

DEDICATION

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Human rights are, at their innermost core, collectively enforced stop signs against the violations of the weak, the vulnerable, the few, the hated, the powerless, the oppressed. The processes of the law are used to erect hurdles against the aggressions of the strong, the many, and the powerful.

“Rights talk” has also been used to demand access to the political and economic processes, to feed the hungry, to clothe the naked, to cure the ill, and to educate the people. In this sense, it requires those in power to make positive decisions to meet essential needs of human beings under their control.

Cumulatively speaking, human rights assertions are claims of men, women and children around the world to a legal order that makes accessible to them what they value in life, i.e. respect, rectitude, power, wealth, well-being, skills, enlightenment, and last, but not least, affection. Those claims become law upon acceptance and implementation by those in authority and control in a given community.

The success of the human rights enterprise as a global legal undertaking has been phenomenal, since it began, in serious, in 1945, with the United Nations Charter, the 1948 Universal Declaration of Human Rights, and a myriad of treaties and enforcement mechanisms, both universal and regional, created to codify and safeguard individual entitlements against the state. It is an expanding project, intended to protect, in ever greater detail, the various categories of those in need of protection as well as to strengthen its methods and

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instrumentalities. Its ultimate goal has been seen to be the establishment of what Myres Smith McDougal has called a world public order of human dignity. In a truly integrative way, it also approaches the holders of private power – a delicate balancing act between the freedom of those actors and the core interests of their potential victims.

This 20th century honeymoon with human rights appears to be ending, starting with the resurgence of ethnic hatreds in post-Communist societies and a perceived, if not real, conflict between Islam and the West after 9/11. The pressures led to denials of the very basis of human rights law, the international consensus on their content and foundation. Can the human rights regime survive this threat of clashes of cultures and civilizations?

Cultures, by themselves, are the reflections of the preferred ways of life of self-defined groups. In constant interaction between the individual member and the group, as well as with other groups, the distinctive features of a culture are created and changed. The diversity emanating from the presence of different cultures enriches and beautifies life, as it responds to deeply-rooted needs of individuals to building identity in community with others, generating the warmth of the feeling of home. It may also threaten life if that very difference leads to hatred and aggression against those who are different, or if one culture tries to impose its cardinal values on others.

The key, if not the dominant, elements of culture are the canons of its paths of rectitude, most often delineated in its sacred precepts of religion. Those precepts are meant to be guiding human life, and it is in the nature of most religions that individuals within their faith community do legitimately feel that their religion is the only true, the only valid *summa* of moral maxims. One would not need to adhere to a religion if one did not believe in it, trust in the truth of a faith that may defy, and transcend, the results of empirical research. Even the most universalist, “open” churches have some key teachings that differentiate their faith from others. Others have a more limited set of canons that, conversely, may lead to a more strongly held belief and feeling of spiritual identity. Many of the most ardent, and most admired, advocates for the rights of others are fueled in their effort from the depth of their religious convictions, as they

demonstrate their commitment in the trenches of life's tragedies. Sister Eugenia Bonetti, for example, makes this point most touchingly in her prayer for a victim of human trafficking, which is part of this volume. One's struggle for a world order of human dignity is often, consciously or unconsciously, based on a deeply held belief that human beings are created in the image of God and have to be treated accordingly, i.e. with love and with care.

Short of the presence of a universally established religion, it is at the seams of the world's quilt of faiths and cultures where a different need arises: how can we achieve a good order which not only minimizes violence between the various religious communities, but allows the development of standards and procedures that permit members of all communities access to all things humans want out of life, i.e. optimum public order. It has been contended that here, as well, the religious foundation is essential to good norms of conduct, i.e. there can be no valid system of universal human rights without God. Others maintain that only secular norms, abstracting from religious content, ultimately the brainchildren of the Enlightenment, could form the basis of such cross-religious prescriptions. Still others would bridge the gap by leaving out, or bracketing, the issue of the moral or religious source of human rights, and focus on the content of human rights themselves, with respect to which agreement between different religious groups has been found to be possible, the theory of "overlapping consensus."

In any event, what is needed, for the development of lasting solutions to the world's ever-changing problems, is a robust dialogue between contending points of view, contending religions, contending ideologies. A university, especially a Catholic one with its tradition of commitment to human dignity, social justice and universal values, is a particularly apt place to conduct this conversation. Dedicated to the exploration of truth and academic freedom as well as to the search for global justice, it opens its doors to all claimants and perspectives, even to those who might not yet be ready to join in.

The INTERCULTURAL HUMAN RIGHTS LAW REVIEW, whose birth you are witnessing in this volume, is designed to be a forum for discussion of these and other ideas as to how we can make life on this planet more livable. Beyond discussion, it may bring together

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experts, scholars and decision-makers to formulate a comprehensive solution to discrete problems of global society. It invites contributions to its issues, which will either present a leading theme or reflect top contributions from both academe and practice on diverse issues and problem areas.

This inaugural issue is dedicated to the complex and heart-rending global scourge of trafficking in human beings. In that trade, a person becomes effectively a slave, chained to the whims of brutal masters. The volume presents a thorough interdisciplinary and comparative global analysis of the problem and its past attempted solutions in the United States, in various other countries, and at the global level. Working symposia of top experts in the field, ranging from governmental and intergovernmental actors to law enforcement personnel to immigration lawyers to representatives of the Church to psychologists and to scholars in the field, arrived at a consensus on principles and policies to guide comprehensive reform in this field. The result, *The Miami Declaration of Principles on Human Trafficking*, is an example of the thoughtful use of our collective faculties of heart and mind that has the potential of bridging divides of political orientation, religion, economic status and culture by focusing, like a laser beam, on the one overriding concern: the effective response to the cry of the victim and the establishment of a just world order of human dignity.

May God shine His blessings on this undertaking, as we venture into a future with yet unimagined challenges. The yardsticks for its success are the lives of human beings that were changed for the better. You will know its pages “by their fruits” (Matthew 7:16).