

## René Cassin, Human Rights, and Jewish Internationalism

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René Cassin is best known as one of the drafters of the Universal Declaration of Human Rights of 1948. Born in 1887, Cassin achieved global renown for a moment when he was awarded the Nobel Prize for Peace in 1968. Yet it is only in recent years that Cassin has been lavished with international scholarly attention, as affiliates and observers of human rights as a global hope and a global movement have searched for their predecessors – not least the “founding fathers” like Cassin who, under Eleanor Roosevelt’s wise direction, put the critical norms down on paper in the shadow of war and genocide.

Biographical studies, including those of Cassin, offer indispensable aid in understanding individuals. Yet they are only a point of departure for conceiving of their significance.<sup>1</sup> Cassin was also, of course, a modern Jew – and I would like to reflect in this essay on how he fits into the long-term history of modern Jewish politics. In what follows, my suggestion is that Cassin’s importance comes into most profound relief when he is considered as a renovator of the tradition of

modern Jewish internationalism. But this term needs to be immediately explained.

As historians of the modern world have shown, internationalism emerged after 1850 as a triple phenomenon: a new space, a new consciousness, and a new activity. These need to be carefully distinguished, for the space of interdependence and competition among modern nation-states could exist without forcing any consciousness of it or any programs to respond to it or reform it. And such programs, when adopted, were themselves various: the goal of bureaucrats standardizing measurement differed from the agenda of royal families pursuing crossborder marriages, just as academics pursuing cooperation in scientific research were rather different in their aims from Karl Marx's International Workingmen's Association, with its socialists singing the "Internationale" as their anthem. Yet all presupposed the same transforming global space, and sometimes wanted to shift its transformation in a new direction. The same was true Jews beginning in the same period. For Jews as for everyone, it is not so much the breakthrough to cosmopolitan internationalism as different versions of it in contention that matters. And this was not least since – as the very name implies – internationalism most frequently remained tethered to nation-states it proposed to knit together, and which few hoped to transcend radically or altogether.<sup>2</sup>

As a notable committed to elite defense of the Jewish people globally, Cassin inherited many precedents for his post-World War II pursuits from his

predecessors in propounding a Jewish internationalism. But he did not continue the existing versions without interruption. In fact, the recent scholarly recovery of the origins of the nineteenth century Jewish internationalism helps establish room for much novelty in subsequent developments like Cassin's activism. If Cassin's twentieth-century internationalism proved less appealing compared to other versions forged by fellow Jews in his own time, it was reborn as the dominant present model of internationalism — and not simply for Jews alone.

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According to historian Yosef Hayim Yerushalmi, Jews have had a persistent tendency to seek “vertical alliance” with the highest powers in the places in which they find themselves – a tendency that survived the modern revolution in which political sovereignty passed from kings to peoples. This strategy of promoting Jewish interests and, not infrequently, protecting Jews Yerushalmi saw coming to rest in the modern state, including in France where Jews were by the late nineteenth century *fous de la République* – that is to say, among some of the highest and most dedicated servants of the Third Republic, the regime under which René Cassin was born.<sup>9</sup> No one, so far as I know, has suggested that the “vertical alliance” also obtained even above the modern state once the twentieth-century dream of supranational authority came to be dreamed – but I believe Cassin's case is a helpful one for determining the extent to which it was possible to transcend a vertical alliance with the state.

Growing up in the Third Republic, child of a Sephardic father from southern France and an Ashkenazic mother from Alsace, Cassin adopted the commonplace values of French Jewry in the era. Though members of both branches of his family were religiously observant, René's father, Azaria, styled himself a freethinker, renaming himself Henri and causing such strained relationships with his wealthy in-laws as to deprive his wife of her dowry. Cassin's parents in fact divorced in 1911, when he was in his mid-twenties. As a result, Judaism for the young Cassin primarily meant affiliation with the project of Jewish emancipation, tested though ultimately confirmed by the saga of the Dreyfus affair. Cassin was seven years old when Alfred Dreyfus was first condemned, and nineteen when he was finally exonerated, thus formed politically in the heated controversy through which the "Judeo-republican" ideology of modern French Jewry was reforged and even strengthened.<sup>4</sup> A few years later, Cassin married a Catholic woman he met as a student.

His path to the law professor he became was interrupted by World War I, in which he served and was wounded. Historians of World War I, Antoine Prost and Jay Winter have convincingly emphasized how fundamentally Cassin was a product of it – especially as he became a leading figure in the associational defense of wounded veterans. In the interwar years in which he had no connection to or interest in Jewish affairs, he pursued the cause of veterans not simply at the level of the French state but also in the activities of the new League of Nations, including the International Labour Organization, which first exposed

him to processes and networks of governance beyond the nation. His work on behalf of veterans connected him to the larger causes of peace and disarmament, familiar from the era's internationalism. But the idea of the rights of man so crucial for French Jewry had not yet made its transit upwards to describe the moral and political ideals of international organization or of any internationalist movement. Far more important was the ideal of peace through law: when in 1924 Édouard Herriot came to power, and he appointed Cassin to the French delegation to the League of Nations, Cassin spoke grandly in a major speech of a world of federated states all subordinated to "a superior moral rule: law."<sup>5</sup>

The absence of international human rights for so long even in the career of someone who was to become so closely associated with them is striking. The Dreyfus affair had prompted the creation of the French Ligue des droits de l'homme, twenty years before civil liberties unions were formed in the Anglo-American sphere. But, like them, the Ligue concerned itself almost exclusively with the promotion of rights in domestic and imperial spaces. In any event, Cassin did not come to human rights through the Ligue, though he had some relationships to it. And prior to World War II, there was no sign that he would play the major role he did in elevating human rights to an international level and connecting them to the international politics of the Jewish people. In these years, to the extent it was detectable at all, Cassin's own Jewish identity consisted in being the ferocious defender of republican values. Rarely, he also reflected on effect of the antisemitic gaze that, until World War II changed everything, he

nevertheless easily shrugged off. Before turning to his wartime and post-Holocaust innovations, therefore, it is useful to recall how Jewish internationalism had been forged by others in the nineteenth century before events led Cassin to transform it.

Jews were emancipated not into the world but into states, which sooner or later became nation-states. This was also true – in fact, above all true – in France, where the *droits de l'homme* of the French Revolution were defined from the first by the political goal of the constitution of the nation. In the beginning, the revolutionary appeal to rights was not in the service of the *constraint* of the state, from within or without, but in the name of the *constitution* of the state. As in America before, in France the political goal of invoking natural or “human” rights was violent insurrection, for the sake of the foundation of a new polity. Nevertheless, this fundamental fact about modern Jewish history – the indispensable linkage between the emancipation of a minority and the creation of the nation-state as a normative political form – hasn’t received much explicit attention. Instead, the main approach to emancipation has been to study how it differed in its character and timing from nation-state to nation-state.<sup>6</sup> This historiography takes for granted, in other words, the very forum that international human rights law and movements would strive to denaturalize in the latter part of the twentieth century.

As a result, internationalism defined as the constitution of a Jewish political subject across borders for the sake of collective agency or mutual defense

is only now receiving the scrutiny it deserves. True, premodern and longstanding networks of rabbinic authority ran athwart of frequently shifting lines of dynastic territories and later interstate arrangements, and there were early forms of transnational charitable solidarity. But, as Abigail Green has best shown, it was only towards the middle of the nineteenth century that, along with the emergence of the social and technological infrastructure of all internationalisms, a Jewish version emerged. In the first place, an international Jewish public coalesced as a new sort of Jewish press monitored the vicissitudes of Jewry everywhere. When antisemitic outbursts happened in one place, they became the concern of “international Jewry” everywhere, imagined as a new entity and with notable leadership like Moses Montefiore. Eventually, the formation of the Alliance Israélite Universelle (AIU) in 1860, though strongly marked by its French origins, is unintelligible apart from the creation of what one might dub the transnational Jewish public sphere. In the second place, a farflung new philanthropy emerged, tracking a similar geography from America in the west to the Russian Empire in the east, and extending from Continental Europe in the north into the Ottoman Empire to the south (it surely became the object of most political concern, as well as much philanthropic activity).<sup>7</sup>

The emergence of Jewish internationalism in the nineteenth century was transformative in a number of ways. Its unintended contribution to the conceptual possibility of a modern antisemitism denouncing “international Jewry” is obvious; it remains a troubling fact that its rise as an ideology and

practice corresponded to the creation of an antisemitic fantasmagoria of global Jewish control. While some have claimed that the collective Jewish assertion in the new internationalism paved the way for Zionism, its unexpected legacy for the formation of later national consciousness is easily overestimated. Not only did internationalism not lead to nationalism, but it persisted alongside it in complex ways: as Green has put it, “The boundaries between religion and nation have remained fluid, but nationalism has never fully displaced religious internationalism in the Jewish world.”<sup>8</sup> It goes too far, however, to suggest that Jewish internationalism, with its philanthropic and humanitarian commitment to ameliorate the lives of suffering coreligionists in imperial spaces and the Ottoman empire alike, amounted to a “human rights” agenda.<sup>9</sup>

Extending prior investigations of how closely relief for Jews through the Alliance Israélite Universelle tracked imperial interests in the French case, Green plausibly shows how in the even more important British case Jews like Montefiore were able to pursue transnational Jewish solidarity in part because they were active in an empire in which liberal economics and beneficent humanitarianism provided universalistic rationales for imperial expansion. But in the Great Britain of Lord Palmerston, the fact that Jewish relief dovetailed so neatly with an emergent humanitarianism did not ever blunt the priority of public discourse around “Commerce, Christianity and Civilization.” Jews cannily exploited these public commitments to bring the British state onto their agenda of remediating the plight of Jews in Eastern Europe and, especially, Muslim



lands. As a result, the collective rights of Jewish minorities could function as a distinctive object of foreign policy. Indeed, so successful were Jews in applying this pressure that “even when British interests were not at stake, British agents in Muslim lands took up the Jewish cause out of disinterested humanitarianism.”<sup>10</sup> All the same, it obscures much to straightforwardly conclude that this imperial context promoted the rise of a politics of international human rights: Cassin’s twentieth-century Jewish internationalism before its time.

Ideologically, there was no general language of international human rights in the nineteenth century — which may seem strange until it is recalled how centrally, for Jews and others, the language of *droits de l’homme* referred to emancipation within the nation-state. What would become in the twentieth century an eventually widespread language of individual entitlements “beyond borders” pursued by civil society activists and monitored by governments remained overwhelmingly cabined to the domestic sphere (and it was of declining significance there due to the loss of prestige of naturalistic and metaphysical notions after their brief moment of Enlightenment and revolutionary visibility). It was no small thing to disentangle “rights” and “citizenship,” which may account for how little liberal values were deployed in the international sphere in the age of empire, by Jews as by others. Instead, while notions of minority and collective rights enjoyed some circulation, it was humanitarianism that provided the cultural formation and conceptual framework through which downtrodden Jews were addressed in Jewish internationalism — especially since, in colonial

spaces and the Ottoman sphere, the salience of rare episodic political crisis like the Damascus Affair gave way to a generalized humanitarian concern in which Jews targeted their coreligionists as civilizationally backwards and socioeconomically deprived.<sup>11</sup>

The institutional perspective confirms the ideological one. By and large the political and philanthropic agenda of nineteenth-century internationalism took shape around Jewish notables – characteristically wealthy Jews like Gerson von Bleichröder or Moses Montefiore. After 1860, the Alliance Israélite Universelle came into existence, followed later by cognate groups like the German Hilfsverein der deutschen Juden. But the Alliance's mainly charitable and educational operations left it highly dependent on the French empire, including the informal French empire. Absent any supranational institutions, concern operated through civil society outreach or at most pressure on states in hopes of bilateral policy outcomes favoring remediation of crises involving Jews or the collective rights of Jews under foreign rule. It was only towards the end of the nineteenth century that, in places like southeastern Europe, the lineaments of a truly international approach to Jewish depredations were faintly visible. And these only took a quantum leap at the Versailles conference, due to the agitation of Lucien Wolf and the Comité des délégations juives (later the World Jewish Congress), with the creation of a minorities regime intended to protect East European Jews living under fragile new sovereigns thought too immature to govern minorities responsibly.<sup>12</sup> What this meant is that while Jews certainly

learned to harmonize the interests of Jews abroad with the humanitarian policies of their states, they had no supranational authority through which to act, or international regime to construct around the formulation or promotion of new norms. In short, if the human rights agenda of twentieth-century vintage is collapsed into a prior humanitarian internationalism of nineteenth-century origins, much is lost.<sup>13</sup>

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In other words, the vertical alliance still culminated in states even in the new international system of the nineteenth century. In the first try at international organization above the state, the League of Nations, it was collective minority rights, that creature of nineteenth-century Jewish internationalism, that Jews first tried to transfer upwards. But famously, in part because it turned out that Adolf Hitler could abuse the system and claim the rights of Germans in the east were being trampled, that approach fell into disrepute.<sup>14</sup> Cassin, who had had no connection to Jewish politics in the interwar period, proved a key figure in proposing a new internationalism based on individual rights.

The year of the fall of France was significant enough in interrupting Cassin's trajectory that his longest piece of autobiographical writing is devoted entirely to it.<sup>15</sup> After leaving France, he joined the Free French in London and worked tirelessly and along many dimensions for Charles de Gaulle, becoming a prominent Frenchman in general and Jewish circles alike. It was in the midst of

the war that Cassin turned to *les droits de l'homme* as the principles most at stake in the conflict. He still did not have that perspective on the eve of the fall of France, when he penned an essay on the “Leviathan-State” that probably remains his most intellectually stirring work, going beyond the technical spirit of his prewar professorial career without lapsing into the summary and frequently platitudinous character of his postwar officialdom. There, he actually criticized the interwar proposal of one or two jurists to draft an international declaration of rights — for it did not go far enough in recognizing the true problem, which was the hypertrophy of the state!<sup>16</sup>

But this is not to say that “international human rights” immediately became Cassin’s obsessive focus. In fact, in spite of looking hard, Cassin’s biographers have found few mentions of the idea in the midst of his wartime activities. Pioneeringly, he declared the importance of a peace based on international human rights in public in the fall of 1941 at St. James Palace.<sup>17</sup> The enthusiasm he expressed for the notion thereafter was due essentially to the fact that President Franklin Delano Roosevelt began to use the phrase “human rights” – novel in English at that time – as a new potential principle of world affairs in the midst of his other wartime rhetoric.<sup>18</sup> Cassin, for his part, seems to have taken the concept much more seriously in its traditional role, working with a planning committee occupied with constitutional design for a postwar French state. As a secondary item on the agenda, however, it is true that his interwar dream of international law and his concern with aggressive states made it

possible for him to join others who were toying with transferring rights upwards to international organization.<sup>19</sup>

The war was also the occasion of Cassin's reaffirmation of the meaning of human rights at home for the French Jewry of which he increasingly saw himself a part and even a leader. Participating in Free French propaganda efforts, Cassin spoke on the BBC in April 1941 directly to French Jews to remind them that the Free French stood for the state that emancipated them before any of their co-religionists – even as “in the France that calls itself free, the work of the Abbé Grégoire and the Declaration of the Rights of Man are trampled underfoot.”<sup>20</sup> (The abbé Grégoire had been the chief promoter of Jewish emancipation during the French Revolution.) Cassin also worked hard to ensure that the restoration of the French empire envisaged after the war — one of his main official assignments — would come without loss of the traditional privileges that the Crémieux decree had accorded Algerian Jews in the nineteenth century.<sup>21</sup> It thus seemed a moment of going beyond the state only in a certain sense, for the French and French-Jewish cause in view of the Leviathan-State consisted in the first instance in reestablishing the liberal nation-state that had served Jews so well.

Nevertheless, with the war over, Cassin decided against taking the ministerial position that Charles de Gaulle offered him, opting for the Conseil d'État instead, which he reasoned would give him the time and latitude to internationalize human rights. At the crucial moment, between the Dumbarton Oaks agreements of 1944 and the San Francisco conference of 1945 during which

human rights were introduced on condition of their reduction to ornaments on a great power settlement, Cassin advised on French policy, urging more room for human rights in the finalization of the United Nations Charter. But his duties on the Conseil d'État meant he missed the San Francisco negotiations, where international human rights were ultimately given only a rhetorical role in world organization.<sup>22</sup>

A year later, once the United Nations Economic and Social Council — to which human rights had been assigned — began to meet, Cassin was made a member of the “nuclear commission,” so called because it was the nucleus of a new Commission of Human Rights whose first task was to draft a international bill of rights. The events that followed, and Cassin’s role in them, have received a huge amount of attention, since the two years of Cassin’s involvement with Eleanor Roosevelt led to the climactic adoption of the Universal Declaration of Human Rights on December 10, 1948.<sup>23</sup> While Cassin won the Nobel Prize for Peace alone, it is now known the drafting of the declaration was a highly cooperative affair. Cassin made the most decisive contribution in organizing the articles culled from constitutions around the world, and writing the basic version of the document’s preamble to boot.

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Even as other internationalist Jews like Hersch Lauterpacht dissented from the reduction of the newfangled idea of international rights to symbolic ornamentation of a great power settlement, Cassin’s hard work from 1946

through 1948 helped make the Universal Declaration possible. If this were all he had done, he would have been an internationalist Jew, but not a Jewish internationalist. As his Jewish self-consciousness grew, Cassin also took a new role in the Jewish world in these years. At de Gaulle's invitation, Cassin took leadership of the AIU in 1943, a position that – unlike his other assignments – he held until his death.

The internationalism of Jewish organizations was, in these years, shifting in the direction of “human rights,” in ways that were to open new pathways, both ideological and institutional, after the war. In the United States, the American Jewish Committee (AJC) had taken the lead in wartime in promoting the identification of the Jewish cause with the new idea of human rights, and Cassin was certainly disposed to do the same.<sup>24</sup> Cassin's Alliance, too, not simply incorporated the new language, but made a pronounced shift towards the view that Jewish self-defense was best pursued through general defense of principle, first of all by treating the Jewish fate in the world war then ending as part of the general suffering of humanity.<sup>25</sup> During wartime Cassin entered debates about prospective policy towards war crimes. As part of an inter-Allied commission Cassin proposed that it would be best to subsume the pursuit of justice for Jews, in what was not yet known as the Holocaust, under the desire to reckon with the general threat to humanity the Nazis represented. Once the strategy of defending Jews through constructing an international human rights regime crystallized among kindred organizations like the AIU and AJC, Cassin instigated the

creation of a Consultative Council of Jewish Organizations (CCJO), so named because it assumed consultative status as a non-governmental organization for purposes of United Nations advocacy.<sup>26</sup>

Cassin's work to create and reform institutions like the United Nations and, regionally, the European Court of Human Rights on which he came to serve as judge reflected a large step beyond prior Jewish internationalism. Ideologically, it was no longer a matter of finding ways to align Jewish interests with the high-minded rhetoric of civilization of imperial powers like France and Great Britain, so as to encourage their foreign policies to incorporate Jewish defense. Jewish internationalism went beyond mere harmonization with hegemonic norms of Christian states of the nineteenth century to forging new norms above states and institutionalizing them. Most clearly, Jewish internationalism was no longer simply a matter of the *noblesse oblige* of notables of the nineteenth century. It also went far beyond even first institutional steps like the AIU, which remained a French organization even under Cassin's leadership, in an era during which the creation of the State of Israel and decolonization led to a crisis of its educational mission in the Mediterranean basin (including Palestine). The League of Nations, it is true, had introduced fledgling international institutions that Jewish parties exploited to the fullest. But Cassin like other Jewish internationalists after World War II not only incorporated the new ideological language of international human rights. He also shifted to a



strategy in which the institutional advancement of universal human rights regimes in general seemed the best embodiment of Jewish defense in particular.

These were all brand new elements in Jewish internationalism, which made it distinct from its nineteenth century predecessor. And while others who were Jews made the same move, notably international lawyers like Paul Guggenheim and Hersch Lauterpacht, Cassin's presidency of the Alliance makes his evolution especially pivotal for understanding the evolution of Jewish internationalism as a whole.<sup>27</sup> It is important to record that these innovations in Jewish internationalism did not mean that Cassin's Jewish identity, while becoming more explicit, transformed altogether. Cassin's sister and her husband, along with twenty members of his extended family, had been arrested, deported, and killed in Auschwitz late in the war. The Holocaust presumably informed Cassin's own commitment to human rights deeply, and that of other Jews involved with the concept, even if there is no cause to extrapolate from their cases to think that human rights were generally a response to Jewish death (which went unmentioned in the debates in the United General Assembly and in public around human rights).<sup>28</sup> All the same, the internationalization of human rights that Cassin championed for general and Jewish purposes did not lead him to profess more interest in Judaism as a religion or to frame more than a reactive conception of Jewish identity. In his April 1941 message to French Jewry, he noted that "some solidarities sleep in times of prosperity in order to reawaken spontaneously when crisis comes."<sup>29</sup> When Jean-Paul Sartre gave a lecture before

the AIU on the basis of his *Anti-Semite and Jew* in June 1947, Cassin heaped high praise on him for responding so vigorously to mass death, and in effect Cassin, if not Jews generally, fit Sartre's model of the Jew stimulated by antisemitic hatred – there could hardly be a clearer example of such a model.<sup>30</sup> Cassin could lead the AIU in its mission to emancipate backwards Jews in the Mediterranean through education, and engage in international defense of his people against antisemitism. But his existential interest in Judaism or even Jewishness remained minimal, and when as a widower he remarried shortly before his own death, it was for the second time to a Catholic Frenchwoman.

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But if, in my account, Cassin stands for the novel attempt to go beyond vertical alliance with nation-states to what one might call “vertical construction” of new norms and institutions above, it must be added that his attempt to do so by and large failed – at least in most respects.

For one thing, the 1940s were primarily the age of nationalist rather than internationalist victory, for Jews and most everyone else. Just as in wartime he prioritized the legal reconstruction of the French nation-state, after the war Cassin did not allow his devotion to liberal values to disturb his generally tolerant attitude towards the French empire, even as it moved to violent counterinsurgency during the Algerian war – which Cassin was involved in legally approving – in a last-ditch effort to avoid dissolution.<sup>31</sup> (In recognition of his fervent devotion to France, Cassin remains the only Jew buried in the

Pantheon, where his body was moved ten years after his death, and the Algerian conflict forced him into a revealing choice between his statism and his universalism.) Even at the level of international institutions, typically speaking as representative of France, Cassin did not favor the interference of international human rights with colonial governance – let alone support the inclusion of the earlier and much more globally appealing notion of postcolonial self-determination as a human rights norm (which it eventually became).<sup>32</sup>

Just as much as the persistence of French nationalism that had generally accompanied French *droits de l'homme* for its votaries, the achievement of a long-sought Jewish state, which Cassin also fully supported from the 1940s in spite of his own prior allergies towards Zionism before, complicates any notion that a new Jewish internationalism broke through in the era. Cassin had passed through Palestine in 1930, as he recalled receiving an honorary doctorate from the Hebrew University in 1968, and eventually came to insist that the historic mission of the AIU did not conflict with the Zionist project. In fact, he assigned deep meaning to the accident that the State of Israel and the Universal Declaration date to the same year. He responded to the post-1948 Palestinian refugee crisis in the language of humanitarianism rather than in that of human rights. If he was, moreover, not particularly clairvoyant about the disastrous consequences for all concerned of the Israeli occupation after 1967, it was because he did not fully understand what it meant to be loyal to the 1940s assumptions he had pioneered about the interdependence of Jewish and human rights rather than

because he rejected those assumptions. On Mount Scopus, in fact, Cassin insisted that the fate of Israel, like that of world Jewry as a whole, would ultimately be synonymous with the fate of international human rights as a project on behalf of all: “*Never* will Jews in particular obtain real equality,” he told his listeners, “until the totality of human rights are respected for everyone.”<sup>33</sup>

Given his stances on Algeria and Israel, Jewish internationalism thus offered a supplement rather than an alternative to nationalist assumptions — even for Cassin. But it is perhaps even more important to observe that international human rights provided only one *version* of Jewish internationalism in the era and since. If one were to identify the version of supranational consciousness that most affected modern Jewish history, it would neither be the elite humanitarianism of the nineteenth century, nor the international human rights of the twentieth, but various version of leftism, which eventually became identified with the communist project in the twentieth century. In real time in the 1940s, including as a response to Jewish death in wartime, communist antifascism seemed in the ascendant, not international human rights, which were to remain rather obscure for a long while. Insofar as Jews, like others, voted with their feet, it was nationalism, along with other versions of internationalism, that were triumphant in the 1940s.

In fact, in general as for Jews, aside from a few pioneers like Cassin, it was only decades after World War II, due to the crisis of the first choices in the 1940s of nationalism and communism, that “international human rights” became a

visible and plausible option.<sup>34</sup> Alongside the sheer appeal and popularity of the competition, the stillbirth of human rights in international institutions explains why. Just as Cassin was helping draft the Universal Declaration, it was decided that the UN Commission on Human Rights could not entertain complaints of violations, which rendered it essentially irrelevant. And while this later changed, the transformation of the General Assembly of the United Nations through the accession of new states, almost quadrupling the number from those approving human rights in 1948, became a source of depression to Cassin as to many other Jewish observers. Cassin kept faith in the United Nations forum till the end – notably at a twentieth anniversary conference in Tehran in 1968 in which he stuck out like a sore thumb in the era of anticolonialist reinterpretations of his cherished concept.<sup>35</sup> But these developments have otherwise convinced most Jews that the UN is to be avoided as a place where, in an infinitely repeated opinion, hypocritical states denounce Israel from on high even as they ignore their own worse despotisms.

After decolonization, nationalism lost its romantic appeal, and as the Cold War continued, communist internationalism failed too, ideologically then really. At first to achieve a neutral space, then as a weapon in the final stages of the Cold War, human rights emerged as a powerful public idea through new non-governmental organizations. Unlike Cassin's CCJO and others, these new NGOs, and Amnesty International above all, reclaimed international human rights from the United Nations and provided new spaces for civil society activists to join

hands across borders in the pursuit of various moral causes. As rival internationalisms died, human rights came to the fore, especially in the 1970s, when in a last act before his passing Cassin joined the international campaign around Soviet Jews, which played some part in the new prestige of international human rights at the time and in the years since.

That campaign shows that the original, nineteenth-century form of Jewish internationalism persisted, no matter what else happened in the twentieth century. From its Zionist impetus to its achievement of a social movement in the West in the 1960s, the cause of the Soviet Jews arguably received a massive boost when it was redefined after 1970 as a matter of international human rights. Cassin attended an epochmaking conference in Uppsala, Sweden in June 1972, at which the right to leave and to return was recalled from the Universal Declaration and presented as a non-negotiable norm of international politics. Writing in a March 1973 op-ed in the *New York Times*, Cassin agitated for this right, and it found its way in the United States into Senator Henry “Scoop” Jackson’s lawmaking on the issue.<sup>36</sup> The episode suggests how much depended on the more traditional version of Jewish internationalism, with pressure on the foreign policy of a powerful state like the United States (and through it the Soviet Union) determining the success the campaign enjoyed. But the campaign also featured appeal to the international human rights norms and laws that it helped canonize publicly, and which were, in turn, critical to the plausibility of defining Jewish defense as a human rights issue.

Ironically, the emigration of Soviet Jews to Israel and the United States seemingly closed the long era of Jewish internationalism. With the Holocaust and the effect of the creation of the State of Israel on Jewry in the Mediterranean basin, the massive shift of Jewish geography in the direction of secure residence in the friendly nation-states of Israel, the United States, and Western Europe is practically complete, leaving no large threatened communities as objects of persistent internationalist concern.

All the same, the norms of international human rights seem here to stay, both in providing terms of appeal in debate among Jews and beyond around the State of Israel (notably in response to its continuing occupation policies), and in defining the moral terms of the highest hopes of Jews along with many other globally-minded citizens. Jewish internationalism as a worldview has fewer causes today than in any other era in modern history, but it certainly left behind many Jews who are internationalists. A space opened up for vertical ideals above the nation-state by Jews in part for the sake of Jews now serves mostly others, even when large numbers of Jews identify with its norms or even devote their lives to their promotion. In Cassin's hands, the vertical alliance ascended, at least aspirationally, to the level of the globe, and with all humanity as its end, not Jews alone. Cassin laid out this legacy perhaps most clearly himself: "Would it not be the most suitable revenge for the Jewish people for all the evil it has suffered to allow the whole world to benefit from the rights of man it has already acquired?"<sup>37</sup>

Cassin's revision of modern Jewish internationalism in the direction of international human rights ultimately shaped the world this way most of all: defining the aspirations of many people, Jewish and non-Jewish, who see no other way to conceive of the terms of global betterment after the collapse of nationalism and communism. International human rights may have failed ideologically and institutionally in Cassin's hands and during his life: he died on the brink of their massive prominence in world affairs. But so long as their ideological hegemony remains secure today, even as their institutionalization faces serious limitations, Cassin's transformation of Jewish internationalism will require attention.

## Notes

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<sup>1</sup> Most recently, Antoine Prost and Jay Winter have published an admiring biography of this figure – the third book-length appreciation Cassin has earned in the few decades since his death in 1976, and a wonderful basis for reflection. I rely substantially on these books: Gérard Israël, *René Cassin (1887-1976): La guerre hors la loi, Avec de Gaulle, Les droits de l'homme* (Paris: Desclée de Brouwer, 1990), Marc Agi, *René Cassin, Prix Nobel de la Paix, père de la Déclaration Universelle des Droits de l'Homme* (Paris: Perrin, 1998), and especially Antoine Prost and Jay Winter, *René Cassin et les droits de l'homme: Le projet d'une génération* (Paris: Fayard, 2011, English translation forthcoming



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from Cambridge University Press). See also Marc Agi, *René Cassin, fantassin des droits de l'homme* (Paris: Plon, 1979), his earlier intellectual survey.

<sup>2</sup> On internationalism generally, one can consult F.S.L. Lyons, *Internationalism in Europe, 1815-1914* (Leyden: A.W. Sythoff, 1963) and Martin Geyer and Johannes Paulmann, eds., *The Mechanics of Internationalism: Culture, Society and Politics from the 1840s to World War I* (New York: Oxford University Press, 2001).

<sup>3</sup> Yosef Hayim Yerushalmi, “*Diener von Königen und nicht Diener von Dienern*”: *Einige Aspekte der politischen Geschichte der Juden* (Munich: Carl Friedrich von Siemens Stiftung, 1995); for the notion of *fous de la République*, see Pierre Birnbaum, *The Jews of the Republic: A Political History of Jews in France from Gambetta to Vichy*, trans. Jane Marie Todd (Stanford: Stanford University Press, 1996). Hannah Arendt, to whom Yerushalmi records his debt, famously covered similar themes in *The Origins of Totalitarianism*, 3rd ed. (New York: Harcourt, Brace, Jovanovich, 1973).

<sup>4</sup> See, e.g., Michael R. Marrus, *The Politics of Assimilation: A Study of French Jewry at the Time of the Dreyfus Affair* (Oxford: Oxford University Press, 1971).

<sup>5</sup> Cited in Israël, *René Cassin*, 54.

<sup>6</sup> Birnbaum and Ira Katznelson, eds., *Paths of Emancipation: Jews, States, and Citizenship* (Princeton: Princeton University Press, 1995).

<sup>7</sup> See Abigail Green, “Nationalism and the ‘Jewish International’: Religious Internationalism in Europe and the Middle East c. 1840 – c. 1880,” *Comparative Studies in Society and History* 50, 2 (2008): 535-558; Lisa Moses Leff, *The Sacred Bonds of Solidarity: The Rise of Jewish Internationalism in Nineteenth-Century France* (Stanford: Stanford University Press, 2006).

<sup>8</sup> Green, “Nationalism,” 555.

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<sup>9</sup> Green, “The British Empire and the Jews: An Imperialism of Human Rights?,” *Past & Present* 199 (May 2008): 175-205.

<sup>10</sup> *Ibid.*, 198.

<sup>11</sup> See Green, *Moses Montefiore: Jewish Liberator, Imperial Hero* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010), where humanitarianism is pervasive but “human rights” are not (though elsewhere Green has a tendency to treat them synonymously). Leff, *Sacred Bonds*, actually includes an index entry for “human rights discourse.”

<sup>12</sup> See Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938* (Cambridge: Cambridge University Press, 2004); Mark Levene, *War, Jews, and the New Europe: The Diplomacy of Lucien Wolf, 1914-1919* (Oxford: Oxford University Press, 1992).

<sup>13</sup> For a different narrative claiming the continuity of Jewish concern for human rights (and a continuity from minority to human rights), see Nathan Feinberg, “The International Protection of Human Rights and the Jewish Question (A Historical Survey),” *Israel Law Review* 3, 4 (October 1968): 487-500.

<sup>14</sup> Mark Mazower, “Minorities and the League of Nations in Interwar Europe,” *Daedalus* 26, 2 (1997): 47-64.

<sup>15</sup> René Cassin, *Les hommes parti du rien: le réveil de la France abattue, 1940-1941* (Paris: Plon, 1975).

<sup>16</sup> Cassin, “L’État-Léviathan contre l’homme et la communauté humaine,” *Nouveaux cahiers*, April 1940, rpt. in Cassin, *La pensée et l’action* (Paris: F. Lalou, 1972), 70. This piece, published originally in the Christian personalist journal of Denis de Rougemont, provides much evidence that Christian thought was the main source of

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Cassin's rhetoric, especially his invocation of the "dignity of the human person" against the totalitarian state, a Catholic dichotomy in origins that Cassin began by thanking Pius XII warmly for introducing to world affairs in his encyclical *Summi Pontificatus*. For personalism, see my "Personalism, Community, and the Origins of Human Rights," in Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2010).

<sup>17</sup> Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010), 52.

<sup>18</sup> Prost and Winter, *René Cassin*, 280n, criticize giving Americans priority, saying that "the dossiers of the Free French and Cassin on this subject during the war" contain much evidence on the origins of international human rights. Perhaps; but their own biography fails to discuss those dossiers, immediately moving several years ahead to 1945, suggesting that Cassin may simply have been too busy during the war to pursue the issue.

<sup>19</sup> See Prost and Winter, *René Cassin*, 204-209.

<sup>20</sup> This message, "Israélites de France," is rpt. in Cassin, *Les hommes*, 480-81.

<sup>21</sup> Agi, *René Cassin*, 167-72.

<sup>22</sup> *Ibid.*, 181, 188-89.

<sup>23</sup> See especially Mary Ann Glendon, *The World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001) and Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, Intent* (Philadelphia: University of Pennsylvania Press, 1999).

<sup>24</sup> *Declaration of Human Rights* (New York: American Jewish Committee, 1944).

<sup>25</sup> Cf. Prost and Winter, *René Cassin*, 377.

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<sup>26</sup> On the CCJO, see my *The Last Utopia*, 122-25.

<sup>27</sup> See Jacques Picard, "Zwischen Minoritätenschutz und Menschenrecht — Paul Guggenheims Rechtsverständnis im Wandel, 1918-1950," *Jahrbuch des Simon-Dubnow-Instituts* 4 (2005): 111-30; Elihu Lauterpacht, *The Life of Hersch Lauterpacht* (Cambridge, 2010) — a good point of comparison for the further reason that Lauterpacht famously poured cold water on the achieved human rights enterprise of the 1940s.

<sup>28</sup> Cf. Prost and Winter, *René Cassin*, 318n.

<sup>29</sup> Cassin, "Israélites de France," 480.

<sup>30</sup> I assume this is what it actually means to say, as Prost and Winter do, a bit romantically: "Ce sont les racistes et les tueurs qui ont révélé son identité juive" (378). See my *Origins of the Other: Emmanuel Levinas between Revelation and Ethics* (Ithaca: Cornell University Press, 2005), 208-209, where Cassin's introduction of Sartre is recounted. Cf. François-Joachim Beer, "René Cassin et le judaïsme," in *La pensée et l'action*, 287.

<sup>31</sup> None of Cassin's hagiographers give this material its due, but see Prost and Winter, *René Cassin*, 330-334 for a creditable step forward.

<sup>32</sup> See Moyn, *The Last Utopia*, 96, and some parts of Glenda Sluga, "René Cassin: *Les droits de l'homme* and the Universality of Human Rights, 1945-1966," in Hoffmann, ed., *Human Rights in the Twentieth Century*.

<sup>33</sup> Cassin, "Discours de Jérusalem," in *La pensée et l'action*, 159, 161. See Prost and Winter, *René Cassin*, 381-87, 393-98 for a subtle discussion of this issue.

<sup>34</sup> See my *The Last Utopia*, which makes this general argument.

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<sup>35</sup> See Roland Burke, "From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968," *Journal of World History* 19, 3 (September 2008): 275-96.

<sup>36</sup> Sidney Liskofsky and Karal Vasak, eds., *The Right to Leave and Return: Papers and Recommendations of the International Colloquium Held in Uppsala, Sweden 19-20 June 1972* (New York: American Jewish Committee, 1976), Cassin "For a Right to Leave and a Right to Return," *New York Times*, March 23, 1973; Gal Beckerman, *When They Come for Us, We'll Be Gone: The Epic Struggle to Save Soviet Jewry* (Boston: Houghton Mifflin, 2010).

<sup>37</sup> Cited in Beer, "René Cassin et le judaïsme," 286.