

Preface: When Rights Were Social

If the 1948 Universal Declaration of Human Rights functions as the touchstone document in the development of human rights, the International Labour Organization's Philadelphia Declaration announced four years earlier serves as no less a foundational moment for those advocating the expansion of social justice and material well-being in today's era of globalization. For them "the spirit of Philadelphia," as Alain Supiot has recently called it, offers a judicious blend of social rights and human rights, even if these concepts were not mentioned explicitly in the document itself.¹ And as the global economic crisis drags on, and as the unease with the alliance of free markets and human rights grows, the once celebrated union of social and human rights remains largely forgotten, especially in the realm of policymaking. For some Western intellectuals like Supiot, replacing the "total market" with the welfarist ethos and social rights orientation of the 1944 Declaration of Philadelphia represents a welcome way forward for progressive politics more generally.

This midcentury "rights revolution" has attracted more scholarly attention in recent years. While the notion of social rights was developed in various guises over the course of the nineteenth century, it took on heightened importance after 1945. It became closely allied with the new concept of human rights and reappeared in the 1940s as part of a novel international political language dedicated to social reform and global justice.² Much of this was linked to the broad-based advocacy of welfare state politics, as all belligerent powers promised and promoted a host of social rights—better wages, the vote, housing, social care, education, and widening political participation in the state—as rewards for wartime sacrifice and service. Social rights were also bestowed with a new historical pedigree to justify these reformist measures. One of the most important political manifestos that advanced the idea of social rights as the successor of European political and civil rights was T. H. Marshall's *Citizenship and Social Class*.³ Here Marshall posited social rights as the endpoint of a modern history of rights and citizenship, completing the unfinished business of eighteenth- and nineteenth-century developments in civil liberties and constitutional claim-making. No less important was Karl Polanyi's *The Great Transformation*, published along the lines of the emerging Keynesian consensus. In this book Polanyi referred to social rights as protections of society against the "satanic mill" of the market economy—what he called the "rights to gain shelter from the power of the owners of property."⁴ In this sense, *The Great Transformation* was as much a milestone of modern economic history as a pamphlet for more social rights, intended as it was to

strike a balance between free markets on the one hand and the anti-liberal thrust of economic planning on the other. These examples should caution historians about assuming any elective affinity between human rights and social rights, given that their linkage is a recent and by no means natural or necessary connection. If nothing else, Supiot's, Marshall's, and Polanyi's engaged academic writings should remind us that making these connections is a political project in its own right, and thus part of the historical narrative of social rights that these commentators are supposedly endeavoring to describe. This dossier edited by Małgorzata Mazurek, Paul Betts, Andreas Eckert, Stefan-Ludwig Hoffmann, and Sandrine Kott chiefly addresses this problem by rethinking the relationship between social rights and human rights so as to explore the fragility, provisional nature, and contingency of their pocked history. But if the point is not to write a Whiggish history of social rights that celebrates the intersection with human rights as the highest stage of its development, it is also not a comprehensive effort to trace the historical conjunctures and disjunctures of the nexus of social rights and human rights over the course of the last two centuries. A full history of social rights remains to be written.

What this dossier proposes, instead, is a closer look at the specific location of rights amid changing historical contexts across the twentieth century, particularly during those moments in which social rights and human rights confronted each other, whether in an antagonistic or conciliatory manner. Several questions are then posed. How do social rights emerge? Who claims and confers them? When and under what circumstances have these rights been expressed? Reconsidering the locations and spaces of social rights demands inclusion of the experiences of both rights activists as well as the legal guardians of such citizen rights and entitlements, such as colonial empires, sovereign states, and/or transnational networks of experts. As such, this dossier aims to go beyond the "Philadelphia spirit" narrative that assumes the Western twentieth-century state as the main protagonist in this story, especially in terms of the social dimension of the history of rights.

Katherine Lebow opens the sequence with a look at the relationship between autobiography and social rights, using Poland from the early 1930s through the late 1940s as a case study. Lebow claims that published Polish worker memoirs played a pivotal role in shaping middle-class public opinion about the universality of rights, and social rights in particular. As poignant narratives of personal experiences of poverty, hunger, and economic inequality, these autobiographies of the unemployed were effective in conveying "the conscience of the skin" and the materiality of deprived rights. But contrary to other literary or visual representations of pity evoked in the name of rights, these alternative sociologies of everyday worker life were also published to empower the writing subjects. Against the backdrop of the Great Depression and the slide toward authoritarian dictatorship, these memoirs constituted a political argument as well as a social document: by stressing their authors' fundamental humanity (as sentient, self-reflexive beings) and the physical, emotional, and spiritual suffering caused by social disadvantage, such memoirs constituted (especially for those on the left) *prima facie* evidence of the need for a politics of social rights.

Sandrine Kott's and Eric Allina's contributions in turn explore how the issue of forced labor was constructed by individuals and institutions occupying an interme-

diary position in international politics. Kott directs attention to the ten-year-long debate (1947–57) within the United Nations and the International Labour Organization (ILO) on forced labor. This debate first developed as a classic Cold War opposition between a capitalist and state-socialist conception of freedom, but it eventually opened up a broader discussion on the economic and social conditions of freedom of—and to—work. It reopened the discussion on the centrality of social rights as a fundamental component of human rights as developed in the Western liberal tradition since the last third of the eighteenth century. Kott emphasizes in particular the attention paid to the Global South in this shift. By taking “the Southern detour,” a range of international individual and collective actors in and around the UN and the ILO were able to stress economic and social practices that in various contexts allowed for or led to unfree labor. This discussion helped redefine the very meaning of unfree labor and in so doing transcended Cold War political divisions in significant ways.

Allina builds on the theme of forced labor, tracking the evolving debate around African labor rights from the 1920s to the 1940s. He addresses the discussion at three levels: among colonial powers, in fora such as the League of Nations; between Portuguese government departments; and across levels of administrative hierarchy within Mozambique. Past scholarship has shown the conflicting and at times hypocritical nature of colonial powers’ actions in negotiating slavery and forced labor conventions in the decades prior to World War II, as well as in finding justification in war for the continuation of practices that supposedly fell into “gray areas” of those agreements. The “men in the middle” held less self-interested positions, shaped both by their awareness of the broader debate over what forms of labor were acceptable in a European-dominated Africa and by their interactions with the Africans over whom they ruled.

From there Marco Duranti turns our attention to the realm of law. In particular he explains why the early postwar welfarist consensus did not lead to any codification of social rights in Western Europe. Ironically, it was in Great Britain—the very heartland of “the Philadelphia spirit,” given the famed Beveridge Report in 1942 and the passing of the National Health Service Act four years later—where the formal expansion of human rights geared toward social protections and material well-being for all was scuppered by conservative elites. Using the transnational history of the 1950 European Convention on Human Rights as a case study, Duranti shows that this Western European rewriting of rights was the product of the domestic political agendas of conservatives operating within transnational movements for Western European unity.

The next two essays analyze how social rights were shaped by and understood within state socialism. Mark B. Smith discusses the right to welfare in the Soviet constitutions and maintains that since the promulgation of the Soviet (so-called Stalin) Constitution of 1936, rights became a novel language of communication between state and citizen. This did not mean that people enjoyed widespread rights, certainly not before Nikita Khrushchev came to power. And yet rights talk was suddenly everywhere, increasingly used by ordinary people to redress a raft of social grievances and renegotiate the relationship between the Communist Party and the

people. Smith's essay then takes up how the right to welfare changed over the years from 1936 to 1977.

In his contribution on the German Democratic Republic, Paul Betts goes on to show that a key feature of this socialist rights culture was its emphasis on the materialization of rights. On one hand, this is what supposedly made socialist social rights superior to their Western counterpart; on the other, it was also what made these regimes vulnerable to citizen discontent toward socialism's false advertising and undelivered promises of social justice and material betterment, as witnessed in the gathering pace of events over the course of the 1980s.

The last two contributions in the dossier take us onto the global stage of postcolonial politics, where newly established nation-states, international organizations, and transnational non-governmental organizations effectively politicized social rights for their own interests. Roland Burke discusses the impact of the Third World on the development of economic and social rights. Contrary to the caricatured understanding of a battle between communist East versus capitalist West, conventional Cold War politics was comparatively marginal to the evolution of economic and social rights in UN debates. According to Burke, it was rather the nascent Third World that drove initial developments, from the earliest consideration of concrete social provisions in the draft Universal Declaration. Asian, Arab, and African states embraced economic and social rights with a passion that was often missing from Western and even Eastern European rhetoric. Yet the challenge of delivering these rights in the context of immense and intractable resource constraints soon led to significant departures from the accepted formulation according to which the two generations of rights were equal and interdependent. By the 1960s, there were increasingly provocative assertions of a hierarchy emerging from the Third World, which elevated the status of the economic and social above the civil and political, with the latter subordinated to the realization of those more urgent material needs. As the decade wore on, the logic of this argument evolved still further, with the Third World "internationalizing" the obligation to provide economic and social rights.

Matthew Hilton's essay, by contrast, examines the work, development, and underlying principles behind a number of British international aid and development organizations since 1945, principally Oxfam, Christian Aid, the Catholic Agency for Overseas Aid and Development (CAFOD), and War on Want. NGOs were widely praised for the alternative model of development (prominently featuring grassroots connections) they supposedly offered in the 1960s and 1970s, and they have been rightly seen as important contributors to global civil society. Yet they also borrowed heavily from the agendas set by intergovernmental agencies. For their part, international aid and development NGOs have increasingly tied their work to human rights principles, especially in regard to women's rights and the right to basic needs of people living in impoverished countries. In doing so, however, they also tied themselves to wider liberal, market-based principles, which many worry have only served to perpetuate the conditions which promote poverty in the first place.

The task at hand, all contributions argue, is to rethink the role and place of social rights over the course of the last century, not least in connection to the questions of why and to what end the idea of social rights "has been pushed into national

containers,” as Frederick Cooper notes in his wide-ranging afterword. This was by no means an obvious development, especially since it was precisely during this midcentury moment when states and nations were up for grabs, as—again, in Cooper’s words—both “the question of sovereignty and the question of social justice were debated in terms that transcended locality and specific political configurations.” At the very least, this trend underscores the point that the presumed home of social rights within the nation-state needs to be called into question, not least because postwar states often built polities in which social rights were difficult or even impossible for citizens to claim. The breakthrough of human rights as a new politics of “global morality” in the mid-1970s (as well as their militarization in the 1990s in the name of “liberal interventionism”) also sidelined social rights from the international stage. How the history of social rights has been imbricated with issues of state formation, sovereignty, and welfare politics internationally is the principal theme of this dossier, and we hope that it will spur further research on one of the most fundamental and seemingly intractable issues of international politics across the twentieth century and beyond.

NOTES

1. Alain Supiot, *L'Esprit de Philadelphie: La justice sociale face au marché totale* (Paris: Seuil, 2010); translated into English as *The Spirit of Philadelphia: Social Justice against the Total Market*, trans. Saskia Brown (New York: Verso, 2012).
2. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2010), 44–83; Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2010).
3. T. H. Marshall, “Citizenship and Social Class,” in *Citizenship and Social Class, and Other Essays* (Cambridge: Cambridge University Press 1950), 1–85.
4. Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 2nd ed. (Boston: Beacon Press, 2001 [1944]), 265.