

PROLOGUE: A POGROM IN LEMBERG

THE PHOTOGRAPHER HEARD THE SOUNDS first. Gut-wrenching moans, muted sobbing, anguished gasps of Hebrew prayers, and bespittled Yiddish curses, all accompanied by the quiet crackling of dying flames. Next the darkened cityscape came into view: plumes of smoke rising from the buildings pockmarked with bullet holes. Then came the first ghostly apparitions, as survivors emerged from behind makeshift street barricades: “Their faces blue and full of expressions of human pain, they staggered about in stunned silence, like walking corpses. Every so often an anguished, heart-rending cry would ring out as a mother found the burnt remains of her daughter or a daughter collected the ashes of her mother’s charred cadaver.”

It was November 1918. The war to end all wars had just ended, to be replaced by a series of smaller yet equally brutal civil wars on the borderland ruins of the Austrian, German, and Russian Empires. As Polish and Ukrainian armies clashed for control of the city known as Lemberg to the Germans, Lwów to the Poles, and Lviv to the Ukrainians, the Jews found themselves singled out for a three-day orgy of violence at the hands of Polish soldiers and civilians. The assailants slashed, raped, murdered, and burned their way through the city’s Jewish quarter. Initial Jewish reports spoke of 3,000 dead. The final number—between 73 and 150 Jews murdered, more than 450 casualties, and 100 million Austrian crowns’ worth of property damage—still earned the Lemberg pogrom the grim distinction of the worst episode of civilian carnage in Eastern Europe since 1906. The photographer, dispatched

by a Prague newspaper, returned home empty-handed. To photograph such an atrocity would be another crime in itself.¹

Not everyone could afford to look away. The most immediate response came from the Zionist youth of the city, led by a young, bespectacled law student named Hersch Zvi Lauterpacht. Outraged by the violence, against which improvised Jewish self-defense brigades had proved largely helpless, Lauterpacht responded in a manner that today might seem curious. He made no tearful plea for tolerance. The man who would become known as the founding father of international human rights law did not even use the phrase “human rights” in his declarations. Instead, together with his fellow Zionists, he organized a boycott of local Polish schools. The only justifiable recompense from the murderous new regime would be the right for Jews to establish their own Jewish schools. Against Polish bullets, they demanded Hebrew books. Products of a polyglot university, they chose national autonomy. In a word, they opted for minority rights. What mattered most, what counted for justice in a violent and unstable world, was recognition in law by the Poles and the world at large that Jews were a nation entitled to run their own affairs. That modest, counterintuitive petition signaled the beginning of a now forgotten story: the strange, entangled pathways of Jewish politics and human rights across the twentieth century.²

The idea of recognizing a specific minority group’s national rights as a response to violence flies in the face of how we think about atrocity and discrimination today. For us, human rights exist precisely in order to protect vulnerable individuals and communities outside the murkier precincts of nationalism. Human rights precede human politics. They are an appeal to the universal and a rejection of the particular. In this respect, we are heirs to the Enlightenment philosophers who imagined a world in which the strong help those who lack the means to help themselves. “If Dutchmen are injured and attacked, the Dutch have a nation, a Government and armies to redress or revenge their cause,” Edmund Burke wrote at the end of the Napoleonic Wars, “Britons have armies and laws, the laws of nations . . . to fly to for protection and justice. But the Jews have no such power and no such friend to depend on. Humanity then must become their protector and ally.” Burke’s Jews were orphaned by history. Stripped of sovereignty, they

could no longer practice the politics necessary for self-defense. Instead, the world needed to defend them.³

Between Burke's Law of Nations and our own world of contemporary human rights stand the Jews of post-World War I Eastern Europe. These wards of humanity had no wish to be protected as political invalids or naked individuals. They asked to be treated as an independent nation with legal rights and an equal share in the Law of Nations, even if they did not (yet) possess an army or a country. Their demand for rights was not an appeal beyond politics but an expression *of* politics. As Hannah Arendt once remarked about the Nazi rise to power: "If one is attacked as a Jew, one must defend oneself as a Jew. Not as a German, not as a world-citizen, not as an upholder of the Rights of Man." In the face of actual tyranny, any theoretical notion of general humanity quickly vanishes. Human rights prove a mere abstraction. Arendt understood that self-defense requires concrete politics, and politics begin with the assertion of specific identity. To be cosmopolitan, one must first be rooted.⁴

We live in an age in which human rights have become a source of great controversy in international affairs, and time and again the arguments converge on Zionism. The United States consistently threatens to resign from the United Nations Human Rights Council over its treatment of Israel. An internal civil war recently broke out at the organization Human Rights Watch over its handling of the Israeli-Palestinian conflict. The Government of Israel has drafted legislation to bar foreign activists from its shores and criminalize Israeli human rights organizations. The French president condemns anti-Zionism as antisemitism, while the European Union foreign policy chief defends the growing boycott-divestment-sanctions (BDS) movement. The International Criminal Court moots charges of war crimes for current and former Israeli political and military leaders. Despite all of these headlines, when it comes to Zionism and human rights, pundits and scholars alike remained locked in facile clichés: Israel as model democracy, Israel as rogue regime, Jews as social justice warriors, Jews as partisan defenders of Israel's interests.

The strangest thing about these clichés, besides how frequently they reappear, is the way they cancel each other out. Like all stereotypes, they

reveal more about the needs and anxieties of our own moment than the ideas and events that brought us here. As a result, it proves nearly impossible to have a sustained conversation today about Israel and human rights without devolving into emotionally charged debates about the Israeli Occupation and Palestinian terrorism or the Holocaust and the Nakba. What is missing from these heated discussions is any awareness of the actual history linking the emergence of modern human rights to Jewish political activism.

“We are all historians of human rights,” the president of the American Historical Association announced in 2006. Her self-conscious comment reflects the newfound scholarly interest in the historical origins of contemporary human rights. Where did our world of international legal treaties and NGOs (nongovernmental organizations) come from? How did we reach a point where even dictators who reject liberal democracy pledge their commitment to human rights? Most historians answer these questions by reference to a simple narrative. Modern international human rights emerged after World War II as a global response to the horrors of the Holocaust. We read frequently of how the world’s statesmen came together in the shadows of Auschwitz and Birkenau to build a new vision of protecting humanity through international law. The result was the Universal Declaration of Human Rights approved by the United Nations (UN) on December 10, 1948, one day after the UN Genocide Convention was adopted by the same body. So linked are the Holocaust and human rights in our imaginations that we routinely assume that the Nazi mass murder of the Jews was the main impetus for the global advance in law and ethics. The ultimate wartime atrocity yielded a postwar bounty of human freedom.⁵

Yet human rights did not spring fully formed from the foreheads of diplomats. Nor were they merely the product of moral idealism or even the shock of a crime without precedent. Left out of the history of human rights, ironically, are the voices of the rightless. And when we pause to peer behind the United Nation’s diplomatic tableaux, we find a very different story of the birth of human rights—and the place of Jews within it. This history begins well before World War II. Its origins are to be found not in the Nazi death camps of Poland but in the living shtetls of Eastern Europe.

Much of what we think of today as post–World War II international human rights began life as a specifically Jewish pursuit of minority rights in the ravaged borderlands of post–World War I Eastern Europe. This vi-

sion came couched in the political language of early twentieth-century Zionism. It was less the nightmare of the Holocaust than the dreams and dilemmas of Jewish nationhood that inspired a generation of Jewish lawyers, rabbis, and politicians to leave their mark on the emerging idea of human rights.

In this book, I recover this unknown history through the intersecting biographies of five remarkable men: Hersch Zvi Lauterpacht, the Polish-born international lawyer who drafted early versions of both the International Bill of Human Rights and the Israeli Declaration of Independence; Jacob Blaustein, the Baltimore oilman who brought human rights into U.S. foreign policy and first tried to solve the Arab-Israeli conflict; Rabbi Maurice Perلزweig, the British Zionist leader who created the modern international NGO at the League of Nations and the UN; Jacob Robinson, the Lithuanian Zionist leader who helped design the UN Commission on Human Rights and the Nuremberg and Eichmann trials; and Peter Benenson, the British Zionist youth activist who converted to Catholicism and founded Amnesty International. Their lives spanned continents. Their ideas reshaped the legal fabric of international society. Their language has become our language. They coined the very words we use today—crimes against humanity, prisoners of conscience—to speak about international law and global justice. But their Jewish political backstories are missing from the history of human rights.⁶

There is a simple reason for this lacuna. The lofty rhetoric of universality that hovers over our common conceptions of human rights tends to conceal more than it reveals. Behind this pristine concept lies a much richer, if counter-intuitive story of how Jews navigated the tumultuous currents of twentieth-century history. Charting these intersecting Jewish paths discloses an alternative map of the modern moral imagination. Where we might expect to find utopian idealists and socialist revolutionaries on the margins of Western society, instead we meet a global network of Jewish activists deeply enmeshed in the central dramas of European and American Jewish communal life. Where we might anticipate that Jewish religious traditions shaped the Jewish ethical horizon, we encounter a cadre of thinkers little concerned with rabbinic precepts or prophetic teachings. Instead, these forgotten Jewish journeys show how—despite the universalist cast of their language and ideas—the international human rights regime

was born of their particular engagements with the rigors and rhapsodies of modern Jewish politics.

If pre–World War II Zionism paved the Jewish path into human rights, it also guaranteed that the rise of Israel would transform the meaning of that Jewish activism in the second half of the twentieth century. After tracking the intertwined fates of international minority rights and Zionism throughout the 1920s and 1930s, I turn in the middle section of this book to the crucial decade of the 1940s, in which the postwar international order as we know it was created. The twin births of the State of Israel and the Universal Declaration of Human Rights in 1948 do not typically appear in the same historical frame. Yet the pairing of their stories together restores a crucial context to each, revealing the deep interdependence of human rights and nationalism that is so often overlooked in accounts of the period. That key connection between rights and nationhood in 1948 helps explain the persistence of so many problems that have plagued the international human rights movement and the Israeli-Palestinian conflict alike down to the present.⁷

In the final third of this book, I turn to the fate of postwar human rights in the Cold War Middle East. This section begins in the early 1950s as Israeli government lawyers and diaspora Jewish activists pursued a new kind of human rights diplomacy across the geopolitical chessboard of the early Cold War. It moves on to the post-Suez War origins of Amnesty International, showing how a human rights organization born of a Jewish desire to transcend Zionism nevertheless retained an umbilical connection to its Jewish roots. The story then turns to the two seismic events of 1960, one famous, the other forgotten, that have defined much of the relationship between Zionism and international law: the Eichmann trial in Jerusalem and the global Swastika Epidemic. In different ways, each of these events set the stage for a wholesale crisis in the Jewish human rights world that only worsened in the aftermath of the 1967 Six-Day War. The final chapter looks at the little-known attempt by Amnesty International and the Government of Israel to conduct a joint investigation of alleged Israeli human rights violations against Palestinians in the late 1960s. The failure of that venture established a pattern of mutual recrimination between Israel and the human rights community that has repeated itself at regular intervals ever since. It also coincided with the formal departure of Israel and Jewish organizations

from the international human rights arena in the 1970s and with the 1975 UN General Assembly Resolution that labeled “Zionism as Racism.” The legacies of that controversial moment remain with us today.

Stalin’s propagandists famously coined the term “rootless cosmopolitans” after World War II as an antisemitic euphemism for Jews. In the strange dialectics of Soviet ideology, all Jews were simultaneously bourgeois Zionists, wedded to their particular nation, and deracinated cosmopolitans who stood perennially apart, incapable of truly belonging to any one country or culture. “Rootless cosmopolitans,” in other words, were charged with contradictory sins: both retrograde particularism and dangerous universalism. Jews could claim no legitimate country of their own yet they persisted in clannish ways wherever they went. As we shall see, this slur followed Jews into the world of human rights. It persists today in various forms, including among those Jewish intellectuals who have refashioned the antisemitic libel into a proud trademark of diasporic universalism. At the other end of the political spectrum, the same smear has surfaced among Jewish conservative voices in American politics who gleefully brandish it against liberal opponents—in a dangerously cynical flirtation with contemporary right-wing antisemitism. Both of these would-be Jewish cosmopolitans and Jewish populists have misread history. A better characterization of the Jewish pathways through twentieth-century international human rights would be as *rooted* cosmopolitans, braiding together the ethnos and ethical in a distinctively Jewish model of universalism.⁸

It is always the case that we go hunting in the past for evidence to confirm our intuitions and ease our worries about the present. But if we want an honest reckoning with the dilemmas of human rights now confronting the world at large and the State of Israel more specifically, we must begin with a critical engagement with this complicated history. Ultimately, the Jews who played leading roles in the story of modern human rights never rested at one extreme of either the particular or the universal. Like so many other dreamers and dissidents in the modern world, they sought to balance rootedness and cosmopolitanism in quest of a pragmatic idealism. Sometimes they succeeded, sometimes they did not. Regardless, they persevered. Their inspiration and their struggle remain before us today.