

# Introduction

## Human Rights, Empire, and After

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In the space of a decade, the history of human rights has been transformed by a wave of scholarship revisiting its origins, evolution, and conceptual bounds. In the place of optimistic and well-settled narratives of human rights, characterized by a deep chronology, inclusive definition, and evolutionary progress, a new human rights history has posited the collapse of empire and the place of anti-colonial nationalism as one of the premier issues.<sup>1</sup> The contention has centered on the relationship between international and national ideas of rights. On the one hand, a global human rights discourse proclaimed individual rights above and beyond the state. On the other, an older rights language from the French Revolution bestowed, or promised, rights inhering primarily in national citizenship.<sup>2</sup>

<sup>1</sup> Samuel Moyn has published the most influential of these “revisionist” accounts. See Moyn, *The Last Utopia: Human Rights in History* (Cambridge MA: Belknap/Harvard University Press, 2010). The principal revisionist target is Paul Gordon Lauren’s survey work, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University Pennsylvania Press, 1998), which develops its narrative in this gradual and incremental mode, where anti-colonialism is positioned primarily as an era for the extension of rights, and the amplification of norms, as opposed to a radical discontinuity.

<sup>2</sup> For an illustrative set of these debates, which are now voluminous and intricate, see Eric D. Weitz, “Samuel Moyn and the New History of Human Rights,” *European Journal of Political Theory* 12, no. 1 (2013): 89–91; Seyla Benhabib, “Moving Beyond False Binarisms: On Samuel Moyn’s *The Last Utopia*,” *Qui Parle* 22, no. 1 (2013): 81–93; Philip Alston, “Does the Past Matter? On the Origins of Human Rights,” *Harvard Law Review* 126, no. 7 (2013): 2043–81; Jenny Martinez, “Human Rights and History,” *Harvard Law Review Forum* 126 (2013): 221–40; Christopher McCrudden, “Human Rights Histories,” *Oxford Journal of Legal Studies* 35, no. 1 (2015): 179–212; Sarita Cargas, “Questioning Samuel Moyn’s Revisionist History of Human Rights,” *Human Rights Quarterly* 38, no. 2 (2016): 411–25; Stefan-Ludwig Hoffmann, “Human Rights and History,” *Past & Present*, no. 232 (2016): 279–310; Samuel Moyn, “The End of Human Rights History,” *Past & Present*, no. 233 (2016): 307–22; Lynn Hunt, “The Long and the Short of the History of Human Rights,” *Past & Present*, no. 233 (2016): 323–31. Addressing the relationship between these phenomena across a slightly different axis of the historiography, see the appraisal from Robert Brier, “Beyond the Quest for a ‘Breakthrough’: Reflections on the Recent Historiography on Human Rights,” *European History Yearbook* (2015): 155–74; Roland Burke, “‘How Time Flies’: Celebrating the Universal Declaration of Human Rights in the 1960s,” *International History Review* 38, no. 2 (2016): 394–420.

New histories of human rights have argued that the newly independent nation-states of the 1950s and 1960s momentarily combined the aspirations of citizenship and the “rights of man” with the more maximal universalism exemplified by the 1948 Universal Declaration of Human Rights (UDHR). Postcolonial constitutions, generally in the form of uneasily agreed compromises between nationalist and imperial elites, often invoked the UDHR or other universal human rights concepts directly, conferring on their citizenries the political, economic, and social freedoms enumerated therein.<sup>3</sup> The provenance of these rights was typically described by nationalist elites as both the promised fruit of sovereignty and the birthright of universal humanity.<sup>4</sup> These interlaced rights traditions exposed tensions within postwar human rights languages and practices, which aspired to transcendent, suprastate standards while relying on the state to protect and deliver rights.<sup>5</sup> By the 1970s, however, the revolutionary vehicle of citizenship rights via national emancipation receded, seemingly discredited by the failures of new states to live up to their promises and their faltering parallel project for global economic redistribution.<sup>6</sup> In their place, an influential new human rights vision, advanced mostly by politicians in the United States and a cresting wave of nongovernmental organizations (NGOs), emerged as an internationally situated discourse. This version of human rights, born in pessimism, was

<sup>3</sup> On the evolution of these constitutional provisions in British colonial settings, see Charles Parkinson, *Bills of Rights and Decolonization* (Oxford: Oxford University Press, 2007), and the initial study from Stanley de Smith, *The New Commonwealth and Its Constitutions* (London: Stevens & Sons, 1964); on the wider question of international human rights cited within postcolonial constitutions, see Hurst Hannum, “The Status of the Universal Declaration of Human Rights in National and International Law,” *Georgia Journal of International and International Comparative Law* 25, no. 1 (1996): 355–77.

<sup>4</sup> On the genealogy and boundaries of the category of humanity, see Paul Betts, “Universalism and Its Discontents: Humanity as a Twentieth-Century Concept,” in *Humanity: A History of European Concepts in Practice from the Sixteenth Century to the Present*, ed. Fabian Klose and Mirjam Thulin (Göttingen: Vandenhoeck & Ruprecht, 2016), 51–70; Ilana Feldman and Miriam Ticktin, “Introduction: Government and Humanity,” in *In the Name of Humanity: The Government of Threat and Care*, ed. Feldman and Ticktin (Durham, NC: Duke University Press, 2010), 1–26; Thomas Laqueur, “Mourning, Pity, and the Work of Narrative in the Making of ‘Humanity,’” in *Humanitarianism and Suffering: The Mobilization of Empathy*, ed. Richard Ashby Wilson and Richard D. Brown (Cambridge: Cambridge University Press, 2009), 31–57. On the lasting ambiguities of the categories of citizen and human, see Frederick Cooper, *Citizenship, Inequality, and Difference: Historical Perspectives* (Princeton, NJ: Princeton University Press, 2018), 1–14.

<sup>5</sup> Roland Burke, “Human Rights Internationalism,” in *Internationalisms: A Twentieth-Century History*, ed. Patricia Clavin, Sunil Amrith, and Glenda Sluga (Cambridge: Cambridge University Press, 2017), 287–314.

<sup>6</sup> The atrophy of social and economic equality as a meaningful feature within human rights, and its implications, serves as prime subject for Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge, MA: Harvard University Press, 2018).

less inclined to regard the state as a repository for hopes. While at least as universalistic as the early postwar in its terrain of concern, and more energetic in proselytizing global norms, the balance of these norms was shifted and repartitioned. Human rights began to operate, in vernacular terms, without the expansive vision of social and economic rights that it had held when wielded by nationalists and postwar social democrats.<sup>7</sup>

As the revisionist historiography has observed, human rights “broke through” in the 1970s, particularly in the West. The precondition of this transformation for North American and European publics was a degree of narrowing of human rights: the excision of utopian optimism and disruptive, transformative promise. The admirable NGO activism of, say, Amnesty International, was predicated on a conception of *international* human rights as civil and political rights claims against authoritarian and totalitarian states. For the many NGOs, this was mostly an artifact of pragmatic and tactical choices and dynamics: the feasibility of mass mobilization in those places where there was some prospect of success, and where there existed sufficient knowledge to document abuses with precision.<sup>8</sup> For others, particularly in the emerging neoconservative movement, the campaign to capture and define the term was more openly ideological, notably in US NGO Freedom House, and in a cohort of US Congressional leaders that exalted the right to emigrate (from the Soviet Union) as the most foundational freedom of all.<sup>9</sup>

Likewise, anti-colonialism lost its place in the Western minimalist redefinition of human rights that occurred across the 1970s, when so many of its priorities were written out of the sparing agenda of Amnesty International, though anti-communists continued to launch broadsides against the Soviet Union for violations of the right to self-determination. But human rights triumphed over anti-imperialism less by the exhaustion of the latter than by the former’s appeal to a new cohort of Western middle-class supporters attracted by the rhetoric of exerting righteous pressure abroad rather than effecting reform at home. NGO successes were dramatic, but they were enabled by an equally dramatic focus away from transformative and optimistic horizons.

<sup>7</sup> Moyn, *Last Utopia*, 84, 87–9, 98; cf. Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010), and extended substantially by Steven Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge: Cambridge University Press, 2016).

<sup>8</sup> Roberta Cohen, “People’s Republic of China: The Human Rights Exception,” *Human Rights Quarterly* 9, no. 4 (1987): 447–549.

<sup>9</sup> Carl Bon Tempo, “From the Center-Right: Freedom House and Human Rights in the 1970s and 1980s,” in *The Human Rights Revolution: An International History*, ed. Petra Goedde and William Hitchcock (New York: Oxford University Press, 2012), 223–43.

This revisionist historiography has raised two further lines of inquiry that our authors undertake in this volume. First, while the broadest arc of anti-colonialism and human rights has been traced, contested, and recontested, the question of the relationship between actor categories and postcolonial policies that, in retrospect, have been classified as human rights measures is of signal importance.<sup>10</sup> Postcolonial actors engaged in policies and endeavors that certainly conformed to the substance of securing human rights for their citizenries. Embryonic efforts to establish welfare state provisions were widely attempted in South Asia. Systems for government accountability and citizen remedy were devised, notably in the Tanzanian Ombudsman experiment. Land redistribution plans, and women's economic and social advancement, were variously outlined across every continent, typically sponsored from above, but often enacted with community initiative. Whether, and how, these kinds of measures constituted human rights activity is an intricate question, reflecting as much about the definitional vernacular of "human rights" as it does the national projects involved. These were major reforms, typically with some emancipatory effects, while not necessarily being emphatic in their invocation of language itself, or wholly animated by a philosophy that expressed faith in the inherent agency and equality of individuals. As the chapters in this book demonstrate, their subjects commonly invoked other rights traditions and languages – national rights, indigenous rights, treaty rights, civil and political rights, and so on – in justifying political reform.<sup>11</sup> Rather than assume a stable meaning of human rights and "discover" these phenomena decades later, we ask: How did various rights languages intersect and morph through social and political contests and transitions? When, and how, did human rights language find form in the substance of policy, advocacy, or political transformation?

<sup>10</sup> On the potential delta between grand and less grand scales as an optic for human rights history, see Meredith Terretta, "From Below and to the Left? Human Rights and Liberation Politics in Africa's Postcolonial Age," *Journal of World History*, 24, no. 2 (2013): 389–416; "We Had Been Fooled into Thinking that the UN Watches over the Entire World: Human Rights, UN Trust Territories, and Africa's Decolonisation," *Human Rights Quarterly* 34, no. 2 (2012): 329–60; Samuel Moyn, "The Recent Historiography of Human Rights," *Annual Review of Law and Social Science* 8 (2012): 123–40; and the essays from Mark Bradley, "Writing Human Rights History," *Il Mestiere di storico* 3, no. 2 (2011): 13–30; William Hitchcock, "The Rise and Fall of Human Rights? Searching for a Narrative from the Cold War to the 9/11 Era," *Human Rights Quarterly* 37, no. 1 (2015): 80–106.

<sup>11</sup> Additional exploration of renovated approaches in this field of history is elaborated in Steven L. B. Jensen and Roland Burke, "From the Normative to the Transnational Methods in the Study of Human Rights History," in *Research Methods in Human Rights: A Handbook*, ed. Bård A. Andreassen, Hans-Otto Sano, and Siobhán McInerney-Lankford (Cheltenham: Edward Elgar, 2017), 117–40.

Second, recent research has been largely confined to the Atlantic world with diffusionist assumptions of non-Europeans learning human rights from their colonial administrators or the UN; this book is a contribution to globalizing the history of human rights in the age of decolonization.

The pressing need, then, is for granular case studies written by specialists based on a careful examination of primary sources extending beyond the orthodox complement of Western government and NGO archives. Accordingly, the contributors to this collection draw on overlooked historical materials as well as more conventional archival sources to reconstruct the rights politics of an array of figures with divergent aims and worldviews: colonized and colonizers, activists and diplomats, policymakers in postcolonial states and the leadership of Western NGOs involved in both rights and humanitarianism. Accounting for such varied perspectives affords a greater comprehension of the alternative rights languages available to, say, colonized peoples whose leaders looked to political independence while contending with the late colonial state. What did they mean by human rights if and when they invoked them, and how was this language adapted to local circumstances? Our authors' investigations draw out the implications for the relationship between rights and empire as it changed over the course of the closing half of the twentieth century by reconstructing how it was enacted and reshaped by a diverse collection of actors. Their subjects articulated and deployed the discourses of anti-colonialism and rights, including human rights, as they were encountered in the field, the street, and from within sites of institutional power.

The new research showcased in this volume does not bear out the thesis that the anti-colonial mobilization of self-determination and other emancipatory claims marginalized human rights.<sup>12</sup> It demonstrates the difficulty of identifying any singular moment of "breakthrough" as

<sup>12</sup> These arguments are most advanced most notably by Reza Afshari, Jan Eckel, and Samuel Moyn. See Afshari, "On Historiography of Human Rights Reflections on Paul Gordon Lauren's *The Evolution of International Human Rights: Visions Seen*," *Human Rights Quarterly* 29, no. 1 (2007): 1–67; Eckel, "Human Rights and Decolonization," *Humanity* 1, no. 1 (2010): 111–35; Eckel, *The Ambivalence of Good: Human Rights in International Politics since the 1940s*, trans. Rachel Ward (Oxford: Oxford University Press, 2019), ch. 5; Moyn, "Imperialism, Self-Determination, and the Rise of Human Rights," in Goedde and Hitchcock, *Human Rights Revolution*, 159–78; Moyn, *Last Utopia*, ch. 3. For counterpoints, see Stephen L. B. Jensen, "Decolonization: The Black Box of Human Rights?" *Human Rights Quarterly* 41, no. 1 (2019): 200–3; Brad Simpson, "Self-determination and Decolonization," in *The Oxford Handbook of the Ends of Empire*, ed. Martin Thomas and Andrew Thompson (Oxford: Oxford University Press, 2018), ch. 19; Meredith Terretta, "Anti-Colonial Lawyering, Postwar Human Rights, and Decolonization across Imperial Boundaries in Africa," *Canadian Journal of History* 52, no. 3 (2017): 448–52; Andrew Thompson, "Unravelling the Relationships

definitive of human rights and its ascent as the premier moralism in the postcolonial world. Rather than a sequential relationship of human rights breaking through after the waning legitimacy of revolutionary self-determination as a creed in the West, the chapters here show the persistence of diversity among and within human rights rhetorics into and after the 1970s. National liberation, notionally supplanted and replaced in the “breakthrough,” often remained a central lodestar in these rights constellations.<sup>13</sup> From the outset across the anti- and postcolonial worlds, political demands coalesced around human rights as a language of preference because they were more capacious than competing utopianisms of classical political liberalism, doctrinaire socialism, and essentialist nationalism, and more capable of accommodating the specific configuration of myriad struggles, ambitions, and grievances. Anti-colonial campaigns could deploy them to dissent and to indict abuses, or to inspire when framing the aspirations of new societies, or mapping out major realignments in the international system. Human rights became a perennial aspect of anti-imperial and postcolonial phraseology not for its conceptual clarity, but for its versatility as a language with all-purpose emancipatory potential.

In other words, human rights were appealing as a maximal utopia across imperial and postcolonial worlds. Among “Third World” peoples, rights were often connected to local struggle, and operated in a key defined by expansiveness, optimism, and radical potential. There was no finer example than the rapid inscription of the right to self-determination as a foundational human right in the early 1950s, an early Third World project, and one that implied a much more radical vision of rights than the otherwise impressive catalogue produced a handful of years earlier by the General Assembly. Later initiatives on the “permanent sovereignty over natural resources” and a right to economic self-determination, were more revolutionary still, with sequelae that would define much of the North–South human rights fracture across the 1960s.<sup>14</sup> The cumulative

between Humanitarianism, Human Rights, and Decolonization: Time for a Radical Rethink?,” in Thomas and Thompson, *Oxford Handbook of the Ends of Empire*, ch. 20; Eric D. Weitz, “Self-determination: How a German Enlightenment Idea Became the Slogan of National Liberation and a Human Right,” *American Historical Review* 120, no. 2 (2015): 462–96.

<sup>13</sup> A. Dirk Moses, “Human Rights and Genocide: A Global Historical Perspective,” Gerald Stourzh Lecture on the history of human rights and democracy, University of Vienna, May 21, 2014, [www.univie.ac.at/gerald-stourzh-lectures/2014.pdf](http://www.univie.ac.at/gerald-stourzh-lectures/2014.pdf)

<sup>14</sup> On earlier contestations within the field of international law over imperial claims to property rights and sovereignty over colonized territories, see Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500–2000* (Cambridge: Cambridge University Press, 2014).

effect of the book's chapters, then, question the proposition that human rights were marginal to decolonization.

### From the Rights of Nations to Human Rights

More than half a century after the peak era of decolonization, the incompatibility of formal empire and human rights may seem axiomatic. Since the catastrophic failure of the Iraq and Afghanistan wars in the 2000s, the flirtation between empire and human rights, manifested in muscular interventionist idealism advocated by liberal hawks and neoconservative crusaders, has fallen into disrepute. Those liberal imperialists who envisioned colonialism as a vehicle for the advancement of the liberties and welfare of colonized peoples have mostly passed from the scene, or migrated to other discourses. In the seemingly endless catalogue of abuses practiced by colonial administrations, the appeal of nationalism as the emancipation of first resort has been well established.<sup>15</sup> Since Wilsonian and Soviet ideas of collective rights captivated anti-colonial politicians in the early 1920s, the rights of nations or, as a salvage position, nominated ethnic minorities within them, seemed the avenue of greatest promise for national liberation.<sup>16</sup> Before 1945, those occasional international human rights declarations issued by American and European notables mostly ignored nations.<sup>17</sup> The 1929 Declaration of the International Rights of Man, led by the Russian émigré jurist André Mandelstam, exemplified a briefly renascent cosmopolitan tradition and spoke of "sovereign individuals."<sup>18</sup> Even Lord Sankey's Declaration of the Rights of Man in 1940, endorsed by Indian independence leader

<sup>15</sup> See notably, "Declaration of the Rights and Duties of Nations," adopted by the American Institute of International Law, Washington, DC, January 6, 1916, reproduced in Elihu Root, *American Journal of International Law* 10, no. 2 (1916): 211–21.

<sup>16</sup> Mark Mazower, "The Strange Triumph of Human Rights," *Historical Journal* 47, no. 2 (2004): 379–98; Mazower, "Minorities and the League of Nations in Interwar Europe," *Daedalus* 126, no. 2 (1997): 47–64; Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Princeton, NJ: Princeton University Press, 2007).

<sup>17</sup> For a treatment of the developments of the interwar, see Jan Herman Burgers, "The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century," *Human Rights Quarterly* 14, no. 4 (1992): 447–77; Jarna Petman, "Human Rights, Democracy and the Left," *Unbound* 2 (2006): 63–90.

<sup>18</sup> Philip Marshall Brown, "The New York Session of the Institut de Droit International," *American Journal of International Law* 24, no. 1 (1930): 126–8. For discussion of the 1929 Declaration and its context, see Lauren, *Visions Seen*, 114; Charles R. Beitz, *The Idea of Human Rights* (New York: Oxford University Press, 2009), 15–16; Daniel J. Whelan, *Indivisible Human Rights: A History* (Philadelphia: University of Pennsylvania Press, 2010), 47–52.

Jawaharlal Nehru, was silent on any requirement for colonial self-determination.<sup>19</sup> The Cambridge law professor Hersch Lauterpacht, perhaps the most prolific writer on international human rights law in the early 1940s, was preoccupied with the difficulties that accompanied sovereignty as opposed to a benefit that accrued to individuals in securing it.<sup>20</sup> Although the 1941 Atlantic Charter famously affirmed “the right of all peoples to choose the form of government under which they live,” this aim was not explicitly coupled to any particular individual rights, nor was there agreement between its British and US signatories as to whether its application extended beyond Axis-occupied Europe.<sup>21</sup>

As World War II drew to its close, human rights arrived as perhaps the principal innovation of the postwar blueprint, at least rhetorically – and one that initially seemed distant in its potential disruptions to the older global architecture of empire.<sup>22</sup> The ambiguity of the phrasing of the relevant passages of the UN Charter, and their exhortatory inflexion, attenuated the perceived bite of undertaking to “promote” human rights. Despite professions of enthusiasm for self-government in the Charter, efforts to establish self-determination during the drafting process for the UDHR, predictably, went nowhere, even with the cynical sponsorship of the Soviet bloc, and, more persuasively and passionately, Asian and Arab legations.

More than anything else, the belief in race as an ordering system of the world cut through the universalist claims regarding human rights. White civilizational confidence, shaken somewhat, but seeking to reconsolidate its moral and material supremacy, was willing to embrace the idea as part of its global patrimony, and bestow it accordingly.<sup>23</sup> Ardent enthusiasts for imperialism thus proclaimed support for human rights with little appreciation of risk, most famously the South African Field Marshall,

<sup>19</sup> Burke, *Decolonization and the Evolution of International Human Rights*, 15–16.

<sup>20</sup> Hersch Lauterpacht, “The Law of Nations, the Law of Nature and the Rights of Man Author,” *Transactions of the Grotius Society* 29 (1943): 1–33. The tension between popular sovereignty, implied in democratic nation-states, and individual right seemed a central issue in this period, presumably after the rise of totalitarianisms supposedly underwritten by the people, Hermann Friedmann, “The Rights of Man,” *Transactions of the Grotius Society* 24 (1938): 133–45.

<sup>21</sup> Cf. Elizabeth Borgwardt, *A New Deal for the World: America’s Vision for Human Rights* (Cambridge, MA: Harvard University Press, 2005), 14–86.

<sup>22</sup> On the contours of the new postwar order in American thought, see Mark Bradley, *The World Reimagined* (Cambridge: Cambridge University Press, 2016); and, on its formulation, see Glenn Mitoma, *Human Rights and the Negotiation of American Power* (Philadelphia: University of Pennsylvania Press, 2013).

<sup>23</sup> Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men’s Countries and the International Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008).

Jan Smuts, who included the phrase as coauthor of the UN Charter's preamble.<sup>24</sup> And Smuts was far from alone; in the terminal period of imperial rule, when the language of trusteeship was in favor, human rights was readily included in the imperial vocabulary.<sup>25</sup> For European empires defending their rule of overseas territories at the nascent UN, the principle of equal agency for all humans was perhaps begrudgingly acceptable – just not yet.<sup>26</sup> When a more vigorous nationalist wind emerged, this easy formula ceased to be effective. A strategy of formalistic and rhetorical acceptance of norm in the abstract, and immediate dissembling and deferral of policy action to deliver it, rapidly lost credibility in the UN, and across Asia, Africa, and the Middle East.<sup>27</sup>

Imperial embrace of human rights speaks not merely to expediency, but to the sheer capaciousness of the term and the tensions within it. For at least some liberal imperialists, and even a handful of francophone African nationalists, human rights may well have been understood as integral to the purpose of empire, interlaced as they were with the discourses of humanitarianism and notions of imperial citizenship.<sup>28</sup> In the late 1940s and into the 1950s, human rights drew

<sup>24</sup> Christof Heyns and Willem Gravett, “‘To Save Succeeding Generations from the Scourge of War’: Jan Smuts and the Ideological Foundations of the United Nations,” *Human Rights Quarterly* 39, no. 3 (2017): 574–605; Saul Dubow, “Smuts, the United Nations and the Rhetoric of Race and Rights,” *Journal of Contemporary History* 43, no. 1 (2008): 45–74; Bill Schwarz, *The White Man's World* (New York: Oxford University Press, 2011), 305–8; and the wider discussion of South Africa's negotiation of a reconfigured world in Ryan Irwin, *The Gordian Knot: Apartheid and the Unmaking of the Liberal World Order* (New York: Oxford University Press, 2012).

<sup>25</sup> Kevin Grant, *A Civilised Savagery: Britain and the New Slaveries in Africa, 1884–1926* (New York: Routledge, 2005), 167–72.

<sup>26</sup> For a compelling discussion of the emancipatory and utopian dimension of assimilation and “civilizational” ideas, see Saliha Belmessous, *Assimilation and Empire: Uniformity in French and British Colonies, 1541–1954* (Oxford: Oxford University Press, 2014).

<sup>27</sup> Timothy Parsons, *The Second British Empire: In the Crucible of the Twentieth Century* (London: Rowman, 2014), 8–12, 128–53, 237–41; for the later period, see Stephen Howe, “Crosswinds and Countercurrents: Macmillan's Africa in the ‘Long View’ of Decolonisation,” in *The Wind of Change: Harold Macmillan and British Decolonization*, ed. Larry Butler and Sue Stockwell (London: Palgrave Macmillan, 2013), 252–6.

<sup>28</sup> There is abundant and compelling scholarship on humanitarianism and empire, see generally, Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca, NY: Cornell University Press, 2011); Abigail Green, “Humanitarianism in Nineteenth-Century Context,” *Historical Journal* 57, no. 4 (2014): 1157–75; Rob Skinner and Alan Lester, “Humanitarianism and Empire: New Research Agendas,” *Journal of Imperial and Commonwealth History* 40, no. 5 (2012): 729–47. See also the earlier work from Andrew Porter, “Trusteeship, Anti-Slavery, and Humanitarianism,” in *The Oxford History of the British Empire*, vol. III: *The Nineteenth Century*, ed. Andrew Porter and Wm Roger Louis (Oxford: Oxford University Press, 1999), 198–221; and, in the American context, Kenton Clymer, “Humanitarian Imperialism: David Prescott Barrows and the White Man's Burden in the Philippines,” *Pacific Historical Review* 45, no. 4 (1976): 495–517.

on nineteenth-century traditions of humanitarian and civilizational rhetoric, ideas that were well established in imperial understandings of their own enterprise.<sup>29</sup>

Humanitarian and imperial projects were very frequently interlocking and symbiotic. The moral capital of the former exchanged for the material resources of the latter, a transaction that at least in part animated the nineteenth-century British imperial campaign against the slave trade, which licensed the massive extension of the Royal Navy's writ to squeeze rival empires' slave-based economies.<sup>30</sup> Pretensions of humanitarian concern underwrote grotesque human rights abuses, most strikingly in Belgian King Leopold II's company state the Congo from the 1890s. Critics of Leopold did not oppose empire; they entreated a humanitarian European rule over predatory exploitation, believing that humanitarian work and imperial administration was happily synchronous.<sup>31</sup> Those features of Christianized paternalism that so often infused humanitarian movements of the early nineteenth-century were the showpiece of imperial legitimacy, and the substance of civilizational tutelage.<sup>32</sup>

Much as human rights would become in Western Europe and the USA in the 1970s, nineteenth-century humanitarianism was a doctrine oriented toward export.<sup>33</sup> Demands for overseas intervention, often against another malign empire, almost always drew on the language of a humanitarian duty and compassion, principally within Britain, which insistently cast its empire as uniquely humane.<sup>34</sup> These demands

<sup>29</sup> For further discussion, see Fabian Klose, "Human Rights for and against Empire: Legal and Public Discourses in the Age of Decolonisation," *Journal of the History of International Law* 18 (2016): 317–38.

<sup>30</sup> The literature on abolitionism and empire is vast, see notably Amalia Ribi Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880–1940* (Oxford: Oxford University Press, 2015); Derek R. Peterson, ed., *Abolitionism and Imperialism in Britain, Africa, and the Atlantic* (Athens: Ohio University Press, 2010); Seymour Drescher, *Abolition: A History of Slavery and Antislavery* (Cambridge: Cambridge University Press, 2009); Drescher, "The Shocking Birth of British Abolitionism," *Slavery & Abolition* 33, no. 4 (2012): 571–93; Robyn Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London: Verso, 2011).

<sup>31</sup> Anthony Webster, *The Debate on the Rise of British Imperialism* (Manchester: Manchester University Press, 2006); Alice L. Conklin, "Colonialism and Human Rights: A Contradiction in Terms? The Case of French West Africa, 1895–1914," *American Historical Review* 103, no. 2 (1998), 419–42.

<sup>32</sup> Andrea Major, *Slavery, Abolitionism and Empire in India, 1772–1843* (Liverpool: Liverpool University Press, 2012), 244–78.

<sup>33</sup> The affinities between old and new humanitarian interventionist mobilizations, particularly those of the 2000s, are discussed extensively in Jean Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War* (New York: New York University Press, 2006).

<sup>34</sup> The durability of this self-mythologization, and its manifest inaccuracy, has been well demonstrated, see the recent work from Aidan Forth, *Barbed-Wire Imperialism: Britain's*

diminished sharply, though not entirely, when the new imperial administration demonstrated its own abusive hand to the victim territory.<sup>35</sup> Campaigns to eradicate “traditional” abuses of customary law, an effort that frequently held a kernel of emancipatory value, typically replaced traditional abusive structures with much the same systems, but with an imperial suzerain grafted upon them.<sup>36</sup>

Humanitarianism was thus an intellectual configuration that not only could coexist with empire, it seemed almost to require it, in ways that were mostly inconsistent with its overlapping discursive formation, individual rights; the term “human rights” hardly featured in the nineteenth century. Humanitarian movements were not typically convinced of the equality and agency of all peoples – features that were almost constitutive of human rights as it emerged after WWII.<sup>37</sup> Humanitarian politics, with rare exceptions, were deeply imbricated in white racial paternalism. As pioneers of the rhetoric of “anti-politics,” humanitarians professed only the concern of conscience, moved by the most elemental and corporeal needs of humanity.<sup>38</sup>

*Empire of Camps, 1876–1903* (Berkeley: University of California Press, 2017); Kim Wagner, “Savage Warfare: Violence and the Rule of Colonial Difference in Early British Counterinsurgency,” *History Workshop Journal* 85, no. 1 (2018): 217–37.

<sup>35</sup> The primary mode of dissent proposed reformism within empire, and did not pose a question of its legitimacy, see Bernard Porter, *Critics of Empire: British Radical Attitudes to Colonialism in Africa 1895–1914* (London, 1968).

<sup>36</sup> Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996). On the gendered aspect of this colonial humanitarian discourse, see Charlotte Walker-Said, “The Trafficking and Slavery of Women and Girls: The Criminalization of Marriage, Tradition, and Gender Norms in French Colonial Cameroon, 1914–1945,” in *Sex Trafficking, Human Rights, and Social Justice*, ed. Tiantian Zheng (New York: Routledge, 2010), 150–69; Walker-Said, “Christian Social Movements in Cameroon at the End of Empire: Transnational Solidarities and the Communion of the World Church” in *Relocating World Christianity: Interdisciplinary Studies in Universal and Local Expressions of Christianity*, ed. Joel Cabrita, Emma Wild-Wood, and David Maxwell (Leiden: Brill, 2017), 189–212.

<sup>37</sup> Michael Geyer, “Humanitarianism and Human Rights: A Troubled Rapport,” in *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present*, ed. Fabian Klose (Cambridge: Cambridge University Press, 2016), 31–55.

<sup>38</sup> There was doubtlessly affective power behind much of the humanitarian impulse, and its often florid expression. See notably the work on affect and humanitarianism, notably the outstanding Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011); and “The Cruelty of Slavery, The Cruelty of Freedom: Colonization and the Politics of Humaneness in the Early Republic,” in *Affect and Abolition in the Anglo-Atlantic, 1770–1830*, ed. Stephen Ahern (Aldershot: Ashgate, 2013), 189–209. See also, on more recent affective mechanism of sight, and its implied moralism, as discussed in Heidi Fehrenbach and Davide Rodogno, eds., *Humanitarian Photography: A History* (New York: Cambridge University Press, 2015), 1–21.

Nevertheless, the logic of humanitarianism, even as it was advanced in the late Victorian and Edwardian empire, did provide the foundations for a serious critique of colonial rule. Roger Casement, perhaps the most iconic figure in the early twentieth-century British humanitarian movement, commenced his crusade against the abuses of foreign imperialisms. An Irish nationalist – the British would hang him in 1916 for his part in the Easter Uprising that year – he concluded with absolute confidence that empire itself was inherently disposed to abuse; and self-determination the most essential humanitarian intervention.<sup>39</sup> He counterpoised national liberation, rather than international human rights, to empire. The rights of man would be realized in independent nation-states.

While the maritime imperial order survived World War I, the breakup of the continental land empires, Russia, Ottoman, and Germany, and US President Wilson's ban on annexing their territories, led to a renewal of civilizational and humanitarian missions. The Paris Peace Conference in 1919 and new League of Nations ignored the claims of colonial peoples to independence, and assigned the territories of the defeated powers to the victorious Entente Powers, mainly Britain and France, in the form of trusteeships called mandates. The rhetoric, and to some extent, the logistical connections between humanitarianism and empire were thereby revitalized during the interwar years in the form of a humane mission for imperial control in the League of Nations mandate system.<sup>40</sup> Humanitarianism's putative place outside politics barely survived a second total war, and the wars of decolonization that followed it, however. Who resided within humanity, and who disbursed compassion, were promptly and inevitably engaged as part of a contest for the symbolic high ground of morality.<sup>41</sup> Humanitarianism and human rights remained lexical wildcards that could be played by imperialist and nationalist alike, for radically different aims, a dynamic evident across several of the chapters in this collection.<sup>42</sup>

<sup>39</sup> Dean Pavlakis, *British Humanitarianism and the Congo Reform Movement, 1896–1913* (Aldershot: Ashgate, 2015); Grant, *Civilised Savagery*; Andrew Porter, "Sir Roger Casement and the International Humanitarian Movement," *Journal of Imperial and Commonwealth History* 29, no. 2 (2010): 59–74.

<sup>40</sup> There was at least some recognition of the tension between empire and humanitarian categories, see notably J. P. Daughton, "Behind the Imperial Curtain: International Humanitarian Efforts and the Critique of French Colonialism in the Interwar Years," *French Historical Studies* 34, no. 3 (2011): 503–28.

<sup>41</sup> Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015).

<sup>42</sup> On the informal logics of contemporary humanitarian practices, see Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University of California Press, 2011); Michal Givoni, *The Care of the Witness: A Contemporary History of Testimony in Crises* (New York: Cambridge University Press, 2016). For a survey of recent

The gulf between empire's grand ideology and its practice was more readily discerned by those closest to colonial administration.<sup>43</sup> The contradictions were a constant source of anxiety for colonial ministries in the early 1950s, and a still more intense source of resentment and frustration from local colonial administrators. While some European officials embraced the new international human rights systems as consistent with their values, as well as a potent instrument for containing communism at home and abroad, their colonial colleagues wrote dismayed memoranda. The European Convention on Human Rights (1950), the first formal treaty arrangement to have the words "human rights" in its title, permitted state parties to exclude and restrict application in colonial territories. Proponents of the European Convention, among them avid imperialists such as Winston Churchill, believed its guarantees of civil and political rights reflected the Christian and humanist values that had once unified European civilization and its imperial extensions.<sup>44</sup>

Ultimately, the imperialist effort to manage the new human rights language, and to isolate it from anti-colonialism, proved terminal.<sup>45</sup> No UN human rights treaties would follow the European Convention's example, despite a sustained effort to preserve the territorial application provision from both France and Britain. Only a handful of years after the adoption of the UDHR, which implicitly prohibited discrimination on the basis of colonial status, the ideal global order was reconfigured: a world of nation-states, each securing those agreed universal human rights

anthropological literature on humanitarianism, see Peter Redfield and Erica Bornstein, "An Introduction to the Anthropology of Humanitarianism," in *Forces of Compassion: Humanitarianism Between Ethics and Politics*, ed. Bornstein and Redfield (Santa Fe, NM: School for Advanced Research, 2011), 3–30; Redfield, "Humanitarianism," in *A Companion to Moral Anthropology*, ed. Didier Fassin (Malden, MA: Blackwell, 2012), 451–67.

<sup>43</sup> Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia: University of Pennsylvania Press, 2013).

<sup>44</sup> Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (New York: Oxford University Press, 2017); A. W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (Oxford: Oxford University Press, 2001); Christopher Roberts, *The Contentious History of the International Bill of Human Rights* (Cambridge: Cambridge University Press, 2015), 129, 136–8.

<sup>45</sup> See, for elaboration, Emma Stone MacKinnon, "Declaration as Disavowal: The Politics of Race and Empire in the Universal Declaration of Human Rights," *Political Theory* 47, no. 1 (2019): 57–81; Jessica Pearson, "Defending Empire at the United Nations: The Politics of International Colonial Oversight in the Era of Decolonisation," *Journal of Imperial and Commonwealth History* 45, no. 3 (2017): 525–49; and on the related question of humanity and refugees, see Lucy Mayblin, "Colonialism, Decolonisation, and the Right to be Human: Britain and the 1951 Geneva Convention on the Status of Refugees," *Journal of Historical Sociology* 27, no. 3 (2014): 423–41.

for their citizens.<sup>46</sup> This was the moment in which universal human rights, popular sovereignty, and liberal anti-colonial nationalism appeared to fly in formation.<sup>47</sup> It was a perishable arrangement.

Optimistic visions of national freedom and human rights for the freed citizenries of postcolonial states began to wane in the late 1950s. The year 1958 alone witnessed several authoritarian transitions, including the concentration of executive power in a symbolically potent beacon, Kwame Nkrumah's Ghana. Pakistan's dysfunctional democracy suffered its first successful coup, led by Mohammed Ayub Khan. His political program replaced the unrealized promise of universal human rights with a patronizing scheme of "Basic Rights," which Khan argued were best suited to his underdeveloped nation.<sup>48</sup> A generation of grave disappointments, punctuated by catastrophic violence in Biafra, Bangladesh, and, later, Cambodia, produced a steady migration to less hopeful and less revolutionary horizons.<sup>49</sup> Among a new generation of Western human rights movements, and those who cast anti-colonialism as the vanguard of a global revolution, hopes for the transformative and humane rebirth of nations and peoples dimmed.<sup>50</sup>

In Britain, Amnesty International was born in 1961, as the disappointments of the Third World were becoming manifest, and the increasingly visual nature of global media began transmitting horrors with greater

<sup>46</sup> Cf. Christian Reus-Smit, *Individual Rights and the Making of the International System* (Cambridge: Cambridge University Press, 2011); Reus-Smit, "Struggles for Individual Rights and the Expansion of the International System," *International Organization* 65, no. 2 (2011): 207–42.

<sup>47</sup> Burke, *Decolonization and the Evolution of International Human Rights*. See also the work of Bonny Ibhawoh. Ibhawoh, *Human Rights in Africa* (Cambridge: Cambridge University Press, 2018); Ibhawoh, "Testing the Atlantic Charter: Linking Anticolonialism, Self-determination and Universal Human Rights," *International Journal of Human Rights* 18, nos. 7–8 (2014): 842–60; Ibhawoh, "Human Rights and National Liberation: The Anticolonial Politics of Nnamdi Azikiwe," in *Leadership in Colonial Africa: Disruption of Traditional Frameworks and Patterns*, ed. Baba G. Jallow (New York: Palgrave Macmillan, 2014), 55–68.

<sup>48</sup> Mohammed Ayub Kahn, *Friends Not Masters: A Political Autobiography* (Oxford: Oxford University Press, 1967), ix, 90–2, 204–7.

<sup>49</sup> On the impact of the Biafran case in particular, see Lasse Heerten, "The Dystopia of Postcolonial Catastrophe: Self-determination, the Biafran War of Secession, and the 1970s Human Rights Moment," in *The Breakthrough: Human Rights in the 1970s*, ed. Jan Eckel and Samuel Moyn (Philadelphia: University of Pennsylvania Press, 2014), 15–32; Bradley Simpson, "The Biafran Secession and the Limits of Self-determination," *Journal of Genocide Research* 16, nos. 2–3 (2014): 337–54; and the chapters in A. Dirk Moses and Lasse Heerten, eds., *Postcolonial Conflict and the Question of Genocide: The Nigeria–Biafra War, 1967–1970* (Abingdon: Routledge, 2018).

<sup>50</sup> For a more complex account of the interrelationship between the *tiers-mondiste* cohort, and the milieu which generated a new humanitarian politics, see Eleanor Davey, *Idealism Beyond Borders: The French Revolutionary Left and the Rise of Humanitarianism, 1954–1988* (Cambridge: Cambridge University Press, 2015).

fidelity. Amnesty International rapidly sought, with decidedly mixed success, to cultivate nodes and local sections all over the world, though its membership kept an overwhelming center of gravity in the Western middle-class. Global in its advocacy, and its professed authority, Amnesty International's disposition was primarily to assist the oppressed outside national borders, rather than to mobilize the oppressed within them. Its tools were self-consciously modest and moderate, sending out an armada of letters of concern on behalf of a particular persecuted individual, or "prisoner of conscience."<sup>51</sup> Amnesty International's emergence across the 1960s, and the explosive growth in sibling organizations in the 1970s, foremost Helsinki Watch (later Human Rights Watch), elevated the place of international human rights norms in daily discourse. These human rights causes were, predominantly, overseas; defined as individualized injustice.<sup>52</sup> Western publics had soured on the claims of nation-building, whether on Western, Sino, Soviet, or endogenous socialist models.<sup>53</sup> Transformative hope would instead start at the less abstract and grandiose level of ending grotesque ills. It was an approach that, arguably, over succeeded in canalizing human rights energy into the areas of greatest affective power and urgency.<sup>54</sup>

Amnesty International's mass letter campaigns, relentlessly documentarian approach, and studiously produced visual campaigns harnessed political moralism in a new manner.<sup>55</sup> Human rights could become the crusade of the concerned citizen, as opposed to the language of the directly repressed or elite foreign policy actors. Lighting a candle was a more resonant channel for solidarity than the dry juridical approach of earlier NGOs, like the International Commission of Jurists.<sup>56</sup> It afforded a more universalistic engagement with the plight of the persecuted than

<sup>51</sup> Sarah Snyder, "Exporting Amnesty International to the United States: Transatlantic Human Rights Activism in the 1960s," *Human Rights Quarterly* 34, no. 3 (2012): 779–99; Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton, NJ: Princeton University Press, 2007).

<sup>52</sup> On the pessimism of human rights politics emerging around this period, see Wendy Brown, "'The Most We Can Hope For ...': Human Rights and the Politics of Fatalism," *South Atlantic Quarterly* 103, nos. 2–3 (2004): 453–61.

<sup>53</sup> The temporal coincidence is observed, briefly, in Thomas Borstelmann, *The 1970s: A New Global History from Civil Rights to Economic Inequality* (Princeton, NJ: Princeton University Press, 2013), 187–8.

<sup>54</sup> Roland Burke, "'They Think Such Things Don't Matter': Emotional Diplomacy and Human Rights," *Human Rights Quarterly* 39, no. 2 (2017): 273–95.

<sup>55</sup> Jonathan Power, *Like Water on Stone: The Story of Amnesty International* (Boston: Northeastern University Press, 2001); cf. Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, NY: Cornell University Press, 2006).

<sup>56</sup> Howard Tolley, *The International Commission of Jurists: Global Advocates for Human Rights* (Philadelphia: University of Pennsylvania Press, 1994).

the patchwork jurisdiction of the European Court of Human Rights, the Inter-American Court, or the barely functional UN bodies. While moderate in its methods, its was, for practical purposes, adamant in its principles; namely, to channel public pressure against abusive regimes of every ideological flavor. By the end of the 1970s, the “Forgotten Prisoners” who had catalyzed Amnesty International’s birth were no longer forgotten; nor was the freedom Amnesty’s campaigns had secured for so many of them.<sup>57</sup> For those countless it assisted, Amnesty literally saved lives, winning quiet concessions for individual cases, from governments irritated and exhausted by the power of perpetual embarrassment. For the regimes against which railed in public broadsides and private complaints, Amnesty’s efficacy was frustratingly real.<sup>58</sup> Animated by a strong focus on individual cases and integrity of person abuses, Amnesty secured human rights on the least normatively contested terrain.

This triaged moralism did have its problems insofar as it drew the crusade into narrower ambitions, but was also elemental to Amnesty’s spectacular success. Its vision was palliation of the worst, and for the disappeared, the victims of SAVAK, BOSS, the DINA, and an alphabet of other acronymically obscured death squads, that was far from a small development. Its capacity to leverage Western public pressure against allies added a new factor to foreign policymaking; even if that factor was never especially consistent. For diplomats practiced at evasions in the UN and regional forums, the organization, and its nascent siblings, certainly seemed to have more teeth than any preceding human rights mechanism.<sup>59</sup>

Postcolonial abuses, abundant and appalling, met with righteous venom: even, or perhaps especially, from those once sympathetic to decolonization.<sup>60</sup> In much of the advocacy of these new human rights NGOs (HRNGOs), the nation-state, so central to the securing of rights in the Western domestic realm, was excised from the Western human

<sup>57</sup> Mümtaz Soysal, Nobel Lecture, December 11, 1977, available at [www.nobelprize.org/prizes/peace/1977/amnesty/lecture](http://www.nobelprize.org/prizes/peace/1977/amnesty/lecture), accessed October 2, 2018.

<sup>58</sup> See, for example, the private irritation of the Shah of Iran at AI activism in Parviz Radji, *In the Service of the Peacock Throne* (London: Hamilton, 1983), 107–13; and the collected governmental denunciations in *AI in Quotes* (London: Amnesty International, 1976).

<sup>59</sup> Iain Guest, *Behind the Disappearances Argentina’s Dirty War against Human Rights and the United Nations* (Philadelphia: University of Pennsylvania Press, 1990).

<sup>60</sup> Rupert Emerson, “The Fate of Human Rights in the Third World,” *World Politics* 27, no. 2 (1975): 201–26; cf. the markedly more generous, Emerson, *From Empire to Nation: The Rise of Self-Assertion of Asian and African Peoples* (Boston: Beacon Press, 1962). Arthur Schlesinger Jr. was perhaps the bluntest critic of the limits of self-determination, and exemplified the 1970s shift in attitude as to how rights related to collective national sovereignty, see the discussion in Moyn, *Last Utopia*, 118–19.

rights architecture as irrelevant or irretrievable.<sup>61</sup> By the late 1960s, having been compelled to release their overseas territories, and the grave political liability that attached to maintaining colonial rule, the almost former imperial powers now began to embrace an activist advocacy of human rights with more enthusiasm. After almost two decades spent fending away communist and Third World criticism, they could pursue the diplomacy and politics of virtue abroad with less encumbrance, most especially against the Soviet empire, in solidarity with its nascent dissident movement.<sup>62</sup> They were joined in the early 1970s by a US government, led first by Congress, and then by President Jimmy Carter, as well as a portion of the public seeking to reclaim “American virtue,” in Barbara Keys’s felicitous phrase.<sup>63</sup> This was a crusade distasteful of grand ambitions for statehood and sovereignty.<sup>64</sup> The emergent wave of HRNGOs joined older humanitarian organizations in their century-long effort to find the minimum possible altitude for ambition, well below the “common standard of achievement” of 1948, or the world-shaking nationalist promises of the 1955 Asian–African Conference in Bandung.<sup>65</sup>

As human rights, among the Western audience, shifted to this parsimonious utopia, Latin American, Asian, and African states transmuted human rights into another project – that of global economic redistribution,

<sup>61</sup> The “minimalist” quality, which was acutely apparent in the Latin American context, is observed in the insightful conclusion from Patrick William Kelly, *Sovereign Emergencies: Latin America and the Making of Global Human Rights Politics* (Cambridge: Cambridge University Press, 2018), 272–303.

<sup>62</sup> Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge, MA: Harvard University Press, 2014); cf. the genealogy of the 1960s proposed in the pioneering study from Jensen, *Making of International Human Rights*. Jensen’s account, which orbits a collection of postcolonial voices, demonstrates that the Western “breakthrough” was merely one aspect of a wider constellation of developments.

<sup>63</sup> Sarah Snyder, *From Selma to Moscow: How Human Rights Activists Transformed U.S. Foreign Policy* (New York: Columbia University Press, 2018); Snyder, “‘A Call for U.S. Leadership’: Congressional Activism on Human Rights,” *Diplomatic History* 37, no. 2 (2013): 372–97; Keys, *Reclaiming American Virtue*.

<sup>64</sup> Cf. Brad Simpson, “Self-Determination, Human Rights, and the End of Empire in the 1970s,” *Humanity: An International Journal of Human Rights, Humanitarianism and Development* 4, no. 2 (2013): 239–60.

<sup>65</sup> Eckel and Moyn, *Breakthrough*. On the ambitions of Bandung, and their ultimate disappointments, see Umut Ozsu, “Let Us First of All Have Unity among Us’: Bandung, International Law, and the Empty Politics of Solidarity,” in *Bandung, Global History, and International Law: Critical Pasts and Pending Futures*, ed. Luis Eslava, Michael Fakhri, and Vasuki Nesiah (Cambridge: Cambridge University Press, 2017), 293–307; Robert Vitalis, “The Midnight Ride of Kwame Nkrumah and Other Fables of Bandung,” *Humanity: An International Journal of Human Rights, Humanitarianism and Development* 4, no. 2 (2013): 261–88.

exemplified by the campaign for a New International Economic Order (NIEO), which gained force across 1974 and 1975. Railing, with considerable reason, against the “existing, unjust economic order,” their hopes were – if anything – more transformative and revolutionary than anything proposed in the 1940s and 1950s, at least in terms of the global balance of wealth. For the most voluble governmental proponents of the NIEO, human rights, in the prevailing Western variant, were neocolonial intrusion masquerading as moralism, a critique rendered more subtly by scholars from the Global South. Humanitarian aid, with its attached technocrats and conditionality, was the paternalism of the missionary. Humanitarianism itself, most especially in the laws of armed conflict, was found in need of decolonization. Although the fictions of impartial compassion that attended humanitarianism, a discourse with a much longer and well-furnished history within imperial projects, were already recognized, explicit association of “human rights” as imperialist was a new phenomenon.<sup>66</sup> “Western human rights,” as they had begun to be wielded by Amnesty International and more energetic Western foreign services, emerged as a new front in the interstate clash between North and South.<sup>67</sup> For two decades, state elites clashed on the purportedly imperial quality of universality as enshrined in human rights norms, a debate which much of the activist community – particularly in the Global South – simply maneuvered around, consumed with the problems of immediate abuses, as opposed to abstractions.<sup>68</sup>

Human rights movements could never manage fully equilateral attention to every dialect of a language that covered so many disparate, and often contradictory, priorities. Variations in emphasis are hardly remarkable: they are a constituent virtue of the discourse. The ability for so many emancipatory claims to invoke variants of human rights language,

<sup>66</sup> Humanitarianism, and in particular, rhetorics of humanitarian action to subtend imperial intervention, have been revived as a source of historical interest. See notably, Klose, *Emergence of Humanitarian Intervention*, and Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815–1914* (Princeton, NJ: Princeton University Press, 2012); cf. the more generous account of humanitarian interventions from Gary Bass, *Freedom’s Battle: The Origins of Humanitarian Intervention* (New York: Vintage, 2008).

<sup>67</sup> Burke, “Human Rights Day after the ‘Breakthrough’: Celebrating the Universal Declaration of Human Rights at the United Nations in 1978 and 1988,” *Journal of Global History* 10, no. 1 (2015): 147–70.

<sup>68</sup> For the most extensive and provocative argument on the continuities of imperialism and human rights, see Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2000). Gregory Mann observes a more complex process set of continuities and interactions between empire and HRNGOs, see *From Empires to NGOs in the West African Sahel: The Road to Nongovernmentality* (New York: Cambridge University Press, 2015).

and to do so with evident sincerity, was apparent at least as early as the early postwar, when the framers of the UDHR tried to stitch these strands into a mostly coherent set of articles.<sup>69</sup> The challenge of decolonization, and particularly, the 1970s, was not so much the proliferation of different species in the human rights ecosystem, than the growing inclination toward exclusivism and definitional monopoly. NGOs arrived at a particular balance of concerns; typically the most immediate and appalling. For state elites from the Global South, the exclusivism was in a different key – with human rights redefined as global economic redistribution. For those more candidly illiberal national liberation movements, human rights were more or less material and logistical support for armed insurrection; with the remainder of the UDHR merely platitudinous humanitarian posturing.<sup>70</sup> All attempted to define the category, and none succeeded. Greater appreciation of the contended space of human rights in the era of decolonization requires analytical deference to the diversity, and the coalescing of various rights claims around “human rights,” even when they communed with older and different rights philosophies and political programs.<sup>71</sup>

### **The Histories of Human Rights and Empire**

The chapters in this volume show that these engagements between human rights and empire did not operate as separate and autonomous abstractions. For those involved, there was no clean distinction between the rights invoked by national liberation movements and human rights. The Indian nationalist and feminist Hansa Mehta, in a 1949 conversation with the British Labour politician Marguerite Bowie, discussed a “blueprint for heaven,” one that was being enacted at once domestically in national reform movements and internationally in the UDHR.<sup>72</sup> As Indonesian nationalist leader, Mohammed Hatta, reflected in 1956, there was an affinity between how anti-colonialists perceived their cause and the language of universal human rights. When Indonesian

<sup>69</sup> Mary Ann Glendon, *A World Made New* (New York: Random House, 2001).

<sup>70</sup> *Proceedings of the UN–OAU Conference on Southern Africa, Oslo, 9–14 April, 1973* (Oslo: United Nations, 1973).

<sup>71</sup> See now the global analysis of Eric D. Weitz, *A World Divided: The Global Struggle for Human Rights in the Age of Nation-States* (Princeton, NJ: Princeton University Press, 2019).

<sup>72</sup> CBS Television, “*Vanity Fair*: Extemporaneous Discussion with Mrs. Roosevelt, Mrs. Mehta, and Miss Bowie of the Work of the Human Rights Commission,” 12:30 p.m., June 21, 1949, New York City, transcript, 3. Subject File No. 15, Reports on CHR, Hansa Mehta Papers, Nehru Memorial Library and Museum (NMLM), New Delhi, India.

nationalists were read the content of the UDHR, Hatta wrote, “it was as if they heard themselves speaking.”<sup>73</sup> Human rights and anti-colonial emancipation were a commingled freedom struggle in the 1940s and 1950s. While tensions would emerge, these did not correspond to any single geopolitical development, nor the total obsolescence of one by the other. The shift was linguistic and conceptual, as the meaning of the term human rights, at least in Western vernacular, began to narrow in ways that foreclosed the bolder economic and social revolutionary potential they had held in Third World imagination. Human rights were not born from the death of anti-colonialism. Human rights in the West died as a viable means for expressing any optimistic anti-colonial vision.

This refashioning of human rights in the 1970s cast aside much of the most vital content and appeal of human rights for postcolonial peoples.<sup>74</sup> For many in the Third World, transnational capitalism, rising antipathy to resource transfers and state building from the wealthy states, and all of the disappointed hopes of a meaningful sovereignty – the signature ambition of the original campaign against empire – were excised from this new human rights agenda. The World Bank’s “basic needs”-oriented approach to development, adopted in 1972, set the stage for “Structural Adjustment Programs,” eviscerating ambition and replacing it with survival.<sup>75</sup> A “human rights” discourse that had refounded itself in absolute minimalism, or in the word of one US ambassador, the hope of making “an awful situation slightly less awful” was the promise of the barest palliation, not the promise of liberation.<sup>76</sup> Given the prevalence of appalling – and rising – global repression, particularly in Latin America and South Asia, and abundant misery, this was hardly unreasonable, but it did shift the human rights agenda away from the grand to the immediate and desperate.

After a decade of definitional contraction in human rights language across the political West, the early 1990s did begin to regenerate a more generous and inclusive appreciation of how wide and ambidextrous rights were, and the rediscovery of global activisms which had emphasized quite different concerns. Foremost of these was women’s rights,

<sup>73</sup> Mohammad Hatta, “Colonial Society and the Ideals of Social Democracy,” in *Indonesian Political Thinking, 1945–1965*, ed. Herbert Feith and Lance Castles (Ithaca, NY: Cornell University Press, 1970), 35.

<sup>74</sup> Moyn, *Last Utopia*, 148, 218.

<sup>75</sup> Gilbert Rist, *The History of Development: From Western Origins to Global Faith* (London: Zed, 2002), 162.

<sup>76</sup> Hearings Before the Subcommittees on Asian and Pacific Affairs and on Human Rights and International Organizations of the Committee on Foreign Affairs, House of Representatives. August–September, December 1982 (Washington, DC: US Congress, 1983), 238.

which had organized in transnational networks well before the HRNGOs, and had successfully built out an impressive system of trans-local solidarities, and a much more ambitious vision of reform and advocacy.<sup>77</sup> So, too, Indigenous peoples, who found common cause not merely with other first nations, but with Amnesty International, with women's rights NGOs, and often with environmental activism.<sup>78</sup> The variegated texture of this more developed global human rights movement was unmistakable by June 1993, at the opening of the World Conference on Human Rights in Vienna. In the basement of the Austria Centre, the NGO universe advocated not merely for the now classical priorities of torture and arbitrary detention and execution, but for the Declaration on the Rights of Indigenous Peoples, and recognition that women's rights constituted human rights. Survival International, Amnesty International, and the Women's International League for Peace and Freedom were all part of an overlapping human rights movement; sometimes intersecting, sometimes not, but all conversing in a comprehensible language.<sup>79</sup> Although Western activism still hewed closer to the narrower ambitions of the 1970s, more citizenries had begun to recover human rights for their own aspirations.

For some historians, the anti-colonial embrace of human rights as a language against empire was illusory, explained away as instrumentalist, serving as a sharp rhetorical adornment to a profoundly different cause, that of nationalism.<sup>80</sup> Given that instrumental deployment of human rights has been the companion of countless modern political movements, the accurate observation that self-determination struggles drew on rights language offers little insight into how, why, and by whom human rights were used, or the implications and purposes of fusing local projects with

<sup>77</sup> Arvonne Fraser, "The Feminization of Human Rights," *Foreign Service Journal* 70, no. 12 (1993): 31–7; Wendy Parker and Pauline Comeau, "Women Succeed in Vienna Where Others Fail," *Tribune des Droits Humains* (1993): 22–4; Charlotte Bunch, "The Global Campaign for Women's Human Rights," *The Review: International Commission of Jurists* 50 (1993): 105–9.

<sup>78</sup> Jeff Cornthassel, "Partnership in Action? Indigenous Political Mobilization and Co-optation during the First UN Indigenous Decade (1995–2004)," *Human Rights Quarterly* 29, no. 1 (2007): 137–66; Pamela Martin and Franke Wilmer, "Transnational Normative Struggles and Globalization: The Case of Indigenous Peoples in Bolivia and Ecuador," *Globalizations* 5, no. 4 (2008): 583–98; Ronald Niezen, "Recognizing Indigenism: Canadian Unity and the International Movement of Indigenous Peoples," *Society for Comparative Study of Society and History* 42, no. 1 (2000): 119–48; Tracey Ulltveit-Moe, "Amnesty International and Indigenous Rights: Congruence or Conflict?," *American Indian Law Review* 31, no. 2 (2006/7): 717–42.

<sup>79</sup> *Terra Viva: The Independent Daily of the World Conference on Human Rights* (Vienna: IPS-Inter Press Service in technical cooperation with *Der Standard* (1993)), vols. 1–13.

<sup>80</sup> Simpson, *Human Rights and the End of Empire*, 512–13; Afshari, "Historiography of Human Rights Reflections," 50.

universalist significance. In their conspicuous even-handedness, exemplified by the nomination of abused figures from Western, communist, and Third Worlds, Amnesty International worked assiduously to position its organization, and human rights, outside ideological conflicts. This sort of studious disavowal was an explicit means for Amnesty and other emergent HRNGOs to set themselves apart from other social movements, and to ascend as the foremost Western “anti-politics.”<sup>81</sup> South Asian constitutionalists and Caribbean advocates of welfare planning rendered their projects as human rights, not for narrow tactical gain, but as a means of connecting local freedom projects with a wider global enterprise.

This volume shows that these connections often represented an effort to define and realize the substance of human rights in particular national settings. Those phenomena dismissed as instrumentalist were vehicles for moving beyond an ethereal, universal claim and toward a specific emancipatory goal. As for the apologists and representatives of colonial forces, they believed that the use of repressive measures against those who would challenge colonial rule could be justified in the name of a higher call to better the lot of the colonized, or defended as necessary prophylaxis against the presumed catastrophe of communist influence. Overlooking the appeal this perverse moral logic held among European and American audiences, working in both colonial and Cold War technocratic registers, is to underestimate the ideational power of liberal imperialism and its neocolonial successors.

Contributors across the volume, many of them pioneers of the new human rights history, traverse the geography of empire and its remnants. They pursue the interactions between human rights and decolonization across the twentieth century. Empire and rights are historicized through a network of overlapping sites, as opposed to marshalled into a catalogue of emancipatory triumph or utopian disappointment. Instead of any unitary heuristic, the cases suggest the pluripotent capacity of human rights claims, wielded by nationalists, imperialists, activists, and internationalists alike, for profoundly different purposes. The ecumenism with which these groups migrated contests of legitimacy into the language of human rights was integral to the steady ascent of the discourse and the eclipse of its rivals.

The historical investigations in this volume are organized into three thematic groupings, beginning with the struggle of colonized peoples to

<sup>81</sup> Samuel Moyn, “The Continuing Perplexities of Human Rights,” *Qui Parle* 22, no. 1 (2013): 103–4; Moyn, “Human Rights: Moral or Political?,” in *Human Rights: Moral or Political?*, ed. Adam Etinson (Oxford: Oxford University Press, 2018), 69–87.

assert their individual and collective human rights, above all the right to self-determination, before moving on to the place of human rights in the construction of postcolonial states. It concludes with colonial and neo-colonial efforts to mold human rights norms so as to undermine the emancipatory potential of anti-colonial conceptions of human rights. The editors are cognizant of critiques of histories of empire that privilege colonial sources and perspectives, which rightly challenge imperial historians to decolonize the history of decolonization, as well as the editors' own positionality as white male scholars educated and employed in Western educational institutions.<sup>82</sup> Attempting to strike a balance between diverse methodological approaches to the history of decolonization, the empirical research underpinning the various contributions to this volume straddles the divide between, on the one hand, the archives of imperial powers and Western NGOs, and, on the other, material that reflects African, Asian, and indigenous perspectives, including documents produced by the colonized themselves.

Part I of this volume investigates how the language of human rights and self-determination became embedded in anti-colonialist struggles. Human rights offered a language more responsive and comprehensive than conventional nationalism and an avenue for advancing these ideals in a global forum. Challenging the recent tendency to cleave anti-colonialism from the human rights story, Bonny Ibhawoh (Chapter 1) contends that this division, central to the "new histories," rests on an ahistorical assumption that the language was already settled by the 1940s. In British Africa, anti-colonialism offered an alternate vision of human rights that sought in part to challenge a hegemonic colonial rights agenda which emphasized the individual insistently. In this setting, the relationship between self-determination in anti-colonialism and nation-state-oriented, individual-centered "human rights" was not simply one of succession or displacement but also one of tension and contestation.

Marco Duranti (Chapter 2) investigates the relationship between decolonization in the French empire and the nascent UN human rights system after World War II. French officials, faced with pressure to implement UN human rights standards in their African colonies, found themselves unable to reconcile their own constitutional doctrine of assimilationism, premised on a universalist conception of "the rights of man," with the existence of unequal colonial rights regimes based on cultural difference. Private petitions sent to the United Nations from individuals and NGOs around the world drew attention to the French

<sup>82</sup> See Chapter 1 in this volume.

state's abuse of colonial subjects, above all in the Maghreb. These anti-colonial activists, whether residing within French colonial territories or abroad, conceived of the defense of civil liberties as inseparable from the struggle for independence. While citations of UN human rights standards declined over the course of the 1950s, petitioners left no doubt that guarantees of individual freedoms and trade union rights were a prerequisite for national self-determination.

Jennifer Johnson (Chapter 3), in her study of humanitarian law in the Algerian War of Independence, demonstrates the ways in which the terrain of global moralism became a battleground for imperial authorities and the liberation movement. As the Algerian National Liberation Front fought kinetic battles, its political wing waged a campaign for the conceptual plane of international humanitarian law. Both bloodshed and its palliation became a means for advancing nationalist primacy, and, contrarily, the basis for French assertions of civilizational superiority. The radically egalitarian premise of humanitarianism, that all suffering beings are equally entitled to compassion and protection, clashed with the nationalist and imperialist ideologies that in practice had long structured the French Red Cross's activities, revealing the tenacity of old civilizational hierarchies in postwar French humanitarian discourse.

Miranda Johnson (Chapter 4) charts indigenous encounters with human rights in Australia, Canada, and New Zealand, which gathered momentum in the early 1960s. Competing interstate rights presumed international recognition as a nation-state, a recognition denied to, and not always sought by, Indigenous peoples in settler societies. Scarcely more promising was the state of human rights law as it existed in the 1960s, when the language was almost silent on Indigenous peoples. Human rights, with their inherent emphasis on universal individuals, mapped poorly to particular indigenous collectivities and broken colonial agreements, and limited the potential gains to narrow areas of labor and legal equality. Navigation of a path forward required the generation of a new rights tradition, hewn from elements of human rights, more specific moralistic narratives in settler societies, and long dormant imperial-era legal obligations. This newly synthesized tradition, eventually and reluctantly accepted by settler colonies in the 2007 Declaration on the Rights of Indigenous Peoples, was both more and less than the UDHR.<sup>83</sup>

<sup>83</sup> Megan Davis, "Indigenous Struggles in Standard-Setting: The United Nations Declaration on the Rights of Indigenous Peoples," *Melbourne Journal of International Law* 9, no. 2 (2013): 439–71; GA Res. 61/295. United Nations Declaration on the Rights of Indigenous Peoples, September 13, 2007, available at [www.un.org/esa/socdev/unpfi/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf), accessed April 10, 2018.

The long and late codification of the rights of the indigenous of rights indicated both substantial ellipses in the human rights discourse and its capacity for renovation.

Mary Ann Heiss (Chapter 5) charts the inevitable incoherence that accompanied human rights instrumentalization, primarily in the realm of self-determination. For US policymakers in the Eisenhower administration, human rights, inclusive of the nationalist *cri de cœur*, the right to self-determination, were powerful indictments upon the Soviet regime. More challenging was their equivalent potency against America's European allies. Finding a defensible median between these interests, which collided dramatically in late 1960, in the UN Declaration Against Colonialism, was an exhibition in the perils of crafting a moralistic weapon with broadband effects.<sup>84</sup> Bold demands for the universal application of self-determination and human rights, passionate invocations of 1776, and timorous reference to British, French, and Portuguese repression, was a partial solution, and only partially convincing.

Part II of the volume traces the transformation of the still plastic notion of human rights in the emergence of postcolonial statehood. As the place of the individual was opened up in the process of empire's end, the status of imperial subject shifted to postcolonial citizen. This transition was often framed in terms of human rights, yet the relationship between the categories of citizen and human remained perilously ill-defined. A. Dirk Moses (Chapter 6) finds another gulf between the emergent human rights ideals and the coercive mass movement of peoples. As Eleanor Roosevelt dreamt of "A World Made New," and delegations pondered the linguistic elegance of their draft UDHR, the partitions of the later 1940s – India, Palestine, and Germany – remade the worlds of whole communities, and almost invariably, remade them in misery.<sup>85</sup> Postwar partitions represented humanitarian catastrophes of enormous proportions: official and unofficial population expulsions of many millions of

<sup>84</sup> For a wide survey of the paradoxical quality of self-determination in the US diplomatic armamentarium, and its national life, see Bradley Simpson, "The United States and the Curious History of Self-determination," *Diplomatic History* 36, no. 4 (2012): 675–94; 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, no. 4 (2009): 798–826.

<sup>85</sup> For the European context of partitions and coerced transfers, see G. Daniel Cohen, "The 'Human Rights Revolution' at Work: Displace Persons in Postwar Europe," and Lora Wildenthal, "Rudolf Laun and the Human Rights of Germans in Occupied and Early West Germany," in *Human Rights in the Twentieth Century* ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2011), 45–61, 125–46; Matthew Frank, *Making Minorities History: Population Transfer in Twentieth-Century Europe* (Oxford: Oxford University Press, 2017), 356–78.

people, occasioning over a million deaths and lasting bitterness. Older languages on the “standard of civilization” continued to shape international human rights law, including the newly enunciated standards of the 1946 UN General Assembly declaration on genocide.<sup>86</sup> Bringing these partitions into the frame allows the limits and contradictions of these postwar deliberations to be seen in a new light. Through meticulous historicization, Moses recasts the orthodoxy on key inter- and postwar historical actors, most notably Edvard Beneš in Czechoslovakia and Zionist icons Chaim Weizmann and Norman Bentwich.

Cindy Ewing’s research (Chapter 7) connects the national rights debates of South Asia to the international project of human rights, placing early independence constitutions within the frame of an emerging global human rights vision. Constitutions were the site where the grand ambitions of the UDHR encountered the reality of national politics in Burma, Ceylon, and India, in the form of perennial tensions on minorities, family and personal status law, and in the formalization of limits on previously ambiguous state power. More proximate to the practical challenges of codifying a human rights system into a national reality, South Asian polities in the late 1940s prefigured some of the defining debates that the UN would encounter in its second decade, when it was seized with the difficulty of an equilibrium between individual and collective, and universal and particular.

Raphaëlle Khan (Chapter 8) takes up the Indian perspective and its place in the international realm, primarily at the UN. Debates carried out domestically interacted in productive ways with the foundering global efforts of the 1950s and early 1960s. India, which had been compelled to face the tensions within human rights in its own nation-building process, was among the few states that had sustained and practical experience of placing self-determination, the welfare state, and collective minority protections in a human rights document.<sup>87</sup> As Khan demonstrates, the complexity of Indian interventions contradict any easy assumption that rights were no more than an instrumental weapon for securing sovereignty. Sovereignty itself was always insufficient, given that the rights of the large Indian transnational community were a common target for discrimination, most visibly in South Africa. India’s positions were not without contradiction, rendered acute in the inconsistent

<sup>86</sup> See brief discussion in Lydia H. Liu, “Shadows of Universalism: The Untold Story of Human Rights around 1948,” *Critical Inquiry* 40, no. 4 (2014): 385–417.

<sup>87</sup> The general disposition of Indian internationalism, in the independence era, is further addressed in Manu Bhagavan, *The Peacemakers: India and the Quest for One World* (New Delhi: HarperCollins, 2012).

application of self-determination.<sup>88</sup> The orientation of Indian nationalist representatives, foremost the feminist and anti-colonial activist, Hansa Mehta, reflected neither unshackled utopian ambition nor narrow instrumentalism.

Steven Jensen (Chapter 9) draws Jamaica, and the Caribbean world, to the center of human rights developments in the 1960s. Much as South Asian nationalists had pursued a decade earlier, the newly independent state embarked on a conjoined project that embraced a national human rights agenda with international rights activism under the leadership of its energetic First Minister, Norman Manley. While its fruits would become evident across the late 1960s, Jamaica's period of greatest vitality occurred in the liminal period between full imperial control and full independence. In this protracted moment, when the shape of the prospective state, was being determined, Jamaica built a foundation which led it to a foremost place in the UN human rights system. Jamaica's influence here, which was decoupled from its strategic weight, revealed the limits of those human rights narratives which finds origins in the major Western democracies.

Michael Humphrey (Chapter 10) approaches the violence of empire over half-a-century later, in the nascent legal mechanisms to find accountability for historical human rights abuses in the terminal years of colonial rule.<sup>89</sup> Two colonial atrocities serve as an avenue to examine the long-deferred project of holding empire to account for abuses that were, like many, not remedied by the eventual achievement of sovereignty. In 2011, the Hague Civil Court awarded individual monetary compensation – and legal recognition – to the victims of the 1947 Rawagede massacre by Dutch authorities. In 2012, the British High Court found Mau Mau veterans could seek redress for the systematic policy of torture and mass arbitrary detention by the British across the 1950s. While there was scope for legal remedy for torture, the political

<sup>88</sup> On the contradictions rights, and in particular, self-determination, posed within anti-colonialism, see Lydia Walker, "Decolonization in the 1960s: On Legitimate and Illegitimate Nationalist Claims-making," *Past & Present* 242, no. 1 (2019): 227–64; Talbot Imlay, "International Socialism and Decolonisation during the 1950s: Competing Rights and the Postcolonial Order," *American Historical Review* 118, no. 4 (2013): 1105–32.

<sup>89</sup> Although there would be no serious legal remedy for decades, the acute tension between the rising professions of human rights as Western idealism, and escalating repression as contemporary reality, is well shown in studies of British campaigns in the Middle East and Africa, see Brian Drohan, *Brutality in an Age of Human Rights: Activism and Counterinsurgency at the End of the British Empire* (Ithaca, NY: Cornell University Press, 2017); Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya* (London: Cape, 2005); David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (London: Hachette, 2011).

sequelae of British repression were not so easily addressed – the Mau Mau were actively written out of the postcolonial polity in the effort to ensure a stable transition from colonial to national. Collective national narratives of anti-colonial struggle, defined as a singular people, elided these particular injustices experienced by individuals, and the persistence of harm well after self-determination had been secured.

Part III of the volume explores how colonial and neocolonial forces mobilized human rights in response to decolonization. Liberal imperialists and their successors played a critical role in mapping the boundaries, spatial and conceptual, of the universality that was being inscribed into the texts which supposedly set out the principles of the new postwar world. As imperialist and anti-imperialist, government and NGO, national citizen and transnational activist progressively discovered in the postcolonial era, custodianship of human rights, and the inscription of their priorities into that phrase, was the essence of the struggle. Radically dissimilar projects were transformed into advocacy within human rights discourse. Although France's well-upholstered mythologization as universalist liberator was an established fixture in international diplomacy, Miguel Bandeira Jerónimo and José Pedro Monteiro (Chapter 11) find another defensive custodianship of human rights in the efforts of Portuguese colonial and governmental ideologues, who sought to wield human rights as a reputational asset. Even as human rights crystallized in the 1950s as the foremost weapon against continued imperial rule, Portugal's diplomatic corps embraced the language as the licensing discourse for lusophone Africa with remarkable enthusiasm. The confidence with which the Salazar regime boasted of its imperial human rights credentials, despite fascist politics at home, reveals the ambidextrous quality rights language retained into the 1970s.

There was no shared movement toward a unified meaning of human rights, and the effort to refashion these older imperial claims into the ascendant language of human rights not unique to Salazar's Portugal, as Roland Burke (Chapter 12) demonstrates in the case of South Africa, which sought to recast the racial dictatorship of *apartheid* into a form compatible with the lexicon of human rights, self-determination, and multiculturalism. Beginning in the early 1960s, *apartheid*, rebadged "Separate Development" and later "Plural Relations" paid linguistic deference to the new idealisms of rights, self-determination, and development. Acutely aware of the potency of human rights critique, the regime sought not so much to contest human rights norms, but to place its project as consistent with the post-1945 world. The continual metamorphosis of *apartheid*'s global sale sits as powerful example of how discourses of freedom hold ample capacity for subversion.

Jay Winter (Chapter 13) distinguishes between the two forms of rights discourse in the writings and practice of the 1968 Nobel Laureate, René Cassin. These two variants of rights were evident in his capacity both as vice-president of the Conseil d'Etat from 1944 to 1960, and in his role as a French delegate to the United Nations from 1945, and as international human rights advocate in a number of organizations thereafter. The first position he adopted was advocacy of humanitarian rights, understood as falling within the laws of war. Victims of war, in or out of uniform, could properly demand reparation as a right and not as charity.<sup>90</sup> Overlaid upon these humanitarian rights were human rights, as articulated in the UDHR he helped to draft. Cassin's human rights set down a supra-national standard for state conduct in both peace and war, as compared to his category of a humanitarian right. The contradictions in where, and to whom, he applied these two categories, be it to Jewish refugees in Palestine as compared to Palestinian peoples, or to Algerians in the French empire, were inescapable, and sometimes paralyzing. Cassin's universalism fissioned into two when it came to violent conflicts between Europeans and non-Europeans.

Barbara Keys (Chapter 14) illustrates how, after anxiety on the American right over self-determination had receded, the managerial challenge of the country's own imperial legacies persisted. The logic of intervention was all but discredited by the course of the Vietnam War, but new mechanisms to pursue human rights proved problematic. Fueled by a decade of cumulative guilt over the war, and the grotesque abuses carried out by its South Vietnamese client, Congress sought redemption by linking aid to human rights conditions. As the USA removed itself from direct combat in the early 1970s, it also sought to cleanse itself of the conflict, and the decade of moral compromise that had shattered its self-image. Withdrawing the supply of assistance that underwrote an abusive regime abroad served as a symbolic means for reinfusing a sense of virtue at home.

Eleanor Davey (Chapter 15), surveying events a decade later, finds the implications of a contested humanitarianism still dawning upon the International Committee of the Red Cross (ICRC).<sup>91</sup> Wars of national liberation, which had only deepened in the years after Algeria, presented

<sup>90</sup> Equality of veterans benefits was a touchstone for debates in the interwar period, Michael Goebel, *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (Cambridge: Cambridge University Press, 2015), 107–8, 188–90, 236.

<sup>91</sup> Further background is given in Fabian Klose, "The Colonial Testing Ground: The ICRC and the Violent End of Empire," *Humanity* 2, no. 1 (2011): 107–26; Helen Kinsella, "Superfluous Injury and Unnecessary Suffering: National Liberation Movements and the Laws of War," *Political Power and Social Theory* 32 (2017): 205–31.

a fundamental threat to the precepts of humanitarianism, not simply a competition for ownership. When the ICRC's specialists gazed uneasily at Portuguese Africa, whether the claims of liberation could be set within the architecture of international humanitarian law involved more than philosophical disquisition. Informed by empirical inquiry among the liberation movements, the ICRC sought to reconcile the practice of the liberation movements in the 1970s and the spirit of Solferino. Their efforts were lent urgency by the context of a rising effort to "decolonize" the laws of war, which posed a looming threat to the ICRC's monopoly as arbiter of humanitarian norms. Whatever was resolved in Guinea would also have to be set alongside a growing chorus within the UN and the Organization of African Unity for a specially privileged class of struggle – that against racial dictatorship and colonialism.

Jessica Whyte (Chapter 16) further reveals the ambiguities of human rights discourse as an emancipatory instrument in her examination of the hyper-individualistic *Liberté sans Frontières* (LSF), the less luminous counterpart to humanitarian organization *Médecins sans Frontières*. During the first flourishing moment of neoliberalism in the 1980s, LSF promulgated a vision of the narrowest individual liberty – notionally against developmental dictatorships, which were myriad and egregious in their abuses – but with implications that undercut any credible nation building project. LSF's evangelism found purpose in market purity, as opposed to human well-being. The intense antipathy of LSF's members not merely to totalitarian state formation, but any serious attempt at securing economic sovereignty and material security for peoples of the Third World, was the mirror image of the pathological statism of failed postcolonial authoritarians.<sup>92</sup>

In recent interventions on the history of rights, the era of decolonization and its legacies has been one of the defining exhibits, one which recasts the trajectory of all of which came before and after. Yet the content of human rights and their operation emerge as so contested and versatile that a discrete transitional moment, where anti-colonialism was superseded by human rights, ceases to hold as an effective schema for analysis.<sup>93</sup> Human rights ascended as a language for moral claims, and the epochal ideological conflicts of the twentieth century were reset within it. Sovereignty, nationhood, economic justice, humanity, and

<sup>92</sup> Cf. the statist project of global economic redistribution, to bolster Third World sovereignty, Roland Burke, discussed in "Competing for the Last Utopia? The NIEO, Human Rights, and the World Conference for the International Women's Year, Mexico City, June 1975," *Humanity* 6, no. 1 (2015): 47–61.

<sup>93</sup> Frederick Cooper, "Afterword: Social Rights and Human Rights in the Time of Decolonisation," *Humanity* 3, no. 3 (2012): 477–8.

individual freedom were not abandoned for human rights, but repartitioned. These became tensions inside human rights, not rivals to it.

Throughout the 2010s, much scholarly energy has been devoted to abstract questions about the philosophical content and implications of human rights histories or, more profoundly still, the exhaustion of its utility as an approach.<sup>94</sup> This volume demonstrates that even supremely erudite grand generalization understates the richness of human rights history, particularly addressing an intrinsically diverse subject: empire, anti-colonialism, and rights. These scholars trace so many variegated cases of human rights, shaped by different contexts, and deployed with a distinct set of attached meanings – often overlapping, but driven by their own logic. In so doing, their contributions show the power of particular histories of a universalistic discourse, rather than seeking to subordinate particular discourses to a universalizing historical scheme.

Human rights were embedded in anti-colonial freedom movements and at least in part, constitutive of its hopes. In turn, the contours of the human rights concept were defined and sharpened by a global, distributed endeavor to grant meaning to the term. As jurists in newly independent nations drafted their plans for freedom, they conceived of their work as part of more than a national effort. Indigenous organizers discovered human rights as a bridge to a larger cohort of activism and also discovered its deficiencies for the cause of Indigenous peoples. The transnational indigenous rights movement would eventually expand the concept of human rights and work to remedy its silences. When approached at close range, the projects – and conflicts – charted across this volume were the translation of the universalistic promise into universally meaningful claim. Even the UDHR, for all of its cross-cultural sources and earnest, if often hesitant, commitment to inclusion, could only provide the outlines of a globally relevant universalism. In wielding the language of human rights, and finding its application, these campaigns against empire began to populate that vision with a more universal collection of experiences and perspectives.

<sup>94</sup> The connection between a context of a deep political crisis, and one of historiography, is at least implied in these discussions. In her defense of human rights, written in a context of renascent authoritarianism, appalling inequality, and florid racial nationalism, Kathryn Sikkink invokes “the longer history of human rights” for “a more positive message that could help sustain” activism, see Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton, NJ: Princeton University Press, 2017), 7.

