“Over the past several years … the constant repetition of the words ‘colonialism’, ‘imperialism’, ‘neo-colonialism’ and ‘racism’ had become an incantation and seemed to have a narcotic effect on some delegations.”¹ Baroness Dora Gaitskell, United Nations General Assembly, Committee III (Social, Cultural and Humanitarian Affairs), November 12, 1974.

“When the terms of human rights speech have lost their specific meaning it will be possible to use them in unforeseen and disturbing ways…”² Charles Fairbanks, Department of State Memorandum, c. November 1974.

Across its first four decades of life, the Universal Declaration of Human Rights (UDHR) was invoked to support an almost limitless range of causes and movements. Differences in emphasis and application to particular contexts were always envisaged as the UDHR circulated across the world, and across time. This was intrinsic to its appeal, as a set of abstractions that transcended the specific, and spoke to an enduring set of freedoms required for all, everywhere, and for all-time. Rarely were local conditions likely to encourage a uniform enthusiasm for each aspect of its vision, or symmetry in the realization of its articles. The authors were no strict constructionists, and all imagined a living document.³

By the 1970s, however, the UDHR was almost too alive for its own safety. The manner with which the vision of 1948 was embraced was frequently partial and, in some instances, grotesquely discordant with the original purposes and meaning of the document. After a brief phase dominated by benign lassitude, which extended into the 1950s, a constellation of competing ideas and programs began to capture the human rights lexicon, and subordinated it to a set of profoundly different objectives. Crusades for self-determination, coercive economic development, global wealth redistribution, and cultural particularism all engaged human rights to underwrite their legitimacy. Yet all tended to evolve in ways that were often destructive to the substance of universality, inherence, and indivisibility, the features that so shaped the UDHR. All of these various movements held a degree of kinship with the vision of 1948, a nucleus of similarity sufficient to expropriate the latent power of human rights language. Each sought, or at least pretended to seek, emancipation of some kind. Nevertheless, the invocation of human rights in the course of these other crusades ultimately pushed the concept to its elastic limit. These ritualistic and hollow recitations of the UDHR had a paradoxical effect, elevating the profile of its terminology, while compromising the legitimacy of the language that was being drawn upon. “Human rights” became all-purpose lexical carapace, under which all manner of dissonant causes were pursued.
Recent histories of human rights have emphasized the importance of the 1970s as the “breakthrough” moment for human rights. Current scholarship locates the 1970s as the epicenter of the modern movement, when human rights made a precipitous transition from juridical novelty to mass phenomenon.⁴ Prime exponent of the “breakthrough” thesis, Samuel Moyn, has explicitly cleaved this decade from all that preceded it.⁵ Human rights were born without much by way of precedent or precursor genealogy, in a telescoped process of historical rupture. Recognition of the 1970s as a decisive point in the history of human rights has been an important corrective to the serpentine narratives of gradual, halting, but inevitable progress that once characterized the historiography.⁶ Yet there has, to date, been an inadequate account of what the “breakthrough” meant. Moyn’s impressive work, breviary of the “new history of human rights,” tends to measure “breakthrough” through the prism of visibility. Intensity of utilization, which Moyn numerically quantifies in an appendix, is the proxy for the “rise” of human rights.⁷ While this represents a novel approach for historians of ideas, it is an austere measurement. Prominence tells nothing of the ways in which the language of human rights were being used.

This paper re-assesses the 1970s “breakthrough,” and approaches the dramatic proliferation of human rights phrases as a more variegated and paradoxical demonstration of change. It revisits the UDHR on its twenty-fifth anniversary in 1973, and surveys the fractured set of meanings which “human rights” had acquired, and would continue to accrete in the coming years. It argues that the 1970s represented a key moment in the history of human rights, when the language of rights was deployed with increasing vigor, but with a narrowness of purpose and an instrumentalism that threatened its future viability.

Within the UN, human rights were forced into highly constrained channels, the program captured by autocratic regimes which refashioned the definition of rights. A handful of causes, relating to national liberation struggles (and attached anti-racism campaigns) and to economic development, were the mainstay of the agenda. These campaigns were decorated with references to human rights that were too empty and too selective to mean much – but their presence was enough to subvert the phrase. Outside the UN, a small but rapidly growing band of NGOs, the International League for Human Rights (ILHR), Amnesty International (AI), and the International Commission of Jurists (ICJ) were increasingly vocal – and increasingly troubling for the States that held command of the UN program. As the 1970s opened, both the States and the NGOs spoke dialects of human rights, with an unprecedented verbosity, yet the proliferation of verbiage was not a straightforward indication of “progress.” The era that witnessed the advent of stereo and quadraphonic sound systems was, perhaps appropriately, polyphonic, or even cacophonous, in its recitations of human rights. Words were abundant – and so too were competing meanings.

At the dawn of the 1970s, much of the vision of inherent, indivisible, individual rights for all had been dismembered, discarded, or otherwise parenthetically qualified. Alongside the original division between Western and Soviet notions of rights, there were now multiple axes of fracture, with the deepest lines of scission emerging between the “Third World” and the Western democracies. Once champions of the most maximalist universality, and hopeful aspirants to the sorts of societies mapped out by the UDHR, the majority of Asian, African, and Arab governments now cast human rights in a very different frame. As early liberal democratic post-colonial regimes collapsed, governmental enthusiasm for the raft of freedoms in the UDHR waned. Other priorities, purportedly more urgent, cannibalized the moribund language of human rights. In the process, the whole philosophy of human rights was given a new inflection: collective, statist, technocratic, and, in some variants, enthusiastic about the emancipatory power of revolutionary violence.
Discussion became fixated on the requisite global conditions, national structures, and armed revolutions – these were more important than the rights themselves because they enabled them. In the all-encompassing crusade for development and liberation from colonialism, cosmetic reference to the UDHR and human rights was arguably worse than none at all: the Declaration simply bejeweled a very different set of propositions, without shaping them. The quest for greater justice in wealth distribution across the world, and accelerated development, certainly related to human rights; so too did the abuses of Portuguese imperial rule, and the racist tyranny in Southern Africa. The problem was that these issues consumed human rights almost wholesale. With each recitation of human rights that was accreted on to these different crusades, any distinctive philosophy of rights was progressively effaced. In the rhetorical alchemy of the militant members of the Group of 77 (G-77), and the invocations of opportunistic Soviet diplomats, human rights could be transmuted from individual freedoms to the silent handmaidens of sovereign claims. The rituals of the General Assembly, never much more than ineffectual at best, emerged as the means for exsanguinating any meaning that was not amenable to the majority.

Liberating the Universal Declaration: Human Rights, Armed Struggle, and Apartheid

By the 1973, the formula for talismanic use of the UDHR was well established. William F. Buckley, conservative icon and US representative to the UN, described the conventions of a human rights resolution, which during his tenure, typically involved one of the triumvirate of especially disfavored abuses: apartheid, colonialism (flavored both neo- and classic), or “Zionism.” “All resolutions,” he explained, “begin preferably with a present participle,” and, as a further requirement, “every verb introducing a clause needs, for some reason, to be different… Aware… Recalling… Considering… Noting… Stressing… Believing… Deploring….” Although presented in jest, Buckley’s anatomy of resolution structure and syntax was accurate. Phrases “recalling” were the cue for a voluminous pro-forma catalogue of Declarations and treaties, commencing with the UDHR, and moving through various conventions and other legal and exhortatory sequels. These were then interlaced with whatever clauses were needed for the cause at hand. Human rights in the UN were governed by an overly predictable grammar, a shopworn prose that gestured to more than a stylistic rut. Words that were meant to hold power were now interchangeable: a fully fungible boilerplate of outrage. These were the rites of human rights in the UN.

Buckley’s tenure coincided with a particularly naked era of human rights instrumentalism, when the crusade for collective national liberation, most especially in Southern Africa, surpassed even the other priority concerns of state-led modernization and economic development. The UDHR’s twenty-fifth anniversary was, for the most part, submerged in the vortex of anti-racism and armed struggle. The occasion was instead the platform to launch the International Decade to Combat Racism and Racial Discrimination. At the Plenary meeting that ratified the decision in October 1972, a few minutes were devoted to the agenda item on a “Programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights” – which was concluded rapidly, to allow for hours of rhetoric on national liberation, racial discrimination, and the importance of armed struggle in Southern Africa and, on Cuba’s insistence, Puerto Rico. It was the most striking symbolic representation of the relationship between universal human rights, anti-racism, and violent insurrection. The struggle against racial discrimination, a sub-set of a much broader human rights concept, had
almost consumed the parent category. 1948 was cited insofar as it underwrote the crusade, rarely much further.

Discussion of human rights had been asphyxiated by one hyper-privileged element of the discourse. It had also become apparent that, for many states, opposition to racism was impelled by, and associated with, philosophies that were less concerned with universal, rights-bearing citizens. Accordingly, the Decade to Combat Racism represented more than mere partiality to an especially provocative, grave, and systematic human rights abuse – it was indicative of a new understanding of what human rights were, or should be, among the many states in the General Assembly. Collective liberations of race, nation, and peoples were synonymous human rights. For a large swathe of the UN membership, the tension between person and people, between national and individual, was resolved as meaning liberation of peoples and nations. No longer was self-determination conceived of as a means for securing human rights. Liberating peoples occurred solely in the aggregate, and in particular regions: Southern Africa, Israel, and its occupied territories. It was endorsed in formulations that spoke of all necessary means, the sanctity of armed struggle, and material support for freedom fighters. Extremity was often preferred, with open derision for non-violent measures, and exaltation of weapons provision as the most humanitarian form of assistance. It was a long way from the social democratic banner of the 1955 Freedom Charter, or the mass non-violent resistance of the Defiance Campaign. That era had closed with the death of ANC leader, and Nobel Laureate, Albert Luthuli, six years earlier.

National liberation crusading approached its zenith in the 1973 session. In the months that followed the October War, the atmosphere was coarsened by speeches that were articulated with all manner of asperities on Zionism, Zionist-Nazism, the Apartheid-Zionist nexus, and the global conspiratorial axis of neo-colonialism. Depending on the speaker, this variously extended from London through Salisbury, Tel Aviv, Bonn, Pretoria, Washington, Lisbon, and even Taipei, which suggested more a curve shaped by political requirement, as opposed to an axis. Numerous legislative achievements reflected the sense of the Assembly, with a surge in boldly-phrased resolutions on apartheid, racism, Portuguese colonialism, Southern Rhodesia, Israeli abuses in the occupied territories, and the legitimacy of the combatants of the armed struggle. The following year, in 1974, this catalogue of resolutions would be joined by their logical conclusion: official recognition of the illegitimacy of South Africa’s delegation, and formal recognition of the National Liberation Movements, the African National Congress and Pan Africanist Congress, as representatives. PLO leader Yasser Arafat, also recognized as a representative, addressed the UN Plenary that November, citing the UDHR, with his gun holster famously visible – it was the capstone to an extraordinary year of militancy. National liberation was the moral and political crusade that defined the era, and human rights were drawn deep into its orbit – not as shepherd moons, but fully dependent satellites.

However, the crowning achievement of the 1973 General Assembly had been the passage of the International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPA) a little over a week before Human Rights Day. Sponsored by Brezhnev’s Soviet Union, Sékou Touré’s Guinea, and Nigerian General Gowon’s military government, which had recently crushed all vestiges of Biafran secessionism, its articles were potent in their expression and implication. The ICPSA was a radically different instrument to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). ICERD outlawed apartheid and racism just as thoroughly, but in a framework that was aligned with the principles of the UDHR. In its narrowness of concept and application, the ICSPA was also a testament to the shift in anti-apartheid and anti-racist initiatives. The draft text was promoted with arguments laden with provocation and accusation, as opposed to the
seriousness of purpose, and avoidance of polemic characteristic of earlier anti-racism advocates, like George Lamptey, the Ghanaian jurist who drove the 1965 convention forward. Instead of approaching racism and apartheid as gross abuses of individual human rights, the nature of racially discriminatory violations was mostly framed in collective terms. Modelled almost solely as a weapon against South Africa, the purpose of the ICPSA was the prohibition of “domination by one racial group of persons over any other racial groups of persons,” as opposed to the violation of individual rights carried out on a racialized basis.

The roll call vote saw the ICPSA adopted by a strong majority – one that contained dictatorships of almost every orientation, and almost entirely bereft of democracies. Its decoupling from any substantive relationship for actual respect for human rights was striking. Signature on the two Covenants had a weak correlation to domestic human rights performance. Not so the ICPSA, which held a useful level of negative prognostic power. A vote for it corresponded to a poor human rights record with depressing statistical agreement. This was “weaponized” rights language at its most farcical; the circular error probable was confined to one, albeit exceptionally worthy, target – South Africa and its Western friends. With the ICPSA adopted and the Decade to Combat Racism already set to activate with no further required action, Human Rights Day was very nearly forgotten by the General Assembly, which promptly set about the other agenda items, scheduling work directly on top of the commemorative ceremonies that they were supposed to undertake on December 10.

The celebrations themselves were mixed, and the politics of the normal sessions commuted freely to the solemn occasion. Chair of the Commission on Human Rights, Mauritian Ambassador Krishna Ramphul, embraced the focus on race, colonialism, and apartheid. After a survey of the slow course to the two Covenants, the progressive diminution of energies, and absence of “a sense of purpose,” Ramphul addressed the new mood of narrow-band activism. With a dismissive reference to the International Bill of Rights as an exception, he argued “apart from that, there was no real programme in the United Nations on human rights until this session of the Assembly, when the programme for the decade against racism and racial discrimination” was at last initiated on Human Rights Day. He defended the emphasis on apartheid and Southern Africa with an assertion that racial discrimination was a human rights abuse of a unique quality, which justified its overwhelming priority within the discourse.

To support his case, Ramphul invoked Tanzanian President Julius Nyerere’s differentiation between racial discrimination and other sources of rights abuse. It was a superb illustration of the perils of how the interaction between the new variant of anti-racism and human rights language could damage the latter. According to Nyerere’s reasoning, a person could “change his religion if he wishes,” or “accept a different political belief – or in both cases give the appearance of doing so,” and in doing so “relieve” otherwise “intolerable circumstances.” However, he intoned, “no man can change his colour or his race… if he suffers… he must either become less than a man, or he must fight.” It was a logic of sorts, but it also denoted large categories of human rights violations as trivial because they could be evaded with silence or conformity to any whim of the State, just or otherwise. Freedom from racism was the only “real” human right. Later passages of Ramphul’s speech drew in slightly more expansive consideration of human rights challenges, but the status of racial discrimination and colonialism as the prime objectives for human rights activity had been given his clear endorsement. He would go far in the 1970s UN, as one of the unwavering proponents of Resolution 3379, “Zionism is Racism,” adopted two years later, and would emerge as a shortlisted candidate to replace Kurt Waldheim as Secretary-General.
Former director of the Human Rights Division, Canadian jurist John Humphrey, now a more fleeing visitor to the Assembly, tried to find optimism on Human Rights Day, but it was mostly beyond his capability. After a brief history of the UDHR, its origin, and its impact, Humphrey’s conclusions were gloomy. While the vision of 1948, he argued, was “as revolutionary as anything that has ever happened in history,” subsequent decades had dimmed it. In remarks that were rendered more obliquely and gently in the official verbatim transcript, he was blunt about failure. Those currently “denied their most basic rights,” a substantial section of the globe, “can hardly be blamed if they do not share our enthusiasm for an event, which to them can only seem a colossal joke.” Far from an occasion to celebrate the Declaration, Humphrey was almost mocking in his summation.

It might have been more appropriate if the United Nations had dedicated this twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights to the countless people whose rights it has not been able to protect.

Generally inclined to equanimity in official forums, this was an unusual episode, where the candid prose of Humphrey’s private diary and correspondence escaped into the public realm.

Ritual and Reality: The Competing Meanings of “Human Rights” in the 1970s

Dissonance within, and dispersion across, meaning attendant to human rights language was most obvious in the gulf between NGOs and individual activists, and the states, mostly authoritarian, that steered the 1970s UN program. The chasm between the empty nominalism and hyper-selectivity of the UN organs and the substantive world of human rights was arguably never greater. Efforts to close it were diligently blocked and preemptively foreclosed. It was a demarcation that was regulated by more restriction on NGO participation, and physically enacted with an ocean-wide geographical cordon sanitaire. UN Headquarters liberated itself of its Human Rights Division. The twenty-fifth anniversary of the UDHR was the year when the human rights program was transported to Geneva, a decision that was justified on the basis of cost initially, with the necessary extension of office space cheaper in Switzerland.

A rapid change in exchange rates rendered that rationale redundant almost as soon as it was announced, yet no new excuse was furnished. Privately, a delegate from one of the Asian bloc states disclosed the actual motivation, which was “to downgrade the importance of human rights within the UN both psychologically and administratively.” A senior official from the Secretariat observed that the human rights program would “be more asleep” in its new home. NGOs, notably the International League for Human Rights, were in close proximity to UN Plaza in New York, which made the logistical aspects of activism with limited resources much more favorable. The move to Geneva ensured that the diplomatic chantry priests could continue the ritualized dissipation of energy without disruption from the temporal world. Outside the UN, the salience of human rights was undiminished, and seemingly on the increase.

This was precisely the problem for repressive regimes and their allies, particularly as the new mechanisms for petition started to show some prospect of partial efficacy, following the passage of Resolution 1235 in 1967. The original system for “addressing” individual complaints, set down in 1947, was perhaps the epitome of a human rights ritualism evacuated of substance. Under the terms of ECOSOC Resolution 75, each petition was noted and filed with an appended explanatory note that there was no capacity to have their substance studied. It was a system for receipt of petitions that had been intricately designed to keep the meaning
of the complaints cauterized from the discussions of the Commission. In its earliest years, the UN Secretariat was scrupulous in procedural matters; and in effacing the personal. Filing, summarizing, and registering the physical petitions was studiously codified and their effectiveness and meaning were just as carefully excised. For two decades, the procedure of petitioning was perfectly cleaved from the power latent within it – a power that was then imprisoned in a meticulously well-catalogued compactus.

Across 1972, the UN had received more than 27,000 petitions. A number were from the Soviet Union, despite the ban on receipt of communications at the UN offices, imposed by Secretary-General U Thant in 1969 after a petition was presented by Soviet citizens to the UN Information Centre in Moscow. While the Soviet petitions were not examined, Brazil, Indonesia, Tanzania, Iran, Portugal, and the United Kingdom all had communications from their nationals studied. There was a human rights world outside the UN, and by some roundabout portals, it did enter the Chamber, much as the authoritarian caucus tried to close it out. Although the proceedings of the high-political sessions in New York tended to suggest otherwise, the ultimate ends of human rights were individuals, not abstractions – a point rendered vividly by the daunting paper monument of pleas, each the pathetic metonymy for an abused person.

The contrast was rendered vividly on those occasions where the “human rights” of the NGO world directly encountered the species that tended to preoccupy the UN and most of its member states. At the 1973 Human Rights Day Prize ceremony, the point was demonstrated by who was absent. Only two recipients were actually present to receive their awards, the remainder claimed by ill health, government travel restrictions, and death. The absence of Prize winner Bishop Abel Muzorewa, detained by Ian Smith’s regime in Rhodesia, exemplified the delta between the mood of UN member states, and the work of human rights activism in the outside world. As leader of the only party which remained committed to non-violent struggle for equality in the country, Muzorewa represented a rara avis in 1973 in Southern Africa. Two year later, he was arrested again, by Smith. Five years later, as the thirtieth-anniversary of the Universal Declaration approached, Muzorewa would lead Zimbabwe to independence at Lancaster House, and inaugurate a brief period of liberal constitutionalism, though his government was regarded as illegitimate by most African nationalists. Ten years later, in 1983, Muzorewa was on hunger strike, detained by the Mugabe regime as punishment for a visit to Israel.

The unsuccessful candidates for UN prizes were just as telling. Andrei Sakharov, perhaps the most influential figure in the entire human rights movement, had been nominated for the award by the ILHR. In September 1973, Jerome Shestack, on behalf of the League, wrote to UN Secretary-General Waldheim with an extensive application for Sakharov’s recognition, including some short annexes of his work. The League also nominated Roger Baldwin, one of the founding members of the human rights movement in the United States. Both nominations received a pro-forma response from the chief of the Human Rights Division, Marc Schreiber, who indicated they had been passed to the judges for consideration. Privately, the League speculated on whether there were Soviet judges on the panel. Sakharov, who would later receive both the Nobel and Lenin Prizes, received nothing from the UN. The Union of Arab Lawyers nominated Sean Macbride, a figure who had despaired at outcomes of the World Human Rights Conference in Tehran. Despite also being awarded both a Nobel and a Lenin Prize, he did not receive a UN plaque.

There was no UN award for Nobel Laureate Aleksander Solzhenitsyn. To US representative Buckley, admittedly a figure from the hard-right, “it was as if, in the year that Lindbergh
crossed the Atlantic, the aviation trophy had been awarded to the stunt pilot at the Duchess County Fair.”38 Five years later, on the thirtieth anniversary, the Human Rights Prize ceremony further demonstrated the UN program’s endless facility for irony – placing Pakistani women’s rights activist Begum Ra’ana Liaquat Ali Khan, and senior lieutenants to the Islamist military dictatorship of General Zia face-to-face in one instance. Zia’s men represented Pakistan in the UN program for years to come, while Liaquat collected her plaque and returned home to continue her struggle against his regime.

Conclusions: A Human Rights World Made Predictable?

Uptake of human rights language has often been taken as a shorthand metric of its power, and an index of its success. Although not generally regarded as an especially astute commentator on human rights questions, the German Democratic Republic’s representative, Peter Florin, inadvertently captured the problem in his speech on the thirtieth anniversary of the UDHR in 1978. When boasting of the different, and superior, meaning of human rights in the socialist world, he observed that though “the wording in both cases may sometimes be the same,” two immiscible ideas resided beneath the phrase.39 The dramatic extension of the language of human rights in the 1970s was complicated and contradictory in effects. Human rights as a phrase was not merely malleable, it was ductile. Reference to 1948 became a golden thread of rhetorical embroidery for any cause that self-identified as advancing claims of justice, equity, freedom, and wellbeing. The attendant plurality of usages, a good deal of them incompatible, risked the exhaustion of any vestigial power the language held. There were too many words, spoken by too many, for too many purposes.

This was more than an essentially contested term, it was term actively appropriated for its legitimating power and prestige, and then abraded and ablated by the usages to which it was put. Writing after the catastrophic Resolution 3379 “Zionism is Racism” vote, a new benchmark for linguistic abuse, Charles Fairbanks, a political scientist advising the US State Department opined that “even those who now care about human rights will become ever more cynical about the terms they now use to express this concern.”40 The incantation of human rights as a capsid for other causes was dangerous: “the words,” he argued, “will at length cease to stand for anything authentic or to evoke any feeling in those who hear them.”41 In the high predictability of where and how scrutiny was apportioned, of the reproducible phrase in which it was expressed, and in the bloc-aligned voting patterns of those engaged, the human rights debates of the Commission, and the General Assembly were functionally the same for most of the 1970s. Their resilience to perturbation by the exterior world was remarkable; a system of “human rights” that sat largely decoupled from epochal transformations of the “breakthrough” era of Soviet dissent and mass NGO mobilization.

Heroic efforts have been made to recuperate nominalist usages as a sort of accidental virtue, a kind of backhanded tribute to the legitimacy and appeal of the term. As in fluvial and Aeolian processes, repetition was of itself worthwhile and productive. John Humphrey clung to volumetric nominalism in his speech to celebrate Human Rights Day in 1988. In the interminable sequence of resolutions against apartheid, he observed, each “goes on to say in every case ‘and the Universal Declaration of Human Rights.’ “ This was, he argued, “the kind of practice that supports the conclusion that the Universal Declaration of Human Rights is now part of the customary law of nations.”42 Although a resourceful attempt to salvage cynical instrumentalism, finding redemptive power in the echolalia of authoritarian regimes risks perversity. When Saudi canonists could claim fidelity (and even superiority)
in respect for human rights, when the Brezhnev regime could boast of its adherence to the key instruments of international human rights law, and Ferdinand Marcos could author a book on the human rights delivered by martial law and dictatorship, the elastic limit of the language had almost certainly been reached.\textsuperscript{43} There was at least some case for greater parsimony in the name of integrity.

During a period when the human rights machinery remained profoundly ineffective, with the mechanisms of special rapporteurs, individual petition, thematic and area working groups still in their infancy, and an initiative for a UN High Commissioner for Human Rights blocked by left and right, symbolism and linguistic integrity constituted more or less the entire arsenal. If it was broken, there was not much left, so preservation of its power was crucial. Each time purely collectivist causes acquired an exoskeleton of orphaned human rights terms, every time Resolution 217(III A) was formalistically appended to a text which reflected little of its philosophy, and with all of the long, concatenated chains of language which transmogrified state prerogative into a “precondition” for “the realization of human rights,” that power was spent.

Trapped in its own circular references, tide-locked in fixed voting positions, only the external reservoir of transnational mobilization on human rights, which flew slowly and haphazardly into the UN, would replenish the language. This was a task for another decade, well after the “breakthrough.” At the Second World Conference on Human Rights in June 1993, the patterns of a generation of human rights formalism were broken. Inside the Vienna Convention Centre, activists made their way up the escalator from their allocated basement, and pierced the rood screen that normally shielded the UN’s human rights liturgy. For a handful of days, independent press conferences, the political t-shirts of the “people’s “ campaign, and printed Dalai Llama masks sat juxtaposed with the bureaucratic language of the state legations. The result was chaotic, loud, and unpredictable – human rights reality had, temporarily, disrupted the incantations of human rights ritual. It was a moment of rupture that marked the beginning of a less disruptive NGO movement.

Proceduralism and formalism, the mainstays of the UN program from the late 1950s onward, were arguably inherent features of an institutionalized human rights system. They also provided a kind of basal metabolism for human rights, keeping the language alive, albeit barely, and with large tracts moribund at best, and almost necrotic by the 1970s. The easy rituals, of confected and hyper-performative outrage, of laundry list recapitulation of past instruments, were, across the 1980s, and early 1990s, broken by activists who were inside the temple. Yet even activism was not immune to the seductions of ritual, as intense campaigning became permanent advocacy. As the 2000s drew on, the template of the NGO “shadow report,” the web-optimized PDF, and the executive summary bureaucratized the movement – at least in form. Energetic outrage was disbursed in parsimonious packets. The Universal Periodic Review, a newer UN system which explicitly embraces predictable repetition, and drops into a well-understood catechism all too often, was mapped onto the older state reporting cycle, shifting the cadence of ritualized scrutiny modestly faster.\textsuperscript{44}

The symmetry and predictability of dissent between state and NGO itself became a ritual, a new, stable equilibrium that was just as resistant to disruption as the state-domination of the early 1970s. In the decades that followed, most acutely in the late 1990s and 2000s, dissent had become professionalized, and, to some degree, overwrought. Ornate, sophisticated, and articulate – human rights are perhaps again going into a kind of
recession in affective power, albeit within a beautifully textured institutional nave.\textsuperscript{45} Emotionalism and un-modulated sentiment, forces that unmistakably animated the initial efflorescence of hope that culminated in 1948, and the desperate and disgusted outrage of the late 1970s “breakthrough,” struggle to live in worlds of calibrated protest and constrained process. No matter how impressive the edifice, or how logical the rites, there is no moment for shouting, screaming, or weeping.\textsuperscript{46} Conformity to the ritual requires a diminution in the fundamental force of human rights activism, which does not adhere to a schedule, and cannot be partitioned into the auto-format paragraphs of a UPR document, or a UN document control symbol. Rituals can keep the concept alive, and marginal. They almost certainly cannot make it live.

\textsuperscript{1} Summary Records of the Third Committee, 2088\textsuperscript{th} meeting, November 12, 1974, A/C. 3/SR. 2088, para. 30. For a further comment on this tendency, see US representative, Morris Abram, “The U.N. and Human Rights,” \textit{Foreign Affairs} 47, no. 2 (1969): 363-74.

\textsuperscript{2} Fairbanks’s Memorandum is quoted in Daniel P. Moynihan and Suzanne Weaver, \textit{A Dangerous Place} (London: Secker & Warburg, 1979), 195.


\textsuperscript{5} Moyn, \textit{Last Utopia}, 120-1, 178, 213-14.


\textsuperscript{7} Moyn, \textit{Last Utopia}, 231.


\textsuperscript{10} GAOR, 2068\textsuperscript{th} Plenary meeting, December 19, 1972, A/PV. 2068, paras 1-8, cf. paras 9-167.

\textsuperscript{11} The US delegation’s summation of the 1973 session was blunt about the inhospitable nature of the UN for a wider human rights discussion. The dominant non-aligned group were “less concerned with civil and political rights of individuals than they are with denial of practically all rights to black majorities in Southern Africa… [The] African bloc is preoccupied with this issue to virtual exclusion of all others”: US Mission to the UN, New York, to Secretary of State, Washington DC, “The US Position and Human Rights in the 28\textsuperscript{th} GA,” December 1973, US Department of State, USUN 5688, AAD.

\textsuperscript{12} For exemplars of the rhetoric, and the insistent pairing of human rights to armed revolutionary struggle, see particularly those contributions from Adib Daoudy (Syria), Dia Allah El-Fattal (Syria),
and representatives from Cuba, Albania, Iraq, the various National Liberation Movements, and from 1973 onward, the PRC. A reasonably illustrative cross-section can be found in the 1973 session of the Third Committee, A/C.3/SR.1980-SR. 1991.


19 International Convention on the Elimination of All Forms of Racial Discrimination, G.A. Res. 2106 (XX), December 21, 1965, 660 U.N.T.S. 195, entered into force January 4, 1969. This aspect was conspicuous not only in its framing language, but in its key provisions in Article 5, which stipulated the inherent, universal right of individuals to non-discrimination on the basis of race, and the specific rights which must be protected. For an overview of ICERD and its evolution, see Michael Banton, International Action against Racial Discrimination (London: Oxford University Press, 1996).


21 Theoretically, it was understood to have application to analogous situations (Summary Records of the Third Committee, 2004th meeting, October 23, 1973, A/C.3/SR.2004). In practice, these were defined so narrowly that none were apparent then, or discovered subsequently – and the consensus of the Committee was overwhelmingly in favour of an interpretation confined to South Africa. Nevertheless, some of its definitions have influenced the 1998 Rome Statute of the International Criminal Court, as part of a much broader and more symmetric catalogue of crimes and gross human rights abuses.


23 Author's regression analysis, derived from Freedom House numeric rating (“Freedom in the World”). These tend to heavily over-privilege liberal democratic systems, but the pattern is further validated by AI, ICJ, and Human Rights Watch (HRW) qualitative survey data.

25 It fell to Jamil Baroody, who had abstained on behalf of Saudi Arabia during the 1948 vote, to remind his colleagues that Monday was Human Rights Day, “a special occasion that should be observed,” and to advise that the commemorations and prize ceremony were already set, and unavailable for other debates: GAOR, 2194th meeting, December 7, 1973, A/PV. 2194, paras 8, 27-30. When December 10 arrived, Baroody delivered one of the more thoughtful speeches, despite his objections to the UDHR, see GAOR, A/PV. 2195, paras 72-80.


27 Ibid., para. 63.


29 Ibid.

30 The vituperative encounters between the two worlds was embraced by Amnesty International (AI), which delighted in the denunciations it received in the early 1970s, republishing them as testament to its activism and impartiality. The pamphlet contained artful juxtaposition of outrage at their meddling, which was, depending on the State, “imperialist” or “communist” subversion. See Al in Quotes (London: AI Publications, August 1973), AI Index, NWS 50/001/1973.


33 Ibid., F4


38 Buckley, UN Journal, 244.


40 Quoted in Moynihan, A Dangerous Place, 195.

41 Ibid. For a lively account of Resolution 3379, and the radical milieu of the mid-1970s UN, see also Gil Troy, Moynihan’s Moment: America’s Fight Against Zionism as Racism (New York: Oxford University Press, 2012).

42 GAOR, 74th Plenary meeting, 43rd session, December 8, 1988, A/43/PV.74, 71-72.


44 The UPR and its rites have been the subject of some of the most intensive scrutiny, see notably the essays from Jane Cowan and Julie Billaud in Hilary Charlesworth and Emma Larking, eds., Human Rights and the Universal Periodic Review: Rituals and Ritualism (Cambridge: Cambridge University Press, forthcoming); and the précis of UPR liturgy prepared by Shane Chalmers, “The ‘call and answer’ of the Universal Periodic Review. Against ‘ritualism?’” Regarding Rights (blog), Australian National University, February 22, 2013, http://asiapacific.anu.edu.au/regarding-rights/2013/02/22/the-call-and-answer-of-the-universal-periodic-review-against-ritualism/.

45 See, broadly, the provocative critique from Stephen Hopgood, The Endtimes of Human Rights (Ithaca, NY: Cornell University Press, 2013). See also the recent essay collection responding to its assertion of a ritualized and bureaucratized ‘Human Rights’, Doutje Lettinga and Lars van Troost, eds., Debating...