The article begins by explaining the historical conditions for the emergence of a universalizing approach to the ethical and legal realities of humankind. In the present age of globalization, the international deployment and state legitimation of such an approach approximates a worldwide scale. Human rights constitute one particular area of such an ethical and legal universalization. To both explain and exemplify how the universalization of human rights evolves in the modern world, the article discusses UN documents on the abolition of slavery, slave trade, and institutions and practices similar to slavery. The article ends by paying special attention to the underlying suppositions of the UN documents under question. These suppositions must be taken into account for a balanced interpretation of such documents.

SUMMARY

The article begins by explaining the historical conditions for the emergence of a universalizing approach to the ethical and legal realities of humankind. In the present age of globalization, the international deployment and state legitimation of such an approach approximates a worldwide scale. Human rights constitute one particular area of such an ethical and legal universalization. To both explain and exemplify how the universalization of human rights evolves in the modern world, the article discusses UN documents on the abolition of slavery, slave trade, and institutions and practices similar to slavery. The article ends by paying special attention to the underlying suppositions of the UN documents under question. These suppositions must be taken into account for a balanced interpretation of such documents.

SANTRAUKA

Straipsnyje aiškinamos istorinės visuotinamojo požiūrio į etines ir teisines žmonijos realijas sąlygos. Da-bartiniai globalėjimo amžiuje tarptautinis visuotinamojo požiūrio pripažinimas ir įteisinimas valstybėse įgauna vis platesnį – galiausiai – pasaulinį mastą. Žmogaus teisės sudaro atskirą etinių ir teisinių sampratų visuotinimo sritį. Žmogaus teisių raidai dabartiniai pasaulioje aiškinti ir ilustruoti pasitelkiami JT dokumentai dėl vergovės, vergų prekybos ir į vergovę panašių institutų bei papročių panaikinimo. Itin daug dėmesio skiriama minėtų dokumentų prielaidoms, į kurius atsižvelgtina siekiant apdairaus ir balansuoto tokii dokumentų supratimo.

RAKTÄŽODŽIAI: visuotinimas, žmogaus teisės, Jungtinės Tautos, konvencija, vergovė.
KEY WORDS: universalization, human rights, United Nations, convention, slavery.
People are communal beings, they live together and endeavor to pursue common goals. Let us call this interpersonal enterprise a society. Both the existence and persistence of society must rest on some sense of justice and propriety, of agreement and convention guiding the interaction of its members. The social and political effort to secure the maintenance of such (reciprocal) justice and propriety was embodied throughout history in the gradual formation and enunciation of human rights, that is, in the formulation of what is due to each particular member of a society. Although the existence of human rights can be traced many millennia aback, the early historical appearance of evolution of human rights was for the most part a local affair, limited to a particular nation or culture. Since there was always a great number of such nations and cultures, there was, as a result, a multitude of different codes of law, of different juridical traditions, though there was almost no cooperation among these nations and cultures to the effect of establishing a supranational and universal vision of human rights. Rather, the history of the regulation and betterment of political conditions in the past has been infected by a certain provincialism that thwarted the emergence of an international institution for the defense of human rights, an institution that would have represented a concerted effort of states to clear their national codes of law from incompletion and make them ever more perfect.

A long time had to elapse before mankind could think of itself as one mankind. Indeed, even now the concept of unified mankind is but an approximation to an ideal, it is not yet realized in the consciousness of all peoples and cultures in the world. Nevertheless, it would be an oversight not to note the progress humanity has made towards the ideal of one mankind. And if there is one mankind, if its members belong to it by virtue of having one human nature, then there should also be one corpus of human rights universal in scope, that is, true and appropriate for each and every human being qua human. The historical shift from many peoples to one mankind was paralleled by a judicial shift from national and state privileges to an international code of human rights. The nineteenth century was a decisive point in time for such a shift to take place.

Fresh historical sensitivity, the assent and burgeoning of cultural anthropology, the abolition of slavery both in Europe and the Americas as well as problems of colonialism, all of these gave impetus for the international community to deal with and try to solve issues that went far beyond the local concerns of one particular state or nation, to wit, these were supranational issues. Then, at the beginning of the twentieth century mankind was struck by two great calamities, by two monstrous wars, indeed for the first time in history, by two world wars. Almost every bigger state and nation was involved, suffered losses, incurred the plague of death and destruction. This time it was not just a single nation, a particular people undergoing some temporal discomfort, this time just about the whole world was in trouble. Understandably, a universal predica-
ment called for a universal solution, and so, even as all of mankind had plunged into one conflict, so all of it now sought for a common way out.

It was keenly observed that injustice on an international scale was instigated by injustice on a national scale. Lawlessness and terror in the world was usually precipitated by those states which within their own confines disregarded basic human rights and liberties. The international community thus came to the conclusion that only by developing and promulgating a universal code of human rights and implementing it in each particular political system that the world as a whole would become a safer place and a better place to live in. The first institution to take up such a task of formulating an international code of human rights was called the League of Nations. Its direct offspring and heir of its mission in the present world is the United Nations’ Organization1 which became active after World War II and has never ceased being so ever since. Article 55 of the Charter of the United Nations proclaims:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote [...] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion (United Nations 1945: 11–2).

The moral insight underpinning the legislation of the UN stems from the acknowledgment of human dignity and value as well as the recognition that each and every human being is by nature free. The most authoritative document, however, which the UN passed in 1948 is the Universal Declaration of Human Rights. The latter has become a point of reference for any subsequent UN legislature. The function of the Declaration in relation to other UN conventions and agreements somewhat resembles that which a national constitution performs in relation to the more particular laws of the state.

I shall now say a few words about the operative structure of the UN. The highest deliberative institution of the UN is called the General Assembly. The latter is the final court of appeal for the validation and enactment of all the conventions and agreements passed under the name of the UN. The General Assembly alone has the ultimate power to issue an approbation or suspension of a new UN document. The principal agency preparing new projects and ideas and submitting them to the General Assembly for consideration and approval is called the Economic and Social Council (ECOSOC). In cooperation with ECOSOC there are at work a number of specialized commissions such as the Commission on Human Rights (CHR), eventually replaced by the Human Rights Council (HRC), the Commission on the Status of Women (CSW), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of the Child (CRC), etc. Such commissions and committees consist of groups of experts in a given area of some specific concern who are elected for a term of about four years2 and who meet usually once a year for a series of sessions lasting
for about six weeks. The range of issues tackled by these specialized commissions is immense: they attempt to solve such problems as genocide, racial discrimination, apartheid, slavery, torture, they try to pinpoint and then defend the rights of fugitives, persons without citizenship, women, children, youth, foreigners, invalids, mentally retarded and other people with diverse social and political disadvantages.

In this article, I would like to present and discuss one document in particular which was first published by the League of Nations in 1926 and was subsequently reissued with minor additions and corrections by the UN in 1953 and 1956, respectively. The document is called Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (United Nations 1956; Jungtinės Tautos 1991b: 125–39). Before we look at the actual statements of the Convention, let us first recount several historical facts just to remind ourselves of how slavery was practiced de facto from one culture to another in this or that epoch.³

If we keep in view the whole of the world with its manifold of events and places dispersed over the time spanning the first glimpses of history until the present, slavery as a social institution has been omnipresent. We can turn our gaze to Babylon 3000 BC or to its contemporary, Egypt, we may probe the social order of ancient Israel or turn to the Golden Age of Greece or to the splendid antiquity of Rome, slavery was present in each. We can travel in time to a more recent history and explore the socio-economic and political structures of the European, Asian, and American worlds of modernity. We may learn what happened in fifteenth-century Spain and Portugal, sixteenth-century Holland and Italy, seventeenth-century England and France when a new trade had emerged, that is, slave trade whose geographical outposts were the continents of Africa and the Americas. Here, too, slavery was present. And however great were the efforts and expenses of nineteenth-century Europe in trying to eradicate the last marks of this bloody business, the enslavement of humans by humans, whatever the extent of the progress the advanced nations of the world have made in reinstating human dignity and rescuing human beings from being treated as mere property, the contemporary world, as we know it, is still tainted with slavery in many and varied forms, perhaps less in Europe and the Western world, but to a more conspicuous degree in Asia and other parts of the globe. Thus, slavery is still with us.

Even so, the same history teaches us that slavery as a phenomenon has not been uniform in every culture and at all times. It has been passed down to us by various authors and historians that in ancient Greece slaves constituted about one-fourth of all the inhabitants. The ratio is unlikely to have been any lesser in Egypt, Mesopotamia, the Near East, or the Roman Empire. If we then consider the situation in the Southern states of America in the mid-nineteenth century, we are likely to find out that in some regions the slaves outnumbered the rest of the population.
Slavery can be approached from many angles. We can inquire into its nature in relation to human beings and ask whether there are individuals who are slaves by nature (as claimed Aristotle in his *Politics* (Aristotle 1959: Book I; Aristotelis 1997: Pirma knyga)), or whether all slavery is imposed and thus can also be (at somebody’s will) removed (as claimed the Stoics); we may contrast the meaning of ‘being a slave’ with that of ‘being treated as one’; we can further differentiate between legal slavery and factual one, meaning that slavery could be instituted, regulated, and defended by the laws of some political system and that this state of affairs is different from the actual condition of enslavement which may exist even if the state legally forbids it. Let’s take the very notion of legal slavery: here, too, there is a division between absolute slavery and relative one which is a division between those slaves that have no rights whatsoever (as in ancient Greece) and those who possess at least some (as in ancient Egypt or Rome).

We may also distinguish between the quality of how an individual is actually treated and his or her socio-political status in a given society. The difference of status is expressed in the difference between a free person and a slave, whereas the quality of how someone is treated is expressed in the fact whether that person is respected and loved, or mistreated and abused by others. It is possible, therefore, for a free person to be humiliated or injured, whereas for a slave to be honored and cherished. Still another division we may perceive in the practical contents of slavery, since it is always associated with some kind of work within a specific social milieu. There is a glaring difference between a slave who is the only in the family and whose job is to teach the youngest son math and a slave who works in a cotton plantation with hundreds of other slaves thousands miles away from his homeland in a country whose people speak a strange tongue?

Again, we may investigate the social, economic, and political genesis of slavery as well as the racial and demographic consequences of its emergence and dissemination. Thus we may ask how someone became a slave (perhaps by losing a war, by failing to return a debt, or by heritage); or what the profits of keeping slaves are (it is reported that one third of nineteenth-century America’s exports consisted of cotton industry which was in turn almost entirely sustained by slave labor); or how many millions of inhabitants the continent of Africa has lost as the result of slave trade; or what the racial type of Brazil has become after so much unchecked Spanish and African interbreeding. In these and other respects, slavery as a social institution has met very different fates in the history of mankind, depending on culture, location, and time.

Let us now return to the UN Supplementary Convention. In order to eschew needless repetitions, in order not to hide behind long and tedious quotations of the text thereby avoiding intellectual responsibility, I shall organize the material in a specific way and acquaint the reader with it in the following manner: firstly, we shall distinguish between slavery, institutions and practices similar to slavery, and slave trade by defining
each one of them; secondly, we shall look at the concrete manifestations of slavery in the twentieth-century world, manifestations which, according to the UN, must be urgently obliterated; thirdly, we shall learn what the actual content of the Supplementary Convention is, that is, the obligations, duties, and other functions incumbent on each state contractor to the Supplementary Convention; fourthly, we shall voice a few concerns and clarifications regarding several items of the Supplementary Convention.

The Slavery Convention defines ‘slavery’ as the “status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (United Nations 1926: Article 1). Any person who happens to be in such a condition or state is in effect a slave. By ‘slave trade’ the UN understands “all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; […] and, in general, every act of trade or transport in slaves” (ibid.).

It is not evident why or how the UN sets the definition of slavery apart from that of institutions and practices similar to it. In fact, the latter institutions and practices do not even have a generic definition, they are instead simply exemplified by an enumeration of concrete cases which are to represent them. In another passage the UN states that “persons ‘in the condition of slavery’” are those, whose state and condition is determined by institutions and practices similar to slavery ((Jungtinės Tautos 1991b: 126). As a result, the distinction between slavery, on the one hand, and institutions and practices similar to it, on the other, does not seem to be justified in a satisfactory manner, though for some undiscovered reason some articles of the Supplementary Convention concern themselves with slavery, and others – with institutes and customs similar to slavery.

Why? The historian J. M. Roberts remarks:

By 1800, Europeans had lost almost all of their former respect for other civilizations. Their own social practice seemed obviously superior to the unintelligible barbarities found elsewhere. […] Such conscious superiority is no longer admired or admissible. In one respect, nevertheless, it achieved an end which the most scrupulous critics of colonialism still accept as a good one, even when suspecting the motives behind it. This was the abolition of slavery in the European world and the deployment of force and diplomacy to combat it even in countries Europeans did not control. The crucial steps were taken in 1807 and 1834, when the British parliament abolished first the trade in slaves and then slavery itself within the British Empire. This action by the major naval, imperial and commercial power was decisive; similar measures were soon enforced by other European nations, and slavery finished in the United States in 1865. The end of the process may be reckoned to be the emancipation of slaves in Brazil in 1888, at which date colonial governments of the Royal Navy were pressing hard on the operations of Arab slave traders in the African continent and the Indian Ocean. […] It is perhaps worth pointing out here that though it was only after three hundred years and more of large-scale slave trading that abolition came, Europe is also the only civilization which has ever eradicated slavery for itself (Roberts 1993: 631).
Thus, the abolition of slavery was one of the outstanding triumphs of nineteenth-century Europe as it struggled to establish and defend basic human rights, in particular the right of persons to be free. But the accomplishment was far from being completed. On the one hand, even as late as in 1956 the UN noted that “slavery, the slave trade and institutions and practices similar to slavery have not yet been eliminated in all parts of the world” (United Nations 1956: Preamble), on the other hand, the various forms of human enslavement, oppression, and manipulation enacted during and between the two World Wars in the West had divulged a gruesome reality that Europe and European people still can be both slavers and slaves.

And so as our first attempt at explaining the distinction made by the UN between slavery and practices similar to it we offer the following observation: since slavery was overtly abolished in the nineteenth century, any of its enduring forms thereafter had to be renamed and thus conceptually disguised by those who still wanted to practice slavery but at the same time realized they could no longer call it so, that is to say, they reworded slavery for purposes of political precaution, warrant, and rationalization. In order to refer to such practices, which include prostitution, mandatory or compulsory labor, forced child work, etc., but which are never called slavery, the UN uses the general designation ‘institutions and practices similar to slavery,’ though ultimately the latter institutes and customs are tantamount to a state of slavery.

A second reason for the distinction between slavery and institutions and practices similar to it rests on the recognition on the part of the UN that there exist in the world many cultures with customs and traditions which in fact constitute real instances of slavery, but which are sanctioned by those cultures as time-honored and inviolable practices and moreover are never looked upon as forms of enslavement. These, too, are called by the UN institutions and practices similar to slavery.

Let me quote several examples of institutions and practices similar to slavery mentioned in the Supplementary Convention:

1. Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

2. Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labor on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.

3. Any institution or practice whereby: (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of
her husband is liable to be inherited by another person.

4. Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor (Ibid.: Article 1).

At this point we have learned what the UN means by ‘slavery,’ ‘slave trade,’ as well as ‘institutions and practices similar to slavery.’ Let us now ask what the major articles of the Supplementary Convention are, as well as what are their operative or functional implications. The agreements issued by the UN are of two kinds: some of them state what must be done, others – how it must be done. Both the ideal and the goal of the Supplementary Convention lies in the affirmation that no human being can be held in slavery or in a servile condition, that all forms of slavery and slave trade are forbidden, that any institution or practice similar to slavery must be eradicated as soon as possible, and that any action in any way contributing to the maintenance of slavery is a punishable crime (United Nations 1926: Article 2; United Nations 1956: Preamble, Articles 1, 3).

Furthermore, Article 9 of the Supplementary Convention forcefully proclaims that “[n]o reservations may be made to this Convention” (United Nations 1956: Articles 9). We thus witness the determination and resolution with which the UN condemns each and every form of slavery. Yet, the agreements of the Supplementary Convention do not end here. The next and in a way more difficult task is to arrive at the practical procedures whereby the above-mentioned convictions would become implemented and realized. One of the ways to combat “stationary” or local slavery, which does not involve transportation of slaves from one country to another, is to construct an effective body of national laws against slavery and to develop an efficient system of strict punishment for the violation of such laws (United Nations 1926: Article 6; United Nations 1956: Article 3). Thus, effective punishment would be one of the most obvious means to fight against practices associated with slavery.

It was also agreed that all contracting parties “undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags” (United Nations 1926: Article 3). So far, every state, which has signed the protocol of the Supplementary Convention, has agreed to assume the obligation to see to it individually that no slavery would be practiced in its own territory and the territories belonging to it (colonies, protectorates, etc.). But even more significant is the mutual agreement of the UN to “co-operate with each other and with the United Nations to give effect” (United Nations 1956: Article 8) to all those practical avenues of action leading to the complete and universal abolition of slavery. Let me cite here some portions of Articles 3 and 4 of the Supplementary Convention. The document states that:
1. The act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to very severe penalties.

2. (a) The States Parties shall take all effective measures to prevent ships and aircraft authorized to fly their flags from conveying slaves and to punish persons guilty of such acts or of using national flags for that purpose. b) The States Parties shall take all effective measures to ensure that their ports, airfields and coasts are not used for the conveyance of slaves.

3. The States Parties to this Convention shall exchange information in order to ensure the practical co-ordination of the measures taken by them in combating the slave trade and shall inform each other of every case of the slave trade, and of every attempt to commit this criminal offence, which comes to their notice.

4. Any slave who takes refuge on board any vessel of a State Party to this Convention shall *ipso facto* be free (Ibid.: Articles 3–4).

We have thus learned the goal of the Supplementary Convention which is the abolition of slavery, and we have scrutinized the effective means suggested by the UN to realize this humanitarian project. Still, there looms one daring question which, according to some, should not even be asked, since the answer is all too apparent, but is it indeed? The question is simply this: it has been already many times asserted that slavery must be abolished, but why?

We know that humans *can be* slaves, some of them in fact *have been* slaves and still others *are* slaves to this day, moreover, no statistics is available that would prove that all of them, both past and present slaves, have been dissatisfied with their condition, nor can it be empirically proven that in all its diversity enslavement has never managed to benefit those who were enslaved, but always only abused them; so whence the UN’s conviction that slavery is wrong in all cases, under all circumstances, and at all times? Why then must slavery be abolished indiscriminately?

At the heart of the UN’s pronouncement lies one fundamental supposition, one profound insight, and one brave factual assessment. The supposition is that there is one universal human nature which is constant and knowable. The insight is that this nature radiates with a peculiar kind of value called human dignity and freedom which essentially conflicts with the value of property. Finally, the factual assessment is that the members of numerous civilizations, past and present, are representatives of this universal human nature as well as carriers of human dignity and freedom. Can all of these claims be critically and irreversibly substantiated?

I doubt, since in trying to determine whether a particular being, which resembles a human being, in fact bears human nature, has human dignity, is free and ought not to be treated as a slave there will be contained an element of sincere hope that it is a human being, yet an element precisely of hope and not of knowledge. And even if we have a special ability to discern the human soul
from among many other things, who is to go one by one and count whether all of those who are called slaves and treated correspondingly are indeed human? These remarks do not constitute an attack on the UN Supplementary Convention, rather they are intended for stressing the fact that the contents of the Convention rest on common sense and good will and not so much on irreproachable critical argumentation.

Before closing this article, let us draw our attention to two features of the Slavery Convention. First, notice that the UN calls for an absolute abolition of slavery, to wit, for an abolishment of all forms and degrees of slavery. It is reported by historians that in ancient Greece slaves had no political rights whatsoever, just as black slaves in eighteenth-century America had none. In contrast, slaves in ancient Israel did have some rights, for whatever the nature of their services was, all of them had the right, for example, to enjoy Sabbath rest and participate in Israel’s religious festivals (Swarley 1993: 700–1).

Yet, for the UN such differences of having no rights at all and of having some is irrelevant, since what matters is that in both instances human beings are treated as property, which is to say, they are slaves. Thus both the Greek type of slavery and that of Israel must be eliminated. Second, the UN demands that slavery be abolished not only legally, but also factually. As a result, the states, parties to the Convention, not only have to make sure that their constitutions condemn slavery, but also secure that no real cases of enslavement occur in their territories.

Hereby I hope to have shed light on the historical and cultural connections between the general rise of universal human rights in the present age of globalization and the particular issue of slavery, to have presented an explanation of the stance taken by the UN concerning the latter, and to have thus provided a clear example of how human rights ever stronger assert themselves in world history.

**Literature**


Endnotes

1 From now on to refer to the United Nations’ Organization in the article the common abbreviation “UN” will be used.

2 The length of the term may vary by one or more years from one commission to another.

3 Historical information contained in the following paragraphs is based on Roberts 1993; Sabine 1995.