

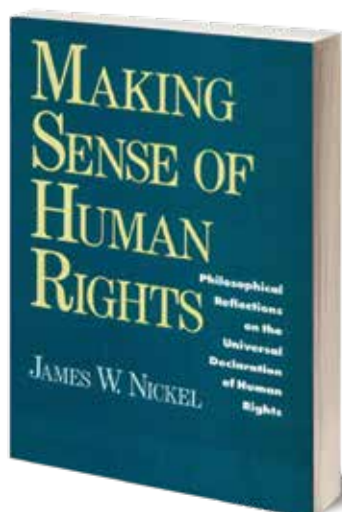
North Korean refugees on board the American navy fast-transport vehicle USS Weiss after they were rescued, are shown in this photo taken on September 16, 1952.

US NAVY



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University of Miami philosopher James Nickel: **EXCLUSIVE** Refugees are going to be an extremely large problem in the



What is it that makes the human rights universal? Maybe the most basic things we could say about universality of human rights would be these two: First, my experience of the world, visiting many parts of it, has been that there are lots of shared values among people around the world and that it's not as though we're unintelligible to each other because we're just so weirdly different people. People would like to have nice lives. They would like to have families. Mostly they would like to live in peace. They dislike it if you are cruel to behave or if

you treat them with great unfairness. And so I don't think there's a shortage of shared values that we can appeal to. In my book, I identified four of them, but I think you could do more: I identified having a secure claim to a life, that is, being actually able to live; having a claim to lead your life, to make some of the important decisions in your life; the claim to protection against extreme cruelty; and the claim to protection against extreme unfairness. And so that was my attempt to try to identify some values that I thought would be prettily shared.

The other thing that we might say about universality is that we might think of the formulation of human rights as an attempt to codify some things that we have learned about the dangers of the modern state and to try to provide some protections against some of the characteristic abuses of the modern state. And perhaps the oldest one, one that people recognized very early, was that the state with its institutions of criminal justice and of capital punishment was very dangerous. And politicians quickly recognized that jail would be a good place for

their political opponents. So, due process rights and, in general, the rule of law, are important protections against some very common misuses of the state. And we could talk about others, but that would be another approach to universality: We could go by what are the sort of problems that people have with countries in which they live? What are some of the ways in which political power is abused? And we might, in that way, work at constructing a list.

Some say that human rights, as embodied in the

Universal Declaration, is an idealistic thing, and that forces the hands of the states to think about trade-offs between its various elements. What's your take on that? Well, it's certainly an idealistic idea. There's no doubt about that. The rights in the Universal Declaration are an expensive list, because they call for having a very good system of criminal justice and due process rights. They call for having a democratic system with regular elections, which are expensive. They call for various kinds of guarantees for equality for minorities and for women,