Reflection:

During his visit to Yale Law School, UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein’s tone was strikingly that of the philosopher-diplomat. Entitled “Human Rights Today” and sponsored by the MacMillan Center’s Fox Fellowship Program, the High Commissioner’s talk rendered itself as an introspective reflection upon the situation of human rights within a global political ecology increasingly characterized in many geopolitical arenas by movements of unprecedented populist and nationalist fervor. The High Commissioner’s comments turned quickly towards treatment of the rhetoric deployed by Hungarian Prime Minister Viktor Orban against his country’s immigrant population. Orban’s statements, against which the High Commissioner had previously spoken in a March 6 op-ed, were indeed stark: in them, Orban proclaimed outright that he and his countrymen do not want “our colour…to be mixed in with others.” In spoken remarks and later in the op-ed, the High Commissioner responded with forcefulness in kind, saying the following:

“The security state is back, and fundamental freedoms are in retreat in every region of the world. Shame is also in retreat. Xenophobes and racists in Europe are casting off any sense of embarrassment….”

I found it compelling that the High Commissioner so acutely depicted the core problem at play not foremost one of governance, but one of human sensitivity, of a breakdown in our capacity to be shamed by the wrong we do and the wrong we leave unaddressed. In further discussing this loss of our capacity for shame and the complete shamefulness of Orban’s anti-miscegenation philosophy, the High Commissioner invoked the intellectual contributions of two thinkers far separated from one another in history, discipline, and cultural locus – on one hand the French jurist Rene Cassin, and on the other, Persian mystical poet Farid ud-Din Attar.

First, the High Commissioner described the rights approach first inculcated in the Universal Declaration of Human Rights by French diplomat Rene Cassin and his colleagues as one whose core prescriptions and central convictions represented a true “distillation of human experience” in the wake of the atrocities of WWI and their unfortunate escalation in WWII. Cassin, a statesman whose role in the drafting of the UDHR was pivotal, envisioned the UDHR in the following terms:

“…the influence of the Declaration will certainly continue to grow in the years to come, for it is founded on the principle of the unity of mankind and the dignity of the individual person. Though regarded by some as little more than an adjunct to the United Nations Charter, the Universal Declaration of Human Rights incarnates the moral principles of our time, and as such stands as a lasting monument towering above national constitutions and the statues of all international agencies which must now perforce evolve and change… No longer can we allow the cries of the oppressed to be stifled by brutality or lost in a maze of red tape.”

Cassin’s description is compelling on several levels. First, his language suggests the moral-philosophical tradition and legal framework of human rights serves a notable memorializing function, working as a
carrier of memory of the past sufferings of peoples, a distillation of the moral convictions formed at a
given historical moment. That said, he clearly saw the new regime of rights to be one expressive not just
of principle, but of experience. Second, it appears that Cassin envisioned this regime, in its function as a
memorialization of experience, as transcending even the important legal function of “national
constitutions and the statutes of all international agencies.” Thirdly, Cassin saw this regime as one
predicated most fundamentally on global unity. Altogether, the High Commissioner invoked Cassin’s
intellectual legacy to poignantly depict rights philosophy as necessarily involving an experiential
dimension, one which transcends mere principle, one which cultivates and requires unity amongst its
adherents.

Second, and most intriguingly, the High Commissioner then invoked the medieval Persian poem
*The Conference of the Birds* to further develop this vision of the modern rights regime as one expressive
of experience above mere principle and of unity through that memorialization of experience. In one
portion of the poem titled *The Valley of Unity*, the poet constructs the following vista:

“After the Valley of Detachment comes the Valley of Unity, the region in which everything is
renounced and everything unified, where there is no distinction in number and quality. All who
raise their heads in this wilderness draw it from the same collar. Whether you see many
individuals in it or a small number, in reality they are but one; as all this group of individuals
merely compose only one, this group is complete in its oneness... When everything is ‘one’, cease
talking of ‘two.’ Here there is no ‘I’, nor ‘Thou.’”

Though the High Commissioner offered a more nuanced interpretation of this poem and a more involved
retelling of its actual storyline, the quote above stands to capture at least some of the poem’s central
themes: the sharing of experience and the centrality of unity. In his own writing on the drafting of the
UDHR, the High Commissioner himself describes the Declaration and the regime it established as one
being intimately concerned with the capturing, memorialization, transmission of others’ experience; the
unification, through that memorialization, of peoples; and capturing the universality of suffering. In a
2015 interview, the High Commissioner commented the following:

“The origins of the office go back to the Universal Declaration of Human Rights, and this
document was a product, of course, of a traumatic period in human history in which two world
wars, separated by only twenty-one years, accounted for the loss of a vast number of human
beings. The sense was that there was universality to the suffering that could be expressed in a
declaration.”

The High Commissioner invokes this philosophical origin of the UDHR as a defense against more
contemporary claims that human rights constitute exclusively a Western-inspired and Western-oriented
system. At a deeper level, though, he describes human rights philosophy as one concerned with the same
objectives of the Sufi poet: oneness in experience. That is a project whose spirit is rendered quite
reasonably in the language of the poetic.

In short, the High Commissioner’s talk communicated poignantly the ways in which human rights
as an ethic and ideology is concerned with far more than issues of governance: it’s about the resonance of
right and wrong within, the capacity of individuals and peoples to rightly experience shame as a proper
response to others’ experiences. Arguments for that outlook register not just on the level of the political-rational, but instead must communicate and internalize an appreciation of the synthesis between rights in
their ethical-legal and in their poetical dimensions. That the UN High Commissioner for Human Rights
would rhetorically frame his own philosophy of rights with the words of Cassin and the wisdom of a Sufi
poet is a powerful argument for the necessity of empowering the poetic imaginary to engage in rights
discourse, to seek ways to defend beauty not just on the page but in the politics of rights, as well. From the legal distillation of experience pondered by Cassin to the conciliatory and experiential poetics of Farid ud-Din Attar, the High Commissioner explicated a vision of rights as an ethical system that must entail a personal experiential dimension.

References: