

PEACE AND CONFLICT STUDIES
UNIVERSITY OF CALIFORNIA
Berkeley, CA 94720

Comments on the September 1987 Prospectus

for

HUMAN RIGHTS IN TOMORROW'S WORLD

An American-Soviet Dialogue

Note: These comments are excerpted from letters received by Professor Bertram Gross in response to his request for criticism and suggestions.

December 1987

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 Draft of 18 September 1987

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Theodore M. Benditt
Dean, School of Humanities
The University of Alabama at Birmingham
20 November 1987

The idea of having American and Soviet scholars address one another in such a volume is a good one. Given the intellectual orientation of most American philosophers I do wonder whether professional philosophers would necessarily be the sorts of individuals to deal with the world as a whole, historical trends, and implementation processes. I am sure that there are many thoughtful and intelligent non-philosophers who would have much to offer.

Noam Chomsky
Dept. of Linguistics and Philosophy
Massachusetts Institute of Technology
8 September 1987

It seems to me comprehensive and appropriate, and I have no serious suggestions to make. I hope that some of the contributors will attempt to go beyond the rather narrow conception of human rights that is typical of much U.S. discourse on these topics, limited to "anti-torture" and political rights, and omitting many others cited in international covenants. I wonder whether it might be a useful idea to have a contribution from some other source as well as the American and Soviet scholars, perhaps some such group as the Catholic Institute for International Relations, which has just done a study on Nicaragua that received considerable praise from Americas Watch reviewers, bringing in this broad context.

Richard P. Claude
Professor of Political Science
The University of Maryland
4 December 1987

The prospectus on Human Rights in Tomorrow's World looks very good indeed, The idea of US-USSR authored articles is excellent. Certainly all of the component topics are salient. I can find no fault in the layout of chapters. Two comments come to mind, one critical and the other in the nature of a suggestion.

On the critical side, I would say that the strength of the book lies in its potential to defuse human rights as a Cold War issue, and therefore I would do it directly and with emphasis by including a chapter on "The Constructive Use and Ideological Misuse of Human Rights as a Cold War Tool." Such an essay, if co-authored by an American and by a Soviet scholar could be the lynchpin of the volume. Somewhat unrelated is my suggestion that the authors be asked, as a matter of thematic concern throughout the book, to discuss the roles of non-governmental organizations and transnational organizations e.g., the World Psychiatric Association, etc. in the implementation of international human rights.

Margaret E. Crahan
Henry R. Luce Professor of
Religion, Power and the Political Process
Occidental College, Los Angeles
2 December 1987

1. Under the category Human Rights and the Cold War, I would urge attention be paid to the impact of cold war sentiment not simply with respect to East West relations concerning human rights, but also North South. As you know in Latin America Cold War arguments/rationales have been used to justify human rights violations.
2. In dealing with the Third World, I believe it is imperative not to lump Asia, Africa and Latin America together. Patterns of observance and non-observance are substantially different given very different regional conditions. Furthermore, consciousness, mechanisms of defense, levels of organization of human rights groups are also quite distinct.
3. The role of ideology in the promotion and violation of human rights needs to be dealt with in your book. It is a critical variable in the Latin American case.
4. In addition, the role of religious beliefs and religious motivation needs to be explored particularly with respect to activities in defense of human rights.
5. With respect to the definition of human rights, the surveys in Latin America, particularly of the general public, show a high level of consensus concerning the definition of human rights and the need to observe them if societal concord is to be achieved. The basic definition that is operative is the right to life and those things necessary for life with dignity including food, shelter, health care, education and participation in political and economic decision making.
6. An interesting chapter would focus on what the modern state can do in the promotion of human rights irrespective of ideology and national resources.
7. Another topic which merits inclusion is an analysis of the most effective international mechanisms (both formal and informal) in promoting the observance of HRs.

Richard Criley

N. California American Civil Liberties Union, Carmel

26 November 1987

The concept is truly an idea "whose time has come." As we appear to be entering an era of renewed efforts at co-existence, and a lessening of the COLD WAR, a dialogue on the subject could be both feasible and enlightening. On the US side, the issue of human rights has most often served --since the 180° turn at the close of World War II--as a Cold War weapon in the contest for world leadership between us and the USSR. Such general usage has hardly led to either a deepening of understanding of such bourgeois democratic rights as our Constitution provides and their limitations, nor a serious review of such proletarian revolutionary rights as had survived the decades of Stalism and post-Stalinism.

Jack Donnelly

Associate Professor of Political Science

The University of North Carolina at Chapel Hill

26 October 1987

Your project seems to be a most interesting and valuable one. All of the topics listed on p. 2 of your prospectus seem to be good ones, although number 10 (Who are the enemies of human rights?) strikes me as a topic likely to breed more heat than light. Also, I think that the first ten topics are probably better than the last ten because of their greater generality, although 7 (rights and duties) and 9 (political and economic rights) probably belong up with the first group.

One idea that strikes me as interesting would be to narrow your selection of topics down to six or seven (the number of authors you propose from each country) and then have a U.S. and a Soviet author each write a chapter on that topic. You might also want to consider the possibility of adding, in addition to the main chapters, brief commentaries, by Soviets on chapters written by Americans, and vice versa.

The procedural matters on p. 3 strike me as eminently reasonable. I assume that you have considered the possibility of a roundtable bringing together authors from the two countries but have rejected that for financial reasons or some other good reason of which I am unaware. Such a gathering, though, might be useful if you and Professor Mishin can find a way to bring it off.

Norman Dorsen
Stokes Professor of Law, New York University
President, American Civil Liberties Union
15 October 1987

I think that the overall conception is imaginative and attractive. The procedures you have set out (including the timing for papers) seem realistic and designed to achieve a superior product, although there might be some authors who will rebel against the highly collegial nature of the review process (despite each author's individual responsibility for his or her own essay). Personally, I profit from the kind of critical review you suggest but not everyone feels that way.

My major problem, and it is a basic one, is that the purposes of the project are not clearly stated. This gap makes it difficult to determine which of the 20 subjects you list as candidates for the book are appropriate and which could be combined or dropped. Perhaps more important, it is unclear how you feel the topics should be developed in the relatively short length of 25 double spaced pages.

This point relates to your statement on page one that essays will be written in the perspective of the world as a whole, historical trends, and future dangers and desirabilities, and above all with a view towards implementation of human rights. This is a mighty tall order, and I suggest that it would be helpful if you provided an outline or a fuller explanation of how one or two issues might be developed according to these extremely broad criteria.

9 November 1987

I can think of many first rate people to write on various aspects of the subject, but before names are considered you probably will want to be relatively clear about the topics. Also relevant is whether you would like to achieve some political balance among the authors.

A final matter which you must have considered is financial support for the project -- honoraria, travel, meetings, reproduction of materials, etc. While financial inducement will make it easier to attract writers of the first rank, this could run into substantial sums. Do you have any institutional sponsorship at this stage?

Albert Dragstedt
Professor of Classics and Philosophy
Saint Mary's College of California
3 December 1987

1. A right is the socially acquired terrain upon which to stand in resisting attempts to prevent a self-expanding democratization.
2. A class-neutral concept of democracy is an obfuscation of the social agency required to achieve an "ever-wider distribution of social power." (My def. of democratization.)
3. "Free speech without free radio speech is as nothing." Ezra Pound.
4. There is no (longer) a Third World. (There never really was.) South Korea, Taiwan, Singapore and Hong Kong are components of the world market with relative independence, and Brazil and Mexico are productive apparatus with their own interests and development, within a world economy ever more (contradictorily) integrated even at the level of production. The Class Struggle now prevails over all Maoisms.
5. Imperialism in decline means "reaction all down the line." (All aid to Contras is a violation of the UN Charter, e.g.). Rights are an important tool for revealing encroachments of Imperialism and the mentalities which insidiously adapt to it. The extension of due-process, the right to a job, and other procedural warrants based on material needs, are all demands which pose the rallying of opposition to Capital on a class basis.

Julius C.C. Edelstein
Senior Vice Chancellor Emeritus
Hunter College, New York
30 November 1987

Your project is most intriguing, full of promise. Surely it is timely, both in terms of what will be going on politically in the United States next year and, it is to be hoped, in the years beyond that.

David P. Forsythe
Professor of Political Science
University of Nebraska, Lincoln
President, IPSA Human Rights Research Committee
10 November 1987

By

all means continue with this worthwhile venture.

As for my comments, first let me say that I think we have more than enough studies on certain questions like: what are human rights, the history of rights, individual v. collective rights, etc. The literature is full of such studies.

On the other hand, it seems to me we need to know much more about: the mass media and coverage of human rights issues, how to understand the impact of the Helsinki Accord, how best to make the Covenant on Economic-Social-Cultural Rights more important, what is the status of human rights education especially beyond the industrialized democracies, to what extent are WTO and NATO forces given instruction about human rights in armed conflict, the non-judicial implementation of human rights via ombudsmen, etc.

George Gerbner
Dean, Annenberg School of Communications
University of Pennsylvania
21 October 1987

I am responding to your letter of September 28 and your and Dr. Mishin's splendid initiative

Some recognition should be made of the fact that the cross-cultural discussion of human rights, including space bridges with the Soviet Union, has increased recently. Therefore, it is necessary to take a more fundamental approach, one that can contribute something different from the ongoing discussions.

I think that such a contribution would be the illumination of different perspectives on human rights, rather than the implication that this book will come up with a definitive consensus. After all, human rights are products of societies and will be interpreted and applied differently in different societies. I think that the title (or subtitle) should also reflect the notion of different (both convergent and divergent) perspectives.

Although you say that the essays should not concentrate on formal declarations, etc., the first three points, almost one-third of the total, do. This should probably be handled in an introduction by the editors.

You may wish to add the right to health and medical care to the right to education. The word "independent" should be added to the right to organize labor unions, because that is the controversial point. The word "responsibilities" should be substituted for "duties" to make the juxtaposition more equitable. For example, does a person receiving free education have a responsibility to "pay it back" by working in certain positions for a specified amount of time?

The right to move about freely should be added. I don't think it should be called "travel" because that raises the less important issue of tourism. Different perspectives on the right to move about expose a society in which mobility is a virtue (ours) vs. a society in which mobility often represents the failure to provide a decent living in one's home community.

I would like to suggest two additions. One is the right to survival, i.e., the right to demand an end to propaganda and to preparations for war. The other is the issue of the price to be paid for implementing human rights. Clearly, the forceful implementation of most of these rights (except to property) represents repression for those who would object to the curtailment of their freedom to maintain special privileges and to oppose the vast redistribution of resources that such implementation would imply. Therefore, I think a realistic chapter on what implementation is up against and the dynamics of resistance would be a useful, if sobering exercise. (Perhaps that is what you mean by point 9.)

Alan Gewirth
Edward Carson Waller Distinguished
Service Professor of Philosophy
University of Chicago
12 November 1987

Your proposed cooperative volume on "Human Rights in Tomorrow's World" is a very worthwhile and important project, and I shall be glad to be of whatever help I can.

The list of subjects strikes me as excellent. But one topic seems to me to need and deserve much more central and explicit emphasis. This is the whole area of social and economic rights. You list, as among "many other possibilities," "The Relation between Political and Economic Rights." But the respects in which the human rights bear on such problems as homelessness, unemployment, poverty, economic inequality, discrimination, and so forth--all these matters, which, as you know, regularly figure in Soviet-American polemics--should have very explicit and extensive consideration. Such consideration must hearken back to the basic theory of human rights: What are their foundations, and how, if at all, can it be known or proved that human rights include such social and economic matters as those I've listed.

Of course, the Universal Declaration includes social and economic rights. But, especially because of the controversies they have aroused, as well as problems of implementation, a volume without fuller consideration of these rights would be like "Hamlet" without the Prince of Denmark.

Ann Fagan Ginger
President, Meikeljohn Civil Liberties Institute
Berkeley
9 December 1987

A. Watching the success of, e.g., Jesse Jackson and Mikhail Gorbachev, in building enthusiasm for their causes, I suggest the essays be written in the perspective (as you suggest) of (a) the world as a whole, (b) historical trends, and (c) future dangers, hopes, and necessities, in the light of 21st century problems of war threats, pollution, water, population explosion, weather, and other heightened natural problems. (I am adding the "hope" and the "necessities," rather than your "desirabilities.")

B. On your 10 proposed points, I would make these amendments:

1. The Historical Evolution of Rights Concepts E and W
2. From the UN Charter, Universal Declaration of Human Rights, Peace Law (Nuremberg Principles and the Two Covenants) to the Future
3. The Helsinki Agreements: What did they mean and what next?
4. The Right to Peace and Development (deleting Human Rights and the Cold War and including FDR's Economic Bill of Rights)
7. Human Rights and Duties/Responsibilities: Individual and Collective (rather than rights only, and including your points (6) and (7) at the bottom of the page).
8. Human Rights in the Third World in Light of the External Debt and the Arms Race
9. How Can Human Rights Be Won and Made a Reality in Light of the Continuing Arms Race
10. Who are the Friends and Enemies of Which Human Rights? (including some discussion of the UN, UN agencies, International Court of Justice, and Regional Organizations in promoting human rights)

I think your points (1) - (5) (in next paragraph) should be integrated into all other topics, not done separately. I assume (9) will be covered in 1. above, and that all discussions will discuss guarantees (10).

Gertrude S. Goldberg
 Director, Center for Social Policy
 Adelphi University, Garden City, LI
 16 October 1987

The ten subjects for the volume are all important, and I would certainly find it fascinating to see how distinguished experts from the Soviet Union and the United States would handle each of them. The one area that I would like to see included is that of economic rights. One might talk about income guarantees which could be assured through the right to employment, to welfare, or to both. (I note that the right to employment is "among other possibilities" and would like to see it moved up as part of a more general discussion of economic rights.)

It seems to me that the American concept of human rights has often neglected economic rights or assumed that liberty could be guaranteed without economic security. This is curious in view of how materialistic we are supposed to be and also in view of the fact that at least some legal scholars hold that our Bill of Rights, in the final analysis, depends upon the existence of private property. Franklin Roosevelt attempted to join political and economic rights (also "among other possibilities") or to speak of new concepts of liberty as he was developing popular support for the Social Security Act. Later, his slogan, "freedom from want" was a brilliant means of integrating these older and newer concepts of liberty. Yet, the right to a modicum of economic security or to employment has--I need not remind you--not been constitutionally guaranteed.

I would like to see some discussion of how economic rights can be guaranteed without diminishing other human rights through dependence upon an all-powerful state. In this regard, full employment, which is integral to some concepts of the welfare state, seems an important safeguard. Yet, as Stanley Moses reminded us in his article on the constitutional guarantee to full employment, the Soviet Union has such a provision in its constitution. As in other areas of social life, the achievement of both economic and political rights by a country like Sweden may be instructive.

Ralph Goldman
 Professor Emeritus, San Francisco State University
 Senior Consultant, Institute for Democratic Initiatives
 in Foreign Affairs
 10 October 1987

Human Rights in Tomorrow's World looks like a very good idea, and the emphasis on processes of implementation even better.

i. "The Helsinki Agreements: How Should They be Used?" As Max Kampelman has demonstrated, the review conferences are excellent propaganda and adult education (of the country delegates) opportunities. The author of this paper should look at the practical politics of forming world public opinion through this vehicle.

2. Substitute for Chapter 9 ("How Can . . ." something with the title "Freedom of Association; Building Institutions That Guard Human Rights." In the real world, human rights are best protected by free and competitive nongovernmental organizations, i.e., pressure groups and political parties, particularly the latter. Freedom of association is the critical difference between the democratic and the communist approaches. Such a chapter would serve as a preface to such more specialized group topics as ethnic minorities, women, labor unions, etc.

My main criticism of the chapter titles is that they tend to reflect the approaches of the formal declarations rather than that of the problems of implementation. There should be more of the language of implementation in the titles. I also suggest that your general suggestions to the authors include some specifics about what you mean by implementation and practice.

Robert Goldstein
Professor of Political Science
Oakland University, Rochester, MI
9 December 1987

This looks like a most worthwhile project, especially if it will be simultaneously published in both Russia and the United States. My immediate reaction is simply to applaud your ambitious attempt; it is, as I am sure you realize, extremely ambitious in scope, but it is far better to set one's sights high and then, if necessary, trim one's sails, than to start out with small ideas and end up even smaller.

As you may know, my own work has focussed on the historical development of political human rights in modernizing Europe (especially 19th century) and on the actual implementation of political civil liberties in 19th century Europe and post-1870 America. Therefore I might be able to help out with regard to your proposed chapter on the historical evolution of rights concepts, although I must caution that my main expertise is limited to the U.S. and Europe and my main focus has been on political rights. My stress is, however, very much on implementation rather than formal declarations, and in this my approach is very much in accord with that you have outlined.

Larry Gross
Professor of Communications
Annenberg School of Communications
University of Pennsylvania
16 October 1987

It seems to me both inappropriate and provocative to include a section called "human rights in the 'Third World,'" in a book to be written by US and Soviet scholars (note the incongruity of this with your statement that, "in some cases a Russian [this should be 'soviet' writer, actually, as you may have some who don't think of themselves as russian] will write about the USA and an American about the Soviet Union" -- neither of these covers the third world). Further on this point, it will likely strike Third World (and other) readers as inappropriate and presumptuous to title the book HUMAN RIGHTS IN TOMORROW'S WORLD, given its bi-lateral structure and authorship. Another case of the two mega-powers presuming to speak for the entire human race.

The second point along these lines is the crucial importance of the 'fourth world' to any serious discussion of human rights. First, second and third world governments are ALL guilty of ignoring and violating the rights of the sub-national (eg. 'tribal') societies that are encompassed within their boundaries. This is true of Native Americans in the US as it is of many ethnic minorities in the Soviet Union (Jews are probably the most protected of these groups, by their world-wide visibility and outside support), in China, and in most third world countries (eg. Amazonian peoples in South America, nomadic groups in Asia and Africa, minority tribes in Africa, etc., etc.). To ignore these human rights issues, or to act as if Soviet and US writers are the ones who can and should speak for these peoples' concerns, is likely to be offensive to many.

Virginia Held
Professor of Philosophy
City University of New York
7 December 1987

Thank you for your recent letter. I certainly applaud your efforts to produce a book from a set of essays on human rights from both American and Soviet scholars. I doubt that

I feel strongly that the rights of women, the rights of cultural minorities, and economic and social rights, are topics which should be added to your list of essential topics.

Louis Henkin
Professor of Law
Columbia University
4 December 1987

I think the project is a good idea, and the prospectus generally feasible. You begin with the idea of a book; have you considered beginning with a series of discussions of papers from which a book might emerge?

I would be disposed to try a somewhat different list, overlapping the one you sent. For example:

A. Introductory

1. The Historical Evolution of the Rights concept. (American author with Soviet comment.)

2. The internationalization of human rights: Nuremberg, the U.N. Charter, the Universal Declaration and the Covenants. (American author with U.S.S.R. comment, or vice versa.)

B. Comparative papers

Two papers, one U.S. and one U.S.S.R., might work on the following -- singly or in some cases two or three themes combined:

- Constitutionalism and Rights
- Conflicts Between Individual Rights
- Individual Rights and the Public Good: Limitations on Rights
- Rights and Duties
- Political-Civil, Economic-Social Rights
- Individual Rights and Collective Rights

- The Right to Know and Act on One's Rights
- Implementing and Enforcing Human Rights
- Judicial or other Constitutional review
- Obstacles to the Enjoyment of Human Rights and How to Remove Them
- Human Rights and East-West Relations: Helsinki, Detente and the Cold War

There might also be two papers on the independence of the judiciary, and on particular rights, such as freedom of expression and others included in your list.

C. "Parallel" papers

A third group might include "parallel" papers. A U.S. paper on the U.S. idea of rights, and a U.S.S.R. paper on the U.S.S.R. idea of rights; a U.S. paper on "Human Rights and Free Enterprise," a U.S.S.R. paper on "Human Rights and Socialism."

Charles Henry
Chair, Afro-American Studies
University of California, Berkeley
Chair, Amnesty International, USA
15 December 1987

If Martin Luther King, Jr. were alive today, I can assure you that he would be thrilled with your prospectus for an American-Soviet dialogue on "Human Rights in Tomorrow's World." He too was inspired by President Roosevelt's Economic Bill of Rights. And like Roosevelt, he never accepted the false distinction between economic and political rights. He saw the economic aspects of such fundamental political rights as the rights to property and personal security and the political aspects of economic rights to employment opportunities, income, health, education and housing.

Indeed, that unity of human purpose pervaded the entire volume of "In Pursuit of Full Employment," which I edited for the National Urban League and was published as a special issue of the Urban League Review (Summer 1986, Vol, 10, No. 1). Black people in the United States have always been suspicious of those who try to separate the two spheres. The struggles for genuine freedom require continued progress on both economic and political rights. That is why Afro-Americans take pride in the leadership of the Congressional Black Caucus in support of voting rights, other civil liberties and the entire range of minimal economic rights.

Why is it that for almost ten years the U.S. Senate has taken no action on the International Covenants on Civil and Political Liberties and on Economic, Social and Cultural Rights, two treaties already "in force" through ratification by other countries, including the Soviet Union? Why is it that many American experts on human rights in other countries often close their eyes to the denials of basic rights in their own country.

Naturally, I am not suggesting that such denials in the United States are anywhere as deep or widespread as those we discern in other countries--whether in the so-called "Third World" or "Marxist-Leninist" countries. What I am suggesting is that in this fortunate country, blessed with enormous natural resources, we should judge our own performance by our highest ideals of human freedom, not by comparison with other countries. Why should we not set an example for all countries of "glasnost" in bringing our internal faults bravely into the open as a prelude to corrective action?

Why should we not judge other countries objectively by those high standards already set forth in the Universal Declaration of Human Rights, adopted by the United Nations under the leadership of Eleanor Roosevelt? And why can we not begin to judge ourselves by the two aforesaid covenants that no President has yet pressed the Senate to act upon?

The death penalty provides an excellent example of the fundamental violation of human rights in the United States. Yet in many countries its use is restricted to political and religious opposition groups while in the U.S. it is disproportionately used on minorities and the poor. How can we address the fact that such diverse nations as China, the Soviet Union, Iran, South African and the United States are among the leaders in state-supported executions?

I ask these questions merely for the purpose of suggesting an approach that might be considered, among others, by the American scholars who will take part in the projected America-Soviet dialogue. And I would like to think that the Soviet scholars will consider such an approach, for themselves, as well as making suggestions on how we Americans might proceed.

Stanley Hoffmann
Chair, Center for European Studies
Harvard University
18 November 1987

Your prospectus for a set of essays on human rights strikes me as very good. I would, however, suggest combining topics 3 and 4 as well as 9 and 10 so as to make room for the following two topics: (1) the rights of minorities and immigrants (2) the problem of guarantees.

Rhoda E. Howard
Professor of Sociology
McMaster University, Hamilton, Ontario
16 November 1987

It certainly looks to be an interesting project, and I wish you every success with it.

Going over your list of topics, some struck me as too broad. I am especially interested in topics 7, 8, 9 and 10. "Human Rights in the Third World" would cover so many very different countries as to be meaningless. If it is possible - given the present intellectual climate in the Soviet Union - I would suggest you concentrate on areas of the "Third World" where either the U.S. or the Soviet Union, or both have real interest. For example, contrasting articles on Afghanistan would be of interest to me. An American scholar who has been to Afghanistan and written quite a bit about human rights there is Barnett R. Rubin of the Department of Political Science at Yale University.

Similarly, on collective rights, one issue of especial concern is the rights of native peoples, in the U.S. but also in Canada and Central/South America. These could perhaps be contrasted with the rights of non-Russian Muslim peoples in the Soviet Union.

Chapters 9 and 10 sound very vague at the moment. My own view is that the entire study of human rights is under-theorized and concentrates too much on political philosophy and law. It is easy to spout platitudes on these topics.

John Hurst
Chair, Peace and Conflict Studies
Professor of Education
University of California, Berkeley
14 December 1987

It's an important idea... a provocative book... much needed... and US/USSR authors a superb concept.

A chapter that I think would be important and that I would be excited to write would be "The Role of Education in the Realization of Human Rights" (especially formal education institutions K-12, college). Not only education informing students about human rights, but how education might generate understanding, commitment to "Rights" and the realization of these rights (or the demand for their realization) at individual, societal and global levels. It is something I could run with, and it is something U.S. education has been awful with, even "civil" and "political" to say nothing about "economic, social, and cultural."

In conclusion, I want to again express my enthusiasm over your concept for a book dialogue between East and West on the full range of human rights. Such a juxtaposition will enable the serious reader to compare and contrast in a fair and just manner the strengths and weaknesses of these two great societies around the very grounds for lives of high quality -- the respect for and realization of human rights as described in the Universal Declaration of Human Rights. It is a project that the Peace and Conflict Studies program wholeheartedly endorses. The resultant book will certainly be required reading in the PACS program.

Peter H. Juviler
 Co-Director, Center for the Study of Human Rights
 Columbia University
 22 October 1987

It is exciting to hear that you have advanced the U.S.-Soviet dialogue on human rights into the stage of a joint project. I share with you a sense of its importance. By

1. Statement of Purpose. True, human rights are a source of conflict domestically and in E-W, N-S relations. But to the extent that they are observed and promoted, this may also reduce societal and international conflict, as posited in the UN Charter. I would take a positive as well as "crisis" approach to human rights, as worthy standards and goals for governments to live up to at home and abroad. The true picture is one of ambivalence, I think.

This then brings me to three cautions to suggest: first, be careful in use of "East" and "West." It can reflect a superpower exclusivism, and also a forgetting that human rights concepts may be extensively shared between the "West" and the "East" and that the superpowers are not the only boulders on the beach. Second, human rights are a subject of considerable consensus as well as conflict - more consensus than existed in 1948 at the time of the passage of the Universal Declaration. Third, yes, conflict does exist, and we should remember that within the U.S. concept there are many variations, while glasnost is making possible perhaps a wider expression of differing views in the USSR. The only problem is that at public meetings, and in print alongside Westerners, Soviet commentators---especially lawyers, who seem to be less "free" than many other professionals in the USSR, with some notable exceptions like Mikhail Ivanovich Piskotin, editor in chief of Soviet State and Law magazine---have tended to speak in monolithic tones (the "closing the ranks" phenomenon). That they did not entirely on the WABC spacebridge, and that Vadim V. Zagladin, first deputy head of the Central Committee's International Department took a more "liberal" stance than did his colleagues, may reflect Zagladin's greater authority as a high official of the Central Committee International Department.

Out of all this I suggest that you mention that human rights have established themselves as a legitimate item for discussion in great power (and some lesser power relations), and have made significant gains through their promotion by a world-wide human rights movement (of important NGO's, with some support of nation states and IGO's), and within international organizations, even the UN, certainly regional organizations like the EEC, though there is still a long way to go.

Consensus, or at least amicable disagreement, rests on three supports: realistic sense and careful exploration of our country's differing as well as common interests in promoting human rights, understanding, if not agreement with, each other's viewpoint, and a minimal degree of open communication. These might all be considered guidelines or prerequisites for a successful symposium on Human Rights in Today's World.

2. List of Possible Topics. I would add a topic, nonintervention in superpower rights doctrine, or be sure that it is covered by one of the authors. Soviet authors like Kartashkin (see below) tend to assert it, U.S. authors in the mainstream on human rights tend to deplore it, and U.S. embodiment of it in our legislation and politics.

The reality behind this is quite fascinating. I don't want to take a lot of your time here on that - only to suggest that the supposedly "closed" Soviet society is more vulnerable than is the "open" US society, to human rights pressures (not only because of the egregious governmental violations of personal-political rights, but because of the linkages existing between great power interests in agreements and U.S. constituency interests in pressuring the USSR on emigration, and political rights.

On your topic 1, "The Historical Evolution of Human Rights Concepts," and topic 7, "Individual Rights versus Collective (Or Societal) Rights," I would as a reader like to see them in sequence, each with parallel US and Soviet contributions, covering both countries. Topic 1 could cover the concepts of human rights during the last decades of tsarism and the Provisional government, including very Western views of individual rights, among both liberal and socialist writers (see for example Susan Heuman below). Topic 7, moved back to be topic 2, could have two chapters in which an American and a Soviet writer take up this theme of contemporary concepts of human rights in the two countries, including the question of individual versus collective (state, society, building communism, etc.). The parallel chapters could follow, topic by topic, so that similarities and differences in viewpoints emerge, and editors conclude with a summary of the significance of all this.

I think that you definitely should include coverage of the rights of women (Chinese saying: "women hold up half the sky" - and the book market!) and minorities somewhere.

And no less do I suggest that you run a comparison of the nature and significance of the way human rights violations in each other's country are treated and used in the other country, and how this reflects each country's particular political situation.

If there is to be any writing on "an" international human rights conference, it should not become just the hobby horse of the Soviet effort to get such a conference in Moscow, on Soviet terms. That is a very sensitive issue, and you should be careful to be fair to differing Soviet and US viewpoints on this.

4. Procedures to be followed. In any Soviet-American meetings, any that would provide the minimum opportunity for plenary session point-scoring, and maximum opportunity for quiet, private interchange among Soviet and American participants.

Max M. Kampelman
Counselor, Department of State
Negotiator, INF Treaty
U.S. Representative, Helsinki negotiations
2 November 1987

The one point I would make about the work you are doing in the human rights area is that I have serious questions that human rights in tomorrow's world will be any better if they are not much different from what human rights mean today. Indeed, the reverse is likely. I am concerned that there is an effort underway through the Soviets to obfuscate the true meaning of human rights and to envelop it in economic and social terms so as to minimize the fundamental political principle that is inherent in the concept. In effect, human rights, in my opinion, must be locked upon as an approach which limits the powers of government. I do not believe that it has less than universal application. The basic principle that the government may not arbitrarily deprive citizens of life and liberty is one which is till sought after and cherished by all peoples of all cultures wherever they may live. Repression by government for the sake of a worthy cause, even if that worthy cause is called by them a "right", is an approach that I believe we must reject if we believe in democracy and human dignity.

I am aware that the Leninists are no longer openly attacking "bourgeois liberalism". Instead, I sense that they attempt to dilute the discussion of human rights, confuse the issue, and suggest that human rights, as we define it, are of relevance to only one cultural and social system -- ours. What concerns me -- and I have had extensive conversations, exchanges, and negotiations with the Soviets on the issue -- is that we not play along with that "fuzzy-headed" and mischievous approach. I am certain you will keep your eye on the ball.

Stanley N. Katz
President, American Council of Learned Societies, New York
Professor of American Law and Liberty
1 December 1987

the work you and Professor Mishin are doing strikes me as being consonant with the new directions we are taking.

The table of contents and the procedural steps you outline strike me as altogether appropriate, and I have nothing but enthusiasm for your project. As it develops, I hope you will keep me informed, so that I can be sure that the subcommission is adequately aware of what you are undertaking.

George Kennan
Fellow, Institute for Advanced Study, Princeton
15 November 1987

I could only suggest that since this project involves Soviet as well as American scholars, it might be well to include an article on the historical development of human rights in pre-revolutionary as well as Soviet Russia.

Robert E. Lane
Professor Emeritus of Political Science
Yale University
26 November 1987

The idea of a volume on human rights composed of contributions by both Soviet and American scholars is an imaginative and well conceived response to the new possibilities offered by glasnost. It is most welcome.

The outline. There is an ad hoc quality to the topics listed in the outline that suggests an early stage in planning. Philosophers have codified and analyzed the field of rights in ways that might provide a way of relating these topics to each other.

Legally enforceable claims. Lest the idea of "rights" become a compendium of everything desirable, I suggest that the concept of rights be confined to legally enforceable claims. Then, as you remark, the issue may turn on the means of "implementation" - a desirable focus of discussion.

The limits of rights. A system of absolute rights, such as those proposed by deontologists, runs into difficulties: in a conflict of rights there is no basis for resolution. A consequentialist approach permits criteria for resolution. This means that, as Dworkin says, rights are "trumps" but nothing more; they create a presumption in their favor and require exceptionally strong arguments to be overridden. Perhaps those newly converted to the doctrine of rights might profit from a discussion of their limits.

A right to positive governmental performance. The ACLU limits its concerns to rights *against* governmental infringements, but it seems to me that there are important reasons for extending this concept. Exclusive concern for the rights of prisoners against abuse by the authorities forgets that it is often the government officers who protect prisoners from abuse by other prisoners. The rights of a person to protection by the authorities would be a valuable complementary right. This is a little like the right to an *effective* education by the schools currently explored in the courts. Both of these cases suggest a positive right to the services that governments purport to provide. Whether "efficiency" is enforceable or not, I do not know.

Rights against benevolent custodians. Ira Glasser, either the current or a recent Director of the ACLU, has written a provocative chapter in a book he edited with Gaylin (I think) called The Limits of Benevolence. His chapter deals with abuse of patients, the elderly, orphans, juvenile delinquents, etc. in institutions. The premise that because the custodians have in mind "the best interests of their wards" they are immune from claims against them for violating the rights of their wards is graphically discussed by Glasser. Since the Soviet Union seems to hospitalize its dissidents a treatment of the problems in *both* countries might be valuable.

Which rights are most fundamental? It is an accident of history (or a case of protecting economic interests) that we regard political rights as the most fundamental. Starting afresh, one might say that the right to income and work are primary; only after these are satisfied do we turn to freedom of speech, assembly, petition and so forth. Here the Soviets may have the advantage. It would be useful if this point could be developed, but lest it become a matter of rival claims to priority, the treatment should be philosophically well grounded, preferably in Western philosophy. I would hope that the right to useful work would be given a standing equal to the right to the means of subsistence (income).

Economic development and democratic rights: a possible tradeoff. If we look at the economically successful third world countries of Asia (Singapore, Hong Kong, Taiwan, and South Korea) we find a history of systematic violation of political and civil rights. Yet people there live much better than they did. We cannot say that they would have developed more rapidly if they had lived in democracies protected by bills of rights. I hope the chapter on rights and the Third World treats this problem of possible tradeoffs between living better and civil rights with some sympathy for living better.

Political philosophy and social science. There is nothing in the discipline of philosophy that offers insight into causal relations, but philosophic treatments are loaded with causal theory. This raises problems for consequentialist treatments of rights (the most satisfactory kind of treatment), for consequences imply causes. Thus, collaborations between philosophers (with their sophistication in conceptual analysis and knowledge of the history of the arguments) and social scientists (with their habit of discerning implied causal hypotheses and, at least mentally, devising tests for these hypotheses) might serve you well.

Joseph LaPalombara
 Director, Institution for Social and Policy Studies
 Yale University
 30 November 1987

1. It seems to me that you neglect your own life-long demonstration that one of the greatest "enemies" of human rights are the complex administrative organizations manned by the kinds of mindless bureaucrats described by Franz Kafka.

2. What about the rights of people who fall prey to disease of epidemic proportions such as AIDS?

Walter Laqueur
 Center for Strategic & International Studies
 Washington, DC
 26 October 1987

Thank you for your letter. I fervently hope that the time will come when a volume of this kind can be put together-- and serve a useful purpose. But I am not sure that the time has come yet. I may be mistaken-- in which case I shall apologize. In the mean time, best wishes for success.

John P. Lewis
Director, Research Program in Development Studies
Woodrow Wilson School of Public and International Affairs
Princeton, NJ
25 November 1987

1. Under "collective rights" I should think someone might have a go at the limits of national sovereignty, which surely is the world's worst institutional roadblock. It would be great to see the U.S. and the Soviets jointly trying to graduate the governance of the UN from the silliness of one-flag, one-vote.

2. I think of individual rights as entitlements -- partly entitlements to ... do this or that ... but perhaps most critically as entitlements to protecting against ... this or that. And on that score I should think you'd want a paper examining protection against injuries issuing from private/nonofficial sources compared with that against governmental restraints, oppression, etc.

3. I'm not sure whether the following is covered in #5 on your list or whether it is represented only by your #10 also-ran, but (even though your prospectus says you will not concentrate "on formal ... constitutions") I think you must have a central concern for what it is that gives rights enduring reliability -- something more than wall ornaments repealable by the next whim of the majority.

4. And if you do tip over into constitutionalism, you may want to ponder to what extent constitutionalism rests on the habituated selfrestraint of the military.

Charles E. Lindblom
Professor of Political Science
Yale University
30 November 1987

Great idea! and basically well worked out already.

But maybe the first line should read "What are or ought to be human Rights? How is such a question to be decided and what might they become in the future?"

The first 2 subjects on your list of minimum papers may not be necessary. . .

The sentence about editing should read: The final draft of each paper will be determined by each author, subject to editorial review to achieve integration.

On the specific rights listed in the next 10 possibilities, just what do you want discussed about each? origins? justification? implementation?

Jules Lobel
Associate Professor of Law
University of Pittsburg
7 December 1987

I have read through the proposed prospectus and find it to be an exciting and ambitious project. We need this type of a project in order to better understand the differing views on human rights. In general, your overall outline of topics includes most of the important issues and sets forth a good overview.

I had a few suggestions. First, I'm not sure what you mean by Human Rights and the Mass Media. Second, there are certain areas which I think should be more explicitly covered which are as of now not explicitly included. There should be some discussion on the whole notion of judicial enforcement v. political enforcement of human rights; and the issue of judicial review of legislative and executive acts. I also think there should be some discussion of the uses of human rights rhetoric as a sword in foreign policy: the actual role that human rights issues play in U.S. and Soviet foreign policy and what their roles should be. Finally, unless you clarify the definitions more, I think you have a little too much overlap. I would try to define the topics a little more clearly and distinctly, i.e. human rights and the "Living Constitution" to indicate a little more what you are getting at.

Manning Marable
Chair, Department of Black Studies
Ohio State University, Columbus
24 November 1987

Thanks for the outline on Human Rights in Tomorrow's World. I have no fundamental criticisms of the draft, although I would have a few suggestions. I like the idea of having Soviets write about the U.S. and vice versa. But I think that it would be beneficial to good to invite critical commentary on the limited definition of "human rights" inside the U.S.--that is, the limitation of the concept of rights to narrow legalistic terms, rather than social and economic concepts and policies--to several American writers. It would also be a plus to have one or two Soviets discuss human rights and its relationship to perestroika, the new Gorbachev agenda.

Rita Maran
 Founding Member, Human Rights Advocates
 Berkeley
 13 December 1987

The separation into the two Covenants, one on Civil and Political Rights and the other on Economic, Social and Cultural was, as we have discussed, a matter of political expediency. Speaking for myself and as a founding member of Human Rights Advocates, we uphold and promote the notion of parity of the five classes of rights. It was on that account more than on any other that the United Nations Committee on Non-Governmental Organizations granted HRA consultative status with ECOSOC in 1985, making us, as I may have mentioned before, the sole U.S. human rights organization approved at that time.

I see it as of paramount importance, on behalf of the implementation of economic as well as political rights, that such undisputed rights as security from torture be shown to be ineluctably linked with other rights across the board, and that the strengthening of this right lead to firmer implementation of international human rights law in all of the classes of rights. The policy of governments that take, as the U.S. does, a discretionary approach to respect for economic rights will be more readily brought into line with international obligations on human rights as respect for the civil right not to be tortured is more firmly applied.

Michael Marien
 Editor, Future Survey
 World Future Society, Bethesda, MD
 13 November 1987

The prospectus for "Human Rights in Tomorrow's World" is intriguing. A worthy project. Perhaps best subtitled: An American-Soviet Dialogue. My biggest question: where's the acknowledgement of any sense of "Tomorrow's World"? False labeling, unless your authors give some consideration to new information technologies, new biotechnology, growth of pollution and environmental degradation (is pure water a human right?), advances in military technology, ~~and~~ the shaky world economy, and the possible spread of the AIDS epidemic in the 1990s (it can happen here: see Nov. FS) A true time of testing, despite flourishing of the notion since WWII (see Nickel, FS 9:8, #87-449; his publisher--U of Cal Press--would be a good one for you). Two adds to your page 2 list: 1) Chap 8 on "Human Rights in the Third World" raises the tricky question of human rights in the superpower satellite countries, which might be interesting to address in your volume (how can US stay out of Central America, the USSR out of Afghanistan, and China out of Tibet?). Also add the right to migrate (see FS 9:8, #87-448).

Charles W. Maynes
Editor, Foreign Policy, Washington, DC
9 December 1987

I think that it is an exciting project that could open up a constructive dialogue on a subject heretofore dominated by shouting and accusations.

I do have the following comments:

--The stress on implementation rather than on formal declarations or laws is excellent and should at all costs be maintained.

--Unless you have a Soviet and an American author for each topic, are you not creating for yourself an inevitable editorial fight, particularly if some of the papers turn out to be controversial, as they undoubtedly will?

--It is not clear to me whether each co-editor has a veto over what will appear in the volume. I would think that the arrangements could be that each co-editor in the final analysis is responsible for the papers of his compatriots.

--I think the project needs to examine the issue of whether there are different standards of implementation for political as opposed to economic rights. Does progress in one area justify ever failure at full compliance in the other?

--The conference might usefully examine what rights and duties sovereign states have accepted in the enforcement of internationally accepted human rights standards outside their own borders.

Ellen Mickiewicz
Professor of Political Science
Emory University, Atlanta
2 November 1987

I was most interested to read your letter and learn of your plans to explore issues of human rights with Soviet colleagues. It seems to me a pioneering and important enterprise.

As you might imagine, the tension between Western and Soviet interpretations of human rights is generated by the differences between the civil/political grounding and the economic grounding. Further differences have been generated by an extension (on the part of the Soviet Union and certain Third World nations) to rights of peoples. I do think that unless these basic philosophical principles can be explored, the participants tend to talk past each other. Two other very good texts, I found, are Alasdair MacIntyre's After Virtue, and Ronald Dworkin's Taking Rights Seriously.

I mention these because I do think that your proposal has the potential to have both sides address common issues, and there is always the danger that these important differences in basic understanding and values, if not brought out, will not be clarified. Your opportunity, it seems to me, might be precisely to reach a deeper understanding of the basic sources of rights (and obligations) and to see what areas of common agreement can be reached and how divergences can be made complementary, rather than adversarial. Thus, you might want to include some of the people, like Dworkin and MacIntyre (and, from the Daedalus volume, Cranston, Hoffmann, and Tracy), who have thought about precisely these questions.

I do think that there is a fundamental problematic in the continuing extension of our understanding of "human rights," since the ever-widening circle of the definition leads fairly quickly to a problem in conflicts of rights, and then either to a breakdown in dialogue or a return to the question of the source and viability of particular stipulated rights. I do not mean that the problem is the extension of the concept of rights to those who had not previously enjoyed rights (that is a different issue), but rather the proliferation of stipulated rights themselves.

Barrington Moore, Jr.
Russian Research Center
Harvard University
30 November 1987

Let me say right off that I do not believe there is or can be any such thing as human rights. No one has rights due to the simple fact of being born a human being. Rights are granted by groups of human beings organized in various ways (including the state, but not limited thereto), often in the course of severe and bloody struggles. At the same time I recognize the widespread tragedy inherent in the absence of rights called human throughout so much of the world today.

Turning to your specific project, I strongly suspect that the result would be quite predictable in the sense that intelligent Marxist and liberal positions on the nature of rights in their respective societies are reasonably well known. There would be some value to presenting the views of Soviet dissidents about western democracy. At least I have found some of them moving if pathetic. There is also some significance to the fact a liberal-democratic strain has also turned up in Chinese opposition. But it is impossible to combine such material with a contribution by an "official" spokesman such as Professor Mishin.

Stanley Moses
 Professor of Urban Affairs
 Hunter College, City University of New York
 8 December 1987

I believe this volume presents an outstanding and unique opportunity for issues of human rights to be examined in a political context that goes way beyond the traditional confines of academic scholarship. The very process of creating the dialogue and developing a process for interchange could itself become an agent for change affecting the content of USA-USSSR relationships.

I like the suggested outline but believe more attention should be given to discussion of the unique historical circumstances which have determined differences in how rights have developed in the USA and the USSR.

I think this volume could play a major part in highlighting the missing and incomplete dimensions of human rights in the USA and USSR, especially in regard to the contrasts in emphases given to political, social and economic aspects of human rights. But I think it will require great skill on your part to stimulate both the American and Russian groups to keep their eye on the ball.

William Nelson
 Professor of Philosophy
 University of Houston
 12 November 1987

I find the topic vexing. It seems to me salutary to concentrate, as you do, on issues of implementation. We need that far more than we need more extensive manifestoes or academic analyses of what rights are anyhow. But discussions of implementation are also just academic unless we assume a commitment on the part of national governments, or at least influential and substantial portions of their populations, to the rights in question. That suggests, again, that we would do well to try to seek consensus on a short list of rights for which relatively widespread enthusiasm could be generated--one thinks of the specific rights on which organizations like Amnesty International tend to focus, rights against torture, for example. If we can't work out how to implement that one, or can't get agreement that it is a right, then we can't expect to get far at all. If we can, we will have made real progress.

James W. Nickel
Professor of Philosophy
Center for the Center of Values and Social Policy
University of Colorado, Boulder
6 October 1987

I think that the sort of volume you have in mind would be useful if it would address some of the ideological blind spots on both sides.

In my opinion blind spots of many in the USA include:

- o Failure to recognize welfare rights as genuine human rights.
- o An inadequate conception of the relations between civil and political rights and economic and social rights.
- o A shallow conception of democracy.
- o Excessive complacency on minority issues; a belief that our problems with minority rights are basically solved.
- o An unwillingness to recognize the legitimacy of international measures to monitor compliance with human rights; a belief that international scrutiny is for less virtuous countries.

I think that Soviet blind spots include:

- o Failure to recognize the individuated character of rights.
- o An inadequate conception of the relations between civil and political rights and economic and social rights.
- o An inadequate conception of economic rights that fails to address issues of productivity (see ch. 9 of my Making Sense of Human Rights).
- o A very limited commitment to democracy in practice.

It is interesting to note how much these blind spots have in common when given an abstract description. Perhaps the changes going on in the USSR will lead to greater willingness to address some of these matters. And perhaps a new administration in Washington will have the same result.

Joseph S. Nye, Jr.
Director, Center for Science and International Affairs
Harvard University
17 November 1987

I find it an interesting and timely proposal, given the changes in Moscow. I hope you will move ahead with it.

James F. Petras
Professor of Sociology
State University of New York, Binghamton
1 December 1987

Regarding the proposed manuscript, I think it is very timely for several reasons, but most particularly the decay of concern for gross human rights violations by Western client states. Hegemonic decline and the attempts at hegemonic revivalism has led to the most unsavory alliances and making crime respectable. The Iran-gate is an extension of mass murder in Central America. So one topic is declining hegemony and human rights. Another is the relationship between electoral regimes and human rights violations. There is a strong correlation in El Salvador and the Philippines. A third area is the role of social movements and social revolutions as affirmations of human rights: the strongest blow to the machinery of death in our hemisphere was the Sandanista revolution. The worst blow to human rights was the U.S.-Pinochet counter-revolution. Of course, there are many complexities and nuances, but the point is that the struggle for human rights must be located within specific world-historical social contexts. The book would be a major contribution if it avoided the olympian judgement that condemns struggling popular guerrilla armies and the U.S. surrogates with the same brush.

Adamantia Pollis
Professor of Political Science
New School for Social Research, New York
8 December 1987

1. I realize that the subjects you list are tentative and not explanatory, but the very first topic "The Historical Evolution of Rights Concepts" is usually dealt with in terms of Anglo-Saxon modern political philosophy with individual rights at the core. If this is to be done, it should include the different traditions, e.g. legal positivism and Marx.

2. A subject that should be dealt with, which is implied in your prospectus but is not clear, is an attempt to integrate the conflicting conceptions of human rights in the East and the West. Despite the ideological emphasis in the East on economic and social rights and in the West on civil and political rights, I believe the two sets of rights can and should be joined. Item 9 (the relation between political and economic rights) should deal with them not as distinct sets of rights, or in terms of a prioritization, but should deal with their interdependence.

3. One subject that is missing from this prospectus which might be considered is the incorporation of new sets of rights such as basic needs, the environment and popular participation. The latter necessitates a re-thinking of the notion of political rights.

4. With respect to the third world, one cannot speak of human rights as a whole since there are sharp differences between many third world countries. Some, such as Mozambique, Angola, Nicaragua etc., adhere to a variant of a socialist ideology and/or emphasize basic needs.

5. Another passing thought, but I am not sure that this fits in the context of the overall framework of the conference, is the role of the state and its legal apparatus both in defining human rights and in implementing or violating them. This issue, by the way, cuts across both the East and the West.

6. Another possibility, where you talk of "How Can Human Rights Be Won, etc." is a consideration of state sovereignty and the state as constraints on the implementation of rights.

David Porter
 Dean, School of Business and Public Administration
 California State University, San Bernardino
 13 November 1987

First, I think you may be giving too little attention to the historical development of the concepts of human rights. One article will not cover the evolution of these rights in Europe, Russia, England, America and selected Asian countries. One article may want to explore the contrasts between concepts of human rights in Marxist and non-Marxist (particularly American) philosophies. Perhaps that is the intent of number seven in your list of minimum requirements. If so, I do not think it accurate to characterize Western Europe and the U.S. as "individual" rights and the East Block as "collective or societal" rights. I suspect, but do not know because of my limited understanding of Marxist literatures, that attitudes toward human rights in the U.S. and Russia are fundamentally different in part because of the differing philosophical bases from which we begin our considerations.

Second, I do not see an article which works at defining overall what human rights are. In the American setting, human rights are equated with protecting minorities from the tyranny of the majority. Our Bill of Rights concentrates on protecting minority rights in freedom of expression, due process in criminal proceedings and eventually prohibiting discrimination on the basis of race and gender. I suspect a Marxist may conceive of human rights more in terms of providing basic services needed for the good life, i.e., health care, education, employment and environmental safety. I think your volume would be stronger if such an analysis were included.

Third, I believe you give too little attention to the relationship between economic rights and political rights. You mention this topic as number 9 in "other possibilities." Americans believe that free enterprise, human rights and democracy are divinely intertwined. Every July 4th speech mixes these three sets of concepts shamelessly. It is clear, however, that free enterprise can take place in a setting of political totalitarianism where there is little concern for human rights. A careful investigation of the relationships between economic and political rights, together with an assessment of the perceived importance of each of these, seems to me to be very important. As we talked during our last visit, it is quite possible that the desire for economic liberties may be much stronger in many cultures than the desire for political liberties, especially if these political liberties are of the American variety which guarantee the due process rights of minorities rather than the basic human need rights of health care, education and employment.

Austin Ranney
Chair, Political Science Department
University of California, Berkeley
8 December 1987

The prospectus for your book with Mishin on Human Rights is certainly a new thing under the sun, and I think it is worth a shot.

Marcus Raskin
Institute for Policy Studies
Washington, DC
30 November 1987

I think there are two overarching areas which should be covered in your book.

Is there a human right against war, especially wars of mass destruction? Also, what does that mean and can it be enforced under international or domestic law?

Is there a human right against despoilation of the environment and does one nation's citizens have an action against another nation to enforce that right, for example in such cases as nuclear waste dumping, destruction of the ozone layer, meltdowns which cause damage to nationals of other states as well as one's own?

Daniel T. Rodgers
Professor of History
Princeton University
1 November 1987

It does strike me that the question of rights in practice needs a place, and a prominent one. Maybe that's embraced in "Guarantees" or the concept of "Living Constitutions." But I am enough of a legal realist, I guess, to think that it's execution that counts--not only when one deals with the gap between Soviet rights language and rights practice but with the U.S. as well.

Herbert Schiller
Professor of Communication
University of California, San Diego
1 December 1987

My guess is you will want to get individuals especially from the field of law and constitutional rights. Others from political science, sociology, etc. present great problems unless you can identify thinkers who break out of the limits of the 40year old "debate."

Henry Shue
Director, Program on Ethics and Public Life
Cornell University, Ithaca
10 December 1987

1. A 'love-in' would be a waste of everyone's time, and I see no reason to think that it is what is contemplated. On the other hand, simply trading 'the usual accusations' is equally unlikely to get anywhere. I say this a propos:

In some cases a Russian will write about the USA and an American about the Soviet Union. In other cases authors will write about both countries. (Prospectus, p. 1)

The latter especially concerns me, for two reasons. First, I wonder who is qualified to write authoritatively on the human rights situations in both these nations - offhand, I cannot think of anyone on this side. Second, I know from working with Amnesty International, an organization for whose practical good sense I have boundless admiration, that AI firmly abides by the no-comparisons principle. Are human rights violations in Turkey worse than in Guatemala? No answer - AI will tell you what is happening in Turkey, and it will tell you what is happening in Guatemala; they will tell you whether things in Turkey are better or worse than they used to be in Turkey, and they same for Guatemala; they will not, however, rank except in the most extreme cases.

Overall assessments of performance on all rights taken together are probably meaningless anyway because of 'weighting problems' (How much freedom of the press balances how much hunger?) Second, you might include instead as an appendix the latest version of what AI has said about each from its Annual Report. Third - and more important - you could require authors to restrict themselves to relatively manageable and meaningful bounded topics like, say, "Rights to Food and Shelter" (Hunger and Homelessness) or "Rights of Ethnic Minorities." Even here what is really useful is: here is where the Soviets are failing and succeeding and here is where the Americans are. To go on to the further judgment: "... but on the whole, we/they are doing better" has no practical usefulness. We should fix what we should fix, whether we are "ahead" or "behind" in the "race", and they should fix what they should fix. Arguments over who is ahead tell us nothing useful and distract us from concrete judgments that might be of some practical value. Fourth, and best, would be if writers on each side would analyze the failings on their own side, which they probably understand better anyway. Maybe - probably too much to ask - there could be an understanding that in exchange for avoiding invidious comparisons people on each side will analyze some of the major failings on that side.

2. It is of course quite critical what are taken to be the fundamental categories of rights. I, as you appreciate, think that basic versus non-basic is much more helpful than civil & political versus economic & social. Jack Donnelly and Rhoda Howard, for example, are trying out the four categories: survival rights, membership rights, protection rights, and empowerment rights, in a draft they sent some time ago. The Carter administration had a tripartite list (Vance's famous speech); FDR, as you know better than I, had four freedoms, etc. It would be useful to have a discussion of how alternative frameworks for categorizing rights tend to 'tilt' in favor of certain rights or kinds of rights over others. Donnelly, Nickel, Shapiro, or I could probably find something useful to say about this, if asked. This is close to your "other possibility" #9 (prospectus, p. 2), except that it attacks, rather than uses, political y economic.

3. Rightly or wrongly, the conventional wisdom is that the US does particularly well on civil & political rights and the USSR does particularly well on economic & social. (Besides objecting to the categories, I think this is misleading in various ways.) Nonetheless, given the perception, it would be useful to have (a) an account of the Soviet record on 'civil & political' (minus the comparison with the US - see point 1) and (b) an account of the American record on 'economic & social' (minus the comparison).

In other words, "here is what we are doing in the area in which we are thought not to be doing very well." By 'record,' of course, I mean actions, not declarations.

4. In general, I tend to like several of your "other possibilities" better than your basic subjects because of their greater specificity. In particular, basic subjects #9 and #10 seem too vague to be likely to yield anything very helpful, while other possibilities #1-6 are the more concrete topics on which useful discussion might be held.

Philip Siegelman
Professor of
San Francisco State University
7 December 1987

The title and the subjects listed are perfectly OK; everything will depend (as always) on the quality of the individual contributions and on the willingness of the editors to encourage candor and scholarly excellence. Given what I regard as a notorious record of massive human rights violations on the Soviet side, I believe it will be a miracle if your Soviet co-editor is able to consent to contributions which are an honest assessment of Soviet practice. In the absence of that honesty, the entire enterprise will simply become an exercise in public relations which will not constitute a contribution to the realization of human rights as defined by the Universal Declaration and similar documents. I confess to being concerned that the sheer fact of such a collaborative work should not in itself be seen as testimony to an authentic effort to advance human rights unless the analysis of East-West theory and practice is entirely straight-forward.

One way of assuring an honest assessment is to elicit contributions from scholars, writers and activists who have been part of the human rights movement during the past decade.

Gordon Skilling
Professor Emeritus of Political Science
University of Toronto
26 October 1987

Of course, the prospectus is interesting although badly titled. Where does the "world" come in? Or do all the topics deal with the world as a whole? It seems it should have an emphasis on Soviet-American conceptions in the title. 416 978 3330

The Helsinki agreements - this should read the Helsinki process - From Helsinki to Vienna. (including Belgrade, Madrid, Ottawa, etc.

Who are the enemies of which human rights? Seems out of place in a scholarly conference. Are both sides going to call the other an enemy?

A dialogue on such rights as employment or education would be interesting, as it would help to dispose of the specious Soviet claim that they embody economic and social rights, etc. etc. as opposed to the Western emphasis on civil and political rights.

The emphasis should be on the processes of implementation, yes, but also on the actual implementation in both countries.

Peter H. Solomon, Jr.
 Professor of Political Science
 University of Toronto
 24 October 1987

What a valuable project you have taken the initiative to develop! I am encouraged by your choice of partner. Like most Americans who have spent a year at MGU's law faculty I know and respect Avgust Adolfovich Mishin. As you know, he has taught two generations of Moscow students about American and comparative government, and he is decent and well-motivated person.

My main reaction to the details of the proposal is the following. I am not sure whether you have ensured that due regard will be given by the authors (especially from the Soviet side) to what are sometimes called 18th century rights, i.e. freedoms--of speech, assembly etc without persecution--as opposed to 19th century rights like the right to work or the right to social security (in the broad sense). The more emphasis is placed upon the social rights the easier it is for Soviet authors to write their minds; for, at least on the surface, the USSR as a welfare state has performed adequately in this realm and can hold its own with many Western states. Yet, what most in West care about are the political rights, the freedoms and possibilities for political activity that Americans have so valued. To be sure, these matter less to Most Russians, but for your book to be successful, I think, you will want a balance. Neither the list of subjects, nor the paragraph listing other possible foci for papers, assures that the book will find a happy medium.

James L. Sundquist
 Senior Fellow Emeritus
 The Brookings Institution. Washington, DC
 8 October 1987

On a quick reading of your prospectus, all of the topics look pertinent and interesting, but taken in their entirety they strike me as perhaps out of balance. I've been to endless conferences on Constitutional rights this year -- some of them international or binational -- and discussion always centers on substantive definitions of rights with little attention to administrative and judicial processes. Perhaps concern with processes is implicit in some of the titles (such as "How Can Human Rights Be...Made a Reality" in item 9) but a more explicit emphasis might be appropriate. In speaking to people from other countries, I find their interest not only in our Bill of Rights but in our independent

Supreme Court as the guarantor. That mechanism becomes the key because without ~~it~~ a guarantor the statements of rights in various constitutions are, obviously, meaningless.

So along with your twenty essays dealing with the substance of human rights, how about one or two dealing with questions of how independent courts operate and how their independence can be sustained? Another chapter, perhaps, on administrative agencies and how their internal procedures can be controlled so as to preserve rights?

If my memory serves, you used to be a professor of Public Administration yourself! Let it show.

Alvin Toffler
Futurist, Author of "Future Shock"
Los Angeles
3 November 1987

The project is splendid. Long overdue for someone to look at future of human rights. I once tried to get the European Parliament to sponsor a conference on this topic.

I'm sure this has occurred to you, and that you've discussed it, but shouldn't some of the papers be addressed to specific issues of the future -- e.g. privacy, genetics, birth technology, rights to access data bases, etc.?

Michael Walzer
Institute for Advanced Study
Princeton
20 November 1987

If it comes off, your Human Rights in Tomorrow's World will make an interesting book. More interesting, it seems to me, if you select your topics from the list of "other possibilities" rather than from the list of

"minimal requirements." The "other possibilities" are more precise, more substantive: they leave less room for official or semi-official papers. But the hard question is whether the Russian contributors can write honestly & ~~and~~ address the real problems of "socialist" societies. I have my doubts, for what I have read of Soviet moral & political philosophy is pretty dim stuff. This will be a test for glaucost! Perhaps Russian papers should be discussed and commented on by Americans, American papers by Russians. The process you describe doesn't maximize the possibilities of criticism.

Carl Wellman
 Professor of Philosophy
 Washington University, St. Louis
 6 November 1987

Your project of a volume of papers on human rights authored by persons in our country and in the Soviet Union is important and potentially very valuable. It would promote more enlightened discussion, both theoretical and practical, on issues of significance for all of us.

Your prospectus seems fine to me. I do have, however, two slight worries. First, the meaning of "North" and "South" on page one is not as clear to me as the East-West distinction. My first thought was our own Civil War, and my second the civil rights movement. The former is surely not what you had in mind, and the latter seems slightly off-target. Can you think of more perspicuous language here? Second, you write on the third page that "Decisions on final publication of each article will rest entirely with the co-editors." Does this assert or imply that the editors might in the end refuse to publish one of the papers? If you do mean this, you might find it hard to tempt the very best persons to put the time and effort you are asking for into their papers only to have them rejected in the end. If not, you might make it clear that you do not contemplate this.

Brian Winston
Dean, School of Communications
Pennsylvania State University
19 November 1987

I'm delighted to note that you include human rights and the mass media within the volume and I am sure that Kusum is as well equipped as I am to offer suggestions as to how this topic might be pursued. One thing that occurs to me is that the initiative on the new world information order was so grossly misrepresented in the Western press it might be a good idea to have Schiller or maybe Gitling address the issue in more reasoned terms.

The other main topic that occurs to me in this connection is to do with the rights of subjects as an ethical issue--but I am not sure that this is not the sort of luxury that we can allow ourselves but which sits very badly with people in less privileged circumstances. Of course if you were to pursue the question of minority rights in connection with the media then I think that this topic would rise to the top of the pile.



PEACE AND CONFLICT STUDIES
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ROOM 110, BUILDING T-5
BERKELEY, CALIFORNIA 94720
September 18, 1987

Prospectus

for

HUMAN RIGHTS IN TOMORROW'S WORLD

Co-Editors:

Bertram Gross, Visiting Professor, Peace and
Conflict Studies, Univ. of California,
Berkeley

Avgoust Mishin, Professor of Constitutional Law,
Moscow State University

What are human rights? What have they been and what might they become in the future?

Despite international covenants on the subject, there are vast differences in the way people answer these questions. They are not only the source of conflict within most countries; they have also become a source of conflict between "West" and "East" and between "North" and "South." They have even become a hot issue in the "Cold War."

This volume will consist of a carefully integrated set of essays by 6 or 7 people from the United States and 6 or 7 people from the Soviet Union. In some cases a Russian will write about the USA and an American about the Soviet Union. In other cases authors will write about both countries. All essays will be written in the perspective of (a) the world as a whole, (b) historical trends, and (c) future dangers and desirabilities. Above all, all essays will deal with the processes of implementation rather than concentrating on formal declarations, laws or constitutions alone.

Before the specific subjects are crystallized and authors are invited, there will be consultation with many people on the scope and aims of the volume.

To promote discussion, the co-editors tentatively suggest the following subjects as minimum requirements for the volume:

1. The Historical Evolution of Rights Concepts
2. From the U.N. Charter, the Universal Declaration, and the Two Covenants to the Future
3. The Helsinki Agreements: What next?
4. Human Rights and the Cold War
5. Human Rights and the "Living Constitutions"
6. Human Rights and the Mass Media
7. Individual Rights versus Collective (or societal) Rights
8. Human Rights in the "Third World"
9. How Can Human Rights Be Won and Made a Reality?
10. Who Are the Enemies of Which Human Rights?

Among the many other possibilities are these: (1) The Rights of Ethnic and Other Minorities, (2) The Rights of Women, (3) The Right to Employment, (4) The Right to Education, (5) The Right to Organize Labor Unions, (6) Property Rights, (7) Rights and Duties, (8) A Future World Conference on Human Rights, (9) The Relation between Political and Economic Rights, (10) Guarantees: Constitutional, Legal, Administrative, Confrontational, etc. etc.

Obviously, many of these subjects overlap. Quite a few of the authors will inevitably touch on many of these subjects or even concentrate on two or three together.

The final title of each paper will be determined by each author.

The final text of each paper will be determined by each author.

The editors -- either separately or jointly -- will make suggestions to each author at the beginning of the process. Each author will be encouraged to submit a first draft that can be circulated among interested and helpful persons. Most authors will then want to benefit from suggestions by the editors and other colleagues or commentators.

The final drafts may not exceed 25 typewritten double-spaced pages. Some authors may want to exceed this limit in a first draft and then condense the material later.

To the fullest extent feasible, all drafts will be made available in both English and Russian. This will be particularly important for American authors who -- unlike most of the Russian authors -- will probably not be able to read the other language.

For every draft article written by an American, interested experts will be invited to take part in a roundtable on that article under the auspices of the Peace and Conflict Studies Program at the University of California, Berkeley. Russian authors will probably want the benefit of similar sessions in Moscow.

Decisions on final publication of each article will rest entirely with the co-editors.

Subject to further consultation, authors will be asked to submit their articles sometime during 1988 -- except for those authors who have reason to delay their text until after the Inaugural Address of the new President of the United States.

By that time, the co-editors will decide on whether or not to invite a message or an article from both the President and the General Secretary of the CPSU Central Committee.

A Russian edition of this volume will probably be published simultaneously in the Soviet Union.

Because the co-editors are interested mainly in both excellence and in having the world reap the advantages of open dialogue between American and Soviet scholars, the date of final publication will not be rushed. 1989 is possible, but 1990 seems more likely . . .



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1382 Camino Peral
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November 4, 1987

Stanley N. Katz, President
American Council of Learned Societies
228 East 45th Street
New York, NY 10017-3398

Dear Mr. Katz:

During a recent trip to Moscow, I entered into some frank discussions on different approaches to the embattled subject of human rights in today's world.

These discussions led to the preparation of the enclosed prospectus for a set of essays on Human Rights in Tomorrow's World, to be written by 6 or 7 Americans and 6 or 7 Soviet scholars. My colleague in preparing this volume is Dr. Avgoust Mishin, Professor of Constitutional Law at Moscow State University.

Before any invitations are sent to possible authors, we are asking a few exceptionally informed people to suggest improvements in the statement of purposes, the list of possible topics, the procedures to be followed, and the time schedule. Hence this letter . . .

We hope that you may find time to glance through the prospectus and send me your frank reactions or suggestions as quickly as possible.

You may also want to suggest the names of those people in either country who are best qualified to write on various aspects of this subject.

Looking forward to hearing from you in the not-too-distant future, I am,

Sincerely,

Bertram M. Gross
Visiting Professor
University of California, Berkeley
Peace and Conflict Studies;
Visiting Professor, Great Books Program,
St. Mary's College of California; and
Distinguished Professor Emeritus
City University of New York.

Enc.

September 20, 1987

A Human Rights Round Table in Moscow (Sept. 7-8, 1987)

An ultra-brief report by Bertram Gross
 Visiting Professor in Peace and Conflict Studies,
 University of California, Berkeley, and in the Great Books Seminar,
 Saint Mary's College of California

In August I received a phone call inviting me to Moscow for a Round Table on Human Rights organized by the Novosti Press Agency. With friends ready to "sub" in my seminars on Capitalism, Communism, Fascism (UC Berkeley) and Greek Thought (Saint Mary's College) I accepted. I then spent three weeks of preparation by reading old and new books (including my own) and discussing present trends in the USSR with the authors of Soviet Dissent (Ludmilla Alexeyeva) and Soviet Women (Berkeley Prof. Gail Lapidus), and with officials of the U.S. Helsinki Commission, the Council on U.S.-Soviet Relations, the American Psychiatric Association, Amnesty International, and the National Emergency Civil Liberties Committee. I was warned that I might be used in a public relations stunt.

During my brief visit, I suffered from neither culture shock (having been in Moscow, Warsaw and Havana in earlier years) nor jet lag (having adhered successfully to the new diet-exercise program for avoiding jet lag). My problem was more serious: intellectual indigestion. The atmosphere was so full of new ideas, challenges and contradictions that I recalled my somewhat similar confusion upon arriving in Washington, D.C. during the early days of the New Deal. Indeed, the views expressed by the various round table participants were so extensive that I shall not try to summarize them. Back in California, I am now forced to start a difficult process of rethinking that will take additional visits, many years and many debates at home and elsewhere before I find out what I think I saw and what I should really think. So I hasten to bring some order into my reminiscences, reserving my constitutional right to revise my views as I approach 2,000 A.D. and maturity at 88. . .

On arrival I found that I was the only American on the Round Table (probably invited because my Friendly Fascism (1980) identified me as an American "dissident"). The other "Westerners" were Jonathan Steele, the chief foreign correspondent of the Guardian (London), two French law professors, and an Italian communist Senator. On the Soviet side of the oblong table sat one law professor (the chairperson), the Russian Federation's Minister of Justice, the head of Novosti Press agency (a Ph. D. in history and member of the Central Committee), three history professors (of whom two specialized in U.S. history), and two leading journalists. The discussions were wide open, covered an enormous range of subjects, included some sharp debates among the Soviet participants, and were all taped for possible future TV use. I haven't the foggiest idea how they have been or will be used. No member of the foreign press, by the way, came to report on the round table.

Among the many things I heard from Soviet professors, officials and media people and from the Soviet press (and from many documents from Novosti Press Agency) were these:

I. The new policies of openness (glasnost) and restructuring (perestroika) are

Human Rights Round Table in Moscow

- (1) genuine changes in Soviet society that would
- (2) loosen up a stagnant, over-centralized system of bureaucratic planning and control,
- (3) lead toward an improved socialism (not capitalism) under more effective "Leninist" style leadership by the Communist Party,
- (4) provide some more democracy through improved legal protection for individuals and more use of market mechanisms,
- (5) being advanced vigorously by the official media as well as by intellectuals,
- (6) but face stubborn and habit-bound resistance by "apparachiks" and "provincials," and
- (7) would take an entire generation to complete, particularly since previous "openings" under Khrushchev and Kosygin were followed by "tightenings." Also:
- (8) Laws against homosexuals are not really being enforced and will soon be eliminated.
- (9) The death penalty should be abolished but because of "popular opinion" may only be restricted in scope.
- (10) Data on crime and drug addiction will soon be made public.
- (11) "Instead of painting the USA in crude black and white, we shall now use all colors and shadings."
- (12) "We want to learn from the experiences of all other countries, irrespective of their systems or ideologies."

II. Among the things I noticed or viewed were:

- (1) hot debates and investigative journalism in the rejuvenated Moscow News as well as Pravda,
- (2) a reticence toward any open talk on Afghanistan or on where small steps toward political democracy might eventually lead,
- (3) selective ignorance concerning Soviet history, including many of the horrors of Stalinism,
- (4) top official dexterity in countering the extremes of traditional overplanning by encouraging extremist nonsense by Soviet "free market" economists on the "true costs" to be introduced by a little more market competition,
- (5) deep concern over Western criticism on the issue of Jewish emigration and a few other aspects of human rights,
- (6) long sustained Soviet inferiority in serving native or foreign clients in hotels and restaurants,
- (7) clear Soviet supremacy on scenic affects in the Moscow State Opera, in children's cartoons and in TV's presentation of both poetic recitations and aerobic dancing, and
- (8) enormous interest in American literature, films, media politics,
- (9) considerable pride in being a highly educated rather than a peasant society, and
- (10) delight in self-critical jokes that, if told by Americans, would be regarded as anti-Soviet.

Human Rights Round Table in Moscow

III. At the roundtable or in media interviews I sounded these somewhat controversial themes (supported by Jonathan Steele of the Guardian):

(1) Western exaggerations of a Soviet threat to Western Europe are paralleled by Soviet exaggerations of a Western first strike against the Soviet Union.

(2) These two exaggerations establish common interests among militarist extremists in both countries and maintain the "cold war" tensions that justify the arms race competition for ever higher levels of overkill.

(3) These tensions are also maintained by the concept of "military parity" or "equivalence" (as contrasted with "sufficient defense") under which if the U.S. can kill every Russian 10 times over, the Soviet Union cannot be satisfied with being able to kill every American only 5 times over.

(4) Those American officials who advocate a first strike U.S. capability over the Soviet Union or talk about "winning a nuclear war" are engaged in establishing better anti-communist credentials (an important element in careerism) and stimulating Pavlovian Soviet responses that help justify the high levels of military spending which stimulate the U.S. economy (while also hurting it) and provide the U.S. military-industrial-scientific complex with large amounts of "free capital."

(5) These tendencies help nourish the cold war environment in which human rights cannot thrive and are seriously threatened in both countries.

(6) It will take a long time for the Soviet Union to overcome the lasting Western images produced by previous Soviet regimes. Apart from genuine progress on "openness" and "restructuring," the two biggest steps the Soviet union could take to improve its image on human rights would be (a) getting out of Afghanistan quickly instead of arguing about timetables and the structure of the next Afghan government, and (b) permitting free emigration.

(7) Strong criticism concerning human rights violations in other countries (so long as not associated with threats of violence) is both healthy and necessary; both the Soviet and the American peoples need much more of it from foreigners.

I also observed that the snippets from the 1980 edition of Friendly Fascism appearing in Russian did not properly represent my views then, let alone my reporting on U. S. progressive currents as set forth in the preface to the South End press paperback edition of 1982.

IV. Among my statements that seemed widely accepted were these:

(1) Concepts of human rights provide a way of exercising moral judgement over almost all aspects of human life.

(2) It is regrettable that the leaders of some countries urge the primacy of economic rights while others insist on the primacy of

Human Rights Round Table in Moscow

political rights alone; it would be better to "walk on two feet" by struggling for both together.

(3) Genuine progress in economic and political rights has usually been won through struggle rather than being handed down from above-- and has often been accompanied or followed by tragic regress.

(4) An important but little known forward step in the United States is the new "Economic Bill of Rights Act" (H.R. 2870) introduced by Rep. Charles Hayes and Augustus Hawkins on July 1, 1987, with the first hearings scheduled for September 30, 1987.

(5) The pending arms control agreement should be seen as the beginning of a new process of detente that will last longer and go deeper and wider than the Nixon-Brezhnev detente agreements of 1972.

(6) The old term "competitive coexistence," which has overtones of competition among competing faiths and religions, should be replaced by "peaceful coexistence" under which people can try to advance the cause of human rights everywhere without reference to economic or political systems.

(7) The U. S. government should accept in principle the Gorbachev proposal for a Moscow conference on human rights under the Helsinki agreements.

(8) The world needs a global conference on the two U.N. covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, each of which has been consistently violated by the signatory governments (and neither of which has yet been considered by the U. S. Senate).

(9) Whether or not such a global conference is to be held, people should start to focus on goals for advancing the cause of economic and political rights and liberties between now and the year 2,000. We should no longer be satisfied with ambitious plans for economic and social development without an ambitious human rights component.

V. Joint U.S.-Soviet projects

I brought with me a letter to General Secretary Gorbachev from Professor John Hurst of Berkeley's Peace and Conflict Studies Program. In it, Professor Hurst suggested future U.S.-Soviet cooperation in teaching and research on peace and conflict studies. No reply has yet been received.

Before leaving Moscow I negotiated an agreement on the preparation of a book of essays tentatively titled HUMAN RIGHTS IN TOMORROW'S WORLD, to be jointly edited by Prof. August Mishin, Professor of Constitutional Law at Moscow State University, and myself. These essays will be written by 6 or 7 people from the Soviet Union and an equal number from the U.S.

A tentative prospectus setting forth objectives and possible subjects will be widely circulated -- and then improved -- before any individual authors are invited to participate. This project could not be completed before 1989 or 1990.

Bertram Gross
8 December 1987

Excerpt from Interview with Mikhail Gorbachev
on Roosevelt's 1944 Economic Bill of Rights
by Tom Brokaw, NBC, Nov. 30, 1987

Gorbachev: We are in favor of rights. . . . That was the purpose behind our revolution. . . . We built up a planned economy. We guaranteed for each individual the right to work. We have no unemployed. There is no unemployment. For 50 odd years we have had no unemployed. There's free education and that's guaranteed by the State; free medical care and the state guarantees it. And the State has taken upon itself to provide homes for the working people.

Now then why -- and this is interesting -- by its level of per capita national income this country is lower than the per capita income in the United States; why in terms of social protectiveness is our society much higher than yours?

Let me tell you this : In 1944 Franklin Delano Roosevelt introduced his Bill of Social and Economic Rights, realizing that there cannot be any real rights unless these problems are resolved. That was a very interesting bill. It has remained in the Congressional archives from that day on. Now America is being criticized for not recognizing economic and social and economic rights and for not signing or ratifying international covenants relating to that subject. The U. S. is being criticized for that throughout the world.

This last July Mr. Reagan introduced once again another version of a bill of social and economic rights, although it was very different from the one that Roosevelt had. Yet I think there will be a lot of water passing through the Mississippi and the Volga before the U. S. Congress and the Administration recognize the American people's right to protection of their social and economic rights.

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Note: The Soviets' information on the Economic Bill of Rights of President Roosevelt (until now generally overlooked in human rights discussions) was probably obtained from the Hayes-Hawkins "Economic Bill of Rights Act," H. R. 2870. This measure was made available by B.G. to participants in the Roundtable on Human Rights (held in Moscow on September 7-8, 1987 under auspices of the Novosti Press Agency) and on September 10 to members of the Institute on State and Law. Both groups had it translated into Russian forthwith.

Section 2 of H. R. 2870 sets forth the text of Roosevelt's Economic Bill of Rights in its original form, while Section 6 sets up a Commission on Economic Rights not only to monitor its implementation but also to promote widespread education and discussion on how to update and extend it.