

## Afterword: Social Rights and Human Rights in the Time of Decolonization

The Universal Declaration of 1948 was written in the shadow of war and mass murder, and its authors hoped to see the violence of imperial conquest give way to mutual respect among nations, for the violence of states against entire categories of their own citizens to yield to acknowledgment of the rights of all humans, and for the misery and degradation that were thought to be a cause of war—and which had certainly been a consequence of it—to turn into efforts to ensure freedom from want. They deliberated in a time when workers and peasants—in African and Asian colonies as well as European states—were organizing and striking to demand that their living conditions reach a minimum of decency, when tensions between socialist and capitalist paths to prosperity were becoming acute, and when the legitimacy of the existing international order was in question. Whether a narrow set of “human” rights—amenable to judicial sanctions—a wider set of social and economic rights, or the primacy of national sovereignty (allowing each nation to decide what rights to recognize and enforce) would take precedence was the focus of intense debate. If we want to examine the trajectory of arguments over rights, social protections, and sovereignty over the past several decades, we should remember the acute uncertainty after the war. The essays collected in this dossier make clear the extent of conflict in the postwar era over which rights to recognize and where to locate their application and enforcement. The issues raised then continued to shape thinking about the relationship of individual, state, and humanity.

Of the contending constructs of the late 1940s, the one that clearly took root in global political practice is the national one: we now live in a world of nearly two hundred sovereign nation-states, each with its seat in the United Nations, each jealous of its prerogatives, each, in principle, capable of guaranteeing—or abusing—the rights it chooses to recognize in the name of “its” people. If the generalization of the nation-state form with the collapse of the colonial empires gave way by the 1970s to recognition that the new sovereignty regime left issues of human rights unresolved, no consensus has emerged on what those rights are and how to enforce them. Leaders of the new states were among the first to assert that one principle trumped another: for an outsider to question what a newly independent state did to its citizens was tantamount in such an argument to neocolonialism. But from another point of view, sovereignty could become a shield behind which human rights were violated with impunity.

The 1948 declaration, with its concern with human dignity, included social and economic rights within its universalistic vision. Political leaders and scholars at the time argued over whether a minimum standard of living should be considered a right, as opposed to a desirable goal, but over time the idea of social rights has been pushed into national containers, where rulers' eagerness to acknowledge or enforce those rights is highly variable. At the same time another sort of "right" has acquired more robust enforcement mechanisms in international relations, as well as strong ideological sustenance among intellectuals and academics: the right of corporations to possess property in different states, to move goods and capital across borders, to expatriate profits, and to set conditions of labor, rights that in some cases have been asserted in international courts or administrative bodies.

Yet the triumphs of the state and the "free" market may have a less solid basis than they at first appear to possess. Different conceptions of rights have been in play. Ideas fade as well as resonate; political critiques cross frontiers. And above all neither market mechanisms nor the generalization of sovereignty has provided a stable basis for international order and capital accumulation. The uncertainties and multiple possibilities at key moments in the past should warn us against assuming that present configurations are more than an episode in world history.

The essays collected here have the virtue of illustrating the variety of conceptions that people have of rights, but they also make clear that these conceptions exist in relationship to one another. The notion of "rights" is not the only way of doing politics, but it is an important one precisely because the articulation of a right is the making of a transcendent claim, going beyond the give-and-take of a particular political situation.<sup>1</sup> It can appeal to sympathetic people who have no immediate interest in the outcome of a political conflict but who can provide aid and comfort to those with the most at stake. It puts claims in terms both of law and of a vision of social order in which opposed parties might see a long-term interest. The very vigor of the struggles over what is and what is not a human right that these essays document is part of the importance of the concept: rights are asserted, claimed, and disputed. Struggles over rights imply a notion of politics that is not reduced to the play of interests or to expressions of identification of putative collectivities.<sup>2</sup>

We see in these pages examples of elites trying to define rights in negative terms, as a limit on what states can do to their citizens. We see states accusing their rivals of violating such rights. Some states, the USSR (as in the contribution of Mark Smith) and East Germany (Paul Betts) notably, stand accused of being violators of political rights, but they assert that they guarantee their citizens a range of social rights—decent housing, a job, medical care—that their accusers in the West refuse to recognize as rights that their own citizens can assert.<sup>3</sup> Meanwhile, as Marco Duranti shows, British conservatives worked hard to cleanse European rights conventions of any social dimension; they had to work hard to do so, within the British political scene as well as on the continent.

Much of rights discourse in twentieth-century Western Europe and North America has presumed a connection between rights and popular sovereignty: the right to vote is preeminent in such a rights regime, and the range of civil rights—speech, association—are concomitants of a people's right to self-rule. But rights might not

emanate from the people; they could be conferred from on high, by a king, emperor, tsar, or general secretary. It might still make sense to think of them as rights, both because people can make an appeal to them, not just to the person of the ruler, and because the stability and legitimacy of even monarchical authority depends on meeting certain expectations. The king confers rights, but the king *must* confer rights, perhaps passing them out differentially to assure the support of certain categories of subjects. He would ignore those subjects' perception of rights at his peril, especially in a historical context in which people are becoming aware of the existence of multiple rights regimes.<sup>4</sup> The contributions of Mark Smith and Paul Betts bring this point out vividly in regard to the USSR and the GDR: "thank you comrade Stalin" is an assertion as well as an act of submission.

Rights are meaningful when they are asserted—against other assertions. A rights claim is a political process. As James Sheehan argues, "A claim is neither a request nor a demand . . . To make a claim is to appeal to some standard of justice, some sort of right, but it is also to assert a willingness to back up this appeal with some sort of action."<sup>5</sup> And not all regimes enable claim-making to the same extent. To paraphrase Hannah Arendt, the right to *claim* rights is unequally available, as is the right to *confer* rights.

So which rights? Who is in a position to claim them? And where, in what kinds of political structure, are rights defined, and in what kinds of political structure can rights be asserted? One tendency since the late eighteenth century has been to push rights to the maximum level of inclusion and abstraction—to humanity. Another has been to focus on a unit capable of enforcing as well as specifying rights, in which people shape the institutions that do both. These processes exist in tension with one another, and the question of situating rights becomes even more difficult when one talks of social rights.

To assert that people have a right to a minimum standard of living, to minimum levels of healthcare, to some means of sustaining themselves in old age, to protection against the loss of parents or familial support networks, is to open the question of whose norms should define such rights and in relationship to what sort of collectivity. Notions of "the social" encounter individualistic, universalistic conceptions of how world order is constituted. At present, when we speak of human rights we usually mean to say that individuals bear rights as members of a species, transcending any political or social attachments. Second, we think, these days, that collectivities have political rights—self-determination, sovereignty. Third, we are trained to think of a world of individual economic actors who act in relation to markets. Social scientists can model individual human beings, individual nations, and individual economic actors at a high level of abstraction. When it comes to the social, such universality quickly loses analytical purchase. Humans form expectations of mutual interaction and mutual sustenance in a great variety of ways. There is nothing universal about the concept of "retirement," or for that matter of "family," or of what makes a standard of living decent.

The concept of social rights causes unease. Americans prefer to speak of "entitlements," which are perhaps easier to take away than rights. When Margaret Thatcher was prime minister of England, she famously denied that there was any such thing as

the “social,” but only individuals, and presumably England. French people today try to defend their insurance and retirement schemes by referring to *solidarité*, emphasizing a body of people who have crystallized, leaving out all others. Many fear that such solidarities are undermined by so-called globalization, and that individuals will lose the only protection they have, that of the state, to be abandoned to the vagaries of markets. And as individuals—not just capital—move about, they escape the social unit and social protections defined by states, leading to calls for the regulation of migration and migrants (as well as refugees and asylum-seekers), while migrants themselves create other forms of solidarity in the form of diasporic networks and the sending home of remittances.

Thinking about “social rights” adds complexity to an argument that has been ongoing for sixty years about the relationship of national sovereignty and universal human rights. If we think of people as socially located—as members of a community defined in religious or ethnic terms, as a working class, as a minority within a heterogeneous population—how do we think of the political unit within which rights are defined, exercised, and contested, and what, if any, role do people outside that unit have in debating such questions? To presume the primacy of the national unit is a presentist conception, and it is perhaps not a durable one. I will make a simple point: there is nothing intrinsic about any of the units in terms of which we might frame these questions. Much of the terms in which the sovereignty-rights conundrum are discussed assume that we know what sovereignty means, and hence that we can assign people to sovereign states, each of which represents an exclusive community.<sup>6</sup> But the very period that is the focus of this collection of essays is one in which the nature of the state and the nation were up for grabs, and both the question of sovereignty and the question of social justice were debated in terms that transcended locality and specific political configurations.

The breakup of colonial empires eventually made national sovereignty into something it had not been before: a general condition. But in 1945 the fate of empires, and above all the kinds of political units they were to turn into, was in limbo. Famines in British India and refugee crises in Europe forced relief agencies, governments, Christian and Jewish organizations, and others to ask whether access to food and other forms of relief would be bounded by nation, by empire, or by humanity in general.<sup>7</sup> After the war, the industrial states, including the rulers of colonies, were consolidating social rights—to unemployment and health insurance, pensions, etc.—into the welfare state. Could one expand the notion of citizenship to include social entitlements and at the same time limit citizenship to a narrowly defined, national polity? The governments of Britain and France did not want the people of their colonies to separate themselves. They were using a combination of force and reform to keep imperial subjects within the empire, and both developed notions of an imperial citizenship to try to convince their overseas peoples that their membership in an imperial polity had something to offer them.

But what exactly was on offer, and what exactly did social movements in Africa want? Equal rights within an empire? Rights within new states, which might not have the means to meet them? Some blend of autonomy and universal rights? If we refrain from doing our history backward—assuming that the only pathway led from empire

to nation-state—the relationship of the social and sovereignty becomes more open-ended than it first appears.

The crisis of empire in the 1940s and 1950s raised questions that went beyond the empires themselves, for countries like the United States and USSR saw both opportunities and danger in the detachment of millions of people from imperial controls, and international agencies—the UN, the International Labour Organization—worried that world order was at stake in defining the place of former colonized subjects. Thinking about international standards for labor or welfare pushed the question of where social rights might lie beyond imperial and national sovereignty toward a world level. Even when, as Sandrine Kott demonstrates in her contribution, the United States accused the USSR of practicing forced labor in the gulag and the USSR accused the West of covering up the exploitation, brutality, and indignity to which colonized people were subjected, reference was being made to rights attached to people by virtue of their humanity. The question of whether those rights should be understood in an abstract sense—universal in reach, minimalist in content—or should be understood in terms of the social locatedness of every individual was hard to avoid. As Kott, Duranti, and Matthew Hilton make clear, both the professionals in international organizations and international issue networks took an interest in those questions, forcing repeated debates over them.<sup>8</sup>

Historians of human rights are in the midst of an argument over the genealogy of the notion. Samuel Moyn sees it as quite short, and while drawing on notions going back to the eighteenth century, human rights were of marginal importance compared to claims adhering to the notion of the national citizen. Such was the case, he insists, in the postwar era, when the Universal Declaration was more a substitute for a universal rights regime than a basis for one, and decolonization deepened the national location of rights rather than universalizing them.<sup>9</sup> Only with the collapse of the utopia of national self-fulfillment in the 1970s—when the Pinochets of Latin America and the Idi Amins of Africa took their place alongside those of the Communist Bloc in the gallery of abusers, and when organizations like Amnesty International developed a vision of mobilization that transcended states—did human rights become a general concern. In its own terms, the argument is a strong one, but Moyn insists on a quite specific—and quite present-day—notion of what human rights are, and it is *this* concept of human right that he finds lacking until the recent past. He therefore underplays the extent to which a variety of notions of rights were in play, the basis of claim-making and the object of contestation. Moyn, like most scholars today, sees rights in only two analytic fields, one national, the other universal. He misses what lies in the middle—and occupies most of the historical terrain in the nineteenth and twentieth centuries—namely, empire, as well as attempts, during the key years of decolonization, to locate rights at the level of federation or confederation, as something more than national and less than universal.

Roland Burke has a more dynamic view of the relationship of decolonization and human rights, for he looks within anticolonial movements in the 1950s to demonstrate that their position on rights and national self-determination was far from uniform.<sup>10</sup> At Bandung, he shows, the argument that universal rights were a Western, imperialist imposition did not carry the day; the Universal Declaration received support, and

national spokesmen insisted that they would fulfill its mission whereas colonial states persisted in violence and oppression.<sup>11</sup> At a time when Western leaders feared that rights talk would redound against their own behavior in regard to race and colonialism, or when they wanted to limit the conversation to the sins of the communists, leaders from Asia, Africa, Latin America, and the Middle East kept the notion of human rights in international debates. Later, as some African leaders advanced the argument that human rights were a colonialist tool to justify interference in their affairs, others argued that principle was on their side: how could one condemn racial oppression in the sovereign state of South Africa unless one held African governments to some kind of standard other than their own? But by the time we get to the 1960s, Burke's argument converges with Moyn's: the increasing prevalence of dictatorship in African countries brought their leaders to change the subject, so that only Israel and South Africa could be denounced. The changing context put the revival of mobilizations over human rights onto a collision course with claims to sovereignty; the two discourses were no longer intertwined. Nevertheless, Burke's interpretation of arguments during the 1950s is important for the future as well as the past: not all leaders and intellectuals from the Third World think alike, and the future of human rights might lie in connections and alliances, not in a shouting war between people from the South who preach sovereignty and those from the North who preach universal rights.

Ideas and practices of internationalism, Mark Mazower tells us, had an imperial genealogy. But internationalism was quickly turned against its origins, a sign of the uncertainty and conflicts over where rights should be located.<sup>12</sup> Mazower describes the role of Jan Smuts in the development of the UN and especially of the humanistic principles articulated in its charter. Smuts's thinking came out of imperial federalism, a belief that the British Commonwealth, with its shared elite culture, should lead the world to peace and high standards of civilization. The place for blacks in his scheme of things was to allow their betters to improve their social conditions; it was up to the imperial powers to live up to their political and social responsibilities. Smuts may well have been responsible for inserting lofty, rights-oriented goals into the UN charter, but his ideas were quickly turned against him, and South Africa was soon portrayed as the epitome of racist oppression. Building a global moral community, with specified rights and mechanisms of international law, could not be contained within a white man's club.

Just where community resided was thus a critical question thrown open in the aftermath of World War II. Because it was not clear in 1950 the extent to which someone in Senegal was French or someone in Nigeria British, the question of whether a rights-bearing community was national, imperial, Third World, or human was fraught. The question was quintessentially political. And it was a question of law, whether the law was a criminal procedure or one providing old-age pensions or a minimum wage. Because the nature of world community was up for grabs in this same moment, the widest possible reference point was indeed that of humanity.

But let me go back to an earlier starting point, for it seems to me that the question of rights in empires was posed at much the same time as the question of locating rights with the nation. The question was not one of abstract individuals but of people with social and economic locations. Including slaves. No sooner had the Declaration

of the Rights of Man and of the Citizen been set forth in Paris in 1789 than *gens de couleur*, people descended from French fathers and African slave mothers in the sugar islands of the Caribbean, sent delegates to Paris to insist that given their status as free, property-owning people in a French territory, the declaration applied to them. The Parisian assemblies could not agree, but when royalists in the islands mobilized against the revolution, rival empires threatened to invade, and a slave revolt broke out in 1791, pragmatism as well as principle indicated that the revolutionary state needed people overseas to consider themselves part of an imperial community. First *gens de couleur*, then slaves, were made into citizens, and many fought for the republic. In Guadeloupe, as Laurent Dubois shows, many newly emancipated slaves were eager to inscribe their names in the French population registers, so important was it to mark themselves and their children as members of a rights-bearing community. Napoleon took away what the revolutionary government had conceded, restoring slavery in French colonies in 1802. The Saint Domingue revolution then turned from claiming citizenship within empire to a movement against empire. In the other French islands, freedom, citizenship, and rights would only come in 1848.<sup>13</sup>

By the early nineteenth century, a part of the British public imbued with their sense of rights as freeborn Englishmen were raising the question of whether one could tolerate slavery in the British Empire. The medallion of the antislavery movement—an image of a chained African asking, “Am I not a man and a brother?”—played on the notion of family and of humanity, applied in this case to people with whom natives of the British isles had no cultural identification, in islands most had never seen. The locus of the movement was imperial; slavery was a stain on the British flag. Such a movement necessarily took itself into the nature of a plantation economy and colonial society, especially when it became a question of how a postemancipation society could be constructed.

It was in this context that questions of the place of capitalism in imperial life were worked through. At an abstract level, capitalist development undercut the relations—paternalistic, exploitative, personal—between landlord and tenant, master and journeyman, replacing them with a commodified, individualized relationship. It could be argued that such an abstraction of the individual made it plausible for political movements to think in generalized, universalized terms about such issues as rights.<sup>14</sup> But a particular sort of rights: that of the individual to act as a free agent in a world consisting of other autonomous individuals. It was the violation of such autonomy that represented a violation of rights.

In practice, however, the commodification of labor power required a complex apparatus: laws guaranteeing property, mechanisms of credible enforcement, including judgment by a jury of one’s peers. Universalizing economic relations required particularistic political and social relations. And those relations did not necessarily travel. The antislavery movement tried to develop a moral framework that linked overseas empire and metropole. Over a period of decades, most English people came to accept that turning people into units of wage labor was acceptable—and could be the subject of claim-making and struggle—while slave labor was not. As British subjects, freed African-born persons on a sugar island had certain rights, but not others, subject to the vicissitudes of changing ideas and changing patterns of conflict.<sup>15</sup> Abolition meant

the right to dispose of one's labor, but not the right to a share of the property one's past labor had produced or the right to equal participation in elections. The selective parceling-out of rights, in an empire, was not unusual; governing different people differently was what imperial rule was about.<sup>16</sup> So the quintessentially social question of labor in the nineteenth century both universalized rights at an abstract level and particularized the institutions that defined and enforced them and the people to whom specific sets of rights applied. Such a situation left considerable space for contestation.<sup>17</sup>

Marx argued that the same process which made capitalism mask its nature; commodity fetishism, he called it. This was a powerful insight, but the leaders of industrializing European countries were capable of their own form of Marxist analysis, one which accepted the reality of social relations among citizens or subjects and the need to regulate them in the interest of keeping the polity together. Scholars of the welfare state see its origins in this kind of recognition, beginning with Bismarck. Unemployment and accident insurance and old-age pensions were the prime mechanisms by which the absolute right of property was compromised by taxation and regulation in an effort to stabilize a polity. Leftist parties were divided over whether such measures were a boon for the working class or a sop, and they were not strong enough to get their way on their own. But it was within a particular kind of regime, not notably democratic in the case of Bismarck's Germany, that the notion of a social entitlement for the individual citizen or family was constructed.<sup>18</sup> Yet at the same time, social activists, including those associated with the *Ligue des Droits de l'Homme*, insisted that the notion of rights was quintessentially social, as in the famous aphorism of Ferdinand Buisson (president of the LDH after 1913): "There is a Dreyfus Affair everywhere there is a laborer who suffers, a child without education, a worker without defense, an old man without shelter."<sup>19</sup>

But could the notion of rights—including social rights—be quarantined in metropolises? The obvious answer is yes. Conquered people were rightless, subjects not citizens. But imperial rulers were not always at ease with such a sharp distinction. The slavery debates had earlier made clear that not everything done to colonial subjects was acceptable. And in the late nineteenth century, the argument for imperial responsibility went further: European powers bestowed on themselves the duty to prevent Africans from enslaving each other. Such assertions were not the cause of the colonization of Africa, but they were a rationale that helped to bring missionary lobbies into rather fragile pro-colonization coalitions; the record of colonial interventions in the name of doing good gives rise to concerns today that such a pattern could be repeated. Once in charge, however, most colonial regimes pulled back from too vigorous slave emancipation, although on a formal level they had to insist that enslavement should not take place within a European colony. Missionaries often policed such arrangements, drawing public attention to violations of free labor principles.<sup>20</sup> Colonial governments started to keep watch over each other's practices, giving rise in this period to the Congo scandal, when the atrocities of the minions of King Leopold of Belgium became an international issue. Portugal also stood accused and hid behind various subterfuges—what Eric Allina in these pages calls subcontracted slavery—to distance itself from the sordid practices that its regime actually encouraged. The most self-



righteous of the critics of colonial forced labor, Britain, was itself the target of a lobby that saw itself as the protector of Africans.

But where the lines would be drawn was not entirely clear, as one can see in the case of the French *indigénat*, a set of decrees that gave administrators the right to inflict arbitrary punishments for certain classes of offenses, a classic denial of rights to an entire category of people within an empire. Scholars take the *indigénat* as the prime indicator of both the hypocrisy and the oppression of French colonialism. A significant minority of French legislators and jurists at the time would have agreed with such an indictment, and the *indigénat* was constantly criticized and never given the status of a permanent law, but rather that of a renewable decree. There was nothing very unusual in empires for different and unequal juridical regimes to coexist, but the French arrangement suggests simultaneously a need to codify the limitations on subjects' rights and agonize over doing so.<sup>21</sup>

The antislavery movements and the Congo reform movement provided a framework on which others built an international discourse over what one might call a human rights minimum. It was, in the abstract, a social minimum, focused as it was on the tearing of people away from families and communities and on the violence of work discipline. It also lent itself to free labor formalism, turning the complex question of how and why people worked into the dichotomy of free and coerced labor. In that form it could be internationalized, and that was what the League of Nations did. Its slavery convention of 1926 and the forced labor convention elaborated by the ILO in 1930 set out a single issue which defined international standards in regard to labor in colonies, as opposed to the more complex engagement with issues of employment in mines and factories, child labor, and social insurance that characterized ILO involvement in independent countries. At least the League and the ILO provided institutional frameworks for defining a standard for colonies—notably the abolition of forced labor for private purposes and its regulation for public purposes—and fora in which abuses could be discussed and violators shamed. The ILO, and some missionary groups, pushed gently into questions of labor migration, for they saw the displaced laborer as vulnerable, if for finite periods, in the same ways that slaves were. But for information and action, international organizations relied on the colonial powers themselves. The discourse in the 1920s and 1930s was by no means anticolonial; it distinguished an acceptable colonialism from a mean and ugly variety. Many dubious practices in French and British colonies—let alone Portuguese or Belgian—could be buried in layers of official obfuscation, sometimes hidden even from top officials in the colonial bureaucracies themselves.<sup>22</sup>

The crucial change came as Allied victory in World War II appeared to be on the horizon; governments knew the world was not going to be the same. In France, Britain, and other industrial societies, social entitlements started to become politically unassailable entitlements. The major colonial powers both needed colonial resources more than ever and recognized that their coercive power and legitimacy were weakened. They understood how important human and material imperial resources—and the loss of imperial resources—had been to the war effort. Some leaders had come to believe that international organizations had to be strengthened to

provide a basis for a future peace. What relationship did these elements have to one another?

At the international level, the key document is the declaration that emerged from the ILO conference in Philadelphia in 1944, a text more explicit than the reference to “improved labor standards, economic advancement and social security” in the Atlantic Charter. The jurist Alain Supiot has recently underscored the breakthrough of this declaration. He sees in it a model that shaped social policy in and beyond Europe for some forty years—one in which human dignity was seen as a value to be protected and enhanced—only to be gradually eclipsed since the 1980s by economic, political, and juridical doctrines that erect a regime of market dominance.<sup>23</sup> The breakthrough of Philadelphia, he argues, was not in seeing a set of rights as “natural” but as coming out of relationships, of people trying to live with one another and seeing the tragic results when some ignore the humanity of others. “Labor is not a commodity,” announced the preface of the ILO text. It called for a “war against want . . . to be carried on with unrelenting vigor within each nation,” and for international effort for the “common welfare.” It sought measures “to provide a basic income to all,” for regulation of working hours, for collective bargaining, and for measures to improve public health, housing, nutrition, education, child welfare, the status of women, and public services. While the items mentioned seem to describe the welfare state and industrial relations regime toward which Europe was moving, the last paragraph affirmed that its principles “are fully applicable to all people everywhere,” and it called specifically for “their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government.”<sup>24</sup>

In 1947, the ILO began to develop its “social policy in dependent territories,” applying its notion of “standards” to workers in colonial mines, factories, and fields, focusing on housing, education, health, and family life in similar terms to those applied to independent states. Social complexity had to be addressed; labor experts began to speak of the “community of experience” of miners or dockworkers from South Africa to France. The ILO began to enunciate what would become one of its major themes: economic and social development as a responsibility of governing powers in dependent territories.<sup>25</sup>

The Universal Declaration of 1948 picked up these themes. It referred to the right to social security and an adequate standard of living, to old age and disability insurance, to the right to form a family, to the protection and education of children. It used the word “dignity.” The Universal Declaration, like ILO resolutions, was weak on supranational enforcement mechanisms. Roland Burke brings to our attention debates around 1951 over the question of whether social rights had to be thought of differently from rights that were legally enforceable in a court. Was a claim to having piped water at home enforceable in the same way as action against imprisonment without due process?

Why did France and Britain want to engage in such debates? They thought they might actually look good under ILO criteria, that the “social” direction was consistent with their reformed colonialism. Let me comment briefly on the French case. Having been conquered by Germany in Europe and lost Indochina to Japan in Asia, French leaders knew they had to find a new basis for empire as they moved to create the

Fourth Republic. A small number of African and other colonial deputies were elected to the assembly that was to write a new constitution. Even a minority presence subjected forced labor and the *indigénat* to scrutiny they could not withstand, and these humiliating institutions were soon done away with. The critical question was citizenship: could colonial subjects become citizens?

Reading the lengthy debates, one is struck by the prevalence of rights talk. But of a certain kind. The references to rights from African deputies are almost entirely French: to the Declaration of 1789; the short-lived extension of citizenship to the Caribbean islands in the 1790s; the granting of freedom and citizenship in the Antilles in 1848; the special status which the inhabitants of the Four Communes of Senegal had possessed since 1916, as citizens who could regulate personal matters under Islamic law rather than the French civil code. There were, at the same time, numerous references to non-national state forms—from the Roman Empire to the British Commonwealth to the USSR—as precedents for a French polity that could recognize different components under a federal umbrella. The word “equality” was repeatedly spoken. From a different point of view came a strident defense of the privileges of white settlers in the colonies and of French central authority. Debate focused on how far France could go in recognizing colonial subjects as rights-bearing citizens without losing control from Paris. African deputies argued that the civil and political rights of the citizen should be independent of personal status, that is, someone could come under Islamic or customary law for personal matters and still exercise all the public rights of the French citizen. The debate over citizenship was dramatic. African deputies seemed to succeed in getting colonial subjects declared rights-bearing French citizens, then the deliberations seemed to confine them to a second-order citizenship, but when the colonial deputies boycotted the debates, threatening to make the entire constitutional process lose all legitimacy overseas, they saved their minimum demands. The status of French subject was abolished and African and other colonial subjects acquired the quality of the French citizen, without giving up their personal status.<sup>26</sup>

Social issues were scarcely mentioned in the constitutional debates in Paris, but meanwhile a general strike erupted in Senegal, embracing African workers from the dock laborer to the civil servant. Much of the economy was shut down for the better part of a month. The slogan of strikers was “equal pay and equal benefits for equal work,” a conception of struggle built around the French reference point. Both the lowest-paid and best-situated workers in Senegal won partial victories, and most important strikers forced labor questions to be considered in Africa on the same terms as they were considered in France. The labor inspectors were now able to argue that social problems needed expert solutions, and that regulating class conflict required clear guarantees for workers and a framework for collective bargaining. Because the state was so concerned with order, and because it was the biggest employer, the labor question was a state question and hence a question of citizenship and of legally defined rights.<sup>27</sup>

The Overseas Ministry at the time was considering the adoption of a labor code for Africans, but with the citizenship debate in Paris, it realized that it could not make separate codes for different categories of French people. Thus began a six-year struggle over the terms of a code to be applied to all people in overseas France, with a great

deal at stake. The labor question became an issue of social rights to minimum wages, job security, paid vacations, retirement benefits, the right to organize and strike, and—eventually—family allowances, to be attached to a specific social category, that of the wage worker who was a French citizen. While the code was being debated in Paris, a series of strikes took place. At stake were both the contents of the code and how much voice African trade unions would have in defining how a system of equal pay for equal work would be implemented.<sup>28</sup>

The discourse within French Africa was thus simultaneously about specific entitlements defined as legally enforceable rights, about process—that is, the place of labor unions and strikes in industrial relations—and about citizenship, the principle of equivalence of all French people. The most important point for us was that the framework for this debate was imperial: a France that was not just located in Europe. The French Empire had been rebaptized the French Union, and colonies were now called overseas territories, and their representatives—albeit a small minority—sat in governing bodies in Paris, but the structure still concentrated power in Paris. Metropolitan France, Algeria, overseas territories like Senegal, overseas departments like Martinique, protectorates like Morocco, all were governed differently. But now citizenship talk had proclaimed equality, including social equality, within a structure that was both differentiated and hierarchical.

If one looks at rights as processual, not just codifications, one can better understand the politics of social rights in French Africa in the 1950s. Léopold Senghor, the leading Senegalese politician, put things in perspective in 1948. He called for Africans to look simultaneously to horizontal solidarity—that is, close political relationships with fellow Africans—and vertical solidarity, with France. Horizontal solidarity without vertical would mean unity in poverty, but vertical solidarity without horizontal would be the old colonialism revived.<sup>29</sup> One had to conjugate the two. Senghor's use of the term “solidarity” is indicative. It is a common political appeal, but also one with particular meaning in the postwar context, for it was “solidarity” that was expressed by the welfare state, the notion that the misery of one member of a community diminished all other members. And the frank use of the word “vertical” made clear Senghor's recognition that socially and economically African French people were not equal to European French people, but that citizenship implied that people on both sides of the Mediterranean had a responsibility to bring such equality about. How social equivalence would be implemented would depend as well on Africans' acting together to make claims, but also to express their particularity, the integrity of their ways of life. Social equality did not mean social identity. Indeed, Senghor argued that the constitution contained a right to difference, through the personal status clause.

The reason some of these ideas are hard for us to grasp today is that we project backwards the “national” liberation of colonies onto a time when the alternatives to colonial empire were more varied than that of independent nation-states.<sup>30</sup> Most French African political movements were arguing in the 1950s that empire should be transformed into federation, a multinational political form that would strip colonialism of hierarchy, discrimination, and oppression but maintain a structure that

would combine self-expression with participation in a larger and wealthier political unit.

Senghor and his allies, as they sought to balance vertical and horizontal connections, consistently wanted rights to be located at the level of the French federation or confederation, not in individual territories. Senghor had no qualms about the French origins of rights discourse. He saw that as a positive contribution of France to world civilization, alongside other forms of solidarity that he saw as deriving from African social values. He thought rights would be more secure if located at a higher level of inclusion, away from the tumble of local politics. And he wanted Africans, like people from European France, to be able to move about the French Union and take their rights with them. In fact, the right of *libre circulation* was a mechanism for individuals to try to make rights apply to them, especially economic rights, for as long as an African could pool enough resources to get to France, French standards for wages and welfare would legally prevail.

The French Union, guaranteeing equal rights and different personal statuses, was on the surface both egalitarian and multicultural. It was in reality neither—too many institutional compromises, too strong a conception at the top of the superiority of a French way of life. And underlying these failings is a problem that defies theoretical resolution: equality and particularity are not necessarily reconcilable, and attempts to do so bring us into the rough-and-tumble world of politics. The issue which French leaders liked to bring up in pointing to the limits of such a reconciliation was polygamy, a man's right under various personal status regimes, a mark of women's inequality in other conceptions. Why, some asked, should a polygamous African, elected to the French National Assembly, be allowed to vote on legislation concerning the family in France, metropolitan as well as overseas?<sup>31</sup> A more sincere federalism, giving both African and European French people relative autonomy, might have eased such concerns, but it would not have solved the basic contradiction between different sorts of rights, a problem faced today in debates over cultural difference and gender equality.

Hence the importance of a conception of rights oriented toward process and politics, not just a list of juridically enforceable, supposedly universal norms. Senghor and others were concerned above all with the right to *claim* rights—with the possibility through freedom of association and speech and electoral institutions to engage in debate, to seek political allies across lines of origins to support specific assertions. And one can add, as Senghor well understood, that changing social practices was not just a matter of imposing norms on supposedly backward peoples but of providing them the economic means to adapt to new forms of social relations.

Claim-making within an imperial structure lay at the heart of politics in the 1950s. One French official in Senegal put it this way:

The [trade union] leaders have succeeded in locking the public powers and the rival union federations into a sort of cycle from which it is difficult to exit. If in effect one satisfies the claims, these become the point of departure for new claims, even more extravagant, which risk at such a pace to break open the structure of the country and lead to a crisis, with unemployment, misery, and mass discontent.<sup>32</sup>

By the mid-1950s the French government was trapped between fear that if the project of political and social integration failed in subsaharan Africa, there would be a second Algerian War, and concern that if it succeeded, France would be saddled with enormous costs. That social betterment would make the workforce more productive as well as more orderly was an argument frequently heard from those who wished to expand the social rights of Africans. Perhaps so, but economic development was a long-term phenomenon, and demands for equal schooling, healthcare, veterans' benefits, and family allowances were immediate. Africans were coming in larger numbers to European France, sending back money, and sending back ideas and organizational connections.

Claims to French resources were not supplications but demands of citizens, of people within the bounds of "solidarity." French officials came to realize that the very appeal intended to cement overseas citizens to France was causing them to lose control over a political process. A French minister in 1956 put it bluntly: citizenship had come to mean "equality in wages, equality in labor legislation, in social security benefits, equality in family allowances, in brief, equality in standard of living."<sup>33</sup>

Around 1956, the French government backed off its focus on a French reference point for social progress and French laws as the means to provide it. The only way the government could get African leaders to accept such a shift was to give in to the other pole of their demands: for fuller autonomy to govern themselves and for reforms that eliminated the discriminatory aspects of election laws. Governments elected by African majorities under universal suffrage would run the internal affairs of each territory. For a time, a reconfiguration of relationships within what was, after 1958, called the French Community was the basis for political maneuvering, but the situation of divided sovereignty was an unstable compromise for both parties, particularly when African leaders could not agree how to organize their relationship with one another as well as with European France. Relations became increasingly oriented toward bilateral negotiations over conditions of independence. Initially those negotiations produced by treaty much of what the constitution had previously defined: French citizens and those of its former colonies would have freedom to travel, settle, seek employment, and do business in one another's territory.

But after independence, actually implementing such arrangements no longer depended on "rights" at the imperial level or on a political process within the French Community but rather on national laws, national politics, and negotiations among leaders. When an economic downturn led to anti-foreigner sentiment in France in the early 1970s, a harsh new law made immigration extremely difficult.<sup>34</sup> But even the word "immigrant" shunted aside a historical connection, for the immigrants of the 1970s were the sons and daughters of the citizens of the 1950s.

The rights-bearing worker and the rights-bearing voter—only recognized in most of French Africa since 1946—found that those rights were subject to erosion or denial in newly sovereign states after 1960. Leaders of independent countries, acutely aware that they lacked the resources to ensure that the demands of a citizenry would be met, moved to build up relations of patronage with power brokers inside of the nation and of clientage with former colonizers, undermining democratic processes and the kind of social movements that had helped them get into power. In Guinea in 1958, a

teachers' strike was harshly repressed and its leaders imprisoned. In Senegal, civil servants were fired after going on strike; in Dahomey, a trade unionist ruefully remarked that one could get better satisfaction from a European labor inspector than an African minister. In most of French Africa, political rights were compromised several years after independence by the institution of single-party regimes, except where military coups brought in the no-party regime. Social rights remained formally on the books in many cases, but they were eroded in practice. The Senegalese labor code resembled the French, but trade unions were undermined, family allowances eaten away by inflation, and social services eroded by government incapacity and indifference.<sup>35</sup>

When the world economic recession of the 1970s hit Africa hard and forced governments to seek aid from the IMF and other international institutions, those institutions enforced the destruction of much that could be considered "social." The "right" of finance to cross frontiers was guaranteed by international organizations; the right to education, medical care, a livable wage undermined in the name of financial rigor.

Such policies were one phase in a debate dating to 1944 over the relationship of social rights and "development." After independence, there were assertions from ex-colonial states that the right to develop trumped other rights. Such arguments—made at the 1968 Teheran conference for example—suggest a certain pessimism on the part of leaders: that they could not expect to fulfill expectations that social demands would be met. And it makes clear that they wanted *carte blanche* to bring about modernization from the top down—the shah of Iran was after all the host—and they did not want to be held accountable for actually meeting their own goals.<sup>36</sup> In such terms, the move to place development objectives ahead of political rights does not so much reflect a contradiction between the two as their mutual constitution: what worried rulers most in the 1960s, as it had French leaders in the 1950s, was that social rights would be *claimed*. In both cases, the language of social rights and the process of political mobilization put pressure on states. The shah of Iran could claim that he would bring development and modernization to his people, but that they would not have the political right to claim resources, and the prime minister of France could declare that his government would provide aid to former colonies, whose citizens no longer had a claim to French resources. Both were trying to remove from the realm of politics what had been so important earlier on: political mobilization to claim social rights. In international discourse, the rights of imperial citizens have become the needs of the world's poor, a problem for experts in poverty relief, and within many states, claims to rights were often turned into the quest for a powerful patron who could distribute the crumbs of the world economy.

The generalization of sovereignty around the world could thus shelter the rulers of ex-colonial states from scrutiny of their denial of political and social rights and also shelter rich states, former colonizers and otherwise, from responsibility for the extremes of inequality to which they had contributed. The real winners were corporations that asserted certain kinds of economic rights, for example, to the free movement of capital, to the expatriation of profits, to intellectual property, to taking advantage of the most lax of labor laws or enforcement of environmental standards. Any violation

of such norms becomes, in some arguments, a violation of human rights—of the human rights of capital.<sup>37</sup> The most basic problem is not simply that global corporations run roughshod over the sovereignty of poorer states but that the sovereigns of poorer states and transnational corporations can together run roughshod over the interests of workers and farmers.<sup>38</sup> Sovereigns and corporations have enforceable mechanisms to protect their economic rights; a worker in a mine in Borneo has few mechanisms to enforce even the most elementary of social rights. Degrading conditions in many places of employment or massive alienations of land to foreign corporations become likely as the possibility for their victims to make claims against them is ignored or curtailed.<sup>39</sup>

The apparent revival of rights talk since the 1980s leaves us with a question that was posed in regard to the Declaration of 1948. Is the listing of rights a step toward giving them substance or a substitute? Just as rights talk had taken a back seat by the 1960s to sovereignty talk, are social rights taking a back seat to economic rights? Are international conversations about social rights enriching discourse among activists while economic rights are enforced by international financial organizations, the World Trade Organization, and a variety of judicial authorities, national and international? The question is a real one, not a rhetorical one or a lamentation. We do not know the future. And we might appreciate the possibilities of different answers by remembering that the units which are now taken for granted were far from defined or generally accepted fifty or sixty years ago. The *location* of rights has not been settled.

The French Revolution posed the question of whether the rights of the citizen were confined to a national space or extended to an imperial space populated largely by enslaved Africans; antislavery movements invoked the humanity of the slave, and the responsibility of empire for the slave's condition, as worker, as family member, as a potential member of a community; apologists for colonization invoked a duty to save Africans from the tyranny of other Africans; colonial administrations debated how much of a limited set of rights should be extended to colonized peoples; the advent of the welfare state, coincident with political mobilization in the colonies, forced upon colonial rulers the question of whether newly agreed-upon social and economic rights would be limited to a national, European space or extended to an empire that leaders desperately wanted to hold together. The post–World War II moment led to the positing of social and economic rights on a global scale, and some rich states concerned with the political stability of ex-colonies saw the importance of giving, on their own terms, a measure of substance to development as a universal aspiration; ex-colonial states tried to balance their own assertions of sovereignty, a stance in favor of universal liberation, with fears of new forms of interference from imperial powers; advocates of a global opening to investment sought universal economic rights for transnational corporations while trying to minimize restrictions on their actions in the name of the social rights of workers or peasants. We need not assume that claims to social rights—and the political rights necessary to make good on claims to such rights—will crystallize at any one level. Our experience with generalized sovereignty at the level of the nation-state is too short to assume that it is durable. What we mean by “social” and what we mean by “rights” are likely to be shifting and contested. Thinking about the history of social rights should remind us



of the multiple possibilities that people can imagine, of the importance of struggle over them, and of the need to think through the consequences of whatever actions we undertake.

## NOTES

1. Lynn Hunt's interpretation of the origins of human rights emphasizes the importance of empathy, while in writing about the more recent past Jean Quataert puts the accent on dignity, a point whose social implications will be taken up below. Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007); Jean Quataert, *Advocating Dignity: Human Rights Mobilizations in Global Politics* (Philadelphia: University of Pennsylvania Press, 2009). See also Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011).

2. Hence the argument made by Harri Englund for an "anthropological" approach to rights, seeing them in specific situations rather than as the application of abstract principles. With good reason, he fears that propagating a list of freedoms reifies the notion of contextless individuals in relation to the state and to the marketplace, rather than developing discussion and mutual influence between local conceptions of rights, dignity, and responsibility and transnational norms (themselves the product of interaction and debate). Harri Englund, *Prisoners of Freedom: Human Rights and the African Poor* (Berkeley: University of California Press, 2006).

3. Even earlier, as Katherine Lebow shows in this dossier, Poland's Economic Institute for Social Economy sponsored in the 1930s the collection of autobiographical narratives intended to link social suffering to the "fundamental humanity" of the authors, thereby weaving social and human rights together.

4. This conception of a rights regime has been developed in the case of imperial Russia by Jane Burbank, "An Imperial Rights Regime: Law and Citizenship in the Russian Empire," *Kritika* 7, no. 3 (2006): 397–431.

5. James Sheehan, "The Problem of Sovereignty in European History," *American Historical Review* 111, no. 1 (2006): 3. That "European" legal systems could provide a basis for making claims against "European" colonial regimes is made clear in Saliha Belmessous, ed., *Native Claims: Indigenous Law against Empire, 1500–1920* (Oxford: Oxford University Press, 2011).

6. Some of the best scholarship on sovereignty makes clear how little the present-day, commonsense view of it as territorially bounded and indivisible corresponds to historical patterns. See Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010). For a collection illustrating diverse views of sovereignty, see Douglas Howland and Luise White, eds., *The State of Sovereignty: Territories, Laws, Populations* (Bloomington: Indiana University Press, 2009).

7. On the connection between some of these postwar crises and the notion of human rights, see, for example, G. Daniel Cohen, "The 'Human Rights Revolution' at Work: Displaced Persons in Postwar Europe," in Hoffmann, ed., *Human Rights*, 45–61.

8. On international issue networks, see the pioneering work of Margaret Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y.: Cornell University Press, 1998). For more on the ILO, see Daniel Maul, *Human Rights, Development and Decolonization: The International Labour Organization, 1940–70* (Basingstoke: Palgrave Macmillan, 2011).

9. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2010).
10. Roland Burke, essay in this dossier, as well as *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania, 2010). A vivid example of an anticolonial movement making claims through rights discourse is described in Meredith Terretta, “‘We Had Been Fooled into Thinking That the UN Watches over the Entire World’: Human Rights, UN Trust Territories and Africa’s Decolonization,” *Human Rights Quarterly* 34, no. 2 (May 2012): 329–60.
11. Bandung represents an important moment in the history of claim-making—an attempt to organize a bloc that could speak for ex-colonial peoples around the world. See Christopher J. Lee, ed., *Making a World after Empire: The Bandung Moment and Its Political Afterlives* (Athens: Ohio University Press, 2010).
12. Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton, N.J.: Princeton University Press, 2009). See also Glenda Sluga, “René Cassin: *Les droits de l’homme* and the Universality of Human Rights,” in Hoffmann, ed., *Human Rights*, 107–24.
13. Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787–1804* (Chapel Hill: University of North Carolina Press, 2004); Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, Mass.: Harvard University Press, 2004). See also the pioneering study of C. L. R. James, *The Black Jacobins* (New York: Vintage, 1963 [1938]).
14. Andrew Sartori, “Global Intellectual History and the History of Political Economy,” in *Global Intellectual History*, ed. Samuel Moyn and Sartori (New York: Columbia University Press, forthcoming). See also Sartori, *Bengal in Global Concept History: Culturalism in the Age of Capital* (Chicago: University of Chicago Press, 2008).
15. Alessandro Stanziani brings a new perspective to the old question of free versus slave labor by refusing to take the former as the standard by which the latter is to be assessed; he brings out the problematic nature of “free labor” regimes, focusing on the extent to which regulation via master-and-servant laws and enforcement of contracts constrained labor within the “free labor” regime itself. Stanziani, “Labour Institutions in a Global Perspective, from the Seventeenth to the Twentieth Century,” *International Review of Social History* 54, no. 3 (2009): 351–58.
16. Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 2010).
17. Frederick Cooper, Thomas Holt, and Rebecca Scott, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill: University of North Carolina Press, 2000). That slaves had their own ideas of economic and social life and did not necessarily conform to the expectations that officials—and even sympathetic missionaries—had of them made more plausible an argument that people of African descent were a racial exception to an economic rule, which over the years came to justify the elimination of political rights and the narrowing of social ones within the formal category of “freedom.”
18. Peter Baldwin, *The Politics of Social Solidarity: Class Bases of the European Welfare State, 1875–1975* (Cambridge: Cambridge University Press, 1990).
19. Quotation (1902) from “Ligue des Droits de l’homme, syndicalisme et syndicats dans le premier XXe siècle,” <http://histoire-sociale.univ-parisi.fr/Collo/naquet.pdf> (accessed April 10, 2012), 3.

20. Frederick Cooper, *From Slaves to Squatters: Plantation Labor and Agriculture in Zanzibar and Coastal Kenya, 1890–1925* (New Haven, Conn.: Yale University Press, 1980); Susan Zimmermann, “The Long-Term Trajectory of Anti-Slavery in International Politics: From the Expansion of the European International System to Unequal International Development,” in *Humanitarian Interventions and Changing Labor Relations: The Long-Term Consequences of the Abolition of the Slave Trade*, ed. Marcel van der Linden (Leiden: Brill, 2011), 435–97.

21. Laure Blévis, “Sociologie d’un droit colonial: Citoyenneté et nationalité en Algérie (1865–1947)” (Ph.D. dissertation, Institut d’Etudes Politiques d’Aix-en-Provence, 2004); and Alix Héricord-Gorre, “Eléments pour une histoire de l’administration des colonisés de l’Empire française: Le ‘régime de l’indigénat’ et son fonctionnement depuis sa matrice algérienne (1881–c. 1920)” (Ph.D. dissertation, European University Institute, 2008); Isabelle Merle, “Retour sur le ‘Code de l’Indigénat’: Réflexions autour des principes répressifs dans l’Empire français,” *French Politics, Culture and Society* 20, no. 2 (2002): 3–15; Emmanuelle Saada, *Empire’s Children: Race, Filiation, and Citizenship in the French Colonies*, trans. Arthur Goldhammer (2007; Chicago: University of Chicago Press, 2012)

22. Frederick Cooper, *Decolonization and African Society: The Labor Question in French and British Africa* (Cambridge: Cambridge University Press, 1996), chaps. 3 and 9; Daniel Maul, “The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present,” *Labor History* 48, no. 4 (2007): 477–500; Susan Pedersen, “Back to the League of Nations,” *American Historical Review* 112, no. 4 (2007): 1091–1117.

23. Alain Supiot, *The Spirit of Philadelphia: Social Justice versus the Total Market* (2010; New York, Verso, 2012). See also Daniel Maul, “The International Labour Organization and the Globalization of Human Rights, 1944–1970,” in Hoffmann, ed., *Human Rights*, 301–20.

24. For the text and documents on its preparation, see <http://www.ilo.org/public/english/support/lib/century/sources/sources1944.htm> (accessed November 8, 2011).

25. Maul, “Globalization”; Zimmerman, “Long-Term Trajectory.”

26. The citizenship question in French West Africa will be treated in detail in the book I am completing on the subject. For now, see Jane Burbank and Frederick Cooper, “Empire, droits et citoyenneté, de 212 à 1946,” *Annales* 63, no. 3 (2008): 495–531; and Frederick Cooper, “From Imperial Inclusion to Republican Exclusion? France’s Ambiguous Post-War Trajectory,” in *Frenchness and the Africa Diaspora*, ed. Charles Tshimanga-Kashama, Didier Gondola, and Peter Bloom (Bloomington: Indiana University Press, 2009), 91–119.

27. Cooper, *Decolonization*, chaps. 5 and 6.

28. *Ibid.*, chap. 7.

29. *La Condition Humaine*, February 25, 1953; Mamadou Dia, “Rapport Moral” to VIIIème Congrès Annuel du BDS, reprinted in *La Condition Humaine*, May 31, 1956.

30. Hence it is not particularly helpful to consider the rights movements of recent years as “post-national,” since they could also be characterized as pre-national, supra-national, imperial, etc.

31. Pierre Frédéric, “Où va l’Union Française? Des diverses solutions du problème colonial,” *Le Monde*, August 28/30/31 and September 3–5, 1951.

32. Affaires Politiques, Senegal, Revues trimestrielles, 1st trimestre 1953, 1 April 1953, AP 2230/4, Archives d’Outre-Mer, Aix-en-Provence.

33. Pierre-Henry Teitgen, Assemblée Nationale, *Débats*, March 20, 1956, 1072–76.

34. Patrick Weil, *How to Be French: Nationality in the Making since 1789*, trans. Catherine Porter (2001; Durham, N.C.: Duke University Press, 2008).
35. Cooper, *Decolonization*, chap. 11.
36. Burke, *Decolonization and the Evolution of International Human Rights*, 92–111.
37. The *New York Times* reported on January 18, 2012, that some hedge-fund owners were contemplating taking Greece to the European Court of Human Rights for trying to force them to accept less than full repayment of loans. It is not clear that this threat came to pass.
38. On the interrelation of outside expertise in the domain of rights and internal politics, producing an outcome conducive to narrow definition of rights and sustenance for the continued domination of local elites and transnational business interests, see Englund, *Prisoners of Freedom*.
39. Supiot analyzes the decline of the 1944 spirit largely in relation to the protection of the rights and dignity of workers in Europe, but the situation is even more extreme in the ex-colonial world.