



## **Article by Article: The Universal Declaration of Human Rights for a New Generation by Johannes Morsink**

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Johannes Morsink has written a very useful book for scholars, researchers, and students. He presents short histories of the drafting of each Article of the Universal Declaration of Human Rights (UDHR), drawn almost exclusively from extensive primary research. The reader has the chance to see how the framers debated various proposals and how they compromised on final wording. The book can be read as a simplified version of Morsink's more extensive 1999 volume, *The Universal Declaration of Human Rights: Origins, Drafting & Intent*, supplemented by new research, a more conversational style, and many contemporary examples of the UDHR's continued relevance.

Readers of this volume will be struck by the monumental hypocrisy of all the countries involved in drafting the UDHR. Australia promoted freedom of movement while confining its Aboriginal populations to reserves. South Africa promoted equality for all while simultaneously introducing apartheid. The Soviet Union and the United States traded insults about each other's respective human rights abuses. But Morsink's objective is not to expose hypocrisy: rather, he stresses that despite these many disagreements, the member states were able to work together, compromise, and draft a document of pre-eminent moral importance. The UDHR, Morsink argues, is a "moral banner that nations, persons and groups need to look at and adhere to at pain of condemnation" (p. 187). He hopes that this will set an example for international cooperation today, "[g]iven the extraordinary time in which we live, with its threats of recurrent fascism" (xiii).

This book puts the lie to the idea popular among some critics of human rights, that the UDHR is a colonialist document. Only 56 countries were members of the United Nations (UN) in 1947–8, when the UDHR was drafted. Most notably, no sub-Saharan African countries were represented as all were still colonized, and no Indigenous peoples participated. Nevertheless, the drafters included many countries

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not only from North America and Europe, but also from the Middle East and North Africa, Central and South America, and Asia, especially India, Japan and China (pre-Mao). Morsink incidentally shows that not only Eleanor Roosevelt, the Chair of the drafting committee, but also several other women from countries such as India and Pakistan influenced the formation of the UDHR. Input from members of the Commission on the Status of Women (to whom Morsink rather pejoratively refers as “censors” [p. 155]) also significantly influenced the final draft.

Morsink also reveals that many non-governmental organizations such as the US National Association for the Advancement of Colored People, the American Federation of Labor, and the World Jewish Congress advised state representatives and commented on drafts. Unfortunately, however, he does not explain whether such NGOs had any formal standing beyond mere lobbying. Although Morsink does not mention it, representatives of anti-colonial movements attended the UN and lobbied for the inclusion of Article 2b, which states that the human rights contained in the UDHR apply to everyone, regardless of the formal status of the territory in which they live. These lobbyists were supported especially by the Soviet Union and its allies, over the opposition of colonial powers.

Critics also sometimes complain that the UDHR is a “Western” document. By this, they usually mean that it represents a narrow range of (neo)liberal views. But as Morsink shows, the basis for drafting the UDHR was an international constitutional survey conducted by John Humphrey, a Canadian law professor seconded to the UN to assist Roosevelt. Not only was Humphrey himself a socialist, but also many of the constitutions he surveyed were from socialist countries or contained socialist elements. This was true not only for the Soviet Union and its allies, but also for many Latin American countries that had democratic socialist traditions. Thus, it is not surprising that the UDHR contains several Articles (22–26) enumerating social protections now common in social democratic countries, although not in the US.

Morsink’s discussion of Article 29, 1 (“Everyone has duties to the community in which alone the free and full development of his personality is possible”) also puts the lie to philosophical criticisms of the UDHR for being too individualistic. Indeed, Morsink provides evidence throughout his volume that the framers agreed on the importance of community to the enjoyment of human rights.

Morsink has tried to make this volume relevant to a new generation, as his subtitle suggests. His principal target is American readers. He includes many contemporary examples that show readers how each Article pertains to contemporary events in the US. Unfortunately, his focus on Covid-19 may well quickly date the book. He also misses the opportunity to deal with systemic human rights abuses in the US. For example, while discussing Article 25, 2 on special protections for mothers and children, he mentions the increase in domestic abuse as a result of the pandemic lockdowns. He could have noted more systemic factors, such as that the US lacks universal health care, a universal system of paid maternity or parental leave, and universal child care. These problems are likely to persist long after the particular effects of Covid-19 end.

One caveat: Morsink encourages his readers to dip into this book, reading about individual Articles as they see fit. While readers can indeed do this, those not familiar with UN drafting processes and the various iterations of the drafts would do well

to read the chapter on the Operative Paragraph of the Preamble to the UDHR before continuing on to individual articles. The flow chart (pp. 16–17) explaining the drafting procedure is particularly important. Professors using this book in class should make sure their students read this chapter before continuing on to any individual articles. Overall, this volume is an excellent teaching as well as research tool.

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