even been opposed by the United States. As a result, the draft charter emanating from Dumbarton Oaks mentioned human rights only in one place, in one of the last chapters, where it was said that "the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms."⁷⁶

73. C.A. Baylis, "Towards an International Bill of Rights," *Public Opinion Quarterly* (Summer 1944).

74. Georges Gurvitch, *La déclaration des droits sociaux* (New York: Editions de la Maison française, inc., 1944).

75. Brunet, note 1 above, 93-94.

76. The data in this section are mainly based on the works of Brunet, note 1 above, Lauren, note 2 above, and Robinson, *Human Rights and Fundamental Freedoms*, as well as on: O. Frederick Nolde, *Free and Equal: Human Rights in Ecumenical Perspective* (Geneva: World Council of Churches, 1968), and M. Glen Johnson, "The Contributions of Eleanor and Franklin Roosevelt to the Development of International Protection for Human Rights," *Human Rights Quarterly* 9 (February 1987): 19-48.

Eventually far stronger language on human rights was included in the Charter at the San Francisco Conference. Until recently I had a simplistic notion of how this came about. The Charter was signed on 26 June 1945 whereas the war in Europe had ended in the first days of May. In the course of May the media brought many reports about what the Allied forces had found in the liberated concentration camps. In particular the photographs of piles of emaciated corpses in Bergen-Belsen made a devastating impression. During many years I thought it was the shock brought about by these reports which had convinced the delegates at San Francisco that human rights deserved more emphasis in the Charter. In 1988, for instance, I wrote about the revival of the human rights idea:

This renewed interest in the old idea of human rights developed as a reaction against the ideologies and practices of the totalitarian régimes that had come to power in several countries. The idea received a tremendous stimulant after the collapse of the Third Reich when the full scale of the horrors perpetrated by the Nazis came to light. This prompted the founders of the United Nations at the Conference of San Francisco in 1945 to give the promotion of human rights an important place among the tasks of the new world organization.⁷⁷

However, my reading of the last months has taught me that this notion was not correct. All decisive steps towards strengthening the Charter provisions on human rights were taken *before* the capitulation of the German forces. Very important amendments in this sense were already tabled by the United States, the UK, the USSR, and China themselves on 4 May 1945, four days before the German capitulation.

Two groups of actors have been responsible for the improvement of the human rights clauses of the UN Charter: Latin American states and United States nongovernmental organizations.

The Latin American states (except Argentina which as being pro-Axis had not been invited) held a conference on war and peace problems in Chapultepec, Mexico, from 21 February to 8 March 1945. These states felt slighted by the United States because they had not had a say in the Dumbarton Oaks proposals, contrary to an earlier promise of the US government that it would consult its Allies in the Western Hemisphere before tabling official proposals for a new world organization. The Chapultepec Conference devoted much attention to the human rights issue. One of the resolutions it adopted dealt specifically with the international protection of fundamental human rights. The resolution called for an international declaration that would define those rights and the corresponding duties, it charged a legal

77. J. Herman Burgers and Hans Danelius, *The United Nations Convention against Torture: A Handbook on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Dordrecht/Boston/London: Martinus Nijhoff Publishers, 1988), 5.

committee with elaborating a preliminary draft of such a declaration, and it also envisaged the conclusion of an inter-American human rights convention. At the Conference of San Francisco many Latin American delegations played an active role in the spirit of this resolution.

The second group of actors consisted of nongovernmental organizations that tried to influence the US government. For example, there was the Joint Committee on Religious Liberty, set up in 1943 by the Federal Council of Churches. After the Dumbarton Oaks proposals had been made public in October 1944, this committee issued a memorandum in which it advocated the establishment of a specialized agency under the UN Economic and Social Council with responsibility in the area of human rights; it also endorsed the idea of an international bill of rights as a long range goal. In the first months of 1945, the American Jewish Congress and the Synagogue Council of America called likewise for an international human rights agency within the framework of the United Nations and for an international bill of rights. The Commission to Study the Organization of Peace presented similar views.

The United States government was determined to avoid a repetition of the failure that had occurred after the First World War when the Senate withheld its approval to the Covenant of the League of Nations for which President Wilson had exerted himself in Paris. Therefore the State Department invited forty-two American nongovernmental organizations to send representatives to San Francisco to act as Consultants to the US delegation. These NGOs included organizations in the fields of law, education and labor, church groups, women's associations and civic organizations such as the NAACP and the American Association for the United Nations. Among the Consultants in San Francisco were several key spokesmen of the human rights movement, such as Judge Proskauer of the American Jewish Committee, Frederick Nolde of the Joint Committee on Religious Liberty, and James Shotwell who was chosen as chairman of the Consultants.

The San Francisco Conference started on 25 April. Because 4 May was the deadline for the submission of formal amendments to the Dumbarton Oaks proposals, a group of Consultants including the persons I just mentioned drew up a letter in which it urged the US delegation to sponsor certain specific amendments on human rights. On behalf of twenty-one nongovernmental organizations this letter was presented to Secretary of State Stettinius in a dramatic meeting on 2 May.⁷⁸ The US delegation, who until then had been divided on the human rights issue, now rallied to the cause and persuaded on 3 May the delegations of the UK, the USSR, and China to go along with amendments that would include promoting respect for human rights among the *purposes* of the United Nations and would provide for the establishment of a *commission* for the promotion of human rights under the Economic and Social Council.

78. Nolde, note 76 above, 22–24, and Johnson, note 76 above, 25–26.

As regards other amendments tabled before the deadline of 4 May, I may mention a South African proposal for a preamble including the words "to reestablish faith in fundamental human rights" (which was adopted) and a proposal of New Zealand to include in the Charter an obligation of all members "to preserve, protect and promote human rights" (which was not adopted).

Taking into account the amendments that had been tabled by 4 May 1945, the agreed position of the Latin American delegations and the positive attitude towards the human rights issue with which several other delegations entered the San Francisco Conference, I now realize that in this matter the founders of the United Nations were *not* "prompted by the horrors that came to light after the collapse of the Third Reich." Besides, even at the day the Charter was signed the delegates in San Francisco did not yet grasp the full scale of the horrors perpetrated by the Nazis. It has taken many years before the real dimensions of the holocaust became widely known. I may add that most delegates in San Francisco had also no notion of the dimensions of the horrors committed under Stalin.

X. EPILOGUE—THE NEED FOR FURTHER RESEARCH

My limited investigation into the comeback of the human rights idea yielded a considerable amount of information that was completely new—not only to me but also to several of my friends who have worked many years in the field of human rights. How is it possible that the human rights movement of today is unaware of the credit it owes to the efforts of A.N. Mandelstam and the campaign of H.G. Wells? Why had we never learned that a formal proposal has been submitted to the League of Nations for the elaboration of an international convention to protect human rights?

The findings which I set out in the present article have not diminished my curiosity about the origins of the human rights revival. On the contrary, they have intensified my wish to see a substantial book written on this subject. There is so much more to be explored, for example concerning the influence exerted by the different groups who worked for an international status of human rights, and concerning the thoughts they developed on such questions as codification, supervision, sanctions and intervention. I would hope that one or more historians sufficiently familiar with the human rights issue would set themselves the task of examining the records of as many as possible of the institutions and organizations that have played a role in this matter in the 1920s, the 1930s and the early 1940s. I hope they could still speak with some of the people who once participated in the movement meant by Brunet.

If a book would be written on the human rights revival of the first half of this century, I am convinced it will tell a fascinating story and find many interested readers.

The Hague, 23 March 1992