



Round-Table discussion on the theme:
“Human dignity, brotherhood and dialogue between cultures”

The principle of brotherhood in the Universal Declaration of Human Rights

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The Universal Declaration of Human Rights of 1948 (1) is a document that refers to the Charters of rights of the 18th century, but which differs in at least three fundamental aspects:

- a) Its universality
- b) Its highlighting of the responsibility of social subjects and of the individual for the realization of human rights (art. 28 and art. 29)
- c) The insertion of economic and social rights, considered as one of the pillars of the Declaration: “Its character on the international level is entirely new, and its strength is more than equal to that of others.” (2)

I will look briefly at article 1 and article 29 of the Declaration by turning again to the preparatory work of the text in order to comprehend its original inspiration.

Article 1 states,

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

The concepts expressed in the final version were already contained in the first draft edited by the French jurist, René Cassin. The proposal of this article was not taken for granted, because the preceding preparatory work coordinated by the Secretariat of the Commission under the supervision of John Humphrey, had correctly avoided using philosophical expressions that did not enunciate judiciary rights, and also because there was the inclination to put a similar text in the Preamble but not in an article of the Declaration (3).

There was also the proposal to eliminate the article or to transfer its concepts to the Preamble. In this case too Cassin played a decisive role when he declared before the Third Committee of the General Assembly: “In the past ten years, millions of people have lost their lives precisely because those principles had been ruthlessly flouted. Barbarism, which men had thought safely buried, had risen once more to stalk the world. It was essential that the United Nations should again proclaim to humankind those principles which had come so close to extinction and should explicitly refute the abominable doctrine of Fascism.” (4)

Article 1 was approved by the General Assembly with 45 favorable votes and 9 abstentions.

It affirms therefore, the three principles of liberty, equality and brotherhood on a universal level. According to Cassin, in fact, the Declaration had to incorporate the following principles: 1) unity of the human race or of the human family; 2) the idea that every human being has the right to be treated as every other human being; 3) the concept of solidarity or brotherhood among peoples.(5)



Still brotherhood was not presented only as the announcement of a concept, but as a working principle, the motor of behavior among persons. On one hand therefore, it must be considered in strict correlation with the Preamble, in the part in which it recalls the idea of the human family and considers the Declaration as the common ideal for all peoples and countries to achieve. On the other hand, it refers to article 29 which introduces the idea of everyone's obligations towards the community. (6)

Brotherhood and obligations towards the community

The first part of article 29 affirms: "Everyone has duties to the community in which alone the free and full development of his personality is possible."

The explicit reference to obligations in a Charter of rights has various implications with historical and methodological features. The Charters of the 18th century had as their main concern to be a bastion in defense of the individual in front of the arbitrary action of a sovereign or of the excessive power of authority. Therefore they were mainly concerned with defining the rights of individual liberty. (7) In the meantime the historical situation changed with the spread of democratic systems that favored the free participation of citizens in public life. They themselves could confer authority upon elected government and exercise an adequate control in their regard. In this changed picture the reference to obligations underscores the significance of the contribution of every human being in the building up of society, first of all on the local and national level, but also on the international level.

In article 29 moreover, we find an echo of the social vision inspired by Christianity. Not many years later the encyclical "Pacem in terris" will emphasize that the relationship between rights and duties in the same person is indissoluble, and that there is a reciprocity between them in human coexistence: "Hence, to claim one's rights and ignore one's duties, or only half fulfill them, is like building a house with one hand and tearing it down with the other." (8)

We are speaking of a vision that finds confirmation in other traditions, as for example, the answer of Gandhi attests at the inquiry promoted by UNESCO in 1947 regarding the draft of the Universal Declaration: "All rights to be deserved and preserved come from duties well done. Thus the very right to live accrues to us only when we perform the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define the duties of Man and Woman and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be a usurpation hardly worth fighting for." In the same work we find also the contribution of Chung-So Lo: "The basic ethical concept of Chinese social political relations is the fulfillment of the duty to one's neighbor, rather than the claiming of rights. The idea of mutual obligations is regarded as the fundamental teaching of Confucianism." (9)

According to article 29 duties are exercised towards the community. The use of the word community is to be considered as a distancing from identification with duties only in regard to the State. Instead the concept of community allows us to take a wider responsibility that goes beyond national boundaries. Besides, obligations exist that are carried out in areas where the State doesn't enter or should enter as little as possible. For example, the family circle, the belonging to a civil association or to a religious community, etc.



Therefore the reference to community and to the full realization of the individual's personality in it, opens the Declaration to a fruitful dialogue with those cultures whose tradition appreciates the role of a social framework in which everyone is inserted, nevertheless without indulging in standardizing ideas or in annihilation of individual personality.

A later document that has rendered these aspects more explicit is the African Charter of the Rights of Man and of Peoples which states that every individual “ shall have duties towards his family and society, the State and other legally recognized communities and the international community” (art. 27). “Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance” (art. 28).

Mary Robinson, former High Commissioner for Human Rights, has authoritatively stated that “Article 29 places a responsibility on all of us to protect and promote the rights contained in the Declaration. The individual may feel threatened by the State or dwarfed by transnational corporations and international financial institutions. But the message of article 29 is clear: the individual must work to improve human rights, whether individually or in the community or as a member of a non governmental organizational group in its widest sense.”

Considering the issue of development, brotherhood leads to a potentially extremely extended enlargement of the number of subjects responsible for development. This enlargement combines extremely well with the need – felt in the current international context – to ensure that civil society's actors should be the leading players in development processes, starting from the definition of objectives at national and international level, and not only the executors of plans decided at intergovernmental levels.

It also provides qualitatively important elements for one aspect characterising cooperation for development: the idea of partnership. Creating a partnership for development – among other things – is one of the objectives for reducing poverty contained in the Millennium Declaration.

Partnership expresses the equality between the subjects involved in cooperation: developed and developing countries, NGOs in the North and NGOs in the South, companies that are socially responsible and local companies. Partnership cannot merely be restricted to an operational instrument, through which the private sector simply replaces or works with governments and civil society in cooperation for development. For this reason partnership should be made substantial by brotherhood, expressing closeness, friendship and sharing, not only at an individual level but also between public institutions and private organisations.

Brotherhood renders substantial the simple equality between the various players inspiring the current model for international relations, not only overcoming the mere dimension of help and assistance, but in a way the very idea of solidarity, which maintains a different position between the helping subject and the subject receiving solidarity. Brotherhood proposes in fact to understand who the other subject really is, in all its characteristics, potential and richness, limitations and needs, paying attention to aspects of not only economic global development. To achieve this, is it necessary to put aside ones one development categories and parameters, looking in a positive manner to cultural diversity, as stated in Article 3 of the Universal Declaration on Cultural Diversity “*as a factor in development (...) understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence*”.



Notes:

- (1) Cassin R. *La déclaration universelle et la mise en oeuvre des droits de l'homme*, Paris: Recueil des cours (II), Akadémie d' Droit International, no. 31, 1951.
- (2) Cassin R., p. 278.
- (3) See Eide A. (a cura di), *The Universal Declaration of Human Rights: A Commentary*, 1992 (4) Officials Records of the Third Session of the General Assembly Part I. GAOR C. 3, p. 99
- (5) Cassin expresses this view in relation to the initial draft prepared by the Secretariat of the Commission on Human Rights (E/CN4/AC1/SR.2, p. 2).
- (6) Cassin affirms the link between brotherhood and the individual duties in “*De la place faite aux devoirs de l'individu dans la Déclaration Universelle des Droits del l'Homme*”, Melanges offerts a Polys Modinos, 1968, p. 478-488. He underlines the link between the moral duty to act in spirit of brotherhood and the biblical maxim “love your neighbour as yourself”.
- (7) See art. 13 and 14 of the French Declaration and art. X of Massachusetts Declaration.
- (8) Pacem in Terris nr. 15.
- (9) UNESCO (ed.), *Human Rights. Comments and Interpretations. With an Introduction by Jacques Maritain*, 1949, p. 18 and 187.
- (10) Robinson Mary, *From Human Rights to People's Rights: fifty years after the Universal Declaration*, in *Diritti dell'uomo, diritti dei popoli*, 2002, p. 29.