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The International Human Rights Movement: A History  
By Aryeh Neier

Princeton University Press, 379 ps. ISBN 0691135150

When the blind human rights activist and lawyer, Chen Guang Cheng, arrived from Beijing to begin a new life at New York University a few weeks ago, with the camera flashes ricocheting off his dark glasses, his first moments in freedom recalled the euphoric day in 1986 when a diminutive Anatoly Shcharansky crossed the Glienecke Bridge from East to West Berlin with an impish grin on his face. In both cases, a single individual demonstrated the asymmetric power that humbles powerful regimes. When Shcharansky—a dissident who had spent nine years in the Gulag-- won his freedom, he and those who had gone before—Andrei Sakharov and Alexander Solzhenitsyn -- helped to weaken tyranny and set it on the downward slope to its eventual collapse.

The question today is whether human rights witness still possesses the power to drain legitimacy away from repressive regimes. Then and now the United States had no desire to upset its relations with a powerful rival just for the sake of human rights, and yet, in the 1980's human rights demands in Eastern Europe began wearing away the outer façade and inner confidence of Soviet rule. China now is what the Soviet system was to the human rights movement in the Cold War: its largest strategic challenge, the one regime with global reach that believes it can deny full civil and political rights in perpetuity and deny its citizens access to the Internet and the information revolution forever. The unanswered question and unmet challenge for the contemporary human rights

movement is whether the example of activists like Cheng Guang Cheng will be able to do, one day, what Shcharansky and the human rights activists did to the Soviet system.

Shcharansky and Chen Guang Cheng's story also remind us that international human rights is not a Western construct. It was Solzhenitsyn who first said that in the modern age there were no truly domestic affairs of states, and it was the Democracy Wall activists in Beijing in 1978 who showed that democracy was not a Western idea. The true inspiration in human rights has always come from the East, from the moral witness and incorruptible courage of those in the prisons of empire. The modern human rights movement was built up from the 1960's onwards from this dialectic between the moral example of the East and the dynamic organizational resources of the West.

The dialectic between Eastern courage and Western organization deserves a historian and it has found one in Aryeh Neier, a figure who helped to make the history he writes. Neier was the founding executive director of what became Human Rights Watch until 1993 and then the president of George Soros' Open Society Foundations until June 2012. A well-worn joke about Neier has it that if Soros is the only American citizen with a foreign policy all his own, Neier has been his Secretary of State. The foreign policy they've both pursued has had a single goal: to promote Karl Popper's 'open societies', throughout countries struggling free of authoritarian rule. Together Soros and Neier provided the resources to build out the entire infrastructure of human rights organizations throughout Eastern Europe, the former Soviet Union and its near abroad, as well as in Africa and Asia. What Bill and Melinda Gates have tried to do for global health, Soros and Neier have done for global human rights.

With Aryeh Neier's retirement from the Open Society Foundations this June, the human rights movement marks the end of an era, and his book on the history of the movement is an occasion to reflect on how far the movement has come and what it must do next.

Neier describes the end of the Cold War, the restoration of democracy in Eastern Europe and the democratic transitions in Latin America as human rights' golden age. Since then, it must be said, the history of human rights has been a tough slog. Euphoria at Eastern freedom gave way to ethnic slaughter in the Balkans and the subsequent debates about when to intervene to stop human rights abuses have been divisive. Where Western interventions succeeded in stopping the killing in Bosnia and Kosovo, the prestige of human rights grew, but where human rights arguments were deployed in more contentious cases, like Iraq and Afghanistan, the movement has been split. The movement's leaders—Human Rights Watch, for example—supported intervention in Kosovo but opposed it in Iraq and have looked askance when others took up the human rights creed to justify America's imperial misadventures.

After 9/11, the intervention debates of the 1990's gave way to the civil liberties debate at home. The war on terror brought home just how easily rights commitments can crumble in Western democracies when put under the pressure of fear. Human rights and civil liberties lawyers battled courageously, and at first alone to right the balance between security and liberty. Only now are Supreme Court rulings—*Hamdi v. Rumsfeld*, *Rasul v. Bush* and *Boumediene v. Rumsfeld*--beginning to grant some basic due process rights to Guantanamo detainees. The battle to control the security state, however, is never over and the test of whether a democracy

actually respects liberty is always what it does to its enemies in secret.

As the aftermath of 9/11 so clearly show, democracy is not always a friend to rights. Majoritarian pressures to “do what it takes to make us safe” have sustained every executive attack on civil liberties in the post 9/11 era. Elsewhere, as democracies have taken root in Latin America, Asia and Eastern Europe, local activists have had to struggle to defend minority rights against an unleashed and enfranchised general will. Free elections in the Balkans elected ethnic cleansing governments. Democratic regimes in the Czech Republic and Hungary have failed to stop the persecution of Gypsies. Democratic South Africa has left gays and lesbians to struggle against violence. As Libya, Tunisia and Egypt take their first steps away from dictatorship, only determined political work by activists on the ground will determine whether democracy will entrench or endanger the human rights of Christians, sexual minorities and women. The outcome of the battle will depend on the civic courage of those inside these countries. The function of outsiders in the human rights movement outside the Arab world is to strengthen the hand of insiders, to help them stand up against those in the military, the security police or the mosques, who want to deny people the rights they fought for in the Arab Spring.

We can only hope freedom will win in the Middle East. History has no libretto as Isaiah Berlin liked to say. Victories in human rights are always a reprieve, not a harbinger of radiant tomorrows. The battle against abuse never ends and the virtue the movement needs most is endurance and the vice it must avoid is wishful thinking. While Columbia historian Samuel Moyn has called human rights the last utopia,<sup>1</sup> Neier shows

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<sup>1</sup> Samuel Moyn *The Last Utopia: Human Rights*

that the movement has been at its best when it refuses the temptations of utopian thinking. The best human rights activists can ever hope for is to keep democratic regimes honest and to shame undemocratic ones into being less brutal. In this struggle no government is a reliable ally for long.

What the history also shows, however, is that violence and cruelty eventually meet their match. The regime thugs who beat Chen Guang Cheng never supposed a blind man could scale a wall and make his escape, still less that he would create an international incident and secure safe passage to the United States. When Aung San Suu Kyi refused to leave her Burmese homeland even for the funeral of her husband, the Burmese regime understood that it was faced with a figure of truly implacable moral conviction.

What transformed her moral courage into raw political power was the regime's realization that the Lady had supporters around the world. If the generals wanted to open up the country for economic development and counter the rising influence of the Chinese, they would have to let her go. There have been few more dramatic instances of the power of a global movement than the moment when the Lady took her seat in the Burmese Parliament.

Human rights ' rise to power was made possible by the globalization of resources and organization. When Amnesty International began life in 1961, it was an amateur's committee of lawyers in London defending a handful of prisoners of conscience. Since then it has grown into a worldwide organization with more than three million members. Its mission has expanded beyond prisoners of conscience to the economic and social rights of the global poor.

Amnesty pioneered a new kind of politics. Beginning in 1961, Amnesty members adopted prisoners of conscience—one from the Soviet bloc, one from the capitalist bloc, one from the non-aligned countries—and wrote letters to governments to secure their release. This highly individualized politics—one case, one abuse at a time—represented a turning away from a politics of ideology and party and it proved astonishingly successful.

Peter Benenson, Amnesty's founder, encapsulated the new politics when he remarked that he saw no point fighting to get a man out of jail if he was going to use his new found freedom to toss his political opponents behind bars.<sup>2</sup> Benenson also declared that Amnesty couldn't support prisoners who advocated violence. When activists asked why Nelson Mandela, then locked up in Robbin Island for advocating armed resistance to apartheid, could not be adopted as a prisoner of conscience,<sup>3</sup> Amnesty held firm: to be a human rights activist was not to take sides, even against evil regimes, but to defend the victims of their murderous certainties.

When Helsinki Watch was formed in New York in 1978 by Aryeh Neier, Bob Bernstein and a handful of others, it was a hand to mouth organization set up to support Eastern

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<sup>2</sup> Tom Buchanan "'The Truth Will Set You Free': The Making of Amnesty International" *Journal of Contemporary History* 2002; 37; 575

<sup>3</sup> Joshua Rubenstein, long-time Amnesty International director of the US Northeast section, made the canonical defense of Amnesty's position at a conference in Toronto in 1981: 'it may be that blacks in South Africa have no choice but to engage in violent revolutionary activities; but if they're caught we can't define them as prisoners of conscience—they're something else.' Cited in Neier, 194.

European dissidents and to campaign for the right of Jewish *refuseniks* to emigrate to Israel. Today, its successor, Human Rights Watch boasts an annual budget of \$64 million, a challenge grant of \$100 million from the Open Society Foundations, a staff of 330 and a presence in 90 countries. Once its chief political focus was on influencing policies in Washington, but now it is opening offices in the capitals that will count tomorrow, Brazilia, Buenos Aires, New Delhi, Ankara, Johannesburg and Beijing. As the number of governments it lobbies has increased, so has its human rights mandate. Human Rights Watch now defends the plight of gays and lesbians in Africa, the rights of prisoners at Guantanamo and the protection of civilians caught in the middle of Israel, Hezbollah and Hamas' unrelenting struggle in the Middle East. Its legitimacy is built on accurate human rights reporting, and HRW's reports are the gold standard in the field. Its credibility also depends on being unafraid to court controversy. It has not been afraid to criticize Israel for breaches of the laws of war, though it has faced furious criticism for doing so, including from its founding chairman, Bob Bernstein

The new politics, pioneered by Amnesty and Human Rights Watch, reflected a key assumption: that with some honorable exceptions, like the UN High Commissioner for Human Rights and some of the *rapporteurs*, the UN human rights machinery had been captured by the states it was charged to regulate. To this day, human rights is enforced more by activists than by international lawyers. To be sure, the human rights movement does litigate: it takes states to court, it enters *amicus curiae* briefs at Guantanamo hearings, it takes up individual cases, but the core of human rights work is naming and shaming those who commit abuses and pressuring governments to put the screws to abusing states. As a result, human rights conventions are unique among international law instruments in depending

for their enforcement mostly on the activism of a global civil society movement.

This new politics started in the 1960's but it was not until the late 1970's that human rights activism caught fire. Internationalism on the campus in the Sixties was anti-imperialist and among Marxists, rights were dismissed as bourgeois illusions. There were liberals and social democrats who took rights seriously,<sup>4</sup> to use Ronald Dworkin's phrase, but they were otherwise engaged: debating whether citizens had a right to disobey orders, as in Vietnam, or supporting the entitlement revolution of the welfare state or initiating what became the rights revolution: liberalized divorce, decriminalizing homosexual sex, equalizing property and employment rights for women. It was only when these movements crested and encountered resentful backlash in the oil shock recession of the 1970's that international human rights emerged as a channel for the blocked energies of the progressive conscience.

When political energies went transnational, there were both gains and losses. The losses included the draining away of moral attention from domestic issues. It was in the 1970's that income inequality began its rise and it is only now, in the wake of financial meltdown, that inequality has returned as an issue of progressive concern.

Many activists who embraced international human rights in the 1970's did so as a rejection of the anti-colonialist and Marxist internationalism of the 1960's. They had supported decolonization, but once they saw that the newly independent states were using their freedom to abuse human rights, especially in countries like Cuba, Western activists turned

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<sup>4</sup> Ronald Dworkin "Taking Rights Seriously" New York Review, 1970



away and focused their energies instead on the last remaining empire, the one behind the Iron Curtain.

Although Jimmy Carter was the first President to make human rights a centerpiece of American foreign policy, human rights activism, as we know it now, began in the East, fully twelve years before. A tiny band of brave Russians gathered in Moscow's Pushkin Square on December 5, 1965, to demand a fair trial for two imprisoned writers, Yuli Daniel and Andrei Sinyavsky. This was followed in 1968 by a protest against the Soviet invasion of Czechoslovakia. Throughout the early 1970's, figures like Alexander Solzhenitsyn, Sergei Kovalev, Yuri Orlov, Pavel Litvinov and Andrei Sakharov struggled to convince the West to cease acquiescing in Soviet tyranny.

At this time, Henry Kissinger was negotiating the Helsinki Accords, acknowledging the Soviet sphere of influence in Eastern Europe. He sought something in return to sweeten the pill of American acquiescence. The American team secured language in the Helsinki Final Act that allowed Eastern Europeans and Russians to establish human rights organizations. Neither the Americans nor the Russians took these clauses seriously, yet dissidents instantly realized their significance. Charter 77 was soon in place in Prague, Solidarity was defending workers' rights in the shipyards of Gdansk and a Helsinki committee began in Moscow. When Vaclav Havel spoke of the "politics of the powerless" he meant a politics that refused to provoke the Soviet empire and instead demanded that it live up to the international human rights agreements it had signed. This, it turned out, was the politics that brought the empire down.

It was to support the 'politics of the powerless' that the first Helsinki Watch committee formed in New York in 1978. It was

to support Soviet Jewry that the Jackson-Vanik amendment passed Congress, denying trade access to regimes that barred emigration. In the ensuing decade, Western activists and intellectuals visited Prague and Warsaw and forged the bonds that turned human rights from a lost cause into a political force to be reckoned with. Crucial to that heroic period was the Open Society Foundation who funded the photocopiers that spread the message of dissent throughout the eastern bloc.

American human rights activists like Neier supported the Eastern bloc dissidents but refused to become cheerleaders for Ronald Reagan's strident anti-Communism. To establish once and for all the new movement's political independence, Neier plunged his organization into a struggle to deny confirmation to Ernest Lefever as the chief human rights official at the State Department. Lefever wanted to reverse the Carter Administration's support for human rights.

Blocking Lefever's nomination established the movement as a force to be reckoned with in Washington. After that victory, Neier's organization went on to report on American complicity in the repression in Chile, Argentina, El Salvador and Nicaragua, attacking American complicity without becoming an apologist for the insurgents. Winning the battle with the Reagan administration, Neier writes, was a crucial to the domestic growth of the American human rights movement:

The Reagan Administration's vigorous championship on human rights grounds of many governments aligned with the United States, in which there were in fact severe abuses of human rights, contributed inadvertently to the emergence of a strong human rights movement in the United States that denounced administration policies. What Reagan, Kirkpatrick, Abrams, and other members of

the administration had failed to grasp is that by becoming apologists for rights abuses in countries allied with the United States, they contributed to the view by many Americans that those were *American* abuses of rights. (172-3)

By the end of the 1980's, under steady human rights pressure, the Reagan administration withdrew support for Marcos of the Philippines, Duvalier of Haiti, and Pinochet of Chile and democratic transitions began in these countries, as well as in Indonesia and Korea. Human rights ceased to be a progressive monopoly and was taken up by American conservatives though often with a selective focus on religious freedom for Christians and a blind-spot about authoritarian but anti-Communist regimes.

As anti-communist tyrannies began to give way to democratic rule Communist elites in Eastern Europe awoke to the bankruptcy of the Communist model. "We can't go on like this", became the phrase the figures around Gorbachev began muttering to each other. They tried *Glasnost* but it could not save them. Slowly the legitimacy of the Eastern European tyrannies drained away and when the crack-up came in 1989, it proved that the politics of the powerless had the power to move history.

Aryeh Neier's account of these momentous events is careful not to take more credit than the movement is due, acknowledging that other factors besides human rights pressure brought the Soviet Union down and pulled Latin America back to democracy. Still the movement has a right to feel it shaped history.

American foundations played a key role in the story. The Ford Foundation provided the seed money for the Helsinki, Asia and America Watches and later George Soros' Open Society Foundations played a decisive role in globalizing what had been largely an American and British movement. Soros, working with Neier, displayed almost perfect pitch during the Cold War transition, channeling more than 8 billion dollars between 1979 and 2010 into local rights organizations throughout Eastern Europe, Africa and Asia. If human rights has gone global by going local, the local implantation of civil society organization in the new democracies was largely the work of American foundations.

More than anyone else, Neier transformed human rights activism from its amateurish beginnings to the professionalism of today. It was Neier who enlarged the remit of Human Rights Watch to include the Geneva Conventions, transforming HRW into the major independent monitor of the conduct of US and foreign militaries as well as armed insurgents. It was Neier who moved the organization into women's rights and who led the call for international tribunals, first to try the ethnic cleansers of the former Yugoslavia and the murderers in Rwanda. Creating the ad hoc tribunals and the International Criminal Court became a personal crusade and if some heads of government—most recently Charles Taylor of Liberia—are paying for the crimes they committed in office, Neier is entitled to take some personal credit.

The history Neier recounts, therefore, is a history that he more than any other individual helped to shape. This lends authority to the tale, though he probably takes modesty too far in hiding his own formative role. For example, he devotes an entire chapter to the emerging human rights organizations of the 1980's and 1990's, from Physicians for Human Rights to

Lawyers Committee, Global Rights and others, disclosing only in a footnote that the Open Society Foundation he chaired funded all of them, sometimes up to thirty percent of their operating budgets. (350)

Twenty years on, as Soros and Neier would be the first to admit, open societies may be alive in Eastern Europe, Latin America and southeast Asia, but they are struggling for oxygen in Russia, China and the authoritarian regimes bordering Russia, from Byelorussia to Turkmenistan. As repressive regimes have become more sophisticated, human rights groups have had to master new technologies. When the Iranian regime shuts down access to free discussion sites in Farsi, activists in the huge Iranian diaspora find ways to get the sites working again. New technology has given life to diaspora human rights activism not just for Iranians in exile, but for Tamils, Syrians, Congolese and other refugees from tyranny. When human rights organizations helping the Tibetans find their web sites under attack and their documents stolen from their electronic files human rights engineers go to work, providing encryption and protection from denial of service attacks. When the Syrian regime attacks the servers of its human rights critics, activists in Homs, Aleppo and Damascus keep managing, somehow, to post devastating images of regime violence and brutality on You Tube. In an era when the Internet has become the front line in the battle for human rights, the movement now needs soft ware engineers and coders as much as it needs lawyers. Keeping the state from taking over global Internet governance is now essential to the defense of political freedom everywhere.

The challenges that lie ahead for human rights are to refuse to make everything a human rights issue and to concentrate on those central concerns of discrimination, injustice and tyranny

which are the movement's special cause. There are wrongs to right everywhere, but the two states with the biggest strategic capacity to do harm to freedom in the world are Russia and China. Both are something new in the annals of political science: single party tyrannies busy perfecting crony capitalism, regimes built on corruption and privilege, where only growth keeps discontent at bay and where a middle class with precarious economic freedom chafes under restrictions to their civil and political rights. They are a new kind of despotism but while Russia is just a thieving tyranny with only the capacity to intimidate its neighbours and its energy partners, China is another matter: it takes its growth as an ideological validation and believes it has a model of authoritarian capitalism to offer the world. This model is antithetical to everything the human rights movement believes about the interdependence of political and economic freedom. The key unanswered question in global human rights is whether Chinese citizens will eventually force their own regime to acknowledge that economic freedom can never be secure without political and civil rights. As China goes, so goes the story of freedom everywhere in Asia.

Amnesty's founding slogan in 1961 was "the truth shall set you free." The slogan was a strategy: letter-writing campaigns and reports would name and shame the persecutors and force them to open the jail doors. Fifty years later, some critics argue that naming and shaming works with regimes that understand what shame is, but less well with ones that are shameless. What is remarkable is that with the exception of North Korea there appears to be no regime entirely immune to human rights shaming. No regime or person can afford to boast of their violence and abuse. Even Dick Cheney resorted to circumlocution to conceal his enthusiasm for the 'dark side' of counter-terrorism. Putin's regime may be shameless in its

casual brutality towards crusading journalists but Putin himself takes care to remove his own fingerprints from the crime. China's cops and security thugs evict peasants and put down workers' demonstrations, but the regime itself is invested in an international image of progress and dialogue on human rights. Syria's Assad shells his own citizens on the one hand, while on the other waging a desperate campaign to convince his remaining supporters and the world at large that he is all that stands between Syria and chaos. In all these cases, we may be only looking at the tribute that vice pays to virtue, but even so we are in a different world than Stalin or Hitler's brazen rejoicing in brutality. In the modern world that the human rights movement has created, even tyranny feels obliged to justify or conceal its violence. The world's opinion, channeled by a global civic movement, has become a power that even the most brutal must reckon with. The abuses continue, but so does the resistance. The human twig can be bent but not held down indefinitely. The day eventually comes when the twig snaps back with avenging force. Thanks to the determination of human rights activists around the world, the lawlessness of US detention policy, the brutality of Putin's rule, the callous expropriations in China, the ruthless cruelty of Assad's regime will meet their match.

Until that day comes, the movement founded fifty years ago has miles to go before it can sleep. But it should pause and thank the people who got it this far. It can thank Aryeh Neier especially for an exemplary career. He and the thousands of people he drew into the movement have demonstrated what discipline, toughness, professionalism and integrity can accomplish when up against the despots of our time.

