

## **Lobbying for Relevance: American Internationalists, French Civil Libertarians and the UDHR**

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As a new week dawns, yet another session by some UN human rights monitoring body or other opens. Every detail of the session replicates what an outsider imagines UN ‘human rights in action’ to look like.<sup>1</sup> The session is arranged perhaps at the Palais Wilson, headquarters of the UN Office of the High Commissioner for Human Rights that once hosted the League of Nations, and is characterized by ornate staircases, carved ceilings and a striking view of the Lac Léman with the city of Geneva glittering in the background. During sessions one sees a steady flow of state delegates, representatives of NGOs from all corners of the world as well as staff from the UN secretariat. Jointly they bring ‘the international’ alive, giving it a ‘face’ that is every bit as diverse as the universal ethos of human rights discourse suggests.

However, as tangible as the (racial) diversity of participants becomes, closer examination overshadows it with a distinct *sameness*. For, although they may have diverse geographic origins, in many ways the individuals present are similar to each other: they are fluent in the same expert jargon of human rights – and often in many other languages too – they are widely travelled and highly educated. They are worldly, ‘modern’, exquisite in their tastes; they are the epitome of cosmopolitan (the person, not the drink). Whether due to the understated elegance of their expensive handbags, or stories of their favoured exotic dishes, airlines or holiday destinations, it is evident that they belong to the same socio-economic elite membership in which is a practical prerequisite for gaining access to the professional community of UN human rights experts and advocates.

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<sup>1</sup> Miia Halme-Tuomisaari, *Human Rights in Action: Learning Expert Knowledge* (Leiden: Brill, 2010).

Although the elitism of the contemporary human rights phenomenon is often glanced at, its consequences or origins are rarely systematically discussed in much human rights scholarship; it is as if common consensus agrees that this ‘inconvenient’ reality is best kept silent in the midst of more relevant issues and, in particular, the people for whom human rights action aspires to ‘give voice’. Not coincidentally the bulk of scholarship on human rights replicates the emphasis on the global ‘underdog’ while subtly marginalizing the identity of the actual protagonists – the concrete ‘movers and shakers’ within this global movement. Yet both this elitism and silence thereof trouble. The asymmetry between categories of ‘donors’ and ‘recipients’ sustain problematic relations of dependency<sup>2</sup> - relations that closer examination cannot but link to the legacy of benevolent paternalism within international law.

The current situation also puzzles: how have we ended up with this contemporary elitist reality? This question relates to a distinct layer of the textbook narrative of origins, namely the ‘Big Bang’ variation discussed in the introduction to this volume, which suggests that ‘back in the days’ things were different. It refers to widespread notions that construe lobbying efforts behind the adoption of the Universal Declaration of Human Rights (UDHR) as embodying an almost miraculous, collective and simultaneous awakening of human rights consciousness in diverse localities around the world. More importantly still, so the story goes, this awakening occurred from the ‘bottom-up’; it was the outcome of spontaneous organizing of the ‘global underdog’ in a moment of carnival like restructuring of global politics at the severance of the colonialist era.<sup>3</sup>

However, as attractive as this tale is, closer examination instructs us that it is simply not accurate. Importantly, despite of committed efforts to the contrary, it remains virtually impossible to find *any* decisive moments both prior to and after the adoption of the UDHR where one could argue that ‘the underdogs’ – members of ‘vulnerable groups’ for whom contemporary human rights protection is particularly intended for, namely minorities, former colonial populations, members of indigenous peoples, people with disabilities, and in particular, ‘the girl child’ – have genuinely

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<sup>2</sup> Ernesto Laclau, *Emancipation(s)* (London and New York: Verso, 2007).

<sup>3</sup> See discussion of ‘postwar’ reconstruction exercises as carnivalesque performances in Julie Billaud, *A Voice of One’s Own? Gender, Performance and Body Politics in ‘Postwar’ Afghanistan* (Pennsylvania: University of Pennsylvania Press, 2014).

been the primary actors themselves in the diverse global arenas instead of mere targets of action. This, in essence, is the story that the present chapter sets out to tell.

This chapter tells its story by focusing on the actions of two groups from the 1940s. The first group is formed by a coalition of prominent US interest groups – the equivalent of contemporary Non-Governmental Organizations (NGOs) - led by James Shotwell, Joseph Proskauer and Clark Eichelberger, who held central roles in the lobbying efforts in the founding conference of the UN in San Francisco in 1945. This lobbying yielded both in the inclusion of human rights references in the UN Charter as well as the creation of the drafting commission for the document that through the years 1946-1948 became the UDHR. The second group is a small group of French émigrés who migrated to the US in early 1940s, reforming the renown *Fédération Internationale des Ligues des Droits de l'Homme* under the English name *The International League for the Rights of Man* under the auspices of the *École Libre des Hautes Etudes* of the *New School for Social Research* in New York in late 1941.

The *Fédération Internationale*, or the International League, is arguably the world's first international human rights NGO, founded decades prior to the Amnesty International or Human Rights Watch. In pre-war Europe its key members held strong contacts to the highest orders of political decision-making bodies, and in the US its operations were soon participated in by the most celebrated American civil libertarian of his time, namely Roger Baldwin, co-founder and long-term chair of the American Civil Liberties Union (ACLU), whose contacts in the New World were every bit as privileged. Thus the story of the International League *could* have well become one of triumph and success – a tale that would also assist us in understanding the formation of the global human rights NGO community as well as the rapid global spread that human rights ideas would soon face after the adoption of the UDHR. Yet reality forwards a different its story, one filled with disappointment and failure to gain relevance.

The story that follows, told through archival material from the years 1941-1947, is not merely one of ideas and initiatives, but also one of concrete localities; of influential associations and failures to establish them; of street numbers, taxi rides and budgetary deficits – with New York City hovering almost always in the background.<sup>4</sup>

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<sup>4</sup> All primary documents discussed in this paper are from the minutes of the *Ligue Internationale des droits de l'homme*, deposited primarily with the *Papers of the International League for the Rights of*

This grand metropolis has not emerged as a protagonist in this story due to some premeditated design, even if the city in its celebration of the emancipated individual in uncanny ways captures essential elements of the human rights ideology. Rather, as research for this story progressed, the city simply emerged as the primary site of action, with its distinct localities symbolizing the ‘insiders’, the Ivy Leaguers often linked to Columbia University and its Carnegie Endowment for Peace, and the ‘outsiders’, the émigrés of the New School for Social Research of Greenwich Village.

Providing an additional undercurrent to this story is the shift that occurred circa 1947 when the document known up until that moment as the draft ‘*International Bill of Rights*’ eventually became known as the ‘*Universal Declaration of Human Rights*’. This chapter explores the significance of this change by, first, connecting the draft International Bill to the document that held centrality in the drafting process – and which made direct references to the US Bill of Rights – namely the *Essential Statement of Human Rights*. It then continues by exploring how this change of name from ‘Bill’ to ‘Declaration’ symbolizes the end of the brief period when the US, both through formal government channels as well as informally via interest groups, resorted from its momentary position of primus motor back to its policy of isolationism.

To cast a group of dignitaries accustomed to collaborating with the highest orders of French political life - a state, which is continually recognized as one of the birthing places of the contemporary human rights ideology and movement – as representing the ‘global underdogs’ entails undeniable irony. This is not by accident. By showing how *even these* dignitaries became marginalized serves to illustrate the smallness of circles at the time, and the contrast that the empirical details surrounding lobbying for the UDHR form to the fetishized universalistic ‘Big Bang’ narrative of origins. The real legacy of exclusion is, of course, much darker still as will be discussed later, as aspiring post-colonial states were absolutely excluded from this ‘experiment in global democracy’.

Building on my earlier work this story concretizes how, again contrary to popular myths, human rights action both today and in the past is *just the same* as anything else – characterized by personal relations, patterns of privilege, and mechanisms of

inclusion and exclusion.<sup>5</sup> Simultaneously, this is more a story of things done and places frequented by the people involved rather than a detailed analysis of matters written down or words spoken; thus it is *not* a detailed analysis of wording embedded in UDHR drafts or a scrutiny of distinct conceptualizations of rights forwarded by the different engaged groups. In this approach it forwards two arguments. First, it deposits that the wording of any international covenant is largely dictated by its drafting history dooming attempts to uncover ‘hidden structures’ to failure.<sup>6</sup> And second, it argues that instead of detached analysis of the wording of abstract provisions of the UDHR and their historical legacy, the key to understanding the contemporary human rights phenomenon is rather embedded in examining how such documents and their wording come to life ‘through action’.<sup>7</sup> Through its multifaceted journey the chapter ends up at the following question: how will our collective conception of the contemporary human rights phenomenon be affected if we accept that instead of a movement originating from the ‘underprivileged masses’, we are essentially dealing with something that has been the preoccupation of the global elite all along?

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<sup>5</sup> Halme-Tuomisaari, *Human Rights in Action*.

<sup>6</sup> See discussion by Annelise Riles, ‘Infinity within the Brackets’, *American Ethnologist* 25 (1998), 378-98; Riles, *Network Inside Out* (Ann Arbor: University of Michigan, 2001).

<sup>7</sup> Further, there already exist numerous excellent detailed accounts of the drafting process, see for example Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 2000); and Olivier Barsalou, in this volume.