

# Emotional Diplomacy and Human Rights at the United Nations

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## ABSTRACT

This article investigates the role of emotion within the postwar human rights program at the United Nations. While there is an impressive body of scholarship on the UN and human rights diplomacy, the place of sentiment in the dynamic of these debates has not been studied in detail. Drawing on archives, personal papers, contemporary transcripts and visual sources, this article argues that the collective sentiment of the assembly was highly influential in determining outcomes. Beyond this, the nature of the prevailing emotional register, which varied markedly between the 1940s and 1980s, shaped, and was reshaped by, the prevailing understanding of what constituted “human rights.”

## I. INTRODUCTION

After almost two decades of Western, and United States, diplomatic failures in the human rights and humanitarian spheres of the General Assembly, incoming US Ambassador Daniel Patrick Moynihan located part of the cause. Consumed by more material questions, the State Department simply did not care about fighting in the human rights space.<sup>1</sup> US diplomacy in the United Nations, a global symbolic theatre, had neglected an evanescent, intangible

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1. Reproduced in WILLIAM F. BUCKLEY, JR., UNITED NATIONS JOURNAL: A DELEGATE’S ODYSSEY 259 (1974); See also Daniel Patrick Moynihan, *The Politics of Human Rights*, 64 COMMENT. 29 (1977).

aspect of the debate—emotion. These qualities had been observed from the earliest days of the program by US Delegate Eleanor Roosevelt and her colleagues. In a 1951 address, Roosevelt had lamented that “we are very stupid sometimes. I think we are so lacking in sensitivity to the feelings of others, very often,” and urged for “a greater effort” to appreciate the importance of sentiment.<sup>2</sup> Much more than other realms of international politics, the human rights and humanitarian enterprises were dominated less by measurable outcomes and standard geopolitical calculation. Instead, these enterprises were dominated by convictions and feelings which often baffled professional diplomats.

Human rights diplomacy was a province where sentiment mattered, not merely due to the evocative power of the subject matter—the fate of individuals—but in the practice of diplomacy itself. This article argues that the deployment of emotion, in differing valences, held decisive influence on the diplomatic and political dynamics of the postwar human rights project. Sentiment and evocative symbols were at the core of the post-1945 order, which openly appealed to visions of renewal and justice. For many of those who sought to advance this project, particularly in the hopeful moments of the immediate postwar years, to engage in “emotionalism” was both an expression of fidelity to the purposes of human rights and humanitarianism, and an indispensable realist calculation. Given that so much of human rights diplomacy rested upon aspiration, inspiration, and exhortation, emotions often mattered more than elegant legalism or specialist wisdom.

From the foundational years of the organization, human rights and humanitarian politics were shaped by the limits, and possibilities, imposed by collegially produced sentiment. UNICEF’s extension in 1950 was, as British representative Barbara Castle noted, a triumph of heart over technocratic detail.<sup>3</sup> On the grounds of efficiency, there was ample basis to constrain the program and institute a heavily triaged scheme for the rationalization of compassion; but sympathy within the General Assembly for impoverished, sickly, and orphaned children was such that virtually no one wished to vote against an open, universal, commitment to aid. Notably, Roosevelt and others who tried to defy the then prevailing regime of transformative optimism, rather than mere transient palliation, found themselves cast to the margins.<sup>4</sup> An ad hoc victory for this ambitious species of sympathy would ultimately produce one of the most respected humanitarian programs in the UN.<sup>5</sup> Whether the far less emotionally resonant alternative, which involved

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2. Eleanor Roosevelt, “A World for Peace” Speech at International House (5 Apr. 1951), in 2 *THE ELEANOR ROOSEVELT PAPERS: THE HUMAN RIGHTS YEARS, 1949–1952*, at 594, 592–96 (Allida Black, ed., 2012).
  3. Barbara Castle, *UNICEF: The Permanent Emergency*, in *UPHILL: NINE LEADING FIGURES ON THE UNITED NATIONS’ PROGRESS AND DIFFICULTIES IN 1950*, at 15–23 (Stephen W. Pollak ed., 1950).
  4. *U.S. Explains Aim on Child-Feeding*, N.Y. TIMES, 12 Oct. 1950, at 39.
  5. MAGGIE BLACK, *CHILDREN FIRST: THE STORY OF UNICEF, PAST AND PRESENT* (1996).

technocratically dispensed morsels of compassion, would have found such persistent success and public appeal is less certain.

In the mid-1960s, outrage at South Africa's defiance of global distaste for apartheid was the signature sentiment of the General Assembly. The anger was expressed with unusual theatricality, with the UN Assembly chamber emptied of delegations every time South Africa's representative took the rostrum. Legalistic dissent from this angry consensus became too costly, even for countries with major strategic and economic interests in the apartheid state. Britain's 1961 reinterpretation of UN Charter, Article 2 (7), which mandated nonintervention in domestic jurisdiction, was driven by this collegial anger. Tellingly, the Crown's legal advice had not changed—but the mood was such that South Africa was a "sui generis" case, where Article 2 (7) did not operate. No juridical reasoning was presented to support the change, and it would remain confined to South Africa for a further five years.<sup>6</sup> The rationale explicitly refuted any revision to the legal guidance, and gestured to something else. A year after the atrocity at Sharpeville, it had become clear that apartheid was different, irrespective of what legal counsel indicated.<sup>7</sup>

The event space for international human rights diplomacy was bound not only by politics, but by the functioning of emotion. Those who pretended otherwise, and disavowed the legitimacy of shared sympathy and passionate speech, frequently missed a crucial axis of the debate. In their studious over-performance of self-satisfied "rationality," a number of the Western states, which were notionally committed to the ideals of universality, inherence, and indivisibility, acted in ways that sharply attenuated the prospects for their successful realization. In puncturing unrealistic utopian hope, as opposed to cultivating and channeling it, the United States in particular foreclosed on one of the few assets that the United Nations possessed. Whatever progress the international human rights enterprise found, it found in moments where there was a rough collective emotional consensus.

The inflexion of these emotions was, however, far from unitary; the human rights project after 1945 was more variegated than can be captured by the usual shorthand of "empathy" which has defined much of the emotional history of rights and the related phenomena of humanitarianism. Human rights were paired with soaring hope and desperate need in the 1940s and 1950s; with rage in the 1960s and 1970s; and with despair and pity in the late 1970s and early 1980s. Each of the particular admixtures

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6. Memorandum from British High Commissioner Regarding Human Rights Policies at the United Nations (13 May 1966) (National Archives of Australia, Doc. No. A1838, 929/5/6); Memorandum from Marc Schreiber, Director of Division of Human Rights, to C.V. Narasimhan, Chef de Cabinet (20 May 1966) (U.N. Chef de Cabinet. 1961–1973: Narasimhan. Human Rights—General Correspondence. S-0198-002-001. U.N. Archives).
  7. *Document 20: Statement by Mr. Peter Smithers, Representative of the United Kingdom, in the Special Political Committee of the General Assembly, in THE UNITED NATIONS AND APARTHEID, 1948–1994, 248 (1994).*

of emotion corresponded to markedly different visions of “human rights”: from expansive and grand in the 1940s and 1950s, to narrow and punitive in the 1960s, to the minimalist palliation of the 1970s. For each of these epochs, there was a distinctive register to speech and action, and a level of consonance in the sorts of emotions invoked. Overlapping and cross-cutting with the conventional political periodization, there was a periodization of emotional registers—and each reveals something of how human rights were understood and pursued at different moments. Activists and diplomats that adjusted their ambitions to the prevailing register triumphed. Those that failed to adjust often failed badly—despite often holding a preponderance in other forms of power.

Despite the axiomatic importance of emotion to the history of human rights, there has been a degree of aversion to its explanatory power in the historiography. Much of the scholarship has been pioneered by diplomatic, legal, and intellectual historians, fields that deal with emotion only incidentally.<sup>8</sup> Within the burgeoning field of “emotions history” in the general case, there is a highly dynamic and increasingly sophisticated array of approaches and objects for study—but human rights has not, to date, been given sustained attention.<sup>9</sup> In part, this reserve is the scholarly sequel to an ambivalence about open expression of feeling within humanitarian and human rights mobilizations.<sup>10</sup> The modern human rights movement itself often sought to efface the inherent activation of empathy that has been its source of animation.<sup>11</sup> Amnesty International’s (AI) assorted 1977 guidance books for members were decidedly careful in their instructions on how emotion

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8. For a rare and exceedingly impressive exception, see Barbara Keys, *Henry Kissinger: The Emotional Statesman*, 35 *DIPLOMATIC HIST.* 587, 590–92 (2011).

9. For a précis of the key works and current state of the art, see especially, DOING EMOTIONS HISTORY (Susan J. Matt & Peter N. Stearns eds., 2014); UTE FREVERT, EMOTIONS IN HISTORY: LOST AND FOUND (2011); Ruth Leys, *The Turn to Affect: A Critique*, 37 *CRITICAL INQUIRY* 434 (2011); Susan J. Matt, *Current Emotion Research in History: Or, Doing History from the Inside Out*, 3 *EMOTION REV.* 117 (2011); Erin Sullivan, *The History of Emotions: Past, Present, Future*, 2 *CULTURAL HIST.* 93 (2013); EMOTIONS AND SOCIAL CHANGE: HISTORICAL AND SOCIOLOGICAL PERSPECTIVES (David Lemmings & Ann Brooks eds., 2014).

10. C.f. discussion, in the context of humanitarianism and human rights, from Jon Western, *Prudence or Outrage? Public Opinion and Humanitarian Intervention in Historical and Comparative Perspective*, in *THE EMERGENCE OF HUMANITARIAN INTERVENTION: IDEAS AND PRACTICE FROM THE NINETEENTH CENTURY TO THE PRESENT* 165 (Fabian Klose ed., 2016); Andrew Thomson, *Humanitarian Interventions, Past and Present*, in *THE EMERGENCE OF HUMANITARIAN INTERVENTION*, *supra* note 10, at 331, 340–43. Regarding lack of distaste for emotion in earlier period, see Peter Balakian, *Photography, Visual Culture, and the Armenian Genocide*, in *HUMANITARIAN PHOTOGRAPHY: A HISTORY* 89, 109 (Heide Fehrenbach & Davide Rodogno eds., 2015). See also the substantial discussion of sentiment by key nineteenth-century actors in DAVIDE RODOGNO, *AGAINST MASSACRE, HUMANITARIAN INTERVENTIONS IN THE OTTOMAN EMPIRE, 1815–1914: THE EMERGENCE OF A EUROPEAN CONCEPT AND INTERNATIONAL PRACTICE* (2012).

11. This aversion was not total, and greater open enthusiasm was evident in the 1960s, see for instance, Victor G. Reuther’s 1967 Amnesty Human Rights Day Lecture, opened with praise for the power of “the weaponless appeal to compassion.” VICTOR G. REUTHER, *AMNESTY—TOWARDS A WORLD CONSCIENCE* 1 (1967).

should be deployed for greatest effect. AI devoted large swathes of its example letters to proper modes of address, at points reading more like an etiquette guide for supplicants: the foremost principle for its South Asian section was “always be polite.”<sup>12</sup> Much of the organization’s tactical advice urged a lexicon, and manner of entreaty, that played upon the apparent superior status accorded to “reason.” According to AI, “even the most repressive governments,” were often “anxious” to foster a belief that they were “fair and reasonable.”<sup>13</sup> Overt recourse to passion appeared the recourse of last resort in the ladder of activist escalation. For AI, such “symbolic actions,” were kept in reserve—these were measures, which might “succeed in rousing the spirit of people when other, more conventional, efforts have failed.”<sup>14</sup> Heavily affective symbolism, such as public funeral ceremonies, tree plantings, and public prayers could “have a deep emotional impact,” but this was not the preferred mode.<sup>15</sup> Even for the rapidly growing and confident AI, the pursuit of a respectable, institutionalized place in international affairs demanded just enough emotion to impel action and spur mobilization, and the careful avoidance of any surplus.

The Director of the United Nations Human Rights Division, John Humphrey, was struck by the same tendency to denigrate emotion and cleave it from reason. As co-architect of the Universal Declaration, Humphrey was a figure who had already suffered immense hardship as a child, including the loss of his parents, and the loss of his arm in a fire. Humphrey had an experiential command of profound misery. Reflecting on the dictates of his new UN colleague, Joseph Nisot, Humphrey rejected the simplicity that claimed, as Nisot had, that “emotionalism is a sign of barbarianism.”<sup>16</sup> Nisot had expounded at length that a person was “civilized only to the extent that” their behavior was “dictated” by the imperatives of “intellect.”<sup>17</sup> After seeing untamed intellect grind the UN program to a halt shortly after 1948, Humphrey wryly observed that Nisot’s trust in pure reason was unlikely to induce any faith in the future. “Perhaps,” the Director wrote, “this explains his defeatism.” For his part, Humphrey reflected that he had “learned to distrust intellectualism,” and now held “more faith in the emotions.” “The intellect,” he concluded in September 1949, was “an instrument,” and “what use it will be put depends entirely on sentiment and emotion.”<sup>18</sup>

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12. Amnesty Int’l, “*What Should I Say in My Letters?*”, in *GUIDE FOR LETTER WRITERS (SOUTH ASIAN SECTION)* 9 (1973) (AI Index: PUB 73/00/77); see also, on the importance of reason and decorousness, AMNESTY INT’L, *LETTERS TO THE SOVIET AUTHORITIES: A HANDBOOK OF ADVICE FOR AI GROUPS* 1 (1976).
  13. *The Value of Writing Letters*, in *GUIDE FOR LETTER WRITERS*, *supra* note 12, at 3.
  14. MARTIN ENNALS, *Symbolic Actions*, in *AMNESTY INTERNATIONAL HANDBOOK* 35 (1977).
  15. *Id.*
  16. *Diary Entry for Friday, 2 September 1949* in *1 ON THE EDGE OF GREATNESS: THE DIARIES OF JOHN HUMPHREY, FIRST DIRECTOR OF THE UNITED NATIONS DIVISION OF HUMAN RIGHTS 1948–1949*, 211 (A.J. Hobbins ed., 1994).
  17. *Id.*
  18. *Id.*

The falsity of glib distinctions between “reason” and “emotion” had been identified by humanitarians for well over a century, most acutely by Edmund Morel and Thomas Clarkson.<sup>19</sup> Yet assumptions of an emotional dimension to diplomacy challenged fundamental precepts of bureaucratized operation and specialist technical knowledge, which increasingly defined modern Western foreign services. Diplomatic practice held centuries of accreted convention on self-control, a purported basis in rationality and reason cauterized from feeling, and studious measurement in language.<sup>20</sup> The epithet of emotionalism was readily thrown at human rights advocates, especially as the movement gained force and institutional foothold in the late 1970s. One of the more memorable insults directed at AI was from the Kenyan government, which by the 1970s, was well established as a corrupt and autocratic state. A 1977 statement from the Kenyan Attorney General dismissed AI as an organization for “frustrated old women,” or in short, a coalition of the hysterical.<sup>21</sup> Tirades from dictators on “emotionalism” might have been expected, and only a few of AI’s critics seemed to parse the boundaries of what was understood as reason, and what constituted emotion, with any clarity. The border corresponded to convenience. Yet the problem of distinguishing emotional diplomacy from its classical sibling was not placing the boundary, but presuming it existed in the first place. Satisfaction in moderate speech and action, against abuses and horrors which were far distant from moderation, was its own perverse expression of emotion. The emotional reward for subordinating personal conscience, of detaching bravura argument from subject matter, was the pleasure of professional and scholarly pride.<sup>22</sup>

## II. HOPE: THE FLEETING EUPHORIA OF A “WORLD MADE NEW” IN HUMAN RIGHTS.

Almost every periodization of the modern human rights project commenced in 1945, or at the latest, 1948. Almost all, even those skeptical of the pious professions of a “new deal for the world” or Roosevelt’s prayer for “a world

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19. See Clarkson’s extraordinary account of the dialogue between empiricism, reason, and sentiment in the preparation of his famous 1785 essay on the injustice of slavery, THOMAS CLARKSON, *THE HISTORY OF THE RISE, PROGRESS, AND ACCOMPLISHMENT OF THE ABOLITION OF THE AFRICAN SLAVE-TRADE BY THE BRITISH PARLIAMENT* 137–38 (1839); EDMUND D. MOREL, *AFFAIRS OF WEST AFRICA* (1902); see also the discussion of Las Casas and Tecumseh in WILLIAM J. TALBOTT, *WHICH RIGHTS SHOULD BE UNIVERSAL?* 65–73 (2005).

20. For an overview of the centuries of practice and convention, notably with respect to personal conduct and language, see *THE DIPLOMATS’ WORLD: A CULTURAL HISTORY OF DIPLOMACY, 1815–1914* (Markus Mösslang & Torsten Riotte eds., 2008).

21. AMNESTY INT’L, *AI IN QUOTES* 4 (1985).

22. For an earlier encounter with this dynamic, by a more self-aware observer, see CLARKSON, *supra* note 19, at 137–38.

made new," tend to carve out the early post-war moment as anomalously hopeful. In symbolism, the ethereal quality of the first five years of the UN program was unmistakable. The delegations crafted their first texts within at the interim UN site on Long Island, which had previously held the Sperry Company. Sperry's plant had manufactured bombing avionics during the war, for the weapons that destroyed the Third Reich's war industry—and in the process, tragically killed many citizens in Occupied Europe and Germany. As the Declaration took shape in 1948, it did so not only in the US, but also in post-liberation France, where the memories of Oradur and Vichy remained vivid, and the damage, psychic and material, was visible. At the Palais des Chaillot, Dutch representative Marga Klompe and Annie Newlands of New Zealand taught visiting French children about the new vision, from within the Commission's debate room. In one of the more, and few, evocative archival images of UN proceedings, Newlands, who had lost her son in the war, is surrounded by the children; concentrated in expression, as the cheerful Klompe speaks to one young girl.<sup>23</sup> Another scene has the children sitting alongside the delighted chair of the Commission, Charles Malik, and Roosevelt.<sup>24</sup> Their efforts were building the philosophical architecture that the children, born into war and occupation, would inhabit.<sup>25</sup>

Public relations materials were relentlessly optimistic, with an implied narrative of a world traversing the expanse between totalitarianism and total war to a promised realm of justice, freedom, and security. The flagship example of this was UNESCO's travelling *Human Rights Exhibition*, which opened in late 1949.<sup>26</sup> The *Human Rights Exhibition* took concepts from the Universal Declaration of Human Rights (UDHR), which circulated as plain and spare type in a single-fold stapled, pamphlet, and translated them into a journey of hope.<sup>27</sup> Wandering across the globe, from Port-au-Prince to Manila, the *Exhibition* had slight shifts in emphases at each site, and additional local extensions to encourage greater attachment from each audience. Built around the canonical Western story of Magna Carta, to Enlightenment, through abolitionism, it had myriad strands inclusive of a wide set of traditions and emancipatory struggles.<sup>28</sup> Viewers transited through a spirally organized, progressive, and spatial walk through time. Mindful that

23. U.N. Photograph No. 170762, 1 Nov. 1948, Paris.

24. U.N. Photograph No. 330730, 1 Nov. 1948, Paris; see also, U.N. Photograph No. 123898, It's Human Rights Day For Them Too, 1 Dec. 1950, Lake Success.

25. Cassin on architecture of temple, a spatial-conceptual architecture he elaborated upon when explaining the UDHR in 1951, thinking in spatial terms, MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* 172 (2001).

26. UNESCO, *HUMAN RIGHTS EXHIBITION: ALBUM* (1950).

27. Representative early copy, typical of those mass distributed, *The Universal Declaration of Human Rights*, UN Sales Number (1948) I. 3.

28. It was sufficiently inclusive to produce complaint from the Catholic periodical, *Tablet*, Pierre d'Aleth, *A UNESCO Exhibition*, *TABLET* (26 Nov. 1949).

the text was “abstract,” the curators were determined to have illustrations that produced engagement and “theatre,” where there was at least some prospect of an affective portal into the narrative.<sup>29</sup> For instance, slavery and its abolition, an obvious point of resonance for Haitian viewers, was accorded greater focus in Port-au-Prince.<sup>30</sup> Local sorrow and injustice, and its resolution, was tessellated in the halting, arc of progress that led to 1948. It mapped its pedagogical and didactic function to those experiences which had been felt and remembered, not merely learnt. Each viewer, in each country, had a potential emotional vector to direct this narrative—as opposed to being marched through an illustrated taxonomy of abuses and struggles.

UNESCO prepared a short filmstrip, comprising seventy-three frames, designed to capture the meaning of the UDHR for all audiences, and a number of thematic satellite films on topics including abolition and suffrage, which were drawn from the *Human Rights Exhibition*.<sup>31</sup> Without a reliable set of historical and contextual vocabulary shared by the peoples of the world, the main film strip sought to communicate much of the message without text or narration, and relied almost entirely on highly emotive juxtaposition and symbolism. The visual world was one of abstracted but nevertheless disturbing representations of repression, the scenes populated by anonymous and androgynous human figures, without distinctive national or regional particularities. Failures to secure human rights were shown in animated format, alongside their resolution—a representation of the relevant article of the new Declaration. It gave affective augmentation to the UDHR’s austere preambular framing, and represented, in affective and universalistic form, those proximate horrors of the war and tyranny that were only briefly registered in the text itself.

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29. For details and description, see Radio UNESCO, Transcript of Interview, With Curator Clive Entwistle, Human Rights Exhibition, 14 Oct. 1949, UNESCO Doc. D.328.
30. *The Slaves Who Claimed Their Rights As Men: Les Droits de L’Homme at Port-Au-Prince*, III: 1 UNESCO COURIER 11 (Feb. 1950); *Les Droits de L’Homme (Feature Page)*, II: 10 UNESCO COURIER 21 (Nov. 1949); *UNESCO Exhibition—Album To Show Man’s Unending Fight To Gain His Rights, & Films: A Universal Medium To Propagate a Universal Declaration & UNESCO Filmstrips Aid World-Wide Teaching of Human Rights Principles*, III: 11 UNESCO COURIER 6–8 (Dec. 1950); UNESCO COURIER 8 (Dec.50); *Supplement: Universal Rights: UNESCO Exhibition Opens in Paris*, II: 9 UNESCO COURIER 5–8 (Oct. 1949); *Human Rights: UNESCO Exhibition in Paris*, II: 8 UNESCO COURIER 9 (Sept. 1949); W.E. Williams, *UNESCO Portrays History of Human Right[s]*, II: 4 MUSEUM 201–205 (1949). See also the more general observation, adjacent to the essay on *Human Rights Exhibition* from Georges Henri Rivière, that a museum “mobilizes all the resources of art—and it thus appeals to the emotions,” *The Organization and Functions of the Museums*, II: 4 MUSEUM 206 (1949).
31. Universal Declaration of Human Rights, adopted 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., U.N. Doc. A/RES/3/217A (1948) [hereinafter UDHR]; 73 frames and attached guide (1949); UNESCO, Notes for Six Film Strips on Human Rights, UNESCO Doc. WS/109.38. (c. 1949). See also the radio documentary, Norman Corwin, *On the Universal Declaration*, U.N. Doc. A/777 (1949).



The effort to communicate the promise of the UDHR to the young was especially emphatic, utilizing a plane that was more than juristic or philosophical. The official guidance for teachers, prepared in 1953, illustrated a great many measures which orbited around immersion and emotional modulation.<sup>32</sup> According to contributors from England, these approaches, despite their abandonment of close reference to the specific language of the document, would convey its meaning with better fidelity than rote recitation of its principles, or instructor led exegesis. They cited the value of “plays, dances, pantomimes, puppet shows, pageants and festivals” which held “an emotional appeal often lacking in other types of presentation.” While it conceded a baseline of “laborious” blackboard work, there was obvious enthusiasm for departing from even a simplified text as rapidly as possible, and transitioning to a more experiential mode, when the “children present and watch these displays,” they declared, “the scenes and acts will impress their minds vividly, and will be reflected in their daily actions.”<sup>33</sup> A Scottish teacher counseled that “to teach the Universal Declaration of Human Rights” by textual literalism was “unsatisfactory.” Much like “a knowledge of the Catechism does not necessarily make a good Christian,” there was the need “to foster an attitude of mind” that reflected the spirit of the UDHR.<sup>34</sup>

Another example of this learning by feel approach was published in 1952, in *A Fair World For All*.<sup>35</sup> Subtitled *The Meaning of the Declaration of Human Rights*, and prefaced by Eleanor Roosevelt, this remarkably compelling work communicated the origins and meaning of the text to children and young adults through an ingenious emotional dialogue between philosophical abstraction and feeling. Complex concepts on the natures of the human person and society, and the perils of international cooperation, were rendered with great parsimony and power via a lexicon that drew on experiences likely familiar and felt by the young. Illustrations included common episodes from the playground, the classroom, and the home, and the upsets and joys they induced, which were mapped upward to each of the UDHR’s provisions.

As the final vote approached, across in the final night session of 9 and 10 December 1948, the representatives brought together in the Palais de Chaillot acquired a collective demeanor. There was, according to Hernan Santa Cruz, the Chilean jurist and academic who had played a substantial role in the drafting process, a chamber “full of emotion,” and speeches “of sincerity and sombre eloquence.” In a quote excerpted widely in the decades of memorialization that followed, Santa Cruz’s observation of “an

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32. UNESCO, *THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A GUIDE FOR TEACHERS* (1953).

33. *Id.* at 72.

34. *Id.* at 70. See also UNESCO, *SOME SUGGESTIONS ON TEACHING ABOUT HUMAN RIGHTS* 44 (1968).

35. DOROTHY CANFIELD FISHER, *A FAIR WORLD FOR ALL: THE MEANING OF THE DECLARATION OF HUMAN RIGHTS* (1952).

atmosphere of genuine solidarity and brotherhood” has been taken as the shorthand for the anomalous, and evanescent, feeling that survived for a handful of hours. This was a scene, he reported, perhaps already with an edge of sadness, “the like of which I have not seen again in any international setting.”<sup>36</sup> The mood was shattered with the dissenting speech from South Africa, and its flat dismissal of any notion of racial equality. Roosevelt reported to her colleague, James Green, that she “could feel the chill in the air” as the words echoed across the Chamber.<sup>37</sup> Privately, the South African diplomats observed the mood as well, and complained of “a great deal of sentimental and emotional thinking,” and the peril it represented to their apartheid policy.<sup>38</sup>

The nature of the initial human rights enterprise, which was explicitly one of exhortation, aspiration, and inspiration, was a hospitable habitat for hope. With the problems of translating the UDHR into law deferred to the later drafting of a legally binding human rights covenant, hesitation, precision, and restraint were diminished amongst most of the legations—with the West somewhat more cautious. In comparative terms, however, optimism was the order of the day for many, particularly delegations from the smaller states. Sober assessments of domestic liabilities and administrative practicality, for instance, were seemingly far from Colonel William Hodgson’s mind when he proposed a world court for human rights complaints. The Australian representative, known for his enthusiasm for whisky, was equally enthused about universal, supra-state rights of appeal for every individual on the planet.<sup>39</sup> The idea won several allies, and the astonishment of the major powers.

Hope and euphoria made for a bold and ambitious Declaration, but were less helpful when drafting a human rights covenant with the force of law. The prime reservoirs of ambition, as had been the case in the UDHR, were the smaller states, the nucleus of what would become the Third World, and Latin America. India was a partial exception. Its representative, the MP and women’s rights advocate, Hansa Mehta, had sufficient experience of disappointment while in government. She set horizons low enough to be feasible, but far enough above the ground to remain meaningful. For session after session, and year after year, the Third World and their Latin US counterparts pushed the covenant into fantastical realms—a document which would secure health, housing, food, and clothing for the entire world, almost

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36. GLENDON, *supra* note 25, at 169.

37. United Nations Oral History, Transcript of Interview with James Green, Dag Hammarskjöld Library, New York, 21 Apr. 1984, at 66.

38. The Deputy Permanent Representative of the Union of South Africa to the United Nations, [Secret] *Comments on Draft International Declaration of Human Rights Presented to the Economic and Social Council by the Human Rights Commission*, P.M. 136/4/1 at 2 (BVV 22, 11/4/3, c.1948–1949, South African National Archives, Pretoria).

39. ANNEMARIE DEVEREUX, *AUSTRALIA AND THE BIRTH OF THE INTERNATIONAL BILL OF HUMAN RIGHTS* 179–86 (2005).

at the stroke of a pen. In its provisions for self-determination, adopted over near unanimous Western opposition in 1950, the covenant proposed to decolonize the world instantaneously. Almost every debate became a clash between those voting for total world transformation, and Western diplomats, and Mehta, counseling the need to be realistic.<sup>40</sup>

Throughout the 1950s, US assessments objected to the seemingly unreasonable enthusiasm Third World delegations displayed for human rights within General Assembly proceedings. Typically, their evaluation was patronizing; Asian, Arab, Latin American, and African states were deeply unrealistic, driven by “emotionalism,” as opposed to a clinical calculation of their domestic liabilities, parlous strategic situations, and material limits. Executive Officer of the US Delegation to the General Assembly, James Green, devoted much of his 1950 report to a taxonomy of the nascent Third World and the politics of human rights and humanitarian issues that had accompanied its increasing assertiveness. After a brief précis of the “victories and defeats” for US policy positions, he bluntly surmised that the balance of outcomes for the US agenda “was heavily weighted on the side of defeat.” These disappointing indices necessitated an explanation, most of which centered on Green’s contention that Third World positions did not obey the conventions of diplomacy as they had been assumed at Foggy Bottom.<sup>41</sup> When it came to human rights and humanitarian issues, Third World representatives appeared “motivated by deep emotional convictions rather than by the political considerations which are in evidence elsewhere in the assembly.” On human rights questions, representatives took “pride in discussing these problems on their own merits.”<sup>42</sup> In this view, the Third World was winning human rights battles, and pushing for an ambitious agenda because they were passionate and unrealistic. They had rallied to the utopian exhortations of the immediate post-war period too vigorously.

Furthermore, the “emotional” approach to diplomacy, exemplified by Saudi delegate Jamil Baroody and Iraqi representative Badia Afnan, allowed them access to a means of power that the more responsible states could not adopt. Green opined that “spokesmen for the developed countries fought

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40. See, for instance, Mehta’s reporting on the Commission, which exemplified her mindfulness of how international commitments would have practical domestic implications, Reports of the Commission on Human Rights, c. 1947–1952. (Hansa Mehta Papers, Nehru Memorial Library and Museum [NMML], New Delhi.) Mehta, amongst the outstanding figures of the early UN, was quite a perceptive observer of sentiment within the Commission, noting in particular when she had “upset” some of her counterparts, and reading the disposition of the assembled legations, see for instance, on the question of petitions, Human Rights Commission Report (Feb. 1947 NMML, New Delhi).

41. Memorandum by the Deputy Director of the Office of United Nations Economic and Social Affairs (Green) to Mr. David Popper, Principal Executive Officer of the United States Delegation to the General Assembly, Washington, 22 Dec. 1950, II FRUS 1950 576 (1977).

42. *Id.* at 578.

valiantly," yet they were "hampered... by logical, well-reasoned positions," which meant that "they were rarely as effective as those on the other side."<sup>43</sup> The US had arguments "which were well considered and entirely logical but which simply did not appeal to the emotional outlook of the majority," which led to defeat on issues such as continued funding for UNICEF, the first major rebuke to the West in the sphere of human rights and humanitarianism, and to losses on the shape of the draft Covenant.<sup>44</sup> In another soul searching session on the "emotionalism" problem, Ambassador Jessup asked Roosevelt perhaps "whether we could not be emotional on our own side," to emotively sell the case for self-determination and other similar efforts in terms that were aligned to US values.<sup>45</sup> Polite nodding ensued, but with no discernible change in approach. With Roosevelt's replacement by Eisenhower ally Mary Pillsbury Lord, whose initial performance was shaky in both substance and sentiment, things did not improve. The new administration of Dwight Eisenhower, pressured by the reactionary proponents of the Bricker Amendment, which would have sharply curtailed executive treaty powers, offered up the Covenant as a sacrifice.<sup>46</sup> No longer able to participate in the key pillar of the United Nations already foundering transformative project, its human rights legation was compelled to press for a "technical" approach to human rights questions, with Lord advocating a desperately unpopular "advisory services program" of specialist expertise.<sup>47</sup>

### III. "THE EMOTIONAL OUTLOOK OF THE MAJORITY": THE TACTICAL VALUE OF FANTASTIC OPTIMISM IN THE 1950S

Beneath the pejoration, however, US representatives had correctly identified the aspirational affinity to human rights felt by many of those legations from outside the political West. A 1953 State Department planning document recognized that participants from the new states knew full well that their own

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43. *Id.*

44. *Id.* at 580.

45. Minutes of the Eighth Meeting of the US Delegation to the Seventh Regular Session of the UN General Assembly, 28 Oct. 1952, New York City, ROOSEVELT & BLACK, *supra* note 2, at 961.

46. RICHARD O. DAVIES, DEFENDER OF THE OLD GUARD: JOHN BRICKER AND AMERICAN POLITICS (1993); DUANE TANANBAUM, THE BRICKER AMENDMENT CONTROVERSY (1988).

47. JAMES GREEN, THE UNITED NATIONS AND HUMAN RIGHTS 703–05, 713–15 (1956); Memorandum by the Assistant Secretary of State for United Nations Affairs (Hickerson) to the Secretary of State (Dulles), American Foreign Policy and The Promotion of Human Rights Through the United Nations (9 Feb. 1953); Secretary of State to the Consulate General at Geneva, For Mrs Mary Lord: Statement before Senate Judiciary Committee (6 Apr. 1953); Press Release, USUN, Statement made by the United States Representative (Mary Lord) Before the Commission on Human Rights, Geneva (8 Apr. 1953), reproduced VII FRUS 1952–1954, UNITED NATIONS AFFAIRS 1536–1580 (1977).

conditions were inconsistent with the UDHR. These delegations, operating with wide autonomy, were often “educated in the liberal philosophy of the West.”<sup>48</sup> They were passionate and “emotional” precisely because they sought, with desperation, the promise of 1948. They were, in short, voting for hope.

On the whole the delegates from this area have inclined to press for a far-reaching program of human rights, a program that reflects not so much measures which their governments are prepared to realize . . . as it formulates ideal conditions which these countries aspire to attain. . . . The votes . . . represent abstract, ethical principles (sometimes embodied in their respective religions) which they uphold in speeches in the UN often without any relationship whatsoever to realities in their own countries.<sup>49</sup>

By the middle of the 1950s, with US defeats mounting on human rights items, the State Department revisited the purportedly unreasoned crusading of the Third World. Upon closer scrutiny, it found unrealistic enthusiasm was less unreasonable.

After the emergence of a shared sense of identity amongst the new independent states at the 1955 Asian-African Conference in Bandung, the State Department reviewed the perplexing influence this growing Third World group held in human rights debates. It discovered that the character of Third World activism on human rights was more political than it seemed. Hope was eminently political. What was inexplicable in orthodox diplomatic terms was logical when the interaction of the domestic and international was considered: Arab, Asian, African, and Latin American legations had human rights politics transcended their national polities.

Human rights questions have great symbolic value for many of the less-developed countries, and their delegations consistently seek a position of leadership in this field. . . . In some cases, especially where governments tend to be unstable and constitutions change frequently, an international legal commitment is regarded by these governments as the only means to assure continuous recognition of a human rights principle.<sup>50</sup>

Recourse to the international by these Third World countries was evidence less of unthinking emotionalism, but a rational strategy to address potentially fatal weaknesses within their states. Fledgling national institutions lacked the durability to sustain human rights. This realization of domestic weakness by many of those delegations, typically heavily comprised of individuals with

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48. Bloc Politics in the United Nations, Paper Prepared by the United Nations Planning Staff, Bureau of United Nations Affairs, Washington, n.d., c. 1953, III FRUS, 1952–1954 120–121 (1983).

49. *Id.* at 121.

50. Program to Strengthen US Participation in UN General Assembly, Memorandum from the Assistant Secretary of State (Wilcox) to the Representative at the United Nations (Lodge), Washington, 7 May 1956, XI FRUS, 1955–1957 71 (1992).

academic or juristic background, in turn amplified the necessity for securing the principles of human rights in a quaternary arm of government, above and outside their borders. The State Department assessment observed that a vocal “enthusiasm for conventions,” which was especially evident among those from Latin America, “frequently reflects fear that substantial gains may be lost over-night if left to individual governments.”<sup>51</sup> The US staff had come to realize that pursuit of an aggressive international human rights project was more complex than juvenile utopian posturing, or cynical professions of piety: the best hope was in being bizarrely hopeful of international action.

In one of the last bursts of this hopeful UN, the Convention on Consent and Minimum Age for Marriage was proposed and adopted, with strong support in particular from Marie Sivomey, a leading voice in Togo’s women’s movement. Sivomey’s main ally, Jeanne Martin Cissé, Guinea’s representative, was an early star in the independence movement, and future chair of the Security Council. Both had exceedingly high hopes for an international transformation that reached all the way to the villages. Martin had high hopes for what the universal convention would furnish to African women, who otherwise faced threadbare domestic protections. In a strikingly ambitious exhortation for the draft text, Martin envisioned “African girls, knowing that they were protected by an international instrument, would not hesitate to refuse their consent to anyone who attempted to exert pressure on them.”<sup>52</sup> When the draft was sharply critiqued by Nigeria’s delegation, Sivomey in particular was deeply displeased—and, citing “emotion” as a disqualifier, delegated her reply to allies to ensure there was no loss of decorum, and no damage to the prospects of adoption.<sup>53</sup> It passed easily—and its two most vocal opponents, Pakistan and Nigeria, placed in the increasingly embarrassing place sharing a voting position with South Africa, now a confirmed international pariah after the appalling massacre at Sharpeville in March 1960.<sup>54</sup> The global outrage that massacre had provoked, and the divergence between the cool, calibrated non-response of the West, and the intense anger and raft of sanctioning measures proposed by much of independent Africa, had already presaged the emotional climate of the coming two decades of UN activity.

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51. *Id.*

52. *Draft Convention and Draft Recommendation on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages*, U.N. GAOR, 16th Sess., Agenda Item 85, ¶ 42, U.N. Doc. A/C.3/SR.1063 (1961).

53. *Id.* ¶ 49.

54. TOM LODGE, *SHARPEVILLE: AN APARTHEID MASSACRE AND ITS CONSEQUENCES* 163–279 (2011); PHILIP FRANKEL, *AN ORDINARY ATROCITY: SHARPEVILLE AND ITS MASSACRE* (2001).

#### IV. RAGE: THE KINETIC HUMAN RIGHTS OF REVOLUTIONARY THIRD WORLDISM

In the aftermath of decolonization and the progressive radicalization of once liberal nationalist regimes, hope was incrementally transmuted to anger as the dominant emotional register of human rights at the UN. Faith in a steady, osmotic transmission of the values of the “new world” of 1948 was waning. Disgust at the ever expanding edifice of apartheid legislation and intensifying bloodshed and repression within Portuguese Africa, and Ian Smith’s Unilateral Declaration of Independence delivered ample substrate for rage. Paeans to armed struggle proliferated across the General Assembly, its committees, and the assorted summits of the Non-Aligned Movement (NAM). Committees related to human rights and humanitarianism were thick with anger from the national liberation movements (NLMs) and some of the Asian, African, and Arab bloc, and confected outrage, from their opportunistic Soviet friends. Increased participation by the NLMs, particularly in lower level forums, such as the Special Committee of 24, and the Special Committee on Apartheid, along with thematic summit meetings, brought personnel to the UN who were genuinely angry, and indeed, had shed blood for the causes they advocated.<sup>55</sup>

Racial discrimination, which had damaged US and broader Western credibility almost from the outset of the program, had exploded into the premier topic of debate. It was a human rights abuse felt deeply by many of the delegates, a number of whom had had family members harassed by the New York police.<sup>56</sup> In the first half of the 1960s, a collective crusade for anti-racism produced a meaningful advance: the 1965 International Convention on the Elimination of All-Forms of Racial Discrimination (ICERD), which provided the first major, systematic binding convention on human rights. ICERD expanded upon the principle of racial equality enunciated in the UDHR and implied in the UN Charter, elaborating aspiration into a catalogue of specific articles, and a meaningful implementation procedure for those who opted to accede to it.<sup>57</sup> But during the second half of the 1960s, and into the 1970s, this anger, entirely justified by any “rational” metric of the misery under discussion, was transformed into something much less amenable to universal human rights. Fused with, and exacerbated by,

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55. See, Report of the International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa, Kitwe, Republic of Zambia 25 Jul.–4 Aug. 1967, (67–46381, Restricted, Pre-Publication Draft Subject to Revision); Report of the Seminar on Apartheid held at Brasilia, 23 Aug.–4 Sep. 1966, ST/TAO/HR/27; The UN-OAU Conference on Southern Africa Oslo 9–14 Apr. 1973, vol. I (1974).

56. See, for example, ROOSEVELT & BLACK, *supra* note 1, at 642.

57. International Convention on the Elimination of All Forms of Racial Discrimination, *ad-opted* 21 Dec. 1965, G.A. Res. 2106 (XX), U.N. GAOR, 20th Sess., 660 U.N.T.S. 195 (*entered into force* 4 Jan. 1969), *reprinted in* 5 I.L.M. 352 (1966).

another central conflict within the Assembly, that of the Arab-Israeli wars, the two combined to produce a human rights program dense with violent speech.<sup>58</sup> While a shared efflorescence of hope had been the engine of the 1940s, an unshared anger—met with studious and sometimes dissembling over-rationality and patronizing lectures on “emotionalism”—was the paralyzing impediment of the 1970s Assembly.

Racism was widely perceived as especially emotionally fraught. At the September 1968 World Assembly of Human Rights NGOs, there was consensus that racism was “an emotion immune to reason,” which made its resolution much less tractable to diplomatic compromise, juristic elegance, and specialist, technocratic counsel.<sup>59</sup> It produced the kind of chasmic differences in approach and intonation that were ill-suited to an international organization. For many of those who had felt it, there was no higher priority than eliminating racial discrimination. Tanzanian President Julius Nyerere declared outright that racism was a human rights abuse that trumped all others and was perhaps the only human right that warranted a desperate pursuit. Conversely, for those who sought a more symmetric and pragmatic human rights program, the centrality of (purportedly) over-passionate anti-racism was deeply unhelpful. Lady Dora Gaitskell, Britain’s representative to the Commission, chided the crusade against racism, colonialism, and neo-colonial exploitation as a mortal threat to universalist human rights promotion. Gaitskell warned that this monomaniacal approach, “the error of obsession” as she termed it, was tactically unwise. It was “not always,” she lectured, “the impatient, purely emotional approach to certain burning issues that always makes for faster progress.”<sup>60</sup> South Africa, Portuguese colonialism, and Israel were now the principal objects for repetitious, if quite accurate, invective from the Third World and Soviet bloc that constituted the bulk of the almost post-colonial General Assembly.

By the late 1960s, even resolutions which had no prospect of Western sponsorship had decent prospects of adoption in a UN transformed by decolonization: in a world where symbolic outrage trumped all, there was no practical reason to cede any ground. Instead of working to map the architecture of universal human rights protections, the various UN bodies became spaces for exhortation to the narrow cause of national liberation by force of arms. Much of this new intonation was manifest at the First

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58. PAUL THOMAS CHAMBERLIN, *THE GLOBAL OFFENSIVE: THE UNITED STATES, THE PALESTINE LIBERATION ORGANIZATION AND THE MAKING OF THE POST-COLD WAR ORDER* (2012).

59. Final Report of the International NGO Conference, Paris, 16–20 Sept. 1968, at 4. See also the individual essays in the report from Jeanne Hersch, who spoke of “emotional weaknesses” and their implied counterweight, “recourse to reason”; Frederick Nolde, who spoke of canalizing emotions in pursuit of human rights, at 102, 110.

60. Dora Gaitskell, *International Human Rights Year*, 30 Nov. 1967 (UK National Archives, Kew. FCO 61/228).



World Conference on Human Rights, held in the Shah's Tehran in 1968. The World Conference resolution on apartheid was a blunt expression of the abandonment of classic multilateral negotiating strategy.<sup>61</sup> Representatives from the African regional group, the main authors of the draft text, flatly refused compromise or alteration on provisions which placed apartheid as essentially the gravest human rights crime in all of human history. The point of the resolution was the catharsis that came with maximalism. In December 1973, at the twenty fifth anniversary celebration for the UDHR, the then chair of the Commission on Human Rights, Radna Ramphul (Mauritius), was candid in his recognition of the emotional extremity of division that now prevailed. "In matters of human freedom," he observed, "emotion and instinct may often prevail over restraint and intelligence."<sup>62</sup>

Confronted with a world of hostility and skepticism, the US State Department began to develop more acuity in the implications of emotion for human rights diplomacy. Across the second half of the 1970s, with Congressional initiatives on human rights, and most especially with the launch of President Carter's public crusade for re-moralizing foreign policy, the diplomatic corps began to inform their briefings with detailed assessments of sentiment. Planning for human rights items on the forthcoming UN agenda identified emotions as a vital input to policy formation. The emotions themselves were usually presumed to be unsound by the US diplomats observing them, but they were real enough that they had to be considered. In his 1978 recommendations for the session of the Commission Human Rights, the US Ambassador to the UN (Geneva) Justice William Vanden Heuvel argued, "in particular," the United States should "be as forthcoming as possible on the issues which have the greatest emotional significance for the black African delegations."<sup>63</sup> A forthright, empathetic stand was "key to the prospects for satisfactory action" on broader US human rights priorities.<sup>64</sup>

On the other hand, US government views of South African resistance were not always rendered in terms of universal justice and international legality, and instead cited the passions of the black population. A notionally expert assessment on the disposition of the black majority population was delivered to Secretary of State Cyrus Vance in 1977 by US Ambassador William Bowdler. He described the rising youth rebellion, which had exploded in Soweto the preceding year, as "based more on emotional than reasoned conviction," and with some of the protestors, "poorly informed."<sup>65</sup> Although

61. Roland Burke, *From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968*, 19 J. WORLD HIST. 275 (2008).

62. *Special Meeting to Commemorate the Twenty-Fifth Anniversary of the Universal Declaration of Human Rights, in the Course of Which the United Nations Human Rights Prizes Will be Awarded*, U.N. GAOR, 28th Sess., ¶ 66, U.N. Doc. A/PV.2195 (1973).

63. US Mission, Geneva, to Secretary of State, 34th Human Rights Commission, Feb. 1978, 201416Z, AAD (Electronic Telegram Archive, Department of State).

64. *Id.*

65. US Embassy, Pretoria, to Secretary of State, Black Attitudes, Mar. 1977, 101335Z, AAD.

Bowdler presented a reasonably acute description of the state of the country, given that even the most informed observers regarded Bantu Education, the key precipitating factor in the Soweto Uprising, as deeply unjust, the intonation of his voluminous report was arguably too close to condescension.

Often the US policy makers' newly found appreciation for feelings lapsed into unhelpful stereotype, especially when it came to assessing Asian, African, Arab, and Latin American human rights policymaking.<sup>66</sup> Latin America, an early and worthy target for bilateral human rights initiatives, had its emotional state polled frequently by the State Department. The reports wandered dangerously close to caricature. Argentina, for instance, was described as a wayward dependant in need of cautious management, petulant when criticized, and in need of assiduous tending. Embassy reporting in 1978, in the wake of modest Administration and Congressional pressure on the brutal military regime of Jorge Videla (then engaging in torture and disappearance), found a rich vein of cliché.<sup>67</sup> So too were the assessments of South Asia, where the seriousness of purpose exhibited by Assistant Secretary of State for Human Rights, Patricia Derian, apparently risked hurting the feelings of the Marcos regime.<sup>68</sup>

## V. DESPAIR: THE PATCHWORK HUMAN RIGHTS OF EMOTIONAL MOBILIZATION

By the late 1960s and early 1970s, in the campaigns of a vigorous new NGO movement, another emotion revived an increasingly shopworn human rights idea. It was a return to the emotional register that had characterized activisms of the distant past, reminiscent of the meticulous documentation of atrocity in the Belgian Congo, made famous by the foundational figures of humanitarianism, Roger Casement and Edmund Morel, or the manacles and assorted props of misery exhibited by the abolitionist pioneers of the

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66. In some ways, despite dealing with a very different realm of diplomacy, this built upon pre-existing patterns of infantilized understanding of Third World leaders in US foreign relations circles. See notably the case of Iranian Prime Minister Mossadeq, discussed in MARY ANN HEISS, *EMPIRE AND NATIONHOOD: THE UNITED STATES, GREAT BRITAIN, AND IRANIAN OIL, 1950–1954* (1997).

67. For illustrative example, see US Embassy, Buenos Aires, to Secretary of State, Human Rights: Note of Protest, Aug. 1978, 040032Z; Continuing Reaction to US Human Rights Sanctions Policy, Aug. 1978, 292148Z; Protest of Secretary Vance's Statement, Mar. 1977, 021610Z; see also US Embassy, Brasilia, to Secretary of State, Possible Trip of Mrs. Carter, Mar. 1977, 191930Z, AAD.

68. See the exchanges across US Embassy, Manila, to Secretary of State, Romulo on Human Rights Report, Mar. 1977, 290836Z; Secretary of State, to US Embassy, Manila, Approach to Government of Philippines, Apr. 1978, 110114Z; US Embassy, Manila, to Secretary of State, Human Rights: Assistant Secretary Derian's Meeting with President Marcos, Jan. 1978 130908Z, AAD.

Clapham Sect. Built around an effort to outlaw torture, it worked with the potent mixture of revulsion and perverse popular fascination that accompanied the precise description of grotesque abuses against persons.<sup>69</sup> Graphic rendering, textual and sometime visual, of human rights abuses, primarily torture—often with implied or outright sexual violence—was the catalyst which revitalized human rights, with an energy borne of pessimism and desperation. Disgust and outrage reactivated the same kind of community of sympathy as the Congolese Reform Association of the Victorian and Edwardian period, or nineteenth-century transatlantic abolitionism, one with the limited objective of restricting and eliminating a particularly appalling horror, rather than building a radical or hopeful new world. In the torture of authoritarian regimes, AI and its allies had found their Jean Calas.<sup>70</sup> This emotional hook became a moral drift net, drawing in tens of thousands of middle US supporters, disgusted, angered, but seemingly obsessed with the pain of others. With an engine powered by sympathy, empathy, and, perhaps, a level of self-satisfied redemption, anti-torture transformed human rights diplomacy, for good and ill.

This community of sympathy, while intrinsic to the milieu that generated movements for human rights and humanitarianism, could produce paradoxical results. In the human rights “boom” of the late 1970s, and well into the 1980s, the desperation to do something, anything, for the plight of victims encouraged the selection of cases, causes, and remedies that provided a high immediate emotional yield. Human rights activism became over weighted in affect, and simultaneously, cachexic in aspirations to grand scale emancipation. The new emotional register was despair and revulsion. Human rights in the mass revival period was a movement that operated primarily in the realm of individuated pathos; the transformational promise of an institutionalized human rights system, built upon ethos and logos, as well as pathos, was moved to the edges. The United Nations Convention Against Torture (CAT), finally adopted in 1984, was the culmination of these efforts, and in many respects, represented a retreat from the Covenants, let alone the UDHR.<sup>71</sup> Those preceding instruments, from 1948 and 1966, both banned torture in

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69. Barbara Keys, *Anti-Torture Politics: Amnesty International, the Greek Junta, and the Origins of the Human Rights “Boom” in the United States*, in *THE HUMAN RIGHTS REVOLUTION: AN INTERNATIONAL HISTORY* 201–22 (Akira Iriye, Petra Goedde, & William I. Hitchcock eds., 2012); for illustrative example, see *AMNESTY INT’L, REPORT ON TORTURE* (1973); Amnesty Int’l, *Campaign for the Abolition of Torture: Workshop on Human Rights, Report and Recommendations* (Apr. 1975).
  70. LYNN HUNT, *INVENTING HUMAN RIGHTS: A HISTORY* 70–112 (2007); see also Thomas W. Laqueur, *Bodies, Details, and the Humanitarian Narrative*, in *THE NEW CULTURAL HISTORY* 176 (Lynn Hunt ed., 1989).
  71. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *adopted* 10 Dec. 1984, G.A. Res. 39/46, U.N. GAOR, 39th Sess., U.N. Doc. A/39/51 (1985), 1465 U.N.T.S. 85 (*entered into force* 26 June 1987).

expansive terms, and merely as one dimension of a human rights order.<sup>72</sup> The global persistence of torture, and the obvious failure of that ambitious vision of previous decades, forced a retreat by NGOs, and liberal states, to more defensive normative terrain. Human rights activism was now too pessimistic to hope for more.

Disturbingly vivid accounts of corporeal pain, acting on the most primal empathy amongst living creatures, elevated one single article of the original UDHR. Others which were less easily visualized languished in the absence of passionate patronage. This asymmetry in activist impulse damaged the frame of universal, interdependent, and equal freedoms proposed in 1948: the rise of “the integrity of the person” broke whatever residual integrity the human rights project of the 1940s retained. In the world of the 1970s and 1980s NGOs, the successful prosecution of human rights activism needed a body. The most effective civil society actors were those who could literally invoke the plight of individuals, ideally with an obvious affective connection.

In Argentina, the Mothers of the Plaza de Mayo, who openly claimed both feeling and reason in their campaign on behalf of their “disappeared” child victims of the right-wing military dictatorship, won a degree of currency and immunity via the dynamics of the emotional plane. Imagery of bereft mothers pleading for those they had lost was the symbolic emotional carapace for textual and legal initiatives against a regime which exhorted traditional values—those of conservative Catholicism, and a raft of attached presumptions as to the proper arrangement of the family. Performing motherhood (as well as living it), disarmed the then-ruling military junta’s case that human rights dissent was the satellite of left-wing armed insurgency: this was human rights campaign shielded by real and strategic materialism.<sup>73</sup> The Mothers won markedly wider public and international recognition than the equally brave legalistic dissents against the Argentine junta, which had embarked on massive abuses, including its signature “disappearance” campaign of extrajudicial killing, with precious little effective opposition until the mobilization of the Mothers. A habeas corpus filing from the bravely conventional NGO, *El Centro de Estudios Legales y Sociales*, did not activate in the same way as a heartbroken mother with an image of her child, with a shuffling gait, drifting in a sorrowful reverie around a square. It was a public performance, doubtlessly genuine, of immense distress. Words on a page from a bespectacled lawyer could not readily access this power.

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72. UDHR, *supra* note 31, at art. 5; International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., art. 7, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force 23 Mar. 1976).

73. Fernando J. Bosco, *The Madres de Plaza de Mayo and Three Decades of Human Rights' Activism: Embeddedness, Emotions, and Social Movements*, 96 ANNALS ASS'N. AM. GEOGRAPHERS 342 (2006).

High emotionalism kept the human rights idea going, but at substantial cost. The second of the revived Conventions era that followed the late 1970s “breakthrough” activated, quite literally, parental instinct. Paternalism was a common charge levelled against humanitarians in particular, and, to a lesser degree, human rights activists; the 1989 Convention on the Rights of the Child (CRC) built an internationally institutionalized system for it, as a kind of renovated sibling of the much older UNICEF. Protection of uniquely vulnerable victims with a high binding affinity for free floating humane sentiment: this was now human rights. Like the CAT that preceded it, the CRC was a worthwhile achievement, but one that made more sense as a salvage effort. In the late 1940s, UNICEF had made highly effective use of transnational paternal and maternal sentiment, with campaigns which demonstrated the agency operating as a kind of globalized surrogate parent. At that point, UNICEF was an emergency humanitarian mobilization, a palliative for war time distress, addressing a transient legacy of the time before the UDHR and what would become a remade world.<sup>74</sup> A once emergency action to remedy a bleak past was now a permanent feature and future: palliation was a ceiling, not a floor, on hope. Full universalism, the promise of “a world made new” had retreated to making the world possibly, slightly, less evil for children, and preventing the most severe violations against the integrity of the person.

Emotion drove the program, but its preferential distribution contradicted the vision of 1948. Anti-racism, anti-torture, and the protection of children seemed to work with almost primal human dispositions, in a way that paid recreation leave or legal personality did not. It was difficult to sustain the fiction of human rights as equal and interdependent when the heart said (or was carefully and repeatedly told) otherwise. Some victims activated sentiment. Some abuses activated outrage. Plenty did not seem to show any signs of doing either. The rise of the thematic convention, in the CAT, and the special case human, in the CRC, which followed the 1970s NGO “breakthrough” sat uneasily with universal human rights. Some humans had different rights, or a superset of them, privileged on the basis of their ability to draw sympathy. It was precisely what the architects had tried to avoid in the 1940s, with their insistence on interchangeable universal human rights with a very modest recognition of a special (and transient) case with mothers and neonates.<sup>75</sup>

The acuity with which the new NGOs perceived the plight of individuals was a sharp contrast to those more structural violations were only hazily resolved, occluded by an unmistakable scotoma in the vision of much of the movement. With only a handful of exceptions, human rights NGOs ceded the field of structural human rights violations to states, a measure

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74. See generally JENNIFER M. MORRIS, *THE ORIGINS OF UNICEF, 1946–1953* (2015).

75. See the special protection for mothers and children, a specific sub-clause in UDHR, *supra* note 31, art. 25, which details broad social welfare provisions.

which produced profoundly destructive alternative visions, notably the New International Economic Order and its associated sequels.<sup>76</sup> Drafted by authoritarian sovereigns, the response to global inequality and poverty was crafted to be more sovereignty, and a solidarity between states, rather than humans.<sup>77</sup> The imperatives of mobilization changed not only which victims were selected, but the very meaning of human rights. It was almost a general case rule that the greater the abstraction, the less efficacious the mobilization. The more corporeal the abuse the better. Unlike the surplus of hope that characterized the late 1940s, human rights after the 1970s operated within a much darker emotional realm.

## VI. LASSITUDE: THE CANALIZED AND CALIBRATED PASSIONS OF MODERN HUMAN RIGHTS

At its moments of efflorescence and peak productivity, the post-war “new world” of the 1940s and early 1950s, the anti-racism crusades of the mid-1960s, and NGO-led revivals of the late 1970s and early 1980s, the emotional intensity of the human rights program appeared higher than it did at other moments. A diplomatic style which drew less reluctantly on appeals to shared feelings, common sympathies, and universal outrage, corresponded to meaningful activity. Its absence, or relative absence, tended to correspond to empty proceduralism and anergic legalism. This pattern does not seem to have been confined to states, and is discernible in the effects of the transition, evident across the 1990s, from pulsatile campaigning to permanent advocacy within Human Rights Non-Governmental Organizations (HRNGOs). The thoroughness with which the main HRNGOs have been professionalized and formalized has entailed a trade-off. As these NGOs have been incorporated into the institutions of national and international governance, the requisite conventions and bureaucratic systems have tended to deplete their emotional reservoir.<sup>78</sup>

The proceduralism of compliance checklists (with actual check boxes for ticking), shadow reports, and heavily templated web forms have both

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76. Charter of Economic Rights and Duties of States, *adopted* 12 Dec. 1974, G.A. Res. 3281, U.N. GAOR, 29th Sess., Agenda Item 48, U.N. Doc. A/RES/29/3281 (1974); and the Declaration on the Establishment of a New International Economic Order, *adopted* 1 May 1974, G.A. Res. 3201, U.N. GAOR, 6th Sess., Agenda Item 7, U.N. Doc. A/RES/S-6/3201 (1974).

77. Roland Burke, *Competing for the Last Utopia? The NIEO, Human Rights, and the World Conference for the International Women's Year, Mexico City, June 1975*, 6 HUMAN. 47, 54–57 (2015).

78. This is felt differently within the organizations themselves, where the nature of the work, and superimposed administrative systems, can create an exceptionally upsetting and difficult environment. See, for instance, the field study of STEPHEN HOPGOOD, *KEEPERS OF THE FLAME: UNDERSTANDING AMNESTY INTERNATIONAL* (2006).

bureaucratized outrage and secured its permanent presence.<sup>79</sup> This newest human rights advocacy, one with more modest emotional heft, and of what often appears an almost pro-forma affect, seems at once less disruptive and more significant. HRNGOs have parlayed mass emotional intensity into durable, functional secretariats and perpetual activity, smoothing peaks of outrage into a more reliable energy. Unlike the other grand movements of universalistic human sympathy, notably the relatively discrete project of abolitionism, the sheer expanse of global human rights promotion arguably requires a different equilibrium between instantaneous emotional punch and permanent advocacy. It is uncertain whether there are feasible alternatives.

Nevertheless, this new equanimity of outrage contains risk: utopian visions have rested upon disruptively energetic hope or desperate revulsion. Both of the post-war “breakthroughs,” of the 1940s, and of the 1970s, and the intervening triumph over legislative racial discrimination, rested on a volatile emotional substrate, even if the emotions were profoundly different. The emotional palette of the 1940s was hope; the 1960s, rage; that of the 1970s was disgust, guilt, and sympathy. These elements remain in the contemporary constellation of HRNGOs, and within states themselves, but at much lower amplitude. Passion is expended in discretely quantized parcels, transmuted into a shadow report, and politely but insistently presented at the various UN Treaty Bodies, and within the Universal Periodic Review.<sup>80</sup> The flattened tones and formalism of a PDF (invariably resized and compressed for web browsing) are, at best, a counterintuitive heir to *The Interesting Narrative of the Life of Olaudah Equiano*, the touchstone work of abolitionist outrage. In the mid-twentieth century, Western diplomats drifted aimlessly when pursuing a human rights advocacy that was self-consciously framed in the language of rationality, reasonableness, pragmatism, and modesty. It remains to be seen whether the HRNGO movement which roused them will itself become imperiled by a surplus of reason.

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79. For a provocative critique of the modern human rights NGO, see STEPHEN HOPGOOD, *THE END TIMES OF HUMAN RIGHTS* (2013); various responses and discussion in *DEBATING THE ENDTIMES OF HUMAN RIGHTS: ACTIVISM AND INSTITUTIONS IN A NEO-WESTPHALIAN WORLD* (Doutje Lettinga & Lars van Troost eds., 2014).

80. Regarding the ritualized character of the UPR process, see Jane K. Cowan, *The Universal Periodic Review as a Public Audit Ritual: An Anthropological Perspective on Emerging Practices in the Global Governance of Human Rights*, in *HUMAN RIGHTS AND THE UNIVERSAL PERIODIC REVIEW: RITUALS AND RITUALISM* 42 (Hilary Charlesworth & Emma Larking eds., 2016); Julie Billaud, *Keepers of the Truth: Producing “Transparent” Documents for the Universal Periodic Review*, in *id.* at 63, 64.