

John P. Humphrey and the Drafting of the Universal Declaration of Human Rights

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In his capacity as the first Director of the United Nations Human Rights Division, John Peters Humphrey was one of the key figures in the framing of the 1948 Universal Declaration of Human Rights. It was Humphrey who wrote the first draft of the UDHR, buttressing its aspiration toward universality by drawing on sources from many different legal cultures. Both during the drafting process and after the adoption of the Declaration, Humphrey and his staff provided essential continuity, backup, and staying power for the often-embattled U.N. Human Rights Commission. Yet today his name is little known outside Canada. The present essay, which grows out of research on the making of the Declaration, aims to pay tribute to this “forgotten framer” by recalling some of the ways Humphrey helped to set conditions for a better future on our increasingly conflict-ridden, yet interdependent planet.¹

Even as an orphan boy in New Brunswick, John Humphrey dreamed of helping “to make the world a better place.”² He wanted to make a difference. And so he did. As head of the U.N. Human Rights Division, he played a key role in what he called “a great adventure” – the enterprise of getting the U.N.’s human rights program off the ground and drafting the Universal Declaration. One of the first decisions taken by the United Nations after its founding was to ask the U.N. Human Rights Commission, chaired by Eleanor Roosevelt, to frame an “international bill of rights”. That was a daunting challenge – for then, as now, there was substantial doubt in several quarters concerning the existence of universal principles of human decency. Then, as now, many “realists” held to the view that Thucydides attributes to the Athenian generals at Melos: “Right is only a question between equals in power. The strong do what they can while the weak suffer what they must.”

The horrors of two world wars had confirmed many people in that harsh outlook. But fortunately there were others – including Humphrey – who believed that some principles of human decency are so basic that every nation and culture could accept them as a common yardstick. That faith was sorely tested, however, when the eighteen members of the first Human Rights Commission tried to put those principles into words. They were a remarkable group of people, with strong convictions and strong

¹ This essay is based on research conducted in connection with Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

² A.J. Hobbins, “‘Dear Rufus...’: A Law Student’s Life at McGill in the Roaring Twenties from the Letters of John P. Humphrey,” 44 *McGill Law Journal* 753, 775 (1999).

personalities. The story of the making of the UDHR in 1947 and 1948 is thus, to a large extent, the story of how a highly diverse collection of men and women worked together, against daunting odds, to make the idea of an international human rights standard a reality.

With the exception of Eleanor Roosevelt, most of the members of that first Human Rights Commission are now little remembered. Yet they included some of the most able and colorful public figures of their time. The Commission's Lebanese Rapporteur, Charles Malik, a philosophy professor-turned-diplomat, was the chief spokesman for the Arab League during the Palestine crisis, and would later hold many key posts in the U.N., including the presidency of the General Assembly. The French member, René Cassin, was an ardent Zionist, who had served as Charles de Gaulle's wartime legal adviser, and who would receive the Nobel Peace Prize in 1968 for his varied contributions to human rights. Nationalist China's Peng-chun Chang, the vice-chairman of the Commission, was a leading educator-turned-diplomat who had also achieved renown as a poet and playwright. General Carlos Romulo of the Philippines had won a Pulitzer prize for his pre-war articles predicting the end of colonialism. Mrs. Hansa Mehta was a veteran of India's struggle for independence and a tireless advocate for women's equality. Alexei Pavlov, nephew of the famed conditioned-reflex scientist, was a powerful orator who, we now know, was under instructions from Moscow to obstruct and delay the proceedings. Chile's Hernán Santa Cruz was an aristocratic man of the left who shared John Humphrey's determination to include social and economic rights in the Declaration along with traditional political and civil liberties.

One wonders whether this motley crew could have managed to surmount their linguistic, cultural, political, and personal differences to produce a document of broad applicability without the capable, behind-the-scenes staff work supervised by John Humphrey. Humphrey worked closely with the Commission throughout the entire period of the preparation of the Universal Declaration, and was present at nearly every Commission meeting. Well in advance of the Commission's first meeting in January 1947, he began assembling documentation on all existing human rights instruments.

Not surprisingly, it became evident in that first session that a draft declaration could not be produced by the full 18-member Commission. The members thus unanimously approved a resolution that a "preliminary draft" should be prepared by the three officers of the Commission (Roosevelt, Chang and Malik) "with the assistance of the Secretariat" (Humphrey and his staff) for submission at the Commission's second session.³ A factor in this decision seems to have been that all three officers were based near enough to U.N. headquarters to be available for regular meetings.

Eager to get started, Mrs. Roosevelt invited Chang, Malik, and Humphrey for tea at her Washington Square apartment on the weekend following the Commission's adjournment. As she recalled in her memoirs,

"They arrived in the middle of a Sunday afternoon, so we would have plenty of time to work. It was decided that Dr. Humphrey would prepare the preliminary draft, and as we settled down over the teacups, one of them made a remark with philosophical

³ Human Rights Commission, First Session, Summary Records (E/CN.4/SR.12, p. 5).

implications, and a heated discussion ensued. Dr. Chang was a pluralist and held forth in charming fashion on the proposition that there is more than one kind of ultimate reality. The Declaration, he said, should reflect more than simply Western ideas and Dr. Humphrey would have to be eclectic in his approach. His remark, though addressed to Dr. Humphrey, was really directed at Dr. Malik, from whom it drew a prompt retort as he expounded at some length the philosophy of Thomas Aquinas. Dr. Humphrey joined enthusiastically in the discussion, and I remember that at one point Dr. Chang suggested that the Secretariat might well spend a few months studying the fundamentals of Confucianism!”⁴

Humphrey, then a forty-year-old lawyer who had built a solid reputation as an international legal scholar at McGill University, seems to have been thrilled by the responsibility entrusted to him. He began working on the draft right away.⁵ On February 21, 1947, he permitted himself to preen a bit in a letter to his older sister Ruth: “I am now playing the role of a Jefferson, because it is I who have responsibility for drawing up the first draft of the International Bill of Rights. I have been working on it for three days now.”⁶ In later years, the scrupulous Humphrey took pains to acknowledge that the Declaration “had no father in the sense that Thomas Jefferson was the father of the Declaration of Independence,” because “literally hundreds of people ... contributed to its drafting.”⁷ It is a pity that Humphrey did not live to learn that his role was very similar to that of Jefferson after all – for recent research has revealed that the Declaration of Independence had no single author, either! Pauline Maier’s Pulitzer-prize winning book on the making of the Declaration of Independence demonstrates that Thomas Jefferson drew upon many “earlier documents of his own and other people’s creation.”⁸ Maier concludes that “considering its complex ancestry and the number of people who actively intervened in defining its text, the Declaration of Independence was the work not of one man, but of many.” That the same is true of the UDHR is one of the most important supports of its claim to universality.

The decision to entrust the first draft to Humphrey made good sense. Humphrey was well-grounded in both civil and common law, and fluent in French and English. He and his multinational staff had been collecting and studying pertinent material from all over the world, including proposals, models, and drafts that were continuously

⁴ Eleanor Roosevelt, *On My Own* (New York: Harper Brothers, 1958), 77.

⁵ A. J. Hobbins, “René Cassin and the Daughter of Time: The First Draft of the Universal Declaration of Human Rights,” 2 *Fontanus* 7 (Montreal: McGill University Library Publications, 1989), 22.

⁶ John P. Humphrey, unpublished letter of February 21, 1947 (McGill University Archives, reprinted with permission of Humphrey’s literary executor, A. J. Hobbins, Associate Director of Libraries, McGill University).

⁷ John P. Humphrey, *No Distant Millennium: The International Law of Human Rights* (Paris: UNESCO, 1989), 149.

⁸ Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred Knopf, 1997), 98-99.

arriving from governments, non-governmental organizations, and private individuals far and wide. Roosevelt, Malik and Chang had been taken aback by the sheer volume of this material when they first met with Humphrey. Malik later confessed that they had felt “completely lost; we had no conception of how to proceed with the task entrusted to us.”⁹

While Humphrey was plunging ahead with his new assignment, however, some people had grown dissatisfied with the composition of the drafting committee. Among them was France’s Cassin, even though he had been one of the sponsors of the resolution to establish a drafting committee composed of the three officers.¹⁰ Years later in his memoirs, apparently forgetting his own initial position, Cassin described as “deplorable” the decision to entrust the first draft to a small group that included “no European, nor any representative of Latin America, nor anyone from the peoples’ republics”.¹¹ Moscow, too, was displeased that its delegate had gone along with an arrangement that included “no European.” The Soviet Union, joined by France, asked the Commission’s parent body, the U.N. Economic and Social Council, to expand the committee. When Mrs. Roosevelt learned of this, she oiled the squeaky wheels by adding five more members on her own initiative – from Australia, Chile, the United Kingdom, and, of course, Cassin and the Soviet delegate.¹²

The first meeting of the new eight-person drafting team was set for June 1947. By that time, Humphrey and his cadre of assistants at the U.N. Secretariat had spent four months preparing a draft declaration, and studying all the world’s existing constitutions and rights instruments, as well as the various suggestions that had poured in to the Secretariat.¹³ Aiming for comprehensiveness, Humphrey borrowed freely from two models that were themselves based on world-wide surveys: a draft of a transnational rights declaration then being deliberated in Latin America by the predecessor of the Organization of American States, and a “Statement of Essential Human Rights” produced on the basis of a comparative study sponsored by a U.S. legal group, the American Law Institute.¹⁴ After poring over all this material, Humphrey came up with a list of forty-eight items that represented, in his view, the common core of the documents and proposals his staff had collected. He had done so, he said, with a view toward

⁹ “The Universal Declaration of Human Rights,” Speech Delivered by Charles Malik at the American University of Beirut, January 5, 1949 (Malik Papers, Library of Congress, Manuscript Collection), 7.

¹⁰ Human Rights Commission, First Session, Summary Records (E/CN.4/SR.12, p. 2).

¹¹ Cassin, *La Pensée et l’Action* (Boulogne-sur-Seine: Editions Lalou, 1972), 107.

¹² *U.N. Weekly Bulletin*, June 17, 1947, 639.

¹³ Hobbins, “René Cassin and the Daughter of Time,” 22; *U.N. Weekly Bulletin*, June 17, 1947, 639.

¹⁴ John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, N.Y.: Transnational Publishers, 1984), 31-32. See also, *U.N. Weekly Bulletin*, June 17, 1947, 639.

including “every conceivable right which the Drafting Committee might want to discuss.”¹⁵

That 48-article draft provided the Drafting Committee with a distillation of nearly two hundred years of efforts to articulate the most basic human goods and values in terms of rights. It contained the “first generation” political and civil rights found in British, French and American revolutionary declarations of the seventeenth and eighteenth centuries: protections of life, liberty and property; and freedoms of speech, religion and assembly. It also included the “second generation” economic and social rights found in late nineteenth and early twentieth century constitutions such as those in Sweden, Norway, Russia, and various countries in Latin America: rights to work, education, and basic subsistence. Each draft article was followed by an extensive annotation detailing its relationship to rights instruments then in force in the U.N.’s Member States. All told, there were over four hundred pages of commentary prepared by Humphrey’s staff.¹⁶ The U.N. proudly announced that it had produced “the most exhaustive documentation on the subject of human rights ever assembled.”¹⁷

Although the Soviet Union had taken the initiative in demanding an expanded committee, it was their representative who first bowed to reality after a few days of mulling over this mountain of material. At the June 1947 Drafting Committee meeting, the Soviet delegate suggested the creation of a smaller four-person “working group” composed of René Cassin, Charles Malik, the U.K. representative Geoffrey Wilson and Mrs. Roosevelt.¹⁸ His proposal was accepted, and the working group was instructed “to suggest a logical arrangement of the articles of the Draft Outline supplied by the Secretariat” and “a redraft of the various articles in the light of the discussions of the Drafting Committee.”¹⁹

The request for a “logical arrangement” was made because Humphrey had deliberately confined himself to listing what seemed to him the most widely accepted “justiciable” rights gathered from his varied sources.²⁰ Some of the Commissioners sensed, however, that if people were to make sense of these ideas and how they fit together, more was needed. The working group, convinced that the document would have greater unity if the revisions were handled by a single drafter, asked Cassin “to undertake the writing of a draft Declaration based on those articles in the Secretariat outline which he considered should go into such a Declaration.”²¹ Cassin was well-equipped for the job, having been schooled in the continental legal tradition where important documents are typically constructed with great attention to the relation among their parts, and to

¹⁵ Human Rights Commission, Drafting Committee, First Session, Verbatim Record of June 9, 1947 Meeting (Charles Malik Papers, Library of Congress, Manuscript Division).

¹⁶ *Ibid.* See also, E/CN.4/AC.1/3/Add. 1.

¹⁷ “International Bill of Rights to be Drafted,” *U.N. Weekly Bulletin*, June 17, 1947, 639.

¹⁸ Human Rights Commission, Drafting Committee, First Session (E/CN.4/AC.1/SR.6, p. 2).

¹⁹ Human Rights Commission, Report of the Drafting Committee, First Session (E/CN.4/21 pp.3-4).

²⁰ Humphrey, *Human Rights*, 44.

²¹ *Id.* at 4.

providing interpretive guides.

With the assistance of Émile Giraud, a French international lawyer who had been working with Humphrey on the Secretariat draft, Cassin revised the draft over a single weekend.²² He preserved most of the substantive content of Humphrey's draft, but added a preamble, followed by what is known in continental legal terminology as a "General Part" – a set of introductory principles to guide the interpretation of the specific provisions that followed. The rights themselves were then arranged according to the logic of the general principles, proceeding from those belonging to persons as such to the rights of persons in social and political relationships. The draft which Humphrey had loosely organized by topic began to take on a more organic structure, a beginning, middle, and end.²³

A comparison of the two drafts, however, shows that Cassin introduced very little new content. Johannes Morsink's estimate that "over three-quarters of the Cassin draft was taken from Humphrey's first draft" seems to me to be fair.²⁴ Though the document underwent many further changes as it wound through the committee process over the next year and half, most of the ideas in Humphrey's draft ultimately found their way into the Universal Declaration, as did the "logical arrangement" contributed by Cassin.

The Authorship Issue

A regrettable dispute developed many years later over the question of who had written the "first" draft of the Universal Declaration. It was not exactly a paternity dispute since neither Cassin nor Humphrey ever claimed to be the "author" of the Declaration.²⁵ When Cassin was in his seventies, though, he gave a speech in which he asserted that he had had "sole responsibility" for the "first draft", referring to Humphrey's contribution only as "an excellent basic documentary work."²⁶ This counter-factual claim, which Cassin repeated in a 1968 article, was puzzling, but not without historical precedent. To this day, no one has been able to explain why Alexander Hamilton, in his old age, claimed authorship of several of *The Federalist Papers* that were actually written by James Madison!²⁷

²² Hobbins, "René Cassin," 12.

²³ A Secretariat memorandum describes the arrangement of articles in Humphrey's draft as follows: two preliminary articles, articles on liberties ("individual", "public" and "remedies"), articles on social rights, two articles on equality, two general dispositions on implementation. Human Rights Commission, Drafting Committee (E/CN.4/AC.1/7 p. 6).

²⁴ Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999), 8.

²⁵ Humphrey, in fact, expressly disclaimed authorship. Humphrey, *Human Rights*, 43.

²⁶ Cassin, "Historique de la Déclaration Universelle," reprinted in *La Pensée et l'Action* (Boulogne-sur-Seine: Lalou, 1972), 108: "[J]e fus chargé par mes collègues de rédiger, sous ma seule responsabilité, un premier avant-projet."

²⁷ Clinton Rossiter, "Introduction," to Alexander Hamilton, James Madison, John Jay, *The Federalist Papers* (New York: Mentor, 1961), x-xi.

Some of Cassin's admirers made matters worse by calling him the "father" of the Declaration in various writings.²⁸ In 1958, the U.N. itself helped to perpetuate that myth by permitting the French government to organize a display of Cassin's handwritten redraft in the lobby of U.N. headquarters on the occasion of the Declaration's tenth anniversary.²⁹ That display, without any accompanying explanation, must indeed have been wounding to the hard-working and generally self-effacing Director of the U.N. Human Rights Division. Finally, some writers downplayed Humphrey's role to such an extent that he felt obliged to set the record straight in his memoir.³⁰

That Humphrey wrote the first draft, and that Cassin's draft was a revision of Humphrey's is clear from the official U.N. records.³¹ Some confusion resulted, perhaps, from the frequent use of the term "outline" to describe Humphrey's work. And, as Humphrey pointed out, Cassin "in many cases merely prepared a new French version of the official United Nations translation, and when this was translated back into English the result seemed further removed from the original than it really was."³² Independent reviews of the record by a number of scholars, however, confirm the sequence of events beyond any doubt. On June 17, 1947, for example, we find Mrs. Roosevelt saying, "Now we come to Mr. Cassin's draft, which has based itself on the Secretariat's

²⁸ Marc Agi's 1998 biography, *René Cassin 1887-1976*, is misleadingly subtitled *Père de la Déclaration Universelle des droits de l'homme*. In the text, Agi concedes that Cassin was not the "sole father" of the Declaration and correctly notes that the Declaration is a "collective work." Agi claims too much for the man he justly admires, however, when he says that "in comparison with what other persons brought to the project in their individual capacity, [Cassin] was its principal animating spirit" (229-30). Similar claims are made by Geoffrey Best, "Whatever Happened to Human Rights?" 16 *Review of International Studies* 3 (1991).

²⁹ Humphrey, *Human Rights*, 43.

³⁰ John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, N.Y.: Transnational Publishing, (1984), 42-43. Some writers have stated, incorrectly, that Cassin was Rapporteur of the Human Rights Commission, a mistake apparently based on the fact that he was made Rapporteur of the small working group on the declaration at the Commission's Geneva meeting. Gérard Israël, *René Cassin* (Paris: Desclée de Brouwer, 1990), 186-87. Disregarding Humphrey's role, Israël mentions only that Cassin was "greatly aided" by the "documentation" that the Secretariat assembled.

³¹ My examination of the records confirms Humphrey's account of the process in all material respects. Other scholars have previously come to the same conclusion. See the careful examination of the evidence and the detailed chronology in Hobbins, "René Cassin." Johannes Morsink's research finds that Humphrey's draft was "both the first and the most basic draft of the Universal Declaration." Morsink, *Universal Declaration*, 6.

³² Humphrey, *Human Rights*, 43. For a scholarly appreciation of John Humphrey and his distinguished legal career, see R. St. J. Macdonald, "Leadership in Law: John P. Humphrey and the Development of the International Law of Human Rights," 29 *Canadian Yearbook of International Law* 3 (1991). Humphrey and his work are becoming better known, thanks to the many highly informative articles, cited herein, by historian A.J. Hobbins, the editor of the Humphrey papers and diaries.

comparative draft.”³³ Cassin himself acknowledged in the Drafting Committee that “it is always the Secretariat’s draft which should be considered the basic source of the Committee’s work.”³⁴

Unfortunately, the myth that Cassin was the principal architect of the Universal Declaration of Human Rights not only scants the roles of other key individuals such as Humphrey, Malik and Chang, but it undermines the claim to universality of a document that drew on many sources from a variety of cultures and legal traditions.

To give each man his due, one might say that Humphrey’s work was to Cassin’s as Tycho Brahe’s was to Johannes Kepler’s. Just as Kepler could not have had his paradigm-breaking insight into the movements of the planets without Tycho’s meticulous records, so Cassin could not have produced, over a weekend, an integrated document of worldwide application without Humphrey’s distillation of the essence from the material he had collected. But just as Tycho was unable to see in his own data what Kepler saw, Humphrey had simply compiled a list of rights, loosely grouped under categories, while Cassin’s arrangement brought out the relations among them. Cassin’s revisions made the document a more integrated whole (like a civil-law code), rather than a mere list or “bill” of rights in the Anglo-American sense. But it was Humphrey’s broad-based research that established the basis for a credible claim of universal applicability.

Social and Economic Rights in the UDHR

One of Humphrey’s most important contributions was his decision to include social and economic rights in his draft. That part of the UDHR is still so foreign to mainstream Anglo-American legal thinking that many people today assume that those articles were included at the instance of, or as a concession to the Soviets. The real story, now nearly forgotten, is quite different. Humphrey based the articles in question on provisions already in effect in a great many countries. Some of these were longstanding, with ancestors in early continental instruments such as Frederick the Great’s Prussian General Code (which provided that the State was obliged to provide food, work, and wages for all who could not support themselves, and relief for the poor who were unable to work); the Norwegian Constitution of 1814 (obliging “the authorities of the State to create conditions which make it possible for every person who is able to work to earn his living by his work”); and various French Constitutions from the revolutionary period to the 1946 Constitution of the Fourth Republic. Several articles on these subjects could also be found in the draft Latin American declaration of rights and duties, inspired in part by Christian social thought and in part by the Mexican socialist revolution.

Though the specific details of these provisions were to prove a continuing source of heated controversy within the Commission, no nation opposed them in principle. On the Drafting Committee, it was the Chilean Hernàn Santa Cruz who was their most consistently zealous promoter. Cassin, too, was strongly in favor. In the United Kingdom, the ruling Labor Party acquiesced, although the draft proposals submitted by that country

³³ Human Rights Commission, Drafting Committee, First Session, Verbatim Record, June 17, 1947 meeting (Charles Malik Papers, Library of Congress, Manuscript Division).

³⁴ Human Rights Commission, Drafting Committee (E/CN.4/AC.1/SR.3, p. 5).

dealt only with civil and political rights. As for the U.S., the Truman State Department fully backed Mrs. Roosevelt in supporting the new group of rights. Similar ideas, after all, had been embodied in the constitution-like statutes of Franklin Roosevelt's New Deal – the National Labor Relations Act and the Social Security Act. And Roosevelt had even proposed a “second bill of rights” in his 1944 State of the Union speech, summing up the social and economic goals embodied in New Deal legislation.³⁵ The U.S. position changed drastically after the election of Republican Dwight Eisenhower to the Presidency in 1952, but that is a story for another day.

Humphrey himself, like Santa Cruz, was an enthusiast for the second-generation rights. His diary reveals, however, that his support became more nuanced as he came to believe (in the terms of this conference) that moral responsibility was prior to solidarity. Shortly before the Declaration was adopted, he wrote in his diary. “[M]oral bankruptcy is the reason for our failure to organize peace. I once thought that socialism could fill this moral gap; but now, although I still remain a socialist, I know better. For socialism is a technique and nothing more. What we need is something like the Christian morality without the tommyrot.”³⁶

Humphrey's draft of the UDHR, in fact, placed significantly greater emphasis on responsibility than the final version adopted in December 1948. He had suggested that the Preamble state “That man does not have rights only; he owes duties to the society of which he forms a part.” His Article 1 included this language: “Everyone... must accept his just share of such common sacrifices as may contribute to the common good.” In the UDHR as adopted, those ideas were reduced to the following language in the next-to-last article: “Everyone has duties to the community in which alone the free and full development of his personality is possible....” (Art. 29). With hindsight, it seems regrettable that the emphasis on duty advocated by Humphrey, Peng-chun Chang, several Latin American delegates, and distinguished consultants like Mohandas Gandhi, did not hold. The Declaration's scanty attention to responsibilities still gives pause to many persons concerned with “human co-existence.”

The “Great Adventure” Continues

In the autumn of 1948, the draft Declaration was ready for presentation to the U.N. General Assembly. John Humphrey recalled the political atmosphere that fall as “charged to the point of explosion by the Cold War with irrelevant recriminations coming from both sides.”³⁷ He and other proponents of the UDHR believed that with the deteriorating international situation, the Declaration would be effectively dead if it were not adopted by the time the General Assembly adjourned in December. But before the General Assembly could vote, the document had to be approved by its Committee on Social, Economic and Cultural Affairs (known as Committee Three). This was a large committee

³⁵ Franklin Delano Roosevelt, State of the Union Message (Jan. 11, 1944), in *1944-45 The Public Papers and Addresses of Franklin D. Roosevelt* (1950), 32.

³⁶ Humphrey, *On the Edge of Greatness*, 39.

³⁷ Humphrey, *Human Rights*, 66.

with 58 members, one from each country in the U.N. Most of the delegates had never seen the Declaration before and it took two long months and over 80 meetings for them to complete their review. The Soviet bloc fully exploited the situation, making strenuous efforts to prolong the Committee Three debates until the General Assembly adjourned. During these debates, Humphrey found the silent role of an international civil servant almost unbearably frustrating. "Sitting next to the Chairman, and both professionally and emotionally involved, I wished at times that I were a delegate. ... There were times when I felt that I must speak if only to set the record straight."³⁸

Finally, on December 7, 1948, the draft, with some revisions, was approved by the Third Committee for submission to the General Assembly. There were no votes against it, but seven countries recorded abstentions at this stage – the six members of the Soviet bloc and, to the dismay of John Humphrey, Canada. The Canadian position, ostensibly having to do with federal-provincial relations, was quickly reversed, but not before Canada had taken considerable public relations flak for its move.³⁹ The indignant Humphrey stated in his memoirs, "I had no doubt whatsoever that this quick change in position was dictated solely by the fact that the government did not relish the company in which it found itself."⁴⁰ Three days later, the General Assembly approved the UDHR without a single dissenting vote. The Soviet bloc continued to abstain, joined by South Africa and Saudi Arabia.

Though the adoption of the UDHR was undoubtedly a great landmark in the history of human rights, the Soviet abstentions foreshadowed the cloud that was to hang over the work of the Human Rights Commission for the remainder of John Humphrey's tenure at the U.N. As the years passed, he became increasingly discouraged not only by the two great powers' resistance to the slightest intrusion on their national sovereignty, but by the lowered priority accorded to human rights in the U.N. during the Dag Hammarskjöld years. Humphrey had strongly supported the idea of "completing" the Universal Declaration with a binding Covenant, but deplored the decision to have two separate covenants reflecting Cold War divisions – one for political and civil rights, the other for social and economic rights.⁴¹ Though torn by misgivings, he remained at his post until 1966, struggling to keep the program alive. As his friend, biographer and literary executor John Hobbins put it, "Prior to 1952, Humphrey worked for love of his job and a belief in what the UN was doing. After this, he appears to have stayed on from a sense of duty to protect the programme and the division from an unfriendly world."⁴²

³⁸ John P. Humphrey, *Human Rights & the United Nations: A Great Adventure* (Dobbs Ferry, N.Y: Transnational Publishers, 1984),71.

³⁹ Archival research by William A. Schabas suggests that "provincial jurisdiction was little more than a pretext for federal politicians who wanted to avoid international human rights commitments," 43 *McGill Law Journal* 403 (1998). See also, A.J. Hobbins, "Eleanor Roosevelt, John Humphrey and Canadian Opposition to the Universal Declaration of Human Rights," 53 *International Journal* (Spring 1998), 325.

⁴⁰ Humphrey, *Human Rights*, 72.

⁴¹ Humphrey, *Human Rights*, 165-66.

⁴² A.J. Hobbins, "René Cassin and the Daughter of Time: The First Draft of the Universal Declaration of Human Rights," 2 *Fontanus* 10 (1989).

Humphrey retired from the Secretariat at age 61 after twenty years of service, and returned to law teaching at McGill. He remained active in the cause of human rights, helped to establish the Canadian branch of Amnesty International, championed the cause of Korean comfort women, wrote his memoirs, and lived to the ripe old age of 89.

On more than one occasion, John Humphrey had expressed the belief that “every individual can make some contribution to the development of the [human] race, and that he lives on as it were in that contribution.”⁴³ Humphrey’s influence on the course of events was, by any standard, exceptional. Certainly he deserves to be ranked with Eleanor Roosevelt, Charles Malik, Peng-chun Chang, and René Cassin as one of the key “founding parents” of the Universal Declaration of Human Rights. The boy from New Brunswick did indeed help to change the world for the better.

⁴³ See Hobbins, “Human Rights,” 153; and John Humphrey’s Letter of September 30, 1928 to his sister Ruth in A. J. Hobbins, “‘Dear Rufus...’: A Law Student’s Life at McGill in the Roaring Twenties, from the Letters of John P. Humphrey,” 44 *McGill Law Journal* 753, 775 (1999).