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Wolfgang Schmale and Christopher Treiblmayr

FOREWORD BY THE PRESIDENT OF THE AUSTRIAN LEAGUE FOR HUMAN RIGHTS

In 2016, the Austrian League for Human Rights – the oldest and most traditional human rights organisation in Austria – celebrated its 90th anniversary. Its history is closely connected to the awakening of an awareness of human rights that began with the foundation of the French *Ligue française pour la défense des droits de l'homme et du citoyen* in 1898. There have been and still are significant interdependencies as well as separate and joint developments in many European countries that are inextricably linked to the political history of the respective nations – in fact, of all of Europe and beyond. All national leagues for human rights display on their banners a reference to the universal human rights, which have in the meantime been enshrined in many international and national documents as well. On the other hand, every country also has its own particular history and characteristics and its own pressing problems; hence every history is related to the respective political, social and geographical situation.

To revisit and closely examine the past was a key purpose of the workshop organised by the University of Vienna in cooperation with the Austrian League for Human Rights in May 2014. Probably for the first time in history, representatives of so many human rights leagues and scholars took the opportunity to come together and engage in scientific exchange. In this context, I would like to thank the Faculty of Historical and Cultural Studies of the University of Vienna as a whole, and in particular project head o. Univ.-Prof. Dr. Wolfgang Schmale, who not only enabled the organisation of the symposium, but also played a very active role. I also want to thank Dr. Christopher Treiblmayr, lecturer at the University of Vienna, who for many years has been devoting his time to researching the history of the Austrian League for Human Rights. In doing so, he has also directed his attention to the global interdependencies, thereby providing the conference with a more than adequate scientific framework. We were very pleased that this commitment brought together experts from across Europe and beyond with the goal of fostering intensive scientific discourse and sharing knowledge not only about the first and leading human rights organisation, but also about its wide international network established over many decades.

Thanks to the scholars and scientists who not only participated in the conference, but have drafted their lectures into contributions to this volume, we are now able to make the results of this research available to the public. My gratitude likewise goes out to the scientists who have written articles on the development of the human rights leagues in certain countries despite being unable to attend the meeting.

These contributions have made it possible to compile a book dedicated not just to the history of the Austrian League, but also to the developments in the various countries represented at the conference, thus reflecting contemporary history in the individual countries as well as the overall political and social situation across Europe and beyond. Future research will undoubtedly profit greatly from the results of this exchange.

The cooperation effected in this project is also of significant value in a different context, however: It exemplifies a way forwards in terms of how internationally established institutions like the network of leagues for human rights can work together more efficiently. We live in times where national mechanisms often fail in the handling of human rights issues, and many existing problems can be understood and processed only in more general and global contexts. The exchange of experiences and a better understanding of the history as well as of specific features of the individual leagues represent the keys to even closer collaboration, and I am confident that our conference and this volume can help to unleash some of that potential.

Dr. Barbara Helige
Former President of the Austrian Association of Judges

FOREWORD BY THE DEPUTY SECRETARY GENERAL
OF THE *FÉDÉRATION INTERNATIONALE DES LIGUES
DES DROITS DE L'HOMME* (FIDH)

The Death Penalty as an Area of Activity
of the FIDH and the Leagues for Human Rights

The slow but steady process of the abolition of the death penalty provides insights into how national and international human rights movements interact in order to achieve this goal. That the abolitionist community can proudly state that two thirds of the world's countries have eliminated capital punishment is a result of the involvement of activists fighting simultaneously on two fronts: national and international.

Abolitionists face two obstacles: Firstly, criminal law is a matter of sovereignty, and each state has the right to determine its own criminal law offenses and sanctions. Secondly, and in a broader context, even if states are bound by international human rights, the death penalty is *stricto sensu* not forbidden by international law.¹ Neither top-down nor bottom-up, the abolition campaign must therefore be conducted on two hopefully converging parallel paths – against geometrical truth.

Formally, the abolition of capital punishment requires an act of parliament expressly stating that the penal code no longer includes the death penalty as a possible sanction for a crime. Nevertheless, there is generally a gap between the formal simplicity of abolition and its spectacular performativity (literally giving life to people condemned to die) on the one hand and the process leading to the adoption of such legislation on the other, which involves many twists and turns as demonstrated by the history preceding the enactment of Article 1 of the French law abolishing the death penalty (“The death penalty is abolished”) on 9 October 1981.² The question of abolition in France goes back to the Revolution of 1789 and has been topical throughout the country's history ever since. The push towards abolition lost momentum for several decades after 1908 when the abolitionists, including the French “ligueurs” and politicians close to the French *Ligue*

- 1 The Second Optional Protocol to the International Covenant on Civil and Political Rights is the only universal international treaty to prohibit executions and provide essential mechanisms to entrench the abolition of the death penalty in the world. States must sign and ratify it to be bound by it, however.
- 2 Loi n° 81-908 du 9 octobre 1981 portant abolition de la peine de mort, in: *JO*, 10 October 1981, Article 1: “La peine de mort est abolie.”

des droits de l'homme (LDH), were defeated. But side by side with numerous other organisations and persons of standing, the French League remained intensely engaged at the international level, for example by lending its full support in 1953 to the vain attempts to spare Ethel and Julius Rosenberg, found guilty of spying for the U.S.S.R. in the U.S., the electric chair. Beyond this individual case, the LDH has regularly called for the universal abolition of the death penalty since the 1950's, denouncing executions wherever they take place.

At least three actors have played central roles in the French League's embracing of the fight against the death penalty. Firstly, the founding of the League in 1898 occasioned by the trial of Alfred Dreyfus (condemned to deportation, the death penalty for political crimes having been abolished in 1848) was intimately tied to the issue of wrongful conviction. Today, wrongful convictions are a favourite target of activists in countries which have retained the death penalty. Secondly and more broadly, the League has always been a forum for political leading lights, whether they were members or just supporters of the League. Thus Robert Badinter, former French Minister of Justice, paid homage to the LDH as well as to other organisations in his famous speech on 17 September 1981 – the speech in which he outlined to parliamentarians his draft proposal for the abolition of the death penalty.³ Thirdly, it is not coincidental that the set of arguments against the death penalty became internationalised during the 1950s. These were years of reawakening for the International Federation, which had been founded in 1922 by the French and the German leagues but had been forced to terminate its activities due to World War II.⁴ In conjunction with the growth of the international human rights corpus, this reawakening would provide renewed momentum to the abolitionist movement. Today, national leagues and international federations have joined forces under the auspices of the World Coalition Against the Death Penalty – an entity serving both as an umbrella and a platform for assorted activists who wish to use all available means to achieve their objective.

The Guinean story, closely followed by the Coalition and its members, is a telling example of how domestic and international mechanisms are intertwined in the process leading to abolition, and of how gradual that process can be. In effect an abolitionist country with a moratorium on executions since 2002, Guinea finally took it to the next level on 4 July 2016 when its parliament adopted a new penal code and a new penal procedure, in both of which mention of the death penalty is conspicuously absent. This was a clear victory for the struggle against the death penalty – a victory that could not have been achieved were it not for the very specific international context in which it took place and the treaties to which

3 Available, for example, on the website of the French National Assembly, <http://www.peinedemort.org/document/4738>, consulted 20 August 2016: "Comment ne pas souligner que toutes les grandes associations internationales qui militent de par le monde pour la défense des libertés et des droits de l'homme – Amnesty international, l'Association internationale des droits de l'homme, la Ligue des droits de l'homme – ont fait campagne pour que vienne l'abolition de la peine de mort?"

4 See Gilles Manceron's contribution in this volume.

Guinea is a signatory. It is indeed noteworthy that the final step towards the abolition of capital punishment in Guinea occurred shortly after the 6th World Congress Against the Death Penalty, held in Oslo from 21 to 23 June 2016 and coordinated by the French organisation *Ensemble contre la peine de mort*. Acknowledging the event's impact, Guinean Member of Parliament and congress participant Fode Amara Bocar Marega stated: "The benefits from Oslo continue (...). The fight goes on with even more conviction."⁵

As to be expected, the national and international movements which have most definitely played an essential role in the abolitionist struggle are now facing new and old problems. Amongst these problems are: obtaining funding – an increasingly difficult task in light of the growing competition between organisations; identifying leaders with broad appeal and legitimacy in an internationalised civil society; and eliciting the participation of academics and intellectuals to the cause. In this respect, the recent creation of international academic networks deserves special mention.⁶

The arguments against the death penalty were formulated some time ago.⁷ If today's politicians are to be influenced or constrained by them, however, they need to be examined periodically and maybe even elaborated anew. In Europe, like elsewhere, many a politician would seize any opportunity and latch onto any pretext to resort to or even reinstitute the death penalty as a means of scoring political points and silencing opponents. Unfortunately, this scenario seems to be currently unfolding in Turkey and the Philippines, notwithstanding their respective strong civil societies.

In summary, the abolition of the death penalty, far from being "natural" or "obvious", is part of a slow and difficult process of "civilisation". Without dedicated commitment and willingness to learn from the past, this process is subject to setbacks and reversals.

Learning from the past in order to shape a European civil society so urgently needed in the euro-sceptical times we are experiencing: That is the remarkable intent of the present volume, the outstanding result of a workshop held at the University of Vienna in May 2014. Not only does it provide insights into particular domestic instances of a common universal idea (the defence of human rights), it also explains the birth, fall and spectacular rebirth of that idea's umbrella organisation: the FIDH, which since the 1980s has become truly international, not just European. Decisive for the leagues in question, often too immersed in their

5 Quoted from Maurice Gauer, Abolition of the death penalty in Guinea, published 5 July 2016, <http://www.worldcoalition.org/Abolition-of-the-death-penalty-in-Guinea.html>, consulted 20 August 2016.

6 See the websites of the International Academic Network for the Abolition of Capital Punishment (REPECAP), <http://www.academicsforabolition.net>, and Universities Against the Death Penalty – A Worldwide Network, <http://www.uio.no/english/about/collaboration/universities-against-death-penalty>, both consulted 20 August 2016.

7 See for example Benoît Basse, *De la peine de mort en philosophie. Quel fondement pour l'abolition?*, Paris 2016.

current problems to stop the clock and reflect about themselves, this analysis also offers a unique vision of the past century making it deserving of the attention of the broadest possible audience.

Florence Bellivier
Professor of Law at University of Paris Ouest Nanterre La Défense
Former President of the World Coalition Against the Death Penalty

THE HISTORY OF HUMAN RIGHTS LEAGUES

An Introduction

Wolfgang Schmale / Christopher Treiblmayr

The study of the history of human rights leagues in Europe (and beyond) in the 20th and early 21st centuries promises interesting insights into various fields of interest: the development of democracy, the strength or weakness of human rights in constitutional practice, the forming of national and transnational networks between individuals as well as between different associations such as human rights leagues, the establishment of certain values in society (like peace as opposed to war, or de-colonisation as opposed to colonialism), charity issues closely linked to the practice of human rights, the building of a European or even global civil society, and so forth.

The French *Ligue des droits de l'homme* (LDH), founded in 1898 in the context of the Dreyfus affair, was the first such league and provided the model for all further leagues for human rights in Europe. For nearly half a century, it served as the keystone for an emerging transnational network of human rights activists. Nearly a third of all leagues mentioned in various documents from the first half of the 20th century had been founded in France by exiles, and another fifth continued their activity in French exile after their respective home countries had fallen under dictatorship. Without a doubt, the most notable case is that of the Italian League during the interwar period. The French League, with some involvement by the German League, was also the driving force behind the foundation of an international umbrella organisation, the *Ligue internationale* or *Fédération internationale des (ligues des) droits de l'homme* (FIDH)¹, in 1922. The various leagues share their commitment to a universal ideal of human rights based in the revolutionary concept of human rights embodied in the French Declaration of the Rights of Man and of the Citizen in 1789.²

To this day, the archives of the French League for the interwar period are the most comprehensive of all the known archives, although Emmanuel Naquet

1 In the era before World War II, both names were used for the International Federation. See the contributions by Gilles Manceron and Christopher Treiblmayr in this volume.

2 See Wolfgang Schmale, Grund- und Menschenrechte in vormodernen und modernen Gesellschaften Europas, in: Margarete Grandner / Wolfgang Schmale / Michael Weinzierl (eds.), *Grund- und Menschenrechte. Historische Perspektiven – Aktuelle Problematiken*, Vienna / Munich 2002, 29–76, 69f. We would like to thank John Hodgshon, Brita Pohl, Stephan Stockinger and Thomas Tretzmüller for their translation and proofreading support.

bemoans a number of lacunae.³ Not all leagues established and kept archives; others did, but their archives have been lost or are presumed lost. The French League's archives were returned by the Russian Federation after the fall of the Eastern Bloc. They had initially been confiscated by the Nazis and later by the Red Army; they were transported to Moscow, where they disappeared in the Special Secret Archives of the Soviet Secret Services for several decades.⁴ This is also where parts of the pre-war archives of the Austrian League, founded in 1926, had ended up, as Christopher Treiblmayr shows in his contribution to this volume. Within the scope of a research project by the two editors, we were able to locate these files in Moscow.⁵ There are at least two leagues today whose archives cover the entire period from the year of their foundation up to the present day – the French and the Austrian League for Human Rights.

With regard to other leagues, the situation varies from a near complete lack of documents available for the period before World War II to a considerable number of documents dispersed among different archives, libraries, institutions, private estates etc. The French League's journal, "Les Cahiers des droits de l'homme", provides information about various pre-World-War-II leagues, but as a source is no substitute for a league archive. The pre-war archive of the French LDH also contains documents concerning other leagues.⁶ On the whole, this information is precious but nevertheless unsatisfactory, to say the least.

The present volume provides an apposite description of the variety of archive situations. All contributions (except for the one on the Belgian League) are based on archive material. Tenacious research promises to prove rewarding, as Izabela Mrzygłód shows for the Polish League, Paul Fonck for the Luxembourgish League, Michalis Moraitidis for the Greek League, Stilyan Deyanov for the Romanian League, or Doris Leuenberger and Patrick Herzig for the Swiss League, among others. Some of these authors were the first persons ever to search for archive material on the respective leagues, and they were able to fill gaps by 'data mining' newspapers, magazines and other periodicals. After the completion

3 Emmanuel Naquet, *Pour l'Humanité. La Ligue des droits de l'homme de l'affaire Dreyfus à la défaite de 1940*, Rennes 2014, 30.

4 See Geneviève Dreyfus-Armand, Les archives de la Ligue des droits de l'homme à la BDIC, in: Sonia Combe / Grégory Cingal (eds.), *Retour de Moscou. Les archives de la Ligue des droits de l'homme 1898–1940*, Paris 2004, 11–16. Sonia Combe, Paris-Moscou, aller-retour: historique d'une spoliation et d'une restitution, in: *ibid.*, 17–26.

5 The project under the participation of Thomas Brendel was funded by the Austrian Science Fund (FWF, Fonds zur Förderung der wissenschaftlichen Forschung, project number P 20475).

6 Both are to be found in the *Bibliothèque de documentation internationale contemporaine* (BDIC), Paris-Nanterre, <http://www.bdic.fr/>, consulted 6 December 2016. The following boxes, summed up in the inventory as "relations extérieures" of the French *Ligue des droits de l'homme*, contain portfolios relating to various leagues: BDIC, F delta res 0798/54 – F delta res 0798/60. In fact, sometimes the documents of one particular league are to be found not only in the respective portfolio, but also scattered across the portfolios of other leagues.

of the Europeana newspaper digitisation project, this may become a practicable option, although the inner balance of the project is far from satisfactory.⁷

An international workshop at the University of Vienna in May 2014, organised by the two editors of the present volume, assembled scholars and activists from eight countries, all concerned – some through historical research, some through human rights activities – with human rights leagues. This workshop was the first attempt to cross-link research on different human rights leagues and instigate further and more in-depth investigation where little or no historical research had been carried out before.⁸ The present volume presents the revised conference papers as well as supplementary articles dealing with (in alphabetical order) the Austrian League, the Belgian League, the Bulgarian League, the French League, the pre- and post-war German Leagues, the Hellenic League, the International Federation of Human Rights Leagues, the Italian League, the Luxembourgish League, the Polish League, the Romanian League, the Spanish League, and the Swiss League. Table 1 lists the leagues resp. organisations represented in the volume in the order of their foundation. The “Forum” section contains contributions that provide a first insight into a particular league’s history and thus aim to motivate further research.

<i>Year of foundation</i>	<i>Country</i>
1898	France
1901	Belgium
1913	Spain
1918	Greece
1921	Poland
1922	Bulgaria; Germany; International Federation; Italy (in French exile)
1923	Luxembourg; Romania
1926	Austria
1928	Switzerland
1986	Turkey ⁹

Table 1.

The majority of the leagues were forced to interrupt their activities at some point, especially during National Socialism. The first league thus affected was the German League, which was forcibly dissolved by the Nazi regime. Others, like the Austrian League, were prohibited or dissolved themselves in 1938 or 1939, and the French League was unable to function after 1940/41. Many league members

7 See <http://www.europeana-newspapers.eu/>, consulted 6 December 2016.

8 See also Wolfgang Schmale / Christopher Treiblmayr, Human Rights Leagues and Civil Society (1898–ca. 1970s), in: *Historische Mitteilungen* 27/2015, 186–208.

9 *İnsan Hakları Derneği* (IHD/Human Rights Association).

became victims of National Socialist persecution and extermination. This is one of the reasons why much knowledge regarding the pre-war history of the human rights leagues is lost, and the long-term success of the National Socialist extinction of the memory of the leagues and the personalities who shaped them is a sad fact demonstrated by the contributions collected in this volume. It therefore also aims to counteract this loss of memory.

Some leagues succeeded in founding exile organisations outside their country. In order to continue their human rights activities, for example, European emigrants founded a new governing body in New York, called the International League of the Rights of Man and for the New Democracy, in 1941. In this they collaborated with the civil rights activist Roger N. Baldwin, whose name also appears among the subscribers of “*Les Cahiers des droits de l’homme*”.¹⁰ As a small lobbying group, its members initially saw its role in an intellectual contribution to the liberation of Europe from National Socialism. Democracy and freedom were among their core values, as they believed that disregard for human rights and basic freedoms had been one of the fundamental causes of World War II. The group began to expand its focus toward the end of the war, starting to campaign for worldwide respect for human rights as part of a universal approach to the notion. Regional committees were founded for Latin America, Europe, Asia and Africa, which dealt with the question of an International Bill of Rights among other things. The “Jewish question” also played a large role in their deliberations.¹¹ This new umbrella organisation continued its activities after the end of World War II. In 1947, besides organisations like the International Arbitration League in London and the *Comité Mexicano contra el Racismo* in Mexico, its affiliates included an Argentinian and an Italian league, a league in Belgian Congo, a Haitian league, a German exile league in London, a Hungarian and a Spanish exile league in Paris, and the Swiss, Luxembourgish and Austrian leagues.¹²

By 1944/45, the French League had also resumed operations¹³ and was working on the re-establishment of the international umbrella organisation. After the end of World War II, the latter referred to itself only as FIDH and not as *Ligue internationale* so as to avoid being confused with the New York International League. Shortly before the adoption of the Universal Declaration of Human Rights by the United Nations in 1948, the efforts to reunite the leagues were announced in a circular of the re-established Austrian League. The members listed there were the leagues of Germany, Argentina, Austria, Spain (in exile), France,

10 See BDIC, F delta res 798/46.

11 See Jan Eckel, The International League for the Rights of Man, Amnesty International, and the Changing Fate of Human Rights Activism from the 1940s through the 1970s, in: *Humanity. An International Journal of Human Rights, Humanitarianism, and Development* 4/2013, no. 2, 183–214, 184ff. See also Schmale / Treiblmayr, Human Rights Leagues, 206.

12 See folder Presenting the International League for the Rights of Man, 1947, Folder I.L.H.R. (New York) I, XXI/1, Archives of the Austrian League for Human Rights.

13 See *Les Cahiers des droits de l’homme*, 1945, no. 1.