

HUMAN RIGHT VIOLATIONS IN *12 YEARS A SLAVE*

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A FINAL PROJECT STATEMENT

I certify that this thesis is definitely my own work. I am completely responsible for the content of this thesis. Other writers' opinion or finding included in the thesis are quoted or cited in accordance with ethical standards.

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Kami menyatakan bahwa skripsi tersebut sudah dapat diajukan pada sidang Munaqasyah untuk memenuhi salah satu syarat memperoleh gelar Sarjana Sastra Inggris.

Atas perhatiannya, kami ucapkan terima kasih.

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HUMAN RIGHT VIOLATIONS IN 12 YEARS A SLAVE

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ABSTRACT

A literary work can be a means of delivering some messages to those who are interested in it. Literary works are presented in many ways: novels, prose, or drama. They can be enjoyed easily through audio visual performance or films. Films become appropriate media to describe the situations that are intended to tell. The researcher chooses a film entitled *12 Years a Slave* to be analyzed. It is a 2013 British-American historical drama film directed by Steve McQueen. It is an adaptation of the 1853 slave narrative memoir entitled *Twelve Years a Slave* by Solomon Northup, a New York State-born free African American man who was kidnapped in Washington, D.C. in 1841 and sold into slavery. Northup worked on plantations in the state of Louisiana for twelve years before his release. His journey for 12 years including his struggle to be a free man is amazing. The researcher wants to reveal the human right violations found in the film through the setting and the plot of the story. The theory used is the new historicism theory. The writer uses library research to find the theories related to his research and some sources from the internet to support his analysis, and he arranges them descriptively. The writer also uses some books dealing with some basic and supporting theories about slavery and human right violations to analyze the film. By seeing the main message of this film which is that slavery is a crime and the cruelest way to employ people, the researcher needs to classify the human right violations in slavery based on the articles of the UN UDHR (United Nations Universal Declaration of Human Rights). There are nine violations occurring in the practice of slavery in this film. Those include violation in human rights on the employment, law, social status, identity, family, education, mobility, speech, and basic needs.

Key words: *film, slavery, human rights violations*

HUMAN RIGHT VIOLATIONS IN 12 YEARS A SLAVE

By: Bagus Ardian Hakim

ABSTRAK

Suatu karya sastra adalah perantara untuk memberikan pesan kepada para peminatnya dan dapat berupa novel, prosa, atau drama. Karya sastra tersebut dapat dinikmati dengan mudah melalui audio visual, yaitu film. Film mampu menjadi media yang tepat untuk menggambarkan situasi yang ingin disampaikan. Peneliti memilih film berjudul *12 Years a Slave* untuk dianalisis. Film *12 Years a Slave* adalah film drama sejarah Inggris-Amerika tahun 2013 yang disutradarai oleh Steve McQueen. Film ini adalah adaptasi dari sebuah memoar naratif seorang budak tahun 1853, berjudul *Twelve Years a Slave*, oleh Solomon Northup. Ia berasal dari New York, seorang berdarah Afrika dan berkebangsaan Amerika yang diculik di Washington, D.C. tahun 1841 dan diperdagangkan sebagai budak. Northup bekerja di perkebunan di Negara bagian Louisiana selama 12 tahun sebelum akhirnya bebas. Perjalanannya selama 12 tahun termasuk perjuangannya untuk menjadi orang yang bebas sangat luar biasa. Peneliti ingin mengungkap penyimpangan-penyimpangan hak-hak asasi manusia melalui setting dan plot film. Teori yang digunakan adalah *the new historicism theory*. Peneliti melakukan bedah pustaka untuk menemukan teori-teori yang berkaitan dan juga beberapa sumber dari internet untuk mendukung analisisnya serta menyusunnya secara deskriptif. Peneliti menggunakan beberapa buku berkaitan dengan teori dasar dan pendukung tentang perbudakan dan penyimpangan-penyimpangan hak-hak asasi manusia untuk menganalisa film tersebut. Melalui pesan utama dari film ini, yaitu perbudakan adalah suatu kejahatan dan cara terkejam untuk memperkerjakan manusia, peneliti perlu mengklasifikasikannya berdasar pada pasal-pasal dalam hasil Deklarasi Internasional Hak-hak Asasi Manusia Persatuan Bangsa-Bangsa. Terdapat sembilan temuan penyimpangan yang terjadi dalam praktek perbudakan di dalam film ini, antara lain yaitu ketenagakerjaan, hukum, status sosial, identitas, keluarga, pendidikan, mobilitas, pernyataan, dan kebutuhan pokok.

Kata kunci: *film, perbudakan, penyimpangan hak asasi manusia*

MOTTO

“Indeed, Allah is with the patient”. (Al-Baqoroh:153)

*“The roots of education are bitter, but the fruit is
sweet”*

-Aristotle

*“The happiness comes from hard work and
patience”*

-Bagus Ardian Hakim

DEDICATION

This final project I dedicated to:

1

My Honorable Parents (H. Ilman Nafian SPdI. and Siti Muzayanah)

&

My Beloved Brother (Adi Lukman Hakim, Amd, ST.) and Sister (Tria Rohana Rizqi)

*(“I melt when I remember what you have given to me. I love you all more than anything.
Thank you for everything”)*

2

My Dear Chesaria Yomi

*(“You know that I wrote this with tears and sweat. Thank you for being always beside me to
give me prayer and support with your patience”)*

3

My Big Family

4

All of My Friends

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The writer realizes that this graduating paper is far from being perfect. Any constructive criticism for the betterment of this graduating paper will be welcomed. The writer hopes that this graduating paper can provide the benefits to the readers.

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CHAPTER 1

INTRODUCTION

1.1. Background of Study

Everyone expects that human rights on earth are guaranteed, but the human right violations often happen in society. It seems that it has been a problem from the past until now. Today, the OHCHR (the Office of the United Nations High Commissioner for Human Rights), that is a United Nations agency, works to promote and protect the human rights that are guaranteed under international law stipulated in the Universal Declaration of Human Rights of 1948. However, it cannot be denied that human right violations have happened.

There are various kinds of human right violations that have happened throughout the world. There are the human right violations caused by the difference of race, skin color, and economics rate. One example of the human right violations happened in Uganda.

In northern Uganda, the LRA (Lord's Resistance Army) guerrillas have kidnapped 20,000 children over the past twenty years and forced them into service as soldiers or sexual slaves for the army. In Guinea-Bissau, children as young as five are trafficked out of the country to work in cotton fields in southern Senegal or as beggars in the capital city. In Ghana, children five to fourteen are tricked with false promises of education and future into dangerous, unpaid jobs in the fishing industry. (Human Rights, 2012)

There are three biggest cases of human right violations; they are racism, discrimination, and slavery. As the example of the violations, in the past, slavery had happened when the colored people were enslaved by the white people. In that case, we can also see some other violations that rose from it, like human trafficking. The colored people were believed to be inferior to the white ones. Therefore, they thought that the black people deserved to be at the bottom of society. This problem usually happens in a society that consists of various kinds of tribes, races, and nations. A group of humans feels more superior to another one in the society. Actually the problem can be overcome by the law of human rights. The laws of human rights are created based on the social conditions and societal needs. At the first time, slavery in America was for business interest, but later it becomes a racial problem. This point of view makes a group of people humiliate the others and it becomes an ordinary thing.

Human right violations in the form of discrimination also happen, usually to women and children. This is in line with the statement that the US State Department stating that women and children become the targets.

The US State Department estimates 600,000 to 820,000 men, women and children are trafficked across international borders each year, half of whom are minors, including record numbers of women and girls fleeing from Iraq. In nearly all countries, including Canada, the US and the UK, deportation or harassment are the usual governmental responses, with no assistance services for the victims. (Human Rights, 2012)

Ironically, the human right violations happen in the United States of America. The first record of human rights violation happened in America in 1619.

In 1619 August "Twenty and odd" Africans, probably seized from a Portuguese slave ship, were carried to Jamestown, Virginia, and traded for provisions. They were classified as indentured servants. And in 1641 Massachusetts became the first North American colony to recognize slavery as a legal institution. (Jim Crow, 2014)

It became the first violation and a point of the beginning of slavery. Although not all white people have the racial point of view, but it still happens until now. In the Civil War between white people and colored people in 1860, the white-skinned people realized that they had acted in violation of the human rights. Thus, it inspires the writer to discuss it further.

One way to reveal the human right violations that happened in the past is through a media. Slavery is one form of human violations that happened in America. The writer is really interesting in discussing slavery. It happened to the different race with different skin colored people. The writer chooses *12 Years a Slave* as the film to be analyzed because it is based on the real story. It also won some awards although it can be counted as new film. The film director can lift Solomon Northup from its novel to the form of film.

12 Years a Slave film is really interesting in some ways. The film contains the history of America in the past, an example of strong personalities in

facing their life trouble, and slavery as the form of human right violations. The film describes the human right violations clearly at that time. The natural way of the plot of the film gives knowledge of many cruel things related to human right violations to the audience. Then, the writer chooses it to be the object of the research and analyzes it by using new criticism theory.

1.2. Problem Statement

The formulation of the research question is as follows:

“What are the human right violations found in the film *12 Years a Slave*?”

1.3. Objective of Study

This study aims to identify human right violations in the film *12 Years a Slave*.

1.4. Significance of Study

Theoretically, the main objective of this study is to determine the purpose of *12 Years a Slave* through the story of Solomon Northup in the film. This movie gives an indication that it wants to show the cases of human right violations. The race and skin color have ever controlled the rights of humans on earth. Through this film which is based on the true story, the audiences will see how priceless the freedom for the discriminated people by race is.

Practically, for the lecture, it can be used as a supporting source which is about slavery and human right violations. Secondly, the researcher hopes that it

can support the students to know more about slavery in America and other problems related to the human rights in the *12 Years a Slave* movie and can enrich the students' knowledge of human rights and humanity. Hopefully, they can be more sensible to the humanity and equality in human rights.

1.5. Literature Review

The writer has not found any academic works dealing with the film *12 Years a Slave* as the object of the discussion. It is because the film is categorized as a new film comprising old issues. The writer will reveal the values of equality in human rights in the film *12 Years a Slave* as an educational medium. It can be clearly seen that the case of the human rights is expected to open the eyes of the audience that this movie shows the cruelty of some violations of the human rights.

1.6. Theoretical Approach

Theory is needed in research as a means to reveal the things that will be discussed in the problem statement. In this research, the writer uses the new criticism theory. According to Hassanian (2008), new criticism claimed that "the text, as a complete work of art, is adequate for interpretation, and one should look at the text, and only the text. In order to analyze it and get the true meaning of it. New criticism is quite well connected with the term "close reading." Which means the careful analysis of a text with paying attention to its structure, syntax, figures of speech, and so on. In this way, a new critic tried to examine the "formal elements" of the text, such as characterization, setting of time and place, point of

view, plot, images, and symbols to interpret the text and find the theme.”
(Hasannian, 2008)

The writer substituted the text by the film to be interpreted. It is a good way to interpret a literary work objectively. As Tyson stated in Hassanian (2008) that “it is worth mentioning that because new critics tried to provide verbal or textual evidences for their claim, their approach is objective. They believe that the text provides a way to be interpreted and formal elements help this to be done. That is why new criticism is sometimes called objective criticism. It is also called an intrinsic criticism, because it is just concerned about the text itself.”

The new criticism theory does not need to look up to the history background of the film. Tyson in Hassanian (2008) explains about what should be done in the new criticism theory. New criticism searches for meaning within the structure of the text, and finds it by examining the text through and analyzing the formal elements (elements that form the text) within the text. That is why the new criticism seems to be a kind of new formalism, although the purpose is different here. In the new criticism, one may examine “all the evidence provided by the language of the texts itself; its images, symbols, metaphors, rhyme, meter, point of view, setting, characterization, plot, and so forth”. Hassanian (2008) also added that to analyze the text closely, new critics first needs to examine the words and may need to trace back the meaning (s) of individual words to the time the literary text was written as well. A new critic can find form with the help of ambiguity, paradox, irony, or tension. On the other hand, finding formal and verbal elements,

by supporting the theme or the meaning of it, leads to a better understanding and interpretation of the text.

The new criticism theory is using close reading. It is important to know the step of the close reading itself. Tyson in Hassanian (2008) said that a new critic would try to establish the theme, and find out the relationship between formal elements and the theme. This detailed analysis of tensions and reconciliations of formal elements or verbal components is the important part of the process of close reading. The formal elements of the text should contribute to the theme should be supported if there are any devices like tension, irony, ambiguity, and paradox. "All of these qualities must serve the unifying purpose of supporting the text's main theme...so that the whole text can be seen to achieve its artistic purpose smoothly and completely." (Hassanian, 2008)

This theory is relatively objective in analyzing the literature. The writer chooses this method as the writer can use it as objectively as possible. Hassanian (2008) told that a new critic should always be aware of subjectivity in his interpretation. Imagination and emotion has nothing to do in the judgment. According to Graff, the theory of imagination "which the new critics took over and adapted largely from Coleridge...was a vehicle by which distinction between opposites were transcended and the logical, analytical view of the world overcome...but thus philosophical monism at the center of organicist poetics was necessarily fatal to the new critical attempt to establish the objectivity either of the textual interpretation or of literary work's reference to the outer world." (Hassanian, 2008)

As stated in the preamble of the Universal Declaration of Human Rights, the articles will be a means of categorizing the human right violations that are found in the film *12 Years a Slave*.

1.7. Methods of Research

The methods of study can be field research (class action, case, or survey) or library research (study of film, novel, book, etc). The method that is applied in this research is library research, that is to study a variable in the film *12 Years a Slave*.

1.7.1. Type of Research

Qualitative research is used to complete this study. The type of this research is character research in which the information about the movie is needed. This research uses qualitative research because the problem is complex and not clear enough. All of the data sources are from the movie; the data is not obtained by doing an interview. On the other hand, the writer uses library research to search the theories related to this research paper and some sources from the internet to support the work, and then arranges them descriptively.

1.7.2. Data Sources

This research uses library research that has some sources of the data by examining the film *12 Years a Slave* based on the new criticism theory and the preamble of human rights as the results of UDHR (United Declaration of Human Rights).

1.7.3. Method of Collecting Data

In this research, the writer uses documentation technique by observing the sources that are available in the library. The data sources that are found including a movie (with its review) and articles in the preamble of Human rights that are related to the research topic.

1.7.4. Method of Analyzing Data

The writer analyzes the problem descriptively. It means that the analyzes are discussed as clearly as possible, and so are the solutions. Before going further to the content analysis, the writer intends particularly to selects the scenes that show the human right violations, then classify them based on the articles of the human rights' preamble. The writer also gives some explanations to make the analysis clearer.

1.8. Paper Organization

This graduating paper is divided into four chapters. The first chapter is introduction, which includes background of study, problem statement, objective of study, significance of study, literary review, theoretical approach, methods of research, and paper organization. The second chapter is the background information and intrinsic elements, comprising the theory of human rights, human trafficking, and slavery. The third chapter discusses the human right violations found in the film *12 Years a Slave*. The last chapter, the fourth, presents the conclusion of the analysis.

CHAPTER IV

CONCLUSION

In this chapter, the writer draws a conclusion as the result of this study. The conclusion also answers the question of the problem statement that becomes the objective of this study.

The problem is focused to reveal the human rights violations in the *12 Years a Slave* Film. The human rights violations found in this film are mostly contrary to some articles of the Universal Declaration of Human Rights. Slavery is a form of human rights violations, but in slavery itself, various violations of the human rights also occurs. These violations are opposed to some articles of the Universal Declaration of Human Rights that includes the article 1 about the equal in dignity, 2 about discrimination, the articles 5 and 12 about safety, the article 8 about medical treatment and health, the article 10 about equality in law, the article 18 about freedom of thought, the article 19 about freedom of expression, the article 23 about freedom in work, the article 24 about working hours, the article 25 about primary necessity, and the article 26 about the right for education.

There are twelve cases happening as the human rights violations in the Film *12 Years a Slave*. They include the employment, torture, law, social life, protection, identity, family, education, mobility, speech, basic needs and property. It shows that the film *12 Years a Slave* describe many cases of human right violations in various types of categories. Hopefully, it will give new knowledge

and enrich the information about the human right violations that has effects on the literary works, such as films.



APPENDIX 1

A Brief History of Human Rights

1.1. The Cyrus Cylinder (539 B.C.)

The decrees Cyrus made on human rights were inscribed in the Akkadian language on a baked-clay cylinder. Cyrus the Great, the first king of Persia, freed the slaves of Babylon, 539 B.C. In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. But it was his next actions that marked a major advance for Man. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script.

1.2. The Magna Carta (1215)

Magna Carta, or “Great Charter,” signed by the King of England in 1215, was a turning point in human rights. The Magna Carta, or “Great Charter,” was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world.

In 1215, after King John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights. Among them was the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned

property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct.

Widely viewed as one of the most important legal documents in the development of modern democracy, the Magna Carta was a crucial turning point in the struggle to establish freedom (UDHR, 2011).

1.3. Petition of Right (1628)

In 1628 the English Parliament sent this statement of civil liberties to King Charles I. The next recorded milestone in the development of human rights was the Petition of Right, produced in 1628 by the English Parliament and sent to Charles I as a statement of civil liberties. Refusal by Parliament to finance the king's unpopular foreign policy had caused his government to exact forced loans and to quarter troops in subjects' houses as an economy measure. Arbitrary arrest and imprisonment for opposing these policies had produced in Parliament a violent hostility to Charles and to George Villiers, the Duke of Buckingham. The Petition of Right, initiated by Sir Edward Coke, was based upon earlier statutes and charters and asserted four principles: (1) No taxes may be levied without consent of Parliament, (2) No subject may be imprisoned without cause shown (reaffirmation of the right of habeas corpus), (3) No soldiers may be quartered upon the citizenry, and (4) Martial law may not be used in time of peace (UDHR, 2011).

Some of American's thoughts also influence the development of law of human rights. Hollinger and Capper (2011:113) stated that After News of Parliament approval of the stamps at region the colonies in the spring of 1765. Adam transformed his historical analysis into a full-blown public justification of American resistance to the legislation. This add, in Adams's view, was nothingness than an assault on the New England way. But to make his case, he had to republicanize his regions made; liberty more than Godliness. In Adams's reading inspired winthrops 'city upon a hill.' Even this version the enlightened Adams recast by making the passion for knowledge, which he ambiguously linked with 'power.' Both the fundamental spring and the end of liberty. Finally, Adams portrayed such a starkly oppressive counter system of priest craft and feudal oppression that even small elements of suck a system—alike the Stamp Act – seemed tantamount to 'a direct and formal designto enslave all America' (Hollinger and Capper, 2001:113).

Actually, the people in the past are realizing that human rights are exist in the society. It is important to control them in order to live together in peaceful place. Everybody has a right to be comfort to live and have fine surroundings. But, sometimes, there are also some interest of some people which are against with the human rights of other group of people in society. Then, finally they do not care about the sake of human rights anymore.

1.4. United States Declaration of Independence (1776)

In 1776, Thomas Jefferson penned the American Declaration of Independence. On July 4, 1776, the United States Congress approved the Declaration of Independence. Its primary author, Thomas Jefferson, wrote the Declaration as a formal explanation of why Congress had voted on July 2 to declare independence from Great Britain, more than a year after the outbreak of the American Revolutionary War, and as a statement announcing that the thirteen American Colonies were no longer a part of the British Empire. Congress issued the Declaration of Independence in several forms. It was initially published as a printed broadsheet that was widely distributed and read to the public.

Philosophically, the Declaration stressed two themes: individual rights and the right of revolution. These ideas became widely held by Americans and spread internationally as well, influencing in particular the French Revolution (UDHR, 2011).

1.5. The Constitution of the United States of America (1787) and Bill of Rights (1791)

The Bill of Rights of the US Constitution protects basic freedoms of United States citizens. Written during the summer of 1787 in Philadelphia, the Constitution of the United States of America is the fundamental law of the US federal system of government and the landmark document of the Western world. It is the oldest written national constitution in use and defines the principal organs of government and their jurisdictions and the basic rights of citizens.

The first ten amendments to the Constitution—the Bill of Rights—came into effect on December 15, 1791, limiting the powers of the federal government of the United States and protecting the rights of all citizens, residents and visitors in American territory.

The Bill of Rights protects freedom of speech, freedom of religion, the right to keep and bear arms, the freedom of assembly and the freedom to petition. It also prohibits unreasonable search and seizure, cruel and unusual punishment and compelled self-incrimination. Among the legal protections it affords, the Bill of Rights prohibits Congress from making any law respecting establishment of religion and prohibits the federal government from depriving any person of life, liberty or property without due process of law. In federal criminal cases it requires indictment by a grand jury for any capital offense, or infamous crime, guarantees a speedy public trial with an impartial jury in the district in which the crime occurred, and prohibits double jeopardy.

Following the French Revolution in 1789, the Declaration of the Rights of Man and of the Citizen granted specific freedoms from oppression, as an “expression of the general will.” (UDHR, 2011)

1.6. Declaration of the Rights of Man and of the Citizen (1789)

In 1789 the people of France brought about the abolishment of the absolute monarchy and set the stage for the establishment of the first French Republic. Just six weeks after the storming of the Bastille, and barely three weeks after the abolition of feudalism, the Declaration of the Rights of Man and of the Citizen (French: La Déclaration des Droits de l'Homme et du Citoyen) was adopted by the National Constituent Assembly as the first step toward writing a constitution for the Republic of France.

The Declaration proclaims that all citizens are to be guaranteed the rights of “liberty, property, security, and resistance to oppression.” It argues that the need for law derives from the fact that “...the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights.” Thus, the Declaration sees law as an “expression of the general will,” intended to promote this equality of rights and to forbid “only actions harmful to the society.” (UDHR, 2011)

1.7. The First Geneva Convention (1864)

The original document from the first Geneva Convention in 1864 provided for care to wounded soldiers.

In 1864, sixteen European countries and several American states attended a conference in Geneva, at the invitation of the Swiss Federal Council, on the initiative of the Geneva Committee. The diplomatic conference was held for the purpose of adopting a convention for the treatment of wounded soldiers in combat.

The main principles laid down in the Convention and maintained by the later Geneva Conventions provided for the obligation to extend care without discrimination to wounded and sick military personnel and respect for and marking of medical personnel transports and equipment with the distinctive sign of the red cross on a white background (UDHR, 2011).

1.8. The United Nations (1945)

Fifty nations met in San Francisco in 1945 and formed the United Nations to protect and promote peace.

World War II had ranged from 1939 to 1945, and as the end drew near, cities throughout Europe and Asia lay in smoldering ruins. Millions of people were dead; millions more were homeless or starving. Russian forces were closing in on the remnants of German resistance in Germany's bombed-out capital of Berlin. In the Pacific, US Marines were still battling entrenched Japanese forces on such islands as Okinawa.

In April 1945, delegates from fifty countries met in San Francisco full of optimism and hope. The goal of the United Nations Conference on International Organization was to fashion an international body to promote peace and prevent future wars. The ideals of the organization were stated in the preamble to its proposed charter: “We the peoples of the United Nations are determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.” The Charter of the new United Nations organization went into effect on October 24, 1945, a date that is celebrated each year as United Nations Day (UDHR, 2011) .

As follows there is a declaration which results important law. The writer uses this law as the tools to reveal the human rights violations in *12 Years a Slave* Film, because the essential part of the content of Magna Charta is the same, but in different forms and more detail. This based the writer to use the new law as the measurement for the very old case of human rights violation, slavery.

1.9. The Universal Declaration of Human Rights (1948)

The Universal Declaration of Human Rights has inspired a number of other human rights laws and treaties throughout the world.

By 1948, the United Nations’ new Human Rights Commission had captured the world’s attention. Under the dynamic chairmanship of Eleanor Roosevelt—President Franklin Roosevelt’s widow, a human rights champion in her own right and the United States delegate to the UN—the Commission set out to draft the document that became the Universal Declaration of Human Rights. Roosevelt,

credited with its inspiration, referred to the Declaration as the international Magna Carta for all mankind. It was adopted by the United Nations on December 10, 1948 (UDHR, 2011).

In its preamble and in Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings: “Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. All human beings are born free and equal in dignity and rights” (UDHR, 2011).

The Member States of the United Nations pledged to work together to promote the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. In consequence, many of these rights, in various forms, are today part of the constitutional laws of democratic nations (UDHR, 2011).

Michael Freeman said that the United Nations introduced the concepts of human rights into international law and politics, therefore, at a time when its philosophical justification was very uncertain. This uncertainty was produced both by the historical critique of the concepts of natural rights, which we examined in chapter 2, and by the lack of any philosophical consensus on the basis of the human right at a time at which the Universal Declaration was adopted. Worse, the

concept of human rights was called into question by the following arguments, among others.

- a. Human rights do not exist without nature; they are human inventions. They are, therefore, neither 'natural' nor 'self-evident', but are morally compelling only if they follow morally from a morally compelling justificatory argument.
- b. Aristotle was right to say that human beings are social animals. A theory of human rights must, therefore, follow from and not precede a theory of the good society.
- c. Since the good of society is prior to the rights of the individuals, the duty of the individuals to society are prior to the rights of individuals.
- d. There are different conceptions of the good society, and, there are different conceptions of rights that can be derived from them: there is no universal conception of rights.
- e. International human rights law is the product of political power, pragmatic agreement and a limited moral consensus. It has no deeper theoretical justification. Verbal agreement on general principles may conceal disagreement of the meaning and policy implication of those principles.

The justification of human rights has to confront these arguments. This is the task of human rights theory (2002:59-60).



APPENDIX 2

Universal Declaration of Human Rights (UDHR)

The contemporary concept of human rights is intended to protect individuals from the abuse of power by governments. Whether or not the ancient Greeks had a concept of rights, they certainly had the concepts of power and its abuse. This was expressed in the concept of tyranny, which was a form of government in which the ruler governed in his own interest and treated his people oppressively and unjustly. (Freeman, 2002:16)

The Universal Declaration of Human Rights is generally agreed to be the foundation of International Human Rights law. Adopted in 1948, the UDHR has inspired a rich body of legally binding international human rights treaties. It continues to be an inspiration to us all whether in addressing injustices, in times of conflicts, in societies suffering repression, and in our efforts towards achieving universal enjoyment of human rights. (2013, The Foundation of International Human right Law)

The core principles of human rights first set out in the UDHR, such as universality, interdependence and indivisibility, equality and non-discrimination, and those human rights simultaneously entail both rights and obligations from duty bearers and rights owners, have been reiterated in numerous international human rights conventions, declarations, and resolutions. Today, all United Nations member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more, giving concrete

expression to the universality of the UDHR and international human rights. (2013, The Foundation of International Human Right Law)

Since all of the human rights conventions after 1948 results the smallest scope of people, so, the writer still uses the articles in the Universal Declaration of Human Rights.

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. (UN, 2013)

The Articles in Preamble of UN UDHR

Article 1	All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
Article 2	Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or

	<p>other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.</p>
Article 3	<p>Everyone has the right to life, liberty and security of person.</p>
Article 4	<p>No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.</p>
Article 5	<p>No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.</p>
Article 6	<p>Everyone has the right to recognition everywhere as a person before the law.</p>
Article 7	<p>All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p>
Article 8	<p>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</p>

Article 9	No one shall be subjected to arbitrary arrest, detention or exile.
Article 10	Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
Article 11	<p>(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.</p> <p>(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.</p>
Article 12	No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
Article 13	(1) Everyone has the right to freedom of movement and residence within the borders of each state.

	(2) Everyone has the right to leave any country, including his own, and to return to his country.
Article 14	(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.
Article 15	(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16	(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
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Article 17	<p>(1) Everyone has the right to own property alone as well as in association with others.</p> <p>(2) No one shall be arbitrarily deprived of his property.</p>
Article 18	<p>Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.</p>
Article 19	<p>Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.</p>
Article 20	<p>(1) Everyone has the right to freedom of peaceful assembly and association.</p> <p>(2) No one may be compelled to belong to an association.</p>
Article 21	<p>(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.</p> <p>(2) Everyone has the right of equal access to public service in his country.</p>

	<p>(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.</p>
Article 22	<p>Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.</p>
Article 23	<p>(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.</p> <p>(2) Everyone, without any discrimination, has the right to equal pay for equal work.</p> <p>(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.</p> <p>(4) Everyone has the right to form and to join trade unions for the protection of his interests.</p>

Article 24	Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
Article 25	<p>(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</p> <p>(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.</p>
Article 26	<p>(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.</p> <p>(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall</p>

	<p>promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.</p> <p>(3) Parents have a prior right to choose the kind of education that shall be given to their children.</p>
Article 27	<p>(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.</p> <p>(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.</p>
Article 28	<p>Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.</p>
Article 29	<p>(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.</p> <p>(2) In the exercise of his rights and freedoms, everyone</p>

	<p>shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.</p> <p>(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.</p>
<p>Article 30</p>	<p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.</p>

(‘Preamble,’ UN)

APPENDIX 3

DATA ANALYSIS

Human Rights Violations to the Articles in the Preamble UN UDHR in *12 Years a Slave*

Categories	Keywords of the Article	Article Number	Details
1. Employment	Security	3	Patsey, the tough slave even felt despair with her life.
			Clemens, the slave, look at his friend's dead body. He said that dead is better than alive to be a slave.
	Torture	5	When Solomon's work does not meet the target expected by the employer, he was beaten.
			Patsey was beaten after getting a bar of soap from Mrs. Shaw.
			Patsey was scratched and beaten with a whiskey bottle in cheek by Mary Epps because of jealousy.
	Protection	7	Solomon is hung by Tibcats because he embarrassed him in front of Mr. Ford.
			A white man kills a slave because the slave's defense for his friend, a slave woman named Eliza. The white man wants to rape her. It shows there is no protection for the slaves.
	Free to work; join trade union; and equal pay for equal work	23	The slaves are owned fully by the master
			There is no payment for the works the slave did.
	Rest and leisure	24	The working hour is set. They are asked to dance outside working hour just to please the master
On Sabbath Day, there is a regulation for all the slaves to roam, but, when Patsey went to Mrs. Shaw's plantation, Epps			

			got mad and punished her.
2. Law	Effective remedy	8	No health care for the slave. There is a scene which shows that a slave died of being sick in the cotton plantation.
			After getting beaten, the master will only let the slave goes back to the barrack without any medical treatment.
	Detention and exile	9	Patsey is beaten after having a bar of soap from Mrs, Shaw.
			Mrs. Mary Epps scratched Patsey's face because of she was jealous to her Tibeats hung Solomon because he kept a grudge of being embarrassed in front of Mr. Ford.
Equal in law	10	Finally, it is told that Solomon cannot send the slave trader to jail. Brown and Hamilton, the persons who kidnapped him are also free.	
Protection of moral and material	27	When the slave went outside the building without permission, they are beaten.	
3. Social	Equal in dignity	1	Tibeats, the chief carpenter called "a dog" and "negro" to all the slaves.
			Tibeats sang the song on "nigger run.." and asked them to claps their hands.
			Some slaves are clothes off when they are sold in the slave market.
			A slave got his mouth shut. The slave girls got sexual harassment.
	Recognition	6	Patsey can pick about 500 pounds of cotton a day. No recognition she got. She still got the rape and lashes as the master like.
Equal access in public service	21	Solomon cannot send a letter to tell his condition of being enslaved.	

	Special care and assistance	25	There is a scene in the film that shows a mother who is a slave with two children. She is very sad because she has to be separated from her daughter and son, who will be sold separately from her.
4. Identity	Without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status	2	Solomon is kidnapped and treated as a slave
			Solomon is discriminated, as a black person his name was changed becomes Platt, a slave who ran away from Georgia.
5. Family	Marry, free to intend spouse	16	A slave girl asked Solomon to a sexual intercourse, because, accidentally they lied in very close position of sleeping. Finally, the girl realized it is wrong, she stopped, regrets it and cried. It happens because all of the slaves do not get a right to marry, even to have a private time to their sexual desire.
6. Education	Education	26	Mary Epps said to Solomon to do not trouble himself to learn, all he will learn is hundred lashes.
7. Mobility	Freedom of movement and residence; leave and return to his country	13	Solomon is kidnapped in Saratoga to Washington D.C, then he is sent to New Orleans to be enslaved.
			The slaves will be hung if they tried to escape
8. Speech	Thought, conscience, religion	18	On Sabbath day, Patsey even could not go to the Church. When she was not in her barrack, Epps was mad. When she returned, she explained that she was from the church praising to the Lord and Epps di not want to listen.
	Opinion and expression	19	There is a scene when all the black men are gathered, but they

			are not allowed to speak, ask question. There is no such thing as “do you understand?” They are made silent. They are just to listen and do what the master asks them to do.
9. Basic needs	Own property	17	The slaves only have barrack as their place to live, not own, but they are placed.
	Standard living	25	There are no proper foods in quantity for the slaves.
			The slaves live in barracks. They sleep together in one place with no separation place for men and women
			Plat takes a bath outdoor. No private bathroom for them to do so.

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