

Whose Right is it Anyway?: A Rhetorical Analysis of the Universal Human Rights Problem

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Introduction

In the midst of a global pandemic that effectively shut down the entire world, the continued discriminatory treatment of African Americans and the entire BIPOC community in the United States ignited an unprecedented international public response. People all over the world were aghast as they watched the asphyxiation and murder of George Floyd by a police officer on their screens. Officers are meant to be protectors and enforcers of the law, and the world felt starkly disappointed by a clear rejection of such pledges. The term “protector” has become associated with feelings of control and oppression, when instead it should stimulate feelings of safety and support. Prompting a reignition of the Black Lives Matter movement that began in 2013, protests around the world were held for weeks on end to call attention to serious systemic problems concerning the treatment of minority individuals not only in the United States, but everywhere. While the demands of the protestors seem obvious and humane to some, they continue to enrage and befuddle others, who see no apparent issue with unbalanced social treatments. The current 2020 political climate encourages closer scrutiny on matters of human rights and what actions should be taken in the event of infringement of those rights. In terms of the treatment of people of color and other minorities in the United States, should the United States be considered in violation of human rights? If so, why isn't anything being done? What, if anything, should be done, and who should enforce it? This essay seeks to uncover some of the reasons these questions are so difficult to answer.

The *Universal Declaration of Human Rights* (UDHR), decreed by the United Nations (UN) General Assembly in 1948, was created in response to the atrocities committed during World War II and designed to prevent future injustices and crimes against humanity. This same document is the standard by which rights are thought to be protected today. The apparent need for a documented definition of “human rights” prompted the creation of the UDHR, which consists of 30 articles that have since become integrated into countless international and national laws and constitutions. The UDHR proclaims that its outlined universal standards and behaviors will be protected and upheld by national and international administrations for the benefit of all who fall under it, theoretically, *all* human beings.

Per its current rhetoric, still unrevised in over 70 years, I believe the UDHR perpetuates a standard of unfair and biased laws that cater to the agenda of

ruling elites while putting the majority population at a disadvantage that is unlikely to be challenged, let alone amended. Subjective language used throughout the document has furthered an unbalanced allotment of rights by normalizing hierarchical word usage that privileges Western power. It is important to recognize the document's biased agenda through a rhetorical understanding of how language in the UDHR is representative of the politics it aims to promote, and what can be done to amend it. The overidealized decree has simply provided guidelines for behavior rather than providing a set of standardized, binding laws. It fails to recognize cultural differences that conflict with the Eurocentric nature of the written rights. Principles are written to appear logical so that they rhetorically appeal to widespread, or universal, audiences, but fail to accept that divergent perspectives do not all follow a singular logic. Today, the UDHR is not universally acknowledged, accepted, or enforced and there is continuing debate on how modifications need to be made in its construction and implementation.

In the first half of this essay, following the historical context of the document, I examine some of the ways the rhetoric of the UDHR is essentially flawed and requires scrutiny. Insufficiencies include issues with the genre of the document, imbalanced and biased selection of whose rights are truly protected under the document, how the rhetoric fails to meet the needs of a universal audience, and how a singular ideology perpetuates a hierarchal, elitist, and discriminatory set of laws. Following the analysis is a series of suggested possible corrections to the language of the UDHR, and how things might be altered in light of alternate perspectives. Before concluding, a brief discussion of the nondiscursive elements of the recently created illustrated accompaniment to the UDHR reveals further insights on the ideologies of the document. Many of the examples used in this essay describe US situations and references because, as an American student who grew up in the United States, these are examples I can speak on with the most confidence. Although this essay seeks to uncover ways the UDHR privileges Western ideologies over non-Western ideals, I believe the American examples of non-adherence to the values in the UDHR further demonstrate how it has become unreasonable to highly value its rhetoric if it cannot even serve the groups it seems to favor. How is it then supposed to protect anyone at all?

History

World War II's numerous moral dilemmas and high death toll have marked it as the most destructive war in history, boasting over 75 million casualties and causing a shift in global power dynamics ever since. The UDHR was produced during a kairotic moment when the world needed order in an unprecedented period of increasing violence. Taking place between 1939 and 1945, World War II began in the West with the German Nazi invasion of Poland, and in the East with the Japanese invasions in China. In the aftermath of the gruesome six-year war, the world needed concrete definitions for human rights so that identified violations could be properly punished and corrected. The UDHR was decreed by the UN General Assembly on December 10, 1948, in Paris, France. The 58-

member Assembly included France, Germany, Poland, the Republic of China, Saudi Arabia, the United States, the USSR, and many more. Completed by the Assembly in May of 1948 and adopted as Resolution 217 in December of that same year, the UDHR has since become the world's most translated document (Danchin). Aware that rhetoric about human rights could worsen the problems the UDHR sought to solve, it was the hope of the committee that the list of rights would encourage nonviolent discussions and provide tools for diplomacy. The Japanese had invaded and defiled the Chinese capital, Germany violently carried out plots of eugenics by way of the Holocaust, and the United States had dropped two nuclear bombs on civilian Japan. Victims were not being abused because they lacked humanity, but rather because the measure of humanity created by another group's definition did not rank highly enough, leaving them vulnerable. The UDHR was significant in that it was created for "human beings" instead of "citizens," a distinction that promised peace and security for all. A "citizen" is a person who is recognized by the state or government, while a "human being" is anyone alive. Muslim countries, for example, distinguish between "legal" and "natural" persons—one dealing with legality, and the other simply dealing with personhood (separate from a slave with no personhood) (Kuran 785). Unfortunately, not everyone was able to agree to the terms as amicably as was hoped. Although the document had no votes against its adoption, only 48 of the 58 members voted in favor¹ while eight abstained and two failed to act (Danchin). Those who abstained included South Africa, Poland, Yugoslavia, the USSR, Saudi Arabia, the Ukrainian SSR, Byelorussia, and Czechoslovakia, although all were included in the drafting procedures. Yemen and Honduras did not vote.

Countless versions of documents like the UDHR have been drafted, dating as far back as the c. 1754 BCE Babylonian Code of Hammurabi, and each has agreed that human rights are inherent to the individual and critical to each human life ("Human Rights Nature, Concept, Origin and Development"). Experiments in the establishment of human rights have been guided by ancient texts like the Analects of Confucius, the Bible, the Hindu Vedas, the Quran, the Iroquois Constitution, and more, all dating well before the 18th century (Hansen). However, the Magna Carta remains the human rights milestone in Western history, serving as a precursor for more contemporary documents such as the English Bill of Rights and the French Declaration of the Rights (Shiman). Ideally, these guiding ancient documents would come together as an amalgamation of rights that could be globally agreed upon to help mediate tensions between the views of human rights in culturally differing societies. However, perceptions on how to equalize human rights change based on myriad perspectives and are

¹ Countries who voted in favor: (48/58) Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Republic of China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela.

altered depending on the responsibilities called upon by tradition, religion, and other highly influential aspects of social philosophies. This suggests a nearly infinite number of complications that can factor into the consolidation of one universal set of laws and rights.

Why the Rhetoric is Flawed

According to the UDHR, rights are to be upheld uncompromisingly for all individuals, but its current state makes it all too easy to ignore. Understanding how the rhetorical strategies of the document purposefully undermine its effectiveness helps explain why it has been a relatively unsuccessful document, especially under the current climate. Lyon and Lester discuss in “Special Issue on Human Rights Rhetoric” the ways “language is adapted to circumstance” and how “rhetorical inquiry examines how audiences identify with both rights themselves and the individuals or communities whose rights have been violated” (205). Hierarchies of social privilege and political power exist in the language of the UDHR to establish and maintain social dominance, one that happens to be skewed toward a particularly Eurocentric inclination.

Genre of Legal Opinion

One of the major issues with the UDHR is the difficult genre it’s written in. The document is written formally and rigidly, much in the style of a legal document whose techniques are meant to promote neutrality and universality, which, according to Katie L. Gibson’s rhetorical analysis on judicial opinion, overwhelmingly shape the tone of the law (123). Gibson goes on to cite Katherine Bartlett explain that “traditional legal methods place a high premium on the predictability, certainty, and fixity of rules” which is a method the UDHR relies on for its effectiveness and authority (qtd. in Gibson 125). Per the language and style of the UDHR, it aims to be interpreted as a finalized document that is to be referenced when a person feels their rights are being violated. The genre of judicial opinion typically focuses on closed discourse that perpetuates the “unquestionable power of the judiciary,” resulting in articles that are decontextualized, authoritarian, and dismissive of alternative perspectives (Gibson 125). The UDHR easily fits into this genre. Instead of beginning with an “introduction” or “premise,” the UDHR begins with a formal “*preamble*,” which right away sets the tone of a legally written document or statute. Within the preamble, the term “*whereas*” appears seven times as it lists reasons for the document’s enactment, which is in line with the *West’s Encyclopedia of America Law* definition of the term: “When *whereas* is placed at the beginning of a legislative bill, it means ‘because’ and is followed by an explanation for the enactment of the legislation,” further placing the UDHR within the genre of judicial opinion and legal documentation. Before getting to the actual articles of the document, readers are already exposed to tenets of the genre and are persuaded to accept it as singularly correct.

The problem with a universal document written in the genre of legal documentation is that its language immediately categorizes it as inaccessible, intentionally ambiguous, and closed to reinterpretation. While the motive for using the legal genre may be to remove bias and open interpretation, the genre mainly serves to further marginalize countless groups while establishing biased social hierarchies. Plain-language contracts appeal to a much wider audience and should be the model for any universal document, instead of using frequent elevated language seen throughout the document like “endowed,” “impartial tribunal,” “penal offense,” “arbitrary interference,” “set forth herein,” and more. The abstract and vague application of such terminology leaves many openings for infringements to take place, seemingly within the rights of the law. The language of the current document is written in the language of an oppressor that still expects the oppressed to accept it at face value. Analyzing this language further begs the question of who is included in each given group of oppressed and oppressor.

Who’s Included?

The UDHR suggests that *all* lives are sacred and that *everyone* is included under the document. The issue with this claim is that people are often only referring to the members of their own group when they refer to “persons,” “lives,” or “everyone.” This presents itself most recognizably in contemporary cultures and societies via laws and norms that subjugate women, LGBTQIA, BIPOC, and/or Jewish people, to name a few. The United States, for example, ignores Article 2, which states that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind,” when it denies marriage to homosexual partners and when it denies due process to the BIPOC community, violations of articles 16 and 11², respectively. The BLM movement resurgence of 2020 specifically protests against the lack of due process given to George Floyd, who was murdered for a “bad check” accusation. Additionally, people of color in the United States also were barred for many years from Article 27, which allows for the right to “freely participate in the cultural life of the community” because desegregation laws did not pass until the 1960’s, well after the UDHR was

² Article 16: (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

decreed. In these circumstances, “everyone” certainly did *not* receive “all” the rights. Passively classifying certain groups of people as “subhuman” is a tactic that can easily be used to subvert UDHR articles that use terminology like “everyone” and “all,” and thus deny applicability to those outside of the mandatory criteria. This happened with the Jewish population in Nazi Germany and also with the Chinese population during Japan’s invasion. The term “everyone” appears 30 times throughout the document in an attempt to persuade audiences that it is truly inclusive, and yet many state laws only grant privileges (read “rights”) to certain groups and not to others. Conflicting ideologies on what discrimination is and who it affects invalidates inclusivity terms as they appear everywhere in the UDHR, such as Articles 7 and 23 concerning everyone’s right to equal protection and pay, and redefines the conditions by which people are to be treated.

Additionally, the use of “he” in Articles 11 and 27 and the term “his” appearing 21 times throughout the document create a distinction severe enough to remove women from its context altogether, an issue that grows more problematic as the concepts of gender equality and fluidity become more mainstream. The term “woman” appears only twice, first in the preamble and second in Article 16, about marriage and family. The term “brotherhood” in Article 1 is supposed to elicit comradery and togetherness, but why not use words like “comradery” instead of the gendered assumption of man caring for man, or woman caring for man in a nurturing way? The subject of “brotherhood” is male and promotes the ideal of male-centeredness, encouraging countries who do not recognize gender equality to continue perpetuating that standard. Gibson notes Gerald Wetlauffer’s remark that rhetorically committing to abstraction and universality perpetuates the status quo, “disempower[ing] the already powerless to reinforce the existing distribution of power and wealth, to prove wrong those who question the legitimacy or neutrality of the existing system, and to marginalize the voices of opposition” (qtd. in Gibson 125). Decontextualizing women from the universal group creates distinct levels of hierarchies and points to whom the standard is centered around.

Article 4 states that “no one shall be held in slavery or servitude” and that slavery “shall be prohibited in all their forms,” which runs contrary to Article 16, which asserts that “men and women of full age . . . have the right to marry and to found a family” in countries where a woman is only allowed out of her home with the accompaniment of her husband or another male, known as a guardianship policy (“Boxed In”). Ownership of a woman is a form of slavery, wife or not; however, there are countries whose culture directly opposes this. Article 16 goes on to say that “marriage shall be entered into only with the free and full consent of the intending spouses,” although it is well known that many marriages worldwide are not created this way (“Boxed In”). Does this qualify as an infringement of human rights per the UDHR’s codes, or does the resident culture’s norm dominate? The fact that “women” only appear in the document in relation to family and marriage further positions women as secondary to men and necessary only as an object for procreation. This is supported by the final part of Article 16, stating that “the

family is the natural and fundamental group unit of society,” which defines a “family” as a heterosexual relationship and the one time a woman is needed and protected, explicitly.

Articles Failing to Meet Needs

The rhetoric of the UDHR can also be recognized as flawed through the reasoning behind abstentions from countries like the USSR who found that a more explicit condemnation of fascism and Nazism was indisputably necessary. Article 19 refers to “freedom of opinion and expression . . . through any media,” which worried nations like the USSR who had firsthand experiences with the Nazis and wanted to create explicit condemnation, in writing, against such radical groups expressing themselves (Danchin). Since the article does not limit expression, and instead asserts that opinions are to be held “without interference,” there is no way to stop an individual from participating in hate speech, perpetuating misinformation, or inciting violence. Communist countries, however, recognized the need for a generalized document that would at least combat Nazism and were prudent enough not to oppose the decree outright (Danchin). As Article 19 is written now, it not only fails to condemn fascism, the vague language is flexible enough to defend a person’s right to recruit and promote violence.

Observing how the weak and imprecise rhetoric of the UDHR fails to meet the needs of a universal audience highlights some of the reasons why various other countries chose to abstain from the vote. Those who abstained recognized language in the UDHR that was insufficient in some way, or that crossed a line in its wording that offended or ran contrary to their cultural mores. South Africa, a country once ruled by Apartheid, abstained from the vote because the UDHR contained too *many* economic, social, and cultural rights, as opposed to not enough (Danchin). The system of Apartheid institutionally enforced racial, economic, and political segregation, which clearly violated numerous UDHR articles, specifically those about rights to vote and participate in government. Article 21 grants everyone “the right to take part in the government of his country,” and yet it is known that only certain groups were allowed to vote under Apartheid. The Saudi Arabian abstention stemmed from a refusal to accept the wording surrounding equal marriage rights in Article 16 and the right to change religion/beliefs in Article 18, although these issues did not prevent the favorable vote of other Muslim countries (Danchin).

Singular Ideology

Unsurprisingly, the biased nature of universal rights makes it a document that is largely ignored and has created natural resentment in those excluded and overlooked. Many within Muslim communities express concerns about the Western bias of the UDHR, including Riffat Hassan, who states:

What needs to be pointed out to those who uphold the [UDHR] to be the highest, or sole, model, of a charter of equality and liberty for all human beings, is that given the Western origin and orientation of this Declaration, the "universality" of the assumptions on which it is based is – at the very least – problematic and subject to questioning. ("Introduction")

Not all varied and evolving global views align with Eurocentric ideals of integrated rights, and it's important to recognize that differing perspectives make up significant portions of the population, although the genre and language of the UDHR would suggest that everyone around the world can agree to their one specific standard of rights. For instance, alternative views might contend Article 1's claim that "all human beings are born free . . . they are endowed with reason and conscience" because of the prevailing non-Western belief that:

Rights are neither natural nor the essential part of man's person, nor are the[y] impressionable. They have no special significance or importance. They are part of the general law of the land. . . man is sum total of a stomach and matter, and economic struggle [is] its only goal of life.
(Manzoor, "Socialist View of Human Right")

This view heavily values physical rights like food and shelter and is less concerned with individual moral growth and development, as Articles 27 and 29 would suggest about "enjoy[ing] the arts" and "development of personality." This again demonstrates how differing fundamental truths make an all-encompassing declaration of rights difficult to produce. Manzoor agrees that "by and large, the concept of human rights is very much the product of history and of human civilization. Being as such, it is always subject to evolution and change" ("Conclusion").

Article 23 also supports the singular ideology that favors Western cultural views, and yet is still not achieved by most. This article states that everyone has the right to work and the right to "protection against unemployment," that everyone has the right to "equal pay for equal work" without discrimination, that everyone who works has the right to dignified standards of living to be "supplemented, if necessary, by other means of social protection", and that everyone has the right to be involved in trade unions "for the protection of his interests." This article, paired with Article 24, which grants everyone the right to "rest and leisure, including reasonable limitation of working hour and periodic holiday with pay," is an example of fruitless rhetoric that is not backed up or supported in a practical way by the UN. Although a small portion of countries seem to enjoy some leisure rights, in many other nations promises like these read more like unrealized privileges than rights. What qualifies as "reasonable limitations of working hours" depends on the opinion of the employer, and in some cases, employers have been notorious for demanding work hours that fail to allow even for the suggested eight hours of recommended sleep. As far as "periodic holiday pay" goes, the matter is so complicated by intermixed cultural beliefs existing within a

singular workplace that it would not be feasible to allow extended holiday time to some groups while others receive none at all, based on the holidays they adhere to.

Concerning “equal pay for equal work,” women and racial minorities experience infamously widespread wage discrepancies that are unlikely to be corrected any time soon. According to UN Women, “worldwide, women only make 77 cents for every dollar earned by men . . . even though the work itself may require equal or more effort and skills, it [is] valued and remunerated less. For women of color, immigrant women and mothers, the gap widens.” This obstinate system is expected to take as long as 70 years before it is corrected, according to current trends. One of the problems with the equal pay concerns is how difficult it is to prove that “equal work” is being done. Any employer can claim that a woman, or any person, is doing less work than a higher paid individual and is thus justified in paying them less. Language needs to be worked into these articles that allows for specific contextualization of an individual’s needs to lessen the possibility for exploitation. Issues like these need to be backed up by the UN rhetorically to ensure enforcement of equal pay and due leisure instead of pledging it as finalized and concrete and then relying on the resident legal system to settle the rest.

Additionally, Natalie Midiri discusses the importance of appealing to a universal audience that is “convinced by logic, persuaded by the style of the presentation, and not motivated by self-interest,” although Midiri notes that no such audience exists (99). The UDHR assumes the same singular logic of its entire audience and has relied on the traditional official format to serve as rhetorical ethos. Although the document is translated into over 360 languages, conceptually not all topics receive an appropriate communication of ideals. Article 6, for example, states that “everyone has the right to recognition everywhere as a person before the law.” Although this article seeks to recognize and establish that all humans are legitimate, it passes the responsibility to a nation’s current legal system, instead of through universal enforcement. The article does not state that the “law of the UN” determines and enforces legitimacy, but that it is determined instead by the law of the state where a human happens to be. Should the state pass laws that no longer recognize particular groups, then those groups would no longer be protected and would be subject to abuse. The vague language of Article 6 fails to protect groups that are being victimized by stronger opponents.

A More Flexible Set of Rights

These numerous problems raise questions on how we are meant to treat each other as human beings and whether it is possible to find ubiquity amongst so many differing cultures. Can a more flexible, tailored, and subjective set of rights be agreed upon?

The Contradiction

Recognizing the rhetorical pitfalls of the UDHR is an important step towards trying to come to a less absolute and more variable interpretation of the articles, as well as the means of their enforcement. The success of the UDHR has been compromised by a lack of compatible governments, overidealized attempts to counter cultural relativism, and a near global misunderstanding of the terms of basic humanity. The rhetoric used in the document is too vague in some areas, is too specific at others, and has an overall air of judicial and purposefully abstract language. While many believe that cultural relativism is the key to providing individuals with the most protections, it is also widely believed that there should be one standard that all nations should adhere to. This, of course, is the contradiction. It is not plausible that the rhetoric of the UDHR can be both completely culturally sensitive and completely standardized at the same time. Trying to achieve both universal and specialized rights at once is one of the root issues in creating effective documentation, as demonstrated by the issues posed by cultural relativism: "the ability to understand a culture on its own terms and not to make judgments using the standards of one's own culture" ("Cultural Relativism"). It is a school of thought that says that no culture can be verifiably correct in terms of morality and ethics. Ideally, this leads to the perspective that no culture is superior to another, that no one culture holds the key to absolute morality, that one's own culture may contain flaws and missteps, and that there is something to be gained by learning from differing values and principles. Although cultural relativism is appealing philosophically, while complicated, it is a field of thought that cannot be blindly applied to the UDHR, nor can it fail to be incorporated at all. The key is to avoid taking an absolute stance on topics so complex.

Abandoning the Genre

One of the fundamental problems with the UDHR is the genre in which it is written—the genre of legal opinion. Although the document likely implores the legal style to appear authoritative, unbiased, and clear, the genre actually works against these goals and perpetuates a language of marginalization and patriarchal hierarchies. Gibson argues that the "rhetorical commitment to abstraction that shapes the genre of legal opinion" resists language changes that attempts to contextualize laws and their sanctions, and that the demand for broad rhetoric serves only to add force to documentation that hides embedded patriarchal interests (129). The rights in the UDHR are written to appear declarative, neutral, and transcendent, but fall short on securing justice and protecting for all individuals. Gibson further cites Wetlaufer as stating that "[Legal] rhetoric operates by predisposing us to render as black and white that which is gray," and explains how this is done through the law's voice of closure and finality that suggests a singular version of humanity (qtd. in Gibson 131). Rules need to be adapted in response to varied and contextualized situations instead of declared without consideration. The articles should instead include

concessions for differences and work to contextualize and personalize rights per the issue at hand. The document's tone suggests that the authors intended the UDHR to be the final say on human rights and that it would solve all problems on a global scale. There is no mention of what to do if an issue does not line up directly with an article, or if there are extenuating circumstances that created an issue. Nor is there any indication as to what happens when an article is violated, or the nature of the sanction required to amend it. Abandoning the legal method encourages the inclusion of marginalized groups into the creation of articles and rights and helps to promote a more just universal system by criticizing and contesting its current state, holding the document accountable for its claims. As Gibson concludes: "Perhaps we will only be comfortable with the indeterminate and polysemic nature of the law once we are confident in our role as citizens to contribute to the law's voice and demand a language that represents our lived experiences" (136). In addition to abandoning the genre of legal opinion, the UDHR would also do well to adopt the style of plain language instead, so that even individuals with basic education levels can read it without difficulty. A document that is meant to be universal should be one of the easiest documents in the world to read, so that everyone can access it when they need it.

Opportunities for Revision

Language in the UDHR suggests that all rights are now, and have always been, ubiquitous and ahistorical (Barnard). The UDHR is written as a fixed document that denies review and revision necessary as the years go by and standards change. The preamble to the UDHR refers to the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family," as well as the "conscience of mankind." Each quote reinforces the idea that rights are endowed by some larger creator outside of social constructs specific to time and place. No set of rights should be decontextualized, and it is important that every act is situated and recognized as unique. Acknowledging this further universalizes the prospect of a global set of rights and helps understand the vast range of possibilities that surround a law or sanction. Gibson writes that "the voice of the law emerges from the expectations and needs of its citizens," which suggests that laws need to change as society changes and to adapt to evolving culture and life, remaining conscious of differing culturally beliefs and practices (136).

The UDHR is not a self-executing document and requires certain measures to ensure adherence from an international governing body. Even of the rights that are the most universally accepted, the lack of actual enforcement of these laws remains largely problematic. Some articles of the UDHR require a serious tightening of the rhetoric, like Article 19 on the freedom of expression. As discussed earlier, Article 19 is problematic in that it lacks the language necessary to grant the rights of expression without limitation or tact. Instead of allowing people to express themselves "without interference," freedoms should contain limitations within their own right instead of in relation to other articles of the

document. This issue with Article 19 is combatted by Article 30, which states that “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.” Verbose and vague, this final article attempts to declare that none of the other 29 rights should be “destroyed,” or violated, however its elevated wording and position at the very end of the document make it relatively easy to miss or ignore. Because of this, articles like Article 19 require stricter wording that establishes that “without interference” only applies so long that free opinion does not incite violence or hate speech. Without these provisions, the lack of context that would be needed from the entire document ceases to function properly.

Alternatively, other parts of the UDHR could be amended by weakening the rhetoric that surrounds them, such as with Article 16 concerning marriage and family rights. The Saudi Arabian abstention and the issues with female representation both demonstrate how the overly specific phrasing of Article 16 fails to meet the needs of a universal audience (Danchin). Issues with Article 16 also stem from the heteronormative assumptions that only a man and a woman can marry and that this union is the only correct definition of a family worth protecting. The article begins with “(1) men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family” and ends with “(3) the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” Since this is the only time the word “women” appears within the articles, the strong suggestion that family is the only place a woman belongs becomes relevant and forces scrutiny of the document as a whole. The end of the article thus becomes problematic as well because it positions male/female relationships as the singular measure of family and elevates it on a pedestal, claiming that this version of family is “natural” and “fundamental.” At the start of the article, “men and women” can readily be replaced with “persons,” which clears issues with representation and also eliminates the “natural” issue in the third section. It is easier to agree on the-family-as-fundamental when “family” stops referring solely to the fruitful union between a man and a woman. Insofar as Saudi Arabia may have criticisms of this article, there would need to be a discussion concerning the complex conflicts of ideology here. The document’s language cannot both adhere to universal rights and limit the rights of women, however an agreement must come to pass. A complicated matter, to say the least.

Enforcement

As far as enforcement is concerned, the UDHR does not supply the language necessary to prompt serious consequences in most cases. The rhetoric of the document defers the responsibility of upholding laws to the nation and government where a person resides, and that matters should be handled domestically. It becomes clear that:

It was the privilege of the powerful states to obtain redress even by use of force for injury to life or property of their nationals living abroad in case they were 'denied justice' by the local authorities. In the very nature of things this was the privilege of the strong against the weak only and was not an evidence of the rule of law in world affairs. (Jain 149)

As discussed in Article 8, the “effective remedies” to a violation are “granted [to] him by the constitution or by law,” referring to the law of one’s own nation, not the law of the UN, which is supposed to be *the* international, universal, governing body. This is the same problem that was earlier discussed on Article 6, which also distinguishes that the right exists “before the law,” but fails to establish whose law. When the UN does take action in response to article violations, the process is complicated, slow, and often discriminatory towards those without power, which is just more reason to acknowledge the flawed nature of international law and the challenges facing a possible amendment. The UDHR does not need to be self-executing, but it does need to include language that grants it the authority to appropriately deal with rights infringements outside of the specifics of a singular culture’s legal system. This method of leaving the law in the hands of individual states renders the standardized set of laws powerless and ineffective.

An important facet towards the pursuit of international law enforcement has been the creation of the U.N. Security Council which deals with provisions, trade embargos, and the promise of armed force, although this force is never called upon or used as intended (Kirgis). The Council is made up of five permanent members who all have ultimate veto power over each other. Logically, this means that all five nations need to come to a unanimous decision to reach a conclusion. This is dangerous. Under the current international law enforcement model, the stark imbalance of power between nations and the unquestionable authority of the ruling elite is openly acknowledged and demonstrated through the authoritative and closed language of the UDHR perpetuated by the Council. It is the job of the Security Council to determine threats to or breaches of the peace and enforce obligatory sanctions to correct the situation. Frederic Kirgis explains the many issues with the Council and how it does not appropriately represent the many nations who fall under its global jurisdiction:

Its five permanent, unelected members-China, France, Russia, the United Kingdom and the United States-can veto any substantive measure. One of them-the United States-has dominated the Council in recent years. To the extent that law enforcement finds its legitimacy in democratic institutions, the Security Council is vulnerable to criticism. (par. 7)

This leads to questions about the legitimacy of the organization itself, and how qualified it is to dole out sanctions. The Council should instead be governed by alternating, rotating Member States and without any ultimate veto power, and such balances to power should be included in the rhetoric of the UDHR. As it is

set up now, it is clear that the ideals and agendas of Western cultures dominate the Council and therefore dominate the way that rights violations are interpreted and dealt with. Integration and acceptance of other dissenting opinions and the language they utilize is necessary to create a truly just, inclusive, and effective Council.

Nondiscursive Rhetoric in the Illustrated UDHR

It is also interesting to note how some of the nondiscursive rhetoric of the *Illustrated Version of the Universal Declaration of Human Rights* serves to reinforce the standards and practices laid out by the document. Although the UDHR has been translated into more than 360 languages, the illustrated version is only available in “Arabic, Chinese, English, French, Russian, and Spanish.” These happen to cover all the languages spoken by the nations of the Security Council. Per the UN website, there is no reason given for this illustrated version of rights, other than it contributes to their cause. In the interest of brevity, I will limit my discussion of the nondiscursive rhetoric to a few of the major and most obvious take-aways.

Color

The illustrations in the book consist of simple, white, stick figure renderings of a human person against bold and brightly colored backdrops that subtly display the article’s number in the background. Most of the illustrated pages include a singular solid backdrop color; overwhelmingly red and blue, but also includes a couple of purple, green, and yellow examples. Red and blue are among some of the most popular flag colors around the world, with the meanings of the colors varying between Western and non-Western interpretations. The relevant Western meanings for red evoke feelings of strength, determination, and courage, while some non-Western meanings of red evoke luck, prosperity, power, and happiness. Western meanings for blue include peace, loyalty, honor, and trust, while non-Eastern meanings for blue include immortality, protection, and femininity. These meanings are significant because sometimes color is culturally dependent. For example, “although Black is the color of death in many countries, in China the color associated with death is White” (“The Meaning of Colors”). Universally, color is used to persuade audiences to feel a certain way at an almost subconscious level, and it is interesting to examine what the universal audience is being persuaded to believe. With blue and red backgrounds comprising over two thirds of the image backgrounds, contrasted against the white stick figure in each illustration, these three colors serve the agenda of the document by evoking nationalistic responses from countries that also use blue, red, and white in their flags. These colors are more obviously nationalistic for peoples governed under flags that utilize blue, red, and white, and the intent seems to be geared toward trying to get all nations to respond in this way, even though it is primarily Western nations that utilize this color scheme (Bada).

The Figure

The stick figure in the drawing is most often shown standing alone, with only 7/30 illustrations depicting two or more figures at once. We know that the figure is male because of the distinguishing long hair drawn onto female stick figures, as seen on the illustration for Article 16 on marriage and family. This supports earlier claims about women only appearing in the written UDHR in relation to man and their union as the pinnacle of family. Female figures (stick figures with hair) are also depicted under Article 2 which discusses universal rights and freedoms “without distinction” and includes “race, color, sex, language, religion, national or social origin, property, birth or other status” as examples of distinctions to remain neutral about. This ideal is mirrored in the accompanying drawing which depicts an eight-pointed star made up of stick people, four of which have the distinct feminine long hair added and seven of which are not white, though none of them are black. The one white figure in the bottom center is surrounded by stick figures whose faces are colored in with varying shades of pink and tan. This is the only time non-white figures appear in the illustrations, furthering earlier suggestions that although the UDHR likes to position itself as inclusive and diverse, it consistently subverts this message with contradictory preferential treatment and representation towards light skin. Additionally, by continuously situating the stick figure alone, and as usually smiling, the images suggest the ideals of rugged individualism prevalent in Western societies (primarily the United States) and remove the communal aspects of the UDHR that should be further incorporated. In many non-Western countries, family and community groups are among the most fundamental points of society, and so seeing a series of singular figures might not translate as smoothly as it does for countries like the United States, who value individual pursuits much more highly.

The Judge

One final observation that stood out was the appearance of a stick figure highly stylized as an English judge in court, complete with robe and curly white wig. This figure appears under Article 8, which states that “everyone has the right to an effective remedy by the competent national tribunals,” and under Article 1,0 which states that “everyone is entitled in full equality to a fair and public hearing.” These depictions are not only problematic because they present a distinctly Western (English) judge as the ultimate authority and possibility for freedom or redemption, but also because it suggests the intention for further colonization of less powerful countries, some of which still use wigs in court despite their independence from the United Kingdom. It might be more appropriate to depict multiple, diverse stick figures considering the case of another stick figure to represent an unbiased council of a fair and qualified judging system. This list is not exhaustive, but it does highlight a few of the ways that the illustrated visual rhetoric of the UDHR continues to support a Western-centric ideology and further marginalizes groups under the guise of equality.

Conclusion

As political and social awareness spreads throughout the globe, it is important to challenge and question the meaning of rhetoric implored by the UDHR, allowing entry for new levels of testimony and witnessing to take shape. Outside perspectives that do not conform to the current Westernized emphasis are necessary to come close to “universalizing” any set of rights. According to Lyon and Lester, “witnessing and testifying have a particular place in speaking back to power, in creating counter-discourses, which denormalize dominant discourses and offer alternative worldviews” (209). Speaking about experienced violations elicits important ethos responses that vary from outrage to indifference, the latter becoming problematic when widespread. Credibility is necessary in order to invoke that pathos appeal needed to activate an audience into action against oppressive regimes. Wendy Hesford adds in “Human Rights Rhetoric of Recognition” that “single-cause movements may have contributed to the creation of a culture of public engagement, but . . . it was only when single-cause movements began to articulate interconnections among causes that the idea of universal human rights took hold” (288). It is important to observe how rhetorical strategies are used on a small scale and learn how to make them work on an appropriate geopolitical scale, using language to guide the process. Integrating inclusive language that recognizes the universal in the particular can take a grass-roots movement and escalate it into progress for more than one oppressed group. In order to find mass appeal, testimony needs to come from marginalized groups at an increased rate and with higher acceptance. Minority stories are often forgotten or lost because of their perceived inferiority, but it is imperative to integrate differing perspectives into a universalized document. As the world continues to deal with issues of race and equality, human rights definitions and protections are coming more into the foreground of world thought, and every effort should be put towards contextualizing and opening rhetorical discourse that can serve as an effective, useful, rights-endowing document.

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