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**David Kennedy: The Rights of Spring**

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## 1 † INTRODUCTIONS

I met Ana Rivera in the small white clinic at Punta Rieles prison. The guards stepped outside, I shook her hand, and Dr. Richard Goldstein, Patrick Breslin, and I became the first outsiders to speak privately and unconditionally with any of the roughly seven hundred political prisoners then held in Uruguayan prisons. We sat down at a small table. Ana was a diminutive woman, about twenty-three years old, her auburn hair pulled awkwardly back in a child's yellow plastic barrette. Around each wrist hung a red-and-white string bracelet. Under her prison overalls, stenciled boldly with her identification number, she wore two layers of clothing. Fearing transfer to another prison or judicial proceeding when officials had come for her some moments before, she had worn her wardrobe to our brief meeting. Her hands trembled nervously.

Patrick's explanation of our presence was calming. Worn smooth by repetition before numerous officials, his introductory litany of our professions and affiliations was reassuring, factual, and brisk. I'm a writer, he's a doctor, and he's a lawyer. We're from the United States and we represent five scientific and medical institutions, the New York Academy of

Sciences, the American Public Health Association, the Institute of Medicine of the National Academy of Sciences, the National Academy of Sciences and the American College of Physicians. These became my first one hundred words of Spanish. His next sentence was too long to remember, something like: we have come to Uruguay because these our institutions are concerned about the general health situation among political prisoners in Uruguay and in particular about four medical students arrested almost a year earlier on charges of “subversive association” and a number of other political prisoners reported to be in poor health. Patrick was careful to summarize: “In short, Ana, we have come to speak with you.” Dr. Goldstein will also be happy to discuss any health problems you may have and to examine your body, if you so desire. I think now what I thought as he finished: if only it would last, this moment could be savored, along with so many others just like it from the heyday of human rights advocacy.

All this happened more than twenty years ago. Uruguay was ruled by military dictatorship. I was a young human rights lawyer, uncertain what to expect. I had visited other prisons, traveled to other continents, but I was very much the amateur, more human rights dilettante than professional, and this

was my first time to Uruguay. In those days, the human rights movement itself was a far more ad hoc affair than the complex bureaucracy and professional network it would later become.

Time passed and democracy came to Uruguay. An Uruguayan student told me some years back that one of the prisons we had visited is now a shopping mall. What better testimony to the power of human rights. For a time, the language of human rights was everywhere, while the limits of what it could accomplish and the damage a human rights initiative could sometimes cause were less apparent. American law students yearned to become human rights professionals. Many still do. But in some way the flower has withered; the luster is faded. Though many soldier on, professionals with a cause, the innocence of international human rights has passed. On the one hand, the human rights idea, vocabulary, and movement have become institutionalized, have joined hands with governments, corporations, and all manner of international bureaucracies, foundations, and advocacy groups to legitimate and delegitimize, to spend money, to allocate resources—in short, to exercise power on the global stage. On the other, the heyday of human rights as a common global rhetoric for justice seems to be behind us.

It is hard to say why, or how this came about. The two facts seem related—at once more powerful and less innocent, urgent, compelling. Perhaps the movement bit off more than it could chew. There were certainly many disappointments. So many interventions did not work out as we had planned. The vernacular was misused. As an absolute language of righteousness and moral aspiration came to be used strategically, it became less persuasive, easy to interpret as nothing but strategy, cover for political objectives, particular interests clothing themselves in the idiom of the universal. And the politics of the global scene shifted. The Cold War ended and the machinery of human rights focused ever more selectively, in the third world, on Israel, on the axis of evil, and on the remains of the Soviet empire. And then the war on terror intervened, changing the dynamic all over again.

What has become of the first generation of human rights professionals? Some had been liberals of the 1960s, taking their civil liberties commitments onto the global stage. Others, like myself, were children of the seventies for whom Jimmy Carter had made human rights a respectable vernacular for transposing what we remembered of sixties idealism to international affairs in the 1980s. In retrospect, it was an

odd moment. Although the movement traces its origins and many of its crucial early texts to the end of World War II, in fact the human rights profession was launched just as the pendulum swung for a generation toward Thatcher, Reagan, and the politics of “neoliberalism.” Indeed, the rise of human rights would coincide with that broader enthusiasm for small states and individual liberties. And as the one became chastened, so also the other.

As the movement’s administrative bureaucracies grew, many early veterans found themselves sucked upward from the field to headquarters, to management. On a recent visit, I was surprised to find that Human Rights Watch now takes up several floors in the Empire State Building, naming and shaming from a great height. A surprising number of foot soldiers have left their jobs and written up their stories, stories of early faith confounded, lost amid the vagaries of politics and context and all the duplicities of good intentions brought to faraway places. Some, of course, have simply drifted away and find themselves teaching, lawyering, making policy. Or working in the many new institutions now at the forefront of human rights work—trading the revolutionary promise of social justice for the patient incrementalism of international tribunals, development

agencies, foundations, or corporate centers for social responsibility.

There is no question that today's professional humanists, beginners and seasoned veterans alike, are chastened, pragmatic, and far savvier than we were then. Painful lessons hard learned have worn deep grooves and sown nagging doubts about the dark sides of virtue. There are so many unsavory things one simply can't do anything about, so many unsavory things one finds oneself doing in the human rights business. It all did seem so much simpler then, in Montevideo, in the heyday of human rights. Democracy was on the rise and we had ring-side seats. I remember observing a trial in Prague on a gray and rainy October Tuesday in 1989, in a small dilapidated courthouse on the outskirts of town, only to return the following May, flowers in bloom, for a meeting of Harvard Law School's European alumni in a newly poshed-up hotel. I asked where to find the defendant—member of a John Lennon peace group—whose trial I had sat through, and was directed to “the Castle.” Seems after the Velvet Revolution he had gone to work in Vaclav Havel's office, where he was far too busy for an appointment. Seven or eight of the cut glass goblets I had bought after the trial to use up the local currency I

had been forced to exchange still survive in my sideboard.

I remember the Uruguay call coming in, just after Christmas—could I head off over spring break? My old friend lowered his voice, a conspiratorial whisper. “This one could be real.” Right place, right time, contacts all agreed: we might just make a difference. What did he mean, exactly? We’d get in, see real prisoners, get them out, fly business class? I wasn’t exactly sure. But I said OK, sign me up. As I think now about Uruguay and Prague and the many sites where human rights advocates touched down in those years, it is hard not to look back in nostalgia—or with irony. Prisoner of conscience visited, witnessed, perhaps released—this will always be something to celebrate, to relish, to anticipate. But the story of human rights is far sadder, complex, multiple.

Our own story in the Uruguayan prisons that spring is about thinking and doing and struggling, all the while glimpsing so much we did not know, could not see, and do not yet know. Indeed, as Pat stopped talking, things seemed much less clear than they would later appear. Certainly than they appear now, in the way all long-ago events we have not forgotten come to fix themselves in our mind’s eye. Indeed, so many years later, I find it hard to reconstruct what

happened with the freshness, the confusion, the uncertainty I experienced. In fact, I find I remember little beyond the stories I have told from time to time about what happened.

I want to recapture both the confusion of the experience and our efforts to make sense of it, both in Montevideo and later in Boston. At the time, we wanted to believe. Believe that we were surfing the crest of history, making human rights, enforcing, propagating, proselytizing, implementing. At the same time, we wanted to be modest, knowing, savvy—it was all just a grain of sand, probably dropped in the wrong ocean.

Once home, what could be told? We had learned. We had liberated. We had struck a blow. We could say all that. But we couldn't say we had been turned on or had gone looking for fun. Even though we had. Nor did it seem possible to say we had found much in Montevideo amusing, for who could know whether we were laughing in irony or mocking the suffering of the innocent? The first years after we came back were serious years for legal scholarship and professional debate. Identity politics, political correctness, a liberal academy on the defensive, tearing itself apart. There was much about a trip like ours that could not be said, or heard. In the first months after

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I returned, the *Harvard Law Review* accepted a version of this story, but as the editing went on, they got cold feet. It wouldn't look right, for them, for me. There was something unseemly about uncertainty in the face of suffering. To write about moral ambiguity risked sacrilege.

Today, the audience can hear different things—demands different things. We expect accounts of well-meaning ventures to be ironic, ambivalent, and self-questioning. Twenty years later, it is terribly hard not to say we saw it all then, the chaos, the complexity, the dark sides. But this is also not true. We were serious and lacked the distance to understand how an entire generation could have been blown so far off course in our simple quest for justice and a more humane world. Where we felt ambivalence and confusion, we could report the feelings and our first efforts to make sense of them. For all the movement has matured in the years since the three of us went to Montevideo, I do not think we have yet pounded this common ambivalence and confusion, excitement, boredom, and occasional vague nausea into common sense. There remains much we might learn from the impressions of an amateur, before the spectacular rise and subsequent decline of the international human rights movement.

In the event, as we got going, Ana trembled less, and the three of us shifted in our chairs, relaxing. Still, it was terribly hard to see where things were headed, or to figure out exactly what we should do next. To move forward we needed to push our time into meaning, transforming ourselves and Ana into characters and our encounter into a story. As we interviewed Ana and other prisoners, and returned to our hotel to plot our next moves, we wove these moments into narratives about our institutions, our professions, the changing Uruguayan political scene, our mission, and ourselves. Having transformed the experience into narrative just to orient ourselves as we continued, we had little to rely on afterward to understand just what had, in fact, happened. We retold the stories. And we unraveled them. But either way, the experience seemed to melt away. Just what had happened, who were we, and what had we done?

## 2 † THINKING AHEAD

Six days before meeting with Ana, I had left Boston amid the half-joking admonitions of friends to stay out of trouble. As we drove through the Callaghan