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## Human Rights in a New World Order

E. L. Roy Hunt

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## “HUMAN RIGHTS IN A NEW WORLD ORDER”

### INTRODUCTION

*E. L. Roy Hunt\**

To speak of a “New World Order” is not necessarily to say that human rights have been, or are likely to be, advanced. The concept itself smacks of demagoguery. As Major Addicott indicates in his article, both Adolph Hitler and Winston Churchill made effective appeals to their respective audiences for a New World Order. More recently President George Bush has cloaked his foreign policy in a call for a New World Order.

“New,” of course, is not synonymous with “good” or even “better.” It means only that the world order described is different or original. It seems certain, however, that President Bush is using the word “New” and the concept “World Order” to suggest a world in which human rights would be respected and advanced.

If one accepts the proposition that the concept New World Order is devoid of normative content, one can easily agree that the concept is apt to describe today’s world. The dissolution of the Union of Soviet Socialist Republics leaves us with a very different world. This difference is accentuated by parallel developments and political disintegration in countries worldwide which once were strongly influenced by the U.S.S.R.

Change which may be characterized as New World Order in its most positive manifestation takes form in a newly invigorated United Nations, although most would agree that this change, too, has its roots in the demise of the Soviet brand of communism. Only absent the traditional Soviet veto in the Security Council was President Bush able to marshal worldwide support for resisting Saddam Hussein.

Having acknowledged the utility of New World Order to describe a world that is changed or different, what significance has this change for human rights? The articles in this volume suggest, in an episodic way, that the impact has been minimal. Developments since these articles were written paint an even bleaker picture.

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\* Professor of Law, University of Florida College of Law. B.A., 1955, Vanderbilt; J.D., 1960, University of Mississippi; LL.M., 1962, Yale University.

## CIVIL RESISTANCE: THE DICTATES OF CONSCIENCE AND INTERNATIONAL LAW VERSUS THE AMERICAN JUDICIARY

*Matthew Lippman*

Mr. Lippman's thorough survey of the history of civil disobedience and civil resistance in the United States leads him to conclude that civil disobedience has been a constant feature of American life, a feature resulting in severe penalties for the disobedients, but one in which they have been vindicated over time by having their viewpoint adopted by the larger society. He believes these acts of nonviolent civil disobedience have been central to human rights advances in America.

Mr. Lippman provides the reader with much more than a survey, however, and his central point is the need for judicial recognition of the applicability of the necessity defense for civil resisters. The author describes this defense as "resting upon the utilitarian ground that the law should not punish those who act to avoid a greater harm than is occasioned by their violation of the law." In pressing his point, Mr. Lippman argues that "it is not the non-violent rebel who threatens civilization but the compliant conformist." In a broader sense, the author states anew Erickson's earlier claim that it is the deviates who set society's norms.

### THE UNITED STATES OF AMERICA: CHAMPION OF THE RULE OF LAW OR THE NEW WORLD ORDER?

*Jeffrey F. Addicott*

Major Addicott's article develops at length the illusory and meaningless nature of the concept "New World Order." He urges instead continued use and strengthening of the term "Rule of Law," a concept which has acquired content through its use over three centuries. The author views the United Nations Charter as synonymous with the international Rule of Law.

However, it is clear that Major Addicott's overriding concern is with the Rule of Law insofar as it supports and rationalizes the curtailment of unlawful aggression. In expressing this concern, he quotes heavily from McDougal and Feliciano's *Law and Minimum Public Order*. In the long run, Major Addicott's useful debunking of the New World Order might also serve more directly the cause of human rights.

UNITED STATES-POLAND ECONOMIC TREATY: A BLUEPRINT  
FOR INTELLECTUAL PROPERTY REFORM IN EASTERN EUROPE  
AND THE DEVELOPING WORLD?

*Scott P. Boylan*

Mr. Boylan's article describes efforts by the United States to gain intellectual property respect and enforcement bilaterally (through the proposed United States-Poland Economic Treaty) and multilaterally (through the Uruguay Round of GATT negotiations), but does not explicitly address the implications for human rights of the success of such efforts. However, one may accept the notion that a move from a non-market to market economy is characteristic of the New World Order without accepting that this is a plus for human rights. The United States clearly is acting out of self-interest with respect to this issue. Just as clearly, consensus is yet to be reached in the less developed world and furthermore, for human rights.

"THE HUMAN SPIRIT CANNOT BE LOCKED UP FOREVER."  
AN ANALYSIS OF THE NEW AGENDA ON HUMAN RIGHTS  
FROM THE BUSH ADMINISTRATION

*Dwayne O. Leslie*

Mr. Leslie's article takes President Bush to task for his short attention span in the realm of human rights. He also reminds us that human rights, like charity, begin at home. Using as his point of departure President Bush's eloquent defense of human rights in his October 1, 1990 address to the United Nations General Assembly, Mr. Leslie outlines strategies for the Bush administration to use in accomplishing the goals the President articulated. In particular, Mr. Leslie urges that the United States play a leadership role in ratifying and implementing the significant number of major international human rights conventions it earlier signed.

THE NEW ZEALAND BILL OF RIGHTS: A STEP TOWARDS THE  
CANADIAN AND AMERICAN EXAMPLES OR A CONTINUATION  
OF PARLIAMENTARY SUPREMACY?

*Michael Principe*

Mr. Principe's comment upon the recently adopted New Zealand Bill of Rights reminds us anew that no declaration of human rights, no matter how ringing nor how changed the world order, has meaning outside the biases and predispositions of those who interpret and apply it. In making this point, the author helpfully draws upon the experience of two other nations which share an English legal heritage, Canada

and the United States. Chief Justice Marshall's early assumption of the power of judicial review, an assumption that has withstood the test of almost two centuries, and the much more recent judicial activism of Canada's Supreme Court in advancing human rights under the 1982 Constitution are strong evidence of Mr. Principe's thesis.

PRIVATE LIVES AND PUBLIC EYES:  
PRIVACY IN THE UNITED STATES AND JAPAN

*Dan Rosen*

Using as his point of departure the evolution of privacy law in the United States and Japan, Mr. Rosen indirectly illustrates the difficulty of defining human rights. Is privacy within that body of rights? He strongly makes the case that it is not, at least if we are seeking consensus as to what rights must be included. Mr. Rosen's research suggests that invasion of privacy in Japan is sanctioned because of the abuse of relationship that disrupts other relationships and a breach of etiquette by the defendant rather than harm done to the individual, a personal offense under United States law which, unlike that of Japan, dies with the person whose privacy is invaded.

A DELICATE BALANCE: THE EFFECTIVENESS OF APARTHEID  
REFORMS IN THE STRUGGLE FOR THE FUTURE OF SOUTH AFRICA

*Kimberlee Ann Scalia*

It is likely that no present practice other than genocide has drawn more universal condemnation as a violation of human rights than South Africa's institutional apartheid. Ms. Scalia's comment traces the history of this institutional deprivation of human rights, a deprivation said to violate the right to self determination within the meaning of the United Nations Charter. Her conclusion, that repeal of apartheid legislation under President de Klerk's prodding represents form over substance in the absence of a change in underlying attitudes and structures, is strengthened by recent defeats of de Klerk's party in elections and by his proposed whites-only referendum on abolition of the structures of apartheid.