

1 Not ‘Second-Generation Rights’ Rethinking the History of Social Rights

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The aims of this volume are to rethink the history of social rights¹ and, in doing so, help develop a historiography that speaks to the broader fields of human rights scholarship and practice. It is only very recently that a critical historiography on social rights has started to emerge, but it has yet to displace deeply rooted assumptions underpinning historical interpretations. These assumptions have, unfortunately, led to a number of distortions and misconceptions about the substance of these rights, their origins and their historical trajectories. There is a record to set straight before we can start reimagining a more nuanced account of the long history of social rights, and this opening chapter tries to do that. First, it addresses how social rights have been misconstrued – both by sympathisers and by sceptics. Second, it lays out a new approach to studying the long history of social rights, one in which the question of duties and obligations is central. Third, it presents the volume’s three-pronged structure and contents, which cover the medieval period to the present and span the globe. Taken together, the chapters of this volume seek to reshape the historiography of rights by examining the role and significance of social rights within it. They also explore the relation of these rights to questions about freedom, justice, equality and dignity in global history.

1.1 Debunking the Generational Theory

The most persistent distortion in historical treatments of social rights is without doubt the ‘Three Generation Theory of Human Rights’. The theory divides human rights into three separate generations: (1) civil and political rights; (2) economic, social and cultural rights; and (3) collective

¹ For the sake of style, by ‘social rights’ we refer to what are alternatively called ‘social rights’, ‘socio-economic rights’ and ‘economic and social rights’. Subtle distinctions between social and economic rights are addressed in some chapters.

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or solidarity rights. This volume shows that economic and social rights quite clearly are not second-generation rights. The framing makes sense neither in historical terms nor, as legal scholar Patrick Macklem argues, in a legal sense.² It is surprising that the ‘theory’ has proven so enduring because anyone paying attention to how it emerged and developed would have to regard it as flawed from the outset.³ But nobody seems to have noticed this upon its appearance in the 1970s. The theory became something of a bandwagon, one that pandered to the late Cold War turn to human rights in the West.

The idea of the three generations came into existence in 1977 with an article published by the United Nations Educational, Scientific and Cultural Organization’s (UNESCO’s) legal advisor Karel Vašák, who was also a human rights scholar.⁴ Vašák credited the UNESCO Director-General Amadou-Mathar M’Bow from Senegal with coining the term ‘third generation of human rights’. It was meant to capture a new set of rights to development, peace and a healthy environment, which UNESCO sought to promote at the time. By ‘third generation rights’, Vašák was really referring to a *category* of rights, distinguishable from first-generation rights (civil and political) and second-generation ones (economic, social and cultural). He presented no arguments or specific time frame to contextualise the emergence of the generations. He did speak of three *stages* of rights development within the United Nations (UN), but he lumped the first two generations together in both of the first two stages. Stage one came with the passage of the UN’s Universal Declaration of Human Rights (UDHR) of 1948, which included both categories (or ‘generations’) of rights. Stage two came with the passage of two international covenants in 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which started the process of making the rights of 1948 enforceable within signatory countries. The third stage, which was just getting underway as Vašák wrote, involved the emergence of a new and third set of rights, namely, to economic development, peace and a healthy environment.

Using the term ‘generations’ for ‘categories’ was distinctly unpropitious. It led to sloppy historical thinking by conflating classification and chronology. Soon, the generational framework gained traction as a ‘theory’ of alleged historical-analytical relevance. Vašák himself spearheaded this trend. In 1979 and again in 1984, he substantially modified

² Patrick Macklem, *The Sovereignty of Human Rights* (Oxford: Oxford University Press, 2015), 52.

³ The following section draws on: Steven L. B. Jensen, ‘Putting to Rest the Three Generation Theory of Human Rights’, *Open Global Rights* (blog), November 2017.

⁴ Karel Vašák, ‘A 30-Year Struggle’, *UNESCO Courier*, November 1977, 29.

his account.⁵ He turned a story about how various generations of rights developed within the UN over thirty years into a story of how the UN fit into the generational development of human rights over a hundred and eighty years. His new account began with the French Revolutionary concepts of *Liberté*, *Égalité* and *Fraternité*, anticipating the three generations. The French Revolution itself only inaugurated the first generation of individual 'liberal' rights: civil and political. The Mexican and Soviet constitutions of 1917 and 1936, later followed by the UN's UDHR of 1948, inaugurated a second generation of 'egalitarian' rights: social, economic and cultural. Newly emerging in the late 1970s and 1980s, he argued, were a third generation of 'fraternity' rights: to development, peace, a clean environment, collective patrimonial property, and communication. This schema is so superficial and flimsy that it is surprising it did not collapse under its own weight. But it didn't. It continues to appear – uncritically and often implicitly – in a great deal of human rights scholarship today.

The problems with the generational theory are numerous. The main one is that it fails to recognise the deeper history of social rights, which stretches back several centuries. It also fails to grasp that the delineations among categories of rights have been much more porous than commonly understood. Claims to well-being have been intertwined with other rights and other conceptual categories in the past, such as nature, citizenship, charity, justice, administration and democracy – to name only some. The generational theory glosses over these complexities by instilling a historical sequencing of hermetically sealed rights categories. This simplification facilitates analytical complacency and does conceptual damage to how we understand the history of rights.

In fairness to Vašák, it should be said that, despite introducing the misguided notion of generations to the human rights field, his historical understanding did not come out of thin air. Others had operated with a comparable understanding between the eighteenth- and the twentieth-century developments, including delegates involved in drafting the UDHR. Based on recent constitutionalist trends in Latin America, the Cuban delegate Guy Pérez Cisneros argued during the final stage of negotiating the UDHR in the UN General Assembly that '[t]he twentieth century had witnessed the development of a new concept of liberty which

⁵ The 1979 reference was a speech given in Strasbourg that does not seem to be available to scholars who instead have to reference an article from 1984. Karel Vašák, 'Pour une troisième génération des droits de l'homme', in Christophe Swinarski (ed.), *Études et essais sur le droit international humanitaire et sur le principes de Croix-Rouge en l'honneur de Jean Pictet* (Geneva/The Hague: Comité international de la Croix-Rouge/Martinus Nijhoff Publishers, 1984), 837–45.

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it was important to clarify in the declaration'.⁶ He was specifically referring to the consolidation of social rights alongside civil and political rights. What Vašák and people like Pérez Cisneros failed to see was that social rights had a longer history.

The generational theory was a product of its time. It attempted to bridge the Cold War ideological divide between liberalism and socialism by assigning a 'generation' to each, while also integrating new areas of political concern, notably post-colonial development and environmentalism. Sadly, the theory has outlived the Cold War and still lingers in much rights scholarship today. It belongs in the dustbin of history.

The generational theory has not been the only influential historical framing of rights. In 1950, decades before Vašák's article, the renowned British sociologist T. H. Marshall published *Citizenship and Social Class*. Although the book described a sequential chronology of rights development much like the generational theory, it did so only in one famous sentence. Marshall writes that 'it is possible, without doing too much violence to historical accuracy, to assign the formative period of each [rights category] to a different century – civil rights to the eighteenth, political to the nineteenth and social to the twentieth'.⁷ It is a compelling assertion – neat and simple to understand. It also happens *not* to be so representative of the book's content. Marshall makes it clear that all three rights areas existed in Britain in the centuries before the period in question, and that it was the modern period that tore them asunder into their current distinct categories.⁸ He writes: 'In early times these three strands were wound into a single thread. The rights were blended because the institutions were amalgamated'.⁹ Thus, social rights per se were not new to the twentieth century. He also makes clear that even if he assigned formative periods to certain categories of rights, 'there was a considerable overlap between the last two [categories]', namely, political and social. Marshall explicitly blurs distinctions between the rights categories and shows how they historically interacted. The right to work is hence described as a 'basic civil right' in the economic field.¹⁰ The right to education is described as 'a genuine social right of citizenship' that is 'a necessary prerequisite of civil freedom'. Marshall places the 'first decisive step' of the social right of education in the nineteenth century in a manner that chronologically precedes his placing of political rights in the same century. It is also worth noting that even if Marshall was writing around the time when the UDHR was adopted, his focus was on developments in Great Britain. He can therefore

⁶ Guy Pérez Cisneros (Cuba), UN General Assembly, 3rd Session, 104th meeting, 16 September 1948, 164.

⁷ T. H. Marshall, *Citizenship and Social Class* (London: Pluto Press, 1992), 10.

⁸ *Ibid.*, 8. ⁹ *Ibid.* ¹⁰ *Ibid.*, 10.

neither be used to insert a historical hierarchy in the history of human rights nor be claimed as saying something of worldwide relevance. His historical sequencing is rather more nuanced than may immediately appear. It certainly cannot be seen to underpin Vašák's generation theory. We should therefore free ourselves from the sequential narratives of rights categories and the hierarchies they imply.

To this end, we aim to offer greater nuance in tracing the history of social rights. Through its examination of ideas, politics, policy-making, diplomacy, social movements, religion, philosophy and law, our volume provides greater historicity and geographical breadth. It challenges the preconceived notions that have informed understandings of social rights and their history. The volume is not exhaustive – no single volume spanning many centuries and much of the globe can be. Our aim is rather to explore the history of social rights in a new way. We need new thinking.

Abandoning the generational theory of rights prompts us to rethink the history of social rights. It invites us to look further back than the 1940s and beyond socialism for their origins. And as Part I of this volume shows, these origins predate socialism. In the form of constitutional provisions, social rights emerged during the French Revolution, appearing not only in the Jacobin Constitution of 1793 but also in debates over the Declaration of the Rights of Man and of the Citizen of 1789, well before radical Jacobins and *sans-culottes* exploded onto the political scene. And far from being proto-socialist, many advocates of '*droits sociaux*' (revolutionaries used the term) were economic liberals. They believed that the rights to work and subsistence would be ensured by property rights and commercial freedom.

Venturing further back in time, before modern constitutionalism and the nomenclature of 'social rights', 'socio-economic rights' and 'economic and social rights' came into circulation, we find concepts and practices resembling those now associated with these rights. The Charter of the Forest of 1217, which accompanied a re-issuance of the Magna Carta of 1215, can be seen as an early expression of social rights. The charter granted freemen access to the 'forest' (meaning the royal domains). Covering one-third of southern England, the forest included not only woods but pastures, farms and villages – spaces for growing, grazing, collecting wood and buying food. The charter offered not only access to the means of subsistence but also labour rights, authorising freemen to hire themselves out by the day. Although such terms today are associated with the 'precariat' and the denial of social rights (a subject explored in the context of modern Japan in Chapter 9), in thirteenth-century England they represented an

attractive alternative to feudal servitude, a status into which freemen could all too easily sink.¹¹ To be sure, the charter was hardly egalitarian; it excluded serfs and women. And its provisions look more like privileges than natural rights. But as Part II of this volume shows, even social rights in the modern era have not always lived up to egalitarian and universal expectations. They have also reinforced social differences and hierarchies.

Medieval variants of social rights were not limited to England. As Julia McClure shows in Chapter 2, poverty rights were inscribed in canon and civil law throughout European Christendom. Although they were framed in the language of ‘charity’ rather than ‘rights and duties’, the sense of obligation associated with charity had a more compulsory tenor at the time. Arguably, the rise of modern contractualism and constitutionalism widened the gap between moral obligations, construed as voluntary, and legal ones, enforced by the state. This tension between voluntariness and obligation, a leitmotiv in the historical literature on medieval and early modern ‘natural rights’ theory, persisted in modern debates over social rights.¹² Are social rights legally enforceable or merely aspirational? The question hangs over many of the historical contexts discussed in the chapters ahead.

Thus, if we conceive of social rights in broad terms, as claims and obligations related to individual well-being (physical, spiritual, moral and intellectual, depending on the context), they can be seen as predating the civil and political rights of the Enlightenment and developing with them ever since. Nor did socialism fully appropriate their legacy upon its emergence in the nineteenth century; religious and liberal sources of social rights coexisted with socialist and social-democratic ones. This was especially apparent in the twentieth century, when German liberals supported their inclusion in the Weimar Constitution of 1919, Franklin

¹¹ Julia McClure, ‘The Legal Construction of Poverty: Examining Historic Tensions between Property Rights and Subsistence Rights’ in Suzanne Egan and Anna Chadwick (eds.), *Poverty and Human Rights: Multidisciplinary Perspectives* (Cheltenham: Edward Elgar, 2021); Guy Standing, *Plunder of the Commons: A Manifesto for Sharing Public Wealth* (London: Penguin, 2019), 1–27.

¹² The historical literature on natural rights in the late medieval and early modern Europe is vast. Significant works include Dan Edelstein, *On the Spirit of Rights* (Chicago: Chicago University Press, 2019); Lynn Hunt, *Inventing Human Rights* (New York: W. W. Norton and Co., 2006); Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978); Richard Tuck, *Natural Rights Theories: Their Origins and Development* (Cambridge: Cambridge University Press, 1979). For late medieval origins, see Annabel Brett, *Liberty, Rights and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: Cambridge University Press, 1997); Francis Oakley, *Natural Law, Laws of Nature, Natural Rights: Continuity and Discontinuity in the History of Ideas* (New York: Continuum, 2005); Brian Tierney, *The Idea of Natural Rights* (Atlanta, GA: Scholars Press, 1997).

Delano Roosevelt called for them in his Second Bill of Rights speech of 1944, and 'Liberation Theology' priests advanced their cause in Mexico in the century's latter decades.¹³ Christians, in fact, played a crucial role in the development of human rights in the twentieth century.¹⁴ For their part, socialists were relatively late in taking up the cudgels for social rights. Karl Marx's dismissal of human rights as the expression of 'bourgeois' egoism is well known, though his criticism, it should be stressed, targeted abstract natural rights and property rights rather than civil and political rights, which he defended, especially press freedom.¹⁵ Still, he did not insist on social rights, a fact that is probably attributable to his vision of human emancipation, which foreclosed the need for individuals to make claims on society or the state.¹⁶

Marx was not alone among socialists in eschewing social rights. Few demanded them, and those who did (notably in 1848) held very different

¹³ For the role of liberals in drafting the Weimar Constitution, see Bruce B. Frye, *Liberal Democrats in the Weimar Republic: The History of the German Democratic Party and the German State Party* (Carbondale/Edwardsville: Southern Illinois University Press, 1985). For Roosevelt, see Cass Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution – and Why We Need It More Than Ever* (New York: Basic Books, 2004) and Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge, MA: Belknap Press, 2018), 68–88. For Liberation Theology and social rights in Mexico, see Chapter 10.

¹⁴ Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015); Ingvill Thorson Plesner, 'Religion and Economic, Social and Cultural Rights', in John Witte, Jr. and M. Christian Green (eds.), *Religion and Human Rights: An Introduction* (Oxford: Oxford University Press, 2012), 316–39; Marie-Emmanuelle Chessel, 'From Duties to Rights: Revisiting the Social Catholics in Twentieth-Century France', *French History*, 33: 4 (December 2019), 587–605; Linde Lindkvist, *Religious Freedom and the Universal Declaration of Human Rights* (Cambridge: Cambridge University Press, 2017); and Sarah Shortall and Daniel Steinmetz-Jenkins (eds.), *Christianity and Human Rights Reconsidered* (Cambridge: Cambridge University Press, 2020).

¹⁵ Steven Lukes, 'Can a Marxist Believe in Human Rights?', *Praxis International*, 1: 4 (1982), 334–45, as well as his *Marxism and Morality* (Oxford: Oxford University Press, 1985), 61–70. See several essays on the question in Susan Marks (ed.), *International Law on the Left: Re-examining Marxist Legacies* (Cambridge: Cambridge University Press, 2008), esp. those by Martti Koskenniemi (pp. 30–52), Brad R. Roth (pp. 220–51) and Obiora Chinedu Okafor (pp. 252–80). In addition, see Allen E. Buchanan, *Marx and Justice: The Radical Critique of Liberalism* (Totowa, NJ: Rowman and Allanheld, 1982) and Jeremy Waldron, 'Karl Marx's "On the Jewish Question"' in Jeremy Waldron, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987). For Marx's embrace of civil rights, criticism of the 'rights of man' and silence on social rights, see Amy Bartholomew, 'Should a Marxist Believe in Marx on Rights?', *The Socialist Register* (1990), 244–64; David Leopold, *The Young Karl Marx. German Philosophy, Modern Politics and Human Flourishing* (Cambridge: Cambridge University Press, 2009), esp. 150–62.

¹⁶ This is the conclusion of Justine Lacroix and Jean-Yves Pranchère, 'Was Karl Marx Truly Against Human Rights? Individual Emancipation and Human Rights Theory', Sarah-Louise Raillard (trans.), *Revue française de science politique*, 62: 3 (2012), 433–51. For Marx on press freedom, see Jonathan Sperber, *Karl Marx: A Nineteenth-Century Life* (New York: W. W. Norton and Co., 2013), 83–8.

conceptions about what they entailed.¹⁷ Most devoted their energies to acquiring economic sovereignty (control over the means and conditions of production) and experimenting with various kinds of associationalism.¹⁸ Distrustful of the state, they did not generally invoke constitutional rights to make redistributive claims upon it. It was not until the late nineteenth century, as Nicolas Delalande shows in Chapter 7, that European worker movements – many were transnational – began demanding social rights and envisaging a role for the state in bearing and enforcing the duties associated with them. As we shall see, such thinking emerged in other parts of the world in the early twentieth century, such as Japan and Latin America. The development of social rights in Latin America, beginning with the Mexican Constitution of 1917 and spreading to more than a dozen other countries by the 1940s, had an influence on the architects of the UDHR of 1948.¹⁹

Once socialists did begin calling for social rights in the early twentieth century, they did not always agree on whether society or the state should bear the duties. The Weimar Constitution of 1919, which socialists supported along with liberals and social democrats, attributed regulatory and redistributive duties to the state. Alternatively, the Soviet Constitution of 1936 conceived of social rights as generative of not state obligations but a social order with rights and responsibilities integrated into the entire system, as Scott Newton argues in Chapter 8. This systemic, non-justiciable notion of social rights is remarkably similar to how French economic liberals conceived of them in 1789. Like the Soviets, early French revolutionary liberals saw social rights as giving expression to the structuring principles of social institutions; they did not envisage individuals making claims on the state in court. There is some irony to the fact that eighteenth-century ‘free-market’ liberals shared with twentieth-century communists the utopian belief that social rights could be

¹⁷ In addition to Chapter 7, see Jeremy Waldron, ‘The Decline of Natural Right’, in Allen W. Wood and Songsuk Susan Hahn (eds.), *Cambridge History of Philosophy in the 19th Century (1790–1870)* (Cambridge: Cambridge University Press, 2012), 623–50. For socialist demands for the right to work, and different ideas as to what that right entailed in mid-nineteenth-century France, see Thomas Bouchet, ‘Socialist Vicissitudes on the Right to Work in France, 1848–1851’, *French History*, 33: 4 (December 2019), 572–86.

¹⁸ Noel Thompson, *The Real Rights of Man: Political Economies for the Working Class, 1775–1850* (London: Pluto Press, 1998).

¹⁹ Fernando Yllanes Ramos, ‘The Social Rights Enshrined in the Mexican Constitution of 1917’, *International Labour Review*, 96 (1967), 590–608, esp. 591. John Humphrey, who drafted an early version of what would eventually become the UDHR, drew inspiration from Latin American constitutions and declarations, which included socio-economic rights: John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, NY: Transnational, 1984), 31–2; Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Bloomington: Indiana University Press, 2008), 50–2.

realised through a harmoniously configured social order – that their auto-instantiation would obviate the need for judicial mediation.

In sum, to date the emergence of social rights to the 1940s, to see them as an outgrowth of socialism (or a compromise between socialism and liberalism after the Second World War) and to think of them only as justiciable claims on a duty-bearing state obscures their historical depth and their philosophical and institutional heterogeneity.²⁰ It is this depth and heterogeneity that our volume seeks to recover. Doing so, however, raises an important question, one that underlies this volume. If social rights have existed for so long (albeit in various forms) and if they have been justified on so many different grounds (religious, liberal, socialist, social-democratic), what explains their chronic precariousness? Why have they remained so persistently subordinated to civil and political rights and, quite frequently, overlooked in favour of charity, economic development and humanitarian aid? To borrow one scholar's metaphor, why have social rights become 'the Cinderella of the human rights corpus'?²¹

This volume aims to identify the obstacles and challenges to realising social rights in history. These obstacles and challenges have contingent dimensions, which are duly described. However, seen from the right conceptual angle, patterns are discernible. One recurrent challenge has to do with the politics of obligation – the politics of defining and enforcing the duties associated with social rights. This problem is well known to theorists and jurists concerned with social rights. Indeed, identifying the duty-bearers and creating mechanisms of implementation and enforcement have been at the centre of much recent scholarship on social rights jurisprudence.²² Historians, however, have given neither social rights nor the politics of obligation much attention. The historical literature on them

²⁰ Michael Freeman points out that scholars commonly overlook the long history of social rights, but he sees them as essentially dormant after the French Revolution, only to reappear after the Second World War, 'the marriage of the tradition of liberal rights and that of socialism', in *Human Rights* (2nd ed., Cambridge: Polity Press, 2011), 30–1, 45.

²¹ Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties* (Oxford: Oxford University Press, 2008), 2; cited in Paul O'Connell, *Vindicating Socio-economic Rights: International Standards and Comparative Experiences* (London: Routledge, 2012), 1.

²² For theoretical reflections on social rights and duties, see Henry Shue, *Basic Rights* (Princeton, NJ: Princeton University Press, 1980) and 'Mediating Duties', *Ethics*, 98 (1988), 687–704; David Beetham, 'What Future for Economic and Social Rights?', *Political Studies*, 43 (1995), 41–60. For discussions of these themes by legal scholars and human rights practitioners, see Aiofe Nolan, 'Addressing Economic and Social Rights Violations by Non-state Actors through the Role of the State: A Comparison of Regional Approaches to the "Obligation to Protect"', *Human Rights Law Review*, 9: 2 (2009), 225–55; Sakiko Fukuda-Parr, Terra Lawson-Remer and Susan Randolph, 'An

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is thin and patchy, and syntheses are few.²³ While there are countless studies of labour, welfare, health care and education, they tend to be treated separately and are rarely incorporated into histories of social rights per se. When social rights are mentioned in histories of human rights, they often appear in passing, with the generational theory and socialist origins lurking in the background.²⁴

1.2 The Politics of Obligation

This volume attempts to redress these historiographical shortcomings. It offers conceptual approaches to social rights in a variety of historical contexts, in Europe and around the world. The key concept treated in the chapters ahead – apart from rights – is *obligation*. By examining the long history of social rights through the lens of ‘duties’ and ‘obligations’, we aim to elucidate the stakes and conflicts surrounding this precarious and often overlooked subset of rights.

To focus on the problem of obligation is not, however, to revive the liberal critiques of social rights often aired during the Cold War. These critiques stressed the allegedly utopian and illiberal nature of the obligations that social rights require. The philosophical roots of this critique lay in a philosophical distinction between positive and negative liberty – a distinction stretching back to Immanuel Kant and John Stuart Mill, though deeper origins can be found in Aristotle’s and Thomas Aquinas’s

Index of Economic and Social Rights Fulfilment: Concept and Methodology’, *Journal of Human Rights*, 8: 3 (2009), 195–221; M. Magdalena Sepúlveda, *The Nature of the Obligations under the International Covenant on Economic, Social and Cultural Rights* (Antwerp: Intersentia, 2003); Malcolm Langford (ed.), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (Cambridge: Cambridge University Press, 2008); Fredman, *Human Rights Transformed*; Katharine G. Young, *Constituting Economic and Social Rights* (Oxford: Oxford University Press, 2012); Oliver de Schutter (ed.), *Economic, Social and Cultural Rights as Human Rights* (Cheltenham: Edward Elgar, 2013).

²³ See the special issue devoted to the topic of *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* (Winter 2012) and the special issue, edited by Charles Walton, of *French History*, 33: 4 (2019), 503–605. For a synthesis, see Moyn, *Not Enough*.

²⁴ Jay Winter believes that the presence of economic and social rights in the UDHR of 1948 proves that the ‘twentieth century went further than the eighteenth’, in *Dreams of Peace and Freedom: Utopian Moments in the Twentieth Century* (New Haven, CT: Yale University Press, 2006), 117; Lynn Hunt’s study of the emergence of human rights in the late eighteenth century concludes by dating the addition of economic and social rights to the human rights corpus to the twentieth century, *Inventing Human Rights*, 207; Michael Freeman acknowledges that economic and social rights appeared in 1793 during the French Revolution and that claims to subsistence date back further, but he skips over the nineteenth century and dates their re-emergence to the 1940s, while characterising them as a compromise between the liberal rights tradition and socialism, in *Human Rights*, 30, 36, 45.