

ORIGINAL ARTICLE

Lawyers' Activism, International Law, and Human Rights in the Cold War Era: The Emergence of Radical Legal Internationalism

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Abstract

The International Association of Democratic Lawyers (IADL), founded in Paris in 1946 by a group of antifascist lawyers, has long been dismissed as a Soviet front organization. Yet, this characterization overlooks its complex and multifaceted history. This paper reassesses IADL's first thirty years, exploring its origins, internal debates, and cross-border engagement. Drawing on archival records, this article argues that—despite a period of Communist influence—the IADL contributed to international legal and political discourse by advancing an original approach defined here as radical legal internationalism. Through this framework, IADL lawyers questioned Cold War ideological boundaries and brought into dialogue Communist, progressive, New Left, decolonial, and liberal rights traditions. The article also uncovers the IADL's significant role in promoting international law and human rights through trial observation, UN advocacy, and missions of inquiry. In challenging the dominant account of the Left's delayed and uneasy embrace of human rights, this article calls for a broader understanding of Cold War-era legal internationalism and highlights an alternative tradition of legal activism.

Keywords: International Association of Democratic Lawyers; Human rights; International law; Cold War; Radical legal internationalism

For decades, thousands of lawyers from around the world regularly convened to discuss international legal issues, investigated and denounced human rights violations, volunteered as trial observers for political defendants, and offered pro bono representation. Since 1946, the International Association of Democratic Lawyers (IADL) has served as their institutional home.

Yet despite this record, the IADL has received scant scholarly attention. With a few exceptions, the IADL has been dismissed as a quintessential

“Communist front organization.” According to this interpretation, the IADL was nothing more than a supporting agency created and manipulated by the Soviet Union—devoid of “spontaneous expression” and tasked “to undermine the foundations of free society while all the time promoting imperialistic designs disguised as a struggle for the interests of the common man, of the exploited toiler, of the oppressed colonial.”¹ In this view, the IADL was not only a puppet organization but also a weapon of deception. While ostensibly advocating freedom and human rights with a nonpartisan attitude, it sailed “under false colours,” as one rival lawyers’ organization described it.²

When mentioned, the IADL has been belittled as a living contradiction, lacking professional credibility. In 1961, Otto Kirchheimer noted the tension between its mission of defending Communist activists from repression and its silence on repression by Communist regimes.³ More recently, research on human rights history has begun to acknowledge the IADL. However, the trajectory of the association is considered a litmus test of the failure of the post-war universal vision of law and human rights—a vision that rapidly crumbled due to the Cold War orthodoxies. Yet again, the IADL stands as an example of Soviet political and legal dogmatism to the detriment of unbiased internationalism.⁴

To be sure, all these characterizations contain a grain of truth and perhaps more. The IADL was undeniably influenced by the Soviet Union and, for a period, aligned with its foreign policy agenda. However, this interpretation clouds many dimensions of the IADL’s history, which is far more nuanced, contradictory, and illuminating. This paper proposes to move beyond the limitations of a Cold War framework and offers a historical account of the IADL’s first thirty years, from its founding in 1946 through 1977—the conventional “breakthrough year” of the global human rights movement.⁵ More specifically, this research examines several

¹ Vladimír Kabeš and Alfons Sergot, *Blueprint of Deception: Character and Record of the International Association of Democratic Lawyers* (The Hague: Mouton & Co, 1957), 5–6. It is important to mention that this text was written by Vladimír Kabeš, a Czech anticommunist refugee who was on the payroll of the CIA-sponsored International Commission of Jurists, and Alfons Sergot, a legal scholar and later a professor at the Catholic University of Puerto Rico. Although the book was intended as a work of propaganda, it contains a wealth of factual information about the IADL, likely gathered through infiltration. When carefully cross-checked and stripped of ideological commentary, these details prove to be highly valuable.

² International Commission of Jurists, *Under False Colours: A Report on the Character of the International Association of Democratic Lawyers* (The Hague: ICJ, 1955), 1–3, 20.

³ Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961), 257.

⁴ Mikael Rask Madsen, “« Make law, not war ». Les « sociétés impériales » confrontées à l’institutionnalisation internationale des droits de l’homme,” *Actes de la recherche en sciences sociales* 151–152 (2014): 96–106; Liora Israël, *Robes noires, années sombres : avocats et magistrats en résistance pendant la Seconde Guerre mondiale* (Paris: Fayard, 2005), 414.

⁵ See, as examples of this paper’s approach, Francisca de Haan, “Continuing Cold War Paradigms in the Western Historiography of Transnational Women’s Organisations: The Case of the Women’s International Democratic Federation (WIDF),” *Women’s History Review* 19 (2010): 547–573; Phillip Deery, “The Left and the International Arena: The Rosenberg Case,” *Leftist Internationalisms: A Transnational Political History*, ed. Michele Di Donato and Mathieu Fulla (London: Bloomsbury, 2023), 191–204; Celia Donert, “From Communist Internationalism to Human Rights: Gender, Violence and

disregarded dimensions of IADL's history, including its origin and evolution, the extent and limits of Soviet influence, and the internal debates among competing visions of international law, human rights, and politics. These debates gave rise to what I define as radical legal internationalism—an approach that put into dialogue and criticized Communist, progressive, New Left, decolonial, and liberal rights traditions. This paper also excavates the mobilization of IADL-affiliated lawyers across borders and domains. Given the paucity of existing scholarship, it draws on a wide array of primary sources, including IADL internal correspondence and official publications, lawyers' private archives, United Nations (UN) records, and Central Intelligence Agency (CIA) reports.⁶

Revisiting the history of the IADL has a few significant implications. First, it helps reassess the trajectory of leftist internationalism—a political phenomenon that has shaped twentieth-century global history but remains underexamined. Following recent historiography, this article understands internationalism as a practice, namely a concrete effort at transnational cooperation, engagement, and solidarity that is not overdetermined by state actors and undergoes constant reinvention through ideological transactions and cross-pollination.⁷

Second, this article contributes to an emerging body of scholarship that views human rights not as a universally accepted *lingua franca*, but rather as “a means of staking political claims and counterclaims.” Adopting Stefan-Ludwig Hoffmann's perspective, this research understands human rights as “historically contingent” and “politically contested” norms whose interpretations competed for moral universalism in the Cold War arena.⁸

Finally—and perhaps most importantly—this research aims to redefine the meaning and temporality of leftist human rights engagement. Samuel Moyn has influentially argued that leftist activists treated human rights as a peripheral concern until the decline of revolutionary utopias in the 1970s. Leftist mobilization around human rights, despite being crucial for their global success, made its appearance “as a pure alternative in an age of ideological betrayal and political collapse.” When the Marxist dreams of the Sixties and postcolonial liberation looked

International Law in the Women's International Democratic Federation Mission to North Korea, 1951,” *Contemporary European History* 25 (2016): 313–333. The human rights' chronology is borrowed from Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2012), 122–130.

⁶ The eclecticism of this article's sources—both private and institutional, drawn from American and European archives—is intentional: it is meant to foster a more polyphonic reconstruction of the IADL's history and enable extensive cross-checking. While fully aware of the political sensitivity of these materials and skeptical of any claim to hermeneutic neutrality, the author advocates for an evidence-based approach to understanding the evolution of international law and its institutions. Such an approach must rest on a transparent method of inquiry, a limited notion of objectivity, and a critical analysis of the available evidence. See, along these lines, Marek Tamm, “Truth, Objectivity and Evidence in History Writing” *Journal of the Philosophy of History* 2 (2014): 265–290. For a critical standpoint, see Anne Orford, *International Law and the Politics of History* (Cambridge: Cambridge University Press, 2021), 285–320.

⁷ Michele Di Donato and Mathieu Fulla, “Introduction: Leftist Internationalisms in the History of the Twentieth Century,” in *Leftist Internationalisms*, ed. Di Donato and Fulla, 1–22.

⁸ Stefan-Ludwig Hoffmann, “Introduction: Genealogies of Human Rights,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2011), 1–26.

weary or failed, a disoriented and disillusioned Left found in human rights activism a useful way out.⁹ Such human rights advocacy also turned into a “tragedy,” according to Moyn, making leftist engagement with this legal notion even more uneasy. Former revolutionaries, once committed to resisting the capitalist state and its liberal legal system in the name of revolutionary socialism, were forced to rely on liberal guarantees if they wanted to safeguard human rights and international legality.¹⁰ To be sure, Moyn’s seminal interpretation remains valid for a part of the Left, whose relationship with human rights has been problematic and contradictory, up to the present. However, an uncritical generalization of Moyn’s argument can be misleading and does not apply to the influential network of the IADL. The belligerent lawyers described in this paper placed international law and human rights center stage since the mid-1940s. Their early embrace of these values and their mobilization were not an expedient but a principled choice rooted in antifascism, belief in peaceful cooperation, and loyalty to democratic ideals. As this research demonstrates, these lawyers pioneered international law and human rights activism, seeking to transcend Cold War politics.

An International Bar Association

It was during the sessions of the United Nations founding Conference in San Francisco, in the Spring of 1945, that lawyers first whispered the idea of creating an “international bar association.” Lawyers began to envision a new international order: fascism had to be eradicated, democracy consolidated, peace safeguarded, and international law built anew. Among those who stepped forward were a group of progressive and Communist lawyers from the United States and France.¹¹ The American contingent was primarily associated with the National Lawyers Guild (NLG), the first desegregated bar association of America and a champion of left-wing causes. The NLG participated in the San Francisco conference as a consultative organization to the US delegation. The French lawyers were guided by Joë Nordmann, a long-time member of the French Communist Party and activist in the International Red Aid (IRA) since the 1930s. A resistance leader and self-described “blind and sectarian partisan” who revered Stalin and the Union of Socialist Soviet Republics (USSR), he had founded the National Front of Jurists during the war and took part in the liberation of Paris.

⁹ Moyn, *The Last Utopia*, in particular 7–9. For a multi-layered explanation of the “1970s human rights moment,” see Jan Eckel, “The Rebirth of Politics from the Spirit of Morality: Explaining the Human Rights Revolution of the 1970s,” in *The Breakthrough: Human Rights in the 1970s*, ed. Jan Eckel and Samuel Moyn (Philadelphia: University of Pennsylvania Press, 2013), 226–259. A similar interpretation, though based on the notion of a leftist “ethical turn” after the failure of the 1968 mobilizations, can be found in Julian Bourg, *From Revolution to Ethics: May 1968 and Contemporary French Thought* (Montreal-Kingston: McGill-Queen’s University Press, 2007). For a different, non-Western angle, see *Decolonization, Self-determination, and the Rise of Global Human Rights*, ed. A. Dirk Moses, Marco Duranti, Roland Burke (New York: Cambridge University Press, 2020).

¹⁰ Samuel Moyn, “Michael Ratner’s Tragedy, and Ours,” *The New York Review*, September 1, 2021.

¹¹ Martin Popper, “International Association of Democratic Lawyers,” *Lawyers Guild Review* 6 (1946): 572–575.

In September 1945, Nordmann traveled to New York at the invitation of the NLG, where he delivered a legendary appeal to the NLG's New York chapter, urging the legal community to defend freedom from the resurgence of fascism.¹² While in New York, Nordmann also met another key figure: Martin Popper, the executive secretary of the NLG and a Communist lawyer who would later make a name for himself representing the Hollywood Ten—the famous filmmakers and screenwriters investigated for their alleged Communist affiliation. Nordmann and Popper pledged to give birth to a lawyers' organization and soon reconvened in Nuremberg, where both had been sent as observers to the trial of Nazi leaders before the International Military Tribunal. Conversations about a new international association gained momentum and began to involve the Soviets. Testimonies evince a unique atmosphere surrounding the lawyers at Nuremberg. The agreement among prosecutors seemed “harmonious,” given the unanimous condemnation of Nazi crimes.¹³ Lawyers felt they were taking “a decisive step in the history of mankind.” For the first time, individuals responsible for waging an aggressive war and orchestrating the extermination of millions of human beings were publicly held accountable. The trial and its verdict were framed as the dawn of international criminal law and “the birth certificate of an organized international society.”¹⁴

Western leftist lawyers believed that the universalism forged through the antifascist resistance and the friendship ties built among jurists during the trial had to be preserved at any price.¹⁵ They also insisted on consolidating the links with the USSR, whose “immense and heroic sacrifices” in the war deserved recognition.¹⁶ In March 1946, Popper was summoned by the Soviet delegation at Nuremberg and traveled to the USSR to report on the trial. There, he once again discussed the prospect of creating an organization of lawyers “dedicated to the support of the principles of the United Nations.”¹⁷

Building on this fraternal spirit, the IADL came into the world in Paris at an international conference organized by Nordmann on October 24–28, 1946.¹⁸ All lawyers were invited to join, except those who collaborated with the Axis powers.

¹² Joë Nordmann and Anne Brunel, *Aux vents de l'histoire* (Arles: Actes Sud, 1996), 181–184, 225–226. See also Liora Israël, “Nordmann Joë,” in the biographic dictionary *Le Maitron* <https://maitron.fr/spip.php?article146518>. All translations from French texts are mine.

¹³ See the reminiscences of the Deputy Chief Prosecutor for the USSR at Nuremberg, Lev Smirnov, “The Nuremberg Trials at the Present Day,” *Review of Contemporary Law* [henceforth, *RCL*], no. 2 (1976): 13–23. See also Robert H. Jackson, “Lawyers Today: The Legal Profession in a World of Paradox,” *American Bar Association Journal* 33 (1947): 24–27, 85–89. On the Soviets at Nuremberg, see Francine Hirsch, “The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order,” *American Historical Review* 113 (2008): 701–730.

¹⁴ Marcel Merle, “Nuremberg, Twenty Years Later,” *RCL* 14, no. 1 (1967): 13–20.

¹⁵ See Cassin in Bulletin of the IADL, XXth Anniversary of the I.A.D.L.: A Report about the Commemorating Meeting at UNESCO House (Paris – January 20, 1967) (Brussels: IADL, n.d. but 1967), 11.

¹⁶ Joë Nordmann, “The International Association of Democratic Lawyers Is Thirty Years Old,” *RCL*, no. 1 (1976): 117–124.

¹⁷ 86th Congress, 1st Session, House of Representatives, *Proceedings against Martin Popper*. September 3, 1959, Report 1135, Serial Set 12164, Session 7, 13.

¹⁸ Officially, the meeting was convened by the French National Judiciary Movement. Masterminded by Nordmann, the organization was the successor to the National Front of Jurists, founded during World War II to unite antifascist lawyers.

Between 200 and 250 delegates from 24 countries eventually flocked to the Parisian Court of Cassation to participate in the meeting. The conference was chaired by Pierre-Henri Teitgen, France's Minister of Justice and another resistance hero. The US delegation included five NLG lawyers. The American Bar Association (ABA), despite receiving an invitation, chose not to participate.¹⁹ According to CIA sources, the majority of delegates were neither openly Communist nor citizens of a Communist country.²⁰ However, it was clear from the beginning that the organization feared red-baiting and sought credibility. To bolster its legitimacy, the IADL elected world-renowned jurist René Cassin as its president. A vice-president of the French State Council, Cassin would be recognized as the main redactor of the Universal Declaration of Human Rights.²¹ Nordmann and Popper were elected secretaries-general, and Robert W. Kenny, president of the NLG and a former attorney general of California, was named vice-president. While headquartered in Paris, the IADL opened an office in New York under Popper's direction to oversee the activities of the Americas and weave relations with the United Nations. By 1947, the IADL had secured consultative status with the UN Economic and Social Council (ECOSOC), one of the six main organs of the UN.

The IADL's founding documents did not appear especially radical and adhered closely to its declared universalism. The association pledged to facilitate contacts and exchanges of views among lawyers and their organizations; to cooperate in realizing the aims of the UN Charter; to encourage the study and practice of "democracy making" as a path to peace and international cooperation; to restore, defend, and develop "democratic rights and liberties" in legislation and legal practice; and to promote the independence of all peoples.²² Even so, the IADL endorsed an activist role for international lawyers. This stance was grounded in the awareness of operating "in a turbulent period of history" marked by both "opportunities for immense progress" and "dangers of appalling mass destruction." In such times, lawyers had "greater opportunities for good and evil than others."²³ Abstract proclamations, the IADL maintained, were insufficient. Instead, "combatant lawyers" bore the responsibility of remaining vigilant in "the defense of human rights, public liberties, peoples' rights, [and] international security." Thanks to lawyers, the law could turn from an instrument of domination "over the people" to an instrument of domination "by the people" over their own economic and social relations.²⁴

¹⁹ Kabeš and Sergot, *Blueprint of Deception*, 19–21.

²⁰ CIA, *Facts About International Communist Front Organisations*, March, 1955, 36, CIA-RDP78-02646R000400340001-6, CIA Historical Collections, <https://www.cia.gov/readingroom/historical-collections>.

²¹ Kabeš and Sergot, *Blueprint of Deception*, 26–29; Bulletin of the IADL, XXth Anniversary of the I.A.D.L., 11.

²² *Constitution of the IADL*, in Folder 8, Box 61, Mary Metlay Kaufman Papers at Smith College [henceforth, Kaufman Papers].

²³ "Editor's presentation," *Law in the Service of Peace* [henceforth, LSP] 1 (1954): 1.

²⁴ Association Internationale des Juristes Démocrates [henceforth, AIJD], *L'Association Internationale des Juristes Démocrates : ses origines, ses caractéristiques, ses activités* (Bruxelles: AIJD, 1981), 4–6.

Extent and Limits of Soviet Influence

Cold war winds soon rippled the waters of unanimity and cooperation between Communist and non-Communist members of the IADL. The organization's second congress, held in Brussels in July 1947, marked the last display of political concord. Just a year later, the Communist government of Czechoslovakia hosted the third congress in Prague, and Eulampi L. Zeydin, vice-minister of justice of the USSR and former prosecutor in the infamous purge trials, was elected vice-president of the IADL. As Nordmann put it, the Soviet Union began trying to "phagocytize" the organization, and internal tensions started to surface.²⁵

In 1949, a few non-Communist lawyers resigned, including René Cassin. The president was disturbed to discover that some of the principles of the Declaration he had worked on so dearly were now being openly questioned. Years later, he recalled that wherever Western delegations went forward, Eastern delegations hung back. The IADL could no longer sustain the syncretic approach that had been Cassin's primary objective. During his speech at the Prague congress, he emphasized that democratic lawyers must oppose evil and "anti-democracy" everywhere, noting that none of the countries represented at the IADL was "blameless," meaning in the position to claim that all human rights were respected within its borders. Yet, he realized that he was not able "to master events" any longer. In March 1949, Cassin resigned after failing to vote down the proposal that the IADL send an official delegation to the Soviet-sponsored Congress of the World Peace Council.²⁶

A few months later, prompted by the CIA, the French government expelled the IADL secretariat, forcing it to relocate to Belgium and Poland.²⁷ The fourth congress, held in Rome in October 1949, took place in a Western country but clearly displayed signs of the organization's progressive Sovietization. Abiding by Stalinist orthodoxy, the delegates almost unanimously voted to expel the Yugoslav section, citing violations of the IADL's statutes. The Yugoslavs' alleged "terrorist" tactics and Tito's nonaligned foreign policy were deemed sufficient reasons to sever ties.²⁸ Confirming the association's reorientation, British lawyer and Communist politician Dennis N. Pritt replaced Cassin as president. Pritt's full-throated Stalinism had previously led to his expulsion from the Labour Party and, indirectly, the loss of his parliamentary seat, but it would later earn him the 1954 Stalin Peace Prize.²⁹ Then, in July 1950, the ECOSOC

²⁵ See Nordmann and Brunel, *Aux vents de l'histoire*, 226; Kabeš and Sergot, *Blueprint of Deception*, 48–56; International Commission of Jurists, *Under False Colours*, 1–3.

²⁶ Bulletin of the IADL, XXth Anniversary of the I.A.D.L., 12–13.

²⁷ CIA, *Facts About International Communist Front Organisations*, 36. See also Howard B. Tolley, Jr., *The International Commission of Jurists* (Philadelphia: University of Philadelphia Press, 1994), 28–29.

²⁸ Twenty-three voted for expulsion, one against (Yugoslavia), two abstained. See Kabeš and Sergot, *Blueprint of Deception*, 81.

²⁹ In 1936, Pritt had attended the trial of Zinoviev, Kamenev, and others in Moscow. Although the defendants were sentenced to death by a kangaroo court, Pritt found the case genuine and wrote a book to explain it. See Dennis N. Pritt, *At the Moscow Trial* (New York: International Publishers, 1937).

withdrew the IADL's consultative status, formally distancing the organization from the UN's nonsectarian framework.³⁰

This political drift gradually alienated American lawyers as well. The straw that broke the camel's back was the expulsion of the Yugoslav section, which the National Lawyers Guild, the only US organization affiliated with the IADL, opposed.³¹ Meanwhile, in September 1950, the Committee on Un-American Activities issued a report charging the NLG with being "the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions." Significantly, the smoking gun proving the alleged Guild's subordination to the Soviets was its membership in the IADL. Because of that affiliation, the Committee recommended that the Guild be registered as the agent of a foreign principal. In response, the NLG not only rebuked that "affiliation" did not mean "subordination" but also claimed that the Guild had often disagreed with the IADL. Nonetheless, in 1951, the NLG chose to disaffiliate—a decision that appeared tactically convenient.³²

It is therefore clear that, during the 1950s, the Soviet ideological mantle wrapped the IADL. For several years, its official publication—*Law in the Service of Peace*, renamed *Review of Contemporary Law* in 1954—primarily reflected the Soviet perspective. A large number of articles eulogized the legal reforms in the USSR and its Central and Eastern European satellites. Aimed at educating Western lawyers about the successful construction of an alternative legal model based on more humane and fraternal principles, the review delved into a wide range of Communist legal topics, including highly specialized subjects. The reader could find, side by side, articles on economic contracts in Czechoslovak civil law, developments in Soviet criminal procedure, analyses of Soviet arbitration in foreign trade, and essays extolling the democratic nature of the People's Republic of Mongolia. Selective attention to the international crimes and human rights violations of the Western countries chimed with a total silence on Soviet abuses. Furthermore, IADL's resolutions, documents, and missions mimicked the binary logic of the Cold War. It comes as no surprise that the majority of the IADL officers in the mid-1950s were members of national Communist parties or openly pro-Soviet. According to a CIA report on the

³⁰ International Commission of Jurists, *Under False Colours*, 12–13. Interestingly, the Women's International Democratic Federation was also stripped of its consultative status in 1954. See Donert, "From Communist Internationalism to Human Rights."

³¹ In fact, the two Guild delegates at the Rome conference, Robert J. Silberstein and William L. Standard, had approved the expulsion. However, their colleagues in the US were outraged. See William L. Standard to Ben Margolis *et al.*, September 26, 1968, Folder 15, Box 8, Victor Rabinowitz Papers at Tamiment Library, New York University [henceforth, Rabinowitz Papers].

³² See "The National Lawyers Guild: Legal Bulwark of Democracy—A Reply to the Report of the Committee on Un-American Activities," *Lawyers Guild Review* 10 (1950): 93–110. See also NLG, *An Appeal To Reason: The Proposal of the Attorney General to List the National Lawyers Guild As "Subversive"—Its Implications for the Democratic Process and the Bar*, n.d., Folder 8C:10, Box N-34, Part II, Hall and Hoag Collection of Dissenting and Extremist Printed Propaganda, John Hay Library, Brown University.

organization, of the 25 officers listed (excluding the president), only four or five were not strictly aligned.³³ This is also why, by that point, the CIA had infiltrated the IADL.³⁴

All that said, it is important to emphasize that the IADL, especially in Western Europe, continued to attract lawyers of diverse ideological backgrounds who were not beholden to Moscow. For one thing, the IADL budget was sustained by contributions from national member associations, not Soviet funding.³⁵ More importantly, the internal dialectic never disappeared. As early as 1954, the British Haldane Society of Socialist Lawyers candidly voiced the Western European lawyers' skepticism about "the notion of law in the socialist countries" and called on IADL colleagues to clarify these concerns.³⁶ Internal dissent became more pronounced following the Soviet suppression of the Hungarian Revolution in 1956. The crackdown shocked many within the IADL, prompting calls for the organization to take an oppositional stance. In response, Pritt and Nordmann issued a formal declaration acknowledging that "divergent points of view" had emerged and the situation required careful examination.³⁷ In a coeval publication, Jean Boulrier, a well-known French "red priest" and IADL activist, offered an unflinching critique of the socialist states: "People have been sentenced in these countries after trials that were a mockery of justice. Political adversaries have been suppressed by veritable judicial murders. These crimes should be exposed and stigmatized as they deserve! It is the duty and honor of a lawyers' association to remind the world's conscience of the inalienable requirements of justice."³⁸ Divisions also grew around the exclusion of Yugoslavia, and by 1960, the IADL had welcomed Yugoslav lawyers back into the fold.³⁹ Around the same time, US lawyers resumed individual participation in

³³ See the CIA report, n.d. but 1955, CIA-RDP78-00915R000600150007-2, CIA Historical Collections, <https://www.cia.gov/readingroom/historical-collections>.

³⁴ The CIA later acknowledged infiltration of two informants into the IADL. See *Response and Objections of Defendant Director of Central Intelligence and United States of America to Plaintiffs' Interrogatories and Requests for Documents* (January 1981) in NLG, et al. v. US AG, et al., 77 CIV. 999 (CLB), Folder 2, Box 104, National Lawyers Guild Records, Tamiment Library, New York University [henceforth, NLG Records at NYU].

³⁵ Doris Brin Walker, *International Association of Democratic Lawyers: An Extremely Brief and Incomplete History*, n.d. but 1975, Folder NLG International Committee, Carton 26, National Lawyers Guild Records, 1936-1999, Bancroft Library, University of California Berkeley [henceforth, NLG Records at Berkeley]. See also AIJD, *L'Association Internationale des Juristes Démocrates*, 28.

³⁶ See IADL, *Défense des libertés démocratiques : interventions et documents de la Conférence Internationale des Juristes pour la Défense des Libertés Démocratiques* (Vienne 1954) (Bruxelles: IADL, 1954), 38.

³⁷ IADL, *Declaration of the President and the General Secretary of the I.A.D.L. on the Events in Hungary* (Bruxelles: IADL, 1956).

³⁸ See Jean Boulrier, *The Law above the Rule of Law: A Criticism of an Enterprise of the Cold War* (Brussels: IADL, 1958), 11. On Boulrier, who had been a Communist, pacifist, and leading proponent of "social Christianity," see Boulrier, *I Was a Red Priest: Memories and Testimonials* (New York: Red Star, 2022).

³⁹ *Report of NGL Committee Dealing with the Question of Affiliation of the Guild with the IADL*, 24 January 1969, Folder 37, Box 5, NLG Records at NYU. It is important to note that Soviet IADL representatives acquiesced to Yugoslavia's reintegration, reflecting the broader Tito-Khrushchev rapprochement initiated in 1955.

the organization, advocating for impartiality in the application of law and challenging the notion of “socialist legality.”⁴⁰

By 1967, the leadership of the IADL publicly acknowledged its “mistakes,” “misjudgments,” and delays in recognizing them. Even Cassin sensed a change in the winds. Invited to celebrate the organization’s twentieth anniversary in Paris that year, he noted that, after a period of difficulty, the IADL was on its course again and gradually regaining the political equidistance he had always advocated.⁴¹ A couple of years later, the UN restored the IADL’s consultative status with the ECOSOC.

In the meantime, the Soviet military intervention in Czechoslovakia in 1968 prompted a renewed wave of internal criticism. Pierre Cot—a former French Popular Front minister who, according to KGB files, had acted as a Soviet source during World War II and now served as IADL president⁴²—publicly acknowledged that democratic jurists were not indifferent to the sight of Soviet tanks rolling through Prague and that the organization was deeply divided. While articulating the fragile legal arguments of those who justified the intervention, Cot could not help but mention that the Soviet action contradicted the IADL’s core principles: the equal sovereignty of nations, peaceful settlement of international disputes, and respect for territorial integrity.⁴³ The IADL review meanwhile featured a bold resolution from Czechoslovak lawyers who, months before the August invasion, had demanded reforms to the Stalinist regime and condemned “unlawful political trials,” “censorship,” and the mistreatment of lawyers.⁴⁴ Even Joë Nordmann—typically unwavering in his Stalinist convictions—was shaken by the Soviet move, describing it as a form of imperialism and a betrayal. After suffering “physical pain and immediate shiver,” he resolved that the IADL should officially condemn the invasion, as the French Communist Party and many other leftist parties had done. However, the Soviets and their allies successfully blocked any formal condemnation. Undeterred, Nordmann, Pritt, and Cot issued a joint declaration on Prague, which appeared in the French Communist daily *l’Humanité* and was informally circulated among Western IADL members. As secretary general, honorary president, and president, respectively, they expressed “deep trouble and worry” and denounced the intervention as a

⁴⁰ See the untitled document, July 28, 1967, in Folder 9, Box 7, NLG Records at NYU. For a criticism of “socialist legality,” see Robert Treuhaft to János Kádár, October 27, 1964, and the enclosed letter to Kádár signed by the US and Canadian lawyers who attended the IADL conference in Budapest, Folder 25, Box 2, Robert E. Treuhaft Papers, Tamiment Library, New York University [henceforth, Treuhaft Papers].

⁴¹ Bulletin of the IADL, *XXth Anniversary of the I.A.D.L.*, 13, 33, 37.

⁴² John E. Haynes and Harvey Klehr, *Venona: Decoding Soviet Espionage in America* (New Haven: Yale University Press, 2000), 211–212.

⁴³ Pierre Cot, “Editorial,” *RCL* 15, no. 2 (1968): 7–11. See also “Conference of the Union of Czech Lawyers (Prague, December 11 and 12, 1968),” *RCL* 15, no. 2 (1968): 93–97.

⁴⁴ “Resolution of the Executive Committee of the Union of Czechoslovak Lawyers (March 13, 1968),” *RCL* 15, no. 1 (1968): 103–113.

violation of international law. In January 1969, Nordmann and Cot also traveled to Prague and Bratislava to express their solidarity with local lawyers under Soviet threat.⁴⁵

While “socialism with a human face” proved chimeric, the IADL continued to reckon with its contradictions. In 1970, it organized a round-table seminar in Brussels to discuss the doctrine of “limited sovereignty.” Cot reiterated that the use of force in Czechoslovakia had neither legal nor political justification. Only the Soviet representative dissented. The proceedings of the seminar were intended for publication in the *Review of Contemporary Law*, but the Soviets vetoed their appearance. In response, Nordmann, Cot, and Pritt decided to suspend the Paris-based publication of the review—a suspension that would last six years.⁴⁶

This principled stand reassured many within the organization, particularly in the United States.⁴⁷ For American lawyers, it signaled the possibility that the IADL might apply principles of international law to all nations more equally, recognizing that no country was beyond reproach. Otherwise said, there was growing hope that the standards used to judge US military interventions in Vietnam, Cuba, and the Dominican Republic might be extended to the Soviet Union.⁴⁸ After careful evaluation, the reaffiliation of the NLG was approved in 1969.⁴⁹ Reflecting on the IADL’s tenth congress in 1975, one young American delegate—a New Left lawyer attending for the first time—confessed that she had anticipated “dull, formal sessions of an organization dominated by the Soviet Union.” Instead, she encountered “an organization much more exciting and varied,” where independence from the Soviets was common and discussions were as provocative as they were challenging. “Internationalism,” she concluded, “becomes more than just a phrase.”⁵⁰

Shaping Radical Legal Internationalism

Despite Soviet attempts to hegemonize the organization and despite consensus around Communist policies until the 1950s, the IADL remained a vibrant space for the elaboration, exchange, and experimentation of ideas. Collectively, these

⁴⁵ They acted as French members of the IADL without the organization’s mandate. See Nordmann and Brunel, *Aux vents de l’histoire*, 230–234. See also the declaration on Prague signed by Pritt, Cot, and Nordmann, August 22, 1968, Folder 15, Box 8, Rabinowitz Papers.

⁴⁶ Nordmann and Brunel, *Aux vents de l’histoire*, 234–235. See also the editorial note in *RCL* 17, no. 1 (1970).

⁴⁷ See, among others, Victor Rabinowitz to Joë Nordmann, September 11, 1968, Folder 15, Box 8, Rabinowitz Papers.

⁴⁸ See Ernest Goodman to Victor Rabinowitz, September 13, 1968, Folder 15, Box 8, Rabinowitz Papers; *Revised Proposed Statement by the National Lawyers Guild Committee on International Law on Entry of Armed Forces into Czechoslovakia on August 21, 1968*, Folder 37, Box 5, NLG Records at NYU.

⁴⁹ See Joë Nordmann to Victor Rabinowitz, December 20, 1967, Folder 8, Box 7, NLG Records at NYU; Max Dean to Ernest Goodman, October 10, 1968, and attached document *Proposed reaffiliation of the NLG to the IADL*, Folder 17, Box 4, Treuhaff Papers; *Minutes—N.E.B. Meeting, October 18, 19, 1969*, Folder 37, Box 5, NLG Records at NYU.

⁵⁰ Joan Andersson, *Report on the Tenth Congress of IADL, Algiers 1975*, Folder 7, Box 264, NLG Records at NYU.

ideas shaped a legal discourse and practice here defined as radical legal internationalism. This approach reflects a long tradition of leftist internationalism, from which the IADL inherited at least two key features: grassroots solidarity and political inventiveness.

On the one hand, as the final section of this paper will make clear, radical legal internationalism developed not only through the intellectual and political debates led by legal professionals but also through their practice and activism. This engagement, grounded in a strong sense of solidarity, allowed lawyers to test theoretical assumptions against real-world struggles. On the other hand, radical legal internationalism was shaped by the interaction of lawyers from both sides of the Iron Curtain and from nonaligned nations. These encounters brought Communist, progressive, New Left, decolonial, and liberal perspectives into dialogue, exposing their points of convergence as well as their tensions. At first glance, radical legal internationalism may thus appear as a crucible of contradictions. Yet, the willingness to challenge dominant legal discourses from a critical standpoint—without a single interpretive line—was precisely the IADL's *modus operandi*.⁵¹ This characteristic is best exemplified in the debates surrounding three central issues: the rule of law, international law, and the United Nations.

First, the question of the rule of law and the opportunity to advocate it worldwide surfaced in the late 1940s, as soon as the IADL focused on McCarthyism. Democratic lawyers framed their critique of the anticommunist crusade in three key ways. First, McCarthyism was condemned as “a new form of fascism on the American scale,”⁵² and Senator Joseph McCarthy himself was deplored as “a candidate for succession to Hitler.”⁵³ Second, McCarthyism was described as a contagion originating in the United States and spreading to other democratic countries, including France and West Germany.⁵⁴ Finally, and most importantly, IADL jurists identified McCarthyism as “the most threatening current directed against democratic liberties.” The Red Scare, they argued, showcased a fundamental connection “between legality and democratic liberties.” Therefore, the “ideological tendencies that minimize[d] the role of the rule of law, those who den[ied] its objectivity, and finally those who want[ed] to overhaul the rule of law” had to be denounced.⁵⁵ In a 1954 resolution, the IADL asserted that “threats to liberties are variable in their intensity and shape, but they generally adopt the same method: negating the realm of the law. The scrupulous respect of the juridical norm is necessary to guarantee democratic liberties.” The document went further, defining

⁵¹ David Featherstone, *Solidarity: Hidden Histories and Geographies of Internationalism* (London-New York: Zed Books, 2012), in particular 4–6 and 55–57.

⁵² Henry Torres, “Maccarthyism, a Technique Against the Rights of the Individual,” *LSP* 1 (1954): 73–81.

⁵³ Jean Boulrier, “Maccarthyism—A Danger to Peace and International Security,” *LSP* 1 (1954): 89–91.

⁵⁴ See Roland Weyl's intervention in IADL, *Défense des libertés démocratiques*, 41–44. See also the essay by A lawyer of the German Federal Republic, “Proceedings to Outlaw the German Communist Party. A Political Step in the Preparation of War,” *LSP* 2 (1955): 78–83.

⁵⁵ Gérard Lyon-Caen, “Préface” in IADL, *Défense des libertés démocratiques*, 4.

McCarthyism as “the most flagrant misreading of the liberal and democratic tradition.”⁵⁶

This concern for “democratic legality” was a constant in the IADL’s critique of McCarthyism, described by Hungarian Marxist-Leninist scholar Imre Szabó as a “system of negation and derision of law.”⁵⁷ For instance, when the US government outlawed the Communist Party of the United States (CPUSA) through the Communist Control Act of 1954, the IADL’s secretariat general immediately responded. It sent a telegram of protest to US President Eisenhower and US Attorney General Brownell, denouncing that the banning of the Communist Party and the criminalization of its adherents violated both the US Constitution and the Universal Declaration of Human Rights.⁵⁸ This defense of the rule of law continued into the 1970s. When Italian authorities responded to the radical leftist protest with heavy-handed repression, IADL lawyers recalled that the “universal rights” once claimed by the bourgeoisie against feudalism could not be discarded. Centuries after their proclamation, these rights still served as “a means of checking the domination of the bourgeoisie,” which now sought to abolish them.⁵⁹

And yet, if the rule of law seemed to be the most logical antidote to McCarthyism and the repression of “bourgeois justice,” it was also subject to critique. A global campaign launched in the mid-1950s by the American Bar Association and the International Commission of Jurists (ICJ)—a CIA-funded network of jurists defending the values of the “free world”—provided the occasion for IADL lawyers to reflect critically on the meaning of the rule of law. Through conferences and publications, the ABA and the ICJ pushed to the fore the vision of a “unified international legal system” enforcing the rule of law through a “world court of justice.”⁶⁰ The problem, IADL lawyers rebutted, was that behind the seemingly neutral signifier “rule of law” stood a historically and ideologically determined reality: it was the legal expression of the liberal state born of the English and French revolutions. This model assumed that the state’s only function was to guarantee the free exercise of individual rights, which were presumed to pre-exist the political order. Of course, such a state had no mission of social progress or collective emancipation. These influential legal circles, the argument went, promoted the principles underpinning Western systems as universal archetypes.⁶¹

By contrast, IADL lawyers consistently emphasized their understanding of the rule of law as a relative standard. As Cot made it explicit, democratic

⁵⁶ “Résolution Générale” in IADL, *Défense des libertés démocratiques*, 243–244.

⁵⁷ Imre Szabó, “Maccarthysm, the End of Protection by the Law,” *LSP* 1 (1954): 93–96.

⁵⁸ Kabeš and Sergot, *Blueprint of Deception*, 224–225.

⁵⁹ Italian Association of Democratic Lawyers, “The Role of the Lawyer in the Western World,” *RCL*, no. 1 (1977): 47–73.

⁶⁰ Regarding the origins of the ICJ and its campaign, see Tolley, *The International Commission of Jurists*, respectively 30–32 and 69–70; ICJ, *Justice Enslaved: A Collection of Documents on the Abuse of Justice for Political Ends* (The Hague: ICJ, 1955). For a critique, see Boulier, *The Law above the Rule of Law*, 7, 13–14.

⁶¹ See IADL, *Law in the Service of Peace: Two Concepts* (Brussels: IADL, 1964), 7–9; Armando Cicchetti, “The « Rule of Law » as the Basis of a Universal Legal System,” *RCL* 5, no. 2 (1958): 127–139.

lawyers held “that there is no society without law,” since any human association without it would lapse into barbarism. However, a legal system not rooted in social reality would be fundamentally flawed.⁶² In other words, democratic lawyers believed that law was always “made by men, living in a given period and a given society.” And the period in question was one defined by the coexistence of states with “different and even opposed social structures.”⁶³ For one thing, the Soviet and Chinese revolutions had introduced new modes of life and legal thought grounded in alternative principles. At the same time, a general crisis of the systems based on the liberal rule of law was underway. Decolonizing countries were rejecting the legal norms imposed by former colonial powers while reminding the world that the enslavement of other people had been “a natural activity” of liberal states. Those same countries also claimed their own visions of law.⁶⁴ As Ghana’s first prime minister and president, Kwame Nkrumah, argued in the pages of the *Review of Contemporary Law*, his country had cultivated an ancient and advanced legal tradition that tied “law to social progress” and reflected the features of a classless society. It was therefore the responsibility of African lawyers “to reverse the judicial travesty created by the colonizing powers who imposed their law.”⁶⁵ From this perspective, the recognition of different legal systems deriving from different social and political structures emerged as a precondition of peaceful coexistence. By contrast, the idea of a universal rule of law based on a set of guarantees ensuring procedural fairness and individual freedom seemed structurally biased and hypocritical.⁶⁶

The second major topic of discussion concerned the validity of international law and first emerged in the debates around peaceful coexistence and disarmament. Peace had always been a central concern for IADL lawyers; indeed, “law in the service of peace” was the organization’s motto. As democratic lawyers often recalled, recourse to war had been proscribed since the League of Nations era, and Article 2 of the UN Charter marked a milestone along that road, later reinforced by a series of important resolutions of the UN General Assembly (UNGA). In the post-war context, there was no alternative to peaceful coexistence.⁶⁷ Unanimously, IADL lawyers campaigned for the legal prohibition of the production, experiment, and use of atomic and hydrogen weapons. Peace-loving lawyers could not remain indifferent to the risks stemming from the arms race: extinction, they used to say, constituted “the greatest possible infringement of human rights.”⁶⁸

⁶² Bulletin of the IADL, XXth Anniversary of the I.A.D.L., 36.

⁶³ IADL, *Law in the Service of Peace*, 8–9, 32–34.

⁶⁴ Armando Cicchetti, “The « Rule of Law » and the New States,” *RCL* 7, no. 1 (1960): 303–310. See also Grigory I. Tunkin and A. P. Movtchan, “Codification of the Principles of Peaceful Co-existence,” *RCL* 11, no. 1 (1964): 79–88.

⁶⁵ Osagyefo Kwame Nkrumah, “The Future of African Law,” *RCL* 9, no. 2 (1962): 39–41.

⁶⁶ Boulrier, *The Law above the Rule of Law*, 17–47.

⁶⁷ Anatoly N. Talalae, “Peaceful Coexistence and the Self-Determination of Peoples,” *RCL* 13, n. 1 (1966): 9–17.

⁶⁸ Ichiro Yamanouchi, “Appeal for Prohibition of Atomic and Hydrogen Weapons,” *LSP* 1 (1954): 99–103. Tadeus Cyprian, “Prohibition of Mass Destruction and Collective Security,” *LSP* 2 (1955): 13–26.

Even so, according to some voices within the IADL, it was naïve to believe that international law could adequately regulate such issues, as nuclear armaments had reshaped international relations, including the very notions of national sovereignty and neutrality.⁶⁹ Faith in the power of international legislation began to erode as soon as the use of aggressive force and nuclear threat made a comeback, notably in Korea, Egypt, and Cuba. Although the UN pushed for disarmament and issued resolutions to that end, Soviet and US disarmament proposals remained irreconcilable for a long time. Quite predictably, IADL lawyers pointed an accusing finger at the United States, which they charged with upholding nuclear deterrence and refusing to enter meaningful dialogue with the Soviets.⁷⁰ As détente consolidated, however, confidence in the authority of international law reemerged. Eventually, even Soviet lawyers within the IADL openly acknowledged the enormous progress achieved in disarmament by virtue of the bilateral agreements with the United States.⁷¹

A parallel debate over national sovereignty further revealed underlying skepticism about international law. The prevailing concern can be summarized as follows. If international law were to take precedence over national law, it would inevitably weaken the principle of national sovereignty. In practice, this meant that powerful states—particularly those shaping the content of international law—could impose their will on weaker states. It was no accident, IADL lawyers argued, that Western imperialist powers supported the renunciation of national sovereignty and portrayed it as a source of war. Their advocacy for the primacy of international law was “nothing more than the legal formulation of the theories of ‘world government.’” Behind this rhetoric lay a reality of exploitation of world markets and interference in the domestic affairs of other nations.⁷² The US military intervention in Korea and the occupation of a portion of the Japanese island of Okinawa with a military base exemplified this attitude.⁷³

Still, if national sovereignty appeared to many as the safeguard against imperialist virulence and international conflict, lawyers’ opinions began to shift and collide as soon as the revolutionary changes in former colonial territories brought renewed focus to the principle of self-determination. As Cot acknowledged in 1965, IADL lawyers needed to understand whether the very concept of international law might rest on contradictions. Peaceful coexistence,

⁶⁹ Yoshitaro Hirano, “Law in the Atom Age,” *LSP* 4, no. 1, (1957): 5–11.

⁷⁰ See Tomas Lahoda, “The Disarmament Problem and the Ten-Nation Committee,” *RCL* 7, no. 1 (1960): 311–326; “Present Stage of Disarmament Negotiations (1962),” *RCL* 9, no. 2 (1962–1963): 139–146.

⁷¹ O. Bogdanov, “Détente and Disarmament – The Legal Aspects,” *RCL*, no. 1 (1977): 11–21.

⁷² IADL, *Law in the Service of Peace*, 11–15. See also Eulampi L. Zeydin, in IADL, *Défense des libertés démocratiques*, 26. Of course, Soviet jurists, facing the reality of Soviet meddling in the internal affairs of many countries, argued that the principles of “equality and reciprocal benefits” guided the aids and credits that the USSR bestowed. See Mark Boguslavski, “Legal Aspects of the Soviet Technical Aid Programme for Economically Under-Developed Countries,” *RCL* 8, no. 1 (1961): 41–47.

⁷³ Chu Chi Wen, “Respect for National Sovereignty as the Basis of International Security,” *LSP* 1 (1954): 43–47; Yoshitara Hirano, “The Okinawa Problem,” *LSP* 4 (1956): 39–44.

long conceived as “a static notion,” failed to account for the lived realities of peoples who had been forced to accept territorial boundaries imposed through colonial domination. The principle of territorial integrity, in such cases, clashed with the right to national liberation. “How do we apply the clause *rebus sic stantibus*?” Cot asked. And ultimately, was there any contradiction between peace and justice?⁷⁴

The answer emerging from multiple voices within the IADL was straightforward and embraced an anti-colonial standpoint. First, the principle of self-determination was considered an inalienable and fundamental right, based on the UN Charter, the Universal Declaration of Human Rights, and the UNGA resolutions 1514 and 1541 of December 1960. Second, all means of exercising national self-determination—both peaceful and non-peaceful, including national liberation wars—were understood to be legitimate extensions of that right. Third, no contradiction existed with Article 2 (4) of the UN charter, which prohibited the threat or use of force against any state’s territorial integrity or political independence, because national liberation was to be treated as an “internal affair.” Furthermore, territorial integrity did not apply to frontiers drawn by colonial powers, as those boundaries were the result of aggression.⁷⁵

The third and final topic of discussion concerned the value and effectiveness of the UN Charter, the institutional framework of the United Nations, and the Universal Declaration of Human Rights. As a matter of principle, all democratic lawyers agreed that the UN Charter laid the rightful foundation for international law: it permanently outlawed war and the threat of aggression, imposed disarmament, and affirmed the rights to national sovereignty, sovereign equality, and self-determination. In the hope of the signatory parties, it was “the code of peaceful coexistence and cooperation between all states regardless of their economic and social systems.” However, IADL lawyers argued that the Cold War had shattered that vision, and the primary responsibility fell on the aggressiveness and hegemonic aims of the United States. US dominance over UN agencies, its discrimination against non-capitalist states (as in the embargo against Cuba), and its self-appointed right to military intervention abroad (exemplified by the Eisenhower doctrine) were all seen as undermining the mission of the UN.⁷⁶

However, especially for lawyers who identified with “Third World” and nonaligned countries, UN institutions continued to represent a source of hope. According to their reasoning, existing international law reflected an unjust

⁷⁴ See the Editor’s note in RCL 12, no. 2 (1965).

⁷⁵ Anatoly N. Talalaev, “Peaceful Coexistence and the Self-Determination of Peoples,” RCL 13, no. 1 (1966): 9–17. See also Manfred Lachs, “Some Reflections on the Problem of Self-Determination,” LSP 4, no. 2 (1957): 60–66.

⁷⁶ See IADL, *Law in the Service of Peace*, 16–19, 50–51; Eugene Korovin, “A Soviet Opinion on the Eisenhower Doctrine,” RCL 5, no. 1 (1958): 105–108.

colonial and neocolonial order. In response, they called for a “new international law” that would not only reflect but also catalyze an alternative global economic structure. Known as the New International Economic Order (NIEO), this vision was premised on full decolonization and the equality of sovereign states, each empowered to control its own resources. This project, which aimed at rolling back Western influence and strengthening developing countries, took shape in a series of multilateral UN forums, including the Commission on Permanent Sovereignty over Natural Resources (1959), the Conference on Trade and Development (1964), the Group of 77 (1964), and the Sixth Special Session of the UN General Assembly (1974).⁷⁷ It is no surprise, then, that many IADL lawyers viewed the UN—particularly the UNGA with its one-country-one-vote structure and the numerical advantage of postcolonial states—as the most plausible engine of this new international legal order.⁷⁸ As Mohammed Bedjaoui, the foremost legal theorist of the NIEO, put it, postcolonial and developing countries “expose[d] the weakness of the UN system while still bearing a real affection for it.”⁷⁹

With regard to the Universal Declaration, most IADL lawyers agreed with René Cassin that it represented “the first document of ethical value to be adopted by humanity as a whole,” therefore, an irreplaceable device of peace that enshrined human rights as international institutions.⁸⁰ At the same time, democratic lawyers could not overlook the fact that the delegations of the USSR and five “socialist democracies” had abstained from voting on the Declaration in 1948. The Soviets had initially deemed the text insufficient and only gradually embraced it in the late 1950s.⁸¹ Seeking to reconcile these positions, IADL lawyers insisted on the paramount importance of protecting human rights, but they constantly stigmatized Western countries’ insincere pledges and abuses. They also pushed for an expansion of the human rights framework

⁷⁷ Two insightful overviews of the NIEO are Nils Gilman, “The New International Economic Order: A Reintroduction,” *Humanity* (Spring 2015): 1–16 and Vanessa Ogle, “State Rights against Private Capital: The ‘New International Economic Order’ and the Struggle over Aid, Trade, and Foreign Investment, 1962–1981,” *Humanity* (Summer 2014): 211–234.

⁷⁸ See, for instance, Pierre Cot’s preface to Mohammed Bedjaoui, *La révolution algérienne et le droit* (Bruxelles: AIJD, 1961), 8.

⁷⁹ Mohammed Bedjaoui, *Towards a New International Economic Order* (Paris: UNESCO, 1979), 195–202.

⁸⁰ René Cassin, “Looking Back on the Universal Declaration of 1948,” *RCL*, 15, no. 1 (1968): 13–26. On Cassin’s conceptualization of human rights, see Glenda Sluga, “René Cassin: *Les droits de l’homme* and the Universality of Human Rights, 1945–1966,” in *Human Rights in the Twentieth Century*, ed. Hoffmann, 107–124.

⁸¹ The Soviets had made two official objections: first, the absence of a clear condemnation of fascism; and second, the omission of economic, social, and cultural rights from the list of human rights. In fact, the embarrassment over the crimes of Stalinism was a major reason for their abstention. See Jennifer Amos, “Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948–1958,” in *Human Rights in the Twentieth Century*, ed. Hoffmann, 147–165.

to include social, economic, and cultural rights, such as employment, equal pay for equal work, and education.⁸² After the 1966 UNGA adoption of the International Covenant on Economic, Social and Cultural Rights, the IADL rallied in defense of human rights with increased confidence.⁸³ Lawyers from the USSR and the Warsaw Pact countries even prided themselves on the fact that the Soviet constitution of 1936 had pioneered the newly codified human rights. The postcolonial world was just following their lead, whereas the civil and political rights of the liberal tradition—they argued—looked increasingly outdated.⁸⁴

This heightened focus on human rights, however, generated further friction within the IADL. The Prague Spring, in particular, laid bare that coherence with those principles required unbiased criticism of Soviet conduct. As Cot stated, IADL lawyers were often “harder on those who have not [their] own political ideas” than they were with their friends. They hesitated to raise their voices when it was “a question of errors made in [their] country or in a country that [they] admire and love.” He concluded with a candid reflection: “The work of the United Nations for the respect of human rights and fundamental public freedoms should be carried on everywhere, throughout the world, if we truly want to destroy the seeds and the roots of fascism. Everywhere, and in our own hearts, too.”⁸⁵ Soviet loyalists within the IADL rebutted that the allegations of human rights violations in socialist countries were nothing less than “camouflaged” political attacks.⁸⁶ But by then, such a defense rang hollow.

Mobilizing for Justice and Peace

As earlier mentioned, a panoply of initiatives complemented and shaped the IADL’s internal debates. In line with the leftist internationalist tradition, IADL lawyers rejected the figure of the “armchair” theorist, insisting on the inseparability of theory and practice.

Resolutions and appeals—addressed to political leaders, judges, lawyers, scientists, religious figures, and international organizations—were among the most frequent forms of action, though arguably the least effective. For example, the IADL circulated a clemency appeal on behalf of convicted Soviet spies Julius and Ethel Rosenberg, together with a request to the US Senate Judiciary Committee to investigate the conduct of the US attorney in that case. Similarly, at the height of McCarthyism, the IADL issued another largely unheeded appeal urging legislators to oppose laws that violated citizens’ constitutional

⁸² IADL, *Law in the Service of Peace*, 39–41.

⁸³ Regarding the emphasis on socialist legality during the Brezhnev period, see Benjamin Nathans, “Soviet Rights-Talk in the Post-Stalin Era,” in *Human Rights in the Twentieth Century*, ed. Hoffmann, 166–190.

⁸⁴ Imre Szabó, “The Legal Importance of the Declaration,” *RCL* 15, no. 1 (1968): 41–54.

⁸⁵ Pierre Cot, “A Few Remarks on this Issue,” *RCL* 15, no. 1 (1968): 9–11.

⁸⁶ Szabó, “The Legal Importance of the Declaration.”

liberties.⁸⁷ Meanwhile, the IADL also took part in preparing and disseminating the Stockholm Appeal to outlaw atomic weapons, initiated by French Communist physicist Frédéric Joliot-Curie, which likewise went unanswered.⁸⁸

From 1948 onward, while the IADL still held UN consultative status, all major resolutions, reports, and petitions were forwarded to the UN Secretary-General.⁸⁹ Based on IADL's documents, it seems that the organization sought to leverage its position within ECOSOC to the fullest extent, though evidence of meaningful reception of lawyers' messages remained limited until the 1970s.⁹⁰ During this earlier period, Robert J. Silberstein, a CPUSA member and executive secretary of the NLG, served as IADL representative to the United Nations until 1951. His tenure helped lay the groundwork for collaboration with various UN bodies and generated multiple appeals to the Human Rights Commission but also revealed the "imperfections" and the "relative impotence" of an international organization that could not take steps on individual cases.⁹¹

A more productive dialogue with the UN emerged in later years. Following the 1973 coup in Chile, IADL representatives traveled to the country and were later received by UN Secretary-General Kurt Waldheim and the High Commissioner for Refugees. IADL reports on Chile were subsequently submitted to the Human Rights Commission in March 1977.⁹² During this period, Lennox Hinds, who was the director of the National Conference of Black Lawyers and a professor of Criminal Justice at Rutgers University, began representing the IADL at the United Nations in New York. A tireless advocate of the UN role, Hinds worked to uncover human rights violations worldwide, from the United States

⁸⁷ See Kabeš and Sergot, *Blueprint of Deception*, 164; "Résolution Générale" in IADL, *Défense des libertés démocratiques*, 244.

⁸⁸ Nordmann and Brunel, *Aux vents de l'histoire*, 223.

⁸⁹ See, for instance, *Two Reports of Commission of International Association of Democratic Lawyers re: Alleged US War Crimes in Korea*, Assistant Secretary-General – Correspondence and Italy/Germany Commission, Department of Security Council Affairs (1946–1951), United Nations Department of Political Affairs (1992–present), UN Archives.

⁹⁰ Among the earlier petitions, see the initiative on Namibia, *Namibia – International Association of Democratic Lawyers – A/AC.109/PET.1147 – COMM.# 2056*, Office of the Assistant Secretary-General – Dr. Victor Hoo, Department of Trusteeship and Information from Non-Self-Governing Territories (1946–1954), United Nations Department of Political Affairs (1992–present), UN Archives.

⁹¹ Martin Popper to Joë Nordmann, March 31, 1950; Adrien van den Branden to Robert J. Silberstein, April 10, 1950; Silberstein to Nordmann, May 26, 1950 and enclosed *Report of the IADL to the NGO Committee of the ECOSOC*, Folder 28, Box 49, NLG Records at NYU. As an example of the appeals, see the denunciation of French repression in Ivory Coast: Nordmann to Secrétariat de la Commission des Droits de l'Homme de l'ONU, February 1, 1950, Folder 29, Box 49, NLG Records at NYU.

⁹² See, respectively, Nordmann and Brunel, *Aux vents de l'histoire*, 291 and AIJD, *Bulletin des activités, Janvier-Avril 1977*, 8–10, Box 17, International Association of Democratic Lawyers Archives, International Institute of Social History, Amsterdam [henceforth, IADL Archives at IISH]. However, circumstantial evidence suggests that UN bureaucrats and Waldheim himself condescended to IADL lawyers due to their radical stance. See, for example, Joë Nordmann to Kurt Waldheim, January 22, 1975, the two related handwritten notes, and André Lewin [Waldheim's spokesperson] to Nordmann, February 20, 1975, Non-governmental Organizations (NGOs), Emergency and Relief Operations Non-Governmental Organizations (NGOs), Secretary-General Kurt Waldheim (1972–1981), UN Archives.

to Angola. In parallel, Solange Bouvier-Ajam, a Parisian lawyer, represented the organization in Geneva and at countless international meetings.⁹³ Notably, in the 1970s, the IADL intensified its cooperation with other human rights organizations, including Amnesty International, the International Federation for Human Rights, the International Association of Catholic Jurists, and even the International Commission of Jurists. Once a staunch ideological opponent, the ICJ gradually found common ground with the IADL and ultimately supported its reintegration into the UN system.⁹⁴

Another significant mode of IADL mobilization was the organization of international conferences. Despite frequent denials of passports, travel permits, and visas on political grounds, such activity remained remarkably vigorous.⁹⁵ While the full list of international meetings is extensive, a few key initiatives illustrate this facet of legal activism. First of all, in 1956, foregrounding the New International Economic Order debates of the 1970s, the IADL convened the first international conference on nationalizations. This meeting inaugurated a series of gatherings aimed at solidifying the nascent “right to nationalize” in decolonized and developing countries.⁹⁶ Following the adoption of the UN’s 1974 Declaration and Programme of Action for the Establishment of a New Economic Order and its Charter of Economic Rights and Duties of States, the right to nationalize was widely seen as indisputable. It was understood to flow directly from the right to national sovereignty over natural resources and economic activities now recognized by the UN. As the Algerian minister of Justice forcefully argued, it was not former colonial powers or foreign multinationals who were owed compensation—but rather the formerly colonized countries, for the extensive plunder they had endured.⁹⁷

In the meantime, the Vietnam War came to dominate the agenda of many IADL lawyers. The organization indeed held four conferences—in Grenoble (1968), Algiers (1971), Brussels (1973), and Paris (1975)—to denounce violations of the right to self-determination, condemn the illegality of US military methods, expose the US government’s cover-up of the conflict, and protest

⁹³ See Walker, *International Association of Democratic Lawyers*; Lennox S. Hinds, *Illusions of Justice: Human Rights Violations in the United States* (Iowa City: University of Iowa, 1978); AIJD, *Bulletin des activités*, Septembre-Décembre 1976, 21–26, Box 17, IADL Archives at IISH.

⁹⁴ Tolley, *The International Commission of Jurists*, 108.

⁹⁵ British, French, Danish, and Italian authorities refused entry visas to various IADL members. See Kabeš and Sergot, *Blueprint of Deception*, 113–114. For instance, in 1954, Popper’s application for a passport was denied on the grounds of his affiliation with the Communist Party. A subsequent visa application to visit the USSR, Czechoslovakia, Romania, and Hungary was also rejected. See 86th Congress, *Proceedings against Martin Popper*, 21–25.

⁹⁶ A 1971 conference in Algiers addressed the “right of oil” and the sovereignty of oil-rich countries, while a 1973 conference in Santiago, Chile, affirmed the right of governments to nationalize. On nationalizations, see Ion Anghel, “Material Responsibility of States in the Event of Nationalisation,” *RCL* 12, no. 2 (1965): 74–95; Anghel, “Nationalisation and Aliens,” *RCL* 13, no. 2 (1966): 114–122.

⁹⁷ Amar Bentoumi, “Sovereignty, Nationalizations, Prices and Cooperation,” *RCL*, no. 1 (1976): 39–49.

breaches of the peace agreements.⁹⁸ These Vietnam-focused conferences attracted significant participation; the Grenoble meeting alone gathered 150 jurists from 38 countries.⁹⁹ At the same time, as soon as new burning issues came to light, the IADL proved particularly responsive. As early as 1974—and ahead of its time—the association co-organized a conference with UNESCO on the emerging issue of immigrant labor in Europe, along with another meeting in Yugoslavia that addressed the growing environmental crisis.

Prone to action and eager to operate transnationally, IADL lawyers also formed investigative commissions that traveled to countries where legal questions needed closer scrutiny. The documentation we have on some of these missions provides insight into their logic and evolution over time. The first major mission took place in North Korea in March 1952. It involved eight lawyers affiliated with a broader commission convened by the Peace World Council. Heralded by the Soviet press as an impartial investigation, the mission was marred by its ill-conceived mandate to expose US crimes and corroborate some allegations made by Chinese and North Korean governments regarding suspicious disease outbreaks. The commission unsurprisingly concluded that the US army had engaged in bacteriological warfare, dispersing insects over Korea by air. The commission's findings were published and disseminated through meetings in various countries. Of course, the United States vehemently denied these accusations, which remain controversial.¹⁰⁰

From the 1960s onward, the independence of IADL missions ostensibly grew, together with the faith in the power of international public opinion. In 1964, for example, a delegation of four lawyers traveled to Portugal to inquire about the repressive legislation, trial procedures, and penal system under Salazar's dictatorship. They interviewed defense lawyers for political prisoners and officials of the Portuguese government, observed trials, and held a press conference in Lisbon to denounce the imposition of "fascist-type" laws that stripped political defendants of their rights. The response was swift: the Portuguese secret police arrested the delegates on the spot and escorted them to the airport. Ironically, the arrest and expulsion of lawyers attracted substantial press coverage and turned the mission into a major publicity coup, lending further credibility to the IADL's critique.¹⁰¹ In 1969, another fact-finding committee traveled to Okinawa to examine the status of the island under prolonged US military occupation. The four delegates met with government officials, local politicians, union leaders, teachers, farmers, fishermen, and

⁹⁸ See, among others, Roland Weyl, "Vietnam: 1954–1964," *RCL* 11, no. 2 (1964): 110–114; Richard A. Falk, "Songmy: War Crimes and Individual Responsibility. A Legal Memorandum," *RCL* 17, no. 1 (1970): 107–118; *2nd International Conference of Lawyers on Indochina, Algiers, November 1971* (Brussels: IADL, 1971), 4–5.

⁹⁹ Nordmann and Brunel, *Aux vents de l'histoire*, 271.

¹⁰⁰ See Kabeš and Sergot, *Blueprint of Deception*, 137–154; Commission of IADL, *Report on U.S. Crimes in Korea* (Pyongyang: IADL, 1952).

¹⁰¹ IADL, *A Mission of Inquiry to Portugal, May 1964*, Folder 17, Box 4, Treuhaft Papers. See also "Portugal Expels Two U.S. Lawyers," *New York Times*, April 12, 1964.

lawyers. The report by one of the dispatched attorneys, the American Robert Treuhaft, was harrowing and dystopian but meticulous in its documentation. It concluded that the US occupation was illegal and conducive to grave human rights violations.¹⁰²

At times, IADL delegates were received by the highest authorities of the countries they visited. Nordmann met with Ho Chi Minh in Hanoi in 1965, Gamal Abdel Nasser in Cairo in 1970, and Salvador Allende in Santiago shortly before his death in September 1973. In a remarkable moment of access, a joint delegation of IADL and other legal organizations even secured a meeting with Augusto Pinochet in Santiago in October 1973. There, they questioned him about disappearances, political assassinations, and state repression. Pinochet denied all charges and proposed the lawyers go with him to the infamous stadium where atrocities on prisoners were supposedly committed. The lawyers declined, suspecting it was a trap to get their approval. Upon returning home, they joined the international campaign against the Chilean regime with renewed force.¹⁰³

Although most IADL missions targeted right-wing authoritarian regimes or states impacted by US military operations, they did not exclusively focus on capitalist or pro-Western governments. Beginning in the 1970s, a more universal vision of human rights took hold within the association, prompting delegations to visit non-capitalist countries as well. In 1978, for example, Nordmann and other IADL members returned to Vietnam. Shocked at the sight of political repression and disturbed by the lack of amnesty for the former collaborators who lay inside re-educational camps, they publicly urged respect for human rights in that context, too.¹⁰⁴

Finally, the IADL dispatched hundreds of trial observers across the world to check on the regularity of procedures, often providing lawyers for political defendants. This was one of the IADL's core activities and a legacy of its pre-war predecessors, such as the IRA, the International Juridical Association, and the French League of Human Rights.¹⁰⁵ In line with that tradition, IADL lawyers went all out to defend everybody on the Left who fell into the clutches of political justice, both prominent leaders and unsung activists. The breadth of this commitment is evident in the variety of cases taken up. In 1959, for instance, the IADL intervened in the case of Manolis Glezos, the Greek resistance hero famed for removing the Nazi flag from Athen's Acropolis. Accused of espionage by the military justice of the Greek dictatorship, he faced a possible death sentence. International attention—fueled by IADL trial observation and

¹⁰² IADL, *Okinawa: Report of the Investigative Committee Sent to Okinawa by the International Association of Democratic Lawyers*, Brussels, n.d., Folder 10, Box 4, Treuhaft Papers. See also "International Lawyers Mission Conducts On-the-Spot Investigation of Okinawa," in *No More Hiroshimas!* 16 (1969): 11–15; "Lawyers Group Condemns U.S. Presence in Okinawa," *Japan Times*, October 25, 1969, Folder 12, Box 4, Treuhaft Papers.

¹⁰³ Nordmann and Brunel, *Aux vents de l'histoire*, 271–291.

¹⁰⁴ See Rachel Hughes, "Left Justified: The Early Campaign for an International Law Response to Khmer Rouge Crimes," *Political Geography* 76 (2020): 1–11.

¹⁰⁵ On the historical background, see Stuart Finkel, "The 'Political Red Cross' and the Genealogy of Rights Discourse in Revolutionary Russia," *The Journal of Modern History* 89 (2017): 79–118.

strong mobilization, particularly in France—placed the Greek court under global scrutiny. Ultimately, Glezos was sentenced to five years in prison and four years of exile.¹⁰⁶ In the same period, IADL lawyers also intervened in another Greek trial helping to postpone proceedings and thereby saving 150 unidentified prisoners from a likely death sentence.¹⁰⁷ Elsewhere, President Pritt personally took up the defense of lesser-known leaders of a peasant insurrection in India, while Nordmann traveled to Portugal in 1964–1965 to observe the trials of obscure student activists, only to be arrested and expelled himself.¹⁰⁸

In many cases, the presence of foreign lawyers served as a “valuable aid,” alerting judges and authorities that they were under external scrutiny while offering prisoners and their families “grounds for hoping that their cause remains present in the conscious mind of humanity.”¹⁰⁹ These gestures of solidarity, indeed, left “grateful memories” among supporters and defendants who felt humbled and empowered. Lawyers’ dedication boosted self-confidence and morale.¹¹⁰ According to one Portuguese political prisoner, who smuggled a thank-you note inscribed on a minuscule cigarette paper to IADL lawyers, jailed militants desperately relied on sympathetic lawyers for both legal and political support.¹¹¹ In a 1976 report, Nordmann calculated that over the previous five years, 192 international missions had been conducted, involving a total of 380 lawyers who observed trials, formed delegations to meet authorities, carried out inquiries, and produced legal studies.¹¹²

Conclusion

Without a doubt, Cold War rivalry was one of the threads innervating the first thirty years of IADL history. Nonetheless, as this research demonstrates, such a multifaceted experience cannot be reduced to the insular history of a “Communist front organization” under strict Soviet tutelage. While it is true that Soviet lawyers participated in IADL activities—and were able to exert hegemonic influence between the late 1940s and the late 1950s—it is equally important to recognize that the IADL remained an eclectic space of discussion and activism. At times, it aligned with Communist interests, but it was never fully subordinated to them.

Within the IADL’s global microcosm, different ideas of law and politics not only clashed but also hybridized. This dynamic unfolded against the background

¹⁰⁶ Nordmann and Brunel, *Aux vents de l’histoire*, 286.

¹⁰⁷ Maurice Bouvier-Ajam, “The 6th Congress of the International Association of Democratic Lawyers,” *LSP* 4 (1956): 79–84.

¹⁰⁸ See Kabeš and Sergot, *Blueprint of Deception*, 229–241 and *Déclaration de Joë Nordmann sur le procès des étudiants portugais*, July 29, 1965, Folder 17, Box 4, Treuhaft Papers.

¹⁰⁹ Fernando Ostornol, “A Chilean Lawyer Bears Witness,” *RCL*, no. 2 (1976): 159–170

¹¹⁰ See, among others, Solange Bouvier-Ajam to Robert Treuhaft, February 16, 1965, Folder 17, Box 4, Treuhaft Papers.

¹¹¹ Robert Kenny to Robert Treuhaft, June 18, 1965, with enlarged photo of the prison message, Folder 17, Box 4, Treuhaft Papers.

¹¹² Nordmann, “The International Association of Democratic Lawyers Is Thirty Years Old.”

of shifting international politics: the breakdown of Stalinism, President Nixon's embrace of détente, the acceleration of decolonization, and the transformation of the UN into a platform for anti-colonial advocacy and a vehicle for articulating non-Western perspectives. It also took place through the interaction of legal professionals from both sides of the Iron Curtain and from newly decolonized countries. Documents suggest that the contribution of French, British, and US lawyers played a key role in softening ideological divides and challenging biased standards in the assessment of threats to peace and human rights violations. As lawyers from Paris, London, and New York continued to press the IADL to act fairly and impartially, Communist orthodoxy gave way to a more polyphonic critique of both liberal and socialist internationalism and their flawed presumptions to be universal.¹¹³ This evolving stance was nourished by enduring commitments to antifascism, pacifism, anti-colonialism, and democracy that enabled the IADL to transcend, and ultimately outlast, Cold War allegiances.

Through the debates, missions of inquiry, cross-border legal defense, and cooperation with UN bodies described earlier, democratic lawyers gave shape to what this paper has termed radical legal internationalism. This orientation recast the liberal concept of the rule of law as adaptable, socially contingent, and broader than a mere catalog of procedural guarantees. But the traditional notion of the rule of law was never entirely abandoned, as doing so would have left people at the mercy of reactionary and authoritarian justice.

IADL lawyers also demystified international law and institutions, insisting that, at least to some extent, they represented bourgeois and colonial fictions disguising relations of domination.¹¹⁴ And yet, the rights discourse of the IADL consistently overruled any antinomian interpretation that would hastily dismiss international legality. Borrowing Sundhya Pahuja's vocabulary, it is fair to conclude that radical legal internationalism developed a "critical faith" in international law and its potentiality.¹¹⁵ While exposing the structural flaws of the Universal Declaration and the shortcomings of the UN functioning, IADL lawyers reminded that these institutions had been hard-earned conquests of

¹¹³ On Cold War internationalisms, see Sandrine Kott, "Cold War Internationalism," in *Internationalisms: A Twentieth-century History*, ed. Glenda Sluga and Patricia Clavin (Cambridge: Cambridge University Press, 2017), 340–362; Akira Iriye, "Historicizing the Cold War," in *The Oxford Handbook of the Cold War*, ed. Richard H. Immerman and Petra Goedde (Oxford: Oxford University Press, 2013), 15–32. On the mutual dependence of "liberal" and "illiberal" internationalisms, see Philippa Hetherington and Glenda Sluga, "Liberal and Illiberal Internationalisms," *Journal of World History* 31 (March 2020): 1–9.

¹¹⁴ Critical international legal theory seems to follow in the footprints of this approach. See Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2005); Upendra Baxi, *The Future of Human Rights* (Oxford: Oxford University Press, 2002); Makau Mutua, *Human Rights Standards: Hegemony, Law, and Politics* (Albany: State University of New York Press, 2016).

¹¹⁵ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth, and the Politics of Universality* (Cambridge: Cambridge University Press, 2011), 1.

the antifascist resistance. Being irreplaceable guarantees, they had to be treasured, constantly adjusted, and fulfilled.

In this spirit, IADL lawyers sought to deconstruct human rights, expand their allegedly narrow and Eurocentric formulation, and rescue them from abstract idealization. Nonetheless, democratic lawyers affirmed that human rights continued to hold concrete political and legal significance. They could be mobilized to defend the powerless and to safeguard controversial defendants from state abuses. Rather than serving as a substitute utopia compensating for the collapse of revolutionary dreams—as Moyn’s interpretation would suggest—human rights, for these leftist lawyers, constituted a central battlefield and a durable source of hope. Since 1946, they have not been the consolation of defeat, but a rampart in the broader struggle against oppression.

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