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Beyond the Quest for a “Breakthrough”: Reflections on the Recent Historiography on Human Rights

Abstract: *Human rights have become a central object of international and global history, with research focusing on the question where the origins of the central position of human rights language in our own time lie. The aim of this article is to take stock of this debate and discuss possible future avenues of research. The existing literature has shown, the article argues, that the 1970s were a crucial time for the rise of human rights, but it also warns against declaring this decade or any other time the definite breakthrough for human rights. Underlining how human rights have always been influenced by their past, discussing how tenuous the international position of human rights remains well into our own time and exposing different meanings human rights acquired historically, the article concludes that the identification of multiple chronologies of post-war human rights history and a focus on the great variety of human rights vernaculars provide more promising avenues along which to push this project ahead than the quest for an elusive human rights breakthrough.*

“Human rights are the *doxa* of our time”, Stefan-Ludwig Hoffmann observes, “belonging among those convictions of our society that are tacitly presumed to be self-evident truths and that define the space of the conceivable and utterable”.¹ How and when did human rights acquire this position? In response to this question, an exceptionally dynamic field of historical research has emerged. “Once at the margins, human rights and its historiography are at the intellectual vanguard of international and diplomatic history”, as Mark Bradley writes.²

This emergent literature on human rights differs from previous accounts in its consistently historical approach, a point which no one has made more forcefully than Samuel Moyn in his marvellously iconoclastic book *The Last Utopia*. Most existing accounts of the history of human rights, he argued, are beholden to what Marc Bloch famously called the “idol of origins”: the false assumption that historical explanation consists in identifying the origins of a historical phenomenon in order to then record its journey through time. Proponents of this approach, Bloch

¹ Stefan-Ludwig Hoffmann: Introduction. *Genealogies of Human Rights*, in: id. (ed.): *Human Rights in the Twentieth Century*. Cambridge 2011, 1–28, esp. 1.

² Mark Philip Bradley: *American Vernaculars. The United States and the Global Human Rights Imagination*, in: *Diplomatic History* 38, no. 1 (2014), 1–21, esp. 3.

noted, do not see “that, to the great despair of historians, men fail to change their vocabulary every time they change their customs”. Medieval society may have used the Roman term “beneficium” and the Germanic term “fief”, but this does not mean that the origins of feudalism lie in Roman or Germanic times, for the people of the middle ages gave these terms a wholly new significance. A “historical phenomenon can”, therefore, “never be understood apart from its moment in time”.³

In seeking to explain why human rights have become such a prominent idea in our own times, the new historiography of human rights thus does not look for deep origins, but asks instead why more recent historical actors have found this idea useful for their political purposes, desires or problems and how its meanings may have changed in the process.⁴ Whereas some historians have focused on the late 1940s as a time when the current meaning of human rights crystallised,⁵ the bulk of the literature has zeroed in on an even more recent period: the 1970s. It was only during this time, a growing number of scholars believe, that human rights came to be seen as a norm that could trump national sovereignty, and it was also only in this decade that human rights came to spur transnational movements.⁶

3 Marc Bloch: *The Historian's Craft*. Manchester 1954, 28–29. For Samuel Moyn's quoting Bloch and his critique of the existing literature, see *The Last Utopia. Human Rights in History*. Cambridge, MA 2010, ch. 1 and 311; the books he criticises in particular are Micheline Ishay: *The History of Human Rights. From Ancient Times to the Globalization Era*. Berkeley, CA 2004; Paul Gordon Lauren: *The Evolution of International Human Rights. Visions Seen*. Philadelphia 1998; for assessments of this work similar to Moyn's, see Devin O. Pendas: *Toward a New Politics? On the Recent Historiography of Human Rights*, in: *Contemporary European History* 21, no. 1 (2012), 95–111, esp. 97–98; Philip Alston: *Does the Past Matter? On the Origins of Human Rights*, in: *Harvard Law Review* 126, no. 7 (2013), 2043–2081, esp. 2063–2064.

4 An exception is Lynn Hunt's *Inventing Human Rights. A History*. New York 2007. But though Hunt traces the Universal Declaration of Human Rights back to the French revolution, her analysis of the origins of human rights in eighteenth century cultural practices represents a “Blochian” approach to human rights history nevertheless.

5 Mary Ann Glendon: *A World Made New. Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York 2001; Elizabeth Borgwardt: *A New Deal for the World. America's Vision for Human Rights*. Cambridge, MA 2005.

6 Hoffmann, Introduction, 13–25; for a focus on the 1970s, see Moyn, *Utopia*; Jan Eckel and Samuel Moyn (eds.): *The Breakthrough. Human Rights in the 1970s*. Philadelphia 2013; for review articles, see Pendas, *Politics*; Alston, *Past*; for broad surveys of the literature, see Kenneth Cmiel: *The Recent History of Human Rights*, in: *American Historical Review* 109, no. 1 (2004), 117–135; Jan Eckel: *Utopie der Moral, Kalkül der Macht. Menschenrechte in der globalen Politik seit 1945*, in: *Archiv für Sozialgeschichte* 49 (2009), 437–484; Annette Weinke: *Vom “Nie wieder” zur diskursiven Ressource. Menschenrechte als Strukturprinzip internationaler Politik seit 1945*, in: Norbert Frei and ead. (eds.): *Toward a New Moral World Order? Menschenrechtspolitik und Völkerrecht seit*

Unsurprisingly, this interpretation has not remained without critics. Most importantly, studies of 1960s human rights discourses in the “global South” and at the UN have focused on the relationship between human rights and the anti-colonial struggle, thus questioning an interpretation of the 1970s as the “big bang” of human rights history. Some of them, most notably Steven Jensen, have taken this criticism a step further. Not only did 1970s discourses have deeper roots than is sometimes acknowledged, he writes, but human rights’ actual “breakthrough” had already occurred in the previous decade.⁷

Given how rapidly interest in the history of human rights has evolved, my first aim in this essay is to take stock. The “Blochian” approach to human rights history, I will argue, has spurred an extraordinarily productive array of research, creating an international community of scholars who propose innovative explanations for a crucial process of contemporary history. These scholars, I believe, convincingly show that the 1970s were not merely the next step in a gradual rise of human rights, but that developments peculiar to this decade played a central role in turning human rights into the global norm they are today. But does this research show that the “breakthrough” to our current system of human rights happened in the 1970s? Or do we have to look elsewhere? My second aim is not to answer these questions. Rather, I want to argue that the very quest for such a “breakthrough” may be misguided. Research on the 1970s, to be sure, has shown how human rights gained unprecedented international prominence, but it has also exposed something more fundamental: the historicity of human rights, i.e. the contingent, at times almost accidental nature of their emergence, their enormous malleability and adaptability, the tenuousness of their position both before and after the 1970s. But if this is the case, contemporary meanings of human rights were not simply handed down to us from the 1970s or from any other “breakthrough moment”. They remain “the unpredictable results of political contestations”.⁸

My argument in this essay, therefore, is that it may be important to move beyond a debate over the “roots” or “breakthrough” of human rights, a debate which at times borders dangerously on doing what we set out to avoid: the creation of a new “idol of origins”. Human rights history derives its strength precisely from its consistently historical approach. By looking for a breakthrough moment or decade, cutting it off from previous developments and collapsing the following forty

1945. Göttingen 2013, 12–39; for additional important collections of essays, see Akira Iriye, Petra Goedde and William I. Hitchcock (eds.): *The Human Rights Revolution. An International History*. Oxford 2012; Frei and Weinke, *Order*.

7 Steven L.B. Jensen: *The Making of International Human Rights. The 1960s, Decolonization and the Reconstruction of Global Values*. Cambridge, forthcoming.

8 Hoffmann, Introduction, 4.

years into them, we are in danger of undermining what propels the exciting new project of human rights historiography. Jan Eckel's identification of multiple chronologies of post-war human rights history and Mark Bradley's focus on the great variety human rights vernaculars provide more promising avenues along which to push this project ahead.⁹

The 1970s and the History of Human Rights

The scholar who has argued most forcefully for the 1970s as the crucial decade for the contemporary history of human rights is Samuel Moyn.¹⁰ The continuity between contemporary "rights talk" and previous ideas about rights, even those enshrined in the Universal Declaration of Human Rights (UDHR), his provocative thesis contends, is terminological at best. Current understandings of human rights are rooted not in post-war responses to the Holocaust, but in ideological changes of the 1970s, notably the collapse of modernity's more grandiose schemes of social transformation and revolutionary change. During this decade, social activists discovered human rights as a "minimalist, hardy utopia that could survive in a harsh climate" of ideological disillusionment. They promised to be a fresh source of political idealism, a new path to improving the world, but one whose focus on the liberty and well-being of individuals avoided the violent pitfalls into which other such paths had led. In the process, human rights were transformed "beyond recognition", primarily by being dissociated from questions of sovereignty and self-determination. There are no deep roots of contemporary human rights in Moyn's view, which holds that they originated in processes that occurred just over a generation ago.¹¹

There is no doubt that Moyn zeroed in on a crucial decade for the history of human rights. Amnesty International's rise from near-bankruptcy in the late 1960s to Nobel Peace Prize fame in 1977;¹² the use of human rights language by oppo-

⁹ Jan Eckel: *Die Ambivalenz des Guten. Menschenrechte in der internationalen Politik seit den 1940ern*. Göttingen 2014; Mark Philip Bradley: *The United States and the Global Human Rights Imagination*. Cambridge, forthcoming.

¹⁰ Moyn, *Utopia*.

¹¹ *Ibid.*, 42 and 121. Compare, however, Moyn's most recent statement in his *Christian Human Rights*. Philadelphia 2015, 5.

¹² Eckel, *Ambivalenz*, 347–435; Stephen Hopgood: *Keepers of the Flame. Understanding Amnesty International*. Ithaca, NY 2006; Tom Buchanan: "The Truth Will Set You Free". The Making of Amnesty International, in: *Journal of Contemporary History* 37, no. 4 (2002), 575–597.

nents of repressive regimes in Latin America or the Soviet bloc;¹³ the transformation of UN institutions, particularly in response to the Chilean coup of 1973, into mechanisms monitoring the human rights compliance of UN member states;¹⁴ the creation of an East-West forum for human rights with the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) in 1975;¹⁵ Jimmy Carter’s pledge to turn human rights into the cornerstone of US foreign policy;¹⁶ French leftist intellectuals’ celebration of Soviet bloc dissidents¹⁷ – these events are just the best-known indicators of a sudden explosion of interest in human rights during the 1970s.

13 On Latin America, see Patrick William Kelly: *Sovereignty and Salvation. Transnational Human Rights Activism in the Americas in the Long 1970s* (PhD thesis, University of Chicago, 2015); Vania Markarian: *Left in Transformation. Uruguayan Exiles and the Latin American Human Rights Networks, 1967–1984*. New York 2005; for the Soviet bloc, see Benjamin Nathans: The Disenchantment of Socialism. Soviet Dissidents, Human Rights, and the New Global Morality, in: Eckel and Moyn, *Breakthrough*, 33–48; Michal Kopeček: Human Rights Facing a National Past. Dissident “Civic Patriotism” and the Return of History in East Central Europe, 1968–1989, in: *Geschichte und Gesellschaft* 38, no. 4 (2012), 573–602; Robert Brier: Broadening the Cultural History of the Cold War. The Polish Workers Defense Committee and the Rise of Human Rights, in: *Journal of Cold War Studies* 15, no. 4 (2013), 104–127.

14 Patrick James Flood: *The Effectiveness of UN Human Rights Institutions*. Westport, CT 1998, 82–100; Jan Eckel: “Under a Magnifying Glass”. The International Human Rights Campaign Against Chile in the Seventies, in: Hoffmann, *Human Rights*, 321–342.

15 For excellent recent studies of the Helsinki process, see Sarah B. Snyder: *Human Rights Activism and the End of the Cold War. A Transnational History of the Helsinki Network*. Cambridge 2011; Helmut Altrichter and Hermann Wentker (eds.): *Der KSZE-Prozess. Vom Kalten Krieg zu einem neuen Europa 1975 bis 1990, Zeitgeschichte im Gespräch*. München 2012; Hermann Wentker and Matthias Peter (eds.): *Die KSZE im Ost-West-Konflikt. Internationale Politik und gesellschaftliche Transformation 1975–1990*. München 2012; Yuliya von Saal: *KSZE-Prozess und Perestroika in der Sowjetunion. Demokratisierung, Werteumbruch und Auflösung 1985–1991*. München 2014.

16 For accounts of the emergence of Carter’s focus on human rights, see Vanessa Walker: *Ambivalent Allies. Advocates, Diplomats, and the Struggle for an “American” Human Rights Policy* (PhD thesis, University of Wisconsin-Madison, 2011); David F. Schmitz and ead.: Jimmy Carter and the Foreign Policy of Human Rights. The Development of a Post-Cold War Foreign Policy, in: *Diplomatic History* 28, no. 1 (2004), 113–144; Jan Eckel: Schwierige Erneuerung. Die Menschenrechtspolitik Jimmy Carters und der Wandel der Außenpolitik in den 1970ern, in: *Geschichte in Wissenschaft und Unterricht* 66, no. 1–2 (2015), 7–24; for a powerful interpretation of the US human rights revolution of the 1970s, see Barbara Keys: *Reclaiming American Virtue. The Human Rights Revolution of the 1970s*. Cambridge, MA 2014; for an in depth account of US human rights policies in the crucial Latin American region, see William Michael Schmidli: *The Fate of Freedom Elsewhere. Human Rights and U.S. Cold War Policy toward Argentina*. Ithaca, NY 2013.

17 Robert Horvath: “The Solzhenitsyn Effect”. East European Dissidents and the Demise of the Revolutionary Privilege, in: *Human Rights Quarterly* 29 (2007), 879–907.

Many authors would probably contend that Moyn's focus on intellectual history is too narrow to fully explain this sudden upsurge in human rights-related activities, but many would probably also agree that a crucial factor was that human rights promised moral and political answers where other systems of thought had failed. An important part in the life stories of many Soviet or Central European dissidents entailed, as Ben Nathans has shown, a moment when they first discerned the lies of the official, collectivist ideology and turned to the defence of individual dignity and rights instead.¹⁸ The human rights practices that emerged in and around Latin America in the 1970s, Patrick W. Kelly argues in his impressive multinational study, entailed a shift from a politics of revolution to a "politics of salvation", a minimalist programme of "shin[ing] a spotlight on the rights not to be tortured or disappeared, one victim at a time – what one author called 'salvation in small steps'".¹⁹ In her powerful interpretation of how human rights entered US political discourses, Barbara Keys demonstrates that both conservative and liberal US Democrats seized on human rights language to revitalise American virtue after the disgrace of Watergate and Vietnam.²⁰ The French Left, finally, portrayed its newfound enthusiasm for dissidents as a collective "exorcism" of Marxist ideas.²¹

As these diverse actors began invoking human rights, the meaning of the term changed. The UDHR had explicitly not been meant to create mechanisms to enforce human rights against the will of sovereign governments.²² European colonial powers, meanwhile, argued that different levels of economic development merited different applications of human rights. The decolonisation processes of the 1950s and 1960s challenged this view, but tied human rights to questions of collective self-determination.²³ This changed in the 1970s. The work of Amnesty

18 Nathans, *Disenchantment*. One of Poland's main dissidents, Jacek Kuroń, tellingly titled his autobiography "Faith and Guilt [wina, Schuld]: To Communism and Back". Jacek Kuroni: *Wiara i wina. Do i od komunizmu*. Wrocław 1995; cf. also the title of the German translation *Glaube und Schuld. Einmal Kommunismus und zurück*. Berlin 1991.

19 Kelly, *Sovereignty*; Markarian, *Left*.

20 Keys, *Virtue*; Schmitz and Walker, *Carter*.

21 Michael Scott Christofferson: *French Intellectuals Against the Left. The Antitotalitarian Moment of the 1970s*. New York 2004; Sunil Khilnani: *Arguing Revolution. The Intellectual Left in Postwar France*. New Haven, CT 1993.

22 Mel James: *The Country Mechanisms of the United Nations Commission on Human Rights*, in: Yael Danieli, Elsa Stamatopoulou and Clarence J. Dias (eds.): *The Universal Declaration of Human Rights. Fifty Years and Beyond*. Amityville, NY 1999, 75–84, esp. 75; Thomas G. Weiss, David P. Forsythe and Roger A. Coate: *The United Nations and Changing World Politics*. Boulder, CO 2001, 180.

23 Eckel, *Ambivalenz*, 260–339. On this topic, see also below. For the complicated relations between the struggle for human rights and for sovereignty in the thought and activism of Jewish

International and Helsinki Watch, the appeals of Soviet bloc dissidents and Latin American activists, the resolutions and agreements of the UN Commission on Human Rights (UNCHR) and the CSCE as well as the foreign policy of the Dutch or US governments – all began articulating the idea that human rights applied to everyone, everywhere and that they could be, and in emergencies had to be, claimed *against* the sovereignty of nation-states. Human rights as such – rather than the domestic political institutions seen as guaranteeing them – thus became a central topic of western foreign policy and broad non-governmental mobilisation.²⁴

As human rights activism surged in the 1970s, moreover, new political styles, images and practices emerged. Americans, for instance, joined Amnesty International for a broad variety of reasons, but the organisation’s sudden mass appeal was to a large degree based, Jan Eckel argues, on a widespread desire for less complex forms of political activism. Campaigning against such unquestionable evils as political incarceration or torture thus brought politics from the level of grand ideological schemes down to the level of basic emotions like responsibility and compassion.²⁵ Transnational solidarity campaigns, based on a shared ideology and geared towards revolution, thus gave way to campaigns against political incarceration, torture and the death penalty, while the figure of the heroic “Third World revolutionary” gave way to that of the innocent “prisoner of conscience”.²⁶

If emotions like compassion or a sense of global responsibility were crucial factors driving human rights activism, Moyn’s focus on ideas, though compelling, is also a little narrow. Mark Bradley identifies a number of economic, technological, cultural and emotional “conditions of possibility” for the human rights explosion of the 1970s, conditions this form of transnational activism shared with its “cousins”, the environmentalist, feminist or humanitarian movements. As commodities, information and people began to move across borders and around the globe at unprecedented speed and as a re-globalisation of markets made the nation-state less capable of fending off external influences, a “new global affect” emerged, a sense of the interconnectedness of the world’s regions and of a common responsibility for the planet. Following Daniel Rodgers, Bradley also

groups, see Atina Grossmann: *Who Guarantees Individual Rights? Jews and Human Rights Debates after World War II*, in: Frei and Weinke, *Order*, 42–52; Nathaniel A. Kurz: “*A Sphere above the Nations?*”. *The Rise and Fall of International Jewish Human Rights Politics, 1945–1975* (PhD thesis, Yale University, 2015).

²⁴ See, for instance, Kelly, *Sovereignty*, 190–237.

²⁵ Eckel, *Ambivalenz*, 394–411; on Amnesty, see also Buchanan, *Truth*; Kenneth Cmiel: *The Emergence of Human Rights Politics in the United States*, in: *Journal of American History* 86, no. 3 (1999), 1231–1250; Hopgood, *Keepers*.

²⁶ Markarian, *Left*; Kristin Ross: *May 68 and its Afterlives*. Chicago 2002.

argues that the human rights explosion of the 1970s was part of a more profound cultural shift: an “age of fracture” in which imaginaries rife with ideas about history, social structures and cultures gave way to social visions centred on the disembedded individual.²⁷

Finally, structural changes at the international levels were necessary to allow ideological disillusionment to develop its explosive effects. One of them, as Fabian Klose showed as early as 2009, was that the end of decolonisation both brought a host of new states into UN institutions who would press a human rights agenda and made Europe’s former colonial powers more willing to invoke human rights themselves, since they now ceased to be the targets of anti-racist policies.²⁸ East-West détente was another important political precondition for the rise of human rights during the 1970s.²⁹

A “Blochian” approach to the 1970s human rights explosion, in sum, has spurred highly productive and innovative research. Structural changes in the international system, an emergent sense of global “interconnectedness” and an acceleration of worldwide economic and social interactions prepared the ground on which a disillusionment with discredited ideological schemes fired an activism focused on alleviating individual suffering. Seeing human rights within this “moment in time”, then, shows how they acquired new meanings and encouraged new forms of political activism.

The 1970s in Context: Decolonisation and Human Rights

If a consensus seems to be emerging on the centrality of the 1970s, a controversial question is how much developments in this decade owed to already ongoing or past causes and processes. In ground-breaking studies, Fabian Klose and Roland Burke have argued that human rights were central to anti-colonial activism, a point Moyn and Eckel disagree with, drawing a sharp distinction between human rights on one hand and the main aim of anti-colonialism on the other: collective

²⁷ Bradley, United States; cf. Daniel T. Rodgers: *Age of Fracture*. Cambridge, MA 2011.

²⁸ Fabian Klose: *Menschenrechte im Schatten kolonialer Gewalt. Die Dekolonisierungskriege in Kenia und Algerien 1945–1962*. München 2009. Published in English as *Human Rights in the Shadow of Colonial Violence. The Wars of Independence in Kenya and Algeria*. Philadelphia 2013.

²⁹ Eckel, *Ambivalenz*, 343–346.

self-determination.³⁰ A number of authors have recently added fascinating twists to this debate. In an intellectual history of the concept of “self-determination”, Eric D. Weitz asks how sharply it can be set off from human rights ideas.³¹ Bradley Simpson seems to posit a dialectical relationship between them. Once all former colonies had acquired the “first right”, i.e. self-determination, he argues, former colonies and international hegemons like the US strategically appropriated a language of individual rights in order to intervene in the affairs of former colonies and prevent them from extending their quest for self-determination into the economic sphere.³²

The most substantial recent addition to this debate on the relationship between decolonisation and human rights comes from Steven Jensen. Most authors agree that decolonisation did make a substantial contribution to the rise of human rights. When anti-colonial activists and former colonies aggressively used the language of human rights to push for self-determination, they turned “universality” into a guiding principle of the United Nations. But where Eckel sees this as an instrumental usage of human rights in which *collective* self-determination was the main goal, Jensen argues for a clear link with individual human rights. During the 1960s, he writes, two countries from the global South – Jamaica and Liberia – redefined the UN human rights project around the issues of antiracism and religious liberty. Thus outmanoeuvring the superpowers, they pushed for the adoption of the first legally binding international human rights document: the Convention on the Elimination of All Forms of Racial Discrimination, a crucial step both towards the human rights covenants of 1966 and even the Helsinki Final Act of 1975.³³

How well Jensen’s interpretation will hold up remains to be seen. What is beyond doubt is that, in the sophistication of its argument and the sources it

30 Roland Burke: *Decolonization and the Evolution of International Human Rights*. Philadelphia 2010; Klose, Menschenrechte; Steven L.B. Jensen: “Universality Should Govern the Small World of Today”. The Cold War and UN Human Rights Diplomacy, 1960–1968, in: Rasmus Mariager, Karl Molin and Kjersti Brathagen (eds.): *Human Rights in Europe During the Cold War*. London 2014, 56–72; Jensen, Making; Jan Eckel: Human Rights and Decolonization. New Perspectives and Open Questions, in: *Humanity* 1, no. 1 (2010), 111–135; Moyn, Utopia, 84–119; for an author agreeing with Eckel, see Marc Frey: A Revolutionary Process? Decolonization and International Law, in: Frei and Weinke, Order, 123–133.

31 Eric D. Weitz: Self-Determination. How a German Enlightenment Idea Became the Slogan of National Liberation and a Human Right, in: *American Historical Review* 120, no. 2 (2015), 462–496.

32 Brad Simpson: Self-Determination, Human Rights, and the End of Empire in the 1970s, in: *Humanity* 4, no. 2 (2013), 239–260; id.: The Many Meanings of National Self-Determination, in: *Current History* 113 (2014), 312–317.

33 Jensen, Making.

draws on, it is nothing short of impressive. Jensen's aims, however, reach much further than laying bare continuities between the 1960s and 1970s or placing the Helsinki Accords into a global context. "The breakthrough and trajectory of international human rights", he argues with regard to research on the 1970s, "has been misdated and misunderstood". If the 1970s appear as the crucial decade for the recent history of human rights, it is because of a time lag separating them from the actual breakthrough of human rights, the Jamaican and Liberian initiatives at the UN.³⁴

Couching his argument in these terms, Jensen's work is the latest iteration of a broader attitude in human rights historiography which Mark Bradley has usefully called a "take-no-prisoners competitive sweepstakes" between different chronologies of human rights history, a desire to pinpoint the moment, decade, person or state that turned human rights into the *lingua franca* of our time.³⁵ Jensen's book is also the latest example of how unusually productive this "sweepstakes" has been. Yet it is worth asking why it has been so productive. The answer, it seems to me, is not that we have identified a definite "breakthrough" but that we have "de-familiarised" human rights, exposing them as historically contingent and politically contested notions. Only by acknowledging that human rights were no natural part of western foreign policy can Steven Jensen bring out the crucial role of Jamaica and Liberia.³⁶ Only by acknowledging that human rights were something new for Latin American activists and their western sympathisers can Patrick Kelly interpret their interactions as a fascinating story of how the meaning of human rights was negotiated transnationally.³⁷ The reason, then, why *The Last Utopia* galvanised the debate on human rights history so much is, in my view, not that Samuel Moyn provided a definite answer about the origins of human rights, but that his book was the most radical call yet to look at post-war human rights discourses the same way Marc Bloch had looked at medieval feudalism: as a historical phenomenon that cannot be "understood apart from its moment in time".³⁸ Teleological notions like "breakthrough", by contrast, turn the past into a part of our present and thus threaten to undermine the very historical attitude that is the source of our field's productivity.

In the remainder of this essay, I will focus on three points that might slip our attention if we conceive of our endeavour primarily as a quest for an elusive "breakthrough" moment: the often subtle ways in which 1970s human rights dis-

34 *Ibid.*, 2.

35 Bradley, *Vernaculars*, 4.

36 Jensen, *Making*.

37 Kelly, *Sovereignty*.

38 Bloch, *Craft*, 28.

courses were shaped by their past, human rights’ contingent and tenuous position even after the 1970s, and the transformations they may have undergone in following decades.

Religion, Politics, and Human Rights in the 1970s and After

Mark Bradley has argued that the quest for “a point of origin, a take-off moment, in which human rights gains the traction that makes it a central presence for present-day state and non-state actors” suggests an account of historical time in which past events figure merely as the pre-history of our own time. What this obscures is that “what human rights were understood to be by actors in the historical moment was always a considerably messier process, one that linear narratives can obscure”.³⁹ “The past”, Moyn notes, “is treated as if it simply were the future waiting to happen”.⁴⁰

Adopting such a view of historical time, we would miss the second part of Marc Bloch’s advice. Condemning the “demon of origins” as “the satanic enemy of true history”, Bloch also wrote about the “‘solidarity’ of ages” to underline how deeply every “moment in time” is shaped by its past.⁴¹ The human rights moment of the 1970s is no exception. While human rights seem to have acquired a distinct meaning during the 1970s – a new-found focus on individual rights as such – this meaning was so abstract and broad that activists and politicians could (in fact, had) to fill it with more particular meanings to turn it into a mobilising force. And as they did, a broad variety of what Bradley calls “human rights vernaculars” emerged: local interpretations of human rights which were laced with the ideas historical actors brought to them.⁴²

There are two particularly striking examples for how old and new ideas co-existed in these vernaculars. First, a significant number of the vernaculars were profoundly shaped by religious ideas and symbols. This could take an overt form, like when Brazil’s Catholic bishops used quotations from scripture to explain the UDHR or when John Paul II called Auschwitz the “Golgotha of the modern world”, demanding that “*the Declaration of Human Rights* must have all its just

³⁹ Bradley, *Vernaculars*, 4.

⁴⁰ Moyn, *Utopia*, 11.

⁴¹ Bloch, *Craft*, 26 and 36.

⁴² Bradley, *United States*.

consequences drawn from it”.⁴³ But there was also a more subtly religious dimension to large chunks of human rights activism. The Polish intellectual Jacek Kuroń and British activists from Amnesty International both subscribed to a “religionless” Christianity they derived from the work of Protestant German pastor Dietrich Bonhoeffer. Religious echoes are also clear in central practices of human rights activism, such as that of “bearing witness” to other people’s suffering or in the figure of the “prisoner of conscience”: someone who creates community and inspires activism through his innocent suffering.⁴⁴ To be sure, human rights activism was no automatic outgrowth of religious practices and especially the Catholic Church’s position on human rights remained highly ambiguous. Religious notions were often secularised and amalgamated with human rights ideas and countercultural individualism to forge a distinctly novel way of understanding suffering.⁴⁵ But the continuing presence of religious notions is noteworthy nonetheless.

Second, underneath claims about the anti-political nature of human rights, activists often carried decisively political concerns into their newfound adherence to human rights. This, too, could take more or less overt forms. Latin American activists and their international supporters adopted the practices and language of Amnesty International, but grafted human rights on to older concerns for political solidarity and social change, as Patrick Kelly and Jessica Stites Mor show.⁴⁶ US (neo)conservatives, Barbara Keys and Carl J. Bon Tempo show, appropriated human rights for their anti-Communist views.⁴⁷ Trade unions, meanwhile, began recasting their activism on behalf of the material interests of employees as a struggle for the universal right of freedom of association.⁴⁸

But even as human rights were explicitly interpreted as anti-political, they often remained related to questions of civil liberties, citizenship and democracy. In his famous essay “The Power of the Powerless”, Czech playwright Václav Havel did advocate a shift from traditional politics to an activism evolving out of the individual choice to “live in truth”. But even if this move was based on what Havel

⁴³ Patrick Kelly: Situating the Southern Cone in Global Human Rights Politics in the 1970s. Presentation at “Does Human Rights Have a History”, Chicago, 11 Apr. 2015.

⁴⁴ On Amnesty, see Hopgood, *Keepers*; on Kuroń, see Dariusz Gawin: *Wielki zwrot. Ewolucja lewicy i odrodzenia idei społeczeństwa obywatelskiego*. Kraków 2013.

⁴⁵ Bradley, *United States*.

⁴⁶ Kelly, *Sovereignty*, 132–189; Jessica Stites Mor (ed.): *Human Rights and Transnational Solidarity in Cold War Latin America*. Madison, WI 2013.

⁴⁷ Keys, *Virtue*, 103–126.

⁴⁸ Robert Brier: *A Contested Icon. Poland’s Solidarity Movement and the Rise of an International Human Rights Culture* (unpublished manuscript).

cryptically called a “hidden sphere”, “life in truth” was not meant to be an escape from politics into an abstract morality. In both East and West, Havel argued, the powerful had colonised the public sphere: in the East by plastering it with the empty slogans of post-totalitarian ideology and in the West through the false promise of consumerism. Life in truth was meant to expose these lies for what they were and thus awaken a longing for authenticity which Havel believed was slumbering in every human being. “Life in truth” therefore made sense only as a public act, for its aim was to reclaim the public space from empty ideological or consumerist slogans, thus allowing citizens to shape their collective life. Morality was no escape from politics, but a means of reclaiming politics.⁴⁹

This was a politics, to be sure, which was to be different from the traditional politics of parties and parliaments, focusing instead on individual self-realisation, social self-organisation and deliberative forms of democracy, but it was political nonetheless. Both in theory and practice, a central condition for implementing this political project was for Czechoslovakia to reacquire full sovereignty. For Central European dissidents, the struggles for human rights and self-determination were closely aligned, thus drawing into question too sharp a distinction between the 1960s and 1970s.⁵⁰

If Havel’s views differed from those of the members of Amnesty International in the US, this was not only a matter of different cultures, but also of different concerns associated with human rights. Havel, after all, invoked human rights not to help people abroad or counter an abstract sense of impotence towards the evils of the modern world; he did so to protect himself and his compatriots against repression. For western members of Amnesty International, human rights were strongly anti-political, an attitude expressed in the famous own-country-rule which forbade activists to work for political prisoners in their homeland. “[D]etaching Amnesty from the business of political agitation”, Stephen Hopgood observes, the own-country-rule “reinforced [Amnesty’s] own sense of a separate, distinct, and sacred identity”. Yet for an aspiring Amnesty activist from an authoritarian country in Africa, the own-country-rule was “bullshit [...] a misunderstanding of what human rights is. Human rights in the south is domestic. Human rights in the north is foreign policy”.⁵¹ The interests of victims of repression and those of their supporters pulled human rights into different directions and the former pulled human rights into a decisively political one.

⁴⁹ Václav Havel: The Power of the Powerless, in: *International Journal of Politics* 15, no. 3–4 (1985), 23–96; cf. Jonathan Bolton: *Worlds of Dissent. Charter 77, the Plastic People of the Universe, and Czech Culture under Communism*. Cambridge, MA 2012.

⁵⁰ Kopeček, Human Rights.

⁵¹ Hopgood, *Keepers*, 98.

The Contingent and Tenuous Position of Human Rights

The term “breakthrough” suggests a certain finality of events and processes. Once someone or something has “broken through”, say, a wall, she or it is here to stay. This metaphor thus contrasts markedly with a contemporary history of human rights which, as Eckel argues, does not lend itself to grand narratives, but evolved in fits and starts, at times even in an almost accidental fashion. The adoption of the human rights covenants of 1966 and the Year of Human Rights in 1968 later greatly inspired Soviet dissidents to shift their attention from the Soviet constitution to international human rights. Yet both of these events were, as Jensen shows, the result of completely unrelated developments, i.e. the diplomatic shrewdness of Jamaica and Liberia at the UN.⁵² The international campaign against Augusto Pinochet, a paradigmatic case for the international human rights movement, was the result of a rather exceptional constellation in which members of both NATO and the Warsaw Pact could agree on condemning violence in Chile.⁵³

If such bursts in human rights activism were often the result of almost accidental constellations, the international position of human rights afterwards could remain highly tenuous. The CSCE process is a case in point. The signing of the Helsinki Final Act is often cited as a central event in human rights history because the subsequent meetings to review the Act’s implementation created a new forum to denounce repression. Yet this had not been the intention of the CSCE’s authors, but was the achievement of recent converts to the cause of human rights: Soviet bloc dissidents, their western supporters and the Carter administration.⁵⁴

Yet this achievement was highly tentative. In March 1982, the members of NATO took to the floor at the review conference in Madrid to vigorously condemn human rights violations in Poland where a military government had just taken power. This was a stark contrast to the first review meeting in Belgrade, where the Dutch-American human rights crusade had caused consternation in Bonn and Paris, but it is no evidence of a “human rights breakthrough”. The three largest European members of NATO – Britain, France and West Germany – believed that the CSCE process should be made to serve its original purpose, East-West détente, rather than being a human rights forum. The newly elected US government under Ronald Reagan rejected the entire CSCE process as based on dangerous illusions

⁵² Jensen, Making.

⁵³ Eckel, Glass.

⁵⁴ Snyder, Activism.

about Soviet foreign policy. The Western Europeans’ initial response to martial law in Poland was thus to quote the Final Act’s provisions of non-interference in a signatory’s internal affairs in order to keep Polish events off the agenda of the CSCE. For Washington, on the other hand, repression in Poland was a pretext to pull out of the CSCE process altogether. It was only against the latter prospect that the Western Europeans suggested to use the CSCE to condemn Warsaw’s human rights violations in Madrid. Human rights, then, were not the basis of a broad value consensus, but a way to paper over the lack of such a consensus. And while the Madrid conference established a fairly robust human rights agenda, western governments were repeatedly more than willing to write off a dissident movement which, by most accounts, appeared to have been crushed.⁵⁵

Another example for the tenuousness of human rights even after their seeming “breakthrough” is the fate of Amnesty International in the 1980s, as sketched by Eckel. By the middle of the decade, it seemed to have run out of steam: its second campaign against torture did not catch on, it appeared incapable of solving its internal problems, and the gulf between its leadership and rank-and-file seemed to widen. If the organisation made a spectacular comeback, it was only at the prize of organising an actual spectacle, a tour of rock concerts called *Conspiracy of Hope* and *Human Rights Now!* But by striking an alliance with the shrill world of 1980s pop culture, Amnesty was effectively turned into a youth organisation and entered a sphere that was worlds apart from the sternness and “culture of suffering” that had hitherto been the organisation’s hallmark.⁵⁶

Amnesty’s travails in the 1980s lead us to a final point which the finality of the breakthrough metaphor threatens to obscure: the many ways in which human rights seem to have changed since the 1970s.

The Changing Meaning of Human Rights

An important impetus for the quest for a breakthrough is the aim to explain the current position of human rights. Yet as we strive to answer this question, it is worth noting that almost forty years have passed since the symbolic year of 1977. And much as developments in the 1970s helped human rights burst onto the global stage, it was only in these forty years, Hoffmann and Moyn argue, that

⁵⁵ Brier, Icon.

⁵⁶ Eckel, *Ambivalenz*, 423–434.

a “‘global human rights revolution’ [...] has occurred, when a variety of groups around the world, and all governments, learned to speak the language”.⁵⁷

In these years, human rights did become the foundation of a certain value consensus – though this was no foregone conclusion caused by their “break-through” – but the meanings and practices associated with human rights were changed again. A central question in analysing these changes seems to me how human rights became entangled with two processes: the wave of democratisation that swept the globe since the late 1970s and the worldwide spread of neoliberal economic models.

The conservative governments that had taken power across Europe and America in the 1980s realised that they could not simply dismiss human rights concerns. Adopting them, though, they also interpreted them in new ways. The most effective way of struggling for human rights, the Reagan administration argued, was “democracy promotion”: fostering the “democratic infrastructure” of the world’s societies, such as political parties, parliaments, trade unions, the free press etc. This was an only thinly veiled way of putting human rights into the imagery of an East-West “war of ideas”. In a famous speech in Westminster, in which he announced the policy of democracy promotion in June 1982, Reagan painted the vision of a worldwide “march of freedom and democracy which will leave Marxism-Leninism on the ash-heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people”.⁵⁸

Associated with a specific political system, human rights were thus re-politicised, a major difference to the 1970s when Amnesty International claimed to oppose political repression not political systems, and when Soviet bloc dissidents sought to constitute a politics that was to be different from the systems in East and West. After the fall of Communism, EU accession seems to have strengthened this politicisation when human rights compliance and the creation of a specific domestic political and economic model became a precondition for post-Communist states to join the EU.⁵⁹

“Democracy promotion”, however, entailed more than instrumentalising human rights for Cold War policies; it was also part of a redefinition of the stakes of the Cold War. At Westminster, Reagan drew a specific picture of the Cold War.

⁵⁷ Moyn, *Utopia*, 218; Hoffmann, Introduction, 2.

⁵⁸ Ronald Reagan: Address to the Members of British Parliament, Westminster, 8 June 1982, in: *The Public Papers of President Ronald Wilson Reagan (1982)*. URL: <http://www.reagan.utexas.edu/archives/speeches/1982/60882a.htm> (31 Aug. 2015); on the following see, Eckel, *Ambivalenz*, 540–583.

⁵⁹ Robert Brier: *Historicizing 1989. Transnational Culture and the Political Transformation of East-Central Europe*, in: *European Journal of Social Theory* 12, no. 3 (2009), 337–357.

“Consensus liberalism”, the West’s common ideological denominator of the 1950s and 1960s, had combined a preference for representative democracy with broad welfare policies. In his Westminster address, by contrast, Reagan characterised the struggle with totalitarian tyranny as only the most extreme expression of man’s general struggle with “the enormous power of the modern state. History”, he went on, “teaches the dangers of government that overreaches – political control taking precedence over free economic growth, secret police, mindless bureaucracy, all combining to stifle individual excellence and personal freedom”.⁶⁰ The Westminster address, then, is also an example of Reagan’s rhetorical habit of displacing “the totalitarian nightmare from the world scene to the stealthy, creeping, insidious growth of government at home”.⁶¹ The struggle for human rights and democracy, his speech suggested, was of one cloth with the struggle to unleash the creative power of free enterprise.⁶²

This association of human rights with market fundamentalist ideas – an association strengthened when the World Bank integrated human rights concerns into its work – has led some authors to argue that there was something of an elective affinity between the two.⁶³ This interpretation would run counter to the malleability of human rights ideas which the recent historiography has brought to the fore. Yet it could be worth asking whether human rights’ association with a “politics of truth” – the belief that the “bare facts” reveal a higher form of political truth than seeming ideologies, that politics and morality are necessarily in conflict⁶⁴ – has not helped paving the way for the technocratism of neoliberal ideas.⁶⁵

60 Reagan, Westminster Address.

61 Rodgers, *Age*, 22.

62 Brier, *Icon*; Carl J. Bon Tempo: Antikommunistische Menschenrechte. Die Republikanische Partei und die Menschenrechtspolitik in den späten 1970er Jahren, in: Jan Eckel and Samuel Moyn (eds.): *Moral für die Welt? Menschenrechtspolitik in den 1970er Jahren*. Göttingen 2012, 290–315; id.: From the Center-Right. Freedom House and Human Rights in the 1970s and 1980s, in: Iriye, Goedde and Hitchcock, *Revolution*, 223–244; Robert C. Rowland and John M. Jones: *Reagan at Westminster. Foreshadowing the End of the Cold War*. College Station, TX 2010.

63 Nicolas Guilhot: *The Democracy Makers. Human Rights & International Order*. New York 2005; Mary Nolan: Gender and Utopian Visions in a Post-Utopian Era. Americanism, Human Rights, Market Fundamentalism, in: *Central European History* 44, no. 1 (2011), 13–36.

64 Eckel, *Ambivalenz*, 418.

65 Cf. Wendy Brown: “The Most We Can Hope For ...”. Human Rights and the Politics of Fatalism, in: *South Atlantic Quarterly* 103, no. 2–3 (2004), 451–463; Jean L. Cohen: Rethinking Human Rights, Democracy, and Sovereignty in the Age of Globalization, in: *Political Theory* 36, no. 4 (2008), 578–606.

Conclusions

The 1970s were a time when the term “human rights” acquired an unprecedented prominence in international politics. The reason for this prominence was to a large extent, though not solely, that human rights provided political and moral answers where other systems of thought had failed. As a result, a novel – very broad and vague – understanding of human rights emerged, turning them into a rallying point for transnational activism.

And yet the perspective sketched in this article also suggests that the 1970s were no more and no less the time of “the breakthrough” of human rights than the late eighteenth century, the late 1940s or the 1960s. When people around the globe began turning massively to human rights in the 1970s, they translated human rights into a broad variety of human rights vernaculars which had as much to do with the ideas and concerns people brought into the 1970s as with the ideas they left behind for future generations. Rather than distilling an essential meaning of human rights, Jan Eckel’s discerning of multiple chronologies, Mark Bradley’s focus on different vernaculars, or the analysis of what Stefan Hoffmann calls “competing universalisms”, many of which referred to human rights, all provide useful tools for seeing the 1970s in a broader historical context.⁶⁶

But if historical human rights vernaculars can only be understood from within their own dynamic, why should we bother analysing them? One of the reasons why human rights history has become so popular is that they are part of contemporary history, which is concerned, Stefan Hoffmann writes, with the emergence of the problems that concern us today.⁶⁷ Unlike medieval feudalism, human rights continue to exert huge influence in our own time. Is the approach proposed here not an escape into historicism and relativism?

There are three answers to this question. First, as for relativism, to say that values emerge in response to particular historical experiences and that they change over time does not mean, as Hans Joas argues, that these values are meaningless. It merely explains how they emerged.⁶⁸ Second, in a time when global interconnections have intensified compared to the 1970s, when people and information travel even more rapidly around the globe than they did forty years ago, it may be even more important to interpret different vernaculars of human rights, and history may provide the tools to do just that. Finally, to say that the human rights

⁶⁶ Eckel, *Ambivalenz*; Bradley, *United States*; Hoffmann, *Introduction*, 13–25.

⁶⁷ Hoffmann, *Introduction*, 2.

⁶⁸ Hans Joas: *The Genesis of Values*. Chicago 2000; id.: *The Sacredness of the Person. A New Genealogy of Human Rights*. Washington, DC 2013.

ideas of a time can only be understood within their “moment in time” does not mean at all that these ideas cannot be relevant for contemporary political theory or social thought. On the contrary, uncovering the many meanings human rights ideas acquired in the past could open the way for a productive reinterpretation of them in our own. History would then be a source of innovation.

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