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R E P O R T T W O

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Comments on the September 1987 Prospectus

for

HUMAN RIGHTS IN TOMORROW'S WORLD

An American-Soviet Dialogue

This Report Two contains excerpts from letters received during January and February 1988 in response to the request by Bertram Gross for comments on the September 1987 prospectus.

Report One (still available upon request) contains excerpts from letters received by the end of 1987. That report also contains (1) the text of the September 1987 prospectus, (2) the letter asking for comments, (3) a report on the Moscow Human Rights Roundtable of September 1987, and (4) Mikhail Gorbachev's comments on Franklin Roosevelt's Economic Bill of Rights.

Excerpts from Comments on the Prospectus for
HUMAN RIGHTS IN TOMORROW'S WORLD
Draft of 18 September 1987

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Report Two

Henry J. Abraham
Professor of Government and Foreign Affairs
University of Virginia
25 January 1988

Thank you for your letter of January 6. The prospectus looks entirely viable to me, though I confess that the ten propounded subjects seem rather ambitious in their vast coverage and their open-endedness. But I presume that you have pondered the parameters carefully and will find appropriate scholars to tackle them.

Kurt Baier
Professor of Philosophy
University of Pittsburgh
20 January 1988

1. *Topics.* It seems to me that your list of topics is very generous. I am not clear about why they are subdivided into two groups of 10. Is the first list the preferred list? Is the second list less historical and more analytic? (But then why (8) and (10)?) I wonder whether perhaps there are too many topics -- if in the end there are only 6 or 7 contributors from each side, especially if you had hoped to have contributions from each side addressing the same topics? you have said little about the role of the co-editors: are you planning to write, separate or joint, introductory essays? My guess would be that that would be essential if these disparate -- and apparently freely chosen topics -- are to add up to a reasonably coherent whole.
2. Wouldn't it be desirable to have one meeting (at least) of the U.S. and Soviet authors for an exchange of ideas? As I understand your program now, each side would receive criticisms and help from their own colleagues, but would not be exposed to the (probably more fundamental) disagreements from the other side. Those disagreements -- and misunderstandings -- might well prevent the papers of the two sides coming to grips with each other.

Joseph S. Berliner
Professor Emeritus of Economics
Russian Research Center, Harvard University
21 January 1988

Your project of a joint US-USSR volume on human rights is a daring effort on a vitally important issue, and I hope you succeed. The prospectus is quite comprehensive and I have not thought of any substantive aspect of the issue that you haven't already noted. The only thought that occurs to me is that it would help bring out the elements of agreement and disagreement if each essay were followed by a critical discussion, and then perhaps by a rejoinder by the author. Otherwise the reader may not get a good handle on what those elements are; there may appear to be areas of agreement which, if probed in some dialectical way, would prove to be that on the surface only. I don't know whether the Russians would be comfortable with that but I think it would strengthen the volume.

Kathy Briar
School of Social Work
University of Washington
2 December 1987

I would add to your list of rights:

Rights of men and women as caregivers and providers
Rights of families and children or of dependent family members
Rights of communities

Wilbur Chaffee
Professor of Political Science
St. Mary's College of California
29 December 1987

p. 2, in your list of rights: there is no mention of such "rights" as medical care, adequate diet, housing, except as a possibly under "(9) The Relation between Political and Economic Rights."

The question of levels of GNP to be spent on human rights also must be addressed: the question of the desirable rate of economic increase versus the need of taxes for economic care.

Under "(8) Human Rights in the Third World," should there not be included some discussion of the responsibilities of industrialized countries (that would include both the U.S. and the U.S.S.R.) in the redistribution of global wealth? Part of the strategy for civilizing the future should include those areas where the U.S. and the U.S.S.R. both are blind to the needs of the non-industrialized world and both need to alter their priorities in a similar manner. It is important not only to focus on superpower differences, but on their mutual faults respecting other nations.

Sheila Collins
Coordinator
New Initiatives for Full Employment
New York City
12 January 1988

I have mixed feelings about the way you've outlined it. On the one hand, I think you need the kind of broad-brush strokes represented in the items numbered one to ten. On the other hand, the specifics listed below, i.e. "women's rights," "the right to organize," etc. may not be covered with the nuances and complexity they should through the more general and philosophical ordering of topics. It almost feels to me as if you need a book in two parts.

I would like to add another topic or two for your consideration. One is the new questions about rights that are raised by advances in technology, particularly in the medical and bioengineering field: the right to die with dignity; the whole question of foetal rights vs. women's rights; or the kinds of questions that are raised by the Baby M case.

A second line of inquiry is raised by the way in which the Central American Presidents' peace plan has been variously interpreted and implemented. By equating the political conditions of the various countries involved in the plan, it distorts concepts of human rights--particularly around the provisions for amnesty-- and makes it virtually impossible to implement uniformly. I think it would be interesting to use this process as a case study through which to examine differing concepts of human rights.

Alexander Dallin
Raymond A. Spruance Professor of International History
Stanford University
30 January 1988

Belated thanks for your letter concerning the project you and Mishin have undertaken. I wish you the best of luck with it, but I would not be honest if I failed to indicate to you that I have some hesitation about its execution. Joint Soviet-American books are useful--at both ends--on a number of subjects. Human rights is probably one of the least promising topics unless the differences in conceptions and underlying assumptions are addressed directly before one can usefully deal with the various topics which your outline proposes. Perhaps the roundtables you have planned will help correct this. I certainly hope so. We'll be watching with great interest--and I hope you prove me wrong.

Uday Desai
Professor of Political Science
Southern Illinois University of Carbondale
5 January 1988

book on Human Rights. Though I am no expert on human rights it would be interesting to have an essay exploring the impacts of insurgency (contras in Nicaragua, Sikh separatists in India, rebel groups in Afghanistan, Angola, Mozambique, etc.) on human rights. What international, multi-lateral, bi-lateral as well as national and local mechanisms may be developed to safeguard human rights in such increasingly common situations?

John C. Dwyer
Professor of Religious Studies
St. Mary's College of California
19 January 1988

1. ON THE FIRST PAGE, YOU STATE THAT THE ESSAYS WILL DEAL WITH "THE PROCESS OF IMPLEMENTATION RATHER THAN CONCENTRATING ON FORMAL DECLARATIONS . . . ETC." WHILE I AGREE THAT WE CAN DO WITHOUT THE WEIGHTY ABSTRACTIONS OF FORMAL DECLARATIONS, IT SEEMS TO ME THAT THE PRIME GOAL OF THESE ESSAYS SHOULD CONCENTRATE NOT ON THE PROCESS OF IMPLEMENTATION BUT ON THE DETERMINATION OF PRECISELY WHAT THE SPECIFIC RIGHTS ARE AND WHAT THEIR RELATIVE IMPORTANCE IS.
 - 1.1. IF IT WERE POSSIBLE TO ANALYZE WHY [TO TAKE A SPECIFIC EXAMPLE] RUSSIANS AND AMERICANS OFTEN USE THE SAME WORDS BUT MEAN SOMETHING VERY DIFFERENT BY THEM, THIS MIGHT BE THE MOST IMPORTANT CONTRIBUTION THE BOOK COULD MAKE. PERHAPS AN ESSAY ON PRECISELY THIS TOPIC SHOULD BE INCLUDED.
2. IN THE LIST OF TOPICS FOR THE VOLUME, I AM NOT CLEAR ON THE PRECISE MEANING OF "LIVING CONSTITUTIONS."
3. ON THE SAME LIST, 57 SPEAKS OF COLLECTIVE [OR SOCIETAL] RIGHTS. PERHAPS SIMPLY TALKING ABOUT THE "RIGHTS OF SOCIETY" AND THE FACT THAT THEY MAY AT TIME CONFLICT WITH THE RIGHTS OF INDIVIDUALS WOULD BE A GOOD SOLUTION.
4. SOME OF THE "MANY OTHER POSSIBILITIES" SEEM TO ME TO MERIT PLACEMENT ON THE MAIN LIST. FOR EXAMPLE, [9]: THE RELATION BETWEEN POLITICAL AND ECONOMIC RIGHTS IS AN EXTREMELY IMPORTANT QUESTION. THE SAME IS TRUE OF [10] GUARANTEES ETC., AND [7] RIGHTS AND DUTIES.

Richard Falk
Professor of International Studies
Princeton University
20 January 1988

As you might imagine, I am very enthusiastic about your effort to do a joint project with Soviet scholars on human rights. As far as I know, nothing on this scale has been attempted before.

The only gaps I discerned were the following: The role of the United Nations (and other international institutions); the place of non-governmental promotion of human rights; political democracy and human rights. Even these topics might be encompassed by your outline.

As for participants, I would urge you to mix experts on substance with some participants who are concerned about the connections between values, structures, and institutions as matters of theory and practice.

Joel Feinberg
Professor of Philosophy
University of Arizona
5 January 1988

The prospectus is excellent, and I have no suggestions for changes. But I wish I could be more optimistic about the Soviets' ability to do anything but spout the party line on such topics.

I should inform you (if you do not already know) that the American Philosophical Association and Soviet Academy of Philosophy have agreed to a series of exchanges, two each year of delegations in epistemology-philosophy of mind and in social-political philosophy. There has been talk of producing a book of essays similar to yours on the topic of nuclear confrontation, disarmament, etc. The American exchange

Alan Gewirth
Edward Carson Waller Distinguished
Service Professor of Philosophy
University of Chicago
8 February 1988
(in addition to letter of 12 November 1988 in REPORT ONE of Dec. 1987)

It is good to know that the proposal for a Soviet-American dialogue on Human Rights in Tomorrow's World is making progress. Here are some thoughts about the agenda for the meeting to prepare a more substantive proposal.

To begin with, I think it is important to consider what kind of dialogue we want to have. In this regard, several negatives must be avoided. The dialogue should not degenerate into a polemical shouting match in which each side "accuses" the other of dereliction concerning, or violations of, human rights. Nor, on the other hand, should the dialogue be a desultory exchange of high-level platitudes.

In contrast to these extremes, the dialogue should be well-focused, in such a way as to encourage probing intellectual discussion of basic issues. For this purpose, while permitting flexibility in moving from one facet to another, the dialogue should concentrate on central problems about political-civil rights and social-economic rights. These problems include the following interrelated questions:

1. In what respects, and why, are each of these kinds of human rights? What are the arguments for including both kinds under human rights? Are the arguments the same for each kind of right?
2. How can these arguments take account of at least two opposed kinds of counter-arguments: (a) those of libertarian conservatives (like M. Cranston, M. Friedman, R. Nozick) who deny that there are any economic moral rights; (b) those of Marxists and others who hold that to focus on rights is to overlook the requirements of community, including communal as well as personal obligations?
3. What are the relations between the two kinds of rights with regard to importance? Is each kind equally important? Or are there priorities here, such that political rights must be sacrificed or at least subordinated to economic rights in conditions of starvation, under-development, etc.? Or, on the contrary, are political rights indispensable for equitably and effectively coping with such conditions?
4. What are the problems of implementing each kind of rights? What does each kind require of governments? Is it the case that the political and civil rights require mainly negative duties whereby governments themselves simply refrain from interfering with their citizens' freedom of expression, association, and effective political participation? What are the problems with such a "negative" view of the political rights? And what kinds of positive duties do social and economic rights require of governments? How do these rights bear on problems of poverty, starvation, homelessness, unemployment, disease, etc., and what kinds of policies must governments undertake to fulfill the needs that derive from such problems?

5. What are the limits and specifics of each kind of right? Are there any limits--and if so, which--to the freedoms required by political and civil rights? What are the specifics of the economic rights: how much, and what kind of, food, shelter, employment, medical care, etc. do the rights require? What are, or should be the relations between the costs of fulfilling these rights and other social costs?

6. With regard to each kind of right, should the important goal be relational or substantive? That is, should the main aim be to achieve certain kinds of equality with regard to the goods that are the objects of each right? Or should the main aim be rather to achieve certain levels of adequacy with regard to these goods, so that questions of equality are secondary? Are there differences here between the political-civil and the economic-social rights?

In general, the dialogue should be prepared to move among three general, interrelated kinds of consideration: (a) definition, (b) justification, (c) implementation. Of these, (c) in particular involves many knotty empirical issues, and I think it is important that we American participants be as fully prepared as possible to deal with them. At the same time, we should also be prepared to relate these issues to the conceptual and normative considerations embodied in (a) and (b).

In these ways, our dialogue should involve, at least on our side, not an adamant cleaving to antecedently fixed, dogmatic positions but rather a genuine intellectual effort to understand these basic issues and to engage in a co-operative enterprise for coming to as well-founded a resolution of them as possible.

Corinne L. Gilb
Professor of History
Wayne State University
21 December 1988

What is missing in your proposed subtopics is analysis of how and why different cultures and societies define rights differently. Your prospectus is very western.

Loren R. Graham
Professor of the History of Science
Massachusetts Institute of Technology
13 January 1988

I would suggest that on page 2, some consideration might be given to the "Right to travel and emigrate," the "Right to have access to information," and the "Rights of Professors."

Douglas Kellner
Professor of Philosophy
University of Texas
22 December 1987

My proposal for an additional topic would be something on Marxism and Human Rights. In particular, there have been quite a few articles in recent years on the topic, especially in journals like Praxis International. For some examples, you might look at the articles in Praxis International Vol 4, Wm / April 1984, pp 45-74

Some of these scholars who have already begun analyzing the relationship between Marxism and Human Rights would probably make good contributors to the project. In particular, it would be interesting to have one or so of these Americans who have written on the topic of Marxism and Human Rights to make a contribution and a Russian as well. This might advance the dialogue.

Samson B. Knoll
Professor Emeritus of History
Monterey Institute of International Studies
22 December 1988

At this first reading, one vital theme seems to be missing: "Human Rights and Revolution."

Being a historian with one specialization in the French Revolution and its impact abroad, the issue has occupied me for a good many years. It has confronted us again and again in modern history and is certainly as topical now as it has ever been.

it seems to me that any discussion of human rights that omits the special facets of the issue presented by the clash of contending forces in revolutionary situations loses touch with reality, especially in today's revolutionized world.

Seymour Martin Lipset
Professor of Political Science and Sociology
Hoover Institution
Stanford University
6 January 1988

Your efforts to clarify the different meanings and implications of human rights in the Soviet Union and the United States strike me as an especially important job. I have been in informal private contact with Soviet political scientists for some time and I will be going to Moscow for a visit of two or three weeks at the end of March and the beginning of April. My association with the Soviet scholars indicates, as does the experience of almost everybody else, that the current situation has given them an enormous amount of freedom to discuss among each other and with colleagues. I must confess, however, to strong doubts that human rights is a topic which opens itself to frank writing and discussion by the Soviets. Privately they will acknowledge much of what has happened in their country and note efforts to change the situation with respect to the rights of dissidents, anti-Semitism, and many other things. I believe, however, that having to write about these topics is still not a subject which they can do well and openly. Even though some of them have apparently agreed to write with and for you, my guess is in this area what you will get is a continuation of official doctrine, efforts to spell out what's wrong in the West, and the reluctance or inability to deal with the Soviet situation.

I hope very much that I am wrong. If I am wrong, the situation there has moved extremely far. Consequently, your efforts are worthwhile if only as a way of testing what the current situation is.

Emile MacAnany
Professor of Radio-Television-Film
University of Texas
3 February 1988

① Among both Russians and U.S. contributors you would certainly have critics of both official policies; does it make any sense to have one person on each side who would try to defend official positions? Or would this simply distract from the book's purpose? I am thinking not of bureaucrats who would admit of no mistakes but a sincerely convinced intellectual outside government who might try to give policy an intelligent defense.

- (2) There are many people in the U.S. who could criticize U.S. policy in the Third World. But there is a certain perspective that someone from the Third World might give to the impact of U.S. policy on a given people.
- (3) I like the idea of implementation, but wonder how this differs from policy. Are you talking about governments? If policies are not favorable to human rights, then plans for implementation are not relevant; but you may be talking about implementations of private groups that go against policy of governments. I think here of some Church sponsored human rights groups in this country, e.g. Sanctuary.
- (4) Overall, I think the topic is a good one, especially between our country and the USSR.

Rex Martin
Professor of Philosophy
University of Kansas
11 January 1988

The general approach, as set out in the first page of the Prospectus, seems fine. On the list of particular topics (page 2), I had a comment or two. In 2, the phrase "to the future" can be dropped. I didn't understand 5 or 6. Perhaps, 6 concerns freedom of speech and press; if so, that could be made clearer. I suggest that 5 be dropped (unless it concerns a comparative study of actual constitutional practices and can be redescribed accordingly). The intended topic of 8 is not clear: it could be the concept of human rights in the "Third World" or it could be a comparative study of practices there; I think both would be good topics. Among the "other possibilities," I liked 3 (=3a), 7(=7a), and 9 (=9a).

Two topics that should definitely be included are (i) the concept of human rights and (ii) the normative or moral foundations of human rights. Both would make for an excellent exchange of views between Soviet and western thinkers. Topic (ii), in particular, would be interesting--if the western writer, after summarizing alternative possibilities (Kantian, utilitarian, etc.), defended his own preference(s) and if the Soviet writer, after indicating that human rights could be grounded in Marxism, went on to show precisely how (and by reference to what values).

Myres S. McDougal
Sterling Professor of Law, Emeritus
Yale Law School
22 January 1988

Your proposed book appears excellent and will obviously make important contribution.

I fear that any suggestions I might make would relate more to a future book or books. If I had been on the beginning of your enterprise, I would have advised a more ambitious, comprehensive, and systematic inquiry.

Enclosed you will find the pages of Chapter 3 of McDougal, Lasswell, and Chen, Human Rights and World Public Order (1980). These pages indicate our conception of human rights and how we would organize inquiry about particular human rights. Chapter 4 of the same book indicates how we would organize inquiry about protecting decision in global constitutive process. We would organize inquiry about national constitutive process in the same way.

If you should look at these pages, you will see why it is difficult for me to make useful suggestions about a briefer, less systematic approach. I am, however, adding a page with some suggestions indexed to the first page of your memorandum of September 18.

I am delighted to hear of your proposed study and would not wish to be thought as discouraging you in any way. As "emeritus" professors we both know that there are many mansions in relevant scholarship.

¶1 add questions such as these:

To what individuals and groups do human rights extend?

What values are included within the scope of human rights?

By what practices and legal procedures are the various human rights protected?

How can law (national and international) be employed to make the protection of human rights more secure on a global scale?

¶2 add: The same values in human rights may be pursued in different communities by many different cultural practices. How may the accommodation of such different practices be best promoted in a comprehensive global program?

¶3 add: Each essay should specify in detail the particular human right or rights being considered.

The more fundamental community policies about such right or rights should be stated.

Past trends in practice and legal decision in the protection of the rights should be examined.

Attention should be given to the environmental and predispositional factors that have affected past practice and decision.

The factors that may affect practice and decision should be projected into the future.

The costs and benefits to community policy of alternatives in future practice and decision should be assayed and recommendation made of the alternative that would appear best to promote a global public order of human dignity.

Formal declarations and laws should not be ignored but should be related to actual practices and decisions and the procedures employed to secure conformity to community policies.

Jeff McMahan
 Professor of Philosophy
 University of Illinois
 15 December 1987

The proposal looks extremely interesting and promising. I have only one suggestion. The list of proposed topics appears to contain nothing that would provide an answer to the question with which you open the prospectus - namely, "What are human rights?" Thus you might wish to include a paper which analyzes the concept of human rights. I think it is important for proponents of human rights to get clear about exactly what it is that they are advocating, and to have an understanding of what a human right is one must first have a clear concept of what a right is. Rights-theory is a relatively recent phenomenon in the history of moral thought, and rights-theorists are still trying to the nature and logic of rights. Among the many questions that moral philosophers are struggling with, and which might be addressed in your volume, are the following. How much of morality can be accounted for in terms of rights? Are there acts which are wrong even though they don't violate rights, or are all wrongful acts to be explained in terms of the violation of rights? Does rights-theory have a built-in active-passive asymmetry? That is, do theories of rights presuppose the controversial view that we are morally more responsible for the consequences of our acts than for the consequences of our omissions to act? (For example, do I violate a person's right to life if I fail to send aid which would save his life? Is so, is the failure to send food to the starving in distant lands just as wrong as sending them poisoned food would be?) Can there be rights ("positive rights") which impose duties on others to provide services (eg. a right to work)? Do rights always override considerations of welfare or utility? Are some rights absolute? That is, are there some rights whose violation could never be justified? Can it ever be justifiable to violate a right in order to prevent the violation of some other type of right - for example, could it ever be justifiable to violate a person's property rights in order to prevent the violation of some other person's right to life? Could it be justifiable to violate a right of a certain type in order to prevent the violation of other rights of the same type - for example, could it be justifiable to violate one person's right to life in order to prevent the violation of ten people's rights to life? Are all rights of the same type or within the same category equal in strength? For example, could one person's right to life be stronger or weaker than another person's? If not, does that mean that all intentional killings of persons are equally wrong? (One might ask here whether animals have the right to life. If so, then is their right to life equally strong as that possessed by person? If animals don't have the right to life, does that mean that there's no moral objection to killing them? A similar question might be asked about fetuses. The problem that marginal cases of this sort bring out is that rights-theory can be excessively inflexible. If all rights of a certain type have to be equal rights, then the logic of rights may force us to ignore relevant grounds for distinguishing between cases. On the other hand, if rights of a particular type can vary in strength from individual to individual, then one of the distinctive features of theories of rights which mark them off from other types of moral theory will have been lost.) Are rights, and in particular human rights, merely conventions or are they natural and objective? How do we find out what rights there are?

And so on. The list could be prolonged almost indefinitely. I think that for rights-theory to be a distinctive form of moral theory some of these questions have to be answered in a certain way. Rights have distinctive properties. Because of this, to label a certain problem as a problem of human rights is already to make a number of important assumptions about how the problem should be viewed. To say that a certain act violates a right is to make certain assumptions about the possibility of justifying the act, about whether it is permissible to use coercion in order to prevent it, and so on. In short, even to couch one's discussion of a moral problem in the language of rights is to import into the discussion a large number of substantive moral assumptions. Thus a chapter of your book devoted to analyzing the concept of human rights would serve the function of alerting readers to the fact that those assumptions are present whenever human rights are assumed to exist. (This is something that I personally think is important because, while I support the moral causes that are normally advertised under the banner of human rights, I think that viewing these problems through the lens of rights-theory produces a highly distorted picture of moral reality. I think that, if there are any rights at all, they are rather few, have very distinctive properties, and occupy only a small portion of the total territory of morality. The language of rights is both forceful and concise and is thus useful for rhetorical purposes, but I think it commits those who use it to a substantive moral straightjacket of whose effects they may even be unaware.)

Ralph Miliband
Visiting Professor of Political Science
Graduate School, City University of New York
9 February 1988

I was very interested to learn of your project. It seems a very worthwhile enterprise, and I hope it comes off. I don't have much to say about your outline, which strikes me as very good and comprehensive. The crucial questions, I think, are the conditions in which human rights are most likely to be realized, i.e. the framework, economic, social and political in which they are least likely to suffer from attack, erosion and annulment; and also the means of enforcement, which raises some large questions about agencies and procedures.

As I need hardly tell you, the danger, in the matter of human rights, is that the discussion gets to be very loose and windy. The problem is to compel rigour and concreteness among those involved, and I am sure you will see to this, never mind the human rights of your contributors!

Sheldon W. Moss
Rabbi, Temple Adat Shalom
Poway, California
17 February 1988

The work you're doing dovetails nicely into the "Soviet American Forum for Life with Human Rights: An Ongoing Commitment to Awareness, Solutions, and their Implementation."

You may also benefit from speaking to Dr. Hal Sandler . . . who just worked with Soviet and American scholars in a landmark book entitled Breakthrough. It details the new thinking necessary to build a world beyond war. The project was quite intense and yielded fine fruit.

With respect to possible chapters, let me suggest the following additional possibilities:

- (1) What are the spiritual and psychological antecedents that allow people to abuse each other, and how can we implement the healing purpose?
- (2) What kind of "pro-action" might resolve the roots of terrorism?

Wiktor Osiatynski
Lecturer on Human Rights
Warsaw, Poland
26 December 1987

very needed and long overdue. In course of my comparative studies on the history of the ideas of human rights in the West and the East I found it striking that an overwhelming majority of authors use, so to speak, completely different political languages, with no attempt to find out if the terms they use mean the same things to readers beyond their own political culture. Actually, I have been thinking for a long time now about a book dealing with different perspectives on human rights with an attempt to clarify the very language people speak in different cultures about issues concerning human rights. I see from your prospectus that you have such ambitions. I appreciate it, in particular as an author who has written on human rights and taught the subject both in Poland and in the United States. I hope to benefit from your project.

There are many things which I like in your project:

1. That the book is intended to be written by the equal number of the Soviet and American authors.
2. That "in some cases a Russian will write about the USA and an American about the Soviet Union."
3. That "all essays will be written in the perspective of the world as a whole."

4. That "all essays will deal with the process of implementation rather than concentrating on formal declarations, laws or constitutions alone."

5. That you do not intend to rush the date of publication.

I think that the subjects suggested by the co-editors as minimum requirements for the volume should help you to reach your objectives. At the same time, I would like to share with you the following remarks and feelings:

1. The list of "minimum requirements" consists of 4 "historical" topics, 5 "general" themes and 1 more specific issue ("Human Rights and the Mass Media"). Let me share with you that in this part of the world we are extremely fond of - and good in - general, historical, and theoretical but basically meaningless and non-operational deliberations. We can talk for hours about general theories just to avoid the discomforting, at times, questions: "So what do we do about it?" or "What can be done about it?" It is my impression that in the U.S. it is often quite opposite: you are too specific and too practical at the expense of theoretical generalizations. However, I believe that in a joint US/Soviet publication the proportions between general essays and specific case studies on particular rights need to be well-balanced. Especially in view of your desire "to deal with the process of implementation rather than concentrating on formal declarations, laws or constitutions alone." I am afraid that the majority of the general topics you suggest may never get to implementation and actually may invite authors to concentrate on formal declarations and laws.

2. Although my own background is primarily historical and theoretical, I came to believe that for the implementation of human rights the most important element is guarantees and remedies accessible to an individual or a group of people. Therefore I think that the proposition 10 of "other possibilities" might be suggested as one of "minimum requirements." Moreover, I think that this theme could be divided into several specific essays on each kind of guarantees and remedies (i.e. constitutional, legal, administrative, role of the courts, etc.). I think that a specific essay on due process of law in both countries would enrich your project. For it is the due process of law which forms the basic guarantee of individual rights, and the

position of an individual vis-a-vis the enforcement officials may be a litmus test of the sincerity with which governments and lawyers speak of about human rights.

3. There are a few other specific topics which I would suggest for your consideration:

- Federalism, Decentralization and Rights. (For both countries are federal states and in the US federal system helps to protect some individual rights, perhaps jeopardizing some other at the same time. Also, decentralization often means different things for human rights: in democracies it may mean more participatory rights; in authoritarian regimes it usually means that an individual is much more at mercy of local elites than before decentralization.);

- Equality and economic rights. (You can have economic rights without much equality--as in the U.S. and some other Welfare States--or, you can have primarily egalitarian vision of a society receiving benefits with little room for rights. Actually, one of the problems with the current reform in the Soviet bloc is how to transform a society based on a concept of providing a measure of economic security for everybody into a society based on individual responsibility for one's own life; it turns out that human rights form a prerequisite of such responsibility);

- Participation, Association and Expression (as distinct from freedom of the mass media);

- Privacy, Conscience, and Freedom of Movement (including the current limitations on the freedom of movement, particularly immigration, but also visits, into the United States).

Please, treat these suggestions primarily as examples of my idea of replacing as many general themes with topics which will still leave room for generalization but at the same time will force authors to be more specific and to think seriously about the implementation of rights.

4. Similarly, I doubt if it is necessary to have four chapters on the history of human rights, especially that propositions 2, 3, and 4 basically cover the same issue divided into smaller periods of time. Perhaps it would be better to have one article on plain historical facts (possibly with two more specific articles presenting what these facts really meant for the Americans and the Soviets and how differently they were interpreted by them), and one general historical article on the comparative history of the ideas of rights in the US and in the USSR.

I cannot overemphasize this point. For I am deeply convinced that an honest research on the evolution of the concept of rights in both worlds is **the key** to better mutual understanding and to overcoming of resentments, fears and many years of reciprocally hostile propaganda. In sum, I believe that while both worlds are heading in similar directions, this process has gone place along completely different routes. In the United States the evolution began with the declaration of civil and political rights and proceeded through the democratization of rights to the introduction (without constitutional recognition) of social and economic rights and, finally, to recent demands for new kinds of rights; this latest phase of the evolution may be called the "second human rights revolution." On the other hand, in the Soviet Union (and many other countries as well) the very concept of rights has emerged only relatively recently. The process of modernization began in those countries with the concept of benefits granted by the government rather than rights from the government. These benefits have had primarily economic character and only with time a demand to extend them into political benefits appeared. These were still benefits rather than rights. The latest development is that this concept of benefits began to be transformed into the concept of inalienable rights.

I believe that such character of both processes was not a matter of someone's choice but it was a result of a social and economic necessity. Therefore, common claims of superiority and even mere judgments about the superiority of one road over another make little sense. What does make sense, however, is the fact that these two roads are getting closer and closer and may cross in the future. Thus, there is being created room for the question: "Is there anything one world can learn from the

experience of the other?" I am positive there is a lot, even if the lessons, for some people, would be just to better understand themselves by looking closely, with curiosity and respect, at the other side. I hope that the book you are planning with Dr. Mishin will be helpful in this task.

5. I also think it is very important that each study has the dynamics of its own. One means to that end could be that each author compares constitutional and legal provisions with actual practice and looks into changes which may be taking place today in respect to many rights. (For example, with current reforms and paradigm changes in the Soviet Bloc there may be more room for economic foundations of personal independence and less means for providing social and economic rights/benefits.)

6. This leads me to the futuristic character of your project emphasized in the headline. I understand that each author will be asked to consider future trends in his area of study. I understand that some specific studies on the future of some rights (especially privacy in view of modern technology, perhaps choice, protection from technology and perils of genetic, etc.) might be valuable. I would suggest, however, to consider an idea of having a separate general (yes, now I am a generalist) studies on the future trends in the very understanding of human rights. I believe that the Gorbachov's reforms will have to bring such changes. On the other hand, a profound change in the very understanding of rights, especially the linkage of the concept of rights with notions of responsibility and commitments is under way in the United States. I believe that a comparison of these two trends would be extremely valuable.

7. This brings me to another aspect of your study I am especially fond of: its world perspective. I believe that the very idea to have articles on the USA written by the Soviets and vice versa brings a broad and unique perspective to your project. I would suggest, however, that the authors deal with both what they dislike and what they like in the other country. The focus on what each part of the world can offer to the other is very important, especially if it is not done as an advertisement ("I can give you this and that, you better listen to me") but as a lesson learned ("I learned from you this or that").

I am convinced the importance of your study will clearly go beyond frontiers of the USA and the USSR. I understand and respect your idea of having the book actually written by the Soviet and American experts. I wonder, however, if it does not limit the global perspective on the global issue. In any case, I would encourage you to invite some from other countries as reviewers of the papers. If possible, some of them could participate in roundtables on particular studies both in California and in Moscow. I am sure that such external perspective would make the project even more valuable, to say nothing about the creativity it could stir up in other countries.

Finally, I wonder if you could not re-consider your initial plan, and deliberately invite one or two authors from the outside of the USA and the USSR to contribute comparative studies on:
1/ the two different historical paths the concept of human rights has been developing along in both worlds, and 2/ the current and future trends in human rights in both countries.

Jack Peltason
Chancellor
University of California, Irvine
8 February 1988

Congratulations on your project. I have no advice as to topics other than to suggest that you pick ones with the most specific focus.

Based on my experience, the difficulty will be to get the two "sides" to talk to the same point rather than to talk past each other. You will need some way to focus the debate. Otherwise, the Western writer will talk about, for example, the importance of free inquiry to human development, and the Soviet writer will say "Of course, we have such freedom...see our Constitution...we just don't have license." Or you will get a debate as to whether American treatment of blacks has been worse than Soviet treatment of Jews.

I do not mean to be skeptical, nor is the problem limited to discussions between those of the East and the West. I have seen almost as many discussions between American lawyers and American political scientists not joined because the debate was at different levels.

In short, I would suggest that a strong editor do some work on outlines and try to avoid merely a repetition of so many international gatherings where, regardless of the topic, each participant makes his or her own speech that has little relation to the ones before or after.

Richard Pipes
Professor of History
Harvard University
22 January 1988

I have no specific criticism to make of the prospectus, but I would like to warn you that the Soviet leadership has subtly redefined "human rights", as used in the traditional Western sense, to mean social services. You will have to be very careful that the most important human rights -- "life, liberty and the pursuit of happiness" -- not get lost in the welter of "collective rights".

W. Michael Reisman
Wesley N. Hohfeld Professor of Jurisprudence
Yale Law School
25 January 1988

The idea of a collective effort on this subject seems to me very good. But the sketch of subject or provisional titles of page 2 of your prospectus does not strike me as the best one possible. Though collections of articles are rarely able to prescribe to the contributors what to write, it might be more effective if one part of the book were devoted to essays on the clarification of human rights in terms of power, wealth, enlightenment and education, respect, religion and the options of cultivating codes of rectitude, the opportunities to cultivate affective relations and so on. Another section of the book might deal with the procedures for implementing those rights. Many of the titles in your current draft are in fact trends in various human rights.

Barbara Rhomberg
Peace and Conflict Studies Graduate
University of California, Berkeley
21 February 1988

I have a number of comments on your prospectus for Human Rights in Tomorrow's World. Firstly, compiling the comments into a packet was a wonderful idea; it certainly inspired my response.

My second remark echoes the criticism of Norman Dorsen that "the purposes of the project are not clearly stated" (page 4). As he points out, this lack of direction makes it impossible to define and cull topics into a coherent book. The alternative to greater definition is a scatter-shot approach, firing 25 page pellets off in wildly different directions. The subject matter is too large to achieve any kind of comprehensiveness; therefore, the scatter-shot approach would result in disparate and disconnected articles.

Professor Dorsen isn't the only respondent to criticize the vagueness of the topics; indeed, many of the excerpts note this problem (e.g., Michael Walzer). You must recognize that the topics will eventually be narrowed and defined more precisely-- if not by you, then by the various authors. The latter would lead to an even more scatter-shot collection.

Having condemned the lack of direction in the project, I do have some suggestions on the matter. The book is to be a dialogue between US and Soviet scholars; it should therefore focus on the two countries. Articles should look at the evolution of the rights concepts in the US and USSR, their participation in international accords, relevant 'general' topics such as "the relationship between political and economic rights," and human rights in the superpowers' relations with each other and with the Third World. Also, numerous respondents urged focusing the book on implementation. This suggests articles on "linkage" in US-Soviet relations; guarantees, for example the independent judiciary; the effectiveness of Amnesty International (as it relates to the superpowers) and the Hague; and so on.

[Larry Gross's]

This brings me to your son's critique. I can do no better than to underscore his words: "it is inappropriate and presumptuous to tittle the book HUMAN RIGHTS IN TOMORROW'S WORLD, given its bi-lateral structure and authorship." You mentioned that you have readied a response to this charge; I would like to hear it also, but I must stress there is no excuse for ethnocentrism. Proposing to cover "Human Rights in the Third World" in 25 pages is an insult and ridiculous. I urge you not to try. Instead, explicitly focus the book on the US and USSR, and examine the Third World (and Europe) only as they relate to the two subject countries. (Only! This is still a big mouthful to bite off).

It is also essential that you change the title. In addition to the impossibility of covering the whole world, the prospectus does not, as pointed out by Michael Marien, give much attention to future trends. I'm sure you can come up with something more appropriate. My own entry: "Striving for Human Rights: a US (not American!)-Soviet Dialogue."

Eugene V. Rostow

Distinguished Visiting Research Professor of Law and Diplomacy
National Defense University

Department of Defense

28 December 1988

I have my fingers crossed about your project, for reasons which Leonard Schapiro has analyzed better than any other writer I know. I say that not only because I respect Schapiro's scholarship and judgment, but because he was a lawyer who had a real feeling for the ideas and values embodied in the phrase, "the rule of law." Glasnost or no glasnost, your Soviet colleagues will be agents of the state, and will necessarily perform on this subject as Gorbachev did in Geneva and Washington. What Gorbachev said repeatedly on emigration from the Soviet Union, for example, could have come only from a mind which had never encountered Magna Carta and had forgotten the Crito, if it had ever been exposed to it. And decorous language is not available to characterize what Gorbachev said about the concern of the United States for Jewish emigration from the Soviet Union. "Vulgar," "insulting," and "demeaning" don't begin to do the job. In short, what is the point of your exercise? The defense of the Helsinki enterprise was that it helped to influence public opinion among our allies and the neutrals. No one I know who was engaged in the Helsinki process thought there was any chance to alter Soviet policies in this regard. The Soviet scholars know as much as we do about human rights, and many of them, perhaps most of them are quite as libertarian as we are. But Russia is an occupied country, and in my experience Soviet officials and intellectuals expect you to understand that, and make allowances accordingly.

It never would have occurred to a Western scholar to propose learned conferences with German professors between 1933 and 1939 on subjects like this. On the contrary we all subscribed to the Leiden Declaration. Why are you doing this? I know that you are committed to the project, and that my question will not affect your decision. But you will understand, I am sure, my strong impulse to note a dissent.

My second general point is that I see no heading in your outline for the problem of Article 2(7) of the Charter of the United Nations: What are the limits of international concern? In an international society of "sovereign" states, how does one draw the boundary between internal and external affairs? Perhaps the papers you get under paragraph 2 of your outline will deal with the question. It is important, and some of those most active in the writing about human rights tend to forget it.

Third, I see no reference to international peace as a human right. I made a speech on the subject a few years ago. A copy is enclosed. I invite your attention to its thesis. Unless peace is treated as a necessity, there is little hope for any (other) human rights.

Robert A. Scalapino
Professor of Political Science
University of California, Berkeley
11 January 1988

The topics chosen seem to me appropriate on the whole for a conference involving American and Soviet scholars. Topic number ten, "Who are the Enemies of Which Human Rights?" may serve to produce a polemic, and I am inclined to believe that a discussion on minority rights could be more interesting. Everything, however, depends upon the caliber--and specialities--of the participants, as you are well aware.

Having interacted with Soviet specialists on Asia in a series of seven conferences extending over more than ten years, I am also aware of the fact that the general climate of U.S.-USSR relations as well as the degree of openness existing at any given point in the Soviet Union can have a significant effect upon the dialogue. Generally speaking, moreover, our dialogues--and especially the one-on-one talks in between formal sessions--have been more productive than the written papers. The fact that we have gotten to know each other rather well over a number of years is also helpful.

Martin Shapiro
Professor of Law
University of California, Berkeley
22 January 1988

Your outline suggests that you have not yet fully decided whether the project should be organized along institutional or substantive lines. The numbered items listed first are by institution or general topics. The 10 numbered items put together in the paragraph following the list are mostly substantive, dealing with particular rights. You probably should do both with some caution to those doing the first set of topics, do not spend much time on substantive matters. I would add to the particular substantive rights, ~~speech, religion and privacy or autonomy or the right to be let alone.~~ In any event you must decide whether you want to do the kind of topics suggested by the first 10 items and the last 4 alone, or also to do some ~~for~~ substantive topics or whether some substantive topics is ~~are~~ not enough and you must canvass all the major ones. This I see as your first main problem.

→ also language and travel or settlement rights

Your second main problem has to do with human rights processes. You note that you wish to study implementation as well as formal rights. Yet I believe that you are not yet clear on where and how you will do this. In the numbered list I am not sure whether implementation falls under 5 (living constitutions) or 9 (won and made a reality). Also are you going to treat due process as a substantive right or an implementation device? I believe that the topic of implementation ought to be conceived in specifically institutional terms: the role of courts in human rights, the role of agencies, prosecutors and police, ombudsmen, whether or not mediation, comradely or peoples courts etc are compatible with the implementation of human rights, whether written constitutions and judicial review are necessary. It is important to spell this out in some way because the current formulation of 5, 9 and 10 of the first list give no clues as to what kind of people should be asked to write on these topics. In short both the substantive rights dimension and the institutional dimension need to be greatly elaborated.

Are the two number 7s actually the same. I think so and they point to a problem in theoretical formulation. First you speak of individual versus collective rights and you define the latter as societal. Is it a good idea to say that societies have rights -- and do you mean society or government. Is it preferable to say that only individuals have rights and societies or governments are only owed duties. Moreover you have left out a possible category of rights bearers, namely groups. Is it a good idea to say that tribes or ethnic minorities or women or the elderly or homosexuals have collective ~~rights~~ (that is group rights) or ought the individuals who fall in these categories be seen as individually bearing such rights. (Does each black have the right to vote equally or do blacks as a group have a right to proportional representation in legislative bodies. So your rather vague use of individual versus collective rights conflates two problems: (1) individual versus group rights and (2) individual and/or group rights versus legitimate state authority or duties to the state, or the welfare of society or public interest.

Finally, your topic } historical evolution of human rights concepts, also involves two quite different tasks appropriate to people of quite different skills. One is a topic in intellectual political and legal history -- what have people said & legislated about human rights where and when. The other is a topic in moral and political philosophy: are rights to be conceived as instrumental to some socio-political ideal (e.g. the good person in the good state) or are rights deontological -- good in and of themselves. For instance the provision of the U.N. Convention and of some national constitutions that prohibit spreading racial hatred treat free speech as an instrumental good and suggest that ultimately there is only freedom of speech for speech that helps the world be a better ~~place~~ place. The libertarian tradition of the First Amendment (now somewhat out of fashion) treats speech as a deontological good and would protect speech even if it were harmful to the interests of the world as a whole. Perhaps a major issue between American and Soviet traditions of rights is that the former are more inclined to treat certain rights as deontological and the latter to treat them as instrumental. Perhaps this contrast is overdrawn. In any event a mere historical, evolutionary sketch is likely to overlook this problem or at least assign it to a kind of scholar unable to deal with it while a scholar able to deal with it is unlikely to be greatly interested in ~~the historical evolution~~ *the historical evolution*.

Finally American scholars of human rights are very likely to overlook the political party as an important human rights actor. Soviet authors are of course unlikely to ever overlook the party in any connection. But there is a major sense in which you are avoiding the obvious, and it really must be faced. What kinds of human rights regimes are compatible with what kinds of political regimes? Can we have the same human rights in one party states as in two or multi party states, the same in states that purport to be democracies and those that purport to be dictatorships of the proletariat practicing democratic ~~central~~ centralism under the direction of a single party. My own answer to that question might be highly distasteful to most Soviet scholars, but the question must be central to a volume of the sort you propose. All this is another way of saying that I don't normally read anything with human rights in the ~~title~~ title because it nearly always ends up to be either vague utopianism or third world whipping of the West. A volume on human rights by U.S. and Soviet scholars must contain a clearly articulated statement of what human rights can mean in one party dictatorships if it is to be worth reading by anyone who is not engaged in the auto hypnosis common to the human rights community.

Henry J. Steiner
 Professor of Law
 Human Rights Program
 Harvard Law School
 30 December 1988

Given the breadth of your topics and the limited space for each contribution (about 6,000 words), I doubt that you can expect probing scholarly or intellectual contributions on the subjects indicated. Would a series of more pointed essays -- the titles or questions of the essays written by the Soviets to be suggested by the Americans, and vice-versa -- lead to more direct and fresh exchange? Of course, one would have to avoid polemics in such an approach -- but one would have to avoid repetition of well-known and conventional views in the first approach.

In any event, I think the idea of having scholars contribute from both countries is useful and will have a political interest and value in informing a broader educated public in each country of some thinking in the other country. I suppose that you are necessarily talking of establishment thinking, at least with respect to the U.S.S.R. contributions. The provocative or critical thinking in the U.S.S.R., for example, would presumably not be found among the contributors. I would hope that the American pieces are not all of a similar perspective.

I applaud your efforts to get reactions to early drafts. Would it be possible to have Soviets comment on the American pieces (just a few pages), and vice-versa? This too would sharpen things.

Leonard R. Sussman
Executive Director
Freedom House, New York City
31 December 1988

1. Our major concern is the asymmetrical factor which can skew the entire exercise: the American academics will doubtless all be nongovernmental persons, perhaps some quite strongly opposed to official or even unofficial U.S. policies, procedures, or traditions. The Soviet writers are likely to be officially-approved representatives of the government of the USSR. Nothing in your outline suggests that you will seek dissident scholars, whether of the quality of a Sakharov or another who has opposed the establishment and paid dearly for it. Yet if you are to cover the subject of "conflict within most countries" it would seem necessary to enlist such dissident scholars. After all, if you were engaging in such a study of South Africa you would not call only upon those approved by Mr. Botha, but would also want some dissident black scholars. When you speak of the "processes of implementation" of human rights it would be useful to call upon men such as Sergei Grigoryants and Lev Timofeyev who have had all-too-real experience in having their rights denied, and then, restored to society, engaging in highly visible tests of the current Soviet policies toward the very subject of this exercise. I met both men in July. They are extraordinarily well qualified for such an invitation.

2. I have long objected to the concept of "individual rights versus collective rights." I have argued repeatedly in UNESCO that there should be no distinction between the two. Individual rights are fundamental, and cannot be legitimately modified or violated by allusion (constitutional or not) to "collective rights." The latter are only "human" when they fully guarantee all the rights that individuals merit under the international declarations and covenants. Indeed, insistence on collective rights generally results in a diminution of individual rights, in order to justify the power of the state and its officials. To introduce the subject by accepting the adversarial relationship of the two concepts is to grant a priori the equivalence, if not the dominance of "collective rights."

3. The Helsinki agreements are, indeed, a fitting subject; but so are the mechanisms of monitoring the agreements. You may want to invite a member of the Moscow or Ukrainian or other Helsinki Watch groups to participate. Mrs. Bonner would be one candidate.

Frederick C. Thayer
Professor of Public and International Affairs
University of Pittsburgh
6 January 1988

1. My biases are all in the direction of arguing that societies are much more similar than different, and that this is best understood by looking at how people are treated in the workplace if, that is, they are permitted to work. Principles and practices of management have not been substantially changed since the dawn of Civilization, and they are not significantly affected by variations in political culture and ideology. I take this to be the central point Wilson made in his much-studied essay, and I think U. S. intellectuals have been fighting him off for a century for just that reason.

2. There is no real concept of human rights at work. In the U. S., we label punishment or firing for "insubordination" a purely "administrative matter," but the pattern does not differ significantly from what we label "political" punishment for "dissent" in the Soviet Union.

3. The "rights" we think about never were intended to apply at work. Women, children, slaves and employees are not yet included in any truly meaningful way or, as Redford once put it, the middle-aged individual dependent upon the employer is in the position of a serf.

4. To be sure, the precise punishments levied by organizational superiors can vary from society to society, but variations in "means" do not alter the fundamental values in use. The fired executive who loses job, home and surrounding support system because s/he must move to some other area is a form of "exile."

5. The belief in political, cultural and/or religious "differences" is one of the root causes of the problems you are dealing with. To speak of "differences" is virtually to require that one distinguish between "superior" and "inferior" cultures, ideologies and/or religions, thereby paving the way for concepts of domination or elimination. War and genocide are direct by-products.

6. While I will not undertake a detailed articulation of the argument here, I think it clear that the philosophy of the West, especially the modern version initiated with the Reformation, is applicable in concept only to the leisure time of rich white males. In their case, the function of government is to prevent the rich white males from destroying each other (a Hobbesian concept). This can be derived from the more fundamental notion of "independent" and "free" individuals who make wholly "voluntary" decisions, a notion basic to the Western design but not applicable to the workplace. I will go one step further to show just how significant this can be:

- If decisions are "free will," then it can be argued that decisions initiate within the individual and are traceable to that individual's "innate nature." In the workplace, however, all decisions are made by others, not by the individual, which is to say that decisions are **environmentally motivated**. The former view is central to traditional disciplines, the latter to those who study organizational behavior. When psychologist B. F. Skinner suggested that **environment** was the important motivating factor, he unleashed a firestorm in psychology. Similarly, psychologists still debate the issue of whether women are "innately masochistic" because so many of them do not leave their families even when subjected to continuous abuse from husbands.

7. The one great contribution of Western philosophy is the concept that **all knowledge is uncertain** which, translated into the world of organizations, means that nobody in command can know for sure what s/he is doing, and that all decisions lead only to experimental tests of hypotheses that case by case, the decisions will lead to preferred outcomes (achievement of objectives or values). It is enough to point out that **given uncertainty**, nobody should be permitted to exercise unilateral authority. The concept of "intersubjectivity" that is so central to science really is a theory of decision-making as to how scientists should validate knowledge. It follows that intersubjectivity requires a form of collegial, consensus, non-authoritarian decision-making in which nobody is "in charge." Unfortunately, we retain the organizational design suited for the concept that knowledge is **certain**, and is possessed by individuals in charge; this is traceable to the great religions. Thus, we have a world in which those in charge must **pretend** they know what they are doing. The concept of intersubjectivity has yet to be put to use as an explicit scheme for making decisions, whether in scientific communities usually labeled as such, or in other organizations that, in concept, also are scientific communities.

Having said all that, I turn to two final comments/suggestions on the materials you have sent me:

1. I confess that I cannot **quickly** produce my own outline, but your "minimum requirement subjects" seem to me to assume the permanence of not only nation-states as we know them, but of the particular nation-states now labeled "super-powers," but also of those relationships among groups of nations that have been "over-reified," so to speak. "Cold War" implies a permanent adversary relationship, and "Third World" suggests a distinction that up to now seems to have had no other base that degree of industrial development. In context, this carries the further implication that "Human Rights" can be categorized in the same manner.

2. Many of the headings also imply permanent and intractable political, cultural and social differences that I have argued against above. This is especially bad at a time in history when the U. S., flush with euphoria over a 200-year celebration now more than a decade old, from Declaration of Independence through Constitution, constantly declares itself the world arbiter of "human rights," at a time when we keep millions out of work simply to control inflation.

My solution would be to try to turn the whole thing toward organizational concepts, while incisively critiquing the political theories that have sustained largely indefensible myths. Among other things, this would at least to begin to downplay alleged differences among states and ideologies in favor of highlighting similarities. All parties to the discussion would have to begin by acknowledging that we all violate human rights and, moreover, that the super-powers are among the leaders in all types of violations--including legal executions.

In re-reading the foregoing, it occurs to me that I should add one expanded articulation and one restatement of a suggestion in broader terms:

- For women, the traditional role was the **24-hour work** of being the traditional wife, with no **leisure** component included. For children, school is **work**, and "play" is subject to parental control. For slaves and employees, definitions are self-evident.

- In economics, "human rights" in **our** system encompass the rights of "consumers" to exercise "sovereignty" over producers via competition among the latter. The sovereignty of consumers, in principle, amounts to the power to punish workers via the lower wages that are necessary to lower prices in accordance with consumer demands. The "consumer," whose activity is leisure-time, is elevated at the expense of the "worker," even though except for the "idle rich," humans must be both "workers" and "consumers." It is this simple **neglect** of workers that opened the conceptual door to Marx, who simply promised to begin from the other side of the street. From the operationalization of Marxism in the Soviet Union, however, the ultimate objective has been to reduce the need for labor by substituting technology and automation so that workers have more and more leisure time to **consume**. Thus, the Marxist dream converges with ours--- an emphasis upon leisure time.

Frederick C. Thayer
26 January 1988

I wish to emphasize that as I see it, the questions of "freedom and tyranny at work" relate almost identically to all societies, regardless of their dominant political ideologies. If I were approaching the Soviets on such matters, I would begin by emphasizing that my purpose was to point to similarities in our societies, not "differences."

Elizabeth K. Valkenier
The W. Averell Harriman Institute
for Advanced Study of the Soviet Union
Columbia University
6 January 1988

In general, I think we Americans should insist on requesting Soviet participants in order to avoid the dead wood that the Soviet side is used to sending abroad. But, of course, you might have your own channels that permit circumventing that problem.

W. Warren Wagar
Distinguished Teaching Professor of History
State University of New York, Binghamton
18 January 1988

Formal discussions of human rights have never seized my imagination, although I fully understand that much can be accomplished in this context, especially if one is more concerned, as you are, with implementation than with lofty declarations of principle.

The list of ten topics is excellent. I would suggest expanding it to include specific treatment of the rights of ethnic minorities and of women (the first two items on your supplementary list), and also a topic you do not mention, the role of the positive religions in promoting or curtailing human rights. An English historian with a strong interest in human

David Weissbrodt
Law School
University of Minnesota
29 December 1987 and 12 January 1988

The idea is interesting -- not so much for what it would permit us to learn about the Soviet way of thinking on these issues or for really moving the intellectual ball -- but because you have been assured that the book would be translated and distributed broadly in the USSR. I have long advocated that the most exciting thing which might occur in the USSR would be for the distribution of a massive number of copies of the International Bill of Human Rights in that country. Your proposed book would be a start at that visionary project.

As I suggested in the previous paragraph, I have doubts that you would be moving the intellectual ball on some of the issues which are the subjects of your various titles. For example, there are so many articles and books on topics 1 and 2 - even in Russian -- that nothing new will probably be said. Nevertheless, I would keep the chapters for the reason stated in the previous paragraph. In the past there have been Western articles and a book on topic 3, but I know of nothing published in the USSR. My guess is that the Soviets will produce regurgitated speeches from Vienna, Toronto, Madrid, etc. So little of the recent Helsinki process has been published that you may well need to get an official or semi-official chapter from the US as well. I predict a lot of posturing. Topic 4 could be interesting -- really independent thinking will be required. I am not sure what you intend by "living constitutions" in topic 5. Are you asking whether international human rights instruments are implemented in practice? Do you really expect the Soviet side to be honest? An honest attempt for the US and the USSR would be very difficult to write, because of the great complexity and size of the societies. This topic would need to be split into many subchapters or additional chapters. Indeed, the other possibilities you mention on page 2 in the third paragraph would fit here.

There has been a considerable amount of writing about topic 6 from the West. I do not know of the Soviet academic writing other than comments on the UNESCO process, but I anticipate that the results will be quite predictable. Topic 7 is overwritten on both the US and the Soviet sides. Very little would be gained other than a bow to the different Soviet perspective on this issue. That perspective has been fully expressed within the academic/expert community of human rights. Perhaps, the Soviets hope for a broader distribution of their ideas through this book. We probably will not learn anything from topic 7, unless the Soviet chapter stresses indigenous rights as group rights. Topic 8 is also a massive task. How can you expect a serious effort in 25 pages? I would be interested in the Soviet reaction to this topic, but I would like to know the perspective or issue to be addressed. Are you asking what the Soviet Union and the United States can do about human rights in the Third World? The US side of this discussion has been overwritten, but would be useful for contrast with the Soviet.

Again, topic 9 is a massive task, which would include the activities of intergovernmental organizations, governments, and nongovernmental organizations. The US government has spoken frequently on this issue, so have academics. I do not know of a comprehensive Soviet statement on this issue. I wonder whether either the US or the USSR chapters would honestly confront the conduct of their respective governments, which often vote in the UN and elsewhere against the implementation of human rights. Topic 10 is a subject which has not adequately been discussed: Who are the violators of human rights? What motivates them to violate human rights? What would influence them to stop violations? I doubt whether the US or the USSR has a unique insight into this question, but one must start somewhere.

David Weissbrodt
12 January 1988

Further to my letter of 30 December 1987 about your prospectus for a book on human rights which would be co-authored by US and Soviet writers, I wanted to suggest another idea which would make the book even more interesting. At least as to chapters (like 1 and 2), I suggest that the Soviet and U.S. authors ought to try to prepare a joint chapter -- rather than separate contributions. Some subjects (such as the topics of chapters 1 and 2) are sufficiently settled that the authors ought to be able to agree. For other chapters, the effort to obtain agreement would be fascinating. If the authors cannot agree, they can still submit separate chapters. Maybe the authors could agree as to part of their assigned chapter and could submit separate statements on the rest. What do you think?

Leon Wofsy
Professor Emeritus of Microbiology and Immunology
University of California, Berkeley
11 February 1988

1) I like the general idea very much and think it can contribute significantly in a vital area that is often confused and distorted by political antagonisms.

2) While the focus on US and Soviet authors is important, the value of the exchange depends on it not being perceived as a "super power" affair. In fact, if human rights concepts are to be rescued from the deadly affects of Cold War considerations, full respect must be accorded to the problems and views of people in all countries. This is especially so in regard to the Third World where human rights issues are sharpest and inseparable from struggles to change intolerable conditions of life.

One way to achieve maximum impact on world opinion might be to include in the book commentaries on each primary article by individuals from countries other than the United States and the Soviet Union, including at least one respected writer from Africa, the Middle East, Latin America, or Asia. This would be an extension of the proposal in your prospectus to seek preliminary discussion on the draft of each article. An example of the simultaneous publication of articles and responding commentary is the journal Politics and the Life Sciences, a copy of which I am sending to you on loan.

3) The possibility that we may enter a period in which the Cold War recedes and super power conflict may not dominate world politics as inexorably as in the last four decades has profound significance for the shape of human rights developments in all countries. I hope the book will concentrate serious analysis on how such a changing world political framework would alter struggles for human rights.

What would be the influence of world opinion and how could it make itself felt? What are the implications for people opposing oppression, dictatorship, or foreign occupation? How are continuing conflicts of interest between great powers and security considerations likely to affect human rights problems? What kind of international cooperation might be feasible and consistent with national aspirations to self-determination?

In other words, I hope the article(s) on human rights and the cold war will address new challenges and changing political realities. Too often attempts to look into the future merely distinguish optimists from pessimists. I think the projected book comes at a time of great change when fresh, creative analysis is necessary and possible.

Jeri Laber
Executive Director, Helsinki Watch
22 February 1988

Your project is an interesting and timely one and seems very well conceived. Such joint ventures are very much sought after by the Soviets at this time, and I believe that they can be very constructive.

All of the topics in your list are good ones. Some, like No. 10 (Who Are the Enemies of Which Human Rights?), may turn out to be quite provocative. I believe that the alternative topic -- The Relation Between Political and Economic Rights -- is a must in any such collaboration.

If I can be of any help in the future as this project progresses, please let me know. Let me wish you every success in an ambitious undertaking.