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Human Rights Bibliography

Igor L. Kavass

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HUMAN RIGHTS BIBLIOGRAPHY

INTRODUCTION

*Igor I. Kavass**

It would be a mistake to assume that the concept of human rights as an ethical precept is an invention of recent origin. The shelves of libraries throughout the world are filled with books which either endeavor to define the inalienable rights of individuals or record the sad history of their constant and relentless abuse. Many of the world's greatest literary creations, from the Greek drama onward, chronicle man's cruelty to man. What is more effective in evoking a feeling of indignation about the perversity of human misery and suffering than the unforgettable books of writers with such culturally and ethically different backgrounds as Dickens, Dostoevski, and Zola, or their modern successor Aleksandr Solzhenitsyn, who in terms of his *Weltanschauung* stands closer to the 19th century religious mystics than the 20th century theoreticians.

With a few noteworthy exceptions, one of which happens to be Solzhenitsyn, there is an obvious distinction in the treatment of the human rights question between the earlier writings and the published works of the past thirty years. The earlier writers lacked a firm doctrinal base for their condemnation of human rights abuses. Instead, they had to rely on the compassion and fundamental humanitarian feelings of their readers. From time to time, they referred also to obscure natural law doctrines which, with their religious underpinnings, became increasingly unpopular in

* Professor of Law and Director of the Legal Information Center, Vanderbilt University; Visiting Professor of Law, Free University of Berlin; President, International Association of Law Libraries. LL.B., 1956, University of Melbourne. The author wishes to express his gratitude to Howard A. Hood and Jacqueline P. Granier for their valuable contribution in compiling this bibliography. He also wishes to thank Mary C. Miles for her assistance in preparing this Introduction.

the wake of strong anticlerical sentiment in the 19th century.

There were occasional attempts to enumerate the rights of individuals on the basis of secular and rational principles. The American Bill of Rights and the French Declaration of the Rights of Man are the two most notable examples. Despite their intrinsic clarity of thought, neither of these documents succeeded in altering the prevailing attitude which viewed the protection of human liberty and dignity as issues of morality rather than law. It required the experience of a devastating world war for mankind to recognize the need for an ideologically unimpeachable document spelling out the rights of individuals in clear and uncontestable terms. In order to achieve this end, human rights had to become normative concepts of positive law. Hammered out in the assembly rooms and hallways of the newly established United Nations, these rights were embodied in a formal document appropriately named the Universal Declaration of Human Rights. It was followed in subsequent years by a number of supporting and more specific instruments.¹ Politically neutral on their surface, these documents constitute the foundation of a jurisprudentially uncontestable theory of human rights which, in the words of Andrei D. Sakharov, "has become a worldwide ideology, uniting on a human basis peoples of all nationalities and with the most diverse convictions."² Despite the assertion that the articulation of human rights does not necessarily lead to their practical realization (or the more valid accusation that they are frequently ignored in the interests of immediate political exigencies), the codification of such rights has established a powerful tool of public opinion and an effective yardstick to measure the behavior of states toward their own citizens and the peoples of other countries.³

1. The Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol.

2. Sakharov, *A Letter from Exile*, N. Y. Times Magazine, June 8, 1980, at 74.

3. In his widely criticized commencement address at Harvard University on June 8, 1978, Aleksandr Solzhenitsyn disapproved of an excessively legalistic approach toward human rights. He claimed it to be a direct product of Western legalism alien to many non-Western cultures because "the letter of the law is too cold and formal to have a beneficial influence on the society." A. SOLZHENITSYN, *A WORLD SPLIT APART: COMMENCEMENT ADDRESS DELIVERED AT HARVARD UNI-*

The recognition of human rights as fundamental rules of international law has encouraged an immense amount of public and private activity which, in its turn, has resulted in a great deal of writing. In terms of physical volume, more has been written about human rights in the past thirty years than in the preceding millennium, and such writings continue to be produced at an increasing rate. From a bibliographical standpoint, it has reached uncontrollable proportions, so much so that research is beginning to be encumbered by an excess rather than a scarcity of materials. The situation is made more problematic by the intrinsically amorphous nature of the subject. Logically, everything pertaining to governmental restriction of human activity or thought falls within the category of human rights. Thus, the literature on the subject should include not only theoretical works dealing with the philosophy and jurisprudence of human rights, but also factual and even fictional descriptions of the actual exploitation and oppression of man by man. Frequently a report of a reputable organization, such as Amnesty International, on the abuses of human rights in a particular country may have a greater salutary effect on the improvement of the situation than the oblique and scaled-down references thereto in official documents or academic publications. And who can deny that the fictional account in Solzhenitsyn's *ONE DAY IN THE LIFE OF IVAN DENISOVICH* does not depict life in a Soviet concentration camp more accurately and vividly than many factual reports? There is, therefore, no clear demarcation for what should or should not be considered as literature on human rights.

In addition to the limitless scope of the subject matter, the serious researcher is also bound to encounter another difficulty. It is one of language which the researcher cannot overcome unless he or she happens to be a polyglot. For example, many of the important works on the events in the Soviet Union are available only in Russian, irrespective of whether they are written by the dissidents in that country or by the exiles abroad. At least fifty Russian-language newspapers and journals are regularly published in Western countries.⁴ Only a small proportion of such writings are

VERSITY, JUNE 8, 1978 at 17.

4. Some of the major publications in this category include: *KHRONIKA ZASHCHITY PRAV V SSSR* (United States); *KONTINENT* (Federal Republic of Germany); *NASHA STRANA* (Argentina); *NOVOYE RUSSKOYE SLOVO* (United States); *POSEV* (Federal Republic of Germany); *SINTAKSIS* (France); and *ZARUBEZHNYE* (Federal

eventually translated into English. Other works appear only in German, French, Spanish, etc.

The inclusion of human rights provisions in the Helsinki Accord, as well as the provision for follow-up conferences held thus far in Belgrade and Madrid, has resulted in an additional flurry of consultative and monitoring activity. The United States Congress has created a permanent Commission on Security and Cooperation in Europe. Dissident groups in the Soviet Union and other Eastern European countries have formed committees to monitor the non-observance of human rights in those countries, and several private organizations in Western Europe and the United States have engaged in the regular dissemination of information concerning the Soviet transgressions of agreements to which it is a party. Academic and journalistic interests in the human rights provisions of the Helsinki Accord have also proliferated. In view of these various activities, and fortified by recent international developments, it is not likely that interest in human rights will abate in the foreseeable future. It may suffer some temporary "politicization" in one area of the world or another, but by and large the values of individual freedom are too deeply ingrained in the consciousness of mankind. It is not likely that they will be lightly abandoned.

In view of the preceding remarks, it would be a task of immense proportion to compile a comprehensive bibliography of human rights literature. None of the existing bibliographies are complete despite claims to the contrary; furthermore, they are quickly outdated. For these reasons, we chose to prepare two selective bibliographies which might serve best the needs of the readers of the present Symposium. The first of these bibliographies presents an overview of predominantly English-language periodical literature dealing with human rights. It has the merit, we believe, of encompassing a maximum of information in a form so compact that it will not tax the endurance of the reader.

The second bibliography uses a more detailed approach in a narrowly-defined area. It is an annotated bibliographic listing of all currently published United States government documents dealing with the human rights provisions of the Helsinki Accord. It has the singular distinction of being the only bibliographic work to date which traces the genesis of the Helsinki Conference

from the earliest preparatory session through the signing of the Final Act and the subsequent Belgrade Conference. This work further lists all of the available unpublished records of the Helsinki Conference and the Belgrade Conference. These are valuable references to materials heretofore not widely available or even known.

We wish to express our deep gratitude to the Commission on Security and Cooperation in Europe and the Department of State for permitting us to view the records of the two Conferences. Without their assistance, the bibliography would have been incomplete. It stands to their credit that, in the interest of scholarship, they made the records available to further the advancement of human rights throughout the world.

