THE LOST DISCOURSES OF INTERNATIONAL ECONOMIC RIGHTS: A CRITICAL APPROACH TO THE CONSTRUCTION OF HUMAN RIGHTS

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ABSTRACT

In the epoch of globalizing capitalism, has the exclusion of economic rights from the hegemonic definition of human rights been the natural result of the progression of liberalism, or has it been due to a more complex interaction between social forces and economic structures? Anchored by a Gramscian understanding of historical blocs, this thesis traces the history of 'rights' discourse from the exclusionary 'rights of man' of the colonial period, to the codification of 'human rights' under international law at the opening of *pax americana*, and the upheaval of *pax americana's* decline. The dialectical relationship between ideas, material conditions and institutions in the formation of historical structures, developed by Robert W Cox, provides a methodological framework for this study. Taking a historical materialist approach to historical structures, this thesis argues that the post-cold war human rights doctrine has its roots in the 1970's.

This thesis explores the challenges to material, ideological and institutional hegemony of the United States in the 1970's, orienting human rights activism at the United Nations, including the call for the New International Economic Order and Resolution 32/130 of 1977, within this paradigm. It argues that the Carter administration, constrained by the prevailing structures, used the agency within those constraints to transform US human rights policy. That transformation promoted civil and political rights as 'human' rights, and relegated economic rights to a 'basic needs' approach. Carter's human rights policy was shaped, in part, in response to the Non-Aligned Movement - both in its diplomatic role, and its deliberate definition of human rights. This thesis works to situate the human rights doctrine within the transition from *pax americana* to 'hyperliberalism', conceptualising human rights as a political and socio-cultural project, necessarily bound to the economic, and compatible with the universalising hegemony of transnational capital.

DECLARATION

The work described in this thesis was carried out through the Department of Politics and International Relations at Macquarie University. All work described in this thesis is original and has not been submitted either whole or substantial part, for a higher degree at any other institution.

I certify that this is an original piece of research composed by myself. Any assistance received for research work and thesis preparation has been appropriately acknowledged.

In addition, I certify that all information sources and literature references are appropriately cited and indicated in the thesis.

Courtney Mary Hercus
25 February 2016

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Chapter 1 – Introduction

1. Introduction

The use of human rights discourse in academia, popular culture and international politics exploded in the late 1970's.[1] It appeared in the campaigns of civil society actors such as Amnesty International and Human Rights watch,[2] in Jimmy Carter's America,[3] the Helsinki network,[4] through the work of the United Nations (UN),[5] and in the Non-Aligned Movement's UN activism.[6] In 1984, a severe famine in Ethiopia was the cause of widespread human suffering that would ultimately result in 500,000 to one million deaths. A region wracked by drought, it featured in widespread global media coverage (largely television),[7] drew the intervention of civil society and inspired the "Band Aid" and "Live Aid" fundraising drives.[8] In the scholarship of this period, the Ethiopian famine is largely conceptualised as a 'humanitarian' crisis,[9] and not as a crisis of human rights. In the literature, academic and popular, there was almost no reference to the Ethiopian

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[1] *The Breakthrough: Human Rights in the 1970s*, ed. Jan Eckel and Samuel Moyn (Philadelphia: University of Pennsylvania Press, 2013); Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge Mass: Belknap Press of Harvard University Press, 2010).

[2] *NGOs and Human Rights: Promise and Performance*, ed. Claude E. Welch Jnr. (Philadelphia: University of Pennsylvania Press, 2001); R J Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986); Gary Teeple, *The Riddle of Human Rights* (Toronto: University of Toronto Press, 2004).

[3] Brad Simpson, "'The First Right': The Carter Administration, Indonesia, and the Transnational Human Rights Politics of the 1970s," in *The Human Rights Revolution: An International History*, ed. Akira Iriye, Petra Goedde, and William I Hitchcock (Oxford: Oxford University Press, 2012); Costas Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Oxford: Hart Publishing, 2000).

[4] Sarah B. Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (New York: Cambridge University Press, 2011).

[5] *The United Nations and Human Rights: A Critical Appraisal*, ed. Phillip Alston (Oxford: Clarendon Press, 1992); Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Bloomington: University of Indiana Press, 2007).

[6] Daniel J. Whelan, *Indivisible Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).

[7] Martin Shaw, "Global Voices: Civil society and the media in global crises," *Human Rights in Global Politics*, ed. Tim Dunne and Nicholas J. Wheeler (Cambridge: Cambridge University Press, 1999); Jason W. Clay and Bonnie K. Holcomb, *Politics and the Ethiopian Famine: 1984 – 1985* (Piscataway: Transaction Publishers, 1985).

[8] Costas Douzinas, *Human Rights and Empire: The political philosophy of cosmopolitanism* (Oxford and New York: Routledge-Cavendish, 2007), 58.

[9] Steven Livingstone and Todd Eachus, "Humanitarian Crises and U.S. Foreign Policy," *Political Communication* 12, no. 4 (1995); Daniel Maxwell and Ben Watkins, "Humanitarian Information Systems and Emergencies in the Greater Horn of Africa: Logical Components and Logistical Linkages," *Disasters* 27, no. 1 (2003); *From Massacres to Genocide: The Media, Public Policy and Humanitarian Crises*, ed. Robert I. Rothberg and Thomas G. Weiss (Washington DC: The Brookings Institution Press, 2002); Fiona Fox, "New Humanitarianism: Does It Provide a Moral Banner for the 21st Century?" *Disasters* 25, no. 4 (2001): 275-289.

peoples rights to food and shelter, social welfare and material provision.[10] This thesis aims to explore why rights to food, water, shelter, and medical care are not considered 'human rights.'

The phrase 'humanitarian,' particularly as used prior to the late 1990's, invokes the provision of aid and relief for the suffering. Mikael Barford, a senior official at the European Community Humanitarian Office in 1999, has summarised humanitarian assistance as follows:

> You don't get mixed up with development and you don't get mixed up with human rights, that is none of your business. You certainly do not speak out because that is dangerous. The whole thing is action-orientated and it's morally self-justifying because when you provide humanitarian aid you are doing something good. (quoted in Fox: 2001)[11]

Humanitarianism can thus be conceptualised as an a-political, action-orientated programme, inline with the historical work of the Red Cross.[12] As practice, humanitarianism does not question the structures that caused the crisis and necessitated a response.[13] Also implicit in the above quotation is the demarcation between human rights and development, with human rights as negative and individual, and development as a collective quest for progress. This thesis interrogates the construction of these categories, and the intellectual hegemony of these notions. Why was the mass suffering and starvation in Ethiopia relegated to humanitarian discourse so swiftly after the emergence of a popular human rights movement? And why is access to subsistence,[14] and to economic, social and cultural provisions more widely, not considered to be a human 'right'?

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[10] See Articles 22 to 27 of the Universal Declaration of Human Rights. General Assembly resolution 217 A, *The Universal Declaration of Human Rights* (10 December 1948), available from http://www.un.org/en/universal-declaration-human-rights/.
[11] Fox, "New Humanitarianism: Does It Provide a Moral Banner for the 21st Century?": 276.
[12] Caroline Moorhead, *Dunant's Dream: War, Switzerland and the History of the Red Cross* (New York: Harper Collins, 1999).
[13] Fox, "New Humanitarianism: Does It Provide a Moral Banner for the 21st Century?": 276.
[14] Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980).

Tim Dunne and Nicholas J. Wheeler have provided the following succinct description of human rights concepts:

> Historically, the idea of rights has embodied two foundational claims. First, that there is an identifiable subject who has entitlements; and secondly, that to possess a right presupposes the existence of a duty-bearer against whom the right is claimed.[15]

Since the inception of the post-war human rights doctrine through the United Nations Charter in 1945 and Universal Declaration of Human Rights (UDHR) in 1948, basic entitlements have been bestowed by common human dignity, and most notably the possession of reason and conscience.[16] These principles drew on the long history of natural law and natural rights under liberal capitalism, which placed particular emphasis on the right to individual possession.[17] Dunne and Wheeler have qualified, however, that:

> … the Declaration requires states to provide subsistence needs and basic welfare as well as a panoply of civil and political rights. Although the latter assumed prominence in the subsequent history of the post-1945 regime, it is important to underscore that from the outset, universal human rights encompassed a concern for positive rights (such as collective provision of education and healthcare) as well as negative rights (freedom from repressive government policies).[18]

Richard Falk has concurred with Dunne and Wheeler's assessment, and suggested that the version of the human rights doctrine that emerged in the 1970's, and was solidified in Post-Cold War hegemony, was substantially narrowed from the UDHR. He has suggested that neoliberalism "represents a defacto narrowing of the broad scope of human rights as initially specified by the Universal Declaration."[19] This thesis problematises the exclusion of economic rights from the post-1948 definition of human

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[15] Tim Dunne and Nicholas J. Wheeler, introduction to *Human Rights in Global Politics*, 3.
[16] See Article 1 of the Universal Declaration of Human Rights.
[17] See chapter three of this thesis, and Richard Tuck, *Natural Rights Theories* (Cambridge: Cambridge University Press, 1979).
[18] Dunne and Wheeler, introduction to *Human Rights in Global Politics*, 1.
[19] Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World* (New York: Routledge, 2000), 49.

rights; has it been the natural result of the progression of liberalism, or has it been due to a more complex interaction between social forces and economic structures? It is ultimately argued that, alongside the long legacy of liberal rights theories, and the civil society activity of the 1970's, the hegemonic human rights doctrine that has emerged was shaped by Carter's America, in part, in response to a major shift in global power relations in the 1970s, largely symbolized by the claims of the New International Economic Order and Third World.

The work of Samuel Moyn has reflected on the exclusion of economic rights in the hegemonic human rights discourse, identifying that:

> Because when human rights exploded in the 1970s they were focused so centrally on political and civil rights, their social and economic cousins have come to be regarded as "second-generation" principles.[20]

He has attributed this occurrence to the exponential rise of Amnesty International and its human rights activism for civil and political rights, and particularly prisoners of conscience. Furthermore, he has suggested that the definition of human rights as strictly political and civil resulted from the death and disillusionment of previous 'utopia's' – socialism, communism, post-colonialism and developmentalism.[21] Moyn has ultimately seen the tumultuous period between 1948 and the late 1970's as a triumph of pragmatism – the guaranteeing of basic, transnational rights in a rapidly globalising world.[22] He sees the human rights doctrine that emerged in the 1970's as ill equipped to address global disparities, as; "Even perfectly realized human rights are compatible with radical inequality."[23] That is, the modern human rights doctrine, with its hegemonic promotion of individual civil and political rights, can coexist with shocking disparities in the realisation of 'second generation' economic, social and cultural rights. Without suggesting that economic, social and cultural rights are a global panacea, this thesis

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[20] Moyn, *The Last Utopia*, 17.
[21] Ibid.
[22] This somewhat progressive narrative typifies the liberal, positivist approach to human rights historiography.
[23]Samuel Moyn, "Human rights and the Age of Inequality," *Open Global Rights* 27 October 2015, available from https://www.opendemocracy.net/openglobalrights/samuel-moyn/human-rights-and-age-of-inequality.

stands apart from the prevailing order and asks how it came about.[24] Why is it that in the Post-Cold war era, there is a hegemonic human rights doctrine, rapidly increasing inequality and widespread extreme poverty?

In the years since the 1984 Ethiopian famine, the trend of extreme poverty and tremendous inequality in the division of global resources has continued and intensified. In 2015, the world's richest 1% owned 48% of global wealth.[25] The poorest 40% of the world's population account for 5% of global income, while the richest 20% account for three-quarters of world income.[26] Oxfam have warned that the combined wealth of the richest 1% of people will overtake the combined wealth of the other 99% in 2016.[27] According to the United Nations Development Program, an analysis of long term trends show that the distance in wealth and consumption between the richest and poorest countries was about: 3 to 1 in 1820, 11 to 1 in 1913, 35 to 1 in 1950, 44 to 1 in 1973, 72 to 1 in 1992, and it could be up to 300:1 currently.[28] The rapidly increasing levels of global inequality and polarisation have occurred during the hegemony of transnational capital. As Mark Rupert has suggested:

> In general, the neoliberal agenda of integrating and depoliticising the global economy fosters a 'race to the bottom' which enhances capitalist power through intensified market competition.[29]

Neoliberal policies of monetary austerity, the privatisation of government held-resources, micro and macro economic deregulation, and capital account and trade liberalisation, have resulted in the rapid accumulation of wealth amongst the capitalist classes. Workers in both developed and developing countries have faced increasing

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[24] Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989).
[25] Phillip Alston, "Extreme inequality as the antithesis of human rights," *Open Global Rights* 27 October 2015, available from https://www.opendemocracy.net/openglobalrights/philip-alston/extreme-inequality-as-antithesis-of-human-rights.
[26] United Nations Development Program, *Human Development Report 2007*, 27 November 2007, 25, available from: http://hdr.undp.org/sites/default/files/reports/268/hdr_20072008_en_complete.pdf.
[27] See Oxfam, https://www.oxfam.org/en/pressroom/pressreleases/2015-01-19/richest-1-will-own-more-all-rest-2016.
[28] United Nations Development Program, *Human Development Report 1999* (Oxford and New York: Oxford University Press, 1999), 3; See also Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, Mass: Harvard University Press, 2014).
[29] Mark Rupert, "Globalising common sense: a Marxian-Gramscian (re-)vision of the politics of governance/resistance," *Review of International Studies* 29, no. 2 (2003): 192.

subordination and exploitation, leading to mounting inequalities in the global political economy.[30]

Prominent human rights criticisms have accepted the prevailing structures of international law, as well as political and economic inequalities.[31] More specifically, much scholarship has studied international human rights rhetoric within the purview of international law and the United Nations[32] and concentrated on analysing the workings of that system. This focus, while serving practical purposes, also supports neoliberal globalisation by leaving the structures of the system unquestioned. As Tony Evans has argued, the literature on human rights has traditionally included criticism of the organisational and legal issues surrounding implementation and enforcement, rather than critique.[33] Human rights critique, in contrast to criticism, draws on critical theory and the work of Antonio Gramsci. It problematises the construction of knowledge, truth, and 'commonsense' within society, questioning the interests served by the propagation of particular conceptions of human rights.[34] Tony Evans has written that:

> While criticism is confined to arguments about particular theories, philosophies, beliefs, ideologies and regimes, critique is more concerned with investigating the ways in which these claims to truth are achieved, legitimated, and presented as the authoritative guide for action… critique is concerned with exposing the interests served by the production and maintenance of particular truths, and the

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[30] Ibid: 191.
[31] Antonio Cassese, *International Law in a Divided World* (Oxford: Clarendon Press, 1986); Antonio Cassese, *Human Rights in a Changing World* (Philadelphia: Temple University Press, 1990); Kirsten Sellars, *The Rise and Rise of Human Rights* (Phoenix Mill: Sutton Publishing, 2002).
[32] See *The United Nations and Human Rights: A Critical Appraisal*, ed. Phillip Alston; Matthew Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development* (Oxford: Clarendon Press, 1995); Normand and Zaidi, *Human Rights at the UN*; and Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting & Intent* (Philadelphia: University of Pennsylvania Press, 1999).
[33] Tony Evans, *Human Rights in the Global Political Economy* (Boulder and London: Lynne Reiner Publishing, 2011), 1.
[34] Ibid, and see also Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2002); Monica Feria Tinta, "Justiciability of Economic, Social, and Cultural Rights in the Inter-American System of Protection of Human Rights: Beyond Traditional Paradigms and Notions," *Human Rights Quarterly* 29, no. 2 (2007); Susan Ariel Aaronson and Jamie M. Zimmerman, "Fair Trade?: How Oxfam Presented a Systemic Approach to Poverty," *Human Rights Quarterly* 28, no. 4 (2006); Gordon Crawford and Bard A. Andreassen, "Human Rights and Development: Putting Power and Politics at the Center," *Human Rights Quarterly*, 37, no. 3 (2015); Khulekani Moyo and Sandra Liebenberg, "The Privatization of Water Services: The Quest for Enhanced Human Rights Accountability," *Human Rights Quarterly* 37, no. 3 (2015).

> processes that enable some forms of knowledge to be accepted as complete and legitimate, while other forms are labeled as partial and suspect.[35]

This thesis can be located within the literature of critique.

This thesis utilises Neo-Gramscian, and particularly Robert W. Cox's historical dialectic methodology, to critique the construction of the hegemonic, 'commonsense'[36] understanding of human rights as individual civil and political rights. Taking a historical materialist approach to historical structures, it argues that the post-cold war human rights doctrine has its roots in the 1970's. Cox's understanding of global hegemony and the construction of world orders identified a dialectical relationship between ideas, material conditions and institutions in the formation of historical structures. This conceptualisation allows human rights rhetoric to be understood as a political and socio-cultural project, necessarily bound to the economic. The rapid growth of the human rights movement in the 1970's intersected with the challenges to the material, ideological and institutional hegemony of *pax americana* during that period. This thesis therefore focuses on the United States as mediator of international norms, and the international challenge to the prevailing political and economic structures posed by the Non-Aligned Movement, Group of 77 and the New International Economic Order. It argues that the Carter administration transformed US human rights policy from one of non-engagement, to one of active promotion of human rights in foreign policy. That transformation promoted civil and political rights as 'human rights,' and relegated economic rights to a 'basic needs' approach. The discourses of economic rights that were advocated by the NIEO and through United Nations activism, that included General Assembly Resolution 32/130, have been largely ignored and dismissed by human rights literature.[37] This thesis reintegrates the NIEO into the human rights narrative, arguing that it was a significant catalyst for Carter's human rights policy. The NIEO challenge,

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[35] Evans, *Human Rights in the Global Political Economy*, 1.
[36] Antonio Gramsci, *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, London, 1971), 333.
[37] See, for example, *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (New York: Cambridge University Press, 2011); Douzinas, *Human Rights and Empire;* Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley and Los Angeles: University of California Press, 2004); Costas Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Oxford: Hart Publishing, 2000); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003); *The Human Rights Revolution: An International History*, ed. Iriye, Goedde, and Hitchcock.

premised on the collective economic rights of the Third World, spurred the US human rights policy of the 1970's - both in its diplomatic role, and its deliberate definition of human rights. The forces of transnational capital ultimately defeated the NIEO,[38] and human rights were marshalled as part of neoliberal globlisation's ideological arsenal.[39]

2. The Neo-Gramscian challenge to International Relations

International Relations (IR), a social science with largely American origins,[40] and a strong positivist bias, has failed to adequately conceptualise the economic rights claims of the Third World through the NIEO, Charter of the Right and Duties of States, and General Assembly Resolution 32/130. Prominent human rights scholarship, such as that by Moyn[41] and Stefan-Ludwig Hoffman,[42] has tended to ignore or sideline the call for the NIEO. Similarly, third world activism has been largely excluded from historiographies of human rights in the twentieth century.[43] Work by Whelan has conceptualised the NIEO as an ineffectual push for the supremacy of international economic rights over civil and political rights, invoking disdain in the West.[44] He has derided the 1968 Teheran Conference, the NIEO and resolution 32/130 as "post-colonial revisionism". This thesis will dispute this claim, and argue that the 'revisionism' label is misleading as international human rights lacked a solidified definition prior to the 1970's.[45] International Relations scholarship more widely has tended to view the NIEO as both ultimately unsuccessful, and lacking in decisive influence during the 1970's. In the literature, the NIEO has been primarily defined by its failure. The momentum gained by the NIEO in the 1970's has been discounted, replaced by questions as to why the Movement faded,[46] and was ultimately crushed under the Presidency of Reagan.[47]

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[38] Andre C. Drainville, "Resistance to globalisation: the view from the periphery of the world economy," ISSJ 192, *UNESCO* (Oxford and Malden MA: Blackwell Publishing, 2009).
[39] Naomi Klein, *The Shock Doctrine: The rise of disaster capitalism* (London: Penguin Books, 2008).
[40] Stanley Hoffmann, "An American Social Science: International Relations," *Daedalus* 106, no. 3, Discoveries and Interpretations: Studies in Contemporary Scholarship, Volume I (1977).
[41] *The Last Utopia;* Samuel Moyn, "Substance, Scale and Salience: The Recent Historiography of Human Rights," *The Annual Review of Law and Social Science* 8, no. 1 (2012).
[42] *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffman.
[43] Douzinas, *Human Rights and Empire;* Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*; Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century*; Lauren, *The Evolution of International Human Rights: Visions Seen*; *The Human Rights Revolution: An International History*, ed. Iriye, Goedde, and Hitchcock; Sellars, *The Rise and Rise of Human Rights*.
[44] *Indivisible Human Rights*.
[45] See chapter four of this thesis.
[46] See, for example, Seymour J. Rubin, "Economic and Social Human Rights and the New International Economic Order," *American International Law Review* 1, no. 1, (1986); Ervin Laszlo, Jorge Lozoya, A.K

Human rights histories can be divided into two key categories; those that marginalise the role of the United Nations and NIEO in contributing to the human rights discourse that emerged in the 1970's, and those that study human rights through the prism of the UN system. Both take a differing, but ultimately congruous approach to the role of the Non-Aligned Movement, and the United Nations, between 1963 and 1977. The first position, most prominently advocated by Harvard University Professor of law and history, Samuel Moyn, criticises the perceived inability of the UN to inspire a popular Western human rights movement in the 1970's, attributing the increased activism to the rise of Amnesty International. He has discounted the role of UN and the NIEO in shaping the human rights movement of the 1970s. In contrast, a second approach, evident in the work of Jack Donnelly and Daniel J. Whelan, has studied the human rights breakthroughs of the 1970's through the schema of the UN. This approach has traced, in particular, the Teheran Conference, the entry into force of the International Human Rights Covenants, the NIEO, and the watershed General Assembly Resolution 32/130 of 1977.[48] Under this narrative, the United Nations played a key role in defining human rights during the 1970's, facilitating North/South dialogue, and seeing the triumph of the South in having economic, social and cultural rights placed above civil and political rights in UN rights system, under Resolution 32/130. Both histories are united in the understanding, however, that the human rights activities of the Non Aligned Movement and United Nations during this period drew both disinterest and disapproval from the West. This thesis challenges the understanding that the US simply dismissed the economic rights claims of the Third World. The rejection of third world understandings of human rights, and the acceptance of the Amnesty model by Western governments, was a nuanced and deliberate process of contestation and bargaining. The human rights discourse of the Non-Aligned Movement has ultimately been understudied and under-acknowledged in the literature, in part, because the human rights movements that emanated from the Third World did not comply with what was to become the dominant ideology of human rights, the privileging of individual civil and political rights.

Bhattacharya, Jaime Estevez, Rosario Green and Venkata Roman, *The Obstacles to the New International Economic Order* (New York: Pergamon Press, 1980).

[47] See chapter seven of this thesis.

[48] See Jack Donnelly, "Description and Polemic," *International Organization* 35, no. 4 (1981); Jack Donnelly, "In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development," *California Western International Law Journal* 15, no. 3 (1985): 473; and Whelan, *Indivisible Human Rights*.

As will be discussed at length in chapter two, Antonio Gramsci's notion of a historic bloc is understood as a political and economic project, constructed, and reliant on ideology that appeals to processes of collective identity and established modes of knowledge. Gramsci identified such a bloc as a situation in which the state and society constitute a solid structure,[49] and yet the solidity must not be conceptualised as one that is uncontested. Within a historic bloc, hegemonic ideology is reproduced by the material conditions of society, which permeates civil society, including academia and educational institutions, religious institutions, the media, and creative and artistic fields such as the theatre and art galleries. There is therefore a dialectical relationship between academic out-put, the mode of production, and processes of historical change.[50] By situating their scholarship within particular ideas and thought processes, intellectuals enable hegemony in an ethico-political bloc, constructing the academic praxis that is reproduced by the material structures of ideology. As such, the scholarship of Western intellectuals, may, both consciously and unconsciously, work within the dominant paradigms of liberal capitalism. Applying a neo-Gramscian critique, the failure of the West to adequately conceptualise the NIEO can also be attributed to Gramsci's notion of organic intellectuals, and to the inability of positivist theories to recognise change and transformation in historical structures, and the role of confrontation and compromise in the development of hegemony.

Cox's historical-dialectic methodology is anchored in a critical theory understanding of change and transformation, and can be contrasted to positivist ontology. Positivist or 'problem solving' international relations theory assumes continuity in human nature, and thus a-historicity in human motivations, choices and behaviours.[51] A problem solving approach, therefore accepts the world as it is, and positions the "prevailing social and power relationships and the institutions to which they are organized, as the given frameworks for action."[52] Such a positivist approach therefore assumes that current power relations, international structures of political and economic relations, and

[49] Robert W. Cox, "Gramsci, Hegemony and International Relations," in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 56.
[50] Stephen Gill, "Epistemology, Ontology and the 'Italian School,'" in *Gramsci, Historical Materialism and International Relations*, 23-24.
[51] Cox, "Social Forces, States and World Orders": 129.
[52] Ibid: 128.

dominant modes of thought, are not subject to fundamental change.[53] It's problematic involves criticism of policies, and legal and institutional frameworks, within limited parameters, as positivist theory accepts the current structures of being and knowing. As Cox has noted:

> …the assumption of fixity is not merely a convenience of method, but also an ideological bias. Problem-solving theories can be represented, in the broader perspective of critical theory, as serving particular national, sectional, or class interests, which are comfortable within the given order. Indeed, the purpose served by problem solving theory is conservative, since it aims to solve the problems arising in various parts of a complex whole in order to smooth the functioning of the whole.[54]

Positivist studies have compartmentalised 'human rights', and insulated developments within the field from broader economic structures.[55] Furthermore, they have emphasised continuity, rather than change, in human rights discourse. The positivist accounts do not problematise human rights, nor locate them within the complex changes occurring to social forces. Liberal positivist approaches conceptualise consistency in the progressive narrative of human rights; despite challenges, democracy and individual rights are increasingly triumphant. As discussed in section two, the problem solving approach often serves the role of human rights criticism; it seeks to enable the existing, dominant human rights paradigm to function more effectively. Realist approaches tend to see human rights discourse as a strategy of Western power, consistently co-opted to serve the interests of the US.

The image of human rights rhetoric as a simple display of Western power and ideals is rife in human rights criticisms. Noam Chomsky and Edward Herman argued in 1979 that:

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[53] Timothy J. Sinclair, "Beyond international relations theory: Robert W. Cox and approaches to world order," in *Approaches to World Order,* ed. Robert W Cox and Timothy J. Sinclair (Cambridge: Cambridge University Press, 1996), 5.
[54] Cox, "Social Forces, States and World Orders": 129.
[55] See, for example, Whelan, *Indivisible Human Rights*; Daniel J. Whelan and Jack Donnelly, "The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight," *Human Rights Quarterly* 29, no. 4 (2007).

> The basic *fact* is that the United States has organized under its sponsorship and protection a neo-colonial system of client states ruled mainly by terror and serving the interests of a small local and foreign business and military elite. The fundamental *belief*, or ideological pretense, is that the United States is dedicated to furthering the cause of democracy and human rights throughout the world…[56]

This conceptualisation of human rights rhetoric provides a justification for US policies and international interventions that ultimately serve US interests, and that devastates local populations.[57] Gramsci has argued that asking, "who profits directly from the initiative under consideration?"[58], and therefore, inevitably, linking such movements to "a certain fraction of the ruling class"[59] is analytically lazy. He has suggested that a group affiliated to the ruling class will ultimately end up "turning the state apparatus to its own benefit";[60] and therefore the temptation to immediately make such a link is clear. However, we must historically locate the move towards hegemony, investigating the balance of forces that thrust the initiative forward, understanding the "social content" of the masses supporting the movement, and the needs of society that correspond with the movement.[61] Rather than assuming consistent corruption, a study of human rights discourse in the twentieth century must conceptualise the nuances, and processes of contestation and bargaining, in the construction of hegemony.

3. The Coxian approach to historical structures

Critical theory flags the possibility of transformation – that is, change that moves beyond readjustments of the current order. The Coxian methodology seeks to determine breaking points between successive historical structures, arguing that it is at these

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[56] Noam Chomsky and Edward S. Herman, *The Washington Consensus and Third World Fascism: The Political Economy of Human Rights: Vol 1* (Boston: South End Press, 1979), ix. The emphasis appears in the original.
[57] See Klein, *The Shock Doctrine*; Noam Chomsky, "The United States and the challenge of relativity," in *Human Rights Fifty Years On: A Reappraisal*, ed. Tony Evans (Manchester: Manchester University Press, 1998).
[58] Antonio Gramsci, *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, London, 1971), 166.
[59] Ibid.
[60] Ibid.
[61] Ibid.

points that transformations take place.[62] For Robert Cox, in contrast to neo-realist and liberal conceptions of historical change, multiple breaking points can be cited after the transition from feudalism to capitalism. He has identified a succession of liberal *(pax britannica),* neo-imperialist, and neoliberal (*pax americana)* orders,[63] followed by a post-Westphalian world order under the hegemony of hyper-liberal, transnational capitalism.[64] Cox has maintained that in this historical dialectic, "Each historical structure … contains both coherence … and elements of contradiction or conflict."[65] The transition from the interwar years to *pax americana*, and from *pax americana* to the hegemony of globalising capital was therefore a transition of coherence and contradiction, and a shift in material conditions, ideas and institutions. This thesis works to situate the human rights doctrine within the historical junctures of both the 1940's and 1970's.

3.1 The 1940's and the construction of *pax americana*

The close of World War II transformed world order and introduced a new international human rights regime. It was a point of organic crisis[66] that reshaped material forces, institutions, and ideologies to form a new historical structure.[67] As Matthew Craven has noted:

> Prior to 1945, international law was generally not concerned with how States treated individuals within their own borders. Such matters were regarded as being within the domestic jurisdiction of each State. Exceptions did exist in the cases of slavery, humanitarian intervention, the treatment of aliens, minorities, and the laws of war, but they were spasmodic, limited in scope, and largely

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[62] Robert W. Cox, "Realism, Positivism and Historicism," in *Approaches to World Order*, ed. Robert W. Cox and Timothy J. Sinclair, 52.
[63] Ibid, 55.
[64] Robert W. Cox, "Critical Political Economy," in *International Political Economy: Understanding Global Disorder,* ed. Bjorn Hettne (Halifax: Fernwood Book, 1995). Cox refers to the world order of *pax americana* as 'neo-liberal' and the forces of globalising capital as 'hyper-liberal'. This thesis, in contrast, refers to *pax americana* as Keynesian or embedded liberalism, and the globalising shift of the 1970's as neoliberal.
[65] Cox, "Critical Political Economy," 35.
[66] Gramsci, *Selections from the Prison Notebooks*, 26.
[67] Cox, "Social Forces, States and World Orders".

> political rather than idealistic in motivation. Following the Second World War, however, the international human rights movement was born.[68]

This human rights movement represented a break with the past notions of the 'rights of man',[69] and transformed the previously discordant, and highly racist and sexist Enlightenment doctrine of natural law and natural rights.[70] Apart from chapter three, which relatively briefly traces the lineage of pre-twentieth rights discourse, this thesis focuses on the post- World War II construction of the human rights regime.

Robert Cox has suggested that the organic crisis of the 1940's ushered in the new historical structure of *pax americana*. He has written that in the case of the US:

> …the growth indicators of material power during the inter-war period were insufficient predictors of a new hegemony. It was necessary that US leaders should come to see themselves in ideological terms as the necessary guarantors of a new world order. The Roosevelt era made this transition, including both the conscious rejection of the old hegemony (*e.g.* by torpedoing the world economic conference in 1933 and abandoning the gold standard) and the gradual incorporation of New Deal principles into the ideological basis of the new world order. There followed US initiatives to create the institutions to administer this order.[71]

Under this framework, the international human rights regime, as administered by the United Nations, can be seen as a component of emergent US hegemony. The UDHR codified New Deal principles, and as Giovanni Arrighi has suggested:

> After the Second World War every people whether 'Western' or 'non-Western' was granted the right to self-determination, that is to say, to constitute itself into a national community and, once so constituted, to be accepted as a full member of the inter-state system. In this respect, global 'decolonisation' has been the most significant correlate of US hegemony.

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[68] Craven, *The International Covenant on Economic, Social and Cultural Rights,* 6.
[69] Mark Mazower, "The End of Civilization and the Rise of Human Rights: A Mid-Twentieth Century Disjuncture," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann.
[70] See chapter three of this thesis.
[71] Cox, "Social Forces, States and World Orders": 140-141. The emphasis appears in the original.

> At the same time, the provision of a livelihood for all subjects became the most legitimate of objectives for the members of the inter-state system to pursue. Just as the liberal ideology of British hegemony had elevated the pursuit of wealth by propertied subjects above the absolute rights of rulers, so the ideology of US hegemony has elevated the welfare of all the subjects ('mass consumption') above absolute rights of property and absolute rights of government.[72]

The United States demonstrated a tacit acceptance of international economic and social rights during the drafting of the UDHR and United Nations Covenants; treading a careful line between the appeasement of former colonial territories, and the promotion of US business interests internationally. While the US was reluctant to codify international economic and social rights, this was balanced by the promotion of development through the new liberal world order. In line with the Truman doctrine,[73] *pax americana* promised economic growth and development to the emergent third world. The progressive narrative of development discourse suggests movement up a scale of material conditions, with the goal as the attainment of the standard of living of industrialised states, including the promise of Keynesian social protections. It was the global recession and crisis of the welfare state in the 1970s that saw the New International Economic order challenge the declining historical structure of *pax americana.*

3.2 The 1970's: the decline of *pax americana*, the presidency of Jimmy Carter, the New International Economic Order, and the emergence of globalising capital

The presidency of Jimmy Carter was a significant juncture in the development of the hegemonic human rights discourse. As Sarah Snyder has noted:

> Jimmy Carter's election in 1976 transformed United States involvement in the Helsinki process and the government's attitude towards human rights.[74]

The focus of this thesis upon the Presidency of Jimmy Carter as a crucial historical moment in the production and codification of what was to become hegemonic human

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[72] Giovanni Arrighi, "The Three Hegemonies of Historical Capitalism," in *Gramsci, Historical Materialism and International Relations*, ed. Stephen Gill, 181.
[73] See chapter four of this thesis.
[74] Snyder, *Human Rights Activism and the End of the Cold War*, 81.

rights rhetoric can be oriented by the theoretical understanding that the creation of institutions and structures is an inherently social process. The Carter administration, as a collection of individuals, expressed both personal opinions, and a collective perception of the domestic and international social forces from 1976 to 1980. Constrained, and shaped by, prevailing power structures, the Carter administration transformed the foreign affairs program of US in terms of human rights, within a narrow range of options and under considerable constraints. This shift was caused and enabled by the changing social forces of the 1970s – including human rights activism in civil society and Congress, a desire to reinvigorate the US moral image domestically and internationally, the Cold War battle with the Soviet Union, decolonisation and the activism of the Non-Aligned Movement, the expansionary pressures of globalising capitalism, and material, intellectual and institutional challenges to US hegemony.

Jimmy Carter came to office during the crisis of *pax americana.* The American and global economic order was wracked by stagflation, rising unemployment levels and a prolonged recession.[75] Carter inherited a global landscape in which peripheral consent wore thin: the Non-Aligned Movement and Group of 77's call for a New International Economic Order had been introduced through the United Nations in 1974, and continued with momentum through the 1970's. Archival evidence, accessed through the Jimmy Carter Presidential Library, suggests that Carter and his advisers recognised the crisis as a crisis of world order. A 1977 Presidential Memorandum, which will be detailed below, likened the global circumstances of 1977 to organic change that occurred in 1945. With growing perception that US international dominance was decreasing, the traditional *pax americana* policy goals of Soviet containment and "Atlanticism" were considered insufficient to face the new challenges. The response that the administration produced revolved around supplementing the traditional Cold War strategy with a wider global engagement. With the Non-Aligned Movement and Group of 77's call for the NIEO challenging the international economic system and existing world order, and with renewed mobilisation of the global forces of capitalism, the US sought to design a new era of leadership that was constructed around the ideology of human rights. The mobilisation of globalising capital also called for a globalised foreign policy. A

[75] Enrico Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988).

Memorandum to the President from National Security Adviser Zbigniew Brzezinski dated April 29 1977, explained that:

> The international community, in additional to the traditional dilemmas of war and peace, now confronts global problems never before faced by mankind.[76]

The paragraph closed at this point, leaving the new and unique global problems of the final sentence undefined. The following paragraph, however, suggested the need for a new "broad architectural process" to counter the problems caused by a statist system that was becoming increasingly interdependent.

> The need thus is not for a new anti-communist coalition, nor for an updated Atlanticism, nor for a policy focused only on the new nations, and certainly not for protectionism and isolationism. Rather, it requires a broad architectural process for an unstable world organized almost entirely on the principle of national sovereignty and yet increasingly interdependent socially and economically. In that process of widening cooperation, our relationships will have to involve varying degrees of intimacy;
>
> 1. With our close friends in the industrial world…
>
> 2. With the emerging states, we will seek to develop close bilateral relations in some key cases, and to widen and to institutionalize arrangements for more genuine global cooperation;
>
> 3. With the states with which we compete militarily and ideologically… [77]

The Carter administration's human rights policy, as will be discussed in chapter six of this thesis, was therefore a global strategy of engagement, conceived during the perceived decline of *pax americana.* It sought to engage with the Third World and defuse

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[76] Memo for the President from Zbigniew Brzezinski, *Foreign Policy Overview and the Summit, 29 August 1977*, RAC Project Number NLC-12-26-6-2-2, Jimmy Carter Library, 2.
[77] Ibid, 2-3. The emphasis appears in the original.

the demands of the NIEO, amongst additional strategic aims. This reading of Carter's human rights policy contributes to the wider literature that surrounds his presidency.

The literature assessing the Presidency of Jimmy Carter characterises the administration's human rights policy in four broad categories. Firstly, numerous commentators have cited the disillusionment of Vietnam,[78] the disastrous impact of the Watergate scandal on American self-image and subsequent drive to reintroduce morality to American politics, and Carter's evangelistic Christian faith.[79] These commentaries see Carter's human rights policy as driven by largely domestic factors,[80] including the recession, and also inspired by civil society activism and the human rights hearings that had been occurring in US Congress from 1973. Secondly, Carter's human rights policy has been clearly linked to the Cold War.[81] The final, interrelated, key assumptions are; that Carter's human rights policy was diplomatically isolating, and lacked planning and diplomatic strategy. This thesis ultimately challenges these two assumptions. While arguments that Carter's human rights approach was a relatively new addition to his foreign policy, and that it at times lacked definitional clarity and clear goals, cannot be discounted, this thesis suggests that Carter's human rights policy was a key diplomatic strategy.[82] In introducing the NIEO and third world human rights activism to this discourse, this thesis is corrective to some of the scholarship on Carter's presidency, in the sense that it dispels the representations of Carter's foreign policy as weak, incoherent and directionless. In taking a closer look at recently declassified archival records, we are able to see a very deliberate process of recalibration in US foreign policy.[83]

The link between the embarrassment of the Vietnam war and a perceived moral bankruptcy in US politics, and Carter's human rights policy is explicit in the work of

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[78] Mark Rupert, "Post-Fordist capitalism and imperial power: Toward a neo-Gramscian view," in *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010), 107.
[79] Burton I Kaufman, *The Presidency of James Earl Carter Jnr.* (Lawrence KS: University Press of Kansas, 1993).
[80] Evans, *US Hegemony and the Project of Universal Human Rights*.
[81] See, for example, John A. Soares Jnr., "Strategy, Ideology, and Human Rights: Jimmy Carter Confronts the Left in Central America, 1979-1981," *Journal of Cold War Studies* 8, no. 4 (2006); Snyder, *Human Rights Activism and the End of the Cold War.*
[82] This claim is supported by extensive archival evidence in chapter six of this thesis.
[83] See chapter six of this thesis.

human rights scholars Samuel Moyn,[84] Kristen Sellars,[85] Tony Evans,[86] and Carter biographers and presidential policy analysts Douglas Brinkley,[87] Joshua Muravchik,[88] John Dumbrell,[89] Robert A. Strong,[90] Gaddis Smith,[91] David Carleton and Michael Stohl,[92] David D. Schmitz and Vanessa Walker,[93] and Hauke Hartmann.[94] Burton I. Kaufman, while not referencing the Vietnam War, also acknowledged the reintroduction of morality to American foreign policy under Carter.[95] The public speeches, archival records, autobiographies and diaries of Jimmy Carter,[96] his Secretary of State Cyrus Vance,[97] and National Security Adviser Zbigniew Brzezinski[98] resoundingly support this claim. Numerous examples can be drawn from archival records, and include a memo from Anthony Lake of the Policy Planning Staff of the State Department to Cyrus Vance, which stated that the administration's human rights policy caused "our post-Vietnam, post-Watergate image to be greatly improved."[99] In the prelude to his *White House Diary,* Carter noted that

> It was obvious to me and my advisors that many Americans were deeply concerned about the competence and integrity of our government. Still fresh in memory were the assassinations of John Kennedy, Robert Kennedy, and Martin Luther King, Jnr.; the disgrace of Watergate, the failure in Vietnam and the misleading statements about the war from top civilian and military leaders; and

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[84] *The Last Utopia*.
[85] *The Rise and Rise of Human Rights*.
[86] *US Hegemony and the Project of Universal Human Rights* (London: MacMillan Press, 1996).
[87] "The Rising Stock of Jimmy Carter: The 'Hands on' Legacy of our Thirty-ninth President," *Diplomatic History* 20, no. 4 (1996).
[88] *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (Lanham MD: Hamilton Press, 1986).
[89] *The Carter Presidency: A re-evaluation* (Manchester and New York: Manchester University Press, 1993).
[90] *Working in the World: Jimmy Carter and the Making of American Foreign Policy* (Baton Rouge: Louisiana State University Press, 1993).
[91] *Morality, Reason & Power: American Diplomacy in the Carter Years* (New York: Hill and Wang, 1986).
[92] "The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan," *Human Rights Quarterly* 7, no. 2 (1985).
[93] Jimmy Carter and the Foreign Policy of Human Rights: Development of a Post-Cold War Foreign Policy," *Diplomatic History* 28, no. 1 (2004).
[94] "US Human Rights Policy under Carter and Reagan, 1977-1981," *Human Rights Quarterly* 23, no. 2 (2001).
[95] *The Presidency of James Earl Carter Jnr*.
[96] *Keeping the Faith: Memoirs of a President* (Fayetteville: The University of Arkansas Press, 1995); *White House Diary* (New York: Picador, 2010).
[97] *Hard Choices: Critical Years in America's Foreign Policy* (New York: Simon and Schuster, 1983).
[98] *Power and Principle: Memoirs of the National Security Adviser* (New York: Farrar Straus Giroux, 1983).
[99] Anthony Lake to Cyrus Vance, "The Human Rights Policy: An Interim Assessment," 16 January 1978, 1, 5–6, WHCF:HR, Box HU-1, JCL, quoted in Schmitz and Walker, "Jimmy Carter and the Foreign Policy of Human Rights": 133.

> the revelation that emerged from the Frank Church Senate committee that our government's intelligence services had condoned assassination plots against foreign leaders.[100]

The reintroduction of morality and transparency to domestic and foreign policy was a thread that ran consistently through Carter's electoral campaigning and presidential speeches.[101] This emphasis on morality also played a role in Cold War posturing.

Carter clearly conceptualised his human rights policy as an advantage in the global struggle of the Cold War, writing in his *Diary* "Our inherent advantage wherever we competed with the Soviet Union was our strong emphasis on peace and human rights."[102] Sarah Snyder has presented a wealth of archival evidence to argue that the Helsinki Final Act, and a transnational network of human rights advocacy that included Helsinki Watch and the International Helsinki Federation for Human Rights, ultimately contributed to a peaceful end to the Cold War.[103] Carter's human rights policy, and focus on the Conference on Security and Cooperation in Europe (CSCE),[104] was somewhat successful in restoring the moral image of the US in comparison to the Soviet Union. As Douglas Brinkley has claimed, "Carter is the ideological foe who had abandoned the superpower ground rules, causing the Soviets extreme fits of anxiety and frustration."[105] In attempting to architect a new world order in the wake of the perceived demise of *pax americana,* the Carter administration's human rights policy forged a strategy of global engagement.[106]

The Reagan Administration, and its prominent United Nations Ambassador Jeane Kirkpatrick, painted Carter's human rights policy as a diplomatic disaster. It attacked the Carter human rights policy for destroying diplomatic relationships with US-friendly, human rights abusing countries. Kirkpatrick continually noted "the administration's

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[100] *White House Diary*, 4.
[101] See, for example, Carter's "Inaugural Address," January 20, 1977. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=6575. This approach is also discussed in detail in Sellars, *The Rise and Rise of Human Rights*, and Tony Evans, *US Hegemony and the Project of Universal Human Rights*.
[102] *White House Diary*, 13.
[103] Snyder, *Human Rights Activism and the End of the Cold War*, 2-3.
[104] Ibid.
[105] "The Rising Stock of Jimmy Carter": 522.
[106] See chapter six of this thesis.

predilection for policies that violated the strategic and economic interests of the United States,"[107] a view that gained traction in many critiques of Carter's human rights policies.[108] Tony Evans has written, for example:

> … he [Carter] soon discovered that the interests of human rights frequently conflicted with other, more traditionally held views of the purpose of foreign policy, like security and trade. He also discovered that human rights interfered with diplomacy, and the United States ability to maintain or create friendly relations with other countries.[109]

Carter's human rights policy can be seen to have cooled some US relationships, such as those with the apartheid government of South Africa, the minority rule government of Rhodesia, Mobutu's dictatorship in Zaire, and the traditional special relationships in the Southern Cone.[110] While these effects must not be discounted, the argument that Carter's human rights policy promoted diplomatic isolation is a simplification. Brinkley has qualified that Carter also secured several diplomatic victories, arguing that:

> The list of Carter's foreign policy accomplishments goes on: the restoration of harmonious relations on NATO's southeast flank with Greece and Turkey; the wooing of East bloc countries away from the Soviet Union; the conclusion of the Tokyo Round Trade Agreement; government assistance to Afghanistan's Muhaiadeen; diplomatic overtures to Cuba and Vietnam; the wholesale admission of refugees from Indochina; and the cancellation of development plans for the neutron bomb.

The second narrative that will be challenged in the course of this thesis is that Carter's policy was ill planned and ineffectual.[111] Archival evidence, discussed in chapter six, suggests that Carter's human rights policy was incorporated within the overall conceptual strategy of his administration, as privately elucidated in 1977. The further

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[107] Jeane J. Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics* (New York: American Enterprise Institute, Simon and Schuster, New York, 1982), 43.
[108] See Kaufman, *The Presidency of James Earl Carter Jnr.*, for an example of this approach.
[109] *US Hegemony and the Project of Universal Human Rights*.
[110] See Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics,* particularly 43, and Chapter 5, 52-90, for more detail on de-emphasis on relations with Latin America under Carter.
[111] See Kaufman, *The Presidency of James Earl Carter Jr.,* as well as Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics*.

related narratives, namely that Carter's human rights approach differed significantly from that of Ronald Reagan, will also be disputed in the chapter seven.

The majority of the literature on the introduction of neoliberal doctrine and the subsequent shifts in human rights discourse centers on the presidency of Ronald Reagan.[112] This thesis introduces Carter to this discussion, while also connecting Carter's human rights policy to the forces of the international. More particularly, it argues that the 1970's crisis of the welfare state had an international component;[113] under Carter there was also a refusal to guarantee the accoutrements of the welfare state to newly decolonised countries, as had been effectively demanded by the NIEO, Charter of Economic Rights and Duties of States, and General Assembly Resolution 32/130. The third world campaign for sovereignty over natural resources, for technology transfers, and a reformed system of raw materials trading, for example, posed a threat to the profitability of American multinational corporations. While protection of US business interests by a US president was a consistent aspect of twentieth century foreign policy, Jimmy Carter added an important element to liberal capitalist oppression. By introducing human rights rhetoric to the executive, he introduced a new language to cloak exploitative economic structures, among other purposes and processes. Carter activated the human rights ideology that was to be inherited by Reagan's neoliberal doctrine.

In studying the pre-conditions for the emergence of neoliberal hegemony, this thesis allows for a deeper appreciation of the construction of world order. It has extended critiques of Reagan's neoliberal agenda and human rights foreign policy, and provided insight into the dialectical relationship between these two movements. In tracing the relationship between the NIEO, third world activism, and the human rights policies pursued under Carter and Reagan, it also contributes to the de-centering of the discipline of International Relations. In recognising the significance of the third world in shaping the foreign policy of the US, this thesis introduces new dynamics to the study of hegemony and world order.

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[112] See David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005); Alex Kirkup and Tony Evans, "The Myth of Western Opposition to Economic, Social, and Cultural Rights? A Reply to Whelan and Donnelly," *Human Rights Quarterly* 31, no. 1 (2009).
[113] Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987).

4. An outline of the thesis

Chapter two develops the methodological approach that underpins and guides this thesis. It presents a Gramscian and Neo-Gramscian understanding of hegemony within historical blocs and historical structures. Drawing on Robert Cox's innovative approach to the construction of historical structures, it focuses particularly on his use of material forces, institutions, and ideologies in the study of social forces, forms of state and world orders. The central claim of this chapter is that the neo-Gramscian, historical dialectic methodology developed by Robert W. Cox is the most suitable framework to drive the enquiry of a study of the construction of the contemporary human rights structure. Furthermore, it argues that Cox's study of historical structures and the Coxian critical theory understanding of changes and transformations to world orders allows for human rights rhetoric to be situated within the transition from *pax americana* to 'hyperliberalism'.

Chapter three draws on the available literature to consider the historical lineage of rights discourse. It explores both the traditional approaches to human rights historiography, alongside the prominent critiques of rights histories. The chapter outlines the legacies of the ancient religions, Ancient Greece and Rome, Medieval Europe, the Enlightenment, the English, American and French Revolutions, and the abolition of slavery to argue that while the 1940's were a period of organic crisis and transformation, some vestiges of pre-twentieth century rights discourses remained. Continuities and parallels can be found in the rights philosophy of liberal capitalism: concepts that have a long legacy in the history of ideas. These can be located in the modern human rights movements 'commonsense'[114] acceptance of individual 'liberty' as the constitutional right to possession in the functioning of a market economy. A Gramscian and Neo-Gramscian approach to the study of historical structures allows for the appreciation of transformations and continuities in state and society configurations, and as critical theory it is enhanced by its comprehension of historical processes. As such, the hegemony of transnational capital, developed through a myriad of social,

[114] Gramsci, *Selections from the Prison Notebooks,* 333.

political and economic contexts, can be seen to draw its legacy from the political theory of the sixteenth, seventeenth and eighteenth centuries.

Chapter four moves to study the international human rights movement between 1941 and 1962. It argues that the rhetoric of human rights was embraced by both global powers and subaltern movements in this period, after its introduction during the organic crisis of World War II. With focus upon the US, and its external and internal pressures, this chapter contends that the world's preeminent power demonstrated a preference for civil and political rights during the forging and maintenance of *pax americana*. Despite this preference, it shows, by reference to considerable archival evidence, that the US also tacitly accepted economic, social and cultural rights between 1941 and 1962. While human rights were a non-hegemonic concept in this period, questions of rights and duties underpin social configurations. In this way, tensions between the liberal capitalist promotion of individual civil and political rights (typified by the 'Lockeian heartland' of the West)[115] and the communist and socialist prioritisation of economic provision (demonstrated most dominantly by the ideology of the Soviet Bloc)[116] can be traced. The great powers largely withdrew from international human rights rhetoric in this era, while the US Civil Rights movement and the anti-colonial struggles made occasional use of the term, predominantly in reference to anti-discrimination and self-determination. In contrast to the 1970's, domestic and international forces did not necessitate US engagement with international human rights rhetoric between 1941 and the early 1960's.

Chapter five follows on from chapter four to detail the combination of international social forces that were building between 1964 and 1976. Applying a Coxian approach to the study of world orders, it focuses upon the interplay of material forces, institutions and ideas in the historical structure of *pax americana*, and in the Third World challenge to US hegemony that occurred during the 1970's. This chapter is concerned with how 'human rights' was defined in this period, through the activities of Amnesty International, and with the introduction of human rights principles to US Congress. It

[115] See Kees Van der Pijl, *Global Rivalries from the Cold War to Iraq* (London: Pluto Press, 2006) and chapter three of this thesis.
[116] Jennifer Amos, "Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948 – 1958"; and Benjamin Nathans, "Soviet Rights-Talk in the Post-Stalin Era," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann.

also examines the Non-aligned Movement and Group of 77's definition of human rights, typified by the Proclamation of Teheran in 1968, and elaborated through the call for the New International Economic Order. The international recession of the 1970's precipitated a rising Third World challenge to the American-led international economic system, and this thesis shows how human rights became a core principle through which the Third World mounted its opposition to the US. Due to the nature of the third world challenge, the Carter administration would come to respond, in kind, by introducing an alternative human rights agenda.

Chapter six argues that Jimmy Carter entered office during a crisis of the *pax american* world order. The United States had been defeated in Vietnam, the world economy was still reeling from successive oil shocks and recession, and the Group of 77 was in the process of challenging the international order with their demands for economic and political reforms. Carter's engagement with human rights occurred as a result of particular historical forces, transforming the US approach to human rights. His administration both drew on, and challenged, past Western traditions of human rights to engage the NIEO and developing countries. The literature has undervalued the extent that Non-Aligned, Group of 77 and third world pressure, symbolised by the NIEO, represented a catalyst in Carter's approach to international relations. The administration's human rights policy sought to defuse the challenge of the NIEO, and its calls for collective economic rights. The US definition of civil and political rights as primary human rights, and economic rights as confined to basic needs, both supported the interests of American capital and undercut NIEO demands.

Chapter seven explores the legacy of the Carter administration's human rights policy. The chapter draws heavily on archival evidence to argue that human rights terms were briefly introduced in the international financial institutions (the International Monetary Fund and World Bank) at the Carter Administration's directive. During Carter's tenure, the Bank disregarded Third World activities at the UN, which advocated economic rights as fundamental human rights, and propagated the US definition of human rights in official and unofficial statements. Chapter six then turns to the Presidency of Ronald Reagan. It argues that while the Reagan administration publicly mocked Carter's human rights policy, it ultimately worked within its definitional parameters. By introducing human rights rhetoric to the executive, Carter had introduced an ideology that was to be

utilised by Reagan's neoliberal doctrine. It contends that the Carter administration contributed to the narrowing of the hegemonic definition of human rights between the UDHR and the post-Cold War dominance of rights discourse. The final section interrogates the relationship between neoliberalism and the modern human rights doctrine. It contends that in the epoch of globalising capitalism, the exclusion of economic rights from the hegemonic definition of human rights was the result of a complex interaction between social forces and economic structures. The definition of 'human rights' as individual civil and political rights, cultivated under Carter, it is argued, came to serve the interests of transnational capital. The human rights doctrine that emerged supported neoliberalism's core requirement of the withdrawal of the state, on which the marketisation of economic, social and cultural rights proceeded.

Chapter 2 – A theoretical understanding of hegemony and world orders

1. Introduction

The central claim of this chapter is that the neo-Gramscian, historical dialectic methodology developed by Robert W. Cox is the most suitable framework to drive an inquiry of the development of the contemporary human rights structure. This claim will be supported by a critique of positivist, problem-solving approaches to international relations, as well as through discussion of the ontological merits of Gramscian and Neo-Gramscian concepts, and the demonstration of the suitability of this methodology to the specific questions of this thesis. The problematic nature of this study is whether, in the epoch of global capitalism, the exclusion of economic rights from the hegemonic definition of human rights has been the natural result of the progression of liberalism, or whether it has been due to a more complex interaction between social forces and economic structures. In applying a Coxian methodology, human rights can be conceptualised as a political and socio-cultural project, necessarily bound to the economic. Cox's study of historical structures, and of changes and transformations to world orders through the complex interplay of material forces, institutions and ideas, allows for human rights rhetoric to be situated within the transition from *pax americana* to 'hyperliberalism'. This thesis ultimately explores the challenges to material, ideological and institutional hegemony of the United States in the 1970s, orienting human rights activism at the United Nations, including the call for the New International Economic Order (NIEO) and Resolution 32/130 of 1977, and human rights policy of the Carter administration, within this paradigm.

This chapter will begin with a discussion of the foundations of Robert W. Cox's approach to international relations. This section will trace Cox's fundamental ontology, and historicise his work within its context. The historical dialectic approach of Cox demonstrates the inability of 'problem solving theories', most pertinently neo-realism and neo-liberalism, to analyse hegemony and change in international relations. The chapter will then move to study the work of Antonio Gramsci, with specific focus upon his theory of hegemony, historical blocs and the construction of common sense. The

originality and significance of his historical materialist approach will be detailed, with reference to Neo-Gramscian scholarship. The following section will then move to examine the cogent and instructive methodology of Robert W. Cox, supplementing his work with further Neo-Gramscian ontological research. All of these sections will refute the key assumptions of positivist theory, and justify the application of Neo-Gramscian methodology throughout this thesis on the basis of its merits.

2. The foundations of Cox's historical dialectic approach

The work of Robert W. Cox has challenged the ontological assumptions of traditional international relations theory, and in doing so, delineated the different intellectual lineages of positivist and historicist approaches. This section will first explain the base method of Cox's dialectic historicism, while acknowledging and exploring the key influences upon his thought, and the historical context of his writing. Cox's essay, "Influences and Commitments," in his edited collection of works, *Approaches to World Order,* goes a long way in setting out the trajectory of his thinking.[1] The key ontology's of the Coxian approach will be introduced, including his emphasis upon history, conceptualisation of change and transformation within historical processes, and his dialectical understanding of the relationship between base and superstructure (this was significantly informed by Gramsci). A critique of the problem solving theory that so dominated the discipline of international relations, particularly in the 1970s and 1980s, is threaded through Cox's methodology, with the ontological short-fallings of problem solving theory and superior insights of historicism highlighted. Hegemony, and changing historical structures, will also be referenced.

As a theorist, Robert Cox began his work with a different purpose to that of positivist scholars. While neo-realist and neo-liberal methods assimilate "particular situations to general rules, providing a kind of programmed method for dealing with them, critical theory seeks out the developmental potential within the particular."[2] He famously noted that a critical theory, historical dialectic approach "steps outside the confines of the existing set of relationships to identify the origins and developmental potential of these

[1] *Approaches to World Order,* ed. Robert W. Cox and Timothy J. Sinclair (Cambridge: Cambridge University Press, 1996).
[2] Robert W. Cox, "Realism, Positivism and Historicism," in *Approaches to World Order*, 53.

phenomena".[3] It stands apart from the existing order of the world, and questions how it came about. For Cox:

> Critical theory, unlike problem-solving theory, does not take institutions and social and power relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing. It is directed towards an appraisal of the very framework for action, or problematic which problem-solving accepts as its parameters.[4]

The ability to stand apart from the prevailing world order, and conceptualise change, rests on the key ontological understanding that the ideological frameworks of individuals and social orders are not fixed, but rather capable of evolution and alteration.

Cox has indentified a thread of historical thought that runs as an alternative to positivist social science, and conceptualises change in historical processes. He has written that, under his perspective, "Gramsci stands in direct descent from Vico, with Sorel and Benedetto Croce as intermediaries, and Marx as the thinker to be interpreted through this philosophical current."[5] Vico, writing in the eighteenth century, argued that the nature of man and human institutions are subject to the duality of continuity and change.[6] Rather than being primarily driven by a desire for power or the logic of cooperation, with both drivers taken to be universally valid, human decision-making can therefore be an interaction of both factors, supplemented and at times replaced by a variety of other concerns, both rational and irrational (in critical theory the setting of rationality and irrationality are in themselves a result of power relations). Human preferences are not naturally imbued and rigid, but malleable. Vico used the term '*cosa',* for what Cox, via Fernand Braudel, has termed 'historical structures.' These structures encompassed "systems of language, of law, of religion, of morals, of economic organization, of family and social life,"[7] and thereby gave a material character to the

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[3] Timothy J. Sinclair, "Beyond international relations theory: Robert W. Cox and approaches to world order," in *Approaches to World Order,* 6.
[4] Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989): 129.
[5] Robert W. Cox, "Influences and Commitments," in *Approaches to World Order*, 29.
[6] Cox, "Social Forces, States and World Orders": 132.
[7] Cox, "Influences and Commitments," 29.

configuration of social relationships. According to Vico, all peoples have "confronted similar problems in the course of their development".[8] Based on this understanding, it should be possible to "derive concepts that help explain events occurring in the distinct histories of different peoples"[9] and therefore develop methodological guidelines for study. Commonalities and generalisations can be used as conceptual tools in conjunction with the appreciation of change and variance.

It was through the work of Sorel that Cox derived the confidence to adapt the historical materialism of Marxist thought without accepting the rigidities of human preferences and behaviours inherent in the ontology of some forms of structural Marxism. While "crude" Marxism can be deterministic regarding the mode of production and ideas,[10] Cox has written, "For Sorel, historical materialism was to be understood as the relationship between mentalities and material conditions."[11] This dialectical relationship between production, ideas and ideological structures, in which these factors feedback to one another, with the material world shaping modes of thought, and ideas in turn shaping the economy, was well developed by Gramsci and will be detailed in the following section. The method of historical materialism "is to find the connections between mental schema through which people conceive action and the material world which constrains both what people can do and how they can think about doing it."[12] In seeking patterns of connections, and change, and therefore possibilities for transformation, critical theory can be sharply differentiated from the ontological assumptions of problem solving theory.

Both neo-realism, dominant in the Cold-War era of international relations theorising, and neo-liberalism, the post-Westphalian hegemonic mode of theorising, support the concept of 'human nature,' although each supposes it to be a different proposition. In assuming an essential nature, human actions and preferences are thought to be consistent over time, an assumption that leads problem-solving theories to be both foundational and a-historical in their analysis. Actions and preferences, it is argued, can be plotted, studied and predicted, and thus scientifically observed. Such a nature

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[8] Ibid.
[9] Ibid.
[10] Kees Van der Pijl, "Historicising the International: Modes of Foreign Relations and Political Economy," *Historical Materialism* 18, no. 2 (2010): 12.
[11] Cox, "Influences and Commitments," 29.
[12] Cox, "Realism, Positivism and Historicism," 52.

constrains and confines the thinking and actions of humanity. As a result, both prominent strands of problem solving theory are able to assign rationality to decision-making. When making decisions, all humans, it is argued, consistently weigh up options, learn from past mistakes and reach an objective decision.[13] Further, both theories preference self interest above all else, pursuit of which is seen as a rational course of action in the anarchical international system. The assumption of 'anarchy' is shared by both foundational theories, and signifies a lack of order in the international system. Cynthia Weber has argued that: "…in international theory 'anarchy' denotes a *lack of an orderer* – someone or something who/which self-consciously imposes order in a top-down way on to sovereign nation states."[14] While there are a number of versions of the anarchy myth, both problem-solving theories argue that the frameworks for action in international relations occur in the context of anarchy. For neo-realists, humanity is driven by a desire for power, while for neo-liberals the logic of cooperation allows self-interest to be maximised, with both drivers taken to be universally valid.

Realism, and neo-realism, as foundational theories, propagate certain a-historical "myths" about social organisation and hegemony.[15] For realists, instability and the subsequent pursuit of power is a relentless driver in relationships, defining social organisation at all levels. Kenneth Waltz has categorised three 'images' of relationships: individuals, states and the international system.[16] Within realist international relations theory, states are the primary unit of analysis, narrowing the realist and neorealist definition of hegemony to be the power of one state over another. Realists traditionally preference military power as the key source of hegemony, with material capabilities enabling the political and ideological dominance. Such capabilities encompass "productive and destructive potentials,"[17] including the possession of natural resources, technological and productive abilities, physical armaments, organisational strengths and wealth.[18] International politics are explained by and reduced to, to draw an example from Gramsci, "the current price of grain, oil or rubber".[19] Hegemonic power is the guarantor of security, as necessary in an anarchical international system, in which "there

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[13] Stephanie Lawson, *International Relations,* 2nd ed. (Cambridge: Polity Press, 2012), 40.
[14] Cynthia Weber, *International Relations Theory: A Critical Introduction* (London: Routledge, 2001), 14.
[15] Ibid, more widely.
[16] Kenneth Waltz, *Man, the State and War* (New York: Columbia University Press, 1959), 16.
[17] Cox, "Social Forces, States and World Orders": 136.
[18] Ibid.
[19] Antonio Gramsci, *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, London, 1971), 163.

is no superior arbiter of states' conflicting claims, and no superior authority with the ability to enforce arbitration rules".[20] For Hans Morgenthau, "Whatever the ultimate aims … power is always the immediate aim".[21] In constructing and obtaining hegemony, power, in most cases meaning material, is pursued. Power gained within the state is then projected within the international system. This is an a-historical approach that fails to conceptualise transformational change within the international system, and the ideological component of the gaining and maintenance of international hegemony. It relies on static categories of analysis; an approach shared with liberal and neoliberal theory.

Liberalism posits, in it's most simple assumption, that humans are able to make rational decisions that "lead for better outcomes for all, or at least for the majority".[22] While it is acknowledged that people and states act out of self-interest, this rational concern with self, when coupled with rational and objective decision-making, is conceptualised as promoting a positive historical trajectory.[23] It is argued that when applied, such decision-making means that cooperation is a natural result.[24] The hegemonic order, traditionally conceived as an alliance of states, represents progress and human nature – making it universally valid and beneficial. Sharing a conceptual framework with realism, liberalism also argues that states operate within an anarchical international system. Cooperation is necessary to navigate anarchy and promote peace. As such, in order to gain and maintain hegemony, strategic alliances must be forged. Liberal institutionalists and neoliberal pluralists have expanded the traditional liberal concepts of hegemony to include a range of non-state actors. Under both problem-solving theories, the hegemonic order is rational, natural and inevitable. Antonio Gramsci was particularly scathing of the simplistic assumptions of such theories, stating, "It is utterly false that peoples only allow themselves to be moved by considerations of self-interest".[25] This false, problem solving abstraction limits the possibilities for change in social formations over time, and impedes both individual and collective agency.

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[20] Benjamin Frankel, introduction to *The Roots of Realism*, ed. Benjamin Frankel (London: Frank Cass, 1996), ix.
[21] Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* (New York: Alfred A. Knopf, 1948), 13.
[22] Lawson, *International Relations*, 40.
[23] Ibid.
[24] James L. Richardson, *Contending Liberalisms in World Politics* (Boulder and London: Lynne Reinner Publishing, 2001), 59.
[25] Gramsci, *Selections from the Prison Notebooks*, 164.

Cox's approach to structure and agency has been drawn from the work of Gramsci, and acknowledges that human beings both create structures and are restricted by them in the possibilities for change. As written by Stephen Gill:

> Gramsci's approach stands in contrast to abstract 'structuralism' in so far as it has a human(ist) aspect: historical change is understood as, to a substantial degree, the consequence of collective human activity.[26]

Under this approach, historical change occurs due to ideational and material behaviours. Cox noted that:

> … human institutions are made by people – not by the individual gestures of "actors" but by collective responses to a collectively perceived problematic that produce certain practices. Institutions and practices are therefore to be understood through the changing mental processes of their makers.[27]

The creation of institutions and structures is therefore a social process, and individuals must be positioned and studied through the social forces they produce. The focus of this thesis upon the Presidency of Jimmy Carter as a crucial historical moment in the production and codification of what was to become hegemonic human rights rhetoric can be oriented by this theoretical understanding. The Carter administration, as a collection of individuals, expressed both personal opinions, and a collective perception of the domestic and international social forces from 1976 to 1980. Constrained, and shaped by, prevailing power structures, the Carter administration transformed the foreign affairs program of US in terms of human rights, within a narrow possibility. This shift was caused and enabled by the changing social forces of the decade – including human rights activism in civil society and Congress, a desire to reinvigorate the US moral image domestically and internationally, the Cold War battle with the Soviet Union, de-colonisation and the activism of the Non-Aligned Movement, the growth of globalising capitalism, and material, intellectual and institutional challenges to US

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[26] Stephen Gill, "Epistemology, Ontology and the 'Italian School,'" in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 22.
[27] Cox, "Realism, Positivism and Historicism," 51-52.

hegemony. It is this understanding of social forces and historical structures that drives the inquiry of this thesis.

Critical theory flags the possibility of transformation – that is, change that moves beyond a readjustment of the current order. The method of historical materialism seeks to determine breaking points between successive structures, arguing that it is at these points that transformations take place.[28] For Robert Cox, in contrast to neo-realist conceptions of historical change, several breaking points can be cited in the transition from feudalism to capitalism. He has described a succession of mercantilist, liberal *(pax britannica),* neo-imperialist, and neoliberal (*pax americana)* orders,[29] followed by a post-Westphalian world order under the hegemony of hyper-liberal, globalising capitalism.[30] This is a Coxian view of the historical dialectic, that is:

> Each historical structure, depicted synchronically, contains both coherence (without which it would not be a structure) and elements of contradiction or conflict.[31]

The transition to the hegemony of globalising capital was therefore a transition of coherence and contradiction, and a shift in material conditions, ideas and institutions. It can be conceptualised as continually challenged and in flux, with much sociological and geographical variation – this will be further discussed in the following section on Gramsci. This thesis works to situate the human rights doctrine within the historical juncture of the 1970s, conceptualising human rights as a political and socio-cultural project, necessarily bound to the economic.

It is the methodology of Coxian historicism that has inspired the lines of enquiry of this thesis. In conceptualising the rhetoric of 'human rights' as an ideational and institutional

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[28] Ibid, 52.
[29] Ibid, 55.
[30] Robert W. Cox, "Critical Political Economy," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax: Fernwood Book, 1995). Differences in the uses of terms can be cited here, with Cox referring to the world order of *pax americana* as 'neo-liberal' and the forces of globalising capital as 'hyper-liberal'. This thesis, in contrast, borrows the terminology of the majority of political economy scholarship, referring to *pax americana* as Keynesian or embedded liberalism, and the globalising shift of the 1970s as neoliberal. See also, Robert W. Cox, "Civil Society at the Turn of the Millennium: Prospects for an Alternative World Order," *Review of International Studies* 25, no. 1 (1999): 3-28.
[31] Cox, "Critical Political Economy," 35.

component of the structural upheavals of the 1970s, the space opens for a study of transformations of the human rights doctrine in this period. A positivist account of this period, and particularly the Presidency of Jimmy Carter, would not problematise human rights nor locate it within the complex changes occurring in social forces. Rather, Carter's human rights policy can be seen as a continuation of the US approach to international human rights, and a foreign policy strategy to spread liberal ideas. These approaches to the study of human rights have been discussed in greater detail in the Introduction and in subsequent chapters of this thesis. The following section of this chapter will move to discuss Antonio Gramsci's groundbreaking work on the construction of hegemony and historic blocs, with particular focus on the dialectical relationship between ideas and material conditions. Gramsci's hugely influential role in the shaping of Cox's scholarship, and of the neo-Gramscian school, and his introduction of an original ontological framework, and concepts with much utility, necessitate this focus.

3. Gramsci, historical blocs and the construction of hegemony

Antonio Gramsci was an Italian Marxist, active in the communist movement of the early twentieth century, and influential in the foundation of the Communist Party of Italy (P.C.I) in 1921. Imprisoned by the Italian Fascist Government from 1926, he wrote his highly influential *Prison Notebooks* while incarcerated, as well as numerous prison letters. He published journalistic political pieces, and wrote his treatise "Some Aspects of the Southern Question," prior to his imprisonment.[32] Gramsci's theories and writings have inspired the historical, Neo-Gramscian movement within international relations, and have incited both praise and critique in contemporary scholarship. The work of Adam David Morton has thoroughly historicised Gramsci's writings and presented a nuanced and instructive approach to the application of Gramscian theory.[33] This section will first situate Gramsci's works within their historical context, drawing on the work of Morton to argue that his concepts and processes of thought retain applicability due to

[32] See Geoffrey Nowell Smith and Quentin Hoare, introduction to *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, 1971), for a detailed historical study of Gramsci's life and influences. See also James Joll, *Gramsci* (Glasgow: Fontana Paperbacks, 1977).
[33] See Adam David Morton, particularly *Unravelling Gramsci: Hegemony and passive revolution in the global economy* (London: Pluto Press, 2007); as well as "Historicising Gramsci: Situating Ideas in and Beyond their Context," *Review of International Political Economy* 10, no. 1 (2003); and "A Double Reading of Gramsci: Beyond the Logic of Contingency," *Critical Review of International Social and Political Philosophy* 8, no. 4 (2005).

their historicism. It will then move to examine Gramsci's groundbreaking contribution to the study of the dialectic between material conditions and ideational processes. This dialectic will then be situated within his work on historical blocs and hegemony. The section will close with further examination of Gramsci's notion of transient historicism, and the ethical dimensions of his framework. A critique of positivist thought and structural Marxism is integrated throughout.

Morton's *Unravelling Gramsci* details Gramsci's life experiences and influences before presenting an 'immanent critique' and 'absolute historicism' approach to his work. Morton has charted a path:

> … that avoids reducing issues of interpretation to the extremes either of simply studying Gramsci's texts themselves or of solely concentrating on the social contexts of such texts.[34]

This approach has supplemented the *Prison Notebooks* with Gramsci's earlier works, and engaged his thought with Gramsci's own methodology for the historicised reading of texts. According to Morton, an *austere historicism* reading of Gramsci overly emphasises the historical context of his work, and thereby limits the utility of his concepts to that specific period.[35] On the other hand, a simple reading of the text fails to conceptualise Gramsci's context: his Sardinian and Italianate identity in twentieth century Europe, his intellectual influences from Dante, to Pirandello, Marx and Lenin, his work in the Communist Party in Italy (PCI) amongst doctrinal fractures, his time spent in the Soviet Union, and his imprisonment in Fascist Italy.[36] A middle ground can be achieved, according to Morton, through practicing immanent critique, applying an absolute historicist approach, and thinking in a Gramscian manner.

An immanent reading of Gramsci's texts follows the path set by Edward Said, with Morton noting that:

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[34] Morton, *Unravelling Gramsci,* 16.
[35] Ibid, 25.
[36] Ibid, particularly Chapter 2, "Historicising Gramsci: Situating Ideas in and Beyond their Context".

> Rather than attempting to uphold a representative interpretation of texts, based on revealing an essential meaning, the reader instead acknowledges their fragmentary and open nature. As a result, a reading in favour of a particular purpose can be developed, which concentrates on the relationship between author, text and context, and which adheres to exegetical rigour and accuracy…[37]

This approach is particularly relevant to the variety of Gramsci's writings over different mediums, and allows readers to appreciate the consistency of Gramsci's dialectical approach, and the novel presentation of his ideas of historical blocs and hegemony. Morton argues that the framework of absolute historicism can be found within the writings of Gramsci, and that it echoes the works of Vico discussed in the previous section. According to Morton:

> Within the approach of absolute historicism, therefore, Gramsci acknowledged that old and new forms of thought combine within the social relations of a particular epoch so that within every historical period there could be a recurrence of previous questions alongside the need to consider new issues.[38]

This recurrence, therefore, allows for a historicised application of Gramsci's concepts in a way that does not exclude the need to focus on contemporary issues, and necessary theoretical adaption and innovation. Morton therefore advocates, in line with Stuart Hall, the need to think in a Gramscian way. He has written that:

> Rather than a mechanical application of ideas, then ... follow Gramsci's own advice and grasp the *leitmotiv* or *rhythm of thought* … After all, a theory of historical materialism should not aim to become a total or rigid doctrine that is beyond question. Indeed, just as Gramsci rejected any perception of Karl Marx as a 'shepherd wielding a crook'… (Gramsci 1994c: 54-8), so Gramsci himself should be treated. The aim, instead of developing a total conception of the world, is to concentrate on a theory that can progress as a practical canon of historical study… [39]

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[37] Morton, *Unravelling Gramsci,* 23.
[38] Ibid, 30.
[39] Ibid, 21.

The neo-Gramscian school, particularly the work of Cox, has endeavoured to apply Gramscian thought in a historicised and flexible manner. As this thesis is primarily focused on the Coxian interpretation of Gramsci, and is not a work of political philosophy, it will seek to use Morton's thorough instruction to the study of Gramsci as a prism for this section. The utility of Gramsci's dialectic, and his notions of historic blocs and hegemony will be emphasised, as will the need for flexibility and a non-dogmatic approach.

The dialectical understanding that ideas and material conditions are always bound together, and in constant reciprocal relationship, was fundamental to the writings of Gramsci.[40] This innovative marriage of material conditions and ideational components elevated Gramscian thought above the economic determinism of 'crude' Marxism. He was able to avoid what Morton has referred to as a "philosophical position similar to medieval theologism: making an 'unknown god' of the economic structure".[41] In Gramsci's historical context, economic reductionism had strangled the historical materialist legacy of Marx in political theory and international relations, attributing behaviours and ideas to the drive of the market, without the recognition of a dialectic relationship between 'structure' and 'superstructure'. Kees Van der Pijl has suggested that the use of the term 'superstructure' by Marx invited reductionist interpretations – as it implies a "space of reflective diffraction" drawn from an economic base, which alone provided the impetus for significant change.[42] He has also written that the progression of Marxism in international relations along an economic determinist vein, can be seen as:

> … a perspective that arose in the context of the formation of the modern bourgeoisie, which owes its existence to the market-economy and entrepreneurialism. Hence, the assumption that all social forms – and all progress – depend on the economy, came naturally to it. The modernising state-classes outside the English-speaking heartland of bourgeois class-formation, in

[40] Robert W. Cox, "Gramsci, Hegemony and International Relations: An essay in method," in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 56.
[41] Morton, *Unravelling Gramsci,* 23, referencing Antonio Gramsci, *Letters from Prison,* vol. 1, ed. F. Rosengarten, trans. R. Rosenthal (New York: Columbia University Press, 1994), 365.
[42] Van der Pijl, "Historicising the International": 16.

> their attempt to emulate the path taken by the North-Atlantic pioneers, in effect took the same view.[43]

This led to a structural understanding of historical processes, in which social forces followed a set path – the development of a European style capitalist economy was perceived as a necessary pre-requisite to revolution. The bourgeois dominance, however, was rejected by the historical dialectic in Gramscian thought, which honoured the essence of Marx's methodology.[44] Gramsci's political thought also critiqued the processes of liberal problem solving theories.

Gramsci criticised the laissez faire liberalism of the Free Trade movement for its falsified separation of the political and economic, and thus refusal to acknowledge the dialectic, and exposed the false public and private dichotomy of problem solving theory. His famous statement, "in actual reality, civil society and state are one and the same,"[45] encompasses an innovative concept. This understanding of the capitalist state was crucial and has been highly influential, as it set the tone for critiquing the public/private dichotomy that is at the core of the liberal paradigm. Gramsci argued that the state was comprised of two overlapping spheres, a political society that ruled through the monopoly of violence and institutional channels, and a civil society that ruled through the construction of consent. Gramsci saw civil society as a public sphere, in relationship with the capitalist state, both in seeking concessions from the bourgeois government, and reproducing bourgeois beliefs and ideas.

Gramsci also discounted the realist focus on material capabilities in the construction of hegemony, such as access to raw materials and the pace of technical change, for it's misleading simplicity. For Gramsci, while hegemony can be perceived as "ethical-political," it "must also be economic" and "must necessarily be based on the decisive function exercised by the leading group in the decisive nucleus of economic activity."[46] Similarly, the ideational must also be prioritised, as "it is on the level of ideologies that men become conscious of conflicts in the world of the economy."[47] Gramsci identified

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[43] Ibid.
[44] Ibid.
[45] Gramsci, *Selections from the Prison Notebooks*, 160.
[46] Ibid,161.
[47] Ibid, 162.

that intellectual processes were creative and practical, yet also involved in "continuous engagement to explain an apparently intractable social reality," including the mode of production and social composition of a historic bloc. This process was dialectical, and thus part of the historical process rather than apart from it.[48]

A key concern in Gramsci's work is the formation of a "politico-economic historic bloc,"[49] which is tied inextricably to the achievement of hegemony. This does not imply that there is necessarily a neat "one-to-one correspondence between hegemony and historical bloc,"[50] rather, the relationship is continuously constructed and contested. Gramsci identified such a bloc as a situation in which the state and society together constitute a solid structure,[51] and yet the solidity must not be taken as static. The interacting, dialectic elements of the economic corporate level, transcended interests and solidarity of interests[52] allow for hegemony, being the formation of a leadership group, and in the context of Gramsci's work, a dominant social class in Italy. As Morton has noted, in Gramsci's writings, the concept of an 'integral' state or bloc was central to the moment of hegemony, and involved "leadership and the development of active consent through the social relations of state-civil society."[53] According to Gramsci, a politico-economic bloc is propelled forward by production, as "mass ideological factors always lag behind mass economic phenomena."[54] However, when necessary, this drive is "slowed down" or "obstructed" by the ideological, with "an appropriate political initiative" required to appease the masses and replace or redirect traditional policies.[55] For a homogenous historic bloc to be formed, it must absorb and mediate "internal contradictions."[56] In order to mediate internal contradictions, force was not sufficient. In Gramsci's view, an ideological component was also required.

For Gramsci, a historic bloc must be 'organic' in its origin. Such a term is akin to being "historically effective"[57] – able to gain and maintain hegemony. Rather than suggesting a

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[48] Gill, "Epistemology, Ontology and the 'Italian School,'" 23.
[49] Gramsci, *Selections from the Prison Notebooks*, 168.
[50] Morton, *Unravelling Gramsci,* 97.
[51] Cox, "Gramsci, Hegemony and International Relations," 56.
[52] Morton, *Unravelling Gramsci,* 95.
[53] Ibid*,* 58.
[54] Gramsci, *Selections from the Prison Notebooks*, 168.
[55] Ibid.
[56] Ibid.
[57] Stuart Hall, "Gramsci and Us", *Marxism Today,* June 1987, 3.

historic bloc emerges from a grass roots level as a natural and homogenous group, Stuart Hall contended that:

> … the whole purpose of what Gramsci called an organic … ideology is that it articulates into a configuration different subjects, different identities, different projects, different aspirations. It does not reflect, it constructs a 'unity' out of difference.[58]

A historic bloc is therefore a political and economic project, constructed, and reliant on ideology that appeals to collective identity and established thought. This ideology is reproduced by the material structures of the ideational, permeating civil society, including universities, schools, libraries, museums, religious institutions, the media, and creative and artistic fields such as the theatre and art galleries. Stephen Gill has argued that Gramsci developed the concept of the 'organic intellectual' to demonstrate the dialectical relationship between intellectual out-put, the mode of production, and processes of historical change. Gramsci's work suggested, "intellectual work directed towards social explanation was often directly or indirectly linked to political strategies, themselves developed from different perspectives."[59] By propagating particular ideas and thought processes, intellectuals could therefore:

> … play an essential mediating function in the struggle over hegemony between social-class forces, by acting as 'deputies' or instruments of hegemony, or by performing a valuable supporting role for subaltern classes…[60]

Intellectuals therefore enable hegemony in an ethico-political bloc, constructing the intellectual praxis that is reproduced by the material structures of ideology.

Gramsci argued that when analysing an ascendency to hegemony, assumptions and predictions must be abandoned. There is a temptation to ask, "who profits directly from the initiative?"[61] and assume a simplistic, causative relationship. This is a critique of

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[58] Gramsci, *Selections from the Prison Notebooks*, 168.
[59] Gill, "Epistemology, Ontology and the 'Italian School,'" 23-24.
[60] Morton, *Unravelling Gramsci*, 92.
[61] Gramsci, *Selections from the Prison Notebooks*, 166.

crude Marxism, and of a-historical, essentialist approaches. This deterministic bent must be rejected, as:

> When the concept of hegemony is introduced, it becomes necessary to ask what is the form of power that underlies the state and produces this particular understanding of national interest, this particular *raison d'etat* – or in Gramscian terms, what is the configuration of the historic bloc?"[62]

Gramsci suggested that five phases of historical analysis be employed in this process. The first questions "[T]he social content of the mass following of the movement," drawing into question the demography of the mobilised popular support. Secondly, it is asked "what function did the mass have in the balance of forces – which is in the process of transformation"?[63] According to Gramsci, during the establishment phase, there will be "ideological unity" between the "'simple" and the "intellectuals."[64] This leads to an analysis of how the masses are engaged, and indeed whether the leading intellectuals are "organically the intellectuals of those masses."[65]

The third point of Gramsci's methodology asks what the "political and social significance [is] of the demands presented by the movements leaders which find general assent? To what effective needs do they correspond?"[66] Indeed, the formation of a historic bloc is only successful if it's leaders "worked out and made coherent the principles and problems raised by the masses".[67] Accordingly, there must be a practical component that addresses base needs. Furthermore, leading intellectuals must effectively reject traditional ideologies and define "what the new contemporary problems are and how the old problems must now be analysed."[68] Not only does an emerging historical bloc have to appeal to the needs of the masses, it must redefine the ideology of such needs, and potentially determine new problems. This process is complex and dynamic. Fourthly, an "examination of the conformity to the means of the proposed end"[69] is undertaken. This step contrasts the ideological push of a newly formed historic bloc

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[62] Cox, "Realism, Positivism and Historicism," 52.
[63] Gramsci, *Selections from the Prison Notebooks,* 166.
[64] Ibid, 330.
[65] Ibid.
[66] Ibid, 166.
[67] Ibid, 330.
[68] Ibid, 331.
[69] Gramsci, *Selections from the Prison Notebooks,* 166.

with its methods of achieving such aims. Such an approach is echoed in the process of 'immanent critique" discussed above. This approach is to "relate the practice's justifications with its actual outcomes."[70] Furthermore, point four questions whether 'means,' being the practical actions, were ever aligned to ideological outcomes. This is followed by, the fifth and final phase of analysis, a "hypothesis…that such a movement will necessarily be perverted, and serve quite different ends from those which the mass of its followers expect."[71]

Once gained, hegemony is maintained through a system of compromise and concessions. In the *Prison Notebooks,* Gramsci's work on hegemony largely focused on the domestic relations of Italy. In this study, he argued that leadership sees a hegemonic class building consent in its relations with subordinate groups within a state. As will be discussed in Section 4, Gramsci also conceptualised the state apparatus of class-based hegemonic rule within the international system. He wrote, for example, of Italy as in dialectic relationship with the "Hegemony of Western culture over the whole World Culture."[72] As discussed above, an ideological movement that initially spoke to and for the masses, and may have in fact emerged organically from such a group, is necessarily subsumed/redirected once hegemony is obtained. Gramsci has argued that the hegemonic group will necessarily fail to deliver the promised outcomes,[73] and therefore a system of compromises to appease the masses must be established. According to Gramsci, "Force can be employed against enemies, but not against part of one's own side which one wishes to rapidly assimilate, and whose 'good will' and enthusiasm one needs."[74] Similarly, he wrote that:

> …the supremacy of a social group manifests itself in two ways, as 'domination' and as 'intellectual and moral leadership'. A social group dominates antagonistic groups, which it tends to 'liquidate', or to subjugate perhaps even by armed force; it leads kindred or allied groups. A social group can, and indeed must, already exercise 'leadership' before winning governmental power (this indeed is one of the principal conditions for winning such power); it subsequently becomes

[70] Ryerson Christie, *Peacebuilding and NGOs: State-civil society interactions* (Oxford: Routledge, 2013), 20.
[71] Gramsci, *Selections from the Prison Notebooks*, 166.
[72] Ibid, 416.
[73] Ibid.
[74] Ibid, 168.

> dominant when it exercises power, but even if it holds it firmly in its grasp, it must continue to 'lead' as well.[75]

As a historic bloc is built upon the "masses," a hegemonic class must compromise with large swathes of the population. "Hegemony" entails that attention be paid to:

> …the interests and the tendencies of the groups over which hegemony is to be exercised, and that a certain compromise equilibrium should be formed – in other words, that the leading group should make sacrifices of an economic-corporate kind.[76]

In early twentieth century European countries in which the bourgeois had gained power, for example, Gramsci noted that certain democratic reforms allowed for the maintenance of capitalism, making it more acceptable to the workers and petty bourgeois by offering them greater representation.[77] The role of force within a hegemonic order, however, must not be understated. For Gramsci, a normal exercise of hegemony was "characterized by the combination of force and consent, which balance each other reciprocally, without force predominating excessively over consent."[78]

The strength of hegemonic ideas is in their ability to be accepted through a system of concessions, and to also appear natural. For Gramsci, there was no universal 'common sense,' rather, it was a product of history developed through a process of socialisation.[79] While aspects of common sense can be equated to 'good sense', which Gramsci called the "overcoming of bestial and elemental passions,"[80] the essence of common sense was and is a "part of the historical process."[81] It is not an objective truth, constant and rigid, but "continually transforming itself, enriching itself with scientific ideas and with philosophical opinions which have entered ordinary life."[82] Thought processes and methods are developed collectively. It is suggested that humanity has two theoretical consciousnesses, one that elaborates upon collective images and envisages "practical

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[75] Ibid, 57-8.
[76] Gramsci, *Selections from the Prison Notebooks*, 161.
[77] Cox, "Gramsci, Hegemony and International Relations," 51.
[78] Gramsci, *Selections from the Prison Notebooks*, 80.
[79] Ibid, 325.
[80] Ibid, 328.
[81] Ibid, 325.
[82] Ibid.

transformation of the real world," and one that is "inherited from the past and uncritically observed."[83] The key to gaining and maintaining hegemony, therefore, is tapping in to both levels of consciousness. A hegemonic movement must address and redefine contemporary problems, while appealing to collective images and accepted philosophical wisdom. Such an approach gains its power in the "construction of consent"[84] – the ability to manufacture societal acceptance and support.

According to Stephen Gill, Gramsci's historicism can be said to have three main components, two of which will be discussed here, through which his insights regarding the dialetic relationship between ideas and material conditions, the formation of historic blocs, the attainment of hegemony and the construction of common sense, can be viewed. These epistemological points have informed the Coxian, and Neo-Gramscian approach to the study of hegemony and world orders that will be discussed in the following section. Gill has termed the first key component as 'transience,' meaning that history and social change are cumulative, endless and yet non repetitive, "with different rhythms and tempos, applying respectively to structural developments and to patterns of apparently discrete events."[85] This approach means that while the principles of the formation of historic blocs and the construction of hegemony can be applied to different situations due to their historicity, the variance in the composition of social forces, progression of events, the make-up and development of structures, and the transition between historic blocs/historical structures, must be acknowledged in analysis. This principle is in stark opposition to positivism, which assumes continuity in the attitudes and behaviours of humanity, and thus a repetition and predictability of patterns over time.

The second component, according to Gill, is 'historical necessity.' This historical approach "implies that social interaction and historical change takes place within what can be called the 'limits of the possible.'"[86] These limits are not immutable but:

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[83] Ibid, 333.
[84] David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005), 39.
[85] Stephen Gill, "Epistemology, Ontology and the 'Italian School,'" 22-23.
[86] Ibid, 23.

> …exist within the dialectics of a given social structure (comprising the inter-subjective aspect of ideas, ideologies and theories, social institutions, and a prevailing social socio-economic system and set of power relations).[87]

This component of Gramsci's epistomology acknowledges the constraining function of prevailing social structures, yet also recognises that these structures are man made, and capable of change as a result of the actions of humans. Marx's concept of the double dimension of ideology, as interpreted by Jorge Larrain can be cited here. Under Marx's reasoning, philosophy derives from practice, with social reality permanently in the process of being "produced, reproduced and transformed by the activity of men."[88] In constant flux, it is argued that while the material conditions and social institutions are produced under capitalism from human practice, they have also acquired an "… independence over and above individuals, constituting … power which dominates men and women."[89] Gramsci's insights allow us to see that these structures can be altered within the limits of the possible, through collective action and a congruence of forces.

The final insight to be discussed in this section is the ethical dimension to Gramscian analysis. Stephen Gill has identified two components in Gramsci's dual conception of politics and the state, the first being a classical Marxist study of the state as a "class based apparatus of rule."[90] The second is a methodological understanding that the state has the capacity for transformation, and can thus potentially move from a system of social injustice to the apparatus of an ethical society.[91] Underlying the Gramscian approach, therefore, are questions of "justice, legitimacy and moral credibility,"[92] and these questions permeate the key concepts of Gramsci's methodology. Gramsci's focus on the state as a form of social relations that encompassed both civil society and political society is an essentially 'national' phenomenon, and yet it occurs within an 'international' conjecture or context.[93] The following section will work to situate Gramsci in an international conception alongside the work of Robert W. Cox so as to apply Gramscian concepts to world orders.

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[87] Ibid.
[88] See Jorge Larrain, *Marxism and Ideology* (London: Macmillan, 1993), 20.
[89] Ibid, 21.
[90] Stephen Gill, "Epistemology, Ontology and the 'Italian School,'"24.
[91] Ibid, 25.
[92] Stephen Gill, "Epistemology, Ontology and the 'Italian School,'" 24.
[93] Anne Showstack Sasson, *Gramsci's Politics,* 2nd ed (Minneapolis: University of Minnesota Press, 1987), 121.

4. Hegemony and world orders – A Coxian methodology

4.1 Gramsci and Cox: 'National' and 'international' historical structures

While Gramsci wrote extensively on the national circumstances within Italy and predominantly applied his conceptual frameworks to the domestic sphere, his engagement with the international as a revolutionary thinker must also be acknowledged. Gramsci, as Morton has noted, participated in the Comintern, and was a student of the international capitalist system, both in its European foundations and it's ascension to hegemony.[94] He consistently situated Italy within the "global politico-economic system" of "Anglo-Saxon world hegemony."[95] As quoted by Morton, Gramsci stated in 1919 that:

> The economic and political crisis into which Italian society is plunging can only be understood and resolved within a world context. The essential conditions for its resolution lie beyond the reach and power of the Italian state…[96]

He situated Italy as an expression of social forces that was both capable of shaping the international sphere, and subject to this sphere. While focusing much of his scholarship on class, civil society and state relationships within Italy, Gramsci similarly noted in the *Prison Notebooks* that:

> It is also necessary to take into account the fact that international relations intertwine with these internal relations of nation-states, creating new, unique and historically concrete combinations. A particular ideology, for instance, born in a highly developed country, is disseminated in less developed countries, impinging on the local interplay of combinations. This relation between international forces and national forces is further complicated by the existence

[94] Morton, *Unravelling Gramsci,* 99.
[95] Antonio Gramsci, *Selections from Political Writings, 1910-1920,* ed. Quentin Hoare, trans. J. Matthews (London: Lawrence & Wishart, 1977), 78-82, 89-93.
[96] Morton, *Unravelling Gramsci,* 99, quoting Antonio Gramsci, *Selections from Political Writings, 1910-1920,* 69-72.

> within every state of several structurally diverse sectors, with diverse relations of force at all levels…[97]

This dialectical understanding between the national and international, allows Gramscian concepts to be applied to issues of underdevelopment and passive revolution in the global system,[98] as well as to questions of globalisation and the state.[99]

According to Morton, in analysing the relationship between the social forces of the state and international or transnational forces from a Gramscian perspective, the state can be taken as 'nodal'. This involves taking the state as the point of departure, and thereby focusing on the relations of the state. As Gramsci argued, "to be sure, the line of development is towards internationalism, but the point of departure is 'national' – and it is from this point of departure that one must begin."[100] Therefore:

> It is possible to analyse the concrete development of the social relations of production and the relationship between politics and economics which is inscribed in the struggle for hegemony within a state, whilst also acknowledging the "the perspective is international and cannot be otherwise."[101]

This duality allows for the contextualisation of the social forces of a state within the forces of the international or transnational. The peculiarities of each state as the base form of social organisation must be acknowledged, as must the capacity of the state to both impact upon the international, and to be shaped within it.

The neo-Gramscian school has addressed this duality in taking Gramscian concepts and applying them to world orders, building on the concepts and thought processes developed by Gramsci. Neo-Gramscian scholars, and particularly Robert Cox, have built upon Gramsci's relatively brief statements on international relations to develop a methodological understanding of international hegemony and world orders. Gramsci

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[97] Gramsci, *Selections from the Prison Notebooks,* 182.

[98] See, for example, Adam David Morton, *Revolution and State in Modern Mexico* (Lanham: Rowman & Littlefield Publishers, 2011).

[99] Mark Rupert, "Reading Gramsci in an Era of Globalising Capitalism," *Critical Review of International Social and Political Philosophy* 8, no. 4 (2005).

[100] Gramsci, *Selections from the Prison Notebooks*, 240.

[101] Morton, *Unravelling Gramsci,* 101, quoting Gramsci, *Selections from the Prison Notebooks*, 240.

asked, in a reference to international relations: "Do international relations precede or follow (logically) fundamental social relations? There can be no doubt that they follow."[102] He continued with the claim that: "Any organic innovation in the social structure…modifies organically absolute and relative relations in the international field too."[103] Robert Cox's methodology has followed Gramsci's to argue that historically, internationally hegemonic movements are initially developed as social forces and dominant classes within powerful states, and then expand outwardly.[104] These expansive energies are only generated, according to Cox, "by powerful states which have undergone a thorough social and economic revolution."[105] This revolution should modify the internal economic and political structures of a state, before being emulated abroad. This conceptualisation is a heuristic and ideal-type model that can be challenged when studying the emergence of the hegemony of transnational capital. Neoliberal policies were being exported to Chile after the 1973 coup, and to Argentina post-1976. The World Bank and International Monetary Fund imposed neoliberal policies on the Third World[106] while Reagan and Thatcher were destroying the post-war consensus and enforcing a new neoliberal agenda.[107] The universalisation of neoliberal ideology was a complex and contested process.

According to Cox, in order to gain ascendency to hegemony the social forces within a powerful state must "found and protect a world order that was universal in conception".[108] This means that a consent-based ideological framework must accompany the re-ordering of production. A system in which one state directly exploits others would find it almost impossible to construct hegemony. According to Stuart Hall, once "sufficient power" is gained within a state to "organize a central political project," it can be used to " plan, urge, incite, solicit and punish, to *conform* the different sites of power and consent into a single regime."[109] This expansion affords opportunities to the forces of civil society to operate on a world scale, and allows for linkages between social classes.[110]

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[102] Gramsci, *Selections from the Prison Notebooks*, 176.
[103] Ibid.
[104] Cox, "Gramsci, Hegemony and International Relations," 61.
[105] Ibid.
[106] Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (London: Penguin Books, 2007).
[107] Harvey, *A Brief History of Neoliberalism*.
[108] Cox, "Gramsci, Hegemony and International Relations," 61.
[109] Hall, "Gramsci and Us," 5.
[110] Cox, "Gramsci, Hegemony and International Relations," 61.

Under neo-Gramscian scholarship, ideological engagement can be conceptualised as essential in the gaining and maintenance of global hegemony. Stephen Gill and David Law have stated that a hegemonic order is one where "consent, rather than coercion primarily characterized the relations between classes, and between the state and civil society."[111] Gramsci's dialectical understanding of the relationship between material conditions and ideas must be applied here, with the state, civil society and social classes taken to be mutually reinforcing. As Timothy Sinclair has written, "Production, for Cox, includes the production of ideas and institutions within which the production of material goods takes place."[112] A hegemonic class, it can be argued, can only achieve global ascendency when their ideology, intertwined with production, is in accordance with universalist principles. The pre-conditions for the transition from *pax americana* to the hegemony of global capital can be oriented within this understanding.

For Robert Cox, the crisis of *pax americana* was brought about by the great uncertainty in the structure of world order. He cited three possibilities of potential structural transformation during the early 1970s:

> … a reconstruction of hegemony with a broadening of political management on the lines envisaged by the Trilateral Commission; increased fragmentation of the world economy around big-power-centred economic spheres and the possible assertion of a Third-World-based counter-hegemony with the concerted demand for the New International Economic Order as a forerunner.[113]

This structural insecurity, coupled with the collapse of US hegemony, weighed upon the Carter administration between 1977 and 1980. It is in this context that human rights rhetoric was introduced to the executive branch of US government, and hyper liberal policies of de-regulation and privatisation began to be implemented. This thesis traces the pre-conditions for the hegemony of global capital in this period. In doing so, the thesis conceptualises Carter's human rights policy, in conjunction with civil society, as a

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[111] Stephen Gill and David Law, "Global Hegemony and the Structural Power of Capital," in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 93.
[112] Sinclair, "Beyond international relations theory: Robert W. Cox and approaches to world order," 9.
[113] Cox,"Gramsci, Hegemony and International Relations," 61.

tenet within the emerging/developing framework of neoliberalism. Carter's deliberate human rights rhetoric served the interests of such hyper-liberalism in its focus on the individual, emphasis upon civil and political rights, and marketisation of economic rights. As a universalising moral project, it can also be conceptualised as in relationship with the Non-Aligned Movement's push for the NIEO. Human rights rhetoric in the twentieth century transformed as the world order transitioned from one historical structure to another.

Cox's method of historical structures is an original and innovative contribution to the theory and study of international relations. His methodology builds on Gramsci's notion of a 'historic bloc', to apply hegemony in the context of world orders. Cox uses the term 'historical structures' when applying Gramsci's framework globally, a term borrowed from Fernand Braudel. Cox has stated that: "World hegemony is describable as a social structure, an economic structure and a political structure; and it cannot simply be one of these things but must be all three."[114] An analytical tool, historical structures, and their constituting forces, must not be taken as a rigid methodology to be applied on all occasions. Such an approach would lead to a "lazy and ahistorical approach," putting forward a "hypothesis in advance" and accepting a reductionist explanation.[115] Rather, global hegemonic movements should be historically located, and analysed through the balance of forces. For Cox, historical structures are essentially:

> …contrast models: like ideal types they provide, in a logically coherent form, a simplified representation of a complex reality and an expression of tendencies, limited in their applicability to time and space, rather than fully realized developments.[116]

It is under this framework that Cox introduces three broad, ideal type forces that interact within historical structures; material forces, institutions and ideologies.

4.2 Material forces, institutions and ideologies within historical structures

[114] Cox, "Gramsci, Hegemony and International Relations," 62.
[115] Gramsci, *Selections from the Prison Notebooks*, 167.
[116] Cox, "Social Forces, States and World Orders": 137.

Cox's methodological blueprint for the study of the formation of international hegemony, and the maintenance of power, centers on congruence between material forces, institutions and ideologies. These three components both guide interrogation, and allow for flexibility and adaptability in application. They are, according to Cox, the base ontologies that interact within a structure, and they have the capacity to develop and change. As Sinclair has noted:

> This diachronic moment seeks out contradictions and conflicts inherent in a social structure and contemplates the characteristics of emerging social forces and the nature and extent of structural change that is feasible.[117]

In studying the collapse of American post-war hegemony and the growth of transnational capital, for example, this approach tracks changes to material conditions, including the reordering of production, alterations in wealth levels, access to resources and armaments, changes to institutions, particularly the institutions of global governance, and changes in the ideational sphere, including to civil society, the media, and educational institutions, as well as to modes of thinking more widely. The interaction between material forces, institutions and ideas must be taken as reciprocal; that is they support and mutually constitute one another. This means that material forces and methods of production *produce* institutions and ideologies; institutions shape ideas and methods of production through the socialisation of norms, and ideas feed back to constitute material forces and institutions.

Robert Cox focuses particularly on production within material forces, where production is widely conceived. This is inline with the work of Gramsci, who argued that the construction of hegemony was dependent on the decisive nucleus of the economic.[118] For Cox, it is through productive activity that human life is sustained in all societies, and this production therefore drives the organisation of social forces. This is a concept that is derived from and integral to Marxist philosophy more widely.[119] Cox's emphasis upon the material has led to criticism of his approach, and neo-Marxist and Neo-Gramscian

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[117] Sinclair, "Beyond international relations theory: Robert W. Cox and approaches to world order," 8.
[118] Hall, "Gramsci and Us," 6.
[119] See, for example, Karl Marx, *Capital, Volume 1* (London: Penguin edition, 1990).

scholarship more widely, as tending towards economically determinist or reductionist analysis.[120] This historical materialist methodology, however, allows Cox to include:

> …the production of ideas, of intersubjective meanings, of norms, of institutions and social practices, i.e., of the whole context of ideas and institutions within which production of material goods takes place. Looking at production is simply a way of thinking about collective life, not a reference to the "economic" sectors of human activity…[121]

This approach adopts the Gramscian notion of the dialectic between the material and the ideational. It suggests that while the breakdowns of components within a historical structure are a useful heuristic device, they are not to be taken as discrete categories. The production process achieves the commonsense of an epoch, which then reinforces and shapes production.

Cox utilises Gramsci's concept of two theoretical consciousnesses to illustrate the production of collective ideas and commonsense within a historical structure, forming the ideological component of his triadic formula. Gramsci wrote that there is one theoretical consciousness that is "inherited from the past and uncritically observed," and another that elaborates upon collective images and envisages "practical transformation of the real world."[122] Inter subjective meanings can be defined as shared understandings regarding social relations that "perpetuate habits and expectations of behaviour."[123] These notions are understood and accepted uncritically; they are taken as natural givens in the backgrounds of people's lives. Such thought patterns are "elaborated over the centuries", and result in the "creation of our present method of thought."[124] Examples of such meanings in the contemporary political and economic landscape include the organisation of people into territorially bound states.[125] This thought process has origins in the Treaty of Westphalia, and was Euro-centrically imposed on the wider world through colonialism, imperialism and the exportation of European-style

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[120] See, for example, John M. Hobson, "To be or not to be a non-reductionist Marxist: Is that the question?" in *Marxism and World Politics: Contesting Global Capitalism* ed. Alexander Anievas (London and New York: Routledge, 2010).
[121] Sinclair, "Beyond international relations theory: Robert W. Cox and approaches to world order," 9.
[122] Gramsci, *Selections from the Prison Notebooks*, 333.
[123] Ibid.
[124] Ibid, 327.
[125] Cox, "Social Forces, States and World Orders": 136.

capitalism from the fifteenth to the twentieth century. While used as an example, this discussion is not meant to imply a homogeneity in global thinking about forms of state, nor is it to suggest that this mode of thought has been unchallenged (particularly through globalising forces, transnational social classes, regionalisation and identity politics). Inter subjective meanings are a heuristic device, necessarily broadly sketched in trying to determine the thought patterns of an epoch.

Collective images also hold a role in the creation and maintenance of hegemony. These images differ from inter subjective meanings in that they can be exclusive to different groups of people. They are nationally and culturally shared, and can differ substantially amongst different regions and processes of socialisation.[126] These images speak to an imagined community, our ideas of national character, and our collective fantasies. Stuart Hall, in analysing the ideology of Thatcherism in Britain during the 1980s, for example, saw its strength in addressing the "fears, the anxieties, the lost identities, of a people."[127] Human rights in Carter's America similarly spoke to the moral disillusionment and shaken national identities of the American people in the wake of the Vietnam War and Watergate scandal, as well as through the economic recessions, oil shocks, and the breakdown of the Bretton Woods system.

Institutions are the final cog that fit with material capabilities and ideologies in a Coxian understanding of hegemony in world orders. In his framework institutions can be seen as a stabilising mechanism within a particular order, essential in its continued perpetuation.[128] Institutions are understood to be established and/or maintained by dominant powers and thus reflective of their interests, although they also have the ability to evolve. Established by the United States of America, for example, the Bretton Woods institutions are understood to have disseminated the beliefs of the US State Department and Treasury during the period of *pax americana*. In studying the structural power of transnational capital, Gill and Law have argued that transnational corporations have expanded their lobbying efforts at the World Bank and International Monetary Fund,[129] causing an evolution in the interests supported by these financial institutions.

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[126] Ibid.
[127] Hall, "Gramsci and Us," 4.
[128] Cox, "Social Forces, States and World Orders": 136.
[129] Gill and Law, "Global Hegemony and the Structural Power of Capital," 103, citing C Payer, *The World Bank: A Critical Analysis* (New York: Monthly Review Press, 1982).

In shifting lobbying focus from state governments, transnational corporations have increased their ability to shape the policies of the Bretton Woods institutions. Moving beyond a state centric model, the IMF and World Bank are also influenced by increasingly well-developed transnational financial networks, linking them to commercial and central banks globally.[130] The influences and motivations of international institutions cannot be seen in a simplistic, determinative way. They must be seen as "…particular amalgams of ideas and material power which in turn influence the development of ideas and material capabilities."[131] Particularly in the post-World War Two era, institutions have allowed ideas to be projected on a global stage. They, in part, facilitate the blurring of 'inter subjective meanings' and 'collective images' in that they present what were once inter subjective meanings to a global audience, encouraging their adoption as collective images.

International institutions can play a crucial role in reinforcing hegemony as they ideologically legitimate the norms of world order. In the context of *pax americana,* the Marshall Plan, NATO, the Bretton Woods financial system and the United Nations, can be conceptualised as mechanisms of United States globalism at their establishment. The Post-war American strategy centered on the cultivation of a capitalist world system in opposition to the Soviet Union, with the shaping of Western Europe particularly prioritised.[132] Under a Coxian, neo-Gramscian understanding, the United Nations, as a particular example pertinent to this thesis, worked to embody and enforce rules that led to a further strengthening of US hegemonic rule. The norms of state sovereignty and non-intervention, alongside a humanitarian agenda, were promoted within a framework of international capitalist trade.[133] The role of the United Nations in bolstering US hegemony (an essentially nuanced and varied, rather than straightforward process) came under threat as newly de-colonised states flooded the General Assembly, with the NIEO signifying a high point of Third World solidarity. The NIEO challenged the US-led international economic order as the world, and US economy reeled under the pressure of the oil shocks and recession.[134] This challenge was elucidated in international

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[130] Ibid.
[131] Cox, "Social Forces, States and World Orders": 137.
[132] Stephen Gill, *American Hegemony and the Trilateral Commission* (Cambridge: Cambridge University Press 1990), 126.
[133] Lawson, *International Relations*.
[134] Enrico Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988).

economic terms, and incorporated trade, development, and economic rights. As this thesis will show, the Carter administration re-introduced human rights to US foreign policy, and re-defined the US approach, in the context of weakening institutional dominance. The Coxian understanding of institutions and their relationship to hegemony and world orders is a key methodological tool for understanding this process. It's important to note that hegemony cannot be reduced to an institutional dimension, and that an over focus on institutions can obscure changes in material forces and ideologies. While they may express hegemony, institutions can also be out of phase with material relations and ideas, and thus find their "…efficacy as a means of regulating conflict (and thus their hegemonic function) thereby undermined."[135]

Building upon Gramsci's work on civil society, Cox has argued that global civil society is crucial in constructing the image of universality that supports a global hegemonic order. Under a historicist-dialectical understanding, a hegemonic world order has historically been founded as an outward expansion of a national hegemony established by a dominant social class. This expanded order, and the changes effected to the international mode of production, cannot gain hegemony if perceived as directly exploitative. Under this framework, and describing the growing hegemony of transnational capital, Cox has written:

> Such an order would hardly be conceived in inter-state terms alone, for this would likely bring to the fore oppositions of state interest. It would most likely give prominence to opportunities for the forces of civil society to operate on the world scale (or on the scale of the sphere where hegemony prevails). The hegemonic concept of world order is founded not only upon the regulation of inter-state conflict but also upon a globally conceived civil society, i.e., a mode of production of global extent which brings about links among social classes of the countries encompassed by it.[136]

[135] Cox, "Social Forces, States and World Orders": 137.
[136] Cox, "Gramsci, Hegemony and International Relations," 61.

Cox has also noted that the hegemony of dominant global classes as supported by civil society "impinges on the more peripheral countries as a passive revolution,"[137] rather than the thorough revolution that occurs in core states. This thesis works to situate the mobilisation of civil society around human rights issues, with particular focus upon Amnesty International, within this understanding of hegemony. Under this framework, growing popular Western support for 'human rights' in the 1970s must be conceptualised as in relationship with the socio-political and economic upheavals of the period, declining US hegemony, and the growth of globalising capitalism. Civil society can be viewed as an ideational component of Cox's 'material forces, ideas and institutions' triad, that also mutually constitutes institutional change and changes to material forces.

4.3 Social forces, forms of state and world orders

The final stage of Cox's research program is the application of historical structures (constituted by material forces, ideas and institutions) to three spheres of activity; social forces related to production, forms of state and world orders. These levels are not in fixed relationship to each other, and are to be viewed as dialectic and reciprocal. It can be posited, however, that the social relations of production necessarily give rise to social forces, which impact forms of state, and ultimately world orders. They are categories that provide a simplified illustration of complex realities, and can be used as a guide for research. The broad strokes of these components allow for flexibility of interpretation and application, and they are not to be used dogmatically.

The social forces category is particularly concerned with the organisation of the production process, and the social forces that they engender. It is argued that the production process shapes the forces within an economy – from the role of national manufacturing in hegemonic Britain during the nineteenth century, to the modern day role of international capital and production.[138] As discussed above, this understanding is inline with both Gramsci's conceptualisation of the mode of production as the nucleus of the historical bloc, and Cox's argument that 'production' encompasses both material and ideological forces. The concept that the social relations of production are essential in

[137] Ibid. See also Adam David Morton, *Revolution and State in Modern Mexico*, and Adam David Morton, Approaching Passive Revolutions: Special edited issue of Capital & Class, *Capital and Class* 34 no. 3 (2010).
[138] Cox, "Social Forces, States and World Orders": 140.

shaping forms of state, and therefore world orders, is also in line with Cox's understanding of the historical structures of world hegemony. As referenced above, Cox has argued that international hegemony is gained by the outward expansion of social forces from a powerful state that has experienced an economic, political and social revolution. Hegemony is therefore understood as a mode of expansive class rule, rather than the hierarchy of states.[139] Class rule emerges "within and through historical processes of exploitation", and is a neither non-static nor determinative social force, informed by specific historic circumstances.[140] Morton notes that this conceptualisation of global hegemony, and the focus on:

> …exploitation and resistance to it ensures that social forces are not simply reduced to material aspects, but also include other forms of identity involved in the struggle, such as ethnic, nationalist, religious, gender or sexual forms.[141]

This plurality in the social forces of production, and the relationship between exploitation and resistance in international hegemony and world order, moves beyond structural Marxist understandings. The state-centric drive for a NIEO, and for the recognition of economic rights, can therefore be conceptualised as resistance to exploitation in the international sphere that also intrinsically featured a nationalist identity in the claiming of human rights. It can also be seen as mobilised by the post-war economic order and doctrine of national economic sovereignty. The upheavals of the 1970s are key to the neo-Gramscian understanding of change within social forces related to production, forms of state and world orders.

The social forces of production, according to Cox's model, are conceptualised as international and globally penetrating, shaping both forms of state and world orders. Cox, among other scholars, has focused upon the transition from *pax americana* to the growing hegemony of transnational capital to illustrate this framework of understanding. A varied and complex reality, the transition from *pax americana* saw a shift from the material, institutional and ideational dominance of the US, and a move away from embedded Keynesian liberalism, state-centric development models, the

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[139] Morton, *Unravelling Gramsci,* 117, and Henk Overbeek, "The Forum: Hegemony and Social Change," *Mershon International Studies Review* 38 no. 2 (1994).
[140] Morton, *Unravelling Gramsci,* 117.
[141] Ibid.

Bretton Woods System, and the post-war boom. The unleashing of globalising capital saw a restructuring of production in both the core and periphery. Susan Strange cited a rise in the predominance of finance capital and the control of credit under this paradigm, and the resulting situation in which "structural power over production geared to a world market becomes that of increasing cultural, linguistic and ideological influence."[142] The global predominance of neoliberal forms of production, including privatisation, deregulation, trade and capital liberalisation, and the increasing role of the transnational, have engendered many and varied social forces, penetrating and shaping forms of state and world orders.

'Forms of state' refers to the study of state and society complexes. This refers to the political and economic structure of each particular state and the intertwined development of social classes and civil society. This is related to Gramsci's conception of the dialectic relationship between the material and ideational, and formation of hegemony, discussed in Section 3. In this understanding, the production process necessarily shapes social forces, and social forces, in turn, shape the mode of production. Material power as possessed by social classes can be used to gain political power, set up political institutions and create laws. Similarly, those in political power have the capacity to create laws and institutions that shape material and social forces, limiting some forms of behaviour and encouraging others. The state is not to be taken as a distinct analytical category, but as an amalgamation of social forces, in which there must be a relationship between civil society and political structures in order to achieve hegemony. This configuration is closely related to the concept of historic bloc and historical structure; rather than being a predetermined and linear relationship between the mode of production, state and society, social forces are specific to historical contexts, and are continually contested through material forces, ideas and institutions. Similarly, the relationship between the social forces of production, forms of state and world orders, should not be taken as simply unilinear. According to Cox, not only do modes of production shape forms of states and world orders, international conditions feed back to shape forms of state and the social forces of production. This offers a holistic framework for analysis that moves beyond simple determinism. Therefore, under this conception,

[142] Susan Strange, *States and Markets,* 2nd ed. (London: Continuum, 1994), 30.

different relationships between the spheres of society, state and transnational structures can be studied.

The concept of world orders refers to the "particular configuration" of forces that "… successively define the problematic of war or peace" for the "ensemble of states".[143] As discussed earlier in this section, a neo-Gramscian perspective sees hegemonic world orders, or 'historical structures' as a much broader and nuanced phenomenon than the dominance of one state or group of states over others. Under a neo-Gramscian framework, hegemony is achieved by a configuration of social forces, and shaped by material conditions, institutions and ideas. Hegemony is continually contested and remade, and thus subject to change. Neo-Gramcian scholarship introduces a new ontological perspective to international relations theory, conceptualising the historical dialectic, and Gramsci's understanding of the material and ideational components of hegemony, in relation to world orders. The "problematic of war and peace" in the quotation from Cox is an example of the most commonly cited international relations problematic,[144] and as an example, can obviously be expanded to encompass the problematic of identity, sustainability, inequality and human rights. Cox's use of the term an "ensemble of states" reflects the understanding that the state, at the time of writing, persisted as the dominant form of social organisation. As Morton, and Agnew, have noted, a dialectical understanding of forms of state and world orders allows for an acknowledgement that political space can not be "reduced to state territoriality,"[145] and yet, "place-specific conditions still mediate many production and trade relationships."[146] A Gramscian conception of hegemony and historical structures allows for an understanding of changes to production, social forces, forms of state and world orders.

Just as critical theory is concerned with emancipation from the dominant and replicating power structures, Cox uses the concept of historical structures to identify possible paths for transformation. In framing historical structures as a historically contingent combination of forces, being built upon material capabilities, ideas and institutions, as well as social forces, forms of state and world orders, it is contended that hegemony is a constructed and successive process, whereby one historical structure

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[143] Cox, "Social Forces, States and World Orders": 138.
[144] Lawson, *International Relations.*
[145] Morton, *Unravelling Gramsci,* 122.
[146] John Agnew, *Hegemony: The New Shape of Global Power* (Philadelphia: Temple Press, 2005), 166.

gives way to another. In tracing the foundations and development of a hegemonic order, conceptually beginning within a powerful state and spilling outwards through changes to the mode of production, dissemination of ideology and interlinking of capitalist classes and civil societies, it is possible to identify the development of rival structures. As human perceptions and ideological understandings are historically contingent, they are subject to change. Cox has suggested that, "…social forces generated by changing production processes are the starting point for thinking about possible futures."[147] In his book *Production, Power, and World Order*, Cox conceptualised the economic crisis of the 1970s to contrast "two ideal types of society competing for future dominance: state capitalism and hyperliberalism."[148] This thesis will largely utilise the historical dialectic study of transformation to examine the shift that occurred towards "hyperliberalism" in the 1970s.

5. Conclusion

Antonio Gramsci, and Robert W. Cox[149] have articulated ontologically sound research programs of great utility. The dialectical understanding of the relationship between modes of production, civil society and the state, developed by Gramsci, has been expanded by Cox to encompass material forces, institutions and ideas within world orders. Gramsci's concept of hegemony and the historical bloc was both focused upon the domestic conditions of Italy, and situated within the wider stage of the international. Cox has followed this model by arguing that hegemony within a historical structure has its origins in the social forces of a powerful state. Both conceptions acknowledge the capacity for change and transformation within hegemonic structures, and the supporting, dialectic relationship between material conditions and ideologies within such structures. Neo-Gramscian authors, including Cox, have harnessed these insights to present insightful studies of the transition from the embedded liberalism of *pax americana* to the hegemony of globalising, transnational capital. The subsequent chapters of this thesis will draw on this scholarship to apply Gramscian concepts to world orders, and to orient human rights rhetoric within this historical juncture.

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[147] Cox, "Social Forces, States and World Orders" : 149.
[148] Cox, "Influences and Commitments," 32. See also Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987).
[149] Necessarily inspired by, and supplemented by, the work of other scholars.

Stephen Gill's chapter, "Epistemology, Ontology and the 'Italian School', within *Gramsci, Historical Materialism and International Relations*, contained the charge that:

> …the transition from a balance of power/hegemony (Westphalian) international political system towards a post-Westphalian system (Cox, 1990) needs to be explained through the examination of the ways in which social forces and social structures are entering a period of transition, so that, in classical Marxist terms, there is both a growing socialization (universalisation) of aspects of social life, and a disintegration of previous forms of identity and interest: crudely speaking between, for example 'internationalist' and 'nationalist' groups of interest."[150]

This thesis will seek to situate the doctrine of transnational, individual rights, "understood primarily as human rights against the state,"[151] as a social force and ideational concept in dialectic relationship with the material forces of production. The Carter administration's definition of human rights must also be studied with the acknowledgement that:

> In the emerging post-Westphalian system, then, the cosmopolitan-ism of international economic forces was accompanied by a disciplining of the Third World, in order to deepen the structural power of internationally mobile capital and undermine prevailing mercantilist arrangements.[152]

The human rights doctrine that emerged in the 1970s can be conceptualised as in relationship with the call for the NIEO, and the growing hegemony of transnational capital. This section will close with Timothy J. Sinclair's 1996 program of study of the Cold War era that utilises Cox's method of historical structures. He has written that:

> The next step involves considering the relationships between these spheres [the social forces of production, forms of state and world orders] under the pressures produced by the Cold War and other historical structures, and the changes in the historical structure as the Cold war evolved and as other totalities, such as the

[150] Gill, "Epistemology, Ontology and the 'Italian School,'" 30.
[151] Van der Pijl, "Historicising the International: Modes of Foreign Relations and Political Economy": 12.
[152] Gill, "Epistemology, Ontology and the 'Italian School,'" 32.

> Third World demand for a New International Economic Order and subsequently the rise of the global economy, became significant.[153]

This thesis will ultimately seek to apply Gramscian and Coxian frameworks to the study of human rights rhetoric within changing historical structures.

[153] Sinclair, "Beyond International Relations Theory," 12.

Chapter 3 – The historical lineage of twentieth century rights discourse

1. Introduction

This chapter delves into the pre-twentieth century lineage of international human rights discourse. A literature review of sorts, it explores both the traditional approaches to human rights historiography, alongside the prominent critiques of human rights histories. This chapter will trace the legacies of the ancient religions, Ancient Greece and Rome, Medieval Europe, the Enlightenment, the English, American and French Revolutions, and the abolition of slavery to argue that while the 1940s were a period of organic crisis and transformation, some vestiges of pre-twentieth century rights discourses remained. Concepts of human dignity and the natural rights of humanity were transformed in the twentieth century to encompass non-Western races and women; constructing an international human rights regime distinct from the discursive discourses of the 'rights of man'. Continuities and parallels, however, can be found in the rights philosophy of liberal capitalism: concepts that have a long legacy in the history of ideas. This can be located in the modern human rights movements 'commonsense' acceptance of individual 'liberty' as the constitutional right to possession in the functioning of a market economy. As chapter two of this thesis has detailed, a commonsense understanding within a society is inherited from the past, and carried as a set of assumptions and preferences.[1] A Gramscian and Neo-Gramscian approach to the study of historical structures allows for the appreciation of transformations and continuities in state and society configurations, and as critical theory it is enhanced by its comprehension of historical processes. As such, the hegemony of transnational capital, developed through a myriad of social, political and economic contexts, can be seen to draw its legacy from the political theory of the sixteenth, seventeenth and eighteenth centuries.

This chapter is comprised of two sections. The first provides a review of the traditional literature on the historical lineage of human rights discourses. It ultimately argues that

[1] Antonio Gramsci, *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, London, 1971), particularly 333.

while the available literature is a valuable source in tracing rights discourses in the history of political thought, caution must be applied in assuming continuities and a progressive narrative in which human rights concepts were improved and strengthened throughout the centuries. Furthermore, the highly exclusionary and fractured discourses of the 'rights of man' must be critiqued with reference to the legacy of their exclusions, particularly in terms of gender and race within the structures of liberal capitalism. The second section turns to the most prominent historical critique of liberalism, Marxism, to first outline a Marxist reading of the work of Enlightenment scholars such as Hobbes, Locke and Kant. It argues that mainstream human rights historiography has tended to have a 'blind spot' in the study of politico-economic structures, and that sixteenth, seventeenth and eighteenth century political thought must be analysed in conjunction with the emergence of capitalist market exchange. The section then moves to trace the continuities in rights discourse under liberal capitalism from the First Glorious Revolution to the Post-Cold War era. It argues that the state and society configuration of the *Lockeian heartland*[2] has persisted through the centuries, and that this shaped the twentieth century rights discourse. This ultimately resulted in a 'commonsense' understanding of constitutionally ensured civil and political rights, most notably the individual right of possession, in the Anglo Saxon heartlands.

2. The (contested) historical lineage of the twentieth century human rights movement in mainstream literature

Legal philosopher and human rights scholar Costas Douzinas has traced the history of human rights from classical Greece and Rome to the twentieth century. In investigating the history of ideas, he has cautioned that "The intellectual pedigree of human rights is the unlikely result of a combination of disparate events, idea and traditions,"[3] while also arguing that "The concept of nature and natural law was first used in classical Greece and has occupied a prominent role in Western ethics, politics and law ever since."[4] As a legal theorist, his work has traversed natural cosmology as practiced by the classical Greeks, to the cosmopolitan beliefs of Stoicism, which he then argues contributed to the

[2] Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax: Fernwood Book, 1995), and more recently, *Global Rivalries from the Cold War to Iraq* (London: Pluto Press, 2006).
[3] Costas Douzinas, *Human Rights and Empire: The political philosophy of cosmopolitanism* (Oxford and New York: Routledge-Cavendish, 2007), 15.
[4] Ibid.

development of natural law under Medieval Christian philosophy.[5] Greek cosmology recognised a natural teleology, in which humanity was subject to the schemas and hierarchies of nature. Douzinas has written that through this conception, "the universe and everything in it … has a purpose, telos or end."[6] Crucially, "Human perfection can be achieved only politically, in the *polis* (city in Greek) and in collaboration with other citizens."[7] This led to the construction of citizenship, and inclusion and exclusion within this space. Douzinas has noted that:

> … both Greeks and Romans used the same word (*dikaion, jus)* to signify the lawful and just state of affairs. For the classics, the nature of each being differed; it was flexible, it adjusted to local conditions and its discovery was subject to rational argumentation and rhetorical disputation.[8]

The school of the Stoics, active in the third and second century BC, challenged this natural law perspective, instead advocating a universal understanding of morality and humanity. Stoicism recognised "…universal humanity, based on the rational essence of man,"[9] a concept that was also emphasised during the Enlightenment. Douzinas has ultimately argued that the natural law of the classics inspired medieval Christian philosophy, and coursed through the philosophical work of the Enlightenment, thus playing a part in shaping the twentieth century rights discourse as typified by the Universal Declaration of Human Rights.[10] By taking a critical, historical dialectic approach in this thesis, it must be understood that ideas and events are carried between historical structures, informing 'common sense' and lending salience to the modern interpretations of particular concepts.[11] Such an approach must be applied with caution, however, as the tracing of noble concepts can lead to the construction of a progressive narrative that may be utilised to serve positivist international relations theory.

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[5] Ibid, 17.
[6] Costas Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Oxford: Hart Publishing, 2000), 28.
[7] Douzinas, *Human Rights and Empire*, 16.
[8] Ibid, 17.
[9] Douzinas, *The End of Human Rights*, 31.
[10] Ibid.
[11] Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley and Los Angeles: University of California Press, 2004), 2.

The universalism of the Stoics, was, according most notably to Micheline Ishay and Paul Gordon Lauren, also found to a certain extent in the ancient religions of Hinduism, Buddhism, Confucianism, as well as through the Abrahamic religions of Judaism, Christianity and Islam. Hinduism, the world's oldest religion, is subject to the *dharma*, a moral and religious law that governs individual conduct. Moral duty and just actions towards others are emphasised,[12] and extend to all people beyond the self. According to Ishay and Lauren, the Abrahamic religions of Judaism, Christianity and Islam draw human worth from the act of its creation and its relationship to the creator. They argue that dignity is endowed because humanity is designed in the image of the divine and capable of communion with God, and dignity therefore extends to all. Additionally, Buddhist thought is devoted to the concept of the individual's innate suffering, and that of selflessness, which leads to universal compassion and solidarity.[13] In speaking against the rigid caste system, Buddha famously stressed the "unique value of each individual as spiritual and physical beings."[14] The many teachings of Confucius focused on living ethically while on earth. Human nature was perceived as primarily good, with love for others required to extend beyond family and personal relationship, and extend universally.[15] The benefit in locating the impulse to universality in various religions and cultures is that it challenges the Euro-centricity of dominant human rights historiographies. It is ahistorical to suggest that "all societies somehow have always subscribed to the same basic beliefs and values", and it's also ethnocentric to attribute a belief in the moral worth of each person as unique to one particular society. The survey of these religious positions on human dignity is important as it highlights that these ideas did not originate exclusively in one geographical region such as the West.[16] Pre-modern ideas of universal dignity, however, did not extend to the concept of rights, causing Douzinas to by-pass ancient religious doctrines and connect the natural law of Ancient Greece to the Christianisation of the Roman Empire, and early Christian thought.

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[12] Ibid, 20.
[13] Ibid, 21.
[14] Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003), 6.
[15] Ibid, 7.
[16] Lauren, *The Evolution of International Human Rights*, 12 and more widely.

Douzinas has suggested "…the main force moving the law towards a theory of natural rights was its gradual Christianisation."[17] The Middle Ages replaced the natural law teleology of Ancient Greeks with a Christian legal tradition, in which the law of the omnipresent God superseded the cosmology of the universe.[18] This Christianisation can be seen principally in the work of Augustine and Thomas Aquinas, who argued that Christian principles were superior to state law.[19] Douzinas has argued:

> …once the Church's superiority over secular authorities was secured, natural law became a justification of state power and the faithful were told to respect and obey the secular princes.[20]

Christian teleology and natural law were also bound to the politico-economic structures of feudalism, a configuration that didn't concern Douzinas' survey of legal thinkers in this particular context. According to Scott and Vitoria, "The Christians accepted a world in which he was born and in which he lived, with its customs and duties."[21] The fundamentally unequal relations of the feudal system were justified and sustained by the concept of divine will. The individual was ascribed dignity through religion, but in practice the divinely appointed society accorded role and worth. Douzinas has located the birth of the individual, a fundamental point in the teleology of natural rights, in the fourteenth century work of Franciscan nominalists Duns Scotus and William Ockham.[22] While devout defenders of God's power, the Franciscan's ultimately separated God and nature.[23] According to Douzinas:

> The separation of God from nature and the celebration of an omnipotent and unquestionable will prepared the eventual removal of God from earthly matters and the foundation of secular sovereignty… The mutation of objective natural law into subjective individual rights was a 'Copernican moment', a cognitive,

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[17] Douzinas, *Human Rights and Empire*, 17. See also, Costas Douzinas, "The Paradoxes of Human Rights," *Constellations* 20, no. 1 (2013), particularly at 55.
[18] Douzinas, *Human Rights and Empire*, 18.
[19] Ibid.
[20] Ibid.
[21] James Brown Scott and Francisco de Vitoria, *The Spanish Origin of International Law* (Oxford: Clarendon Press, 1934), 173.
[22] Douzinas, *The End of Human Rights*: 61. See also Richard Tuck, *Natural Rights Theories* (Cambridge: Cambridge University Press, 1979).
[23] Douzinas, *Human Rights and Empire*, 19.

> philosophical and eventually political revolution. From that point on, legal and political thought placed at the centre of its attention the sovereign and the individual, as mirror image and foil, with their respective rights and powers.[24]

It is through this philosophical prism that, Douzinas argues, the Enlightenment work of Thomas Hobbes, John Locke, Thomas Paine and Jean-Jacques Rousseau, among others, must be strongly situated. He suggests that Christianity is the historical thread that forms the basis for contemporary human rights. The Coxian methodological approach to the study of history, which underpins this thesis, allows for the conceptualisation of both permanence and rupture in the transformations between historical structures. Therefore, the transformation of the 1940s necessarily carried vestiges of past, including the structures of liberal capitalism, and the imagery and morality of Christianity.[25]

In contrast to Douzinas, human rights scholars such as Elaine Pagels, Kirsten Sellars and Jack Donnelly have argued that the Enlightenment should be the starting period of a human rights historiography.[26] These approaches emphasise the European Enlightenment as the definitive turning point in rights discourse. While natural rights are widely understood to have developed and gained prominence during the Enlightenment, Moyn has charted the middle ground in the debate, arguing that:

> The concept of "natural rights" did not come out of nowhere. When Hobbes first referred to the right of nature, he used the same word ius that once referred to the law of nature. This earlier doctrine, which arose from a combination of Stoic universalism and Christian values, had its heyday in the medieval period; its most famous version is found in St. Thomas Aquinas's thought.[27]

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[24] Ibid, 19.
[25] See chapter five of this thesis for discussion of Amnesty International's use of Christian images and concepts in their human rights campaigns.
[26] Elaine Pagels, "Human Rights: Legitimizing a Recent Concept," *Annals of the American Academy of Political and Social Science* 442, (Mar 1979); Kirsten Sellars, *The Rise and Rise of Human Rights* (Phoenix Mill: Sutton Publishing, 2002); Jack Donnelly, "The Relative Universality of Human Rights", *Human Rights Quarterly* 29, no. 2, (2007).
[27] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge Mass: Belknap Press of Harvard University Press, 2010), 21.

According to R.J. Vincent, it was Dutch jurist Grotius who suggested in the seventeenth century that "…we should make it a habit to start with rights…" with the law of nature in his work becoming the law of respecting one another's rights.[28] Thomas Hobbes' innovation within this philosophical tradition was in introducing the "idea of a right beyond legal restraint by calling it a liberty to do or to forbear … and allowing, in the form of a right of nature, anything which is necessary to an individual's self-preservation."[29] Douzinas has elaborated in detail on Hobbes' law of individual self-preservation, arguing "With this move, Hobbes separated the individual from the social order and installed him at the centre, as the subject of modernity and the source of law."[30] A giant of Western political theory and much cited in human rights historiography, Hobbes' work in *Leviathan* both oriented the individual as the central unit of analysis, and justified the rule of an absolute monarch.[31]

The work of Paul Gordon Lauren and Costas Douzinas has partially returned the work of Hobbes to its social and historical context, and investigated the relationship between his right of individual self-preservation, his doctrine of sovereignty and justification of monarchical rule.[32] Hobbes was writing during the English Civil War, a series of political manoeuvrings and armed conflicts between the parliamentarians and the royalists. His lifetime would see both the replacement of the English monarchy with the Commonwealth of England and the Protectorate, and the Restoration of 1660. As Hobbes wrote of the right to self-preservation, he famously argued that without a strong and legitimate ruler, human life would be "solitary, poor, nasty, brutish and short."[33] Lauren has written that based on this conception of humanity, Hobbes argued:

> …that numerous tiny and insignificant individual humans needed to surrender themselves completely into the body of the huge figure of the powerful monarch

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[28] R.J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), 25.
[29] Ibid.
[30] Douzinas, *The End of Human Rights*, 71.
[31] The focus on Hobbes' legal innovations divorces his work from politico-economic structures, including the transition from feudalism and its attendant ideologies, to Protestantism and capitalist exchange. Section 3 of this chapter draws on Hobbes' work in *Leviathan* to address this blind spot.
[32] See Lauren, *The Evolution of International Human Rights;* and Douzinas, *The End of Human Rights*. Other prominent human rights histories, such as those by R. J. Vincent (*Human Rights and International Relations)* and Micheline R. Ishay (*The History of Human Rights: From Ancient Times to the Globalization Era*) make only cursory references to his politico-economic context and work in this area, and focus on the philosophy of his ideas.
[33] Thomas Hobbes, *Leviathan* (1651) (New York: Washington Square Press, 1964), 84-85.

> and state. Under this arrangement, subjects were not entitled to change the form of government, protest or accuse the ruler of injustice, punish the monarch, or possess any individual rights.[34]

Accounts, such as those by Lauren and Douzinas, then move to discuss John Locke's contribution to rights discourse, and that of Thomas Paine, Jeremy Bentham, Edmund Burke, Jean-Jacques Rousseau and Thomas Jefferson. This approach assumes continuity in philosophical thought and rights discourse, a standpoint that Moyn has cogently critiqued. He has argued that:

> …the basic lesson is that the concerns now addressed through a unified package of "human rights" have their own histories, with different chronologies and geographies, incubated as they were in separate traditions and for different reasons.[35]

Even Thomas Hobbes and John Locke, countrymen who shared thirty-seven years on earth, came of age in differing socio-political and economic eras, and witnessed differing events. Locke published *Two Treatises of Government* in 1689, a decade after Hobbes' death, which occurred just after the Glorious Revolution of 1688 and in the year of the English Bill of Rights. More significantly, according to Moyn, the work of these great philosophers presented vastly different socio-political and philosophical visions. Locke's scholarship, in contrast to Hobbes, would come to inform the American Revolution against monarchical rule.[36] The shortcomings of the approaches of Moyn, Douzinas and Lauren is that they do not locate the shifting ideas in regards to the shifting material circumstances – mercantilism, colonialism, emergent capitalism and the rising influence of the bourgeoisie. The Gramscian, dialectic materialist approach to history provides a correction to this literature, and will be detailed in section three of this chapter.

According to dominant human rights narratives, the intellectual lineage of rights discourse passed from Hobbes to Locke. Vincent has suggested that Locke's seventeenth century work is "so often taken as the foundation of modern natural rights theory, by

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[34] Lauren, *The Evolution of International Human Rights*, 22-23.
[35] Moyn, *The Last Utopia*, 16.
[36] Tony Evans, *Human Rights in the Global Political Economy* (Boulder and London: Lynne Reiner Publishing, 2011), 31.

virtue chiefly of his impact on the American Revolution."[37] In *Two Treatises of Government*, Locke introduced the right to the preservation of 'property,' defined as the protection of the body from violence or injury (and thereby the right to life and liberty),[38] and the safeguarding of lawfully acquired possessions. According to Locke, man's 'natural' state is one of freedom from the dominion of others, and in which he is subject only to the laws of nature. Locke contended that, under a hypothetical state of nature, all men are created equal in rights by a sovereign God ("…equal amongst another without subordination or Subjection"), and are not subject to the dominion of their father or wider society.[39] Under this conception, monarchical rule was associated with tyranny, as were political and social powers that claimed to have been divinely appointed. Liberty was to be attained under consented to, government instituted laws.[40] According to scholars such as Vincent, the Lockeian understanding of liberty permeated the revolutions and declarations of rights that were to follow. This understanding was also crucial in the construction of capitalist exchange, and the liberal capitalism of *pax britannica.*[41]

The English Bill of Rights was codified in 1689 as a parliamentary act in response to the Glorious Revolution, and was followed by the philosophical writings of Thomas Paine, the American Revolution and subsequent Declaration of Independence, and the French Revolution and its Declaration of the Rights of Man and of the Citizen. The universalistic claims of the American Declaration of Independence accorded that "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."[42] These natural rights, derived from the "Creator" by virtue of humanity, were exclusive in their application to the 'rational,' white citizens of America. This was a profound contradiction that undermined the code of the Declaration. The Declaration of Independence's primary purposes were to de-legitimate the rule of the British Crown in the American colonies, and to declare the right of America to self-

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[37] Vincent, *Human Rights and International Relations*, 25.
[38] Ibid.
[39] John Locke, *Two Treatises of Government* (1821), ed. P Laslett (Cambridge: Cambridge University Press, 1988), 269 and more widely.
[40] Ibid.
[41] See section three of this chapter, and Robert W. Cox, *Power, Production and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), particularly chapter 5, "The Coming of the Liberal Order."
[42] http://www.archives.gov/exhibits/charters/declaration_transcript.html.

governance. The French "Declaration of the Rights of Man and of the Citizen", held similar narrow parameters, confining humanity's "freedom" and "equal rights" to male and white French citizens. The rights endowed by the document are "liberty, property, safety and resistance against oppression."[43] Moyn has described this form of historiography as:

> Another, more promising approach to the "precursors" of human rights [that] focuses not on the achievement of their universalistic scope but on when societies began to protect the values named by specific items in revolutionary declarations and current lists.[44]

He has cautioned:

> But this history, too, forces the stress onto accident and discontinuity. Instead of dating universalisms, this approach tracks the social concern each current right singles out, one at a time, sometimes before those protections were integrated in the language of rights.[45]

The symbolic rights declarations symbolise a philosophical tradition of natural law and natural rights, however the relationship to the human rights doctrine that emerged in the twentieth century is contentious. The declarations do not represent a coherent and consistent body of thought, but rather fractured discourses that were produced by a variety of circumstances and events. In America, the *Lockeian heartland* flourished, and a social basis formed in which civil society were allowed to determine the course of development.[46]

As Augelli and Murphy have argued, "…from 1776 to 1945 American foreign policy can be thought of as playing out a single script, 'The Rise of the Liberal Empire,' written by

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[43] http://avalon.law.yale.edu/18th_century/rightsof.asp.
[44] Moyn, *The Last Utopia*, 16.
[45] Ibid.
[46] Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax: Fernwood Book, 1995), 104. See also section three of this chapter.

the colonial elite that founded the American foreign policy system."[47] In contrast, "in France the state forced the transition towards a commercial-industrial society on the country from above."[48] In studying the tensions between the *Lockeian heartland* and *Hobbesian* contender states, Van der Pijl has suggested:

> In France, the first major contender [to British dominance] in the late seventeenth to eighteenth centuries, relative economic backwardness combined with structural disadvantages of a socio-geographic type to congeal the state/society complex in the 'Hobbesian' configuration the power-holders resorted to in order to catch up with Britain. From the Cardinals and Louis XIV, interrupted by the French Revolution which expressed the accumulated contradictions of the state-driven catch up attempt, resumed under Napoleon, and henceforth pursuing a pattern of national development reproducing the pre-eminent role of the state in society, interrupted by shock-like adjustments (1848, the Popular Front/Vichy 1968) and foreign wars, France remained tinged by this formative experience.[49]

As America and France cycled through differing social and politico-economic circumstances, the rights listed by their Declarations failed to take root in the ensuing centuries.[50]

The abolition of slavery has been oft cited as one of the high points of humanitarian activism and morality before the twentieth century. The work of political historian Robin Blackburn has revisited the abolition of the slave trade, seeking to investigate stirrings of humanitarianism and potential 'human rights' legacies.[51] His highly detailed tomes make the case that the abolitionist cause moved beyond the rhetoric of 'liberty' and possessive individualism to challenge the morality of racial enslavement and the global commerce of the Atlantic slave trade. He has suggested that the cause mobilised religious organisations, the middle classes, the bourgeois and economic rationalists

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[47] Enrico Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988), 65.
[48] Kees Van der Pijl, "The Second Glorious Revolution," 109.
[49] Ibid.
[50] Evans, *Human Rights in the Global Political Economy*, 44.
[51] Robin Blackburn, *The Overthrow of Colonial Slavery 1776-1848* (London: Verso, 1988); *American Crucible: Slavery, Emancipation and Human Rights* (New York: Verso, 2011).

alike, and contributed to natural rights discourse. Blackburn has cited George Wallace; a Scottish jurist who wrote unequivocally denouncing the slave trade in his 1760 book, *The Principles of the Laws of Scotland*. Wallace argued:

> For these reasons every one of those unfortunate men who are pretended to be slaves, has a right to be declared free for he never lost his liberty, he could not lose it, his prince had no power to dispose of him. Of course the sale was *ipso jure* void. This right he carries around with him and it entitled everywhere to get it declared. As soon, therefore, as he comes into a country where the judges are not forgetful of their own humanity it is their duty to remember that he is a man to declare him free.[52]

Blackburn has contended, "…this is the first clear statement that Atlantic slavery was incompatible with what could surely be described as a human right, or of what Ted Honderich calls the 'principle of humanity.'"[53] Slavery was ultimately abolished by the British Empire in 1833, and can be attributed to a variety of politico-economic and social motivations. Continuity in discourse, and particularly in terms of natural rights discourse from this period to the twentieth century is difficult to locate beyond the logic of liberal capitalism, and the sanctity of property rights that this doctrine affords.[54] Enlightenment principles of natural law and natural rights, and the periods' "…dynamic, philosophical project to find new foundations for moral authority" ultimately "failed to produce any decisive conclusions."[55] The nineteenth century did not see a hegemonic understanding of universal human rights, rather it was mired by violent colonisation and an intensification of racist discourses under social Darwinism.[56]

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[52] George Wallace, *A System of Principles of the Law of Scotland* (Edinburgh, 1760), 94-5, quoted in Robin Blackburn, "Reclaiming Human Rights," *New Left Review* 69, (May-June 2011).
[53] Robin Blackburn, "Reclaiming Human Rights."
[54] See section three of this chapter.
[55] Evans, *Human Rights in the Global Political Economy*, 44.
[56] See Alan Lester, "Humanism, race and the colonial frontier," *Transactions of the Institute of British Geographers* 37, no. 1 (2012).

2.1 The prominent critiques of human rights historiography

Tony Evans has suggested that the historiography of the 'rights of man', as sketched above, has been challenged by both Western and Non-Western scholarship. He has cited the categories of feminist, Marxist, and post-modern critiques, alongside Islamic and Confucian literature,[57] categories to which I would also add post-colonial critique. The natural 'rights of man' were predicated on exclusionary ideologies and practices, along gender and racial lines, as well as through religious, class-based and various other forms of discrimination. The legacy of this exclusion has continued into the twenty-first century, and there is much critical literature that "concludes that claims of universal human rights are a fiction."[58] Evans has suggested that the social, political and economic forces of globalisation have provided context for more recent criticism and critique of human rights.[59] In studying the historical lineage of human rights, or the rights of man, such approaches are united in their critique of the liberal grand narrative; one that incorporates human rights as foundational, progressive and therefore increasingly universal. Moyn has prominently argued that the intellectual lineage of human rights prior to the twentieth century has been falsely constructed, and must be re-conceptualised and largely abandoned. In acknowledging the remaining historical vestiges of pre-twentieth century philosophical thought and its role in informing common sense, mainstream human rights historiography must also move to more fully acknowledge the mechanisms of exclusion that continue to permeate social and politico-economic structures.

Moyn has critiqued the study of human rights histories through the lofty principles of Enlightenment philosophers that do not adequately acknowledge the widespread and institutionalised racism that also developed during this period.[60] He has written that:

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[57] Evans, *Human Rights in the Global Political Economy*, 44.
[58] See Evans, *Human Rights in the Global Political Economy*, particularly chapter 3, "Challenging the Idea of Human Rights," and chapter 4, "Non-Western Concepts of Human Rights and Dignity."
[59] Ibid, 32.
[60] See, for examples of such human rights histories, Ian Shapiro, *The Evolution of Rights in Liberal Theory* (New York: Cambridge University Press, 1986); Vincent, *Human Rights and International Relations*; Lauren, *The Evolution of International Human Rights*; Ishay, *The History of Human Rights*; Douzinas, *The End of Human Rights*.

> …when Europeans left their own territory behind, and most especially in the encounter with the disconcerting novelty of American native peoples, they were forced to confront the limits of their assumptions. But, because they relied on the categories of classical philosophy and medieval religion to interpret the radical difference of indigenous cultures abroad, they could make no simple breakthrough to "humanity." Contemporary human rights still awaited their own Christopher Columbus.[61]

The philosophical universalisms of Hobbes, Locke, Immanuel Kant, Rousseau, Edmund Burke and Hegel, among others, need to be conceptualised as bound to the racist discourses that they contributed to and perpetuated. The Enlightenment philosophers were writing during periods of rapid European expansionism, forged through the exoticisation of the East, colonisation and the Atlantic slave trade, and the construction of notions of non-European irrationality. The European hegemony of this period, and the emergent hegemony of *pax britannica,* was predicated upon the emergence of mercantilist and capitalist power as well as the emergence of the powerful concomitant doctrine of liberty, and the racial and cultural superiority of the white man. It can be argued that the ideology of non-European irrationality was crucial in the Enlightenment construction of the 'rights of man' as a doctrine of 'liberty' that would become hegemonic under the British world order. This perceived irrationality allowed the denial of the natural rights to slaves as well as to the colonised, an ideology that supported the structures of the transatlantic slave trade and emergent capitalism.

Philosophical reception of the Enlightenment thinkers, particularly in the twentieth century, has largely ignored writings on race. Chukwudi Eze suggests that the proclamation of the Enlightenment as the Age of Reason was:

> …predicated upon precisely the assumption that reason could historically only come to maturity in modern Europe, while the inhabitants of areas outside of Europe, who were considered to be of non-European racial and

[61] *The Last Utopia*, 16.

cultural origins, were consistently described and theorized as rationally inferior and savage.[62]

European Enlightenment philosophers self-consciously proclaimed an 'Age of Reason' in the wake of the Reformation, and in the context of a mercantilist international order and early capitalist exchange. As the work of Hobbes successfully removed justice from the realm of the divine, so Locke and Kant, among others, reclaimed rationality and reason. Rationality was divorced from God and then relocated in the human propensity for introspection and intellectualising which was most obviously expressed in the Arts and Sciences. This perspective of rationality as the basis of human rights has remained. Locke also philosophically justified the possession of private property and the accumulation of wealth amongst white males, as precipitated upon their superior rationality.[63]

Beginning in the Enlightenment period, reason and rationality was measured through the production of what Europeans considered to be art and science, and then projected onto non-Europeans to determine the level of civilization they had acquired.[64] The painting, sculpture, music and writing of the Europeans, in the flux of a cultural renaissance, as well as the scientific pursuits in biology, botany, astronomy, physics and chemistry among others were trumpeted as evidence of white civilization. In justification of the brutal Atlantic slave trade, it was claimed that no African had ever demonstrated genius or achievement in the arts or sciences.[65] Such a Eurocentric justification, and its subsequent claims of a lack of reason were used to deny fellow human beings even base 'rights.' Thomas Jefferson, even in arguing for the emancipation of slaves from a religious standpoint, stated that Africans "…in reason are much inferior", and incapable of comprehending the writings of Euclid. His emancipatory framework was one of divine judgment and pity, rather than human right. He referenced nature rather than God in claiming; "nature has been less bountiful to them in

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[62] *Race and the Enlightenment: A reader,* ed. Emmanuel Chudwuki Eze (Oxford and Massachusetts: Blackwell Publishers Ltd, 1997), 4.
[63] See section 3.1 of this chapter for further discussion of Locke's contribution to liberal philosophy and the sanctity of private property rights.
[64] Michael Adas, *Machines as the Measures of Men*, 2nd ed. (Ithaca: Cornell University Press, 2014).
[65] See Thomas Jefferson, "Manners" in *Notes on the State of Virginia,* (1787) reprinted in *Race and the Enlightenment,* ed. Emmanuel Chudwuki Eze.

endowments of the head."[66] Such sweeping, deeply incorrect and racist assumptions are commonly found in Enlightenment writings and colonial practices. Paradoxically, while the 'rights of man' were not applied to non-Europeans, perceived respect for natural rights were used as a measure of a culture's level of civilization, and a subsequent justification for the dominance of the uncivilised. While literature on post-colonialism and race has delved into the histories of the civilising missions and the legacies of colonialism,[67] the histories of human rights appear to display a relative blind spot in terms of the relationship between racist discourses and the Enlightenment 'rights of man.'

The suffragette movement provided a nineteenth century critique of the social, legal and politico-economic structures of the 'rights of man.' The struggle for the right to vote encompassed wider principles of equality between sexes including, "the rights to own property, to custody of their children in case of divorce, to keep their own earnings, to sign contracts, to serve on juries, and to equal education."[68] The achievement of suffrage, however, did not ensure equality in the dominant social, political and economic discourses of the twentieth and twenty-first centuries, nor did it lead, as feminists argue, to adequate inclusion in universal human rights discourses.[69] Gender analysis provides valuable insight into the entrenched social attitudes to masculine and feminine identities that underpin politico-economic structures, and the phenomenon that Robert O'Brien and Mark Williams call "feminization as devalorization."[70] This means that the characteristics associated with femininity are valued less by society than those attributed to masculinity. Women are seen, for example, to be emotional rather than rational, submissive rather than aggressive, caring rather than controlling, and suited to the private sphere rather than the public.[71] The legacy of the irrational female is particularly pervasive when viewed through the paradigm of political liberalism. In liberal philosophical thought, rights were endowed through the capacity for rationality

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[66] Ibid, 101.
[67] See, for example, Vijay Prashad, *The Darker Nations: A Peoples History of the Third World* (New York: New Press, 2007), and Aime Cesaire, *Discourses on Colonialism* (New York: Monthly Review Press, reprinted 2000).
[68] Ishay, *The History of Human Rights*, 162.
[69] Evans, *Human Rights in the Global Political Economy*, 32.
[70] Robert O'Brien and Mark Williams, *Global Political Economy: Evolution and Dynamics*, 3rd ed. (Hampshire and New York: Palgrave Macmillan, 2010), 281.
[71] Ibid, and V.S. Peterson, *A Critical Rewriting of Global Political Economy: Integrating Reproductive, Productive and Virtual Economies* (London: Routledge, 2003).

and reason.[72] The lower status given to "feminine" features justified female exclusion from 'public' life; legacies of this exclusion, and the continuation of de-valorising discourses have been brought into sharper focus by the processes of neoliberal globalisation.

Feminist critiques of neoliberal globalisation intersect with Marxist, post-colonial and global political economy approaches to the study of human rights. As gender studies uncover deep-rooted and systemic disparities in power,[73] they expose the various ways that power relations are constructed in the neoliberal global economy, and under the hegemony of transnational capital. A triumphant and progressive historiography of human rights that divorces philosophical universalisms from their social and politico-economic contexts, contributes to the neoliberal project. As Penny Griffin has written:

> By implicitly propagating the hegemony of neoliberal discourse through an intrinsic reliance on abstract, neoliberal categories of analysis, there is no room to ask, for example, how we might understand basic questions of human development, nor enable the poor to find their own solutions, since humanity's social existence has no meaning beyond abstract organising concepts such as the state, the market and the rational consumer-agent. Gender becomes noticeable through its absence.[74]

In incorporating gender, the liberal public-private dichotomy, and the devaluing of 'feminine' innate behaviours, skills and professions, is exposed in neoliberal theory and practice.[75] The impact of policies of de-regulation, privatisation and economic and trade liberalisation on Third World, former Communist and Western societies has been studied by feminist scholarship. For many feminists, gendered stereotypes have reduced the employment and remuneration opportunities for women, and the deregulation of the labour market has led to further casualisation of 'female' jobs and industries.[76] State withdrawal from vital services in healthcare, care for the elderly and disabled, and

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[72] Ian Shapiro, *The Evolution of Rights in Liberal Theory*, 124.
[73] O'Brien and Williams, *Global Political Economy*, 285.
[74] Penny Griffin, "Refashioning IPE: What and how gender analysis teaches (global) political economy," *Review of International Political Economy* 14, no. 4, (2007): 723.
[75] Catharine MacKinnon, "Crimes of War, Crimes of Peace," in *On Human Rights: The Oxford Amnesty Lectures*, ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1992).
[76] Evans, *Human Rights in the Global Political Economy*, 35.

education have increased the work burdens of women and contributed to deprivations in human rights.[77] Through gender analysis, export-led economic growth and the imposition of Structural Adjustment Programs in the Third World alongside Foreign Direct Investment and Export Processing Zones can be further conceptualised in terms of the exclusions they promote and reinforce.[78] In investigating axes of exclusion, this chapter will now turn to the Marxist critique of liberal capitalism.

3. Liberal capitalism, Marxist critique and rights discourse

There are few Marxist works that directly interrogate the history and foundations of human rights. Ivan Manokha's scholarship has provided the most comprehensive study of the transition from feudalism to capitalism and it's implication for the development of the 'rights of man' and human rights.[79] His utilisation of Marxist and Gramscian philosophy has allowed him to take a political economy approach to the study of Enlightenment philosophy. Manokha has placed the social contract theories of Hobbes, Locke and Kant in the relevant politico-economic structures, arguing that project of the 'rights of man' can only be conceptualised as part of the historical change associated with the emergence of market exchange and early capitalism. This project partly addresses the 'blind spot' of mainstream human rights historiographies; namely an exclusion of politico-economic critiques. As Manokha has reflected, "academic literature on human-rights enforcement generally takes for granted the appearance of its separation from global capitalism and thereby reproduces it."[80] In studying the great transformation from feudal social structures to capitalist exchange, Manokha has embraced historical materialism. He has written:

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[77] Ibid, 37.
[78] See, for example, the scholarship of Lourdes Beneria, *Gender, Development and Globalization: Economics As if All People Mattered* (New York and London: Routledge, 2003); Juanita Elias, *Fashioning Inequality: The Multinational Company and Gendered Employment in a Globalizing World* (Aldershot: Ashgate, 2004); David Morgan, Berit Brandth and Elin Kvande, eds. *Gender, Bodies and Work* (Aldershot: Ashgate: 2005); Ngai Pun, *Made in China: Women Factory Workers in a Global Workplace* (Durham and London: Duke University Press, 2005).
[79] Ivan Manokha, *The Political Economy of Human Rights Enforcement* (Hampshire and New York: Palgrave Macmillan, 2008), and "Foucault's Concept of Power and the Global Discourse of Human Rights," *Global Society* 23, no. 4 (2009).
[80] Manokha, *The Political Economy of Human Rights Enforcement*, 18.

> The notion of social totality rejects the reduction of phenomena to exclusively legal, political, economic or moral realms, and instead seeks to comprehend them through the organic unity of these domains.[81]

The section below will briefly sketch Manokha's thesis alongside the Marxist critique of liberalism.

3.1 The historical materialist critique of the Great Transformation and the 'rights of man'

In line with the work of Karl Polanyi,[82] Manokha has argued that profound changes to social relations in Europe began to take place from the late sixteenth century. He has suggested that the emergence of 'agrarian capitalism' in England spread to Europe in this period, and the feudal systems of surplus extraction and their attendant ideologies were gradually undermined.[83] As Stephen Caunce has argued:

> Feudal society in its essence allocated individuals to roles in society and expected them to fulfil them as a duty, with access to food and the other essentials of life allocated by the system rather than coming as rewards for effort.[84]

According to Manokha, the transition from religiously justified feudalism[85] to agrarian capitalism resulted in "[T]he previously political function of surplus extraction" being performed by the market, and as a result, "the realm of the political becomes confined to the state apparatus".[86] He has suggested that under nascent capitalism, the pre-Modern system of religious, political and legal coercion were replaced by economic need. The individual worker was compelled to trade labour for wages, transferring surplus labour to the capitalist in exchange for access to the mode of production. Agrarian capitalism served as a "hybrid forerunner" to industrialisation, allowing the development of wage labour within the established agrarian system, which in essence brought into existence a

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[81] Ibid.
[82] *The Great Transformation: The Political and Economic Origins of Our Time* (1944) (Boston: Beacon Press, reprinted 2001).
[83] Manokha, *The Political Economy of Human Rights Enforcement*, 84.
[84] Stephen Caunce, "Farm Servants and the Development of Capitalism in English Agriculture," *The Agricultural History Review* 45, no. 1 (1997): 52.
[85] Barry Hindness and Paul Hirst, *Pre-capitalist Modes of Production* (London: Routledge, 1975), 223.
[86] Manokha, *The Political Economy of Human Rights Enforcement*, 85.

quasi-proletariat class within the crumbling feudal framework. Farm service contracts, under the 1563 Statute of Artificers, provided a legally binding hire period of one year. This hybrid system delivered a reliable permanent labour force while providing a worker motivation that was absent under feudalism. This relationship made the serfdom of the feudal system redundant as the buying and selling of labour through the market came to replace direct coercion.

Manokha has argued that the work of Hobbes laid the foundation for the commodification of labour. *Leviathan* is said to have played a role in defining the individual and orienting it to capitalist exchange. Hobbes stated, "the Value, or WORTH of a man is … his price; so much as would be given for the use of his power."[87] For Hobbes, such power was famously zero sum; "…power simply is no more, but the excess of the power of one above that of another."[88] He therefore envisaged an exchange in which the players were locked in constant competition. According to Manokha, Hobbes accepted and advocated the burgeoning market economy, arguing that market determination of value is just, "…the value of all things contracted for, is measured by the Appetite of the Contractors; and therefore the *just* value, is that which they be contented to give."[89]

Manokha has suggested that the development of the market mechanism absorbed unequal relations that were political under the feudal system, and allowed for the development of an ideology of political freedom and equality, and therefore 'right'. This assertion echoes Marx, in that the market exchange of commodities masks or obscures the true, deeply unequal nature of the relationship between worker and capitalist.[90] As explained by Gramsci, market relations were and are increasingly naturalised, forming part of the socially produced vernacular of common sense.[91] It is only after the process of extraction that wage labour can be presented as freely originating and freely disposed. This process is fundamental to the understanding of right and liberty under capitalism. The worker's freedom from direct political coercion and subjection is a theme repeatedly emphasised in Enlightenment philosophy. Writers such as Locke

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[87] Thomas Hobbes, *Leviathan,* ed. C. B. Macpherson (Middlesex: Penguin Books, 1968), 42.
[88] Ibid, 26.
[89] Ibid, 75 [emphasis added].
[90] See Karl Marx, *Capital: Volume 1* (London: Penguin edition, 1990).
[91] Gramsci, *Selections from the Prison Notebooks*, particularly 333.

claimed that the right to liberty was characterised by the inability of another to lawfully take a person's life – essentially freedom from feudal serfdom and slavery. Manokha has argued that:

> What is crucial is that political and civil liberty and equality are presented as *the* liberty and equality, while the fact that there exists exploitation and inequality in the market is increasingly taken for granted and naturalized.[92]

In divorcing the political from the economic, a doctrine of individual liberty that naturalised economic exclusion emerged. It is in this context that the English Bill of Rights was codified in 1689, while vagrancy and poor laws suppressed the rights of labourers made landless through the collapse of serfdom.

Manokha has suggested that freed from the direct social constraints of feudalism, ideas of liberty and equality in the realm of the civil and political flourished amongst philosophers, politicians and colonisers. It must be noted that from its beginning, this was a doctrine of naturalised exclusion. While the right to liberty was sourced from nature, and therefore acquired through the very act of being born human, it's application supported prevailing power structures of economic, racial, religious and gendered inequality. According to C.B. Macpherson, the shift from traditional hierarchical society in which unequal rights were explained by transcendental morality, to a capitalist one, introduced a theory of possessive individualism, by which "The market provided an objective standard in the sense that it was beyond the power of any individual to impose his subjective standards."[93] This meant that:

> "…everything could be determined by an objective but not transcendental or customary hierarchical force. And this force could operate only if men were equally free, had equal rights to use or offer their powers in the market…"[94]

This assertion is consistent with the work of Marx. Both objectivity of the market, and equality of political rights can be taken to represent ideology in the negative sense under

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[92] Manokha, *The Political Economy of Human Rights Enforcement*, 86.
[93] C. B. Macpherson, "Introduction," in Thomas Hobbes, *Leviathan,* ed. C. B. Macpherson, 58-9.
[94] Ibid.

early capitalism. Jorge Larrain's critical understanding of ideology in the 'negative sense' argues that ideology is a set of ideas which distort or inadequately express reality, not due to a deliberate construction, but because "social practice presents itself to participants in such a way as to encourage inadequate or incomplete interpretations."[95] Marx's concept of the double dimension of ideology, as interpreted by Larrain can be cited here. Marx's reasoning is that philosophy derives from practice, with social reality permanently in the process of being "produced, reproduced and transformed by the activity of men."[96] In constant flux, it is argued that while the material conditions and social institutions are produced by capitalism and through human practice, they have also acquired an "…independence over and above individuals, constituting an 'objective power' which dominates men and women."[97]

According to Manokha, the work of John Locke further extended the philosophical justification of the wealth of few. He introduced a theory that supported the unlimited accumulation of wealth, arguing firstly that it is immoral for a person to store more perishable goods than they can reasonably consume. The hoarding of food, drink, livestock and agricultural products is argued to be wasteful, with Locke stating that,"…*the exceeding of the bounds of his just Property* [is] not lying in the largeness of his Possession, but the perishing of anything uselessly in it."[98] Under this logic, non-perishable goods can be "…hoarded up without injury to anyone…"[99] and it is therefore a morally just and defensible practice. Locke cited metal, shells, pebbles and diamonds as appropriately durable possessions, before moving to discuss money. He argued that money was invented as "…some lasting thing that men might keep without spoiling, and that by mutual consent Men would take in exchange for the truly useful, but perishable Supports of Life."[100] This argument was consistent with the ideology of capitalism, and in contrast to Hobbes's zero sum philosophy, the unlimited accumulation of one person was not seen as depriving their neighbour. Locke took pains to emphasise that, particularly in the case of enclosing and cultivating land, it was impossible for an individual to accumulate a level of possessions that would encroach upon or deny the

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[95] See Manokha, *The Political Economy of Human Rights Enforcement*, 72-3.
[96] See Jorge Larrain, *Marxism and Ideology* (London: Macmillan, 1993), 20.
[97] Ibid, 21.
[98] John Locke, *Two Treatises of Government* (1821), ed. P. Laslett (Cambridge: Cambridge University Press, 1988), 300.
[99] Ibid, 302.
[100] Ibid, 300-1.

rights of another. Manokha has argued that Locke was fundamental in laying the moral foundations of liberal capitalism,[101] being the justification of right to personally accumulate property.

Manokha's historical survey of rights discourse moves the baton to Immanuel Kant, who, Manokha argues, provided the philosophical tenets for the universalisation of individual rights.[102] In his study of 'pure reason' as independent of any particular social context:

> Kant lays the foundations for the internationalization of an ideological view of freedom and equality…confined to the realm of the political…[and] objectifying and naturalising economic inequality.[103]

Manokha then moved to discuss the French Declaration of the Rights of Man and Citizen, and the American Declaration of Independence, arguing that these bills of rights "preserved inequality in property and possession."[104] The writings of Karl Marx himself similarly critiqued the doctrine of liberalism and the philosophy of the 'rights of man.' Moyn has suggested that:

> Karl Marx himself pioneered what became a prevailing and longstanding way of arguing for a better world in which the rights of man remained the problem, not the solution. He took the general skepticism of rights involved in the advancement of workers' concerns so far as to lead to complete repudiation of them. His early text, "On the Jewish Question," offered a critique of the modern capitalist state as a forum for freedom, in which the abstraction of rights is alleged to obviate "real" freedom.[105]

Marx's critique of the French Constitution, and the French Revolution more widely, attacked the abstracted 'rights of man' offered under liberal capitalist order, and argued that such rights served the interests of the ruling bourgeoisie.[106] The liberal notions

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[101] Manokha, *The Political Economy of Human Rights Enforcement*, 89.
[102] Ibid.
[103] Ibid, 91.
[104] Ibid, 92.
[105] Moyn, *The Last Utopia*, 40.
[106] Karl Marx and Frederick Engels, *The German Ideology,* ed. Christopher John Arthur (New York: International Publishers, 1970); Karl Marx and Frederick Engels, *The Holy Family: Critique of Critical*

critiqued by Marx ultimately form the basis of the current hegemonic understanding of human rights.

Marx saw the right to liberty as obfuscating the fundamentally unequal and socially isolating processes of market exchange, which served the ruling classes. As he argued in the *Communist Manifesto*:

> What else does the history of ideas prove, than that intellectual production changes its character in proportion as material production is changed? The ruling ideas of each age have ever been the ideas of the ruling class.[107]

Adopting the Marxist approach, Tony Evans argues that in the mercantile and capitalist French society emergent in the eighteenth century, the 'rights of man' did not "indicate social relations between individuals but the separation of individuals from one another,"[108] a situation in which "the possibility of developing emotional ties associated with community are severely constrained."[109] Despite the erosion of traditional community structures under liberal capitalism, the rights to liberty, fraternity and equality expressed in the French constitution sought to "fabricate the institutions of unity, including those associated with citizenship, equality and individual freedom."[110] Evan's analysis points to the rights of man as a component of the ideological framework that was constructed to serve the interests of increasingly egotistical, marginalised society (a product of the bourgeoisie), and the bourgeoisie class that profited from the capitalist order. Evans has suggested in relation to Marx's critique of rights that:

> …the legitimation of rights talk has more to do with protecting the social relations of the existing capitalist order, which is best achieved when liberal

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Critique (Sacramento: Windham Press, 2013); Karl Marx, *Capital: Volume 1*. For discussion and critique of Marx's approach to the rights of man and human rights, see, among others, Betty A. Sichel, "Karl Marx and the Rights of Man," *Philosophy and Phenomenological Research* 32, no. 3 (1972); Marcel H. Van Herpen, *Marx and Human Rights: Analysis of an ambivalent relationship,* Cicero Foundation Great Debate Paper No. 12/07 (Maastricht: Cicero Foundation, 2012); Amy Bartholomew, "Should a Marxist believe in Marx on rights?" *The Socialist Register* (1990); Jeremy Waldron, *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Routledge Revivals, 2015).

[107] Karl Marx and Frederick Engels, "The Communist Manifesto", in *Karl Marx: Selected Writings*, ed. David McLellan (Oxford: Oxford University Press, 2002), 260.

[108] Evans, *Human Rights in the Global Political Economy*, 40.

[109] Ibid.

[110] Ibid, 40-41.

> rights are accepted universally. Rights therefore act to mask class interest by offering the false claim that a rights-based society can deliver a universally fair, objective and just distribution of social costs and benefits. For Marx, the moral principles found in liberal rights, which are promoted as a means for regulating conflicting claims and interests, placate class conflicts, postpone revolutionary movement and arrest the dawn of a new form of social relations that has no need of rights.[111]

Marx's understanding of the right to liberty formed one of the foundations of his historical materialist critique of liberalism. Marxist and Neo-Marxist scholarship has expanded and evolved from the 1880s to encompass innovative and insightful approaches to the methodology of historical study, and to rights discourses more widely.

3.2 A historical dialectic perspective on the continuities of liberal capitalism

The Gramscian and Neo-Gramscian methodological approach to the study of history, which underpins this thesis, allows for the conceptualisation of both continuity and fracture in the transformations between historical structures. As discussed in chapter two, Robert Cox's dialectical approach to history encompasses the understanding that social rules and preferences are not naturally imbued and rigid, but malleable. This is also in line with the work of Neo-Gramscian historian Alasdair McIntyre, who has argued that moral doctrines "come into existence in particular historic periods under particular social conditions,"[112] and cannot be taken as part of the human condition.[113] Vico used the term '*cosa,'* for what Cox, via Fernand Braudel, has termed 'historical structures;' being particular configurations of social forces in specific historic periods. These structures encompass "systems of language, of law, of religion, of morals, of economic organization, of family and social life,"[114] and thereby give material characteristics to the configuration of social relationships. According to Vico, all peoples have faced comparable problems in the course of their development.[115] Based on this

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[111] Ibid, 41.
[112] Alasdair McIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981), 67.
[113] Evans, *Human Rights in the Global Political Economy*, 44.
[114] Robert W. Cox, "Influences and Commitments," in *Approaches to World Order,* ed. Robert W. Cox and Timothy J. Sinclair (Cambridge: Cambridge University Press, 1996), 29.
[115] Ibid. See also *The New Science of Giambattista Vico*, trans from the 3rd ed. (1744) by Thomas Goddard Bergin and Max Harold Fisch (Ithaca, New York: Cornell University Press, 1948). See particularly Book

understanding, it is possible to "derive concepts that help explain events occurring in the distinct histories of different peoples."[116] Commonalities can therefore be used as conceptual tools in conjunction with the appreciation of change and variance. It is therefore possible to argue that the 1940s represented an organic transformation in historical structures, world order and rights discourses. The pre-twentieth century 'rights of man' were transformed and replaced, and yet some historical vestiges lingered. The section below will focus particularly on the parallels between the state/society complexes of laissez-faire liberalism and hegemony of transnational capital. It will argue that the liberal capitalist understandings of property rights alongside laissez-faire commercial practice have fed into the commonsense utilised by the neo-liberal globalisation project. Liberal capitalist understandings of social organisation, with their long historical roots, have informed both the post-1977 human rights doctrine, and the historical structure of transnational capital.

In placing rights discourse within the function of politico-economic structures, both continuities in liberal capitalism, and the 'right to liberty' can be found. This political economy approach takes a broad, long historical view to trace the liberal capitalist promotion of individual property rights from the seventeenth century to the current day. In arguing that there is a "distinctive way of conceiving of individual rights that has been central to the Anglo-American liberal tradition of political theory," Ian Shapiro has suggested that this does not mean that the liberal view of rights have been unchanged throughout history.[117] In 1986, Shapiro argued that there had been several incarnations of the liberal view of rights: transitional, classical, neo-classical and Keynesian,[118] a list to which neoliberal can now be added. Throughout these particular schools of thought and social arrangements, Shapiro has suggested that the liberal view of rights have been "an internally complex set of evolving doctrines, theories, beliefs, and assumptions", that are centered on the will of the individual.[119] Moyn has reached even further back through history to locate the tradition of property rights, contending:

Four, "The Course of Nations," beginning from page 302, for demonstration of Vico's method in joining philosophy with philology, and his study of continuities and differences in societies.

[116] Robert W. Cox, "Influences and Commitments," 29.

[117] Shapiro, *The Evolution of Rights in Liberal Theory*, 274-5.

[118] Ibid.

[119] Ibid.

> Not surprisingly, it is probably the right of possession that has been the most frequently asserted and doggedly fortified right in world history, albeit typically within legal systems that made no real claim to base entitlement on humanity. After Roman law, old feudal agreements securing what were variously called liberties, franchises, immunities, and privileges underwrote the sanctity of possession; and newer legal protection of the preconditions of early capitalism put special weight behind the definition and defense of the property right.[120]

It is through this prism that the fundamental tenets of capitalism, and their relationship to rights discourse, can be conceptualised. The promotion of the right of possession is a thread that runs through the history of both liberal capitalism and the international system.[121]

While the 1940s were a key turning point in the development of the modern human rights doctrine, a long historical view of the continuities of liberal capitalism can serve, for the purpose of this thesis, two important functions. Firstly, the history of rights discourse under capitalism can be conceptualised as feeding into what Gramsci terms as the construction of commonsense. As chapter two has explained, a commonsense understanding within a society is inherited from the past, and carried as a set of assumptions and preferences. It can be posited that the sanctity of property and the right to individual liberty in market exchange has underpinned the commonsense of capitalist historical structures. Augelli and Murphy have argued, for example, that commonsense in America has been shaped by protestant denominationalism, the economic and political ideology of liberalism (which encompasses possessive individualism), and scientism.[122] Similarly, critique of liberalism, and the right to individual possession, underpins the various strains of socialism, communism, and Marxism. While human rights discourse was rarely utilised prior to the 1940s, questions of rights and duties underpin social configurations. The fundamental liberal understanding of the individual in market exchange has permeated commonsense understandings of societal organisation, and formed, for example, a set of preferences

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[120] Moyn, *The Last Utopia*, 16.
[121] Antonio Cassese has conceptualised two periods in the historical evolution of the International Community; calling the "Former setting" from 1648 to 1918. See Antonio Cassese, *International Law in a Divided World* (Oxford: Clarendon Press, 1986).
[122] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 36.

and assumptions that Jimmy Carter was able to draw on when introducing human rights rhetoric to US foreign policy. Secondly, a *longue duree* view of history[123] allows for a deeper understanding of the patterns of thought in social formations. Critical theory is enriched by its comprehension of historical processes; in studying how the prevailing order came about, insight can be gleaned into how it is changing.[124]

The critical theory, and political economy of Kees Van der Pijl has harnessed the long historical approach to provide insightful study of the world from the Glorious Revolution of 1688 to the Post-Cold War era of globalising capitalism. Forged through the protracted English Civil War, Van der Pijl has argued that the Glorious Revolution "sealed the series of transformations by which feudal forms of protection had been torn down,"[125] and created a particular combination of state and society that he has termed the *Lockeian heartland*.[126] The heartland encompassed the British Isles, and took another century to fully crystallise into what became the British Empire.[127] North America was incorporated after succession in 1776, leading to the "restoration of English speaking unity of purpose,"[128] and other areas of English settlement were subsequently connected to the heartland. According to Van der Pijl the Lockeian state and society complex is defined by several key characteristics, beginning with "liberal constitutionalism, constructed around notions of innate individual rights and limitations of the monarchical/state prerogative."[129] This is followed by:

> …identical concepts of private property setting the social conditions for self-sustaining capital accumulation whilst creating a structural free space and similar conditions for capital across constituent states (resulting in dense capital interpenetration)…[130]

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[123] See Sinclair, "Beyond international relations theory: Robert W. Cox and approaches to world order," *Approaches to World Order,* 4.
[124] Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989): 130.
[125] Van der Pijl, "The Second Glorious Revolution," 101.
[126] Kees Van der Pijl, "Western hegemony and transnational capital: A dialectical perspective," *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010).
[127] Ibid, 43.
[128] Ibid.
[129] Ibid.
[130] Ibid.

This characteristic is also closely related to the shared notion:

> …that state power serves to pursue global liberalism in the sense of creating the spaces for capital to expand transnationally, lay claim to the world's resources, and reproduce characteristics of the Lockeian constellation beyond the original Anglophone West.[131]

Lastly, the use of force in forging and redistributing spheres of influence under imperialism has been mostly suspended within the expanding heartland, and the territoriality associated with nationality has been largely overcome.[132] According to Van der Pijl, the Anglo-Saxon heartland has been historically opposed by states modelled on the Hobbesian ideal type.

Drawing on a rereading of seventeenth century political history, Van der Pijl has located a 'Hobbesian' state model that was first introduced in the spirit of Cromwell's Roundhead English Commonwealth of 1649. The Hobbesian state and society complex favours "a tentacular, self-perpetuating state closely monitoring civil society"[133] that is in-line with the political theory of *Leviathan*. While the *Lockeian heartland* is ruled by the bourgeoisie, has civil society as its "privileged terrain of social action," and promotes transnational expansion through the self-regulating market, the Hobbesian state is ruled by the state class, expands internationally, and operates a state-regulated economy.[134] The Hobbesian state has formed the antecedent to the *Lockeian heartland*, first in the form of the French contender to Anglo-Saxon dominance in the late seventeenth and eighteenth centuries. According to Van der Pijl:

> Generalising the French example, we may reinterpret the structure of international political economy between the two Glorious Revolutions as a process of uneven expansion of the Lockeian heartland, challenged by successive generations of contender states.[135]

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[131] Ibid.
[132] Ibid.
[133] Kees Van der Pijl, "The Second Glorious Revolution," 103.
[134] Ibid, 111.
[135] Ibid, 110.

The internationalisation of capital therefore takes its shape through "…confrontation, at the political level, with these contenders and in most cases ends with their collapse and integration into the heartland," with Van der Pijl citing France, Spain, Germany, the third world countries of the NIEO, and the USSR as historical examples.[136] This long approach to history identifies continuities in the models of social organisation and social discourses.

The *longue duree* approach to the study of historical trends has identified connections and parallels between the state/society complexes of seventeenth century laissez-faire liberalism and twentieth century hegemony of transnational capital. The work of Van der Pijl has argued that the post-Cold War world is:

> …in the process of completing a major cycle between the 1688 Glorious Revolution in England and a comparable removal of political impediments to free enterprise, this time on a world scale.[137]

The models of the Lockeian heartland and Hobbesian contender states allow for the three hundred years between the First and Second Glorious Revolutions to be conceptualised in continuity. The expansion of transnational capital and the Lockeian state/society configuration witnessed from the 1970s, and in a pronounced fashion from the end of the Cold War can thus be seen to follow particular capitalist hallmarks. As Giovanni Arrighi has noted:

> … from circa 1968 onward, transnational corporations have developed into an integrated system of production, exchange, and accumulation which is subject to no state authority and has the power to subject to its 'laws' each and every member of the interstate system…
> The emergence of this Free Enterprise System – free, that is, from all previous vassalage to state power – has been the most distinctive result of US hegemony as well as its ultimate limit. It marks the end of the process of supersession of the

[136] Ibid.
[137] Kees Van der Pijl, "The Second Glorious Revolution," 100.

> Westphalia System and the beginning of the withering away of the inter-state system as primary locus of world power.[138]

However, as the civil society and unregulated market of the Lockeian heartland has expanded transnationally,[139] the:

> …inter-state system has become more and more capitalist in the sense that each and every one of its members has been subjected more and more closely to the capitalist logic of power.[140]

This logic has its roots in the seventeenth century, and promotes a certain form of rights discourse: liberal constitutionalism, and the individual right to possession while participating in a self-regulated market. The longevity of these concepts enables them to be presented as common sense in the service of transnational capital.

Stephen Gill has argued that social formations of the hegemony of transnational capital can trace their lineage to revolutionary England; stating in his study of the patterns of new constitutionalism, that:

> ... new constitutionalism locks in systems' unequal representation both within the state and in international organizations. In addition, we can also demonstrate that this rests on the lineage of the concept of de jure unequal representation of the propertied which emerged, for example, during the sixteenth century in revolutionary England.[141]

The neoliberal notions of "justice, equality, democracy and political economy are connected to the ideas, institutions and material potentials of the dominant elements in

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[138] Giovanni Arrighi, "The Three Hegemonies of Historical Capitalism," in *Gramsci, Historical Materialism and International Relations*, ed. Stephen Gill (Cambridge, Cambridge University Press, 1993), 182-183.
[139] See Kees Van der Pijl, *Transnational Classes and International Relations* (London and New York: Routledge, 1998); *The Making of an Atlantic Ruling Class* (London: Verso Books, 2012); *Global Rivalries from the Cold War to Iraq*.
[140] Arrighi, "The Three Hegemonies of Historical Capitalism," 185.
[141] Stephen Gill, "Constituting Inequality and the Clash of Globalizations," *International Studies Review* 4, no. 3, (2002): 57-8.

civil society (large holders of property),"[142] and can thus be traced to the first Glorious Revolution. As Gill has written:

> This Glorious Revolution was reflected in Locke's Second Treatise on Government where the right of representation was linked to the possession of private property understood as a protected domain. As such "new" constitutionalism harks back to the forms of representation associated with the pre-democratic age, that is, to the three great bourgeois revolutions - England of 1688, and the French and American Revolutions at the end of the eighteenth century. However, the world we live in is not the same as that of the eighteenth century. Its political economy is dominated by concentrations of capital in the form of giant monopolistic or oligopolistic corporations and institutional investors. In this context, the liberal constitutional separation of state and civil society seems to correspond to Locke's theory of the self-perpetuating sovereign (that is, the supremacy of the propertied in civil society and the state). As we have noted, Locke (and James Madison) is a primary inspiration for Hayek and Buchanan. As C. B. Macpherson has argued persuasively, Locke's individualism was exemplary of the political theory of the emerging bourgeois society in the late eighteenth century.[143]

As such, the hegemony of transnational capital, developed through a myriad of social, political and economic contexts, draws it legacy from the political theory of the sixteenth, seventeenth and eighteenth centuries. This understanding has an impact on the study of the international human rights doctrine; while it emerged in the transformations of the 1940s, liberal rights preferences have a long legacy in the history of ideas.

4. Conclusion

Traditional historiographies of the 'rights of man' have worked to locate an evolution of philosophical and legal thought that stretches back to the ancient religions, and intensified during the Enlightenment. Valued studies of Stoicism and Cosmopolitanism

[142] Ibid.
[143] Ibid: 58.

in Ancient Greece, Medieval Christian natural law, the natural rights discourses of Enlightenment scholars and the abolition of slavery, rest on contentious lineages, and have been prominently critiqued by the work of Samuel Moyn.[144] Moyn has argued that the history of international human rights cannot be traced beyond the twentieth century; while this chapter has accepted his cautions, it has contended that vestiges of political theory from the sixteenth, seventeenth, eighteenth and nineteenth centuries have remained, and informed the modern understanding of human rights. The dominant rights historiographies, including that by Moyn, largely divorce pre-twentieth century legal and philosophical rights discourses from their politico-economic contexts. The Coxian historical dialectic approach corrects this oversight. As a critical theory, Cox's approach is enriched by its comprehension of historical processes, and its dialectic material understanding of historical structures. The neo-Gramscian methodology allows for the appreciation of both continuity and fracture in transformations between historical structures, and thus overcomes the controversies surrounding the lineage of rights discourses. For example, it can be accepted that the somewhat discursive, and highly racist and sexist discourses of the rights of man, were, at least rhetorically, replaced by the Universal Declaration of Human Rights (UDHR) in 1948. And yet, the fundamental notions of the liberal capitalist state and society configuration have exhibited continuities from the First Glorious Revolution to the epoch of globalising capital. Philosophy and rights discourse were concomitant with the emergence of bourgeois society and capitalism - i.e. private property and wage labour. Liberal constitutionalism and the individual right to possession, while participating in market exchange, have fundamentally shaped the modern human rights doctrine. The liberal preference for civil and political rights was referenced, for example, in the drafting of the UDHR. The drafting notes of Article 22 stated, "Mrs. Roosevelt (United States of America), Mrs. Corbet (United Kingdom) and Mrs. Newland (New Zealand) held that the declaration should enunciate the rights of man and not the obligation of the state."[145] The Carter Administration would come to draw on the Declaration of Independence and

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[144] See *The Last Utopia,* and Samuel Moyn, "Substance, Scale and Salience: The Recent Historiography of Human Rights," *The Annual Review of Law and Social Science* 8, no. 1 (2012).

[145] See chapter 4 of this thesis, and particularly its discussion of the archival drafting notes of Article 22 of the UDHR. Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 12.

the liberal commonsense of both the United States of America[146] and the Lockeian heartland.[147]

[146] Augelli and Murphy, *America's Quest for Supremacy and the Third World*.
[147] Kees Van der Pijl, "Western hegemony and transnational capital: A dialectical perspective."

Chapter 4 – Human rights, the US, and international activism: 1941–1962

1. Introduction

Encompassing both global powers and subaltern movements, the phrase 'human rights' traversed a range of ideologies, many disparate, between 1941 and 1962. This chapter will trace this contestation and demonstrate how from the introduction of the term in international rhetoric in the 1948 Universal Declaration of Human Rights, human rights was a concept without decisive definition. The drafting of the United Nations human rights covenants between 1950 and 1954 also demonstrated the contentious and in-flux nature of rights discourse. The great powers largely withdrew from international human rights rhetoric between 1954 and 1962, while the US Civil Rights movement and the anti-colonial struggles made occasional use of the term, predominantly in reference to anti-discrimination and self-determination. With a focus on the US, and its external and internal pressures, it will be argued that the world's preeminent power demonstrated a preference for civil and political rights during the forging and maintenance of *pax americana*. Despite this preference, it will be shown by reference to considerable archival evidence that the US also tacitly accepted economic, social and cultural rights between 1941 and 1962. While human rights were a non-hegemonic concept in this period, questions of rights and duties underpin base social configurations. In this way, tensions between the liberal capitalist promotion of individual civil and political rights (typified by the 'Lockeian heartland' of the West)[1] and the communist and socialist prioritisation of economic provision (demonstrated most dominantly by the ideology of the Soviet Bloc)[2] can be traced. In contrast with the 1970s, domestic and international forces did not necessitate US engagement with international human rights rhetoric between 1941 and the early 1960s.

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[1] Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax: Fernwood Book, 1995) and chapter three of this thesis.
[2] Jennifer Amos, "Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948 – 1958"; and Benjamin Nathans, "Soviet Rights-Talk in the Post-Stalin Era," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (New York: Cambridge University Press, 2011).

The first section of this chapter will situate the period between 1941 and 1962 within the emergent historical structure of *pax americana.* It will then discuss the 'Atlantic Charter' and Roosevelt's Four Freedoms: two documents that introduced human rights rhetoric to the international vernacular. It will also analyse the Truman Doctrine, and its apparent promotion of the marketisation of economic development in the Third World. The second section will utilise United Nations archival records of the drafting meetings of the Universal Declaration of Human Rights (UDHR) to ascertain the different international attitudes towards human rights. Drafted primarily by global powers and World War II victors, the debates featured in the drafting records demonstrate the fluidity of rights rhetoric in the 1940s. Featuring discussion over whether international human rights should encompass only the traditional, negative 'rights of man,' being civil and political rights, or whether the term should include 'positive' economic, social and cultural rights, the drafting records suggest that a coherent definition was not agreed upon. A US preference for civil and political rights can be traced, as can a reluctance to codify economic and social rights.

Moving chronologically, the chapter will then discuss the international human rights covenants, drawing on the work of Daniel Whelan. Whelan has utilised archival records to argue that the initial drafting of the covenant and its eventual split into two components was a nuanced process, demonstrating discordant and competing interpretations of human rights among countries. This section, combined with the section on the UDHR, will challenge the dominant literature on this issue, which sees "Western" rejection of economic and social rights as a consistent and coherent policy. The 1950s and 1960s can be characterised by an effective withdrawal of the great powers from international human rights rhetoric. This relative silence, however, did not reflect an absence of human rights principles and discursive rhetoric from US domestic politics or from the international arena. Within the US, the Civil Rights movement drew upon rights rhetoric, and yet was strictly compartmentalised from international human rights. Internationally, the Bandung Conference of 1956 can be seen as a Watershed beginning of Third World solidarity around an anti-colonial stance. References to human rights at this conference, and by Third World writers, activists and leaders more widely, will be discussed, to argue that the concept of human rights was bound within concepts of self-determination, self-governance, freedom and development. While Third World

activism and economic rights were to explode in the 1970s, the pre-conditions for these claims simmered in the preceding decades.

2. *Pax americana* and human rights: An overarching framework

This section will orient this chapter within the overarching framework of *pax americana.* The Atlantic Charter, Roosevelt's Four Freedoms, the Truman Doctrine, the Universal Declaration of Human Rights, the Human Rights Covenants and the growth of anti-colonial movements must be conceptualised within this historical structure. United States leadership of the post-war world order was achieved through material forces, institutions and ideologies. This combination of forces did not mediate hegemony, at least primarily, through an engagement with human rights rhetoric, and international human rights issues were relatively marginal between 1941 and 1962.[3] The Cold War clash between communism and liberal capitalism, however, did bring to light fundamental differences between the philosophical underpinnings of these movements. Questions about the rights and duties of both the state and of individuals were debated and challenged through the mechanisms of the United Nations, and in global politics more widely.[4]

1941 saw the entrance of the United States in to World War II. The Atlantic Charter, negotiated between Franklin Roosevelt and Winston Churchill, marked the alliance between the US and Great Britain, a move that signalled the end of American isolationism. The Allied victory of 1945 ushered in a new era of international relations, and the foundations of *pax americana* were laid through the Bretton Woods institutions and United Nations,[5] the Marshall Plan,[6] the rebuilding of Japan,[7] and rising Cold War tensions with the USSR.[8] At its inception, the historical structure of *pax americana* saw the codification of human rights considerations through the Universal Declaration of

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[3] Samuel Moyn, "The Universal Declaration of Human Rights in the History of Cosmopolitanism," *Critical Inquiry* 40, no. 4 (2014).
[4] Daniel P.L. Chong, *Debating Human Rights* (Colorado and London: Lynne Rienner Publishers, 2014).
[5] Joshua Muravchik, *The future of the United Nations: Understanding the past to chart a way forward* (Washington DC: AEI Press, 2005).
[6] Michael J. Hogan, *The Marshall Plan: America, Britain and the Reconstruction of Western Europe, 1947-1952* (New York: Cambridge University Press, 1987).
[7] Robert W. Cox, "Middlepowermanship, Japan and future world order," (1989) in *Approaches to World Order,* ed. Robert W. Cox and Timothy J. Sinclair (Cambridge: Cambridge University Press, 1996).
[8] Antonio Cassese, *International Law in a Divided World* (Oxford: Clarendon Press, 1986).

Human Rights. The United Nations then moved to draft the human rights covenants between 1950 and 1954 — a contentious process that resulted in a bifurcation of civil and political rights, and economic, social and cultural rights. 'Human rights' failed to garner popular support during this period, and national political leaders in both the West, and the new decolonised states, rarely invoked the rhetoric. After an initial spurt of international codification, human rights activities at the United Nations were largely restricted to the Covenants.

The literature considers the progression of human rights concepts and discourses between 1941 and 1962 to have been minimal. Samuel Moyn has prominently argued that the 1940s saw the stillbirth of international human rights, with the concept languishing in obscurity until the 1970s. The key arguments that feature in Moyn's *The Last Utopia*, and that allow him to make such claims, are that:

1. Human rights are an anti-political movement, driven by morality, and acting above the state. They are utopian in nature and derisive of conventional, state-based politics;
2. As a utopian movement, human rights only gained ascendency as other 'utopias', such as communism, Western Marxism, and the post-colonial state, among other movements, fell into crisis in the late 1960s; and
3. Human rights must therefore be dated to the 1970s.[9]

His argument that a profound shift occurred in the 1970s, enabling the human rights movement to gain a level of influence unparalleled in previous decades, appears to be quite correct. Tony Evans has written, "…for much of the period between 1945 and the early 1970s human rights remained a 'minority' interest."[10]

Beyond those engaged directly in the debate on the United Nations Covenants, or those involved in special interest pressure group politics, there is little evidence that that the idea of human rights achieved the status of a social institution such that it affected the

[9] Eric D Weitz, "Samuel Moyn and the new history of human rights," *European Journal of Political Theory* 12, no. 1 (2013); Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge Mass: Belknap Press of Harvard University Press, 2010).
[10] Tony Evans, *US Hegemony and the Project of Universal Human Rights* (London: MacMillan Press, 1996), 148.

day-to-day conduct of international politics. For most of this period, military security and economic interests dominated the international political agenda. This was so even before the United States withdrew formally from the debate on human rights and left the regime without hegemonic leadership.[11] US withdrawal from international human rights rhetoric through the Bricker Amendment will be discussed in section four of this chapter.

While the date of ascendancy of human rights is not under dispute, Moyn's precise boundary drawing on the definition of human rights, and his constant references to what human rights are not, obscure the use of the concepts in the 1940s and subsequent decades. Lack of popular support for human rights rhetoric, and a lack of coherence in use, does not mean that the movements for self-determination, nationalism, poverty reduction and anti-racism, for example, were entirely divorced from concepts of human rights and human dignity. 'Human rights' concerns were mired in politics and forms of the nation state, and intertwined with the 'utopias' of the Keynesian welfare state, the post-colonial state and communism: non hegemonic and with contested definitions. While human rights were not explicitly referenced, understandings about the functions of governments and the role of the market in human society necessarily intersected with questions of the rights and duties of humanity.

Daniel P. L. Chong has written that in the late 1940s, a deep fissure opened between the Soviet Bloc and the United States and its allies, and that "Disagreements over human rights became one of the central battlegrounds in the global Cold War over the next half-century."[12] He has argued that communism, and the Soviet bloc, saw the state's primary responsibility as the provision of economic, social and cultural rights. The West, in contrast, saw the state's role as overseeing the civil and political rights of its citizens, and allowing the free functioning of the market. This reading of history suggests clarity of motivations and ideological orientations in human rights terms on both sides of the Cold War. As discussed later in this chapter, while the US did endorse civil and political rights and express a reluctance to codify economic, social and cultural rights, human rights were in flux during this period. While not necessarily articulated in human rights terms, however, the structure of *pax americana* and the Cold War did speak to the

[11] Ibid.
[12] Chong, *Debating Human Rights*, 9.

fundamental questions of societal organisation. With the definition of 'human rights' contentious during this period, liberal capitalism, and socialist movements, at their essence, presented differing rights claims.[13]

The economic policy of John Maynard Keynes shaped the post-World War II order and underpinned the historical structure of *pax americana.*[14] The principles of Keynesian economics had implications for the social structures of industrialised nations such as the US, as well as for the structure of world order, and the development models pursued by the Third World. Keynes was partially successful in his attempt to link economic issues to the political sphere; namely introducing the concept that economic crisis and deprivation led to political extremism (and the threat of Communist revolution). This understanding bridged the strict separation of the political and the economic under classical liberalism, and argued that the state needed to intervene in the domestic and international market. Keynesian policy advocated protection from the booms and busts of the capital market, with the state intervening to stimulate the economy in times of bust. This policy worked towards producing a system of full employment, low rates of inflation, and the state provision of social services. Expansionary government policy within the US was defined by the New Deal under Roosevelt and then Truman, as well as framing Kennedy's War on Poverty, and Johnson's Great Society. These programs supported the role of the government in solving socioeconomic problems within a market framework, but they only briefly engaged in the language of rights claims under Roosevelt. Internationally, the Truman Doctrine advocated the marketisation of economic, social and cultural rights in the newly decolonised states. The concept of 'development' was divorced from rights claims, and while citizens of industrialised states were protected from the global market, Third World citizens were exposed to its exigencies.

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[13] This is notably evident when comparing the constitutional rights granted by liberal capitalist states to those of the Soviet Union. The Bill of Rights of the United States of America, for example, ratified in 1791, is comprised of ten Amendments, all of which are dedicated to 'negative' rights. These include the right to freedom of religion, freedom of speech, freedom of assembly, freedom to bear arms, the right to hold private property, and the right to fair judicial processes. See http://www.billofrightsinstitute.org/founding-documents/bill-of-rights/. In contrast, the 1936 Constitution of the USSR listed the steady improvement of the material conditions of the working people as an aim in Article 11, and in Article 14, the basic provision of education and public health. See http://www.departments.bucknell.edu/russian/const/36cons01.html.

[14] John Maynard Keynes, *The General Theory of Employment, Interest and Money* (1936) (London: Palgrave Macmillan, 2007).

3. 1941–1949: The 'Atlantic Charter,' Roosevelt's Four Freedoms, and The Truman Doctrine

This section will analyse human rights discourse between 1941 and 1946, questioning its significance in this decade, and in particular its definitional scope. In an age of empire, and at the nascent stages of US hegemony in the Western world, this section is confined to the study of the Atlantic Charter and Roosevelt's Four Freedoms and proposed Second Bill of Rights. It will examine the context of the Atlantic Charter, and its text, to argue that the document utilised rights discourse to support imperial power. Furthermore, it recognised economic and social rights and predicated their fulfilment upon global trade.[15] The section will then analyse the context of Roosevelt's famous Four Freedoms speech with particular focus upon 'Freedom from Want'. The assumptions made in Roosevelt's rubric hint at the tensions between economic rights and the protection of America's trade interests that continued in latter decades. A tacit and nuanced acceptance of economic and social rights was evident in the early British and US engagement with human rights rhetoric.

The Atlantic Charter of 1941, which has come to be lauded as a landmark in the international protection of human rights, was negotiated hastily between Churchill and Roosevelt.[16] The text of the Charter and the circumstances surrounding its generation did not suggest that its creators believed human rights should be upheld by a new international system, but it did "…reinforce the idea that human rights were in some sense what the war was really all about."[17] The text of this short declaration is given below, where 'they' and 'their' refer to Churchill and Roosevelt:

1. Their countries seek no aggrandisement, territorial or other.
2. They desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned.

[15] For reflection upon the unfulfilled promises of liberal capitalism see Mark Rupert, "Globalisation and contested common sense in the United States," in *Innovation and Transformation in International Studies*, ed. Stephen Gill and James H. Mittelman (Cambridge: Cambridge University Press, 1997).
[16] A.W Brian Simpson, *Human Rights and The End of Empire: Britain and the Genesis of the European Convention* (Oxford: Oxford University Press, 2001).
[17] Ibid, 185.

3. They respect the right of all peoples to choose the form of Government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.
4. They will endeavour with due respect for their existing obligations, to further enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.
5. They desire to bring about the fullest collaboration between all nations in the economic field, with the object of securing for all improved labour standards, economic advancement, and social security.
6. After the final destruction of Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want.
7. Such a peace should enable all men to traverse the high seas and oceans without hindrance.
8. They believe all of the nations of the world, for realistic as well spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea, or air armaments continue to be employed by nations which threaten, or may threaten aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armament.[18]

The Charter did not, in fact, refer to directly to individual rights or human rights, but rather to the broad rights of all people, and to sovereign rights. Principles of sovereignty are addressed in clauses 1–3, and most clearly in clause 4. Freedom from tyranny and fear, as referenced in clause 6, reflects traditional notions of political and civil rights.[19] The freedom of international movement outlined in clause 7 can be read with clauses 4 and 5 to support the liberal nature of the projected new world order. The principle of

[18] See the *Atlantic Charter*, available at *The Avalon Project: Documents in Law, History and Diplomacy*, http://avalon.law.yale.edu/wwii/atlantic.asp.
[19] See chapter three of this thesis.

disarmament referenced in clause 8 reflects sovereign rights. The first three clauses of the Charter represent an apparent incongruence of principles when read together.

In clauses 1 and 2, the Declaration called for maintenance of the status quo in terms of territorial boundaries. These boundaries encompassed colonial empires and protectorates, and thus skew the 'Atlantic Charter' towards the maintenance of imperial channels of dominance and exploitation. The third clause of the Charter can be taken to refer to self-determination, or to at least foreshadow the right to self-determination. Read with the two preceding clauses, however, clause 3 appears to be evidence of ideological incoherence, and disconnect between rhetoric and practice. In the immediate post-war period Britain resisted the dissolution of empire, including Churchill's famous support for the continued colonial control of India. A.W. Brian Simpson has cogently argued that the British did not read the Charter as having a direct impact on the internal affairs of the Empire. He has written that

> … the principle was not doubt intended to apply to independent countries which had lost their independence during the war. It was disingenuous to claim that Churchill has meant to agree to a general declaration of the rights of colonial peoples. Had there been any other understanding of the text it would have been treated as controversial at the time, and it is clear that it was not.[20]

It can therefore be argued that in the context of the Atlantic Charter, broad rights rhetoric was conceptualised as compatible with colonialism. Even in the aftermath of World War II and the impending end of European imperialism, the Atlantic Charter's focus on rights did not seem to the British architects to be at odds with continued colonial domination.[21]

While not explicitly cited, the fifth clause can be taken as a reference to social and economic rights. The attainment of improved labour standards, economic advancement and social security can also be read in conjunction with clause 6, which refers to freedom from want. This brief Charter foreshadowed and set a precedent for the more detailed UDHR. Contrary to the Western opposition thesis, which claims that the West

[20] Simpson, *Human Rights and The End of Empire*, 180.
[21] Ibid.

consistently rejected social and economic rights as human rights (this will be discussed in detail in the following section), the Charter suggests that there was an economic and social component to the proposed post-war order. 'Freedom from want' encompasses both hunger and material needs more widely, an improvement of labour standards foreshadows the detailed claims of the UDHR, and social security is a significant concept in the protection of the vulnerable. The phrasing of clause 6 indicated an early understanding of economic rights facilitated through a freedom of commercial exchange. This should be taken as a significant point, because if so, it justifies an understanding of the aim of the Charter to usher in a new world order built on free trade, as well as an expansion of US commercial interests globally. The Charter is an early genesis of social and economic 'rights' that demonstrates Western acceptance of this concept, at least within a liberal framework.

Roosevelt's famous 'Four Freedoms' principles of the early 1940s originated at the same time as the Atlantic Charter. Long taken to represent the President's acknowledgement of social welfare principles,[22] the Four Freedoms began their life as the 'Four Fears', referenced at a press conference on the 5 June 1940.[23] Roosevelt explained that the concepts of freedom from the fear of religious oppression, freedom of expression, and freedom from "…the fear of not being able to have normal economic and social relations with other countries, which meant freedom of commerce and freedom of culture," must be approached together "because they go hand in hand'."[24] Exactly one month later, on 5 July 1940, Roosevelt attended a press conference where he spoke of four freedoms: of information, of religion, of the freedom to express one's self, and of freedom from fear, which was a reference to the fear of armaments and bombings.[25] Simpson tells of how a journalist questioned Roosevelt, asking him: "Well I had a fifth in mind which you describe as 'freedom from want' – free trade, opening up trade?" which according to Simpson, the president responded that:

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[22] See Cass R. Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need it Now More Than Ever* (New York: Basic Books, 2004); David P Forsythe, "The United States and International Economic Rights: Law, Social Reality, and Political Choice," in *Economic Rights: Conceptual, Measurement and Policy Issues,* ed. Shareen Hertel and Lanse Minkler (Cambridge: Cambridge University Press, 2007).
[23] Simpson, *Human Rights and the End of Empire,* 172; Daniel J Whelan, *Indivisible Human Rights* (Philadelphia: University of Pennsylvania Press, 2010); Daniel J Whelan and Jack Donnelly, "The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight," *Human Rights Quarterly Human Rights Quarterly* 29, no. 4 (2007).
[24] Simpson, *Human Rights and the End of Empire*, 172.
[25] Ibid.

> Yes that is true. I had that in mind but forgot it. Freedom from want — in other words, the removal of certain barriers between nations, cultural in the first place, and commercial in the second place. That is the fifth, very definitely.[26]

The liberal and commercial nature of Roosevelt's international 'freedom from want' was evident in this exchange. The correlation between breaking down trade barriers and the fulfilment of material needs internationally is both particularly broad in scope, and foreshadows the principles that were to underlie the Bretton Woods system.

Domestically, Roosevelt expanded the concerns of the Four Freedoms to include socioeconomic rights in his State of the Union speech to Congress in 1944. This much-quoted address included:

- The right to a useful and remunerative job in the industries or shops or mines of the nation
- The right to earn enough to provide adequate food and clothing and recreation
- The right of every farm to raise and sell his products at a return which will give him and his family a decent living
- The right of every business man, large and small, to trade in an atmosphere of freedom from unfair monopolies at home and abroad
- The right of every family to a decent home
- The right to "adequate medical care", and to social protections against "old age, sickness, accident and unemployment."[27]

Roosevelt's presentation to Congress and the detail of his New Deal suggest it to be a domestic political document. The research suggests that there is no reason to assume an intention for the international application of the New Deal, beyond a concern for international freedom of commerce. Domestically, Roosevelt's proposed second bill of rights did not become a reality, and he and Truman's new deal faded from primacy.

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[26] Ibid, 173, quoting the *Complete Presidential Press Conferences of Franklin D Roosevelt* (New York: Da Capo Press, 1972), xv., 498-9, xvi, 21-2.
[27] Franklin D. Roosevelt, "State of the Union Message Congress," 11 January 1944, Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=16518.

Forsythe has suggested, "His talk about the second bill of rights was entirely genuine but mostly metaphor"[28] — a set of principles based on constituent rights within the US. Extraterritorial applications of human rights in all their forms are a controversial and much-debated issue,[29] and one whose dilemmas were yet to come into focus in the early 1940s.

The Truman Doctrine, formulated in May 1947, identified its main strategic objectives as containing communism and protecting the integrity of the capitalist world market.[30] With a greater international focus than Roosevelt's domestically oriented Four Freedoms, the Truman Doctrine introduced key concepts that shaped US foreign relations prior to the 'Four Point Plan' of 1949. It promoted 'modernisation' and 'development', two concepts that shaped the discourse surrounding the US provision of aid. Modernisation theory, prominently promoted by Walt Rostow,[31] Gabriel Almond, Edward Shils, Lucien Pye and Samuel Huntington, had two principle components; 'tradition' and 'modernity.'[32] The achievement of 'development' rested upon the linear movement from one component to the other; a single line of historical progress. This understanding comprised the "deeper temporal framework for much social science writing about the Third World."[33] It was conceptualised as a relational process, in which, internationally, countries were ordered to produce a scale of development. Propelled by industrialisation and, under Truman, transmitted through the American-led institutions of global governance and the world market, the implications of the Truman Doctrine for the Third World were crystallised through the Four Point Plan of 1949.

The Four Point Plan, presented in Truman's inaugural address in 1949, introduced a global strategy for the defeat of communism, and a new US stance towards the Third

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[28] Forsythe, "The United States and International Economic Rights: Law, Social Reality, and Political Choice," 312.
[29] See Sigrun I. Skogly and Mark Gibney, "Economic Rights and Extraterritorial Obligations," in *Economic Rights: Conceptual, Measurement and Policy Issues*, ed. Shareen Hertel and Lanse Minkler.
[30] Fouad Makki, "The empire of capital and the remaking of centre-periphery relations," *Third World Quarterly* 25, no. 1 (2004): 164.
[31] See Dean C. Tipps, "Modernization theory and the comparative studies of societies: a critical perspective," *Comparative Studies in Society and History* 15, no. 2 (1973): 199-226; and Walt Whitman Rostow, *The Stages of Growth: A Non-Communist Manifesto* (Cambridge: Cambridge University Press, 1960).
[32] Makki, "The empire of capital and the remaking of centre-periphery relations".
[33] Ibid: 159.

World.[34] The Four Point Plan reflected the rapidly changing geo-political conditions of the 1940s — the Cold War was intensifying and threat of communism looming, and the Third World emerging as colonial empires collapsed. Truman's rhetoric shaped the discourse surrounding 'aid', and the development aspirations of the Third World. His 1949 inaugural address declared; "The old imperialism – exploitation for foreign profit – has no place in our plans. What we envisage is a program of development based on the concepts of democratic fair dealing."[35] A speech that repetitively contrasted the freedoms of capitalism to the totalitarian practices of communism, it emphasised four points. First, "we will continue to give unfaltering support to the United Nations and related agencies, and we will continue to search for ways to strengthen their authority and increase their effectiveness." Second, "we will continue our programs for world economic recovery." Third, "we will strengthen freedom-loving nations against the dangers of aggression." And fourth, "we must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas."[36] These points made use of 'rights' discourse, promoting civil and political rights under capitalism alongside development aspirations to be achieved cooperatively through the international capitalist market.

Heavy in rhetoric referencing both the US foundational myth, and the values of liberal capitalism, Truman declared:

> The American people stand firm in the faith which has inspired this Nation from the beginning. We believe that all men have a right to equal justice under law and equal opportunity to share in the common good. We believe that all men have the right to freedom of thought and expression.[37]

The emphasis upon the rights of justice under the law, and to freedom of expression and thought was illustrated further through comparisons to communism:

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[34] Ibid: 165.
[35] Harry S. Truman, "Inaugural Address," January 20, 1949, § 53 available from http://www.bartleby.com/124/pres53.html.
[36] Ibid.
[37] Ibid, § 7.

> Communism is based on the belief that man is so weak and inadequate that he is unable to govern himself, and therefore requires the rule of strong masters.
>
> Democracy is based on the conviction that man has the moral and intellectual capacity, as well as the inalienable right, to govern himself with reason and justice.
>
> Communism subjects the individual to arrest without lawful cause, punishment without trial, and forced labor as the chattel of the state. It decrees what information he shall receive, what art he shall produce, what leaders he shall follow, and what thoughts he shall think.
>
> Democracy maintains that government is established for the benefit of the individual, and is charged with the responsibility of protecting the rights of the individual and his freedom in the exercise of his abilities.[38]

In referencing the poverty of the Third World in the aftermath of imperialism, Truman did not present an inalienable right to 'development' or 'modernisation.' Instead, the right to self-government and to civil and political rights through that mechanism were contrasted with the claim that "Democracy has proved that social justice can be achieved through peaceful change." He argued that:

> More than half the people of the world are living in conditions approaching misery. Their food is inadequate. They are victims of disease. Their economic life is primitive and stagnant. Their poverty is a handicap and a threat both to them and to more prosperous areas.
>
> For the first time in history, humanity possesses the knowledge and the skill to relieve the suffering of these people.
>
> The United States is pre-eminent among nations in the development of industrial and scientific techniques. The material resources which we can afford to use for

[38] Ibid, § 13-16.

> the assistance of other peoples are limited. But our imponderable resources in technical knowledge are constantly growing and are inexhaustible.
>
> I believe that we should make available to peace-loving peoples the benefits of our store of technical knowledge in order to help them realize their aspirations for a better life. And, in cooperation with other nations, we should foster capital investment in areas needing development.[39]

The focus on aid, assistance, and technology transfer occurred within the understanding that "we must carry out our plans for reducing the barriers to world trade and increasing its volume. Economic recovery and peace itself depend on increased world trade."[40] As Enrico Augelli and Craig Murphy have noted:

> … the Truman administration answered requests for foreign economic assistance or reform of the international economic system by saying that the only road to economic development was to keep the government away from the market.[41]

While the political rhetoric of Truman can be understood as separate from the realities of his foreign policies,[42] Truman's international doctrine was highly influential in social science and development economics from 1949 to the 1970s.[43] It was a paradigm that separated the right to self-government and the ensuing civil and political rights from the aspirations of modernisation and development that were to be achieved through a liberal economic world order. This understanding would come to underpin the historical structure of *pax americana*.[44] US participation in international human rights rhetoric through the drafting of the Universal Declaration of Human Rights, and through the bifurcation of the Human Rights covenants, was consistent with the Truman Doctrine.

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[39] Ibid, § 46-48.
[40] Ibid, § 36.
[41] Enrico Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988), 82.
[42] See John Lewis Gaddis, "Was the Truman Doctrine a Real Turning Point?" *Foreign Affairs* 52, no. 2 (1974).
[43] Makki, "The empire of capital and the remaking of centre-periphery relations": 160; and Stanley Hoffmann, "An American Social Science: International Relations," *Daedalus* 106, no. 3, Discoveries and Interpretations: Studies in Contemporary Scholarship, Volume I (1977).
[44] See chapter five of this thesis.

4. The Universal Declaration of Human Rights

The hegemonic account of the UDHR's drafting suggests strong Western, and particularly US, opposition to the inclusion of economic, social and cultural rights in the document. Antonio Cassese encapsulated the Western opposition narrative with his statement that:

> The West proposed proclaiming at the world level only the civil and political rights. ...It was only in a second stage, given the hostility of the Socialist countries and under strong pressure from the Latin Americans... that the West agreed to incorporate into the Universal Declaration a number of economic and social rights as well.[45]

The image of the West, and particularly the US, being goaded into including social and economic rights in the UDHR has been further consolidated by Ruth Gavison, who suggested "The insistence on including SE [social and economic] rights as rights of equal status in the UDHR was the result of the demand of the USSR and its bloc of nations."[46] Daniel P.L Chong has suggested that:

> While the West argued that it was civil and political rights (generally, UDHR Articles 3–21) that should be the state's primary responsibility, the East countered that it was economic, social and cultural rights (UDHR Articles 22–27) that should be the state's primary responsibility.[47]

Chong traces this clear-cut definitional feud to the root of the Cold War, arguing that:

> The East-West dispute over human rights was not just a rhetorical debate played out at UN summits; it was a motivation for proxy wars and military confrontations that killed millions of people during this period. … Indeed, it was not merely difference in emphasis. Each side argued that their enemy's set of

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[45] Antonio Cassese, *Human Rights in a Changing World* (Philadelphia: Temple University Press, 1990), 35.
[46] Ruth Gavison, "On the Relationship between Civil and Political Rights, and Social and Economic Rights," in *The Globalization of Human Rights*, ed. Jean-Marc Coicaud, Michael W. Doyle, and Anne-Marie Gardner (Tokyo: United Nations University Press, 2003), 54, n 46.
[47] Chong, *Debating Human Rights*, 9.

rights was ultimately invalid; in other words, they were not really human rights at all.[48]

Chong's somewhat controversial argument places human rights at the centre of Cold War conflict, a stance contrary to Moyn's scholarship,[49] which suggests that human rights issues were subordinated to Cold War concerns, particularly prior to the 1970s (this will be discussed in greater detail in the following section of the chapter). Herein lies one of the complexities of human rights history; the phrase 'human rights' was rarely used in international discourse before the 1970s, and yet questions of rights and duties underpin social formations.[50] Nevertheless, the narrative of US hostility to international economic and social rights falsely projects an image of US consistency throughout the twentieth century. This section will challenge the dominant perspective, arguing that the Western opposition narrative is simplistic and misleading. One can speculate on the retrospective nature of much human rights scholarship, and question whether the human rights definition adopted by Carter and Reagan coloured study of the Declaration's inception. A close reading of the drafting records, accessed through extensive archival research in the United Nations archives in November 2014, suggests both US hesitance regarding international economic rights and a tacit acceptance of such rights. Human rights were a relatively new, under-researched and ill-defined area in the 1940s.

Whelan and Donnelly, in a provocative article, have suggested that the narrative of Western opposition is a "myth," arguing that Western support for economic and social rights in the drafting of the UDHR was strong, consistent and essential in shaping the

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[48] Ibid.
[49] Moyn, *The Last Utopia*.
[50] The 'Lockeian heartland' of the West is defined, in part, by its liberal constitutionalism. Liberal capitalist constitutions and ideologies promote individual civil and political rights, and most prominently, the right to private property. See Kees Van der Pijl, "Western hegemony and transnational capital: a dialectical perspective," in *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010); Stephen Gill, "Constituting Inequality and the Clash of Globalizations," *International Studies Review* 4, no. 3 (2002); and chapter three of this thesis. The 1936 constitution of the USSR directly challenged the liberal capitalist order, arguing that the USSR had been established through the "abolition of the capitalist system of economy," and "abrogation of private ownership of the means and instruments of production." See http://www.departments.bucknell.edu/russian/const/36cons01.html. In contrast to the West, the USSR codified the right to material improvement. See Amos, "Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights."

post-war order.[51] While this chapter shares intellectual sympathies with the position of Whelan and Donnelly, it argues that the drafting was a more nuanced process than they suggest. An examination of the drafting notes shows that social and economic rights were considered to be an aspect of human rights by the US representatives involved in the negotiations, but that they were approached with wariness and contestation. On the other hand, the US position towards the traditional civil and political 'rights of man' was non-controversial. Johannes Morsink's study of the UDHR (1999) provides a thorough examination of the drafting process, explaining the drafting discussions, and contextualising the Declaration in terms of the influence of World War II. The study provides insight into work-related rights and to the exhaustive and nuanced drafting processes of the rights to social security and education.[52] Articles 24 and 25 are most important for illustrating the attitude of the US representative towards the 'umbrella article'[53] 22 on social and economic rights.

A careful reading of the discussions surrounding the drafting of Article 22 of the UDHR reveals that the definition of human rights was in flux during the 1940s. Article 22, the right to social security, is featured as follows in the UDHR:

> Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.[54]

The novelty of human rights, and particularly social and economic rights, created the basis for much disagreement and divergent ideas amongst those involved with drafting

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[51] Whelan and Donnelly, "The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight."
[52] Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting & Intent* (Philadelphia: University of Pennsylvania Press, 1999).
[53] Drafting notes reveal that Article 22 was conceptualised as the 'umbrella article' for social and economic rights, meaning that it was to broadly introduce the social and economic section of the UDHR. With the specific clauses to be enumerated in the articles' following, Article 22 was designed to be construed as "broadly humanitarian rather than in a technical sense." Dr. Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, 'DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights', 04, 50-34263, 6.
[54] Ibid.

the Declaration, evident in the broad-ranging debates recorded and the lack of coherence between the ideas. Observations and comments on the draft of Article 22 were submitted between the second session of the Commission and the second session of the Drafting Committee. Comments were received from the governments of South Africa, France, the United Kingdom, New Zealand, Brazil and Egypt. Seemingly the most controversial of UDHR articles, South Africa's comment on the right to social security reveals a questioning of the definition of human rights:

> The Government of the Union of South Africa considered that the general principles enunciated in this and the following articles also relating to social rights were no doubt highly commendable, but in some cases were too sweeping in there generality. Many of the provisions inserted in those articles did not comprise fundamental human rights at all, but rather the duties of States, and it would be preferable to consider such duties in conjunction with the draft Convention or declaration concerning the duties of states.[55]

The text suggests that social and economic rights were considered by some drafters to be duties rather than rights, wiping them from the 'human rights' ledger.[56] Intersected by the formation of a new world order and the claims of nationalism, anti-colonialism, the welfare state, socialism and communism, human rights lacked coherence during the drafting of the UDHR. Moyn has argued that the most notable aspect of human rights in the 1940s "…is the marginality and miscarriage of the concept in an era in the ferment of debate about prospective global orders."[57] In this context, human rights were not the priority in this era that they were to become in the 1970s.

The tension between economic rights and the duties of states, and their capabilities, was a continuing theme in the drafting. The lack of coherence between international and US policy challenges the straightforward narrative of Western opposition. Dr Recasens-Siches recorded a subcommittee meeting, and wrote:

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[55] Ibid.
[56] For a comprehensive history of the debate regarding rights and duties see Richard Tuck, *Natural Rights Theories: Their origin and development* (Cambridge: Cambridge University Press, 1979).
[57] Moyn, *The Last Utopia: Human Rights in History*, 46.

> In a subcommittee appointed to study additional articles, Prof. Cassin made a proposal that before the enumeration of various social rights an article should be inserted reading "Everyone, as a member of society, has the economic, and cultural rights enumerated below, whose fulfilment should be made possible in every state separately or by international collaboration. Mr. Loufti (Egypt) suggested that the words "in accordance with economic and social possibilities" should be added to the text. Mrs. Roosevelt (United States) proposed the following amendment: "… be made possible in every State separately or in collaboration with other States, in accordance with the social and economic system and political organization."[58]

This passage can be interpreted as evidence that the US delegate accepted the principle of economic rights. Recasens-Siches noted, "…the text proposed by the United States representative emphasized the need for such measures to be fitted in with the prevailing system."[59] This concern for the prevailing system of economic liberalism has important implications for US engagement with human rights rhetoric in the 1970s. There is a consistency in the approach to economic rights by the US and the maintenance of the existing economic system in which it was heavily invested. Despite the rhetoric of human rights, the US continued to support European colonialism and the exploitative relationship between core and periphery that was characteristic of the international economic system of the 1940s.

Article 22's Third Session of Drafting reveals an apparent lack of international consensus on the definition of human rights. Introducing the debate, Mr. Wilson, representative of the UK stated that:

> …in the articles adopted up till then, the Commission had not defined how the other rights they mentioned were to be applied. It was now desired to introduce a provision on the method of applying social rights, which would appear to give

[58] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 8.
[59] Ibid, 9.

> them priority over the classic individual rights. Similar views were expressed by Dr. Malik (Lebanon) and Mr. Pavlov (Union of Soviet Socialist Republics).[60]

It is important to note here that there was an understanding of individual rights as the 'classic' rights, shared by the UK, Lebanon and, notably, the USSR. This harks back to the 'rights of man' of the Enlightenment (see chapter three of this thesis), and indicated the new and contentious nature of economic rights and welfare state principles. Jennifer Amos has noted that, in contrary to the Western opposition thesis:

> … the Cold War blocs did not neatly align during the debates on human rights. For example, capitalist countries such as Australia promoted economic, social and cultural rights, and the communist countries actively negotiated political and cultural rights.[61]

The drafting of Article 22 then entered debate regarding an additional Soviet amendment, again calling for a direct reference to the responsibility of the state in ensuring social security. The discussion progressed as follows, with a notable statement by the representatives of the USA, UK and New Zealand:

> Prof. Cassin (France) was not opposed to the substance of the USSR Amendment, but felt that a special guarantee was out of place in the article. It would be preferable if an article urging States to do their utmost to guarantee the rights granted in the Declaration were added at the end of the declaration. Mrs. Roosevelt (United States of America), Mrs. Corbet (United Kingdom) and Mrs. Newland (New Zealand) *held that the declaration should enunciate the rights of man and not the obligation of the state*.[62]

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[60] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 9.
[61] Amos, "Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights," 149.
[62] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 12, emphasis added.

The reference to the 'rights of man' reiterates the perceived shared heritage between the Western states. The controversy of definition as displayed here demonstrates the tension between the eighteenth century legacy of civil and political rights, and the principles of the welfare state. Eleanor Roosevelt consistently expressed concern over measurable economic rights, and the direct obligation that this could place on the state. While social and economic rights were to be endorsed domestically through Roosevelt and Truman's new deal measures, the US demonstrated a reluctance to acknowledge economic rights globally. This feeds into Moyn's assertion that post-war rights were bound to the nation-state through the sacred doctrine of state sovereignty.[63] Through this lens, difficulties in envisaging and planning for the practical mechanisms of an international human rights regime to exist apart from the nation-state, is to be expected. Nevertheless, a basic US acceptance and tolerance of economic rights can be seen in its response of Panama's proposal to declare social security a right 'from the cradle to the grave'. The representative did not object to the principle of social security more widely, but rather to the phrasing, with Dr Recasens-Siches noting that "Mrs. Roosevelt found that the amendment had a too familiar ring."[64]

Article 24 of the Universal Declaration of Human Rights reads:

> Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.[65]

In his drafting record, Dr Recasens-Siches noted that the Representative for the USSR, Mr Bogomolov suggested that:

> … the article be drafted in broader terms and state detailed conditions under which the employer, whether state or private enterprise, should bear the

[63] See *The Last Utopia,* 42-7 and more widely.
[64] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 13.
[65] General Assembly resolution 217 A, *The Universal Declaration of Human Rights* (10 December 1948), available from: http://www.un.org/en/universal-declaration-human-rights/.

> responsibility of providing leisure for employees, and that trade unions should ensure that this right was implemented.[66]

General Romulo of the Philippines suggested an amendment to the text, accepted by Professor Cassin, that read "Rest and leisure should be assured to everyone by laws or contracts providing for reasonable limitations on working hours and for periodic vacations with pay."[67] Recasens-Siches then qualified "But Mrs. Roosevelt said that measures of implementation had in many cases been included in a commentary and not in the text of the article." "By 2 votes to 2, with 2 abstentions, it was decided not to include any such measures in the article."[68] There were further attempts at the second session of the Human Rights Commission to attach more measurable conditions to the article, and an amendment proposal was adopted. The governments of France, Brazil and New Zealand submitted proposals. The French proposal read "Rest and leisure should be ensured to everyone by laws or contracts providing in particular for reasonable limitations on working hours and for periodic vacations with pay." New Zealand suggested that "Article. 18 – Everyone has the right to rest and leisure to be ensured through the limitation of working hours and the provision of paid vacations."[69] Brazil then suggested that the article be placed after Article 23, to ensure that it was under the 'umbrella' article.

The drafting of Article 24 of the UDHR continued through to the Third Committee of the General Assembly, where:

> Mr. Pavlov (USSR) and Mr. Stepanenko (Byelorussian USSR) spoke in favour of retaining the [second] paragraph, whereas Mrs. Roosevelt (United States of America) opposed the proposal, for although she did not disagree with the substance of the second paragraph she felt it was out of place in the Declaration.

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[66] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 24*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 3.
[67] Ibid
[68] Ibid.
[69] Ibid, 4.

The second paragraph was then omitted, and the first paragraph approved unanimously.[70] The USSR then again recommended further amendments, including the addition of a clause relating to legal and contractual enforcement.[71] However, "…Mrs. Roosevelt (United States of America) who preferred a short text," interjected, "…and considered that none of the amendments added anything to the Declaration as the ideas they contained were in any case covered by this or other articles."[72] "Many representatives, however, although not disagreeing with the ideas expressed in the USSR amendment, opposed it on the grounds that the Declaration should not enter into those details."[73] "This was the view taken by Mrs. Roosevelt…" as well as the delegates from the United Kingdom, New Zealand, Syria and Belgium.

Article 25 of the UDHR contains two clauses, and reads in its final form as follows:

> (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
> (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.[74]

In the drafting phase, Dr Recasens-Siches wrote that the United States made the following proposal for the text:

> Article 35. – Everyone, without distinction of economic or social condition, has a right to the highest attainable standard for health. The responsibility of the

[70] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 24*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 5.
[71] Ibid, 6.
[72] Ibid, 7.
[73] Ibid, 8.
[74] *The Universal Declaration of Human Rights.*

> State for health and safety of its people can be fulfilled only by provision of adequate health and social measures.[75]

It is clear from this statement that the US adopted a position in support of basic health provisions and social security. The draft worked its way through the Second Session without controversy, cycling through different phrasings. An alternative text suggested by France read "It is the duty of the State and community to take all adequate health and social measures to meet the responsibilities incumbent upon them." The US then suggested an additional alternative text:

> Everyone had the right to a standard of living necessary for health and general well-being, including social security and the opportunity to obtain adequate food, clothing, housing and medical care."[76]

This phrasing bears the hallmark of welfare-ism and its international application, at least strictly in rhetoric — a nuance ignored by the proponents of the 'myth' of Western opposition.

A lengthy process, the drafting Committee made changes to Professor Cassin's draft, which was to result in Article 25. Dr Recasens-Siches wrote that the changes "…originated largely in a suggestion by the representative of the United States, who introduced her Governments proposal, which contained a passage adapted from the constitution of the World Health Organisation…"[77] He followed that,

> At the proposal of Mr. Wilson (United Kingdom), it was agreed that the Drafting Committee should suggest that each of the articles on economic and social rights should be transmitted to the specialized agencies concerned for examination and comment. [78]

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[75] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 25*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 1.
[76] Ibid, 4.
[77] Ibid, 7.
[78] Ibid, 8.

The USSR then stated that it would prefer the article to clarify that it was the duty of the state to guarantee medical assistance to the individual.[79] The Soviets further suggested the right to adequate housing, to be provided and guaranteed by state and society — an amendment that was rejected by vote.[80] It was noted that:

> Following a further discussion of the International Labour Organization's text, as amended by the representatives of China and the United Kingdom, the Chairman, Mrs. Roosevelt, suggested that after the words 'standard of living' the words 'including food and clothing, housing and medical care' should be inserted…

This proposal was accepted by vote in the Third Committee of the General Assembly.[81] The USSR then proposed a further amendment, designed to ensure that social insurance be specifically referenced. The representative argued that it was "…vital to the working classes" that social welfare was ensured by the state or employers. The amendment met with opposition from a number of representatives; Mr. Contoumas (Greece) criticised it because it laid specific duties on the State, particularly in the matter of social insurance, which could not be included in a universal declaration in view of the diversity of insurance systems; it was opposed on similar grounds by Mrs. Roosevelt as well as representatives from Chile, Syria and the UK. The amendment was ultimately rejected by vote.[82] A broad ranging New Zealand amendement was withdrawn after lengthy debate, with Professor Cassin remarking that "…not every country had as broad a system of social security as New Zealand…".[83] It was then noted that Mrs Roosevelt "adopting one of the ideas contained in the Cuban amendment, proposes the addition of the phrase 'which shall take into account the needs of his family' after the words 'standard of living'"[84]. This text was included in the final version, and further demonstrates that the US position was far from antagonistic to the idea of economic and social rights.

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[79] Ibid, 9.
[80] Ibid, 17.
[81] Ibid, 18.
[82] Ibid, 21.
[83] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 25*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 23.
[84] Ibid, 24.

Dr Recasens-Siches included a lengthy commentary to supplement each article in which he discussed the philosophical underpinnings of each clause. His work on Article 22, the introduction to the right of social security, and more broadly the introduction to the social and economic right portion of the UDHR, has particular relevance to this study. Dr Recasens-Siches' analysis revealed the relatively 'new' nature of social rights, dating them to the twentieth century, and most prominently to post-World War II, a contrast to the long history of civil and political rights. He wrote "Those traditionally called *individual rights* are, essentially… rights of freedom, of being free from restrictions, attacks and undue interference, particularly by public authorities." As negative rights (defined as the negative debt of society to the individual), they were "…born chiefly out of the thought and political history of the modern age, from the sixteenth to the nineteenth centuries; … the Age of Enlightenment, liberal and democratic political thought, the English revolution, the American revolution and the French revolution."[85]

In contrast, social rights can be considered positive, as they "…have as their material or object positive activities by the state, the international community, and society and its various units…"[86] They therefore consisted of "shall contribute," and "shall assist" clauses. Dr Recasens-Siches inferred that this was a commonly held criticism of social rights, and qualified that "From another point of view, however, it must be admitted that all, absolutely all, rights are social, because in logic any right supposes a relationship between two or more people."[87] He continued, "In effect, for every legal right there is a corresponding legal duty owed by some other person."[88] The recent history of 'social rights' he explains in the following way:

> It is also generally observed, on the other hand, that the way was being preserved for the recognition and proclamation of social rights of man throughout the nineteenth century (social doctrine, workers' movements, state intervention, advancement of the idea of social justice, etc) and these came to

[85] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 25. Also see chapter three of this thesis.
[86] Ibid, 22.
[87] Ibid.
[88] Ibid.

> function chiefly in the twentieth century, after the first world war, with a more powerful advance during the Second World War and afterwards.[89]

The shorter history of social and economic rights, for Dr Recasens-Siches, resulted in rights that were under-researched, and in many ways lacking in mechanisms of application.

Reflecting the post-war welfare state mindset of the 1940s, Recasens-Siches argued, "Experience has shown…it is essential to establish certain minimum conditions of social security."[90] He wrote that, "…'social security' is recognized as one of the cardinal principals in connexion with basic human rights."[91] Yet despite this perceived recognition, and the recognition of these rights in the Universal Declaration of Human Rights, Recasens-Siches saw economic and social rights as poorly explored and under-realised, yet to have their moment in the international arena. He wrote, "…therefore, in the future, the declaration of the rights of man must be extended to the economic and social fields…"[92] The aspirational nature of the Declaration is further emphasised with the explanation that:

> While the articles which set forth the individual rights could by themselves constitute legal rules for direct application, the articles which set forth the economic, social, and cultural rights on the other hand are rather the proclamation of purposes of targets, for the realisation of which supplementary rules are needed, as well as in many cases administrative action.[93]

The aspirational approach to economic, social and cultural rights was emphatically challenged by the call for the New International Economic Order in 1974, and this challenge simmered prior to that decisive movement.

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[89] Ibid, 25.
[90] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 22*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 25.
[91] Ibid, 32.
[92] Ibid, 34.
[93] Ibid, 39.

The above text indicates that while human rights were introduced as part of the international post-war order in the 1940s, they were in the process of being re-envisioned and consolidated. The drafting of the UDHR was a key forum for the international debate over human rights. Moyn writes of human rights in the 1940s and subsequent decades:

> …above all, they were not even an especially prominent idea. What they were in this era helps isolate what changes later allowed for their eventually broad popular appeal. Unlike later, they were bound up with international organization rather than a larger popular language. And they inspired no movement. A better way to think about human rights in the 1940s is to come to grips with why they had no function to play then, compared to the ideological circumstances three decades later when they made their true breakthrough.[94]

Human rights rhetoric continued to be a language of international forums and charters in the 1950s and 1960s, employed occasionally by anti-colonial movements and largely avoided by Western powers.

5. The United Nations Human Rights Covenants and the effective US withdrawal from international rights rhetoric

The United Nations human rights covenant, a legally binding follow-up to the UDHR, was famously divided into two parts in February 1952. Split into the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the former was to become a nod to the conventional 'rights of man' and the latter was to encompass the more controversial rights of social security. The dominant narrative concerning the division of the covenants sees it as being symbolic of US and Soviet clashes over the definition of human rights, with the drafting of the covenant marred by Cold War politics.[95] Daniel P.L. Chong summarises the crux of this narrative:

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[94] *The Last Utopia*, 47.

[95] See Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003); and Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Malden, Mass: Blackwell, 2002).

> …as a result of the Cold War divide, international rights law split into two separate treaties in 1966, the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR).** While nearly all states signed both treaties, it was clear that the Soviet Union had no intention to comply with the ICCPR, and the United States had no intention to enforce the ICESCR.[96]

While there are several arguments and sub-arguments to support the Cold War and Western opposition thesis,[97] Chong's words distil its base assumptions. Daniel J. Whelan's work in *Indivisible Human Rights* combs through the archival records of the United Nations Commission on Human Rights between 1949 and 1950, the Eleventh Session of the Economic and Social Council and the Third Committee Debates of the General Assembly of the United Nations 5th Session in 1950 to refute the simplicity of the Western Opposition thesis. He presents a compelling picture of a nuanced and complex drafting process, citing concerns regarding the length of the drafting negotiations, implementation and monitoring of rights and tensions regarding anti-colonial movements, in addition to Cold War rivalries. This section will argue that the drafting of the human rights covenants, and the eight years immediately following this, were a fraught period of competing ideologies. The complex combination of international forces, however, did not necessitate a definitive US stance on the definition of human rights.

The hegemonic trope of the drafting of the covenant, and its split into two covenants, identifies the US as the driving force behind the division. Sellars has written that American officials believed a treaty containing economic rights would never pass the Senate, and thus moved to split them.[98] Archival evidence cited by Whelan demonstrates US opposition to the inclusion of economic, social and cultural rights in the covenant. In anticipation of the 7th session of the Commission on Human Rights, the US State Department issued a telling position paper to its emissaries regarding the inclusion of economic, social and cultural rights. The confidential paper reminded the delegates that

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[96] Chong, *Debating Human Rights,* 9. The bold appears in the original.
[97] See the work of Matthew Craven, *The International Covenant on Economic, Social, and Cultural rights: A Perspective on its Development* (Oxford: Oxford University Press, 1995); and Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Bloomington: University of Indiana Press, 2007).
[98] Kirsten Sellars, *The Rise and Rise of Human Rights* (Phoenix Mill: Sutton Publishing, 2002), 79.

"…since 1948 the US had opposed the inclusion of articles on economic, social and cultural rights in the covenant, but that the U.S supported their inclusion in separate protocols."[99] The same document instructs the delegate, in a case where the US may be forced into a position on this topic, to propose that economic, social and cultural provisions in the covenant "be limited to general language along lines of proposing the promotion of economic, social and cultural progress and development."[100] What the above briefing paper indicates is that rather than demonstrating an all-out rejection of economic rights, the US was prepared to address the issue of economic, social and cultural rights in a constructive manner and was carefully cultivating a public image that supported such rights.[101]

The extensive debate over the covenant and its eventual split included concerns about the length of the drafting process and the effectiveness of the covenant's future implementation. Australia's December 1950 statement to the General Assembly, for example, "…acknowledged the importance of these [economic, social and cultural] rights, but they also reminded the General Assembly how long it had taken to draft the first eighteen articles covering 'basic civil rights'."[102] Delegates from the US, the UK, India, New Zealand, and the Dominican Republic at the Third Committee Debates, which lasted from October to November 1950, advanced the argument that "adding additional articles on economic and social rights would delay the covenants adoption."[103] Concerns about the effectiveness of the implementation and monitoring of economic, social and cultural rights were issues that were consistently flagged throughout the drafting sessions.

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[99] Whelan, *Indivisible Human Rights,* 89.
[100] Ibid, quoting United States Department of State, *Foreign Relations of the United States 1951*, vol. 2, *The United Nations: The Western Hemisphere*, US Government Printing Office, Washington DC, 1979, 735.
[101] The historical structure *pax americana*, and its universalist world order, was formed during this period. According to Cox's historical dialectic methodology, it was forged through material conditions, ideologies and institutions, and the construction of common sense. The United Nations and Bretton Woods institutions played an important role in mediating the norms of US hegemony, which included the promotion of liberal capitalism and the 'development' paradigm, as discussed in section three of this chapter. While there was US hesitation about the codification of economic, social and cultural rights, the capitalist 'development' framework was essentially aspirational. It can be posited that an all-out rejection of economic, social and cultural rights was at odds with the ideological structures of *pax americana.* See Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989): 140-141.
[102] Whelan, *Indivisible Human Rights,* 81.
[103] Ibid, 75.

At the Third Committee Debates of 1950, the Netherlands, for example, questioned the implementation of economic, social and cultural rights due to the differing political, social, financial and economic conditions prevailing in each country.[104] Similarly, "China was sceptical of the ability of any treaty to alter the behaviour of the state", and so argued that "the provision of disciplinary measures for economic, social and cultural rights seemed premature."[105] Controversy regarding implementation continued, with Whelan suggesting that circumstances had altered to the extent that by late 1951 a violations approach to economic, social and cultural rights had possibly even been removed from the agenda. Whelan writes that the "question about implementation had more to do with the responsibilities, competencies, and turf of the specialised agencies vis-à-vis the United Nations system than anything else."[106] These more administrative issues were in no way depoliticised, and the oft-discussed Cold War tensions between East and West are easily located right through the archival material. A colourful example of this can be found in the 1951 United Nations records, which read that:

> In response to Eleanor Roosevelt's claim that that the United States was a generous country, and had been 'playing an active part in improving conditions in other countries long before the United Nations had come into existence,' the Soviet representative charged that 'everyone knows that the effect of that assistance had been to retard the recovery of the countries assisted, in the interest of American monopoly-capitalism.[107]

This quote highlights the extent to which the debates about rights were grounded in the conflict between the US and the USSR and the divergent political systems they espoused.

Whelan also highlights the role of the recently de-colonised states in the covenant negotiations. In analysing the role of de-colonised states within the Cold War context, Whelan has traced the correlation between anti-colonialism and the pursuit of economic rights. Anti-colonial movements and the drive for state sovereignty, growing in momentum in the 1950s, would ultimately demand economic and social rights through the New International Economic Order, and General Assembly Resolution 32/130 of

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[104] Ibid.
[105] Ibid.
[106] Whelan, *Indivisible Human Rights,* 101.
[107] Ibid, quoting U.N Doc. E/CN.4/SR. 248, 14.

1977.[108] Archival records of the 1950 Third Committee sessions attribute the following quotation to Saudi Arabia:

> It was not surprising that most of those who took that cautious position were representatives of colonial powers … Hence the representatives countries which themselves enjoyed the free exercise of economic, social and cultural rights were unwilling to extend the benefits of those rights to populations which lived and labored in a morass of backwardness.[109]

This phrase is striking in its criticism and conceptualisation of inequality within the paradigm of economic, social and cultural rights and colonial structures. Syria agreed with this statement, arguing that the Western opposition to the inclusion of economic, social and cultural rights:

> … arose either from a superiority complex or from a keen sense of selfish colonial interest. Some powers, for example, could not accept the principle of the right to equal pay for equal work because its application in the colonies would interfere with exploitation.[110]

The drafting of the Covenants was another front on which the anti-colonial struggle was being played out. While weaker in this era than in the 1970s, the issues of economic and social rights in the Third World were clearly of importance to the leaders of the newly emergent countries. The US, in this period, was primarily engaged in combating the Soviet Union. For this reason, while the US was not eager to uphold economic, social and cultural rights it was also wary of taking a stance that might damage relations with the newly emergent states.

Whelan's argument that the US approach to economic rights during the drafting of the covenant/s was not definitive policy provides an important correction to the literature. He writes that an examination of the drafting process is necessary:

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[108] See chapter five and six of this thesis.
[109] Whelan, *Indivisible Human Rights,* 2010, 77, quoting U.N. Doc A/C.3/SR.299, 187.
[110] Ibid, quoting UN. Doc A/C.3/SR.299, 189.

> …to counter our 'received wisdom' that the whole process of drafting generally worded articles on economic, social, and cultural rights and the creation of non-adversarial system of supervision was part of some nefarious plot by the West to relegate economic, social and cultural rights to a second-class treaty with no teeth.[111]

He notes, in an observation that is strongly supported by original archival material, accessed at the Jimmy Carter Presidential Library in 2014, and presented in Chapters five, six and seven of this thesis, that the Third World push for economic justice within a human rights paradigm climaxed in the 1970s. He writes that:

> …while we may be able to say that this was the ex post facto *result* – that by the 1970s and beyond, economic, social and cultural rights were definitively and empirically second-class by virtue of the original provisions of the International Covenant on Economic, Social and Cultural Rights – this was *not* the intention of the drafters. But in 1951 and early 1952, as the question about how to proceed with the draft Covenant got under way, the symbolism of division became a lightning rod for anti-Western sentiment, especially within the Third Committee of the General Assembly. But it was symbolic. Symbolically, it was more important for opponents to attach their desire for more equity in the international system and an emerging anti colonial discourse as part of the question about economic, social and cultural rights.[112]

The human rights 'breakthrough' of the 1970s,[113] and the Third World economic activism of this era, brought economic, social and cultural rights to the fore. The historical significance of drafting of the covenants must be acknowledged, as well as the relative marginality of human rights concepts between the early 1950s and the early 1970s.

The US ultimately refused to ratify the both of the UN human rights covenants in 1953, which can be seen, in part, as a capitulation to the agitating of Senator John Bricker. The

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[111] Ibid, 114.
[112] Ibid.
[113] See Jan Eckel and Samuel Moyn, *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2013).

Republican Governor of Ohio, Bricker launched a campaign to block US involvement in the covenants, citing the communist threat in the growing Cold War climate. Tellingly, while Bricker fought against the covenants, his:

> …opponents were not actually fighting *for* them. Instead of standing up for human rights on their merits, they chose to fight on the coalition's terms, by arguing that diplomacy, security and the Presidency…would be compromised by the amendments.[114]

The subservience of human rights issues to Cold War interests during this period is frequently noted in the literature. Sarah Snyder has written that:

> The predominance of concerns about communism, a commitment to containment, and overall adherence to the primacy of a Cold War framework had moved human rights off the American agenda in the early 1950s. The issue did not re-emerge as a policy priority until changes in the composition of the United Nations, the rise of nongovernmental human rights activism, domestic advocacy of civil, political and social rights, and increasingly vocal members of congress prompted questioning of the tenets that under-pinned US Cold War policy.[115]

The domestic and international environment in the early 1950s was not such that it forced a direct US engagement with international human rights policy. Western European allies similarly saw a reduced engagement with international human rights rhetoric during this period.

Western European nations experienced a rapid decline in interest in the United Nations Covenants post-1950. The European Convention on Human Rights, a document widely seen as an expression of Western values in the face of the communist threat, was signed in 1950.[116] A limited document, it is comprised of civil and political rights, and does not

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[114] Sellars, *The Rise and Rise of Human Rights*, 82.
[115] Sarah B. Snyder, "The Rise of Human Rights During the Johnson Years," in *Beyond the Cold War: Lyndon Johnson and the New Global Challenges of the 1960s*, ed. Francis J. Gavin and Mark Atwood Lawrence (New York: Oxford University Press, 2014), 251.
[116] See Roland Burke, "Confronting 'Indivisibility' in the History of Economic, Social and Cultural Rights: From Parity to Priority and Back Again," *Human Rights and Human Welfare* 12, (2012) Josef Korbel School of International Studies, University of Denver, available at http://www.du.edu/korbel/hrhw/.

engage with economic or social rights, except the right to education. These classic and traditional rights of man, including the prohibition of forced labour, right to freedom of expression and religion, and freedom of assembly and association, are pointedly anti-communist and for this reason were harnessed by the US as part of the crusade against the Soviet Union. While civil and political rights had some relevance in the ideological arsenal of the Cold War, they were also principles that posed a threat to the colonial system, and therefore the stability of the post-war world order. Simpson's study of the British ratification of the Convention demonstrates a very real fear that human rights principles would be used against Britain to promote the self-determination of its colonies. He has written that by 1951:

> So far as the Colonial Office was concerned the real belief of the officials was that British involvement in the whole human rights exercise had been regrettable and was potentially harmful to British interests.[117]

The attempted extension of the Convention to colonial territories can be seen as one in a series of death knells to the imperial order. This world order was under threat due to a combination of material forces, institutions and ideologies (human rights principles were most pointedly pursued through the right to self-determination and nationalist drives).

The loss of US support and waning of Western European interest substantially reduced the perceived value and power of the International Covenants. Quoting the public records office, Sellars has written that Uruguay complained that the American defection "made the discussion of the covenants rather academic," while India suggested that it "knocked the bottom out of the covenants."[118] Cranston noted that the US withdrawal "at once profoundly damaged any hopes of the United Nations being used to enforce human rights and made America responsible for the damage."[119] The material and ideological power of the US, in the climate of the Cold War and post-World War II economic boom, cannot be underestimated. The United States' limited and selective engagement with the broader human rights paradigm, and its refusal to endorse the international covenants

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[117] Simpson, *Human Rights at the End of Empire,* 824.
[118] Sellars, *The Rise and Rise of Human Rights*, 83, quoting PRO, FO 371/107126, Hoare (Geneva) to FO 8.4.53.
[119] Maurice Cranston, *Human Rights To-day* (London: Ampersand Press, 1962), 44.

during this period, can be cited as material factors in the inability of the movement to ascend to global ideological hegemony. The lack of US support was crippling for the UN human rights programme, both ideologically and practically. Despite the impetus for human rights following the horrors of World War II,[120] and indications that rights were important to newly independent countries by the 1950s, human rights were primarily relegated to rhetoric as the US focused its attention on the Cold War.

What is glaringly obvious from studying all the available sources is the silence of the US towards international human rights in the decade between 1953 and 1962. Congressional records, accessed through the library of Congress in 2014, reveal that there was not a single reference to international human rights in foreign policy prior to Donald Fraser's introduction of the term in 1973. The Presidents between 1953 and 1962 — Eisenhower and Kennedy — made scant, and in many instances, no, reference to international human rights in their official speeches. Yearly press releases to honour International Human Rights Day continued during this period, but were domestically focused, with at best some vague references to the international.[121] These vague references are the only consistent yearly reference to human rights to be found under these administrations. The understanding that runs through the annual Presidential Human Rights proclamations is that America had a long history of rights,[122] whereas internationally, the UDHR was an underdeveloped and aspirational document. Eisenhower's 1953 Proclamation, for example, refers to the anniversary of the UDHR, stating, "…the anniversary of its adoption is now celebrated throughout the world as a time to increase understanding of this great document."[123] The Proclamations made between 1953 and 1962 made consistent references to civil and political rights. One such example is the reference to "freedom of speech and of the press, freedom of assembly and association, freedom of conscience and religious worship, the right to fair

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[120] Jack Donnelly, "The social construction of international human rights," in *Human Rights in Global Politics*, ed. Tim Dunne and Nicholas J. Wheeler (Cambridge: Cambridge University Press, 1999).
[121] See the Proclamations between 1953 and 1962 at *The American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=107458.
[122] See the reference to the United States' "heritage of individual liberty" in Dwight D. Eisenhower, "Proclamation 3039 - United Nation Human Rights Day, 1953," 30 November 1953. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=107458. He also made repeated reference to this heritage in his Proclamations between 1954 and 1960, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=107458.
[123] Dwight D. Eisenhower, "Proclamation 3039 - United Nation Human Rights Day, 1953," 30 November 1953. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=107458.

trial and equal treatment under law," in the 1957 Proclamation.[124] John F. Kennedy's 1961 proclamation made the one rare reference, alongside the standard calls for civil and political liberties, to:

> …the right to labor and to join in efforts to improve conditions of work; the right to unite with our fellows, without distinction as to race, creed, or color, in tearing down the walls of prejudice, ignorance, and poverty wherever they may be, and to build ever firmer the foundations of liberty and equality for all.[125]

The domestic context of this Proclamation — the US Civil Rights movement — must be considered here. It also suggests that a preference for civil and political rights was combined with some understanding of economic, social and cultural rights. Between 1953 and 1962, there is a distinct lack of definitive statements on international human rights that can be attributed to US presidents.

6. US domestic rights movements

6.1 Civil Rights

The effective withdrawal of Western support from an international human rights movement, the explosion of anti-colonial sentiment, and the growth of the US domestic Civil Rights movement occurred in the same historical period. Numerous scholars have suggested that these events were interrelated, with the collapse of the colonial empires and the US Jim Crow laws calling into question the ideological legitimacy of the West as an enforcer of international human rights.[126] Within the US, activists such as W.E.B

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[124] Dwight D. Eisenhower, "Proclamation 3213 - United Nation Human Rights Day, 1957," 7 December 1957.Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=107184.

[125] John F. Kennedy, "Proclamation 3442 - Human Rights Week, 1961," 9 December 1961. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available from http://www.presidency.ucsb.edu/ws/?pid=24162.

[126] See, for example, Fabian Klose, "'Source of Embarrassment': Human Rights, State of Emergency and the Wars of Decolonization," in *Human Rights in the Twentieth Century* ed. Stefan-Ludwig Hoffmann, 237-257. Klose's study of the violent colonial wars in Kenya and Algeria, occurring in the aftermath of the codification of the international human rights regime, demonstrates the crumbling legitimacy of the West in the wake of the right to self-determination. The United Nations General Assembly passed Resolution 545 (VI) in 1952, including the right to self-determination in the drafting of the Covenant of Civil and Political Rights. Entering to force in 1966, the preceding fourteen years were marred by increasingly radicalised colonial violence, in which 'state of emergencies' were declared to justify bloody guerrilla

Dubois saw the anti-colonial agenda and the push for the recognition of African-American rights as conceptually allied and mutually supportive. He wrote of the stirring of pan-Africanism and anti-imperialism in the tumult of the First World War, and argued, "the partition of Africa was a cause of the conflict."[127] Anti-colonial sentiment intensified post – World War II, and Blackburn has written that Du Bois saw a clear parallel between the Jim Crow laws and colonial rule. Under his framework:

> African-Americans would step up their support for decolonization and the appearance of new African and Asian states would – in the climate of incipient Cold War rivalry – increase pressure on the US government to guarantee African-Americans the enjoyment of rights they had been so long denied.[128]

Du Bois had long believed that the twentieth century would be marked by race. He introduced the concept in a lecture for the third annual meeting of the American Negro Academy in 1900, titled, "The Present Outlook for the Dark Races of Mankind." His purpose, as stated, was to consider "the problem of the color line, not simply as a national and personal question but rather in its larger world aspect in time and space."[129] His work and activism centred on the liberation from racist ideological paradigms and social structures, both within the US and globally. With his scholarship underpinned by philosophical understandings of human value and dignity, Du Bois' engagement with human rights rhetoric was brief. Moyn has argued that in the late 1940s:

> Du Bois turned to the language of human rights when it was still undefined, and only very briefly: just as he had never used it before, he never used it again. More important, it represented merely a tool, not the essence of his thought and his activism, even when he appealed to it.[130]

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warfare. In suppressing calls for self-government, the former colonial powers clearly violated the human rights principles that they had helped codify through the United Nations.

[127] W. E. Burghardt Du Bois, *Dusk of Dawn: An Essay Toward an Autobiography of a Race Concept* (New York: Harcout Brace Jovanovich, 1940), 252.

[128] Robin Blackburn, "Reclaiming Human Rights," *New Left Review* 69 (May-June 2011): 134.

[129] Maulana Karenga, "Du Bois and the Question of the Color Line: Race and Class in the Age Globalization," *Socialism and Democracy* 17, no. 1 (2003): 141.

[130] *The Last Utopia,* 103.

While intimately connected to human dignity, Du Bois' work, and the US civil rights movement, did not appeal to international human rights discourse in any significant way. In seeking equal treatment under US civil law, the Civil Rights movement worked within a concrete national framework. As flagged by Moyn, and discussed in sections two and three of this chapter, international human rights rhetoric, while a tool, was a non-hegemonic and essentially undefined movement during this period.

The Civil Rights movement, along with the women's movement, drew upon rights rhetoric. A call for collective liberation from racial inequality, the Civil Rights movement can be seen as culminating in the legislative reforms of mid-1960s. The 1964 introduction of the Civil Rights Act saw the repeal of institutionalised racial discrimination and the prohibition of discrimination based upon race, colour, religion and origin, and the Voting Rights Act of 1965 effectively universalised the right to vote. The campaign of non-violent protest and civil disobedience grew steadily from 1955, focusing on protesting unjust laws. The legislative demands and eventual gains focused upon civil rights, being the right to political participation and freedom from government discrimination and persecution. The prominence and relative success of the pursuit of such civil rights can obscure the pursuit of economic rights domestically within this era.

The pursuit of economic rights and justice within the Civil Rights movement did not surface in any real way until the mid-1960s. Moyn writes "when Martin Luther King, Jr. turned to place civil rights in a global frame in the last year of his life, at the price of heavy stigmatization, he occasionally invoked human rights as well."[131] Thomas F. Jackson has used a study of Martin Luther King Junior to demonstrate the struggle for economic justice both within the US and internationally. He argued that King's open call for a redistribution of economic power grew from a vision of economic democracy and international human rights.[132] The Student Non-Violent Coordinating Committee and Olympic Project for Human Rights escalated a push for economic justice and international rights in 1967 and 1968, a time period beyond the scope of this chapter. Drawn from the teleology of natural rights, the civil rights movement and human rights rhetoric do overlap considerably. The compartmentalisation between domestic civil

[131] *The Last Utopia,* 105.
[132] Thomas F. Jackson, *From Civil Rights to Human Rights: Martin Luther King Jr., and the Struggle for Economic Justice* (Philadelphia: University of Pennsylvania Press, 2009).

rights reforms and international rights rhetoric, including foreign policy, demonstrates the interplay of complex factors. The strength of the Cold War framework, the lack of definition of the international human rights movement, and the strength of the nation state can all be acknowledged. For King, and others, the securing of basic legal and political rights was seen as a precursor for the pursuit of economic rights. This understanding was mirrored in Kwame Nkrumah's idea that colonised peoples must seek the political kingdom first.[133]

7. International anti-colonialism and human rights

The similarity between the civil rights movements and the anti-colonial movements can be said to include the absence of any real focus on economic, social and cultural rights as a primary, and rallying, cause between 1948 and 1962. These movements also failed to pursue international economic justice with the cohesion that the Third World and Non Aligned movement were able to present by the mid- to late-1960s. Moyn has argued that:

> The surprising fact of the matter is that postwar anticolonialists rarely invoked the phrase "human rights," or appealed to the Universal Declaration of 1948 in particular, though decolonization was exploding precisely in the moment of its passage and after. Apparently aware that the rights of man and the nation-state had long been inseparable, anticolonialists in the post–World War II era proved to be far more interested in the twentieth-century reformulation of that linkage by V. I. Lenin and Woodrow Wilson as "the self determination of peoples."[134]

Drawing on the relatively scant references to human rights by post-war anti-colonial thinkers, political leaders, activists and organisations, Moyn's argument that human rights in this period were non-hegemonic, and lacking in coherence, appears to be beyond contention. However, it is his tight definitional drawing of human rights as an anti-political movement, driven by morality, and acting above the state, that allows him to claim their supreme irrelevance in the 1950s and 1960s. He sees human rights as strictly utopian in nature, individual rather than collective, and derisive of conventional,

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[133] Kwame Nkrumah, *Africa Must Unite* (London: Heinemann, 1963).
[134] *The Last Utopia,* 85.

state based politics, and for these reasons he expunges the anti-colonial drive for political and economic self-determination, nationalism, economic development, and anti-racism, from the history of human rights. Moyn's narrow definition of human rights, it can be argued, is itself reflective of the hegemonic discourse that began to emerge in the late 1970s. The Third World and Non-Aligned Movement, and their watershed Bandung conference, did engage with human rights rhetoric in some capacity. Such engagement was both subordinated to and bound within calls for independence, freedom and justice. Nonetheless, the Third World did not ignore human rights, or economic rights, altogether.

The 1955 Bandung Conference was a highly significant event in the history of anti-colonialism and the emergence of the Third World. It marked the beginning of the trajectory of the Non-Aligned Movement, and signified the growing unity between the continents of Asia and Africa. As Roland Burke has noted, "For the first time, the free states of Africa and Asia assembled to discuss common problems and attempted to formulate a united approach to international relations."[135] A milestone in the process of decolonisation, it reshaped the continents of Africa and Asia, and their approach to global politics.[136] It brought together the leading political leaders of the anti-colonial movement, uniting diverse ideological currents. Gamal Abdel Nasser, Jawaharlal Nehru, Ahmed Sakarno and Zhou Enlai were among the luminaries in attendance. Burke suggests that neutralists, such as Nasser, Nehru and Sakarno, saw the conference as a triumph in a move towards non-alignment. Those aligned with the West declared the conference a victory for freedom and democracy in the Third World.[137] Despite the literature devoted to Bandung, little has been written on the importance of this meeting for orienting human rights concepts within competing ideologies and alliances.

The 10-point Declaration, released at the close of the conference, listed "1. Respect for fundamental human rights and for the purposes and principles of the charter of the United Nations" as a primary concern. This was followed by "2. Respect for sovereignty and territorial integrity of all nations", "3. Recognition of the equality of all races and of the equality of all nations large and small," and further points that bolstered state

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[135] Roland Burke, "'The Compelling Dialogue of Freedom': Human Rights at the Bandung Conference," *Human Rights Quarterly* 28, no. 4 (2006): 958.
[136] Ibid.
[137] Ibid.

sovereignty in terms of international disputes, self-defence, and non-intervention. The call for both human rights and state sovereignty do not need to be read as inconsistent. As Moyn has identified, human rights were deeply implicated within calls for nationalism, and for pan-national solidarity. He has written that:

> In the major speeches by these icons at Bandung [Nasser, Nehru, Sukarno, and Zhou En-lai], human rights did not figure significantly. All the same, due to Malik's proposal, the Afro-Asian nations formally "took note" of the Universal Declaration of Human Rights. Even this prominence on paper at Bandung should not be overstated… [138]

The human rights advocacy of Charles Malik has long been noted as foundational to the drafting of the UDHR, with Morsink calling him part of the "inner core,"[139] and can also be seen in shaping the Bandung Conference. In accepting Moyn's above analysis, this chapter accepts that human rights principles intersected greatly with principles of nationalism and self-determination at the Bandung Conference. Rather than suggesting that anti-colonialism was therefore not affiliated with human rights, however, it suggests that human rights were non-hegemonic during this period. Human rights at this point of history were yet to adopt the transnational, non-governmental definition that emerged in the 1970s. Therefore, rather than being separate from the form of human rights that ascended to hegemony under the Presidency of Jimmy Carter, the rights imagined at Bandung formed an essential and discursive part of the discourse.

Roland Burke, one scholar who has substantially researched the Bandung Conference and human rights, has argued that the inclusion of human rights principles as the first concern of Bandung's 10-point Declaration accurately reflects the discussions of the conference. He has relied on archival evidence to suggest that human rights were a foremost topic of debate at the conference, writing "Of the twenty-five nations who gave addresses in the opening session on 18-19 April, no less than eleven invoked human rights."[140] The speeches were delivered by emissaries as varied as Zhou Enlai of communist China and His Royal Highness, Foreign Minister Sardar Mohammed Naim of

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[138] *The Last Utopia*, 107-8.
[139] See Morsink, *The Universal Declaration of Human Rights*, 30.
[140] Burke, "The Compelling Dialogue of Freedom," 951.

Afghanistan, as well as delegates from "Egypt, Iran, Japan, Jordan, Lebanon, Thailand, Turkey, South Vietnam, and Yemen."[141] Burke writes that human rights were also referenced in the closing comments of four delegates, and that twelve hours were spent debating human rights during the first meeting of the closed sessions of the Political Committee.[142] In proving their presence and relevance at the conference, Burke also makes a strong case that the Bandung conference was defined by anti-colonialism, which was, in many ways, also an issue of human rights.

The concept of human rights was both fundamental to, and subordinated to, the complex causes of anti-colonialism, modes of governance and freedom at the core of concerns voiced at the Bandung Conference. Burke has written that:

> While primarily concerned with foreign domination, the colonialism dispute raised arguments with important consequences for human rights and democracy. By articulating what constituted colonialism, those at Bandung were forced to examine the political the social systems they sought for themselves. They were made to question what exactly was at stake in the campaign against colonialism.[143]

The Bandung conference is widely understood to have marked the consolidation of the Third World movement. It should also be noted that it was a key moment for defining the link between anti-colonialism and human rights. In condemning practices of colonialism, principally US but also Soviet colonial practices, delegates engaged in debates about the nature of governance and freedom. When speaking to Australian diplomats after the Bandung conference, Charles Malik noted that the debate over freedom had been the most significant reason for division amongst those in attendance. He stated:

> [T]here was no question on which points of view were more sharply and more poignantly divided than on this problem of freedom. Because to the Communists, in the present context of this Conference [liberation] meant the liberation of the

[141] Ibid, 952.
[142] Ibid.
[143] Burke, "The Compelling Dialogue of Freedom," 958.

> various nations and peoples of Asia and Africa from foreign Western rule. But to some of us-while this certainly belongs to the notion of freedom, freedom was much larger and much deeper than mere liberation from foreign rule. To us freedom meant freedom of mind, freedom of thought, freedom of press, freedom to criticise, to judge for yourself-freedom, in short, to be the full human being.[144]

In a Cold War context, the rejection of foreign dominion and recognition of colonialism as a human rights violation also brought tensions between the competing ideologies of capitalism and communism. While direct references to international human rights were bound within wider calls for self-determination at Bandung and more widely in the late 1950s and early 1960s, human rights principles are deeply implicated in debates about forms of governance and fundamental freedom. In distilling these complex interactions, there is truth in Chong's argument that during the Cold War, the opposing sides:

> …claimed that their set of rights constituted 'real' human rights, while asserting that the opposing set of rights were not real rights but merely privileges that were not necessary to the achievement of human dignity.[145]

The pursuit of freedom through decolonisation, in the Cold War context, necessarily delved into concepts of human dignity and human rights.

International human rights were indeed bound within the pursuit of the right to self-determination in anti-colonial movements. Liberia's Kolli Tamba insisted in 1951 that self-determination "was an essential right and stood above all other rights."[146] Julius Nyerere, the statesman that Ekhert has argued used the term 'human rights' most frequently compared to his first generation anti-colonial contemporaries, also appeared to equate human rights with the struggle for self-government. His independence message to the Tanganyika National Union (TANU) in 1961 emphasised the value of human rights:

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[144] See Charles Malik, *American Broadcast Corporation (ABC) Sunday Radio Program Transcript: Guest of Honour Charles Malik* (5 May 1955). (Australian National Archives (NAA), *A1838/2* 78. 3002/1 Pr 5 at 2.), quoted in Burke, "The Compelling Dialogue of Freedom," 958-9.
[145] *Debating Human Rights,* 175.
[146] U.N. Doc. A/C.3/SR.366 (1951), 115.

> All the time that TANU has been campaigning for *Uhuru* we have based our struggle on our belief in the equality and dignity of all mankind and on the Declaration of Human Rights.[147]

His subsequent independence message to the United Nations in 1961 repeated this theme, but also had a significant post-script that:

> That Declaration confirms that the right of the individual to many things, which we cannot yet provide for the citizens of our country. In that respect this document, The Universal Declaration of Human Rights, represents our goal rather than something we have already achieved.[148]

As a goal, human rights had been a factor in the struggle for self-determination, and now stood as an aspiration in the challenges of nation building. It appears that human rights were subordinated to the push towards the 'utopias' of socialism and economic development. Rather than be conceptualised as moral principles above the state, human rights in the anti-colonial context looked to the state as the crucial vessel in their attainment.

Eckert echoes Moyn in arguing that for most African nationalists, human rights were not the predominant concern in the heady context of newfound independence. They were subordinated to, and in some cases bound within, the more pressing concerns of nation building, economic development and pan-African nationalism. He has suggested, "The usage of human rights language among African nationalists was largely restricted to the sphere of international diplomacy."[149] Such a phenomenon is not surprising considering the genesis of human rights as a tool of international legal rhetoric in the 1940s. Nkrumah's speech to the United Nations in 1960, the year of independence for many African states, spoke of 'freedom' and 'peoples' rather than 'rights' and 'individuals'. His focus appeared to be upon political self-determination, and the struggle for nationhood. His speech included the words:

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[147] Julius Nyerere, *Uhuru na umoja: a selection from writings and speeches, 1952-65, Volume 1* (Oxford, Oxford University Press, 1967), "Independence Message to TANU," 146.
[148] Ibid.
[149] Andreas Eckert, "African Nationalists and Human Rights, 1940s-1970s," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann.

> The flowing tide of African nationalism sweeps everything before it and constitutes a challenge to the colonial powers to make a just restitution for the years of injustice and crime committed against our continent… Our voice booms across the oceans and mountains, over the hills and valleys, in the desert places and through the vast expanse of mankind's habitation, it calls out for the freedom of Africa. Africa wants her freedom, Africa must be free. It is a simple call, but it is also a signal lightning, a red warning to those who would tend to ignore it.[150]

The violation of human rights by colonial powers was implicit in this statement, and a pan-African call for political freedom was powerfully expressed. Injustice through the imposition of colonial rule, and the brutal practices undertaken by colonial governance, were highlighted. Nkrumah invoked human rights, in part, to expose the hypocrisy of the West. His famous expression, "Seek ye first the political kingdom and all else shall be added unto you",[151] captured the perceived fight for self-determination and self-governance as the first step in the realisation of fundamental human rights: freedom from foreign oppression. While not articulated in human rights terms in the early 1960s, the influence of Marxist and Socialist thought on African leaders such as Nkrumah, Kenyatta and Nyerere also suggests that anti-colonialism and the pursuit of economic rights were compatible movements. 'Development' would ultimately be asserted as a human right through the United Nations General Assembly in 1977. Anti-colonialism in the early 1960s was a fight against the exploitative political and economic practices of imperialism, and this encompassed a critique of exploitative origins and continued bias of the liberal international economic system. As the United Nations Development Decade of the 1960s continued, the continuing injustice of the liberal world order became more apparent, and Third World forces mobilised around economic rights.

8. Conclusion

The lack of definitional coherence regarding human rights that was demonstrated in the drafting of the UDHR continued through the drafting of the United Nations covenants,

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[150] Kwame Nkrumah, *I speak for Freedom: A Statement of African Ideology* (London: William Heinemann Ltd., 1961), 262.
[151] Nkrumah, *Africa Must Unite*.

and was not resolved as the US effectively withdrew from human rights rhetoric between 1954 and 1962. A movement that failed to gain popular momentum, international human rights rhetoric was a non-hegemonic project throughout this period. Moyn has posited, "Human rights were the victims of their own vagueness."[152] The prime emancipatory pressures upon the US, being de-colonisation and the Civil Rights movement, did not conceptualise their struggles within clear human rights terms. While human rights were a component of these movements, the concept was bound within calls for anti-discrimination and self-determination. The period between 1941 and 1962 therefore differed greatly from the subsequent decades when undertaking a historical study of human rights. Unlike the latter decades, international and domestic forces did not necessitate US engagement with human rights concepts. Certain discursive forces can be traced through this period, however, including the US preference for the codification of international civil and political rights, and its hesitance regarding economic, social and cultural rights.

The relative insignificance of human rights discourse between 1941 and 1962 enhances the significance of the hegemonic project of human rights in 1970s. In the 1970s, human rights mobilised popular support, sparked intellectual interest, permeated international institutions and provided a voice to both anti-imperial movements and global powers. The following chapter will discuss the period between 1963 and 1976, analysing the rapid growth of the Non-Aligned movement and Third World calls for economic justice through the United Nations, and the rapid growth of non-governmental human rights organisations such as Amnesty International. It will argue that the Third World was conceptualised as a threat to the diplomatic relations of the USA and its image, and to the international economic order from the mid-1970s and during the presidency of Jimmy Carter.

[152] *The Last Utopia*, 64.

Chapter 5 – International human rights activism between 1963 and 1976: The escalation of concurrent social forces

1. Introduction

This chapter will study the combination of social forces that were building between 1964 and 1976. Applying a Coxian approach to the study of world orders, it will focus upon the interplay of material forces, institutions, and ideas in the historical structure of *pax americana*, and in the Third World challenge to US hegemony that occurred during the 1970s. This chapter is concerned with how 'human rights' were defined in the US during this period, primarily through the activities of Amnesty International, and through the introduction of human rights principles to Congress. It will also interrogate the Third World definition of human rights, presented through the Proclamation of Teheran in 1968, and elaborated through the call for the New International Economic Order. It will argue that these frameworks were political and socio-cultural projects, necessarily bound to the social relations of production. The Vietnam War looms throughout the chapter. The highly politicised US involvement in Vietnam, and ultimate defeat, played a crucial role in rallying anti-imperialist sentiment and human rights activism in the Third World. The cost of the war also contributed to the international recession of the 1970s. The great economic downturn precipitated a rising Third World challenge to the American-led international economic system through the New International Economic Order. This backdrop is crucial for understanding the argument at the crux of this chapter: that human rights became a core principle by which the Third World mounted its challenge to the US. Due to the nature of the Third World challenge, the Carter administration responded in kind by launching an alternative human rights agenda that was designed to undercut the economic thrust of the Third World.

The previous chapter of this thesis traced international human rights between 1941 and 1962, arguing that the concept was relatively undefined during this period. The Third World made no effort to utilise human rights rhetoric as a primary, rallying, ideology in its calls for self-determination. Additionally, the combination of international forces did not necessitate US engagement with international human rights. This chapter will show

how that trend shifted between 1963 and 1976. The chapter will first study Western human rights activism, as typified by the rise of Amnesty International, and the introduction of human rights principles to US congress in 1973. It will be contended that these movements drew on past Western notions of liberal rights, and solidified a coherent rights definition through contemporary processes. This chapter will then move to examine Third World solidarity from 1964, arguing that the drive for self-determination, sovereignty, and more particularly 'development' and economic justice, came to be articulated within the schema of human rights (human rights rhetoric, and particularly socio-economic rights, were utilised by the Third World in challenging *pax americana*). The tri-continental Conference of 1966 will be discussed, to illustrate both escalating Third World solidarity, and the mounting pressure of anti-US imperialist ideology. It will then move to study the linkage between human rights and development established in Teheran in 1968 that would be codified in 1977. The call for the New International Economic Order will be conceptualised as both a climax of Third World cooperation, and a genuine threat to the international political and economic relations of the historical structure headed by the hegemony of the USA.

2. Western human rights activism

The Carter administration came to power in a decade of growing Western international human rights activism. The first US president to owe a debt to black voters,[1] Carter inherited a system of Civil Rights activism and reform, and a country still in many ways defined by the existence of monumental injustices. The dominant ideologies of the US Civil Rights Movement, as discussed in the previous chapter, were primarily focused on domestic gains, particularly as measured by civil and political rights. While Dr. Martin Luther King Jnr. turned to economic and international rights in the last year of his life, this work remained largely divorced from 'international' human rights in mainstream popular and political rhetoric.[2] Both Malcolm X and the Black Panthers advocated pan-African solidarity, and revolutionary redistributive rights, however, these movements had little impact on international human rights discourse beyond the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 1963, and the

[1] Tony Evans, *US Hegemony and the Project of Universal Human Rights* (London: MacMillan Press, 1996).
[2] Thomas F. Jackson, *From Civil Rights to Human Rights: Martin Luther King, Jr., and the Struggle for Economic Justice* (Philadelphia: University of Pennsylvania Press, 2007).

subsequent International Convention on the Elimination of All Forms of Racial Discrimination of 1969.[3] It was the rapid growth of Amnesty International from 1961, later joined by fellow non-government organisation (NGO) Human Rights Watch, that heralded a new era of 'international' rights activism. Moving beyond domestic legislative procedures, this new model of international activism focused on research, reporting, and individual solidarity – meaning that the onus was placed upon individuals in the West to advocate for, and write letters to, individuals in need.

The introduction of international human rights principles to US congress in 1973 through a series of hearings drew heavily on Amnesty reports. The focus of these hearings was definitively set on civil and political rights.[4] The Western predication for the civil and political 'rights of man', stretching back to the Enlightenment, and evidenced in the discussions of United Nations human rights norms in the 1940s and early 1950s, was further entrenched by the work of Amnesty International,[5] and by the perspectives that dominated in the US Congress.[6] While continuing and reinforcing historical trends, these movements responded to contemporary problems and shaped a new wave of international human rights. They conceptualised an essentially new approach to international human rights that would soon after rise to occupy a position of ideological hegemony.

The rise of Amnesty and the introduction of human rights hearing to Congress must be conceptualised as bound to the hegemonic mode of production, and the geo-political climate of the era. Amnesty's foundation in the United Kingdom in 1961 will be discussed below, with reference to the post-war, capitalist boom of the 1960s, the political tensions of the Cold War, the social upheavals of 1968, and the introduction of

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[3] These movements also failed to impact government and non-government forays into international human rights discourse. Dorothy Q. Thomas, "Advancing Rights Protection in the United States: An Internationalized Advocacy Strategy," *Harvard Law School Human Rights Journal* 9, no. 1 (1996).
[4] See section 2.2 of this chapter for discussion of the introduction of human rights principles to Congress, and the influence of Amnesty International in these processes.
[5] Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton: Princeton University Press, 2001); Ramesh Thakur, "Human Rights: Amnesty International and the United Nations," *Journal of Peace Research* 31, no. 2 (1994); Ann Marie Clark, "Non-governmental organizations and their influence on international society," *Journal of international affairs* 48, no. 2 (1995); Jonathan Power, *Amnesty International: The Human Rights Story* (Oxford: Pergamon Press, 2013); Tim Dunne and Nicholas J. Wheeler, introduction to *Human Rights in Global Politics*, ed. Tim Dunne and Nicholas J. Wheeler (Cambridge: Cambridge University Press, 1999).
[6] David P. Forsythe, *Human Rights and US Foreign Policy: Congress Reconsidered* (Gainesville: University Press of Florida, 1988); Stephen B. Cohen, "Conditioning U.S. Security Assistance on Human Rights Practices," *The American Journal of International Law* 76, no. 2 (1982).

violent neoliberal policies in the Southern Cone. The introduction of human rights to Congress relied heavily on Amnesty International dossiers and definitions. Human rights concepts within Congress were tied to the provision of US aid, and to the operation of US businesses abroad. The hearings must also be understood in the context of the domestic and international recession of 1973, the OPEC oil shocks, and the call for the New International Economic Order, amongst other factors. The geo-political climate of 1973 to 1975 will be discussed in greater detail in section three.

2.1 Amnesty International

Established in Britain in 1961, Amnesty International rose to prominence throughout the 1970s, culminating in a 1977 Nobel Peace Prize. Utilising a Coxian, historical dialectic approach, the role that civil society plays in transmitting ideas throughout a historical structure, and in reflecting the social relations of production, is crucial.[7] Amnesty is a much cited and highly influential body in the field of human rights, and has worked to create norms of morality in the domestic and international spheres. A civil society group with Western founders and headquarters, Amnesty must be studied with view of the intellectual legacy of the 'rights of man', Judeo-Christian religious traditions, and liberal capitalism. It must also be studied with reference to the Cold War, particularly as this geo-political conflict was closely related to Amnesty's pursuit of 'impartial' policies, as well as to the challenges to the hegemony of *pax americana* during the 1970s. This section will argue that while Amnesty International is an important factor when studying human rights, over reliance on it as explanatory[8] obscures the role of the Third World and Non-Aligned Movement, and of the Presidency of Jimmy Carter, in shaping the hegemonic human rights doctrine. Furthermore, Amnesty must be studied as in relationship with the mode of production and structure of world order, particularly in its definition of human rights as restricted to civil and political rights.

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[7] See, for example, Robert W. Cox, "Civil Society at the Turn of the Millennium: Prospects for an Alternative World Order," *Review of International Studies* 25, no. 1 (1999), as well as Chapter two of this thesis.
[8] Samuel Moyn, for example, has argued that Amnesty International superseded the United Nations as the "central forum for and singular imaginative custodian of the norms [of human rights]." See *The Last Utopia,* 129. See also Samuel Moyn, "Substance, Scale and Salience: The Recent Historiography of Human Rights," *The Annual Review of Law and Social Science* 8, no. 1 (2012); *The Breakthrough: Human Rights in the 1970s* ed. Jan Eckel and Samuel Moyn (Philadelphia: University of Pennsylvania Press, 2015).

Human rights scholarship has tended to emphasise and rely on the role of Amnesty International as a crucial driving force in the breakthrough of human rights rhetoric that occurred in the 1970s. Samuel Moyn, for example, has stated that "…almost alone, Amnesty International invented grassroots human rights advocacy, and through it drove public awareness of human rights generally."[9] The rapid growth of Amnesty International's size and influence saw it increasingly gain recognition as "the world's largest human rights organization."[10] Amnesty International USA, for example, saw its contribution to the international movement rise from $1000 in 1972 to $1 million USD by 1981.[11] After the introduction of human rights hearings to US Congress in 1973, the subcommittees consistently cited Amnesty reports as authoritative evidence, as did international relations scholars of various persuasions.[12] As membership grew and new branches opened throughout the Western, and later wider, world, the influence, ideological underpinnings, caseload, practices and processes of Amnesty International expanded and evolved. While it's influence on the *pax americana* historical structure was important, it was not the singular voice for human rights during this period.

Founder Peter Benenson's oft quoted Appeal for Amnesty, launched in the Observer newspaper article "The Forgotten Prisoners" in May 1961 made the Amnesty movement's fundamental goals abundantly clear:

> Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government. There are several million such people in prison – by no means all of them behind the Iron

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[9] Moyn, *The Last Utopia,* 129.
[10] Daniel P.L. Chong, *Debating Human Rights* (Boulder and London: Lynne Reiner Publishers, 2014), 147.
[11] Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca and London: Cornell University Press, 2006) 108.
[12] A 1974 hearing on "Human Rights in Chile," made reference to an Amnesty International Factsheet, and a 1976 hearing on "Human Rights in India" similarly made use of an Amnesty International report. See "Human Rights in Chile," Hearings before the Subcommittees on Inter-American Affairs and on International Organizations and Movements of the Committee on Foreign Affairs, House of Representatives, Ninety-third Congress, Second Session, December 7, 1973; May 7, 23; June 11, 12 and 18, 1974 (Washington: US Government Printing Office, 1974). Accessed through the Library of Congress Digital Collection, 2014, at H381-54. See also "Human Rights in India," Hearings before the Sub-committee on International Organizations of the Committee on International Relations, House of Representatives, Ninety-fourth Congress, Second Session, June 23, 28, 29; September 16 and 23, 1976 (Washington: US Government Printing Office, 1976). Accessed through the Library of Congress Digital Collection, 2014, at H461-10. See also, for example, Noam Chomsky and Edward S. Herman, *The Washington Consensus and Third World Fascism: The Political Economy of Human Rights: Vol 1* (Boston: South End Press, 1979).

> and Bamboo Curtains – and their numbers are growing. The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done.[13]

The article then moved to quote Article 18 and Article 19 of the Universal Declaration of Human Rights, the right to freedom of thought, conscience and religion, and the right to freedom of expression and opinion. Stephen Hopgood has written that "Although Amnesty cited the 1948 Universal Declaration of Human Rights (UDHR), it did not do so as foundation but as corroboration. It was saying 'and history is with us', not 'the UDHR is why Amnesty exists.'"[14] Officially established in December 1961, the small, volunteer-based organisation was driven by solidarity, impartiality, and the advocacy of political prisoners.[15]

Amnesty's rapid growth in size and moral authority between 1961 and the 1977 Nobel Peace Prize necessitated change in its organisational structure, and the evolution of its mandate and underpinning ideologies. An organisation that trumpeted its political impartiality from the first Appeal for Amnesty, it was necessarily operating in the midst of the competing ideologies of the Cold War, and steeped in Western traditions. Hopgood has argued that Amnesty International, from its inception, extended the 'natural rights of man' paradigm that stretched to the Enlightenment, with its links to Christian theology.[16] The symbolism of the Amnesty candle as a light within the darkness, for example, and the practice of witnessing and reporting on human rights exhibit hallmarks of Judeo-Christian morality. Christians are called to be lights within the darkness and to stand witness for their faith.[17] Hopgood has written that while a fledging Amnesty International had the potential to develop a doctrine of practical social justice work, under Cold War impartiality it grew into a tactically rigid organisation, focused on the political and civil rights of the individual. He noted that:

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[13] Peter Benenson, "The Forgotten Prisoners," *Amnesty International*, available from http://www.amnestyusa.org/about-us/amnesty-50-years/peter-benenson-remembered/the-forgotten-prisoners-by-peter-benenson.
[14] Hopgood, *Keepers of the Flame*, 8-9.
[15] Ibid, 67 and more widely.
[16] See chapter three of this thesis.
[17] See Matthew 5:15, and Acts 1:8 of the Bible, New International Version.

> Amnesty concentrated on freedom of expression, characterizing human rights as non-political (as Benenson had with Justice) and emphasizing the personal nature of the work (individuals writing letters on behalf of other individuals).[18]

This narrow scope was codified in 1968, having evolved into a strict mandate. It promoted the classic 'negative' rights of political liberalism, tapping into the shared Western history and constructed commonsense of rights rhetoric under capitalism.[19] Divorcing the economic from the socio-political, it focused squarely upon civil and political rights.

The operating structure of Amnesty International from 1968 centered around a strict, liberal, 'mandate'. Grounded in precedence, it evolved into a complex tree diagram, to be referred to by all staff upon the introduction of a potential case. A maze of detailed questions, such as, "Is the person a political prisoner?", and if the answer was yes, "Is the prisoner facing the death penalty?", the matrix featured a single path to the advocacy of Amnesty.[20] The successful route contained the following result, "This is a prisoner of conscience, imprisoned in violation of the Universal Declaration of Human Rights."[21] In focusing within this narrow mandate from 1968 and throughout the 1970s, Amnesty contributed to the shaping of a narrow definition of human rights. As Evans has suggested:

> Amnesty International … supports the idea of human rights that is a characteristic of the prevailing socioeconomic global order. Its high profile, based upon a self-defined mandate that obscures the importance and significance of many socioeconomic rights, including the rights of women, children, aboriginals, marginal peoples, and the protection of the environment.[22]

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[18] Hopgood, *Keepers of the Flame*, 59.
[19] See chapter three of this thesis, and Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax: Fernwood Book, 1995).
[20] Ibid, 94.
[21] Quoted in Hopgood, *Keepers of the Flame,* 94.
[22] Tony Evans, *Human Rights in the Global Political Economy: Critical Processes* (Boulder and London: Lynne Reiner Publishers, 2011), 180.

Amnesty's role in inspiring and mobilizing Western human rights activism, and its increasing moral authority, both put human rights on the US governmental agenda,[23] and set a precedent in defining human rights.

Benenson's personal leftists leanings, and an initial ambivalence in political orientation amongst founding members, was increasingly abandoned as Amnesty grew and refined its mandate. As Benenson noted, Amnesty's 1961 launch was "…designed in particular to absorb the latent enthusiasm of a great number of … idealists who have, since the eclipse of socialism, become increasingly frustrated…"[24] This 'eclipse' under the Cold War paradigm, and the desire to avoid Cold War posturing, drove Amnesty's 'impartial' evolution. In adopting a reporting function built upon an official refusal to engage with the politico-economic factors underpinning human rights violations, it was able to gain access to warzones and politically fraught areas. Amnesty declared that:

> … its financing would come exclusively from members, and it would remain rigorously "independent from any government, political faction, ideology, economic interest or religious creed". To prove that it was not using human rights to advance a particular political agenda, each Amnesty chapter was instructed to simultaneously "adopt" three prisoners of conscience, one each "from Communist, Western and Third World Countries."[25]

This creed meant the ability to penetrate the 'iron curtain,'[26] and sites of war and repression at the periphery of *pax americana.* Naomi Klein has suggested that:

> Amnesty's position, emblematic of the human rights movement as a whole at the time, was that since human rights violations were a universal evil, wrong in and of themselves, it was not necessary to determine why the abuses were taking place but to document them as meticulously and credibly as possible.[27]

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[23] See section 2.2 of this chapter.
[24] Tom Buchanan, "The truth will set you free: The making of Amnesty International," *Journal of Contemporary History* 37, no. 4 (2002): 593-4.
[25] Klein, *The Shock Doctrine*, 119, quoting Amnesty International, *Report on an Amnesty International Mission to Argentina 6-15 November 1976* (London: Amnesty International Publications, 1977).
[26] See Sarah. B Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011).
[27] *The Shock Doctrine*, 119.

This meticulous documentation was to be rewarded with a Nobel Peace Prize in 1977, and set influential norms for fledging human rights activism in the West. Klein's description of Amnesty as "emblematic of the human rights movement as a whole" is problematically Euro-centric. It further dissociates the history of human rights from the Bandung Conference, the 1968 Proclamation of Tehran, and from Third World activism in the United Nations that would culminate in the New International Economic Order, and in General Assembly Resolution 32/130 of 1977. In focusing on human rights discourse and activism as a Western project typified by Amnesty, the challenge by the Third World and Non-Aligned Movement to include socio-economic rights in the human rights agenda, and orient such rights within the international economic system, are ignored.[28] This effectively reinforces the liberal narrative that Klein seeks to critique; it promotes the concept that human rights evolved to focus on violations of civil and political rights in a way that was uncontested and solely Western. While Amnesty International *was* hugely influential in the West, and internationally, to portray it as the only voice is problematic.

Despite an, at times, over-reliance on Amnesty International as explanatory, critique of this organization provides insight regarding liberal capitalist rights discourse. A critical approach to Amnesty rejects the narrative of transnational liberation,[29] instead suggesting that:

> In particular, Amnesty's concentration on prisoners of conscience divorces the individual's rights from the sociopolitical context that gave rise to violations. Thus, Amnesty separates the victim from the circumstances of the violation and projects a picture that sees many thousands of violations as peculiar occurrences, rather than the outcome of a particular world order configuration.[30]

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[28] Third World and Non-Aligned activism will be discussed in the following section.
[29] For some authors, the rise of Amnesty in the 1970s was a Western triumph of impartial, globalised human rights. Moyn has crowed, "… human rights allowed diverse actors to make common cause as other alternatives were seen as unviable – a convergence that often began as a strategic retreat from those prior, more grandiose utopianisms." Under this narrative, human rights were and are a powerful utopia of transnational morality that has transcended the political realm. Amnesty therefore drove a Western, 'transnational' human rights revolution of liberation that identified and publicised governmental repression. See *The Last Utopia* 129 and 8.
[30] Evans, *Human Rights in the Global Political Economy*, 179-80.

In separating human rights crimes from their socio-political contexts, Amnesty's mandate worked to establish Western human rights norms that shielded the prevailing world order from question. At the time of its establishment in 1961, this world order was dominated by United States hegemony, the bi-polarity of the Cold War, de-colonisation, and violence in periphery states. As the years progressed, this hegemony came under challenge. In the period of growing recession and crisis of the Keynesian consensus, Amnesty began its study of the violent junta's in Chile from 1973, and Argentina from 1976 – two societies that saw the forced abandonment of redistributive economic policies for radical neoliberalism.

In writing about Amnesty's ground breaking, and Nobel Prize winning report into human rights abuses in Argentina, Naomi Klein has noted that:

> In it's ninety-two page report, it made no mention that the junta was in the process of remaking the country along radical capitalist lines. It offered no comment on the deepening poverty or the dramatic reversal of programs to redistribute wealth, though these were the centerpieces of junta rule. It carefully lists all the junta laws and decrees that violated civil liberties but named none of the economic decrees that lowered wages and increased prices, thereby violating the right to food and shelter – also enshrined in the UN charter. If the junta's revolutionary economic project had been even superficially examined, it would have been clear why such extraordinary repression was necessary, just as it would have explained why so many of Amnesty's prisoners of conscience were peaceful trade unionists and social workers.[31]

The report on Argentina, and Amnesty's subsequent work in the Southern Cone, would come to represent its role in separating violent neoliberal ideology from its crimes. In enforcing a separation between human rights abuses, and the socio-political and economic circumstances of a region, Amnesty reinforced the liberal paradigm. However, in documenting human rights violations in Chile, Argentina, and the Southern Cone, Amnesty International exposed governments that were allies of the United States.[32] It

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[31] Ibid.

[32] The United States, for example, provided allied support and covert military aid to "Operation Condor" from 1968 to 1978, and again from 1981. A clandestine, anti-communist campaign of state terror and

also levelled criticism and documented abuses by close allies of the US in other regions.[33] The emergent hegemony of US-led globalising capital, and the rise of human rights, was a system that allowed critique, but only within certain configurations and parameters. The exposure of rights abuses resulted in criticism of the perpetrating governments and their Western allies, and yet the nature of the exposure reinforced the liberal world order's ideological separation of capitalist economic models and policies from their human cost.

As the Carter administration adopted human rights in foreign policy with varying levels of commitment, it inherited a civil and political rights framework from Amnesty International. This approach, shaped by the ideological battlegrounds of the Cold War, as well as by the more mundane organisational challenges of a rapidly growing NGO, supported the prevailing order by actively obscuring the socioeconomic conditions that gave rise to human rights violations. It was a 'rights of man' model inherited from the past, and shaped through the 1960s and 1970s. The combination of forces that drove Amnesty forward from 1961 came to preference the cause of prisoners of conscience, emerging from more murky ideological underpinnings and leftist leanings. The ideological and popular dominance of Amnesty International in the Western human rights landscape that confronted the Carter administration must be acknowledged.

2.2 The introduction of human rights principles to US Congress

International human rights discourse entered United States Congress in 1973, through the work of Donald Fraser. A democratic Congressman, Fraser began human rights hearings in front of his International Relations committee. Applying the phrase, 'A consistent pattern of gross violations of international recognized human rights,' a range of subcommittees attached human rights considerations to diplomatic relations, trade

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political repression, "Operation Condor" was designed to eliminate opponents of right-wing Latin American regimes (Its members were the anticommunist dictatorships of Chile, Argentina, Uruguay, Bolivia, Paraguay, and Brazil, later joined by Peru and Ecuador). See J. Patrice McSherry, *Predatory States: Operation Condor and Covert War in Latin America* (Lanham MD: Rowman & Littlefield, 2005). See also, Noam Chomsky and Edward S. Herman, *The Washington Connection and Third World Fascism*, and Morris Morley and Chris McGillion, *Reagan and Pinochet: The Struggle over US Policy toward Chile* (New York: Cambridge University Press, 2015).

[33] It produced reports on El Salvador, Guatemala, Indonesia, Liberia, Saudi Arabia, Somalia, and Turkey, for example, during the Reagan administration. See Aryeh Neier, "The New Double Standard," *Foreign Affairs* 105 (Winter 1996 – 1997).

arrangements and aid agreements. Congressional records between 1973 and 1980, accessed through the Library of Congress in 2014, show that international human rights rhetoric permeated several subcommittees during this period. The subcommittees on Inter-American Affairs, and International Organizations and Movements, for example, of the Committee of Foreign Affairs in the House of Representatives, held a hearing on "Human Rights in Chile" in 1973-4. This report focused on witness testimonies of human rights violations in Chile, relying heavily on Amnesty International reports, and making few US policy prescriptions.[34] Donald Fraser chaired a hearing in June 1974 on "Human Rights in Africa: Report by the International Commission of Jurists", undertaken by the Sub-Committee of International Organizations and Movements, of the Committee of Foreign Affairs. This hearing was similarly focused upon witness reports of human rights and did not move beyond brief discussion of the wisdom of governmental investments and grants to South Africa.[35] A hearing on "Human Rights in India" under the sub-committee on International Organizations was also driven by Donald Fraser, and focused upon reporting rather than foreign policy prescriptions.[36] These examples were an exception amongst the listed hearings between 1973 and 1980, with the majority of hearings explicitly linking international human rights rhetoric to international investment, trade assistance and aid.

The 1974 Trade Assistance Act solidified a policy of linking trade relationships with human rights practices, building on the Foreign Assistance Act of 1961.[37] Examples of such linkage included the 1973 "Importation of Rhodesian Chrome" hearing, which questioned US trade relations in light of internationally condemned human rights

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[34] "Human Rights in Chile," Hearings before the Subcommittees on Inter-American Affairs and on International Organizations and Movements of the Committee on Foreign Affairs, House of Representatives, Ninety-third Congress, Second Session, December 7, 1973; May 7, 23; June 11, 12 and 18, 1974 (Washington: US Government Printing Office, 1974). Accessed through the Library of Congress Digital Collection, 2014, at H381-54.

[35] "Human Rights in Africa: Report by the International Commission of Jurists," Hearings before the Sub-Committee of International Organizations and Movements, of the Committee of Foreign Affairs, House of Representatives, Ninety-third Congress, Second Session, June 13, 1974 (Washington: US Government Printing Office, 1974). Accessed through the Library of Congress Digital Collection, 2014, at H381-48.

[36] "Human Rights in India," Hearings before the Sub-committee on International Organizations of the Committee on International Relations, House of Representatives, Ninety-fourth Congress, Second Session, June 23, 28, 29; September 16 and 23, 1976 (Washington: US Government Printing Office, 1976). Accessed through the Library of Congress Digital Collection, 2014, at H461-10.

[37] See Tony Evans, *US Hegemony and the Project of Universal Human Rights* (London: MacMillan Press, 1996) 165 and more widely.

abuses and United Nations sanctions.[38] A 1976 hearing on "Chile: The Status of Human Rights and Its Relationship to U.S. Economic Assistance Programs" assessed US aid to Chile under the 1961 Foreign Assistance Act, discussing the merits of the imposition of a monetary ceiling to aid.[39] A 1977 Presidential Memorandum, NSC 28: Human Rights, demonstrates the Carter Administration's study of the congressional legacy. It states that:

> The phrase, "a consistent pattern of gross violations of internationally recognized human rights" derives from terminology in Resolution 1503 of the UN Economic and Social Council, dated May 27, 1970, and has been used in Sections 116 and 502B (a) (2) of the Foreign Assistance Act of 1961, Section 28 (a) of the Inter-American Development Bank Act, and Section 211 (a) of the African Development Fund Act. The general purport of all these statutory provisions is that we should not provide assistance to governments that engage in such conduct.[40]

In seeking a policy precedent, the Presidential paper also noted that:

> The legislative history of our statutory provisions does not indicate the meaning Congress attached to the concept of a "consistent pattern," and there are no judicial decisions interpreting the phrase. By its terms the language excludes isolated events and incorporates the dimensions of time as well as repetition.[41]

This vague meaning allowed for flexibility in interpretation,[42] and could be applied to repeated actions over a short period of time, or less frequent violations over a long period of time.[43] In directly referring to the Congressional record, the Carter

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[38] "Importation of Rhodesian Chrome" Hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations, United States Senate, Ninety-third Congress, First Session on S. 1868, September 6 1973, (Washington: US Government Printing Office, 1973). Accessed through the Library of Congress Digital Collection, 2014, at H381-26.
[39] "Chile: The Status of Human Rights and Its Relationship to U.S. Economic Assistance Programs" Hearings before the Sub-committee on International Organizations of the Committee on International Relations, House of Representatives, Ninety-fourth Congress, Second Session, April 29 and May 5, 1976, (Washington: US Government Printing Office, 1976). Accessed through the Library of Congress Digital Collection, 2014, at H461-49.
[40] Memo, *Presidential Review Memorandum/NSC 28: Human Rights*, *August 1 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Presidential Library and Museum, 12.
[41] Ibid.
[42] See Evans, *US Hegemony and the Project of Universal Human Rights,* 167.
[43] Ibid.

administration drew on past American policy. The hearings allowed the Carter administration to act with precedent on international human rights issues.

The 1977 Presidential Review Memorandum identified the preference of Congress and the Senate for a narrowly defined set of civil and political rights in international cases. It read:

> While "internationally recognized human rights" would include, inter alia, all of the rights in the Universal Declaration of Human Rights, it appears from the legislative history that in using the phrase and combining it with the concept of "gross violations," Congress intended to cover mainly the right to be free from governmental violation of the integrity of the person, i.e., the first group of rights discussed above.[44]

Congressional and Senate evidence supports this bias in a comparison of international and domestic hearings that reference 'human rights.' Domestic hearings that referred to human rights included socioeconomic concerns such as the "Economic Problems of Women," "Impact of the Proposed Budget Cuts on Local Manpower, Emergency Employment Act, Child Care and Poverty Programs, 1973," and "Fair Housing Amendments Act of 1979."[45] Hearings regarding international human rights matters, on the other hand, were almost exclusively confined to governmental violations of the person, including "torture; cruel, inhuman or degrading treatment and punishment; arbitrary arrest or imprisonment; denial of fair public trial and invation [sic] of the home."[46] The 1973 "Importation of Rhodesian Chrome" Senate hearing, for example,

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[44] Memo, *Presidential Review Memorandum/NSC 28: Human Rights*, *August 1 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Presidential Library, 12.

[45] "Economic Problems of Women," Hearing before the Joint Economic Committee Congress of the United States, Ninety-Third Congress, Second Session, June 17, 1974 (Washington: US Government Printing Office, 1974). Accessed through the Library of Congress Digital Collection, 2014, at J841-10; "Impact of the Proposed Budget Cuts on Local Manpower, Emergency Employment Act, Child Care and Poverty Programs, 1973," Joint Hearings before the Subcommittee on Employment, Poverty and Migratory Labor, and the Special Subcommittee on Human Resources of the Committee of Labor and Public Welfare, United States Senate, Ninety-Third Congress, First Session, June 15-16 1973 (Washington: US Government Printing Office, 1974). Accessed through the Library of Congress Digital Collection, 2014, at S541-41; "Fair Housing Amendments Act of 1979," Hearing before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, Ninety-Sixth Congress, First Session, April 6, 25, 26, May 3, 16, 23, 31 and June 1979 (Washington: US Government Printing Office, 1979). Accessed through the Library of Congress Digital Collection, 2014, at H521-53.

[46] [46] Memo, *Presidential Review Memorandum/NSC 28: Human Rights*, *August 1 1977*, RAC Project Number NLC-28-10-10-2-7, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Library, 2.

referred to governmental violations of the person due to race in Rhodesia, and the repression of the fundamental civil rights and liberties of the black majority.[47] The 1976 hearing on "Human Rights in India" focused its investigation on the "demise of democratic freedoms" and "traditional civil rights and civil liberties," and particularly political prisoners, torture, the suspension of elections, surveillance of citizens and the suppression of the free press.[48] These hearings allowed the Carter administration to act with a precedent on international human rights issues when entering office. Third World, Non-Aligned, and United Nations Activism, however, increasingly challenged the Congressional emphasis on international civil and political rights.

3. Third World, Non-Aligned and United Nations activism

The two dominant strains of human rights histories take a differing, but ultimately congruous approach to the role of the Non-Aligned Movement, and the United Nations, in advancing and defining human rights between 1963 and 1977. The Non-Aligned Movement, Group of 77, the Third World more widely, and the United Nations, cannot be written about synonymously. However, in this period, these groups were united in their promotion of the New International Economic Order (NIEO): the Non-Aligned Movement, Group of 77 and the Third World pushed NIEO through the United Nations General Assembly in 1974 and 1975. The first historical position, prominently advocated by Samuel Moyn, cites the inability of the UN to inspire a popular Western human rights movement in the 1970s, attributing the increased activism to the rise of Amnesty International. In Moyn's work, the Non-Aligned movement is conceptualised as a movement claiming economic justice and development without engaging in human rights rhetoric until 1977. Moyn has written of the growing irrelevance of the UN, describing the "the failure of the UN as a primary forum of human rights activism," and claiming that "human rights exploded in the 1970s in direct relation to the breathtaking

[47] "Importation of Rhodesian Chrome," Hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations, United States Senate, Ninety-third Congress, First Session on S. 1868, September 6 1973 (Washington: US Government Printing Office, 1973). Accessed through the Library of Congress Digital Collection, 2014, at H381-26.
[48] "Human Rights in India" Hearings before the Sub-committee on International Organizations of the Committee on International Relations, House of Representatives, Ninety-fourth Congress, Second Session, June 23, 28, 29; September 16 and 23, 1976 (Washington: US Government Printing Office, 1976). Accessed through the Library of Congress Digital Collection, 2014, at H461-10, 1, and 3-4.

marginalization of the UN."[49] A second approach, evident in the work of Jack Donnelly and Daniel J. Whelan, has studied the human rights breakthroughs of the 1970s through the prism of the United Nations. Charting, in particular, the Teheran Conference of 1968, the entry into force of the International Human Rights Covenants, the New International Economic Order, typified in the sixth and seventh Special Sessions of the General Assembly in 1974 and 1975, and the watershed General Assembly Resolution 32/130 of 1977.[50] Their narrative highlights that the United Nations played a key role in the defining of human rights during the 1970s, facilitating North/South dialogue, and seeing the triumph of the South in having economic, social and cultural rights placed above civil and political rights in UN rights schema, under Resolution 32/130.

Both narratives are united in the understanding that the human rights activities of the Non Aligned Movement and United Nations during this period drew disapproval from the West, and popular disinterest. The success of the Amnesty model of human rights amongst Western governments, non government organisations, and Western human rights activists, and an effective rejection of the United Nations model has caused the human rights discourse of the Non-Aligned Movement to be understudied and under-acknowledged. This section traces the interplay between the Non-Aligned Movement, the NIEO, and the UN in the conceptualisation of economic development within human rights terms, and will argue that the growing momentum of these movements contributed to Western interest in human rights issues.

Before moving to discuss the Non-Aligned Movement and the New International Economic Order, it is necessary to discuss the ideological orientation of these movements. This task is necessarily complicated, as the Non-Aligned Movement and the New International Economic Order shunned both capitalistic colonialism and neo-colonialism, and Soviet expansionism. While they purported to reject both sides of the Cold War, they were widely seen as Pro-Soviet, and consistently challenged the West,[51] as will be discussed below. Many Third World leaders had leftist leanings and socialist

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[49] *The Last Utopia,* 126 and 129.
[50] See Jack Donnelly, "Recent Trends in UN Human Rights Activity: Description and Polemic," *International Organization* 35, no. 4 (1981); Jack Donnelly, "In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development," *California Western International Law Journal* 15, no. 3 (1985): 473; and Daniel J. Whelan, *Indivisible Human Rights,* (Philadelphia: University of Pennsylvania Press, 2010).
[51] Chris Brown, "The View from the South," in *Understanding International Relations*, ed. Chris Brown and Kirsten Ainley (Hampshire and New York: Palgrave MacMillan, 1997).

influences, however, the Non-Aligned Movement fostered solidarity in its neutrality. While there was much ambivalence amongst the leading intellectuals, political leaders, policy makers, and technocrats within the institutions of global governance,[52] the Non-Aligned Movement ultimately produced a unified call for the NIEO. The NIEO can be conceptualised as radical in its re-distributive measures, but it can also be said to have worked within the existing economic system. It called for "*reforms* of the liberal international economic order, albeit very radical reforms."[53] It envisaged a state-based model of development, the collective rights of states and peoples, and worked to ensure recompense for the practices of colonialism, and the prevention of imperialism. To understand the NIEO, it is necessary to begin with the momentum that gathered in the 1960s, and particularly the anti-imperialist solidarity that was fostered through the 1966 Tri-Continental Conference.

3.1 The Tri-Continental Conference 1966

The Tri-continental Conference of 1966, which took place in Havana, Cuba, in 1966, was momentous for linking growing Third World solidarity with an anti-US imperialism stance. With many African countries gaining independence in the early 1960s, the First Conference of the Organization of Solidarity of the Peoples of Africa, Asia and Latin America, boasted a much-expanded attendance to that of the Bandung Conference of 1955. It united the newly decolonised continents of Africa and Asia with the more radical movements of Latin America, and developed a Leftist international organisation dedicated to the resistance of colonialism and imperialism. The Tri-continental "… marked the initiation of a global alliance for the three continents…against imperialism."[54] US involvement in Vietnam proved to be a rallying cry for the anti-imperialist alliance. In his Closing Address, Castro spoke strongly against the US activities in Vietnam, stating:

> And it is very well for the Yankee imperialists to know the degree of solidarity with Vietnam felt by all peoples of the world … Hence we consider that this

[52] Robert W. Cox, "Ideologies and the New International Economic Order: reflections on some recent literature," (1979) in *Approaches to World Order*, ed. Robert W. Cox and Timothy J. Sinclair (Cambridge: Cambridge University Press, 1996).
[53] Ibid, 195.
[54] Robert J. C. Young, "Post colonialism: From Bandung to the Tri-continental," *Historein* 5, (2005): 19.

> solidarity conference of the peoples of the three continents has acted and spoken in such a way that the support and feelings of solidarity for Vietnam has become evident, and in addition will grow. And as in the case of Vietnam, so it is for Laos and Cambodia, which are the nations being attacked or running the risk of being attacked.[55]

The offensive mobilised the Third World. The examples of Vietnam, Laos and Cambodia in Castro's speech form an image of US aggression – recourse to military involvement to defend the capitalist world order. While the conference was not explicitly dedicated to human rights, questions of rights and duties in social formations underpinned discussions of capitalism, socialism and imperialism. This section will argue that the Tri-Continental represents a moment of departure for the Third World challenge to US hegemony. At the Tri-Continental, this challenge encompassed anti-colonial and anti-racist discourse, as well as the need for economic solidarity, sovereignty, and the protection of workers. These concerns spoke implicitly to fundamental rights principles, and would come to be articulated by the Third World in terms of human rights at the Teheran Conference of 1968.

The conference agenda encompassed the hallmarks of international human rights discourse in the 1960s, that is, anti-colonialism and anti-racism (without explicitly referencing rights),[56] with a particular focus on anti-colonial and liberation struggles, as

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[55] Fidel Castro, "At the Closing Session of the Tricontinental Conference", January 15, 1966, Havana's Chaplin Theater, 2006 https://www.marxists.org/history/cuba/archive/castro/1966/01/15.htm.

[56] For international trends in human rights discourse, see the United Nations General Assembly activity from 1960 to 1966, including, General Assembly resolution 1514(XV), *The Declaration on the Granting of Independence to Colonial Countries and Peoples*, A/RES/15/1514(XV) (14 December 1960), available from http://www.un.org/en/decolonization/declaration.shtml; as well as General Assembly resolution 1654 (XVI), *The situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,* A/RES/16/1654(XVI) (27 November 1961), available from http://www.un.org/en/decolonization/ga_resolutions.shtml; General Assembly Resolution 1810 (XVII), *The situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,* A/RES/17/1810 (XVII) (17 December 1962), available from http://www.un.org/documents/ga/res/17/ares17.htm; General Assembly resolution 1956 (XVIII), *The situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,* A/RES/18/1956 (XVII) (11 December 1963), available from http://www.un.org/documents/ga/res/18/ares18.htm; General Assembly resolution 2105 (XX), *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,* A/RES/20/2105 (XX) (20 December 1965), available from http://www.un.org/documents/ga/res/20/ares20.htm; General Assembly resolution 2189 (XXI), *The Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, A/RES/2189 (XXI) (13 December 1966), available from

well as apartheid and all forms of racial segregation. It contained the more radical call for the intensification of armed struggles against colonialism, neo-colonialism and imperialism, as well as calls for nuclear disarmament and the abolition of foreign military bases. It called repeatedly for "…the economic emancipation and social and cultural liberation of the peoples of the three continents,"[57] referencing the economic exploitation of colonialism, neo-colonialism and imperialism. The conference agenda also spoke to the need for economic development, measures to heal from the consequences of colonial economic exploitation, and the need for growth through trade. The Tri-Continental sought to discuss, more specifically:

> Economic planning and mobilization of natural and manpower resources for economic development and to obtain true economic independence, based chiefly on the country's own natural resources.[58]

As well as "Agrarian reform," and the:

> Establishment of a new economic policy between countries of the three continents and the rest of the world. Establishment of trade, economic, and financial relations with the developed countries on a basis that makes possible the development of the others.[59]

This push for new international economic relations would come to be articulated and expanded by the New International Economic Order. The Tri-Continental, therefore, was an important pre-cursor to the NIEO, and to the collective economic rights that it espoused. The Tri-Continental agenda also called for the coordination of the "…action of workers', students', and womens' organizations in the three continents."[60] *Granma*,

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http://www.un.org/documents/ga/res/21/ares21.htm. The *International Convention on the Elimination of All Forms of Racial Discrimination* was adopted and opened for signature and ratification by the General Assembly resolution 2106 (XX), *International Convention on the Elimination of All Forms of Racial Discrimination*, A/RES/20/2106 (21 December 1965), available from http://www.un-documents.net/a20r2106.htm.

[57] "The Agenda of the Conference," available from http://www.latinamericanstudies.org/tricon/tricon4.htm.

[58] Ibid.

[59] Ibid.

[60] Ibid.

Cuba's official newspaper, succinctly summarised the purpose of the conference in January 1966:

> The strategy of the revolutionary movements in their struggle against imperialism, colonialism, and neocolonialism and, especially against Yankees imperialism - principal enemy of peoples- calls for closer military ties and solidarity between the peoples of Asia, Africa, and Latin America, the working class, the progressive forces of the capitalistic countries of Europe and the United States and the Socialist camp.[61]

Primarily taking aim at the capitalistic imperialism of the USA, the Tri-Continental also sought to establish a solidarity that overcame Cold War divisions and competing ideologies.

Given the simmering Cold War tensions, and Castro's own support for Marxist-Leninist policy, Chong's argument that conflict over the definition and prioritisation of human rights implicitly underpinned the foundation of Cold War battles holds sway. There was evidently a prioritisation of individual civil and political rights under capitalism, and a socialist pre-occupation with collective and economic rights. Ideologically present in 1966, the quest for economic rights would come to define Third World solidarity. The Tri-Continental Conference, however, focused upon unity against American imperialism, which was an important undercurrent of international politics in the 1960s.

Castro's speech at the Closing Session of the Tri-Continental emphasised solidarity in the revolutionary struggle against American imperialism:

> Never has there been such a large meeting, because the peoples of three continents have been here; the revolutionary movements of the peoples of three continents who have a common anti-imperialist stance; who represent the struggle of their peoples with differing philosophical ideas or positions, or with differing religious beliefs; who on many occasions represent differing ideologies. But they have something in common. What the peoples have most in common to

[61] Ibid.

> unite the people of three continents and of all the world today is the struggle against imperialism (applause); the struggle against colonialism and neocolonialism, the struggle against racism and, in short, all the phenomena which are the contemporary expression we call imperialism, whose center, axis, and principal support of Yankee imperialism.[62]

Castro referenced the creed that would come to define the Non-Aligned Movement, a solidarity and quest for justice that overcame differing ideologies. It amalgamated a range of social forces to claim the economic rights of states and their citizens. This will be discussed in greater detail in the section of this chapter on the New International Economic Order. Castro did not directly reference human rights, and scholars such as Moyn have argued that the Tri-Continental Conference was not about human rights at all. From Moyn's perspective, the conference did not speak to the individual, transnational, and a-political form of human rights that would emerge in the 1970s, and which was typified by the work of Amnesty International. This narrow definition of human rights ignores that there was a discussion of collective economic justice that would later be requested through the New International Economic Order, and codified by United Nations doctrine in 1977.[63] It largely excludes the discourse of economic rights presented by the Third World from the historiography of human rights. Moyn's history of human rights fails to represent the ways in which the clashes between the Third World, Second World and First World during the tumult of the 1960s and 1970s were played out through human rights concepts and discourses.

3.2 The Teheran Conference 1968

The Teheran Conference was the first United Nations International Conference on Human Rights, held in 1968 to mark the twentieth anniversary of the Universal Declaration of Human Rights. Designed to review the progress made in the twenty years post-Declaration, the Conference delegation were also charged with crafting the future human rights agenda. Under this new agenda, articles 12 and 13 of the Teheran

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[62] Fidel Castro, "At the Closing Session of the Tricontinental Conference," January 15, 1966 (Havana's Chaplin Theater, 2006) https://www.marxists.org/history/cuba/archive/castro/1966/01/15.htm.
[63] See General Assembly resolution 32/130, *Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms*, A/RES/32/130 (16 December 1977), available from http://www.un.org/documents/ga/res/32/ares32r130.pdf.

Proclamation reconfigured prior United Nations policy, conceptualising material conditions and development within a human rights framework. Article 13 introduced the term "indivisibility" in regards to the relationship between civil and political 'negative' rights, and economic and social 'positive rights,' and argued that civil and political rights were contingent upon economic 'development.' This was a watershed moment in the history of the United Nations human rights rhetoric. It represented a significant change in policy that would later see General Assembly Resolution 32/130 of 1977, which declared economic development to be a human right. The Teheran Proclamation was also reflected in the call for the New International Economic Order, which effectively asserted the right of developing countries and their citizens to participate in a more equitable international economic system. This section will argue that the Proclamation of Teheran was significant in the challenge it presented through the United Nations to the institutional and ideational structures of *pax americana.* The Declaration reflected growing Third World dominance of the United Nations General Assembly, and overturned the implicit principal of the United Nations Covenants; that civil and political rights, and economic and social rights, were distinct in nature, and therefore separate.[64] Articles 12 and 13 of the Teheran Declaration must also be conceptualised as bound to the material forces and social relations of production that were prevalent in 1968. This period saw the continuation of the post-war economic boom, and relative stability in the hegemonic methods of accumulation.[65] This stability, however, exposed the continued structures of dominance and exploitation in which the former colonial countries at the periphery of the international economy were locked. It must also be noted that predominately "Western" commentators from the 1960s onwards have scathingly disparaged the Teheran Conference as uninspiring and ineffectual.[66]

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[64] See Evans, *US Hegemony and the Project of Universal Human Rights*, particularly 125, and Matthew Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development* (Oxford: Clarendon Press, 1995).

[65] See Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), particularly 212.

[66] This can be seen as part of the project to undermine the credibility of emancipatory or revolutionary challenges to the dominant system. This conceptualisation is based upon Gramsci's notion of the historic bloc: a constructed political and economic project, reliant on ideology that appeals to collective identities and established thought processes. This ideology is reproduced by the material structures of the ideational. Gramsci demonstrated the dialectical relationship between intellectual output, the mode of production, and processes of historical change in his concept of the 'organic intellectual'. Gramsci's work suggested, "…intellectual work directed towards social explanation was often directly or indirectly linked to political strategies, themselves developed from different perspectives." See Stephen Gill, "Epistemology,

In using the UDHR as a benchmark, Teheran contributed to the growing conceptualisation of the Declaration as foundational.[67] The Carter Administration would follow this pattern and come to rely on, and frequently cite, the UDHR. The official United Nations report, paraphrasing the Proclamation of Teheran, states that:

> Among other things, the International Conference urged all peoples and Governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.[68]

This line represented the growing trend to favour the UDHR over the unratified[69] Human Rights Covenants. Louis Henkin, writing in 1965, argued that the bifurcation of the Covenants positioned civil and political rights, and economic, social and cultural rights, as necessarily distinct from one another and potentially in conflict. The drafting of the rights Covenants reflected the differing rights interpretations of different states; and:

> This separation was perhaps designed to permit different handling by members of the international community; it makes it possible, of course, for a nation to adhere to one covenant and not the other. Unhappily, for many nations the two covenants may reflect an apparently inevitable choice.[70]

A reversion to the UDHR overcame the ideologically divisive nature of the Covenants,[71] as the Declaration reflects the 'organic unity' between the two grand categories of rights. Broader and non-legally binding, the UDHR began to rise in esteem in human rights discourse. The Declaration, it can be posited, complemented the Western penchant for broad and vague human rights terms. It came to be valued as the fundamental human

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Ontology and the 'Italian School,'" in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 23-24.

[67] See Whelan, *Indivisible Human Rights,* particularly 153-4.

[68] See http://www.un.org/en/development/devagenda/humanrights.shtml.

[69] Morris B. Abram, "The U.N. and Human Rights", *Foreign Affairs* 47, no. 2 (1969): 367.

[70] Louis Henkin, "The United Nations and Human Rights," *International Organization* 19, no. 3 (1965): 509.

[71] See chapter three of this thesis for a more detailed discussion of the Covenants.

rights document,[72] and "widely acknowledged as the single most important statement of human rights."[73] It can also be argued that the reversion to the UDHR also reflected the agenda of the Non-Aligned movement and Third World, as, unlike the Covenants, it did not enforce a separation of political and civil rights, and economic and social rights. This allowed the UDHR to reflect 'indivisibility' between the categories of rights.

The Teheran Conference hailed the arrival of the doctrine of indivisibility, and sowed the seeds for what Whelan refers to as the post-colonial human rights 'revisionism' of the 1970s.[74] It was the Proclamation of Teheran, Final Act of the International Conference on Human Rights[75] that explicitly framed development in human rights terms. The Proclamation's 19 points traversed much familiar territory, emphasising the inalienable nature of international human rights, reiterating the principles of the United Nations Charter, UDHR, and writing that states "should" accept and adhere to the new standards and obligations generated under the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Article 7 condemned the repugnancy of apartheid, article 8 the evils of racial discrimination, and article 9 reaffirmed the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples.[76] The need to take action against all forms of discrimination[77] was emphasised, as was the role of humanitarian law in armed conflicts, respect for the aspirations of younger generations, and the need for regulation of technological advances and disarmament.[78] Articles 12 and 13, however, introduced new concepts and reconfigured prior understandings. They read:

> 12. The widening gap between the economically developed and developing countries impedes the realization of human rights in the international community. The failure of the Development Decade to reach its modest objectives makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap;

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[72] See Whelan, *Indivisible Human Rights,* particularly, 153-4.
[73] Evans, *Human Rights in the Global Political Economy,* 33.
[74] See *Indivisible Human Rights,* particularly chapter seven.
[75] See *Proclamation of Teheran, Final Act of the International Conference on Human Rights*, U.N. Doc. A/CONF. 32/41 at 3 (1968), available at https://www1.umn.edu/humanrts/instree/l2ptichr.htm.
[76] Ibid, at articles 7, 8 and 9.
[77] Ibid, at articles 11, 15 and 16.
[78] Ibid, at articles 10, 17, 18 and 19.

> 13. Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development…[79]

The two clauses should be read together, with article 12 presenting the key problem and article 13 it's human rights solution. As Whelan notes, this the first usage of the term 'indivisibility' by the United Nations "in terms of a hierarchy of rights necessary for development."[80] Article 12 conceptualised development and material inequality as a human rights issue, a new precedent in United Nations rights rhetoric. The article 13 assertion that "Since human rights and fundamental freedoms are *indivisible*, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is *impossible*,"[81] was also particularly significant. The suggestion that civil and political rights were impossible without a foundation of economic, social, and cultural rights reflected a new priority for "effective national and international policies of economic and social development".[82] Prior to this Proclamation, the official United Nations stance had emphasised the equal status of the two categories of rights, noting that civil and political rights had clearer and more easily regulated mechanisms of enforcement.[83]

The ideas represented in articles 12 and 13 of the Proclamation of Teheran were a culmination of long-germinated concepts. Notions of economic and political independence underpinned the anti-colonial struggle, as did the quest for economic and social development, and the justice and social welfare that such development would bring. The desire for freedom from exploitative colonial, imperial and neo-colonial

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[79] See U.N. Doc. A/CONF. 32/41 at 3 (1968), available from https://www1.umn.edu/humanrts/instree/l2ptichr.htm.
[80] *Indivisible Human Rights,* p 149.
[81] See U.N. Doc. A/CONF. 32/41 at 3 (1968) available from https://www1.umn.edu/humanrts/instree/l2ptichr.htm.
[82] Ibid.
[83] See *Indivisible Human Rights* for an in depth study of divisibility through the United Nations bodies. See also *Economic Rights: Conceptual, Measurement and Policy Issues*, ed. Shareen Hertel and Lanse Minkler (New York: Cambridge University Press, 2007), for a historical discussion of enforcement issues and economic rights; and Phillip Alston, "Out of the Abyss: The Challenges Confronting the New U.N. Committee on Economic, Social and Cultural Rights," *Human Rights Quarterly* 9, no. 3 (1987).

structures, as well as Third World solidarity, were evident at the Bandung Conference,[84] and the Tri-Continental Conference. As the Third world ascended to a stronger position in the international political economy, the Tri-Continental Conference's call for "economic independence"[85] could be fully conceptualised and articulated within the United Nations human rights framework.

Despite the rise of the Third World and leftist challenges in international politics, the late 1960s saw the continuation of the post-war liberal order that typified *pax americana.* The hegemonic mode of production and structures of accumulation effectively continued as they had from 1945,[86] and the Bretton Woods system of exchange rates, although under threat, limped on. The hegemonic strategy of the United States to orient the international political economy around itself, and ensure the interests of US business and capital, was very evident in this period. As Mark Rupert has written:

> American global strategy after World War II was aimed not just at 'containing' the power of the Soviet Union, but also at creating a world which would be hospitable to the growth of American-centred capitalism, understood in terms of a systemic vision of 'economic security'… The 'free and democratic system' which the US leaders wanted to promote and protect worldwide was axiomatically identified with capitalism. US strategists explicitly envisaged a symbiotic relationship between the vitality and robustness of the capitalist 'free world' – in their words, 'an international economy based on multilateral trade, declining trade barriers, and convertible currencies' – and globally projected US military power capable of defending 'any of several vital pressure points' where the free world might be vulnerable to incursion or subversion.[87]

1968, the height of US involvement in the Vietnam War, forcefully demonstrated the willingness of the US to defend the capitalist world system against communism, and to enforce its will on the peripheries of the world economy. Andre Drainville has noted

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[84] See chapter four of this thesis.
[85] http://www.latinamericanstudies.org/tricon/tricon4.htm.
[86] See Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), particularly 212.
[87] "Post-Fordist capitalism and imperial power: toward a neo-Gramscian view," in *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (Oxford: Routledge, 2010), 99.

that Vietnam War was a struggle that encompassed political concerns at both the local level, and in "broader world-ordering processes."[88] 1968 marked the peak of US aggression in Vietnam. The optimism of de-colonisation, and hope of a structural shift had faded, as the United Nations Development Decade saw the Third World continue to remain locked in exploitative economic relations with the West.

Drainville has noted the vulnerabilities of Third World states to the workings of the international political economy post-decolonisation, arguing that:

> At the periphery of the world economy, in what Amory Starr and Jason Adams call the "global South" (Starr and Adams 2003, pp. 28-29), social forces have historically constituted themselves in their meeting with world order.[89]

From the end of colonialism to the crisis of the Bretton Woods system of world order:

> ….authoritarian state forms at the periphery grew on the basis of their power to expose social forces to the exigencies of world order (Matthais and Salama 1983). In contrast to social formations pulled together by liberal and Keynesian states at the centre of the world economy … neo-colonial social formations created in this process did not belong to themselves but to the world economy as a whole (Quijano 2005, p. 60).[90]

The Bandung conference of 1955 and the post-war economic boom had created a space for the newly decolonized countries to achieve relatively high rates of economic growth; but the optimism of this period was coming to a close by 1968. The vulnerabilities of the Third World to the global economy was both threatening development in these states, and also building social forces that would come to challenge the international economic order through the Proclamation of Teheran, and more significantly through the NIEO.[91] In explicitly referencing economic, social and cultural rights, and tying the realisation of civil and political rights to the realisation of the former, the Proclamation of Teheran

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[88] Andre C Drainville, "Resistance to globalisation: the view from the periphery of the world economy," ISSJ 192, *UNESCO* (Oxford and Malden MA: Blackwell Publishing, 2009), 237.
[89] Ibid.
[90] Ibid.
[91] Ibid, 238.

built upon the Third World solidarity established at the Tri-Continental Conference, and challenged the US-led world order. The Teheran Conference used the language of US hegemony, and the United Nations, to present a united call for the realisation of economic, social and cultural rights. This call would remain largely unheeded and disparaged in Western human rights literature.

Moyn has highlighted the relatively ineffectual nature of the Teheran Conference in mobilising popular support for human rights, and cited it as a death knell for the United Nations human rights agenda. This is significant given the re-orientation of the United Nations approach to human rights. It was as Third World solidarity began to move to the fore at the United Nations, linking economic and social rights with the right to development, that Moyn claims that the West became disenchanted with the United Nations and it's model of human rights. He has scathingly written that the Tehran Conference crystallised the United Nation's failure to bear fruits during the twenty years following the UDHR,[92] denouncing Tehran for its "paeans to anti-colonialism," and it's allegedly unoriginal, repetitive and highly politicised Proclamation.[93] While there is accuracy in Moyn's description of Western disinterest in the Proclamation of Teheran at the governmental level, in the popular media, and in civil society groups such as Amnesty International, his dismissal of Teheran from his contemporary standpoint reveals a prioritisation of Western history and interests. A professor of law at Harvard University, Moyn also possesses a doctorate in history, and *The Last Utopia* reflects his particular research interest in European intellectual lineage. He appears to support a liberal capitalist separation of the political, the popular, and the economic, in his work.[94] When discussing the Proclamation of Teheran, his reference to authors such as Moses Moskowitz further emphasises his investment in American intellectual history.[95]

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[92] *The Last Utopia*, 2010, particularly 126.
[93] Ibid.
[94] See Samuel Moyn, "Human Rights and 'Neoliberalism,'" *Humanitarianism & Human Rights: Research on the Entangled History of Humanitarianism and Human Rights* (blog), 09/12/2013, http://hhr.hypotheses.org/215; see also Samuel Moyn, "A powerless companion: human rights in the age of neoliberalism," *Law and Contemporary Problems* 77, no. 4 (2014).
[95] As Robert Cox has argued, Gramsci saw intellectuals such as Samuel Moyn as key in building and maintaining a historic bloc. Cox has suggested that:

> They perform the function of developing and sustaining the mental images, technologies, and organizations which bind together the members of a class and of an historic bloc into a common identity.

Morris Abrams, an American lawyer and civil rights activist writing in 1969, argued:

> The international conference held in Tehran last spring was heralded as a major forum for review and planning, yet, in large measure, it became an exercise in acrimony, focusing on Arab anti-Israel grievances and the problems of Southern Africa.[96]

His silence on Articles 12 and 13 of the Proclamation of Teheran, and emphasis upon repetition and bitterness in Post-Colonial discourse was telling. It presented a narrative that the United Nations human rights programme was both staid and highly politicised. The narrative belittled the Third World challenge to the ideological strictures of *pax americana*; in which human rights and 'development' worked as separate rhetorics. Abram's sentiments were echoed by US citizen and human rights campaigner Moses Moskowitz, who wrote that Tehran's final proclamation offered:

> No sense of mission, of search, or of discovery. We look in vain to the proceedings and decisions for a center of a great social or political theme that stirs hope and enthusiasm and casts happy auguries for the future…[97]

The claim of failure to break out of politicised repetition and present a new agenda discounted Articles 12 and 13 of the Final Proclamation. In denying the Proclamation of Teheran's contribution to human rights discourse, these US-based authors presented a Western-centric narrative of the history of human rights. This narrative tied human rights activism to the Western social upheavals of 1968. Moyn has contrasted the uninspiring, ineffectual Teheran Conference with the Conference of NGOs in Paris 1968, stating provocatively that:

See Robert W. Cox, "Gramsci, hegemony and international relations: an essay in method," (1983) in *Approaches to World Order,* ed. Robert W. Cox and Timothy J. Sinclair (Cambridge: Cambridge University Press, 1996), 132. The complexities of habitus in the production of knowledge suggest that the absorption and propagation of hegemonic principles can be subconscious and uncontested. Moyn, for example, is speaking to the long history of the "liberal separation of economy from polity." See Robert W. Cox, "Global *perestroika*," (1992) in *Approaches to World Order,* ed. Robert W. Cox and Timothy J. Sinclair.

[96] "The U.N and Human Rights", *Foreign Affairs:* 363.

[97] Moses Moskowitz, "Disappointment at Teheran", in *International Concern with Human Rights* (Dobbs Ferry NY: Oceana Publications Inc, 1974), 13.

> But it was in a collective session in September 1968 that perhaps the most pivotal and revealing lessons were drawn by NGOs themselves from the Tehran catastrophe about human rights strategy. Compared to Tehran, the Conference of NGOs, held in Paris at UNESCO, was a radically different affair. In its composition, the NGOs brought together almost exclusively first-world residents… The Paris event, for those who thought about why human rights had so far failed, reflected above all the unviability of the usual UN centered approach, and comparison of human rights to the rival social and political causes in the West that had shaken the world.[98]

This quotation denigrates the Proclamation of Teheran while lauding the Conference of NGOs for its vision, and its moblisation of the West. At the heart of Moyn's argument in the *Last Utopia* is a search for an explanation for the explosion of human rights sentiment in the popular culture and daily lives of people in the West during the 1970s. From this perspective, the failure of Teheran to inspire Western activism was due to an out-dated, Government-based model for the protection of human rights. He posits that the Western social movements of 1968 were moving beyond the state-centric model of development evident in Articles 12 and 13 of the Final Proclamation, to seek social liberation from government constraints, and transnational, non-governmental networks. This shifting ideological terrain brought individualism to the fore, a movement that would be triumphant in the doctrine of neoliberalism.[99] The Proclamation of Teheran, he has effectively argued, was a relic of state-based developmentalism.[100] The tension between state-centric models of development and the realisation of human rights, and the rise of 'globalisation' in the West, can be examined through discussion of the New International Economic Order. These two visions of 'development', and of the definition of human rights, clashed throughout the 1970s.

3.3 The New International Economic Order

This section will first discuss the structural crisis of the international political economy that precipitated the call for the New International Economic Order. It will encompass

[98] The Last Utopia, 127-128.
[99] See chapters six and seven of this thesis.
[100] See Harvey, *A Brief History of Neoliberalism*, 41-42.

the end of the post-war economic boom, the worldwide recession, the breakdown of the Bretton Woods system of currency stabilisation, widespread balance of payment problems, and rampant stagflation that wracked the First, Second and Third Worlds during this period, as well as the OPEC oil shocks of 1973, and the mounting Third World debt crises. This era would see the principles of Keynesian economics disproven, and the tenets of the welfare state model undermined. The liberal world order of *pax americana* was severely shaken, and the crisis precipitated change. It was these circumstances that inspired and enabled the New International Economic Order, and that caused it to pose a threat to the established historical structure. In examining the forces that drove the NIEO, and the programme that it represented, it will be argued that it was a movement that advocated the primacy of government over the market. This state-based development model was at odds with the rising spectre of 'hyper' liberalism, neoliberalism, or globalising capitalism. This section will argue that the clash between the developmentalism of the NIEO and the drive towards neoliberalism also had a human rights component; the tension between state-based and market-based rights, collective and individual claims, and the primacy of socio-economic or political and civil human rights.

The post-war economic boom that characterised the 1950s and 1960s crashed to a worldwide recession by the early 1970s.[101] Robert Cox dates the world recession as a phenomenon to the year 1974.[102] The US abandoned the Bretton Woods system in 1971, with stagflation rendering "…the basic norms of international economic behaviour no longer…. valid…."[103] The US Federal Reserve raised interest rates, prompting the onset of the debt crisis in the global South that was to escalate right through the 1970s into the 1980s.[104] The foreign reserves of Third World states were depleted, causing each country to separately confront the structures of the world economy. As Robert Cox has noted:

> The world-economy consensus, operating through world-economy institutions, exacted certain conditions from Third World debtors in return for allowing them

[101] Fouad Makki, 'The empire of capital and the remaking of centre-periphery relations,' *Third World Quarterly* 25, no. 1 (2004): 161.
[102] Cox, *Production, Power, and World Order*, 226.
[103] Robert W Cox, 'Social Forces, States and World Orders: Beyond International Relations Theory,' *Millennium – Journal of International Studies* 10, no. 2 (1981): 145.
[104] Jan Nederveen Pieterse, *Globalization or Empire?* (New York: Routledge, 2004), 2.

> to continue to draw on world economy resources for their continued development. These conditions determined the path of development; i.e., development must be conducive to accumulation on the world scale and complementary to the internationalizing of production. These conditions also determined international political structures since they could only be met by regimes willing and able to use force to carry through unpopular economic policies.[105]

This situation was further compounded as the international economic crisis worsened. The deep and prolonged recession of 1974 caused Third World indebtedness to reach "proportions threatening the stability of the international financial system," and the conditions for debt rescheduling became stricter.[106] In further evidence of former colonial country vulnerability to external factors, the prices of primary products, many exported by the Third World, plummeted. This had further disastrous effects on Third World economies, slashing the modest growth of the post war years and causing contractions in GDPs, employment, and living standards. Balance of payments trade deficits soared, as did job losses due to export reductions.[107] The disappointments of the United Nations development decade were compounded by the imposition of unpopular, internationally oriented debt conditions by the International Monetary Fund and World Bank.

The 1973 oil shocks, coupled with skyrocketing balance of payment debts and stagflation, mired the hegemonic United States in domestic and international crisis. Domestically, while the US was able to insulate some sectors of its economy from shock, relatively high levels of unemployment, a deep recession and high inflation wracked the population. Restructuring and de-industrialisation eroded the economic base of cities such as New York, resulting in 'urban crisis,' mass stratification, and impoverishment.[108] The middle class steadily receded during this period, and the provision of public services waned. The rises in real wages that had occurred under Fordism were slashed, having come under the attack of stagnating profit levels and rising market

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[105] Cox, *Production, Power, and World Order*, 264.
[106] Ibid, 262.
[107] Makki, "The empire of capital and the remaking of centre-periphery relations."
[108] Harvey, *A Brief History of Neoliberalism*, 45.

fundamentalism of neoliberalism.[109] The pre-eminence of US businesses was reduced. As Augelli and Murphy have noted:

> American firms in sectors that had led the unprecedented global industrial expansion after the war were losing their competitive edge; even many Americans preferred Japanese or German cars to ones built at home.[110]

The US dollar lost its power and stability, as American initiative in new industries such as "consumer electronics and … microprocessors" waned, and came under threat from Japan, Germany and other major US allies. The Fordist assumption that American productivity gains would continue to outmatch other industrial states had been replaced with the uncomfortable realisation that rival economies would soon outpace the US.[111] In line with the work of Gramsci and Robert Cox, these changes and challenges to the social relations of production and material forces can be seen as a driving impetus for alterations to the ideologies and institutions of world order. The American global system, or historical bloc, was under threat.

As American companies and productivity came under siege, and their reliance on foreign oil was exploited, it appeared that the US "…had lost its paramount role in the world economy that it had helped to shape."[112] The US-sponsored liberal international economy, with the model of Keynesian welfare policies in industrialised states, and economically exploitative, extractive relationships with the Third World, appeared to be under threat.[113] Gill has written that the national social forces that underpinned the post-war order had created an international historic bloc; made up of an ensemble of national blocs, welfare nationalist forms of state, and synthesised by American hegemony (which rested upon Cold War structures and the liberal economic order). This bloc was to come under threat in the 1970s, and eventually give way to an

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[109] Rupert, "Post-Fordist capitalism and imperial power," 106.
[110] Enrique Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988), 1.
[111] Ibid.
[112] Ibid.
[113] For an example of the conceptualisation of this threat by 1989, see Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989): particularly 149, "Social forces, state structures, and future world order prospects". See also Bjorn Hettne, "Introduction: The International Political Economy of Transformation" in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne.

emergent transnational historic bloc.[114] According to Augelli and Murphy, by 1975 the threat to the international historic bloc was evident, as was the threat to US economic and military power:

> Even more striking … was the fate of the global ambitions of one great victor of the world wars; America's post-war empire appeared ready to disappear with the rest.[115]

Augelli and Murphy have suggested that threat to *pax americana* appeared most apparent in America's relations with the periphery. The recently de-colonised Third World, in all cases significantly less industralised than the global North, and most with relatively weak governments, were "able to make successful demands on the world economy that the United States had helped establish and still protected."[116] The oil producing states of OPEC had doubled and redoubled the price of the worlds leading commodity. Geo-politically, the US had suffered its first modern military defeat in Vietnam, and would continue to suffer Third World 'defeats' throughout the 1970s.[117] In this context, the rise of the New International Economic Order, a Third World alliance with involvement of OPEC states, emerged as a counter force to the US designed and led matrix of the international liberal economy.

The roots of the New International Economic Order (NIEO), conceived at the Algiers Conference in 1973 and pursued through the United Nations, can be traced to the foundation of the Non-Aligned Movement in 1961, the formation of the United Nations Conference on Trade and Development (UNCTAD), and the Group of 77, both in 1964.[118] The Non-Aligned Movement, founded at the first Non-Aligned Summit in 1961, built upon the Ten Point Declaration of the Bandung Conference in 1955.[119] The formation of UNCTAD in 1964 moved Third World Solidarity into the economic sphere, with the Conference's one state, one vote system allowing for a Third World dominance that was

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[114] Gill, "Epistemology, Ontology and the 'Italian School,'" 32-33.
[115] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 1.
[116] Ibid.
[117] Ibid, 1-2, and Enrique Augelli and Craig Murphy, "Gramsci and International Relations: A general perspective and example from recent US policy towards the Third World," in *Gramsci, Historical Materialism and International Relations*, ed. Stephen Gill (Cambridge; Cambridge University Press, 1993), 134.
[118] Brown, "The View from the South."
[119] See chapter three of this thesis.

unachievable in the World Bank, International Monetary Fund, and GATT. The Group of 77, an alliance of 'Less Developed Countries', pushed for the formation of UNCTAD in the UN, which was designed to hold regular conferences on trade issues as they affected the South.[120] Founded in the 1960s, and growing steadily in membership as decolonisation progressed, it was the global recession of the early 1970s that galvanised these movements to produce the NIEO. The opening text of Assembly Resolution 3202 'Programme of Action on the Establishment of a New International Economic Order' of May 1 1974, for example, referenced "economic crises…" as a key source of the developing countries current economic difficulties. The strength of the Third World in UNCTAD, and the Non Aligned Movement Algiers Summit in 1973, saw the formulation of the Call for the New International Economic Order, presented most notably through the 6th Special Session of the United Nations General Assembly in 1974 – 'Raw materials and development,' and the 7th Special Session of the United Nations General Assembly in 1975 – 'Development and international economic cooperation.'

The New International Economic Order, according to Robert Cox, can be seen to encompass four levels of policy and debate, pursued by the Group of 77 and non aligned countries. At the first level, the NIEO can be seen as a series of specific demands and considerations adopted as official documents by international conferences of the Group of 77, Non-Aligned Movement, regional bodies, and organisations within the United Nations structure.[121] Secondly, the NIEO was a negotiation process between global North and global South, driven primarily through the 6th and 7th Special Sessions of the United Nations General Assembly, as well as through a variety of other institutions and forums, including the 'North-South Dialogue' from 1977 to 1980. This was a process concerned with "possibilities of agreement concerning both revised international policies and reformed or new institutions."[122] At a third level, the NIEO sparked debate about the existing and desirable basic structure of world economic relations in the early to mid-1970s. This included the 'international' (a term carefully chosen by the authors of the demand), but also ranged into domestic, regional and transnational structural issues. As Robert Cox has argued:

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[120] Brown, "The View from the South," 194.
[121] Robert W. Cox, "Ideologies and the New International Economic Order: reflections on some recent literature," (1979), in *Approaches to World Order*, ed. Robert W. Cox and Timothy J. Sinclair, 377.
[122] Ibid.

> Structures here encompass the relationships among regions within countries, among different industries and economic activities, among different modes of production, and among social classes, as well as those among countries of different groupings. This debate brings into focus theories concerned with imperialism, with the causes of underdevelopment, and with the physical limits to growth.[123]

These social forces encompassed economists, international relations theorists and various other intellectuals, popular movements, politicians and policy makers. At a fourth level, the debate surrounding the NIEO mobilised and articulated a "fresh challenge to the intellectual hegemony of liberal economics." It interrogated liberal economics as a subjective social science, indebted to the legacy of historical power relations. It critiqued liberalisms key tenets, suggesting that economics is not an objective social science with universal scope, resting on the theory of economic rationality. The NIEO, and the emergence of new power relations that it signified, called for the formulation of an altered and more appropriate political economy.[124] This section will first discuss the agenda of the NIEO and the threat that it posed to the structures of *pax americana*, before moving to the intellectual and theoretical debates sparked by the NIEO, including discussions of government-led development, collective rights, and socio-economic rights. The NIEO challenge conceptualised human rights as contingent upon a new economic world order.

The NIEO political negotiations of the 1970s were driven by the 6th and 7th Special Sessions of the United Nations General Assembly. Through UNCTAD, the Third World presented an agenda that would become the General Assembly Resolutions 3201, 'Declaration on the Establishment of a New International Economic Order', and 3202, 'Programme of Action on the Establishment of a New International Economic Order' of May 1 1974. This was alongside 3361, 'Development and international economic co-operation' of 16 September 1975, and Assembly Resolution 3281, 'Charter of Economic Rights and Duties of States' of 12 December 1974. These resolutions, and the discussions and negotiation processes they inspired, proposed a radical re-working within the existing structure of the liberal global economy. While a continuation of the capitalist

[123] Ibid, 377-8.
[124] Cox, "Ideologies and the New International Economic Order," 378.

world economy was envisaged within the program for action, the NIEO also called for a substantial revision of the existing structures. The General Assembly Resolutions sought recompense for the injustices of colonialism, attributing the underdevelopment of the South to imperial practices, and to the continued existence of an economic system oriented towards the West.[125] The policy of the NIEO rested on several key tenets, that can be grouped broadly under trade concerns, aid concerns, and debt concerns. These included Third World sovereignty over natural resources (including the right to nationalise industries that were under the control of foreign multi-national corporations), alterations to the trade and pricing of raw materials, the introduction of a more equitable trading system, reforms to the International Monetary Fund and other institutions of international governance, changes to the international monetary system, the renegotiation of existing debt structures with a view to debt forgiveness, and the increase of aid alongside resource and technology transfers. This comprehensive programme was perceived to have the potential to provide some recompense for colonialism, and move the international economy from its Western orientation (centred around US hegemony) to a more equitable system.

The 6th Special Session of the United Nations General Assembly, and corresponding Assembly Resolution 3202 focused on raw materials, and systemic changes more widely – particularly to trade and the international monetary system, industrialisation of the Third World, and technology transfers. Resolution 3202 was a detailed document that first set its agenda on "The fundamental problems of raw materials and primary commodities as related to trade and development". The articles sought to ensure permanent sovereignty over natural resources (a move that would put an end to foreign ownership, decimating the highly lucrative projects of multinational corporations and restructuring the world economy and historic bloc substantially), and for measures to be taken to foster the recovery, development and marketing of such natural resources. Furthermore, Resolution 3202 asserted the need to facilitate the functioning of producer associations, and suggested that all efforts need to be made to "reverse the continued trend of stagnation or decline in the real price of several commodities exported by developing countries." Such associations echoed OPEC, and had the potential to disrupt the international provision of primary products, particularly to Europe. Carter's

[125] Ibid.

administration would come to refer to the threat of 'primary producer cartels' for America's European allies.[126] Samir Amin argued in 1977 that:

> …the only hope for a New International Economic Order would be if the Third World were to act collectively through mutual support of self-restraint projects and by reducing the flow of raw material exports to the rich countries thereby forcing the center to adjust to a less unequal international division of labour.[127]

Article D requested equitability when trade did occur, noting that all efforts needed to be taken to:

> …Evolve a just and equitable relationship between the prices of raw materials, primary commodities, manufactured and semi-manufactured goods exported by developing countries and the prices of raw materials, primary commodities, food, manufactured and semi-manufactured goods, and capital equipment imported by them, and to work for a link between the prices of exports of developing countries and the prices of their imports from developed countries.[128]

Resolution 3202 therefore threatened the established price mechanisms of the historical structure, and flagged the rise of prices for developing country exports, and a reduction in the value of industrial-country exports. It then moved to discuss food and the developing countries, calling for both assistance in domestic food production, and the importation of necessary food stocks without "undue strain on their foreign exchange resources."[129] These proposals both operated within the existing liberal international system, and requested a radical readjustment of international trade regulations and pricing procedures.

Resolution 3202 also sought to introduce a system of proactive regulation and management of monetary and trade structures, to replace the system of reactive

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[126] Department of State Briefing Memo, *Overall Objectives for Your Visit to Mexico, June 4, 1976,* RAC Project Number NLC-24-57-5-7-0, Jimmy Carter Library, 8.
[127] Cox, "Ideologies and the New International Economic Order," 385, drawing on Samir Amin, "Self-Reliance and the New International Economic Order," *Monthly Review* 29, no. 3 (1977): 1-21.
[128] General Assembly resolution 3202, *Programme of Action on the Establishment of a New International Economic Order*, A/RES/3202(S-VI), (1 May 1974), 5, available from http://www.un-documents.net/s6r3202.htm.
[129] Ibid, 6.

regulation that had arisen in response to the financial crises. Such regulation was to be designed to bring about "maximum economic cooperation and understanding among all states, particularly between developed and developing countries, based on principles of dignity and sovereign equality."[130] Under 'general trade,' Resolution 3202 again called for measures that challenged Western dominance of the international political economy. The call for the reduction of tariffs and trade barriers in the developed world were expanded to request assistance and concessions to allow developing countries greater access to developed markets, and for the diversification of developing country exports. The proposed establishment of a Generalised System of Preferences (GSP) for industrial goods from the South to increase the Southern share of manufacturing was to be guided by "principles of non-reciprocity and preferential treatment of developing countries in multilateral trade negotiations."[131] Implicit in this programme, and also in Amin's analysis as referenced above, are questions of the social forces and class structures in peripheral economies. The agenda rested on the formation of nationalist classes in the Third World, and coordination between the governments of Third World states.[132] These forces were to be bolstered by more equitable trading relationships, and also by increased aid, transfer of resources, and a greater say in the institutions of international governance.

Resolution 3202 continually requested aid to developing countries through both concessions and regulations, and through direct transfers of resources. The call for reform of the international monetary system challenged the newly floated system of exchange rates, calling for the maintenance of real currency reserves, and for greater regulation and predictability. It also demanded a review and restructuring of the IMF to allow for greater developing country participation, including a "more equitable pattern of voting rights."[133] The loan facilities of the IMF were of particular concern, with eight articles devoted specifically to discussions of loan systems and requirements, and external debt. It called for "appropriate urgent measures" to mitigate current and future adverse consequences incurred by developing countries as a result of "external debt

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[130] A/RES/3202(S-VI).
[131] Ibid.
[132] As Kees Van der Pijl has noted, the NIEO was essentially a 'Hobbesian,' "state-led industrial and redistributive policy." It rested on the construction and maintenance of a "tentacular, self-perpetuating state closely monitoring civil society." Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," particularly 103 and 118.
[133] A/RES/3202(S-VI).

contracted on hard terms." Steps were to be taken to renegotiate existing debt arrangements with views to debt cancellation, "moratorium, rescheduling or interest subsidization."[134] Assembly Resolution 3202 then called for extensive transfers of technology from developed to developing countries, assistance in terms of industrialisation, and regulation of transnational corporations. It can be noted that these measures, while radical, were both actionable, and threatening, to the structures of *pax americana*.

The Charter of the Economic Rights and Duties of States of 1974,[135] and the 7th Special Session of the United Nations General Assembly in 1975, reiterated and reinforced Resolution 3202 of 1974. Titled "Development and international economic cooperation," Resolution 3362 of 1975 recalled the 1974 Resolutions and sought to "set in motion … measures as the basis and framework for the work of the competent bodies and organizations of the United Nations system."[136] It was a document that directed and prescribed the future activities of UNCTAD, the International Development Strategy for the Second United Nations Development Decade, the International Monetary Fund, the World Bank Group, the World Health Organization, the World Food Council, and various specialised UN bodies. A rigorous outline of further studies, programmes, and ad hoc committees, Resolution 3362 was a detailed plan of action to honour the principles voted upon at the 6th Special Session of the General Assembly.

The above United Nations Resolutions were debated, voted on, and codified during the Special Sessions. They are the documents that make up the NIEO and represent the principles put forward by the Group of 77, drafted by the General Assembly's Second Committee. They do not completely represent within themselves the debates that occurred during the Special Sessions and the tensions that were present. While the major industrial powers either abstained or voted against the NIEO programme, and the US withdrew some of it's support for the UN under Nixon and Ford,[137] archival material accessed through the Jimmy Carter library indicates that the US harboured genuine

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[134] Ibid.
[135] General Assembly resolution 3281, *Charter of the Economic Rights and Duties of States*, A/RES/29/3281 (12 December 1974), available from http://www.un-documents.net/a29r3281.htm.
[136] General Assembly – Seventh Special Session, Resolution adopted on the report of the *ad hoc* committee of the seventh special session, *Development and international economic cooperation*, A/RES/3361(S-VII) (16 September 1975), available from http://www.un.org/depts/dhl/resguide/rspec_en.shtml.
[137] UN Doc S-0972/2/5.

concerns regarding the NIEO during Carter's presidency. The strength of the Third World in the United Nations, and the relative popularity of the NIEO, also threatened the structures of *pax americana* by challenging the institutions, and ideologies, of the hegemonic historic bloc.[138] The NIEO, particularly, conceptualised human rights as contingent upon a new economic world order.

The NIEO policies to restructure international models of accumulation and production were both inspired by, and mobilised, intellectual debate. As noted by Robert Cox above, the NIEO challenge to the existing order was sparked by, and generated, a literature that questioned the positivist assumptions of liberal economics, as well as imperial practices, inequality, underdevelopment, and development. According to Cox, the NIEO provoked five transnational "opinion clusters," some of which "are more of less structured networks and some less formally structured orientations or approaches to the issues of North-South relations."[139] While this chapter is focused on the network of the Third World Forum, chapter six of this thesis will move to discuss Western intellectual and political reactions. Cox has argued that ideologically, the Third World network of policy intellectuals behind the NIEO shared the ambivalence of developing country positions. He noted that:

> Some, like Mahbub ul Haq himself, have impeccable liberal economics credentials, though experience with the practical problems of Third World development has led them to abandon faith in the market in favor of government intervention. Others, like Samir Amin, have a Marxist background.[140]

The Third World forum contained a plurality of views, and constant tension between the rejection of Western models and conviction that revolution was a necessary condition of development in the Third World, and a hope for support and sponsorship from Western economies.[141] Despite a range of theoretical perspectives, the NIEO model of development was fundamentally "a statist programme" which looked to the

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[138] Stephen Gill, "Theorizing the Interregnum: The Double Movement and Global Politics in the 1990s," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne.
[139] Cox, "Ideologies and the New International Economic Order," 279.
[140] Ibid, 381-2.
[141] Ibid.

continuation of a capitalist world economy,[142] albeit an economy much adjusted and changed. The NIEO rejected the primacy of the market, a concept that would become hegemonic under the rise of 'hyper-liberalism,'[143] or 'neo-liberalism,' and rejected the argument that free markets would lead to the development of the Third World. The NIEO posited that the liberal international economic order was not a-political, but rather skewed towards the West, and that the structures needed to be modified by human agency. It envisaged state centric policy, advocating the nationalisation of Third World resources, and the collective rights of Third World citizens to sovereignty and development.[144] The ideology of rights discourse, and human rights principles, were bound within the NIEO.

This thesis places the NIEO within the schema of Third World human rights claims of the 1970s. The work of Daniel Whelan has conceptually linked the Proclamation of Teheran to the NIEO, and the NIEO to General Assembly Resolution 32/130 (the right to development). He has written:

> A grand new vision of human rights was necessary – a majority vision. The emergence of particularly political instantiations of Third World solidarity (especially fuelled … by … the OPEC embargo in 1973 in response to the Yom Kippur War), such as the adoption of the New International Economic Order, were evidence of a new generation of human rights, the seeds of which were planted in the 1950s and 1960s. While the ground for this growth was tilled at Teheran, it was increasing Third World unrest over global inequalities that forced the mild revisionism of Teheran into the full-blown revisionism of Resolution 32/130.[145]

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[142] "The View from the South," 195.
[143] Robert W. Cox, "Critical Political Economy," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne.
[144] As Kees Van der Pijl has argued, the attempt to create a New International Economic Order, for all its flaws, was designed to build a system of equitable global governance, rested upon state sovereignty. See Kees Van der Pijl, *Global Rivalries from the Cold War to Iraq* (London: Pluto Press, 2006), chapter 4; and Kees Van der Pijl, "Western hegemony and transnational capital: A dialectical perspective," *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010).
[145] *Indivisible Human Rights,* 126.

Under this timeline, it's important to note that the NIEO[146] was not framed in individual human rights terms. The Assembly Resolutions 3201 'Declaration on the Establishment of a New International Economic Order', and 3202 'Programme of Action on the Establishment of a New International Economic Order' of May 1 1974, alongside 3361 'Development and international economic co-operation' of 16 September 1975, do not include a reference to 'human rights.' The Assembly Resolution 3281 'Charter of Economic Rights and Duties of States' of 12 December 1974 did feature a single reference, under 'Chapter 1, Fundamentals of International Economic Relations,' with the assertion that "Economic as well as political and other relations among States shall be governed, *inter alia*, by the following principles:" including, among others, point "k) Respect for human rights and international obligations."[147] The references made to 'development' in the NIEO must also be understood in the context of Article 13 of the Teheran Final Proclamation, in which development is fundamental to the realisation of human rights, discussed above.

The resolutions that made up the NIEO and the literature surrounding the movement made constant reference to the collective rights of states. The right of states to sovereignty over the natural resources within their territories, and to regulate foreign investment within their jurisdiction, for example, do not conform to the current hegemonic understanding of individual human rights, but represent a rights claim. The official United Nations human rights doctrine that followed the NIEO also made clear the implicit link between 'development' and the realisation of economic and social rights. As will be discussed in chapter 5 of this thesis, General Assembly Resolution 32/130 of 1977 stated in Article (f) that:

> The realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority.[148]

This state-based development model was at odds with the rising conceptual dominance of what Robert Cox has called 'hyper' liberalism. It promoted the realisation of socio-

[146] Referring specifically to A/RES/3201(S-VI), A/RES/3202(S-VI), A/RES/3361(S-VII) and A/RES/29/3281.
[147] A/RES/29/3281.
[148] A/RES/32/130.

economic rights through the state, while hyper, or neoliberal, policies would come to conceptualise socio-economic rights as market-based and transnational. The NIEO supported the collective rights of states and peoples, while the human rights doctrine embraced by Amnesty International, and by the Carter Administration (Carter was the first US president to introduce international human rights to foreign policy), emphasised the individual nature of rights claims. And while the NIEO, and later Resolution 32/130 gave primacy to the realisation of socio-economic rights, the human rights definition typified by the Carter administration solidified the historical, liberal tendency of the US to prioritise civil and political rights. A movement that threatened the social relations of production of *pax americana*, the NIEO also provided institutional and ideological challenges. The human rights discourses of the 1970s can be situated within the spheres of ideology and institutions, as a threat to the hegemonic world order.

4. Conclusion

This chapter has served to highlight the surging momentum of human rights activism that was to confront the Carter administration in office from 1976. This chapter has paid particular attention to Amnesty International, an influential NGO whose reports were widely cited by United States Congress from 1973. Congress and Amnesty interpreted and appropriated the traditional, Western, 'rights of man' approach, to present a narrow discourse that did not engage with economic rights, nor the relationship between human rights violations, and economic structures and world orders. In contrast, the Non Aligned Movement and the Third World's human rights activism through the Proclamation of Teheran and the New International Economic Order prioritised economic, social, and cultural rights as fundamental in achieving civil and political rights. The NIEO, particularly, linked the social conditions of the Third World to the structures of world order, and conceptualised human rights as contingent upon a new economic world order. Necessarily bound to the social relations of production, these movements were driven forward by US engagement in Vietnam, the oil shocks of 1973, and the world-wide recession of the 1970s. The collapse of the post-war boom saw a rising Third World challenge to the American-led international order. This chapter has interrogated both the Western model of human rights activism, and the Third World

model, arguing that they, respectively, shaped and necessitated Carter's human rights policy.

The following chapter will argue that the Carter administration drew on past notions of human rights and responded to contemporary issues in shaping their human rights doctrine. The story of Amnesty International's rapid rise to prominence, and its influence in shaping hegemonic modes of thinking,[149] and to a lesser extent Western governmental policy, has been acknowledged in literature. The rise of Third World activism, reaching a highpoint of cooperation through the New International Economic Order, and codified in human rights terms through General Assembly Resolution 32/130, has also been interrogated,[150] but until now no detailed exploration in relation to Jimmy Carter's human rights policy has taken place.

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[149] See, for example, Tony Evans, *US Hegemony and the Project of Universal Human Rights*; Tony Evans, *Human Rights in the Global Political Economy: Critical Processes*; Samuel Moyn, *The Last Utopia: Human Rights in History*; Daniel P.L Chong, *Debating Human Rights*; Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*; *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffman (New York: Cambridge University Press, 2011); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 2nd ed., (Philadelphia: University of Pennsylvania Press, 2003).

[150] See Jack Donnelly, "Recent Trends in UN Human Rights Activity: Description and Polemic"; Jack Donnelly, "In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development," *California Western International Law Journal* 15, no. 3, (1985); and Daniel J Whelan, *Indivisible Human Rights,* 2010; Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*; Reza Afhsari, "On Historiography of Human Rights Reflections on Paul Gordon Lauren's *The Evolution of International Human Rights: Visions Seen,*" *Human Rights Quarterly* 29, no. 1 (2007).

Chapter 6 – Economic rights and the presidency of Jimmy Carter

1. Introduction

Jimmy Carter entered office at a significant moment in the crisis and reshaping of world order. The United States had been defeated in Vietnam, the world economy was still reeling from successive oil shocks and recession, and the Group of 77 was in the process of challenging the international order with their demands for economic and political reform. Carter's presidency was turbulent, and it is in this context that the hegemonic human rights discourse was constructed. Carter's engagement with human rights occurred as a result of particular historical forces, transforming the US approach to human rights. His administration both drew on, and challenged, past Western traditions of human rights to engage the New International Economic Order (NIEO) and developing countries. The literature has undervalued the extent that Non-Aligned, Group of 77 and Third World pressure, symbolised by the NIEO, formed a significant catalyst in Carter's approach to international politics. The administration's human rights policy sought to defuse the challenge of the NIEO, and its calls for collective economic rights. The US' distinguishing between civil and political rights as primary human rights, as opposed to economic rights, which were confined to basic needs, both supported the interests of American capital and undercut NIEO demands.

Taking a Coxian approach to the study of world orders, this chapter will first discuss the material conditions that prevailed during Carter's presidential term. Building on the discussion of the NIEO in the previous chapter, it will move to examine the domestic crisis that faced Carter's presidency. Using a political economy framework, it will be shown that Carter's strategic definition of 'human rights' as strictly civil and political must be understood in relationship with the breakdown of the welfare state consensus, both domestically and internationally. This thesis will then move to analyse the social relations of production, namely the key moments in international human rights discourse of 1977. It will situate Carter's presidency within its international context, focusing particularly on the challenge posed by the Non Aligned Movement and NIEO. The chapter will then draw on archival material and public statements to examine

Carter's human rights strategy within US global and Third World diplomacy. By propelling the formerly marginal concept of human rights to the centre of foreign policy, Carter transformed the US approach. He used the concept of human rights to create relationships with Third World leaders, and to reclaim the lost, or damaged, perceptions of US morality in international relations. The final section will analyse archival records to show that Carter's human rights policy worked to appease Third World leaders while maintaining pre-existing power structures. While Carter acknowledged economic rights publicly, his definition and application of human rights clearly favoured civil and political rights, while subordinating economic rights through relegating their application to the natural operation of the market. By introducing rights discourse to the rhetoric of the executive, the Carter administration introduced a new, universalistic concept to accompany its exploitative economic practices. Carter initiated and solidified the human rights ideology that was to be utilized by Reagan's neoliberal policies. His definition was consistent with the propagation of a neo-liberal economic order; a theme explored by chapter seven of this thesis.

2. The material conditions and social forces of the late 1970s

As was discussed in the previous chapter, the international economic order of the 1970s was characterised by widespread recession, and an unprecedented Third World challenge to the US-led historical structure of *pax americana.* The impact of the oil shocks and failure in Vietnam continued to be felt, and the demands of the New International Economic Order held sway at the United Nations, and in the North-South dialogue. Carter's inauguration in 1977 occurred in a period of great upheaval and a time when the US international predominance was potentially challengeable.[1] As the US faced international uncertainty, there were also dire domestic issues threatening the status quo.

Domestically, the strains on the Keynesian consensus of the *pax americana* had been evident from the mid-1970s. Carter inherited a near-crisis in US public debt levels,

[1] Beverly J Silver and Giovanni Arrighi, "Polanyi's 'double movement': The Belle Epoques of British and U.S. Hegemony Compared," *Politics & Society* 31, no. 2 (2003); Richard B. Du Boff, "US Hegemony: Continuing Decline, Enduring Danger," *Monthly Review* 55, no. 7 (2003); Gabriel Kolko, *Confronting the Third World: United States Foreign Policy, 1945-1980* (New York: Pantheon, 1988).

raging inflation,[2] stagflation, high unemployment, a depreciated dollar, and a breakdown in the Fordist system of capital accumulation. US corporations were feeling the squeeze, caught between "labour on the one side keeping wages high" and "foreign competitors on the other holding prices down."[3] The technological and productivity advances of US companies were being largely outstripped by rival industrial states (most notably Japan and Germany). Exports from Japan and Western Europe outperformed US exports in international markets, slashing profitability.[4] The unionised workforce of the US resisted wage cuts, and unemployment rates skyrocketed.

The welfare-state model was being squeezed for capital in the conditions of recession, as "An increased proportion of workers' (and also middle class) incomes" were "now coming from various statutory entitlements financed through taxation."[5] These programs were an integral component of the welfare-state consensus, and ultimately caused an escalating fiscal crisis. Rising unemployment significantly reduced taxation revenue, while also making increasing demands on the social expenses of the state. The high public debt was a legacy of the Vietnam War, and compounded by structural problems that included huge subsidies and taxation loopholes for corporate America. Furthermore:

> Cumulative deficit budgeting not only contributed to inflation; it also raised interest rates as governments borrowed in domestic and international financial markets. The burden of service on public debts in return became a growing claim on current state revenues. Middle-class tax revolts erupted … The social consensus was eroded as those who paid taxes were pitted against those who benefitted from state revenues – private-sector against state-sector workers, middle classes against welfare-recipients, small businessmen facing bankruptcy against "corporate welfare bums."[6]

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[2] Jimmy Carter, *White House Diary* (New York: Picador, 2010), 189.
[3] Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), 280.
[4] Enrico Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988), 2.
[5] Cox, *Production, Power, and World Order*, 281.
[6] Ibid.

The breakdown of the underlying consensus of the welfare state in the US saw a splintering of social forces, in many cases along class lines. As the Keynesian historical structure of *pax americana* began its decline and eventual disintegration, big business was mobilised[7] as unions retreated.[8] Cox has described the welfare state consensus of the post-war years as based upon the understanding that society would not tolerate high unemployment levels or a loss in welfare provision.[9] This accepted wisdom had its roots in Franklin Roosevelt's four-point plan, designed to protect the structures of the capitalist state from falling to a communist or socialist revolution.[10] Large-scale unemployment in the 1970's, and reductions to welfare, however, did not cause the state to lose authority amongst its constituents. Rather:

> Indeed, it would more generally seem to be the case that the legitimacy of the welfare state and of labor movements has been undermined in public opinion, not the legitimacy of the state. Large-scale unemployment has produced fear and concern for personal survival rather than collective protest.[11]

As the Keynsian historical structure of *pax americana* began to disintegrate, corporate interests were mobilised while individualism and identity politics came to the fore.

There has been much scholarship regarding the rise of neo-liberal doctrine in the ideological, socio-political, and economic structures of the United States. There is widespread agreement that the advent of neo-liberalism, and its dissemination, was driven by capitalist interests; large corporations, transnational networks such as the Trilateral Commission[12] and the Club of Rome, and a mobilised capitalist class.[13] This

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[7] Patrick J. Akard, "Corporate Mobilization and Political Power: The Transformation of U.S. Economic Policy in the 1970s," *American Sociological Review* 57, no. 5 (1992).
[8] Cox, *Production, Power, and World Order*, 281.
[9] Ibid.
[10] See chapter three of this thesis.
[11] Cox, *Production, Power, and World Order*, 282.
[12] See Stephen Gill, *American Hegemony and the Trilateral Commission* (Cambridge, Cambridge University Press, 1990).
[13] See, for example, Leslie Sklair, *The Transnational Capitalist Class* (Hoboken: Wiley-Blackwell, 2000); Leslie Sklair,"Democracy and the Transnational Capitalist Class," *The Annals of the American Academy of Political and Social Science* 581, Globalization and Democracy (May 2002);
Naomi Klein, *The Shock Doctrine: The rise of disaster capitalism*, (London: Penguin Books, 2008); *Politics of Globalization*, ed. Samir Dasgupta and Jan Nederveen Pieterse (New Delhi: Sage, 2009); Stephen Gill and David Law, "Global Hegemony and the Structural Power of Capital," *Gramsci, Historical Materialism and International Relations*, ed. Stephen Gill (Cambridge: Cambridge University Press, 1993); Kees Van der Pijl, *Transnational Classes and International Relations* (London: Routledge, 1998).

process was also driven and contested by a complex range of social forces, class coalitions and popular movements. David Harvey, for example, has written of the uneasy alliance between social freedoms and social justice in the social movements of 1968, and the construction of widespread consent to neoliberal policies through the foundational neoliberal rhetoric of libertarianism, identity politics, and consumerism.[14] Augelli and Murphy have suggested that the success of neoliberal ideology in US was in part, due to its correlation with the existing common sense of the nation. They have written:

> One consequence of the deep support given to the market in America is that even non-elite American movements for social change tend to work for the perfection of the market economy rather than for its restriction. Thus, in the 1970s, in the years before Reagan's election to the presidency, the most significant social movement in the United States was one which defined all Americans as 'consumers,' as people equally interested in perfecting the economic market…[15]

Carter therefore inherited a coalescence of capitalist interests and social movements promoting both individual freedoms and consumerism. Given the structural forces, Carter's role in the neoliberalisation of the US is open for further analysis. While he did implement certain neoliberal economic policies, most particularly deregulation, there is widespread scholarly agreement that he was not an active agent of neoliberalism generally.[16]

Carter's presidential term differed substantially from Ronald Reagan's ideological promotion of neoliberal orthodoxy. In contrast, while Carter did implement neoliberal reforms to the structure, he also introduced conflicting economic policies, and was not an ideologue for neoliberal principles. Augelli and Murphy have suggested that Carter

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[14] David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005), particularly 39-63.
[15] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 48.
[16] The majority of the scholarship conceptualises Ronald Regan as the primary agent for the American neoliberal revolution, and thus suggests that Regan's policies transformed those instituted by Carter. The Carter administration's role in the neoliberalisation of the US is therefore seen as negligible. See Desmond King and Steward Wood, "The Political Economy of Neoliberalism: Britain and the United States in the 1980s," *Continuity and Change in Contemporary Capitalism,* ed. Herbert Kitschelt, Peter Lange, Gary Marks and John D. Stephens (Cambridge: Cambridge University Press, 1999) for a typification of this view. Another strand of scholarship has praised Carter for his 'progressive' policies of de-regulation – see Jeffrey L. Pasley and Adam Paul Weisman, "He's Back! No, Not Nixon – Jimmy Carter," *New Republic*, 19 January 1987.

was from the 'liberal' camp of US politicians in the mid-1970s; non-interventionist due to the failure of the Vietnam war and therefore reluctant to use force, functionalist in his evaluation of relations with communist regimes, and relatively supportive of "international attempts to coordinate economic policy (at least among rich capitalist states)".[17] Carter's policies suggested support for the welfare-state consensus, as he attempted to counter recessionary domestic conditions by stimulating full employment.[18] He also, however, "let the price of oil and natural gas rise to market value," in 1979, and relinquished "tight government control over the free enterprise system."[19] Stuart Eizenstat, Carter's former chief domestic policy adviser, has publicly lamented that Carter never received the appropriate credit for his 'progressive', Reaganite economic policy. Carter attempted "to move the Democratic party toward the center by proposing to balance the federal budget and cut government spending," and tackled "such important issues as deregulation of the railroads, trucking, and airlines… [and] civil service reform."[20] Additionally, it was also under Carter that Paul Volcker became chairman of the New York Federal Reserve in 1979, and began restricting US monetary supply. The Iranian revolution and subsequent hostage drama provided the distraction necessary for the Volker shocks.[21] There was much variance in Carter's domestic economic policy during his term, from his apparent use of welfare-state principles in 1977, to the deregulation of enterprise and welfare in 1979. Ronald Reagan would come to inherit a state structure in the process of deregulation, privatisation, welfare cuts, and monetary and fiscal austerity.

As a Coxian framework would demand, Carter's ideological dogmatism in the area of human rights cannot be understood except as a corollary of the mode of production. His deliberate definition of 'human rights' as strictly civil and political occurred during the breakdown of the welfare state consensus. While there has been some scholarship that has interrogated the relationship between the rise of neoliberal ideology and the hegemonic definition of human rights that emerged in the late 1970s,[22] the majority of

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[17] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 70-1.
[18] Cox, *Production, Power, and World Order*, 277.
[19] Jimmy Carter, *White House Diary* (New York: Picador, 2010), 526.
[20] Douglas Brinkley, "The Rising Stock of Jimmy Carter: The 'Hands on' Legacy of our Thirty-ninth President," *Diplomatic History* 20, no. 4 (1996): 520.
[21] Cox, *Production, Power, and World Order*, 279.
[22] See, for example, Naomi Klein's discussion of the role of Amnesty International in promoting human rights and de-linking the ideology of neo-liberalism from its crimes, in *The Shock Doctrine*. Similarly, see Tony Evans' analysis of Amnesty in *Human Rights in the Global Political Economy* (Boulder and London:

the literature on neoliberalisation centers on Ronald Reagan. This thesis necessarily includes Carter in this discussion, while linking Carter's human rights policy to the international forces which characterised his administration. More particularly, it argues that the crisis of the welfare state had an international component; under Carter there was also a refusal to guarantee the trappings of the welfare state to newly decolonised countries, as had been effectively demanded by the New International Economic Order, Charter of Economic Rights and Duties of States, and General Assembly Resolution 32/130. The calls from the Third World for sovereignty over natural resources, technology transfers, and a reformed system of raw materials trading, for example, posed a threat to the profitability of American corporations. The protection of US business interests by a US president may not be surprising, but Jimmy Carter added an important string to the bow of liberal capitalist oppression. By introducing human rights rhetoric to the executive, he introduced new language, which acted to effectively cloak exploitative economic structures. Accordingly, Carter activated the human rights ideology that was to be exploited by Reagan's neoliberal doctrine.

2.1 The social forces of production: Key moments in human rights discourse

1977 saw Amnesty International awarded the Nobel Peace Prize for its 1976 work on the atrocities perpetrated by the Argentinian junta. As discussed in the previous chapter, Amnesty grew rapidly during the 1970's, and had been used as a reputable source by US Congress and academic works.[23] The 1977 international recognition further solidified Amnesty's credibility and influence, and saw the organisation receive extensive press coverage.[24] It further catapulted Amnesty International into the popular culture and consciousness of the Western publics. As discussed in chapter five, Amnesty in this period presented a narrow model of human rights activism – it focused particularly upon civil and political rights, and more specifically on advocating for political prisoners. This framework removed questions of economic structures and world orders from the

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Lynne Reiner Publishers, 2011). See also Ivan Manokha's analysis of the post-Cold War world order in *The Political Economy of Human Rights Enforcement: Moral and Intellectual Leadership in the Context of Global Hegemony* (London: Palgrave MacMillan, 2008) and "Foucault's Concept of Power and the Global Discourse of Human Rights," *Global Society* 23, no. 4 (2009).

[23] See, for example, the references made to Amnesty International in Noam Chomsky and Edward S. Herman, *The Washington Consensus and Third World Fascism: The Political Economy of Human Rights: Vol 1* (Boston: South End Press, 1979).

[24] Anne E. Geyer and Robert Y. Shapiro, "Human Rights," *Public Opinion Quarterly* 52, no. 3 (1988).

Amnesty International approach to the study of human rights atrocities. 1977 would see the introduction of General Assembly Resolution 32/130 in December; a resolution that directly challenged Amnesty's human rights paradigm.

The call for the New International Economic Order, discussed in chapter five, continued, with waning momentum, throughout the 1970s. The records of the UN Secretary General Kurt Waldheim indicate that Non-Aligned Summits continued to strongly support the NIEO after it's introduction to the United Nations in the 6th and 7th General Assembly Special Sessions. A speech presented by Secretary Waldheim to the Non-Aligned Colombo Conference in August 1976 declared confidently:

> We have the beginnings of a global comprehension that the well-being of nations is henceforth irrevocably linked. We still have an earth whose resources, if properly managed, can provide a decent life for all. Let us profit from these circumstances in seeking to improve our imperfect world.
> - This is the time to move toward a new international economic order;
> - This is a time to agree on the a law of the sea;
> - This is the time to make a bold effort to solve conflicts, old and new;
> - This is the time to eliminate the last remnants of colonialism; and
> - This is the time to ensure that social justice and respect for human rights become global realities.[25]

The final point of this speech plainly linked social justice concerns to human rights. Whelan, and Donnelly, have cited the Ganji report of 1973, entitled "The Realization of Economic, Social and Cultural Rights" as significant in laying the basis for the connection between human rights and development[26] that was evident in Kurt Waldheim's speech. The Third Committee Resolutions between 1974 and 1977 "…. turned the NIEO into a human rights issue. Their resolutions suggested not only that the NIEO would hasten the realization of…" economic, social and cultural rights, "but also the realization of the NIEO was a *prerequisite* to implementing human rights in developing countries."[27]

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[25] United Nations Document S-0972/2/5.
Daniel J. Whelan, *Indivisible Human Rights,* (Philadelphia: University of Pennsylvania Press, 2010), and Jack Donnelly, "Recent Trends in UN Human Rights Activity: Description and Polemic," *International Organization* 35, no. 4 (1981).
[27] Whelan, *Indivisible Human Rights,* 157.

The recognition of a new international economic order as a requirement for the realization of human rights in the Third World continued with the watershed General Assembly Resolution 32/130 of 1977. This Resolution, entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,' codified the link between human rights and development within the UN system. The text of the Resolution reaffirmed the doctrine of indivisibility,[28] and article 13 of the 1968 Proclamation of Teheran.[29] It also explicitly acknowledged both the rights of the individual and of collectives, recognising "the development and well-being of … society." Article (f) stated that:

> The realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority.[30]

Coming to power in 1977, months before the release of 32/130, the Carter Administration understood the salience of economic, social and cultural rights in the developing world.[31] The section below will utilise archival evidence to demonstrate that the Carter Administration recognised the NIEO as a threat to the US-led world order.

3. The NIEO and United States concerns

The domestic and international environment inherited by the Carter administration in 1977 necessitated an overhaul of American foreign policy and an engagement with human rights. There were many factors and social forces that propelled Jimmy Carter's commitment human rights. Numerous commentators have cited "The popular

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[28] Whelan, *Indivisible Human Rights.* See also R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), particularly 83.
[29] See chapter five of this thesis.
[30] General Assembly resolution 32/130, *Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms*, A/RES/32/130, (16 December 1977), available from http://www.un.org/documents/ga/res/32/ares32r130.pdf.
[31] See section four of this chapter.

disillusionment of the Vietnam era,"[32] and the disastrous impact of the Watergate scandal on American self-image.[33] Many have also cited Carter's personal Christian faith, and the popular drive to reintroduce morality to foreign policy.[34] These commentaries see Carter's human rights policy as driven by largely domestic factors,[35] including the recession, and also impacted by the work of Amnesty International, and inspired by US Congresses international human rights hearings. Internationally, Carter's human rights policy has been strongly linked to the Cold War.[36] In introducing the NIEO and third world human rights activism to this discourse, this thesis does not oppose this body of scholarship. In suggesting that the NIEO was conceptualised as a threat to US hegemony under Carter, and that this threat included a human rights component, and elicited a human rights response, this chapter aims to contribute to a fuller understanding of Carter's presidency, and to the construction of the modern human rights movement

As Augelli and Murphy have argued, "Jimmy Carter's general approach to foreign policy revived American evangelism and redefined the country's mission to be the promotion of human rights globally."[37] He achieved this by introducing human rights to the executive branch of government and including human rights as a key component of foreign policy. Jimmy Carter entered a non-hegemonic space, and transformed the essentially undefined human rights policy of the previous decades.[38] Recently

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[32] Mark Rupert, "Post-Fordist capitalism and imperial power: Toward a neo-Gramscian view," *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010), 107.
[33] See Kristen Sellars, *The Rise and Rise of Human Rights* (Phoenix Mill: Sutton Publishing, 2002); Tony Evans, *US Hegemony and the Project of Universal Human Rights* (London: MacMillan Press, 1996); Douglas Brinkley, "The Rising Stock of Jimmy Carter: The 'Hands on' Legacy of our Thirty-ninth President"; Joshua Muravchik, *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (Lanham MD, Hamilton Press, 1986); John Dumbrell, *The Carter Presidency: A re-evaluation* (Manchester and New York: Manchester University Press, 1993); Robert A. Strong, *Working in the World: Jimmy Carter and the Making of American Foreign Policy* (Baton Rouge: Louisiana State University Press, 1993); Gaddis Smith, *Morality, Reason & Power: American Diplomacy in the Carter Years* (New York: Hill and Wang, 1986); David Carleton and Michael Stohl, "The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan," *Human Rights Quarterly* 7, no. 2 (1985); David D Schmitz and Vanessa Walker, "Jimmy Carter and the Foreign Policy of Human Rights: Development of a Post-Cold War Foreign Policy," *Diplomatic History* 28, no. 1 (2004); and Hauke Hartmann, "US Human Rights Policy under Carter and Reagan, 1977-1981," *Human Rights Quarterly* 23, no. 2 (2001).
[34] Burton I. Kaufman, *The Presidency of James Earl Carter Jnr.* (Lawrence KS: University Press of Kansas, 1993).
[35] Evans, *US Hegemony and the Project of Universal Human Rights*.
[36] See, for example, John A. Soares Jnr., "Strategy, Ideology, and Human Rights: Jimmy Carter Confronts the Left in Central America, 1979-1981," *Journal of Cold War Studies* 8, no. 4 (2006).
[37] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 90.
[38] See chapters four and five of this thesis.

declassified records,[39] accessed through the Jimmy Carter Presidential Library in November 2014, also reveal by 1977 the Carter administration recognised the Third World as a threat to the diplomatic relations of the USA and its image, and to the international economic order. As Stephen Gill has argued, with the benefit of hindsight:

> Perhaps the notion of a united Third World was always more of a social myth than an attainable potential, given the diversity within and conflicts among states and social forces in Third World regions. However, this did not necessarily appear to be the case in the 1970s, in the era of OPEC and the NIEO.[40]

Reeling from the OPEC oil shocks and bearing witness to the political mobilisation of the Non-Aligned movement and Group of 77 through the NIEO, the Carter administration were compelled to engage with and defuse the activism of the Third World.

The confidential State Department Memorandum 'Interagency Review of US Policy Towards the Non-Aligned Movement', put together by a committee that included the State Department, the CIA, Treasury, AID, ICA and the Department Of Defence, slammed US neglect of the Non Aligned Movement (NAM) between 1965 and 1974:

> From 1965 to 1974, the US sent no observers to non-aligned meetings, levelled no special reporting requirements on its missions in NAM member countries, sent no presidential messages to NAM summits and did not attempt to influence or rebut NAM declarations and/or resolutions. This policy of calculated neglect lasted until our head-on collision with the LDCs [Less Developed Countries] at the Sixth Special UNGA Session on Raw Materials and Development in 1974. The session left the US isolated diplomatically even from many of the Western Europeans.[41]

The image of diplomatic isolation, particularly in the Cold War context, is powerful. The Interagency review suggested that ignoring the machinations and demands of the Non-

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[39] Declassified between 2005 and late 2013.
[40] "Theorizing the Interregnum: The Double Movement and Global Politics in the 1990s," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax, Nova Scotia: Fernwood Publishing, 1995).
[41] State Department Memo, *Interagency Review of US Policy Towards the Non-Aligned Movement, 18 January 1979*, RAC Project Number NLC-24-114-3-5-1, Jimmy Carter Presidential Library and Museum, 1.

Aligned Movement damaged the US in terms of its relationships with the Third World, and with its traditional Western European allies. The language of a 'head-on collision' invoked a serious clash, and foreshadowed the dangers of the administration following a similar policy of neglect. In contrast to past governments, the Carter administration came to closely track the activities of the NAM,[42] and pursued diplomatic relationships with its member states. A March 10, 1979 Memorandum for Zbigniew Brzezinski stated that it sought to be "…demonstrating US concern for the Third World and our willingness to take the Third World seriously by addressing the issues which concern them in terms of our common interests."[43]

The Less Developed Countries (LDCs) were seen, by the Carter administration, to pose a genuine threat to international political and economic stability. The 'Interagency Review of US Policy Towards the Non-Aligned Movement' noted that "Economic radicalism in the NAM and its spill-over in the North-South dialogue has been on the wane since 1975," and that "in the face of the 1975 recession," the LDCs had adopted "a somewhat more realistic appraisal of the feasibility and rate of implementation of the NIEO."[44] Nevertheless, concerns about potential instability continued. A National Security Council 1977 policy research paper entitled 'New Strains Ahead as the North-South dialogue resumes?' stated that:

> Virtually all industrialized states agree that wholesale acceptance of the LDC demands would undermine the stability of existing economic and political systems. At the same time, most agree that to refuse to concede on any demands or the inability to put together a program of action on which most LDCs would find it possible to compromise could lead to renewed confrontation with the LDCs, and with it the possible disruption of OECD relationships.[45]

This passage demonstrated the importance of Third World relationships remaining bound within the US global order in the context of the Cold War, and the perceived

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[42] Ibid.
[43] Department of State Memo for Dr Zbigniew Brzezinski, *Interagency Review of US Policy Towards the Non-Aligned Movement (NAM), 10 March 1979*, RAC Project Number NLC-24-114-3-5-1, Jimmy Carter Library, 2.
[44] State Department Memo, *Interagency Review of US Policy Towards the Non-Aligned Movement, 18 January 1979*, RAC Project Number NLC-24-114-3-5-1, Jimmy Carter Library, 2.
[45] Research Paper, *New Strains Ahead as the North-South dialogue resumes?* RAC Project Number NLC-24-59-2-2-7, Jimmy Carter Library.

impact that such relationships could have upon the Convention on the Organization for Economic Cooperation and Development. The threat to diplomatic relations and to trade and economic relations, posed by the NIEO and NAM countries, can be integrated into study of Carter's foreign policy.

The Carter Administration evidently believed that the NIEO and Third World had the capacity to disrupt the international economy, both as producers of primary products, and as valuable export markets. "New Strains Ahead," stated:

> US policy toward LDC demands will also be complicated by the likelihood of conflicting pressures in 1977 from the Western European states and Japan over how that policy is formulated and the shape that it takes. These states are more dependent on the developing countries –as suppliers of raw materials and markets for exports – than is the US, and some elements in the European states and Japan argue that the US would have less to lose should a new confrontation between industrialized and developing countries erupt.[46]

Again, the delicate diplomacy required to manage the NAM countries, as well as Europe and Japan, was recognised by Carter's administration. The threats posed by the Third World to trade relations, and to the working of the international economy, were seen as genuine and potentially disastrous. The challenge that the united Third World posed to the already crumbling order of *pax americana* during the Carter Administration must be understood in relation to the "Administration's high priority on improving relations with the Third World."[47] The defining feature of Carter's foreign policy, 'human rights,' can also be situated within this context.

4. Third world activism and economic rights

The Final Act of the Teheran Conference of 1968, and the General Assembly Declaration 32/130 of 1977, as discussed in detail in the previous chapter and above, demonstrated the link between economic development and human rights in Third World discourse.

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[46] Ibid.

[47] State Department Memo, *Interagency Review of US Policy Towards the Non-Aligned Movement, 18 January 1979*, RAC Project Number NLC-24-114-3-5-1, Jimmy Carter Library, 2.

The salience of economic rights, particularly, was indicated in interactions between the Carter administration and the United Nations, and Third World leaders. Memorandums, research and policy papers, and policies generated by the Carter government demonstrated that it understood the call for the NIEO, and development more widely, within human rights terms.

Jimmy Carter's repeated use of human rights principles during his election campaign[48] oriented his presidency around a human rights framework. Records regarding the administration's proposed Human Rights Foundation (HRF)[49] suggest that his policy "generated unrealistically high expectations in some quarters," such as "the press."[50] It can also be posited that his presidency was met with expectation in the Third World. An early 1977 research paper on the 'North-South dialogue,' sourced from the "North South" folder with the National Security Council records at the Jimmy Carter Presidential Library, stated "…LDCs in the CIEC (Conference on International Economic Cooperation) agreed to postpone ministerial level negotiations until a new US administration had taken office."[51] It followed that:

> Postponement of the review conference probably avoided a confrontation over LDC demands, the most contentious of which was for the relief of the LDC's debt. It also provided the US with time to work behind-the-scenes to insulate CIEC from pressures from some OPEC states (most notably Saudi Arabia) to link future oil price decisions, in part, to US concessions to LDC demands.[52]

The concern that LDC countries posed to the existing hierarchy and power relations of the international economy and the privileges of the developed countries – particularly when the effects of the OPEC oil shocks were still being felt was at the forefront of

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[48] See Jimmy Carter, "'Our Nation's Past and Future': Address Accepting the Presidential Nomination at the Democratic National Convention in New York City," July 15, 1976, http://www.presidency.ucsb.edu/; Gerald Ford, "854 - Presidential Campaign Debate," October 6, 1976, available at http://www.presidency.ucsb.edu/; Gerald Ford, "947 - Presidential Campaign Debate," October 22, 1976, available at http://www.presidency.ucsb.edu/.
[49] US Congress ultimately defeated Brzezinski's 1977 proposal for the establishment of a Human Rights Foundation. See Itai Nartzizenfield Sneh, *The Future Almost Arrived: How Jimmy Carter Failed to Change U.S. Foreign Policy* (Berne: Peter Lang, 2008).
[50] Memo to the President from Zbigniew Brzezinski, *Human Rights Foundation (HRF),* RAC Project Number NLC-28-10-9-29, Jimmy Carter Library, 1.
[51] Research Paper, *New Strains Ahead as the North-South dialogue resumes?* RAC Project Number NLC-24-59-2-2-7, Jimmy Carter Library.
[52] Ibid.

shaping US foreign policy in this period. Despite the reduced pressure secured by the postponement of the review conference, the paper also stated that:

> LDCs indicated postponement was based on expectations that a new administration would soften the US position on debt rescheduling and ask Congress for increased contributions to the World Banks soft loan facility.[53]

The Carter administration's humanitarian image placed it under pressure to marry human rights principles with the agitating for the New International Economic Order. This challenging diplomatic environment, and the threat of escalating LDC tensions in 1977, was driven home further by a Memorandum to the President from Deputy Secretary of State Warren Christopher in preparation for a meeting with the United Nations Secretary General Kurt Waldheim in 1977. In discussing the NIEO, it noted:

> …the US strategy at the Seventh Special Session largely centered on proposals that did not require new sums of money or Congressional action. In areas where either or both were required – foreign aid, further trade liberalization, new contributions to the World Bank, commodity agreements – progress has been very slow. The US is now in arrears to virtually every international financial institution, for example. We have been reluctant to advance commodity proposals of our own while criticising Third World proposals. We have therefore reached a point where some of the more intractable issues arising from the Seventh Special Session remain unresolved… The LDC's are increasingly critical of the slow rate of progress, and their frustration and discontent could again reach confrontational proportions.[54]

The need to diffuse potential confrontations with LDC countries led to careful use of definitions and policies. In its foreign policy, the Carter administration sought to balance appeasement, concessions, and the promotion of US economic and political interests. In seeking to both foster relationships with LDC countries and maintain the status quo, the Central Intelligence Agency National Foreign Assessment Centre noted in a January 25

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[53] Ibid.

[54] Memo For the President from Warren Christopher, *Official Visit by United Nations Secretary General Kurt Waldheim,* RAC Project Number NLC-133-156-3-1-7, Jimmy Carter Presidential Library, 11-12.

1978 Memorandum entitled "The International Setting for North-South Relations in 1978," that LDC "needs are as unlikely to be met by this US administration as by its predecessors."[55] Despite this private acknowledgement of the continuities of US foreign policy, the Carter administrations public image and the tumult of the 1970's allowed America to be confronted by LDC governments.

An example of an individual Third World leader challenging the US on human rights terms can be found in a top secret July 1977 Memorandum for Brzezinski from Mark Armacost, the National Security Council head of East Asian and Chinese Affairs. It included a report on Thai General Kriangsak Chamanan that read:

> General Kriangsak cautions that conceptions of human rights vary according to cultures and that the U.S. should recognise these different attitudes. Consistent with the Thai ideal that human rights are economic rights, Kriangsak maintains that three problems obstruct the Thai economy, thus human rights as well, they are; subversion, the burden of supporting refugees, and narcotics.[56]

This conceptualisation of human rights, expressed by a traditional US ally, reiterated the language of General Assembly Resolution 32/130 in emphasising state based economic rights. It also demonstrates that the momentum surrounding the NIEO and economic rights transcended the traditional Cold War relations and power structures. Even those countries allied to the United States were willing to support the programme of the NIEO. The message of the third world consensus was clearly grasped by the Carter administration. This message translated into an active human rights campaign in the hope that the US could restore order and consensus in the international political economy. In doing so, the Carter Administration took human rights, as had been advocated through the United Nations, and reshaped it in a way that would ameliorate diplomatic tension while maintaining the pre-existing power structures. The removal of discussion around economic rights from the human rights vernacular was key in achieving this aim.

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[55] Memo, Central Intelligence Agency National Foreign Assessment Centre, *The International Setting for North-South Relations in 1978, 25 January 1978*, RAC Project Number NLC-24-59-7-1-3, Jimmy Carter Library, 2.
[56] Memo From Mark Armacost to Zbigniew Brzezinski, *TOP SECRET/CODE WORD, July 1977*, RAC Project Number NLC-10-3-7-13-6, Jimmy Carter Library, 2.

In the Presidential Review Memorandum/NSC 28: Human Rights,[57] a comprehensive human rights manifesto of August 1, 1977, Carter's administration divided human rights into three categories. This process represented the privately mediated US attitude to divisibility between rights.[58] These categories were to be repeated in Memorandums and planning documents throughout the administration's time in office. First was: "the right to be free from governmental violations of the integrity of the person: such violations include torture; cruel, inhuman or degrading treatment and punishment; arbitrary arrest or imprisonment; denial of fair public trial; and invation (sic) of the home ('the first group')."[59] Amnesty International strongly advocated for this group of rights. These rights had also been at the forefront of international human rights hearings in Congress from 1973.[60] The second category encompassed "…economic and social rights: the right to be free from government action or inaction which either obstructs an individual's efforts to fulfill his vital needs for food, shelter, health care and education or fails adequately to support the individual in meeting basic needs" ('the second group'). The final category detailed "…civil and political liberties: these include freedom of thought, of religion, of assembly, of speech, of the press; freedom of movement both within and outside the one's own country; freedom to take part in government ('the third group')."[61]

It's apparent from the text of the Presidential Review Memorandum that Carter's advisers believed they were drawing on concepts that had some pre-existing salience. It was noted:

> Incorporation of the second group of rights in our policy has particular implications for its application to the Third World. A policy which subordinated these rights would not only be inconsistent with our humanitarian ideals and

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[57] Presidential Briefing Memo, *NSC 28: Human Rights, 1 August 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Library, 2.
[58] This was in contrast to the US governments' public acknowledgment of equality and indivisibility between civil and political and economic and social rights. See Vincent, *Human Rights and International Relations*, and Daniel J. Whelan and Jack Donnelly, "The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight," *Human Rights Quarterly* 29, no. 4 (2007).
Presidential Briefing Memo, *NSC 28: Human Rights, 1 August 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Library, 2.
[60] See chapter five of this thesis.
[61] Presidential Briefing Memo, *NSC 28: Human Rights, 1 August 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Library, 2.

> efforts, but *would also be unacceptable in those countries where the tendency is to view basic economic and social rights as the most important human rights of all*.[62]

When discussing civil and political rights it was written that:

> … a policy that ignored them [civil and political rights] would be so narrow in construction as to sacrifice overall coherence, it would also be *untrue to our heritage and basic values*. We do not accept the charge that by promoting these rights we seek to impose eighteenth century, Western ideas on non-Western societies where they have no roots or relevance. These rights have been espoused in principle by virtually all governments and are of worldwide significance as a matter of practice".[63]

The memorandum suggested that civil and political rights had both a historical foundation and current relevance to the US. In claiming that civil and political rights had worldwide significance, it is also suggested that economic and social rights were prioritised as the most important rights by Third World countries, but not worldwide, and not by industrialised countries. It is evident that the Carter Administration interpreted the NIEO, the NAM, and the Third World more widely, as challenging the "West" through the promotion of a human rights agenda.

The Carter administration responded to the NIEO human rights challenge by attempting to foster Third World relationships and court the Non-Aligned Movement. The following quotation, taken from a State Department Memorandum to Zbigniew Brzezinski, dated March 10 1979, indicated the extent that the pressure to gain Non-Aligned support existed:

> A review is timely. We can begin to see some of the beneficial results of the Administration's more positive and open policy toward the NAM. We want to build on our gains and increasingly engage the non-aligned in joint efforts to solve global problems. This approach has already produced good, if still incomplete, results in our southern African initiatives. We need non-aligned

[62] Ibid, emphasis added.
[63] Ibid, emphasis added.

> support for the Camp David Accords and Western ideas in the North/South dialogue.[64]

The Memorandum formed part of the State Department's "Interagency Review of the US Policy Towards the Non-Aligned Movement (NAM)," a committee that included the State Department, the CIA, Treasury, AID, ICA and DOD. The Memorandum sketched the perceived US need for NAM support for the Camp David Peace Accords, and highlighted the persistent North-South issues. North-South issues characterised the NIEO, the Charter of Economic Rights and Duties of States and the wider activities of the Global South within the United Nations. The Interagency Review Memorandum also noted that "the Nam has emphasized the need for rapid implementation of the NIEO,"[65] and "…the Nam mirrors the progress – or lack of it – in North/South negotiating fora and uses the UN as a forum to pressure the industrialized countries."[66] Prominent human rights literature,[67] as well as scholarship on the presidency of Jimmy Carter, has not acknowledged the role of the NIEO, and the claiming of economic rights by the Third World, in shaping his human rights policy. This thesis works to rectify this gap in the literature.

Carter's human rights policy was developed, in part, as a response to the Non Aligned Movement, both in its diplomatic role, and its deliberate definition of human rights. The Less Developed Countries necessitated a perceived need for the US to reinvent its image internationally, along human rights lines. As David F Schmitz and Vanessa Walker, one rare set of authors who have situated Carter's human rights policies as in relationship with the Third World, have aptly noted in terms of Carter's interactions with Nicaragua:

> His policy of human rights sought to create a post-Cold War foreign policy that changed the fundamental nature of American relations with the Third World while still protecting essential American interests.[68]

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[64] State Department Memo, *Interagency Review of US Policy Towards the Non-Aligned Movement, 18 January 1979*, RAC Project Number NLC-24-114-3-5-1, Jimmy Carter Presidential Library, 2.
[65] Ibid, 7.
[66] Ibid.
[67] See, for example, *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge University Press: New York, 2011); Samuel Moyn, *The Last Utopia,* 2010; and *The Breakthrough: Human Rights in the 1970's*, ed. Jan Eckel and Samuel Moyn (Philadelphia: University of Pennsylvania Press, 2015).
[68] David F Schmitz and Vanessa Walker, "Jimmy Carter and the Foreign Policy of Human Rights": 113.

Despite the paucity of scholarly emphasis of this point, the evidence indicates that the NIEO was a significant dimension in shaping US foreign policy during the Carter years.

5. Human rights and third world diplomacy: A global strategy

The Carter administration's four-year foreign policy goals, set out in April 1977, were based on the belief that the international economic system, and US-led world order, were in crisis. As Kees Van der Pijl has suggested, in the late-1970s, "…the US seemed to veer back towards a Wilsonian, forward-looking perspective of which the Carter administration and its human rights policy would be the epitome."[69] He has suggested that this neo-Wilsonian era was motivated by the defeat of US imperial interests in Vietnam, and the mobilisation of the capitalist class, particularly through the Trilateral Commission. The Trilateral Commission was made up of "policy oriented intellectuals," linked to the national-security state, and sought to architect the maintenance and growth of the Lockeian heartland in the wake of the Third World challenges.[70] During Jimmy Carter's presidency, his team attempted to reconfigure America's global leadership in the response to the perceived decline *pax americana*. A 1977 Presidential Memorandum, which will be detailed below, likened the global circumstances of 1977 to the crisis of world-order that occurred in 1945. With growing perception that US international dominance was decreasing, the policy focus on Soviet containment and Atlanticism was deemed insufficient to face new challenges. The response was the decision to supplement the traditional Cold War strategy with a wider global engagement. With the Non-Aligned Movement and Group of 77's call for the NIEO challenging the international economic system and existing world order, and with renewed mobilisation of the global forces of capitalism, the US sought to design a new era of leadership, constructed around the ideology of human rights.

A Memorandum to the President from National Security Adviser Zbigniew Brzezinski dated April 29 1977, set out the preliminary statement of the proposed document on his four-year policy goals. It pre-dated Carter's May 22 1977 watershed University of Notre

[69] Kees Van der Pijl, "Historicising the International: Modes of Foreign Relations and Political Economy", *Historical Materialism* 18, no. 2 (2010): 14.
[70] Ibid.

Dame Address (commonly understood to be his most detailed public foreign policy outline), and was the more detailed source material for that speech. The Memorandum contained, according to Brzezinski and Huntington:

> a basic concept underlying U.S. foreign policy, the identification of ten central goals, as well as a much larger number of single-sentence statements defining the needed steps or specific targets for the attainment of these major objectives.[71]

The Memorandum, which was prepared by Brzezinski and Samuel Huntington, was not designed for public consumption. This document was significant in that it set out the broad four-year direction of the Carter administration's foreign policy, as well as it's approach to the international climate of 1977. The "basic concept" described in the quotation was the need to form a new foreign policy, dramatically different from the predecessor government. It introduced the premise that there was a crisis in the international system, requiring a new leadership role for the US. That leadership, they noted, would lead to a new era of global engagement inspired by the doctrine of human rights.[72]

The broad purpose of the Carter Administration's foreign policy was defined as follows in April 1977,

1. To assure the security of the United States;
2. To enhance peace by reducing international tensions and the probability of war;
3. To promote the prosperity of the United States;
4. To advance global wellbeing by creating an open, cooperative and equitable international economic order;
5. To expand fundamental human rights.[73]

The overall concepts combined US security and prosperity with the reduction of international tension, the creation of an "open, cooperative and equitable international

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[71] Memo for the President from Zbigniew Brzezinski, *Foreign Policy Overview and the Summit, 29 August 1977*, RAC Project Number NLC-12-26-6-2-2, Jimmy Carter Library.
[72] Ibid.
[73] Ibid, 1.

economic order," and the expansion of fundamental human rights.[74] Brzezinski and Huntington noted that that each broad purpose was "interrelated," while also arranged within a "basic hierarchy." The presidential goals concerning security and prosperity of the United States, were, under this schema, fundamentally linked to the creation of an "open, cooperative … international order," and the use of human rights as a diplomatic tool. The push for increasing global trade liberalisation (typified by point 4) would come to be enforced by the International Monetary Fund and World Bank in response to the Third World fiscal crises of the 1980s.[75]

Brzezinski and Huntington's April 29 1977 Memorandum supported the five broad purposes with more detailed explanatory statements. These statements set US foreign policy within a historical perspective, comparing the international situation of 1977 to 1945. It read as follows:

> The basic conceptual frame of reference for the more specific goals is a historical perspective, which see the United States as having to play a creative role in world affairs, in some ways similar to the role that the United States played following 1945. At that time, the United States in effect shaped a new international system, replacing the one that had collapsed during World War II. That new system then endured and worked reasonably well for the next quarter of a century or so. During much of that time, the basic concept that guided U.S. foreign policy was a combination of Atlanticism… and containment of the Soviet Union.
>
> Faced in the early 70's with major world changes, the previous Republican administration then developed a foreign policy focused primarily on a flexible balance of power, and on maneuver [sic]. It was also a very pessimistic foreign policy, based on the notion that America had no permanent friends nor institutions on which it could rely, and that deeprooted trends were against us.[76]

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[74] The "expansion of fundamental human rights" can be taken to represent the expansion of human rights discourse and awareness through US foreign policy, research, and think tanks.
[75] Andre C. Drainville, "Resistance to globalisation: the view from the periphery of the world economy," ISSJ 192, *UNESCO* (Oxford and Malden MA: Blackwell Publishing, 2009). See also, chapter seven of this thesis.
[76] Memo for the President from Zbigniew Brzezinski, *Foreign Policy Overview and the Summit, 29 August 1977*, RAC Project Number NLC-12-26-6-2-2, Jimmy Carter Library, 1.

In likening the international climate of 1977 to the world in 1945, Brzezinski and Huntington identified an international system in crisis. Many scholars have taken the collapse of the Bretton Woods system, the 1973 oil shocks, and global recession, power in the early 1970s to represent a decline in US power, and the imminent end of *pax americana*.[77] Robert Cox applied his conception of hegemony to this period (a world order comprising a configuration between material power, "the prevalent collective image of world order", and "a set of institutions which administer the order with a certain semblance of universality"[78]), and argued that *pax americana* had been hegemonic in the period following the second world war until the mid 1970s. He wrote that during this era:

> …it commanded a wide measure of consent among states outside the Soviet sphere and was able to provide sufficient benefits to the associated and subordinate elements in order to maintain their acquiescence. Of course, consent wore thin as one approached the periphery where the element of force was always apparent ...[79]

To Cox, and neo-Gramscian scholars, the world order of *pax americana* irretrievably declined 1970s, with resistance in the periphery typified by the New International Economic Order.

The breakdown of the Keynsian social consensus in industrialised states, and the collapse of the structures of international hegemony (including the Bretton Woods monetary system and the US dominance in the United Nations General Assembly), did not, however, decimate US power. As Stephen Gill has suggested "Instead of a collapse of a *liberal international economic order,*" the globe witnessed "a transition towards a *transnational liberal economic order.*" He has argued that the political basis for this order lay:

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[77] See Robert O. Keohane, "The Theory of Hegemonic Stability and Changes in International Economic Regimes, 1967-77," in *Change in the International System*, ed. Ole Hosti, Randolph Siverson and Alexander George (Boulder Colorado: Westview Press, 1981).
[78] Robert W. Cox, "Social Forces, States and World Order: Beyond International Relations Theory," *Millennium: Journal of International Studies*, 10, no. 2 (1981): 143. See also, chapter two of this thesis.
[79] Ibid: 144.

> … in the way that economic integration has cumulatively tied together the economic and political interests of the major capitalist states and those of many developing nations, under American leadership …[80]

Carter's global diplomatic and economic strategies were bound within the protection of US commercial interests, and the emergence of this new historic structure. Archival records suggest that during Carter's term, the administration was focused on the perceived instability of the international economic system, and the increasingly interdependent world. Strategy-wise, Brzezinski and Huntington noted that the international order of 1977 required:

> … a broad architectural process for an unstable world organized almost entirely on the principle of national sovereignty and yet increasingly interdependent socially and economically.[81]

The policy of increasing political and economic cooperation saw Carter's America diplomatically recognise China in 1979, and institutionalise trade dialogues with industrialised states such as Japan.[82]

Brzezinski and Huntington's Presidential briefing document acknowledged that the post-World War II system of containment and Atlanticism was no longer sustainable. It suggested that the policies of fostering relationships with European allies and reducing the influence of the Soviet Union were wearing thin in the peripheries. In seeking an alternative to the 'pessimistic' policies of Kissinger and Nixon, the authors presented a 'global' solution. The Memorandum moved to define Carter's 'different' approach; one, which involved actively shaping a new international system. It was to encompass engagement with the newly decolonised countries, and a more subtle display of leadership than the overt use of power that had dominated US foreign policy post-WWII. The Memorandum read:

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[80] Stephen Gill, *American Hegemony and the Trilateral Commission* (Cambridge: Cambridge University Press, 1990), 209.
[81] Memo for the President from Zbigniew Brzezinski, *Foreign Policy Overview and the Summit, 29 August 1977*, RAC Project Number NLC-12-26-6-2-2, Jimmy Carter Library, 2.
[82] John Kunkel, *America's Trade Policy Towards Japan: Demanding Results* (London and New York: Routledge, 2003).

> Your policy, as recommended here, is different. It places emphasis not so much on maneuver [sic], but on building new structures – new relationships with friends, with adversaries, with the developing world, even with the whole world – that we hope will have a measure of permanence. It is, therefore, an optimistic policy – we hope to build a better world – not simply survive in a hostile one. It is a policy of constructive global engagement. [The underlining appears in the original.]
>
> Its fundamental premise is that the U.S. needs to play today a role as constructive as the one it played after World War II, but in a vastly changed context.
>
> The U.S. has to help in the shaping of a new international system that cannot be confined to the developed countries but must involve increasingly the entire international community of more than 150 nation states. Unlike the years 1945-50, this calls not for American dictation but for more subtle inspiration and cooperative leadership on a much wider front.[83]

This quotation presented three key themes: the architecture of new world order, the need for global engagement that extended to the newly decolonised states, and the use of "subtle inspiration and cooperative leadership." The diplomatic role of human rights in justifying and promoting US leadership can be seen as a clear strategy as laid out on page six of the document:

> It should be noted in connection with these broad objectives that the promotion of human rights is a goal that cross-cuts our relations with the Soviet Union, the developing countries, and particularly the regional influentials.[84]

A broad concept that was seen to underpin Carter's new foreign policy, human rights was conceptualised as an essential tool in building relationships and consent in the

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[83] Memo for the President from Zbigniew Brzezinski, *Foreign Policy Overview and the Summit, 29 August 1977*, RAC Project Number NLC-12-26-6-2-2, Jimmy Carter Library, 2.
[84] Memo for the President from Zbigniew Brzezinski, *Foreign Policy Overview and the Summit, 29 August 1977*, RAC Project Number NLC-12-26-6-2-2, Jimmy Carter Library, 6.

periphery. The building of consent was essential in ensuring the survival and expansion of the economic interests of the Lockeian heartland.[85]

In his memoir, *Keeping the Faith,* Carter publicly acknowledged the role of his human rights policy in cultivating diplomatic relationships with the newly decolonised Third World. He wrote:

> A human rights effort would also help strengthen our influence among some of the developing nations that were still in the process of forming their own governments and choosing their future friends and trading partners.[86]

The cultivation of strategic influence in the Third World for political and economic benefits was also referenced in Carter's 2010 *White House Diary,* with the statement "Our emphasis on the Third World, human rights, peace, arms control – I think [these policies] would provide the prevailing influence, and the Soviets could not gain against us on that basis."[87] The prologue of Brzezinski's *Power and Principle* stated that "I believed that by emphasizing human rights America could again make itself the carrier of human hope," and that his third broad objective as the National Security Adviser was:

> …to restore America's political appeal to the Third World. Prior to the assumption of office I had felt strongly that the policies of the preceding years had resulted in America's undue isolation in the world, and I feared the consequences for our own society of a lonely America in a hostile world.[88]

As discussed in the second section of this chapter, the administration was privately extremely critical of the Nixon Government's perceived refusal to adequately engage with the Third World through the NAM and in the Sixth and Seventh Special Sessions of the United Nations General Assembly (the call for the New International Economic Order). The resulting isolation from the Third World, semi-periphery countries (regional 'influential's') and traditional Western European allies was conceptualised by

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[85] Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne, (Halifax: Fernwood Book, 1995).
[86] *Keeping the Faith: Memoirs of a President* (Fayetteville: University of Arkansas Press, 1995), 147.
[87] Carter, *The White House Diary*, 496.
[88] *Power and Principle* (New York: Farrar Straus & Giroux, 1983), 3.

the Carter administration as a foreign policy error that needed to be rectified. Brzezinski also noted in his memoir that during the election campaign and later while in government, he and Cyrus Vance supported Carter's human rights policy, "while Andy Young [the US ambassador to the United Nations under Carter] gave it a special Third World Orientation, with emphasis on Africa, and that, too, had some domestic appeal in the black community."[89]

An internationally popular concept, Carter's advisers noted in a Confidential Memorandum regarding the proposed 'Human Rights Foundation,' that "Polls have shown that your human rights policy is popular with people all over the world."[90] Carter publicly reiterated these statements in his autobiographical texts, noting that in 1977 he had sought domestic public support, and "involved the public on issues including energy, human rights…"[91] His reflections on 1977 included the claims that "We continued to get some criticism in the press and from other sources about our emphasis on human rights. I think it's beginning to have an impact, though, in most countries around the world."[92] He followed by stating that: "In general, the leaders of the world are constantly preoccupied with the human rights issue, and this is a good pressure for us to maintain through public statements and through preparation for the Belgrade conference".[93] Carter also noted in 1978 that "We've had good progress in international affairs, with success in human rights, non proliferation. Every time a world leader comes and talks with me, he wants to let me know what they've done with human rights."[94] The Harkin Amendment and Carter administration had, at least ostensibly, tied US aid and Bretton Woods institution loans to improving human rights records.

From a Memorandum sent internally within the National Security Council, Global Issues section, the below quotation struck a reflective diplomatic tone in 1979:

> Human rights is probably the main success story of this administration's foreign policy, at least in a long-term historical view. We have developed a policy in

[89] Ibid, 49.
[90] Memo to the President from Zbigniew Brzezinski, *Human Rights Foundation (HRF),* RAC Project Number NLC-28-10-9-29, Jimmy Carter Library, 2.
[91] Carter, *The White House Diary*, 147.
[92] Ibid, 27.
[93] Ibid, 52.
[94] Ibid, 185.

> which we can take pride. We have made human rights an issue of international standing. We have had a definite beneficial impact on the lives of thousands of people throughout the world. And we created a basis for mutual respect with leaders such as Morarji Desai, Julius Nyerere and others who were alienated from the previous administration. Most important, perhaps, we have stuck with the policy. The President continues to support it strongly (more so than many of his would-be advisers) and the administration in general has not gotten too 'bored' with the issue.[95]

The internal documents reveal some of the key motivations for Carter's human rights policy. The memo referred to creating "a basis of mutual respect" with Third World leaders. Notably, the two leaders listed, Morarji Desai and Julius Nyerere, both helmed countries that were members of the Non-Aligned Movement. The diplomatic use of human rights worked to diffuse Third World calls for a new international economic order and protect American economic interests globally. It also alluded to the image of the Carter Administration in sticking with its human rights policy. The image of the United States as an exemplar of human rights was cultivated by the administration, and employed internationally in dealing with Third World activism.

6. Economic, social and cultural rights under Carter's human rights policy

The Carter administration's human rights doctrine was a key strategic element to its foreign policy. In working to deliberately define 'human rights' as civil and political, and relegating economic, social and cultural rights to the invisible hand of the market, the administration constructed a discourse that in time would become hegemonic. This was achieved through a combination of ideas, material conditions and institutions. Carter's human rights framework would continue under the presidency of Ronald Reagan, permeate the World Bank, International Monetary Fund and World Trade Organisation, and be bolstered by the material of power of the US, and US-led globalising capital.[96] The inter-department memo between the National Security Council Global Issues department in 1979 is a colourful illustration of Carter's approach:

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[95] Letter, *Human Rights*, RAC Project Number NLJC-08-239, Jimmy Carter Library, 1.
[96] See chapter seven of this thesis.

> A major problem at the beginning of the [Carter] administration was the inability of some to understand that there are different categories of human rights; that there are differences among torture, lack of free press, and inadequate access to pure water. Fairly early on, we were able to get the theoretical distinction accepted, and not too long thereafter, even Patt Derian was brought around to the belief that some violations had priority over others. It is an issue that needs to be watched constantly, however, for there are still many who simply aggregate all human rights listed in the UN declaration.[97]

The above quotation brilliantly encapsulates the subject of this section, and, to a large extent, the Carter administration's approach to economic rights. It demonstrates the administration's approach to the divide between political and civil rights, and economic, social and cultural rights. This section will argue that Carter's archival records suggest his human rights policy worked to appease Third World leaders while maintaining pre-existing power structures. While Carter did acknowledge economic rights publicly, his definition and application of human rights clearly favoured civil and political rights. Carter cultivated an image of tolerance for economic rights, and a willingness to work alongside the Third World, while subordinating economic rights to the market, and promoting a basic needs approach that undercut the principles of articles the UDHR, the Human Rights Covenants, the NIEO, the CERDS and the General Assembly Resolution 32/130. His human rights approach formed a key component of his diplomatic strategy to defuse the NIEO and protect the interests of American capital.

Privately, the Administration's view of the NIEO and Charter of Economic Rights and Duties of States was clear, and consistent. A confidential 1976 Briefing Memorandum of Vance's trip to Mexico encapsulated the policy perfectly, stating:

> There is much in both the Charter of Economic Rights and Duties of States (CERDS) and the New International Economic Order (NIEO) that we can endorse but there are key provisions that we cannot accept; e.g., permanent sovereignty over natural resources, expropriation without due regard for international law

[97] Letter, *Human Rights*, RAC Project Number NLJC-08-239, Jimmy Carter Library, 1.

> and international obligations, the endorsement of primary producer cartels, indexation and restitution for alleged losses under colonialism, etc…[98]
>
> Although we cannot support CERDS and the NIEO because of certain key provisions against our interests, we fully support stimulating global development. In our proposals at the Seventh Special UNGA and at the UNCTAD meeting Nairobi, we have laid out practical measures for the accomplishment of these goals.[99]

This quotation illuminated the Carter administration's approach to foreign policy. In claiming to support the Third World through a nod towards economic rights, Carter attempted to re-construct America's international image along a (narrowly defined) human rights line, while continuing exploitative economic practices. Such practices were evidenced by the US-sponsored Chilean coup in 1973, and the US-supported imposition of a regime characterised by both terror and radical neoliberal economic policy.[100] The 1980's would see the Third World debt crises, and the US-supported imposition of neo-liberal polices through the international financial institutions.[101] The importance of appearance and rhetoric in fostering relationships with the Third World, while defending the interests of American capital was emphasised by the following quotation from a confidential memorandum: "We have to be careful not to appear to be so rigid on political rights that we appear to deny pressing socio-economic rights."[102]

The use of human rights as a means of cultivating respect of the US amongst the Third World, and especially as a way of repairing fractured relationships and restoring diplomacy, was a key motivation for the reinvention of human rights by the Carter administration. There are several meeting records available in the de-classified Carter files in which Carter and senior diplomatic members of the administration used human

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[98] Department of State Briefing Memo, *Overall Objectives for Your Visit to Mexico, June 4, 1976,* RAC Project Number NLC-24-57-5-7-0, Jimmy Carter Library, 8.
[99] Ibid.
[100] See Naomi Klein, *The Shock Doctrine*.
[101] See Stephen Gill, "Epistemology, Ontology and the 'Italian School,'" in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993) and Joseph Stiglitz, *Globalization and its discontents* (London: Penguin Books, 2002).
[102] Memo From The Department of State to Dr Zbigniew Brzezinski, *Follow up to President Carter's Pan American Day Speech and Mrs. Carter's Trip, 19 July 1977*, RAC Project Number NLC-24-61-3-5-9, Jimmy Carter Library, 4.

rights principles to cultivate relationships and share goals with members of the Non-Aligned movement. One such example are the minutes from a meeting with the President of Peru, which stated, "The United States and Peru share the aspiration to give full realization to the fundamental human, civil and economic rights of our people."[103] In this quotation, Carter acknowledged 'fundamental' economic rights – a 'basic needs' approach that would come to define his engagement with economic rights. This was a carefully crafted definition, balancing appeasement of the Third World with maintenance of the existing economic order, and a preference for civil and political rights as 'human rights'.

A State Department 'Action Memorandum' from Charles W. Maynes, the Assistant Secretary of State for International Organization Affairs, and addressed to David Newsom, the Under-Secretary of State for Political Affairs, sketched the "US Policy towards the Non-Aligned Movement: Action Plan", and used human rights principles to demonstrate common ground required to build relationships. Referencing a National Security Council Brzezinski Memorandum of April 1979, it noted that:

> The NSC staff have approved the strategy of active diplomacy towards the Non-Aligned Movement (NAM) proposed in the Interagency Review of US Policy Towards the NAM. The Department now requires a plan to implement that strategy.[104]

The jump between the 1977 preliminary "Interagency Review of the US Policy Towards the NAM", which was highly critical of the Nixon Government's neglect of the NAM, and recommended active diplomacy, and the 1979 Action Memorandum can be supplemented by the 17 February 1978 Presidential Directive, NSC-30. Issued by Carter, it charged that:

> … it shall be the major objective of U.S. foreign policy to promote the observance of human rights throughout the world. The policy shall be applied globally, but with due consideration to the cultural, political and historical characteristics of

[103] Presidential Briefing Paper, Department of State, *Peru*, RAC Project Number NLC-24-51-4-1-3, Jimmy Carter Library.
[104] Action Memo From Charles William Maynes to Under Secretary Newsom, *20 April 1979*, RAC Project Number NLC-24-58-5-8-8, Jimmy Carter Library, 1.

> each nation, and to other fundamental U.S. interests with respect to the nation in question.[105]

It then moved to quote the three-category definition of human rights that appeared the 'Presidential Review Memorandum/NSC 28: Human Rights,' Carter's most definitive human rights outline.[106] Reflecting on the 1979 evolving implementation strategy, David Schmitz and Vanessa Walker have commented that:

> By the beginning of 1978, the Carter administration had successfully developed and institutionalized its policy of human rights and made it a central factor in American foreign policy decisions.[107]

In developing an action plan for that strategy, the 1979 Memorandum noted the "Issues" in preparation for the Havana summit that included NAM approaches to Kampuchea, Israel, Egypt, Namibia and Rhodesia. Beyond these diplomatic crises, it also suggested that the US delegation:

- encourage the North-South dialogue by taking as positive positions on important issues as US interests permit. Several important international meetings, e.g. UNCTAD V, the COM, Energy, WARC and the 1980 Special UNGA, will have considerable bearing here.
- Encourage a cooperative approach on information philosophy, e.g., one which defends freedom of the press and expands opportunities for assistance and access between Western and Third World media.
- Encourage the tentative steps taken at Belgrade to involve the NAM in human rights issues on the basis of equality between political and economic rights. We cannot accept subordination of political to economic rights.[108]

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[105] Presidential Directive/NSC-30, *Human Rights, 17 February 1978*, Vertical File: Presidential Directives, Jimmy Carter Library.
[106] See section four of this chapter.
[107] "Jimmy Carter and the Foreign Policy of Human Rights: The Development of a Post-Cold War Foreign Policy": 136.
[108] Action Memo From Charles William Maynes to Under Secretary Newsom, *20 April 1979*, RAC Project Number NLC-24-58-5-8-8, Jimmy Carter Library, 2-3.

This Memorandum demonstrates the Carter administration's active engagement with the Third World through the strategic use of the North South dialogue where "US interests permit." The promotion of freedom of the press was indentified as a particular point of US human rights interest; an area that allowed the Carter administration to emphasise its human rights policy, present the US as an inspirational state, and allow the sharing of common interests. The final point of the quotation is of great relevance; it demonstrates strategic US engagement with economic rights. It both acknowledges economic rights, and in a chastising tone, suggests a limitation of those rights. In charging the NAM with promoting "subordination of political to economic rights," the Memorandum alludes to repressive government practices including, or rather, in particular, the practices of communist governments, and also alludes to the United Nations General Assembly Resolution 32/130 of 1977. There is inconsistency and hypocrisy in this stance given US support for brutal repressive regimes such as Chile, Argentina,[109] and Zaire,[110] among others.

As discussed in section one, Resolution 32/130, titled "Alternative Approaches and ways and means within the United Nations system for improving effective enjoyment of human rights and fundamental freedoms," claimed in section (a) "All human rights … are indivisible and interdependent." It followed in section (b) that "The full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible". The Resolution also expressed deep concern "at the continuing existence of an unjust international economic order which constitutes a major obstacle to the realization of economic, social and cultural rights in developing countries."[111] Daniel Whelan and Jack Donnelly have argued that the Proclamation of Teheran and subsequent Resolution 32/130 promoted the primacy of economic rights over civil and political rights, and labelled this 'post colonial revisionism.'[112] The "Interagency Review of the US Policy Towards the Non-Aligned Movement (NAM)", "Annex 6:

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[109] See chapter five of this thesis.
[110] See, for example, Sean Kelly, *America's Tyrant: The CIA and Mobutu of Zaire* (New York: American University Press, 1993).
[111] General Assembly resolution 32/130, *Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms*, A/RES/32/130, (16 December 1977), available from http://www.un.org/documents/ga/res/32/ares32r130.pdf.
[112] See Jack Donnelly, "Recent Trends in UN Human Rights Activity: Description and Polemic," *International Organization* 35, no. 4 (1981); Jack Donnelly, "In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development," *California Western International Law Journal* 15, no. 3 (1985): 473; and Daniel J Whelan, *Indivisible Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).

Multidimensional Scaling of Non-Aligned Voting Patterns in the UN System, 1977" also suggests that the Carter Administration used the human rights discourse to encourage dialogue and build relationships, while rejecting the human rights vision of the Less Developed Countries. It referred to a 'motion' to alter the "UN role in human rights issues," described as "Expands focus of UN activities to include collective as well as individual rights,"[113] and noted that the US abstained from voting. The US did, however, participate in the consensus to respond to "Calls for establishment for a Committee of the Whole to meet intersessionally on North-South issues with oversight functions but without negotiating power."[114] This Memorandum indicated support for discussions within the North-South process, which would continue from 1977 to 1980, but a refusal to endorse collective rights.[115] The promotion of individual civil and political rights and the lack of recognition of collective rights would come to serve the interests of neoliberal economic policy and transnational capital.[116]

While the Carter administration publicly claimed support for economic rights within the human rights doctrine, these claims appear to have been both deliberately vague and narrow. For example, Carter's 1977 Presidential Review Memorandum/NSC 28: Human Rights of August 1, 1977, stated that:

> Promotion of economic rights is, for the U.S., primarily a matter of helping to stimulate economic development. This includes cooperation with and contribution to bilateral and multilateral foreign assistance efforts as well as other measures (e.g., in trade and finance) designed to strengthen the world economy.[117]

The NSC 28 also defined economic and social rights as:

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[113] State Department Memo, *Interagency Review of US Policy Towards the Non-Aligned Movement, 18 January 1979*, RAC Project Number NLC-24-114-3-5-1, Jimmy Carter Presidential Library, 3.
[114] Ibid.
[115] "Collective" rights, a term undefined in the memo, refers to the rights claimed by a group of people, society, or state. Economic, cultural and social rights are at times referred to as both "collective" rights, and "positive rights".
[116] See chapter seven of this thesis.
[117] Presidential Briefing Memo, *NSC 28: Human Rights, 1 August 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Library, 3.

> the right to be free from government action or inaction which either obstructs an individual's effort to fulfill his vital needs for food, shelter, health care and education or fails to adequately support the individual in meeting basic needs ("the second group"). Fulfillment of these rights will depend, in part, upon the stage of a country's economic development.[118]

This quotation is significant in that it refers economic rights to the ideologically charged concept of 'development.' It also categorises economic rights as 'freedoms' from government actions or inaction. The concept of 'freedom' from government action effectively reduces economic rights to 'negative' rather than 'positive' rights. To borrow Dr Recasens-Siches 1940's explanation of negative and positive rights in his accompanying commentary to the drafting notes of the UDHR, "Those traditionally called *individual rights* are, essentially… rights of freedom, of being free from restrictions, attacks and undue interference, particularly by public authorities." As negative rights (defined as the negative debt of society to the individual), they were "…born chiefly out of the thought and political history of the modern age …[119]

In contrast, social and economic rights can generally be considered positive rights, as they "…have as their material or object positive activities by the state, the international community, and society and its various units…"[120] They therefore consisted of 'shall contribute', and 'shall assist' clauses. Dr Recasens-Siches infers that this is a common criticism of social rights, and qualifies that "From another point of view, however, it must be admitted that all, absolutely all, rights are social, because in logic any right supposes a relationship between two or more people."[121] Henry Shue has also argued that the distinction between civil and political rights and economic and social rights[122] is

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[118] Ibid, 2.
[119] Dr Luis Recasens-Siches, *Commentary on the Declaration of Human Rights: Commentary on Article 25*, Commentary, United Nations Archives, S-0918, Box 3, File 5, "DSA – Human Rights Division – Section I – Non-Registry Files - Universal Declaration of Human Rights - Commentary on the Declaration of Human Rights," 04, 50-34263, 25.
[120] Ibid, 22.
[121] Ibid, 22. See also, Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, reprinted 1990).
[122] See Maurice Cranston, *What Are Human Rights?* (New York: Taplinger Publishing Co, 1973) for an example of work that advocates the separation between civil and political rights and economic and social rights, and mocks the concept of economic rights.

false, as 'negative' rights also require 'positive' actions.[123] In re-interpreting social and economic rights as 'negative,' the Carter administration transformed the ideology of the welfare state. This solidification of the US position towards economic rights saw them re-imagined as 'freedoms' rather than obligations of the state. This effectively reduced the scope of such rights, and their ability to be claimed. The promotion of individual freedom, conceptualised as achieved by the removal of state intervention, is a cornerstone of liberal logic. With its roots in the sixteenth century, this model posits that the role of the government is to ensure individual civil and political rights (the most notable being property rights), and the free functioning of the market.[124] Tempered by the Keynesian welfare state consensus during the mid-twentieth century, neoliberal doctrine began its re-ascendance in the 1970s, in the service of transnational capital.[125]

The Carter administration's deliberately unclear approach to the realisation of economic rights benefited American and increasingly globalising capital. Terence A. Todman, the Assistant Secretary of State for inter-American Affairs, identified the vague method of the PRM NSC/28 in 1977, noting in a State Department review memorandum addressed to Warren Christopher, that, "What concerns me most at this stage is the absence of a coherent strategy on socio-economic rights in relation to other human rights."[126] Regarding revision of the PRM-28 draft, he also noted that:

> The problem is that – in most of the Third World – these objectives cannot be achieved without positive action to support economic rights as well. The recent OAS General Assembly clearly implied as much by adopting by acclamation a Colombian resolution calling for promotion of human rights through economic cooperation.
>
> I do not believe, moreover, that economic rights can or should be addressed primarily through assistance programs. The third paragraph on page 3 takes an overly narrow view of the U.S. ability to promote economic rights. It should be

[123] Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980), particularly Chapter 2, 'Correlative Duties', 35-64.
[124] See chapter three of this thesis.
[125] Stephen Gill, "Constituting Inequality and the Clash of Globalizations," *International Studies Review* 4, no. 3 (2002).
[126] Briefing Memo to Mr. Christopher from ARA – Terence A. Todman, *Revised Draft of PRM-28, 29 July 1977*, RAC Project Number NLC-24-55-6-6-3, Jimmy Carter Library, 1.

> revised to reflect the impact of trade and economic growth on human rights conditions. Initiatives for improving economic rights could also be related to the debate over the New International Economic Order.[127]

Todman's call for the conceptualisation of economic rights as positive rights, and human rights engagement with the NIEO, was not heeded by the administration. Cyrus Vance had gone public with administration's definition of human rights on April 30 1977, outlining a basic needs, and negative, approach to economic rights.[128]

In repositioning economic rights as both 'negative' and basic, Carter aimed to integrate such rights into existing power structures and neutralise the call for a New International Economic Order. He repeatedly referred to 'basic,' 'vital,' 'fundamental' and 'pressing' social and economic rights, taking on the 'basic needs' rhetoric developed by the International Labour Organization in 1976.[129] Carter's public remarks at a meeting commemorating the 30th anniversary of the Universal Declaration of Human Rights stated:

> Our pursuit of human rights is part of a broad effort to use our power and influence in the service of creating a better world – a world in which human beings can live in peace, in freedom, and with their *basic needs* adequately met.[130]

Carter's remarks spent nine paragraphs explicitly discussing civil and political rights, while devoting two sentences to the basic economic rights against hunger, disease and poverty; "There are other violations of body and spirit, equally destructive of human life. Hunger, disease and poverty are enemies of human potential as relentless as any repressive government."[131] This strategy both acknowledged the NIEO and its call upon

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[127] Ibid.
[128] See Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*.
[129] Presidential Briefing Memo, *NSC 28: Human Rights, 1 August 1977*, RAC Project Number NLC-28-10-10-2-7, Jimmy Carter Library, 2; Presidential Briefing Paper, Department of State, *Peru*, RAC Project Number NLC-24-51-4-1-3, Jimmy Carter Library, 1 and 4. See also Vincent, *Human Rights and International Relations*, 83 – 91, for discussion of basic needs rhetoric.
[130] Speech, *Text of the Remarks of the President at Meeting Commemorating the 20th Anniversary of the Universal Declaration of Human Rights, 6 December 1978*, embargoed for release upon delivery, Office of the Whitehouse Press Secretary, National Security Affairs, Bzezinski Material, Collection 7, "Human Rights: 12/78-3/79 through Intel Oversight Board: 1/78-12/80," Box 29, Jimmy Carter Library, 3, emphasis added.
[131] Ibid, 1.

the economic rights of states, and undercut it by appealing to the basic and most vital needs of Third World citizens – clean water and a calorie intake upon which people can survive. In promoting civil and political rights as 'human rights,' and 'basic needs' as a 'development standard,' the positive rights expressed in Articles 22 to 27 of the Universal Declaration of Human Rights, are-echoed in the CERDS, were discredited.

The Basic Human Needs (BHN) strategy was confidentially flagged in the memorandum "PRM 8 – Track III," "US Relations with the Developing Countries in the Next Twelve Months" in 1977. The PRM 8 working group stated that:

> It is clear that we have a lot to learn about BHN; that within the context of a rough doubling of our foreign assistance by 1982, as the EPG recommended, we could make a credible contribution to a global BHN effort…[132]

It recommended that "four elements of the strategy be endorsed", including:

> (1) target as much of our bilateral development assistance as possible on BHN in accordance with the intermediate interpretation…
> (2) encourage AID to experiment with a wide variety of BHN approaches so that experience of pilot projects is gathered for replication;
> (3) give consideration to more bilateral assistance to urban unemployment <u>if</u> the AID budget is significantly increased;
> (4) give special attention to the way we sell these programs, not making BHN the sole stated objective of our policies, and realizing that there is a good deal of suspicion among many LDCs, who see BHN as an anti-growth strategy with foreign interventionist implications.[133]

Despite LDC suspicions, the Carter administration elucidated a basic needs discourse throughout its term in office. Furthermore, basic needs policies were pursued in the international development institutions in coherence with the Carter government

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[132] Memo, *PRM 8 – Track III, US Relations with the Developing Countries in the Next Twelve Months, 1977*, RAC Project Number NLC-132-37-1-1-3, Jimmy Carter Library, 4-5.
[133] Ibid.

stance.[134] The "PRM 8 – Track III" Presidential Review Memorandum of 1977 also stated that "The PRM 8 working group recommends that we support the international development lending institutions evolving effort to develop BHN policies…"[135] Basic needs discourse was a punitive response to LDC and NAM demands for a more comprehensive implementation of economic, social and cultural rights through a New International Economic Order.

The Carter administration fostered an image that allegedly supported 'basic' economic rights, while prioritising civil and political rights as 'human rights', and continuing economically exploitative practices. The nuances of this policy were lost on Jeane Kirkpatrick, the US ambassador to the United Nations during the presidency of Ronald Reagan. Her 1982 book levelled misleading criticism at Carter, claiming that under his government:

> … human rights were defined not in terms of personal and legal rights – freedom from torture, arbitrary imprisonment, and as arrest, as in the usage of Amnesty International and the U.S. foreign assistance Acts of 1961 and 1975 – but in accordance with a much broader conception which included the political "rights" available only in democracies and the economic "rights" promised by socialism (shelter, food, health and education).[136]

She wrote, "The very broadness of the definition invited an arbitrary and capricious policy of implementation."[137] In keeping with the thesis of *Dictatorships and Double Standards,* she criticised Carter's allegedly broad conception of human rights as censoring and undermining the nations of Latin America.[138] She misleadingly claimed that as a result of Carter's global framework, "U.S assistance to the countries of Latin America declined steadily during the Carter years."[139] This has been thoroughly

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[134] See World Bank Policy Planning and Program Review Department, *BASIC NEEDS: An Issues Paper, February 28, 1977*, Issues Paper, From the Library of Congress, *Robert S McNamara Papers,* Part I:32, Folder 14, *World Bank, Policy Planning, Basic Needs Program 1977-1978*. See also Vincent, *Human Rights and International Relations.*
[135] Memo, *PRM 8 – Track III, US Relations with the Developing Countries in the Next Twelve Months*, *1977*, RAC Project Number NLC-132-37-1-1-3, Jimmy Carter Library, 6.
[136] Jeane J. Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics,* (New York: American Enterprise Institute, Simon and Schuster, 1982), 63.
[137] Ibid.
[138] Ibid, 61.
[139] Ibid.

disproved by David Carleton and Michael Stohl's *Human Rights Quarterly* analysis. They have argued, "In practice … the Reagan human rights policy regarding aid distribution does not appear, overall, to be significantly different from the Carter human rights policy."[140] Their comprehensive analysis raised:

> … serious questions about the accuracy of the Reagan critique of the Carter human rights policy. The critique is strongly premised on the belief that the Carter administration actively implemented its "absolute" commitment to human rights abroad.[141]

Their article has shown that this was not the case. In fact:

> Except in a very few cases, United States foreign aid distribution policy towards repressive yet friendly regimes did not change. The Reagan critique failed to recognize this and was thus fundamentally flawed.[142]

Despite the huge emphasis placed on human rights by the Carter Administration there was almost no noticeable change in US support for regimes responsible for high levels of human rights violations.

In closing, I will return to the colourful memorandum referenced at this section's opening. In discussing the 'quixotic' elements of human rights policy, the quotation below elucidates the Carter administration's stance:

> Sometimes the quixotic elements are positive. Our single-minded voting against loans to HR violators in the IFIs has no impact on the loans since they are approved anyway. It is important, however, that we portray a picture of consistency as part of our overall campaign.[143]

This passage effectively emphasises the importance of a rhetorically consistent approach to human rights, while demonstrating disconnect between rights and

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[140] "The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan": 219.
[141] Ibid: 219.
[142] Ibid.
[143] Letter, *Human Rights,* RAC Project Number NLJC-08-239, Jimmy Carter Library, 1.

economic issues. In the example, the definition of rights as civil and political can also be seen, as the referenced Harkin amendment was concerned with governmental violations of civil liberties. The quotation demonstrates the Carter administration's human rights foreign policy – the cultivation of a consistent image of respect for human rights, while working to support existing economic and political power structures.

7. Conclusion

This chapter has analysed the Carter administration's approach to international human rights, arguing that a particular combination of forces caused the administration to engage with and define human rights in a way that transformed the approach of the 1940s. The drafting of the UDHR, a document heavily relied upon by Carter, broadly encapsulated the US approach during this period – an acceptance of international civil and political rights, and a hesitance towards, and tacit acceptance of, international economic, social and cultural rights. After a decades-long withdrawal from human rights discourse internationally, motivated in part by Cold War factors, the Carter administration altered US practice. Recently declassified records reveal that the Third World was conceptualised as a threat to the diplomatic relations of the US and its image, and to the international economic order during Carter's presidency. The NIEO, Non-Aligned Movement, and Third World activism more widely, were perceived to necessitate the reinvention of the US' image internationally and its engagement with human rights. The US definition of civil and political rights as primary human rights, and economic rights as confined to basic needs, both supported the prevailing economic order and undercut Third World calls for more comprehensive economic rights.

The 1970s were a crucial decade for the modern human rights movement. Authors such as Klein, Eckel and Moyn have emphasised the importance of this period,[144] and cited Amnesty's 1977 Nobel Peace prize as signifying the beginning of the doctrine's ascension to hegemony.[145] Writing in 1998, *The Economist* suggested "Over the past 20 years hundreds of human rights NGOs have been formed,"[146] flagging 1978 as key date. David has Harvey identified a rapid growth of human rights advocacy dating from

[144] *The Breakthrough: Human Rights in the 1970s,* ed. Jan Eckel and Samuel Moyn.
[145] Naomi Klein, *The Shock Doctrine*.
[146] The Economist, "The Conscience of Mankind," in "Survey of Human Rights Law," 349:8097, 5-11 December 1998, 3.

1980.[147] Under critical literature, human rights as a concept and practice were thought to have gained social hegemony in the post-Cold War period (post-1989),[148] with the pre-conditions emerging in the 1970s. Study of the formation of human rights rhetoric in this era, and particularly during Carter's presidency between 1977-1980, enriches understanding of current relationships between power and inequality in the global system. The Carter administration's definition of human rights rejected welfare state models for the positive implementation of economic, social and cultural rights, and emphasised the pursuit of individual, negative human rights. The relationship between the emergence of neoliberal doctrine, the NIEO, and the hegemonic human rights doctrine will be discussed further in the following chapter. The Carter administration's promotion of civil and political rights as primary human rights was highly influential, as it was effectively co-opted by Reagan and adopted by the World Bank and International Monetary Fund. It was a doctrine that proved conducive to the hegemonic discourse of neoliberal globalisation.

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[147] David Harvey, *A Brief History of Neoliberalism*, 176.

[148] Manokha, *The Political Economy of Human Rights Enforcement,* and "Foucault's Concept of Power and the Global Discourse of Human Rights"; Costas Douzinas, "The Paradoxes of Human Rights," *Constellations* 20, no. 1 (2013); Micheline Ishay, "What are human rights? Six historical controversies," *Journal of Human Rights* 3, no. 3 (2004).

Chapter 7 – The legacy of Carter's human rights doctrine

1. Introduction

While not often conceptualised as an ideologue,[1] Jimmy Carter's promotion of human rights transformed American foreign policy.[2] The first US president to engage the executive with international human rights, the Carter administration's definitional framework shaped the policy of the Bretton Woods institutions, and set the precedent for Ronald Reagan's approach to human rights. As Douglas Brinkley has suggested, "By the end of his term, even in the wake of the Soviet invasion of Afghanistan, human rights had permanently entered the diplomatic parlance of American foreign policy."[3] In a presidential stint plagued by world wide financial crisis, the Carter administration saw the beginnings of neoliberal globalisation's ascension to hegemony, and the diplomatic height of the Third World's call for the New International Economic Order (NIEO). As Hawke Hartmann has argued, "The Carter administration in fact elevated civil and political rights into the predominate category of its human rights agenda…"[4] a paradigm that served the interests of transnational capital, and undercut the human rights model of the NIEO.

This chapter will contend that it is theoretically sound to investigate a shift in the human rights doctrine as a result of the neoliberal ascension to hegemony that was established in the late 1970s to early 1980s, and consolidated post – Cold War. While theorists such as Cox, Gill, Law and Rupert, among others, have applied Gramscian and Neo-Gramscian methodology to the rise of neoliberal hegemony, there has been less work in applying such concepts to the human rights doctrine as a function of neoliberalism. The human rights doctrine forms part of a superstructure that supports neoliberal hegemony, and is also promoted and supported by the structure. Gramsci's 'politico-economic historic

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[1] Mary E. Stuckey, *Jimmy Carter, Human Rights and the National Agenda* (Texas: Texas A&M University Press, 2008).
[2] Sarah B. Snyder, *Human Rights Activism and the End of the Cold War* (Cambridge: Cambridge University Press, 2011).
[3] Douglas Brinkley, "The Rising Stock of Jimmy Carter: The 'Hands on' Legacy of our Thirty-ninth President," *Diplomatic History* 20, no. 4 (1996): 522.
[4] Hawke Hartman, "Human Rights Policy under Carter and Reagan, 1977-1981," *Human Rights Quarterly* 23, no. 2 (2001): 428.

bloc,' and the work of neo-Gramscian scholars in applying this concept to the international or global is a cogent tool in examining this relationship. This chapter will first trace Carter's legacy in the operations of the Bretton Woods institutions, with the World Bank and International Monetary Fund conceptualised as fundamental to both US hegemony, and the emergent of hegemony of transnational capital. It will then move to discuss human rights, the NIEO and neoliberal policy under the presidency of Ronald Reagan. It will be argued that Reagan used neoliberal ideology to undercut the Third World's push for the NIEO. Despite Reagan's aggression in promoting neoliberalism, it was Carter who laid the foundations by constructing the framework that was inherited by his successor, and conducive to such ideology. The final section of this chapter will interrogate the relationship between neoliberal globalisation and the modern human rights doctrine. It will contend that in the epoch of globalising capitalism, the exclusion of economic rights from the hegemonic definition of human rights was the result of a complex interaction between social forces and economic structures. The definition of 'human rights,' cultivated under Carter came to serve the interests of transnational capital

2. Human rights and the Bretton Woods institutions

Archival evidence suggests that the Presidency of Jimmy Carter introduced human rights concerns to the Bretton Woods international financial institutions (IFIs). 1977 marked the beginning of a brief period in which the US President attempted to influence loans and policy under 'human rights' terms, which would subside with the election of Reagan. The tenure of the Carter administration demonstrated the level of US influence over the World Bank and IMF, and also provided insight into the IFIs perception of human rights. Archival records, for example, indicate a lack of consideration for human rights in World Bank lending activities prior to 1977, as well as Bank definitions of human rights, and understanding of the United Nations system and geo-political climate. This section will argue that World Bank policy contributed to the construction of the hegemonic definition of human rights as civil and political under Carter. During Carter's term, the Bank disregarded Third World activities at the UN, especially those that advocated economic, social and cultural rights as fundamental human rights. Its 1977 research paper noted particularly that the UN human rights regime was not enforced, and that

the definition of such rights was contentious among member states. The Bank favoured Carter's definition of human rights and propagated this in official and unofficial statements. The contribution of the Bretton Woods Institutions to international human rights discourse then tapered off, and it was not until the late 1990s that human rights were officially referred to in Bank and IMF policy.[5] In their imposition of neoliberal structural adjustment programs, particularly in the 1980s and 1990s, the Bretton Woods institutions shaped economic conditions in the Third World, and propagated the US definition of human rights.[6]

World Bank archival records, accessed through the Robert McNamara files at the Library of Congress, are revealing about the US human rights policy under Carter. A November 29, 1977 Memorandum entitled "Human Rights Issues and the Bank and IDA," a research paper prepared for the Bank's Directors, stated on page 20 that "It would be noted that when the Bank's Articles were drafted the question of human rights was not considered…"[7] Human rights issues were forcefully introduced to Bank operations under Congress's 1977 Harkin Amendment,[8] which required the US Executive Director to oppose loans to countries that engage in "a consistent pattern of gross violations of internationally recognised human rights" unless the loan serves the basic needs of citizens.[9] President Carter also wrote a 1977 letter to Clarence Long, Chairman of the subcommittee on Foreign Operations of the House Appropriations Committee, stating that he planned to direct the US Executive Director of the Bank to oppose loans to seven particularly named countries (Vietnam, Laos, Cambodia, Uganda, Mozambique, Angola

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[5] See Anthony Gaeta and Marina Vasilara, *Development and human rights: the role of the World Bank* (Washington DC: The World Bank, 1998), available from http://documents.worldbank.org/curated/en/1998/09/1631679/development-human-rights-role-world-bank.

[6] Tony Evans, *Human Rights in the Global Political Economy: Critical Processes* (Boulder and London: Lynne Reiner Publishers, 2011). See also, Caroline Thomas, "International financial institutions and social and economic human rights: an exploration," in *Human Rights Fifty Years On: A reappraisal*, ed. Tony Evans (Manchester and New York: Manchester University Press, 1998).

[7] (Author unspecified), *Human Rights Issues and the Bank and IDA*, *November 29, 1977,* Research Paper, From Library of Congress, *Robert S McNamara Papers,* Part I:28, Folder 6, *World Bank Human Rights 1977*, 20.

[8] Richard B. Lillich, "The Contribution of the United States to the Promotion and Protection of International Human Rights," in *The Dynamics of Human Rights in United States Foreign Policy*, ed. Natalie Kaufman Hevener (Transaction Publishers: Piscataway, New Jersey, 1981), 297.

[9] *Human Rights Issues and the Bank and IDA*, 2.

and Cuba).[10] He also expressed intention to intervene with particularly stringent conditions and invoke human rights for economic purposes, with the Memo noting:

> President Carter's letter also states that he will instruct the United States Executive Directors to oppose and vote against loans for production of sugar, palm oil or citrus crops where such production is for export and could injure producers in the United States.[11]

This directive revealed the use of human rights principles to support the US in the international economic system, as well as the close relationship between the US government and IFIs. The lack of consideration previously given to human rights by the Bretton Woods institutions was demonstrated on page 17, which stated "The basic legal question raised is whether under their Articles of Agreement the Bank and IDA can properly take into account human rights considerations, and if so to what extent."[12] It was ultimately concluded by the document that human rights were not clearly compatible with the Articles of Agreement, and that either formal or informal procedural steps may need to be taken to reconcile the Bank to questions of human rights. World Bank President Robert McNamara ultimately refused (in official records) to change Bank procedures due to human rights concerns, arguing that lending must be based on economic considerations alone.[13] This stance revealed the ideological orientation of the Bank; influenced by liberal doctrines and US policy.

Archival records suggest that the World Bank understood the contentious nature of human rights in the late 1970s. There is marked evidence that the Bank was aware of the Third World/Non-Aligned Movement, United Nations sponsored perspective, with the memorandum noting, for example that:

> … it will be appreciated that the term 'human rights' has materially different meanings to different groups of countries even though it stems from the United Nations Charter and United Nations Resolutions. The United States regards

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[10] Jimmy Carter, *Jimmy Carter to Robert S McNamara, October 29, 1977*, Letter, From Library of Congress, *Robert S McNamara Papers,* Part I:28, Folder 6, *World Bank Human Rights 1977.*
[11] Ibid, 3.
[12] Ibid, 17.
[13] Kathryn C. Lavelle, *Legislating International Organisation: The US Congress, The IMF and the World Bank* (Oxford: Oxford University Press, 2011), particularly 99.

> human rights from the point of view primarily, although not entirely, of political freedoms and humane treatment of individuals. Many other countries, including many developing countries, would define human rights essentially in economic terms; that is to say, in terms of an obligation of a country to afford work and economic security to its citizens.[14]

The 1977 research paper also suggested, "Several governmental foreign aid authorities have recently expressed the view that there is a relationship between human rights and development and that this relationship should be taken into account in aid programs."[15] The document acknowledged this perspective while favouring the United States definition in their approach. The definitional flux in human rights in the late 1970s was acknowledged in discussion of the UDHR, and Human Rights Covenants, with the document stating, "These instruments deal with a wide variety of rights, but do not comprise a body of rights that are uniformly recognised or enforced."[16] The World Bank's brief examination of human rights issues, and calculated non-participation in rights discourse recognised the Third World perspective of economic rights while adopting the United States approach to human rights.

The World Bank carefully studied the US human rights perspective, noting the potential impact of rights considerations on the 5th replenishment of the IDA, and to funding of the Bank. It was noted that under Carter, United States practice meant that:

> As far as the international institutions are concerned, we are told that the inter-agency group will also consider the application of human rights standards in the international development institutions and that they may take the following approach: Congress' mandate to the executive branch in this area is two-fold: to persuade development lending institutions to channel development assistance to meet the basic needs of the poor and to persuade such institutions to promote the protection of human rights. The requirement that the United States Executive

[14] (Author unspecified), *Human Rights Issues and the Bank and IDA*, *November 29, 1977,* Research Paper, From Library of Congress, *Robert S McNamara Papers,* Part I:28, Folder 6, *World Bank Human Rights 1977*.
[15] Ibid, 2.
[16] Ibid, 13.

> director oppose loans for human rights reasons is just one aspect of this policy…[17]

The language used in this quotation suggested a separation of economic rights, as advocated for by the Third World, from human rights concerns. The US preference for civil and political rights as 'human rights' was further echoed by the Bank, with the statement that "… it could be argued that there is a relationship between economic development, and both living conditions and social progress (and thus human rights…)".[18] Under this argument, development and economic rights were separated from the 'social progress' that was human rights.

The World Bank touted the 'objective,' positivist nature of neo-classical economics in 1977, with the institution expressing concern that human rights issues would politicise its operations and introduce ideology to the scientific lending process (this was ironic given the inherent ideology of liberal capitalism which pervaded the Bank's operations). Page 4 of the Memorandum on Human Rights Issues stated:

> … there is a longer term danger that the Bank group may become too politicised and that members may try to impose their own ideological preferences or seek to further various political or protectionist interests rather than to act in the interests of the world community and development process.[19]

The ideological orientation of the Bretton Woods institutions is inherent in this statement; they were seen as a-political agents, acting to enhance global wealth and 'development' through an 'open' liberal economic system.[20] The nature of the relationship between the political and the economic is key to understanding the development of the modern human rights doctrine. The fundamental disconnect between politics, as a social science, and economics, perceived to be a rational study more akin to the natural sciences, is an essential feature of the dominant neoliberal

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[17] Ibid, 12.
[18] Ibid, 15.
[19] Ibid, 4.
[20] Evans, *Human Rights in the Global Political Economy*, 94, and more widely.

discourse, and more widely, of liberal positivist discourse.[21] This view is challenged by the study of political economy, which argues, at its base, that the political and economic are inextricably bound, and that their separation is neither analytically sound nor fruitful.[22]

An ideological understanding of the Bretton Woods institutions is crucial when examining the neo-liberal Structural Adjustment Programs they imposed. The Bretton Woods policies ultimately undermined Third World governments through strict loan conditionality and further exposed the citizens of the periphery to the exigencies of world capitalist forces.[23] With 'development' goals, or to the Third World, basic human rights, given over to market forces, the demands of the New International Economic Order were crushed. As Stephen Gill has argued:

> In the emerging post-Westphalian system, then, the cosmopolitanism of international economic forces was accompanied by a disciplining of the social groups in the Third World, in order to deepen the structural power of internationally-mobile capital and undermine prevailing mercantilist arrangements. This has occurred … through a combination of market power and the surveillance of the Bretton Woods international organisations under US leadership.[24]

The World Bank and IMF enforced neoliberal fiscal austerity through Structural Adjustment Programs in the 1980s, imposing loan conditions that mandated the privatisation of government industries, deregulation, and trade and current account liberalisation.[25] These programs disciplined the social forces that were behind the NIEO, destroying Third World activism and ushering in a new era of globalisation. This will be discussed in greater detail in section 4.

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[21] Mark Rupert, "Globalising common sense: a Marxian-Gramscian (re-)vision of the politics of governance/resistance," *Review of International Studies* 29, no. 2 (2003): 190.
[22] Geoffrey Underhill, "State, market, and global political economy: Genealogy of an (inter?) discipline," *International Affairs* 76, no. 4 (2000): 806.
[23] Andre C. Drainville, "Resistance to globalisation: the view from the periphery of the world economy," ISSJ 192, *UNESCO* (Oxford and Malden MA: Blackwell Publishing, 2009).
[24] "Epistemology, Ontology and the 'Italian School," in *Gramsci, Historical Materialism and International Relations,* ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 32.
[25] Thomas, "International financial institutions and social and economic human rights".

3. Human rights and the NIEO under Reagan

Ronald Reagan has been much cited as the patron saint of neo-liberalism in the United States. Under Reagan, the US underwent an aggressive domestic transformation that modified the mode of production, and the social relations of production (encompassing ideas and institutions). The Bretton Woods institutions gained considerable power during this period, and implemented neoliberal policies through Structural Adjustment Programs in the Third World. Reagan famously stalled the push for the New International Economic Order and the United Nations Global Negotiations proposals. As an ideologue, he strongly referenced individual freedoms, the wisdom of the free market, the reduction of governments and bloated bureaucracy, and social welfare cutbacks – a doctrine in conflict with the NIEO's state-centric development model of industrial and redistributive policy.[26] The neoliberal principles espoused by Reagan are said to have undercut the Third World calls for the recognition of economic and social rights, and limited the definition of 'human rights'. This section will argue that while Reagan mocked Jimmy Carter's human rights policy, he ultimately adopted Carter's definitional parameters. Carter constructed a framework that was inherited by Reagan, and which was conducive to neoliberalism.

As discussed in the previous chapter, the Carter administration implemented certain 'neoliberal' policies during its term. These included the deregulation of oil, gas, railroads, trucking and airlines, as well as cuts to social welfare provisions and the implementation of monetary austerity in 1979. Domestically, the presidency of Ronald Reagan accelerated and expanded such policies, and Reagan was an important voice in the dissemination of neoliberal ideologies. As Augelli and Murphy argue:

> Reagan went further than Carter, and further than many of the business think tanks of the 1970s dared hope, in his direct attack on 'big labor' as well as 'big government.' The administration dismissed worker-safety regulations as anti-

[26] Kees Van der Pijl, "The Second Glorious Revolution: Globalizing Elites and Historical Change," in *International Political Economy: Understanding Global Disorder*, ed. Bjorn Hettne (Halifax, Nova Scotia: Fernwood Publishing, 1995).

> market and appointed labor regulators who consistently ruled against unions on the same grounds.[27]

The late 1970s had seen a huge direct political mobilisation of American capital behind an ideological assault on the welfare state. Channelled through intellectual think tanks,[28] universities, networks such as the Trilateral Commission and the Council of Rome,[29] the Ford Foundation, the media, and through sponsored advocates such as Reagan, rhetoric of individual freedoms and the efficiency of the free market penetrated the US socio-political and economic structures. Reagan attacked state welfare programs, criticising the 'welfare queens,' and introduced a low-wage, low-tax economic model.[30] He preached the cut back of the 'bloated bureaucracy' of big government, and promoted productivity and efficiency achieved through privatisation. While the Keynesian social contract had moved towards state-enforced rights, "neo-liberalism held that human well-being, measured by the individual's freedom to pursue their own interests within civil society, is best promoted by the undistorted operation of the free market."[31]

Neo-liberalism under Reagan had both domestic and international components. The roll out phase of neoliberal policies within the United States was coupled with Reagan's "conservative" approach to foreign policy. Reagan's attitude has been described by Augelli and Murphy as "anti-communist 'conservative…' who believed in a great crusade against alternative ideological systems," and who also advocated unmanaged international economic liberalism."[32] While America's foreign policy under Reagan was multi-faceted, necessarily complex, and evolving during his two terms, it was dominated by virulent anti-communism and the ideological promotion of free markets. As this section is focused upon the interplay between neoliberalism, the NIEO and human rights, it will first discuss Reagan's approach to the Global Negotiations of 1981.

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[27] Enrico Augelli and Craig Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988), 103.
[28] Ibid, 102-3.
[29] Stephen Gill, *American Hegemony and the Trilateral Commission* (Cambridge, Cambridge University Press, 1990).
[30] Jan Nederveen Pieterse, *Globalization or Empire* (New York: Routledge, 2004).
[31] Alex Kirkup and Tony Evans, "The Myth of Western Opposition to Economic, Social, and Cultural Rights? A Reply to Whelan and Donnelly," *Human Rights Quarterly* 31, no. 1 (2009): 235.
[32] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 102.

During Reagan's tenure, the US threw a wrench into the Global Negotiations, a series of North-South talks designed to facilitate the NIEO. Enacted by the General Assembly Resolution 34/138, the proposal for the Global Negotiations launched a special session in 1980 for:

> … a round of global and sustained negotiations on international economic co-operation for development, such negotiations being action-oriented and proceeding in a simultaneous manner in order to ensure a coherent and integrated approach to the issues under negotiation.[33]

The Resolution noted that only limited progress had occurred in achieving a new international economic order, and proposed global negotiations centred on raw materials, energy, trade, development, money and finance. It emphasised reform of the international economic system, calling for:

> … the restructuring of international economic relations on the basis of the principles of justice and equality in order to provide for steady economic development, with due regard to the development potential of developing countries…[34]

It also stressed that:

> … the establishment of such a new system calls for bold initiatives and demands new, concrete, comprehensive and global solutions going beyond limited efforts and measures intended to resolve only the present economic difficulties…[35]

Resolution 34/138 therefore reiterated the radical restructuring set out in the NIEO, calling for changes that would look beyond the worldwide recession of 1980. The Resolution specified that the negotiations should occur through the United Nations system, and acknowledged the central role of the Third World-dominated General

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[33] Art. 1, General Assembly resolution 34/138, *Global negotiations relating to international economic co-operation for development*, 104th plenary meeting
(14 December 1979), available from http://www.un-documents.net/a34r138.htm.
[34] Ibid.
[35] Ibid.

Assembly. These talks were designed to underpin the NIEO in the 1980s. In a course of events that demonstrated the continuing structural and ideological power of the US, the proposed Global Negotiations flailed under Reagan's refusal to work within the United Nations system, his defence of the Bretton Woods institutions, and his assault on the development paradigm.

Held in Cancun, Mexico, on the 22nd to the 23rd of October 1981, the Summit of North – South issues/NIEO Economic Summit, marked the first round of the global negotiations set out in General Assembly Resolution 34/138. It was intended to design the institutional structure of the North-South dialogue in the 1980s (i.e. the creation of working groups and schedule of meetings), and create an agenda for the negotiations. Cancun was an unprecedented meeting between fourteen developing countries and eight developed countries that generated much correspondence within the United Nations system. The UN archives reveal Ronald Reagan's unwillingness to pursue the Global Negotiations through a United Nations and General Assembly framework. A report of the Cancun discussions sent to the UN Secretary General Kurt Waldheim read:

> The United States, which, in the course of the last month has made clear its opposition to preparations for the global negotiations at the U.N, had proposed the creating of working groups by the states represented here would proceed informally in creating an agenda for any eventual global negotiations.[36]

The US refused to follow the protocol of the General Assembly Resolution 34/138 which specified that negotiations were to be facilitated through the United Nations, with the report also noting "The clear rejection of this procedure by the leaders assembled here tends to further isolate Washington's position."[37] Washington's refusal to honour the UN procedure ultimately stymied the push for the New International Economic Order, which had limped along prior to Reagan's terms in power. Under the Carter Administration, the US had agreed to participate in the Global Negotiations, with discussion ongoing as to whether they would be facilitated in the United Nations or the Bretton Woods Institutions. In a demonstration of US power, the "Report by the President of the General Assembly, Rudiger von Wechmar, on the past and latest

[36] Report, *Cancun, 23 Oct 1981*, United Nations Archives, S-0972, Box 4, File 13, SGKW.
[37] Ibid.

developments concerning Global Negotiations before the Meeting of the Whole" on May 5, 1981, read:

> I am convinced that the United States' participation in our efforts to launch the global negotiations soon is not only important but also vital. I have stated publicly on earlier occasions [sic] publicly that it is the United States that can make or break our endeavours.[38]

As Augelli and Murphy suggest, the US went on to force the North-South dialogue to stall by simply refusing to engage in the global negotiations.[39]

President Reagan refused to accept the declining hegemony thesis that had plagued Carter,[40] and underpinned the Carter administrations attempts to re-build a new world order through diplomatic channels such as the United Nations. In contrast, Reagan rejected the North-South negotiations, withheld UN funding,[41] and appointed Jeane Kirkpatrick as US ambassador to the UN.[42] The NIEO and North-South negotiations had called for major reforms to the World Bank and International Monetary Fund, in order to affect changes to the international economic system – a push strongly opposed by Reagan in a decade that would see the Bretton Woods institutions rise in power. A "Cancun Statement" sent to Kurt Waldheim from the Cancun co-chairs, read:

> …some countries insisted that the competence of specialised agencies should not be affected' – the position repeated incessantly by the U.S. in an effort to protect those agencies effectively controlled by the West: the IMF, the World Bank, and the GATT.[43]

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[38] Rudiger von Wechmar, *Report by the President of the General Assembly, Rudiger von Wechmar, on the past and latest developments concerning Global Negotiations before the Meeting of the Whole*, *May 5, 1981*, Report, UN Archives S-0972, Box 5, File 2, "NIEO Global Negotiations 1980-1981," 9.
[39] Augelli and Murphy, *America's Quest for Supremacy and the Third World* (London: Pinter Publishers, 1988), 189.
[40] Gill, *American Hegemony and the Trilateral Commission*, 70-1.
[41] Jeffrey L. Chidester, *Reagan's Legacy in a World Transformed* (Cambridge, Massachusetts: Harvard University Press, 2015).
[42] Jeane Kirkpatrick was an ardent neoconservative and anti-communist crusader who advocated for aggressive US foreign policy. See Jeane J. Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics* (New York: American Enterprise Institute, Simon and Schuster, 1982).
[43] *Cancun Statement,* UN Archives, S-0972, Box 4, File 13, SGKW, "Cancun", 23 Oct 1981.

With Reagan at the helm, the US ultimately stopped negotiations aimed at reforming these institutions along NIEO lines.[44] The Bretton Woods institutions were to gain considerable influence over the Third World during the debt crises of the 1980s, and implemented ideologically charged neoliberal policies through Structural Adjustment Programs. In defending the international trading and monetary system, Reagan typified the 'Reaganomics' approach by stating on October 15, 1981 "The GATT, the World Bank and the International Monetary Fund represent free associations of countries who accept both the freedom and discipline of a competitive economic system,"[45] an attack upon communism, as well as the state-centric model that was presented in the NIEO.

Reagan used the Global Negotiations of the Cancun Summit of 1981 to extol the virtues of individual freedom and enterprise, an approach that accompanied US withdrawal from the negotiation process. He famously said that the Third World would have to make do by "pulling itself up from the bootstraps." Archival records note, "In response to the quotation, Mr Dagin said there were things that market forces could not do."[46] This exchange typified the differing ideological orientations of unfettered globalising capital and the NIEO programme. While neo-liberalism supported the increasingly integrated world economy and the strict separation of the political sphere of the state from the market, the NIEO ultimately advocated for state intervention in both domestic and international economic structures. Kees Van der Pijl has conceptualised interaction between the NIEO challenge and the emerging capitalist classes of the West as follows:

> The challenge posed by the contender states more or less united behind the concept of the NIEO … could be met by the capitalist class from the heartland because a new mode of accumulation began to crystallise in the same period.[47]

He has contended that Keynesian policies and the Fordist model of accumulation were being replaced in the late 1970s and early 1980s by two pillars of accumulation that more directly served the capitalist classes. These were:

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[44] Augelli and Murphy, *America's Quest for Supremacy and the Third World*, 188.
[45] *Summary of Remarks Made by President Reagan in Philadelphia on 15 October 1981*, UNA – S-0972, Box 5, File 3. "NIEO Economic Summit in Mexico + Prep," 25 Apr – 25 Oct 1981.
[46] *Press Briefing on Cancun Summit by Director General for Development and International Economic Cooperation*, UNA – S-0972, Box 5, File 3. "NIEO Economic Summit in Mexico + Prep", 25 Apr – 25 Oct 1981. "Mr Dagin's" role at the Cancun Summit was not specified by the document
[47] "The Second Glorious Revolution: Globalizing Elites and Historical Change," 113.

> … the application of *microelectronics* in production, coupled with the resurrection of a 'craft paradigm' of the shop floor displacing standardized mass production (van Tulder and Junne, 1988; Piore and Sabel, 1984). The other was a resurgence of the *rentier*, the 'functionless investor' as Keynes called him; as well as institutions catering to this social category such as investment banks, who had been marginalized from the circuit of industrial capital in the 1930s (Van der Pijl, 1984; 100-106, 262-5; Fennema and Van der Pijl, 1987a).[48]

Kees Van der Pijl also noted both a trend towards the centrality of banks from 1976 onwards, "reflecting, perhaps, their functional preeminence in a phase of restructuring of capital towards a new configuration," and the resurgence of American capital in the high technology field from 1992.[49] He has suggested that beyond the inherent expropriation of Third World resources by Western capitalist classes under original accumulation, the "Second Glorious Revolution" (of Western centric hyperliberalism at the close of the Cold War):

> … has been a violent process all along; indeed a class struggle against the forces challenging hegemony of the West by the NIEO programmes … as well as by détente between East and West… On hindsight, the 1973 coup against the *Unidad Popular* government in Chile and the application of monetary and market 'discipline' on society, backed up by state terror, may be seen as the first serious blow dealt to the state-led industrial and redistributive policy…that was the key aspect of most NIEO concepts.[50]

These blows were to continue through the Third World debt and monetary crises, with Drainville noting that the NIEO:

[48] Ibid, 113-4.
[49] Ibid, 115.
[50] Ibid, 118.

> … was defeated by the high-interest rate policies of monetarist governments at the core of the world economy, and by the hard conditionality of structural adjustment policies initiated by the World Bank, among others.[51]

Of particular interest to this thesis is the perceived relationship between the NIEO and the emergence of the hegemony of transnational capital, and in the ideological sphere, the interaction between Carter's definition of human rights and neoliberal schemas of understanding.

Jimmy Carter, criticised for weakness and incompetence by his successor, activated the human rights structures that were exploited by Reagan's neoliberal doctrine. As discussed in the previous chapter, Carter's use and definition of international human rights rhetoric separated civil and political rights from economic and social rights, and promoted only civil and political rights as 'human rights'. Under a liberal, and increasingly neoliberal paradigm, this doctrine divorced capitalist structures from studies of human rights violations. It also removed human rights from the discourse of economic justice that was produced through the United Nations. Reagan's engagement with human rights reflected Carter's policy in its definition and application of rights. As Alex Kirkup and Tony Evans have argued:

> In response to the problems caused by Keynesian policy, neoliberals argued for the strict separation of the political sphere of the state, with responsibility for upholding civil and political rights, and the economic sphere of the market, free to determine economic and social entitlement.[52]

Carter, while not considered a crusader for neoliberalism, institutionalised this definition of human rights as a US foreign policy tool, motivated by a variety of considerations and social forces, including the breakdown of the Keynesian social compact, the Cold War, the interests of US capital, and the demands of the NIEO. Ronald Reagan's Ambassador to the United Nations, Jeane Kirkpatrick, although scathing of Carter's human rights policy (see the previous chapter of this thesis), ultimately echoed his definition of human rights. She argued that social and economic rights cannot be

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[51] Drainville, "Resistance to globalisation: the view from the periphery of the world economy," 235.
[52] "The Myth of Western Opposition to Economic, Social, and Cultural Rights?": 234.

human rights:

> … because they must be provided for by others through forceful extraction, i.e., taxation, which negates others' inalienable individual rights; they can never be more than "goals." Under neoliberalism, therefore, legitimate human rights can only be defined as that set of rights that require government abstention from acts that violate the individual's freedom to invest time, capital, and resources in processes of production and exchange.[53]

This understanding of human rights therefore justified the neoliberal reshaping of welfare provisions in accordance with the market (both within the US, and ultimately in the Third World through loan conditionality), and the privatisation of national industries.

In terms of international relations, the Reagan administration was significantly more explicit in its definition of human rights as strictly civil and political rights than the Carter administration had been. Upon entering office, the Reagan government initially expressed that it intended to drastically reduce the human rights component of foreign policy. Continually critical of the Carter administration's 'leftist' and pragmatically flawed policies,[54] the new administration appeared to follow the Heritage Foundations recommendation that the best promotion of human rights was the containment of communist influence.[55] Subordinating 'human rights' concerns to geostrategic interests, Reagan and Kirkpatrick drew distinction between 'authoritarian' and 'totalitarian' governments,[56] and supported several anti-communist dictatorships in the Third World. Despite Reagan's critique of the Carter administration, there was much continuity regarding the provision of US aid and military support to authoritarian governments

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[53] Ibid, 235.
[54] Stefan Halper and Jonathan Clarke, *America Alone: The Neo-Conservatives and Global Disorder* (New York: Cambridge University Press, 2004): 167; Snyder, *Human Rights Activism and the End of the Cold War*; see Adam Clymer, "The Campaign's Final Week: Basic Themes Stressed," *New York Times*, 2 November 1980 for a record of Reagan's campaign trail criticisms of the Carter administration; Hauke Hartmann, "US Human Rights Policy under Carter and Reagan, 1977-1981," *Human Rights Quarterly* 23, no. 2 (2001); Gaddis Smith, *Morality, Reason and Power: American Diplomacy in the Carter Years* (New York: Hill and Wang, 1986).
[55] Hartmann, "US Human Rights Policy under Carter and Reagan": 424.
[56] Jeane J. Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics* (New York: American Enterprise Institute, Simon and Schuster, 1982).

under both presidents.[57] A December 1981 introduction to the human rights Country Reports made it clear that under the Reagan administration:

> … the fulfilment of material needs was not regarded as a human right -only "negative" rights, limiting the power of the state, were listed. An important contribution to the human rights cause, so the introduction held, was to limit the expansion of Soviet influence. Instead of only condemning human rights abuses, the text urged a more positive approach, which was to support "the gradual emergence of free political systems."[58]

The administration followed the 1981 report with Reagan's announcement of his democratisation campaign in British parliament in June 1982.[59] This campaign was put into practice by the establishment of the National Endowment for Democracy in 1983. As Hauke Hartmann has noted:

> The Reagan foreign policy team thus took up and intensified the "democracy first" approach that had already been practiced by the Carter administration in crisis spots like El Salvador. But while the liberal administration had never formally agreed upon placing primary emphasis on civil and political rights and had pushed for a democratic opening as an ad hoc device for not only staving off support for the militant left, but also to achieve genuine internal reform, the conservative administration turned this political measure into a central feature of a strategic concept, which was dominated by anticommunist and military concerns.[60]

Reagan's "democracy first" campaign, subordinated to anti-communist rhetoric and military strategizing, clearly emphasised the provision of "negative" civil and political rights, while marketising economic and social rights.

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[57] David Carleton and Michael Stohl, "The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan," *Human Rights Quarterly* 7, no. 2 (1985): 219.
[58] Hartmann, "US Human Rights Policy under Carter and Reagan": 426-7.
[59] Ronald Reagan, Speech to the British Parliament (8 June 1982), reprinted in 1 PUB. PAPERS: RONALD REAGAN 1982, 742-48 (1983).
[60] Hartmann, "US Human Rights Policy under Carter and Reagan": 427.

During the Reagan administration, human rights rhetoric was utilised in support of anti-communism. As discussed in chapter six and the introduction of this thesis, President Carter had employed human rights as a mechanism of influence and advantage in Cold War one-upmanship. Douglas Brinkley, historian and US foreign policy analyst, has made the bold claim that:

> …Carter's human rights policy *did* dent the Soviet armor, contributing significantly to the Kremlin's ultimate demise. Carter's human rights policy gave the United States moral credibility around the world – no small feat after Vietnam – while putting Moscow on the domestic defensive, in the process exposing the Soviet Union – in Reagan's own moralistic vernacular – as "evil".[61]

Reagan largely followed Carter's human rights framework in interactions with the Soviet Union,[62] and continued to use human rights rhetoric in his anti-communist crusade. Sarah Snyder has suggested that Reagan's use of human rights was strongly motivated by the Cold War, writing that:

> The connection between his anti-communism and support for human rights is evident in a number of individual cases with which Reagan became personally involved, the most prominent of which was the Pentecostal families living in the United States embassy in Moscow.[63]

The focus on civil and political rights in the Soviet Union, including religious freedom, was also supplemented by Reagan's promotion of democracy and the free market. In a speech at his alma mater in 1982, he presented the thesis that the Soviet empire was "faltering because rigid centralized control has destroyed incentives for innovation, efficiency, and individual achievement."[64] Alongside moral criticisms of the USSR, the Reagan administration promoted 'democratisation' as a key human rights strategy. The democracy campaign hinged on the distinction between totalitarian and authoritarian regimes, built upon Jeane Kirkpatrick's thesis that totalitarian regimes such as the Soviet

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[61] "The Rising Stock of Jimmy Carter": 522.
[62] Snyder, *Human Rights Activism and the End of the Cold War*.
[63] Ibid, 141.
[64] Quoted in Lee Edwards, "Ronald Reagan and the Fall of Communism," last modified January 27, 2010. http://www.heritage.org/research/lecture/ronald-reagan-and-the-fall-of-communism.

Union and its satellites were all-encompassing systems that brainwashed and repressed citizens based on state ideology. Authoritarian states, in contrast, were said to simply try to control and punish their subjects' behaviour. Under this rationale, totalitarian states were argued to be more stable and influential than authoritarian regimes; and thus authoritarian governments were propped up and funded to prevent them from falling prey to Soviet influence.[65] Tamar Jacoby has noted, "At times, critics also blamed the administration for using the issue of democratization as a "smoke screen" to conceal its real intentions, namely the support of repressive but anticommunist regimes."[66] Hartman has gone so far as to contend that during the Reagan era "the terms democracy and human rights lost their meaning as they were taken hostage by a strategic concept primarily concerned with anticommunism."[67]

4. Human rights, the NIEO and neoliberal globalisation

As discussed previously, the call for the New International Economic Order and neoliberal policies came to the fore in the same historical period. The peak of Third World solidarity in the mid-1970s coincided with, and was enabled by, the worldwide recession and break down of *pax americana.* The presidency of Jimmy Carter saw the fracturing of the welfare state consensus and the introduction of the first wave of deregulation, privatisation, and monetary austerity. A state-led ("Hobbesian") movement,[68] the NIEO called for government intervention within domestic and international markets, and a restructuring of the international system. Neoliberal policy, as articulated by the presidency of Ronald Reagan in the US, and the leadership of Margaret Thatcher in the UK, and enacted by the Washington Consensus in the World Bank and International Monetary Fund, advocated the freedom of the market in the allocation of resources. Andre Drainville has traced the relationship between the NIEO and neoliberal policy, and argued:

> At the end of the post-war wave of decolonisation, the Bandung conference (1955) helped open up "space for new independent countries to achieve several

[65] Kirkpatrick, *Dictatorships and Double Standards*.
[66] Tamar Jacoby, "The Reagan Turnaround on Human Rights," *Foreign Affairs* 64 (Summer 1986): 1076.
[67] Hartmann, "US Human Rights Policy under Carter and Reagan": 430.
[68] Kees Van der Pijl, *Transnational Classes and International Relations* (London and New York: Routledge, 1998).

> decades of relatively high rates of economic growth" (Sridhar 2004, p 6). This created possibilities to recentre social formations of the periphery, a project that had been at the heart of "import substitution industrialization" before the war. In the following decade, this recentring became central to the G77 struggle for a new international economic order, which sought to defend the right of states to relatively autonomous development. Before the GJ&SM this was the most politically articulated, ambitious attempt to challenge neo-liberal globalization. [69]

The NIEO and neoliberal policy ultimately advocated differing models of development, and presented clashing visions for the international economic system. Evidence of the relationship between the two movements is most prominent from the 1980s onwards, with Reagan's crushing of global negotiations by advocating and imposing neoliberalism proving to be a powerful example. Neoliberal monetary policy ultimately fatally undermined the NIEO, and the structural adjustment programs of the Bretton Woods institutions oriented Third World economies around transnational capital.

Without resorting to economic determinism, the emergent human rights doctrine of this period must be oriented within this structural framework. This thesis has centered on the inclusion and exclusion of economic rights in differing human rights frameworks, and sees the 1970s as a fundamental turning point. The legacy of Carter's definition of human rights permeated the Bretton Woods institutions in the late 1970s, and was inherited by the neoliberal revolutions in industrial countries in the 1980s. Neoliberalism and human rights discourse emerged from the same historical context; they are both part of the shifting and mobilising of Western transnational capital in the 1970s. Within this framework, a human rights doctrine emerged that defined human rights as strictly civil and political. It placed the individual over the collective as rights claimants, and came to position the state as the primary violator of human rights. These definitional parameters served the interests of the neoliberal historical structure, and this narrow understanding of human rights became hegemonic during this period.

The emergent agenda of globalising capitalism saw a resurrection of market fundamentalism.[70] As Van der Pijl has argued:

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[69] Drainville, "Resistance to globalisation: the view from the periphery of the world economy": 238.
[70] Rupert, "Globalising common sense": 192.

> The core of the new concept of control which expressed the restored discipline of capital, neoliberalism, resides in raising micro-economic rationality to the validating criterion for all aspects of social life.[71]

Under this framework, the shift to neoliberalism ruptured the notions of the Keynesian mixed economy that dominated the post-War years, and resulted in specific reconfigurations. An epoch in which capitalism's globalising tendencies have been considerably realised,[72] the neoliberal period has seen the liberalisation of trade and capital flows facilitated by the infrastructure of the Bretton Woods institutions (the IMF and World Bank, with the World Trade Organisation founded in 1995). Multinational and transnational firms, and the transnational organisation of capital, have exploded during this period.[73] Further, the global economy has expanded in an unprecedented fashion, particularly in the realm of globalising finance.[74] Rupert has argued that the collapse of the Bretton Woods system of fixed rates, liquidity from consistent US current account deficits, the influx of petro-dollars, and the emergence of "offshore xeno-currency markets" has seen:

> … breathtaking volumes of foreign exchange trading and speculative international investment which now dwarf the reserves of governments, and can readily swamp, or leave high and dry, the financial markets of particular nations.[75]

As a result of such expansion, the capitalist or investor class have been able to extend their influence over the macro and micro-economic policies of states,[76] and enforce monetary, fiscal and microeconomic austerity, deregulation, privatisation, and trade and capital liberalisation.

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[71] *Transnational Classes*, 129.
[72] Rupert, "Globalising common sense": 190.
[73] Robert W. Cox, *Production, Power, and World Order* (New York: Columbia University Press, 1986); John Agnew and Stuart Corbridge, *Mastering Space* (London: Routledge, 1995).
[74] Susan Strange, *Casino Capitalism*, 2nd ed (Manchester: Manchester University Press, 1997).
[75] Rupert, "Globalising common sense": 191.
[76] Stephen Gill, "Globalization, Market Civilization, and Disciplinary Neoliberalism," *Millennium – Journal of International Studies* 24, no. 3 (1995).

Ideologically, the policies of neoliberalism have been presented as serving the interests of all. As Adam Przeworski has suggested, "since profit is a necessary condition of universal expansion, capitalists appear within capitalist societies as bearers of universal interests."[77] Alongside growth oriented paradigms and 'trickle-down' economics, there has been a conception of freedom as an overarching value equated with reducing state functions.[78] Under this socio-economic construction, the freedom of the individual, particularly as a consumer,[79] has been paired with the retreat of the state. The liberal account of globalisation has further encompassed both a progressive narrative,[80] and an ideological and institutional separation of the political and the economic.[81] Borne of the tumult of the 1970s, neoliberalism and the modern human rights movement can be analysed in relationship to one another. As functions of one another they are irrevocably bound, and can be taken to contain compatible logic. As Evans has suggested, "… the move to a global political economy" has been "in part legitimated by a particular conception of human rights".[82] This particular conception, as advocated by Carter, Reagan, the international financial institutions, and prominent non-government organisations such as Amnesty International and Human Rights Watch, promotes the separation of the political and economic, and emphasises the individual as the rights claimant. The reduction of state functions is equated with the achievement of individual freedom and rights. Therefore, human rights are defined as civil and political rights, and economic rights are downgraded to marketised aspirations. Within the progressive narrative of liberalism, human rights gains have been trumpeted, and the state has been conceptualised as the primary source of human rights violations.

Neoliberalism, and its policies of privatisation, liberalisation and deregulation, entails a discrediting of the state as necessary for protecting and promoting the rights of the individual. Its renewed focus on the individual has been served by a human rights doctrine that promotes the individual as the primary rights claimant. In contrast to the NIEO's promotion of a state's collective right to development, state intervention was conceptualised as both an inhibitor to development, and the primary source of human

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[77] Quoted in Paul Thomas, *Alien Politics: Marxist State Theory Retrieved* (London: Routledge, 1994), 153.
[78] David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005).
[79] Augelli and Murphy, *America's Quest for Supremacy and the Third World*.
[80] Stephanie Lawson, *International Relations* (Cambridge: Polity Press, 2012).
[81] Stephen Gill, "Constituting Inequality and the Clash of Globalizations," *International Studies Review* 4, no. 2, (2002).
[82] Evans, *Human Rights in the Global Political Economy*, 18.

rights violations. As Van der Pijl has identified, "The selective promotion of the right to nationhood is these days eclipsed by 'human rights,' understood primarily as human rights against the state."[83] Under the stewardship of Amnesty International, there was a growing perceived failure of states to observe human rights, and revelation of their inappropriateness to be custodians of these norms. States, particularly within the Iron Curtain and developing world, began to be conceived as principle violators of human rights. According to Henkin, writing in 1965, state-led development, and a focus on economic and social rights, bred totalitarian and oppressive governments:

> The new nations—and many old ones—are eager to leap into a new technological age. For many of them the drive for development uncovers the conflicting values and cruel dilemmas which are subsumed under "human rights" in our times. In many countries, concentration on rapid industrialization and economic development appears to call for rigidly planned and controlled economies which may indeed enhance the economic and perhaps the social rights of a people. But at least in countries lacking traditions of political rights, concentration on development brings temptations of totalitarianism, including totalitarian political mobilization not conducive to free political rights and institutions.[84]

This conceptualisation suggested that 'positive' economic and social rights called for rigid and oppressive economic policies, and a subsequent loss of individual rights and freedoms.[85] This understanding buttressed much Cold War discourse,[86] and was increasingly articulated in human rights terms from the 1970s onwards.[87] In ideologically justifying a retreat of the state, international human rights discourse served the interests of emergent globalising capital – namely it provided moral validation for the privatisation of state-owned assets, reduction in publicly provided services, deregulation, and the reduction of protectionist barriers to trade.

In normatively justifying the retreat of the state, the modern human rights movement also advocates the marketisation of economic and social rights. The collective right to

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[83] Kees Van der Pijl, "Historicising the International: Modes of Foreign Relations and Political Economy," *Historical Materialism* 18, no. 2 (2010): 12.
[84] Louis Henkin, "The United Nations and Human Rights," *International Organization* 19, no. 3 (1965): 509.
[85] Henry Shue, *Basic Rights* (Princeton: Princeton University Press, 1980), 65.
[86] Daniel P.L. Chong, *Debating Human Rights* (Boulder and London: Lynne Reiner Publishers, 2014).
[87] See the discussion of Ronald Reagan's criticisms of the Soviet Union in section 3.

economic development, as promoted by the NIEO and General Assembly Resolution 32/130 of 1977, has been undercut by the definition of human rights as purely civil and political. As Evans has noted:

> In the current period of globalization, human rights are defined as those rights which require government abstention from acts that violate the individual's freedom to invest time, capital, and resources in processes of production and exchange. Within this order, economic, social, and cultural claims may be legitimate aspirations, but they can never be rights.[88]

Neoliberal globalisation and the international human rights doctrine have promoted an ethical ethos in which the market is conceptualised as the most efficient allocator of resources, and the protector of individual freedoms. As such, social and economic rights have been re-positioned as negative rather than positive rights. This means that rather than being promoted by the state, economic and social wellbeing is conceptualised as enhanced by the removal of state interferences from the operation of the free market. Narratives of the bloated, inefficient, and power-hungry state have served the interests of the transnational capitalist class by enabling reduced regulation and territorialisation in the accumulation of capital. The post-cold war period saw the triumph of liberal capitalism, and the hegemony of globalising capital.

5. The end of the Cold War and beyond

The 'hegemony of transnational capital' is a commonly used phrase in neo-Gramscian scholarship, and heralds the rise of a new, global, neoliberal historic bloc or structure. Gill and Law suggested over two decades ago that under neoliberalism: "… capitalism is entering into a transnational, post-Fordist stage, which, in significant respects, differs from the imperialist/welfare nationalists."[89] In the second decade of the twenty-first century it can be suggested, with little contestation, that this process has progressed dramatically in the time since Gill and Law's research was released. The end of the Cold War was a triumph for the forces of liberal capitalism. It also ushered in a new phase of the international human rights regime, with the popular claim emerging that "human

[88] Evans, *Human Rights in the Global Political Economy*, 19.
[89] Stephen Gill and David Law, "Global Hegemony and the Structural Power of Capital," in *Gramsci, Historical Materialism and International Relations*, ed. Stephen Gill (Cambridge: Cambridge University Press, 1993), 94.

rights are the idea of our time: a set of values that act to guide us as we move toward a global community."[90] Samuel Moyn has called such rights, "the utopia of our time,"[91] a transnational, practical vision that recognises the dignity inherent in all human beings. Post-Cold War, human rights became "a regular and well-established part of international relations,"[92] permeating political rhetoric and international organisations, as well as rapidly proliferating non-government organisations, academia, and popular culture.[93]

Tony Evans has argued that during the post-Cold War era, the narrow view of human rights as civil and political rights, as solidified in the 1970s, has continued as orthodoxy.[94] It was boosted by the defeat of communism, which, with the collapse of the USSR, signalled the loss of an alternative order to liberal capitalism. The advent of globalisation saw further resistance to liberal rights wane.[95] As discussed above, the logic of globalising capitalism has advocated the freedom of individual action, private property rights and non-interference of the state in the economic sphere.[96] The principles, it can be contended, have become hegemonic in the epoch of transnational capital.[97] According to Stephen Gill, a new form of constitutionalism has been introduced globally to protect the rights of capital. He has written that:

> …neoliberal approaches - based on Constitutional Political Economy and Public Choice - advocate a form of structuralism founded upon methodological individualism as the basis for this "efficient social order." Such an order requires constitutional constraints and binding rules on democratic life as a condition of its possibility.[98]

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[90] Evans, *Human Rights in the Global Political Economy*, 18.
[91] Samuel Moyn, *The Last Utopia: Human Rights in History,* (Cambridge Mass: Belknap Press of Harvard University Press, 2010), 7 and more widely.
[92] Jack Donnelly, "The social construction of international human rights," in *Human Rights in Global Politics*, eds. Tim Dunne and Nicholas J. Wheeler (Cambridge, Cambridge University Press, 1999), 77-8.
[93] Ivan Manokha, *The Political Economy of Human Rights Enforcement* (Hampshire and New York: Palgrave Macmillan, 2008).
[94] Evans, *Human Rights in the Global Political Economy*, 20.
[95] Ibid, 19.
[96] Ibid.
[97] Rupert, "Globalising common sense".
[98] Gill, "Constituting Inequality and the Clash of Globalizations": 55.

As a function of neoliberalism and new constitutionalism, the Post-Cold war human rights regime, with its origins in the 1970s, has formed part of what Gramsci termed 'common sense.'[99]

6. Conclusion

The post-cold war human rights doctrine has its roots in the 1970s. Substantially shaped by the presidency of Jimmy Carter, the definition of human rights as civil and political, strictly individual, and as separate to the state, permeated the operations of the Bretton Woods institutions, and was employed by Ronald Reagan in his dismissal of the New International Economic Order. These principles served the interests of the emergent capitalist classes, and transnational business interests, from the late 1970s through to the post-war era. In defeating the Third World's push for the recognition of economic and social rights as the fundamental human rights, a doctrine emerged that reinforced the neoliberal separation of the political and the economic. In promoting the marketisation of economic rights, neoliberal doctrine undercut the rights of collectives, and demonised economic intervention by the state. Without engaging in economic determinism, a causative relationship can be identified between the historical structure of globalising capital, and the definition of human rights that emerged from the late 1970s. The defeat of the NIEO was a turning point both in terms of the international order that has emerged and the human rights doctrine that is now hegemonic. Uncontested human rights remain a key component of US power in global affairs. However, the rise of China and the BRICs are producing the potential for new forms of global order and with this potential there is every possibility that human rights will again be a component in the struggle for global dominance.

[99] Antonio Gramsci, *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, London, 1971), 79.

Chapter 8 – Conclusion

This thesis has centered on the development of international human rights norms in the twentieth century, and problematised the exclusion of economic, social, and cultural rights from the hegemonic discourse. Applying a *longue duree* approach to the history of ideas, it first traced the lineage of rights discourse through the ancient religions, Ancient Greece and Roman civilisations, the natural law of Medieval Europe, Enlightenment philosophy, the English, American and French Revolutions, and the abolition of slavery. It argued that while the 1940s were a period of organic transformation, some vestiges of pre-twentieth century rights discourses remained. Continuities can be found in the rights philosophy of liberal capitalism: concepts forged through the Great Transformation.[1] The consistent logic of liberalism can be located in the modern human rights movements 'commonsense'[2] acceptance of individual 'liberty' as the constitutional right to possession in a functioning market economy.[3] As Caroline Thomas has argued, "The liberal political discourse is … related directly to rights discourse,"[4] and thus allowed the civil and political rights featured in the 1948 Universal Declaration of Human Rights (UDHR) to carry pre-existing salience.

The end of World War II, the construction of the United Nations and Bretton Woods institutions, and the inception of a codified international human rights doctrine, signalled the establishment of a new world order. Anchored by a Gramscian understanding of historical blocs, and Robert W. Cox's dialectic approach to historical structures, this thesis has located the international human rights movement of the 1940s as an ideological component of *pax americana.* Thomas has described the project of international rights as follows:

> In the post-Second World War period the US has attempted the philosophical and legal legitimation of a set of internationally recognized human rights norms. Yet

[1] Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 1944 (Boston: Beacon Press, reprinted 2001).
[2] Antonio Gramsci, *Selections from the Prison Notebooks,* trans Q. Hoare and G. Nowell Smith (London: Lawrence & Wishart, London, 1971), 333.
[3] Stephen Gill, "Constituting Inequality and the Clash of Globalizations," *International Studies Review* 4, no. 3 (2002).
[4] Caroline Thomas, "International financial institutions and social and economic human rights: an exploration," in *Human Rights Fifty Years On: A reappraisal*, ed. Tony Evans (Manchester and New York: Manchester University Press, 1998), 164.

> underlying this position are clear economic and political interests which result in the highlighting of civil and political rights over economic and social rights (Evans 1996). The success of this endeavour is such that human rights are assumed to refer to civil and political rights, and not to the full range of human rights, including the equally important economic and social rights.[5]

This thesis has worked to further explain and conceptualise the exclusion of economic and social rights from the project of international human rights. It has challenged the 'Western opposition narrative';[6] an account of the early United Nations as divided along Cold War lines, with the West advocating the inclusion of civil and political rights in the UDHR and United Nations covenants, and rejecting economic, social and cultural rights. This conceptualisation sees the US and its Western allies as goaded, by the Soviet Union, into a reluctant acceptance of economic and social rights.[7] In contrast to the Western opposition narrative, this thesis has argued that the West did not present a united, nor a consistent, rejection of economic and social rights during the drafting of the UDHR and the Covenants. The Cold War blocs did not align during the UN negotiations. For example, as Jennifer Amos has noted,

> …capitalist countries such as Australia promoted economic, social and cultural rights, and the communist countries actively negotiated civil and political rights.[8]

Furthermore, while the US did express a clear preference for civil and political rights, it also demonstrated a willingness to support and codify international economic and social rights during this period.[9] International human rights were a relatively new and ill-defined area in the 1940s, and largely faded from US foreign policy until their resurgence in the 1970s.[10] Principles of economic and social rights, were, however,

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[5] Ibid.
[6] See chapter four of this thesis.
[7] See, for example, Antonio Cassese, *Human Rights in a Changing World* (Philadelphia: Temple University Press, 1990), 35.
[8] Jennifer Amos, "Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948 – 1958," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (New York: Cambridge University Press, 2011), 149.
[9] See the archival evidence presented in chapter four of this thesis.
[10] Tony Evans, *US Hegemony and the Project of Universal Human Rights* (London: MacMillan Press, 1996), 148.

utilised by the Non-Aligned Movement, Group of 77, and third world more widely, in their challenge to the political and economic structures of *pax americana.*

Applying a Coxian approach to the study of world orders, this thesis has focused upon the interplay of material forces, institutions, and ideas in the historical structure of *pax americana*, and in the Third World challenge to US hegemony that occurred during the 1970s. The third world approach to human rights can be seen as articulated in articles 12 and 13 of the Teheran Proclamation, the outcome of the 1968, UN-sponsored human rights review conference. These articles conceptualised material conditions and development within a human rights framework - article 13 introduced the term "indivisibility" in regards to the relationship between civil and political 'negative' rights, and economic and social 'positive' rights, and argued that civil and political rights were contingent upon economic 'development.'[11] This doctrine represented a significant change in UN policy that would later produce General Assembly Resolution 32/130 of 1977, which declared economic development to be a human right. The Teheran Proclamation was also reflected in the call for the New International Economic Order, which asserted the right of developing countries and their citizens to participate in a more equitable international economic system. The NIEO included a campaign for the right to collective sovereignty over natural resources, and to a reformed system of raw materials trading.[12]

The great economic downturn of the early 1970s shook the American-led international economic order and precipitated the NIEO. This backdrop is crucial for understanding the argument at the crux of this thesis: that human rights became a core principle by which the Third World mounted its challenge to the US. Due to the nature of the Third World challenge, the Carter administration responded in kind by launching an alternative human rights agenda. Alongside a raft of other motivations and purposes, the administration's human rights policy sought to defuse the challenge of the NIEO and General Assembly resolution 32/130, and its calls for collective economic and social rights. The US definition of individual civil and political rights as primary human rights, and economic rights as confined to basic needs, both supported the interests of

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[11] See *Proclamation of Teheran, Final Act of the International Conference on Human Rights*, U.N. Doc. A/CONF. 32/41 at 3 (1968), available at https://www1.umn.edu/humanrts/instree/l2ptichr.htm.
[12] Daniel J. Whelan, *Indivisible Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).

American capital and undercut NIEO demands. In analysing the relationship between the NIEO and General Assembly resolution 32/130, and the Carter administration's human rights agenda, this thesis has contributed to the de-centering of International Relations. It has recognised the significance of the third world in shaping the foreign policy and hegemonic project of the US. The Carter administration's human rights policy formed an important part of its new hegemonic strategy: a project of global leadership in the wake of the economic crises of the 1970s, the NIEO challenge, and the increasing mobilisation of globalising capital.

The first president to engage the executive with international human rights, Jimmy Carter, transformed US foreign policy. His administration's definitional framework was enormously influential, shaping the policy of the Bretton Woods institutions, and setting the precedent for Ronald Reagan's neoliberal approach to human rights.[13] Without engaging in economic determinism, a relationship can be identified between the historical structure of transnational capital, and the definition of human rights that emerged from the late 1970s. Both movements emerged during the economic tumult of the 1970s. The ultimate defeat of the NIEO was a turning point both in terms of the world order that emerged and the human rights doctrine that is now hegemonic. In contrast to the state-centric, 'Hobbesian'[14] model of development and collective rights that was presented through the NIEO, the interests of transnational capital have been served by the promotion of human rights as individual civil and political rights. Both neoliberal economic policies and the hegemonic human rights doctrine place the individual above the collective as rights claimants,[15] and position the state as the primary violator of human rights. These definitional parameters serve the interests of the neoliberal historical structure, as they justify the marketisation of economic and social rights through policies of monetary austerity, de-regulation, privatization, and trade and capital account liberalisation.

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[13] See the archival evidence provided in chapter seven of this thesis.
[14] Kees Van der Pijl, "Western hegemony and transnational capital: A dialectical perspective," *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010).
[15] Tony Evans, *Human Rights in the Global Political Economy* (Boulder and London: Lynne Reiner Publishing, 2011).

The concept that the modern human rights doctrine serves the interests of liberal capitalism is well understood in critical human rights literature.[16] The most prevalent narrative sees the exclusion of economic rights from the hegemonic definition of human rights as the result of the progression of liberalism. The consistent Western preference for civil and political rights is therefore seen to emerge triumphant in the post-Cold War era.[17] In contrast to this approach, this thesis has conceptualised the nuances of consent, as well as contestation, and bargaining, in the ideological, material and institutional construction of hegemony. It has studied international human rights rhetoric as a component of Cox's dialectical understanding of historical structures, conceptualizing human rights as a political and socio-cultural project, necessarily bound to the mode of production. In this way, it has demonstrated a further application of the neo-Gramscian approach to understanding the contemporary world order. In tracing changes in the ideology of human rights to changes in historical structures, it has also conceptualised challenges and ruptures within the twentieth century human rights discourse. The tacit acceptance of social and economic rights during the construction of *pax americana* can be seen as a component of the ideology of the welfare state. The failure of post-colonial states to realise welfare state conditions, due, in part, to Western economic interests, and the economic crises of the 1970s, galvanised the third world challenge to the political and economic international system through the NIEO. Human rights became an important arena of contestation during this period, with the third world advocating for the collective realisation of economic rights, and the Carter administration responding with a program of individual civil and political rights. In studying international human rights within the "social and political complex as a whole,"[18] this thesis has allowed for a deeper appreciation of the construction of global hegemony. In studying patterns of contestation and bargaining, this thesis has also demonstrated the silencing of alternative human rights visions under the hegemony of neoliberal globalisation.

Fiona Robinson has described the hegemonic dominance of globalised liberal capitalism and international human rights in the post-Cold war period, and the philosophical retreat of the state. She has written:

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[16] See, for example, the scholarship in *Human Rights Fifty Years On: A reappraisal*, ed. Tony Evans.
[17] See Ivan Manokha, *The Political Economy of Human Rights Enforcement* (Hampshire and New York: Palgrave Macmillan, 2008) for an example of this approach.
[18] Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989): 130.

> Today, the idea that we are human beings first, and citizens second – an idea upon which the concept of human rights depends – resonates with increasing strength around the world. Indeed, where globalization is viewed as the triumph of liberal and cosmopolitan values, most evident in the spread of capitalism and of liberal democratic institutions, human rights embodies the 'moral wing' of this world view, valorizing individualism, autonomy and liberty, and comfortably occupying the moral high ground.[19]

As Tony Evans has noted, the post-Cold War period saw the crushing of state-centric rights and development models under the victory of transnational capital:

> Support for an alternative image, which emphasizes economic and social rights, human security and human development, such as that promoted by the United Nations Development Programme … seems to have evaporated in a post-Cold war order that stresses the importance of the right of the individual to pursue free market economic interests, unfettered by concerns over social consequences.[20]

The hegemony of liberal capitalism in the post- Cold War period, and the attendant ideology of international human rights, has created a situation in which states are unable to guarantee, or realise, the economic and social rights of their citizens.[21] The welfare state consensus has been undermined, the welfarist development models discredited, and measures to protect populations from the workings of the global capitalist economy have been removed. Furthermore, production and consumption patterns within the global economy have been increasingly revealed to be unsustainable.[22] Global inequality has increased rapidly in the last quarter century –

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[19] Fiona Robinson, "The limits of a rights-based approach to international ethics," in *Human Rights Fifty Years On: A reappraisal*, ed. Tony Evans.
[20] Tony Evans, *The Politics of Human Rights: A Critical Perspective*, 2nd ed (London and Ann Arbor MI: Pluto Press, 2005), 127.
[21] Anthony G. McGrew, "Human rights in a global age: coming to terms with globalization," in *Human Rights Fifty Years On: A reappraisal*, ed. Tony Evans.
[22] United Nations Development Program, *Human Development Report 2010*, "The Real Wealth of Nations: Pathways to Human Development," The complete summary, available from http://hdr.undp.org/sites/default/files/hdr_2010_en_summary.pdf, 1.

both within and across countries.[23] Approximately 1.75 billion people currently live in situations of multidimensional poverty,[24] which includes acute deprivation in the areas of health, education and standard of living. The inadequacy of the current hegemonic human rights doctrine to meet the challenges of neoliberal globalisation, increasing polarisation, and the escalating violence of identity politics, among other issues, has been demonstrated, and increasingly recognised, by critical human rights scholarship.[25] Resistance to the current world order is occurring both within and outside of human rights paradigms.

There have been pushes for the reconfiguration and redefinition of social and economic rights in the globalised economy. Working within the existing frameworks for action, the Make Poverty History campaign, for example, has advocated a reconsideration of global trade laws and the forgiveness of sovereign debt,[26] a model that seeks to re-empower sovereign states. Oxfam's Fair Trade campaign has adopted a 'rights-based approach to development,' seeking to pursue fair trade practices through the international legal regulation of transnational corporations and sovereign states.[27] The United Nations Global Compact has similarly sought to promote sustainability and ethical practices in global business operations.[28] More recently, Thomas Piketty's highly influential research project, *Capital in the Twenty-First Century*, has advocated for the institution of a global taxation regime, with particular focus on the taxation of capital.[29] These problem-solving approaches seek to both support reduced-capacity sovereign states in the realisation of the social and economic rights of their citizens, and to supplement the role of states through the regulation of transnational corporations, the Bretton Woods institutions, and the transnational capitalist class. They therefore seek to extend traditional notions of socio-economic rights to incorporate non-state actors as duty-bearers. Other scholars

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[23] Ibid.
[24] Ibid, 11.
[25] See, for example, Phillip Alston, "Extreme inequality as the antithesis of human rights," *Open Global Rights*, 27 October 2015, available from https://www.opendemocracy.net/openglobalrights/philip-alston/extreme-inequality-as-antithesis-of-human-rights, and Samuel Moyn, "Human rights and the Age of Inequality," *Open Global Rights*, 27 October 2015, available from https://www.opendemocracy.net/openglobalrights/samuel-moyn/human-rights-and-age-of-inequality.
[26] See *Make Poverty History*, available at http://www.makepovertyhistory.org/takeaction/.
[27] Susan Ariel Aaronson and Jamie M. Zimmerman, "Fair Trade?: How Oxfam Presented a Systemic Approach to Poverty," *Human Rights Quarterly* 28, no. 4 (2006).
[28] Thomas, "International financial institutions and social and economic human rights: an exploration".
[29] Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, Mass: Harvard University Press, 2014).

have argued, in contrast, that the philosophy of rights is insufficient to meet the myriad of issues facing the twenty-first century.

Some literature has questioned whether the post-Cold War global political economy has necessitated a new programme of global ethics to supersede the philosophy of human rights. This approach conceptualises the current neoliberal world order as the framework for action, and seeks to develop alternative normative principles that move beyond the modern human rights doctrine, a philosophy, it is argued, largely premised upon state sovereignty and citizenship.[30] Samuel Moyn has suggested that a de-territorialised, transnational form of human rights discourse, focused upon the sovereignty of the individual in a globalised world, has already emerged as the 'last utopia' of human morality.[31] For others, such as James Rosenau,[32] Andrew Linklater,[33] Fiona Robinson,[34] and Johan Galtung,[35] there is a need to forge a new set of global ethics based upon principles of global citizenship, global dignity and morality, and a duty of care. These arguments seek to conceptualise new relationships of responsibility and care amongst individuals, through non-state actors such as civil society and transnational corporations, and through mechanisms of global governance. Critical theory approaches to neoliberal globalisation and international human rights rhetoric, in contrast to the above conceptualisations, do not take the prevailing world order as the given framework for action. Rather, they problematise questions of social organisation and reorganisation more widely.

Robert Cox has suggested that the historicity of critical theory allows for the contemplation of both the way the world is currently changing, and feasible future transformations. He has written that:

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[30] McGrew, "Human rights in a global age: coming to terms with globalization."
[31] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge Mass: Belknap Press of Harvard University Press, 2010).
[32] *Governance without Government*, ed. James N. Rosenau and Ernst-Otto Czempiel (Cambridge: Cambridge University Press, 1992).
[33] *Boundaries in Question*, ed. Andrew Linklater and John Macmillan (London and New York: Pinter Publishers, 1995).
[34] "The limits of a rights-based approach to international ethics."
[35] Johan Galtung, "Alternative models for global democracy," in *Global Democracy: Key Debates,* ed. Barry Holden (London and New York: Routledge, 2000); Johan Galtung and Dietrich Fischer, *Johan Galtung: Pioneer of Peace Research* (Berlin: Springer Science & Business Media, 2013).

> Critical theory allows for a normative choice in favour of a social and political order different from the prevailing order, but it limits the range of choice to alternative orders which are feasible transformations of the existing world. A principle objective of critical theory, therefore, is to clarify this range of possible alternatives. Critical theory thus contains an element of utopianism in the sense that it can represent a coherent picture of an alternative order, but its utopianism is constrained by its comprehension of historical processes.[36]

Drawing upon this approach, and the historicity of this thesis, this section will now consider feasible changes to social forces, forms of state, and world orders, in order to make some brief predictions about future social configurations and the potential human rights discourses.

The first prospect for social configurations within the next fifty years is the continued dominance of transnational capital, alongside increasing global inequality and social polarisation. As the rich become richer and the poor poorer, one can speculate that the 'Lockeian heartland' of transnational hyper-liberalism will continue to expand.[37] This is not to say that sites of resistance, and political and economic struggle, will not occur,[38] but rather that the forces of neoliberal globalisation will continue to dominate the globe in terms of material power, institutional strength and ideological consent. As demonstrated by this thesis, the forging of ideological consent must be conceptualised as a constant process of bargaining and of contestation. Under the prospect of continued neoliberal dominance, it can be posited that the hegemony of international human rights will continue. The human rights discourse will be altered within a range of limited possibilities, with measures such as the Global Compact, or even increased regulation of transnational corporations, instituted to plug the void left by reduced, and continually eroding, state structures.

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[36] Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2 (1989): 130.
[37] Kees Van der Pijl, "Western hegemony and transnational capital: A dialectical perspective," *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas (London and New York: Routledge, 2010).
[38] Mark Rupert, "Post-Fordist capitalism and imperial power: Toward a neo-Gramscian view," *Marxism and World Politics: Contesting Global Capitalism*, ed. Alexander Anievas.

The second and third prospects for future social configurations involve the reduced legitimacy of the hegemony of transnational capital. These prospects see the fracturing and eventual breakdown of this historical structure. Immanuel Wallerstein, for example, has argued that the "present lop-sided and highly inegalitarian world-system," cannot feasibly persist, in its current form, over the next twenty-five to fifty years.[39] Increasingly inequality and polarisation both within and between countries will ultimately threaten and disrupt the legitimisation of the neoliberal world order, a historical structure that is still, in part, reeling from the Global Financial Crisis of 2008-2009. According to Wallerstein, the "… replacement possibilities have no real names and no detailed outlines."[40] He has envisaged the emergence of a relatively democratic and egalitarian world order based on the mobilisation of the BRICS and the Global South through the World Social Forum. This Forum, it can be argued, will unite local protests and sites of resistance[41] into a global movement in response to the neoliberal capitalism. This as yet undefined project must conceptualise new forms of social organisation, and may encompass de-commodification and environmentalism,[42] the emergence of greater regionalisation, and collective localities. The role of international human rights discourse within this prospective social configuration is unclear. As the international human rights movement has served the interests of the neoliberal order, it can be posited that rights discourse may be transformed or abandoned under a new world order.

The potential crisis of the hegemony of transnational capital may also result in the rise of China and the BRICS. China has seen rapid economic growth in the past thirty years, emerging as the locus of preeminent global material power.[43] The parallel rise of the BRIC countries (Brazil, Russia, India, and South Africa, alongside China) has signalled the prospective emergence of a multi-polar world order, united by largely non-Western cultural preferences. The newly established BRICS Bank is the first BRICS dominated international institution, and represents an alternative development bank with capital lending capacities of thirty-four billion dollars annually, and a focus upon the

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[39] Immanuel Wallerstein, "After Developmentalism and Globalization, What?" *Social Forces* 83, no. 3 (2005): 1266.
[40] Ibid.
[41] See Andre C Drainville, "Resistance to globalisation: the view from the periphery of the world economy," ISSJ 192, *UNESCO* (Oxford and Malden MA: Blackwell Publishing, 2009).
[42] Wallerstein, "After Developmentalism and Globalization, What?"
[43] G John Ickenberry, "The Rise of China and the Future of the West: Can the Liberal System Survive?" *Foreign Affairs* (January/February 2008).

construction of infrastructure.[44] The prospects for the international human rights doctrine under this alternative world order are highly speculative. The discipline of International Relations, more widely, has not able to provide consensus on the future role of China in the international community.[45] It remains to be seen whether China's embrace of state-mediated liberalism could also move to include greater engagement with human rights discourse, and global human rights norms. The transition to a Chinese and BRICS led world order, however, could also lead to a rethinking of social configurations and rights philosophies, and conflict between the BRICS and the West through international human rights discourses. The international human rights doctrine of *pax americana* and the hegemony of transnational capital may be abandoned. Alternatively, international human rights may become a component of new visions of social and economic development, nationalism and collective agency.[46]

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[44] Parag Khanna, "New BRICS Bank a Building Block of Alternative World Order," *New Perspectives Quarterly* 31, no. 4 (2014).
[45] Bjorn Ahlo, "The Rise of China and International Human Rights Law," *Human Rights Quarterly* 37, no. 3 (2015): 639.
[46] See *Debating Human Rights: critical essays from the United States and Asia*, ed. Peter Van Ness (London and New York: Routledge, 1999); *Human Rights in East Asia: A Cultural Perspective*, ed. James C. Hsuing (New York: Paragon House Publishers, 1985) and Diane K. Mauzy, "The Human Rights and 'Asian Values' Debate in South East Asia: Trying to Clarify the Key Issues," *Pacific Review* 10, no. 2 (1997), for discussion of human rights, Confucianism and Asian values.

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