

The Last Utopia

Human Rights in History

Samuel Moyn

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Prologue

When people hear the phrase “human rights,” they think of the highest moral precepts and political ideals. And they are right to do so. They have in mind a familiar set of indispensable liberal freedoms, and sometimes more expansive principles of social protection. But they also mean something more. The phrase implies an agenda for improving the world, and bringing about a new one in which the dignity of each individual will enjoy secure international protection. It is a recognizably utopian program: for the political standards it champions and the emotional passion it inspires, this program draws on the image of a place that has not yet been called into being. It promises to penetrate the impregnability of state borders, slowly replacing them with the authority of international law. It prides itself on offering victims the world over the possibility of a better life. It pledges to do so by working in alliance with states when possible, but naming and shaming them when they violate the most basic norms. Human rights in this sense have come to define the most elevated aspirations of both social movements and political entities—state and interstate. They evoke hope and provoke action.

It is striking to register how recently this program became widespread. Over the course of the 1970s, the moral world of Westerners shifted, opening a space for the sort of utopianism that coalesced in an international human rights movement that had never existed before. The eternal rights of man were proclaimed in the era of Enlightenment, but they were so profoundly different in their practical outcomes—up to and including bloody revolution—as to constitute

another conception altogether. In 1948, in the aftermath of World War II, a Universal Declaration of Human Rights was proclaimed. But it was less the announcement of a new age than a funeral wreath laid on the grave of wartime hopes. The world looked up for a moment. Then it resumed its postwar agendas, which had crystallized in the same years that the United Nations—which sponsored the declaration—emerged. The priority fell on victory of one or the other of the two global Cold War visions for America, the Soviet Union, and the European continent they were dividing between them. And the struggle for the decolonization of empire made the Cold War competition global, even if some new states strove to find some exit from the Cold War rivalry to chart their own course. The United States, which had driven the inflation of global hopes during World War II for a new order after it, and introduced the idea of “human rights” into minor circulation, soon dropped the phrase. And both the Soviet Union and anticolonialist forces were more committed to collective ideals of emancipation—communism and nationalism—as the path into the future, not individual rights directly, or their enshrinement in international law.

Even in 1968, which the UN declared “International Human Rights Year,” such rights remained peripheral as an organizing concept and almost nonexistent as a movement. The UN organized a twentieth-anniversary conference in Tehran, Iran, to remember and revive stillborn principles. It was an extraordinary scene. The dictatorial shah, Mohammad Reza Pahlavi, opened the spring conference by crediting his ancient countrymen with the discovery of human rights: the tradition of the great Persian emperor Cyrus of more than a millennium before, the shah asserted, had now found fulfillment in his own dynasty’s respect for moral principle. The meetings that followed, chaired by his sister Princess Ashraf, brought to the fore an interpretation of human rights altogether unrecognizable now: the liberation of nations formerly under imperial rule was presented as the most significant achievement so far, the outcome of the long march of human rights, and the model for what had yet to be accom-

plished—not least in Israel, which received withering attention in the proceedings, due to its acquisitions after the Six Day War against its Arab neighbors. Yet outside the UN in 1968, human rights had not yet become a powerful set of ideals, and this fact is more crucial than anything that went on at the shah’s staged event.¹ As the conference went through its scripted motions, the real world was exploding in revolt. May 1968 brought to Paris its greatest postwar upheaval, with students and workers shutting the country down and demanding an end to middle-class compromises. In far-flung spots around the globe, from Eastern Europe to China, and across the United States, from Berkeley to New York, people—especially young people—demanded change. But outside Tehran, no one in the global disruption of 1968 thought of the better world they demanded as a world to be governed by “human rights.”

The drama of human rights, then, is that they emerged in the 1970s seemingly from nowhere. If the Soviet Union had generally lost credibility (and America’s Vietnamese adventure invited so much international outrage), human rights were not the immediate beneficiaries. During the 1960s crisis of superpower order, other utopian visions prospered. They called for community at home, redeeming the United States from hollow consumerism, or “socialism with a human face” in the Soviet empire, or further liberation from a so-called neocolonialism in the third world. At the time, there were next to no nongovernmental organizations that pursued human rights; Amnesty International, a fledgling group, remained practically unknown. From the 1940s until 1968, the few NGOs that did view human rights as part of their mission struggled for them within the UN’s framework, but the conference in Tehran confirmed the agonizing fruitlessness of this project. One longtime NGO chief, Moses Moskowitz, observed bitterly in the aftermath of the conference that the human rights idea had “yet to arouse the curiosity of the intellectual, to stir the imagination of the social and political reformer and to evoke the emotional response of the moralist.”² He was right.

Yet, within one decade, human rights would begin to be invoked

across the developed world and by many more ordinary people than ever before. Instead of implying colonial liberation and the creation of emancipated nations, human rights most often now meant individual protection against the state. Amnesty International became newly visible and, as a beacon of new ideals, won the Nobel Peace Prize in 1977 for its work. The popularity of its new mode of advocacy forever transformed what it meant to agitate for humane causes, and spawned a new brand and age of internationalist citizen advocacy. Westerners left the dream of revolution behind—both for themselves and for the third world they had once ruled—and adopted other tactics, envisioning an international law of human rights as the steward of utopian norms, and as the mechanism of their fulfillment. Even politicians, most notably American president Jimmy Carter, started to invoke human rights as the guiding rationale of the foreign policy of states. And most visibly of all, the public relevance of human rights skyrocketed, as measured by the simple presence of the phrase in the newspaper, ushering in the current supremacy of human rights. Having been almost never used in English prior to the 1940s, when they experienced only a modest increase, the words “human rights” were printed in 1977 in the *New York Times* nearly five times as often as in any prior year in that publication’s history. The moral world had changed. “People think of history in the long term,” Philip Roth says in one of his novels, “but history, in fact, is a very sudden thing.”³ Never has this been truer than when it comes to the history of human rights.

There is no way to reckon with the recent emergence and contemporary power of human rights without focusing on their utopian dimension: the image of another, better world of dignity and respect that underlies their appeal, even when human rights seem to be about slow and piecemeal reform. But far from being the sole idealism that has inspired faith and activism in the course of human events, human rights emerged historically as the last utopia—one that became powerful and prominent because other visions imploded. Human rights are only a particular modern version of the

ancient commitment by Plato and Deuteronomy—and Cyrus—to the cause of justice. Even among modern schemes of freedom and equality, they are only one among others; they were far from the first to make humanity’s global aspirations the central focus. Nor are human rights the only imaginable rallying cry around which to build a grassroots popular movement. As Moses Moskowitz so well understood on the brink of their ascendancy, human rights would have to win or lose on the terrain of the imagination, first and foremost. And for them to win, others would have to lose. In the realm of thinking, as in that of social action, human rights are best understood as survivors: the god that did not fail while other political ideologies did. If they avoided failure, it was most of all because they were widely understood as a moral alternative to bankrupt political utopias.

Historians in the United States started writing the history of human rights a decade ago. Since that time, a new field has crystallized and burgeoned. Almost unanimously, contemporary historians have adopted a celebratory attitude toward the emergence and progress of human rights, providing recent enthusiasms with uplifting backstories, and differing primarily about whether to locate the true breakthrough with the Greeks or the Jews, medieval Christians or early modern philosophers, democratic revolutionaries or abolitionist heroes, American internationalists or antiracist visionaries. In recasting world history as raw material for the progressive ascent of international human rights, they have rarely conceded that earlier history left open diverse paths into the future, rather than paving a single road toward current ways of thinking and acting. And in studying human rights more recently, once they did come on the scene, historians have been loathe to regard them as only one appealing ideology among others. Instead, they have used history to confirm their inevitable rise rather than register the choices that were made and the accidents that happen. A different approach is needed to reveal the true origins of this most recent utopian program.

Historians of human rights approach their subject, in spite of its

novelty, the way church historians once approached theirs. They regard the basic cause—much as the church historian treated the Christian religion—as a saving truth, discovered rather than made in history. If a historical phenomenon can be made to seem like an anticipation of human rights, it is interpreted as leading to them in much the way church history famously treated Judaism for so long, as a *proto-Christian movement simply confused about its true destiny*. Meanwhile, the heroes who are viewed as advancing human rights in the world—much like the church historian's apostles and saints—are generally treated with uncritical wonderment. Hagiography, for the sake of moral imitation of those who chase the flame, becomes the main genre. And the organizations that finally appear to institutionalize human rights are treated like the early church: a fledgling, but hopefully universal, community of believers struggling for good in a vale of tears. If the cause fails, it is because of evil; if it succeeds, it is not by accident but because the cause is just. These approaches provide the myths that the new movement wants or needs.

They match a public and politically consequential consensus about the sources of human rights. Human rights commonly appear in journalistic commentary and in political speeches as a cause both age-old and obvious. At the latest, both historians and pundits focus on the 1940s as the crucial era of breakthrough and triumph. High-profile observers—Michael Ignatieff, for example—see human rights as an old ideal that finally came into its own as a response to the Holocaust, which might be the most universally repeated myth about their origins. In the 1990s, an era of ethnic cleansing in southeastern Europe and beyond during which human rights took on literally millennial appeal in the public discourse of the West, it became common to assume that, ever since their birth in a moment of post-Holocaust wisdom, human rights embedded themselves slowly but steadily in humane consciousness in what amounted to a revolution of moral concern. In a euphoric mood, many people believed that secure moral guidance, born out of shock about the Holocaust and nearly incontestable in its premises, was on the verge of displacing

interest and power as the foundation of international society. All this fails to register that, without the transformative impact of events in the 1970s, human rights would not have become today's utopia, and there would be no movement around it.

An alternative history of human rights, with a much more recent timeline, looks very different than conventional approaches. Rather than attributing their sources to Greek philosophy and monotheistic religion, European natural law and early modern revolutions, horror against American slavery and Adolf Hitler's Jew-killing, it shows that human rights as a powerful transnational ideal and movement have distinctive origins of a much more recent date. True, rights have long existed, but they were from the beginning part of the authority of the state, not invoked to transcend it. They were most visible in revolutionary nationalism through modern history—until "human rights" displaced revolutionary nationalism. The 1940s later turned out to be crucial, not least for the Universal Declaration they left behind, but it is essential to ask why human rights failed to interest many people—including international lawyers—at the time or for decades. In real history, human rights were peripheral to both wartime rhetoric and postwar reconstruction, not central to their outcome. Contrary to conventional assumptions, there was no widespread Holocaust consciousness in the postwar era, so human rights could not have been a response to it. More important, no international rights movement emerged at the time. This alternative history is forced, therefore, to take as its main challenge understanding why it was not in the middle of the 1940s but in the middle of the 1970s that human rights came to define people's hopes for the future as the foundation of an international movement and a utopia of international law.

The ideological ascendancy of human rights in living memory came out of a combination of separate histories that interacted in an unforeseeable explosion. Accident played a role, as it does in all human events, but what mattered most of all was the collapse of prior universalistic schemes, and the construction of human rights as a persuasive alternative to them. On the threshold is the United Na-

tions, which introduced human rights but had to be bypassed as the concept's essential institution for it to matter. In the 1940s, the UN arose as a concert of great powers that refused to break in principle with either sovereignty or empire. From the beginning, it was as responsible for the irrelevance of human rights as for their itemization as a list of entitlements. And the emergence of new states through decolonization, earth-shattering in other respects for the organization, changed the meaning of the very concept of human rights but left them peripheral on the world stage. It was, instead, only in the 1970s that a genuine social movement around human rights made its appearance, seizing the foreground by transcending official government institutions, especially international ones.

To be sure, there were a number of catalysts for the explosion: the search for a European identity outside Cold War terms; the reception of Soviet and later East European dissidents by politicians, journalists, and intellectuals; and the American liberal shift in foreign policy in new, moralized terms, after the Vietnamese disaster. Equally significant, but more neglected, were the end of formal colonialism and the crisis of the postcolonial state, certainly in the eyes of Western observers. The best general explanation for the origins of this social movement and common discourse around rights remains the collapse of other, prior utopias, both state-based and internationalist. These were belief systems that promised a free way of life, but led into bloody morass, or offered emancipation from empire and capital, but suddenly came to seem like dark tragedies rather than bright hopes. In this atmosphere, an internationalism revolving around individual rights surged, and it did so because it was defined as a pure alternative in an age of ideological betrayal and political collapse. It was then that the phrase "human rights" entered common parlance in the English language. And it is from that recent moment that human rights have come to define the present day.

To give up church history is not to celebrate a black mass instead. I wrote this book out of intense interest in—even admiration for—the

contemporary human rights movement, the most inspiring mass utopianism Westerners have had before them in recent decades. For today's utopians, it is surely the place to start. But especially for those who feel their powerful appeal, human rights have to be treated as a human cause, rather than one with the long-term inevitability and moral self-evidence that common sense assumes. Understanding better how human rights came to the world in the midst of a crisis of utopianism reveals not simply their historical origins but their contemporary situation much more thoroughly than other approaches. For their emergence in an age when other, previously more appealing utopias died came at a very high price.

The true history of human rights matters most of all, then, in order to confront their prospects today and in the future. If they do capture many longstanding values, it is equally critical to understand more honestly how and when human rights took shape as a widespread and powerful set of aspirations for a better and more humane world. After all, they have done far more to transform the terrain of idealism than they have the world itself. In and through their emergence as the last utopia after predecessors and rivals collapsed, the movement's most difficult quandaries were already set. Though they were born as an alternative to grand political missions—or even as a moral criticism of politics—human rights were forced to take on the grand political mission of providing a global framework for the achievement of freedom, identity, and prosperity. They were forced, slowly but surely, to assume the very maximalism they triumphed by avoiding.

This contemporary dilemma is what has to be faced squarely, yet history as celebration of origins will not help in doing so. Few things that are powerful today turn out on inspection to be longstanding and inevitable. And the human rights movement is certainly not one of them. But this also means that human rights are not so much an inheritance to preserve as an invention to remake—or even leave behind—if their program is to be vital and relevant in what is already a very different world than the one into which it came so recently. No

one knows yet for sure, in light of the inspiration they provide and the challenges they face, what kind of better world human rights can bring about. And no one knows whether, if they are found wanting, another utopia can arise in the future, just as human rights once emerged on the ruins of their predecessors. Human rights were born as the last utopia—but one day another may appear.

Humanity before Human Rights

1

“Each writer *creates* his precursors,” Jorge Luis Borges writes in a wonderful meditation on Franz Kafka’s relationship to literary history. “His work modifies our conception of the past, just as it will modify the future.”¹ From the Greek philosopher Zeno on, through obscure and famous sources over the centuries, Borges presents a collection of Kafka’s stylistic devices and even some of his seemingly unique personal obsessions—all in place before Kafka was born. Borges explains: “If I am not mistaken, the heterogeneous pieces I have assembled resemble Kafka; if I am not mistaken, not all of them resemble each other.” How, then, to interpret these early texts? The earlier writers were trying to be not Kafka but themselves. And the “sources” were not sufficient to make Kafka possible on their own: no one would even have seen them as anticipating Kafka had he never emerged. Borges’s point about “Kafka’s precursors,” then, is that there are no such things. If the past is read as preparation for a surprising recent event, both are distorted. The past is treated as if it were simply the future waiting to happen. And the surprising recent event is treated as less surprising than it really is.

The same is true of contemporary human rights as a set of global political norms providing the creed of a transnational social movement. Since the phrase was consecrated in English in the 1940s, and with increasing frequency in the last few decades, there have been many attempts to lay out the deep sources of human rights—but without Borges’s awareness that surprising discontinuity as much leaves the past behind as consummates it. The classic case be-

The Purity of This Struggle

4

“One might think that a century rather than a decade separated us from the end of the 1960s,” remarked Bronislaw Baczko, a former Polish dissident, at the end of the 1970s. Baczko had emigrated from Warsaw to the West in 1968, when radicals were roiling the world with demands for extraordinary transformation. For young people especially, it was a gust of fresh air: instead of reproducing the old, failed society, they believed the task had fallen to them to invent a new one. “The graffiti on the walls of Paris,” Baczko recalled of that recent explosion, “cried for ‘power to the imagination’ and extolled ‘realism that demands the impossible.’” Yet in the ensuing decade, transformative utopianism seemed to have collapsed in the West, as the hope of bringing about the reign of freedom and justice grew faint. Having been proclaimed, it came to be remorselessly scorned, often by its own former partisans. “It is as if utopia were the scapegoat in a collective exorcism of the misnamed and ill-defined demons that haunt our epoch,” Baczko concluded. Indeed, by the late 1970s, some sort of expiation for the prior utopian outburst seemed to be underway. Shrewdly, however, Baczko did not think appearances were what they seemed. Rather than the “withering” or “fragmentation” of utopia that others saw, he found it more plausible to see “the transfer of its frontiers,” in which it survived in a new form. “Is it not possible,” Baczko concluded, “that the disenchantment with utopian ‘systems’ goes together with the persistence of diffuse utopian hopes and modes of thought which might betray the presence in our times of two contradictory attitudes: the *distrust of utopia* together with the *desire to have one anyway*?”¹

Baczko’s penetrating claim suggests a focus on how human rights emerged in the context of collapsing and transforming idealism. Human rights emerged as a minimalist, hardy utopia that could survive in a harsh climate. These were years of “nightmare” and “nervous breakdown,” notably after the oil shock and the global economic downturn of 1973. But the winter of discontent that swept the West also resulted in the mistrust of more maximal plans for transformation—especially revolutions but also programmatic endeavors of any kind. The crucial question is why human rights, which could not have been the focus of global idealism before the 1940s and failed to infiltrate it in that decade, or in the anticolonial struggles or youth activism that followed in the 1950s and 1960s, did so in the 1970s. For the first time in large numbers, people started to use the language of human rights to express and act on their hopes for a better world. But they did not do so in a void. Human rights were discovered only in contest with and through comparison to other schemes. Human rights were a realism that demanded the possible. If so, they were only intelligible in the broad aftermath of other, more grandiose dreams that they both drew on and displaced.

Most of all, social movements adopted human rights as a slogan for the first time. As the 1970s continued, the identification of such causes as human rights struggles snowballed, continuing across the world throughout the decade (indeed through the present). This serial amplification occurred even as states negotiated the Helsinki Final Act, signed in 1975, that inadvertently provided a new forum for North Atlantic rights activists. And then came 1977, a year of shocking and altogether unpredictable prominence of human rights. One of the most fascinating lessons of the period is how little known were the Universal Declaration and the project of international human rights when it began, and how these earlier “sources” were discovered only after the movements that claimed them got going. But human rights allowed diverse actors to make common cause as other alternatives were seen as unviable—a convergence that often began as a strategic retreat from those prior, more grandiose utopianisms.

A general framework for the explosion of human rights activism

up to and around the breakthrough year of 1977 depends on capturing this dynamic of the collapse of prior utopias and the search for refuge elsewhere. It is one thing to track the history of citizen advocacy in the international sphere, but another to account for the success of human rights within it and, in the context of many exciting new social movements, its prominence and survival in the harsh ideological climate of the 1970s. It is one thing to record the evolution of supranational human rights mechanisms, for example at the United Nations and in the European region, but another to explain the startling spike in cultural prestige they began to enjoy after decades of irrelevance. It is one thing, finally, to examine the states that claimed to advance the cause of human rights in the midst of the 1970s in an unprecedented new fashion, most especially Jimmy Carter's America, and to canvass those regimes that were stigmatized in a discomforting—though rarely disabling—new manner. But it is another to explain why, at this moment, human rights broke through so substantially on the terrain of idealism, for ordinary people, and in public life. The death of other utopian visions and their transfiguration into a human rights agenda provides the most powerful way to do so.

Moses Moskowitz, one of the very few representatives of dogged old-style NGO advocacy for human rights, was a failure. Born in Stryj, Ukraine, in 1910, Moskowitz emigrated with his family as a teenager to the United States, where he attended City College and Columbia University. An analyst for the American Jewish Committee (AJC) before World War II broke out, Moskowitz served in the European theater in the U.S. Army, playing a special role in occupied Germany after the war as chief of political intelligence in the state of Württemberg-Baden. On his return in 1946, Moskowitz had the idea to represent Jewry at the bar of world organization as the United Nations began its life. With the support of figures like René Cassin, Moskowitz formed the Consultative Council of Jewish Organizations (CCJO), in which the AJC, the Anglo-Jewish Union, and the Alliance

Israélite Universelle participated. Explaining why he worked so doggedly and anonymously for human rights, even after they came to grief in the postwar period, Moskowitz was eloquent: "I wanted to work for something which was permanent, of universal importance, and indestructible," he explained. "I didn't believe it will bring the redemption, but I believed that we could not proceed unless this principle was established solidly in an international treaty."²

For this task, Moskowitz felt his best course was to work alone and diplomatically. Indeed, in the end he broke with the AJC, which in the postwar period he saw as moving away from its prewar ethos toward "a so-called mass organization . . . a pressure machine, issued pamphlets, leaflets." "No utopias, etc.," he added. "I mean, that was my saving grace." He even criticized Amnesty International for "invent[ing] all kinds of procedures, all kinds of approaches" and "build[ing] up a Babel, a Tower of Babel which will ultimately destroy the program." Though he was known in New York circles, both Jewish and UN, as "Mr. Human Rights" in the 1950s and 1960s, Moses Moskowitz and his organization remained obscure on principle. This is so even though during the decades of his CCJO work Moskowitz authored the very best studies—true, they were essentially the only ones—of the fate of human rights in United Nations processes. As the years passed, he indefatigably pursued the legalization of human rights and proposed the creation of an "attorney-general" for human rights. (It was only long after Moskowitz's era, in 1993, that this office of the UN high commissioner finally came into being.)³

Essentially a one-man show and focused on UN processes, the CCJO was wholly representative of what early human rights advocacy looked like. The first organizations that took up the UN Charter's Article 71 consultation status were nearly all based on group identity. In the postwar moment, numerous NGOs reformulated the earlier terms of their causes—just as Moskowitz did with Jewish advocacy—around the emerging UN bureaucracies and language. After their later nineteenth-century origins, and galloping expansion in

the interwar period, NGOs numbered about a thousand in the immediate post-World War II years, with about one hundred soon gaining UN consultative status (including those few concerning themselves with human rights). Yet none, whether they were devoted to trade, standardization, labor, agriculture, social welfare, or peace, succeeded in making the idea of an NGO terribly prominent at the time. Lyman Cromwell White, their first and for a long time leading student, complained in 1951 that "they remain the great unexplored continent in the world of international affairs." And the organizations like Moskowitz's incorporating any reference to the new human rights occupied only a small sector of that landmass, and even those did not do so as a general program. They balanced their preexisting objectives (typically, in the quest for peace or in defense of specific groups) with strategic advancement of the new human rights language. In White's authoritative survey, assembled five years after the UN's founding, he could not yet establish a general category of human rights organization.⁴

Even within the subset of groups that dedicated themselves to human rights at the United Nations, Moskowitz's group was thus typical. Their causes were defined by the borders of religion, ethnicity, or gender on behalf of which they lobbied. And even when they pursued a general agenda, such as peace, their leadership and membership were defined according to group identity. For example, women's internationalism pursued its causes: suffrage, prevention of trafficking or prostitution, higher salaries, and sometimes a larger agenda of bringing a feminist peace to masculinist geopolitics.⁵ At most, in the postwar moment, there were groups that had once been devoted to a specific clientele defined by religion, ethnicity, or gender that universalized their rhetoric without shifting the basis of their membership. For the AJC, the truth of the postwar scene was that the cause of Jewish rights was best pursued through the larger cause of human rights.⁶ Even then, groups—including Jewish groups—focused on the causes that mattered to their specific constituencies. "Only in procedural matters are the NGOs organized in their rela-

tions to the UN," Roger Baldwin, co-founder of the American Civil Liberties Union and, during World War II, the International League of the Rights of Man, remarked. "On substantive issues, they work individually."⁷ Humanitarian causes continued to be advanced on a wide variety of bases. There were local, national, and international groups, and they worked through states, international organizations, and on their own. In contrast, human rights advocacy made the United Nations the privileged, indeed exclusive, location of interest, action, and reform.

Some tried to raise the profile of the human rights idea for a broader public. Though many of these early NGOs converged on the quest for legalization and "enforcement," publicity was also attempted—especially after 1953, when John Foster Dulles announced the U.S. government's preference for education rather than law in the field for human rights. Familiar children's author Dorothy Canfield Fisher drafted an education pamphlet, *A Fair World for All: The Meaning of the Universal Declaration*, which various groups distributed in the early 1950s. Similarly, spearheading the efforts of a coalition of church and women's groups, the American Association for the United Nations sponsored radio spots across the country to mark the tenth anniversary of the Universal Declaration, featuring Marian Anderson and Danny Kaye; and on the afternoon of December 7, 1958, in a similar vein, American viewers were treated to a televised play entitled *In Your Hands*, intended to propagate awareness of human rights. However, these hopeful but rudimentary efforts failed to put the concept into general circulation.

Only Baldwin's International League of the Rights of Man emerged as an NGO dedicated to the cause of human rights as such. Apparently founded in late 1941 by European émigrés hoping to transplant the French Ligue des Droits de l'Homme, it was then led by Baldwin beginning in 1942, and with special energy after his ACLU retirement in January 1950. Its civil libertarian commitments on the international stage were emphatic but unique. They were doubly so because of Baldwin's anticolonialism. After some youthful vacilla-

tion, Baldwin had long since seen the priority of fighting communism. But unusually, his league understood the pursuit of the rights of man as a commitment to decolonization. Its mode of advocacy, however, failed to raise the profile of the idea, as if its activities were born too soon. Restricted to a tiny membership before an age of new social movements and failing to develop professionalized elites to lead it, the International League did not establish a generally successful model for others to follow. It remained dedicated to UN-based advocacy. Even though, after 1947, the UN Commission on Human Rights neutered itself by deciding it could not consider petitions, Baldwin and John Humphrey, first director of the UN Human Rights Division, were in frequent contact.⁸

Yet by the later 1960s, especially after the founding of Amnesty International, it had become clear that the early strategy of those NGOs that made any reference to human rights—and even of the International League—had borne few fruits. No moment crystallized this conviction more clearly, in fact, than the Tehran Conference marking the Universal Declaration's twentieth anniversary. Though the organization's documents canonized the basic values to pursue, even the leaders of existing NGOs realized then the failure of the UN as a primary forum of human rights activism. After the disastrous April-May meeting and its paeans to anticolonialism (and denunciations of Israel's occupation), Seán MacBride, secretary-general of one group, the International Commission of Jurists, regretted that the event "devoted most of its time to a repetition of current political attitudes in emotive form."⁹ In observance of Human Rights Year, private groups tried again to gain a hearing, and the American government even set up a presidential commission, which Averell Harriman chaired.¹⁰ The results, however, were disappointing, given Tehran's embarrassing "acrimony." Moskowitz, too, reported that "no event" had cast "sterner doubt" on the UN human rights program's ability "to support the weight it was intended to carry" than Tehran, which "never came close to what had been expected of it, neither in form nor in content." Moskowitz rued the fact that Tehran's Final Act

evoked "no sense of mission, of search, or of discovery. We look in vain to the proceedings and decisions for a center of a great social or political theme that stirs hope and enthusiasm and casts happy auguries for the future. . . . The Conference on Human Rights generated no tidal force to sweep aside all the obstacles that stand in the way of fulfillment of international concern with human rights."¹¹

But it was in a collective session in September 1968 that perhaps the most pivotal and revealing lessons were drawn by NGOs themselves from the Tehran catastrophe about human rights strategy. Compared to Tehran, the Conference of NGOs, held in Paris at UNESCO, was a radically different affair. In its composition, the NGOs brought together almost exclusively first-world residents. Most of them were from religious organizations of various kinds, though some of the main speakers—most prominently, Zambian president Kenneth Kaunda—provided new blood. Some of the founding fathers from the 1940s were on hand too. René Cassin, whose Nobel Peace Prize was to be announced a few weeks later, argued that NGO "militants" should continue their pursuit of UN reform, and especially passage of the binding human rights covenants. In view of Tehran, Charles Malik's insistence on the Christian framework of human rights so important in the 1940s could not but have had contemporary resonance: "There is nothing that has been proclaimed about human rights in our age, nothing, for instance, in our Universal Declaration of Human Rights, which cannot be traced to the great Christian religious matrix," he stressed. "Even those in our own day who carry on a non-religious or even on an anti-religious basis the burden of human rights with such evident passion and sincerity . . . owe their impulse, knowingly or unknowingly, to the original inspiration of this tradition." In its current forms, by contrast, Islam had veered from its potential contribution to human rights, with its "remarkable humane tradition which should be revived for our times independently from the transience of politics." But in the aftermath of Tehran and in view of the global upheaval, Malik reserved his greatest complaint for youth activism, which failed to be useful for human

rights because it strayed into florid and excessive opposition to existing society, rather than moderating its critique of injustice in view of the substantial achievements of civilization so far. "I wish somebody, preferably a youth himself, would dare stand up before youth and impress on it that there are many things that are also right and that it is their duty to love them," Malik said. "The non-governmental organizations cannot afford to see youth drawn into the pit of nihilism." Others, however, recognized that unlike other aspirations, human rights had failed to become a convincing program for young people. Frederick Nolde, who had also been present at the creation, and without indicting the longtime activities of NGOs like his own Protestant ecumenical group, looked around the room and remarked ironically, "One would have to stretch imagination and memory to locate most participants in the category of youth. The situation can and must be changed."¹²

The Paris event, for those who thought about why human rights had so far failed, reflected above all the unviability of the usual UN-centered approach, and comparison of human rights to the rival social and political causes in the West that had shaken the world. Egeron Richardson, who as Jamaican ambassador to the United Nations had in 1963 first proposed having a human rights year, was most direct. "Tehran was our moment of truth," he exclaimed, "when we came face to face with the nature of our beast—when we saw what it means to be promoting the cause of Human Rights by working mainly through governments." Tehran's "lacunae were many, its achievements few; thus it now seems necessary to rely more on people than on governments for the pursuit, with any enthusiasm, of the promotion of human rights and human dignity."¹³ In the face of rival utopias that made no appeal to human rights, the project of human rights would have to find a way to compete.

It would be wrong to completely dismiss the UN human rights processes in these years in accounting for the triumph of the concept the organization both introduced and stymied. It underwent its own slow evolution. Yet in a leading survey, British political scientist H. G.

Nicholas could remain caustic in the mid-1970s about its achievements in the field:

Nothing has done more harm to the Organization in general and the [UN Economic and Social Council] in particular than the great wild goose chase after human rights. No country is innocent in this matter, neither the United States, which pressed at San Francisco for human rights provisions in the Charter, nor the Soviet bloc, which exploited them with a magnificent indifference to the beams in their own eyes, nor the Latin-Americans, who found here ideal nourishment for their rhetorical appetites, nor the Anglo-Saxons, who, false to their tradition of realism in things liberal and humanitarian, joined with the rest in the collective admiration for the Emperor's new clothes. Thus a cowardly conspiracy developed to gloss over the inherent absurdity of an organization of governments dedicating itself to protect human rights when, in all ages and climes, it is governments which have been their principal violators.¹⁴

Despite the labors of tiny groups and a small number of bureaucrats in the 1950s and 1960s, human rights exploded in the 1970s in direct relation to the breathtaking marginalization of the UN as the central forum for and singular imaginative custodian of the norms. For this outflanking of the UN, American internationalism during World War II, and its postwar remnants, provided no precedent.¹⁵ It was Amnesty International, above all, which made this move most decisively. Tehran confirmed already the need for some new style of mobilization, for which AI was to provide the model more and more.

Indeed almost alone, Amnesty International invented grassroots human rights advocacy, and through it drove public awareness of human rights generally. Its contribution would reach its highest visibility when it received the Nobel Peace Prize in 1977, the breakthrough year for human rights as a whole, though it began its work years earlier. Unlike the earliest NGOs that invoked human rights occa-

sionally or often, AI opened itself to mass participation through its framework of local chapters, each acting in support of specific, personalized victims of persecution. And unlike the earliest human rights groups, it did not take the UN to be the primary locale of advocacy. Skirting the reform of international governance, it sought a direct and public connection with suffering, through lighting candles in a show of solidarity and writing letters to governments pleading for mercy and release. These practical innovations depended in equal parts on a brilliant reading of the fortunes of idealism in the postwar world and a profound understanding of the importance of symbolic gestures.

Amnesty International's origins in Christian responses to the Cold War had been unpromising, however, and its slow transformation into a celebrated human rights organization makes clear the necessity of distinguishing among the creation, evolution, and reception of such groups. Thanks to its founder Peter Benenson, AI emerged through an interesting and productive improvisation on earlier Christian peace movements. Together with Eric Baker, a Quaker, Benenson intended to provide a new outlet for idealists disappointed by Cold War stalemate, and especially after socialism had been revealed as a failed experiment. After AI's inaugural May 28, 1961 *Observer* spread, "The Forgotten Prisoners," Benenson recorded that "[t]he underlying purpose of this campaign—which I hope those who are closely connected with it will remember, but never publish—is to find a common base upon which the idealists of the world can co-operate. It is designed in particular to absorb the latent enthusiasm of great numbers of such idealists who have, since the eclipse of Socialism, become increasingly frustrated; similarly it is geared to appeal to the young searching for an ideal. . ." Quite strikingly, in private Benenson went so far as to conclude that the outlet AI would provide to idealists made its effects on victims unimportant: "It matters more to harness the enthusiasm of the helpers. . . The real martyrs prefer to suffer, and, as I would add, the real saints are no worse off in prison than anywhere on this earth."¹⁶

If so, the activist's personal understanding of his activism, not simply the victim who captured his gaze, is what matters. The search for a new venue for idealism presupposed the collapse of Cold War absorption. Amnesty International's origins contain a precious clue to understanding the later explosion of human rights in the mid-1970s when so many were to search for a substitute utopia. The formative context for Benenson's enterprise may have been in a much broader constellation of religious peace movements, like Pax Christi among Catholics (in which Benenson, born of Jewish parents, also participated, after his 1958 conversion), or the World Council of Churches for Protestant ecumenicals. It is very important that, Frederick Nolde notwithstanding, neither group had made human rights a central idea.¹⁷ For that matter, the linkage of AI's own cause to human rights was neither central at first nor even necessary; it seems to have been due not to Benenson but to his barrister colleague Peter Archer, who first suggested alluding to the concept in the campaign on behalf of "prisoners of conscience."¹⁸ Yet however accidental, that allusion, which would become increasingly central in the organization's history, gave AI the vanguard role in the history of human rights advocacy.

Benenson himself at first made the Catholic clerics like Josef Beran and József Mindszenty, whose suffering under communism had defined the meaning of international human rights from December 1948, central to his original *Observer* article. It was an umbilical connection to the immediate postwar shaping of human rights. Similarly, Benenson also insisted on the preeminence of freedom of religious belief along with freedom of conscience generally; Amnesty International was, he wrote in his famous *Persecution 1961*, to be "a non-political, non-sectarial, international movement to guarantee the free exchange of ideas and the free practice of religion." Seán MacBride, also an early AI figure, led its first mission, to Czechoslovakia to investigate Beran's internment.¹⁹ But almost immediately, Amnesty International transcended past causes, severing obvious links to the immediate postwar framework. Compared to earlier and

contemporary agitation around political prisoners—a cause over a century old, which had spawned an interwar league as well—AI proceeded “non-politically.” It overlapped in its cultural origins with the Campaign for Nuclear Disarmament, but AI much more clearly defined itself against the left, even as it primarily concentrated on the victims of right-wing regimes and the liberal democracies. In this, and its famous early practice of having local chapters or “adoption groups” select prisoners by threes (one each per first, second, and third world), it traded on its powerful claim to be above and beyond politics. This claim to transcendence was, indeed, Benenson’s principal innovation.

When Columbia University professor Ivan Morris founded Amnesty International USA a few years later, and the Riverside chapter began to meet in Columbia philosopher Arthur Danto’s living room on the Upper West Side, the impulse remained the same: “saving the world one individual at a time.”²⁰ This was to be a recipe of tremendous power: in the face of soiled utopias in politics, a nonpartisan morality existed outside and above them. Yet for a time, and in spite of AI’s impressive inroads in Britain, that claim would have only a restricted appeal. The events leading to and away from 1968, and only them, would make the advocacy that Amnesty International pioneered increasingly relevant—not just in redefining NGO advocacy, but also in paving the way for the triumph of human rights as the operative utopia it had never been before.

What mattered most of all, in short, was the competitive forum in which human rights had to win their way in the years straddling 1968. For human rights were only one among other ideologies that could have prospered, and did in fact, as absorption in the Cold War contention of social models entered its 1960s decline. The disintegration of the ideological conditions that had ruled out human rights in the 1940s did not by itself mean they were singled out for new enthusiasm. Benenson and his few early followers were an extreme minority. Most in that decade turned to very different kinds of Cold War dissent. Indeed, the impending collapse of the terms of the Cold War,

into which Benenson had so precocious an insight, actually benefited other schemes in the short run. It was nuclear stalemate, above all, that undermined the conditions for stability that partisan Cold War politicians had sought to ensure through nuclear escalation, and the fear and loyalty it inspired. A standoff of contending visions, each insisting it had to win at all costs, also meant that in the West, as in the East, fewer and fewer people could invest themselves in the contest, making it easier to complain of disappointment at home and immorality abroad.²¹

In the 1960s, new visions of social change seeking a way out of Cold War contention flowered everywhere around the world. The human rights movement, including Amnesty International, was extremely peripheral among them. While human rights owes its origins to the “new social movements,” for a long time it was one among far more prominent others. If so, it was as much the beneficiary of collapse of the “countercultural” explosion as a set of idealistic causes as it was part of that outburst. The analysis therefore needs to focus on why human rights survived and increased its share among the very different utopias that drew on the massive infusion of energy to social mobilization. The participants in the Paris conference of NGOs, the summer after May 1968 had roiled the city, were only mastering the obvious when they concluded that the spirit of the age had passed to youth, and that so far other ideologies than human rights were winning the competition.

As other causes failed over the next decade, human rights became a novel framework for a series of genuine movements. In the communist bloc, the phenomenon of “dissidence” was a long if slow-developing one. Whatever its deep roots, dissidence emerged only after the de-Stalinization policy of Nikita Khrushchev, marked by his spectacular “secret” speech of 1956, that spurred numerous other critiques of the regime in its name. (“It could be said,” human rights advocate Valery Chalidze once remarked, “that this Communist movement for human rights was begun by Nikita Khrushchev.”)²² Within

obscure networks or by means of *samizdat* literature—and most especially the famous *Chronicle of Current Events*, beginning in spring 1968—information about friends or spouses in far-flung camps or repressive psychiatric institutions accumulated. Heartrending testimonies of Anatoly Marchenko and, later, Vladimir Bukovsky were especially influential. Most feared in these reports, initially for domestic Soviet networks, was a recrudescence of “Stalinism” after the years of thaw. But it marked an epoch when these minor percolations of dissent in the Soviet Union, increasing among writers and scientists after Yuli Daniel and Andrei Siniavsky stood trial in 1966, were reframed as a human rights cause with the 1969 formation of the Action Group for the Defense of Human Rights. (The next year, an even more significant Human Rights Committee appeared.)

How did this happen? The human rights strategy followed in part from the principle that dissidents argue in terms of socialist law, highlighting the failure of the regime to abide by its own enacted rules. This “legalist” approach—the indigenous creation of Aleksandr Esenin-Volpin—began by alluding to domestic rights that were supposed to be constitutionally guaranteed, not the “human rights” of the international system. Indeed, the origins of dissidence are conventionally dated to the December 5, 1965 *glasnost* demonstration, timed to occur on the holiday celebrating the so-called “Stalin” Constitution of 1936 (rather than international Human Rights Day, five days later). The Action Group of 1969 owed its name to the term that the “Stalin” Constitution uses to describe voluntary citizen organizations for building socialism. Volpin’s legalism distinguished the dissident movements even before the concept of human rights did.²³ And from the beginning, dissidence resembled Benenson’s Western abandonment of politics, understandably in view of the unviability of actual reform of the Soviet regime.

Puzzlingly, however, there is no clear-cut answer to why the founders of the Action Group chose in 1969 to allude to human rights rather than mainly domestic protections, like the earliest dissidents. The fact that 1968 was the International Year for Human

Rights, and that the Soviet Union went through the motions of celebrating it by signing the human rights covenants, may have been a catalyst. When the *Chronicle of Current Events* began on April 30, 1968 (rather than May Day), it made reference to the abuses the Soviet government was committing against its population in this year intended as a celebration of human rights.²⁴ Yet the remarkable fact—especially given the homegrown and domestic sources of dissident strategy—is that it might never have become a human rights movement at all. When the Action Group formed in May 1969 after the arrest of former general Piotr Grigorenko and drafted its appeal to the United Nations rather than Soviet leaders, the step proved unintentionally fateful for world history.²⁵

There is no way to isolate the rise of human rights protest against the Soviet regime, however, from the larger transformation of hopes for socialism’s salvation and redemption. From the beginning, the minuscule group of dissidents was profoundly divided among themselves. They concluded that the regime had failed so catastrophically for different reasons. The group included some heirs of “Old Bolsheviks” (the brothers Roy and Zhores Medvedev most notably) who believed that the regime had simply gone awry and had to return to fundamentals. The disparity between the secular liberal and the religious nationalist positions of the two dissidents who became by far the most famous around the world, physicist Andrei Sakharov and writer Aleksandr Solzhenitsyn, is notorious, but did not stymie their cooperation at first. This coalitional nature of dissidence, which would reappear throughout the Eastern bloc later, allowed for the coexistence of different elements. Most obviously, diverse forms of nationalist resistance could find identification with one another easier thanks to the minimalism of human rights, compared to adherence to a revisionist communism that had little to offer.²⁶ Yet whatever the sources of internal unity of the movement, the conditions of its escalation at home and celebration abroad certainly lay in the post-1968 collapse of the socialist romance: dissidence of any kind only made significant inroads in the communist world, and became highly visi-

ble to the West, as a result of the implausibility of reform communism that the events of the summer of 1968 made so clear.

Even as Paris in May 1968 symbolized the ascendancy of youthful utopia the world over, the Soviet invasion of Czechoslovakia in summer 1968 put an end to Prague Spring, the era of reform communism under popular leader Alexander Dubček. The shocking event set the parameters for a search for a utopia beyond stale communism, in a totalitarian regime that brooked no opposition. When the Soviet tanks rolled into Prague, dissident movements that had once favored "democratization" were both sobered into silence and driven to some alternative strategy. The spectacular collapse of hopes for "Marxist humanism" across the region left new ideological space for the human rights strategy of dissidence to become central in the Soviet Union in the early 1970s and thereafter many other places as well. If Volpin's powerful legalist approach crystallized shortly before, it was only after Prague that parts of dissidence came to conceive of themselves as a "human rights movement," not least in the founding of the Moscow groups. Filling the space left vacant by the implosion of reform communism, dissidence worked by leaving behind political alternatives in the name of moral criticism.

Though it was Czech playwright and dissident Václav Havel who was to formulate the case most prominently, Soviet dissent had begun already in 1972 to oppose morality to a politics that had failed. For one dissident, Anatoly Yakobson, dissent could not offer "a political struggle (for which, be it said, the necessary conditions are absent)." Instead, he explained, it could only take the form of "a moral struggle. . . . One must begin by postulating that truth is needed for its own sake and for no other reason." Another high-profile spokesman, physicist Yuri Orlov, referred in 1973 to the basis of the movement as an "ethics common to all humanity." And Pavel Litvinov the next year explained that its "non-political" character was what mattered. In reality, of course, the movement "was political in the sense that it threatened the foundations of Soviet power."²⁷ But it was

based on a politics that worked precisely by claiming to transcend politics—much like Benenson's before.

Sakharov's singular itinerary vividly illustrates the centrality of 1968, and the remarkable contingencies of the years that followed. Sakharov had acted before that date, as when he attended a small Constitution Day rally in 1966 to urge democratization. But he remained disengaged from the trials of literary dissenters. His brief but crucial friendship with Roy Medvedev, whose Leninist history of Stalinism affected him powerfully, mattered most of all, and certainly more than his few other dissident contacts at this stage. Then a courageous act made him a worldwide celebrity overnight. A nuclear scientist who long maintained access to the highest echelons of the Soviet government, Sakharov drafted a plea for coexistence and smuggled it to the *New York Times*, where it was published on July 22, 1968.

Its original context—including for Western reception—was in the cause of détente between the Cold War powers. Sakharov presented a hopeful model in which communism and capitalism alike would be reformed, putting their nuclear standoff behind them, and perhaps even converging someday. Given the timing, the significance of Sakharov's text, entitled "Thoughts on Progress, Coexistence, and Peace," was impossible to interpret separately from the Czechoslovak experiment. (The *Times* reported on it directly below a photograph of a Warsaw Pact convoy in the country.) For its possible contribution to communist democratization, Prague Spring was an experiment that Sakharov warmly endorsed.

At this point, human rights as a dissident language were not yet on the horizon for Sakharov. Remarkably, the Universal Declaration earned a mention in his 1968 plea, but for its value in staving off Western imperialism and "counterrevolution" as much as anything else: "International policy does not aim at exploiting local, specific conditions to widen zones of influence and create difficulties for another country," he wrote, invoking the internationally protected

right of collective self-determination, rather than individual rights of speech or religion. "The goal of international policy is to ensure universal fulfillment of the 'Declaration of the Rights of Man' and to prevent a sharpening of international tensions and a strengthening of militarist and nationalist tendencies. Such a set of principles would in no way be a betrayal of the revolutionary and national liberation struggle, the struggle against reaction and counterrevolution."²⁸ But the collapse of Prague Spring opened the way for a shift.

It was only two years later, however, that Sakharov met Chalidze, who proposed that he join the Human Rights Committee, which, after 1970, became the central dissident group. Even then, Sakharov initially remained aloof. When he decided to join, however, he quickly gave human rights prominence, first of all in his 1970 "Memorandum to Leonid Brezhnev," which boldly took advantage of his high status to invoke the regime's international legal commitments against it. The committee's earliest attention focused on Soviet psychiatry, then, with more controversy, religious freedom. Almost immediately, Sakharov turned to the freedom of movement that Jews but also ethnic Germans were demanding. It was after this shift that Solzhenitsyn, worried that Sakharov had been waylaid by the cause of Jews rather than the redemption of Russia, began to treat him as a simpleton buffeted by winds of influence. Sakharov returned the favor by pointing out that Solzhenitsyn cared less about human rights as such than their use for other, restorationist ends. In the West, however, Solzhenitsyn's public persona, like Sakharov's, crystallized around the idea that an internationally defined morality mattered most of all when revolutionary schemes came to grief. Celebrated the world over already in the 1960s, Solzhenitsyn, too, joined the human rights movement once underway on the basis of his claim in his smuggled Nobel Prize lecture in 1970 that "no such thing as INTERNATIONAL AFFAIRS remains on our crowded Earth!"²⁹

That Sakharov could become known abroad as an icon of human rights was due essentially to the destruction of the Czechoslovak experiment and the quick evolution of his career in the early

years of the 1970s. Even as late as Hedrick Smith's notable *New York Times Magazine* profile in November 1973, it was possible to present Sakharov as a civil rights activist, on the model of the American movement.³⁰ But in his work with the committee and on his own, Sakharov shouldered the mantle of human rights more and more. His Nobel Prize lecture, which his wife Elena Bonner read for him in Stockholm in December 1975, was titled "Peace, Progress, and Human Rights." It documented his learning since 1968, when peace and progress had implied democratization and convergence. They now meant something new.³¹ Driving it all was a slow drift from the hope for a humanized version of détente to a less transformative but at least untainted form of personal engagement. Sakharov expressed this drift from politics to morality most brilliantly:

I am convinced that under the conditions obtaining in our country a position based on morality and law is the most correct one, as corresponding to the requirements and possibilities of society. What we need is the systematic defense of human rights and ideals and not a political struggle, which would inevitably incite people to violence, sectarianism, and frenzy. I am convinced that only in this way, provided there is the broadest possible public disclosure, will the West be able to recognize the nature of our society; and that then this struggle will become part of a world-wide movement for the salvation of all mankind. This constitutes a partial answer to the question of why I have (naturally) turned from world-wide problems to the defense of individual people.³²

For Sakharov, too, human rights were born out of substitution, as a failed political utopia gave way to morality alone.

Initially, the first self-styled "human rights movement" in world history had little resonance internationally. The percolation of dissidence around human rights remained the preserve of tiny and scattered groups: a few monitors of Soviet affairs working with Radio

Liberty in Munich, the British Amnesty International participants who compiled English-language versions of the *Chronicle of Current Events*, or the Brussels-based Comité pour la défense des droits de l'homme en URSS.³³ In New York, a month after Hedrick Smith's article, the International League of the Rights of Man gave Sakharov its annual prize. It joined with the AJC's new Jacob Blaustein Institute to provide early translations of dissident texts, while lawyer Edward Kline made himself a one-man clearinghouse on the subject.³⁴ The value of freedom of opinion in the Eastern bloc and elsewhere led to other initiatives like Writers and Scholars International, which began to publish its *Index of Censorship* in 1972. As its editor, Michael Scammell, put it in his opening editorial, the cause of freedom of expression was beyond politics: "The thing that all ideologies have in common, . . . to a greater or lesser degree, is intolerance of dissent or opposition." But even as revisionist communism began to die in the East and a few elsewhere noticed the new dissent there, Marxism experienced a huge spike in affiliates in the West in the five years after 1968, whereas human rights did not. (As Sakharov noted, in 1968–69 Mao's *Little Red Book* circulated more broadly around the world than his essay on peace and coexistence did.)³⁵ Yet just as the Soviet human rights movement coalesced, other, disconnected events occurred, fostering a kind of accidental synergy that ushered in the human rights era.

If socialism with a human face died in Eastern Europe in 1968, it received its deathblow elsewhere with the assassination of Chilean president Salvador Allende in September 1973. "Human rights entered my vocabulary on September 11, 1973," as one activist in Chile put it, alluding to the day of the coup. Following as it did close on the heels of a military seizure of power in Uruguay earlier that summer, the spectacular Chilean events—together, after 1976, with Argentina's own junta regime and its dirty war—did provoke human rights to crystallize as an organizing framework. But why human rights rather than something else, and from where did human rights enter the vocabulary if they had not been there before? There had been simi-

lar episodes of repression, including ones making liberal use of violence, as in Alfredo Stroessner's Paraguay after 1954 and military rule in Brazil after 1964. And the American government had provided tacit and financial support before, as it did so notoriously for Chilean strongman Augusto Pinochet before and after the coup in his country.³⁶

True, the domino effect of dictatorship in Latin America at this moment seemed breathtaking, especially in the southern cone (previously seen as more stable). But even as a rightist international alliance coalesced in 1975 to destroy the revolutionary left, the infamous Operación Cóndor, crimes in the world alone did not provoke interest in human rights. Their new appeal depended here, too, on the failure of more maximal visions of political transformation and the opening of the avenue of moral criticism in a moment of political closure. Prior coups not only had failed to collapse such maximal visions, but had even helped energize them, so the terroristic regimes mattered in their impact on left-wing hopes as much as in their impressive coincidence. While Prague in 1968 proved that no revisionist socialism would be tolerated in the Soviet sphere, Santiago in 1973 brought home the lesson that no revisionist socialism would be tolerated in the American one. Just as in the escalation of Soviet dissidence, the best explanation for the rise in prominence of human rights in Latin America is that many on the left drew the lesson—at first, a strategic one—that an alteration of plausible hopes had to occur. This is so even though Latin America proved far more hospitable to the persistence of revolutionary and guerilla utopianism even as human rights took root there. While human rights proved more lasting, utopia would remain "armed" in the region through the end of the Cold War, if not beyond.³⁷

The turn to human rights as a framework of response happened not rapidly but slowly, as the best-studied case of Uruguayans shows. Initially, leftists often operating in Argentine exile before the 1976 coup there sought like-minded ideological outlets for denouncing the repressive military control of the regime. In these years, the So-

viet-led international campaign against what it cast as bourgeois counterrevolution, a campaign focused on interned Chilean communist leader Luis Corvalán but targeting military dictatorship everywhere, provided one forum. Along with Brazilians and Chileans, Zelmario Michelini, prominent Uruguayan leftist, traveled to Rome, where Bertrand Russell's old leftist tribunal—founded to indict the American conduct in Vietnam in the late 1960s—had re-emerged to try new crimes in the southern cone.³⁸ These versions of internationalism were a world away from the human rights movement soon to form. Indeed, at first, Uruguayan critics of their regime's political imprisonment refused to make "humanitarian laments" or adopt "purely informative activity" but insisted that "prisoners will be freed the day that the revolutionary fight . . . forces the bourgeoisie and its armed tool to do so, or when, sweeping them away together with their exploitative system, those who are exploited open the doors of the jails."³⁹

Soon, however, such figures were making alliances with Amnesty International, which began organizing investigations and publicizing torture in single Latin American countries at just this time. Such investigations contributed to American congressional inquiry into U.S. involvement with right-wing dictatorships. In these endeavors, local actors "knew that the success of their denunciations depended on keeping radical claims for social change separated from their human rights activism. . . . Acknowledging that space for radical activism was closing up in the region amidst a wave of unprecedented repression, they looked for new ways of continuing their political involvement. With almost no capacity to perform effectively in their domestic arena, they looked for interlocutors who could press the Uruguayan government to stop repression against their fellow leftist activists." As time wore on, what was at first a strategy became a philosophy, with "many mov[ing] from endorsing a socialist view of rights as only attainable in a revolutionized socioeconomic horizon to accepting the concept of universally held rights."⁴⁰ As before and

elsewhere, the unviability of political alternatives provided the main rationale for the turn to human rights.

These initiatives did not presuppose the Inter-American Human Rights "system," though the concerns they targeted did give that mechanism a whole new relevance as time passed. Peripheral through this era, the inter-American framework had come about through the Organization of American States (OAS), which had declared rights in Bogotá in the 1940s but left them on paper. But it finally created an Inter-American Human Rights Commission in 1959, revised the larger organization's charter in 1967 to give the commission direction, and drafted an American Convention on Human Rights in 1969. (It would come into force ten years later.) After installing an absolute norm against external intervention—on human rights grounds or any other—in the postwar moment, Latin American states had turned slowly after the Cuban Revolution to the possibility that internal instability threatened "public order" as much as external invasion. With this insight, "human rights" became much more appealing to existing governments. After excluding Cuba from participation in the OAS after 1962, the organization constructed the new human rights commission to target the malfeasance of the communist regime there. But these developments hardly drove public prominence of human rights on their own. Comparative inaction—internationally and within the OAS itself—around torture in Brazil makes this particularly clear.⁴¹

In this sense, the inter-American system proved to be the beneficiary not the cause of the transformation in the direction of human rights. While it was being built, Fidel Castro's youthful socialism fired the imagination, convincing a great many to join the revolutionary cause, not support human rights. After the regional wave of repression in the 1970s, however, the OAS system—which turned from indicting leftist to indicting rightist regimes—got a second look. Michelini, who had dismissed the OAS as an American tool, and had strenuously defended Cuba from its scrutiny in the name

of self-determination and nonintervention, now insisted that self-determination could not mean "a free hand which, within . . . borders, makes possible savage and premeditated attacks upon the most basic standards of human existence."⁴²

It was the decision of a sector of the Latin American left to resist the regional repression in human rights terms that helped make the fortune of the concept in that region and beyond. As in the Soviet Union before, it also mattered that the language proved to be highly coalitional and ecumenical in providing a *lingua franca* for diverse voices. In the Soviet sphere, the earliest element of what became the eventual human rights coalition had been a Baptist movement; but in spite of permanent Christian concern about religious freedom behind the Iron Curtain for decades, nothing comparable to the crystallization of an international human rights movement occurred thanks to either indigenous Christian movements or their international partisans. In Latin America, it was Catholics who were crucial partners in the move to human rights. The famous *aggiornamento* of the Catholic Church under John XXIII's papacy had led, notably in his encyclical *Pacem in Terris* (1963), to the sort of explicit linkage of Catholicism and human rights that earlier innovators like Jacques Maritain could only have imagined. The notion that Catholicism stood for something called "human rights" spread rapidly around the world in the 1960s, even if on the ground—not least in Spain and Portugal, with their reactionary clericalism—the politics of the religion remained ambiguous. But as important as it was in accompanying various institutional reforms and individual acts, the reinvention of political Catholicism around human rights failed to spark a human rights movement anywhere in the 1960s, including Latin America. It was simply a condition for a later series of events, notably Cardinal Evaristo Arns's move from case-by-case sympathy for torture victims toward a truly organized human rights movement in Brazil in 1975.⁴³ The true significance of the creation of Catholic human rights, therefore, was for the coalitions it was to allow around the concept when the time was right.

In Latin America, political Christianity had by and large favored the democratic governments of the 1960s, but typically sided with authoritarianism when the rise of the revolutionary left forced the matter. It also generated important languages of opposition, unthinkable before the Catholic Church's ideological move to human rights. Even as Catholic reforms of the 1960s allowed for the invention of new sorts of "liberation" theologies, more moderate groups appealing to human rights as moral limits also formed immediately after the authoritarian coups, particularly in Chile after 1973. There, in an atmosphere of general Catholic (including episcopal) support for the new regime's restoration of order, an Ecumenical Committee of Cooperation for Peace, mostly led by left-wing Christians with support from the World Council of Churches, quickly emerged. The junta's early success in mastering Christian opposition—in part through the expulsion of many priests—came to grief when Chile's Cardinal Silva Henríquez acceded to its demands to close the committee only to found a Vicariate of Solidarity, an organization based on human rights, in January 1976. Whatever their practical difference, Christian appeals to human rights were ideologically important at a time when the military dictatorship depended on its rhetorical association with Christianity, and the moral framing of this criticism of the regime made it difficult simply to liquidate as a dangerous political threat. By 1978, in spite of generally strong Catholic support for the dictatorship, Cardinal Silva even declared a "year of human rights" with a motto: "every man has the right to be a person."⁴⁴

The Catholic insistence on moral constraints to politics, the explicit framework for human rights activism, allowed critics of the Chilean regime to avoid alienating it, precisely when it drew on much Catholic support, notably in rightist groups. But it also allowed unprecedented collaboration with reforming leftists moving simultaneously toward a strategic, coalitional moral language of opposition. "It is difficult—and fruitless—to view it as somehow having been a 'pure' force, apart from politics," one commentator observes of Catholic moral claims.⁴⁵ But just as in the Soviet Union

before, the fiction of moral autonomy from politics was a condition of political relevance. It partly insulated Catholic opposition from state repression, and it also provided a minimal language in which what had been radically distinctive agendas could fuse. Through this transcendence of politics in the name of coalitional moral norms, Christians became part of a movement that their own religious innovations had not prompted a decade before.

Meanwhile, foreign sympathy and involvement with such indigenous causes skyrocketed, notably after 1973. In the crucial five years of the creation of the international human rights movement between the early and later 1970s, Amnesty International towered above all other organizations as the focus for observers abroad of new invocations of human rights by Soviet and Latin American local movements. In the late 1960s, AI had been brought to the brink of dissolution by Benenson's foolish insouciance toward his links with British intelligence, ending his leadership of the organization. European sections of Amnesty International were planted soon after its emergence. The American section, founded later, awaited the early 1970s events for expansion from a tiny base. But then it was rapid. From seven local groups in 1972, there were eighty-six by 1976. Membership in the United States languished at a few thousand in the early 1970s, but expanded by thirty times to reach 90,000 by the end of the decade. In spite of the proliferation of sections in continental Europe in the early 1960s, the organization as a whole also experienced its great leap forward in the 1970s, when it grew to roughly 300,000 members. In relation to rival new social movements—most of which were in freefall in precisely the same period—AI experienced galloping growth. Its success depended on the substitute utopia it provided. It

represented a clear break with the predominant political activism of the 1960s. Amnesty's project was a conscious departure from many of its essential elements—its revolutionary aspirations, its search for comprehensive ideological or technocratic solutions to social problems, its lofty ambitions of changing "the system" and its draining in-

ner polarizations. Instead, Amnesty activists turned to a more minimalist and genuinely pragmatic approach—they were "working to make the world a slightly less wicked place." In this perspective, the human rights activism of the 1970s reveals itself to be the product of a post-revolutionary idealism, growing out of a certain disillusionment about the preceding decade's attempts to bring about political change and jettisoning some of the highest hopes and most optimistic tones which had underlain them. Equally far from utopian visions as from political ingenuity, one group member . . . described the effects of Amnesty's efforts in utterly realistic terms: "Sending a card . . . will not change the world very much. But it is surely worth investing a little time and postage to try to help two other individuals to secure justice, or at least to find courage."⁴⁶

For its adherents, the attractions of Amnesty International in its decisive decades depended on leaving behind political utopias and turning to smaller and more manageable moral acts.

Amnesty International's novel methods of information gathering went in the 1970s far beyond its original methods of forming adoption groups to write pleas for individual release. And these methods were also critical to how it came to be (and, soon enough, were copied by other organizations). Even before the very early translation of dissident texts provided by AI's London-based research bureau, the organization had begun to focus its attention on torture in the later 1960s. It pioneered the gathering of information about depredations under Greek military rule from 1967–1974. Providentially, in 1972 the organization opened a Campaign against Torture, published a global analysis of the problem, and initiated a petition drive (the first signatory being Joan Baez, who opened it at an April 1973 concert).⁴⁷ Seán MacBride, for his contribution to the campaign, won the Nobel Peace Prize in 1974, thereby raising the profile of human rights and broadcasting the very idea that social movements could coalesce around them. After the political coups in Chile and Uruguay, Amnesty International and other NGOs were active in gathering infor-

mation and raising consciousness about infractions in those two countries. The information they gathered was spread most notably at the United Nations and in Washington, D.C., where AI opened an office in 1976. Such activities prompted some of the first analyses of AI's campaigns for wider publics, both in the academy and at large.⁴⁸

Whether or not such activism made a difference on the ground, or in the larger process of constructing international norms, it succeeded first of all in giving meaning (as Benenson once hoped) to engaged lives. It was engagement of a sort whose minimalism was its enabling condition and source of power when other post-1968 alternatives were dying. Though she would go on to help found Helsinki (later Human Rights) Watch as the decade closed, Jeri Laber recalled that in the early 1970s she had never heard the phrase "human rights." Trained in Russian studies, it was not Soviet activism that hooked her but a searing December 1973 *New Republic* essay written by AI activist Rose Styron on the renaissance of torture around the world. It led Laber to "do something about it." Having been a part-time food writer for the *New York Times* shortly before, Laber placed an op-ed piece in that newspaper based on AI information—the first published—within a year of joining the Riverside Amnesty chapter. "I had found a successful formula," she noted in a memoir. "I began with a detailed description of a horrible form of torture, then explained where it was happening and the political context in which it occurred; I ended with a plea to show the offending government that the world was watching."⁴⁹

The "global concern" of AI activists in America and Western Europe, offering a hearing to Soviet and Latin American voices, set the framework for the unexpected events that were to follow at the diplomatic level—especially unexpected responses to the Helsinki Final Act of 1975. Given the priority of such grassroots movements and their escalating international prominence in the mid-1970s, there is no way to study the human rights revolution of the 1970s primarily from the perspective of either domestic governments or interna-

tional diplomacy. After all, it was the collapse of authority of Cold War frameworks, ending the absorption of many citizens in the official ideologies of its contenders and detaching some ordinary people from official justifications of power, that made the concept of human rights meaningful. Yet there is no denying that without the further canonization of human rights in the Helsinki process of the Conference for Security and Cooperation in Europe (CSCE), and then Jimmy Carter's explosive affiliation with the language in January 1977, human rights might have remained the preserve of expanding but still minor advocacy groups and their international members and promoters. (Indeed, without Carter, the phrase itself might never have exploded so spectacularly: even after she placed her op-ed pieces that helped Amnesty International publicize suffering prisoners in 1974, Laber recalled, "I did not use the words 'human rights' to describe our cause; it was not part of my everyday vocabulary and would have meant little to most people at that time.")⁵⁰

The CSCE was a fruit of the very Cold War détente between the superpowers that human rights were eventually to unsettle. What began as a Finnish initiative in 1972 for chiefly intra-European imperatives was not intended by negotiators as a stimulus to human rights activism. For the Soviets, the point of the process was to formalize détente by securing international recognition of the three-decade-old takeover of Eastern Europe. Even for human rights advocates, it seemed that for the Soviets the Helsinki accords were "an old dream come true."⁵¹ Not least, the principle of sovereign noninterference was clearly affirmed in the treaty. For West Europeans, and most of all West Germans after Willy Brandt's pioneering *Ostpolitik*, the point was to institutionalize hard-won gains of the relaxation of Cold War tensions. True, this included continuing rhetorical invocations of the human rights that West Europeans had affirmed on paper since World War II. These were sometimes ritually invoked in diplomatic processes, as in the so-called Davignon report of 1970, which outlined a common West European security strategy. And perhaps there were some, like the Dutch, who in the process of negotiat-

ing the Helsinki Act for signature in 1975 had the secret intention of overcoming détente rather than producing what one of many skeptical journalists called "a diplomatic gadget that no one will read." Henry Kissinger, who went along with the intra-European process, famously said that the so-called "Third Basket" human rights provisions, which were originally intended to do the minor but important work of allowing family contact and unification across the Iron Curtain, could be written "in Swahili for all I care." But no one—even the Europeans—had anticipated that the treaty would combine with human rights activism gingerly emerging from below.⁵²

Indeed, given the preexisting movements around human rights, the negotiation of the Helsinki accords may have merely added another possible reference for dissidents: appeal to international norms had already begun to occur, and Helsinki provided another set. In their balance of the principles of sovereign impregnability and individual rights, the Helsinki documents reproduced the original contradiction of the UN Charter, rather than shifting in a decisively new direction. The Soviet Union, further, had ratified the international UN covenants around human rights in 1973. The Helsinki accords set up a more meaningful monitoring scheme, but historically sterile UN processes were also being updated in this era, beginning with the creation of the so-called "1235 Procedure," which entertained public debate around gross human rights violations. To more and more contemporaries, however, the Helsinki monitoring process provided an exciting new forum for activism, compared to the creaky UN mechanisms, and institutionalized state-to-state human rights claims for the first time.⁵³ Beginning with the creation of a Moscow Helsinki Group in May 1976, announced by Yuri Orlov in Sakharov's living room, the Helsinki accords were an essential feature of the crystallization of international human rights consciousness in 1976–77.⁵⁴

In one of those extraordinary convergences in which history is made, human rights also became a potential language of the foreign policy of the Democratic Party in the United States in the early 1970s, before being canonized by its victorious presidential candidate

Jimmy Carter in 1977. In late 1974, one of the most learned observers could still note that "human rights considerations seem likely to play only a relatively limited role in U.S. foreign policy during the next few years."⁵⁵ Three years later, the fortunes of human rights could not have looked more different, after a transformation as shocking at the time as it had been accidental in its origins.

In America, human rights started as a way for the contending sides of a Democratic Party at war with itself to restate their pre-existing positions. The strongest impulse clearly came from the left wing of the party, as part of a congressional revolt during the last years of the Vietnam War, in the midst of the Watergate scandal. In the shadow of the War Powers Act and, later, Idaho senator Frank Church's investigations of Cold War malfeasance, some liberal Democrats discovered international human rights. There is little information about why, but beginning in August 1973, Minnesota congressman Donald Fraser used his House Subcommittee on International Organizations and Movements to spotlight human rights norms and mechanisms. As the hearings continued, the Chilean coup intervened, after which Fraser used his Subcommittee on Inter-American Affairs as a forum for discussion of the human rights consequences. One of Fraser's most important conclusions was that the UN processes around human rights seemed unlikely to be reformed, so that governments, in particular the U.S. government, needed to move forcefully to propagate human rights values. It was essentially due to his hearings that Fraser and congressional allies were successful in prompting Henry Kissinger to create a Department of State human rights bureau in 1975, after analysts concluded that "if the Department [of State] did not place itself ahead of the curve on this issue, Congress would take the matter out of the Department's hands." Among other things, the new office began governmental human rights monitoring, though Kissinger made no use of its materials. It was also due to this current that the linkage of foreign assistance to human rights practices began to be introduced.⁵⁶ If Fraser pioneered the transformation of human rights into a possible element of U.S.

government policy, there was nevertheless no emergence of human rights as a general slogan and ideological option due to his efforts. They remained too peripheral.

The same could not be said of Jimmy Carter's use of the language in the first months of his presidency. There were, to be sure, other antecedents than Fraser's subcommittee to this departure, most especially on the right wing of the Democratic Party, and in Washington Senator Henry "Scoop" Jackson's agitation for Soviet Jewry in terms of universal human rights. Jackson sponsored his own version of "linkage" in the amendment he cosponsored with Ohio congressman Charles Vanik that denied most favored nation status to the Soviet Union for trade purposes if it refused emigration rights. Starting in late 1972, invoking Solzhenitsyn's ringing claim that there were no longer internal affairs in the world, Jackson doggedly universalized the plight of Soviet Jews, his hatred of détente driving inspiring speeches about universal principles. "I believe in the Universal Declaration of Human Rights," he proclaimed at the *Pacem in Terris* conference in Washington in October 1973, "and I believe that now, twenty-five years after its adoption by the United Nations, it is not too late or too early to begin to implement it."⁵⁷ It was a moment in which Jackson—whose main concern was smashing détente—both discovered the particular cause of Soviet Jews and moved to defend it in universalistic terms.

In doing so, he was one of a number of forces transforming the longstanding cause of Soviet Jewry on the basis of a general principle of freedom of movement and emigration. In this sense, far from driving the large-scale ascendancy of human rights on its own, the cause of "refuseniks" (so-called because of the USSR's denial of exit visas) was caught up in that larger transformation. In the Soviet Union in the early years of the 1970s, Jews pressing for the rights of emigration were only one element in the coalition of dissidents. The combination of the Six Day War and Prague Spring led to a decisive shift in the affiliations of many Jews, and applications for exit visas

skyrocketed. The most famous figure, Anatoly Sharansky, became Sakharov's associate and alerted him to a human right he had not made central before in his own move to dissent. Before this era, in both international and American politics, work for Jewish emigration from the Soviet Union had been viewed as an ethnic or even Zionist cause rather a human rights one, even after young activists transformed it into a grassroots movement modeled on civil rights and other advocacy in the era. And though the new AJC Blaustein Institute held a major forum in Uppsala, Sweden in 1972 rediscovering the general human right of freedom of emigration, and Jackson made it central to his legislation invoking the Universal Declaration, the movement still did not immediately incorporate human rights. Rather, the agony of the Soviet Jews slowly became a human rights concern over the course of the 1970s as that larger framework crystallized. The Soviet Jewry movement proved more the beneficiary than the cause of that general transformation.⁵⁸

As late as the end of 1976, in spite of Fraser's dogged efforts and Jackson's passionate rhetoric, there was no sign that human rights were about to achieve any centrality in the Democratic foreign policy lexicon. Even in June of that year, when after Jimmy Carter's unexpected emergence the Democrats' Platform Committee met to iron out the significant differences among the contending factions of the party, human rights had not really been discovered. Antiwar activist Sam Brown, Jr. proposed to embed the principle of linkage to human rights against right-wing autocracies in the platform, to which New York senator (and Jackson ally) Daniel Patrick Moynihan agreed on condition that the principle extend just as much to left-wing totalitarianism. "We'll be against the dictators you don't like the most," Moynihan said to Brown across the table, "if you'll be against the dictators we don't like the most." The next year, Moynihan recalled, the platform result was "the strongest platform commitment of human rights in our history." But it did not affect Carter, and the national media attributed no significance to the moment in real time,

even understanding the platform to be in harmony with détente and focused on "amity" with communism, not preparing to move against it.⁵⁹

Jimmy Carter was a coalitional candidate for president in a moment when the party was recovering from its failed post-Watergate feint to the left, which coincided with economic collapse and the decline of popular radicalism. Covering the summer 1976 Democratic convention, prominent *New Yorker* journalist Elizabeth Drew observed that compared to the ideological unity behind George McGovern four years before, there had been "changes in the country as well as within the Democratic Party. . . . The war is over and passions are dead, and many of the delegates to this Convention look, as a friend of mine observed, like 'modified Republicans.'" In 1976, Carter came out of nowhere, and Morris Udall's McGovernite candidacy failed, as had Jackson's (and George Wallace's). Carter emerged as the one whom different factions of the party disliked least.⁶⁰

If there was anything in Carter's campaign that linked him with the contemporary surge of human rights to that point, it was simply his stand for morality in general. Carter's moralism reflected his deep religious convictions after he was "born again" in the mid-1960s. As it continued, the 1976 election became a referendum on détente. His opponent, Gerald Ford, went so far as to prohibit the use of the word in his campaign, but then famously tripped up in the October 6 televised debate in suggesting that the Soviets did not dominate Eastern Europe. Carter made clear moves in the direction of morality and against *Realpolitik* in the summer and fall of 1976, taking maximum advantage of Ford's slip. Carter's personal moralism, and the mood of the American electorate, were a brief match.

In this broad sense, Carter's election, in a campaign suffused with promises of moral transcendence of politics, opened the way for the astonishing explosion of "human rights" across the American political landscape. Even so, through inauguration day Carter mainly invoked ethics and justice as crucial foreign policy principles.⁶¹ It was more a reflection of the primacy of moralism in the last six months

of 1976 than the sign of a major departure that even the notoriously cynical Kissinger invoked "human rights" at several public events—even more often than Carter!⁶² Still by this late date, there were many versions of morality Carter could have invoked as the centerpiece of his foreign policy before he made the fateful choice to turn to human rights in his first months in office. And the conditions that crystallized long enough for Carter to become president were fracturing even as he turned to drive human rights to extraordinary prominence: the country "return[ed] to a normal condition" almost immediately, after which "assailing American wickedness" seemed "out of step."⁶³ In the right place at the right time, Carter moved "human rights" from grassroots mobilization to the center of global rhetoric.

The year of human rights, 1977, began with Carter's January 20 inauguration, which put "human rights" in front of the viewing public for the first time in American history. This year of breakthrough would culminate in Amnesty International's receipt of the Nobel Peace Prize on December 10. Carter's inaugural address on January 20 made "human rights" a publicly acknowledged buzzword. "Because we are free we can never be indifferent to the fate of freedom elsewhere," Carter announced on the Capitol steps. "Our commitment to human rights must be absolute." The symbolic novelty and resonance of the phrase in Carter's policy is what mattered most of all, since he embedded it for the first time in popular consciousness and ordinary language. Arthur Schlesinger, Jr. once called on the "future historian" to "trace the internal discussions . . . that culminated in the striking words of the inaugural address." No one, however, yet knows exactly how they got there. But soon after, the term was being interpreted as "almost a theological point for Carter. He can't stamp out sin, but he keeps on praying."⁶⁴

Unlike Ford, who had refused Solzhenitsyn's request for a White House meeting in 1975, Carter soon acted to honor dissidents. When New York lawyer and civil libertarian Martin Garbus met with Sakharov in Moscow and hand-delivered a letter from him to Carter,

the president took the opportunity to respond (Garbus's wife Ruth smuggled the letter past the KGB in her brassiere). The Soviets responded to the first signs that "human rights" might unsettle hard-won détente, both diplomatically protesting early U.S. State Department affiliations with Sakharov's cause and—as they had in the 1940s—mocking racist America for its hypocrisy. But at this very moment, in an amazing coincidence, tens of millions of Americans were glued to the television set watching Alex Haley's "Roots," the famous African-American family history, which gave full attention to the slave trade and plantation life. ("Can you imagine a week-long series over Soviet TV about life in the Gulag?" *New York Times* columnist William Safire asked playfully.) It was Carter's carefully crafted reply to Sakharov, which the latter released in mid-February, that caused a major uproar and showed that Carter really meant what he said. "Human rights is a central concern of my Administration," reporters transcribed from the copy in Sakharov's apartment. "You may rest assured that the American people and our government will continue our firm commitment to promote respect for human rights not only in our own country but also abroad." The next month, Carter met with dissident Vladimir Bukovsky, in spite of Soviet requests not to do so, and spoke at the United Nations on the importance of human rights. No one—certainly not FDR, among American presidents—had made human rights as central in American, and indeed global, rhetoric.⁶⁵ The only senior Western politician to follow suit was David Owen, Britain's dashing new foreign secretary, who tested the theme in 1977–78, after he took office. (In 1978, Owen even published a book laying out his views of the subject.)⁶⁶

"I know there was no specific planning for a particular human-rights campaign or program, such as it is," one foreign policy official told Elizabeth Drew, in a long *New Yorker* article. "I think then fate intervened—happenstance things, letters—that blew the issue up unexpectedly." "The whole thing," another told her, "sort of acquired a dynamic of its own." But by spring, Carter gave a program-

matic address at Notre Dame's commencement, laying out a full-scale foreign policy philosophy based on human rights, while Secretary of State Cyrus Vance offered some specifics at the University of Georgia Law School. Even as Carter's subordinates "groped" to define policy, American elites embarked on an extended discussion of human rights, from their historical origins, to their contemporary meaning, to their case-by-case implications. The issue had become relevant and even "chic," Roberta Cohen, executive director of the International League (who would shortly join the Carter human rights bureau), told the *New York Times*. "For years we were preachers, cockeyed idealists, or busybodies and now we are respectable. . . . Everybody wants to get into human rights. That's fine, but what happens if they get bored?" This upsurge in interest could not compare to that of the 1940s, when even the highest officials did not use the language of human rights (except Winston Churchill once out of office), and internationalists were concerned with the UN alone. In the 1970s, by contrast, popular mobilization and then Carter's interest kicked off a much larger and more public discussion that continues in the present.⁶⁷

In the short term, Carter faced accusations of selectivity in the global abuses he singled out for attention. Initially, the Soviet sphere was the overwhelming focus, which led some critics to insist that he broaden his view. Carter protested, "I have never had the inclination to single out the Soviet Union as the only country where human rights are being abridged."⁶⁸ Emerging neoconservatives—for whom human rights were understood as anticommunism by another name—warned against pursuing a "false symmetry" in policy, while as early as June 1977 Noam Chomsky from the far left complained that "the human rights campaign is a device to be manipulated by propagandists to gain popular support for counter-revolutionary intervention."⁶⁹ Even as he rolled out foreign assistance proposals that cut aid to human rights abusers around the world, Carter faced skeptics from all corners. Some came near to gloating

when his diplomacy backfired—first in early March when Ugandan despot Idi Amin responded to Carter's public scolding by threatening Americans in his country. The diplomatic problems with the Soviets that Carter's agenda provoked—Anatoly Dobrynin, the Soviet ambassador, made clear right away he was not pleased, and Leonid Brezhnev gave Vance a very chilly reception in Moscow that spring too—surprised Carter himself. Thereafter, his focus shifted to Latin American dictatorships; emerging news of the “dirty war” in Argentina, where the military had taken control a year before, lent credence to this change.⁷⁰

Even by the end of 1977, the bloom was clearly off the rose for Carter's policy. The difficulty of establishing any consistent line—especially when the policy had emerged without much consideration—led some to claim that Carter had simply “cancelled” his crusade. In response, his own policymakers (notably Patricia Derian, chosen to lead the State Department human rights bureau Kissinger had set up) responded that the campaign had always been meant to be integrated with and qualified by multiple other concerns.⁷¹ Foreign policy experts asked and still ask what a “human rights agenda” really means, but most people are not foreign policy experts. In the long term, American foreign policy discussions were permanently altered, with new relevance for a “moral” option that now referred explicitly to individual human rights. And even more important, Carter introduced the idea in all of its ambiguity to a vast global audience it had never reached—and Americans first among them.

How neatly did human rights fit in American history, and how in the end to make sense of the place of Carter's America in this era of human rights history? There is little doubt that for many Americans, the idea of human rights came to imply a longstanding set of liberal commitments. In spite of immediate attempts to root it in American tradition, however, the shock in response to Carter's invocations of

human rights revealed how much novelty there really was. In foreign policy, liberalism had for most of the postwar era taken very different forms than the propagation of rights abroad. In domestic matters, it is tempting to believe that the civil rights movement that had transformed American race relations prompted the new invocations of human rights, but the evidence is thin. Though some participants in the civil rights movement later joined the American human rights movement, the timing of the latter is too late for any truly powerful connection to be made. The civil rights movement experienced its highpoint a decade before the breakthrough of its “successor.” And the freefall of civil rights activism beginning the early 1970s meant that the explosion of human rights occurred after earlier trajectories had been interrupted. The gap of years before the spike of human rights suggests it had very different and more immediate sources. Just as important, the early human rights movement omitted the very concerns for more thoroughgoing socioeconomic inequality that had made the later civil rights movement dangerous enough to arouse a conservative backlash.⁷²

There were some similarities in the American turn to human rights to those earlier and elsewhere. They were coalitional and strongly featured the promise to replace politics by morality. The Carter administration's checkered history has been summarized as “the agonies of antipolitics.”⁷³ But notwithstanding Carter's own godliness, the coalitions formed by human rights advocates in the American 1970s were not between religious and secular moralists, as in Latin America before, but between factions of the Democratic Party. And the assertion of human rights by the leader of a superpower, and as a set of guiding principles for the exercise of its might, made this assertion of morality obviously different from those that rose from the grassroots. For most liberals, Carter's leadership on human rights afforded not a substitute utopia but a sense of collective national recovery. It was the reestablishment of the country's moral and missionary credentials in the world “after groveling in the moral muck

so long" that determined the American meaning of a rights-based internationalism.⁷⁴

At Notre Dame, Carter insisted that a human rights framework allowed for an overall sense of recovery of purpose from the errors of the whole Cold War era. The past to overcome was not simply recent Machiavellianism, since it was the Democratic Party that had begun, and escalated, the Vietnam War a decade before. "For too many years, we've been willing to adopt the flawed and erroneous principles and tactics of our adversaries, sometimes abandoning our own values for theirs," Carter said on the Notre Dame rostrum. "[T]hrough failure we have now found our way back to our own principles and values, and we have regained our lost confidence." This was no cynical ploy: numerous Democratic foreign policy thinkers in Carter's administration had participated in Vietnam to the hilt, and had reflected bitterly since on the tragic consequences. The recovery from long-term mistakes is also what drew in most observers. America, one of Elizabeth Drew's informants told her, "had been back on its heels for so long. We got the impression from two years of travelling around the country of a feeling worse than ennui, of a feeling that time was working against us. That's a very debilitating position for dealing in any sort of relationship. What we're doing has been interpreted by some as Cold Warriorism, but it's not that at all."⁷⁵ In a situation when Cold War frameworks had lost their appeal, human rights offered something new, even if it had to be represented in the guise of forgotten national traditions.

Yet even the American turn to human rights only takes on its full meaning against an international background in which old utopias were giving way to a new one. Liberals were moved by the promise of national recovery and responded to Carter's domestic call from above. But from the president to the people, Americans could not have done so without the call from outside and below, since it was far-flung global actors who first made human rights percolate, and were embraced in America as victims. If these two calls were fundamentally different and pointed in different directions—one based on

moralizing the state, the other on "the power of the powerless"—it was not obvious at the time. What mattered is that both seemed to converge in the same human rights imperative.

For the power of the powerless, as Václav Havel famously labeled the philosophy of dissent, was only then coming into view. In comparison to the quick rise of human rights in the USSR proper, similar movements after 1968 in the satellite states were delayed, and the investment of hopes in Marxist revisionism survived much longer. Even so, the formation of dissident groups in 1976–77 in Czechoslovakia, Poland, and elsewhere, complete with new appeals to the Helsinki agreements, worked in a similar way. As before, the Committee for the Defense of Workers (KOR) in Poland and Charter 77 in Czechoslovakia, together with the Moscow Helsinki group, made direct appeals to international human rights instruments. But they appeared in a new moment that contrasted sharply with the post-1968 era of ideological confusion, and they brought human rights to its international public acme.

Charter 77 emerged spontaneously, after the Czechoslovak repression of a psychedelic rock band. As in other episodes of dissidence, it brought together a wide range of people—including reform communists who had not learned the same lesson from the collapse of the Prague Spring as their fellows in the movement. And through its range of activities in protest of the regime's persecution of its citizens, it became internationally famous. Along with the Polish workers' committee, Charter 77 did far better than the earliest Soviet dissent in sparking widespread affiliations throughout the Eastern bloc. By late 1978, when he penned his classic meditation on dissidence, Havel could testify, in a reversal of Karl Marx: "A specter is haunting Eastern Europe: the specter of what in the West is called dissent."⁷⁶ It was a breakthrough moment.

Havel was a disheveled hero with a countercultural ethos, whose moral intensity gave him iconic status. Though never a revisionist communist, he had welcomed the Prague Spring, and made a promi-

ment call for a pluralization of the parties united by a common goal of building democratic socialism.⁷⁷ After Soviet repression, he spent the 1970s away from Prague, in what he described as a state of suspended animation. By the mid-1970s, Havel had signed on to interpret the experience of a generation that “lived through the end of an era; the disintegration of a spiritual and social climate; a profound mental dislocation.” As the era of Czechoslovak “normalization” proceeded under Alexander Dubček’s replacement Gustav Husák, Havel drew on chiefly existentialist sources to forge a moral critique of the regime, announced in an open letter to Husák in 1975.⁷⁸ There is very little that was ideologically new in Havel’s most famous statement, “Power of the Powerless,” but it perfectly captured the rationale and the conditions for the origins of human rights. As such, it is worth a careful reading.

The first premise of moral dissent was the recognition that ordinary politics were not viable. Havel assumed the lessons of 1968 were now clear. Addressing those who still dreamed the dream of politics, he warned that the worst mistake was to “overestimate the importance of direct political work in the traditional sense.” It was for this reason that the first rule was to give up “the intention of presenting an alternative political program.” This had been true, he suggested, already in 1968; but there was no excuse now for the failure to grasp that any political initiative “would be liquidated before it had a chance to translate its intentions into action.” Revolution and violence were the magic words of a past that had no more meaning in a disenchanted present.⁷⁹

Havel’s dearest premises were in an extravagant critique of the modern age: the crisis of the times followed not from totalitarianism, he insisted, but the overdeveloped technology and soulless consumerism of “advanced” society. The obvious failure of totalitarian rule, he thought, had to be seen as a symptom of a much larger, global problem. In such dark reflections, Havel betrayed not just his own reading of specific philosophical texts—most important, those of Czech phenomenologist Jan Patočka, who helped to define the prin-

ciples of nonrevisionist dissent just as it began. Havel also reflected a temptation common across the world in the 1960s to worry that modernity had gone awry—but he also found a way to translate such malaise into unexpected and portable new form. The roots of Havel’s championship of human rights would not accompany their global dissemination. Yet it is crucial to recall that he went so far as to say that dissent mattered not through inspiration from but as warning to the West, where the moral nightmare seemed far worse than in the East, where the totalitarian system made control visible. “Is not the grayness and the emptiness of life in the totalitarian system only an inflated caricature of modern life in general?” Havel asked rhetorically. It was for this reason, he explained, that “traditional parliamentary democracies can offer no fundamental opposition to the automatism of technological civilization. . . . To cling to the notion of traditional parliamentary democracy as one’s political ideal and to succumb to the illusion that only this tried and true form is capable of guaranteeing human beings enduring dignity . . . would, in my opinion, be at the very least shortsighted.”⁸⁰ Havel’s deepest aspiration at the time seems to have been for autonomous and small-scale communal existence, which he saw as more authentically connected to life itself.

It was out of the insight into strategic circumstance and on the basis of existentialist morality that Havel made his appeal to human rights. This included a defense of “legalism,” the value of law for dissidents. For Havel, it mattered that the communist regime “pretends to respect human rights,” and that dissidents could respond through “persistent and never-ending appeal to the laws.” Given earlier Soviet dissent, there was nothing strategically original, by this point, in the appeal to international law. But it was very powerful. Charter 77 regularly cited the Helsinki Accords and the international UN covenants on human rights that, through the supreme irony of Czechoslovak ratification in 1975, had become legally binding around the world. True, Havel acknowledged, the appeal to legal forms smacked of bourgeois ideology—a critique that he treated as generally correct.

Yet now the Marxist critique of ideology had to be used to target the Marxist regime, and could incorporate rather than reject legal rights. It was through "words, words, words," as Havel put it, that such a regime established "legitimacy . . . before its own citizens, before schoolchildren, before the international public, and before history." Havel acknowledged forthrightly but strikingly that "law can never create anything better." For now, appeal to legality generally and the law of human rights nevertheless held the most promise.⁸¹

Pursuing its argument by imagining a humble greengrocer who could be the automaton of an inhuman regime but also possessed inner resources to sap that regime's viability, Havel's essay was a reflection of the quandary in which human rights were really born. Havel was often explicit about the strategic nature of his substitution of legalized morality for politicized struggle. And he insisted that denial of politics could not escape politics and was not meant to do so. Havel sometimes claimed that moral appeals—"living in truth," as Polish dissident Adam Michnik already called it in 1976—were really political immediately and per se. In dissent, Havel wrote, there was "an unambiguous political dimension. If the main pillar of the system is living a lie, then it is not surprising that the fundamental threat to it is living the truth." In this sense, morality had a "very special political significance," establishing what fellow Charter 77 activist Václav Benda dubbed the same year a "parallel polis." Other times, Havel was keen to point out that the moral displacement of politics brought about the conditions for political change even in postponing it. "Whether, when and how [moral dissent] will eventually produce dividends in the form of specific political changes is even less possible to predict. But that, of course, is all part of living within the truth." In this way, Havel promised "unforeseen social unrest and explosions of discontent" as eventual results available only if they were given up as direct ends. The promise of political transformation mattered especially since Havel was speaking to reform communists who still dominated Charter 77 in the earliest years—most notably former government minister Jiri Hájek, who retained his Marxist humanist

hopes and insisted that "the contemporary socialist system of our country [is] a self-evident foundation and framework within which these [human rights] treaties are to be realized."⁸²

At a deeper level, however, Havel claimed that human rights could not simply mean politics at a later date or by another means. Morality, he maintained, could permanently substitute for politics. In this vein, Havel indulged the belief that politics is a matter of "abstract visions" where morality connects directly with "individual people." The implication was that it was the failure of politics to be concrete enough that also led it to be open to a terrible opportunism. Meanwhile, morality remained "provisional," "negative," "minimal" and "simple." (The resonance of this stance with Amnesty International's philosophy is obvious.) A morality rooted in a "hidden sphere" and not practical concerns provided purity and authenticity, not compromise, violence, and failure. A mentor figure to Havel, Patočka had put this perhaps most clearly in his defense of Charter 77, two months before his death soon after the group formed: "The concept of *human rights*," he wrote, "is nothing but the conviction that states and society as a whole also consider themselves to be subject to the sovereignty of moral sentiment, that they recognize something unqualified above them, something that is bindingly sacred and inviolable even for them, and that they intend to contribute to this end with the power by which they create and ensure *legal norms*."⁸³

In this spirit, Havel in the end considered morality—"antipolitics," as Hungarian dissident Gyorgy Konrad dubbed it—something more than strategic, reflecting a genuine and systematic alternative. Aside from somehow leaving a residue in law, Havel insisted, morality rooted in inner life has "nothing to do with politics." Morality would allow for people to transcend politics not as a stopgap necessity but as a permanent achievement, in a bold "reconstitution of the position of people in the world, their relationships to themselves and to each other, and to the universe." Ultimately, there was nothing personal or idiosyncratic about Havel's indecision: was morality the sole

and best politics or could it provide a way beyond politics for good? The dilemma defined the origins of widespread appeals to human rights. What Havel called "the purity of this struggle" proposed a brilliant but ambiguous way both to enact and to transcend politics—at least for a time. For its breakthrough was also to be its burden. As one of the premier analysts of East Central European dissidence, Tony Judt, explained in a sympathetic warning, "Precisely because it is functional it also has finitude."⁸⁴

As in the Soviet Union and Latin America before, the explosion of dissent in Eastern Europe depended on coalition, with revisionist standard-bearers as well as with religious forces. In Poland, especially, but Czechoslovakia as well, political Catholicism was of supreme importance, as the role of Karol Wojtyła (John Paul II after his unexpected election as pope in October 1978) in international politics was to show. In Poland, the emergence of human rights claims had depended on an unprecedented alliance of formerly revisionist intellectuals with the Catholic Church, and with constant "insistence on the primacy of ethics [and] the moralization of politics." Human rights figured in this sense in the 1975–76 opposition to new constitutional amendments that proposed to undermine Poland's autonomy in the Soviet sphere. After 1977, the moralization of dissent became ubiquitous.⁸⁵

Without gainsaying the relevance of Christian forces even in the 1970s, what matters in the long view is that they had much less of a propriety claim on human rights than in the 1940s, when Christianity counted so much in both defining and marginalizing the idea. The world had changed since then. Progressive Christianity, both Catholic and Protestant, had exploded around the world without clear connection to human rights. It was not by accident, of course, that Carter gave his classic speech on foreign policy and human rights at Notre Dame University, a Catholic institution, where he was honored along with Brazil's Cardinal Arns.⁸⁶ But in America, parti-

sanship for human rights had lost the religious associations of the earlier era, for Catholics and for mainline Protestants.⁸⁷ The most revealing case was the Western European one, where transnational Christianity—more particularly, Catholicism—had once done so much to give human rights their meaning. But Christianity entered freefall precisely in these lands in the 1960s.⁸⁸ Though some audiences were capable of recognizing the strong religious elements in human rights both under the Eastern bloc and in Latin America, what made the fortune of human rights in the era were the moves of the secular left, including American liberals and the European left, to incorporate the language.

In Europe, there were still other utopian paths available, even ones more prominent in the same era. But they proved to be cul-de-sacs. The easiest to forget remains the new wave of "Eurocommunist" proposals, according to which the still powerful West European communist parties proposed to establish their own "warm" alternative to the refrozen east. For a while in the early 1970s, Eurocommunism looked very promising, to the point that Czech opposition figures pursued connections with it before turning to human rights after 1975. But where Eurocommunism attempted to transcend a Cold War logic, its explicitly political way to do so collapsed. There was also a great deal of attention to so-called Western Marxism, amid a wave of intellectual ferment on the left after 1968 unprecedented in the postwar era. The search for dissident versions of socialism betrayed by history spawned a generation's labor of intellectual recovery, only to face the passing of their moment of inspiration. And some pilgrims, Leszek Kołakowski most notably, were dropping the revisionist schemes that had helped make them icons of the new left. In 1968, the year of his departure from Poland, Kołakowski still insisted that utopianism remained essential, in spite of the now self-evident ease of its perversion, but soon responded to the efflorescence of human rights with the curt argument that no socialism in power would ever respect them.⁸⁹ That some found in human rights

not a new utopia but rather a response to a god that failed is without doubt, and allowed for deeply conservative interpretations of the idea to find a hearing from the beginning.

As the rise of human rights on the French scene shows, it was nevertheless the transformation of the left that proved the most vital agent of change, since there human rights triumphed due to competition within the left rather than with its rivals, and it transpired through the substitution of utopias. In Paris, as in Latin America in the 1960s, the collapse of the plausibility of Soviet communism did not lead to the demise of revolutionary aspirations: it sparked the search for a better, purer form of communism.⁹⁰ After 1968, when a few pioneers began to draw the lessons of Prague, a generation of students was more impressed by the upheaval in Paris, which sparked a huge wave of *gauchisme*. Trotskyism experienced a revival, but it was Maoism that—among a thousand leftist sects—was the most striking beneficiary of the search for revolutionary purity, almost totally unaffected by contemporary exposés of the Cultural Revolution's deadly meaning.

Dissidence first came to the fore within *gauchisme* rather than against it. Mathematician Leonid Plyushch, who mattered most in the early days for the French left because of his Marxist loyalties, came together with revisionist communists suffering under Czech "normalization" who were also made *causes célèbres* in the early 1970s leftist ambiance. Based on a pre-1968 tradition of organizing for dissidents in the name of "socialist legality," and provoked by the Prague Spring and its destruction, intellectuals organized numerous demonstrations and distributed many petitions for dissidents. The October 23, 1975 rally in the Salle de Mutualité for Plyushch's release—he had been a founding member of the Soviet Action Group and was subsequently institutionalized as a psychiatric patient—drew 5,000 participants, apparently the largest such event in these years in any country. When the French Communist Party joined the denunciations and the USSR released the mathematician to travel to Paris, it was a moment of celebration in which it appeared that dissidence could

enable leftist activism to cause a seemingly intractable communism to budge.⁹¹

But soon, such leftist appeals to dissidence to indict the Soviet regime and the archaic French Communist Party took on a life of their own. They reached a kind of self-destructive acme in the form of the "new philosophy," which went so far in the decisive year of 1977 as to indict politics as such, thus bringing French leftists onto a similar terrain as that favoring human rights before and elsewhere. André Glucksmann, the main new philosopher along with Bernard-Henri Lévy, set the tone. Earlier part of the far left, Glucksmann had fastened on Solzhenitsyn in 1974–5 as part of an appeal for an anarchist populism. But Glucksmann's hatred of the Soviet state soon led him to indictments of politics per se, with the move to morality saving the desire for purity from the leftist political entanglements that had once inspired it. In his tome *The Master Thinkers*, Glucksmann indicted all modern philosophical currents for complicity in "power." Lévy's remarkable *Barbarism with a Human Face*—the other master text of the new philosophy—doubtless went furthest in illustrating the conditions for the breakthrough of human rights consciousness. Giving up Glucksmann's vestigial populism, Lévy condemned politics totalistically as a domain of certain failure. A *gauchiste* in the post-1968 moment, Lévy first found in Solzhenitsyn in 1975 the meaning of "the destiny of the Western left." The lesson he soon drew from his reading, however, was a simple one: utopias always come to grief. Lévy's famous book, abetted by his dashing appearance on television, proposed morality instead. He recommended writing "treatises on ethics," and out of allegiance to the moral principles of human rights moved to co-found Action Contre la Faim, a humanitarian group that now exists in many countries. After being too long fooled by the ruses of collective utopia in politics, Lévy explained, the task was now to save individual bodies.⁹²

In these transformations, the mobilization of the grassroots and the intellectuals proceeded without any equivalent to Carter's role across the ocean. As Valéry Giscard d'Estaing, then French prime

minister, explained, the American president's attitude towards dissidents was a troublesome and disrespectful interference with détente, and his socialist rival François Mitterrand—true to his strategy of coalition-building with communism that eventually brought him to power—agreed.⁹³ On the ground and in the mind, however, dissidence and dissidents achieved a kind of totemic status; Julia Kristeva—Bulgarian refugee and former Maoist—proclaimed “the dissident” a “new type of intellectual” in 1977, in the teeth of others on the left who denounced the substitution of dissidence for revolution. It was in the atmosphere of the crisis of utopias old and new that human rights broke through. “How not to be astonished at the suddenly restored fortunes of this theme and slogan of human rights that, not long ago, one would have thought amongst the most permanently disqualified for use?” one-time anarchist Marcel Gauchet asked in 1980. “Only yesterday, they were . . . the vulgar instrument of the dominant ideology, dismantled with the smallest effort by the least beginner in the techniques of suspicion,” he observed. “Yet somehow the old has become new, and what was most suspect is now beyond suspicion, and now the outmoded, wordy, and hypocritical human rights have regained grace, virginity, and a kind of vivacious audacity in the eyes of the most subtle and exigent members of the *avant garde*.”⁹⁴ The impressive transformation was due essentially to the moralistic interpretation of human rights that made such inroads on the ground of the apparent failure of political redemption.

Yet while such moralistic strictures were indeed epochmaking in affording a departure from revolutionary visions, they did not break completely from those visions, either in France, or—with due allowance for national variation—elsewhere. One of the distinctive features of human rights consciousness in the crucial years of the 1970s was that appeal to morality could seem pure even where politics had shown itself to be a soiled and impossible domain. But the French scene makes especially vivid how the break with politics occurred in explicit or implicit fidelity to earlier aspirations. It transferred the aspiration to purity once associated with revolutionary ardor to the

less totalistic program of human rights. Human rights were preferable because they were strategically necessary and practically feasible, but also because they were morally pure. The disavowal of earlier utopias took place in part out of the aspiration to achieve through a moral critique of politics the sense of a pure cause that had once been sought in politics itself.

But then, this was Bronislaw Baczko's point, when he diagnosed the move from florid utopianism to one that dared not speak its name in the space of just a few years. In 1968, human rights were in crisis, because their partisans had not found a way to ally themselves with an exploding wave of popular movements. But they hit on a way to do so only amid the exhaustion of utopian energies of the era and through a move from politics to morality. It was the crucial imaginative transformation that mattered. In the long view, what the substitution of moral for political utopianism meant is that human rights came to the world as its partisans abjured the maximalism that had once lent utopias glamor—especially utopias that required profound transformation, or even revolution and violence.

Among the dissidents, explicit debate continued about whether to remain true somehow to socialism, even as Western actors quickly left behind the historical matrix of the origins of human rights consciousness. “Although I have had more than enough opportunity to rage at failed and moribund utopias,” Slovak dissident Milan Simecka reflected in the mid-1980s, “now, years later, I have made my peace with them. Not that I believe in their power to save mankind, [but] without them our world would be that much worse. . . . A world without utopias would be a world without social hope, a world of resignation to the status quo and the devalued slogans of everyday political life.”⁹⁵ Havel, in response, worried that it was crucial to avoid blueprints, “doing without utopias”—although it remained crucial to preserve “a state of openness towards mysteriously changing and always rather elusive and never quite attainable ideals such as truth and morality.”⁹⁶

The minimalism of human rights consciousness deeply affected how its "concern" worked in the era. In the near term, to be sure, the campaign for human rights focused overwhelmingly on the Eastern bloc, along with Latin America, rather than on the poorest nations of the developing world. The most famous institutional locus for the crystallization of transnational human rights activities was the Helsinki process, given the follow-up monitoring meetings mandated by the agreement. When it had been signed, no one could have predicted that Eastern bloc dissidents would mobilize in such numbers, or that an American president would throw himself into the cause. Already in 1975, Millicent Fenwick, a New Jersey congresswoman who had traveled to the Soviet Union on an official tour and met Yuri Orlov and other dissidents, proposed the legislation that created a U.S. Helsinki Commission. But in the spring and summer of 1977, in anticipation of the first October meeting in Belgrade, Yugoslavia, the Helsinki process excited much new interest. The Ford Foundation and other philanthropies began to pour money into American initiatives, both organizational and academic. It funded the creation of Helsinki Watch (later Human Rights Watch) and the pioneering Columbia University Center for the Study of Human Rights, to take the most prominent examples of NGO advocacy and academic attention.⁹⁷

But the human rights optic had to become relevant to the entire world stage, and it did so rapidly if selectively. Often, ignorance of some global crimes and single-minded pursuit of others followed from a paucity of information, as in the case of the Cambodian genocide. But ideological factors mattered too. The early enthusiasm of many French leftists for the Khmer Rouge, which was not based on ignorance alone, suggests as much. Concern for Latin American depredations of—sometimes reforming—revolutionaries did not lead Amnesty International to drop its requirement that those who were committed to violence could not become objects of concern. Violence against groups that remained themselves violent did not cross onto the moral radar. Carter's own Cold War selectivity was

obvious from the start, in spite of his good intentions. And by 1978 Irving Kristol was already preparing the complaint that Carter's alleged coddling of left-wing dictators compared to his harsh treatment of rightist ones needed to be reversed—which would happen as soon as Ronald Reagan came to power.⁹⁸

The substitution of idealisms affected the selection and framing not least of violent utopias in the "third world," as the case of Indonesia showed. Even as Amnesty International and other Western groups focused on continuing political imprisonment of opponents of the repressive regime in Jakarta, they found nothing outrageous in the much more violent depredations in Indonesia unleashed in East Timor against an indigenous movement for self-determination. While the availability of information mattered here, ideology did too: the East Timorese "resistance" continued to conceive of its cause in terms of postcolonial self-determination, adopting strategies of armed violence, and therefore fell outside the pale of empathy. The triumph of human rights activism thus depended on a decline in elite sympathies for once-romantic anticolonial nationalism. By the late 1970s, self-determination, like other transformative political utopias, had lost its appeal to Western observers, especially because of its frequently violent outcomes. An idealism based on human rights served as an alternative. Not enough is known about the changing terms of resistance to apartheid in South Africa, which had formerly been viewed internationally through an anticolonialist optic, especially when it opted for violence. But its transformation as a cause seems similar. Though it was easy to see the violence on both sides of the Soweto uprising of mid-1976, even when the South African state cracked down on it brutally, the international *movement* against apartheid was evolving into a human rights struggle like others elsewhere.⁹⁹

Whether, with their redefinition in the 1970s and the explosion of their public reputation, human rights made a practical difference is hard to say. Symbolic rhetoric could often be politically powerful, as the risky decision by Brazilian activists to time their denunciation

of torture to coincide with Jimmy Carter's visit in March 1978 shows. Even though Carter's administration did not apply human rights policies to Asian affairs, the president's visit to China prompted a self-proclaimed "Human Rights Group" to mount a poster campaign suggesting that Chinese citizens must benefit from human rights too. Meanwhile, the invocations by Carter had unexpected consequences not just abroad but at home. Gay rights activists began to describe their cause (also spiking in public consciousness at this moment) as a human rights campaign. Harvey Milk, the San Francisco activist who became the first openly gay elected official in the nation, incorporated the phrase into speeches, and groups forming nationwide even changed their names to reflect the new relevance of human rights.¹⁰⁰

For all the complexities of its impact on the way events around the world and at home were singled out for empathy and engagement, the human rights revolution of the 1970s ultimately followed from a transformation of hopes for all peoples everywhere. As Sakharov reflected in late 1978, having witnessed the remarkable upsurge of the language, "the ideology of human rights . . . serve[s] as a foothold for those who do not wish to be aligned with theoretical intricacies and dogmas, and who have tired of the abundance of ideologies, none of which have brought mankind simple human happiness." After their moment of prominence, the hard work began of ushering in an age of institutionalizing simple happiness. Jerome Shestack, member of the International League and the AJC (and later American delegate to the UN Commission on Human Rights) gave a talk in July 1977—a pinnacle moment for human rights—admitting that the "heady times" were also for NGOs "the season of their discontent. Now, at the very height of their popularity, they can slow the tide of human rights abuse only a trifle. . . . They look into a mirror of the times and see not a sleeping Hercules, as they hoped, but Sisyphus."¹⁰¹ The strenuous, unending labors of Sisyphus that were beginning then have been admirable—and absurdist. Focusing on the exact differences the transnational human rights movement made certainly matters. But it cannot skip over the fundamental

prior question: why are this concept and this movement the ones with which many people affiliated at the time and have affiliated since? If human rights have made any historical difference, it was first in their competitive survival as a motivating ideology in the confusing tumult of 1970s social movements, as they became bound up with the widespread desire to drop utopia and have one anyway. And their substitution of plausible morality for failed politics may have come at a price.

Epilogue: The Burden of Morality

When the history of human rights is told beyond myths of deep origins, it illustrates the persistence of the nation-state as the aspirational forum for humanity until recently. The state was the incubator for rights claims, both in the rise of the absolutist state, with its well-disciplined interior order and colonialist exterior expansion, then in the creation of the modern nation, in which citizenship and rights, identification and contestation, were always bound up with each other. The relevance of the nation-state was amplified, rather than qualified, in the World War II alliance politics that led to the marginalization in the United Nations of the human rights that some wartime rhetoric had featured. It was geographically dispersed in the anticolonialist imagination, in which the new human rights were understood as a subversive instrument against imperial rule in the name of liberation and the construction of new states around the world. The perceived crisis of the postcolonial world, however, made the globalization of the nation-state unattractive as the sole formula for the achievement of modern freedom. Accordingly, rights finally lost their long connection with revolution.

When the history of human rights acknowledges how recently they came to the world, it focuses not simply on the crisis of the nation-state, but on the collapse of alternative internationalisms—global visions that were powerful for so long in spite of not featuring individual rights. The crisis of popular consent for the machinations of Cold War geopolitics left people looking for new causes to believe in, even as the decade after 1968 put unforgiving pressure on newer

alternatives, especially if those alternatives were internationalist in scope. The answer to why human rights emerged is thus not “globalization.” Whether the subaltern versions of internationalism that co-existed so uneasily with anticolonialist nationalism (most obviously, pan-Arabism and pan-Africanism), or communism and attempts to save it through “Marxist humanism,” it was not only the loss of faith in the nation-state but also the desertion of the stage by alternative promises to transcend the nation-state that accounts for the relevance of human rights in the last three decades.

The international human rights movement became so significant, then, neither because it offered a rights-based doctrine alone nor because it forged a truly global vision for the first time. Rather, it was the crisis of other utopias that allowed the very neutrality that had made “human rights” wholly peripheral to the aftermath of World War II—when taking sides in a contest of programmatic visions seemed so pressing—to become the condition of their success. As a number of its partisans in the 1970s were well aware, human rights could break through in that era because the ideological climate was ripe for claims to make a difference not through political vision but by transcending politics. Morality, global in its potential scope, could become the aspiration of humankind.

But the very neutrality that allowed for human rights to survive in the 1970s, and prosper as other utopias died, also left them with a heavy burden later. For even if their breakthrough depended on their antipolitics, human rights were soon affected by two transformative changes. First, the moment that favored pure moral visions passed, not least in American party and electoral politics, as Jimmy Carter’s brief presidential career illustrates so vividly. Second, and more important, partisans of the human rights idea were forced to confront the need for political agenda and programmatic vision—the very things whose absence allowed for their utopia to emerge so spectacularly and discontinuously in the first place. If human rights were born in antipolitics, they could not remain wholly noncommittal toward programmatic endeavors, especially as time passed.

For these reasons, the dynamics of the birth of the era of human rights in the later 1970s gave way to different ones in the youthful and adolescent struggles for the concept through the present day. But correctly identifying the historical origins of contemporary human rights aspirations is the only way to reckon with the profound dilemmas human rights continue to face as a utopian ideal and movement. If they had really been the fruit of democratic revolution, they would not have faced the demand for programmatic vision. If they had been forged in a moment of post-Holocaust wisdom, they would have had a completely different historical bearing, both focused on genocide prevention from the beginning and restricted to that incontestable cause without having to shoulder the burden of addressing all global ills and diverse political agendas. But they were neither of these things. Because they were born at a moment when they survived as a moral utopia when political utopias died, human rights were compelled to define the good life and offer a plan for bringing it about precisely when they were ill-equipped by the fact of their suprapolitical birth to do so.

Signs of trouble came when the contingency of their emergence—acknowledged by many in the moment of their startling breakthrough—was quickly forgotten. It was convenient almost immediately to represent human rights as a matter of longstanding tradition. In this regard, one of the most fascinating testaments to the breakthrough of “human rights” in the late 1970s is the response of philosophers, who after a moment of confusion about their novelty assimilated them to natural rights principles that were themselves being revived.

When John Rawls famously reclaimed individual rights, in his epoch-making *A Theory of Justice* (1971), it had no apparent consequences for either the general or the philosophical ascent of human rights (an expression Rawls did not use). This fact is perhaps unsurprising: the renaissance of rights in Anglophone thought of the era at first remained as restricted to the nation-state as rights claims had al-

ways been. Whatever else disappears in Rawls’s “original position,” the plurality of nations and the arbitrariness of borders among them remains. There had been next to no serious philosophical support for natural rights (let alone human rights) in the twentieth century to that point—except to the extent Christianity still helped define the discipline after World War II, as Jacques Maritain’s career makes clear. Yet even after Rawls’s *démarche*, rights prospered independently of human rights. Strikingly, in a tiny bibliography on rights composed by political theorists in 1978, next to no authors treated “human rights” as such.¹ (The main exception was the British liberal philosopher Maurice Cranston, whose contributions had little echo until after the mid-1970s.)²

When the human rights revolution occurred, a long half-decade after Rawls’s groundbreaking treatise, philosophers at first registered their confusion at whether it involved what Rawls taught them to talk about. “Although the concept of ‘natural rights’ has not been completely displaced,” one remarked, “the expression human rights certainly has a greater popularity today than has been true of ‘natural rights’ since the days of Tom Paine. . . . [P]eople differ about the significance of the shift in terminology from ‘natural’ to ‘human’ rights. Is this shift merely terminological? Or may it be that to speak of ‘human’ rather than ‘natural’ rights implies and fosters alteration of the original understanding of ‘fundamental’ rights?”³ Philosophers, however, did not stick with that question, deciding instead to assimilate the surge of human rights to the Rawlsian revival, as if the former followed from the latter. The immediate homogenization of the two separate developments obscured the essential novelty of human rights, which still goes almost unmentioned in histories of rights penned by philosophers today.

It was at this moment that long historical trajectories in the history of early modern and Enlightenment natural law were widely invoked as the precedents for human rights.⁴ It was more understandable that in other languages—where no new phrase was popularized—it was assumed that *droits de l’homme* and *Menschenrechte*

were the same concepts across time. In the English language, the phrase "human rights" still seemed strange in the 1970s, and so the assimilation of rights and human rights had to be quite intentional. Though he had developed his own demand for "taking rights seriously" in the later 1960s and never before mentioned human rights in their international relevance, Ronald Dworkin's response to the events of 1977 was simply to introduce the phrase to his vocabulary as if he had always been talking about them. When invited by the Columbia University General Education Seminar to address the topic late that year, Dworkin gave a lecture called "Human Rights" but simply rehearsed his analysis of rights as so-called moral trumps.⁵ Thomas Scanlon, another proponent of the revival of liberal rights, did turn to the independent novelty of human rights after the explosion, but in the long run he and others were understandably intent on allowing the rights revival and international human rights to combine.⁶ It would be tempting to argue that the rediscovery of rights by Rawls and the birth of human rights were successors, except that there is no evidence for it. The historical fact of the matter is that the rights revival did not give rise to a specific concern with international human rights; without external stimulation, philosophers could easily have remained stuck in a discussion of rights in their state-based foundations and consequences. In fact, they did: even as philosophers learned the new phrase, the new era of philosophical rights by and large postponed current interest in global justice until a generation later. The rediscovery of rights and the invention of "human rights" did interact—but first of all to disguise immediately the novelty of the new phrase, and the political implications of that novelty.

Others who were interested in human rights in their role as a prominent new language of international legitimacy, however, were aware that their political implications had to be worked out, whatever the deep authority timelessness or tradition might provide. Already Carter's elevation of human rights to a policy of the state meant that

the "politics of human rights" was introduced as the much-debated problem that it remains. The injection of morality into foreign policy, for example, compelled the leading realist thinkers of the postwar era to turn to it immediately—no mean accomplishment for moralists, to gain the attention of theorists who reduced international affairs to power alone.⁷ In the short term, in the United States, Ronald Reagan's election in 1980 meant a crossroads for the relationship of the human rights movement to state power.⁸ During the Carter administration, to which it clearly owed its newfound public role, the human rights movement generally treated government as an ally. Reagan's victory—not least when he nominated declared enemy of rights Ernest Lefever as lead State Department official—complicated this relationship profoundly. The era of Reagan foreign policy brought about a disturbing assimilation of human rights to the independently developed program of "democracy promotion," with early neoconservatives arguing that human rights were best served by placing them in a larger framework. Unrelenting opposition to communist regimes that would never reform, they claimed, had to be balanced with a friendly attitude towards rightist dictators supposedly on a path to liberalism. The argument was to have many tragic consequences at the time and since.⁹ In light of such events, it is perhaps more understandable that the Marxist critique of rights has never truly disappeared, even reshaping itself in light of the new concept of "human rights" of recent decades.¹⁰

There is no doubt that, after decolonization and the civil rights movement ended formal empire and racism, the language of human rights provided a potent antitotalitarian weapon for the first time. The claim that the proliferation of human rights activism brought the Soviet Union down, however, should not obscure the fact that human rights actually emerged out of exasperation with the Cold War and the hope for a way beyond its divisions. In any case, Reaganites were far from alone in making human rights into a language of partisan politics, to which private individuals could sign on and against which governments were willing to measure their foreign

policy, at least on paper. The emergence of "democracy promotion" revealed that human rights would have to incorporate concrete policy commitments and fuller-bodied social thinking to be meaningful, and to address the wide range of problems that required more than a set of abstract moral norms. The pure struggle of morality would have to enter the realm where political visions clash, with its hard choices, compromising bargains, and dirty hands.

Neoconservative democracy promotion, in spite of its almost immediate redefinition of human rights, nevertheless proved only one path among others. In America, the human rights community has sprouted many organizations and magnified its activities over the years. It opposed the rhetoric of democracy promotion as an excuse for repressive governments, but not without taking on a huge range of new concerns and activities of its own. Yet the slow but sure move toward a politics of human rights was most visible in Western Europe starting in the 1980s, where human rights NGOs proliferated and the newly prominent European Court in Strasbourg symbolized the great strides a rhetoric of human dignity and rights made at every level of the continent's affairs. Some observers, indeed, were led to believe that at domestic, regional, and international levels European nations had gone so far in embracing human rights as to have substituted principle entirely for power—a charge that, though untrue, suggested the path of human rights from antipolitics to program that Europeans had indeed taken.¹¹

Could human rights have remained a minimalist utopia of antipolitics, as it was in its era of breakthrough? It seems unlikely, for the obvious reason that the more it seemed like the last utopia standing in world affairs, the more substantive a role international rights norms would have to take in how individuals lived out their aspirations and how nation-states and supranational organizations sought public legitimacy. If there ever really was a "global human rights revolution," it has occurred only since the 1980s, when a variety of groups around the world, and all governments, learned to speak the language. Close to the ground, one of the most hotly debated issues

is whether this process of "vernacularization" of human rights was one in which ordinary people in different places winnowed their demands in the direction of acceptability to Western audiences, or whether they were able to use them from below in creative and transformative ways.¹² Not surprisingly, having lately incorporated human rights ideas themselves, international lawyers assumed an altogether new prominence, along with the staffers of expanding and bureaucratizing NGOs, as the professionalized stewards of what human rights might mean beyond their use as a tool of moral resistance.¹³ In this atmosphere, the grassroots character that had made Amnesty International so pioneering and exemplary entered relative decline, as new forms of expertise pushed the human rights movement away from the original conditions of its breakthrough. Human rights were forced to move not simply from morality to politics, but also from charisma to bureaucracy.

One of the most globally significant shifts in the concerns of the human rights agenda—and indeed in the immediate implications of the phrase human rights—was the unexpected rise in the imperative of genocide prevention. It is remarkable how little this humanitarian norm figured in public consciousness either in the 1940s or even in the 1970s. Popular concern about the Holocaust, though it was getting off the ground in the later era, seems like an originally separate development without profound connection to the contemporaneous surge in human rights. Strikingly, perhaps the major early examples of rising interest in preventing genocide, over the crises in Biafra and Bangladesh in the late 1960s, did not spark the creation of the international human rights movement. In that era, genocide consciousness continuing to make its way in the world gave rise to calls for aid, and a revival of the nineteenth-century tradition of humanitarian intervention (especially after India's invasion of Pakistan in 1971).¹⁴ But neither was yet conceptualized as part of a global human rights revolution. That had not yet become imaginable.

By the 1990s, a monumental change had occurred. Although it is still unclear whether, when, and how the popularization of Holo-

caust memory helped construct norms of universalist responsibility, it is quite striking that, with the possible exception of American Jewish guilt over prior inaction driving concern for co-religionists under Soviet rule, Holocaust memory was peripheral to the explosion of human rights in the crucial era of the 1970s.¹⁵ The contest of utopias was far more relevant. Human rights and genocide prevention, separate in their 1940s invention, were independent as late the creation of movements around both after the 1960s. Yet somehow—since revelations of the Cambodian genocide, and certainly by the mid-1990s resurgence of “ethnic cleansing” on the European continent—genocide prevention is now among the first items on the human rights agenda.¹⁶

But the amazingly belated integration of genocide consciousness as a human rights concern is only one dimension of a far larger shift: the slow amalgamation of humanitarian concern for suffering with human rights as both a utopian idea and a practical movement.¹⁷ Humanitarianism, with its origins in Christian pity and Enlightenment sympathy through its high era of imperialist entanglement in the nineteenth century, had developed in historical independence of rights talk. It entered into international organizations in the interwar League of Nations, with its concern over the “white slavery” of traffic in women and children, and in the cause of refugees, which also assumed a central place in United Nations affairs. Christian and secular NGOs like the Red Cross, Oxfam, and others, inheriting the philanthropic impulse of the nineteenth century, provided succor for the horrors of war and campaigned against famine and hunger all along. But it is simply mistaken to conceive of these as human rights organizations, as they were almost never understood in that way by their participants. Conversely, as late as the 1970s, the breakthrough for human rights—far more an antitotalitarian reflex—occurred in striking autonomy from humanitarian concern, particularly for global suffering. In their explosive moment, human rights were pursued for dissidents under Eastern European totalitarianism and victims of Latin American authoritarianism, not those in miserable cir-

cumstances in general. Highly restrictive in the sorts of depredations singled out for agitation in its earliest period, Amnesty International added only torture and disappearances to the list in its glory years. Yet today, human rights and humanitarianism are fused enterprises, with the former incorporating the latter and the latter justified in terms of the former.

In other words, the concern for genocide abroad is simply one dimension of the conversion of human rights into the worldview that sought to provide an answer to any area of global concern. Only in view of this shift from minimalism to maximalism can one understand the eruption in the varieties of rights claims, both by Western elites and local actors. And only as a struggle to overcome its enabling restrictions can one understand the logic of this expansion. From having triumphed because it lacked a political blueprint, the human rights movement was forced to draw up plans to remedy a crisis-ridden world. If human rights “occupied the space” left open by the departure of other utopian schemes, it was not wholly a matter of filling a vacuum.¹⁸ The move to pervasive relevance required intellectual creativity and hard work, but also typically unacknowledged entry into a very contested political terrain—one that human rights had broken through by promising a way to avoid.

In this way, human rights were brought to new geographic areas around the globe and unsuspected concerns of substance, and into both the difficulty and drama of fundamental transformation from antipolitics to program. One obvious example of that creative mutation was the forging of “transitional justice,” which in the 1980s was invented as an optic based on the Latin American experience to allow human rights to be not just an external moral criticism of terrible regimes but an internal political resource in the erection of their successors.¹⁹ But the history of what have been known as “social rights” is perhaps even more revealing than the move to transitional justice of how human rights, born in moral transcendence of politics, had to become a political agenda.

Among the most striking paradoxes of the trajectory of social and economic rights is their decline precisely when "human rights" came into their own. Why were those rights so prominent at the time of the discreet coinage of the concept in the 1940s (not to mention in the earlier history of citizenship struggles during the French Revolution and since) but so absent in the 1970s when human rights were canonized? The fact that the idea of "human rights" was forged in the 1940s, a time of some commitment to social equality and the common good, meant that social rights were comparatively uncontroversial. Yet at that time it was not the commitment to social rights by itself, but whether reformed capitalism or revolutionary communism would best protect them, that made human rights peripheral rather than central. In contrast, the conditions of totalitarian and authoritarian rule that were the context for the breakthrough of human rights in the 1970s meant that social rights simply did not figure on the agenda, as the world moved on from the high tide of social democratic commitments. Social rights were absent from Eastern bloc dissidence, and Latin American leftists seeking alliance abroad muted their critiques of capitalism to do so, while their Western audiences in an era of economic shock stripped down their appeals to focus on political and civil basics.

In the end, however, the conditions of breakthrough were not to continue. For some, like Aryeh Neier, a founder of Human Rights Watch, social rights—let alone other entitlements—were never crucial. When confronted with them, he argued for sticking with concern for so-called negative liberties instead of incorporating more positive entitlements that he treated as dubious. If he lost that argument, in his organization and in general, it was not simply the better arguments of other human rights activists in favor of expanding their concerns that explain why.²⁰ The main reason is that it was not clear, after the collapse of alternative utopias, what other ideology could address global wrongs, especially as events led the gaze to shift from totalitarian and authoritarian rule to global immiseration—notably on the African continent, which is now the privileged site of

human rights concern. Put differently, it was precisely the increasing role of human rights in Western social discourse, together with the collapse of alternative frameworks, which meant that practically all political concerns had to be reformulated in their terms and addressed by them. As totalitarianism and authoritarianism waned, social and economic rights consciousness could not help but surge.

The history of social rights suggests clearly, therefore, that the great irony of the larger history of human rights is the forced movement toward the very sort of maximalist utopia whose collapse in other forms in the 1970s allowed the concept to triumph on account of its minimalism. Human rights were compelled to assume exactly the sort of burden that had brought other ideologies low. Social and economic rights were not alone in these processes of inclusion or outright invention, even if they are the most vivid example. From women's rights—which were not a significant part of human rights consciousness in developed countries during its 1970s inception in spite of an exploding domestic and international women's movement—to various other rights of culture, indigeneity, and environment, the story of human rights since the 1970s has inevitably pushed the idea away from the particular conditions in which it emerged.²¹ If human rights consciousness needs to be met "from below" by third-world constituencies lacking before, or to be "transformed" in view of truly outrageous global distress, it is because it arose when it did and in the specific form it did.²²

Even as human rights continued to draw on the claim that their source of authority transcended politics, their transformation into the dominant framework of the government and improvement of human life in far-flung global locales changed them profoundly. The turn of the human rights movement to concerns with "governance" in postcolonial states around the world is perhaps the most vivid illustration of the embrace of politics.²³ It seemed obvious that episodic kinds of concern, in reaction to episodic crises, would never solve the problems that gave rise to those wrongs in the first place. And the notion of "governance" as a move from spectacular to struc-

tural wrongs, besides illustrating the transition from antipolitics to program, is now frequently combined in the human rights movement with a revived and rethought version of a Cold War theory of social development once notorious for its disinterest in rights but now based on them. On reflection, this evolution is unsurprising. Much as in the original history of rights in the nineteenth century and domestic civil rights in a later age, the early assertion of abstract entitlements prompted their advocates to scrutinize conditions for the enjoyment of entitlements, which are unfailingly structural, institutional, economic, and cultural.

In this process, the star-crossed trajectory of the notion of a "right to development" to which suffering humanity might be entitled is especially thought provoking. Contrary to what is sometimes suggested, the content of such a right was not a fundamental departure, given that anticolonialism had long since redefined human rights in the direction of nationalistic self-determination and collective development. But it was a specific act of creative appropriation when Senegalese jurist Kéba M'Baye—disciple of Léopold Senghor and associate of René Cassin's Institut des droits de l'homme—coined the phrase "right to development" in 1972, almost a decade before it figured in the 1981 African Charter on Human and Peoples' Rights (the UN General Assembly passed its Declaration on the Right to Development in 1986).²⁴ To that point, not least during the heyday of Western and especially American Cold War doctrines of modernization and development, rights had not figured as central concepts. And while it was precisely in the 1970s that the high tide of anticolonialism found expression in the attempt to craft a subaltern politics of development, international agencies as well as state and private actors in the decades since have devised schemes of development in which honoring human rights is conceived as both the means and the end.²⁵ Intellectually, the theoretical and doctrinal energy harnessed to the project of finding a vision of human rights adequate to global immiseration graphically illustrates the sheer dis-

tance from the landmark of their antitotalitarian invention that human rights have had to travel.²⁶ The jury is clearly still out on whether a rights framework for global poverty is the right framework.²⁷ But the verdict is debated only because human rights were forced to face—and it seemed believable that they might be able to face—problems that had been addressed by other schemes, and contending utopias, before.

Were human rights disabled by the circumstances of their birth from making precisely the moves they have made—and that so many demanded they make—from antipolitics to program? Was the movement too hobbled by its formulation of claims as individual entitlements, or its inattention to the relevance of economic and larger structural relationships for the realization of those entitlements, or was its challenge rather its far more general refusal of ideology? Is the process of its troubled expansion merely the story of the difficulty of combining cooperation with existing governmental and intergovernmental programs with criticism of them, or is its originally critical attitude toward power to blame? These are questions that are only beginning to be asked, based on perceived limitations of human rights as the best vessel of aspirations for a better world—dissatisfactions that are at the very least the burden of its success, but whose weighty consequences over the long term it is too soon to assess.

Instead of turning to history to monumentalize human rights by rooting them deep in the past, it is much better to acknowledge how recent and contingent they really are. Above all, it is crucial to link the emergence of human rights to the history of utopianism—the heartfelt desire to make the world a better place. That it is only one form of utopianism, indeed one that exists today because it weathered the recent storm in which others were shipwrecked, ought to be clear by now. But not every age need be as unsympathetic to political utopia as the recent one in which human rights came to the fore. And so the program of human rights faces a fateful choice: whether

to expand its horizons so as to take on the burden of politics more honestly, or to give way to new and other political visions that have yet to be fully outlined.

In some ways, the choice has already been made: to the extent the human rights agenda has extended its purview or been forced to do so, it inevitably became something new. Yet this transformation is neither an easy nor an obvious process, and should happen consciously rather than inadvertently. Henry Steiner, a law professor who eventually became an expert in the field and led Harvard Law School's human rights program until recently, lucidly cautioned the human rights movement that it needed to carefully distinguish two missions that it was apt to confuse: between human rights as catastrophe prevention and human rights as utopian politics. "The human rights corpus is very spacious in the rights, freedoms and liberties that it embraces," Steiner noted. "[Some] norms express what one could call the 'anti-catastrophe' goal or dimension of the human rights movement: stopping the massive disasters that have plagued humanity. That goal is complemented by another, related but distinct utopian dimension to human rights: giving people the freedom and capacity to develop their lives and the world. . . . When you get past the core, the absolute 'no's,' there is inevitable ambiguity and outright conflict."²⁸ Historically, Steiner's contrast is false. In fact, it was due to minimalism and utopianism, indissociably and together, that human rights made their way in the world. But the conditions for this combination were fleeting. And they are long since gone.

Today, these goals—preventing catastrophe through minimalist ethical norms and building utopia through maximalist political vision—are absolutely different. One remains more compatible with the moralized breakthrough of human rights in the first place; the other follows from aspirations human rights have incorporated since that time, aspirations that are emphatically visionary but also necessarily divisive. The first version can honestly confront its lack of answers and acknowledge that it must make room for the contest of genuinely political visions for the future: seeking ways to constrain

the contest so it does not lead to disaster, perhaps, but playing no other role. Yet then human rights cannot be a general slogan or worldview or ideal. If it draws authority from its appeal to morality, the other, utopian version of human rights easily becomes a recipe for the displacement of politics, forcing aspirations for change to present themselves as less controversial than they really are, as if humanity were not still confused and divided about how to bring about individual and collective freedom in a deeply unjust world.

Born of the yearning to transcend politics, human rights have become the core language of a new politics of humanity that has sapped the energy from old ideological contests of left and right. With the advancement of human rights as their standard, a huge number of schemes of transformation, regulation, and "governance" contend with one another across the world. But if in the thirty years since their explosion in the 1970s human rights have followed a path from morality to politics, their advocates have not always forthrightly acknowledged that fact. Born in the assertion of the "power of the powerless," human rights inevitably became bound up with the power of the powerful. If "human rights" stand for an exploding variety of rival political schemes, however, they still trade on the moral transcendence of politics that their original breakthrough involved. And so it may not be too late to wonder whether the concept of human rights, and the movement around it, should restrict themselves to offering minimal constraints on responsible politics, not a new form of maximal politics of their own. If human rights call to mind a few core values that demand protection, they cannot be all things to all people. Put another way, the last utopia cannot be a moral one. And so whether human rights deserve to define the utopianism of the future is still very far from being decided.

Notes

Prologue

1. See U.N. Doc. A/Conf.32/SR.1-13 (1968) for the conference proceedings. Compare Roland Burke, "From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968," *Journal of World History* 19, 3 (2008): 275-96.
2. Moses Moskowitz, "The Meaning of International Concern with Human Rights," in *René Cassin: Amicorum Discipulorumque Liber*, 4 vols. (Paris, 1969), 1: 194.
3. Philip Roth, *American Pastoral* (New York, 1997), 87.

1 Humanity before Human Rights

1. Jorge Luis Borges, "Kafka and His Precursors," in *Selected Non-Fictions*, ed. Eliot Weinberger (New York, 1999), 364-65, emphases added.
2. Hannah Arendt, *The Origins of Totalitarianism*, 3rd ed. (New York, 1968), chap. 9.
3. Cf. Lynn Hunt, *Inventing Human Rights: A History* (New York, 2007).
4. Jeanne Hersch, ed., *Birthright of Man* (Paris, 1969), a sprawling UNESCO publication to mark the twentieth anniversary of the Universal Declaration suggesting the universality across time and space of human rights.
5. See, for example, Pierre Lévêque, *Bêtes, dieux, et hommes: l'imaginaire des premières religions* (Paris, 1985), and Richard Bulliet, *Hunters, Herders, and Hamburgers: The Past and Future of Human-Animal Relationships* (New York, 2005), chaps. 2-3.

cf. Elizabeth Peterson Spiro, "From Self-Determination to Human Rights: A Paradigm Shift in American Foreign Policy," *Worldview*, January–February 1977; and Sidney Liskofsky, "Human Rights Minus Liberty?" *Worldview*, July 1978.

4 The Purity of This Struggle

1. Bronislaw Baczko, "The Shifting Frontiers of Utopia," *Journal of Modern History* 53, 3 (September 1981): 468, 475.
2. Interview with Moses Moskowitz, recorded November 7, 1979, AJC William E. Wiener Oral History Collection, New York Public Library, Dorot Jewish Division, 22.
3. *Ibid.*, 25, 33, 35. I also draw on a typescript "Curriculum Vitae," and other documents, Moses Moskowitz Papers, White Plains, New York. Moskowitz, *Human Rights and World Order: The Struggle for Human Rights in the United Nations* (New York, 1958), *The Politics and Dynamics of Human Rights* (New York, 1968), *International Concern with Human Rights* (Leiden, 1972), *The Roots and Reaches of United Nations Decisions* (Aalphen an den Rijn, 1980). For the high commissioner, see esp. the original 1963 proposal of Jacob Blaustein, "Human Rights: A Challenge to the United Nations and to Our Generation," in Andrew W. Cordier and Wilder Foote, eds., *The Quest for Peace: The Dag Hammarskjöld Memorial Lectures* (New York, 1965).
4. Lyman Cromwell White, *International Non-Governmental Organizations: Their Purposes, Methods, and Accomplishments* (New Brunswick, 1951), vii, 261–66.
5. See Sandi E. Cooper, "Peace as a Human Right: The Invasion of Women into the World of High International Politics," *Journal of Women's History* 14, 2 (May 2002): 9–25 and, for an emblematic organizational study, Catherine Foster, *Women for All Seasons: The Story of the Women's International League for Peace and Freedom* (Athens, 1989).
6. As Moskowitz put it in an internal memo, "The whole program of the committee is based on a strategic conception that the best defense of the rights of the Jews is an attack on the sources of bias and prejudice and the promotion of democratic ideals and institutions. If there is any validity to this program, the UN, in the long run as well as in the short

- run, is the best hope." "Evaluation of the United Nations Program of the American Jewish Committee" (February 1951), AJC RG 347.17.10, YIVO Archives, Center for Jewish History, New York, Gen-10, Box 173.
7. Cited in Jan Eckel, "'To Make the World a Slightly Less Wicked Place': The International League of the Rights of Man, Amnesty International USA and the Transformation of Human Rights Activism from the 1940s through the 1970s," unpublished, whose fine analysis converges with mine.
 8. Baldwin's interest in international civil liberties, though he did not convince the ACLU to follow him then, dated back to the 1920s and his enthusiasm for Indian independence and the cause of political prisoners. See Robert C. Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York, 2000), chap. 13. For Baldwin's UN focus, see Baldwin, "Some Techniques for Human Rights," *International Associations* 8 (1958): 466–69. See Roger S. Clark, "The International League of the Rights of Man," unpublished; and Clark, "The International League for Human Rights and South West Africa 1947–1957: The Human Rights NGO as Catalyst in the International Legal Process," *Human Rights Quarterly* 3, 4 (1981): 101–36. For an appraisal in the mid-1970s, shortly after its name change, see Harry Scoble and Laurie Wiseberg, "The International League for Human Rights: The Strategy of a Human Rights NGO," *Georgia Journal of International and Comparative Law* 7, Supp. (1977): 289–314, esp. 292–95, rpt. as "Human Rights as an International League," *Society* 15, 1 (November/December 1977): 71–75.
 9. Tehran was very little covered. See Drew Middleton, "Israel: Is Accused at Rights Parley," *New York Times*, April 24, 1968. Seán MacBride, "The Promise of Human Rights Year," *Journal of the International Commission of Jurists* 9, 1 (June 1968): ii. The ICJ had been founded in 1952, and worked with CIA funding to promote the rule of law. It slowly incorporated the human rights framework. See Howard B. Tolley, Jr., *The International Commission of Jurists: Global Advocates for Human Rights* (Philadelphia, 1994).
 10. See Ethel C. Phillips, *You in Human Rights: A Community Action Guide for International Human Rights Year* (New York, 1968) and Stanley I. Stuber, *Human Rights and Fundamental Freedoms in Your Community*

- (New York, 1968), the latter cosponsored by the American Association for the United Nations. For the commission, see its final pamphlet report, *To Continue Action for Human Rights* (Washington, 1969). Compare, at a more policy-oriented level, John Carey, ed., *The International Protection of Human Rights* (Twelfth Hammerskjöld Forum) (New York, 1968).
11. Morris B. Abram, "The UN and Human Rights," *Foreign Affairs* 47, 2 (January 1969): 363–74 at 363; Moskowitz, *International Concern*, chap. 2, "Disappointment at Tehran," 13, 23.
 12. René Cassin, "Twenty Years of NGO Effort on Behalf of Human Rights," Charles Malik, "An Ethical Perspective," and O. Frederick Nolde, "The Work of the NGO's: Problems and Opportunities," in Conference of NGOs in Consultative Status, *Toward an NGO Strategy for the Advancement of Human Rights* (New York, 1968), 22, 99–100, 111. Similarly, Swiss philosopher Jeanne Hersch, who had put together the UNESCO publication *Birthright of Man* (Paris, 1969), rued the fact that "certain people, particularly ours, are seized with the virtuous fever of destruction, or brandishing destruction to make justice spring from a void. Such indignation is very fashionable." Hersch, "Man's Estate and His Rights," in *ibid.*, 102. Cf. W. J. Ganshof van der Meersch, "Droits de l'homme 1968," *Droits de l'homme* 1, 4 (1968): 483–90 and Gerd Kaminski, "La jeunesse, facteur de la promotion et de la réalisation du respect universel des droits de l'homme," *Droits de l'homme* 4, 1 (1971): 153–90.
 13. Sir Egerton Richardson, "The Perspective of the Tehran Conference," in *Toward an NGO Strategy*, 25; Germaine Cyfer-Diderich, "Report of the General Rapporteur," in *ibid.*, 1.
 14. H. G. Nicholas, *The United Nations as a Political Institution*, 5th ed. (Oxford, 1975), 148–49.
 15. For an interesting barometer of the state of old-style American internationalism in the mid-1960s, see Richard N. Gardner, ed., *Blueprint for Peace: Being the Proposals of Prominent Americans to the White House Conference on International Cooperation* (New York, 1966), esp. 84–102 on human rights.
 16. Cited in Tom Buchanan, "'The Truth Will Set You Free': The Making of

- Amnesty International," *Journal of Contemporary History* 37, 4 (2002): 591.
17. On Pax Christi, see François Mabilie, *Les catholiques et la paix au temps de la guerre froide* (Paris, 2004). On the WCC, see Edward Duff, *The Social Thought of the World Council of Churches* (London, 1956).
 18. Archer, who was supposed to write a companion volume on human rights to Benenson's on prisoners, failed to do so at the time. Cf. later Archer, "Action by Unofficial Organizations of Human Rights," in Evan Luard, ed., *The International Protection of Human Rights* (London, 1967); and Archer, *Human Rights*, Fabian Research Series 274 (London, 1969). But it was on his suggestion that Benenson had the campaign culminate on December 10, the anniversary of the Universal Declaration's passage.
 19. Peter Benenson, *Persecution 1961* (Harmondsworth, 1961), 152. One of the earliest Amnesty "godfathers," Andrew Martin, had been particularly concerned with East European clerics in the 1940s. For the best overall source on MacBride's human rights activities over the years, see MacBride (with Éric Laurent), *L'exigence de la liberté* (Paris, 1980), 163–70.
 20. Arthur Danto, personal communication.
 21. Jeremi Suri, *Power and Protest: Global Revolution and the Rise of Détente* (Cambridge, Mass., 2003).
 22. Valery Chalidze, *To Defend these Rights: Human Rights in the Soviet Union*, trans. Guy Daniels (New York, 1974), 51.
 23. On Volpin, see, brilliantly, Benjamin Nathans, "The Dictatorship of Reason: Aleksandr Volpin and the Idea of Rights under 'Developed Socialism,'" *Slavic Review* 66, 4 (Winter 2007): 630–63.
 24. See the partial translation in Peter Reddaway, ed., *Uncensored Russia: Protest and Dissent in the Soviet Union* (New York, 1972), 53–54; cf. Mark Hopkins, *Russia's Underground Press: The Chronicle of Current Events* (New York, 1983), 1, 26–27.
 25. The appeal's text is in George Saunders, ed., *Samizdat: Voices of the Soviet Opposition* (New York, 1974), 365–69. Chalidze also began researching United Nations law as part of his larger commitment at this moment to learn the law. Joshua Rubenstein, *Soviet Dissidents: Their*

- Struggle for Human Rights* (Boston, 1980), 128–29. Cf. Chalidze, *The Soviet Human Rights Movement: A Memoir* (New York, 1984).
26. See David Kowalewski, “The Multinationalization of Soviet Dissent,” *Nationalities Papers* 11, 2 (Fall 1983): 207.
 27. Yakobson cited in Natalia Gorbanevskaya, *Red Square at Noon* (New York, 1972), 284; Orlov and Litvinov cited in Philip Boobbyer, *Conscience, Dissent, and Reform in Soviet Russia* (New York, 2005), 88, 75; and *ibid.*, 89, for his comment. Later, Litvinov reflected, “The human-rights movement has focused its full attention on the defense of the individual against the arbitrary behavior of the government, not on questions of state and social structure. Devoting itself to this seemingly simple and practical mission, the revitalized intelligentsia is overcoming the old intelligentsia’s vice of blind faith in utopian schemes.” Litvinov, “The Human-Rights Movement in the Soviet Union,” in David Sidorsky, ed., *Essays on Human Rights: Contemporary Issues and Jewish Perspectives* (Philadelphia, 1979), 124.
 28. I cite the rapidly published book version *Progress, Coexistence, and Intellectual Freedom* (New York, 1968), 42. While Sakharov surely defended intellectual freedom, and even referred to the worth of the human personality (48), it is anachronistic to interpret his framework as one founded on human rights at this date. Cf. Joshua Rubenstein, “Andrei Sakharov, the KGB, and the Legacy of Soviet Dissent,” in Rubenstein and Alexander Gribanov, eds., *The KGB File of Andrei Sakharov* (New Haven, 2005), 20.
 29. See Sakharov, *Memoirs*, 319, where he recalled, “I knew little of the movement’s history, I was uncomfortable with [Chalidze’s] legalistic approach,” and 336–37, ascribing his attention to the long-term suppression of religion he had ignored to the May 1971 trial of Anatoly Krasnov-Levitin; cf. Sakharov, *Sakharov Speaks*, 160–63 (New York, 1974), in which the text of his memo to Brezhnev is also reproduced. Aleksandr Solzhenitsyn, *The Nobel Lecture on Literature*, trans. F. D. Reeve (New York, 1972), 30.
 30. In the era when anticolonialism had otherwise defined the idea in the 1960s, some Americans referred to domestic civil rights as “human rights”—without, like Malcolm X, understanding this linkage to imply the internationalization of civil rights. For example, the New York state

- civil rights bureau, founded for the purposes of combating discrimination in housing and employment, was renamed the Division of Human Rights in 1968, and Columbia University law students simultaneously founded the *Columbia Survey of Human Rights Law* (it was renamed the *Columbia Human Rights Law Review* three years later). In these developments, the total absence of reference outside the domestic forum—and the perception that there was no need to make such reference—testify to how little impact international human rights had on the American scene to that point. I have excluded mention of the New York state agency from the chart in the appendix to this book.
31. Hedrick Smith, “The Intolerable Andrei Sakharov,” *New York Times Magazine*, November 4, 1973, in which the only mention of human rights is the (mistaken) assertion that Sakharov’s first act of public dissent in 1966 had been on International Human Rights Day rather than in observance of the Stalin constitution anniversary. Sakharov, “Peace, Progress and Human Rights,” in *Alarm and Hope*, ed. Efreim Yankelevich and Alfred Friendly, Jr. (New York, 1978).
 32. Sakharov, “How I Came to Dissent,” trans. Guy Daniels, *New York Review of Books*, March 21, 1974.
 33. See Radio Liberty, *Register of Samizdat* (Munich, 1971). See also Felix Corley, “Obituary: Peter Dornan,” *The Independent*, November 17, 1999. For the Comité, an offshoot of the older Union internationale de la Résistance et de la Déportation, see its bulletin, *Droits de l’homme en U.R.S.S.*, which ran 1972–1976, and the record of its fascinating symposium, *Human Rights in the U.S.S.R.: Proceedings and Papers of the International Symposium on the 50th Anniversary of the U.S.S.R.* (Brussels, 1972), held December 1972 with participation from Cassin, Reddaway, and others. For representative AI publications, see Christopher R. Hill, ed., *Rights and Wrongs: Some Essays on Human Rights* (London, 1969), which includes Peter Reddaway’s piece on Soviet dissent, or *Prisoners of Conscience in the USSR: Their Treatment and Conditions* (London, 1975).
 34. Kathleen Teltsch, “Human Rights Association Says Soviet Group Becomes Affiliate,” *New York Times*, June 30, 1971. See, e.g., V. N. Chalidze, “Important Aspects of Human Rights in the Soviet Union,” (a translation from *Social Problems*) (AJC pamphlet, 1972).

35. Michael Scammell, "Notebook," *Index of Censorship* 1, 1 (Spring 1972): 7; Sakharov, *Memoirs*, 288. Writers and Scholars International originated after Stephen Spender published his "With Concern for Those Not Free," *Times Literary Supplement*, October 1971, rpt. *Index of Censorship* 1, 1 (Spring 1972): 11–16; and in W. L. Webb and Rose Bell, eds., *An Embarrassment of Tyrannies: Twenty-Five Years of the Index of Censorship* (New York, 1998).
36. Cited in Kathryn Sikkink, "The Emergence, Evolution, and Effectiveness of the Latin American Human Rights Network," in Elizabeth Jelin and Eric Hershberg, eds., *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America* (Boulder, 1996), 63. See, e.g., David F. Schmitz, *Thank God They're on Our Side: The United States and Right-Wing Dictatorships, 1921–1965* (Chapel Hill, 1999).
37. In an extensive literature, see J. Patrice McSherry, *Predatory States: Operation Condor and Covert War in Latin America* (Lanham 2005) and Jorge G. Castañeda, *Utopia Unarmed: The Latin American Left after the Cold War* (New York, 1993).
38. John Duffett, ed., *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal* (New York, 1968); William Jerman, ed., *Repression in Latin America: Report on the First Session of the Second Russell Tribunal* (Nottingham, 1975); cf. Arthur Jay and Judith Apter Klinghoffer, *International Citizens' Tribunals: Mobilizing Public Opinion to Advance Human Rights* (New York, 2002).
39. Cited in Vania Markarian, *Left in Transformation: Uruguayan Exiles and the Latin American Human Rights Networks, 1967–1984* (New York 2005), 99.
40. *Ibid.*, 141, 177–78.
41. José Cabranes, "Human Rights and Non-Intervention in the Inter-American System," *Michigan Law Review* 65, 6 (April 1967): 1175; for Cuba, Anna P. Schreiber, *The Inter-American Commission on Human Rights* (Leyden, 1970), chap. 6; and Tom Farer, "The Rise of the Inter-American Human Rights Regime: No Longer a Unicorn, Not Yet an Ox," in David J. Harris and Stephen Livingstone, eds., *The Inter-American System of Human Rights* (Oxford, 1998), esp. 45 on Brazil. Dominican Republic president Rafael Trujillo's meddling in Venezuelan affairs also stimulated the erosion of the non-intervention norm.

- Cf. Inter-American Human Rights Commission, *Ten Years of Activities: 1971–1981* (Washington, 1982).
42. See Markarian, *Left in Transformation*, 78–79, citation at 79.
 43. See, e.g., Michel Bourdeaux, *Religious Ferment in Russia: Protestant Opposition to Soviet Religious Policy* (New York, 1968); Agostino Bono, "Catholic Bishops and Human Rights in Latin America," *Worldview*, March 1978; and Lawrence Weschler, *A Miracle, a Universe: Settling Accounts with Torturers* (New York, 1990), esp. 13, 26, 66. By the time the human rights movement coalesced, ironically, the Brazilian regime had scaled down its use of torture.
 44. Pamela Lowden, *Moral Opposition to Authoritarian Rule in Chile, 1973–1990* (Houndmills, 1996). See also Brian H. Smith, "Churches and Human Rights in Latin America: Recent Trends," *Journal of Interamerican Studies and World Affairs* 21, 1 (1979): 89–128. Argentine clerics, by contrast, were notably passive towards or supportive of their regime in 1976 and after. See Margaret E. Crahan, "Catholicism and Human Rights in Latin America" (Institute for Latin American and Iberian Studies, Columbia University, 1989), and Emilio Mignone, *Witness to the Truth: The Complicity of Church and Dictatorship in Argentina, 1976–1983*, trans. Philip Berryman (Maryknoll, 1988).
 45. Lowden, *Moral Opposition*, 146.
 46. Eckel, "To Make the World," the best analysis, his citations omitted. Cf. Buchanan, "Amnesty International in Crisis, 1966–7," *Twentieth-Century British History* 15, 3 (2004): 267–89 and, for some of my factual information, Rubenstein, "Amnesty International," *The New Republic*, December 18, 1976.
 47. See Amnesty International, *Amnesty International Report on Torture*, 1st ed. (London, 1973), 2nd ed. (London, 1975); it also published reports on torture in Brazil (1972) and Chile (1974) specifically, and ill-treatment more generally in several other countries. The ICJ and an ad hoc Chicago Commission of Inquiry into the Status of Human Rights in Chile (formed after young American Frank Teruggi, Jr. of Chicago was killed by the regime) also published reports. See *New York Review of Books*, May 30, 1974, which reprinted excerpts of the AI and Chicago Commission reports. See also Antonio Cassese, ed., *The International Fight against Torture* (Baden-Baden, 1991). For comment, see Ann

- Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton, 2001), chap. 3, and Barbara Keys, "Anti-Torture Politics: Amnesty International, the Greek Junta, and the Origins of the Human Rights 'Boom' in the United States," in Akira Iriye, et al, eds., *Human Rights in the Twentieth Century: An International History* (New York, forthcoming).
48. See, e.g., David B. Ottaway, "The Growing Lobby for Human Rights," *Washington Post*, December 12, 1976. On Chile, the Washington Office on Latin America was of some importance. See Lewis Diuguid, "Lobbying for Human Rights," *Worldview*, September 1978. For a contemporary study, Marc Bossuyt, "The United Nations and Civil and Political Rights in Chile," *International and Comparative Law Quarterly* 27, 2 (April 1978): 462–71; for the most nuanced recent analysis, Jan Eckel, "'Under a Magnifying Glass': The International Human Rights Campaign against Chile in the 1970s," in Stefan-Ludwig Hoffmann, *A History of Human Rights in the Twentieth Century* (Cambridge, forthcoming). For the earliest academic comment on 1970s human rights activism, see the bibliographical essay.
49. Jeri Laber, *The Courage of Strangers: Coming of Age with the Human Rights Movement* (New York, 2002), 7–8, 73. Rose Styron, "Torture," *The New Republic*, December 8, 1973; and later, "Torture in Chile," *The New Republic*, March 20, 1976. Though Laber had written journalistic pieces about Siniavsky and Solzhenitsyn in the later 1960s, by the mid-1970s she became known for harshly skeptical treatments of Solzhenitsyn for his illiberalism, just before American observers started to come to grips with it, and his polemics with Sakharov broke into the open. See Laber, "The Trial Ends," *The New Republic*, March 19, 1966; "Indictment of Soviet Terror," *The New Republic*, October 19, 1968; "The Selling of Solzhenitsyn," *Columbia Journalism Review* 13, 1 (May/June 1974): 4–7; "The Real Solzhenitsyn," *Commentary*, May 1974. Regarding her AI affiliation, see Laber, "The 'Wire Skeleton' of Vladimir Prison," *New York Times*, November 9, 1974; and later, Laber, "Torture and Death in Paraguay," *New York Times*, March 10, 1976.
50. Laber, *Courage*, 74.
51. Korey, "Good Intentions," *The New Republic*, August 2, 1975.
52. The journalist is cited in Floribert Baudet, "It Was Cold War and We

- Wanted to Win': Human Rights, 'Détente,' and the CSCE," in Andreas Wenger et al., eds., *Origins of the European Security System: The Helsinki Process Revisited, 1968–1975* (New York, 2008), 183. For Kissinger, Jussi M. Hanhimäki, "'They Can Write It in Swahili': Kissinger, the Soviets, and the Helsinki Accords, 1973–1975," *Journal of Transatlantic Studies* 1, 1 (2003): 37–58; cf. Michael Cotey Morgan, "The United States and the Making of the Helsinki Final Act," in Fredrik Logevall and Andrew Preston, eds., *Nixon in the World: American Foreign Relations, 1969–1977* (New York, 2008); and Jeremi Suri, "Détente and Human Rights: American and West European Perspectives on International Change," *Cold War History* 8, 4 (November 2008): 537–45. The Davignon Report is in James Mayall and Cornelia Navari, eds., *The End of the Post-War Era: Documents on Great Power Relations 1968–1975* (Cambridge, 1980); for perspectives on the interests of European states at Helsinki, see Oliver Bange and Gottfried Niedhart, *Helsinki 1975 and the Transformation of Europe* (New York, 2008).
53. See, e.g., Korey's views, which were caustic about the UN even as he threw himself into the Helsinki process he later chronicled. Korey, "The U.N.'s Double Standard on Human Rights," *Washington Post*, May 22, 1977, "Final Acts and Final Solutions," *Society* 15, 1 (November 1977): 81–86. Cf. Suzanne Bastide, "The Special Significance of the Helsinki Final Act," in Thomas Buergenthal, ed., *Human Rights, International Law, and the Helsinki Accord* (Montclair, 1977).
54. It was followed by similar groups in Ukraine, Lithuania, Georgia, and Armenia. Ludmilla Alexeyeva, *Soviet Dissent: Contemporary Movements for National, Religious, and Human Rights*, trans. Carol Pearce and John Glad (Middletown, 1987), 335–49.
55. Richard Bilder, "Human Rights and U.S. Foreign Policy: Short-Term Prospects," *Virginia Journal of International Law* 14 (1973–74): 601.
56. See U.S. House of Representatives, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy* (Washington, D.C., 1974), and *Human Rights in Chile* (Washington, D.C., 1974–75). For the report, *Human Rights in the World Community: A Call for U.S. Leadership* (Washington, D.C., 1974) and David Binder, "U.S. Urged to Act on Human Rights," *New York Times*, March 28, 1974. For Fraser's verdict on the UN, see Donald M. Fraser,

- “Human Rights at the U.N.,” *The Nation*, September 21, 1974. The analyst memo was first cited in Patrick Breslin, “Human Rights: Rhetoric or Action?” *Washington Post*, February 17, 1977. See also Barbara Keys, “Kissinger, Congress, and the Origins of Human Rights Diplomacy,” *Diplomatic History* (forthcoming), which supersedes early literature like Howard Washawsky, “The Department of State and Human Rights Policy: A Case Study of the Human Rights Bureau,” *World Affairs* 142 (1980): 118–215.
57. Dorothy Fosdick, ed., *Henry M. Jackson and World Affairs: Selected Speeches, 1953–1983* (Seattle, 1990), 186, and the rest of Part V for his related speeches. Sakharov endorsed the Jackson-Vanik amendment in a letter to the U.S. Congress in late 1973, rpt. in *Sakharov Speaks*, 211–15.
58. The best background history of the cause of Soviet Jewry is Albert D. Chernin, “Making Soviet Jews an Issue: A History,” in Chernin and Murray Friedman, eds., *A Second Exodus: The American Movement to Free Soviet Jews* (Hanover, 1999). See also Yossi Klein Halevi, “Jacob Birnbaum and the Struggle for Soviet Jewry,” *Azure* (Spring 2004): 27–57. For Uppsala, Karal Vasak and Sidney Liskofsky, *The Right to Leave and to Return: Papers and Recommendations of the International Colloquium Held in Uppsala, Sweden, 19–20 June 1972* (New York, 1976); see also, e.g., Yoram Dinstein, “The International Human Rights of Soviet Jewry,” *Israel Yearbook on Human Rights* 2 (1972): 194–210. “The treatment of Soviet Jewry gradually became a human rights problem,” the movement’s historian Henry Feingold puts it, “but that was not precisely a change for the activists. It simply meant that their public relations would now be couched in broader terms.” Henry L. Feingold, “*Silent No More*”: *Saving the Jews of Russia, the American Jewish Effort, 1967–1989* (Syracuse, 2007), 200.
59. Daniel Patrick Moynihan, “The Politics of Human Rights,” *Commentary* 64, 2 (August 1977): 22; David E. Rosenbaum, “Democrats Back Call in Platform for Soviet Amity,” *New York Times*, June 14, 1976. True, it also mattered that Moynihan, a Jackson ally who served Gerald Ford as United Nations ambassador, discovered just before that human rights had become a third-worldist and antiracist language, not one protecting “liberty.” However, there is no evidence that this outraged discovery of anticolonialist uses of the language at the United Na-

- tions—uses which for him, were Soviet-driven and totalitarian—portended a grand new alternative American foreign policy lexicon. Moynihan, “The United States in Opposition,” *Commentary* 59, 3 (March 1975): 31–45; and Daniel Sargent, “From Internationalism to Globalism: The United States and the Transformation of International Politics in the 1970s” (Ph.D. diss., Harvard University, 2008), 454–77, for the best treatment. Cf. Barry Rubin, “Human Rights and the Equal Time Provision,” *Worldview* 23, 3 (March 1977): 27–28.
60. Elizabeth Drew, *American Journal: The Events of 1976* (New York, 1977), 291; cf. 296.
61. The minor exceptions were speeches before the B’nai Brith in September and at Notre Dame University in October. See the texts in *The Presidential Campaign 1976*, 3 vols. (Washington, 1978), 1: 709–14 and 993–98. Carter’s own later accounts naturally downplay the contingencies of his discovery of human rights. See Carter, “The American Road to Human Rights Policy,” in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (New York, 2000).
62. “Henry has come a hell of a long way on human rights in the last 18 months,” one American official put it, in a reflection on Kissinger’s remarkably bold claims of the importance of human rights as “the very essence of a meaningful life” in his June 1976 speech at the Organization of American States meeting in Santiago, Chile. See “A Harsh Warning on Human Rights,” *Time*, June 21, 1976. For Kissinger’s increasing invocations, see Hugh M. Arnold, “Henry Kissinger and Human Rights,” *Universal Human Rights* 2, 4 (1980): 57–71.
63. Gaddis Smith, *Morality, Reason, and Power: American Diplomacy in the Carter Years* (New York, 1986), 242.
64. See Arthur Schlesinger, “Human Rights and the American Tradition,” *Foreign Affairs* 57, 3 (1979), 514; James Reston, “The Sakharov Letter,” *New York Times*, February 20, 1977. Zbigniew Brzezinski claimed in his memoirs to have authored the crucial line, but I have seen no verification of this fact. Brzezinski, *Power and Principle: Memoirs of the National Security Adviser, 1977–1981* (New York, 1983), 125.
65. For Solzhenitsyn, interpreted as a reflection of the crisis of détente, see, e.g., Richard Steele, “What Price Détente?” *Newsweek*, July 28, 1977. For

- the Sakharov exchange, see Bernard Gwertzman, "Sakharov Sends Letter to Carter Urging Help on Rights in Soviet [Union]," *New York Times*, January 29, 1977; and Christopher S. Wren, "Sakharov Receives Carter Letter Affirming Commitment on Rights," *New York Times*, February 18, 1977. Cf. Anthony Lewis, "A Craving for Rights," *New York Times*, January 31, 1977. William Safire, "Rejected Counsel," *New York Times*, February 3, 1977.
66. One skeptic, commenting on "boom time for human rights," called Owen's tones "somewhat prim . . . reminiscent of an up-and-coming curate." Alan Watkins, "Awkward People Insist on Rights," *The Observer*, June 5, 1977. See also Patrick Keatley, "Owen Champions Human Rights," *The Guardian*, March 4, 1977; Richard Norton-Taylor, "Foreign Office Seeks Human Rights Policy," *The Guardian*, May 4, 1977; "Stand on Rights by Owen," *The Guardian*, October 11, 1977; David Owen, *Human Rights* (London, 1978).
67. Drew, "A Reporter at Large: Human Rights," *The New Yorker*, July 18, 1977; Carter, "Human Rights and Foreign Policy," in *Public Papers of the Presidents: Jimmy Carter, 1977*, 2 vols. (Washington, 1977-78); Cyrus Vance, "Human Rights and Foreign Policy," *Georgia Journal of International and Comparative Law* 7 (1977): 223-229; Cohen cited in Teltsch, "Human Rights Groups Are Riding a Wave of Popularity," *New York Times*, February 28, 1977. For comment, C. L. Sulzberger, "Where Do We Go Now?" *New York Times*, February 20, 1977 and Robert G. Kaiser, "Administration Still Groping to Define 'Human Rights,'" *Washington Post*, April 16, 1977. The *Boston Globe* ran a large special section ("The Carter Crusade for Human Rights," March 13, 1977), and *Time* followed suit ("The Push for Human Rights," June 20, 1977), while by summer numerous intellectual fora were debating the issue.
68. Chalidze, recognizing this risk in the Sakharov correspondence, immediately counseled evenhanded policy. See Chalidze, "Dealing with Human Rights on a Global Scale," *Washington Post*, February 23, 1977. Graham Hovey, "Carter Denies U.S. Singles Out Soviet in Rights Protests," *New York Times*, February 24, 1977. See also "Human Rights: Other Violators," *Time*, March 7, 1977; and Henry Fairlie, "'Desaparecidos,'" *The New Republic*, April 9, 1977. Cf. Breslin, "Human Rights," noting

- the paucity of public attention to the non-communist world by the same moment. Later this would shift palpably, even within the larger deemphasis of human rights by 1978. Compare the very illuminating study by Robert A. Strong, *Working in the World: Jimmy Carter and the Making of American Foreign Policy* (Baton Rouge, 2000), chap. 3, "A Tale of Two Letters: Human Rights, Sakharov, and Somoza."
69. Walter Laqueur, "The Issue of Human Rights," *Commentary*, May 1977; Noam Chomsky, "*Human Rights*" and *American Foreign Policy* (Nottingham, 1978), ix (dating), 67 (quotation). See also Chomsky and Edward Herman, "The United States versus Human Rights," *Monthly Review*, August 1977. Cf. Wm. F. Buckley, Jr., "Mr. Carter's Discovery of Human Rights," *National Review*, April 1, 1977.
70. Richard Steele, "The Limits of Morality," *Newsweek*, March 7, 1977; "The Soviets Hit Back on Human Rights," *Time*, March 14, 1977; Richard Steele, "Testing Carter," *Time*, April 11, 1977; David Binder, "Carter Said to See No Immediate Gains in Ties with Soviets," *New York Times*, June 26, 1977.
71. Christopher Whipple, "Human Rights: Carter Backs Off," *Newsweek*, October 10, 1977; Tracy Early, "A Campaign Quickly Canceled," and Patricia Derian, "A Commitment Sustained," both in *Worldview*, July-August 1978. See later Derian, "Human Rights and American Foreign Policy," *Universal Human Rights* 1, 1 (January 1979): 1-9.
72. Notre Dame president and Commission on Civil Rights member Theodore Hesburgh—who had represented the Vatican at the Tehran conference in 1968—suggested in 1971 Congressional testimony that, given the necessary socioeconomic basis of civil rights, "we are coming to a kind of watershed in this country in the matter of civil rights that might [better] be faced in terms of human rights." Cited in Hesburgh, "The Commission on Civil Rights—and Human Rights," *Review of Politics* 34, 3 (July 1972): 303. This style of argument, however, didn't define the meaning of human rights five years later. Cf. Hesburgh, *The Humane Imperative* (New Haven, 1974), chap. 3, "Human and Civil Rights." On social rights, cf. Cass Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need It More Than Ever* (New York, 2006), chap. 9.

73. Sean Wilentz, *The Age of Reagan, 1974–2008* (New York, 2008), chap. 3.
74. Ronald Steel, "Motherhood, Apple Pie, and Human Rights," *The New Republic*, June, 4, 1977.
75. Carter, "Human Rights," 1: 956; Drew, "A Reporter."
76. Václav Havel, "The Power of the Powerless," in *Open Letters: Selected Writings, 1965–1990* (New York, 1992), 127.
77. Havel's April 1968 intervention is "On the Theme of an Opposition," in *Open Letters*, esp. 31. Strangely, he remarked later in the summer of 1968 that it was right to replace Dubček with more conformist Gustáv Husák, for reasons that remain unclear. See John Keane, *Václav Havel: A Political Tragedy in Six Acts* (New York, 2000), 221.
78. Havel, *Disturbing the Peace: A Conversation with Karel Hvížďala*, trans. Paul Wilson (New York, 1990) 119–22; Havel, "Second Wind" (1976), in *Open Letters*, 8. On the repression that went by the name of "normalization," see Vladimir V. Kusin, *From Dubček to Charter 77: A Study of "Normalization" in Czechoslovakia, 1968–1978* (New York, 1978). Cf. Havel, "Letter to Dr. Husák," in *Open Letters* and, for sources, Alexandra Laignel-Lavastine, *Jan Patočka: l'esprit de la dissidence* (Paris, 1998); or Aviezer Tucker, *The Philosophy and Politics of Czech Dissidence* (Pittsburgh, 2000).
79. Havel, "The Power of the Powerless," in *Open Letters*, 202–3, 159, 165, 183.
80. *Ibid.*, 207–208. These themes are even more pronounced in Havel's "Politics and Conscience," from a few years later, also in *Open Letters*. I have substituted "totalitarianism" for Havel's usage of "post-totalitarianism."
81. *Ibid.*, 136, 188–89, 191. For good measure, Havel added: "The struggle for what is called 'legality' must constantly keep this legality in perspective against the background of life as it really is" (192).
82. Havel, "Power," 148, 152, 154, 164, 157, 152, 197; cf. 149. For Michnik, see "The New Evolutionism," *Survey* 22 (Summer/Autumn 1976), rpt. in Michnik, *Letters from Prison and Other Essays* (Berkeley, 1985). For Benda, see "The Parallel 'Polis,'" in H. Gordon Skilling and Paul Wilson, eds., *Civic Freedom in Central Europe: Voices from Czechoslovakia* (Basingstoke, 1991). For Hájek, see "Human Rights, Peaceful Coexistence, and Socialism," in Skilling, ed., *Charter 77 and Human Rights*

- in *Czechoslovakia* (London, 1981), 226; cf. Hájek, "The Human Rights Movement and Social Progress," in Keane, ed., *The Power of the Powerless: Citizens against the State in Central-Eastern Europe* (Armonk, 1985). On the Polish case, compare the similar analysis of David Ost, *Solidarity and the Politics of Antipolitics: Opposition and Reform in Poland since 1968* (Philadelphia, 1990).
83. Havel, "Power," 180–81, 161, 148. Jan Patočka, "What Charter 77 Is and What It Is Not," in Skilling, ed., *Charter 77*, 218.
84. Havel, "Power," 157, 162, 151, 205; George Konrád, *Antipolitics: An Essay* (New York, 1984), and Tony Judt, "The Dilemmas of Dissidence: The Politics of Opposition in East-Central Europe," *East European Politics and Society* 2, 2 (1988): 240.
85. On the peculiarities of Czech (as opposed to Slovak) Catholicism, see Benda, "Catholicism and Politics," in Keane, ed., *Power*; on Poland, see Jacques Rupnik, "Dissent in Poland, 1968–1978: The End of Revisionism and the Rebirth of Civil Society," in Rudolf L. Tökés, ed., *Opposition in Eastern Europe* (Baltimore, 1979), 90, 78–79; Michnik, *The Church and the Left*, ed. and trans. David Ost (Chicago, 1993). Fascinatingly, the Helsinki Accords were cited not just for human rights but because the constitutional revisions ran afoul of the treaty's affirmation of sovereignty in an era of anticolonialism. See *Dissent in Poland: Reports and Documents in Translation* (London, 1977), 15–17.
86. The link was forged already during the campaign, when Carter accepted the invitation of Notre Dame's Center for Civil Rights, founded in 1972 but with a new director, German law specialist Donald Kommers, in 1976, who resolved to move the center in the direction of international human rights thanks to a large Ford Foundation grant. As he explained to Theodore Hesburgh, Notre Dame's president (and high-profile Democrat nationally), "After more than thirty years of public debate in the United Nations and abroad, the subject of international concern with human right and its aims and purposes remains largely unfamiliar terrain on the frontier of thought. The search for its mainsprings as an ideological force has barely begun." When Carter swung through that October, he gave an informal talk to the Center and the law faculty, saying, "There are many things that we can do. And I believe that this Center here that shifts its goals from strictly domestic

- civil rights, which is still very important, to a broader concept of all human rights, and I hope this will be done expeditiously, and I'll help if I am elected President, can be a beacon to our own country and to the world for a constant reassessment of what can be done in a world that we acknowledge to be imperfect." Kommers then moved to organize a landmark conference on human rights in April 1977, which Carter then referenced the next month in his commencement speech. See Notre Dame Archives, UDIS 39/1–3. For Carter's public talk in October, see *The Presidential Campaign 1976*, 996. For the conference, see Donald P. Kommers and Gilbert D. Loescher, eds., *Human Rights and American Foreign Policy* (Notre Dame, 1979).
87. For other religious affiliations and survivals, one must mention theologian Jürgen Moltmann's liberationist affiliation with human rights; see Jan Milic Lochman and Jürgen Moltmann, eds., *Gottes Recht und Menschenrechte* (Neukirchen, 1976), in English as Allen O. Miller, ed., *A Christian Declaration of Human Rights* (Grand Rapids, 1977). Also notable in American and Britain were David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (New York, 1979) and Edward Norman, *Christianity and the World Order* (Oxford, 1979), chap. 3, "A New Commandment: Human Rights." Cf. Lowell Livezey, *Non-Governmental Organizations and the Ideas of Human Rights* (Princeton, 1988) for concrete Christian activism on the American scene.
88. See, e.g., Callum G. Brown, "The Secularisation Decade: What the 1960s Have Done to the Study of Religious History," in Hugh McLeod and Werner Usdorf, eds., *The Decline of Christendom in Western Europe, 1750–2000* (Cambridge, 2003) and McLeod, *The Religious Crisis of the 1960s* (New York, 2007).
89. For Czechoslovakia, Vladimir V. Kusin, "Challenge to Normalcy: Political Opposition in Czechoslovakia, 1968–1977," in Tökés, ed., *Opposition*, 44–51; for Eurocommunism more broadly, Tökés, ed., *Eurocommunism and Détente* (New York, 1978); Wolfgang Leonhard, *Eurocommunism: Challenge for East and West*, trans. Mark Vecchio (New York, 1978); Leszek Kołakowski, *Towards a Marxist Humanism: Essays on the Left Today*, trans. Jane Zielonko Peel (New York, 1968), 70–71; and "Marxism and Human Rights," *Daedalus* 112, 4 (Fall 1983): 81–92. Consider Ray-

- mond Taras, ed., *The Road to Disillusion: From Critical Marxism to Postcommunism in Eastern Europe* (Armonk, 1992).
90. Cf. Robert Horvath, "The Solzhenitsyn Effect: East European Dissidents and the Demise of the Revolutionary Privilege," *Human Rights Quarterly* 29 (2007): 879–907.
91. This account is based on Michael Scott Christofferson's *French Intellectuals against the Left: The Antitotalitarian Moment of the 1970s* (New York, 2004), chap. 4. Besides media coverage, see Tania Mathon and Jean-Jacques Marie, eds., *L'affaire Pliouchtch* (Paris, 1976); *The Case of Leonid Plyushch*, trans. Marite Spiets et al. (Boulder, 1976); and his later memoirs, which appeared in 1977 in France and 1979 in the United States. Though he testified before the U.S. Congress in 1976, where leftist excitement about dissent had been far more minor, Plyushch struck a high-profile in France for obvious reasons. Compare, e.g., Roy Medvedev et al., *Détente and Socialist Democracy* (London, 1975), and his critique of the liberalization of dissent included in the *Newsweek* dossier, Fred Coleman, "Loyal Opposition," *Newsweek*, June 20, 1977.
92. See André Glucksmann, "Le Marxisme rend sourd," *Le Nouvel Observateur*, March 4, 1974; *La cuisinière et le mangeur d'hommes* (Paris, 1975); and *Les maîtres-penseurs* (Paris, 1977). Bernard-Henri Lévy, "Le vrai crime de Soljenitsyne," *Le Nouvel Observateur*, June 30, 1975; Lévy, *Barbarism with a Human Face*, trans. George Holloch (1977; New York, 1979), 197.
93. See Arnaud de Borchgrave, "Giscard Speaks Out," *Newsweek*, July 25, 1977. Andrei Amalrik was rebuffed in European capitals simultaneously with Bukovsky's welcome in America. See Craig R. Whitney, "Carter Rights Stánd Worries Europe," *New York Times*, March 5, 1977 and Hella Pick, "Europe Wants Cooler Carter," *The Guardian*, March 9, 1977.
94. Julia Kristeva, "Un nouveau type d'intellectuel: le dissident," *Tel Quel* 74 (Winter 1977): 3–8; Dominique Lecourt, *Dissidence ou révolution* (Paris, 1978); Marcel Gauchet, "Les droits de l'homme ne sont pas une politique," *Le Débat* 3 (July–August 1980): 3.
95. Milan Simecka, "A World with Utopias or Without Them," in Peter Alexander and Roger Gill, eds., *Utopias* (London, 1984), 175, cited in Henri Vogt, *Between Utopia and Disillusionment: A Narrative of Political Transformation in Eastern Europe* (New York, 2005), 77.

96. "Doing without Utopias: An Interview with Václav Havel," *Times Literary Supplement*, January 23, 1987. Cf. Kołakowski, "The Death of Utopia Reconsidered" (1982), in *Modernity on Endless Trial* (Chicago, 1997).
97. See Laber, *Courage*, for a narrative of the origins; for Aryeh Neier's belated move into the human rights movement, see his memoir, *Taking Liberties: Four Decades in the Struggle for Rights* (New York, 2003), in which there is little reflection on the historical conditions for his switch from domestic to international rights. On the Ford Foundation, see Korey, *Taking on the World's Repressive Regimes: The Ford Foundation's International Human Rights Policies and Practices* (New York, 2007).
98. See analyses by those involved in governmental human rights in the 1970s in Peter G. Brown and Douglas MacLean, *Human Rights and U.S. Foreign Policy* (Lexington, 1979); as well as policy planning staffer Sandy Vogelgesang, "What Price Principle? U.S. Policy on Human Rights," *Foreign Affairs* 56, 4 (July 1978): 819–41 and Vogelgesang, *American Dream, Global Nightmare: The Dilemmas of U.S. Human Rights Policy* (New York, 1980). See also Natalie Kaufman Hevener, ed., *The Dynamics of Human Rights in U.S. Foreign Policy* (New Brunswick, 1981); and since, in an endless literature, Joshua Muravchik, *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (New York, 1986). Irving Kristol, "The 'Human Rights' Muddle," *Wall Street Journal*, March 20, 1978.
99. The Indonesian case thus must be read in a moment when human rights were *new*, while optics favoring self-determination which had been so influential even in the West were failing. See Bradley Simpson's pioneering "Denying the 'First Right': The United States, Indonesia, and the Ranking of Human Rights by the Carter Administration, 1976–1980," *International History Review* 31, 4 (December 2009): 788–826. For a similar indictment of Carter's subordination of human rights to Cold War imperatives, see Kenton Clymer, "Jimmy Carter, Human Rights, and Cambodia," *Diplomatic History* 27, 2 (April 2003): 245–78. Håkan Thörn, *Anti-Apartheid and the Emergence of a Global Civil Society* (New York, 2006), chap. 7.
100. See Fox Butterfield, "Peking's Poster Warriors Are Not Just Paper Tigers," *New York Times*, November 26, 1978. But attention to China, and indigenous human rights resistance, were by and large a later develop-

- ments. See Rosemary Foot, *Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China* (New York, 2000). For Milk's invocations, see, e.g., *The Times of Harvey Milk*, dir. Rob Epstein (1984); for a name change, see "Battle over Gay Rights," *Newsweek*, June 6, 1977.
101. Sakharov, "The Human Rights Movement in the USSR and Eastern Europe: Its Goals, Significance, and Difficulties," *Dialogue*, January 1979, rpt. in Alexander Babyonyshev, ed., *On Sakharov* (New York, 1982), 259. Jerome J. Shestack, "Sisyphus Endures: The International Human Rights NGO," *New York Law School Law Review* 24, 1 (1978): 89.

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1. Paul W. Kahn, *Sacred Violence: Torture, Terror and Sovereignty* (Ann Arbor, 2008), 49.
2. Consider, e.g., Jack Goldsmith and Eric Posner, *The Limits of International Law* (Oxford, 2005); Oona Hathaway, "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111, 8 (June 2002): 1870–2042; and Richard Burchill, "International Human Rights Law: Struggling between Apology and Utopia," in Alice Bullard, ed., *Human Rights in Crisis* (New York, 2008).
3. Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (1989; Cambridge, 2005); and *The Gentle Civilizer of Nations: The Rise and Fall of International Law* (Cambridge, 2002). I adopt the framework of these classics, while departing very substantially from Koskenniemi's reading of American international law in the postwar era.
4. Reva Siegel, "The Jurisgenerative Role of Social Movements in U.S. Constitutional History," *Seminario en Latino América de Teoría Constitucional y Política*, 2004.
5. See, for example, William B. Ziff, *The Gentlemen Talk of Peace* (New York, 1944). Hans Kelsen, *Law and Peace in International Relations* (Oliver Wendell Holmes Lecture, 1940–41) (Cambridge, Mass., 1942); and Kelsen, *Peace through Law* (Chapel Hill, 1944).
6. See "Future of International Law," *Transactions of the Grotius Society* 27 (1941): 289–312; Carnegie Endowment, *The International Law of the*

how this connection and appointment occurred; unlike Schwelb and Sohn, Henkin did not participate in Cassin's 1969 *Festschrift*); U.S. House of Representatives, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy* (Washington, 1974), 355, 357. The casebook is Sohn and Buergenthal, *International Protection of Human Rights* (Indianapolis, 1973); compare Sohn and Buergenthal, *Basic Documents on International Protection of Human Rights* (Indianapolis, 1973). A couple of years earlier, Ian Brownlie had collected the first edition of his *Basic Documents on Human Rights* (Oxford, 1971); a bit later, see Richard B. Lillich and Frank B. Newman, *International Human Rights: Problems of Law and Policy* (Boston, 1979) and the New Haven school's answer, McDougal, Lasswell, and Lung-Chu Chen, *Human Rights and World Public Order: The Basic Policies of an International Law of Human Dignity* (New Haven, 1980).

47. The draft papers of the McGill conference, which I have from the Moses Moskowitz Papers, White Plains, New York, are in my possession; another version appears as Henkin, "The United States and the Crisis in Human Rights," *Virginia Journal of International Law* 14, 4 (1973-74): 653-71.
48. Henkin, "The Internationalization of Human Rights," *Proceedings of the General Education Seminar*, 6, 1 (1977): 1-16; Alice H. Henkin, ed., *Human Dignity: The Internationalization of Human Rights* (New York, 1978); Louis Henkin, "Human Rights: Reappraisal and Readjustment," in David Sidorsky, ed., *Essays on Human Rights: Contemporary Issues and Jewish Perspectives* (New York, 1979), 86, an essay which in general provides the best barometric reading of change in Henkin's outlook. See also his response to the Helsinki process, "Human Rights and 'Domestic Jurisdiction,'" in Buergenthal, ed., *Human Rights, International Law, and the Helsinki Accords* (Montclair, 1977). Humphrey, "The Implementation of International Human Rights Law," and esp. Schachter, "International Law Implications of U.S. Human Rights Policies," in *New York Law School Law Review* 24 (1978-79): 31-61, 63-87.
49. Henkin, *The Rights of Man Today* (Boulder, 1978).
50. "The Case for U.S. Ratification," *New York Times*, April 1, 1977. Inci-

dentally, Henkin's letter includes the first use of the phrase "international human rights movement" in the history of the newspaper.

51. See Schwelb, "The Teaching of the International Aspects of Human Rights," *Proceedings of the American Society of International Law* 65 (1971): 242-46. UNESCO had entered the field in 1973, with its support of the Cassin institute's Karal Vasak, ed., *Human Rights Studies in Universities* (1973), also available in *Revue des droits de l'homme* 6, 2 (1973). Then, in 1978, it held a major conference on human rights education—the first focusing on the project of pedagogy—in Vienna and, two years later, the major American event took place at New York University's law school, supported by the Rockefeller Foundation. See UNESCO, *The Teaching of Human Rights: Proceedings of the International Congress of the Teaching of Human Rights* (Vienna, 1980) and Theodor Meron, "A Report on the N.Y.U. Conference on Teaching International Protection of Human Rights," *New York University Journal of International Law and Policy* 13, 4 (Spring 1981): 881-960; and also the landmark collection that Meron edited shortly after based on the conference, *Human Rights and International Law: Legal and Policy Issues* (New York, 1984), which includes teaching guides and syllabi on different topics by leaders in the field.
52. See Henkin, ed., *The International Bill of Rights: The Covenant on Civil and Political Rights* (New York, 1981); and Henkin, "International Law: Politics, Values and Functions," *Recueil des cours* 216 (1989), Part I, balancing a critique of the "mythology" of sovereignty with the building blocks of states.
53. Theodor Meron, *Human Rights and Humanitarian Norms as Customary Law* (Oxford, 1989), 99.
54. Antonio Cassese, "The Helsinki Declaration and Self-Determination," in Buergenthal, ed., *Human Rights, International Law, and the Helsinki Accords*.

Epilogue

1. See Rex Martin and James W. Nickel, "A Bibliography on the Nature and Foundations of Rights, 1947-1977," *Political Theory* 6, 3 (August

- 1978): 395–413. By far the most interesting and significant philosophical engagements in the postwar era through the 1970s are to be found in Institut International de Philosophie, *Le Fondement des droits de l'homme* (Florence, 1966), with contributions from a number of European luminaries as well as American Richard McKeon.
2. Cranston's best known position was the critique of social and economic rights. See Maurice Cranston, *Human Rights To-day* (London, 1955, 1962), entitled in the American edition (and the new third British edition), *What Are Human Rights?* (New York, 1962; London, 1973). See also his "Pope John XXIII on Peace and Human Rights," *Political Quarterly* 34, 4 (October 1963): 380–90; and his roles in D. D. Raphael, ed., *Political Theory and the Rights of Man* (Bloomington, 1967); and headlining the *Daedalus* special issue 112, 4 (Fall 1983).
 3. From the editor's introduction to J. Roland Pennock and John W. Chapman, eds., *Human Rights: Nomos XXIII* (New York, 1981), vii. See also Stephen R. Graubard's preface to the *Daedalus* special issue: "Is the term 'human rights' simply a late twentieth century equivalent for the eighteenth century concept of the 'rights of man'? If so, why was the earlier formulation ever abandoned?" (v).
 4. See, e.g., Walter Laqueur and Barry Rubin, eds., *The Human Rights Reader* (New York, 1979).
 5. Ronald Dworkin, "Human Rights," in *Human Rights: A Symposium, Proceedings of the General Education Seminar* 6, 1 (Fall 1977): 40–51.
 6. Compare the paper originally presented at a conference on decision theory at Schloss Reinsburg in Germany in June 1976 and first published as T. M. Scanlon, "Rights, Goals, and Fairness," *Erkenntnis* 11, 1 (May 1977): 81–95 with Scanlon, "Human Rights as a Neutral Concern," in Peter Brown and Douglas Maclean, eds., *Human Rights and U.S. Foreign Policy* (Lexington, 1979), a hiatus which clearly reflects the intervening explosion. Both are rpt. in Scanlon, *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge, 2003).
 7. See, e.g., Hans J. Morgenthau, "Human Rights and Foreign Policy," Distinguished Council of Religion and International Affairs Lecture on Morality and Foreign Policy (New York, 1979) and Raymond Aron, "The Politics of Human Rights," in Myres S. McDougal and W. Michael

- Reisman, eds., *Power and Policy in Quest of Law: Essays in Honor of Eugene Victor Rostow* (Dordrecht, 1985).
8. For an apt prediction as Reagan was about to come to power, see Ronald Steel, "Are Human Rights Passé?" *The New Republic*, December 27, 1980.
 9. Nicolas Guilhot, *The Democracy Makers: Human Rights and the Policy of Global Order* (New York, 2005); Guilhot, "Limiting Sovereignty or Producing Governmentality: Two Human Rights Regimes in U.S. Political Discourse," *Constellations* 15, 4 (2008): 502–16.
 10. Some examples to ponder are Jacques Rancière, "Who Is the Subject of the Rights of Man?" *South Atlantic Quarterly* 103, 2/3 (Spring/Summer 2004): 297–310; Slavoj Žižek, "Against Human Rights," *New Left Review* 34 (July–August 2005): 115–31; and Alain Supiot, *Homo Juridicus: On the Anthropological Function of Law*, trans. Saskia Brown (New York, 2007), chap. 6.
 11. See, for example, Mitchel Lasser, *Judicial Revolutions: The Rights Revolution in the Courts of Europe* (New York, 2009).
 12. Compare Bradley R. Simpson, "Denying the 'First Right': The United States, Indonesia, and the Ranking of Human Rights by the Carter Administration, 1976–1980," *International History Review* 31, 4 (December 2009): 788–826 on how Indonesian activists were educated to speak human rights, to Sally Engle Merry's work on translation of claims, including Mark Goodale and Merry, eds., *The Practice of Human Rights: Tracking Law between the Global and the Local* (New York, 2007).
 13. For contending presentations of the lived experience and moral significance of human rights work in the field, see James Dawes, *That the World May Know: Bearing Witness to Atrocity* (Cambridge, Mass., 2007); and David Kennedy, *The Rights of Spring* (Princeton, 2009).
 14. See, e.g., Thomas M. Franck and Nigel S. Rodley, "The Law, the United Nations, and Bangla Desh," *Israel Yearbook for Human Rights* 2 (1972): 142–75 and "After Bangladesh: The Law of Humanitarian Intervention by Military Force," *American Journal of International Law* 67 (1973): 275–305; Richard B. Lillich, ed., *Humanitarian Intervention and the United Nations* (Charlottesville, 1973).
 15. For sociological theses that show the need for much more historical re-

- search, see Daniel Levy and Natan Sznaider, *The Holocaust and Memory in Global Age*, trans. Assenka Oksiloff (Philadelphia, 2005); compare Jeffrey Alexander, *Remembering the Holocaust: A Debate* (New York, 2009).
16. See Samantha Power, "A Problem from Hell": *America and the Age of Genocide* (New York, 2002), for a vivid presentation that fails to reflect on the very recent conditions for the possibility of its own moral position and energy.
 17. In legal doctrine, as well, the once secure border between old, so-called humanitarian law and new human rights law seriously eroded; see, e.g., Theodor Meron, "The Humanization of Humanitarian Law," *American Journal of International Law* 94, 2 (April 2000): 239–289 and *The Humanization of International Law* (Dordrecht, 2006).
 18. The phrase is from Kennedy, "The International Human Rights Movement: Part of the Problem?" *Harvard Human Rights Journal* 15 (2002): 101–26, esp. 108–9, rpt. as *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton, 2004), chap. 1.
 19. Paige Arthur, "How 'Transitions' Reshaped Human Rights," *Human Rights Quarterly* 31, 2 (May 2009): 321–67.
 20. See Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York, 2005), xxix–xxxii.
 21. See, e.g., Catharine MacKinnon, *Are Women Human? And Other International Dialogues* (Cambridge, Mass., 2006).
 22. See, e.g., Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements, and Third-World Resistance* (New York, 2003) and Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties* (New York, 2008).
 23. In a huge literature, see, e.g., Nira Wickramasinghe, "From Human Rights to Good Governance," in Mortimer Sellers, ed., *The New World Order: Sovereignty, Human Rights, and the Self-Determination of Peoples* (Oxford, 1996); Paul F. Diehl, *The Politics of Global Governance: International Organizations in an Interdependent World* (Boulder, 1997); the journal *Global Governance* began to appear in 1995.
 24. Kéba M'Baye, "Le droit au développement comme un droit de l'homme," *Revue des droits de l'homme* 5 (1972): 505–34; U.N. Gen. Ass. Res. 41/128 (December 4, 1986); and René-Jean Dupuy, ed., *Le droit au*

- développement au plan international* (Alphen aan den Rijn, 1980); compare Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Bloomington, 2008), chap. 9.
25. In light of the post-9/11 war on terror and integrated with a new notion of "human security," see Mary Robinson, "Connecting Human Rights, Human Development, and Human Security," in Richard Ashby Wilson, ed., *Human Rights in the "War on Terror"* (Cambridge, 2005).
 26. The leading legal doctrinalist is clearly Philip Alston, who has pursued the topic since the late 1970s; more recently, philosophers, with Thomas Pogge in the lead, have crafted arguments for "poverty as a human rights violation." See Alston, "The Right to Development at the International Level," in Dupuy, ed., *Le droit*, rpt. in Frederick E. Snyder and Surakiart Sathirathai, eds., *Third World Attitudes towards International Law* (Dordrecht, 1987); "Making Space for New Human Rights: The Case of the Right to Development," *Harvard Human Rights Yearbook* 1 (1988): 1–38; and later Alston and Mary Robinson, eds., *Human Rights and Development: Toward Mutual Reinforcement* (Oxford, 2005); compare Jack Donnelly, "The 'Right to Development': How Not to Link Human Rights and Development," in Claude E. Welch, Jr. and Roland I. Meltzer, eds., *Human Rights and Development in Africa* (Albany, 1984). Thomas Pogge, ed., *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (Oxford, 2007).
 27. Willem van Genugten and Camilo Perez-Bustillo, *The Poverty of Rights: Human Rights and the Eradication of Poverty* (London, 2001).
 28. These comments are to be found in Harvard Human Rights Program, *Religion and State: An Interdisciplinary Roundtable Discussion Held in Vouliagmeni, Greece, October 1999* (Cambridge, Mass., 2004), 52.