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Contents

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Introduction. Human Rights, Political Theory, and the History of Concepts

Is the idea of human rights a useful one for emancipatory politics? Recent literature in both political theory and history provides ample reason for skepticism. By some accounts, the concept, at least in the sense most people currently understand it, represents a retreat from politics to morality, and the abandonment of more robust utopian visions; it has been deployed as an affirmation of national virtue that serves to deflect from a country's conflicting actions. Cold War legacies make it a tool of American power, useless to articulate a robust agenda for economic equality; any advances gained in its name were the product of instrumental calculations meant to boost US prestige and to cordon off civil rights claims from international politics. Its institutionalization serves the interests of established powers, and has a stultifying effect on democratic politics. It is affiliated with narratives of transition and overcoming, implying a temporality incompatible with radical demands for revolution in the present and reparations for the past.[1]

Seeking to rescue the concept from various versions of these critiques, contemporary political theorists often make two related moves. First, they insist that, even if vulnerable to misuse from "above," the concept also helps enable claims from "below"; second, they argue that it should be defined in and through its practice, and is open enough to be useful both for

[1] See, in rough order, Samuel Moyn, The Last Utopia: Human Rights in History (Cambridge and London: Belknap Press of Harvard University Press, 2010); Samuel Moyn, Not Enough: Human Rights in an Unequal World (Cambridge and London: Belknap Press of Harvard University Press, 2018); Jeanne Morefield, Empires Without Imperialism: Anglo-American Decline and the Politics of Deflection (Oxford and New York: Oxford University Press, 2010); Barbara Keys, Reclaiming American Virtue: The Human Rights Revolution of the 1970s (Cambridge: Harvard University Press, 2014); Carol Anderson, Eyes Off the Prize (Cambridge: Cambridge University Press, 2003); Stephen Hopgood, The Endtimes of Human Rights (Ithaca: Cornell University Press, 2013); and Robert Meister, After Evil: A Politics of Human Rights (Columbia University Press: New York, 2012).

imperial and anti-imperial ends. The first move, while it articulates an instinct that is not itself wrong, is not rigorous enough to be particularly helpful: to avoid an essentialism about who makes the claim, and a related romanticism about who constitutes the "above" or the "below," it would have to articulate some further criterion for what distinguishes good from bad claims; otherwise, it tells us no more than that the answer lies in the application. The latter move is more promising, and versions of it come from several camps, both those affiliated with analytic political theory, perhaps most prominently Charles Beitz, and those writing in the tradition of continental political thought, such as Seyla Benhabib.[2]

But because they rarely engage the history of human rights, at times citing examples but neglecting broader intellectual historical trajectories, these authors tend to abstract away from that history – even as they would seem to want to call attention to the concept's career. Relatedly, and more worryingly, in the very act of gesturing to a practice with a history, they suggest that the concept itself transcends history. The openness and abstraction they associate with the idea of human rights come to mean, simultaneously, that its context is all the more relevant, and that something about the idea is always context-transcending. Human rights, because of the universality and abstraction of the idea, is both defined in and through its history, and also can always be remade; even when misused, the concept is open to, and provides a language for, alternative claims.

For Benhabib in particular, this dovetails with a progress narrative: in the re-articulation and remaking of ideas of human rights and their place in ideas of nationhood, their relationship

[2] See Charles Beitz, The Idea of Human Rights (Oxford and New York: Oxford UP, 2009); Seyla Benhabib, The Rights of Others: Aliens, Residents and Citizens (Cambridge and New York: Cambridge UP, 2004); Seyla Benhabib, Dignity in Adversity: Human Rights in Troubled Times (Cambridge: Polity Press, 2011); and Seyla Benhabib, Another Cosmopolitanism (New York: Oxford UP, 2011).

to democratic deliberation about borders and belonging, the universality of such rights means they always bend in the direction of enlightenment and openness, guiding us toward more cosmopolitan norms. Ideas of rights are instantiated in particular historical moments, yet necessarily point beyond those acts of articulation. Progress is hardly guaranteed – and yet, if and when it happens, it is evidence of the persuasive power of rights as a cosmopolitan ideal, over and against the more particular force of the boundedness of democratic communities.

There is some appeal to this story: after all, political concepts are malleable, made and remade as they are deployed to confront different problems, used to answer different questions. If this is true of political concepts in general, it should be especially true of a concept as seemingly universal and foundational as human rights. But if that is the case, how can we say for sure that they are always cosmopolitan, always directed toward greater inclusion? On one level, this is, and ought to be treated as, an empirical question. But it is also a question that goes to our methods of theorizing: if a concept is open and abstract, would its use otherwise simply be a misappropriation, as inclusive principles are used to disguise practices of domination? Can we really separate practice from principle in that way?

In this dissertation, I offer an account of human rights politics that challenges the idea of a separation between principle and practice, in order to consider how conceptions of human rights have been deployed both in and against forms of imperial and racial domination. I describe contests over the inheritances of the French and American rights declarations in the mid-twentieth century politics of race and empire, focusing on the end of French rule in Algeria and struggles for racial equality in the US. My account spans, roughly, the early 1940s to early 1970s, decades bookended by the two major periods of concern to contemporary historians of human rights: the Atlantic Charter, Four Freedoms speech, end of World War II, and creation of

the United Nations, on one side, and the rise of Amnesty International and popularization of a depoliticized version of human rights politics, on the other. While the version that emerged in the 1970s has been the subject of much critique, part of what I want to show is how that version emerged out of the active disavowal of other conceptions; this is a story about the politics behind the continuities and discontinuities tracked by historians.

I trace how narratives of foundational promises and their gradual fulfillment, often allied with an emphasis on education and progressive enlightenment, were used to justify imperial rule, to disavow alternative claims, and to affirm the idea of France and America's foundational virtue. To contest those narratives, oppositional thinkers pointed to the complicity of such progress narratives with their own nonfulfillment. Such critiques represent more than just paths not taken in theories of human rights: by criticizing the false promises of empire, they give the lie to the temporal narrative contained in progressive histories. Here, I differentiate critiques of French and American hypocrisy that understood hypocrisy as a conflict between ideals and actions, and argued for putting principle into practice, from critiques that understood hypocrisy as existing in the complicity between ideals and practices. According to this latter version, narratives of fulfillment and claims of virtuousness were hypocritical because they were paternalistic, and because they served to justify delays, including both projects of tutelage and development and violence carried out in the name of enforcing the law. What was necessary instead was not the erasure of bad practices, nor the expansion of foundational promises, but an assertion of political equality that would enable the mutual making of promises.

Such mutual promise-making required not turning away from history toward some future utopia, but a confrontation with the past. As part of this, I argue that ideas of human rights were entangled with, and are not separable from, ideas of self-determination: arguments about

hypocrisy that emphasized the need to make new promises raised the question of whether equality was possible within existing political configurations, and what sorts of refounding would be necessary to achieve equality. This should not be reduced, however, to an argument for separatism or state sovereignty. Rather, the language of human rights has been caught up with ideas both about citizenship and belonging, national founding, federationism, and international solidarity, precisely because it raises broader concerns about equality in the present. At some level, my argument is simple: any human rights politics worth affirming should be democratic. Part of what I want to trace, however, is what makes this so difficult: not only the difficulties of democracy, but the dilemmas of how to respond to injustice, how to construct new state forms, and of how to create conditions of political equality that can counteract the ongoing legacies of racism and imperialism.

The opening chapter offers a theoretical account of human rights politics as a practice of promise making and suggests how such an account might help reframe debates among both political theorists and historians of human rights. Building on historians' tendency to refer, somewhat offhandedly, to human rights commitments as "promises," I read Hannah Arendt together with Arthur Danto on promise-making and historical narrative in order to offer a theory of promising as a political practice that recasts the past and projects a possible future, so as to attempt to make a political space endure in time. To show how this might let us rethink what rights promises have to do with their own failures and shortcomings, I draw on archival work to reconstruct Arendt and Danto's own involvement in the human rights politics of the 1960s and 1970s, including Danto's role in the creation of Amnesty International USA.

The second chapter looks to the declaration of rights as a genre, drawing on history and literary theory to explain how later participants in a genre can both inherit and disavow aspects

of what came before. Building on archival research in France, Canada, and the US, I give an account of the drafting of the Universal Declaration of Human Rights, using as an entry point the reception of the NAACP's *Appeal to the World* petition, edited by W.E.B. DuBois. Focusing on Eleanor Roosevelt and René Cassin, from the US and France respectively, I reconstruct conversations within the drafting committee about minority rights, the right to petition, self-determination, and the separation of the Declaration from the rights covenants, to illustrate the allegiances between US racial politics and French imperial politics. I argue that the UDHR, despite appearing to be a moment of recognition of human rights, involved the disavowal of the version of human rights politics enacted by African American and anticolonial activists.

The next chapters look to debates about rights during the French war in Algeria and the civil rights movement in the US, in order to explain the limitations of critiques of human rights hypocrisy, understood as a failure to make good on promises, and to elaborate an alternative approach, one that emphasizes a failure to make promises mutually, grounded in an analysis of historical injustice. Chapters 3 and 4 deal with France and Algeria, and comment most directly on the small but growing literature on human rights and empire. In Chapter 3, I reconstruct the French government's response to accusations of rights abuses in Algeria, to show how the narrative of human rights that France advanced, beginning with its promotion of the UDHR, relied on ideas about education and tutelage that were compatible with ongoing colonial violence. Tracing several scandals in the metropole over French action in Algeria, I argue that those critics who pointed to hypocrisy, and appealed to an alternative, humanitarian universalism, failed to respond adequately to this official narrative.

Chapter 4 begins from the dilemmas that arise in such a moment, and particularly what Arendt describes as the challenges of natality. Through the work of Ferhat Abbas, I trace how

anticolonial activists offered an alternative critique of imperial promises, demanding a reckoning with historical injustice in order to refound France itself on more equal terms. Such a refounding marked the birth not just of something new, but a birth out of history that refused colonial narratives of tutelage. I trace the use of the language of human rights – including citations of the UDHR and appeals to the principles of 1789 – within the Algerian resistance, to show how ideas of self-determination and human rights were entangled in this moment. I contrast Abbas's position with Albert Camus's stance; Camus, I argue, was deeply ambivalent about the dilemmas of his political moment. Camus's approach, both for his description of the problem as one of injustice on both sides as though they were equivalent, and for his emphasis on an opposition to suffering and preservation life in itself, has resonances in certain contemporary versions of human rights politics. The politics of natality that Abbas championed, I argue, offers a useful alternative to this approach, emphasizing politics and responsiveness to history. It also offers a corrective to what I argue are problems in Arendt's own account of imperialism and anticolonial revolution.

Chapters 5 and 6 trace an interconnected set of concerns in the US politics of race in the same period. Chapter 5 reconstructs Gunnar Myrdal's diagnosis of a midcentury American dilemma, and his critique of American hypocrisy, in the multi-year study that resulted in his landmark 1944 book *An American Dilemma*. I read this alongside Ralph Bunche's role in the study and Alva Myrdal's work afterward as head of the Social Sciences division at UNESCO. I argue for reading *An American Dilemma* not as an appeal to the exceptionalism of the American Creed, but instead as an appeal to, and exercise in, a new vision of social science as an alternative universalism which would allow Americans to see past race and so better fulfill their foundational promises. In his later work, Bunche carried forward that vision of a social science

that could enable democratic planning and deliberation, now coupled with international law and postcolonial sovereignty; he also deepened a critique, present to some extent in Myrdal's book, of America's foundational association with ideas of universal equal rights. His vision underscores some of the challenges in Myrdal's approach: Myrdal's view of black politics as primarily reactive, and of race as something irrational to simply be overcome. Bunche's work remains in many ways caught up with narratives of tutelage and gradual enlightenment, even as he attempts to disassociate those ideas from a more "Kiplingesque" imperialism. Still, his work served to provincialize a newly fortified American exceptionalism in the 1950s, including through his efforts to tie black struggles in the US with anticolonial struggles abroad.

In Chapter 6, I contrast this with Malcolm X's appeals to human rights and black internationalism in order to elaborate an alternative critique of American hypocrisy and an alternative assessment of the dilemmas to which it gives rise. I read his 1964 speech, "The Ballot or the Bullet," as itself an articulation of an American dilemma. His use of human rights was meant to emphasize both democratic inclusion and self-assertion in the US, and an internationalist politics abroad. It was a response to the hypocrisy and what he calls the "false promises" of America – promises which offered progress in exchange for patience, and through which liberals attempted to disavow the outright racism with which they were in fact complicit. The chapter draws on Malcolm X's speeches, news articles, and published work, as well as his drafts, personal diaries, travel notes, and correspondence, with reference as well to the papers of the Organization for Afro-American Unity he founded. In this chapter, as with the treatment of Abbas in Chapter 4, I do not aim to romanticize Malcolm X's political vision, but instead to emphasize his diagnoses of the dilemmas for human rights politics to which American hypocrisy

and imperial history gave rise, and his efforts to think about a democratic politics that could respond adequately to those dilemmas.

In each chapter, I rely both on published texts, some of which are canonical within contemporary political theory, as well as private papers. In places that archival work is fairly straightforward within the discipline of political theory: I use it to expand my view of a particular author, in order to read their texts in their own intellectual context. At times this also has a canon-expanding function: in the cases of Ferhat Abbas, René Cassin, and Malcolm X, I am better able to read them as political theorists when I have access to more of their written work. It is also intended to undercut a supposed distinction between political actors and political theorists, a distinction that does injustices to both. For those who are seen as political actors (Ralph Bunche and Malcolm X in particular), the distinction has a condescending edge, and often enables people to write them off as somehow so strategically oriented that their work couldn't possibly be considered theoretically rich. For those who are treated as theorists, the distinction means that, when we contextualize them, it is intellectual context, and the history of ideas, with which we are most often concerned; this replicates a broader division between ideas and practices that I am writing against. A final function of the archival material, evident especially in the third chapter, aims to trace the usages and deployments of concepts in political and legal discourse, beyond the intellectually oriented writings of individual thinkers; this move, as well, is aligned with a broader push against the separation between ideas and practices, and an understanding of hypocrisy as simply a conflict between the two.

Chapter 1. Promise-Making and the History of Human Rights: Reading Arendt with Danto

"Dear Mr. President: This is to draw attention to the cases of a group of colleagues of ours, historians well known in the academic community, all of whom are now in prison...Every scholar has a vested interest in this matter. Faithfully, Hannah Arendt"
Hannah Arendt to Augusto Pinochet, November 27, 1974, writing at the urging of an Amnesty International chapter in Brussels[1]

"Dear Dr. Kissinger: We noted with pleasure the implication in your conversation with Mr. Moyers that you are actively intervening in the release of political prisoners in Chile. We cannot completely agree that public knowledge of the fact would be detrimental in its success – after all you just have publicized it – and we cannot help but feel that in view of our dismal record in recent times on matters of human rights, a whiff of humanitarianism might earn us friends in the moral community. But in any case we look forward to news of actual releases in Chile, where our information is that the treatment of prisoners grows daily more horrendous. Yours sincerely, Arthur C. Danto, Professor of Philosophy, and Ainslie Embree, Professor of History and Associate Dean, School of International Affairs"
Letter to Henry Kissinger, January 24, 1975[2]

In her now classic history of human rights, Lynn Hunt describes what she calls the "promise" of the rights of man, a promise which, she claims, "can be denied, suppressed, or just remain unfulfilled, but...does not die."[3] While her critics rightly take issue with her claim that rights

[1] Correspondence, Organizations, Amnesty International, Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C.

[2] I am grateful to Lydia Goehr and the Danto family for sharing several drafts of this letter from his personal papers. Danto is presumably referring to Bill Moyers' January 16, 1975 interview with Henry Kissinger, on the PBS show "Bill Moyers Journal." The issue of Chilean prisoners came up in the context of a question about the balance of "morality and pragmatism in foreign policy," and the apparent lack of "humanity" in America's role in the overthrow of the Allende government in Chile. Kissinger said: "And I believe when all the facts are out, it will turn out that a substantial number of the released from Chilean prisons were negotiated by the United States without ever making anything of it, not because we did not believe in these human rights, but because we believed it would facilitate the objective of implementing these human rights if we did not make an issue of it." For a complete transcript, see "Secretary Kissinger Interviewed for Bill Moyers' Journal," Department of State Bulletin, Vol. LXXII, No. 1859, February 10, 1975, 165-178, especially pages 177-178.

[3] Lynn Hunt, Inventing Human Rights: A History (New York and London: W.W. Norton and Company, 2007), 175.

have a "logic," their fulfillment a certain inevitability, they themselves also make use of the language of promise-making, accepting Hunt's description of Enlightenment rights commitments but disputing whether later moments are in fact making claims, in a conceptually coherent way, against those particular earlier promises. Even Hunt's most vocal detractor, Samuel Moyn, refers to the "broken promises" of human rights, arguing that anticolonial movements should not be considered part of the history of human rights because they opted to draw not on that promise, but on a different one: that of collective liberation. He agrees with Hunt that universal promises are open to claims for fulfillment; he differs from her in thinking that such claims are inevitable, emphasizing that later actors have more agency than her account suggests. He writes: "The case of the decolonizing world shows clearly that not all universalistic promises spark seizures from below of their unrealized potential."[4]

Behind the Hunt-Moyn debate is not just a disagreement about continuity or discontinuity, long versus short history, but a question of how promises enable or foreclose later forms of claim-making, how promises operate in time to open or shut off spaces of political possibility. Posed this way, the issue appears as one not just of history, but of political theory. Along these lines, I propose we re-approach the question of how later claims relate to earlier

[4] Samuel Moyn, The Last Utopia: Human Rights in History (Cambridge and London: Belknap Press of Harvard University Press, 2010), 86-88. Notably, Hunt is using "promise" in the singular, and more abstract, sense, while Moyn speaks of "promises." Even as, at least in some cases, they are both referring to the same historical events of promise-making, Hunt's language contains an ambiguity that already tells us something about her approach: that there is something promising, some potential or cause for hope, built into acts of promise-making. This sense of optimism, that promises somehow project themselves forward in time, already containing the seeds of possible futures, is something Moyn explicitly rejects. His emphasis on the agency of later actors comes out more clearly in his essay "On the Nonglobalization of Ideas"; by emphasizing, here, the agency of actors with respect not just to the future, but to the past, I try to push this insight farther. See Samuel Moyn, "On the Nonglobalization of Ideas," in Global Intellectual History, ed. Samuel Moyn and Andrew Sartori (New York: Columbia University Press, 2013), p. 187-204.

promises by reconsidering the category of the "promise" itself. Rather than think about promises in terms of their initial truncation and later extension, or their non-fulfillment followed by "seizure from below," we might think of one promise following on another, as a repeated practice in which later promises revise aspects of what came before. This provides an alternative to viewing later moments as either claims against previous ones, attempts at augmentation or fulfillment, or as wholly separate and discontinuous with that past. Instead, new promises seek to recast the past, altering its legacies so as to project new futures.

To theorize the "promise," I make use of Arendt's classic discussion of "promise making" as a political practice, and its relationship to the uncertainty of action, in *The Human Condition*.[5] I understand "promise" here as an attempt to make a space of appearance endure in time, to project a possible future amid uncertainty. To develop this, I read Arendt's account of promise-making together with Arthur Danto's discussion of the philosophy of history, and in particular what he terms "narrative sentences," in order to emphasize the uncertainty not just of the future, but of the past, and the ways in which political actors might revise the past itself, and so alter its legacies. My reading allows us to better understand what Arendt means about the "uncertainties" of action against which promising secures us: I propose that this uncertainty is not just a matter of unforeseen consequences; what's more, it is not just uncertainty about the future. It is also uncertainty about the past: about how the past will matter for the present and for the future. In making promises, political actors narrate the past in order to contest its meaning for their present, to project possibilities for the future, and so to render certain futures possible.

[5] Arendt, in On Revolution, also refers to the American and French declarations as such "promises"; her usage there is discussed more directly in Chapter 4.

Promises reference and narrate the past not because it is fixed, but because it isn't; in this way, promises manifest freedom.

This has implications for how we, as theorists and historians, narrate the history of human rights, and what sort of future we project when we do so. Approaching human rights in the way I propose offers a way of narrating the history of human rights that avoids both romanticism and reduction. We can think of Hunt as telling a particularly romantic version of human rights history, figuring the redemption of human rights promises as not only possible but inevitable.[6] Moyn's account, in contrast, is so relentlessly realistic that it risks being reductive, risks missing the political potential present in certain promises. In considering anticolonial movements, Moyn claims that actors chose between two alternative conceptual traditions – as though these were fixed, and as though their nonfulfillment was somehow incidental to the ideals themselves. He neglects the alternative possibilities present in those movements, possibilities both for alternative futures and for alternative pasts. Responding to concerns about the very possibility of fulfillment, about the ways in which promises themselves have been bound up, conceptually and historically, with their own nonfulfillment, actors sought not merely to fulfill but to alter conceptual legacies, to change the past and so initiate new projects. Similarly, looking to the 1970s, Moyn identifies a moment in which new ideas of human rights appeared, only to reduce those ideas to what their political ramifications ultimately were, rather than consider what they could have been – what other possible futures those ideas contained, and what other versions of the past. While this may

[6] My sense of the genre of history here, and the romantic genre in particular, is indebted to David Scott, and in turn as well to Hayden White; see David Scott, Conscripts of Modernity: The Tragedy of Colonial Enlightenment (Durham and London: Duke University Press, 2004).

not make for bad history, it misses something important about politics.[7] In contrast, treating promises as political acts in which people attempt to narrate their own history and future, without any guarantees of fixity, allows us to consider the ways in which various moments in human rights history relate to each other, while emphasizing openness and uncertainty.

To demonstrate and expand on this, I turn in the second half of the chapter to the version of human rights politics that Moyn diagnoses as coming to prominence in the 1970s, and that he associates in particular with Amnesty International – a human rights politics in which Danto himself participated, as did, more peripherally, Arendt. I draw on archival research to reconstruct Danto's role in Amnesty, his political commitments, and the intersection of his politics with his philosophy. Here, I hope to further develop the concept of promise-making, and the way it appears in history not as an unfolding of the logic of human rights, or a spread of enlightenment principles, but rather as a highly contingent and contested process that involves acknowledgment but also often disavowal, the emergence of spaces of appearance as well as their closure. Where historians often use Amnesty as proof of the bankruptcy of contemporary human rights politics, my understand of human rights history offers us a way to view this moment for what was valuable in it – without either reducing it to what came after or treating it as an extension of what came before. I argue that, for some of those involved, it may in fact have involved a kind of human rights promise-making, one directed empire and triumphal narratives of progress –

[7] Writing about the relationship between political theory and history, Moyn has called for "a richer meditation on the way that even the highest thought inhabits its social worlds, in relation to which it is simultaneously constituted and constitutive." I agree, but would add that, in attending to its constituted and constitutive aspects, we should also attend to the uncertainty and sense of possibility in efforts by political thinkers and actors to re-imagine their world, to re-narrate their own context. That uncertainty about both the past and the future, about the story of which one is part, is part of the relationship between thought and its context. Samuel Moyn, "History and Political Theory: A Difficult Reunion," Theory and Event 19, no. 1, 2016.

directed, that is, against the very disavowals of history and politics that it nonetheless ultimately enabled.

A. Re-Founding Narratives of the History of Human Rights

Perhaps the most straightforward version of the history of human rights begins from promises of human rights in the French and American declarations, and then tells a story of those promises' gradual fulfillment. While not initially fulfilled, the story goes, the fact of these promises allowed those denied rights, or denied recognition of rights, grounds on which to make rights claims. On Lynn Hunt's account, the abstraction of the initial promises, combined with the rise in practices of empathy, made rights vulnerable to claiming from below.

Hunt seems to take this a bit far in places, as Moyn has criticized, suggesting that rights have an "internal logic" that rolls out like a "bulldozer."[8] At the same time, even Moyn agrees that if we drop the notion of a kind of destiny or teleology to universalist notions of rights, we can still see that "in the revolutionary era, universalistic concepts had 'cascade' effects as unintended actors claimed them"; that the abstraction inherent in notions of universal rights allowed people to make claims, and granted those claims a certain strategic value. And, as discussed above, in the moments which Moyn claims are not in fact moments of true human rights movements, his argument is often that they are not moments where fulfillment is being demanded, again implying a promise-and-fulfillment model.[9]

There are reasons to be uncomfortable with this narrative of human rights history. One has to do with the view it provides of those early, foundational promises. While both Hunt and

[8] For this language in Hunt, see, for example, Hunt, Inventing Human Rights, 160.
[9] Moyn, "On the Nonglobalization of Ideas," 190-191.

Moyn underscore the non-inclusiveness of the American Declaration, they also treat its exclusions as a separate issue from its universalist principles. Doing this misses the ways in which the Declaration's ideals and words were themselves tied up with various forms of exclusion. More importantly, it also fails to give later claims their due, taking them to be pointing out hypocrisy, decrying a failure to live up to stated principles, rather than revising and reformulating those core principles themselves.

Just how abstract and open the Declaration's principles were is, at the very least, subject to debate. Other scholars have emphasized the ways in which nonfulfillment can in fact be understood as intrinsic to the Declaration's principles themselves. Perhaps most notably, Aziz Rana argues that the Declaration should be understood as a defense of settler colonialism. The Declaration was provoked, on his account, by a changing English view of American colonists, and a growing tendency to treat them not as citizen settlers, but as themselves colonial subjects. On this reading, the Declaration was in fact a defense not of abstract universal freedom, but of an earlier model of colonialism. The notion of freedom it enshrined was very particular: that of a land-owning homesteader. Realizing such freedom, Rana argues, necessarily relied on forms of internal and external colonization. If this is so, the openness and abstraction of the Declaration's principles cannot simply be taken for granted, and any politics of "claim-making" would require close scrutiny to the ways in which those principles might be caught up with forms of exclusion and domination.[10]

One does not have to view the ideals of the Declaration as inherently exclusionary, however, to question their availability as a basis for appeal. This is evident in the role of the

[10] Aziz Rana, The Two Faces of American Freedom (Cambridge: Harvard University Press, 2010).

Declaration's principles in African American political thought, where questions about the nature of the hypocrisy involved in their non-fulfillment are particularly central and complex. Related to the question of whether the Declaration's principles themselves enabled, or even required, forms of domination is the question of whether those ideals were truly held and believed by white Americans, but simply not enacted, or whether they were never believed at all, but merely pronounced. Robert Gooding-Williams describes this as a central fault line among those who seek to formulate a politics to counter white supremacy, dividing, in particular, W.E.B. DuBois from Frederick Douglass. Drawing on Douglass's speech "What to the Slave is the Fourth of July," Gooding-Williams argues that Douglass considers non-fulfillment a problem of "hypocrisy" – understood as a conflict between what was said and what was in fact believed. On Gooding-Williams' reading, Douglass viewed American founding promises as having been sincerely held by their original authors, but claimed that the white "sons" did not take them up, did not in fact believe in those principles. Gooding-Williams associates the alternative account of hypocrisy, what he terms the "anomaly" version, with DuBois; on this view, the problem is not insincerity of belief, but a conflict between belief and action, principle and practice. The choice between these two views, of course, has major consequences for what sort of politics one thinks is necessary, what sorts of claims can and should be made.[11]

Along similar lines, Paul Gilroy describes what he terms the "politics of fulfillment" as a red thread running through African American political thought from Alexander Crummel forward, focused on the question of the possibility of the fulfillment of foundational American promises. This is, he argues, the question that in fact underlies the debate about separatism

[11] Robert Gooding-Williams, In the Shadow of DuBois: Afro-Modern Political Thought in America (Cambridge: Harvard University Press, 2011). See especially chapter 5, "Douglass's Declarations of Independence and Practices of Politics," 162-209.

versus assimilation, though it rarely yields a straightforward answer.[12] To reduce the politics of fulfillment to simply a demand that promises be fulfilled would be overly reductive; to reduce it to a demand for self-determination would mean missing its animating tensions.

Gooding-Williams describes Douglass's approach as a politics of "re-founding," a politics compatible with the view that white Americans do not truly subscribe to their proclaimed ideals, that the principles themselves must be renewed through a kind of "moral transformation."[13] Gooding-Williams reads, in Douglass, several moments in which he enacted his own "declarations of independence"; in the language of this paper, we might say that Douglass was engaged in his own practice of promising-making. Such promises are not necessarily either separatist or assimilationist. Rather, they initiate new projects precisely by offering new narratives of the past, and so continue to change the significance of that past as it persists in the present. In this sense, projects of re-founding are compatible with a view that sees certain past promises as intrinsically caught up with their own apparent nonfulfillment, a view that understands how America's foundational ideals have also enabled slavery and racial domination. This should not mark them as either appeals for fulfillment, or as separate from and outside the history of those earlier promises.

Forms of narration and re-founding, contests over how to narrate the past, are not unique to those seeking to resist its exclusions. In the mid-twentieth century, such efforts at narrative are evident both in the mainstream version of human rights politics epitomized by the Four Freedoms speech and the writing of the Universal Declaration of Human Rights, and in more radical human rights politics, particularly politics directed against white supremacy and

[12] Paul Gilroy, The Black Atlantic: Modernity and Double Consciousness (Cambridge: Harvard University Press, 1993).
[13] Gooding-Williams, In the Shadow of DuBois, 195.

colonialism (the moments Moyn describes as involving not human rights but self-determination). Mary Ann Glendon summarizes this, and in a sense performs it, when she writes: "The Declaration [UDHR] marked a new chapter in a history that began with the great charters of humanity's first rights moment in the seventeenth and eighteenth centuries. The British Bill of Rights of 1689, the US Declaration of Independence of 1776, and the French Declaration of the Rights of Man and Citizen of 1789...gave rise to the modern language of rights."[14] Presiding over the 1948 meeting of the UN General Assembly at which the Universal Declaration of Human Rights was adopted, in Paris, René Cassin invoked 1789 and the Declaration of the Rights of Man and Citizen, and "the long struggle for the rights of man" (le long combat pour les droits de l'homme) of which the meeting was, he claimed, only the latest stage.[15] At the same time, in the opening chapter of the NAACP's 1947 petition "An Appeal to the World: A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress," which had been submitted to the drafting committee of the Declaration, DuBois cites "the high and noble words" of America, "a nation which boldly declared 'That all men are created equal,'" and which, he went on to argue, was failing to live up to those core promises.[16] We see, on both sides, attempts to narrate the past, to describe and influence its meaning, in order to project a particular future.

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[14] Mary Ann Glendon, A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (New York: Random House, 2001), xvii. It is worth noting that the romantic emplotments of human rights – the long promise-fulfillment trajectories – occur more often in mass-market history books than in strictly academic ones.

[15] See Cassin's "La Déclaration Universelle des Droits de l'homme: Discours du Président René Cassin, Délégué de la France, prononcé, à la séance du 9 Décembre 1948, de l'Assemblée Générale des Nations Unis a Paris," Archives Nationales, 382AP/128.

[16] National Association for the Advancement of Colored People, An Appeal to the World: A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent

The period from the late 1940s to the early 1960s involved many moments of founding and re-founding, especially as decolonization proceeded. Actors in this period did not simply choose between a language of human rights and a language of self-determination; rather, the question of self-determination was intimately tied up with questions of the possibilities of fulfillment. Gary Wilder's account of Aimé Césaire and Léopold Sédar Senghor, and their advocacy for a federation to follow the French empire, is also illustrative. Senghor, on Wilder's telling, "by taking literally the constitution's language about the Fourth Republic as a union of peoples," proposed neither an incorporation of Senegal into France, nor separation from France entirely, but rather "a type of integration that would reconstitute France itself."[17] Such claims are not properly understood as claims for fulfillment. Rather, they were themselves moments of promise-making, marking out spaces of appearance in a sea of uncertainty about both the relevance of the past and prospects for the future. Viewed as such, we can understand them not as augmenting past political projects, but as initiating their own, and thereby altering the significance and meaning of past promises in the present. To elaborate what it means to understand these as moments of promise-making, and to get clear on how promises in particular, as opposed to contests over historical legacies in general, might in fact change the past and secure possibilities for the future, I turn here to Arendt's discussion of promise-making, and to Danto's discussions of history.

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in the United States of America and an Appeal to the United Nations for Redress, ed. W.E.B. DuBois (New York: National Association for the Advancement of Colored People, 1947), 2.

[17] Gary Wilder, Freedom Time: Negritude, Decolonization, and the Future of the World (Durham and London: Duke University Press, 2015), 163.

B. Reading Arendt on Action and its Frustrations

Contemporary political theorists have made use of Arendt's account of action, and her related account of power, to describe a practice of politics that is ongoing and agonistic, not oriented toward rule but rather based in an understanding of non-sovereignty, including an ontological rejection of the idea of a sovereign rights-bearing subject.[18] In turning to Arendt to understand promise-making, I share many of these motivations, though I want to develop a reading that is more attentive to the temporal aspect of action as she describes it, and so more attentive to how action endures in time. This reading offers, I claim, a more robust account of what Arendt means about the "uncertainties" of action, and unites an understanding of promises with an understanding of how we narrate their histories.

For Arendt, action is a central category of what she terms the *vita activa*. It is differentiated from the other two categories, labor and work, as "the only activity that goes on directly between men without the intermediary of things or matter." Action, she continues, "corresponds to the human condition of plurality, to the fact that men, not Man, live on the earth and inhabit the world."[19] Action's definition is grounded in the claim that there are beings, not Being, that existence is always plural. It is this condition of plurality that provides the possibility of politics.

Plurality, on Arendt's account, involves both equality and distinctiveness, and as a result, action is premised both on an act of disclosure that brings forth something new, and on an

[18] See, for a classic example, Bonnie Honig, Political Theory and the Displacement of Politics (Ithaca and London: Cornell University Press, 1993); more recently, Ella Myers, Worldly Ethics: Democratic Politics and Care for the World (Durham and London: Duke University Press, 2013). For a version of this specific to human rights, see Ayten Güngdogdu, Rightlessness in an Age of Rights (New York: Oxford UP, 2015).

[19] Hannah Arendt, The Human Condition (Chicago: The University of Chicago Press, 1998), 7.

equality that makes that disclosure possible. Equality, she continues, allows people to understand each other and anticipate each other's needs and wants across historical time; distinctiveness, however, means that such understanding is not automatic, that action and speech are required. Here, action and speech are more than "signs and sounds": they transmit not only "immediate, identical needs and wants," but something more. Action and speech involve one's particular ability to initiate, to begin something new. Such beginning is something we do purely on our own initiative; it is not, she claims, something, like labor or work, that we have to do out of necessity or concerns about utility.[20] Uniqueness is tied in this way to natality; taking initiative, starting something new, is, on Arendt's description, a "response" to the fact of birth.

When writing about Arendt's account of action, many readers focus on the "threefold frustration of action" she describes, reading it as part of her broader claims about non-sovereignty. I want to return to the passages in which Arendt discusses action's frustration, while attending closely to the temporal aspects of action and of uncertainty. My worry is that some contemporary readings interpret action's frustration as some version of a 'law of unintended consequences,' and so miss or mischaracterize an important part of the argument: her point about action's temporality. This matters for Arendt's understanding of promising, which, on my reading, secures us against action's frustration by creating a "space of appearance," to use her term, that persists in time.

Arendt's central explanation of action's frustration contains the first clue that action's frustration has something to do with time, and with the telling of history. She writes:
"Exasperation with the threefold frustration of action—the unpredictability of its outcome, the irreversibility of the process, and the anonymity of its authors—is almost as old as recorded

[20] Arendt, 175-177.

history."[21] This can easily be read, especially given the invocation of "unpredictability," as an argument about how action can have ramifications not intended by the actor, and so elude control. Amy Allen seems to tell such a story when she explicates the frustration of action in this way: "action in the public, political realm['s]…outcome is unpredictable, so it tends to produce unintended effects; as a result of this, once an action has been initiated, it is irreversible; and, as a result of these first two characteristics, the author of an action is often unknown."[22] While not incorrect, this doesn't capture the depth of Arendt's claim, and in particular does not describe what makes this frustration unique to action. It also doesn't capture the threefold nature of the frustration, but instead prioritizes the unpredictability of the outcome, treating irreversibility and the anonymity of the author as consequences thereof. Arendt is not simply saying that the world is complex and unpredictable, that the implications of our actions often exceed our intent – that much could be said for the implications of our work or labor as well. Action's frustration goes to the core of what action is: that it brings forth something new, that it reveals us as unique and equal beings.

It is this revelation of the actor that brings out the dual passivity and activity, non-sovereignty coupled with agency, at the core of Arendt's understanding of action. Arendt writes:

> This revelatory quality of speech and action comes to the fore where people are *with* others and neither for nor against them—that is, in sheer human togetherness. Although nobody knows whom he reveals when he discloses himself in deed or word, he must be willing to risk the disclosure, and this neither the doer of good works, who must be without self and preserve complete anonymity, nor the criminal, who must hide himself from others, can take upon themselves.[23]

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[21] Arendt, 220.
[22] Amy Allen, The Power of Feminist Theory: Domination, Resistance, Solidarity (Boulder: Westview Press, 1999), 92-93.
[23] Arendt, The Human Condition, 180.

Both good works and criminal acts involve unintended consequences, but neither, it would seem, qualifies as action. Action, and the threefold frustration that characterizes it, instead has to do with being with others, a condition in which it is not simply something about other people's intents that might elude us, but something about ourselves, something about what we would expose when we disclose ourselves, through action, to others. Action involves revealing or disclosing oneself, a disclosure that exceeds our capacities for knowledge and control.

Bonnie Honig, in her *Political Theory and the Displacement of Politics*, describes action's frustration in terms that risk sounding similar to Allen's. After describing promising and forgiving as establishing "partial" areas of stability in which "lasting political communities" might be formed, as "promising binds some to others, in time, and forgiving empowers those bonds to survive," Honig worries that these communities would be endangered by the contingency of the world and of action in it. If promising, like all action, is "terribly risky because it takes place in a contingent world where its meaning and consequences are always underdetermined if not indeterminate," how can promising also secure against such risks? She sets this up as a kind of dilemma: either promising can create stability, because action is not "as risky, as contingent and unpredictable, as Arendt says it is," or action is in fact contingent and risky, and promising could not secure us against this. Honig points to this as a central paradox for Arendt, one that is constitutive and in some sense irresolvable.[24]

Others look at this alleged paradox and instead see contradiction. In *Democracy in Question*, Alan Keenan describes Arendt's account as "caught between freedom and foundation," arguing that promising "oscillates *essentially* between these two poles." His concern is that, for promising to provide security, it must be "foundational," and so limit later

[24] Honig, Political Theory and the Displacement of Politics, 84-88.

"free" acts because they are bound by that security. He writes: "Promising can effectively *lay down the law* of freedom only by immediately violating that same law: it is a free act that at once makes less than fully free all acts that follow its law and example." For promising to secure us against uncertainty, it would also secure us against our own freedom, a freedom that arises precisely from non-sovereignty.[25]

Behind both Keenan's and Honig's views is an understanding of the future as uncertain and contingent, and past foundations as fixed and stable. But what if, rather than view the past as fixed and the future as uncertain, we treat history itself as uncertain? The freedom of action has to do not just with the future, but with the way the significance of action unfolds over time. This is a more radical reading of Arendt as a philosopher of history: here, her claim goes beyond the idea that the future isn't yet known, questioning the very notion of historical knowledge and the fixity of past action.

To develop this, we might read Arendt together with Arthur Danto on the philosophy of history; here, I have in mind Danto's argument that history is not simply a chronicle of past events, but a story about significance. Describing what he terms "narrative sentences," Danto suggests that the past is not as fixed as we commonly take it to be, the future perhaps not as plastic. Narrating history requires not just knowledge of the past, but knowledge of the future as well, without which we cannot have a sense of beginnings and endings, and so cannot have stories.[26] Yet in the present, we have no such knowledge of the future. Acting in the present, then, means directing oneself toward a future that is unknown, and so not knowing the significance of what one does, what story one is engaged in. Danto's claim thus goes beyond the

[25] Alan Keenan, Democracy in Question: Democratic Openness in a Time of Political Closure (Stanford: Stanford University Press, 2003), 89, emphasis Keenan's.
[26] Arthur Danto, Narration and Knowledge (New York: Columbia University Press, 2007), 152.

idea that we do we not know the future, to argue that we do not know the present, or even the past. In the terms Arendt used, we might consider the "exasperation" that is "as old as recorded history" to be an exasperation with the task of writing narrative sentences, with describing a past as though it is fixed when in fact it is anything but, with attempting to decide beginnings and endings.[27]

So does a promise, in announcing a beginning and attempting to secure a future, limit future acts? Does it, in Keenan's terms, lay down the law? I take Arendt, read with Danto, to be saying something different. Making a promise can be understood as a "founding" only later; at the time, it may assert a beginning and initiate a space of appearance, but the significance of that foundation, even its status as foundation, is constituted only in retrospect. When later promises make reference to moments of foundation and make claims about their significance, they are not in this way bound by that past, but are in fact exercising freedom over it. For moments of foundation to succeed, and so to have some purchase on the future, we have to read the past in a particular way, to participate in that past action and in the ongoing determination of its significance. Meaning and significance is not contained in what might retrospectively be viewed as the moment of beginning, but is part of how that action unfolds over time. Foundations are not

[27] Here, I also have in mind Mark Bradley's discussion of the narration of beginnings and endings, or "ticks" and "tocks," in the history of human rights, and his discussion of Frank Kermode. In those terms, we might talk about the way an actor doesn't know a beginning from an end from a "muddle," and that by focusing on beginnings and endings (and on long versus short history) we miss something of the experience of action in time. Mark Bradley, "American Vernaculars: The United States and the Global Human Rights Imagination," Diplomatic History 38, no. 1 (January 2014): 1-21. Also see Frank Kermode, The Genesis of Secrecy: On the Interpretation of Narrative (Cambridge, MA: Harvard University Press, 1982), and Frank Kermode, The Sense of an Ending (Oxford: Oxford University Press, 2000).

moments of fixity, against which future claims can be made; rather, the meaning of those foundations is itself still unfolding.[28]

For Arendt, the issue is not just that action can only come to be known after the fact, but that action itself continues beyond the moment of any single deed. Action itself endures and extends across time. She writes:

> The strength of the action process is never exhausted in a single deed but, on the contrary, can grow while its consequences multiply; what endures in the realm of human affairs are these processes, and their endurance is as unlimited, as independent of the perishability of material and the mortality of men as the endurance of humanity itself. The reason why we are never able to foretell with certainty the outcome and end of any action is simply that action has no end. The process of a single deed can quite literally endure throughout time until mankind itself has come to an end.[29]

Action is potentially unending, not circumscribed to a moment or to the durability of a thing or even a life. Its unpredictability, irreversibility, and anonymity are the result of this temporal character.

Action's unpredictability, then, is not simply a matter of an inability to accurately model all possible outcomes, but instead refers to the fact that the meaning of actions is not contained in a single moment. As Arendt puts it, "This is not simply a question of inability to foretell all the logical consequences of a particular act, in which case an electronic computer would be able to foretell the future."[30] Danto also rejects the idea of simply correcting an account of the past based on later unforeseen outcomes, which he writes "is just the sort of thing a machine could

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[28] This is in line with Patchen Markell's reading of Arendt, and particularly his response to Keenan. Markell maps the supposed tension between foundation and freedom onto the alleged tension in political theory between rule and rupture, and reads Arendt on "beginning" to argue against treating this as a dilemma, while also explaining why it so often appears that way. Patchen Markell, "The Rule of the People: Arendt, Archê, and Democracy," American Political Science Review 100 no. 1 (February 2006): 1-14.
[29] Arendt, The Human Condition, 233.
[30] Arendt, 191.

do," but is not in fact the task of the historian.[31] Instead, Arendt writes that "the light that illuminates processes of action, and therefore all historical processes, appears only at their end" and that "action reveals itself fully only to the storyteller."[32] This story, the meaning that action reveals, is part of action itself, part of what it discloses, and yet comes after the deed.

Arendt's storyteller and Danto's historian call to mind Hegel's Owl of Minerva, flying only at dusk. For Danto, Hegel's claim holds what he calls a "melancholy truth."[33] The aphorism tells us about the impossibility of knowing one's own present – that "to live in a period is not necessarily to be in a favored position for appreciating the quality of life that defines it." He likens this to the phenomenon of "Other Minds," writing that, as with minds, "there is no privileged access to the interior of a period on the part of those whose period it is," because "access to the interiors of periods is achieved not by some sort of reflex act...but refracted back through the knowledge of other periods."[34] Yet this also makes the experience of living in a certain period incomprehensible to those in the future, because "*not knowing how it is all going to end* is the mark of living through events."[35] In this way, other periods might really be other.

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[31] Danto, Narration and Knowledge, 149.
[32] Arendt, The Human Condition, 192.
[33] Danto, "Looking at the Future Looking at the Present as Past," draft manuscript. Arthur Danto Papers, Columbia University, Box 3 Unprocessed, page 7.
[34] Danto, Narration and Knowledge, 297. With respect to the problem of "other minds," I take Danto's move here to parallel Stanley Cavell's, his friend and frequent interlocutor. Rather than insist and focus on the unknowability of other minds, or of other periods, treating that as the puzzle to be solved, both authors underscore what this might tell us about our inability to know our own mind, or our own period – that our "own" might be just as "other" as those more obvious others. For Cavell, knowing our own mind is itself a problem of acknowledgement, or of how we find ourselves. As he concludes: "To know you are in pain is to acknowledge it, or to withhold the acknowledgement. —I know your pain the way you do." Stanley Cavell, "Knowing and Acknowledging," Must We Mean What We Say? (Cambridge: Cambridge UP, 2002): 238-266.
[35] Danto, Narration and Knowledge, 294.

And in this sense, contra *Verstehen* approaches to history, which aim to fully understand a period as it was experienced, Danto claims that the task of the historian is to tell a story.[36]

In some general sense, of course, we cannot change the past – as Danto writes, "For some centuries there has been no opportunity to morally re-educate the Borgias so as to make the statement 'The Borgias were decent folk' come out true." And yet, he claims, "there is a sense in which we may speak of the Past as changing...because the event at [time] 1 comes to stand in different relationships to events that occur later."[37] To say, following one of Danto's favorite examples of a narrative sentence, "The Thirty Years War began in 1618," does not describe the experience of 1618, but rather tells a story. Such sentences stand as "descriptions under which the events of which they are true could not have been observed."[38]

For Arendt as well, this is not a radical skepticism about the possibility of historical truth, but rather a question of how we come to know that truth, how we make sense of it. On her account, as she elaborates in her essay "Truth and Politics," there are certain aspects of the past that are given, that are true, and that cannot and should not be reshaped by ideology. The task of the historian is not to create reality, but to reconcile us to it; this makes history distinct from ideology. And yet the story of which the past is part is not something that inheres in that moment; it is visible only later, to the storyteller.[39]

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[36] Danto, 284.
[37] Danto, 153-155.
[38] Arthur Danto, "Intellectual Autobiography of Arthur C. Danto," in The Philosophy of Arthur C. Danto, ed. Randall Auxier and Lewis Edwin Hahn (Chicago: Open Court, 2013): 1-70. See 29.
[39] Hannah Arendt, "Truth and Politics," Between Past and Future, ed. Randall Auxier and Lewis Edwin Hahn (New York: Penguin, 2006): 223-259. The essay is, of course, far more complicated than I elaborate here; notably, she closes by referring to the realm of truth as the realm in which promises might be kept, and in which freedom is possible.

C. Forgiving and Promising

I want to return to what Arendt means by promising and forgiving, and their relation to the uncertainty of action, to get clear on what it is that is distinctive about promises in particular. Forgiving, which is retrospective, and promising, which is prospective, provide security against the uncertainties of action past or future, allowing action to endure in time. Forgiving and promising are part of Arendt's answer to the question she poses of "whether the capacity for action does not harbor within itself certain potentialities which enable it to survive the disabilities of non-sovereignty."[40] She attributes to forgiving and promising the ability to preserve the potential for action: by allowing action to survive its own frustrations, and by allowing people to stay together even without physical proximity, they make action possible.

Arendt presents forgiving and promising explicitly as faculties that counteract the frustrations of action and preserve the relationships between people. She writes:

> The possible redemption from the predicament of irreversibility—of being unable to undo what one has done though one did not, and could not, have known what he was doing—is the faculty of forgiving. The remedy for unpredictability, for the chaotic uncertainty of the future, is contained in the faculty to make and keep promises. The two faculties belong together in so far as one of them, forgiving, serves to undo the deeds of the past, whose 'sins' hang like Damocles' sword over every new generation; and the other, binding oneself through promises, serves to set up in the ocean of uncertainty, which the future is by definition, islands of security without which not even continuity, let alone durability of any kind, would be possible in the relationships between men.[41]

But what does it mean that forgiving actually *undoes* the deeds of the past? This claim makes sense only given a very particular understanding of what constitutes a deed. If we think of action in the usual way, it would seem one could forgive but not in fact *undo* (hence the logic of "forgiving but not forgetting") – particularly given what she told us earlier about action's

[40] Arendt, The Human Condition, 235-236.
[41] Ibid, 237.

'irreversibility.' We would expect that forgiving might absolve us of guilt, or allow us to account for past missteps, but not in fact take back the action itself.

But if we conceive of action as revealing us as people, if we think of it as how we appear in the public realm, then forgiving would have more purchase. It might even, as Arendt claims, be able to undo a past act – in that it could undo, or at least alter, an aspect of our appearance. Put another way, if we think of action not as confined to a moment in time, but as extending forward, beyond even the lifetime of the doer – if, that is, we think of it as Arendt thinks of it – then forgiving certainly can undo an action, precisely by revising it.[42] After all, that action is not entirely in the past, but exists in the present and future as well. As Danto suggests, perhaps the past is more plastic than we generally take it to be.

Similarly, where forgiving counteracts irreversibility, Arendt claims that promising counteracts uncertainty. Making and keeping promises appear as a single faculty, one that allows for continuity in the relationships among people. Promising carves out durability in our relations with one another, allows us to project a current set of relationships, or space of appearance, into the future. To pick up on an earlier theme, we can add that the very fact of the preservation of such a space – or the possibility for preservation – is itself what constitutes the promise. This has more to do with a relationship among people than with the utterance of a particular phrase. The initial promissory statement (if there is such a statement) does not in itself constitute the "promise" any more than the enunciation of wedding vows might be said to, on its own, constitute a "marriage" (to use a classic example of performative statements involving promising). In both cases, what is at stake is an ongoing relationship between people, a way of

[42] Note that revising here seems different than "reversing." We might not be able to go back, but we can still undo the relevance of action for the present.

showing up for one another.[43] Ideally, this does not limit one's freedom in the future, but instead makes one more free.

Forgiving and promising are so profoundly intersubjective for Arendt that she claims – contrary to our everyday, common language usage – that one can only forgive or make promises to another, and not to oneself. She writes:

> Without being bound to the fulfillment of promises, we would never be able to keep our identities; we would be condemned to wander helplessly and without direction in the darkness of each man's lonely heart, caught in its contradictions and equivocalities—a darkness which only the light shed over the public realm through the presence of others, who confirm the identity between the one who promises and the one who fulfils, can dispel. Both faculties, therefore, depend on plurality, on the presence and acting of others, for no one can forgive himself and no one can feel bound by a promise made only to himself; forgiving and promising enacted in solitude or isolation remain without reality and can signify no more than a role played before one's self.[44]

Promising, by making us visible to each other, makes us visible also to ourselves: it binds our current selves to our future selves, creating continuity in our identities. Strikingly, this continuity is not visible, not illuminated – even to ourselves – absent the ability to make and keep promises. Without the faculty of promising, we would be left with contradictions and equivocalities in our very sense of who we are, discontinuities in our understanding of our own identities. Promising and forgiving secure a space of appearance among people that runs across time.

In his book *Omens of Adversity*, on the legacies of the Grenada Revolution, David Scott also picks up on the role of forgiving and promising, and particularly forgiving, in relationship to the uncertainties of action that Arendt describes. Scott's book is helpful for its description of the way in which changing one's present relationship to a past tragedy, a failed revolution, might

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[43] I am drawing here on Stanley Cavell's claims about marriage in general, and what he terms the "comedy of remarriage" in particular, in his Pursuits of Happiness, which I take to be in part a response to J.L. Austin. Stanley Cavell, Pursuits of Happiness: The Hollywood Comedy of Remarriage (Cambridge: Harvard UP, 1994).

[44] Arendt, The Human Condition, 237.

change the possibilities for action. On his telling, in October 1983, the Grenada revolution "self destructed": Maurice Bishop and other leaders of the popular revolutionary government were assassinated, replaced by military rule; the US invaded several days later. The lack of clarity about what happened to Bishop and the others, and in particular the fact that, after the US invasion, 18 former members of the government and military were charged with the killing, and yet the bodies were never found, "ruined a generation's experience of time—that is, it destroyed the temporality constitutive of the organization of political hope and future-oriented expectation through which a generation lived." The dashed promise of the revolution made action in the present impossible. A notion of time as progressive, involving successive dialectical overcomings, instead gave way to melancholic repetition of loss, "an ending that could not be brought to an end."[45]

In places, Scott can seem to reduce action's frustration to a problem of unintended consequences. He explains his concern, in the first chapter of the book, with "the unintended tragic consequences of moral agents acting, and colliding, in an expressly political field"; he continues: "For Arendt, to act politically in time (which for her is to act disclosively and in freedom) is unavoidably to expose oneself to the potential collision of actions embodying rival ends, competing interests."[46] But I read Arendt in *The Human Condition* to be arguing that it is action's disclosive character, its very temporality and the stories we tell – and not the collision of different actions, or rival interests, as Scott puts it – that renders action uncertain, and, on his terms, tragic. This is a reading in fact, I think, more compatible with Scott's broader point, in this book as well as his earlier *Conscripts of Modernity*, about the plasticity of the past, to the role of

[45] David Scott, Omens of Adversity: Tragedy, Time, Memory, Justice (Durham and London: Duke University Press, 2014), 108-109.
[46] Scott, 34 and 37.

the storyteller in introducing genre, plot, and meaning.[47] Indeed, in his example of Grenada, it is a re-narration of the past, through an act of forgiveness, that allows for a greater sense of possibility for action in the future. The perils related to the uncertainty of action arise not from the fact that other people might have other intentions, that other actions might get in our way: they arise from an uncertainty about the stories of which we are part, and the fact that action exists in time, as part of a story. It is not greater coordination that is required, an attempt to better align one's intentions with those of others. Promising and forgiving appear not as means of aligning interests and intents, but as ways of attaching action to ideas of past and future, of projecting a story.

Indeed, Scott, following Arendt, points to forgiveness as one mode for enabling action (even while, remembering Honig, it is also itself a kind of action), because it might alter this melancholic sense of time. Using the example of a booklet produced by secondary school students, *Under the Cover of Darkness*, which investigated what had happened to those bodies, he describes such historical investigation as itself a "performative act." It is performative, he claims, because "it shows that the present can live with the past—even the not entirely resolved

[47] See Scott, Conscripts of Modernity. Importantly, Scott is using tragedy, in Omens of Adversity, to describe something about the uncertainty of action, its "disorder" (as he puts it, quoting Raymond Williams, on 35). While the term risks suggesting that the genre of one's story itself is already determined, that something about action's uncertainty already means that things will not turn out well, I understand Scott's point to be anything but. While he suggests that action's uncertainty has to do with the inability of actors to direct, through their own intentions, the outcomes of their actions, his emphasis is on the impossibility of overcoming such a condition. Understood this way, his point aligns with Arendt's: that freedom necessarily arises from and within a lack of order and control, rather than (as per George Keenan) from disorder's overcoming. Along these lines, though, I would emphasize that the inability of actors to direct their own actions has less to do with their intentions colliding with those of other people, and so with a conflict of interests or desires, and more to do with the plasticity of the past, and of the future – with not knowing the story of which one is part, with not knowing how it all turns out (Scott, Omens of Adversity; see his chapter 1, "Revolution's Tragic Ends: Temporal Dimensions of Political Action," especially pages 46-48).

or resolvable past—in ways other than melancholia and in ways that potentially open the present to ethical-political intervention."[48] By re-narrating history, changing the meaning of the past for the present through a kind of forgiveness, it enabled ongoing action in the present, creating precisely that "future-oriented expectation" that had, on Scott's account, been lost.

Promising and forgiving structure our understandings of temporality in the present, and so can change our notions of emplotment. In this way, they change the way we live with the past and the future, and thus change the prospects for action. More than just re-narrating the past, contesting legacies, they bind a particular articulation of historical legacies to a shared commitment to the future. They establish relations among people, through a pledge to show up for one other, that is premised on a particular version of the past and generates particular possibilities for action going forward. It is no surprise, then, that the term is used so often to describe foundational rights declarations, the creation of a polity through an act of mutual recognition.

D. The Historians' Consensus on Amnesty International

I want to jump forward a bit, to the version of human rights ascendant in the 1970s, a version that displaced the more radical political aspirations of the 1940s to 1960s. This was a time when human rights discourse captured much of the public imagination. Where the earlier declarations have been praised for the alleged openness implicit in their abstract notion of humanity, in this later case that very openness is often criticized by historians for involving its own forms of closure, and for displaying an idealism that distracted from both history and politics. On this account, the 1970s represents the beginning of a new and less avowedly political

[48] Scott, Omens of Adversity, 117.

version of human rights. Amnesty International, an organization based in London with a network of affiliated "chapters" throughout the world, is often singled out as exemplary of this new kind of human rights politics. And yet, I want to show, within the politics surrounding Amnesty International we can also see some elements of a different, and potentially more political, form of promise making.

Turning to this period also lets us approach Arthur Danto's work from another angle: his own involvement in Amnesty. Danto's profoundly anti-teleological and anti-positivist understanding of history is underscored by this involvement, as well as by his broader political engagement from the 1960s forward.[49] Looking to his political practice allows us to see more of what he describes as the openness, or uncertainty, of action. By offering a more nuanced view of Amnesty, an aspect of Amnesty that was more avowedly political, more critical of historical injustice, it also allows us to avoid writing Amnesty off as inaugurating a "bad" version of human rights politics, and instead attend to what its promise was, as well as to where it fell short. In this way, we might re-narrate human rights' recent history, seeing it now in a manner that is less reductive, and more attentive to the forms of freedom implicit in human rights politics.

The organization was created to help free what it termed "prisoners of conscience" around the world – that is, prisoners who had been arrested for political activism, with the caveat that they had not advocated violence. Amnesty chapters would "adopt" prisoners, generally assigned to them by the London office. Having adopted a prisoner, a group would send letters to members of the prisoners' government, as well as, frequently, to the prisoners themselves. They also sought to publicize the cases in news media, drawing attention not only to the fact of

[49] For more on Danto's philosophy of history in the context of postwar historiography debates, and particularly a backlash against Hegel, see Lydia Goehr, "Afterwords: An Introduction to Danto's Philosophies of History and Art," History and Theory 46 (February 2007): 1-28.

imprisonment, but to the forms of torture and coercion used against prisoners. Amnesty produced reports on human rights abuses in particular countries, which did not focus on individual prisoners but on broader patterns of maltreatment. Amnesty also, importantly and somewhat controversially, prohibited chapters in any country from adopting prisoners in their own country. The organization measured its success in terms of prisoners released, and defined its goal as the release of all prisoners of conscience and the fulfillment of the Universal Declaration of Human Rights.[50]

For historians who point to Amnesty as marking the beginning of a new kind of human rights politics, the central charge is that Amnesty International depoliticized human rights. Human rights were posited as a pre-political ideal; their fulfillment, the protection of abstract humanity, as the end of politics. In *The Last Utopia*, Samuel Moyn describes Amnesty International as inaugurating a new kind of human rights politics; as he puts it: "in the face of soiled utopias in politics, a nonpartisan morality existed outside and above them," a utopian vision, with religious roots, that supplanted the more radical visions of political change of the 1960s.[51] Barbara Keys reaches a similar assessment of Amnesty International, writing:

> Though Amnesty International's achievements are impossible to measure precisely, the organization undoubtedly helped thousands of prisoners, giving them hope, reducing the terms of their imprisonment, and providing relief to their families...On a grander scale its efforts inspired the world to hold governments accountable for some of the most horrifying state-sponsored abuse of individuals. But its efforts inevitably involved

[50] Here, I am drawing on Moyn and Keys's accounts; see Barbara Keys, Reclaiming American Virtue: The Human Rights Revolution of the 1970s (Cambridge: Harvard University Press, 2014). Also see Stephen Hopgood, Keepers of the Flame: Understanding Amnesty International (Ithaca: Cornell UP, 2006). See also "Amnesty International USA"; Ivan I. Morris Papers; Box 29 Folder "Amnesty International – Misc"; Rare Book and Manuscript Library, Columbia University Library. Also see "Suggestions for an American Section of Amnesty International"; November 1965; Amnesty International of the USA, Inc.: National Office Records, Box I.1.1 Folder 1; Rare Book and Manuscript Library, Columbia University Library.
[51] Moyn, The Last Utopia, 132.

> political trade-offs. Amnesty treated political problems as moral ones, thereby eliding the deeper political changes that social justice often required. Focusing on 'mere' protection of individuals from 'fundamental wrongs' ...worked to push politics, as a project of collective empowerment, to the sidelines.[52]

Amnesty's defense of a pre-political morality, that is, displaced the politics of collective action and a broader agenda for justice. As Mark Bradley tells it, Amnesty's emphasis on "the singularity of the person and the body," its reliance on a language and practice of moral witness and testimony, and what he calls "a perpetual concern with performing its own impartiality," helped define its legacy in the generation of a particular American human rights vernacular – one characterized by "a conscious indifference to the political and social contexts that produced human rights violations in the first place."[53] On Keys' telling, this fit all too well with the broader Cold War politics of the time, allowing Americans an ideal of humanity, associated with their supposed founding principles, that distinguished them from the Soviets while also obscuring their own involvement in forms of racial and imperial domination, in part by supplanting the memory of Vietnam. Oriented around an allegedly apolitical moral category, it abstracted away from the very politics within which it intervened.

It is tempting, following these historical accounts, to point to the 1970s moment as a beginning, as the start of a period in which human rights politics took a turn for the worse precisely as it captured a broader public imagination. Yet as Bradley emphasizes, the rise of the "human rights movement" in the 1970s did not mark something new, but instead the travel and blending of different languages for politics. To view it as the start of something, an origin of our contemporary human rights politics, would be to miss much of what characterized the experience

[52] Keys, Reclaiming American Virtue, 201.
[53] Mark Bradley, The World Reimagined: Americans and Human Rights in the Twentieth Century (Cambridge: Cambridge University Press, 2016), 198-207.

of the time: an uncertainty about possibilities for action. This uncertainty comes to the fore when we focus on what might have been valuable in Amnesty's work, the parts that were directed against the very depoliticization the historians describe. Viewed through Danto's involvement, we can see moments in which the kind of activism that comprised Amnesty's work could also involve a critical stance on American claims to exceptionalism and American actions abroad, a concern about the context and cause of abuses, that drew on legacies of the 1960s, and that attempted to create a space for politics, precisely by getting people out of prison.

And yet, the historians' account is not wrong. Looking at Amnesty, part of what we have to understand is how a more avowedly political version of human rights, one that emphasized a need for a kind of human rights politics that went beyond humanitarianism and was sensitive to issues of historical wrongdoing and imperialism, could nonetheless have contributed to the historical rise of the bankrupt form of human rights politics that the historians critique. We have to keep in mind, that is, action's uncertainty – not as a matter of differing agendas, competing intentions, but as a lack of control over the story of which one is part, of a mismatch between how one's actions appear to oneself and how they appear in later history. In Amnesty, Danto saw the possibility for a certain form of promise-making, one directed against imperial narratives of progress and directed toward the creation of more open possibilities for politics. He saw Amnesty as part of a story of a resistance to the kinds of abuses exemplified by the US war in Vietnam and by French colonialism, a story not of the gradual progress of the French and American founding principles, nor of the approach of an abstract utopia, but of resistance to existing injustice – a story of activism oriented not around principles of moral witness, but around a dogged effort to get people out of prison. And yet – perhaps because of Amnesty's organizational concern with disavowing such politics, an official impartiality that precluded a

public description of the broken promises of history, requiring instead an appeal to an abstract utopian politics – his involvement has become part of a very different story.

E. Arthur Danto and Amnesty International USA

Moyn claims that the view of human rights as "transcending" politics, a view articulated forcefully by Peter Benenson, a founder of Amnesty International, defined the creation of Amnesty International USA. He writes: "When Columbia University professor Ivan Morris founded Amnesty International USA a few years later, and the Riverside chapter began to meet in Columbia philosopher Arthur Danto's living room on the Upper West Side, the impulse remained the same: 'saving the world one individual at a time.'"[54] The quotation, Danto's, appears to align with the reduction of politics to the salvation of suffering bodies for which Amnesty is criticized – although it is hard not to read the quip, with its strange mixture of humility and grandiosity, as at least somewhat tongue in cheek. Beyond this, the description is mostly correct: Ivan Morris, a scholar of Japanese literature and a close friend of Danto's, personally and professionally, was heavily involved with Amnesty, both through Amnesty International headquarters in London (for which he conducted several investigations and authored multiple reports) and as a co-founder of Amnesty International USA.[55] The Riverside Group began with Morris as the chapter head; Danto took over in 1975, and the group met in his

[54] Moyn, The Last Utopia, 132.
[55] For more on Morris's role in Amnesty, see Albin Krebs, "Ivan Morris of Columbia is Dead; A Specialist in Oriental Cultures," The New York Times, July 21, 1976, 36. Also see Ivan I. Morris Papers; Boxes 4, 5, 6, 29, and 42; Rare Book and Manuscript Library, Columbia University Library; also Danto, "Intellectual Autobiography," 15. By the 1970s, Amnesty's stationary listed as a patron Gunnar Myrdal, who will reappear in Chapter 5; see for example Ivan Morris Papers, Box 42, file Correspondence - Amnesty International, 1970-1978.

apartment and others on Manhattan's Riverside Drive.[56] Danto and Morris were both members of AIUSA's board, and at times on the board's executive committee, Danto from the beginning of 1972 to late 1975.[57]

Danto left the Amnesty USA board in part because of rules about how many members of one chapter could serve on the board at once, though he also noted that the work of the board was never what he was passionate about: it involved some interesting moments, though also many thankless ones.[58] The internal politics were also a source of frustration: Danto wrote to Morris to express his "unease," and a concern with "the zeal with which people propose to throw other people overboard," noting "an appetite for unity and fear of disunity which may in the end not over-ride human considerations."[59]

Not surprisingly, Danto's passion lay with the work of the Riverside Group itself. Formed in 1966, with 12 members, Riverside was a particularly successful Amnesty chapter.

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[56] See "The Riverside Group, Amnesty International USA Group 3/16, 1966-1987"; November 12, 1987; Amnesty International of the USA, Inc.: National Office Records, Box IV.2.2 1 Folder "Riverside Group"; Rare Book and Manuscript Library, Columbia University Library. For Danto's takeover, see Morris' Letter to Martin; February 14, 1974; Ivan I. Morris Papers; Box 4 Folder "Correspondence"; Rare Book and Manuscript Library, Columbia University Library.

[57] For records of Danto's joining the board, see "Minutes of the Annual Meeting and the Board of Directors Held March 4, 1972," March 28, 1972; Amnesty International of the USA, Inc.: National Office Records, Box I.1.1 Folder 8; Rare Book and Manuscript Library, Columbia University Library. For Danto's resignation from the board, see Letter from Arthur; Ivan I. Morris Papers; Box 4 Folder "Correspondence"; Rare Book and Manuscript Library, Columbia University Library. For Morris' letter in reply, see Letter to Arthur, October 24, 1975, Ivan I. Morris Papers; Box 4 Folder "Board of Directors"; Rare Book and Manuscript Library, Columbia University Library. For his official resignation, see AIUSA Board of Directors Meeting; December 17, 1975; Amnesty International of the USA, Inc.: National Office Records, Box I.1.1 Folder 12; Rare Book and Manuscript Library, Columbia University Library.

[58] See, for example, "Meeting of the Board of Directors, February 7, 1974, Minutes"; Ivan I. Morris Papers; Box 4 Folder "Board of Directors – Minutes"; Rare Book and Manuscript Library, Columbia University Library.

[59] Letter from Arthur to Ivan; November 21, 1974; Ivan I. Morris Papers; Box 4 Folder "Board of Directors"; Rare Book and Manuscript Library, Columbia University Library (emphasis Danto's).

There was a limit on how many prisoners any individual group could "adopt" at a time; Riverside registered as two groups (numbers 3 and 16) in order to double its quota. From its beginning to the time Danto stepped down as head in 1978, the group adopted 59 prisoners, 46 of whom were released, some more than once (that is, some were adopted, released, re-imprisoned, re-adopted, and re-released). Individual group members would take responsibility for each adopted prisoner, reporting back on the case at the group's regular meetings, which took place often and lasted for hours.[60] Over the years, the cases on which Danto worked personally ranged widely, including those of Antonin Rusek, from Czechoslovakia; Enrique Erro, from Uruguay and imprisoned in Argentina; Geneveva Forest, from Spain; Reggie Pakiry Vandajar, from South Africa; Jose Luis Verdejo Duarte, from Chile; and Ben Hacem Mohammed Lahbib, from Morocco.[61]

For her part, Hannah Arendt did some letter-writing as well. On the request of an Amnesty International chapter in Belgium, she wrote to General Augusto Pinochet and others in the Chilean government in November of 1974 to request the release of Luis Vitale and other Chilean historians. She cited her interest as a fellow scholar, writing that without "freedom of speech and thought...no scholarship is conceivable," and suggesting that the cases would be of interest to all scholars. One can assume that, rather than appealing to Pinochet's interest in scholarship, she meant to underscore the potential for publicity. Vitale was released in the weeks

[60] See "The Riverside Group, Amnesty International USA Group 3/16, 1966-1987"; November 12, 1987; Amnesty International of the USA, Inc.: National Office Records, Box IV.2.2 1 Folder "Riverside Group"; Rare Book and Manuscript Library, Columbia University Library.
[61] See Ivan I. Morris Papers, Box 5, Folder "Riverside," as well as Amnesty International of the USA, Inc.: National Office Records, Box IV.2.2 1 Folder "Riverside Group."

following. She also contributed money to Amnesty USA, though seems to have declined an invitation to serve on their National Advisory Council. [62]

In the November 11th, 1972 edition of *The New York Times*, preserved by Amnesty International USA in their official records, Morris wrote an editorial describing the organization and its mission. As he put it: "Prisoners of conscience...exist, to our shame, in almost every country of the world except a few exemplary states like Norway and the Netherlands. ...As long as such men continue to be persecuted and imprisoned, the Universal Declaration of Human Rights remains what it has been until now—a mockery."[63] This description is striking: it sets forth a commitment not to abstract humanity, but to making good on the promise of the UDHR. It also pointedly lists only two countries as exemplary, Norway and the Netherlands – not the United States.

While Amnesty chapters were barred from taking positions on their own nation's politics, and from adopting prisoners in their own nations, this did not amount to complete neutrality, as Morris's omission makes clear. Individual members were also, of course, allowed to express their own opinions, just not on Amnesty letterhead. Danto and Embree's letter to Kissinger, quoted as an epigraph to this chapter and sent on Columbia letterhead, chides him for his double-talk and reminding him of the importance of securing the release of prisoners. That letter had actually been discussed during a conversation about Duarte's case in Chile, at the Riverside Group's meeting on January 20, 1975. There, they had decided that alongside "the usual letter-

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[62] See Correspondence, Organizations, Amnesty International, Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C.
Correspondence, Organizations, Amnesty International, Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C.

[63] Clipping in Amnesty International of the USA, Inc.: National Office Records, Box IV.2.2 1 Folder "Riverside Group"; Rare Book and Manuscript Library, Columbia University Library.

writing, visits to Chilean authorities, etc.," an effort would be made by another member to arrange for the group to make a presentation about the case before the Organization of American States' meeting in April, and that Danto and Embree would write to Kissinger, "expressing our gratitude concerning his efforts for Chilean prisoners and urging him to do more."[64]

When the US came under criticism for refusing amnesty to Vietnam draft resisters, and for its own political prisoners (Angela Davis and other Black Panther Party members were adopted by foreign Amnesty groups), Amnesty's American chapters searched for ways to signal their opposition to US practices within their official Amnesty roles. During the board meeting at which amnesty for draft resisters was discussed, Danto suggests that the group reiterate that they have a policy against taking a position but that the International does have a position, and to repeat what that position is. Barbara Sproul proposes they might act like a 501(c)(4) organization – a concept that seemed obscure and novel at the time – and educate the public on what was going on, even without advocating particular actions.[65]

It was also suggested at that meeting that inquiries be referred to the American Civil Liberties Union, which was leading a campaign on amnesty for American draft resisters and others. The ACLU campaign included letter writing, Amnesty-style, on the prisoners' behalf, as well as Congressional lobbying and the issuing of public statements. The organization tried to enlist Hannah Arendt's help with this; Arendt does not seem to have signed onto these letters, despite being asked, though she did sign onto other letters seeking the release of political

[64] See Ivan I. Morris Papers, Box 5, Folder "Riverside," as well as Amnesty International of the USA, Inc.: National Office Records, Box IV.2.2 1 Folder "Riverside Group."
[65] Executive Committee Meeting, May 1, 1974, Minutes; Ivan I. Morris Papers; Box 4 Folder "Executive Committee Minutes"; Rare Book and Manuscript Library, Columbia University Library. Danto's opinions on the draft, and on Vietnam, were more complicated than this alone suggests; see, for example, Arthur Danto, "On the Moratorium," Columbia Spectator, March 12, 1968, 4-5.

prisoners as part of International PEN and as a member of the executive board of PEN American Center in 1973 and 1974.[66] She did also describe herself as a member and "a great admirer" of the ACLU.[67]

In explaining what motivated him to become involved in Amnesty, Danto describes being in Paris in 1961 and 1962, working on what would become *Narration and Knowledge*, feeling apprehensive about "terrorism," and seeing "bodies, mostly of Algerians, floating in the Seine" (presumably referring to the October 17, 1961, Paris Massacre, in which French police killed and brutalized protesters, and threw many of their bodies into the river). He writes that the French use of torture in this time became the "source" of the "epidemic of torture throughout the Third World," and that "it was especially because of its antitorture campaign that I became active in Amnesty International."[68]

Danto carried over additional memories of the 1960s into his political work in the 1970s, particularly his involvement in the protests at Columbia in 1968. He tells how the students, occupying Hamilton Hall, called him at home and asked him to come in and discuss things with them; he said he would be happy to, but only so long as they stopped holding the Dean hostage.[69] He later served on Columbia's "Tripartite Commission," established by Columbia's president to

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[66] Correspondence, Organizations, International PEN Club 1961-1975, Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C.
[67] Correspondence, Organizations, ACLU 1972-1975, Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C.
[68] Danto, "Intellectual Autobiography," 17.
[69] He said he opposed the holding of the Dean on "Kantian grounds," because it involved using another person as a means. The students replied the dean was not hostage, but was free to go – adding that they were also free to beat him up if he tried (Danto, "Intellectual Autobiography," 33-34).

decide how to handle disciplinary proceedings after the protests.[70] There, Danto advocated against harsh punishments for the students; while the students were not granted full amnesty, they were collectively placed on probation and received no further punishment unless that probation was violated (with some individual exceptions).[71] Danto himself shared the students' opposition to the war in Vietnam and concerns about the relationship between Columbia and the largely black and Latino neighborhoods surrounding it. He later chaired a committee to review the General Studies program, recommending Columbia create a parallel two-year institute for local residents, with additional advising and flexibility in designing a major, from which students would be able to transfer into the regular four-year general studies program.[72] And he shared the students' opposition to a gym Columbia had proposed, and started to build, which would have converted a portion of Morningside Park into campus property, and would have included separate entrances for university affiliates and those not affiliated, most of whom would have been from the surrounding neighborhoods, with the latter entrance on a lower level.[73]

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[70] Statement by President Grayson Kirk; April 29, 1968; University Protest and Activism Collection, Box IV.4 Folder 27; University Archives, Rare Book and Manuscript Library, Columbia University Library.

[71] Initial Recommendations of the Columbia University Joint Committee on Disciplinary Affairs; May 9, 1968; and Joint Committee on Disciplinary Affairs, May 13, 1968; University Protest and Activism Collection, Box IV.7 Folder 1; University Archives, Rare Book and Manuscript Library, Columbia University Library. Also see Statement to the Members of the Faculty and Students of Columbia University from Acting President Andrew Cordier; September 11, 1968; University Protest and Activism Collection, Box IV.7 Folder 1; University Archives, Rare Book and Manuscript Library, Columbia University Library.

[72] See Curt Mechling, "GS Re-Evaluating Place in University," Columbia Spectator, March 10, 1969, 1. Also Juris Kaza, "Report Proposes Dual Role for GS," Columbia Spectator, May 6, 1969, 1.

[73] Describing the controversy, Danto emphasizes that the political significance of the gym changed over time. He writes: "The gym was a classic example of an idea that had seemed good at one moment but bad at another," noting that, in 1961, Jane Jacobs had praised the plan for its inclusion of the community, "But in 1968, the two-tiered architecture seemed an intolerable symbol of segregation to everyone who thought about it." Arthur Danto, "Before the Revolution:

Danto's personal involvements at Columbia and at Amnesty are similar on several levels. At a substantive level, we see a politics that was opposed to American and French imperial actions, and racial domination in America, and that saw these as connected to other forms of violence abroad. Formally, we also see a politics that was oriented toward enabling other forms of political action, be it student protest or the work of "prisoners of conscience" abroad. His politics also resonate with his own philosophical commitments: an opposition to a teleological history, as though rights just "rolled out" from America and France to the rest of the world, and an opposition to historical positivism, endorsing instead the notion that events take on significance over time that the actors involved cannot know. Describing 1968, Danto writes that "it took the students themselves by surprise, not realizing what they had started." He goes on: "I learned what it is like to live in history. It is not knowing how things are going to come out."[74]

Historians are not entirely wrong in describing a discourse of human rights that came to prominence in the 1970s and that, for its focus on individual suffering and its alleged nonpartisanship, obscured the political causes of ongoing oppression, emphasizing the salvation of the individual over collective liberation, a commitment to abstract morality over the political activity of mutual promise-making. And yet, in Danto's own work, we can see one attempt, through Amnesty, to undo some of the harms of an imperial past, to create a space for politics in the present, through commitments to show up for people, to advocate for and support them. Even as, at times, he used a moral register to describe his aims, as in his letter to Kissinger, this was not a morality entirely divorced from politics. For Danto, his involvement was not part of an attempt to tell a story of American and French virtue; instead, he was involved in a collaborative

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Arthur C. Danto on the 1968 Revolt at Columbia University," Artforum International 46, no. 9 (May 2008), 95.

[74] Danto, "Intellectual Autobiography," 32-34.

effort to confront torture and wrongful imprisonment, understood not as moral evils committed by ill-intentioned individuals but as parts of the legacies of past wrongs, not as aberrations in the path of progress but as outrages that gave the lie to historical teleology. In both his activism and his contemporaneous academic writing, he attempted to forge a way of relating to the past, and to the future, that would enable freedom in the present in a manner premised not on knowledge and control, but on non-sovereignty. And his work helped attend to some of the real impediments to political action, the impediments to freely re-making history: the fact of imprisonment and brutality, the need for financial support.

Amnesty's politics may ultimately have been of a piece with the reclamation of American virtue that Keys diagnoses. And yet we should not take Keys' story as permanently fixed, either. Rather than write off Danto's activism, we might see in it an attempt to do what he could, to forge the conditions for action, amid uncertainty. This is not to say that his approach was perfect, that he could not have done more, that other approaches might not have been preferable. But that his story could be part of Amnesty International's story should tell us something, too, about Amnesty: that the idea of human rights motivating at least some people involved with Amnesty could provide the terms for a shared commitment to politics, rather than to an apolitical morality. Such participation could serve as a bulwark against the uncertainties of action, a commitment to continue showing up for distant prisoners, and for one another.

Telling our own histories of human rights, we might think not about continuous legacies, or those legacies' refusal, but rather about the ways in which human rights politics might attempt (or fail to attempt) to re-found earlier promises, avoiding the disavowals that came with them. In telling histories of human rights, we would do well to refuse the dilemma between a romantic emplotment, tracking promises and gradual fulfillments, and a reductive one, dismissing the

potential of past efforts in light of what followed. And in refusing such a dilemma, we might better describe the experience of political action, of not knowing how it will all turn out. Attending to the uncertainty of action, and to the ways in which promises to show up for one another might attempt to counteract that uncertainty, we might instead emphasize openness, the possibility of changing the meaning of the past for the present. Told this way, we might understand human rights promises, and claims, neither as the extension or augmentation of earlier promises, of earlier forms of human rights politics, nor as clear departures from what came before. Instead, we might think about how human rights politics can, or can fail to, critique and re-found earlier promises – and can be subject, itself, to critique and re-founding in turn.

Chapter 2. Declaration as Disavowal: The Politics of Race and Empire in the Universal Declaration of Human Rights

Awarding the 1968 Nobel Peace Prize to France's René Cassin, the chair of the selection committee, Aase Lionaes, narrated: "Through one of history's whims it was a representative of France, René Cassin, and a representative of the United States, Eleanor Roosevelt, who became the architects of the [Universal] Declaration of Human Rights. Over a hundred years before, both of these nations had adopted declarations guaranteeing the basic rights of man."[1] History, of course, is not an agent, and the description disguises a more political claim, one often made by Cassin and Roosevelt themselves: that the UDHR was an inheritor of France's and America's earlier rights declarations.

In the mid-twentieth century, that inheritance was also claimed by African-American and anticolonial leaders, who drew on those earlier declarations precisely to contest the American and French records on human rights. To explain this, historians emphasize alternative conceptual continuities: in the UDHR, Cassin and Roosevelt channeled, and in a sense invented, a version of the eighteenth century declarations focused on individual rights, a version would become more prominent in the 1970s; anticolonial critics, in contrast, drew upon those earlier declarations' status as proclamations of sovereignty, carrying forward ideas not of human rights *per se* but of collective self-determination. I worry that these stories assume what they purport to explain: how and why human rights and self-determination came to appear as distinct and separable

[1] http://www.nobelprize.org/nobel_prizes/peace/laureates/1968/press.html. French version, 382AP152. On the UDHR's drafting, see Johannes Morsink, The Universal Declaration of Human Rights: Origins, Drafting, and Intent (Philadelphia: University of Pennsylvania Press, 1999), and Mary Ann Glendon, A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (New York: Random House, 2001).

conceptual legacies. They fail to capture, that is, how the genre of the rights declaration has been defined in and through political contests, and, in particular, how the particular understanding of human rights put forward in the UDHR served to actively disavow an alternative legacy of earlier declarations.

In order to better capture the politics behind such apparent conceptual divergences, I reconsider what it means to treat the rights declaration as a genre. Drawing on material from literary and political theory, I argue that in participating in a genre, carrying it forward, later documents recast it, making certain continuities apparent and others illegible, reshaping the ways in which concepts like human rights are understood and mediated. Through such contestation, rights declarations can refuse to acknowledge – can disavow – other political practices that make claims on the legacies of prior declarations, refiguring the genre so that alternative inheritances appear discontinuous. I propose we read the UDHR as actively disavowing an alternative inheritance of earlier rights declarations, affirming one version of human rights politics so as to repudiate another. By defining "human rights" in a particular way, the authors of the UDHR wrote out alternative definitions, treating them not as less preferable alternatives but as if they were not viable understandings.

The UDHR described human rights in such a way so as to preclude the appearance, under that description, of actors who sought to denounce colonialism and racial domination as violations of human rights. What the UDHR presented instead was a narrative of human rights as something toward which states might strive and progress – what Eleanor Roosevelt, promoting the UDHR to the American public, referred to as "the promise of human rights." Where critics like DuBois saw colonialism and racism as interrelated, and viewed human rights as necessarily involving a politics of democratic self-assertion, the UDHR instead avowed the virtue of

America and France, linking a civilizing narrative of France's role in its colonies with a narrative of racial progress in the US. Racial and colonial domination appeared as aberrations, and the US and France were cast as were the rightful inheritors of their own foundational promises – promises always still to come.

A. Rights Declaration as Genre

On David Armitage's account, the rights declaration as a genre serves to forge political space, constructing both internal and external sovereignty. In *The Declaration of Independence: A Global History*, Armitage writes that the American Declaration "marked the birth of a new genre of political writing," combining what would come to be three distinct genres: a declaration of independence, a declaration of rights, and a manifesto. On Armitage's reading, the American Declaration attempted to project a place for the US within an existing imagined international sphere, allowing the US to appear as a sovereign nation among other "separate and equal" nations in a world organized by international law. In 1789, the French Declaration of the Rights of Man and Citizen would further elaborate the genre of the rights declaration, as would, he claims, the UDHR. Armitage defines genre as "a distinct but repeatable structure of argument and literary form"; he writes that genres "supply the forms that capture, and allow us to comprehend and criticize, similar ideas and events." As a genre, declarations of rights offer a form through which we come to understand ideas and events; genres offer a way of understanding and approaching the world, narrating a past and projecting a future. [2]

[2] David Armitage, The Declaration of Independence: A Global History (Cambridge: Harvard University Press, 2007), 13-15.

In *Inventing Human Rights*, Lynn Hunt also calls attention to the declaration of rights as the quintessential genre of human rights, tracing this from the American and French declarations to the UDHR. A declaration, from the French *déclaration*, she writes, traditionally involved the assertion and performance of sovereignty, tied to territorial control. The 1776 and 1789 declarations announced the appearance of new states whose legitimacy derived from their securing of individual rights internally.[3] Those declared rights had to first become self-evident, intelligible and plausible to a public; the act of declaring operated within and helped give form to a particular political imaginary.

Samuel Moyn picks up Armitage's point, but takes it in a different direction, emphasizing not overlapping genres but conceptual discontinuity. Looking to Ho Chi Minh's 1945 Vietnamese Declaration of Independence, which opens with a quotation from the American Declaration, Moyn differentiates a tradition concerned with rights from one concerned with self-determination. For Moyn, the Vietnamese and the American declarations are aligned in their emphasis on self-determination and their construction of external sovereignty; that emphasis, however, renders them conceptually discontinuous with the UDHR, in which universal human rights held pride of place.[4] Where Armitage calls attention to the way shared political form can create continuity even as conceptual content shifts, Moyn emphasizes the distinctiveness of different conceptual legacies. Yet both accounts rest on a view of genre as something coherent and observable, "distinct but repeatable."

Should we read later declarations against what came before, defining them as "rights declarations" if they successfully repeat key aspects of what came before? Thinking about genre

[3] Lynn Hunt, Inventing Human Rights (New York: W.W. Norton, 2007), 113-16.
[4] See Samuel Moyn, The Last Utopia (Cambridge: Harvard University Press, 2010), especially chapter 3.

differently, I argue, can bring contests over conceptual legacies, and their political stakes, more clearly into view. Stanley Cavell writes of genre that "the picture of an object with its properties is a bad one," and instead "The idea is that the members of a genre share the inheritance of certain conditions, procedures and subjects and goals of composition, and...each member of such a genre represents a study of these conditions, something I think of as bearing the responsibility of the inheritance. There is, on this picture, nothing one is tempted to call *the* features of a genre which all its members have in common." While Cavell is arguing, along the lines of a Wittgensteinian view, "not to say of things called by the same name that they must have something in common," his approach is, he claims, stronger. It is not that members of a genre "bear to one another a family resemblance"; rather, "they *are what they are* in view of one another."[5]

Approached this way, we should not take each declaration as an instance of a fixed category, then seek to distill the shared elements, what defines the "declaration of rights" as a form.[6] Instead, we can see instances of a genre inheriting aspects from one another, and coming into view as a coherent genre when considered in light of this inheritance, of how they take it up and respond to it. This allows new instances of a genre to contribute to that genre, rather than merely repeating it, and lets us read them as commenting in different ways on both the

[5] Stanley Cavell, Pursuits of Happiness (Cambridge: Harvard University Press, 1981), 28-9.
[6] Indeed, to do so would be to participate in what Chicago school literary theorists termed the "neoclassical fallacy": reading for an Aristotelian-style form. The reading of genre I propose in place of this tracks with Cavell's response to the debate between Chicago School literary critics and those involved in New Criticism. For a history of this debate, and a discussion of Cavell's use of genre in relation to it, see James Chandler, "Literature Among the Objects of Modernist Criticism: Value, Medium, Genre," in *The Value of Literary Studies*.
[6] Cavell, *Pursuits of Happiness*, 28-33.

conditions to which they respond and the genre itself.[7] Cavell's language is useful in another way too: in considering how a member of a genre "bears the responsibility" of its inheritance, we might also look at what it disowns. We can understand these disavowals as actively present in the document itself.

This suggests an alternative to Moyn's readings of mid-twentieth century declarations of rights. On Moyn's telling, it is the emphasis on self-determination by mid-twentieth century anticolonial and antiracist movements that marks them as both continuous with the earlier declarations and discontinuous with the later history of human rights. Continuing his argument, it is the emphasis on individual rights, and refusal to use the term "self-determination," that marks the UDHR as a human rights document, discontinuous with both the earlier declarations and contemporaneous anticolonial politics.

Instead, we can understand the twentieth century conflict over the inheritance of the French and American Declarations, a contest over their meaning, in which both Eleanor Roosevelt and Ho Chi Minh – and, as discussed in chapters four and six, Ferhat Abbas in Algeria and Malcolm X in the US as well – claimed to be carrying those projects forward. We do not need to decide which belonged to which family, the family of human rights documents or the family of self-determination ones. By looking to the rights declarations as a genre, we can see how later declarations take up aspects of earlier ones, participating in and altering their ongoing history so as to recast the genre itself. And we can better attend to how the genre mediates between individual and nation, between the self-evidence of rights and their need for establishment – without focusing on whether each instance arrives at precisely the same answers.

[7] I am drawing on David Scott's notion of "problem spaces" in relation to genre; see Scott, Conscripts of Modernity (Durham: Duke University Press, 2004).

B. Disavowal and its Evidence

The term 'disavowal' has been used in recent political theory to describe a psychological stance in which the fact of domination, and one's own responsibility for it, is known but not acknowledged. The term is part of the legacy of earlier debates about recognition and efforts to re-describe recognition's failures. In place of a Hegelian "struggle for recognition," Patchen Markell has argued that we instead think of relationships of domination as refusals of acknowledgement, in which something is known but that knowledge is not admitted, and where, crucially, what is known is not just a fact about the other, but about oneself and one's own dependence on, or non-sovereignty with respect to, another person.[8]

George Shulman uses the language of disavowal to describe such failures of acknowledgement, drawing on James Baldwin to argue for describing such failures in more active terms. For Baldwin, white Americans' disavowal is not just a refusal to recognize black Americans as human or as equal, but a refusal to acknowledge what is known – namely, the shared history and destiny of black and white Americans.[9] In *The Fire Next Time*, Baldwin describes this as a refusal of love, which gives way to hatred. It is not just that the failure to acknowledge is incorrect, but that it constitutes a wrong, an injustice, and a destructive one. For Baldwin, the refusal to acknowledge what is known, the insistence that such wrongs do not exist, is a claim to innocence. And as Baldwin puts it, and Shulman emphasizes, "it is the innocence which constitutes the crime."[10]

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[8] Patchen Markell, Bound by Recognition (Princeton, N.J.: Princeton University Press, 2003).
[9] George Shulman, "Acknowledgement and Disavowal as an Idiom for Theorizing Politics," Theory and Event 14, vol. 1, 2011.
[10] James Baldwin, The Fire Next Time (New York: Vintage, 1993 [Dial Books, 1963]), 6.

Thinking about the politics of genre, we might read Cavell's language about genre and inheritance together with Shulman's about disavowal. We can think of later participants in a genre as inheriting certain legacies of what came before precisely by disowning others. On this understanding, alternative legacies are known but not acknowledged; one version of a concept, one historical legacy, is disinherited in favor of another.[11] Participants in a genre recast the genre itself. In view of a later rights declaration, earlier declarations themselves appear differently: some legacies are passed down, while others seem discontinuous, part of some other genre or history. We can think of these apparent discontinuities as political: the claim to innocence, the claim to be present a continuous genre when other possibilities and aspects of that genre are known but refused, treated as impossible or irrelevant, is an active injustice.

Proving that a document contains a disavowal raises an obvious problem of evidence: where should we look, how would such a thing show up? This is not quite the same problem as finding evidence of a silence; disavowal is active, often involving the simultaneous acknowledgement of something else. We might think here of one of Markell's central examples of a failure of acknowledgement, drawn from Cavell: the "avoidance of love" in King Lear.[12] Lear's disavowal of his daughter Cordelia's love takes the form of a double movement: he does not just refuse her affection, but claims that what she expresses is not, in fact, love; love is defined instead through the professions of her sisters. This is not just a matter of choosing one daughter over another: with the refusal to acknowledge Cordelia's version of love as love, Lear does an injustice to Cordelia, an injustice that initiates and gives form to the tragedy of the play.

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[11] This is in line with the reading offered by Neil Roberts in Freedom as Marronage, where he draws on Freud to define disavowal as a "double movement." See Neil Roberts, Freedom as Marronage (Chicago: University of Chicago Press, 2015).

[12] Stanley Cavell, Must We Mean What We Say? (Cambridge: Cambridge University Press, 2002 [1969]), chapter 10.

In *Must We Mean What We Say,* Cavell calls this refusal of acknowledgement, Lear's refusal of Cordelia's love, "avoidance," and it is an active stance, voiced by Lear: "nothing will come of nothing." The rest of the play offers evidence of the presence of that nothing, of everything that can come from it. In Baldwin's terms, Lear's apparent innocence in this moment – his refusal to acknowledge Cordelia's claim, to acknowledge the love she performs, echoed in his refusal to admit that what he is doing is anything other than a simple exercise in logic – is his worst crime.

Thinking about genre, we might look for such "nothing will come from nothing" moments: when inheritances and disinheritances are contested, and terms are defined so that certain possibilities for that genre – for what its terms could mean, for what relationships among people it could acknowledge – are disavowed. Approaching a document such as the UDHR in this way has its limits: contests over genre are ongoing, not final, and pointing to them does not in itself prove the ongoing relevance of the UDHR, or the rights declaration genre, in people's imaginations. But it does, I hope, show an instance of disavowal in what historians have identified as a central genre of human rights, at a moment that recast the genre so as to establish new political institutions and the vocabulary and procedures for making claims on them. Carrying over ideas of self-determination from the American Declaration, the UDHR could have inherited a tradition that Moyn identifies with self-determination. Instead, ideas of self-determination as either a human right in itself or as a starting point for human rights were excluded, in favor of a different inheritance. Of course, this was not a final moment of closure – but all the more reason to make sense of the active presence of the politics of race and empire in the UDHR.

C. Nations Within Nations: The Right to Petition and Minority Protections

The writing of the UDHR officially began in February 1947, in Eleanor Roosevelt's apartment on New York's Washington Square, where Roosevelt and Cassin met with John Humphrey, Charles Malik, and Peng Chang (from Canada, Lebanon, and China, respectively). The five comprised the drafting subcommittee of the newly formed Commission on Human Rights, whose creation was mandated by the United Nations Charter under the auspices of the UN Economic and Social Council. The Commission had been tasked with writing an international bill of rights, as well as any conventions necessary to enforce it. They agreed that Humphrey would draw up the first draft, based on a wide range of source material. Cassin later re-worked Humphrey's draft, creating what he considered the real first draft – a claim to primary authorship repeated when Cassin won the Nobel Prize, though one Humphrey always contested.

The committee members brought differing commitments to their task. As Jay Winter and Martin Prost have emphasized, Cassin's understanding of "human rights" was shaped by his experience as a soldier in World War I, an advocate for the rights of wounded veterans following the war, part of the French *Ligue des droits de l'homme,* and a Jew who lost 26 family members in the Holocaust, while he escaped from Normandy to London and spent the war as a legal theorist with Free France.[13] Humphrey, also trained in law, brought a different set of concerns: he came from New Brunswick, married a Quebecois woman and spent much of his adult life in Montreal, and was very concerned about the rights of Francophone Canadians. Because of their

[13] See Jay Winter and Antoine Prost, René Cassin and Human Rights: From the Great War to the Universal Declaration (New York: Cambridge University Press, 2013), and François Gasnault, "Introduction," Archives René Cassin: Inventaire (Paris: Archives Nationales, 1983): 9-15. Most of Cassin's family members were detained at the Drancy internment camps; several were transported from there to Auschwitz. He found out the details of this in 1944 and 1945. For his correspondence seeking to find out what happened to them, see 382AP/158, dossier 1, Archives Nationales.

roles on the Commission, as well as the intersection of the Commission's work with the politics of the countries they represented, it is Cassin, Roosevelt, and, to a lesser extent, Humphrey who are the focus of my story here.

In 1947, as they were working on what would become the UDHR, members of the UN's Economic and Social Council received the petition from the NAACP, edited by W.E.B. DuBois. On most accounts, the *Appeal* aimed to bring attention to rights failures in the US, using the idea of individual rights to stage an appeal internationally, but was silenced: dismissed by the Economic and Social Council, alongside petitions pertaining to minority rights elsewhere, it was an early casualty of the US's Cold War effort to avoid embarrassment by the Soviet Union on race. This characterization misses both the power of the *Appeal* and the meaning of the refusal to hear it, part of a broader set of decisions about both minority rights and the right to petition better described as disavowal. In setting out a particular understanding of minority rights, assimilation, and the right to petition, the UDHR would disavow the petition's complex performance of nationhood and minority status, and its related claims about the inheritances of the American rights declaration.

In the Introduction, DuBois invokes the 1776 declaration, and denounces the hypocrisy of white America:

> The effect of the color caste system on...white America has been disastrous. It has repeatedly led the greatest modern attempt at democratic government to deny its political ideals, to falsify its philanthropic assertions and to make its religion to a great extent hypocritical. A nation which boldly declared "That all Men are created equal," proceeded to build its economy on chattel slavery. ...Its high and noble words are turned against it, because they are contradicted in every syllable by the treatment of the American Negro for three hundred and twenty-eight years.[14]

[14] W.E.B. DuBois, ed., An Appeal to the World (New York: NAACP, 1947), 6. Notably, 328 years indexes the arrival of slaves in Virginia, predating the Declaration itself.

In addition to a moral scandal for white America, DuBois goes on to explain that that hypocrisy has disenfranchised black Americans, threatening the functioning of American democracy; this should be of concern to the UN both in itself and because the failure of democracy in America presents a threat to peace and stability. In Chapter 4, William Ming again cites what he describes (echoing Gunnar Myrdal) as the "American Creed" of equality and justice under law, found in the Declaration of Independence and the Constitution and restated in the Reconstruction Amendments and in Franklin Roosevelt's Four Freedoms speech, yet hardly realized in social and political life.

While it might appear to assert the exceptionality of American politics, the petition was meant to be read alongside those from other countries. As the title itself states, this was one "case" among others. In August 1946, when DuBois wrote to Walter White, president of the NAACP, proposing the petition, he argued that "The necessity of a document of this sort is emphasized by the fact that other groups of people...are making similar petitions."[15] The final chapter, by Rayford Logan, cites some of these other petitions, as well as the right to petition and the rights of minorities that had been guaranteed under the League of Nations, in defending the NAACP's standing to appeal. Yet DuBois and the NAACP viewed their situation and that of other petitioners as not merely parallel but interconnected, part of a broader anticolonial politics. DuBois and White had argued for representation of colonized peoples and racial minorities at the UN during the organization's founding conference in San Francisco, and in September 1946, DuBois had authored a petition from the Pan-African Conference to the UN, demanding

[15] W.E.B. DuBois, The Correspondence of W.E.B. DuBois, Vol. 3, ed. Herbert Apetheker (Amherst: University of Massachusetts Press, 1997), 163.

representation for "African colonial peoples."[16] The *Appeal* was part of that broader internationalist politics.

As Carol Anderson has emphasized, the very the submission of the petition served as a moment of re-enfranchisement, a performance of democratic public appearance in a new international forum.[17] Taking Anderson's argument further, we might say that as a petition to the UN from a "nation within a nation" – itself simultaneously part of an anticolonial international public – the *Appeal* also staged the messiness of the overlapping categories of state, nation, and people. In this way, it underscored the interdependence of human rights and self-determination, serving as a simultaneous self-assertion of human rights and of nationhood. Such self-assertion was necessary because the denial of rights, and the violent suppression of any attempt at self-improvement, had itself helped constitute that very "nation within a nation."

On DuBois's telling, black Americans were a "nation" because of both a shared experience of suffering and a common cultural inheritance, and as a nation were caught in a dilemma between self-improvement and collective advancement, on the one hand, or separatism and "escape," on the other. The answer to that dilemma had been determined from without, as "discrimination and segregation" forged an internal nation with its own institutions and economies. In his 1935 article "A Negro Nation Within the Nation," DuBois had also described "a nation within a nation" as both the product of discrimination and as an accomplishment worth

[16] See Gerald Horne, Black and Red (New York: State University of New York Press, 1986), 34-8, and Carol Anderson, Bourgeois Radicals (New York: Cambridge University Press, 2015), 63. For the petition, see DuBois, Correspondence, 153-9.
[17] See Carol Anderson, Eyes Off the Prize (Cambridge: Cambridge University Press, 2003), and Brenda Gayle Plummer, Rising Wind (Chapel Hill and London: University of North Carolina Press, 1996).

striving for, putting greater emphasis on self-improvement as a response.[18] Milton Konvitz, in the third chapter of the petition, also uses the "a nation within a nation" phrase, citing his own 1941 article of the same title, which surveyed the legal construction of an internal nation through the Supreme Court's repeated moves to uphold segregation. This is the animating tension of the petition's appearance: a demand for making good on the promise of democracy in the US, a demand for enfranchisement and inclusion, coupled with an invocation of separateness, of independence or even self-determination, that cuts against the notion of separate and equal states. Not coincidentally, the other history of the phrase in American political thought concerns the place of the American South – what W.J. Cash described, in his 1941 *The Mind of the South*, as "a nation within a nation."[19]

But the petition did not call for moral rejuvenation on behalf of white Americans, nor was it a demand for outside intervention to correct rights violations perpetrated by a sovereign state. Instead, it questioned the democratic legitimacy of the American government precisely as it announced its own democratic presence; as a petition, it staged its own version of democratic participation, asserting its very ability to make such an appeal. In this way, it responded to the conditions documented in the petition's chapters – segregation, discrimination, and brutality, legal and extra-legal, which are doubled, as Leslie Perry puts it in Chapter 5, "whenever Negroes seek to improve themselves" – by dramatizing, but not resolving, the dilemmas born of American hypocrisy.

The petition should also be read in the context of DuBois and the NAACP's anti-colonialism. As Brenda Gayle Plummer and other historians have emphasized, both DuBois and

[18] W.E.B. DuBois, "A Negro Nation Within the Nation," Current History 42 (June 1935): 265-270.
[19] W.J. Cash, The Mind of the South (New York: Vintage Books, 1991 [A. A. Knopf, 1941]).

the NAACP's engagement with the UN was framed as an anti-colonial effort, part of a broader black internationalism. When, in advance of the San Francisco conference, the NAACP was asked by Eleanor Roosevelt what it would like to see in the UN Charter, Walter White wrote back with nine items from himself and DuBois, all concerning colonialism and democracy outside of the US. Mary McLeod Bethune followed up with an additional four, along similar lines, including an end to the League of Nation's trusteeship system.[20] DuBois and White attended the conference, where they argued that human rights commitments should apply to colonies and racial minorities, and that these groups should be represented at the UN. They also dissented strongly from the internal jurisdiction clause of the charter, which upheld the sovereignty of nations against intervention.[21]

DuBois did not let the issue of representation drop after San Francisco. In September 1946, DuBois authored a petition from the Pan-African Congress to the General Assembly, demanding representation for "African colonial peoples" at the UN. The petition was signed by a long list of organizations from the US and abroad, including two sections of the NAACP though not the national office. DuBois did not attempt to present that petition formally to the UN – as he wrote to George Padmore, he thought that "at present, it is out of the question to try to secure the right to petition on colonial matters." But he did send the letter to Trygve Lie, then Secretary General, and Gunnar Myrdal tried unsuccessfully to arrange a meeting between them.[22]

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[20] Eleanor Roosevelt Papers, Box 1659, Folder Walter White.
[21] Gerald Horne, Black and Red: W.E.B. DuBois and the Afro-American Response to the Cold War, 1944-1963 (New York: State University of New York Press, 1986): 34-8, and Carol Anderson, Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955 (Cambridge: Cambridge University Press, 2003): 63.
[22] W.E.B. DuBois, The Correspondence of W.E.B. DuBois, Vol. 3, 153-9. Gerald Horne claims that the meeting organized by Myrdal did in fact take place (Black and Red, 39); Herbert Aptheker, the editor of DuBois's published correspondence, claims there is no evidence for this.

The NAACP's effort to have the petition heard by the UN was hampered from the start, nominally by matters of procedure. I return to that story here both to offer some new archival material and to argue that something more active was at play: what may seem like practical political concerns or Cold War politics were part of a broader move to define human rights in a manner that disavowed the politics of self-assertion and rights that the petition represented. Instead, the UDHR defined human rights so as to affirm the need for the assimilation of minorities into separate and equal nation states.

When he submitted the *Appeal* petition, DuBois took multiple approaches: circulating copies among delegations; organizing a formal presentation to France's Henri Laugier and to John Humphrey, Canadian representative and member of the UDHR drafting committee; and trying to get it onto the agenda of the Economic and Social Committee. At the time, Eleanor Roosevelt, in addition to her role at the UN, was a board member of the NAACP and friend of White. She was not as helpful as the NAACP, and especially DuBois, would have liked. And yet she did forward the petition, with a cover letter from the NAACP, to the Secretary General on September 24, 1947; the Secretary's office wrote back, saying they would try to arrange for it to be received by the Department of Social Affairs.[23]

Roosevelt's attitude about attending the public presentation and about the petition's discussion before ECOSOC suggested a certain amount of sympathy for the effort, but frustration with the position it put her in with her colleagues, especially the Soviet delegates. As she wrote to White, in a widely-cited reply to his invitation to the formal presentation of the petition: "As an individual I should like to be present, but as a member of the delegation I feel

[23] Clyde Nichols to Roosevelt, October 17, 1947. Eleanor Roosevelt Papers, Box 1609, Folder NAACP.

that until this subject comes before us in the proper way, in a report of the Human Rights Commission or otherwise, I should not be seen to be lining myself up in any particular way on any subject. It isn't as though everyone did not know where I stand. It is just a matter of proper procedure." Her State Department advisors, Mr. Sandifer and Mr. Burnett, had recommended she not attend.[24]

When the petition came before ECOSOC, at their meeting in Geneva on December 3, 1947, as Anderson and others have reconstructed, the committee decided to refer it and other petitions to a subcommission tasked with reviewing and summarizing them. In a move that is often read as quashing, for the time being, any meaningful right to petition at the UN, that subcommission decided not to consider it.[25] Giving her own version of what happened, Roosevelt wrote to White on January 20, 1948:

> I want to tell you that I doubt if you quite understood what happened in the Committee on Minorities and Discrimination in Geneva and in the Human Rights Commission. [American representative] Jonathan Daniels moved to accept all petitions which would have included accepting the NAACP petition though nothing could as yet be done about it. The Russians refused to include all and promptly suggested that only the NAACP and the International Democratic Women's group, which is communist dominated, should be received because they represented the most people. Naturally it could not consent to that and when it came up in the Human Rights Commission I took the same stand, namely, that we must accept all or none as we could not let the Soviet get away with attacking the United States and not recognize their own shortcomings. I think, however, we did one useful thing which was to recommend to the Economic and Social Council a review of the whole question of petitions and a request that they suggest ways of dealing with the petitions since the present situation is most unsatisfactory.[26]

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[24] Eleanor Roosevelt to Walter White, Oct 22, 1947, and notes attached to Walter White to Eleanor Roosevelt, Oct 25, 1947. Eleanor Roosevelt Papers, Box 1609, Folder NAACP.
[25] See Anderson, Eyes Off the Prize, and Mary Dudziak, Cold War Civil Rights (Princeton: Princeton University Press, 2011 [2000]). Also from the UN: E/CN.4/SR.26, 8 onward; E/CN.4/77, 11; and E/CN.4/77.ADD1. For a reading of this as a defeat for the right to petition, see Roland Burke, Decolonization and the Evolution of International Human Rights (Philadelphia: University of Pennsylvania Press, 2010).
[26] Roosevelt to White, January 20, 1948, Eleanor Roosevelt Papers, Box 1659, Folder Walter White. I quote this at length because it is not included in other accounts.

Roosevelt here suggests greater willingness to discuss the petition than is often attributed to her. And yet, in light of the US government's sensitivity to potential embarrassment about race, the politics embodied by the petition were subsumed not only into a frame of state sovereignty, but into a new way of carving up the world, under the rubric of the Cold War.

In advance of the Geneva meeting, Roosevelt received a briefing book explaining the US's ambivalent stance on including a formal right to petition in the UDHR. The State Department reasoned that petitions might be useful, facilitating the free flow of information and bringing abuses to light, but that they were nonetheless a flawed mechanism, because "oppressed people are often ignorant, unable to express themselves clearly, and as their oppression grows their sense of balance and accordingly their accuracy of expression deteriorates." Further, "No decision on the right to petition should be made without realizing the abuses to which it might be put and the disadvantage which the United States might suffer in consequence." Because of the US's exceptionally strong guarantees of free speech, the author worried, there might be more petitions brought against it than others, which various "pressure groups" might decide to exploit to embarrass the US – "political dynamite at this time." On the other hand, America's commitment to free speech would be on display, a possible asset. All things considered, the author concluded, the US should remain neutral.[27]

On the issue of minority rights, the State Department was clearer: the US should support assimilation coupled with prohibitions on discrimination, a departure from the League of Nations' minority rights regime:

[27] Position Book for the Second Session of Commission on Human Rights, Book 1, p. 8. Eleanor Roosevelt Papers, Box 1944, Folder "Geneva Conference, December 1947." There was a separate concern about the compatibility of a right to petition with the Logan Act; see Box 1933, Folder Position Book 1947, p. 68.

> It is recognized that minority rights...which have the effect of perpetuating non-assimilation may constitute an essential element in the happiness of certain groups in some parts of the world today. It is believed that these situations can be recognized and dealt with on an individual basis. ...As a general principle, however, it is the United States view that impediments to assimilation should not be recognized by the United Nations on any universal scale; that the overall problem should be attacked, rather, from the standpoint of freedom from discrimination.[28]

This emphasis is consistent with what appears in the UDHR, where the focus on assimilation and non-discrimination was complemented by provision for an individual's right to a nationality, the latter helping to complete the image of a world of separate and sovereign states. At the same time, the US maintained, as the cover letter to a different report received by Roosevelt put it, "The United States has...no national minorities."[29]

Rather than allowing the international appearance of minority rights claims, or their arbitration by an outside authority, minorities would be incorporated within states, their petitions handled by national governments. Within this frame, the UDHR would serve as a kind of global constitution to which states were aspirationally committed. Roosevelt's correspondence with Arnold Brecht, a Weimar legal philosopher who had fled Germany for the United States during the war and was advising the State Department, offers a window into her concern with avoiding a repeat of the group right guarantees of the League of Nations. Instead of guarantees of group rights, Brecht favored institutional guarantees that could protect people from persecution by a

[28] "Article 36" in Book II of "Detailed Comment on the Long Form Declaration of the International Bill of Rights," p. 2. Eleanor Roosevelt Papers, Box 1944, Folder "Geneva Conference Book II."

[29] The introduction expanded: "A national minority is understood to be a group of people with a national consciousness distinct from that of the majority within a state, usually manifested by a difference of language and culture. It is not understood to refer to an indigenous people or the governing group in a dependent territory." Walter Kotschnig to Roosevelt, January 10, 1947; note by Paul Neuland, January 2, 1947; and Depart of State Intelligence Research Report, OCL-4209, January 2, 1947. Eleanor Roosevelt Papers, Box 1933, Folder "A Survey of Minorities in Foreign Countries."

popular majority: in particular, constitutional guarantees that could not be altered or amended by popular vote.[30] His article on such "amendment-proof" provisions was read by Roosevelt, who forwarded a copy to Humphrey during his initial drafting process, noting that they might adapt the principle in thinking about international human rights agreements – that the UDHR might itself appear as such a guarantee.[31]

Cassin wrote to the French ambassador to the UN in early 1948 to summarize where the committee had arrived on the rights of minorities, also emphasizing assimilation within the nation as a guiding principle (notably, his primary concern was with colonial citizens and subjects).[32] France's position on the right to petition would also dovetail with the US's stance, emphasizing subsumption into a national body. Cassin, writing in December 1949 to his government, attributed the promotion of the right to petition at the UN not to a genuine interest in human rights but to the fact that such petitions could be used as an offensive tool against states with colonial possessions. He suggested that such petitions should instead go to the *Ministre des outre mer*, to be handled internally to France.[33] National governments should mediate between "minorities" and the UN, with no direct line of communication from minorities to an international body. Such a step would allow for greater French control, and thus represent an

[30] For Brecht's involvement, see "Conference on Proposed International Declaration of Rights," Transcript of Proceedings, October 31, 1947, US State Department, in Eleanor Roosevelt Papers, Box 1932, Folder Position Papers.
[31] It is unclear that international rights declarations could actually serve as a complete response to this problem; here, I mean only to point to Roosevelt's engagement with it as a question. For Roosevelt's exchange with Humphrey, see Humphrey Papers, Eleanor Roosevelt to John Humphrey, November 20, 1946, Box C22.437. Also see Eleanor Roosevelt to Arnold Brecht, November 20, 1946, in Arnold Brecht Papers, SUNY Albany, Series 2, Box 5, Folder 59. For Brecht's article, see Arnold Brecht, "Democracy—Challenge to Theory," Social Research 13 (2), June 1946: 195-224.
[32] Cassin to Monsieur Parodi, 30 April 1948, page 4, 382AP128.
[33] Cassin, "Note," 10 December 1949, 382AP129 Dossier 1, p. 2.

improvement over the petition system of the League of Nations, in which petitions from mandate territories were sent directly to the League.

In Armitage's terms, there is a world in the UDHR, an account of sovereignty and the relations among states. In the imagined international the UDHR projected, minorities would be assimilated into the sovereign state of which they were part, their petitions handled by national governments. Coming out of a war in which the League's protection of minority rights had failed, the UDHR did not include provisions for minority rights, guaranteeing instead rights to a nationality and to non-discrimination, emphasizing assimilation rather than collective rights.

Arguably, the 1960s adoption of a meaningful right to petition marked the triumph of anticolonial forces at the UN.[34] Yet the refusal to include a right to petition in the UDHR represents more than a moment of delay: it served to disavow the politics of appearance championed by the NAACP. This was not merely a matter of subsuming principles to practical politics, of doing what was expedient, but of affirming a set of principles, a version of the right to petition, that would leave minorities and colonial subjects without standing to appear before the world body. The effect was a wider disavowal of the concerns the petition raised about democracy, rights, and self-determination, the inheritance it drew from the American Declaration, and the version of international human rights politics it sought to enact. Such concerns were known but not acknowledged.

[34] See Burke, Decolonization, and Mark Mazower, No Enchanted Palace (Princeton: Princeton University Press, 2009).

D. Sovereignty and Self-Determination

In addition to the absence of the right to petition and of minority rights, the UDHR famously omits any reference to self-determination. On one common telling, this omission was corrected later when the General Assembly, dominated by newly independent countries, placed self-determination prominently in the rights covenants. While some treat this later moment as a contest in which the former imperial powers lost, Humphrey offers a more cynical account. In a later interview, conducted by a journalist named Brian Cameron, he explains:

> JH: Don't forget it was a very different UN in those early years [the late 1940s]. The membership was just a little over fifty, and it was pretty much controlled by the West, so that Western traditions were very very important.
> BC: There wasn't a large representation from developing nations.
> JH: Well that's it, you see. There's not even a mention of self-determination in the Declaration. If it had been adopted two years later we couldn't have avoided that.
> BC: And the western nations would have had serious problems with it.
> JH: Well they had serious problems with the Covenants until the colonies were emancipated, and then the question became academic. The general wisdom at the UN was to give a definition of self-determination which made it apply only to colonial peoples.[35]

Humphrey emphasizes political expediency as the source of Western objections, political irrelevance as the source of eventual capitulation. Such crass calculations were certainly present, as they had been in the conversations about the right to petition. Yet, as with the right of petition, the story of a principle that was surrendered to more vulgar concerns fails to capture the way in which the US and France actively disavowed an alternative understanding of human rights. By looking to the longer trajectory of Cassin's thought, we might see how opposition to self-determination was in fact part of a philosophically coherent view of human rights, a view that

[35] "The Achievement of 1948," John Peters Humphrey Fonds, McGill University Library, MG 4127, Acc 2002-0086, Box 3, Item 90.

defined the concept of human rights so as to preclude claims for self-determination made against France.

Writing about the debates over the Covenants, Roland Burke describes a disagreement over how self-determination and human rights should be understood to relate to one another, logically and temporally. On Burke's account, focusing on the early 1950s, Cassin opposed the inclusion of self-determination because he objected on philosophical grounds to the idea that self-determination was itself a human right, and a precondition for the fulfillment of other human rights; that sovereignty came first, and sovereign states could then secure human rights for their people. This was not the only understanding of self-determination available: others understood it more loosely and democratically, as something that came alongside and through the fulfillment of political and other human rights. But it was the sovereignty-first version that became prominent during decolonization, Burke claims, because it most clearly marked colonialism as incompatible with human rights.[36]

Cassin objected to the sovereignty-first version because he thought it got the order wrong. His opposition to the inclusion of an explicit right to self-determination in the Covenants rested on a claim that its inclusion, on the terms being proposed, would be inconsistent with the understanding of the relationship between human rights and self-determination in the UN Charter and the UDHR. The records of the Third Committee's meeting from November 1950 summarize:

> Mr. CASSIN (France) recalled that, under Article 55 of the Charter of the United Nations, universal respect for, and observance of, human rights and fundamental freedoms for all should effectively enable the United Nations to establish between nations relations based on "respect for the principle of equal rights and self-determination of

[36] On the emphasis on sovereignty during decolonization, and the perverse triumph of empire in this context, see John Kelly and Martha Kaplan, Represented Communities (Chicago: University of Chicago Press, 2001), and Antony Anghie, Imperialism, Sovereignty, and the Making of International Law (Cambridge: Cambridge University Press, 2005).

> peoples". Certain representatives, however, reversing the order of the Charter, were transforming the end into the means since, according to them, peoples should be granted the right to self-determination in order that they should be enabled to enjoy essential political rights and fundamental freedoms.[37]

Cassin's point is in many ways compatible with a view that the legitimacy of a state, its right to be treated as sovereign, is contingent on its respect for human rights. Yet Cassin's argument is more complex, carrying a more complete image of world order: the UN itself is founded on respect for human rights, and that universal respect enables it to mediate among states, establishing relationships characterized, in turn, by mutual respect, including respect for the self-determination of peoples.

Cassin's defense of putting rights first, as the grounds for sovereign legitimacy, can seem suspiciously convenient given that those demanding self-determination included people in French colonies. Burke suggests that Cassin contradicted himself here: by continuing to defend colonialism, and particularly by backing a clause in the covenant that would have excluded the colonies on the grounds that, as Cassin put it, "different peoples could not be held to the same obligations," Cassin broke from his earlier support for the notion of universal rights.[38] Cassin took a similar stance while on a commission chaired by René Pleven, immediately after the war, on the place of the colonies in the new French constitution. The commission sought to formulate a federative structure for inclusion without equality; on Frederick Cooper's account, in justifying that unequal status, Cassin "put the inhabitants of Equatorial Africa at the 'bottom of the scale,' people with a 'great attachment to France but whose primitive character implies that they are not in a state to create a true unity,'" while Morocco and Tunisia "would benefit from 'a bit more

[37] A/C.3/SR.311. Also cited by Burke, Decolonization, 37.
[38] Burke, Decolonization, 40.

self-government."[39] In addition to this invocation of a civilizational, and implicitly racial, hierarchy, Cassin would also defend, in his role at the UN and as vice-president of the *Conseil d'Etat*, France's violent repression of the Algerian resistance.[40] In their biography, Jay Winter and Antoine Prost refer to his role on the *Conseil d'Etat*, including his approval of internment centers that were known to torture, as in "glaring contradiction" with his commitment to human rights.[41]

The apparent contradiction seems even more profound if we start a bit earlier, and look to Cassin's writings about national liberation and human rights while with Free France during World War II. In this period, Cassin was at pains to justify France's own right to self-determination in the face of German occupation, praising the cause of national liberation as intimately bound up with the liberation of individuals. Interpreting the legacy of World War II in Cassin's work, Winter and Prost emphasize a belief in the legitimacy of outside intervention against Germany: that the sovereignty of Nazi Germany should not have been respected, as its flagrant violations of human rights justified intervention. Glenda Sluga, similarly, argues that the primary lesson of World War II for Cassin concerned the legitimacy of outside intervention in the name of human rights.[42] But the Nazi occupation of France imparted another lesson, too: the

[39] Frederick Cooper, Citizenship Between Empire and Nation (Princeton: Princeton University Press, 2014), 41.
[40] For his role on the Counseil d'Etat, see Jay Winter and Antoine Prost, René Cassin and Human Rights (New York: Cambridge University Press, 2013), 274-9. For his role at the UN, see 382AP129.
[41] Frederick Cooper, Citizenship Between Empire and Nation: Remaking France and French Africa, 1945-1960 (Princeton: Princeton University Press, 2014), 276.
[42] Glenda Sluga, "René Cassin: Les droits de l'homme and the Universality of Human Rights, 1945-1966," Human Rights in the Twentieth Century, Stefan-Ludwig Hoffman, ed. (New York: Cambridge University Press, 2011): 107-124.

importance of national liberation of France and other countries from German control, and of a French right to self-determination, for the sake of the protection of individual rights.

And although Cassin's claim about the connection between national liberation and rights might appear to deepen the contradiction between his philosophy and his politics, it in fact suggests a way to reconcile the two. This was about more than national liberation *per se*: it involved a particular vision of the nation, specifically of France. Writing from Algeria, in a 1944 article in *Cahiers Antiracistes* titled "*Les Droits de l'Homme et la France Libre*," Cassin reflected on the recent assassination by the Vichy government of Victor Basch and his wife; Basch had been Cassin's colleague in the *Ligue des droits de l'homme* and was also Jewish. He opens the piece with a comparison: on the one hand, the "savage" assassination of Basch, the treachery of the Vichy camp; on the other, the *Ligue*, the French people, and DeGaulle's provisional government. The former stands for those who have disowned national independence and "trampled human dignity underfoot." The other is committed to liberty, even willing to die for it, with one supreme goal: "all liberations, that of nations just like that of human beings."[43]

A similar set of comparisons appears in his later defense of French colonialism. As Marc Agi documents, Cassin would defend France's actions on the grounds that the resistance represented the enemies of human rights, and had sworn off respect for international law. France was the inheritor of 1789, a country devoted to human rights, but respect for law must be bilateral, so France's violent repression of the rebellion was legitimate.[44] Anticolonial violence was evidence of a lack of respect for rights, and therefore proof of the lack of a legitimate claim to self-determination. Self-determination and national liberation followed from respect for rights.

[43] "Les Droits de l'Homme et la France Libre" and letter from Cahiers Antiracistes, 382AP71.
[44] Marc Agi, René Cassin: Fantassin des Droits de l'Homme. (Paris: Plon, 1979), 235-6.

The piece on Basch appears in Cassin's files as a prefatory note to the publication of a declaration of rights, prepared for a commission overseen by Cassin convened to draw up principles for the postwar transition. The declaration was written by a subcommission chaired by Paul Vaucher, and approved on August 14, 1943.[45] Cassin's introduction positions his side as the true champions of human rights, rightful inheritors of the legacies of the 1789 declaration. It also traces broader inheritances which serve to associate France's human rights tradition with that of the Allies: Free France's mid-war declaration of rights arose, Cassin says, not only from the spirit of 1789, but the American and English "Bill of Rights," the Atlantic Charter, Roosevelt's Four Freedoms speech, the writings of H.G. Wells, and the work of the *Ligue des Droits de l'Homme* under Henri Laugier. The document enumerates 34 rights, the last of which is quoted directly from Article 35 of the 1793 French rights declaration: "When the government violates the right of the people, insurrection is, for the people and for each portion of people, the most sacred of rights and the most indispensible of duties." The list of rights is followed by a list of 12 additional duties, reiterating, as number 11, the duty to rebel "if the government violates the constitution." In this context, the invocation served not only as a justification of French resistance, but a condemnation of Vichy collaborators, who not only failed to exercise a right but failed to fulfill a duty.

For the Cassin of the 1950s, the right to rebel did not extend to Algerians; France's actions in the colonies were aimed at spreading respect for rights, and it was through this respect that subjects would gain citizenship and the ability to participate in government. Cassin conceived of France as a nation that went far beyond the metropole, including mandates, territories, and possessions. He would defend, with DeGaulle, extending French citizenship and

[45] Also see Winter and Prost, René Cassin, 159-67.

representation in the National Assembly to Algerians and others. Participation in government, and the right to rebel against that government, followed but did not precede the respect for rights instilled through French colonial control.

Cassin's sense of France's status as an inheritor of its own foundational promises, and of its mission in spreading human rights through colonial control, would be echoed in 1953, shortly after France had expelled the Sultan of Morocco and installed another leader. Cassin wrote to Eleanor Roosevelt, upset about an article she published suggesting that France should make concessions. She was relying on accounts, he said, by a biased author who "minimizes the past and present civilizing role of France and conceals the origin of a large part of the difficulties that pose obstacles to world progress"; she should visit and see for herself. She replied, teasing him: "I very much regret I can not visit Morocco in the near future. I realize the French have benefited the country but I fear not enough."[46]

Cassin would echo this attitude in 1956 in a piece for the weekly newspaper *Ici Paris*, linking the eighth anniversary of the UDHR's passage to France's position in Algeria and in the Suez Crisis. On his telling of events, anticolonialist forces in the General Assembly, meddling in European affairs, had sought to expel France from Egypt. The situation became all the worse when the United States joined in, supporting a "coup" by Nasser, with UN forces. As a result, France and England, "mothers of the rights of man," and the Jews (here, Israel), had been expelled from Egypt. The UN, he urged, had been wrong to side against France, and should restore its focus on the real oppressors. France, meanwhile, should focus on its own national interest, governed by its own traditions, as it approached the problems in Algeria. There, France

[46] Cassin to Roosevelt, February 3, 1953, Eleanor Roosevelt Papers, Box 1682, Folder Cassin; Roosevelt to Cassin, April 16, 1953, 382AP151. Roosevelt added a handwritten postscript: "I agree with you that the Sultan would probably not improve matters."

should work to protect the individual rights of Muslims and the French against terrorism. France, after all, had in the last century brought great progress to "Afrique Noire": "slavery, raids, insecurity, famine, barbaric cults, depopulation: all that menaces the existence of these same populations had disappeared." To mark the eighth anniversary of the UDHR, France should revive its defense of human rights – and could only hope that the UN would do the same.

Cassin's view of France and other colonial powers as the representatives of human rights, by definition and inheritance, was echoed by Humphrey as well. France and the Western powers were, on Humphrey's view, necessarily on the side of human rights, a status not called into question by their stance on self-determination and colonial control. In November 1955, Humphrey wrote to Arthur Rogers of the United Nations Association in Canada, responding to Rogers' inquiry about ongoing debates over the Covenants and expressing exasperation with how long the process had taken. Humphrey explained that the disagreement was about Article 1, on self-determination: "As far as I can see, we are in about the same position as when we started. There is probably a good numerical majority in favour of adopting this text at the present session, but this majority would not include some of the principal Western powers that have the best record in the matter of human rights, or members of the British Commonwealth."[47] To underscore the sensitivity of the debates, he enclosed a letter prepared by one of his staff in response to Rogers, for his signature, which he had opted not to use. The prepared letter, which unlike Humphrey's is not marked "confidential," points to the ongoing discussions delaying the

[47] The Western powers present at the April 1955 meeting were France, the UK, Norway, Australia, and the US. Cassin chaired; Humphrey, then Director of the Division of Human Rights, attended as representative of the Secretary General. The members of the British Commonwealth present, in addition to the UK, were Australia, India, and Pakistan. See E/2731 and Corr. 1.

Covenants, but includes no mention of self-determination, nor any real explanation of the substance of the debates.[48]

Read as part of the longer trajectory of Cassin's thought, the UDHR is not simply silent with respect to self-determination. Instead, it contains a view of human rights that disavows the politics of self-determination being advanced by anticolonial forces in favor of a human rights politics that was in keeping with colonial control. It affirms France and the US as rightful inheritors of their foundational rights promises, and disavows the possibility that others were calling on those traditions precisely to challenge American and French control. The UDHR set forth a vision of a world composed of nations, mandates, and territories, in which human rights would be universally respected; this respect made the United Nation's mediation among states possible, enabling their mutual respect for each other as separate and sovereign.

E. Aspirational Human Rights and Narratives of Progress

Shortly after the adoption of the UDHR by the UN General Assembly, presided over by Cassin, Eleanor Roosevelt published a column in *Foreign Affairs* titled "The Promise of Human Rights." In it, she addresses the American people about the origins and aims of the UDHR. She closes: "The work of the Commission has been of outstanding value in setting before men's eyes the ideals which they must strive to reach. Men cannot live by bread alone."[49] Following two world wars, and a growing divide between East and West, Roosevelt proposed that human rights might provide a set of ideals that, precisely for their idealism, offered a kind of sustenance.

[48] John Humphrey to Arthur Rogers, November 22, 1955, and John Humphrey to Arthur Rogers, December 20, 1954. MG4127, Acc 1996-0068, Container 22 Item 437. (I am not confident the dates listed on the letters are correct.)
[49] Eleanor Roosevelt, "The Promise of Human Rights," Foreign Affairs, April 1948.

In a sense, this resembles what Moyn, Barbara Keys, and others have pointed to as a defining feature of 1970s human rights discourse: an image of utopia, always still to come, that transcended nation states and allowed Americans to feel good again.[50] Yet Roosevelt's view was far from the cosmopolitan vision often associated with the 1970s: the promise of human rights was very much a promise made by nation-states. Earlier in the article, describing the ratification of the Declaration, she wrote: "It seems to me most important that the Declaration be accepted by all member nations, not because they will immediately live up to all of its provisions, but because they ought to support the standards toward which the nations must henceforward aim." It was the Covenants that would be binding; the Declaration was an aspirational document, an orienting set of ideals for individuals and for nations.

Human rights, on Roosevelt's view, were an achievement of states. Each person was entitled to a nationality – which, she stressed, was among the most vital items in the UDHR – and through that nation might progress toward the fulfillment of human rights. The closing of the Declaration's preamble reads:

> Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

As a "standard of achievement," the UDHR required ongoing education. The text is very close to the version proposed by the US in the December 1947 meeting – though there, the Declaration

[50] Barbara Keys, Reclaiming American Virtue (Cambridge: Harvard University Press, 2014).

was "recommended" rather than proclaimed.[51] It was also at that meeting that the Commission agreed to split the non-binding Declaration from the legally binding Covenants. [52] The US State Department claimed that this was desirable because the Covenants would have to be formulated more carefully, so as to be enforceable.[53]

The invocation of "territories" in the last line of the preamble is a stark reminder that the UDHR was not adopted by free and equal states. But viewed as setting out a "standard of achievement," the final line of the preamble is at least plausibly consistent: people, whether in the metropoles or the territories, had a right to a nationality, and should be assimilated into a state committed to the promise of human rights. It was within this model of international politics that self-government and sovereignty would then be possible, within the community of the UN. On this view, The UDHR set forward the ends of civilization toward which the world was progressing, not in spite but because of that system of states and territories.

The idea that human rights were the endpoint of progress was consistent with the US narrative on race from the 1940s into the Cold War. The line that the US State Department would champion was one of progress: the US was not a racist country, as the Soviets charged, but a country making progress on race. This line was set forward in President Truman's Civil Rights

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[51] "Recommendations with Respect to Specific Articles," pages 1-2. Eleanor Roosevelt Papers, Box 1932, Folder "Declaration of Human Rights – Recommendations, Preamble, December 1947."

[52] Cassin affirms this; see Cassin, "Man and the Modern State," in An Introduction to the Study of Human Rights: Based on a Series of Lectures Delivered at King's College (London: Europa, 1972), 34-44.

[53] Acting Secretary of State to Roosevelt, November 26, 1947. Eleanor Roosevelt Papers, Box 1944, Folder Geneva Position Book 1.

Commission in their October 1947 report *To Secure These Rights*.[54] René Cassin praised the Truman Commission to his government: following their example, France might also establish committees in its own territories to hold hearings about human rights, and so promote knowledge of the UDHR.[55]

Cassin's focus also underscores a different aspect of the American line: that progress was being led by the federal government, a force for improvement over and against individual states. Roosevelt would adapt this story later to claim that, if faced with opposition from recalcitrant states, the federal government would not be able to enforce rights covenants – and therefore the US could not sign on. She took the argument so far that some became skeptical. When she later sent the manuscript of her autobiography to Humphrey's office, Humphrey and his colleague Egon Schwelb each sent back corrections; Schwelb wrote:

> I do not claim to be an expert on the constitutional law of the United States...however...I doubt whether the Federal Government has only power to "recommend" that the States take appropriate action in the implementation of an international convention made under the authority of the United States and whether the United States Government "could commit only a limited number of the people on certain matters and then hope that the various State Governments would accept our recommendation."[56]

On Roosevelt's view, human rights were the promise of the US, their violation an anomaly on that path. She presented the federal government as attempting, without much power, to guide the more resistant state governments, absolving them of responsibility should the states resist.

The UDHR was built on the allegiance between a US Cold War narrative of racial progress, an older colonial narrative of progress, and the idea of human rights as an aspirational

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[54] See Penny Von Eschen, Race Against Empire (Ithaca: Cornell University Press, 1997), 109-28; Brenda Gayle Plummer, Rising Wind: Black Americans and US Foreign Affairs, 1935-1960 (Chapel Hill and London: University of North Carolina Press, 1996), 183.
[55] 382AP128, "Droits de l'Homme," p. 10-11.
[56] Egon Schwelb to Eleanor Roosevelt, page 6, MG4127, Acc 1996-0068, Container 22 Item 437.

promise of democratic states. It was built, that is, on the disavowal of an anti-imperial and anti-racist politics that used the idiom of human rights, and other inheritances from those earlier declarations, to stage democratic demands for justice in the present. The UDHR altered the genre of the rights declaration so as to make anticolonial demands appear separate and distinct, not part of its heritage; it disavowed alternative possibilities for politics, alternative practices of human rights politics that drew on different inheritances of those declarations that had come before. In doing so, it reaffirmed the founding virtues of France and America, recasting the genre of the rights declaration to affirm an aspirational narrative of progress – an injustice bequeathed to rights declarations still to come.

Chapter 3. Universalizing the Promise of Empire: Human Rights "Hypocrisy" and France's Defense of the War in Algeria

Soon after France ratified the Universal Declaration of Human Rights, a document which French drafting committee member René Cassin had heralded as inheriting and reviving the spirit of 1789, accusations began to emerge that the country was flagrantly violating its stated human rights ideals in its attempt to maintain colonial control in Algeria. The press, the UN (particularly, but not exclusively, the African and Asian members of the General Assembly), the International Committee for the Red Cross, and Algerian activists protested that France was failing to live up to its commitments through political and humanitarian abuses: most notably, through the use of torture, disappearances, execution sentences for political crimes, and what the French government referred to as "administrative internment," a form of extra-judicial detention.[1] In debates about General Assembly resolutions, inquiries from the Secretary General, reports to the Commission on Human Rights, and its own publicity materials, the French government repeatedly attempted to defend its position before the UN and the press. Even after Algeria became independent in 1962, France would deny accusations of human rights abuses.

Contemporary historians often discuss this period using the language of hypocrisy, understood as a failure to practice one's stated ideals. On this account, while certain moral principles were declared to be universal, exceptions were then carved out, exclusions made, either through emergency orders and other legal maneuvers that served to legally suspend the

[1] The ordinance allowing for extrajudicial detention was approved on October 7, 1958. To give a sense of scale: between that date and the end of December, 1958, the prefect of police of Paris detained, by its own records, a total of 920 people, compared with about 627 arrested under standard procedures in the same period. "Comparaison des arrestations judicaires et des internements administratifs," Fonds Charles de Gaulle, Président de la République, AG/5(1)/1703, folder "Fonds René Broulliet, personnalités musulmans, notices individuelles, Octobre 1958," Archives nationales.

law, or, more invidiously, through an ideological commitment to racial hierarchy such that nonwhite subjects were viewed as outside the category of humanity.[2] Hypocrisy, in the terms of this critique, involves a failure to extend one's own proclaimed ideals of universal rights to everyone universally. It is not just a moral issue, as the infliction of suffering alone might be, but is understood as a moral scandal. At the time, France's critics warned of a creeping moral disease, an affliction or moral rot. The causes of rights abuses were described as organic and apolitical, but the lack of response, the government's refusal to drive out the disease by extending universal commitments to all, was described as a scandal – a failure to protect not only the sufferer of torture, but the conscience of the body politic.

In this chapter, I re-approach the issue of hypocrisy and human rights, calling into question the supposed separability of universal ideals and non-universal practice in order to describe how the universalist pretentions of France's notion of human rights were not at odds with, but in fact precisely what enabled, its abuses. I begin by tracking France's official narrative on human rights, starting from the post-1948 promotion of the UDHR and the international human rights project, including the 1949 UNESCO Human Rights Exhibition. I look at efforts following the passage of the UDHR to promote the language of human rights and a sense of belonging in the newly restructured international order, which I understand as an effort to make universal a universalist ideal. I attempt to explain the project of education, a kind of

[2] See, most notably, Fabian Klose, Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria (Philadelphia: University of Pennsylvania Press, 2013). In their biography, Jay Winter and Antoine Prost note that Cassin only once addressed the Algerian War publicly, in April 1958, and that here "he said nothing about the gangrene of human rights violations in Algeria," nor did he condemn the February 1958 French bombing of Sakhiet (a village in Tunisia that France claimed had been harboring rebel forces), a position they regard as calculated but nonetheless in conflict with his broader support for international human rights. Jay Winter and Antoine Prost, René Cassin and Human Rights: From the Great War to the Universal Declaration (Cambridge and New York: Cambridge UP, 2013): 266-67.

enlightenment, which the government saw as necessary to the postwar project of international human rights.

In light of this, I reconstruct the French government's defense of its own actions in Algeria, to understand how these might be of a piece. France sought to justify its actions not by appeal to exception, but through something even more pernicious: a continued ideology of human rights as a standard toward which, under French tutelage, the world was progressing. This was a universalism that required universalizing, a process that, on the French view, could best be accomplished by empire. The temporality of France's universalist claim, its understanding of human rights as at once natural and something which people had to learn to think of themselves as possessing, was what made it fit with imperial rule: by being made worthy of rights, brought into the category of universal humanity, people would in turn be able to exercise democratic rights – but not before. And yet, while the project of education was carried out everywhere, the temporal delay, holding independence in reserve, was applied only in the colonies.

While, on many accounts, decolonization marked a defeat for France, as its defenses were overcome by the strength of the evidence of rights violations and the mobilization of outside international pressure in response, what is notable is how a version of human rights politics that decried French hypocrisy, a discourse that supposedly triumphed with France's defeat, in fact operated on much the same terms. Stopping short of critiquing the French promise of human rights, France's critics objected instead to the French failure to make good on that promise, to fully universalize it. Focusing on the contest over decolonization in the 1950s and 1960s, I show how a language of international concern arose in dialogue with French imperial human rights. I trace the consonance of the official French understanding and that of their critics through several interrelated episodes: France's 1957 report to the UN Commission on Human Rights, and its

official story of the gradual expansion of rights and the principles of 1789 in the colonies; the accounts of the torture of Algerian detainees in Paris in the booklet *La Gangrène,* and the objection to torture as the incursion of an external and organic force; France's relationship with the Red Cross in the late 1950s and the scandal around the leak of the 1960 Red Cross report on Algeria, and the consonance between demands for reform and the French government's larger collaboration with the Red Cross; and finally the release of another booklet, *Pour Djamila Bouhired*, which focused on the case of one detainee in Algeria and her torture in detention, and which mobilized the language of humanitarian appeal on behalf of a rebel fighter. I argue that the language of humanitarian appeal here, the critique of incomplete universals and moral sickness, did not address the narrative of progressive enlightenment; instead, it argued that France had gone off course.

The pamphlet on Bouhired's case makes central a distinction drawn by historians between demands for human rights and demands for self-determination. Looking to anticolonial movements in this period, Samuel Moyn emphasizes a divergence between the language of human rights and that of self-determination, suggesting that the latter was more powerful in anti-colonial movements, marking its separation from the discourse of human rights that rose to prominence, on his telling, in the 1970s. Other scholars point to the break between French leftists and anticolonial activists, understanding the human rights imaginary of the 1970s as having arisen in part out of a rejection of the emphasis on self-determination and state sovereignty in anticolonial movements.[3] And indeed, while the pamphlet's authors acknowledge Bouhired's

[3] Eleanor Davey associates the emphasis on self-determination with a Third Worldist politics, rather than a cosmopolitan one, a politics that would loose traction on the French left as postcolonial governments began committing humanitarian atrocities of their own, occasioning a more complete switch to a cosmopolitan and humanitarian language of human rights following 1968. Eleanor Davey, Idealism Beyond Borders (Cambridge: Cambridge UP, 2015). Davey uses

role in the rebellion, they also downplay it, portraying her as less culpable than she likely was; she is presented as a victim, an object of humanitarian concern, allowing the cause for which she was fighting to recede into the background. But while her French defenders may have separated the issue of Algerian independence from their objections to torture, in considering the politics of her case, we need not do the same. In his response to the pamphlet, Frantz Fanon appears to rely on the same distinction: he criticizes the French left for the ways in which it protested torture in Algeria as an offense against French conscience; looking to the relation between an imperial version of human rights and accusations of human rights hypocrisy, Fanon emphasizes the importance of self-determination. Yet I argue that he does not simply prioritize self-determination over human rights, but offers a more subtle critique of attempts to separate them. Rather than point to a divergence between critiques emphasizing self-determination and those emphasizing human rights, I offer a reading of Fanon that emphasizes instead the distinction between a critique of imperial hypocrisy that calls for the fulfillment of past promises, a return to a path of progress toward a universal ideal, and one that sees the promise as itself already a lie, precisely because it was always delayed.

Fanon combines the language of human rights with that of self-determination so as to criticize what he called the "historical belatedness" of the French left's concern for Bouhired: he was critical not of concern for human rights in itself, but of the temporality behind a particular account of human rights. Reading Fanon against the French government's response to the same pamphlet, and in the context of material from the late 1950s police file on him, I argue that Fanon is doing more than supplanting the language of human rights with that of self-determination. What Fanon's critique indicates is a response to the temporality of French

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the terms sans-frontiériste and tiers-mondiste, which I am translating loosely; the sans-frontiériste movement is arguably more humanitarian than cosmopolitan.

imperial promises, to the notion that humanity had to be achieved first and that self-determination then might follow. It is that narrative of progress that Fanon sees as a lie, because it is no more than a strategy of deferral. Rather than continue to appeal to universal categories to ground a critique of hypocrisy, Fanon demands a confrontation with the disavowals embedded in foundational promises, and their ongoing legacies.

A. Educating the World Into Human Rights

From late September through December, 1949, busloads of French schoolchildren were taken to see a new photography exhibition, housed in the *Musée Galliéra* in Paris. The "UNESCO Human Rights Exhibition," which was open to the public in addition to the organized school visits, sought to illustrate, as UNESCO's publicity materials put it, "that the fundamental human rights and the goal of ever growing liberty are a common aspiration of all nations."[4] The exhibition consisted of a walk-through photography exhibit, selected from submissions solicited from countries all over the world, as well as cases displaying the "treasures" of human rights, including original copies of the US Bill of Rights, the French Declaration of the Rights of Man and Citizen, the Emancipation Proclamation, and more. It began with a diorama showing the earth from space, alongside an image of Adam and Eve; from there, the viewer walked through a series of displays recounting all of human history, culminating with the Universal Declaration of Human Rights. The exhibition was put on largely at the initiative of the French government, and

[4] See "Human Rights Exhibition," UNESCO Radio Script, October 14, 1949, available at http://unesdoc.unesco.org/images/0022/002268/226853eo.pdf.

funded by France and the Paris-based UNESCO, with the involvement of UDHR drafting committee member René Cassin and other French government officials.[5]

The exhibition moved from Paris to several other cities in France; from there, the French government and the Allies organized to have it shown in three cities in Germany, after which it traveled to Belgium. UNESCO also produced an album of the exhibition, to allow people to reconstruct it elsewhere; the kit contained reproductions of the photographs and captions and instructions for mounting them, as well as copies of the UDHR and of a pamphlet, a "short history of human rights," created for the exhibition. Several copies were sent to each UNESCO member country, and additional exhibitions were held with them in Japan, Haiti, Brazil, Italy, England, South Africa, and elsewhere.[6] Some local governments welcomed and helped disseminate the material, while others were more hostile: advising on how to get the exhibition album into Prague, UNESCO's Jan Behelradek cautioned the Department of Mass Communications that unconventional means might be necessary, noting that he had managed to send copies of the UDHR to Prague by using the document as wrapping paper for food parcels sent to his family.[7]

In his letter to UNESCO member states outlining the plans for the exhibition, UNESCO Secretary-General Jamie Torres-Bodet explained that "The great principles of Human Rights will

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[5] For Cassin's involvement, see 382AP/135, Dossier 3, and UNESCO Archives, 342.7 (100) A146, part 1a [33]. For another reading of the exhibit as an effort to induct people into the language of human rights, in a manner both historical and timeless, see Mark Bradley, The World Reimagined: Americans and Human Rights in the Twentieth Century (New York and Cambridge: Cambridge UP, 2016), "Introduction."

[6] For discussion of mounting the exhibit in Japan, see S.M. Lee to Secretary-General, June 1, 1951, UNESCO Archives, 342.7 (100) A146, Part II [37]. For a listing of additional shows, see Douglas Schneider to V.J. Stavridi, November 30, 1951 [43]. For discussion of the South Africa showing, see Dulcie Hartwell to William Farr, June 4, 1951, UNESCO Archives, 342.7 (100) A146, Part II [41].

[7] Dr. Belehradek to Mr. Farr, February 21, 1951, UNESCO Archives, 342.7 (100) A146, Part II. [22]

be described, in their natural application, as essentials to a full and healthy life, which are no less necessary than water, air, sun, food etc. In this way the dictates of science will be applied to a sphere which is often regarded as the preserve of convention or custom." And yet while human rights were to be presented as natural and universal, with the impartiality of science, they would also appear as the culmination of a pluralistic social effort. Torres-Bodet continues: "The object is to show that Human Rights, which are the outcome of a contest between reason guided by conscience and customs established by privilege, have been secured only by the deliberate effort of individuals and have been preserved only through the performance of duties."[8] The product of natural reason and moral conscience, human rights are presented as the result of collective effort, a struggle against privilege and power. Human rights themselves are presented as an achievement, necessary and natural yet also the culmination of an historical process. Viewed this way, the exhibit would interpellate each visitor into a sense of their own duties. As Torres-Bodet explained in another letter, the exhibit was "not merely historical" but "instructional": "By showing each visitor that the rights which are now recognized as his, and which it seems natural to him to enjoy, are in fact the reward of long struggles and many sacrifices, it will teach him, at the same moment, to be worthy of them through his better fulfillment of his corresponding duties."[9] The enjoyment of human rights had to be earned, and the exhibition would not just illustrate and educate, but enlist people into human rights as a project.

The understanding of rights as the product of reason, natural but also the result of history, echoes classic Enlightenment political thought – and indeed, the exhibition itself presents what we might call an illustrated conjectural history, weaving together an opening gesture toward

[8] Memo from Jamie Torres-Bodet to Member States, CL230. UNESCO Archives, 342.7 (100) A 146, "Exhibitions on Human Rights," Part 1a [39].
[9] Letter from Torres-Bodet, April 29, 1949. UNESCO Archives, 342.7 (100) A 146, "Exhibitions on Human Rights," Part 1a [56].

Genesis with a more anthropological approach. After the image of Adam and Eve, visitors came to a series of columns, each on a different theme. These started with speculations on the difference between men and animals: "Here are the first known imprints of human feet—some 20,000 years old... Perhaps the only difference between man and the animals was the fact that he stood erect. In any case, that is about all that we can learn definitely from the sight of man's first footprints." Visitors continued along the path through the development of tools, the rise of agriculture, and the creation of governments. Here, the emphasis shifts, listing different rights and emphasizing the contributions from various "civilizations" and religions. What the exhibit tracks, in addition to the diplomatic concerns of the creators (the exhibit was criticized by the Vatican and by some governments, even before its opening, for relative inattention to both Catholicism and Islam), is a version of human development. It calls viewers into a particular imagining of humanity, and a common history, positing the UDHR as the culmination of a series of rights declarations. Offering a vision of common humanity as itself forged over time, a story that is at once historic and mythic, it beckons viewers into a narrative in which universal human rights were not pre-political, but an achievement, the final stage in a grand story of progress.[10]

The exhibition was of a piece with a broader effort by France to educate its population, and the world, into human rights. Also in 1949, René Cassin organized a series of educational radio programs on the UDHR through *Université Radiophonique Internationale*, a new radio broadcasting organization that was a joint venture of UNESCO and French national radio, *Radiodiffusion Française*. The organization's inaugural series, it included 12 broadcasts over

[10] Also see Press Background Information 114, "Exhibition-Album on Human Rights Published by UNESCO," February 15, 1951. UNESCO Archives, 342.7 (100) A146 Part II. [II/19]

three months; the series opened with a roundtable that included René Cassin, featured Cassin alone for its second program, and closed with a talk by Eleanor Roosevelt.[11]

France's *Ministre d'Outre Mer* also directed the administrators in France's territories and colonies to include instruction on the UDHR at all levels of schooling, beginning with elementary. Most wrote back to indicate that they would do so, though the minister of the Comores wrote to explain that this was inconceivable, as they did not have any schools in the territory, including elementary schools, that reached a sufficiently high level.[12] That people had to be educated into rights was part of the very understanding of the concept: that to be educated into rights, aware of the narrative of which they are part, is to be made worthy of them, and so to be inducted into a universal category. Instructions to educate students about human rights would continue to be handed down regularly around anniversaries of the passage of the UDHR.[13] This understanding of human rights would carry over to France's defense of its actions in the colonies.

B. Universalizing Human Rights in the Colonies: The 1957 Human Rights Report

In the 1950s, France faced intense criticism in the General Assembly over human rights, self-determination, and the conduct of the war in Algeria – criticism so pointed and damaging

[11] See correspondence, Folder 3, Interventions de Cassin auprès des ministères, 382AP/99.
[12] See correspondence, especially L'Administrateur Superieur du Territoire des Comores to Ministre de la France d'Outre Mer, August 7, 1950. 19770508/6, Archives Nationales. For more on educational outreach about human rights and the UN, see 19770593/13, "Connaissance de l'ONU."
[13] See, for example, Le Ministre de l'Education Nationale a Messieurs les Recteurs d'Académie, Object: Célébration de l'anniversaire de la Déclaration Universelle des Droits de l'Homme, November 29, 1950, 382AP/129, dossier 1.

that in 1955 it provoked the French delegation to walk out of the General Assembly.[14] France's defense of its actions is often understood through the idea that Algeria existed in a state of exception of the sort theorized by Georgio Agamben: the rebellion allowed the suspension of the legal order; the suspension of the law was also its re-inscription, the justification for sovereign decision. But although France did argue that Algeria was outside the purview of the Geneva Conventions and international monitors, the government's broader argument depicted France as upholding law, and indeed as standing for the rule of law, over and against the rebel forces. Even though states of emergency were declared, I want to return to France's internal communications and public reports about its actions in Algeria, in order to argue that France's defense of the war in Algeria did not place it outside of the broader narrative of colonial governance, but was instead of a piece with that narrative. This served to uphold a story about human rights as universal but in need of expansion through education, and to affirm the idea of France's national virtue as a country founded on ideas of human rights.

On April 30, 1957, the French *Ministre d'Outre-Mer*, who oversaw France's overseas territories, sent a memo to the head of studies for the political affairs division, explaining that it was time for them to begin preparing a report to the United Nations on human rights in the colonies. The UN Economic and Social Council had announced that all member states should submit a report by July 1 on their progress in human rights in the years 1954 through 1956. The minister wrote: "This report should be the occasion to vigorously make the case for the regime in the overseas territories, in Togo, and in Cameroun, and to highlight the extremely liberal and profoundly humane character of the measures on which our country rightfully prides itself in

[14] For more on the diplomatic pressure on France and the debates at the UN, see Matthew Connelly, A Diplomatic Revolution (New York and Oxford: Oxford UP, 2003).

comparison to others." Special attention should be paid, he advised, to the right not to be subject to arbitrary arrest, detention, or exile.

The head of studies replied in June with the prepared report, selecting several articles from the UDHR for special consideration (some of which the UN had specifically asked that they comment on). Addressing the UDHR's article 7, on non-discrimination, the text read:

> The 8th article of the declaration of the rights of man of 1789 concludes: 'the law should be the same for all, whether it protects or punishes.' There is no special legal protection for the overseas populations in the matter of discrimination. The absence of racial prejudice is one of the most ancient traditions of the metropole... Protection against discrimination is a product of the constitution itself.

This tone characterizes the rest of the proposed report: France's commitment to human rights is constitutional of the republic itself. These were its national traditions; they did not require any new legislation, only the extension of the spirit of the metropole to the territories.

Similarly, for the right to free association and religious freedom, the report explained that laws protecting the separation of church and state had been expanded to the colonies. Any laws restricting association were only ever instituted for the sake of public order. A 1946 decree had applied a 1901 French law to the territories, invalidating any local law in conflict with it; "with this, liberty of association was extended in the overseas territories and the territories under tutelage, as in the metropole." And so it was for all the "great traditional public liberties of the metropole: liberty of conscience, religion, thought, meeting, association, opinion and expression." Such liberties are themselves necessary for participation in elections and governance; that participation, and suffrage, was now also being expanded.[15] The report lists at

[15] For more on the process of expanding the right to vote, and the necessary expansion of the civil state, see Frederick Cooper, Citizenship Between Empire and Nation: Remaking French Africa, 1945-1960 (Princeton: Princeton UP, 2014). As Cooper emphasizes, France's ability to extend the "right" to vote depended not just on its endorsement as a principle, but on the state's actual expansion of civil personhood, as France built an apparatus that could recognize and count

length the conditions for voting in each territory, and indicates that there is progress being made here. As evidence of France's inclusiveness, it then provides a list of individuals from the colonies, including Félix Houphouët-Boigny and Léopold Senghor, who had served or were serving in French government.[16]

On October 10, 1957, René Cassin, then the President of the Council of State and a member of the Committee on Human Rights at the UN, reviewed a copy of the report and gave his approval, while also stipulating two areas of concern. He indicated that he thought the UN sympathetic to France's mission and the position it was in, but that more evidence should be added to help pre-empt any questions. First, specific decisions should be cited to provide evidence that legal constraints on the police were being applied in practice: there had been decisions overturning convictions because evidence was obtained through coercion, and throwing out judicial orders that gave the police too much discretionary power, both of which the report could explicitly mention. France's efforts to protect the rights of refugees, including decisions to grant asylum to Hungarian refugees and stateless persons expelled from Egypt, should also be noted. Cassin's second area of concern involved "the delicate question of Algeria." He cautioned: "if the French Government has decided that it does not wish to discuss this matter, it must at least, when submitting reports to the UN, provide answers to the questions that will be asked." Here, he advised the report's authors that the Convention on Civil and Political Rights, not yet approved, included as its fourth article a stipulation that certain rights provisions could be suspended in cases of exceptional public danger threatening the existence of

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what had previously been an abstract mass of colonial subjects. Cooper's account underscores the irony here, an irony that resonates with Hannah Arendt's classic account of the paradox of human rights: that the right to vote was only intelligible as an individual right after that personhood had been constructed by the colonial administration; that to "have" rights, people had to become knowable persons.

[16] FM 1AFFPOL 219, folder "Droits de l'Homme," Archives Nationales d'Outre Mer (ANOM).

the state. While there were limitations on precisely which provisions could be suspended, and while Article 4 also stipulated certain rights that could not be suspended, it nonetheless provided evidence, Cassin concluded, that "problems of the sort posed by the trouble in Algeria do not escape the authors of the Pact. ...The government of France should be informed about the existence of Article 4 before filing its triennial report, to help decide whether it will discuss the issue of respect for rights in Algeria on this occasion or later."[17]

A few days later, on October 15, 1957, on the occasion of a colloquium at Dijon on the topic of individual liberties, Cassin wrote to Pierre Mendès-France, then president of the Council of State, with similar advice. In his letter, Cassin again cites Article 4 as a model for how to think about the "particularly delicate problem" of reconciling an internal "crisis," a period of "internal national peril," with minimum protection for rights as stipulated in the UDHR and in the 1949 Geneva Conventions. In concluding, he is more explicit about how, in the long term, suppressing such a rebellion is in fact in the interest of upholding rights. He writes:

> Having already surpassed the limits of a positive message, I would like, as an official missionary responsible for the defense, the protection, and the progress of human rights, to thank he who participates, without fear or discouragement, in this gigantic enterprise that will never end, but to which we have the duty to contribute. In reality, there is no true democracy but that of a social group where fundamental human rights are truly respected.

Cassin's language here echoes that of his discussions, cited in the previous chapter, of the relationship between rights and self-determination. He portrays a long crusade for rights, and slow but persistent progress; democratic participation is only possible among those who already share that mission, that basic respect. This is in keeping as well with the emphasis of the UN report, that the right to vote was being extended in the colonies as the latest in a series of

[17] René Cassin to Monsieur le Ministre Plénipotentiaire, Directeur du Secrétariat des Conférences, Ministère des Affaires Etrangères. 382AP/129, dossier 1.

improvements brought by France, a nation founded on, constituted by, respect for human rights.[18]

The extension of the right to vote in the colonies would soon be rapidly accelerated, with universal suffrage instituted in time for the October 1958 referendum on the new Constitution for the Fifth Republic. DeGaulle had regained power earlier that year. The new Constitution depicted France as a "Community" – a compromise between those seeking continued dominance by the metropole over its territories, and those seeking to turn France into a "Federation," with the territories on equal footing. On September 30, 1958, two days after the referendum vote, René Cassin, at the time president of the Council of State, wrote to Houphouët-Boigny, then the Minister of State, to celebrate the outcome. Houphouët-Boigny, from what was then part of Afrique-Occidentale Française and would later become Ivory Coast, had been an influential advocate for the Constitution, and Cassin was both congratulating and thanking him – while also congratulating himself. Cassin's letter further illustrates the themes of France's official narrative: the extension of suffrage was an extension of a French idea to the territories, a victory for France's foundational principles. As Cassin puts it, these are the principles Free France defended against the Nazis, an idea of French community he traces to his own time in Algeria during the war. Cassin described the passage of the referendum as "an act with historical consequence, not only for the people of the Community, but for all the continent of Africa and the orientation of the modern world." Many Algerians, including women, voted for the first time. Cassin wrote:

[18] In the original, the final paragraph reads: "Ayant déjà dépassé les limites d'un message même positif, je tiens, comme missionnaire préposé à la défense, à la protection et au progrès des Droits de l'Homme, à remercier ceux qui participent, sans crainte et sans découragement, à cette entreprise gigantesque dont nul de nous ne verra la fin, mais à laquelle nous avons le devoir de contribuer. En réalité, il n'y a de démocratie véritable que dans les groupes sociaux où les droits fondamentaux de l'homme sont effectivement respectés." "Les Cahiers de la République," 382AP/122.

> For my small part, I am proud to have worked ... for the good cause ... In Algiers, in 1944, I launched the name and the thing: Community. Since then, with other men, you have elevated this to a plan on a very high level. And this creation has been ratified! You, like me, have had a part in many contests, all in the struggle against oppression and for the emancipation of human beings. That of Algerian women, one to which I am honored to have contributed, is also one of the great events of our time.[19]

Of course, the new constitution hardly resolved the conflict in Algeria. Also on September 28, 1958, the *Gouvernement provisoire du République algérienne*, a provisional government for Algeria, was announced in Cairo, with Ferhat Abbas as its president. The GPRA transformed the debate over colonial violence: its recognition by other states, quick in coming, weakened France's case that the Algerian conflict was an internal one, and that therefore the Geneva Conventions did not apply. Debates about the Geneva Conventions intensified at the UN.

In these debates, France would continue to emphasize its positive role in extending human rights to the colonies, educating people into their rights, while also litigating the applicability of the Geneva Conventions, arguing that it was suppressing an internal rebellion, enforcing the law, and that the UN therefore had no jurisdiction. In July 1959, the Ministry of Foreign Affairs prepared for what would be the fifth debate about "the Algerian question" at the United Nations. In a memo circulated to the Ministry of the Interior, the Secretary General for Algerian Affairs, the Minister of State, and other French ministries, the Ministry of Foreign Affairs advises that France will maintain its past line: Algeria is part of France, and the UN has no jurisdiction, despite the GPRA. Because the GPRA had pulled so many General Assembly

[19] Cassin to Houphouët-Boigny, September 30, 1958. 382AP/99, dossier 3, Archives Nationales. For more on the referendum, see Chapter 6, "From Overseas Territory to Member State," in Frederick Cooper, Citizenship Between Empire and Nation. Cassin's emphasis on French protection of Algerian women resonates with a broader imperial discourse that has been widely critiqued, most classically in Gayatri Spivak's essay "Can the Subaltern Speak?" (Marxism and the Interpretation of Culture, C. Nelson and L. Grossberg, eds. Basingstoke: Macmillan, 1988). Importantly, it fails to acknowledge the government's actual attempts to limit women's suffrage, and the role of activism by Algerian women in response.

countries to its side, however, they would need to strengthen the support of France's allies, particularly the US, perhaps by appealing to their need for continued access to military bases in and around Algeria to keep Soviet power in check (the US had already been contributing, as part of NATO, to France's suppression of the revolt, as the rebels often pointed out).[20] But the primary public line should be about the improvements France was bringing to Algeria. The brochure submitted to the UN would highlight those improvements: it began with extensive documentation of the expansion of health services, education, industry and non-agricultural jobs, infrastructure, and more. Its conclusion: "The work of at least a generation is in evidence: the transformation of the material aspects of the human condition, the respect for true values." When it did address the Algerian resistance, this was at the end, via a discussion of the outside meddling and Communist influences, and the problems the FLN's violence was creating in terms of internal displacement.[21]

France would double down on this strategy in 1961, when the GPRA submitted a "livre blanc" to the UN, making the case for the applicability of the Geneva Conventions and providing lengthy and detailed documentation of French military abuses. After a draft reply had been prepared for submission, the bureau of studies for the political affairs division sent out a memo stating that major changes were necessary. The current version did not highlight France's ongoing contributions, and did not emphasize their human quality. The report should be reorganized, and should begin with a summary of France's general role in Algeria and its goals, followed by a discussion of the ongoing work of "securing the destiny of the Algerian people"

[20] For FLN material on the US, see for example "L'OTAN: Un Pacte Colonialiste," and accompanying illustration, "Des hélicoptères Sikorsky 'Made in USA' quelque part en Algerie," cover of El Moudjahid, official newspaper of the FLN, n. 79, 25 Septembre 1960 (archived in AG/5(1)/1741, folder "FLN: Articles de presse," Fonds de Charles DeGaulle, Archives Nationales).

[21] Alger Ambassade, Box 73, Centre des Archives diplomatiques de Nantes (CADN).

through economic, social, and political improvements, and only then address the FLN, in the context of its foreign support and outside interference with France's plan.[22]

Throughout its defense of its actions in Algeria, France maintained a consistent line: France was working to realize human rights in Algeria, expanding the ancient principles of the metropole to include the colonies too. The FLN and its allies were interfering in this process, disrupting its ongoing work. Despite this, France was making progress, expanding the right to vote and improving human conditions. This line was consistent with the broader view of human rights France had endorsed in the late 1940s: these were the foundational principles of the republic, their realization the endpoint of historical progress. Their universality was the goal; achieving it required that people learn to see themselves in this history, to be educated and elevated into it.

C. Diagnosing Imperial Hypocrisy: *La Gangrène* and Moral Rot

Responses to the violence in Algeria from the French left criticized the violence there, but also hewed to a familiar narrative of French virtue, and of universal rights in need of universalizing. This was evident in several scandals in the metropole surrounding the publication of different accounts of torture and violence. One thing that marks this is the persistent use of an organic metaphor, that of gangrene, to describe the problem. The metaphor suggested a problem of moral rot that had to be excised; it did not place blame on political policies for which the French were themselves responsible.

On June 18, 1959, a booklet, *La Gangrène,* appeared in French bookstores, containing first-person accounts of torture at the hands of French police by seven Algerian men living in

[22] Alger Ambassade, Box 72, CADN.

Paris. The men had been picked up by police under the auspices of "administrative internment," an extra-judicial category established by an emergency decree in October 1958 under which police could detain people indefinitely. Some of the entries open with an account of an initial interrogation, alleging involvement with or support for the Algerian resistance movement; in the first account, Béchir Boumaza reports being interrogated about his relationship with the Red Cross and the *Ligue des droits de l'homme*. Each of their accounts is sparse and factual, recounting beatings, interrogations, being tied and suspended from spits, burned, electrocuted, nearly drowned in bowls of dirty water, and a litany of other abuses and manipulations.[23] Most of the men were eventually brought to a hospital, and later formally arrested by police, who would make no inquiries about what had put them in the hospital in the first place. The pamphlet opens with an inscription, before the title page, by Daniel Mayer, president of the *Ligue*, identifying the publisher, Editions de Minuit, as "quickly becoming one of the centers of the French conscience."

The next morning, the newspaper *Le Monde* ran two columns about the book, including one by the paper's director, Jacques Fauvet.[24] That afternoon, *La Gangrène* was banned; police smashed the printers' plates and seized copies from the publishing house and from Parisian bookstores. This was the second recent banning of a book in France at the time; the 1958 *La Question*, by Henri Alleg, also giving an account of torture, had been banned as well.

As Fauvet pointed out in his column, the book was striking in part because it did not include any attempt to defend the innocence of the men who gave their accounts. Fauvet also

[23] The spits would be a point of contention; when the men were accused of having concocted their stories from accounts of torture in North Africa, defenders of the pamphlet would point to this detail, recurring in each account independently but absent from past accounts, in which people had reported being bound to planks.

[24] "La Gangrène," par Jacques Fauvet, clipping filed by the office of the ambassador to Algeria. Box 27, Fonds du Alger Ambassade, Ministre des Affaires Ètrangers, CADN.

concedes that it did not give parallel emphasis to the outrages being committed by the FLN.[25] And yet, he echoes the theme of the pamphlet's introduction, and takes up its central metaphor: "But even if it is not, alas!, in the power of French authorities to prevent the enemy from behaving inhumanely, it is their duty to prevent the gangrene from spreading to the arms of those who are charged with their repression...Torture breaches not only the physical integrity of the one who suffers it, but the moral integrity of the one who uses it." France's government had a duty to prevent the inhumanity of their enemies from infecting their own soldiers. This was a threat to the conscience of the country, and while it might begin as a problem of misbehavior by low-level soldiers, conscripted into the military at a moment of low morale, it brought with it a moral rot – a rot that could spread. As the introduction to the US edition, by Lyle Stuart, put it: "When it is condoned by a nation in one part of the body, it travels. The disease crawls. An arm now, then a leg."

The publisher of *La Gangrène*, Jerome Lindon, defended the book, writing notes with careful responses to each of the government's accusations for inclusion in future editions, and it was translated to English for publication in the US and Britain. The English-language version was expanded to include material on British abuses in Kenya as well. The British version ran with an introduction by Peter Benenson, who later founded Amnesty International.[26] Benenson's account offers a similar narrative to the previous material associated with the pamphlet: the use of torture was spreading, and while the French government may not have initiated this, it was

[25] While later editions included introductory material and other notes addressing the criticisms the pamphlet had faced, they did not include any defense on this particular point – perhaps because at least some of the men tortured were, in fact, involved in the resistance, perhaps because the editors took seriously that that shouldn't matter, perhaps both.

[26] I am basing this account principally on the account of events at the opening of the US edition, as well as on copies of the British and French editions. See Peter Benenson, Introduction, Gangrene (London: Jack Calder Books, 1959); Robert Silvers, trans., Gangrene (New York: L. Stuart, 1960), and La Gangrène (Lausanne: La Cité, 1959).

now their responsibility to stop it, in order to prevent the moral disease from infecting the country's conscience. Stopping it, on his telling, meant France had to stop carving out exceptions to the its principles: the exception to the rules normally governing arrests and detentions that were carved out by the emergency provision, under the guise of administrative internment; the claim that the Geneva Conventions did not apply to this conflict; the claim that the violence of the FLN justified extreme measures.

The metaphor of gangrene carried connotations of an organic problem, an infection by outside forces setting off a natural process of moral decay. It also suggested France was itself the victim. Such psychological and philosophical language risked suggesting the torturer suffering more than the tortured, or that their suffering was of greater concern. More importantly, comparing the use of torture to an organic infection also served to depoliticize the causes of the problem, distract from their context; it supported the narrative of an apolitical problem, an encroaching moral rot, requiring political action in response. The government may not have been responsible for causing the problem, but was nonetheless responsible for putting a stop to it.[27]

This is an objection also raised to such "organic metaphors" as the "sick society" by Hannah Arendt, in her *On Violence*, a text responding in part to Sartre and Fanon's writings on Algeria. There, her objection is that the language suggests it is the "surgeon" who should have the last word, through violent excision or amputation, rather than a medical approach emphasizing healing – not quite the criticism I intend here.[28] Arendt's description is, however, more consistent with the term's earlier usage in France, in Gabriel de Mably's *Des droits et des devoirs du citoyen*, published in 1789 but written prior to the revolution; there, Mably had

[27] Gangrene, as a condition and a diagnosis, would also have been particularly salient for France because of its prevalence during World War I, when the conditions of trench warfare made gangrene in general, and the highly deadly gas gangrene in particular, extremely common.
[28] Hannah Arendt, On Violence (Harcourt Books: New York, 1970): 75.

diagnosed "la gangrène" in France, so severe as to justify risking a violent civil war for the sake of bringing about a revolution.[29] As discussed in the next chapter, Arendt herself would instead use the metaphor of the boomerang, a version that does at least serve to emphasize that the society is doing this to itself.

Perhaps the more telling usage is Aimé Césaire's, in his 1955 *Discourse on Colonialism*. Yet Césaire's references to gangrene are different from those of Benenson and others: to Césaire, gangrene describes the deep hypocrisy internal to European and American versions of humanism, which to him are not true humanisms, as they are not, and never can be, truly universal; they are helplessly sick. Césaire mixes this metaphor with that of the boomerang (*un choc en retour)*, the chickens of colonialism come home to roost in the figure of Hitler. His point, and his polemic, differs importantly from Benenson's: the answer lies in an alternative universalism, not France's restoration of its own virtue.[30]

In his introduction, Benenson opens by explaining that it is understandable why someone would employ torture, at the individual level: even if not due to "mental instability," he says, one can understand that the "colored" torturer might be willing to abuse a fellow native, to impress and curry favor with the white dominator; "the white torturer," in turn, is likely "stunted, frustrated, and under-privileged," eager to dominate, and often tasked with policing those who are, in some sense, of higher social class. And once given the power of the police, "then comes that refrain of torturers the world over: '*C'est le règne des flics qui commence*'" (literally, "the reign of the cops begins"). On his telling, psychological causes, arising in part from existing economic and political inequality, in part from human nature, may lead some to use torture; that

[29] M. l'abbé de Mably, "Des droits et des devoirs du citoyen," 1789, available on the BnF Gallica site at http://catalogue.bnf.fr/ark:/12148/cb30850776z .
[30] Aimé Césaire, Discourse on Colonialism, trans Joan Pinkham (New York: Monthly Review Press, 2000); see especially 35-41.

usage spreads like an infection. And yet – importantly – the problem then is not that of changing the initial conditions, the relationships established by colonialism, but of replacing the unhampered rule of the police with the rule of the law.

Benenson lists, and rejects, claims that law did not apply: that Algerians were outside the pale of civilization, that they had violated the law and must be stopped. In explaining why these don't apply, he also undercuts the assumptions underlying such claims: while he concedes that the FLN uses torture and executes civilians, he offers the explanation that they are punishing traitors to their cause – and this is, after all, at least a reason. Turning to the British case, he makes a similar maneuver: he appears to concede that colonial rule might be appropriate, that tutelage is necessary, and yet claims that this is inconsistent with a view of colonial people as "subhuman," and outside the law. At the same time, in making that argument, he also, ever so slightly, suggests greater parallels between the colonizers and the colonized:

> The habits of these peoples are in some cases cruel, savage, barbaric and, sometimes, even cannibalistic... These differences in civilization are known; indeed they are the justification for continued empire. What then is the point of Government leaders publicly stigmatising these people as 'wild beasts' whenever they seek by arms some change in rule? It is contrary to the law of nations to use force against an unpopular government? Was Cromwell a 'terrorist'? Did the British or French Governments condemn the Hungarian Freedom Fighters when they rose in October 1956? I have been forced to the conclusion that, in order to justify the morally difficult position of using violence against 'trust peoples,' the Government has branded them as sub-human.[31]

While Benenson gestures toward a right to rebel, something upheld not just as a right but as a duty in the French Declaration of the Rights of Man and Citizen, this is set within a broader argument about the hypocrisy that sees colonial subjects as less civilized and in need of tutelage, and yet also justifies violence against them, as though they were sub-human. The introduction contains hints that rebellion itself might be justified, and that colonial rule might give way to

[31] Benenson, "Introduction," p. 27.

violence and hostility – even as it argues that the British and French should govern their empires in a manner consistent with established law. It is the exception to the spirit of tutelage, rather than the colonial order itself, that permits moral rot to spread. The hypocrisy of empire arises not from empire's promise of tutelage, but from empire's contradiction of that promise when it suspended law and inflicted violence. The gangrene afflicting France and Britain had to do with their own inconsistency.

Cutting as Benenson's critique may seem, it operated very much on France's terms.[32] The source of the moral outrage was abstract and apolitical, almost organic; France's failure to respond, to protect itself and its moral conscience, was the problem. Resolving the problem would require that France apply law universally. Not surprisingly, then, the French government responded by claiming that this was precisely what it was doing. France's point was not merely about the application of law, however: it involved an entire vision of human rights politics in which "human rights" were understood as a universal category that required universalizing, an achievement into which people would have to be called, made worthy, by learning to see themselves in a new way. This narrative was entirely compatible with continued colonial control – a compatibility that France's critics did not contest.

D. Monitoring Conditions of Detainees: France and the Red Cross

The French edition of *La Gangrène* ends with an appeal to the International Committee of the Red Cross, asking them to investigate. The ICRC had already been conducting inspections in prisons, detention facilities, and hospitals in Algeria since 1955, despite the fact that France

[32] I am engaging with Benenson here primarily as a critic of France, though the pamphlet is perhaps most provocative for its linking of the French and British cases; it does seem as though Benenson's critique may have been better placed in looking at British action in Kenya, which Britain did far less to defend in the name of human rights.

would neither concede that the ICRC had a right to do so nor describe those detained as prisoners of war. As a condition of being able to conduct inspections, the Red Cross also agreed not to make their findings public. The reports from 1955 through 1959, covering their first six visits, are organized by type of facility, and give an accounting of what was observed in each place: the number of tents and whether they had electricity; the availability of water, soap, and toilet paper; the daily schedule, if there is one; the possibility of receiving letters or visitors from outside; the standard food provisions and concerns about nutrition. They include comments on changes from the previous visit, sometimes praising improvement. Some of the entries indicate that their impression was, on the whole, favorable; more often they note necessary changes, and list which of the local commanders were instructed to oversee those changes. Many entries close by noting the precise number of packets of cigarettes that the Red Cross distributed to detainees and patients.

At the end of 1959, the Red Cross returned to Algeria, from October 15 to November 27, for their seventh mission. By their count, they visited 11 military internment centers, 43 centers for transit and triage, 13 centers of detention, and 12 prisons. In late December, the Red Cross sent its report to the French government, documenting that while the prisons and detention centers were improved, changes were still necessary in sanitation and other areas at all sites. They noted that, while they had not found evidence of torture at these locations, given the injuries they saw on prisoners, it was impossible not to conclude that the prisoners had been subjected to torture earlier in their detention, likely during interrogations. In January, the report leaked to the press, with *Le Monde* publishing extensive excerpts in a multi-page spread.[33]

[33] Rapport du Comite International de la Croix Rouge, 19/12/59. Papers of Charles DeGaulle, Archives Nationales, AG/5(1)/1769, dossier 1. [53]

On February 10, twenty representatives to the UN from the Afro-Asian block sent a letter of protest to Dag Hammerskjöld, then Secretary General of the UN. The letter reiterated the charges in the report about torture and the treatment of detainees, which it stated had sparked outrage around the world. "These conditions constitute a flagrant violation of the most elementary humanitarian principles, and are contrary to the spirit and to the letter of the Universal Declaration of Human Rights," it charged. The UN could not remain indifferent; France should have to act immediately to "put an end to these abuses, as well as to the violations of human rights in Algeria." The authors demanded that their letter be circulated to all UN members, along with a copy of the *Le Monde* piece.

Over the next two weeks, the French delegate to the UN in New York, Armand Berard, sent a flurry of memos to the French government about the situation, as well as notes to Hammerskjöld responding to the letter and requesting that he not circulate it. Berard reiterated that the report was supposed to be confidential, and not used for such "political" purposes. Its publication, and the response at the UN, had been an act of "propaganda." The situation in Algeria, he emphasized, was delicate, requiring great patience. The acts committed by the FLN were, he assured, far worse than anything France had done. France also asked the ICRC representative in Paris to intervene at the UN on its behalf, to denounce the circulation of the report and of the letter of protest, and to refrain from sending the report to anyone. And France forwarded a statement that the Red Cross had issued, responding to the publication of the report, which attested that the report had been private because the conflict was not international, and

thereby not covered by the Geneva Conventions; publication of the report, the Red Cross stated, was only undermining its cooperative efforts with France to improve conditions in Algeria.[34]

The report also set off a flurry of internal correspondence between Charles DeGaulle, Prime Minister Michel Debré, Council of State member Bernard Tricot, Ambassador Louis Joxe, and others, on the need to standardize procedure for arrests and interrogations. [35] Even before it was published in *Le Monde* – though perhaps anticipating such publicity – the Minister of the Army issued renewed instructions to those beneath him. On New Year's Eve, DeGaulle wrote personally to Michel Debré to express that this was important, but also insufficient: the problem went beyond the power of the Army's internal governance, and the two of them should work together to review and revise the rules governing arrests and interrogations.[36] Instructions were distributed to commanders, and new commissioners were tasked with studying how things had gotten so out of hand. Within a few months, new units were charged with overseeing interrogation, staffed with officers who were to have a background in intelligence and were to be bound by military law.[37] None of these steps appears to have been adequate to the problem, but this was, at least in a limited sense, a victory.

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[34] See Letter to Hamerskjöld and attached copy of the Le Monde report, ICRC statement, as well as correspondence between Berard, Louis Dauge, and other delegates in Paris, Washington, and London, folder "Commission de sauvegarde des Droits et Libertés individuelles," RP ONU NY, 10POI/I, Box 39, CADN.

[35] See, for example, Letter from DeGaulle to Debré, 31/12/1959, and other correspondence, AG/5(1)/1769, dossier 1. In 1961, they also intensified their push for the Red Cross to visit prisoners of the resistance, to check on their conditions as well as to obtain a list of who was detained. See Durand-Gasselin to Monsieur Toffin, and Léopold Boissier, President of the International Committee of the Red Cross, to Louis Joxe indicating they were trying, FM 81F/142, ANOM.

[36] See DeGaulle to Debré, 31/12/59, AG/5(1)/1769, dossier 1. There are multiple drafts of the letter, including one in DeGaulle's handwriting.

[37] See letters between Debré and the Minister of the Army, May and June, 1960, AG/5(1)/1769, dossier 1.

Even after the leak of the report – and perhaps owing to its willingness to issue the statement denouncing the leak – the Red Cross continued to conduct visits to French Algeria, issuing annual reports on conditions in the same format as before.[38] The reports remained confidential, though the Red Cross issued press releases with updates on their progress. In November 1961, for example, they reported having completed a round of inspections, as well as visits to high-level FLN detainees, including later Algerian president Ben Bella. According to the release, through their cooperation with France several advances had come of this for detainees: dietary improvements, extended visitation times, and allowances for a greater number of care packages.[39]

The Red Cross's local chapters also negotiated with the French government, conducting inspections and advocating on behalf of detainees. While at times the chapters advocated for improvements, the relationship was largely cooperative. The Red Cross had an official chapter in France, as well as several in its former colonies; the French Red Cross also included local chapters in the colonies, including in several prefects of Algeria. [40] In 1961, when the Togo chapter was officially recognized, it was the eleventh in Africa alone. In September 1961 the

[38] For these reports, see folders "Comité International de la Croix Rouge," FM 81F-142, ANOM.
[39] Press release, Red Cross Communiqué no. 743, issued from Geneva, November 20, 1961. Archived by the French delegate to the UN in Geneva, RP ONU Genéve, box 587, CADN.
[40] Perhaps unsurprisingly, the French Red Cross chapters in Algeria were under surveillance by the police and security forces. Shortly after the Algerian chapters were established, in 1951, the intelligence services sent the Governor General of Algeria a list of the presidents of the local committees in the departments of Alger, Constantine, and Oran in Algeria. In April 1956, the divisional commissioner overseeing intelligence for the Chief of Police in the district of Alger sent the Director of National Security for Algeria, on request, a list of all individuals in leadership capacities for Algerian sections of the French Red Cross. The memo runs for 13 pages. It concludes by noting that the primary leaders of the French Red Cross in Algeria were "known to be honorable," and that intelligence collected on their "conduct and morality" is favorable. Yet while the organization as a whole is apolitical, it had allowed several people to get involved, at leadership levels, who were known members of political parties, noting three in particular. See ALG 91 3F-85, ANOM.

French Red Cross and Tunisian Red Cross collaborated to negotiate a prisoner transfer, overseen by the international organization.[41] Also in 1961, the French Red Cross chapter in the prefect of Bône requested the release of the names of prisoners being held at Douera, then campaigned for the ability to visit. After their visit, the president of the chapter, Madame Joannon, wrote repeatedly to plead that, whatever the political or administrative reasoning, officials think of the offense against conscience of holding men in these conditions, leaving their wives without husband, and their children, numbering 23 in total, without support.[42] In 1965, the Parisian chapter invited Cassin to serve as its honorary president, in recognition of his work for their cause, and to serve as a sponsor to the central committee of the French Red Cross, positions he accepted enthusiastically; Cassin also joined honorary committees, sponsoring an annual gala and other meetings, for the French Red Cross in 1966 and 1967.[43]

As this cooperative relationship suggests, the Red Cross's demands, while substantive and critical, were not out of step with the government's own self-conception. DeGaulle's government had been working with the Red Cross closely for a long time, even when, during World War II, DeGaulle himself was leading a provisional government. The central government was aware of abuses in Algeria, but saw them as the product of misbehavior in an army with very low morale – a kind of organic moral corruption that they were not responsible for creating. They had taken advice before about improving hospitals and sanitation; taking advice again about improving the conditions of detainees was not inconsistent. Conforming to what the Red Cross and even the authors of *La Gangrène* were demanding did not, in fact, conflict with

[41] For information on Togo and Tunisia, see especially Red Cross Communiqués 737 and 738, collected in RP ONU Genéve, box 587, CADN.
[42] See correspondence, Prefecture de Bône, 933//390, ANOM.
[43] See correspondence, dossier 4, 382AP/122, Archives Nationales.

France's imperial vision of human rights politics. France was working to extend human rights, to universalize them; their critics were pointing to ways in which that project was not yet complete.

E. *"Le Retard Historique"*: Frantz Fanon and the Case of Djamila Bouhired

Before *La Gangrène*, however, a different pamphlet had occasioned an exchange about the nature of French hypocrisy and humanitarian concern; I return to that case here, to help illuminate both some of the problems of the left's line of argumentation and some of its alternatives. In 1957, before publishing *La Gangrène,* Editions de Minuit put out a booklet by Georges Arnaud and Jacques Vergès titled *Pour Djamila Bouhired*. Bouhired, one of three female bombers later depicted in the movie "The Battle of Algiers," was a member of the FLN who had been arrested for planting bombs on behalf of the resistance and sentenced to death. The pamphlet opens with a factual account of three bombs going off, the first on September 30, 1956, in the café Milk-Bar, the latter two on January 26, 1957, in the cafés Cafeteria and Coq Hardi. These were, he narrates, the first bombings in the European quarter of Algeria, killing a total of three people. Shortly after, Djamila Bouhired was arrested, and at some point during the arrest, she was shot. She was taken to the hospital for treatment; it was there that the interrogation began. Over several days, she was tortured, including with electricity, while she was questioned about what she knew of the bombings.[44]

[44] I am focusing here on the first portion of the book, by Georges Arnaud, which is more widely cited than the second half, by Jacques Vergès, who was Bouhired's lawyer and was invited to contribute by Arnaud. Notably, Vergès' portion opens quite differently: "I mourn the death of Coq Hardi and Milk Bar, as I do those of the Casbah and the Casino, Belcourt and Bab El Oued, the Stadium of Algiers or that of Philippeville, turned into a mass grave." Having cited the locations of killings by both the FLN and the French forces, he then states that it would be simplest to plead guilty, but that he is "not so clever" as to advise someone innocent to plead that way. Georges Arnaud and Jacques Vergès, Pour Djamila Bouhired (Paris: Les Editions de Minuit, 1957). For Vergès opening, see page 57.

The booklet helped galvanize more calls for relief: through the Commission on Human Rights at the UN, as well as the office of the Secretary General, René Cassin and the French delegates received letters and petitions about the case from East Berlin, Czechoslovakia, Egypt, Algeria, and elsewhere. Representatives of countries in the Afro-Asian block at the UN, including many who would later sign the letter in response to the ICRC report, publicly denounced France in the General Assembly. DeGaulle commuted Bouhired's death sentence, yet the complaints continued.[45]

France sent the Commission on Human Rights an official statement, originally drafted in response to the East German, Czech, and Egyptian letters but augmented to include an unspecified number of "other communications related to the same case received since." France reiterated the official charges against Bouhired, including not only the bombings but accusations that she had assisted in assassinations. The memo states that Bouhired received a full trial, during which the court, "in its sovereignty," heard and considered all the evidence. She had been pardoned as an act of clemency, again in keeping with French law. Nothing was exceptional about the case.[46]

In December 1957, addressing the French National Assembly, the Minister of Algeria commented more extensively on the charges, which had been referenced in the session by one of the other members. In far less measured terms, he again repeated the accusations against Bouhired, mocking her defenders who would cast her as a "child" (she was, he pointed out, 22)

[45] Bouhired's gender plays a noteworthy if complicated role in this story, which I won't go into here except to note that similar pleas for clemency were not made for male prisoners under nearly identical conditions; in addition, many of the pleas cite her innocence as though it were somehow obvious. The emphasis on her gender in the appeals is underscored by the fact that her case was often discussed alongside that of Djamila Bouazza, who stated she was sexually assaulted in detention.

[46] "Réponse du Gouvernement Français a Diverses Communications Relatives aux Droits de l'Homme," 382AP/129, dossier 1. Copies of the petitions are in the same file.

and enumerating again the bombs and weapons found in her possession. He closed by explaining that he regretted having to make this speech, saying he drew no satisfaction from it and didn't like to talk much in general. But he was exasperated: "Do you not find it excessive that, more or less continuously, the authorities, who have to face these terrible acts, are accused of committing inhumane acts, contrary to justice and to human rights?" The accusers, he suggests, fail to understand the situation in Algeria, the violence and brutality of the FLN, and the struggle of authorities there to respond to it. Here again, the authorities are described as being on the side of law and rights, the rebels on the side of violence and rights abuses.[47]

On May 12, 1958, the Minister of Foreign Affairs' Director General of Political Affairs sent a dossier sent to President DeGaulle, several French ambassadors, and their counselors, briefing them on responses to various accusations of French abuse in Algeria, including first and most prominently the case of Bouhired. The dossier DeGaulle received contained files drawn from the files of the military in the Alger-Sahel sector, which the president and ambassadors were cautioned were secret and confidential, as their exposure could delay Bouhired's trial or otherwise aid the enemy (among other things, the file contained diagrams for bomb-making).[48] It opens with a document, titled a "Warning to Readers," addressing the Arnaud pamphlet, which goes point-by-point through the pamphlet, offering a response to each accusation. Bouhired, it emphasizes throughout, was guilty; the bombings she had committed had killed and maimed more people than Arnaud asserted, not three but six, with 90 wounded, including many amputees. Rather than the first bombing in the European sector, the bomb in 1956 was the sixteenth overall, the eighth in the European sector. In addition to this accounting, the "Warning" also addresses Arnaud's claims that Bouhired was tortured: while he cites evidence that she had

[47] "Extrait du J.O. No.100 A.N. du 13 November 1957," 382AP/129, dossier 1.
[48] Cover letter from H. Langlais, May 12, 1958, AG5(1)/1703, Archives nationales.

lacerations, apparently burns, his claim that these were the result of electrical torture were conjecture; he himself admitted, several pages later, that he did not know their origins for sure. The doctor's report would seem to affirm his assertions, yet all the doctor had observed was the burns; everything else was simply drawn from Bouhired's own account.

The "Warning" concludes: "Once again, when it comes to the moral values of our country, one must make a choice: between the words of officers who, for 18 years, have fought to maintain France, and the assertions of assassins and cowards."[49] France was on the side of morality; Bouhired was its enemy. There was no evidence she had been tortured, but there was plenty of evidence – in the photographs and testimony appended to the report, including a now rather infamous photograph of her posing with her sister and several other women, holding what appear to be automatic weapons – that she had killed and injured people. This was in keeping with the narrative advanced by Cassin at the UN at the same time: France was on the side of human rights, its foundational values; the rebels were enemies of morality, and had to be stopped. While the "Warning" doesn't say this explicitly, the suggestion, which Cassin had said more openly elsewhere, is that any claims to political participation would have to follow from, not precede, respect for others' human rights.

In his own missive responding to Arnaud's pamphlet, Frantz Fanon accused Arnaud and others, in their focus on torture and the death penalty, of missing the real point: Bouhired's assertion of her own political will. Arnaud's pamphlet stands alongside *La Gangrène* and *La Question* in a triptych of French leftist opposition to the war in Algeria, and to the brutality of its methods in particular; it was this approach that Fanon criticized. Addressing Arnaud and other sympathizers, Fanon wrote that: "Your plea...honors you, but you should be told that it leaves

[49] 1ère partie, pages 1-7, "Documents extrait des archives du secteur Alger-Sahel," AG5(1)/1703, Archives nationales.

aside the essential." While he didn't dismiss such pleas altogether, he thought they were symptomatic of France's blindness to deeper injustice: "The characteristic of the majority of French democrats is precisely that it experiences alarm only in connection with individual cases that are just fit to wrench a tear or to provoke little pangs of conscience."

Commuting the sentence alone would not change anything: Bouhired, on Fanon's account, had laughed at the death sentence. Her case was, indeed, not exceptional, and so it was no surprise. Offering a different account of French hypocrisy, he writes:

> We can measure herein the historic belatedness of the French conscience. After the fruitful struggle that it waged two centuries ago for the respect of individual liberties and the rights of man, it finds itself today unable to wage a similar battle for the rights of peoples. [*On mesure ici la réalité du retard historique de la conscience française. A la lutte pour le respect des libertés individuelles et les droits de l'Homme, si féconde il y a deux siècles, elle n'arrive pas à substituer la lutte pour les droits des peuples*.] This explains the feverish concentration on individual cases and the vain hope of stirring the interest of the French people in the whole problem on the basis of extreme situations. The extreme situation is neither Bouhired...nor even the Philippeville stadium. The extreme situation is the will of twelve million men. That is the only reality.

The accusation of "belatedness" is particularly striking: it is not that France came late to the idea of the rights of man, or that it still had not realized that idea (the original French, included above, is clearer than the English translation on this point). Rather, Fanon's accusation is that France delayed an important aspect of what should have been the inheritance of its own revolution; the struggle for the rights of peoples, for collective self-determination, should have been part of the same struggle France waged on behalf of the rights of man. His suggestion is that France's notion of itself as a defender of the rights of man was caught up with a deferral of that broader inheritance.

Algerians were already worthy of rights, and did not need to be "educated" into them. What was essential, on Fanon's account, was the ability of Algerians to decide their own destiny, to make their own commitments. What was most outrageous were not the details of torture or of

mass executions, but the denial of self-determination. The rights of man were not what France promised to others in the revolution, but were precisely what was enacted by the revolution itself, by the ability to act together in concert to seize rights, and the rights of peoples, rights of self-determination, were of a piece with them. The focus on extreme situations of torture, individual appeals to conscience, rather than to the larger, and still postponed, inheritance of that earlier struggle, was not evidence of a conceptual divide, but was a reflection of the delays built into France's founding promises. Appeals to a scandalized French conscience again emphasized the importance of a certain conception of human rights as prior to matters of self-determination. Rather than describe that as aspirational, part of historical progress, Fanon characterizes it as a belatedness built into the promise itself.[50]

Fanon's use of the term "belatedness" (or, more precisely, *« un retard historique »*) here echoes what Homi Bhabha had described as the concept of "belatedness," and specifically the "belatedness of the black man," in Fanon's work.[51] Bhabha quotes from Fanon's essay "The Lived Experience of the Black Man": "You come too late, much too late, there will always be a world – a white world between you and us" (237). He writes that Fanon "rejects the 'belatedness' of the black man because it is only the opposite of the framing of the white man as universal, normative...the black man refuses to occupy the past of which the white man is the future." Fanon rejects, that is, the belated fulfillment of a promise, the belated entry into a category of rights-bearing humanity. Bhabha continues: "But Fanon also refuses the Hegelian-Marxist dialectical schema whereby the black man is...a minor term in a dialectic that will

[50] Frantz Fanon, "Concerning a Plea," in Toward the African Revolution, trans. Haakon Chevalier (New York: Grove Press, 1994): 73-75. French edition: Frantz Fanon, Pour la révolution africaine (Paris: Maspero, 1969 [1964]). Both the Maspero press and Editions de Minuit are discussed in Davey, Idealism Beyond Borders.

[51] Bhabha applies the term "belatedness" to describe Fanon's theory, but does not take the term directly from Fanon, as I am doing.

emerge into a more equitable universality." Fanon rejects, that is, a "struggle for recognition," in which the black man would overcome his oppressor, and thus enter into a more universal category of humanity. Fanon's black man is not seeking either to become worthy of rights, or to seize them through a demand for recognition. Fanon's "sense of the *belatedness of the black man*," on Bhabha's telling, involves its own "temporality of emergence," a temporality which resists the ontology of "the very understanding of humanity in the world of modernity.[52] In "Lived Experience," Fanon's narrator turns to a white woman he has encountered in the street, who is desperately trying to quiet her small child after the child pointed at him and exclaimed "Look, a Negro!," and who seems to be saying "'Look how handsome that Negro is'"; the narrator replies: "'The handsome Negro says, 'Fuck you,' madame.'" With this, the narrator says to himself, "I had identified the enemy and created a scandal."[53] Bouhired's laughter at the death sentence is that kind of scandal: rather than view her as either struggling for recognition against the French state, or as an appropriate object of humanitarian concern, we see in her laughter a self-assertion that refuses both roles.[54]

Fanon does not divorce human rights from self-determination here; instead, he condemns France for separating them – for placing one after the other, delaying it historically. On his account, Bouhired's torture is not a nonissue; rather, his complaint is with the idea that the struggle against torture could come before the struggle for self-determination. This was consistent with his broader stance on the treatment of suffering from his time as a doctor in

[52] Homi Bhabha, The Location of Culture (London and New York: Routledge, 1994): 236-238; also see chapter 2.
[53] Frantz Fanon, Black Skin, White Masks, Richard Philcox, trans. (New York: Grove Press, 2008): 94.
[54] Her laughter also echoes Fanon's later description in The Wretched of the Earth, originally published in France in 1961: "In the period of decolonization, the colonized masses mock at [the white man's values], insult them, and vomit them up." Frantz Fanon, The Wretched of the Earth, trans. Constance Farrington (New York: Grove Press, 1963: 43.

Algeria. In a letter resigning his post as Chief of Medicine at the Psychiatric Hospital of Blida-Joinville, Fanon had protested policies that he saw as being at their base "in opposition to an authentic human perspective" – a complaint about prioritizing the struggle against suffering over the struggle against colonialism, when he sees the colonial relation as productive of that very suffering. How could he do his work in the midst of the "poverty of heart, sterility of spirit, and hatred of the native [*autochtone*] in this country?" The Arab was a "stranger in his own environment...forever alienated from his country"; this was the root of the psychiatric problems Fanon was then somehow expected to treat. Colonial rule was a "systematic dehumanization." It was this dehumanization, and the entire social and legislative structure that went with it, which would have to be changed in order to end suffering. The extreme situation, to Fanon, was not physical suffering, but political dispossession. The latter could not be delayed while one dealt with the former; democracy did not come after human rights, logically or historically.[55] The refusal of political alienation was necessary to end suffering; it was the most extreme concern. Fanon's position inverts the logic of France's official discourse of human rights: the assertion of rights through political action should not come belatedly, after the defense of human rights.

F. An Alternative Critique of Human Rights Hypocrisy

In considering the ways in which Fanon drew not simply on the language of self-determination, but on an alternative critique of hypocrisy, it is worth noting that other critics of French hypocrisy would also, at times, make use of the language of self-determination alongside that of human rights, emphasizing it as part of the inheritance of 1789. Even as this language

[55] Frantz Fanon to the Resident Minister, Government General of Algeria. A cover note indicates the letter was received in July 1956. File "Fanon," 9170 3F/2, ANOM. The letter is also published as "Letter to the Resident Minister" in Toward the African Revolution, p. 52-4. The intelligence report in his file describes it as "simply a diatribe against French policy in Algeria."

remained framed by a critique of hypocrisy, a failure to fulfill promises, we can also see how such critiques begin to point beyond themselves, by suggesting that fulfillment alone may not be enough. We have already seen, in Benenson's piece, a critique of France's actions that points to a politics of self-determination and that, while it uses the language of hypocrisy, suggests that the paternalistic granting of rights might not be adequate in itself. Benenson hints that perhaps French rule was not a means of spreading the principles of 1789, but was itself in conflict with those principles, which were more fully embodied by the FLN as it sought to enact its own right to rebellion.

A similar line of argument was evident as well in a letter of protest about the UNESCO exhibition. On October 1, 1949, the Secretary General of the *Conseil Communal du 15ème Arrondissement du Paris* (the exhibition was held in the neighboring 16th arrondissement) wrote to UNESCO President Jacques Torres-Bodet to protest what the letter described as the "hypocrisy" of the exhibition. Citing France's war in Indochina and its internal suppression of strikes, as well as American racism and lynchings, and "all the wars in which antifascist democracies, saying they fight for liberty, in fact fight for conquest," the letter reads:

> This exposition aims to demonstrate the progressive march of Humanity toward the conquest of its rights, showing in its dioramas the stages of the Liberation of man. But right now, the actual government of France dares to openly violate the rights of man and to imprison and condemn the citizens who would reclaim the just title to those rights formally pronounced in the Constitution of the Republic... Your exhibition...is a public demonstration of the revolting hypocrisy that reigns among certain officials and governments.[56]

Where the exhibit told a story of progress, this letter charged that, precisely in the name of such progress, France and its allies were engaged in undercutting the very rights they claimed to be advancing. While the letter does call for the reconciliation of ideals and practice, it also suggests

[56] R. Nathan to Secretary General of UNESCO, October 1, 1949. UNESCO Archives, 342.7 (100) A 146, "Exhibitions on Human Rights," Part 1a [3/73].

that the ideals were professed but not believed, and appeals to them as a standard of critique. UNESCO does not appear to have sent a response.

There is, of course, some consonance between Fanon's position and those cited from Benenson and the *Conseil Communal*: the suggestion that it is not for France to extend its promise to the world, but that France should allow other people to act democratically, for themselves; as Fanon emphasizes, that the problem with torture is not the moral disease it carries, but that it makes it harder for people to act politically in keeping with their own rights. And yet, where Benenson and the *Conseil* see hypocrisy, a refusal to implement ideals in practice, Fanon's critique cuts deeper. Humanitarian concern about torture as a problem of human suffering is not just incomplete, but, when cited by an imperial power, laughable: that sort of suffering is peripheral to a broader political alienation. France's struggle for human rights was not "ongoing" – indeed, that very narrative of progress represented a carefully cultivated historic delay.

As Fanon's response to Arnaud underscores, in calling for France to extend its own commitments universally, to prevent its police and military from operating in ways that violated the moral conscience of France, many of the critics themselves conformed to France's own narrative of human rights. Torture and other rights violations were an external, almost organic, threat, one that France would have to defeat through the universal application of its own foundational principles and laws. On this view, human rights, even if this was taken to include the right to rebel, required extension; they were an achievement. On France's official account, France's actions in the colonies could serve to advance progress, to make its subjects worthy of rights, educating and elevating them into the category of universal humanity. Those who fought France were the enemies of universal humanity, barriers in the path of progress. By suppressing

the rebels in Algeria, France was acting to advance human rights, to bring the country along the path of progress, toward the realization of universal humanity. Fanon calls this hypocrisy not because founding commitments were not applied in practice, but because the foundational promise itself was incomplete, always delayed.

Fanon's approach is consonant with, and in some ways following from, a politics of self-determination, in that it emphasizes not the need for France to more completely fulfill its promises, but the need to make new, mutual promises. But it cannot be reduced to the idea of self-determination, or a break between human rights and self-determination. Doing so would risk missing the ways in which it contested the inheritances of 1789, arguing for new promises that would re-found not only notions of national independence, but the rights of man as well, taking these concepts as necessarily caught up with each other. To further explore how one might call upon that legacy, without lapsing into a critique of incomplete application, of hypocrisy understood as a mismatch between principles and practice, I turn in the next chapter to consider the politics of re-founding in Algeria, the dilemmas of what it would take to both inherit a French legacy, affirm a past promise, and assert something new, defying concrete historical injustice in order to make new promises and the possibilities of new futures. Out of these dilemmas arose an alternative critique of French imperial hypocrisy, and an alternative politics of human rights. This was a critique that appealed not to an alternative universalism to transcend history, but to a confrontation with history itself.

To get at the problem of responding to history, I begin with the problem of inheritance and natality in French Algeria: the problem of how to take up the legacies of 1789, and of Frenchness itself, while also asserting independence, breaking from the past. I first explain this by tracing the ambivalence of parentage in the work of Albert Camus. I describe a moment of

what I call in Chapter 1 a "muddle": a period that we might now call "decolonization," but that was hardly understandable at the time on those terms, a period when imagined futures for French Algeria appeared both expansive and impossible.[57] Where Camus dwelled in this ambivalence, Ferhat Abbas attempted to break with it, offering a critique of imperial hypocrisy on human rights that, I argue, took issue not with the incomplete application of promises, but with the paternalism of the way in which they were made. Abbas emphasized, through the language of human rights, the need to make promises mutually. He attempted to re-found Algeria in a way that would acknowledge its past as part of France and affirm Algerian and French interdependence – as he puts it, the claim of Algerian industry on the port of Marseille, and the claim of Algerian youth on the universities of Paris – and yet also confront the disavowals inherent in France's promises.

[57] My description here is in line with, and drawing on, Todd Shepard's account in The Invention of Decolonization: The Algerian War and the Remaking of France (New York and Ithaca: Cornell University Press, 2008).

Chapter 4. The Birth of an Independent Algeria and the Inheritances of 1789

In his 1960 obituary of Albert Camus, Nicola Chiaromonte recalls meeting Camus for the first time, in Algiers in April 1941. Chiaromonte, who had fled Italy for France in 1934, and was at that moment fleeing France for the United States via Algeria, writes:

> In Algeria [Camus] was famous: the leader of a group of young journalists, aspiring writers, students, friends of the Arabs, enemies of the local bourgeoisie and Pétain. They lived together, passed the days on the seashore or hillside, and the evening playing records and dancing, hoping for the victory of England and giving vent to their disgust with what had happened to France and to Europe. They also put on plays, and in that period were preparing a production of Hamlet in which Camus, in addition to directing, played the leading role opposite the Ophelia of his wife, Francine.[1]

Chiaromonte depicts a scene, a community of friends and collaborators living a life at once both separate from and very much embedded in the surrounding world. There isn't any record of the *Hamlet* production in Camus's published notebooks from the time, or in available local theater reviews, but the choice of *Hamlet*, whether it was in fact Camus's or a product of Chiaromonte's memory, picks up themes from Camus's other work: the death of a parent, the persistence of a ghost, the perplexities of action when one finds oneself in a world already wrought by injustice. It is also salient to its moment, Vichy-occupied Algeria in 1941, as well as to Chiaromonte's in 1960, when Algeria was under increasingly precarious French rule: problems of how to act in response to usurpation, questions of how to do right by the ghosts of wrongfully defeated rulers.

In this chapter, I want to approach the politics of human rights in French Algeria from the 1940s to early 1960s, framed around Hamlet's famous dilemma. I understand that choice, "to be or not to be," as a choice between birth and its refusal. This is the framing adopted by Ferhat

[1] Chiaromonte traveled to New York from Algiers, where he befriended Mary McCarthy and also came to know Arendt; his correspondence with Albert Camus and with Francine Camus continued through 1959. Nicola Chiaromonte Papers. General Collection, Beineke Rare Book and Manuscript Library, Yale University.

Abbas, a pharmacist and, during World War II, a medic, who first came to prominence when he wrote the 1943 "Manifesto of the Algerian People." The manifesto became the basis for the political party he led, representing Algeria in the French Constituent Assembly from 1946 to 1955; from 1956 through 1962, after embracing an alliance with the FLN and while in exile in Cairo, he served as the president of the Provisional Government of the Algerian Republic (GPRA), though stepped aside when Algeria gained independence. In 1962, he published his own history of Algeria and account of the revolution, *La Nuit Coloniale*. Reading that alongside his pamphlets, articles, speeches, and other materials from the French government's quite extensive surveillance files on him, we get an account of natality that emphasizes the moment of founding, the creation of something new, and that also responded to the legacies of French principles of universal rights. Abbas describes the choice "to be" as an imperative, a decision to affirm national solidarity and seek independence: "From the first gunshots, the situation was made clear: to be or not to be, to affirm our belonging to the people or to separate ourselves from the people. We had no other alternative. And we have unanimously chosen the path of national solidarity."[2] That decision, as he tells it, marked the "birth of a new Algeria."[3]

If that birth was difficult, the challenge was not merely about the future, but the past: as Stanley Cavell summarizes Hamlet's choice, it is a problem of how to respond to past injustice while beginning something new. To refuse that choice, to find it unacceptable, I associate with aspects of Camus's own political advocacy – or at least, with his legacy in contemporary understandings of human rights politics. Camus's stance was often one of profound ambivalence: to him, Algeria presented something like what, in far more extreme and overdrawn terms,

[2] Ferhat Abbas, La Nuit Coloniale: Guerre et Révolution d'Algérie (Paris: Julliard, 1962), 230.
[3] Abbas, La Nuit Coloniale, 224

Secretary of State Warren Christopher would later describe when speaking to President Clinton about the situation the Balkans as "a problem from hell": so much history, so much hatred, so many wrongs on both sides, that it was simply undecidable.[4] In response to that ambivalence, he sometimes lapses into a defense of life against suffering: an individual ethical stance affirming the choice to heal, to protect life, to oppose torture and violence. Human rights here represent a universal moral baseline, a set of core entitlements to be preserved, through humanitarian action.[5]

Abbas's narrative of "the birth of a new Algeria," in contrast, resonates with Arendt's conception of natality, but also brings forward some of the problems in her account of imperialism. Arendt's narrative of French imperialism and Algerian independence is peculiar: despite her praise of revolutionary natality elsewhere, it is precisely the capacity of birth, of beginning anew, that she denies to colonial subjects and fails to see as present in anticolonial revolution. Instead, Arendt depicts the Algerian revolution as itself the fulfillment and affirmation of French ideals. She tells a story of a conflict between one version of French imperialism, which affirmed French national ideals and attempted to make them compatible with empire by treating Algeria as part of the nation itself (albeit a part in need of guidance and enlightenment), and a version, practiced by colonial administrators, which was devoted to profit by conquest, deeply marked by racism, and therefore capable of "administrative massacres" in the service of continued control. Imperialism ended when the tensions internal to the former

[4] Samantha Power takes this as the title for her book of the same name. See Samantha Power, "A Problem from Hell": America and the Age of Genocide (New York: Basic Books, 2002), quoted on p. xii.

[5] Admittedly, Camus's position was often more complicated than this suggests. I am referring to one strain of argument that I find present in his work – and a real one, even though not the only strain – because of its continuities with contemporary discourse.

conception became untenable but the latter was rejected as too brutal, too likely to "boomerang" back to the metropole. She identifies this with two moments in particular: Clemenceau's description of the colonies as the source of a *force noire* in 1918, and DeGaulle's decision in 1962 to give up Algeria (as Arendt tells it, by his own choice) in order to avoid that "boomerang effect" of an imperialism built on racism and violence.

There are several problems with Arendt's account. First, it treats the imperialism of DeGaulle and Cassin as separate from the imperialism of the administration and military in Algeria, when, as argued in the previous chapter, the former was at best complicit in the latter, and frequently at pains to justify it. Second, it treats Algerian independence as itself the culmination and reaffirmation of the French ideas of nationhood; national independence, as she tells it, was the logical, perhaps even inevitable, outcome of France's own efforts. This is not merely overly neat history, but politically troubling: it neglects just how protracted and violent the struggle for independence was, and it neglects the negotiation over Algerian nationhood and French federation, as though national independence was a foregone conclusion; in doing so, it denies the suffering, fortitude, and creativity of Algerians themselves. This problem is only compounded by a third issue: her persistent description of colonial subjects as part of some perennial past, existing in cyclical time but not historical time, even while she associates French imperialism with progressive history. To the extent Algerians act, it is to continue the trajectory of progress begun by France. French ideals might not roll out quite like Lynn Hunt's "bulldozer," but their fulfillment is a product of their own logic and not evidence of the initiative or, in Arendt's terms, political action of the colonized.

And yet, Arendt's account points to an important tension – a tension that Abbas grapples with more directly, and more productively, than she does. As her account of imperialism

suggests, the French revolution cast a long shadow for later movements for national independence, both in terms of conceptual imaginaries and in actual relationships of sovereignty and control. If we are going to refuse her description of the Algerian revolution as simply the re-instantiation of foundational French ideals, and see it as itself a revolution, a new beginning, how do we understand the citation of French ideals, and critiques of French hypocrisy, on behalf of anticolonial revolutionaries? How can a revolution be both new, the starting point of history, and yet draw on what came before, as part of its history?

As Abbas saw, the challenge of natality was not simply one of achieving freedom from past foundations, but of responding to the past, taking on its burdens, in ways that included the legacies of past revolutionary principles. For Abbas, the choice to be born represented an entrance into politics, coinciding with the birth of a new Algeria out of the twilight of colonialism. The alternative to birth took the form of calls for assimilation, for improvements in living conditions – for life's continuation, perhaps, but not for new beginnings. The challenge of the revolution, a challenge he wrestled with from the 1940s through the 1960s, was a challenge of how to be born into a world of injustice and usurpation. He presents the Algerian revolution as taking up legacies of 1789 and 1948, acting as prior revolutionaries had, while also having to overcome the lies and hypocrisy that went with them. Those lies included the description of Algeria as in need of tutelage, as without history and without ideas of right; to him, the affirmation of birth required an affirmation not merely of newness, but of history itself.

Reading Abbas in this way also allows me to build on, but modify, an emphasis in recent political theory on the problem of Arendtian "natality" in anticolonial political thought, while also bringing it into conversation with her actual discussions of empire. Recent authors – notably Gary Wilder, David Scott, and Neil Roberts – have drawn on Arendt's notion of natality and

used it to describe efforts to forge free communities out of relationships of colonialism, brutality, and slavery. To Wilder and Roberts in particular, the challenge of natality is one of how to make something new; what is difficult about freedom is the need to break from what came before, to imagine the unprecedented. I argue instead that if natality is a problem, this is because of the need to remake the past as much as it is because of the need to imagine a wholly new future. In this way, natality's relationship to past foundations is consistent with the relationship between freedom and foundation discussed in Chapter 1.

With Abbas, I argue that, for later anti-colonial revolutions, the challenge of natality was in part a matter of how to relate to those revolutions, the human rights promises they made – and the lies and hypocrisy that were caught up with those promises. It was how to re-narrate that past in order to begin anew, not despite history but in response to it. To simply be born new was consistent with the same French paternalism he rebelled against: that Algeria was being educated to come into its own. The French erasure of Algerian history, and the denial of a shared French-Algerian history, were among the very "lies and hypocrisy" Abbas repeatedly condemned. As this suggests, an emphasis on the dilemma between birth and its refusal of the sort we find in Abbas implies a particular understanding of human rights politics. On this view, human rights are not a baseline set of entitlements, a core morality, but are asserted in and through political equality, and the mutual making of promises that comes with it. They are necessarily at odds with imperialism, including in its wilier, more paternalistic forms.

Making new promises in the shadow of what had come before – not simply breaking with the past but responding to it – implied dilemmas and difficulties of its own. Like Léopold Senghor and Aimé Césaire, and at times in collaboration with them, Abbas advocated different forms of federalism for Algeria's relationship with France; his notion of birth did not simply

correspond to national independence and sovereignty. As Wilder has emphasized in his readings of Césaire and Senghor, their imagined French Union offered a version of self-determination that emphasized democracy in a general sense, rather than seeing self-determination and state sovereignty as equivalent. For Abbas too, state sovereignty was a not a straightforward option but a challenge, involving questions of historical injustice, shared language and culture, economic interdependence, race, and control of territory, and his proposed solutions mixed federal forms with national independence and regional alliances. He grappled with, but did not completely resolve, the question of who or what was being born: the constitution of a nation and a people, the matter of equality for Algeria in its relationship with metropolitan France, the rest of French Northern Africa, and other French colonies and former colonies, and the shared solidarities with both France and other colonized people in Asia and Africa run through his work as persistent challenges. This is a reflection of the dilemmas of birth out of history, which represents not rupture with the past, but an effort to take up and respond to history, to build relationships of justice out of conditions of injustice. These were the dilemmas of trying to make new rights promises in response to the hypocrisies and lies of empire – an empire that had claimed a revolutionary human rights tradition as its own.

A. Birth, Natality, and Revolution: Arendt via Cavell

In his essay "Being Odd, Getting Even," Stanley Cavell argues that Hamlet's dilemma is most centrally a question neither of suicide nor of skepticism, but of the task of affirming one's existence. It is, more profoundly, a question of whether to be born, and highlights some of the particular challenges of that question:

> *Hamlet* studies the impulse to take revenge, usurping thought as a response to being asked to assume the burden of another's existence, as if that were the burden, or price, of assuming one's own, a burden that denies one's own. Hamlet is asked to make his father's life work out successfully, to come out even, by taking his revenge for him. The emphasis in the question "to be or not to be" seems not on whether to die but on whether to be born, on whether to affirm or deny the fact of natality, as a way of enacting, or not, one's existence. To accept birth is to participate in a world of revenge, of mutual victimization, of shifting and substitution. But to refuse to partake in it is to poison everyone who touches you, as if taking your own revenge. This is why if the choice is unacceptable the cause is not metaphysics but history—say, a posture toward the discovery that there is no getting even for the oddity of being born, hence of being and becoming the one poor creature it is given you to be.

Cavell claims the challenge of natality is not a matter of metaphysics, but of history; not a problem of being rather than nothing, but of taking on the burden of having a past, the burden of the existence of other people, living and dead. One is, from birth, already caught in a history of revenge and victimization, and, in choosing to affirm one's existence, one assumes the burdens of trying to make that past work out. Rather than see those burdens and one's freedom as fundamentally opposed, such burdens are themselves the conditions of birth. The choice, then, is not between either taking them on or rejecting them in favor of unfettered freedom; rather, it is between a birth into that difficult history or, as Hamlet's story cautions, poisonous ambivalence and resentment.

Especially because, in this essay, Cavell treats natality as a problem both for an individual as well as for a community, his use of the term recalls Arendt's. Arendt had described action, "the faculty to start new and unending processes," as enacting a principle of natality, articulated in part, as discussed in chapter 1, through promises. In the closing to chapter five, titled "Action," in *The Human Condition*, Arendt writes: "The miracle that saves the world, the realm of human affairs, from its normal, 'natural' ruin is ultimately the fact of natality, in which the faculty of action is ontologically rooted. It is...the birth of new men and the new beginning,

the action they are capable of by virtue of being born." This experience of that capacity for action is, she says, the only source of "faith in and hope for the world," as expressed in the line in the Gospels (she quotes), "A child has been born unto us."[6] As discussed in Chapter 1, it is forgiving and promising that articulate and make possible such faith and hope, because they operate on and articulate the principle of natality, allowing people to begin anew, together.

For Arendt, natality provides an alternative to thinking about existence primarily in terms of life and death: it is the principle of natality, as she tells it, that interrupts "the law of mortality" by which people are born simply in order to die. Arendt describes the principle of birth, including with it the political decision to act and so to risk one's life, as a way out of a focus on life and its preservation in the face of mortality. Where biological life is cyclical, such that "everything done in history is doomed," natality, in contrast, conjures the capacity to interrupt that cyclical movement. It is "an ever-present reminder that men, though they must die, are not born in order to die but in order to begin." This is a miracle that provides hope for a better future, a miracle that makes possible the "rectilinear" movement of history rather than the circular one of biology.[7] And yet, as Cavell emphasizes, that miracle is an oddity: it marks not one's transcendence of, and freedom from, the world, but instead one's entry into it. It does not achieve justice, but makes justice an issue.

Arendt associates natality with the act of revolution, which she theorizes in and through accounts of the French and American revolutions. On her telling, revolutions mark new beginnings of history – as Christ's birth marked the beginning of a Christian notion of history,

[6] Arendt, The Human Condition, 247.
[7] Arendt, The Human Condition, 246-247.

and as reflected in the French revolutionaries' designation of 1789 as "year one."[8] It is tempting to think that, with "natality," she is describing a principle, instantiated in the French and American revolutions, which we might then identify in other cases. And yet the very fact that natality has to do with newness complicates such a reading. This is not just a question of how later revolutions can be novel when they're also repetitive: new people are born every day. But can they begin history anew, re-set time, and also be part of a longer story of that re-setting? If each revolution, as she puts it, "essentially was always the same," later ones nonetheless stood in a substantively different place in her very own account of the history of revolutions.[9] Doing something entirely new was difficult; what made the choice to be born difficult, was a matter of history.

Yet Arendt does not read anticolonial revolution this way: instead, across several works, she refuses to acknowledge moments of natality in anticolonial revolution. With her occasional references to Algeria, her discussion of imperialism in *Origins of Totalitarianism*, and her dismissal of anticolonial violence in *On Violence*, she tells a story in which the Algerian revolution appears as the affirmation, and logical outcome, of the principles of the French nation; this is echoed in her association elsewhere of the colonies with biological life, and circular time, not with the "rectilinear" movement of natality as the beginning of history.[10] France, on this story, was the history-maker; Algerian independence served to reaffirm France's foundational values. France's withdrawal from Algeria is presented as a defeat for an ugly version of imperialism, and a triumph of the principle of the nation – a principle France had attempted to

[8] Hannah Arendt, On Revolution (New York: Penguin Books, 2006 [1963]), 17 and 19.
[9] Arendt, On Revolution, 16-18.
[10] Here, see also Michael Rothberg's discussion of Arendt in Michael Rothberg, Multidirectional Memory: Remembering the Holocaust in the Age of Decolonization (Stanford: Stanford University Press, 2009).

render compatible with empire, through imperial civilizing missions and forms of jingoistic paternalism, but could not ultimately sustain. Because the French tried "to combine national aspirations with empire building" (134), its sincere effort (as she tells it) to assimilate Algeria was doomed from the start. Rather than give into an alternative, unprincipled imperialism, as she tells it, DeGaulle decided to withdraw from Algeria.[11]

French imperialism in Algeria was not a singular category, but characterized by a conflict between two approaches to empire. First, on her account, France, especially in comparison with Britain, was determined to assimilate its empire, and Algeria in particular, into the nation itself, to "combine *ius* with *imperium*" (129). This version of imperialism was evident in the inclusion of Algeria as a *département* (more precisely, several departments), its representation in Parliament, and the treatment of Algerians as (here she quotes Ernest Barker) "brothers in the fraternity of a common French civilization, and subjects in that they are disciples of French light and followers of French leading" (*Origins*, 129). Despite the paternalism of this version of imperialism, and its association on her own telling with Kipling's depiction of the "white man's burden," she praises its emphasis on assimilation and equality in *Origins*. She tells a similar story, with much of the same terminology about the nature of imperialism and colonial administration, in her 1943 essay "Why the Crémieux Decree was Abrogated," in which she praises that decree for granting Jewish Algerians full French citizenship; the decree, she writes,

[11] My reading of Arendt here is in line with and informed by Karuna Mantena's account in Karuna Mantena, "Genealogies of Catastrophe," in Politics in Dark Times, ed. Seyla Benhabib (New York: Cambridge University Press, 2010): 83-112. For a discussion of the collapse and reconstitution of the Western tradition, including ideas of the rights of man, that Arendt diagnoses in the end of imperialism and rise of postcolonial states, see especially 104. For an overview on Arendt's idea of the boomerang effect, also see Richard King and Dan Stone, "Introduction," in Hannah Arendt and the Uses of History, ed. King and Stone (Berghahn Books: New York and Oxford, 2008): 1-20.

"assimilated the native Arabic-speaking Jews in a relatively short time and changed them into loyal French citizens." As further testimony to France's good intentions, she writes: "meanwhile, the French Parliament continued to seek a formula that would permit the assimilation and naturalization of the other natives," something she suggests they fully intended to do but simply needed more time to arrange.[12]

While this is a description of French imperialism generally, Algeria was, as she tells it, also special. Arendt writes: "Algeria...was the first French colony which was close enough to be directly incorporated into the body politic of France, to become an integral part of the mother country."[13] One of the major challenges she identifies to meaningful consent and national coherence within an empire is simply geographical distance; on this front, as she saw it, if it succeeded anywhere, the French empire was likely to succeed in Algeria. This is a peculiar moment in Arendt: Algeria is not exactly close to metropolitan France, a distance that would only be underscored in the 1960s by the French government's decision to use the desert there as a testing ground for nuclear weapons.

Arendt's statement is all the more peculiar because she gestures toward a real concern with logistics, diversity, and geography, and yet also flattens those factors. She treats distance as abstract and homogenous, rather than as historically specific, involving issues of technological imagination as well as broader issues of history and culture. The French government's sense of Algeria's closeness to France was continually shifting: France's ability to imagine Algeria as part of the nation changed as methods of communication and travel altered perceptions of space and time, similar to the process Duncan Bell describes in explaining the ability of the British, in

[12] Arendt, "Why the Crémieux Decree was Abrogated," The Jewish Writings (New York: Schocken Books, Random House, 2007): 244-253; see especially 246-247.
[13] Arendt, Jewish Writings, 245.

the late nineteenth and early twentieth century, to imagine their own empire as governable.[14] During the Algerian conflict, the paranoia of the French government's near obsession with Arab language radio broadcasts into France betrays a further anxiety about just how close Algeria really was, and how to manage that distance, a concern further echoed in deliberations with the Red Cross about the applicability of the Geneva Accords and whether the conflict was international or domestic. For example, in 1959, the French government estimated that 3,000 hours per year of Arab-language radio broadcasts, "hostile to France," were being broadcast into Algeria; government officials circulated maps of the world, with large arrows representing the origins and relative hours per year of those broadcasts.[15] As Frantz Fanon emphasizes in "This is the Voice of Algeria," radio broadcasts were, indeed, used heavily by the resistance forces, and helped generate national consciousness.[16]

Arendt depicts an opposition between an idealized version of imperialism, in which Algeria was truly part of the French nation, and a vision of imperialism as conquest. This latter version was best represented by those colonial administrators who could countenance outright massacre and violence, and who were both deeply racist and driven by a desire for economic exploitation. As she described them in 1943, in language closely echoed by her later descriptions in *Origins of Totalitarianism*, these were "men who had never shared the views of the home government regarding colonial politics. During their stay in Algeria they had acquired a feeling of racial superiority that never had been known in France itself, and they felt their economic and

[14] Duncan Bell, The Idea of Greater Britain (Princeton: Princeton University Press, 2007).
[15] See 19900652/18, Box 2, Dossier 1, Archives Nationales.
[16] Fanon, A Dying Colonialism (New York: Grove Press, 1969). Note the French edition was first published in Paris in 1959 by Maspero.

political position at stake if French citizenship were granted to Algerian natives."[17] Such colonial administrators knew full well that their opponents, those more virtuous imperialists, were taking a position that was ultimately untenable, in tension with the idea of the nation as a body politic founded on meaningful consent. As she puts it in *Origins*, they "were perfectly aware that the march of the nation and its conquest of peoples, if allowed to follow its own inherent law, ends with the peoples' rise to nationhood and the defeat of the conqueror" (134).

In the 1967 "Preface to Part II: Imperialism" of *Origins of Totalitarianism*, Arendt describes the defeat of the former version of imperialism in Algeria as part of a broader account of what she describes as the end of imperialism generally. On her telling, the "end seemed unavoidable" when Britain ceded – "voluntarily" – its control of India. She continues: "When finally France, thanks to the then still intact authority of DeGaulle, dared to give up Algeria, which she had always considered as much a part of France as the *département de la Seine*, a point of no return seemed to have been reached." Her use of "always" here is striking, again flattening a more complicated history; as her own description of the rise of imperialism in the nineteenth century tracks, Algeria was not "always" part of France, but became such in 1848.[18] Even more strikingly, both Indian and Algerian independence are presented as almost virtuous decisions on the part of the imperial power. It as though DeGaulle had decided to reaffirm the idea of the nation-state, given the incommensurability of this idea with that of imperialism. The decision to cede control of imperial possessions stands only as further testament to France's virtue, made because of "the moral scruples and political apprehensions of the fully developed

[17] Arendt, Jewish Writings, 247.
[18] Hannah Arendt, Origins of Totalitarianism, xvii.

nation-states," which rejected the kind of extreme violence that would have been necessary to maintain control "because of the much-feared boomerang effect upon the mother countries."[19]

Arendt mentions Algeria again a couple of years later, in her 1969 *On Violence*, and tells almost exactly the same strange story, though now framed through the difference between power and violence rather than between nations and empires. Discussing Gandhi's strategy of non-violence in India, she writes that he might have met a far worse end had he been up against "Stalin's Russia, Hitler's Germany, even prewar Japan, instead of England – the outcome would not have been decolonization, but massacre and submission." Her point is that Russia, Germany, and Japan were losing power, and resorted to violence in its stead; France and England were also losing power, yet they, unlike those others, knew that "to substitute violence for power can bring victory, but the price is very high; for...it is also paid by the victor in terms of his own power." She calls this, again, "the much-feared boomerang effect."[20]

Her account seems to neglect the fact that, while DeGaulle's government, especially as it ran into increasing trouble with military recruitment, may eventually have made a calculation that the price of victory would be too high, France did act with brutal violence in Algeria. Arendt's story instead portrays both the end of imperialism and a moment of beginning or revolution, the latter of which France chose not to meet with extreme force – a decision intended to preserve what power (as distinguished from violence) it still held, associated with its status as a nation. The creation of the new nation in Algeria followed neatly on the reaffirmation of that older one, France. The new revolution occurred in the shadow of the earlier: both enabled by and repetitive of France's status as a nation-state founded on ideas of power rather than violence.

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[19] Hannah Arendt, Origins of Totalitarianism, xvii.
[20] Hannah Arendt, On Violence (Harcourt: New York, 1970): 53-54.

This is not simply an overly rosy portrayal of France's withdrawal from Algeria: it suggests that France's national identity, its status as a nation, was always in conflict with its imperial mission. As she tells it, when France was ultimately faced with a choice between taking imperialism to its logical, violent conclusion, and so undercutting its own revolutionary principles, the country (and DeGaulle specifically) opted to end imperial violence, and to reaffirm its status as a nation – to return to and uphold its foundational moment of power and legitimacy, rather than resort to violence. In telling the story this way, she implicitly rejects the possibility that, as developed in the previous chapter, DeGaulle and those around him thought of imperial control as a way of carrying forward the principles of 1789, not opposed to but consistent with the idea of the nation itself. And she suggests that the latter revolution both repeated and was made possible by the earlier one.

As a reflection of this, Arendt's idea of the "boomerang effect" is a solipsistic one, taking place in the mind of the colonizer. It is as though the problem with imperialism is what it does to the imperializing country: if allowed to run amok, imperialism's "boomerang effect" is felt at home, warping the nation's founding principles and creating the conditions for totalitarian movements to rise. On her telling, fearing that "boomerang," DeGaulle opted to withdraw from Algeria. Arendt draws from Joseph Conrad's *Heart of Darkness* a one-sided drama: the "boomerang" takes place as the colonizers come face to face with otherness, react with horror, and become themselves horrific.[21] Fearing the repetition of that movement at a broader scale

[21] For a particularly harsh take on Arendt's use of Conrad, see Anne Norton, "Heart of Darkness: Africa and African Americans in the Writing of Hannah Arendt," in Feminist Interpretations of Hannah Arendt, ed. Bonnie Honig (University Park: Penn State Press, 1995): 247-262. Seyla Benhabib responds to Norton's reading in Seyla Benhabib, The Reluctant Modernism of Hannah Arendt, revised ed. (Lanham, MD: Rowman & Littefield, 2003): 83-86. I read Arendt, in her discussion of Conrad, to be ventriloquizing the colonizers to a greater extent than Norton takes

should France seek to enforce its rule through violence alone, DeGaulle decided to withdraw. This may make for a useful strategic political claim in its own moment – if nothing else, perhaps it would have been helpful if DeGaulle had been worried about a boomerang – but as historical description it is both inaccurate and unfair, and as historical lesson it overlooks that the problem with colonialism was not totalitarianism but colonialism itself.

The challenge of seeing anticolonial revolution as both new and the result of the inherent logic of what had come before is reaffirmed, though not resolved, in a recently published lecture of Arendt's, dated 1966-1967, which contains material that maps closely (at times precisely) onto material in *On Revolution.* There, Arendt writes that twentieth century revolutions, including anticolonial revolutions, "stand under the sign of traditional Western revolutions." Casting them even further under the sign of powerful external nations, Arendt groups Algeria with Korea and Vietnam as "small wars," in which "it was no longer war which precipitated revolution"; instead, what began as revolutions grew into larger wars as "the great powers became involved, either because revolution threatened their rule or had created a dangerous power vacuum."[22] Even taking into account NATO involvement in Algeria, this description of the conflict is a bit confusing: it is as though she sees the question of revolution and the question of imperial control as separate and sequential.

At the same time, Arendt's description of twentieth-century revolutions as occurring "under the sign" of previous revolutions isn't entirely wrong. It contains a suggestion which she doesn't carry through: that anticolonial revolutions occurred in the shadow of the failures and

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her to be, though I agree that this leads her to emphasize the horror only on one side. For a reading at the opposite extreme of charitability from Norton's, see George Kateb, Hannah Arendt: Politics, Conscience, Evil (Oxford: Martin Robertson & Co., 1983): 61-63.

[22] Hannah Arendt, "The Freedom to Be Free," New England Review vol. 38 (2), 2017.

limitations of those earlier revolutions, not only by enforcing and repeating their best principles, and so correcting them or setting them back on track, but by emphasizing the overlap and compatibility of France's imperialism and its founding commitments. Historically, this also made for a far messier transition: France did not simply cease to be an empire and go back to being a nation, thereby allowing Algeria to become a nation, in turn, through its own revolution. A series of ideas about union and federation were floated, negotiated, and voted on to try to reconcile France's ongoing responsibilities to, and shared inheritances with, Algeria. Algeria was not simply, evenly, born out of France's retreat, becoming from birth the nation it always should have been. Rather, it was born into a world of shifting and substitution, of past injustices and problems of revenge. To be born "under the sign" of those eighteenth-century revolutions was part of what made that birth a problem.

Invoking 1789, leaders of the Algerian independence movement emphasized the necessary connection of ideas of the rights of man to the capacity for political action. One of the chief limitations Arendt saw in the legacy of the French Revolution was that its declaration of rights, its founding promise, set out claims about the rights of citizens, attaching them to the idea of the nation itself, while also suggesting that human rights exist prior to and in the background of political communities. To Arendt, this underscores the inefficacies and "perplexities" of ideas of human rights: that they are supposed to be something even stateless people can claim, and yet are reliant on national membership for their actual existence. In Abbas's work, we find instead a version of human rights politics that emphasizes the decision to be born, and so to act politically, as an inheritance of 1789. He, like Arendt, criticized the effort to split political equality from human rights. But he saw it instead as a corruption of the revolutionary promise of 1789, and

appealed to a different concept of human rights, one that linked ideas of natality and national liberation to human rights promises.

Abbas, guided by questions of citizenship, race, and the position of imperial subjects, also critiques the splitting of human rights from the ideals of political equality associated with citizenship – yet he treats that split not as necessary to the idea of human rights, but as contingent, and caught up in the politics of empire. As a result, he emphasizes a version of human rights politics that is, in many ways, more true to Arendt's conception of what such a politics could look like: not the preservation of life from violence, but natality as a moment of beginning, the eruption of a new power, articulated in and through mutual rights promises.

B. Dilemmas of Birth and the Politics of Human Rights in French Algeria: Camus contra Abbas

On January 22, 1956, Camus delivered a now-infamous address, "An Appeal for a Civil Truce in Algeria," at the *Cerce du Progrès* meeting hall in Algiers. The speech sets out a dilemma: to accept a truce, while it may risk continuing to suffer the injustices of the past, is to believe that "French and Arab can coexist in Algeria," and so "to save the people of this country from misery"; the alternative, he claimed, would be to embrace "fatalism," in which case "our two peoples will separate once and for all, and Algeria will be left a field of ruins for many years to come."[23] Describing a conflict already marked by massacres, disappearances, imprisonment, and torture, Camus depicts a choice between life and continued violence. He pleads with Algerians to set aside their differences, and to accept that, in the grander scale of the world and technological progress, this is a minor conflict. Perhaps unsurprisingly, when he published and

[23] Albert Camus, Algerian Chronicles, "Call for a Civil Truce in Algeria," 156-7.

sought to distribute the appeal as a pamphlet, the French censors in Algeria readily approved its distribution to all mailboxes in the prefect of Alger.[24]

Camus's appeal came at a moment when the possibility of peaceful resolution appeared to be receding; it reads as a last-ditch, if not already too late, attempt at avoiding conflagration. The speech is easily grouped with his oft-quoted response to an interviewer in which he rejects terrorist violence, saying "People are now planting bombs in the tramways of Algiers. My mother might be on one of those tramways. If that is justice, then I prefer my mother."[25] In the 1958 "Preface to Algerian Reports," Camus would reaffirm this assertion, which he says "was commented upon most strangely," substituting "one's brother" for his mother, and adding that "anyone who does not know the situation I am talking about can hardly judge of it."[26] Taken together, these comments mean that he is sometimes interpreted as being stuck in a dilemma between universal values of justice and right and particular attachments to family and homeland, and opting for particularity. I read him instead as caught in a deep ambivalence, and opting to preserve life, unable to do anything else – a decision made in the context of his own particular history, including calculations of the injustices and wrongs of his forebears, and was made difficult by those attachments and demands.[27] As he says in the opening to that 1958 piece, he

[24] See Le Commissaire Divisionnaire Chef de la Police des Renseignements Généraux du District d'Alger à Monsieur le Prefet (Cabinet), 11 April 1956. Algérie, Départment d'Alger, 1K / 541 / A, folder Publications signalies non saisies, ANOM. The folder also includes a copy of the printed pamphlet version of the appeal, as prepared for distribution, without a listed publisher but with a line indicating Camus personally held the copyright.
[25] The line from his interview is quoted, and explained, in Claire Messud, "Camus and Algeria: The Moral Question," review of Algerian Chronicles (ed. Alice Kaplan), New York Review of Books, November 7, 2013. Messud also emphasizes Camus's "paralysis" in the face of this dilemma, and his retreat from politics once violence appeared inevitable.
[26] Albert Camus, Resistance, Rebellion, and Death (Vintage International: New York, 1995): 113.
[27] See, for example, Matthew Connelly, A Diplomatic Revolution, 32.

was someone who, "long aware of his country's responsibilities, cannot approve a policy of preservation or oppression in Algeria. But I have long been alert to Algerian realities and cannot approve, either, of a policy of surrender that would abandon the Arab people to an even greater misery, tear the French in Algeria from their century-old roots, and favor, to no one's advantage, the new imperialism" of Soviet influence. He acknowledged that "such a position satisfies no one," and yet it was, he said, all he could do.[28]

Of course, Camus's emphasis on the impossibility of the choice does not in itself mean he was wrong. Jeffrey Isaac, in *Arendt, Camus, and Modern Rebellion*, emphasizes Camus's advocacy for the political rights of Arabs in Algeria, and his opposition to ongoing political domination. In *Freedom Time*, Gary Wilder likewise reads Camus, primarily in his writings for *Combat*, as pushing for a new federal form for France, an effort to give birth to something new. But he prioritized the question of life, even if, as Isaac argues, he saw both French and Arab lives as equal. His own identity, he suggests, only deepened his ambivalence and his rejection of a more straightforward model of postcolonial sovereignty: he favored some version of "federated settlements...linked to France," could one be derived, which might be structured, he says, like "the Swiss confederation," but he opposed any outcome that would "tear the Algerian-born French from their natural home," especially if it delivered the country over to "an empire of Islam."[29] Yet he treated the question of preserving life as separate from, and often prior to, questions of political independence. As Isaac summarizes: "he defended a vision of coexistence informed by a universalistic conception of the human right to be free from torture, persecution,

[28] Camus, Resistance, Rebellion, and Death, 111.
[29] Camus, Resistance, Rebellion, and Death, 124. For the comparison with Switzerland, see 149.

and murder, and of the political right to citizenship in autonomous political communities."[30] What was primary and universal was an idea of human rights and human dignity as biological well-being, a moral baseline that prohibited torture and violence. Political rights were secondary.

Camus's depiction of a choice between accommodation and peace or continued war and violence, and his decision to choose life, is a framing that recurs in descriptions of human rights politics: to choose reconciliation and peace, the conditions for healing and preservation of life, and the opposition to torture and abuse in the abstract. As Samuel Moyn points out, Henry Shue's 1980 *Basic Rights*, perhaps the foundational text in the philosophy of human rights, takes as an epigraph a line from the closing of Camus's 1947 *The Plague*: at the close of a novel often read as an allegory for the German occupation of French Algeria, with medical illness standing in for political outrage, a doctor states he can no longer aim for salvation or final victory over disease, and that the most he can promise – the honorable path given the circumstances – is the ethic of the healer. This emphasis on healing would be influential for Shue, and carried forward as ideas of human rights merged with ideas of humanitarian relief, of ending suffering and saving a life, along with transitional justice narratives of forgiveness and reconciliation.[31]

What is particularly striking about Camus's stance is that he depicts his ambivalence, and humanitarian impulses, as the only viable response to the injustices done to both sides, and claims that all possible outcomes would be, somehow, equally bad. He writes that "If you want Algeria to separate from France, both of them will perish in the same way"; instead, "the

[30] Jeffrey Isaac, Arendt, Camus, and Modern Rebellion (New Haven and London: Yale University Press, 1992); see especially 194-206.
[31] Samuel Moyn, "The Doctor's Plot: The Origin of the Philosophy of Human Rights," in Empire, Race, and Global Justice, ed. Duncan Bell, forthcoming. For the choice between reconciliation and revolution in the politics of human rights, also see Robert Meister, After Evil: A Politics of Human Rights (New York: Columbia UP, 2012).

question is not how to die separately but rather how to live together."[32] He claims that the dream of subjugating Arab Algerians is "just as mad" as that of "a sudden disappearance of France" in Algeria (127). Both sides had equal claims to the land, and both sides had committed atrocities; this did not justify "substituting one injustice for another." To insist otherwise is not just wrong, but immature and irrational.[33] He imposed a false evenness on the dilemma in order to suggest that it was undecidable, and that a humanitarian position was the only viable stance left.

But where Camus saw injustice on both sides and found himself unable to choose, he acknowledged that others saw the dilemma differently. Camus had previously praised Ferhat Abbas, lauding his 1943 "Manifesto of the Algerian People" for its emphasis on criticizing the French failure to allow for true assimilation of Algeria. Camus bemoaned that the government had responded to the manifesto, and the Algerian resistance, with violence, rather than by appeasing and so undercutting Abbas and the resistance movement by accepting their implicit demands and enabling assimilation.[34] Camus read Abbas as emphasizing a choice between assimilation and a violent struggle for independence, taking on the latter only because the former seemed impossible.

Yet Abbas, in *La Nuit Coloniale*, presents a very different dilemma. Certainly, Abbas's story differs from Camus's in part because the book came out far later, in 1962, and was written to serve as a retrospective on the revolution and a political description of its meaning for both French and Algerian audiences; the book is structured as a history of Algeria, including the more

[32] Camus, Resistance, Rebellion, and Death, 116-17.
[33] Camus, Resistance, Rebellion, and Death, see 124 and 127-130.
[34] See "Letter to an Algerian Militant" and "The Party of the Manifesto," in Albert Camus, Algerian Chronicles, ed. Alice Kaplan (Cambridge and London: Harvard University Press, 2013), in which Camus describes Abbas as "cultivated and independent" in part because "He is undeniably a product of French culture" (107-8).

recent revolution, as a way of both narrating and claiming that history. Nonetheless, the difference in framing is striking. Describing the decision by his party, the Union démocratique du manifeste algérien (the Democratic Union for the Algerian Manifesto, or UDMA) on November 1, 1954, to join with the more radical insurgent groups against continued French governance of Algeria, Abbas explained: "From the first gunshots, the situation was made clear: to be or not to be, to affirm our belonging to the people or to separate ourselves from the people. We had no other alternative. And we have unanimously chosen the path of national solidarity."[35] November 1, 1954, often considered the beginning of the war for Algerian independence, was when the FLN released a proclamation of its agenda and call to arms, and also launched violent attacks on French targets in Algeria.

Abbas's retroactive retelling of the UDMA's 1954 decision reads as calibrated in part to assert the UDMA's radical credentials, by backdating, somewhat, their support for violent struggle – though the UDMA did, in 1954, change its stance to insist on the necessity of national independence for Algeria. Abbas, in 1962, also claims that the 1954 choice was consistent with his own previous position: the choice to be, as he told it, was precisely a choice to risk death – and it echoed what he had told the youth of the UDMA after the 1948 Sétif massacre, when French police had fired on Algerian protesters, sparking riots and a chain of retaliations in which first about 100 European Algerians, and then at least an order of magnitude more Arab Algerians, were killed. Abbas quotes his 1948 speech: "In the evening of our lives, in those terrible hours of weariness and doubt, it is to you that our eyes will turn. If you are... soldiers

[35] Ferhat Abbas, La Nuit Coloniale, 230.

who know how to die for an ideal, then our hope will be reborn and we will rejoin you, despite our age, to resume together the immortal cry of the revolutionaries of 1789: 'liberty or death!'"[36]

To Abbas, deciding "to be" meant embracing conflict and risking death, in order to come into one's own; "not to be" corresponded with inaction, avoiding conflict. On Abbas's telling, unlike Camus's, the choice to enter battle with no known outcome may risk misery and indefinite conflict, but is nonetheless not fatalistic – it is a version of choosing life, of deciding to be born. To decide otherwise, to refuse the risk for the sake of some aspiration to stability and wellbeing otherwise, is not to die, to give up on life, but to refuse birth. Birth implied the willingness to risk death; the alternative meant one never truly lived. Abbas writes earlier in the book: "Without exaggeration, one can say that this appeal constitutes the act of birth of a new Algeria. This Algeria is effectively born the 1st of November, 1954."[37] Notably, this was not the date of national independence, but of the decision to begin what would turn out to be a revolutionary struggle.

Even as he emphasizes birth, one of the constants in Abbas's writing is that he was continuously at pains to narrate and retell the history of French Algeria, and in the process to both invoke and reckon with the legacies of 1789. The choice to be born, rather than merely to live, was a choice that brought forward problems not only of how to begin anew, but of how to do so in a way that could respond adequately to the past, of how to enter into a world already caught up in revenge and victimization. In this sense, the challenge of natality, of re-founding a political community, is better thought of not as a challenge of how to make a fresh start, but as a

[36] La Nuit Coloniale, 230.
[37] La Nuit Coloniale, 224

problem of where we find ourselves, and how to affirm the possibility of action amidst the ghosts of history.

Reading Abbas, we might see an alternative way of conceiving of the dilemmas of action, and with it an alternative, anti-colonial, version of human rights politics. To Abbas, the choice was not between healing and violence; to choose "to be" did not mean to choose the continuance of life, but rather to choose to be born. To decide to be born – and so to act, to risk death – was to assume and assert rights as equal members of a collective. There is a certain irony in the opposition between the endorsement of healing and a medical ethic by Camus, the writer, and the embrace of an ethic of political action, including violence, by Abbas, the pharmacist (alongside, of course, Fanon, the psychiatrist; both he and Abbas had also served as medics in the French army during the Second World War).[38]

Abbas, through the particular version of French federalism he advocated as well as his internationalism, affirmed the birth of a new nation not as a way to break cleanly from the past, but instead as a means to attempt, despite the oddity of birth, to make the past come out even. When Abbas identifies a "new Algeria" born on November 1, 1954, he is describing something truly new, not a pre-existing people or land; at the same time, the boundaries and definitions of that nation were far from clear in that moment, and would remain a challenge. The choice of birth was not an answer, but introduced problems of its own, precisely because it was a choice to take up and respond to history. This required not just appealing to and universalizing the principles of 1789, but re-founding them. Deciding for birth marked the capacity for self-

[38] The French police in Algeria would use Abbas's role as a pharmacist as a pretext to arrest him, from time to time, on charges of providing medicine to resistance fighters – though this is also a role he may well have played.

direction and political action, and so carried forward ideas of national liberation and human rights as an interconnected set of ideas.

C. Algeria, Born of History

In May 1943, copies of the "Manifesto of the Algerian People" were distributed in Algiers. The manifesto begins by noting that "since November 1942, Algeria has been under occupation by Anglo-American forces," and expressing concern about the new factional battles for British and American favor among the French in Algeria. It continues: "The colonization of Algeria by France, the inheritor of the principles of 1789, has lasted more than a century." Now, for the second time in one century, "the entire world fights for the triumph of justice and right, for the liberation of peoples" – and yet, despite all the sacrifices of the soldiers, "dying for the liberty of men and the happiness of mankind," the "egoism and imperialism of great nations" could again override other concerns in the negotiations for the international accords to end the war. It asks: "Which part is to be reserved, in these conversations, for the rights of peoples [*droits des gens*]?"[39]

That foreboding tone would be echoed, immediately following the Allies' victory in Europe, in a UDMA broadside issued May 14, 1945, under the headline "Algerians! Now is the moment of responsibility." In it, the UDMA describes German occupation and colonial control as two different kinds of imperialism: the end of the war brought the end of "Nazi imperialism," and, for the sake of peace as well as principle, should by right also mean the end of "colonial imperialism." The alignment of Hitler with colonialism echoes Césaire's "boomerang" formulation, where Nazism represents the chickens come home to roost – but the actual

[39] Abbas, Manifesto, 20-21

occupation of territory by French colonialists and by German (and German-aligned) forces had overlapped in a particularly literal form in World War II Algeria. Where France has won "national liberation" from Nazi rule, Algeria remained under occupation, first by those Anglo-American forces Abbas cited in 1943, and then by European France.

According to the UDMA, the truce represented "a message of liberty" and "a great promise to humanity" on behalf of Roosevelt, Stalin, Churchill, and DeGaulle. Yet the UDMA foresaw the continuation of colonial imperialism, predicting that "the most condemnable egoisms" would again lead the victorious nations to seek conditions for peace that did not include national liberation for the colonized. And so, the document concludes, "dark clouds are accumulating on the horizon."

In making its case, the document paints a picture of world order in which Algerians are aligned with other colonized people in Africa and Asia in seeking the continuation and realization of principles staked out by the "democratic nations" of the world. Colonized people had all been part of the war effort, and were now owed the recognition of their rights – including the right to national liberation from imperialism, the very principle over which the war had been fought. Without their contributions to the war, "the admirable efforts of the democratic nations would have been in vain." The document continues:

> In demanding the abolition of the colonial regime, which they remain the only to suffer after the failure of the attempt at colonization by Hitler's Germany, the people of Asia and Africa continue the work undertaken by the great modern democracies. They pose a problem that concerns not only universal consciousness, but, primarily, the organization of the peace and the security of the world.

The rights they demanded were not just matters of universal concern, but had implications for world order and future peace. The appeal also proclaims, somewhat ambiguously, that "the right to national life of the colonized people, this natural 'Civil State' of all human communities,

should be respected and recognized like the principles of 1789 have recognized the rights of individuals." While that might appear to analogize the rights of communities to those of individuals, it also suggests that, while the principles of 1789 have been taken as guarantees of individual rights, respect and recognition for the rights of communities are a necessary counterpart; both are part of that postwar promise, elsewhere attributed to the Atlantic Charter though here to the May 8th European peace pact, and its "message of liberty."

After its passage, the UDMA would also explicitly invoke the Universal Declaration of Human Rights to make its case, linking the UDHR with ideas of democratic self-determination and the need to do justice to the distinctiveness of Algerian history, including its resistance to French rule. A 1949 "Bulletin Interieur" of the UDMA, with the banner "Réservé aux Militants de l'UDMA," ran an announcement about the proclamation of the UDHR by the General Assembly in December 1948. In a box with the headline "Déclaration Universelle des droits de l'homme proclamée par l'Assemblée générale des Nations-Unies le 10 décembre 1948" (with "des Nations-Unies" in bold type), the newsletter reproduces Article 2 (listing it as article 11), which states that the rights and liberties enumerated in the declaration should apply "without distinction of any kind," listing race, national origin, and the sovereign status of the country or territory, then Article 21, subsection 3, on the right to vote. As it prints Article 21: "La volonté du peuple est le fondement de l'autorité des pouvoirs publics; cette volonté doit s'exprimer par des ELECTIONS HONNETES qui doivent avoir lieu périodiquement, au suffrage universel égal et au vote secret ou suivant une procédure équivalente assurant la LIBERTE DU VOTE" (capitalization added by the newsletter). The two articles are followed by a paragraph railing against Marcel Naegelen, the governor general of Algeria, and Jules Much, another official, for rigging the vote in the 1949 election, the first in which the franchise had been extended to Arab

Algerians.[40] It asks "What are Misters Jules Much and Nagelen thinking, do they not consider the commitments made at the UN on behalf of France...on the first regional election after the Declaration?"

The full newsletter is devoted to attacks on Naegelen and the "yes-men" ("beni-oui-oiu") who had been elected. But what the newsletter leads with is not the actual vote; rather, it is the October 15, 1949 dedication of a statue in honor of Emir Abdelkader by the French government – Abdelkader having been a hero of the resistance to France's initial 1830 colonization of Algeria.[41] Several articles – "Colonialism Raises a Monument to Emir Abdelkader!"; " "French Colonialists and Yes-Men Have Dared to Inaugurate a Monument 'To the Memory' of Emir Abdelkader" – are devoted to denouncing the new monument, while others provide reporting and background, including "The True History of Abdelkader's Surrender." Abbas's piece, "An Outrage Against the Emir," emphasizes the connection to the election:

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[40] The accusation of vote-rigging accords with the accounts of the elections given by Connelly and by Frederick Cooper, though Connelly claims that the results were swung to favor the UDMA candidates over some of the other more militant ones (though still diminished the tallies on the total support they received).

[41] Abdelkader (here I am using the spelling used by the UDMA) was both a powerful general and something of a folk hero in Algeria. In his "Notes on the Voyage to Algeria in 1841" and "Essay on Algeria," Tocqueville describes him as "a sort of Muslim Cromwell," and notes the fervor with which Arab Algerians reject any suggestion that he ever conceded sovereignty to the French – a position which even Tocqueville has to grant, as the final treaty stated only that he acknowledged that France "has a force in North Africa." Tocqueville further claims that he borrowed heavily from French ideals, but never admitted that this was their source, presenting himself instead as "the representative and the restorer of their old mores and their ancient glory." Tocqueville's observations speak not only to Abdelkader's relevance, but to the longer history of French efforts to claim him as a symbol of Algerian and French (and more broadly European) unity – or, as the engraving on the statue the UDMA found so objectionable put it, their fraternity. This was continued as recently as 2008, when France issued a postal stamp commemorating Abdelkader; browsing French stamp collection websites turns up even more iterations. Alexis de Tocqueville, Writings on Empire and Slavery, ed. and trans. Jennifer Pitts (Baltimore and London: John Hopkins University Press, 2001); see 50, 64, and 72.

> Mutual respect depends on sincere amity and true reconciliation. We are doing our part. But those who cling to their place more than to the truth, those who partake of stealing elections, fraud, and lies...are unworthy of this good-faith effort...From the grave, the legacy of Abdelkader is a sad one. Emir at a moment when our country rose up against subjection, Naegelen, the little one, had to construct a great fiction to falsify and profane his memory.

Abbas connects the lies and fraud that disenfranchised Arab Algerians in the election with the broader erasure of, and lies about, Algerian history. He suggests that mutual coexistence remains his sincere goal, but that this would require that the French respect Algeria's history of resistance to subjection, and allow Arab Algerians to vote equally in the elections. As the newsletter casts it, fulfilling the UDHR would require non-discrimination and an equal share in governance.

A similar approach was highlighted by the UDMA slate's official platform statement in the 1951 election. Their statement, which was distributed as a two-sided leaflet and also published in the newspaper *République Algérienne* on June 1, in advance of the vote on the 17th, quoted the UDMA's previous statement of May 1946: "Not assimilation, nor new masters, nor separatism. A young people, undergoing their democratic and social education, developing their industrial and scientific equipment, pursuing their intellectual and moral renewal, associated with a great liberal nation, a nascent young democracy [une jeune démocratie naissante], guided by the great democratic French, this is the image and most clear expression of our movement for remaking Algeria." The language here seems to endorse paternal guidance by France, though it also maintains that "the assimilation imposed on the Algerian people is unacceptable."

Adopting a prophetic tone, foretelling the birth of a new Algeria, the 1951 pamphlet demands equality and inclusion, even as it repeats the earlier suggestion that Algerians were still undergoing development as an enlightened and liberal nation. If the 1946 document had taken a conciliatory tone, the 1951 version strengthens the underlying demand for equality in

governance. It denounces a choice between unequal accommodation and separation: "separatism is an invention of colonialism that...intends to maintain the *fellah* under the yoke." Calling for a "harmonious synthesis...a reciprocal respect of rights and of beliefs," the pamphlet is primarily directed against any continuation of colonial control or inequality:

> The challenge is always to destroy in the home of our European compatriot the colonial concept, in making him admit that the rights of man are the same across the whole surface of the globe [*que les droits de l'homme sont les mêmes sur toute la surface du globe*] and that therefore the native ought to accede to the exercise of sovereignty under the same conditions as him [*l'autochtone doit accéder à l'exercice de la souveraîneté, dans les mêmes conditions que lui*]"

What the UDMA demanded was entry into a French Commonwealth, with an equal share of governance. While the earlier statement had adopted rhetoric of tutelage by France, even the need for tutelage would not justify unequal sovereignty. Human rights meant an equal share in the exercise of sovereignty for the native, all over the world.

The emphasis here was on democratic participation and equality, rather than on status as an independent nation. Abbas had long advocated varieties of federal forms in Algeria's relationship with France; as early as August 1946, he had co-authored a proposed constitution for an Algerian republic; as he described it in 1962, it would have been the basis of "a true Commonwealth" between France and the "the ancient states of the 'Empire.'"[42] That constitution opens by declaring that France would recognize Algeria's autonomy – "the republic, the government, and the flag" – and the 40 articles stipulate that Algeria, through a legislative assembly recognized by France, would control its own internal affairs, that the Bank of Algeria would become the Bank of the State of Algeria, and that education would be conducted in both French and Arabic and be open to both sexes. Core ideas of citizens' rights and duties would

[42] La Nuit Coloniale, 164.

unite the French Union, and Algeria would share fundamental laws with France: "the Declaration of rights inscribed in the Constitution of the French Republic is the fundamental basis of the Algerian Republic. All Algerian citizens benefit from all the liberties and economic and social rights defined in that Constitution." French Algerians would have equal citizenship and suffrage in Algeria, and Arab Algerians in France. Within the federation, there were to be subgroups of affiliated countries; Algeria, Morocco, and Tunisia would form a North African Union within the broader French Union.

That document was reproduced in October 1958 in the leftist French newspaper *France Observateur*, under the headline "La République Autonome de Ferhat Abbas," with a blurb noting that it "today takes on new relevance" as the basis for ongoing negotiations.[43] Birth out of history did not imply a break with France, but a grappling with ongoing interconnection, including shared foundational promises, aimed at achieving and affirming equality. For Abbas, this was a way not just of constructing a more just future, of imagining a new world whole cloth, but of responding to the lies and hypocrisy of the past – a way of making the past come out even.

D. Under the Sign of 1789

In *La Nuit Coloniale*, Abbas frequently refers to 1789, and analogizes between the colonial regime and the regime of Louis XIV to compare the demands of the Algerian resistance with the demands of the French revolution. Both sets of revolutionaries affirmed right and law in the face of arbitrary power. He casts the Algerian revolution as responding to the lies and hypocrisy of the colonial regime, including its lies about Algerian history. Affirming a truer

[43] France Observateur was later renamed l'Obs; it was a leftist weekly newspaper in France. This page was clipping and archived in folder "Abbas Negotiations", 19900652-19, Archives Nationales.

version of history meant taking on and affirming a truer version of human rights, which in 1789, as he tells it, were not split from ideas of political independence but intimately connected to them.

The book is structured as a political history of Algeria, including the story of Abdelkader and the French invasion. French colonization, he writes, served to erase and deny the history of Algeria, declaring it "vacant land" (23). It began with a period of violence that he describes as parallel to the later suppression of the resistance. That initial war for colonial control, including the defeat of Abdelkader, ended with the 1848 Constitution that converted Algeria to a part of France – the change to *departément* Arendt had earlier eternalized. Abbas points out that this was exactly a century before the 1948 adoption of the UDHR, using the two dates to frame a century of unjust rule, with periods of extreme violence on either side. He writes: "to crown this century of 'error and shame,' colonialism has revived, after the proclamation of the Universal Charter of Human Rights, the somber days of the first conquest, with its procession of mourning, terror, and lies" (25). While Abbas's harshest assessment is focused on the violence before 1848 and after 1948, he also criticizes the "error and shame" of the lawful regime as well. During that time, French settlement in Algeria took hold, and the European-descended settlers were given legal advantages – and yet, he writes, "France denies having given birth to and fortified, with its laws of exception, the privileges and racism of these Europeans, and ignored the rights of man and respect for the human person" (25). The inequality of French rule he casts as contrary to ideas of human rights, and responsible for fostering the racism of the European settlers.

Precisely as France was conquering Algeria, he writes, ideas of rights and republican values were at their height in the metropole. He describes France as having had a resurgence in Europe in 1830, presumably with the constitutional reforms of the time: "the hymn of liberty, of

the defense of republican institutions, the rights of peoples and of the individual, social morality were in all the theaters, books, press, and the street." And yet, as France established its place in Europe on this basis, it unleashed an "odious" war in Algeria. In doing so, it betrayed its own traditions. He continues: "One might find it confusing, the violence of feelings and appetites. One is led to wonder if, truly, 1789 happened, if the rights of man were proclaimed. There is no doubt that in Algeria, France renounced itself, lost its soul, and turned its back on a tradition that was becoming its own."[44] This appears as a moment of self-betrayal, one not only with brutal consequences in Algeria but consequences for France itself.

In places, Abbas suggests that this was a corruption of principle by racism and greed. He writes: "The Encyclopedists, the principles of 1789, Diderot, Saint-Just, *la Marseillaise*, all was carried away by the rising tide of bankers, industrialists, and trusts."[45] But what may have began with a thirst for conquest was transformed into an entire legal system and order, through not only brute force by a "hypocritical paternalism." This came about because France could not simply obliterate the Algerian people, but had to rule them: "No colonization has been as unjust as that of France in Algeria. No colonial system had, with such cynicism and ferocity, thought to destroy the vanquished people. Unable to do so, he thought it clever to lock them in a hypocritical paternalism and in a legal formula of lies."[46]

Consistent with this critique of a paternalism that served as a substitute for violent force, Abbas condemned apparent French benevolence, and gestures toward "development" in Algeria, as incapable of justifying what was fundamentally domination. Quoting his own earlier writing, he writes: "The construction of a road or a hospital cannot justify the political and economic

[44] La Nuit Coloniale, 62-63.
[45] La Nuit Coloniale, 189.
[46] La Nuit Coloniale, 110.

domination across continents and multitudes of people."[47] Here, Abbas ties the economic exploitation of Algeria to the legal and political regime, and suggests a common fate for French colonial subjects beyond Algeria alone. He ties Algeria's struggle against that domination to a larger struggle, and tied that broader anti-colonial struggle to ideas of human rights: "from Roosevelt to Stalin, from Churchill to de Gaulle, passing through the Atlantic Charter and the independence of colonized people, the controversies and theses have opposed this order, and have been recuperated and passed among all the imprisoned."[48]

In addition to rejecting claims that French rule was benefiting Algeria, Abbas also rejects any suggestion that France was merely enforcing law in its repression of the rebellion. He had already described the colonial legal regime as a system of lies; he expands on this: "One says that France is a jurist. I do not believe it at all. Unless we adopt the interpretation of law that Louis XIV had: 'It is legal because I desire it.' In which case, it isn't necessary to pass laws. The politics of the fist pounding the table is enough."[49] In analogizing the French regime in Algeria to the defeated regime of Louis XIV, Abbas sets up a broader comparison between the fight for independence in Algeria and the revolution in 1789. In acting to spread the principles of the Atlantic Charter and the UDHR, the rebels were overthrowing an arbitrary legal regime in favor of ideas of rights. Human rights here come to stand for the idea of lawfulness and right, rather than a law that simply enforces the arbitrary will of the ruler. Such arbitrary law is what he had denounced as lies and hypocrisy.

[47] La Nuit Coloniale, 174.
[48] La Nuit Coloniale, 203. His invocation of the Atlantic Charter here echoes Elizabeth Borgwardt's history of the period discussed in earlier chapters.
[49] La Nuit Coloniale, 171.

His analogies to 1789 can suggest that Algeria was largely repeating those principles. Yet what he seems to be saying is more precisely that Algeria reaffirmed those principles, made them their own, in the face of France's betrayal of them. Abbas expands this view to describe a broader war against the French empire. Citing the defeat of the French in Indochine at Dien-Bien-Phu, and comparing it to the French victory at Valmy, which had helped establish external recognition of the sovereignty of the republic after the revolution, Abbas writes:

> In 1789, she defended the rights of man and the liberty of peoples. In our time, she defends feudalism and privileges. But the dream of a holy alliance of colonized nations against the Afro-Asian people haunts her...Dien-Bien-Phu was not only a military victory. This battle has the status of symbol. It is the Valmy of colonized people. It is the affirmation of the Asian and African man facing the European. It is the confirmation of the rights of man at the universal level. At Dien-Bien-Phu, France has lost the only 'legitimation' of its presence, the right of the strongest.[50]

The military defeat there was one for all African and Asian people, and an affirmation of universal human rights, over and against a "law" that was only the justice of the strongest. Rather than describe a military defeat of an empire reliant on force and violence alone, Abbas describes the triumph of right over military force – in Arendt's terms, of power over violence.

Human rights here stand as a broader notion of right, instantiated in revolution, in which power overthrows arbitrary force. They were affirmed in 1789, and again in 1948. Because they stand for core notions of right, they are incompatible with colonialism, which, while often inscribed in law, is not meaningfully lawful. Abbas shares Arendt's assessment, in a sense, that France could not have hung on in Algeria any longer without losing any claim to legitimate power, though he saw this as a product of French rule's basis in lies and hypocrisy, rather than imperialism's incompatibility with the idea of territorially limited nation states. His chapter epigraph contains a quotation he attributes to Abraham Lincoln: "One cannot deceive all the

[50] La Nuit Coloniale, 16.

world, all the time."[51] And, as he intones in his own voice: "We know how civilizations are born. We also know how they die."[52]

E. Difficult Birth

The revolution in the shadow of 1789 would not merely repeat that revolution: it could not simply transcend history, but had to grapple with it. Abbas did not simply call for Algeria to be a new nation of its own; rather, he appeals to France not to abandon Algeria, but to enter a more equal relationship. What made birth difficult was not the need to break with the past, nor the more straightforward need to overcome French military force, but the fact of history: the legacies of economic exploitation and political domination. The past could not be overwritten, as Camus had attempted to do, by a false equivalence that overwrote the specificity of the very history toward which it gestured. Abbas's earlier proposed constitution had suggested a future in which Algerians would control their own finances, political system, and education, guaranteed in part through that broader French Union, a union built on shared commitments to constitutional ideas of rights. In 1962 again, though he had shifted his position to one that insists on national independence, he called for French support for Algerian industry and education. That the Algerian youth maintained a claim on the universities of Paris was all the more plausible, as well, because he supported instruction in French and Arabic – not Arabic alone.

[51] La Nuit Coloniale, 42. The quotation is commonly attributed to Lincoln though the attribution is seemingly apocryphal. Abbas suggests elsewhere as well that he saw allegiances between Arab Algerians and black Americans, writing on page 115, for instance, that Richard Wright's statement, "Never have so few men hated and feared so many of their fellows," applied in Algeria as well.
[52] La Nuit Coloniale, 161.

Abbas claimed to be optimistic that France would come to support his claims. The experience of the occupation by Hitler should have prepared France, he writes, to support Algeria's "legitimate aspirations" – not only to national independence but to the affirmation of ideas of right and justice, to "new ideas" of how to order the world. Like Camus, they had faced dilemmas during the war. "The France born of [*issue de*] the Resistance cannot abandon us," he writes. It was not separatism he demanded, but ongoing engagement and interconnection, now free of occupation and domination.[53]

Such new ideas were born of historical experience. They called upon legacies of 1789 by re-telling the story of that declaration: that France had overthrown a king only to turn its back on that legacy in Algeria. They carried through ideas of human rights, making them more universal than France ever could. The revolution re-enacted what had happened before, but did so in a way that affirmed its own historical position, rather than abstracting away from it. Part of that position was a history of lies and hypocrisy, coupled with paternalism and legally enforced domination.

The legacies of 1789 were not evident in the politics of the preservation of life that Camus had championed. The assertion of human rights – in the right to an equal vote, in a right to education, in access to hospitals, in the development of industry – was caught up with broader ideas of equality and right, with democratic rule, the birth of a new legal regime. What made that birth difficult was not metaphysics, but history. To be born under the sign of 1789 did not mean one simply repeated those earlier principles, extending them now to all humanity. Rather, to be born under the sign of the 1789 meant also to be born odd, born out of a history of lies and

[53] La Nuit Coloniale, 151

hypocrisy. It was a history that could not be simply erased and overcome, but that one had to try to make come out even.

Chapter 5. Universalizing the American Creed: Gunnar Myrdal, Ralph Bunche, and Midcentury Social Science

When the Swedish economist Gunnar Myrdal's *An American Dilemma* came out in 1944, it provided not only an assessment of its moment, but a projected narrative of what was to come after the war: an expansion of an American promise of universal rights to the world, a trajectory on which America would, by universalizing its promise internally, simultaneously universalize that promise for all humanity. The culmination of a larger study financed by the Carnegie Corporation, and initially slated for publication in 1943 but delayed due to wartime paper rationing, the book now appears to mark the beginning of an era, as it both articulated and helped establish the terms through which many Americans would imagine the peace.

On the standard reading, Myrdal venerates what he terms the "American Creed," a deep-seated belief in universal equality that defines the nation. Myrdal's vision of American racial inequality as a conflict between the country's defining beliefs and its actual practices allows him to depict a "dilemma" between the fulfillment of the American promise, on the one hand, and continued hypocrisy, on the other. Racial prejudice, on this view, is an aberration, one that could be overcome by the expansion of a foundational commitment to equality. Because of the strength of the Creed, he is optimistic that the "American dilemma" will be resolved in the direction of progress; the American promise is all but self-executing. The task is to heighten the sense of cognitive dissonance, and so to bring practices in line with stated ideals, by reminding white Americans of both their better virtues and the reality of their deeds and thereby allowing them to see past their own racial prejudice. The book articulated and helped establish a vision of American exceptionalism on which America's uniqueness, paradoxically, arises from its

universality; the fulfillment of its founding principles requires the universalization of that promise both abroad and at home.[1]

I want to return to Myrdal's text for several reasons. First, I want to challenge the standard account, to read Myrdal against Myrdallianism. I argue that even Myrdal, that exemplar of belief in American progress toward the fulfillment of its promise, had his doubts about the prospects for progress – and, more saliently, about the usefulness of narratives of progress in achieving measures of equality. This was because he did not see American hypocrisy as primarily a matter of a conflict between ideals and practices (though there were cases of that as well), but rather as a conflict among different moral valuations, and he thought people had the capacity to hold conflicting ideas in their heads without being overcome by, or even admitting, the dissonance between them. Taking his view a bit farther, we can see how avowal of the Creed might itself enable the continuation, and ongoing disavowal, of those other values. Secondly, and relatedly, I argue that his doubts about the strength of affirmations of the Creed alone led him not to look primarily to appeals to the American Creed as a basis for improvement, either in the US or internationally, but instead to appeal to an alternative but related universalism, that of social

[1] I refer to the book throughout as Myrdal's, though it was the product of research by a larger team, including Ralph Bunche and Alva Myrdal. Crediting Myrdal is sometimes taken as an inequity: though much of the drafting was done by Gunnar Myrdal and Arnold Rose, then a University of Chicago sociology graduate student, they drew on lengthy memos prepared by the research team (Bunche's memo, at 1500 pages, was particularly lengthy). In addition to receiving the bulk of the credit, Gunnar Myrdal was also better compensated than either Bunche or Alva Myrdal – in large part because of Carnegie's insistence on a policy of paying people an amount that would leave them "neither richer nor poorer" than they would have been in their previous jobs. At the same time, however, Myrdal does bear a responsibility for the text, and its theoretical framing, that the others do not. (For negotiations over pay, see general correspondence and memoranda, Carnegie-Myrdal Study of the Negro in America research memoranda collection, 1935-1948, Schomburg Center for Research in Black Culture, New York Public Library.)

science. On his telling, social science provided an orientation in thinking that could allow Americans to overcome racial prejudice, so as to more objectively weigh conflicting values, in part because the advancement of scientific progress provides a more reliable guarantee of progressive enlightenment. For him, this remained freighted, in places, with Enlightenment ideas about the expansion of reason. Yet it also suggests that, if what was meaningfully universal was not an American promise, but social science as a democratic creed, he was sensitive to some of the inadequacies of a project to build a new international order around American leadership. This idea would be taken further in his and Alva Myrdal's later work, as well as in that of his collaborator on *An American Dilemma,* Ralph Bunche.

Reading Myrdal in this way allows us to see a way out of the dilemmas of contemporary debates over his significance. Recent political theorists have voiced several critiques of *An American Dilemma*. Perhaps most prominently, Rogers Smith has objected to the equation of America with its best ideals, as though conflicts with those ideals were aberrations, the product of less essentially American ideas or of simple self-interest. Published at the beginning of the Clinton presidency, Smith's critique questions both the primacy of the "Creed" in the American ideological landscape and the inevitability of progress toward its fulfillment. Smith identifies Myrdal as part of a tradition running from Alexis de Tocqueville to Louis Hartz, all of whom, on his telling, take the Creed to be definitional of America, despite the continued presence of "racial, nativist, and religious tensions." Smith wants to emphasize, instead, the plurality of traditions in America, and the persistence of backlash.[2]

[2] "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in American," American Political Science Review 87, no. 3 (Sept 1993): 549-566. Smith lists as examples of such backlash "the Buchanan and Duke campaigns, the Christian Coalition, the Los Angeles riots, the

Notably, Nikhil Singh and Aziz Rana have each added to this, criticizing Myrdal for treating white supremacy (a term Myrdal also uses) as a matter of racial prejudice, and color-blindness as a goal; because Myrdal frequently slips between "white America" and "America" as such, that color-blindness reads like a relegation of black Americans to a secondary or provincial status, yet to be assimilated into universal humanity. Singh amplifies the critique Ralph Ellison wrote in 1944: that Myrdal sees black politics as purely reactive, and that, as he puts it, "in almost perfect symmetry, the counterpart to Negro provincialism was the promise of America's universalism."[3] Singh's book emphasizes the importance of drawing on radical black imaginaries, rather than trying to derive resources from the supposed American promise. Writing more recently, during the Obama presidency but after Trump's election, Aziz Rana takes a similar tack, associating Obama's ascendance with the Creed: "Obama's skill as a politician was bound to how perfectly he embodied that creed, even as more Americans grew suspicious of the story—from its presumptions about class mobility and inevitable racial accord to those concerning the basic justness of existing institutions."[4] Obama's story about the Creed was necessary to Obama's success, and yet, after Trump's election, it appears "moribund," given both Trump's embrace of white supremacist doctrines at home and his stated policy of "American First" abroad.

English-Only agitation, the popularity of anti-Japanese novels, renewed patterns of residential segregation, and the upsurge of separatist ideologies among many younger minority scholars."

[3] Nikhil Pal Singh, Black is a Country: Race and the Unfinished Struggle for American Democracy (Cambridge and London: Harvard University Press, 2004). See 148.

[4] Aziz Rana, "Decolonizing Obama: What Happened to the Third-World Left?," n+1, no. 27, Winter 2017. To be clear, Rana was skeptical of Myrdal well before Trump's electoral win; see Aziz Rana, "Race and the American Creed: Recovering Black Radicalism," n+1, no. 24, Winter 2016.

I agree with their primary critiques of Myrdal, and yet I argue that by thinking more with Myrdal about hypocrisy and the dilemmas to which it gives rise, we can see the ways in which promises of universal rights enabled the maintenance, and the simultaneous disavowal, of more pernicious ideologies. Re-reading Myrdal and taking his conclusions a bit farther, we can see – implicit in his own argument – an acknowledgement of the possible complicity between narratives of progress toward the fulfillment of universal rights, white supremacy in the US, and American imperialism abroad. An insistence on the fundamental universalism, yet to be realized, of the American promise should be understood as a disavowal of the very provincialism of that promise. We can think, then, neither about appeals to better angels, nor (necessarily) about recovering past paths not taken, but about forms of politics that can respond to narratives of American progress by undercutting precisely their universalist claims.

Myrdal found it necessary to supplement his narrative with the universalism of social science as an antidote to racial prejudice – a move that shows the limits of even a revisionist version of Myrdal's politics. To him, the universalization of human rights required the expansion of a scientific universalism that would allow people to overcome race prejudice. Myrdal's vision was based on an understanding of social science as a potentially democratic tool for planning and governance. Casting further doubt on the myth of Myrdallianism, his collaborator Ralph Bunche was also skeptical about the ability of Creedal values to fulfill their own promise. Returning to Bunche allows us to carry forward insights about the democratic role of social science, now harnessed to international law, in a way that affirmed the democratic initiative of black Americans rather than treating black politics as primarily reactive.

To the extent Bunche could justify his optimism about America, it depended on the affirmation of a democratic creed, the ability of Americans to construct something for themselves and for the world – though while he linked that Creed to particular American promises, his work also provincializes America's claim to that promise, insisting that America did not always represent it, and indeed often stood opposed. Like Myrdal, Bunche argued for a strong role for education, and political science, in both fulfilling those Creedal values and constructing a new international order. His vision retained paternalist and colonial overtones, yet he also explicitly connected African American struggles for human rights with anticolonial struggles, extending some of the democratic impulses in his and Myrdal's earlier work in his efforts to construct new forms of sovereignty out of the historical legacies of racism and imperialism.

A. Nazism and America

On May 15, 1940, Ralph Bunche took a taxi to the White House to meet Eleanor Roosevelt for lunch. Bunche, who at the time was the chair of the political science department at Howard University and would later win the Nobel Peace Prize for his work on Palestine at the UN, was interviewing Roosevelt as part of his involvement with the Carnegie-Myrdal study.[5] In his memo recounting the interview, Bunche jokes: "This would surprise Gunnar, but I violated the racial stereotype and arrived at the White House at 1:25."[6] Bunche continues: "I sat in the

[5] Ralph Bunche Papers, Schomburg Center, New York Public Library, Box 33, folder 20.
[6] Jokes like this run throughout their correspondence, more often on Bunche's side; at one point Bunche notes that Myrdal must have quite the sense of humor, writing to him about the Negro Study on the stationary of the Robert E. Lee Hotel in Jackson, MS (see Ralph Bunche Papers, NYPL, Box 29, Folder 8). In his letter recommending Carnegie hire Bunche, Myrdal had

Red Room, rather lonely like, until 1:35...I entertained myself with thoughts about how silly it is that it should be considered so much more significant that a Negro would be sitting in the Red Room waiting for lunch, than should a white person be sitting there."[7]

When Roosevelt arrived, Bunche was ushered to the South Portico, where, over jelled soup and chicken salad, the interview began. Asked by Bunche to identify the primary sources of any "hope for progress toward solution of our 'Negro Problem,'" Roosevelt said that she took some hope from the increasingly progressive attitudes among American youth, as their outlook was, on the whole, more "sound and realistic" than that of their elders. Her list of "threats toward a worsening of racial conditions" was more concrete: the "worsening of our economic situation" and "the European situation." She expanded on the first, stating that "the most effective work toward solution of the race problem must be in the broad improvement of our basic economic conditions," an expansion of the policies undertaken in the New Deal, to improve conditions and alleviate competition for jobs. Bunche reports: "She intimated that if our economic problems are not bettered and we undergo more depression and unemployment, the status of the Negro may well become much worse than it is now."

More foreboding was her assessment of "the European situation," and specifically the threat posed by Nazi Germany both to Europe and America. Bunche reports her comments: "If Nazism, with its racial doctrines, triumphs in Europe, the racial repercussions are quite likely to

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described him as "as far as I know, the only Negro who is a trained political scientist," adding "I do not know of any white political scientist with knowledge and interest in the Negro"; he went on to note that Bunche "had not met with racial prejudice until he was 16 years old," and that this probably accounted for his character: "intelligent, open-minded and cooperative." This is how Bunche often presented himself, as in jokes like this, where he seems to suggest that he did not take racism all that personally. Microfiche 2B part 2 [7].

[7] Bunche also catalogues the race of each of the staff members he encountered as porters and waiters in the White House, almost all black.

be felt very severely here. There is no doubt, she said, that a great many Americans would look with some favor upon a triumphant Nazism simply because we are a people who tend to admire things that 'work.'"[8] She confided in Bunche that, from her conversations with "Franklin" (the scare quotes are Bunche's), "the Allies had already made feelers to Hitler for peace terms and that Hitler had turned them down and that there was nothing for them to do now but to fight on until they are overwhelmed." It was fully expected, she warned, "that England will be invaded and that the English government will retire to Canada." There was nothing the US could do to help (the ships it might sell to Britain, through the Lend-Lease program her husband was advocating at the time, would hardly be sufficient), and, as Bunche tells it, "it is her belief that if Nazism triumphs in Europe, the United States will be in grave danger of being engulfed by it."

This was both a prediction concerning German strategy (if they took England, they would certainly take Africa and South America, she said), and an assessment of America's ideological vulnerability to Nazism. In addition to "Fifth Column activities," she again echoed what she had hinted at earlier about the American character: "that many Americans will be attracted by the amazing success of the Nazi system." The "race problem" enhanced the potential appeal of a victorious Nazism among white Americans because, she cautioned, "the conditions of racial intolerance in the country, the disregard for law and authority in the South, are weaknesses upon which Nazi doctrines might well prey."

Unsurprisingly, she was less worried about Nazi sympathy among black Americans, though she was concerned about communist sympathies. It would be "entirely understandable,"

[8] This is Bunche's recollection of the conversation; he did not take notes at the time, but wrote up an account from memory just afterward. While nothing he says is inconsistent with views Roosevelt expressed elsewhere, it is certainly possible that he placed extra emphasis on positions that accorded with his own, such as the importance of economic improvements for poor whites.

she told Bunche, if "in view of the treatment accorded minority people such as Negroes here, they would be attracted by alien doctrines and by radical groups," especially in light of "Russia's racial policy." But sympathy for communism no longer seemed tenable to her after the Soviet-Nazi pact. She mentions Richard Wright, whose recently published *Native Son* had impressed on her the gruesome conditions facing black Americans, but whose reported communist sympathies she couldn't comprehend.[9]

Roosevelt also related to Bunche her ongoing disagreements with Vice President John Nance Gardner. Gardner, who had opposed the New Deal, saw racism in the US as insurmountable because he did not believe that the "social question" – that is, issues of intermarriage and miscegenation – could be set aside; she disagreed. On his view, segregation served to enforce not only material inequality, but social separation; Southern whites would never relinquish that. Roosevelt described their clashes over the issue: she thought interracial relationships were "a personal and individual matter," and so could be "crossed out of the equation," yet Southerners like Gardner kept introducing it; she could not talk with him about race except in terms of "social equality."

The Bunche-Roosevelt interview did not make it into the final manuscript for *An American Dilemma*; the two references to Eleanor Roosevelt in the book both concern her interventions with her husband on behalf of the March on Washington Movement's campaign to end racial discrimination in war industries. Before the interview, Bunche had told her that the

[9] Roosevelt was surprised when Bunche reported that he and others had reservations about Wright's book, and read the character of Bigger Thomas as eliciting something more complex than straightforward sympathy. Bunche suggests something like the critique more famously voiced by James Baldwin: that in the character of Thomas, black life is depicted as purely pathological.

point was to get a sense for the shape of the arguments at play, rather than to quote anyone directly. In addition to a deep uncertainty about race, its place in Americans' lives, and the possibilities for reform, the interview highlights the uncertainty about the war's outcome at the time, and a concern about the viability of Nazi doctrine in America. Roosevelt depicts Americans as practical people, guided not by custom or any deep ideology of either racial hatred or racial equality, but by an appreciation for what works. She identified racism among whites, particularly Southern whites, as an empirical fact, not logically necessary to American ideology or the perpetuation of material self-interest, though coexisting historically and interacting with both. On her telling, racism is part of a politics of resentment, a way of scapegoating others both as an object of exploitation and of blame. Nazism had potential in America because it played to that resentment, while also promising even greater success.

The study would soon be shaken more directly by the war. After the Nazi occupation of Norway, and amid speculation that Sweden was next, Myrdal decided to return to Sweden. The decision, Myrdal claimed, was about being true to his identity as part of "the peaceful old small civilization to which I belong," and his desire to raise his children there as well.[10] (It also cleared a path for Carnegie to install Samuel Stouffer as acting head of the study, whom they seemed to prefer – and who was, indeed, notably better than Myrdal at adhering to both deadlines and budgets. When Myrdal returned, rather than work in the Carnegie offices, he was placed in a residency at Dartmouth, with a suggestion that the cloistering would better help him think.[11])

[10] See Myrdal to Keppel, April 22, 1940, Carnegie-Myrdal Study of the Negro in America, General Correspondence and Memoranda, m.4, reel 3, p 1, Schomburg Center for Research in Black Culture, The New York Public Library.
[11] Carnegie-Myrdal Study of the Negro in America, General Correspondence and Memoranda, m.5, reel 1, p 1-2, Schomburg Center, NYPL.

As Myrdal prepared to depart, Bunche wrote him a letter, conveying how much he had enjoyed working together, and counted on their continued friendship, then cautioning: "But this is a strange and ominous world in which we live...While the horrifying threat is perhaps not so imminent as it is for you and your country, I am greatly perturbed about what may happen to my people, my family, my friends and me here. My mind is fearful for the future of all of us." He closed by echoing a similar theme, praising Myrdal's decision to go to Sweden as a "great sacrifice in order to strike vigorous blows in defense of freedom, democracy and human decency. No other cause has ever been so vital to humanity, and when the opportunity arises here, as I think it soon will, I will be only too eager to put my shoulder to the same wheel."[12] The question of a democratic nation's vulnerability to Nazi ideology was present throughout the study's writing: the question of what defined a nation, and just how easily that could be swept aside; an anxiety not just about Nazi victory in the war, but about what America stood for, and what Americans would countenance.

B. Myrdal's Methods: Value-Premises and the American Creed

The common pairing of Myrdal and Tocqueville usually begins from a basic similarity: each was a foreign observer who sought to describe what was essentially American, to define and give voice to what Myrdal would call the "American Creed." But to accept this description is already to misunderstand Myrdal and his project. *An American Dilemma* is not travelogue. Unlike Tocqueville, Myrdal was invited to the US to produce a book for an American audience, funded and overseen by an American foundation, written in American English. He was tasked

[12] Bunche to Myrdal, May 1, 1940. Box 29, folder 8, Ralph Bunche papers, Schomburg Center for Research in Black Culture, The New York Public Library.

with studying not the significance of an imagined America for his compatriots at home, but rather what Frederick Keppel, president of the Carnegie Corporation, had referred to in offering him the job as "the Negro in the United States...as a social phenomenon." An economist, Myrdal presided over a team of researchers, including a large number of sociologists, who fanned across the country, conducting surveys, collecting personal histories, and carrying on interviews, assembling data on school enrollment, voter registration, hospital access, land ownership, crop failure rates, and workplace conditions. There were several Chicago School sociologists on the team, including Arnold Rose, Edward Shils, Samuel Stouffer, and Louis Wirth. The office in New York sent questionnaires and other requests for information to local newspapers, historically black colleges and universities, local and national advocacy organizations, churches, and others. So why did Myrdal decide he needed a theory of "the American Creed"?

To start with, he needed it methodologically. On August 12, 1937, Keppel had written to Myrdal, inviting him to lead a new project being launched by Carnegie: "a comprehensive Study of the Negro in the United States to be undertaken in a wholly objective and dispassionate way as a social phenomenon." Keppel explained that they had chosen Myrdal in part because he wanted "someone who would approach the situation with an entirely fresh mind," someone "whose thinking is not influenced by emotional factors of one type or another."[13] As he had put it in an earlier letter to an outside advisor, "No American could do this, because the whole matter is

[13] Keppel to Myrdal, m.1, reel 1, Carnegie-Myrdal Study, NYPL. This should not be taken to indicate detachment on the part of Myrdal; by 1940, when leaving the US to return to Sweden, Myrdal wrote to Bunche that "it is nearly heart-breaking to leave this study" and that "I understand now, when I have to go, how deeply engaged not only my brains but also my heart, has got in these problems." Myrdal to Bunche, April 29, 1940, Box 29, folder 8, Ralph Bunche Papers, NYPL.

charged with emotion and complicated by traditionalism in approach."[14] They wanted a foreigner, but not just any foreigner; Keppel's letter to Myrdal continues: "We have thought also that it would be well to seek a man in a non-imperialist country with no background of domination of one race over another."[15]

For Myrdal, his foreignness made him part of an experiment – an experiment that was, on his telling, quintessentially American, but that for precisely the same reason left him without moorings. In the introduction to the book, Myrdal quotes Keppel's letter to him, and describes his proposal as "an idea singularly American," marked by "American moralism, rationalism, and optimism—and a demonstration of America's unfailing conviction of its basic soundness and strength." Already, Myrdal is marrying his methods with his subject, a scientific approach with an understanding of the American character: that the task given him was both a scientific experiment, and a distinctly American one.

After this praise, and implicit in his argument for looking to America in beginning to think about similar questions elsewhere in the world, Myrdal moves to describe his approach to the project. This was an approach that demonstrated a clear affinity with those very same traits,

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[14] Keppel to J.H. Huizinga, February 1, 1937, m. 1, reel 1, Carnegie-Myrdal Study, NYPL.
[15] Keppel to Myrdal, m. 1, reel 1, Carnegie-Myrdal Study, NYPL.This is a bit misleading; the first person Keppel had seriously considered for the job, Hendrik Mouw, was a retired Dutch colonial administrator, who had studied Chinese and Colonial administration at Leiden University, and had been recommended to Keppel precisely because the mandatory retirement age in the colonial service meant that the "experience and judgment" he had gained in his earlier career would be wasted otherwise. Keppel rejected him, it seems, because he judged him intellectually uncreative, without sufficient field research experience, and because of "doubts [about his] ability to get along with people" – not because he objected to his affiliation with imperial rule. See J.Th. Moll to H. Mouw (undated); Moll to Keppel, November 2, 1936; Keppel to Moll, November 12, 1936; Keppel to Huizinga, February 1, 1937; and chart of Negro Study Personnel Suggestions through July 15, 1937. m. 1, reel 1, Carnegie-Myrdal Study, NYPL. Some of this is also described in Walter Jackson, Gunnar Myrdal and America's Conscience (Chapel Hill: University of North Carolina Press, 1990).

yet was enabled by what he describes as a "more basic relativism": that "*Things look different, depending upon 'where you stand'* as the American expression runs." He was selected to run the study precisely because he had "never been subject to the strains involved in living in a black-white society and never has had to become adjusted to such a situation." In this sense (and Myrdal here describes himself in the third person) "he was asked to be both the subject and the object of a cultural experiment in the field of social science." Continuing, Myrdal writes: "he had to construct for himself a system of coordinates. He found this in the American ideals of equality and liberty."[16] Myrdal introduces the notion of the "American Creed" to solve a methodological problem: it provided an orientation for his analysis. It was what he termed a "value premise," and tracking the operation of such value premises was essential to understanding social reality.

The reason he needed such an orientation – especially since his lack of orientation was part of why he was selected for the job – has to do with what he meant by "value premise," the role of value premises in constituting social reality, and their significance for social scientific methods. In the appendix on his methods, Myrdal explains:

> People have ideas about how reality actually is, or was, and they have ideas about how it ought to be, or ought to have been. The former we call "*beliefs*." The latter we call "*valuations*." A person's beliefs, that is, his knowledge, can be objectively judged to be true or false and more or less complete. His valuations—that a social situation or relation is, or was, "just," "right," "fair," "desirable," or the opposite, in some degree of intensity or the other—cannot be judged by such objective standards as science provides. (1027)

[16] Gunnar Myrdal, An American Dilemma: The Negro Problem and Modern Democracy. New York: Harper and Row, 1962 (1944), p. lx-lxi. Pagination is consistent between the original and the 1962 editions, and is continuous across the two volumes. Page citations for An American Dilemma will be included parenthetically in the text throughout this chapter.

Social science would need to focus on valuations, as a set of coordinates to understand a society. It was necessary to study not just facts and beliefs, or the gap between belief and reality, but valuations, because they helped constitute social reality.[17]

Valuations were not fixed, but necessarily mutable. Here, Myrdal distinguishes his notion from William Graham Sumner's notion of "mores" and "folkways"; we might also read this as an articulation of his departure from Tocqueville's *moeurs*. Myrdal rejects Sumner's framework for its "*laissez-faire* ('do-nothing') metaphysics," as though values aren't constructed as part of a shifting social reality. A focus on "mores," on Myrdal's telling, oversimplifies individuals, and fails to account for the ability of one person to hold multiple and conflicting values, as well as for how such values are constituted and reconstituted collectively over time. Valuations are volatile: "The valuation spheres, in such a society as the American, more nearly resemble powder-magazines than they do Sumner's concept of mores" (1031-32).

Value premises were also dangerous for social scientists – if they went unstated. All social science was subject to bias. Some of that bias was not specific to social science but a risk for any scientific inquiry: an optimistic temperament, say, could throw off any study. Such biases would be easy to identify, as they would give way to logical inconsistencies in the research. But social science was vulnerable to a more pernicious sort of bias, one more easily hidden: biases in what sorts of hypotheses seemed viable, what questions to ask, what topics seemed significant.

[17] Frederick Keppel tried to get Myrdal's appendix published as an article; in October 1942, he wrote to Wilbur Cross, at the Yale Review, to ask if he would be interested, promising only "Nobody by the wildest stretch of the imagination could call it a popular article, but I am convinced there's good solid meat in it." FPK to Cross, October 3, 1942, m. 7, reel 2, Carnegie-Myrdal Study, NYPL.

By being both an outsider, and then by explicitly stating his own "value premises," Myrdal sought to avoid such a biased version of social science.

The "value premises" guiding any particular study should not simply be the explicitly stated values of the researcher; rather, they should be local: "The value premises should be selected by the criterion of relevance and significance to the culture under study" (1045). In addition to internal consistency and fairness, this had to do with the mission of the social scientist. Social science was oriented, like all science, toward progressive enlightenment, the expansion of knowledge. But as distinctly social, it was also normative, carrying with it a "tremendous moral responsibility." That responsibility arose because, as Myrdal puts it:

> We [social scientists] know even better than the politician and the ordinary citizen that the facts are much too complicated to speak an intelligible language by themselves. They must be organized for practical purposes, that is, under relevant value premises. And no one can do this more adequately than we ourselves. There is a common belief that the type of practical research which involves rational planning—what we have ventured to call "social engineering"—is likely to be emotional. This is a mistake. If the value premises are sufficiently, fully, and rationally introduced, the planning of induced social change is no more emotional by itself than the planning of a bridge or the taking of a census. (1044)

The right ordering of value premises was not only necessary to properly understand society, but to guide its transformation. Such guidance was as scientific as any other sort of engineering.

There is a strong pragmatist influence in Myrdal's thinking here; in explaining both the significance of valuations in the creation of social reality, his understanding of a "social problem," and the pursuant role of the social scientist in guiding social transformation, Myrdal frequently cites John Dewey. He takes on board Dewey's view of society, rejecting a supposed separation between material conditions and values or morality. Social science, on this account, is concerned with the interaction between moral valuations and material conditions, guiding social

policy by enabling conversations about problems of distribution and justice – an alternative to either a materialist focus alone, or a totalitarian set of decisions from above. Dewey's articulation of this in *Freedom and Culture*, the volume Myrdal usually cites, carries its own version of American exceptionalism, associating "the 'ideology' of the Declaration of Independence" with a democratic tradition that found its first true expression in America, a country founded in a new land, breaking with the traditionalism of Europe.[18] Yet for both authors, it is democratic reworking, guided by science, that can improve things. Dewey is explicitly anti-teleological; social science is true to its task when it exists to aid "the energetic, unflagging, unceasing creation of an ever-present new road upon which we can walk together."[19]

In his central articulation of the "American dilemma," Myrdal draws on Dewey's terms. The dilemma is not a conflict between morality, on the one hand, and material reality, on the other; it is not a conflict, that is, between belief and practice. Rather, it is a "moral dilemma":

> the ever-raging conflict between, on the one hand, the valuations preserved on the general plane which we shall call the "American Creed," where the American thinks, talks, and acts under the influence of high national and Christian precepts, and, on the other hand, the valuations on specific planes of individual and group living, where personal and local interests; economic, social, and sexual jealousies; considerations of community prestige and conformity; group prejudice against particular persons or types of people; and all sorts of miscellaneous wants, impulses, and habits dominate his outlook. (lxxi)

The Creed here appears not as a primary, or more deeply held, set of morals; rather, it is higher in the sense of being more general, and associated with the nation as a whole, as opposed to the more specific morals associated with individual and community life. For all his suggestions about America's specialness, Myrdal did not see such dilemmas as specific to America: he

[18] John Dewey, Freedom and Culture (Amherst, NY: Prometheus Books, 1989 [1939]). See page 12; also chapter 6, "Science and Free Culture."
[19] Dewey, Freedom and Culture, 134.

would later propose bringing Arnold Rose to Sweden to complete a hypothetical study on "A Swedish Dilemma."[20]

Viewing values, behavior, and material interests as intertwined in this way allowed Myrdal to see racism as a moral issue that was also a material one: one's practices were part of one's outlook; they implied something about one's valuations. Achieving equality required that those valuations be addressed. Following Dewey, Myrdal emphasizes the importance of understanding the "dilemma" as a conflict between two moral views, and not as a conflict between, say, morals and material interests, a view that would be both condescending and counterproductive. The choice of material interests is itself a matter of valuation, and so a matter for democratic engagement. Overcoming American hypocrisy is not a matter of bringing actions into line with ideals; rather, it requires that conflicting values and ideals be squared with each other, to better guide action. This meant he could understand opposition to "social equality" as entwined with economic practices as well as attitudes about sex that were necessarily public; they were not, as Eleanor Roosevelt saw them, something private that could be "crossed out of the equation." While Myrdal does describe racism as a kind of bias or prejudice, this is not to minimize it to psychological phenomenon alone; instead, it allows him to give a richer account of the structural injustices used to maintain ideas about race than he is often credited with.

As he has been criticized for, Myrdal does insist on studying race by studying white attitudes, and not, say, the lives and experiences of black Americans on their own terms. At the same time, Myrdal's emphasis on values and morals allowed him to better appreciate the depth

[20] Myrdal does not elaborate. This was an idea for a fellowship to get Rose both out of the army, which he found "melancholy," and into an academic appointment. Myrdal to Charles Dollard, February 26, 1945, m. 9, reel 1, Carnegie-Myrdal Study, NYPL.

of white Americans' commitment to racism. Myrdal describes racism as "the '*white man's theory of color caste*,'" which involves above all a commitment to "racial purity" and the prevention of "amalgamation"; from this follows an opposition to "social equality" as "a precaution to hinder miscegenation and particularly intermarriage"; from this the extension of segregation to all spheres of life (58). He offers a "rank order" of forms of discrimination and inequality – ranked based on how central each is to the maintenance of "racial purity."

Again in Chapter 7, on population, Myrdal does not pull any punches about American white supremacy: "*the overwhelming majority of white Americans desire that there be as few Negroes as possible in America*. If the Negroes could be eliminated from American or greatly decreased in numbers, this would meet the whites' approval—*provided that it could be accomplished by means which are also approved*." Such genocidal intent is what he calls a "general valuation," rarely expressed in public but evident by looking at history and policy. Because of an unwillingness to countenance actual genocidal means, as well as the continued profits from economic exploitation, the initial valuation is modified into a kind of slow violence: "the dominant American valuation is that the Negro should be eliminated from the American scene, but *slowly.*"[21] This view is reflected in Myrdal's definition of the "Negro problem": that the very presence of black Americans is a problem for white Americans, a problem in the mind of the white American. His language here echoes W.E.B. DuBois's famous formulation in the

[21] He was also aware of whites who advocated black resettlement in Africa; Myrdal met in 1940 with Senator Theodore Bilbo, who emphasized this point and followed up with a copy of his own article on the subject, "Voluntary repatriation of American Negroes in Africa." See carbon of letter by Myrdal to Bilbo, April 10, 1940, box 29 folder 2, Ralph Bunche Papers, NYPL.

first chapter of *The Souls of Black Folks*, about the feeling of "being a problem."[22] It is counterbalanced by a concern, guided by the Creed and shared by black Americans (here Myrdal explicitly cites DuBois, whose language on the topic is even more blunt than Myrdal's) that quality of life should be assured equally, even if one would rather limit the quantity of people (168-171). In a conflict between the Creed and the theory of caste, then, a commitment to the Creed manages to curtail all-out genocide, and to dictate that some basic quality of life should be assured. This is not exactly a romantic story.

C. Dilemma and Hypocrisy

Myrdal's faith in the Creed's ability to assure progress toward equality is not nearly as strong as it is often portrayed. Rather than a singular theory, Myrdal details, in different places, different mechanisms by which tension between the Creed and the caste theory is rendered sustainable. Some of this is a public performance, in which adherence to the "caste theory" is simply downplayed; recounting to Bunche his meeting with Dr. H.W. Evans, Great Dragon and Grand Wizard of the Ku Klux Klan, in Atlanta in 1939, Myrdal says that Evans described the

[22] See Myrdal's introduction and chapter 2. Notably, Keppel had advised Myrdal, in one of their early meetings, to approach DuBois and ask him "to write down what he considers to be the Negro problem," and to begin the book by quoting from that memorandum. (Myrdal, "Conference with Dr. Keppel, Sunday, March 12, 1939," m. 2, reel 2, Carnegie-Myrdal Study, NYPL. As Jacqueline Stevens points out, DuBois is among the most cited authors in An American Dilemma. Smith argues that Myrdal broke from DuBois in seeing a conflict not between two codes (caste and the Creed), but between a lower set of values and a higher one, and that Myrdal thought that Americans would ultimately recognize the "irrationality" of the theory of caste, rejecting it in favor of the higher Creed. As I discuss later, I read this "rejection," in Myrdal, as being mediated by social science, not as the overcoming of the caste theory by the Creed itself. See Jacqueline Stevens and Rogers Smith, "Beyond Tocqueville, Please!," American Political Science Review 89, no. 4 (December 1995): 987-995. As mentioned in Chapter 2, Myrdal hung a picture of DuBois in his Geneva office, which he had requested and had DuBois inscribe for the purpose.

Klan as far more moderate than it was often made out to be, claiming that "night-riding," the subject of so much public fuss, wasn't something they did very often (Evans' daughter later interjected to ask Myrdal if being from Sweden meant he was a socialist, which on Myrdal's telling was the moment in which the conversation became awkward).[23] But values in conflict with the Creed, in addition to being downplayed publicly, can also be more deeply repressed: as he puts it in chapter 2, such conflicts are often kept "below the level of consciousness," their effects explained away. Attempts to push back are met with escapism, and "an unstable equilibrium is retained and actually believed to be stable." Cognitive dissonance between the Creed and the theory of caste does not, on its own, produce reexamination and breakthrough.

Hypocrisy and dilemmas are, on his account, managed in part through what we might call disavowal: they are known but their acknowledgement is actively denied. Myrdal recounts a visit to an art exhibition in the South, where he saw a sculpture of a hanged man, with a medal on his chest, titled "Soldier in the Rain." When he referred to it as a sculpture of a lynched man, however, he was met with incredulity, as the staff insisted that it was of a soldier who had been hanged, probably for some military infraction.[24] After some back and forth, he concluded that the staff "sincerely believed that they were right"; he asked to speak with the artist. When they met,

[23] The meeting took place on November 5, 1939, while Myrdal and Bunche were traveling together in the South. Myrdal's account of the meeting can be found in Box 33, Folder 5, Ralph Bunche Papers, NYPL.

[24] That the man could have been both a soldier and a lynching victim would have seemed extremely plausible at the time. For recent documentation of the targeting of African American veterans in lynchings between the Civil War and the years following World War II, see Equal Justice Initiative, "Lynching in America: Targeting Black Veterans," EJI (Montgomery, AL, 2017), available at https://eji.org/sites/default/files/lynching-in-america-targeting-black-veterans-web.pdf.

the man initially denied Myrdal's suggestion, insisting the sculpture's subject could be "any soldier." After a bit of this, Myrdal recounts:

> I came to feel slightly exasperated, and I said, "If you, the artist, do not know what you have created, I know it as an art spectator. You have depicted a lynching, and, more particularly, a lynching of a Negro." The sculptor then suddenly changed personality, became intimate and open, and said: "I believe you are right. And I have intended it all this time." I asked, "Don't you think everybody must know it?" He said, "Yes, in a way, but they don't want to know it." (35)

Asked how he could ever expect to sell it, the man replied that he intended to keep it, and to store it in his closet, as perhaps the more proper title would be "American Skeleton in the Closet." Myrdal tells the story, with its somewhat self-congratulatory tone, to illustrate how ideas that conflict with the Creed can be "canalized," kept from consciousness: a sculpture that might produce scandal is instead reinterpreted to mean something different, as the actual scandal is known, present in the artwork itself, but not acknowledged.

Myrdal later told Walter White, then NAACP President, about the statue; White seems to have been interested in purchasing it, and Myrdal attempted to broker a deal, via a Mr. Whitten. Myrdal sent White a photograph of the sculpture, along with an account from Whitten, who reported of the artist, Enrique Alférez:

> He was not at all keen about having it sold to the N.A.A.C.P. because he holds that it is not a Negro lynching. I asked him why he led us to believe that you were right in interpreting it as that. He answered...that you were so sure of it that he didn't want to differ from you. I asked him why he should be afraid about who bought the work, and he told me that it might get him in a lot of trouble and lead to his deportation, if it were interpreted as a lynching. I am inclined to believe that he honestly meant the statue to be a depiction of the physical result of what is counted as a spiritual good, i.e., heroism. I have assured him that the people who are interested in the work are responsible people and stand high in the country and that there would be little danger...He is quite willing to sell it now and is happy that there is an interest in it.

Myrdal, to White, summarizes this as "the latest development of the escape mechanism."[25]

Myrdal goes further, claiming that a resistance to the dissonance of moral conflicts is itself distinctly American, and part of what makes American hypocrisy both particular and intractable. He describes in Chapter 1 a certain compulsiveness, an "American eagerness to get on record one's sins and their causes"; he cites what he calls a widely known letter by Patrick Henry, in which Henry says that he owned slaves out of convenience, but that he could not justify the practice, and that he was doing his duty to virtue by saying so (Henry uses the French *devoir*, suggesting this was, for him, not so distinctly American a concept). Confession of one's sins, without in fact changing one's practices, is presented as a compulsion. American wrongdoing is widespread: "Some Americans do most of the sinning, but most do some of it," he writes. But Myrdal attributes to Americans a "moral optimism" that leads them to publicly lament their own failings, yet not to change their ways: "there is a little of the muckraker and preacher in all Americans. ...[America] is not hypocritical in the usual sense of the word, but labors persistently with its moral problems" (22). American hypocrisy, on this telling, arises from being at once sinner and preacher. More neurotic than just not practicing what one preaches, Americans fixate on their wrongdoing without correcting it, incessantly confessing as its own form of ministry.

[25] Myrdal to White, January 16, 1940, m.4, reel 1, Carnegie-Myrdal Study, NYPL. Alférez was a sculptor based in New Orleans; as a 12 year old, he had fought in Pancho Villa's army during the Mexican Revolution. Many of his sculptures now stand in New Orleans City Park. See Associated Press, "Enrique Alferez, 98, A New Orleans Artist," New York Times, September 15, 1999, p.B9. "Mr. Whitten" likely refers to Jack Whitten, an abstract painter, involved in the civil rights movement, who was living and working in Louisiana at the time. Whitten, who now lives in New York, was awarded the National Medal of Arts by President Obama in 2016.

And yet Myrdal himself maintains optimism about progress toward the fulfillment of the Creed and the withering away of the caste theory. His clearest narrative comes in Chapter 45, "America Again at the Crossroads." He starts with the ruptural force of war, claiming that "The three great wars of this country have been fought for the ideals of liberty and equality to which the nation was pledged": the Revolutionary War, the Civil War, and World War I. Each brought with it progress, but also backlash: respectively, the abolition of slavery in the North and end of importation of slaves in the South, followed by "fortification of the plantation system and of Negro slavery"; emancipation and Reconstruction, followed by the retrenchment of white supremacy; job opportunities in the North in the war industry, followed by the Great Migration, but also by race riots and resistance. This is a curious history: notably, the Civil War is treated as a foreign war, as though the South weren't part of America; World War I, in contrast, is treated as purely domestic, primarily a jobs program. Yet what structures his account is the progressive realization of an American "pledge"; that progress, even in moments of rupture, is described as continuous. With each war, despite the reaction, "not as much ground was lost as had been won." World War II, on his telling, was also being fought on behalf of liberty and equality (997-98).

Improvements, when they did come, were not from material forces, but from "changes in people's beliefs and valuations"; to that end, Myrdal identifies not the Creed itself, but "*the gradual destruction of the popular theory behind race prejudice is the most important of all social trends in the field of interracial relations*." He expands: "It is significant that today even the white man who defends discrimination frequently describes his motive as 'prejudice' and says that it is 'irrational.' The popular beliefs rationalizing caste in America are no longer intellectually respectable...Most white people with a little education also have a hunch that they

are wrong." That loss of credibility, while it currently provokes a kind of disavowal, or confession of sins, will ultimately make racism untenable. The growing lack of intellectual support for white supremacy has generated a dilemma, one that Myrdal believes will be resolved in the direction of the Creedal values of equality and liberty:

> The white man is thus in the process of losing confidence in the theory which gave reason and meaning to his way of life. And since he has not changed his life much, he is in a dilemma. This change is probably irreversible and cumulative. It is backed by the American Creed. The trend of psychology, education, anthropology, and social science is toward environmentalism in the explanation of group differences, which means that the racial beliefs which defended caste are being torn away. (1003)

While the Creed is involved in this change, it is not the catalyzing force. The Creed helps generate the dilemma, but it is social science, and the progress of knowledge, that drives people to resolve that dilemma in the direction of equality. The scientific justification for racism is being torn away by better social science, a change that is irreversible because it represents the advance of knowledge.[26]

Myrdal's view of the centrality of social science should be no surprise: it explains his very project. As he explained it in Chapter 4, those wishing to "reduce the bias in white people's racial beliefs" were stuck in a "vicious circle" of racial bias: the most effective strategy would be "actually improving Negro status, Negro behavior, Negro characteristics" – yet the very beliefs in need of changing were also responsible for "keeping the Negroes low." A second strategy, then, would be that of social science:

[26] This view of race as a scientific fact, but racial prejudice as anti-scientific, was given renewed prominence in 1950 in UNESCO's "Statement on Race," to which Myrdal was a signatory. The statement emphasizes people's genetic unity as a species, with some genetic variation based on race. UNESCO, "Four Statements on Race," available at http://unesdoc.unesco.org/images/0012/001229/122962eo.pdf

> to rectify the ordinary white man's observations of Negro characteristics and inform him of the specific mistakes he is making in ascribing them wholesale to inborn racial traits. We may assume that, until the Negro people were studied scientifically—which in a strict sense of the term means not until recent decades—the raw material for beliefs which the average white man had at his disposal in the form of transmitted knowledge and personal observations placed only the most flexible limits to his opportunistic imagination. When, however, scientific knowledge is being spread among people...this means that the beliefs are gradually placed under firmer control of reality. (109)

Myrdal saw his own mission as explaining the poor conditions of black Americans as products of white bias, exacerbated by forces of capital and of nature, rather than as evidence of racial inferiority. His chapters do this; black rural poverty in the South, for example, is explained through a history of biased policies on land ownership and labor and employment, after slavery, which made blacks disproportionately vulnerable to environmental factors like the boll weevil. Spreading such knowledge, in place of received information and anecdote, would help correct for bias. Bias here is understood as arising from bad information; getting white people to accept the facts of the matter, to see and care about truth, was the best strategy available.

What's more, he saw a deep affinity between rational thinking and the American Creed: "*People want to be rational, to be honest and well informed,"* he writes, adding in a footnote that "the desire to be rational, to know the truth, and to think straight is...central to the American Creed, and is accepted by everybody in principle." While they might initially resist the implications of new knowledge, and seek to rationalize their own beliefs, they would eventually be swayed (109). This can make it seem as though scientific knowledge is itself part of the Creed, and it is the Creed that's doing the work; Myrdal's point seems to be more precisely that social science is necessarily compatible with the Creed's emphasis on universal equality; the two are allied by their providential universalism.

This is an old theme: Enlightenment ideals of equality and cosmopolitan right were associated with enlightenment as such, the perpetual extension of the light of reason. Myrdal calls upon this intellectual inheritance explicitly – though he stops short of actually citing Kant – writing that "The social engineering of the coming epoch will be nothing but the drawing of practical conclusions from the teaching of social science that 'human nature' is changeable and that human deficiencies and unhappiness are, in a large degree, preventable. ...this spirit [is] so intrinsically in harmony with the great tradition of the Enlightenment and the American Revolution" (1023). Human perfectibility was what defined human nature itself; a commitment to that perfectibility was the animating spirit of social science, and of America.

Myrdal gestures to a fundamental allegiance between Enlightenment ideals and his vision of social science; elsewhere, his story about this relationship is a bit more complex, though not ultimately incompatible. Myrdal is recovering and correcting an Enlightenment legacy that paired social science with belief in natural equality, but that went wrong in its insistence on equality as natural and objective, and thus something that could be proved by a similarly objective science. Natural law proofs of innate equality were, he claims, nothing but "empty metaphysics with no relation to reality." And yet, "the failure of the 'proofs' of the egalitarian principle to stand up to logical criticism do not impair it as a valuation. If a valuation cannot be 'proved' to be true, neither can it be 'proved' to be untrue. It can simply exist as a fact. As a valuation, the principle...corresponds to our concept of the way things out to be in our society and the world." The challenge was to avow Enlightenment ideals as a set of value premises, and, correspondingly, to drop the emphasis on "objectivity" in social science by avowing a society's

own value premises.[27] The alternative approach had led to the birth of the concept of "race" as "an illegitimate child of the Enlightenment" – had led, that is, to efforts, in the name of social science, to rationalize racial domination. Myrdal, by recovering a social science that avowed its own value premises, would be able to approach race itself in a manner directed not toward rationalization but toward greater equality.[28]

Myrdal presents this as a corrective to his earlier *The Political Element in the Development of Economic Theory*. He felt that, there, he had rightly criticized "the economists' systematic endeavor to solve practical and political problems with one equation missing, thus leaving the door open to arbitrariness and biases," yet throughout the book:

> There lurked the idea that, if all metaphysical elements were radically cut away and no policy conclusions were drawn, a healthy body of positive economic theory would remain, altogether independent of valuations. It should then be possible simply to infer policy conclusions by adding a chosen set of stated value premises to the objective scientific knowledge of the facts.

In *The Political Element*, Myrdal had often drawn on Weber in articulating that idea, claiming to be taking his insights to their logical conclusion. It seems here he is moving away from some of Weber's influence, toward Dewey – a not-inconvenient shift away from a German and toward an American, and a shift that would allow him to retain some of what he had liked in Weber, namely his criticism of background metaphysical assumptions. Instead of following Weber's insistence that economics should be "*wertfrei*, i.e. free of values," Myrdal now argues that "there is an inescapable *a priori* element in all scientific work. Questions must be asked before answers can be given. The questions are all expressions of our interest in the world; they are at bottom

[27] Gunnar Myrdal, Objectivity in Social Research (New York: Random House, 1969), 86-89.
[28] Myrdal, Objectivity in Social Research, 92.

valuations." Such valuations cannot simply be introduced later, after objective scientific knowledge has been established; they are at issue from the beginning.[29]

It was the expansion of Enlightenment concepts of universal right through reason that Myrdal set out, in closing the book, as the trajectory for American after the war. When he was writing, the outcome of the war was far from certain, yet what he set forward helped define a version of American internationalism. He is also strikingly prescient about coming struggles over self-determination and black internationalism, though his language is not exactly praise-worthy. He imagines the postwar world was one in which America would have the responsibility of leading the world through "the long era during which the white peoples will have to adjust to shrinkage while the colored are bound to expand in numbers, in level of industrial civilization and in political power." While he defines America here as a "white nation," he also aligns the politics of race in America with a broader international politics, and he isn't wrong about America's allegiance with European imperial powers. Indeed, what he writes in 1944 reads like the more triumphant histories of human rights written today:

> Declarations of inalienable human rights for people all over the world are now emanating from America. Wilson's fourteen points were a rehearsal; Roosevelt's four freedoms are more general and more focused on the rights of the individual. The national leaders proclaim that the coming peace will open an age of human liberty and equality everywhere. This was so in the First World War, too. This time something must be done to give reality to the glittering generalities, because otherwise the world will become entirely demoralized. It will probably be impossible to excite people with empty promises a third time. (1019)

[29] Myrdal, Objectivity in Social Research, 8-10. Myrdal is here alternately citing and summarizing a similar discussion in the introduction to the English language edition of Political Element, an introduction which had written retrospectively, 23 years after the book's initial publication. See Gunnar Myrdal, The Political Element in the Development of Economic Theory (London: Routledge, 1953): v-viii; also see discussion of Weber on 12-13. The book was originally published in Swedish in 1930.

On this narrative of human rights, the "promises" of universal rights, distinctively American and therefore also universal, rolled out from America to the rest of the world. After World War I, those promises had gone unfulfilled; after World War II, it would be all the more essential to make good on them, as part of an effort to build the postwar peace. Universalizing those promises required not just their proclamation, but a demonstration of the possibilities of making good on them: America must "show the world a progressive trend by which the Negro became finally integrated into modern democracy" (1021).

Myrdal's imagination of a peacetime founded on universal right and enlightenment rested on an understanding of America as both universal and distinctly white.[30] That tension already points to one of the problems with his narrative: equality meant assimilation. This was unproblematic for Myrdal because of his view that black life was reactive, forged in response to white discrimination; to study white attitudes was to study black life. This is in many ways the heart of Ralph Ellison's critique of Myrdal's book, in a review written in 1944 but only published in 1953 as part of a collection. Ellison criticizes Myrdal for taking the conditions and lives of black Americans as entirely reactive to white actions, as entirely negative. Ellison asks:

> But can a people (its faith in an idealized American Creed not-withstanding) live and develop for over three hundred years simply by *reacting?* Are American Negroes simply the creation of white men, or have they at least helped to create themselves out of what they found around them? Men have made a way of life in caves and upon cliffs; why cannot Negroes have made a life upon the horns of the white man's dilemma? (315-16)[31]

[30] Suggesting again a Kantian mood, Myrdal did seem to think about peace as a kind of time – in counterpoint, perhaps, to the new understandings of "wartime" wrought by World War II. For more on World War II as a defining American experience of "what war should be," and of the temporality of war, see Mary Dudziak, War-Time (Oxford: Oxford UP, 2012).

[31] Ralph Ellison, "An American Dilemma: A Review," in Shadow and Act (New York: Vintage, 1953): 303-317.

Making a life on the horns of a dilemma, constructing something for oneself rather than merely reacting, Ellison continues, can mean rejecting certain values, and creating others of one's own – not merely accepting or failing to have yet accepted the more "general" values of the Creed.

To Ellison, Myrdal's neglect of black life as a creative project in its own right came from his "clinging...to the sterile concept of race" (316). This was part of a broader inheritance Myrdal took from social science, and particularly sociology, in America, which Ellison argues, since the Civil War, has taken on "the pragmatic problem of adjusting our society to include the new citizens." Previous answers had sought to justify Southern racial practices and the Northern refusal to intervene, in the service not just of the Creed but of American capitalism. Such reconciliation of moral conflict is more often the provenance of religion, philosophy, art, or psychoanalysis, and yet sociology had outdone them all in "its myth-making consisting of its 'scientific' justification of anti-democratic and unscientific racial attitudes and practices. If Myrdal has done nothing else, he has used his science to discredit all of the vicious non-scientific nonsense that has cluttered our sociological literature. He has, in short, shorn it of its mythology" (305). This would appear positive, though Ellison intends it as a cautionary note: social science is malleable, and serves the interests of its times; if Myrdal's book appears like a positive contribution in the upsurge of democratic feeling during World War II, it is not guaranteed to remain such. And should the winds turn, Ellison cautions that it could become part not of a romance, but of a tragedy (317).

Even in praising Myrdal, Ellison rejects his claim to universalism. What is valuable about Myrdal's study is that it undercuts attempts to legitimize racism through "science." Ellison suggests that, because he cuts through mythology in this way, Myrdal's work is more truly

scientific than the others. Yet on Ellison's account the book's value, and danger, comes from its reception, its use for politics: what people can make with it. For Ellison, it seems, politics is a matter of how we make and remake a world – something Myrdal did not entirely see, despite his commitment to pragmatism. Instead, Myrdal saw politics as the expansion of enlightenment ideals through the expansion of enlightenment itself, a planning enabled by social science and guided by universal principles of equality.

The distinction is relevant for thinking about what might appear to be one of Myrdal's more prescient moments, when he anticipates the NAACP's petition to the United Nations (though not its suppression). Myrdal writes:

> I have, for instance, met few white Americans who have ever thought of the fact that, if America had joined the League of Nations, American Negroes could, and certainly would, have taken their cases before international tribunal [sic] back in the 'twenties....After this War there is bound to be an international apparatus for appeal by oppressed minority groups. In America, Negro organizations like the N.A.A.C.P. are excellently equipped for such conspicuous litigation. (1019)

In 1947, Myrdal supported DuBois's effort to bring his *Appeal to the World* petition before the United Nations. Viewed through the terms of *An American Dilemma*, he would have understood that petition as an effort at inclusion in a promise from which black Americans had been excluded. It brought the threat of international scrutiny of American hypocrisy. The significance of such a petition, to Myrdal, was not in the democratic politics of petitioning, of public appearance and self-assertion (as I have emphasized in previous chapters), but in the demonstration that the American Creed had not yet been fully universalized.

Myrdal's story about an American Creed, and progress toward its fulfillment, was not straightforwardly chauvinistic about America's promise; he did not, I've argued, see the promise itself as self-executing, but saw the need for a complementary universalism, that of social

science, for its full realization. Yet in the face of uncertainty about what was to come, his account was aspirational: the effort to impose a narrative on history, to project a happier future, was necessary precisely because such a future seemed far from assured. His universalism was a response to the particularity of its own moment. Looking at America – a country that, even to Eleanor Roosevelt, appeared as potential fertile ground for Nazism – Myrdal identified in its founding promises a set of universalist ideas, so far unfulfilled but that, through the progressive enlightenment offered by social science, might be rendered universal.

After *An American Dilemma*, Gunnar Myrdal went to Geneva, to head the United Nations Economic Commission for Europe, while Alva Myrdal, in Paris, took over the Division of Social Sciences of UNESCO, running it from 1950 to 1955. The Myrdals' 1940s enthusiasm about the American promise, and their insistence on its compatibility with democratic social planning, would not always keep them on the good side of the US government. In 1953, landing at New York's Idlewild Airport en route to the UN, Alva Myrdal was denied entry to the United States, then eventually admitted on a probationary basis, after a public outcry and the intervention of her government and others (including France's René Cassin). The US would eventually claim that the issue arose because her son Jan, at age 16, had joined a communist organization.[32]

Shortly after this, Gunnar Myrdal wrote to the US Permanent Representative in Geneva, after reading reports in Swedish newspapers that *An American Dilemma* had been removed from American libraries abroad after being placed on "some sort of purification list, allegedly issued by the State Department." The list, as he understood it, was of books the authors of which had invoked their Fifth Amendment rights when questioned by a congressional investigative

[32] Material on the flap is collected in X07.83 MYRDAL, "Missions of Mrs. A. Myrdal," UNESCO Archives. Cassin's correspondence on the issue are in 382AP/130.

committee, presumably because they were communist sympathizers; he could state unequivocally that he did not belong in such a category because, in addition to not being an American citizen, "anyone who knows me could never imagine that I would not take advantage of any opportunity to answer *in amplissima forma* any questions concerning myself." Having thus declined to disavow any pro-communist feelings, he suggests, in somewhat mocking terms, a disconnect between anticommunism, as seen in the temporary actions of a few government officials, and the America he knows and respects. If the reports about the book's removal were correct, it constituted "a libelous insult" – though he was, himself, perfectly able to simply "shrug it off," as "the integrity of a scholar and his standing in the world of culture is not dependent on anything so temporal as the views and acts of officials of a department of a government of a state." He continues: "If any damage is done, it is to the reputation of the US government. But this is to me as a friend of America – and my friendship is tested and of old standing – not a matter of indifference."[33]

Myrdal received a reply from the US State Department, reassuring him that his book, "which has been on the shelves of nearly every one of our overseas libraries, both in its original and condensed form, has never been removed by order of the Department of State." The official speculated that, if the books were missing from the shelves, this was likely due to their excessive popularity: they were either in circulation, or else had been pulled for repairs. He reported that, at the time the book was released, the American library in London had had a waiting list of 40 people hoping to borrow it. Myrdal replied, expressing his relief, and promising to inform the newspapers in Sweden, "anxious as I am, and have always been, that the good name of the

[33] Gunnar Myrdal to Mr. Joseph Greenwald, July 13, 1953, m.9, reel 2, Carnegie-Myrdal Study, NYPL.

United States should not be tarnished."[34] Myrdal had kept the UNESCO Director-General in the loop as this went along, explaining that the newspapers had reported it in connection with Alva's detention at the airport, so he felt it concerned UNESCO as well. He also sent updates to Charles Dollard at Carnegie. Returning from vacation to find Myrdal's letters, Dollard responded, saying he was "relieved and pleased...that all is well again between the Myrdals and the land of the free and the home of the brave. The whole business...was pretty unpleasant but I think it has served the purpose of slowing up some of our domestic fascists."[35]

In their roles at these new international organizations, both Myrdals continued, at the broadest level, to argue for using social science to achieve greater equality. Gunnar endorsed greater worldwide economic planning in order to help incorporate newly independent countries into a global economy and to render international the idea of the welfare state.[36] At UNESCO, Alva advocated for using social science as a means to guide people's values, in particular to help them see past racism. An early planning memorandum for the Division describes its mission: "Political and economic arrangements of governments are not enough: the peace of the world needs also the intellectual and moral solidarity of mankind"; generating that solidarity was the Division's task. The social sciences were defined as "those mental or cultural sciences which deal with the activities of the individual as a member of a group...the social sciences are

[34] T.W. Simpson to Myrdal, August 7, 1953, and Myrdal to T.W. Simpson, August 7, 1953, m.9, reel 3, Carnegie-Myrdal Study, NYPL.
[35] Dollard to Myrdal, September 1, 1953, m.9, reel 3, Carnegie-Myrdal Study, NYPL. For Myrdal's letter to the Director-General of UNESCO, see reel 2.
[36] For more on Myrdal in this period, see Jamie Martin, "Gunnar Myrdal and the Failed Promises of the Postwar International Economic Settlement," and Samuel Moyn, "Welfare World," Humanity 8, no. 1 (Spring 2017).

concerned...not only material facts but with values."[37] The Nazis had misused the social sciences; following the war, the aim was not simply objectivity, but to use them instead to advance peace. The task took on added urgency because of new technologies, especially public opinion polling, which UNESCO sought to ensure would be used for democratic ends. UNESCO's goals encompassed three interconnected fields: "international understanding," "human rights," and the resolution of "tensions," the latter an umbrella category for issues of race, minority rights, and refugee settlement.[38]

In its effort to find ways of democratically steering people's values, the Division was concerned, at a broader level, with creating the infrastructure for communication among social scientists around the world, including by helping to establish international associations for various disciplines, encouraging those associations to hold regular conferences, and forming committees to study the differences in methods of study by country. It also conducted more direct research, seeking to assess methods for guiding opinions. Summarizing the accomplishments of UNESCO in 1966, twenty years after its creation, Alva Myrdal declared the cooperation between social scientists and biologists against race prejudice a success: "It is now considered 'backward' and 'uneducated' in most countries and societies to hold beliefs of racial superiority and inferiority. Where racism is on the wane, it is because insight into the fundamental equality of all human beings is being taught and accepted."[39]

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[37] "UNESCO and the Social Sciences," undated memo, Programme Budget & Organization, Department of Social Sciences, Part I, X 07.55 SS, UNESCO archives.
[38] See minutes from weekly staff meeting, with Alva Myrdal present beginning with the September 1, 1950 meeting. Programme Budget & Organization, Department of Social Sciences, Part II, X 07.55 SS, UNESCO archives.
[39] Alva Myrdal, "Two Decades in the World of Social Science," The UNESCO Courier, July-Aug 1966: 40-43.

D. Myrdal, Bunche, and the Ends of Empire

In the closing of *An American Dilemma*, Myrdal describes America as "humanity in miniature," betraying one of the more paradoxical aspects of American exceptionalism: the idea that America is unique for being universal, that its specialness comes from its more perfect embodiment of something quintessentially human, and that its promise is providential for all. That theme would become only more prominent in American politics after 1944: that American stood for ideals that were universal, and in need of continuous universalizing, both domestically and abroad; that what Americans wanted was, deep down, what everyone everywhere wanted. [40] This is a narrative in which Myrdal's book appears to participate: America is unique for its universalist aspirations; those aspirations require further realization in America, in part to affirm America's status as a metonym for all humanity.

Myrdal's book, I've argued, contains an often-overlooked skepticism about the ability of a reassertion of American values, on its own, to help bring about the realization of those values; social science, and its growing international acceptance, were necessary components of any effort to universalize the values underlying the "American Creed." Myrdal would take this farther, suggesting that restoring the promise of the American Creed, now for the world, was not necessarily a wholly American project; indeed, America at times seemed to be working against it. In a 1967 interview, Gunnar sounded an alarm: "I am scared my friend about the Vietnam War. Because if this escalation is going on, if you are isolating yourself, before world opinion, and rely upon financial power and military power to run the world then for a generation or longer

[40] For a recent overview of the history of this version of American exceptionalism, see Tim Borstelmann, "Inside Every Foreigner: How Americans See Others," Diplomatic History (2016) 40 (1): 1-18.

everything you and I stand for might be lost." He starts to retreat from his own prior optimism about the impossibility of reversing progress: "The most horrible thing which can happen in the world, is if the conflict between white and poor people, nations, becomes complicated by the racial issue. Then I would say we are really lost. ... And I know we are all playing down this racial issue, they too, the leaders of these countries, but it's smoldering under – this is what I'm really scared of."[41]

Of course, Myrdal's description of a conflict between "white and poor people" suggested it had already "become complicated" by race. Myrdal's interview can read as an expression of concern about American moral leadership, an argument for a return to Creedal values but also a mark of his own disillusionment with America's ability to truly represent them. A more far-reaching skepticism about the promise of the American Creed for the postwar world can be found in the work of Myrdal's collaborator, Ralph Bunche. Bunche would echo themes about the importance of social science as itself a democratic tool, and would call for democratic engagement in fulfilling and expanding those Creedal values. On his telling, if the American promise was to apply outside America, this was in part because the struggle for racial justice in America resonated with anti-imperial struggles elsewhere; he would directly link African American claims for equality with those of the formerly colonized. The equality they sought was hardly distinctly American; for him, that promise remained tethered to a broad mission of enlightenment and development. The persistent question was whether and how such a mission could be decoupled from colonial control itself.

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[41] "A Second Look at the American Dilemma" (Audiotape), The Center for the Study of Democratic Institutions, 1967, Schomburg Center, NYPL. The interview was also published as "The American Dilemma: 1967 – An Interview with Gunnar Myrdal," by Donald McDonald, The Center Magazine 1, no. 1 (Oct-Nov 1967): 30-33.

In a 1950 lecture, shortly after winning the Nobel Peace Prize, Ralph Bunche expressed doubt about a romantic narrative to the American story, betraying a sense of tragedy that gives added edge to the dark humor in his earlier exchanges with Myrdal:

> Our country has had to build its strength and its greatness upon its ability to weld its diversified peoples into a united home with firm allegiance to our democratic creed and way of life. This process has been a process of struggle and pain, of strain and at times violent conflict. It is a process which still awaits completion. Indeed, less than a century ago...Abraham Lincoln...was called upon at a time of the nation's gravest crisis, to save this nation from as great a crisis and conflict in human relations as has ever confronted any nation, and...even Lincoln could not avert a cruel, tragic, devastating inter-nation war. Indeed, eighty-five years later that war is still not fully liquidated, and at times it may seem not entirely clear who won it.

From its founding, as he tells it, the US provided the preeminent case of country attempting to build "a multi-group, multi-culture society" – a challenge that now faced the world more broadly. He calls this a "democratic creed" – presumably in part to differentiate it from a Soviet Creed, but also declining to describe it as specifically American. On Bunche's view, even more so than the atomic bomb, the challenges of "human relations" were now the dominant threat world peace, and "the one really secure foundation for peace in the world...must be in the attitudes which reflect the state of the hearts and minds of men."[42]

In one sense, he was optimistic: because those attitudes were not matters of human nature, and were not inborn, they were learned, and therefore mutable; Bunche explains that the UN and UNESCO were working to reshape "human relations." But he also doubted that they would be able to overcome "the stubborn walls of national egoisms," raising the issue of whether the US could provide such leadership. To this question, he cautioned against over-confidence: "There is no nation which can stand before the ultimate bar of human history and say this: 'We

[42] Ralph Bunche, Walgreen Lectures, Transcript of Lecture 5, p. 17. Box 349, Folder 1, Ralph Bunche Papers, UCLA.

have done our utmost, our very utmost, to induce peoples to live in peace with one another as brothers.' I repeat, there is no nation today which can say this." While the world was increasingly looking to the US as an example, "it is only too apparent that our own democratic house is not yet in ship shape order."[43]

In that same lecture series, Bunche described a changing world, characterized by the "liquidation of colonialism" following the world wars. That "liquidation" was being brought about in large part by "colonial peoples" themselves, whose anticolonial struggles preceded the wars but whose hopes had been raised by the experience of those wars, fought to a considerable degree in the colonies and by colonial subjects. "At least in the popular conception," as he tells it, the wars were fought "for the great democratic principles of self-determination, human rights, and the dignity of man." Those principles found articulation in large part through American action: "the promise held forth in the Atlantic Charter, the Four Freedoms, and the Charter of the United Nations" had encouraged an expectation that the end of the war would now bring "a new deal." Indeed, the colonial powers were now attempting to do just that, transforming colonial relationships in new constitutional and federal forms: "Liberal constitutions have been proffered to many colonies, and new concepts of empire stressing partnership and federation have been advanced."[44]

Bunche would later repeat the idea that America stood as an early example of an anti-colonial revolution, describing, in 1951, "highly significant revolutions underway today...especially in Asia and Africa," and claiming that: "The aspirations of these people are

[43] Ralph Bunche, Walgreen Lectures, Transcript of Lecture 5, p. 14-17.
[44] Ralph Bunche, Walgreen Lectures, Lecture 3, p 9-10. Box 349, Folder 1, Ralph Bunche Papers, UCLA.

similar to those expressed by American colonials 175 years ago, though generally less radical and violent."[45] American ideals, including the Wilsonian promise of self-determination, were now being demanded worldwide. And yet the US was not straightforwardly affiliated with, or a positive example for, the anticolonial cause. Bunche did not let the US off the hook for its own complicity in empire; he reminded his audience:

> I think it is important that we American should always bear in mind that we too have an empire. We have nothing that we call colonies, but we have a number of territories and possessions in the Pacific and the Caribbean. We have traditionally had great sympathy for the upward struggle of subject peoples, having ourselves as a nation emerged from such a struggle. For this reason we have been rather free in our criticisms of other peoples colonies and empires. It may well be for this reason that the American public is more alert to and better informed on conditions in the British and French empires, for example, than in our own.[46]

This was not a straightforward story of a *Pax Americana* replacing a world carved up by the old European imperial powers. The US also had an empire, and had never fully succeeded at "welding its diversified people" together around an American creed. He calls for Americans to see past their own efforts at deflection, and to be more aware of their own involvement in imperial projects.[47]

If Bunche was skeptical about a story of America, and the American Creed, universalizing its promise to a decolonizing world, this was not merely because of his doubts about America's adherence to its own ideals. What Bunche tells is a more complicated story of the end of empire, with international law and a science of human relations supplanting an earlier

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[45] Ralph Bunche, "Peace and Human Progress," in World Cooperation and Social Progress (New York: League for Industrial Democracy, 1951); see page 7. The speech was delivered at the 46th Annual Luncheon of the League, presided over by John Dewey.
[46] Ralph Bunche, Walgreen Lectures, Lecture 3, p 32-33. Box 349, Folder 1, Ralph Bunche Papers, UCLA.
[47] My use of "deflection" here borrows from Jeanne Morefield, Empires Without Imperialism (Oxford and New York: Oxford UP, 2014).

civilizing mission. As part of this, he offered measured praise, but praise nonetheless, of the mandate system under the League of Nations and the trusteeship system under the UN, which he saw as fulfilling a less imperial version of an older imperial mission.

This stance picked up on themes from his PhD dissertation, completed at Harvard in 1934, in which he had conducted a comparative study of French colonial administration, contrasting the French colony of Dahomey with the French-administered League of Nations Mandate of Togoland. The dissertation offers an assessment, from the standpoint of a social scientist, of how best to govern the colonies; he argues for the mandate system as an improvement on earlier notions of empire and its civilizing mission, while also suggesting reforms to improve how the mandates were structured.[48]

Bunche's dissertation was, he explained, "stimulated by a deep interest in the development of subject peoples and the hopes which the future holds for them." In it, he writes of Africa: "Here is one place in a troubled world were mistakes previously committed may be corrected; where, indeed, a new and better civilization may be cultivated, through the deliberate application of human intelligence and understanding." He cautions that "too often...in the earnest consideration of Africa and her myriad problems, sight is lost of the African"; he expands:

> Frequently in recent years the world has been deluded and often dazzled by the intricacies of imperialist diplomacy, the amazing statistics of colonial resources and trade, periodical expressions of broad but vague humanitarian principles, and the development of popular sentimental slogans such as "white man's burden," "trusteeship," "mandates," "mission civilisatrice," and others. But one must sometimes wonder what is to become of the native,--what specific role is this innocent and too frequently incidental pawn to play in the game?

[48] Bunche OSS files, page 27.

While he argues for re-centering the "native" as a political subject, Bunche presents that as the endpoint of the trusteeship system – a reminder of what imperialism, if one looked beyond its "dazzling" and "sentimental" aspects, could achieve. In the dissertation, he describes governance in the mandate of Togoland as preferable to that in the outright colony of Dahomey, and advocates changes to the mandate system that seem designed to subtly shift power even further away from the colonial powers: for example, that the League should ensure that mandates are small, and overseen by a range of different colonial powers. But his language is also jarring: the dissertation concludes by emphasizing that mandates should be run unselfishly, so as "to afford them an opportunity to properly prepare themselves for the eventual day when they will stand alone in the world. The African is no longer to be considered a barbarian, nor even a child, but only an adult retarded in terms of Western civilization."[49]

In his 1947 Marshall Woods Lectures at Brown University, on "The United Nations and the Colonial Problem," Bunche echoed arguments from his dissertation: "Those impatient voices which urge that all that is needed is a willingness on the part of the colonial powers to 'free' their colonies are, to put it kindly, naive in the extreme." The colonial powers had undertaken "solemn responsibilities" which the colonial people were not yet ready to "shoulder" themselves.[50] Yet the UN approach differed from that of the "mission civilzatrice" and the "white man's burden"; there is "little that is Kiplingesque about it." Instead, it was oriented toward securing peace, which would be hampered by either continued colonialism or immediate independence.[51]

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[49]Box 12, folder 5, Ralph Bunche papers, Schomburg Center, NYPL.
[50] Ralph Bunche, "The United Nations and the Colonial Problem," collected in "Imperialism Ancient and Modern," Marshall Woods Lectures, Brown University, October and November 1947: 51-61. Collected and bound by Brown University. See page 54.
[51] Bunche, "The United Nations and the Colonial Problem," 57.

Bunche repeated almost exactly the same language a few years later, in his 1950 Walgreen Lectures at the University of Chicago: the United Nations' trusteeship system departed from "romantic" approaches, "involving concepts of missionary responsibilities and the white man's burden"; there was "nothing that is 'Kiplingish' about it." It went beyond the League's mandate system "in the expression of the international responsibility involved in the administration of trust territories": the Trusteeship provisions "call specifically for the promotion of the advancement of the inhabitants, their development towards self government or independence, and for the encouragement of respect for human rights and freedoms, without discrimination." To this end, the provisions required frequent reporting and involved close UN oversight.[52]

Bunche's dissertation at first appears to be a major shift from his 1928 MA thesis on the political thought of Robert Filmer, though thesis also offers explicit consideration of the conditions for democracy and equality. Bunche's thesis praised Filmer for "the introduction of both rationalistic and historical method in a science of political thought which was sorely in need of it"; however, he argued, "Filmer's greatest error was in rejecting the dogma of the freedom and equality of man." Because of this, Filmer was often passed over, overshadowed by Hobbes, who for his part had rightly sensed what way the wind was blowing, and managed to harness a dogma of freedom and equality for his royalist cause. Bunche continues: "We know increasingly day by day in our own country that even democracy, that 'seed-ground of our hopes,' is possible only where favorable conditions of intelligence in the masses, sound economic policy, self-control, and a certain amount of indefinable confidence are present." He adds in closing: "if there

[52] Ralph Bunche, Walgreen Lectures, Lecture 3, pages 11 and 19. Box 349, Folder 1, Ralph Bunche Papers, UCLA.

is any divine law in our political theory today it is a divine law of adaptability—of mutability and progress." Listing the obvious enemies of democracy, he includes Bolshevism, Syndicalism, and Fascism.[53] The less obvious enemies of democracy were left implicit: a lack of education, failed economic policies, and the denial of sovereignty.

Bunche advocated for replacing the imperial romantic vision with one of sound management and responsibility – a social scientific approach to take the place of a Kiplingesque one, to help provide for and enable education and economic planning, and serve as part of a transition to political independence. This was part of a broader postwar transformation he saw, as world politics was now to be guided by a science of "human relations," a transformation brought about in part by the atomic age. In his 1954 Presidential Address at the Annual Meeting of the American Political Science Association, echoing the sentiment of the UNESCO memos discussed earlier, Bunche would urge that "our knowledge of man must begin to keep up with our mastery of science." This was, as he told it, part of a democratic vision, not unlike Myrdal's sense of the ways in which social science might enable and enact a form of democratic planning. Expressing a hope that political science might be "at once a function and an expression of democratic ideology and practice," and especially in light of the growing urgency of the problems associated with ending colonialism, he argued that the discipline should be "directed to

[53] The final word is crossed out from the typewritten version, replaced by hand with "National Socialism," mirroring a change on the first page where he had crossed out "Mussolini" and replaced it with "Hitler". Ralph Bunche Papers, Schomburg Center, New York Public Library. Box 12, folder 3.

the systematic teaching, analysis, and practice of democracy in government and administration."[54]

It is hard to see how thoroughly democratic such a model for social science could be, especially when coupled with Bunche's claims about the need for tutelage in the former colonies, given "the pitfalls of premature independence, of assuming responsibilities for which they are not yet prepared by training, experience, and financial condition to discharge."[55] This is a running tension for Bunche: he praises the system for hearing petitions in the UN's Trusteeship Council at length, remarking on how thoughtful and determined the petitioners so far had been, while also complimenting the countries administering the trusteeships for being open to hearing such claims, and for providing education to this end.[56] At the same time, what he gestures toward is the need to avow the failures of a providential story: to admit the persistence of white supremacy in the US, and the persistence of economic and political inequality after Kiplingesque imperial ventures, and to commit instead to democratic engagement and education.

As part of this, Bunche demanded more sincere engagement with, and allocation of resources toward, remedying the harms of past imperial projects. Bunche still viewed promises of equality as aligned with America and a postwar United Nations, yet he saw the fulfillment of those promises as requiring a richer democratic practice. Where, Bunche, like Myrdal, is often read as diagnosing a dilemma, and advocating in favor of the Creed, we might read them both

[54] The address also praises the International Political Science Association, one of the disciplinary associations UNESCO had helped create. Ralph Bunche, "Presidential Address," American Political Science Review 48, no. 4 (December 1954): 961-971.
[55] Ralph Bunche, Walgreen Lecture 3, page 5, Box 349, Folder 1, Ralph Bunche Papers, UCLA.
[56] Walgreen Lecture 3, p 6-8, Box 349, Folder 1, Ralph Bunche Papers, UCLA.

instead as attempting to construct something new on the horns of that dilemma, through alternative universalisms of social science, international law, and democracy.

Chapter 6. Malcolm X, Human Rights, and American Dilemmas

In May 1940, Ralph Bunche was in Birmingham, Alabama, conducting interviews for the *An American Dilemma* study. Among his interviewees was Marion E. Jackson, who had recently graduated from Morehouse and was working as an editor at the *Birmingham World*.[1] Their conversation was wide ranging, but Bunche took verbatim notes during only one portion: when Jackson recounted his effort to register to vote. "I went up to the office of the Board of Registrars...When I went there they handed me an application blank. I filled out this with all of the answers properly replied to. It was then turned into the desk clerk. A few days later I received a card to appear before the Board of Registrars of Jefferson County." Jackson went to the courthouse, and found six or seven other people, all black, already waiting for their appointments. Because he was last in line, he was able to ask the people before him, as each came out, what to expect: "Each person told me that the first question asked was the names of the three divisions of the U.S. Government. Next question was to name all of the Bill of Rights. After they had explained this they gave a portion of the Constitution to be read." Then the applicant would be told to face the window while the board deliberated; after a few minutes, they would be told to turn around, the chair would read a short text about the power of the board, and they would be informed "that they were not qualified to vote but they could contest the decision." Jackson went in, feeling confident because, as he reports, "I majored in Political Science and American History," but despite answering everything correctly, his hearing ended

[1] Marion E. Jackson would go on to be sports editor of the Atlanta Daily World; one of his four brothers, E.O. Jackson, spent his career at the Birmingham World. Both had gone to Morehouse, as had two of their brothers, and both were involved in the local NAACP. See Laura Anderson and the Birmingham Civil Rights Institute, Civil Rights in Birmingham (Charleston: Arcadia, 2013): 33.

the same way as the others. Undeterred, he waited for the next open registration period and tried again. This time there were more people waiting, black and white; he went in for his hearing:

> At this time I was asked the identical questions....They told me that before they read the Alabama law on the power of the Registration Board—they asked me whether there was anything I wanted to say for myself. My answer was yes, and that I desired to read a portion of the Constitution to them...I read five pages of the American Constitution. This took about 30 minutes. ...The Chairman of the Board asked me if I had not read enough...I continued to read. The chairman of the board stopped me again. He told me that if I stopped a few minutes they would take another vote of application. ...They had about a ten minute discussion, then the Chairman of the Board told me that I had passed the examination of the Board and wrote on a slip of paper a three and some dashes, indicating that I was to pay poll tax for three years back.[2]

While Americans might now think of Jackson's story as part of the broader history of civil rights in the US, in the 1940s, Americans were increasingly thinking of what Jackson recounts as a human rights problem. By the mid 1960s, that would have changed, and it would have been largely recast as a civil rights concern, a category understood as distinct from that of human rights.[3] This represents more than a change in terminology: at stake in that transformation were questions about what America stood for, the nature of American hypocrisy, and how those both related to Cold War politics and America's role as a world power. From the 1940s through 1960s, the question of how to understand the power and the cruelty of that registration board, what it said about America as a country, and what, if anything, it had to do with freedom struggles elsewhere was the subject of active contestation.

As one landmark moment in that broader dialogue, *An American Dilemma* would, in 1944, describe the poll tax, and efforts to prevent black Americans from voting, as inconsistent

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[2] Ralph Bunche Papers, Box 34, Schomburg Center for Research in Black Culture, New York Public Library.
[3] See especially Carol Anderson, Eyes Off the Prize (Cambridge: Cambridge University Press, 2003).

with America's declared commitment to human rights, something that would have to abandoned for America to fulfill those ideals, and so to fulfill its role as beacon to the world. The poll tax is critiqued in Chapter 22, in a portion Myrdal based largely on Bunche's memorandum on politics. As Myrdal reports, as of 1943, Alabama and several other Southern states retained poll tax requirements, in which people, upon registering, would have to pay a back fee for each year since their 21st birthday (we can conclude that Jackson was 24); Alabama was also among the states that had "educational" and property qualifications (Jackson also reports being asked if he owned at least $100 worth of clothing). Myrdal describes the requirements as examples of Southern efforts to restrict the franchise, part of what made the South distinctly conservative, though he was hopeful for the growth of liberalism there. The restrictions were inscribed in state law, but were aberrations from the national trend.[4]

The NAACP's *An Appeal to the World* would, in 1947, described the poll tax as a matter of international concern, because it concerned the human rights of African Americans, and the functioning of democracy in America was important for both democracy and peace elsewhere in the world. The treatment in the *Appeal* differs importantly from Myrdal's: as Milton Konvitz described the poll tax in Chapter III, it is "a bar to voting" that is "not among the inequalities that exist despite the law," but rather "the inequalities that are legal, that are sanctioned by the United States Supreme Court and by the laws of legislatures" (35); he points out that poll taxes had been upheld by the Supreme Court in the 1937 case of *Breedlove v. Suttles*.[5] While both Myrdal and

[4] Gunnar Myrdal, An American Dilemma, 481-483. Myrdal, as though he is concerned that the poll tax might give taxes a bad name, emphasizes that "tax" was a misnomer, and that it was, more precisely, a fee.
[5] Milton Konvitz, "Chapter III," in An Appeal to the World, W.E.B. DuBois, ed., (New York: NAACP, 1947): 35-37.

Konvitz describe the poll tax as consistent with a larger legal regime, for Myrdal it was part of a subset of laws that were aberrational within the broader national context – although, betraying the contingency of his notion of progress, he would express surprise in 1967 at the speed at which certain reforms, including the Voting Rights Act, had passed.[6] For Konvitz, in contrast, such laws expressed a truth about the larger American context, as reflected in their having been sustained by the highest court. Like Myrdal's book, however, the *Appeal* retained the language of American exceptionalism, arguing for the importance of American moral leadership – even as it staged a more democratic politics of appearance within the new United Nations.

Bunche, as discussed in the previous chapter, tacked between several related positions: at times he seems to affirm human rights as American values, while at other times to suggest that they are more universal, part of some broader Creed, and that America was far from embodying them. He also suggested, in places, that lessons about the inadequacies of promises of progress were themselves something the US could offer to the world: "Dominant groups...profess not to be able to understand why those less-fortunate peoples are mal-content and dissatisfied with a controlled and graduated progress. But minority groups, as for example the American Negro, have long since learned that there must be no compromise on the issue of human rights; that a right compromised is no right at all."[7] In the sentences just after, seeking to explain the origins of ideas about those rights, he points to their multiple and ancient roots, and cites not the Declaration of Independence but Herodotus. This was an international problem, and one that the

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[6] Gunnar Myrdal and Donald McDonald, "A Second Look at the American Dilemma" (Audiotape), The Center for the Study of Democratic Institutions, 1967, Schomburg Center, NYPL.

[7] Ralph Bunche, Walgreen Lectures, Transcript of Lecture 4, p. 9. Box 349, Folder 1, Ralph Bunche Papers, UCLA.

US could not simply contain as domestic, if for no other reason than that UN personnel were already confronting racism when they came to the US, both in housing discrimination in New York and in Jim Crow restrictions when they traveled.[8] He emphasized the interconnection between African American rights claims and the petitions over human rights presented to the UN by people in trust territories – yet he would underscore that our "our democratic house is not yet in ship shape order," and that, before preaching to the rest of the world about "race relations," America had to improve domestically.[9]

Malcolm X would, in his 1964 speech "The Ballot or the Bullet," articulate his own version of an American dilemma – a dilemma arising from the nation's deep hypocrisy on human rights, what he calls America's "false promises." The demand for human rights that he articulates is not a call for fulfillment, but an act of self-assertion in the face of that American hypocrisy, bolstered by black internationalism and the power of newly independent nations. Malcolm X's rendition of the American dilemma, far more so than Myrdal's version, was a dilemma that faced both black and white Americans. In Jackson's actions, filibustering the registration board on their own terms, Malcolm X would have seen the assertion of human rights.

Malcolm X's appeals to human rights have received remarkably little scholarly attention within political theory; when they have, his uses of the language of human rights, articulated most forcefully in his memorandum to the Organization of African Unity ("Address to African Heads of State") and in his speech "The Ballot or the Bullet," are often read as serving to make internationally relevant what would otherwise be a domestic struggle, and to bring a case before

[8] Walgreen Lectures, Transcript of Lecture 4, p. 26. Box 349, Folder 1, Ralph Bunche Papers, UCLA.
[9] Walgreen Lectures, Transcript of Lecture 5, p.17. Box 349, Folder 1, Ralph Bunche Papers, UCLA.

the UN – instrumentally relevant but without deeper philosophical content. Among historians, his use of human rights language is often taken as a bookend to an era, the last real effort to frame the struggle for political equality by black Americans as a human rights struggle, one tied to other human rights struggles internationally. I return to him here to emphasize what he meant by the term and what politics went with it – what I'll describe as a politics of democratic self-assertion, what Jackson performed in that Birmingham hearing room. I trace how this fit within his broader conception of the world and America's role in it, the connections between anticolonial and African American freedom struggles, and the nature of American hypocrisy. His work offers both a critique and an alternative to a version of human rights politics built on demands for fulfillment.

A. Human Rights and American Hypocrisy

Malcolm X's turn to the language of human rights is often dated to 1964 and described as starting after his break with the Nation of Islam in March, intensifying during his travel in Africa and the Middle East, and having been cut short by his assassination on February 21, 1965. In June 1964, he created the Organization for Afro-American Unity, an organization that made human rights, and the principles of "the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitution of the United States of America and the Bill of Rights," central in its charter, and on behalf of which he attended the Second Africa Summit of the Organization of African Unity in July 1964.[10] At that summit meeting, he delivered a memorandum, "Appeal to African Heads of State," asking for the OAU's support in the struggle

[10] "Basic Aims and Objectives," Organization of Afro-American Unity. Box 1, folder 6, OAAU Papers, Schomburg Center. The charter also appears in Malcolm X's papers.

for human rights in America, and specifically for support in bringing African American demands for human rights before the UN.[11] While he enjoyed the Summit, there were signs he might not get the support he sought: on July 19, he noted in his diary: "Nkrumah made the best (most all-inclusive) speech, but all the Heads of State seem to avoid mentioning the U.S. and its racism."[12] Indeed, the OAU passed a fairly weak resolution, stating that the organization "reaffirms...that the existence of discriminatory practices is a matter of deep concern to the Organization of African Unity" and "urges" the US government to "intensify their efforts" against discrimination, noting that "one hundred years have passed since the Emancipation Proclamation," and that the Civil Rights Act was encouraging but inadequate.[13] Though it was not as damning as he had hoped, especially considering the (albeit tepid) praise of the Civil Rights Act, given the political context and US efforts at suppression he declared it a success.[14]

Malcolm X had used the language of human rights before 1964 – it is prominent, for example, in his 1960 "Harlem Freedom Rally" speech – but by the time of the OAU meeting he had integrated it into a broader political strategy. He laid out that strategy, after the somewhat disappointing OAU vote, to Betty Shabazz, his wife, in an August 1964 letter sent from Egypt:

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[11] A copy of the memorandum is in OAAU Papers, Box 1, folder 6. It is also published in Malcolm X, Malcolm X Speaks, ed. George Breitman (New York: Grove Press, 1965).
[12] Malcolm X Papers, Travel Diaries, Reel 5, folder 14, Schomburg Center, New York Public Library.
[13] "Racial Discrimination in the United States of America" AHG/Res.15(1), Malcolm X Papers, Reel 14, folder 10.
[14] For his public reaction to the resolution, see Malcolm X, "The 2nd African Summit Conference," OAAU press release, September 1, 1964. OAAU Papers, Box 1, folder 1. Also see account in Manning Marable, Malcolm X: A Life of Reinvention (New York: Penguin, 2011): 360-363. The New York Times coverage also noted the importance of any even seemingly minor victory, given the circumstances; see M.S. Handler, "Malcolm X Seeks UN Negro Debate," New York Times, August 13, 1964, page 22.

> If things go as planned, I shall visit Kuwait, [Saudi] Arabia, Sudan, Ethiopia, Kenya, Tanganyika, Zanzibar, Nigeria, Ghana, Liberia, Guinea, Senegal, Morocco, Algeria, Paris, London–and then into New York the 1st week in September. This will give me the chance to contact high officials in each place away from the hectic atmosphere of the Summit Conference and line up some solid support for our efforts to get our problems before the UN this year! I made good contacts at the Summit Conference in Cairo, but can do even better by visiting these countries.

Such "personal diplomacy," he emphasized, was all the more necessary because of the pressure on African governments from the US not to criticize the country publicly. The letter ends with a request that she urge his collaborators to continue seeking legal paths for "bringing the Problem before the UN" and to keep their voting registration efforts going.[15]

When Malcolm X claims he wants to use the language of human rights to "internationalize," in his terms, the freedom struggle of African Americans, there is of course something instrumental about the idea: "human rights" provides a language that allows for appeal beyond one's own nation, giving him standing with other governments and, he hoped, with the UN. And he does describe human and civil rights as different languages with which to frame the problem, carrying different strategic implications. But this should not lead us to conclude that his use of the concept was somehow superficial: implicit in his references is the idea that human rights and civil rights are alternative ways of describing the same situation, because the denial of one is connected to the denial of the other. As he wrote in a piece in the *Egyptian Gazette*, which ran after his Cairo speech at the OAU, drawing on language from the Declaration of Independence:

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[15] He adds that should please "write immediately to the man at Harvard" – unnamed but referring to Henry Kissinger – to cancel his planned appearance there; this was far more important. (Though Kissinger wrote to Malcolm X personally to invite him to speak, Malcolm X always replied through someone else, either Betty or a secretary.) Malcolm X to Betty Shabazz, August 4, 1964. Malcolm X Papers, Reel 3, folder 2. Also see Henry Kissinger to Malcolm X, June 5, 1964, Reel 3, folder 19, and Marilyn X to Henry Kissinger, undated, Reel 3, folder 4.

> To deprive a person of his civil rights denies him citizenship and is an indication of that country's refusal to recognize that person's HUMAN RIGHTS. HUMAN RIGHTS are the natural, God-given rights of a man regardless of the country he finds himself in. It is to secure these rights that governments are instituted among men. Most civil laws, or civil rights, are based upon human rights. ...The denial of HUMAN RIGHTS psychologically castrates the victim and makes him a mental and physical slave of the system in which he finds himself. Denial of HUMAN RIGHTS makes it impossible to obtain civil rights until the HUMAN RIGHTS have first been restored. ...The US government has refused to restore our right to 'life, liberty, and the pursuit of happiness.'[16]

This can seem muddled: human rights, on his account, are natural, pre-existing though in need of recognition – yet at the same time, and undercutting a natural rights perspective, he also claims when that recognition is denied, rights themselves are in fact absent, in need not just of affirmation but of restoration. But the broader claim is that human rights and civil rights are interrelated: the denial of civil rights, and with them, of citizenship, is a product of, and so a clue to, the denial of human rights. Human rights exist regardless of national membership, but at the same time require government to secure them.

The figure of the slave is a recurring one in Malcolm X's treatment of human rights, and the language he uses in that newspaper piece, about slavery as the denial of citizenship, and both a mental condition and a political one, runs through several of his pieces. In a short piece titled "Civil Rights vs. Human Rights," Malcolm X replicates much of the language in the *Egyption Gazette* piece, though drops the portion about rights being god-given, saying only that they exist regardless of what nation one finds oneself in. He adds, in addition to more lines from the Declaration of Independence, a response to the rhetorical question of "Why does the Negro not have civil or human rights?" He writes: "The Negro does not have human rights because they

[16] Emphasis original. Malcolm X, "The Negro's Fight," The Egyptian Gazette, August 25, 1964. Clipping in Reel 3, folder 14, Malcolm X Papers.

were taken from him by force over four hundred years ago. They were never returned to him."[17] That condition of enslavement, as he tells it, did not end, but only took on new guises.

Part of the claim that slavery never really ended is the claim that supposed "endings" were in fact tricks, moments of liberal hypocrisy. This is his account of the Emancipation Proclamation, Reconstruction amendments, and the Brown v. Board decision. He writes in "The Black Revolution":

> If the Civil War freed [the black man], he wouldn't need civil-rights legislation today. If the Emancipation Proclamation, issued by that great shining liberal called Lincoln, had freed him...If the amendments to the Constitution had solved his problem...and if the Supreme Court desegregation decision of 1954 was genuinely and sincerely designed to solve his problem, his problem wouldn't be with us today. ...Every maneuver that America has made, supposedly to solve this problem has been nothing but political trickery and treachery of the worst order. Today he doesn't have any confidence in these so-called liberals ...[Liberalism] represents hypocrisy.[18]

In denouncing "hypocrisy," his complaint is not that practice failed to adhere to stated ideals, but rather that laws' liberal proponents never fully intended for those laws to be to be enforced. Here, he does not just underscore a gap between profession and belief, but instead describes what is professed as cover for what is both intended and practiced. Liberalism is not incomplete; its promises of progress enable their own nonfulfillment, as they suggest that change has arrived, that progress is being made, and that criticism is misplaced.

Criticism of liberalism appears elsewhere in Malcolm X's work as well, underscoring the ways in which he saw hypocrisy and "false promises" as more pernicious, even, than outright racism. In the notes for his 1963 Unity Rally speech, Malcolm X declares that "America is faced with her gravest crisis since the Civil War." Against a background of increasing racial tension

[17] "Civil Rights vs. Human Rights," reel 10, folder 6, Malcolm X Papers.
[18] Macolm X Speaks, 52-53.

and "outright racial hatred," he partially describes, partially prophesizes: "We see masses of black people who have lost all confidence in the false promises of hypocritical white politicians – and we see masses of black people who are thoroughly fed-up with the deceit of the white so-called liberals." He calls it "insanity for our people to celebrate the 4th of July as Independence Day, while white America still denies us the first class citizenship that goes with independence – and it is nothing but hypocrisy for the American white man to pretend that the Revolutionary War was truely [sic] a War of Independence." He intones: "this government is paying certain elements of the 'Negro' leadership to deceive you into thinking that you are going to get accepted (soon) into the mainstream of American life. The government is deceiving you with false promises...: 'we'll desegregate lunch counters, theaters, parks, and toilets' – 'we'll give you more civil rights bills.'"[19] These are tricks, distractions from the truth and from the bigger struggle. They do not represent promises unfulfilled, but were false from the start.

At the same time, he does praise certain laws, including the Civil Rights Act. Doing so allows him to differentiate between rightful law and the law as it was enforced, and so to justify defiance of law's wrongful enforcement: segregation is illegal, and anyone who tries to enforce segregation is in fact breaking the law; violent suppression of protest is illegal, and anyone who carries it out can no longer claim to be enforcing the law. This implies, importantly, that the police are not, despite common parlance, "the law"; as he puts it, the police are "are breaking the

[19] Unity Rally Speech, Reel 5, folder 8, Malcolm X papers. Malcolm X's stance toward other black leaders would shift over time; in a widely cited letter to Martin Luther King, Malcolm X writes: "We have been witnessing with great concern the vicious attacks of the white racists against our poor defenseless people there in St. Augustine [FL]. If the Federal Government will not send troops to your aid, just say the word we will immediately dispatch some of our brothers there to organize self-defense units among our people and the Ku Klux Klan will then receive a taste of its own medicine." The choice he presents mirrors dilemmas discussed elsewhere between the "bullet" and the government doing its job. Reel 14, folder 2, Malcolm X Papers.

law, they are not representatives of the law."[20] Fighting back is not breaking the law; the police are the lawbreakers.

Malcolm X describes liberal hypocrisy as itself criminal: in language echoing Baldwin's widely cited claim, discussed in Chapter 2, that "it is the innocence which constitutes the crime," he asserts that "America's worst crime is her hypocrisy!"[21] He takes this farther, declaring in several places that he would prefer the "wolves," whose racism is plain, to the "foxes," the hypocritical American liberal. Who the "wolves" are varies. In "The Ballot or the Bullet," he claims that taking a case to the government in DC is "taking it to the criminal who is responsible; its like running from the wolf to the fox," arguing for the need to appeal instead to a "World Court."[22] In the "Appeal to African Heads of State," the "wolves" stand for apartheid South Africa – "but America is cunning like a fox, friendly and smiling, but even more vicious and deadly."[23] In the Unity Rally speech, he denounces "white liberals who...have been making a great fuss over the South only to blind us to what is happening here in the North ....we can easily see that this white fox here in the North is even more cruel and vicious than that white Wolf in the South – the Southern wolves always let you know where you stand."[24]

The claim that the wolves are preferable to the foxes is a bold one: surely he doesn't mean, following his own example, to praise the situation of black South Africans under apartheid. The claim is better read as a challenge, and a kind of dare – one aligned with the broader dare contained in the second half of the "ballot or bullet" dilemma itself. That dare takes

[20] Malcolm X Speaks, 33.
[21] "God's Judgment of White America," December 1953. Reel 5, folder 6, Malcolm X Papers.
[22] Malcolm X Speaks, 35.
[23] Malcolm X Speaks, 75
[24] Unity Rally Speech, Reel 5, folder 8, Malcolm X Papers.

the form of a demand for, as he put it in the Harlem Freedom Rally speech, "the freedom which we have long been promised, but have as yet not received."[25] He makes this more explicit in a repeated refrain, which he riffs on in several places. As he says at the ending of his speech "Declaration of Independence" (marking his break from the Nation of Islam): "If the government thinks I am wrong for saying this, then let the government start doing its job."[26] In "The Ballot or the Bullet," we get another version: "If the white man doesn't want the black man buying rifles and shotguns, then let the government do its job."[27] Let the government uphold the law.

Malcolm X betrays a willful, and not entirely disingenuous, optimism about America here. It comes not so much from faith in the American political system, however, as it does from faith in the power of political action itself. That faith is underscored by the central importance he attributes to the ballot. It is evident as well in his autobiography, when, after a passage denouncing America, he then calls for greater African American involvement in government. He writes first: "Twenty-two million black men! They have given America four hundred years of toil; they have bled and died in every battle since the Revolution; they were in America before the Pilgrims, and long before the mass immigrations—and they are still today at the bottom of everything!" Rather than a call to arms, however, this is prelude to a call for more lobbying:

> Why, twenty-two million black people should tomorrow give a dollar apiece to build a skyscraper lobby building in Washington, D.C. Every morning, every legislator should receive a communication about what the black man in America expects and wants and needs. The demanding voice of the black lobby should be in the ears of every legislator

[25] "Harlem Rally," Reel 5, Folder 1, Malcolm X Papers. In his screenplay based on Malcolm X's life, James Baldwin dramatizes part of this speech, adding this direction: "Pan: the attentive, somewhat bewildered faces." James Baldwin, One Day, When I Was Lost (New York: Dial Press, 1973), 256.
[26] Malcolm X Speaks, 22.
[27] Malcolm X Speaks, 43.

> who votes on any issue.... Right now the American black man has the political strength and power to change his destiny overnight.[28]

Claims about the "black lobby" and the importance of voting should underscore the sincerity, but also the force, of the dilemma he articulates. The choice of the ballot as a means for achieving justice is, as he sees it, a real one, and an active defiance of liberal trickery. For black people to choose the ballot would represent real change. This sense of the potential power of voting is underscored as well in Malcolm X's statement condemning President Johnson's support for Moise Tschombe in the Congo, which he titles "America's Backing of Tshombie May Cost Johnson Negro Vote." He calls Tschombe "a tool of the neocolonialists, who is recognized by the entire world as the cold-blooded murderer of Patrick Lumumba," and argues that Johnson, by backing him, may have won support from the "racist-minded, war-mongering, fascist elements," especially from Texas, but that this was a misstep because it underestimated the power of the black vote, which Johnson had certainly now lost.[29] The force of the dilemma he articulates comes from the fact that either option, the ballot nor the bullet, would be meaningful, and a real affront to American liberals. He insists that, first and foremost, Black Americans must truly be ready to "cast" either, because continued hypocrisy is not an acceptable option. Participation in the American political system – were the system "to do its job" and let those votes be counted – would not be capitulation or compromise, but a form of self-assertion.

Even as he calls for the system "to do its job," however, his notion of self-assertion is markedly different from a politics of fulfillment. He is not asking for rights to be granted, for promises to be kept; rather, what is meaningful is the very demand for rights. In "The Ballot or

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[28] Malcolm X and Alex Haley, The Autobiography of Malcolm X as Told to Alex Haley (New York: Balantine Books, 2015 [1965]), 321-322.
[29] Reel 5, folder 18, Malcolm X Papers.

the Bullet," he puts it this way: "If it doesn't take senators and congressmen and presidential proclamations to give freedom to the white man, it is not necessary for legislation or proclamation or Supreme Court decisions to give freedom to the black man. You let that white man know, if this is a country of freedom, let it be a country of freedom; and if it's not a country of freedom, change it."[30] He writes elsewhere: "Freedom is never given. Freedom must be taken."[31] If human rights had been denied, he is not encouraging people to call for their recognition, to seek inclusion, but to enact those rights themselves, to assert their own freedom. The demand for human rights is not a request for recognition, nor for restoration; rather, it is something one does for oneself. And by calling the question, by foregrounding the dilemma of whether that self-assertion will take the form of ballots or bullets, it aims to make liberal hypocrisy untenable.

For Malcolm X, the idea of restoring human rights by simply, boldly asserting them was central, and directly opposed to the program of moral or rational suasion Myrdal and others endorsed. Self-assertion is what distinguishes a human rights struggle from a civil rights one: "Civil rights mean you're asking Uncle Sam to treat you right."[32] With human rights, the task was not changing the minds of white people. He scrawls in his notes, of civil rights and human rights, white men and black men: "CR: Make WM change mind about BM / HR: Make BM change mind about self."[33] He writes, in longer form, in "The Ballot or the Bullet": "You're wasting your time appealing to the moral conscience of a bankrupt man like Uncle Sam. If he

[30] Malcolm X Speaks, 41-42.
[31] OAAU Statement, June 28, 1964, Reel 14, folder 4, Malcolm X papers.
[32] Malcolm X Speaks, 35.
[33] Reel 10, folder 1, Malcolm X Papers.

had a conscience, he'd straighten this thing out...it is not necessary to change the white man's mind. We have to change our own mind."[34]

Implicit in that call to "change mind about self" is a set of themes he expanded on elsewhere about black pride, economic nationalism, and uplift. In this sense, elevating the struggle, internationalizing it to the level of human rights, required elevating oneself as well. The language of elevation can have a paternalistic edge, yet for him the point was not about becoming worthy of rights, but rather about gaining the confidence, and building the power, to demand them. This required overcoming the deeper paternalism of what he saw as the interrelated forces of anti-black racism in the US, European colonialism, American neo-colonialism, and the legacies of slavery – forces that were involved in the denial of human rights. His commitment to an idea of uplift was at times problematic: it could lead him to dismiss those who disagreed with him as somehow psychologically compromised by racism, and it occasionally bled into forms of racial essentialism. But it also underscored, for him, the connections between anticolonial movements, pan-Africanism, his experience traveling in Africa, and his vision of a libratory human rights politics. He welcome the emergence of a powerful Afro-Asian block in the General Assembly not only for the strategic support he hoped to gain for his planned efforts at the UN, but because it served more generally as a statement about the status of human rights – about, as he notes to himself at one point, the "world picture and the times we live in."[35]

[34] Malcolm X Speaks, 39-40
[35] Untitled notes, Reel 10, folder 11, Malcolm X Papers.

B. Human Rights as Anticolonial Politics

In a statement issued on June 28, 1964, on OAAU letterhead, under the all-caps banner "'Give me liberty or give me death'.... Patrick Henry," Malcolm X addressed his "fellow Afro-American":

> A crisis is at hand – the crisis of freedom; Bandung and Birmingham, Mississippi and South Africa. Throughout the world black men, brown men, and yellow men are struggling to break the yoke of domination and oppression. They aim to stand up as free men. Men and women of color in the United States, stripped of their history, culture and freedom for three hundred and forty-three years must take a bold stand for freedom, and identify themselves with the world-wide struggle for HUMAN RIGHTS.[36]

Malcolm X, here as elsewhere, ties the struggle for rights in the US with anticolonial struggles more broadly via the language of human rights. He connects this with an assertion of history and culture – a response to colonialism's erasure of both. What defines that "world-wide struggle for human rights" is the demand for freedom, not as a request for recognition but as something people are taking action to assert.

Malcolm X describes the inspiration of the Bandung conference elsewhere as well. In "Message to the Grassroots," he describes it as "the first unity meeting in centuries of black people...a model for the same procedure you and I can use to get our problems solved." Citing the conference, inaccurately, as having taken place in 1954, he underscores that what united everyone there, across color, faith, and political beliefs, was "a common enemy."[37] Though his analysis runs deeper than this, pointing to a common system of oppression and shared politics. In a December 1964 address to the OAAU, "At the Audobon," he praises Bandung again, describing it as "the first coming together" of "the Afro-Asian-Arab bloc...that started the real

[36] Reel 14, folder 4, Malcolm X Papers. Ellipsis original.
[37] Malcolm X Speaks, 5.

independence movement among the oppressed peoples of the world."[38] And in a statement announcing a Nation of Islam "African-Asian Bazaar" in Harlem – scheduled to coincide with Lincoln's birthday, as they would "issue their own 'Emancipation Proclamation'" – he again cites "the 'spirit of Bandung'" as inspiration. That announcement, though in his handwriting and in his notebook, is in the form of a press release, and in keeping with that style he quotes himself for attribution: "Insisting that the Emancipation Proclamation of Abraham Lincoln was a farce, and the civil rights struggle for the past 100 years has been 'nothing but hypocrisy,' Malcolm X declared that the true 'emancipation' of America's 20 million Negroes is directly connected with the 'emancipation' of Billions of Black, Brown, Red, and Yellow people throughout Africa and Asia."[39] The references suggest a common analysis of oppression, linking slavery to colonialism, and call for a collective liberation struggle.

One gets a sense of how he found inspiration, as well, in his descriptions of his travels for the Hajj and on his later tour in Africa and the Middle East. His travel diaries and his autobiography betray deep gratitude for the hospitality he found while traveling, as well as what seems like genuine surprise that he could be recognized in public and that people would want to meet with him. He explains this aspect of the Hajj as part of what lead him to soften his stance on the possibility for white solidarity, a shift that also coincided with his break from Elijah Muhammad and the Nation of Islam. It seems, perhaps more profoundly, to have expanded his sense of the scope of his struggle, and bolstered his sense of the power of the broader movement.[40]

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[38] Malcolm X Speaks, 130.
[39] Reel 10, folder 1, undated notes, Malcolm X Papers.
[40] See discussion in Autobiography, especially 345.

In his travel diaries, he takes particular pride in recounting a meeting with President Sekou Touré of Guinea – the only nation to reject French "Community" and demand independence in the 1958 French referendum, though it cost them French economic support. He had been surprised Touré would take the time to meet with him. He reports their conversation once their dinner companions departed, slipping between narration and quotation: "He spoke to me, emphasizing the importance of dignity.... Lawyers and legal experts don't bring freedom; freedom comes only from the efforts made by those who themselves tire of oppression and themselves take action against it. We are aware of your reputation as a Freedom Fighter so I talk frankly, a fighting language to you."[41]

Malcolm X reports that he found while traveling a "kind of global black thinking" that he hadn't encountered in America.[42] In Ghana, which he describes as "so proudly the very fountainhead of Pan-Africanism," he was again surprised with his reception, including newspaper reports heralding him as the first prominent African American to come to Ghana since W.E.B. DuBois (DuBois, after having his US passport revoked, had taken Ghanaian citizenship and moved there).[43] He met Richard Wright's family, as well as Shirley Graham DuBois, whom he found very "gracious and helpful." In Cairo, he also spent time with her son, W.E.B. DuBois's stepson, David Graham DuBois.[44] Indeed, during the negotiations over the

[41] Reel 5, folder 14, Malcolm X Papers. Portions of this exchange are also quoted in Manning Marable, Malcolm X, 384-5.
[42] Autobiography, 358
[43] Autobiography, 358-359
[44] David Graham DuBois had taken his stepfather's last name as an adult. Born in the US, he lived in Cairo for 12 years, working in news media (he was an editor at the Egyption Gazette when Malcolm X's piece there appeared) and doing public relations for President Nkrumah. He later moved back to the US, where, based in Oakland, he was editor-in-chief of the Black Panther Intercommunal News Service. See author biography in his book, a fictional account of

resolution at the OAU summit, the younger DuBois had helped him strategize; Malcolm X describes a conversation on July 30: "He told me how one African diplomat was trying to justify African restraint against our problem going to the UN because American government at the federal level was trying to out law segregation, etc."[45]

Part of what Malcolm X found while traveling – though perhaps not to the degree he had hoped for during the Cairo conference itself – was the potential for what he describes the "Rise of the Dark World."[46] As an appeal to racial solidarity, this can seem to be in line with some of his more essentialist and trans-historical claims about race. In one often-quoted passage from 1961, he claims "long before there was ever any such place as America, we were black people....AND AFTER AMERICA HAS LONG PASSED FROM THE SCENE, THERE WILL STILL BE BLACK PEOPLE! ...I represent...that which is eternal. THE BLACK MAN HIMSELF!"[47] Malcolm X was often criticized for this stance, and related charges of anti-white racism. Ralph Bunche, for instance, would attack him for embracing "a black form of the racist virus,"[48] and *Playboy* cartoonists enjoyed lampooning him as a Nazi.[49] But his claim here is broader, concerning the role of race both in colonialism and in those anticolonial movements inspired by "the spirit of Bandung." Trying to make sense of the emphasis on race at Bandung,

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life in Cairo as a black American, David Graham DuBois, ...And Bid Him Sing (Palo Alto: Ramparts Press, 1975).

[45] Travel Diaries, reel 5, folder 14, Malcolm X Papers.

[46] Untitled notes, Reel 10, folder 11, Malcolm X Papers.

[47] College Debates, Los Angeles City College, reel 5 folder 15, Malcolm X Papers. Emphasis and first ellipsis original; other ellipses mine.

[48] Ralph Bunche to Jackie Robinson, November 20, 1963, Ralph Bunche Papers, UCLA.

[49] One such cartoon, which simultaneously criticizes white American racists who plead for "patience," and suggests he and his collaborators, including Stokely Carmichael, had been surreptitiously armed by American military contractors, is preserved in Box 1, folder 5, OAAU Papers.

Gunnar Myrdal would describe it as "irrationalism" in his introduction to Richard Wright's account of Bandung in *The Color Curtain*: "Race is the explosive pressure of their ["the peoples" at Bandung] reaction to West European prejudice and discrimination, stored and accumulated under centuries of colonial domination."[50] There is an undeniable essentialism to Malcolm X's stance; at the same time, he is deploying it to invert the dynamic Myrdal purports to diagnose, to insist on seeing race both as an instrument of colonialism and slavery, and as something one could build upon.

Malcolm X's enthusiasm for Pan-Africanism was embedded within a broader view of a changing world order. Bunche had described the end of a "Kiplingesque" colonialism, and the open question of what would take its place: would it be a new version of imperial paternalism, the continuation of a racist world order – or would black people everywhere assert themselves politically, demanding the ballot, claiming national independence, and exerting newfound power at the UN? If the wolves were losing, would the foxes replace them? While Malcolm X saw American imperialism on the rise, he also saw a chance to a build a more equal world, encouraged by the "spirit of Bandung" and the example of the UN General Assembly at the time. But he worried about the liberal hypocrisy of American neo-colonialism, especially when combined with Cold War politics. A September 1, 1964 press release from the OAAU carried a statement Malcolm X had given on August 21 in Cairo, titled "The 2nd African Summit Conference"; in it, he asks:

> Why does the press of the Western Powers constantly ridicule and play down the idea of a United States of Africa? They know that a divided Africa is a weak Africa, and they want to keep her a dependent target of Western 'Philanthropy', or what is being

[50] Gunnar Myrdal, "Forward," in Richard Wright, The Color Curtain (New York: World Publishing Company, 1956): 7.

> increasingly described here as 'benevolent' colonialism. The neo-colonialist who would 'woo and rule' Africa today must skilfully [sic] disguise their selfish aims within their generous offers of unlimited 'Economic aid, peace corpism or cross roadsism,' all of which is nothing but the modern counterpart of the 19th Century 'Missionaryism'.[51]

He worried about paternalism, about an imperialism that took the form of philanthropic concern. Such paternalism seems all the more objectionable when set against his view of human rights politics: that one must assert one's freedom, not be given it. As Mary Dudziak points out, describing the failure to pass a stronger condemnation at the African Summit, many of the states that bit their tongue were eager for, if not already receiving, American aid.[52] One can perhaps also read in his condemnation of "'benevolent' colonialism" a criticism of those governments, underscoring that, in undercutting his agenda, they had submitted to a new kind of colonialism.

The expansion of paternalism by Western powers was of a piece, on his view, with the exercise of fox-like liberal hypocrisy in the US itself, a hypocrisy evident in its claim not to have itself been a colonial power. In one speech, he asks: "How can this government speak against other Colonial Powers, while there are 20 million 2nd Class Citizens here, who are just as thoroughly colonized as anyone in Africa, Asia or Latin America? How can you condemn European colonialism when you are practicing American colonialism toward these 20 million so-called Negroes?" Other colonial forces were at least explicit about what they were doing; America, instead, disavowed it, a claim to innocence that was an aspect of the country's hypocrisy.[53]

Perhaps surprisingly, then, Malcolm X would also at times praise the positive role the US could play in the world, if it were to try. In that same statement after the Summit Conference, he

[51] Box 1, folder 1, OAAU Papers.
[52] Mary Dudziak, Cold War Civil Rights (Princeton: Princeton University Press, 2011): 220-25.
[53] "Academic Freedom and the Speaker Ban," Reel 5, folder 15, Malcolm X Papers.

encourages Americans to pressure their government "to keep the American government's foreign policy toward Africa a policy of genuine assistance instead of the thinly disguised 'benevolent' colonialism, 'philanthropic' imperialism or what many of the more 'cautious recipients' of American economic aid are beginning to label as 'American Dollarism'" – a "dollarism" which he had also invoked in his "Appeal to African Heads of State." He didn't reject American aid, and wasn't isolationist or separatist; rather, he welcomed "genuine assistance" that would help a region which, he writes, "seeks only her rightful place in the sun...to be independent and self-sustaining."[54] Unlike advocates of a French federation, he doesn't describe this as a debt, or reparative, but instead, more straightforwardly, as essential to enable African countries to realize equality and human rights.

In places, he goes even farther in lauding America's power as potentially beneficial. In his travel diaries from his time in Saudi Arabia, visiting the Aramco headquarters, a massive oil company with American ties, he comments: "The Americans have a Paradise here. Everything imagineable [sic] is provided for them by Aramco. America has the wealth and the technical know-how and equipment to turn the world into a Paradise. If ever the people in the Power Structure become moralists and humanists (morally obligated to help humanity)...with world power goes world-responsibility and obligation."[55] This is at one level a standard criticism of America: that it enjoys massive wealth, but fails to use that to good ends. At the same time, the idea of America turning the world into a "Paradise" in the image of a Saudi oil company's compound is, to say the least, not something one would expect Malcolm X to endorse, even if humanist and moral reasons were to guide the project. But evident here is, again, a sense of a

[54] Box 1, folder 1, OAAU Papers.
[55] Ellipsis in original. Travel diaries, Reel 5, folder 14, Malcolm X Papers.

moral obligation to help humanity that exists just because the country has the power and resources to do so.

When Malcolm X visited "The Ship Hope," a sort of floating hospital sponsored by the US government and floating, at the time, off of Guinea, he wrote: "I was really impressed by the basic humane aspects of the Project. Ten ships like this could do more for American prestige and influence that her present entire navy."[56] In this context, his argument is less jarring: that the American Navy was supposedly a force to help enforce and extend American power, yet was in fact self-defeating; if one really cared about American power, the money would be better spent on humanitarian projects. Yet, while he seems here and earlier to be defending America's potential as a beneficent force in the world, what he really betrays is a deeper universalist and humanist politics, grounded in a sense of justice. America's responsibility arises from its wealth and power, its ability to do good – which makes its neocolonial efforts, the push to harness philanthropic impulses to paternalistic imperial projects, all the more objectionable.

Malcolm X is often read as having sought to embarrass the US internationally on human rights, at precisely the moment that the country was most sensitive to such criticism. This is reflected in the pressure brought to bear on African states not to support his resolution at the Cairo summit, and part of why only the most avowedly independent states did stand with him. In this sense, he seems to both reflect and defy Cold War conventional wisdom – to refuse the growing incentives the US government was creating for African American rights activists to frame their struggle as a domestic one, focused around civil rights rather than human rights. Adopting a civil rights frame brought advantages, especially when US progress on civil rights

[56] Travel diaries, Reel 5, folder 14, Malcolm X Papers.

domestically could be linked to its image and prestige internationally, using Cold War sensitivities to win victories at home. Such efforts at strategic embarrassment often participated in a narrative about the importance of the US getting its own house in order before trying to improve things internationally – a line that dovetailed, ironically, with those Bricker Amendment proponents who opposed any outside scrutiny of the US on human rights issues, seeing it as a domestic sovereignty issue.[57]

As historians have underscored, the domestic civil rights strategy, even when it succeeded in winning concessions by threatening the US's image abroad, represented a loss on several levels. For one, as Carol Anderson and others have emphasized, it marked the partially coerced, partially strategically chosen abandonment of black internationalist imaginaries, the loss of an international framing for human rights struggles at home, and an acceptance of a Cold War emphasis on non-economic rights.[58] In addition, as Barbara Keys argues, it allowed for the consolidation of a narrative of American progress at home, shifting the debate to a question of whether that progress need be complete before the country sought to extend its promise abroad.[59]

Many historians treat Malcolm X as a final holdout on that emerging consensus around domestic civil rights. As a slight modification on this, Nikhil Singh describes him as trying to play off of, by inverting, the Cold War politics of US civil rights. By continuing to frame it as an international problem, it would threaten to do even more damage, directly connecting domestic

[57] See Mark Bradley, The World Reimagined (Cambridge: Cambridge University Press, 2016), especially 113. Also see Tim Borstelmann, The Cold War and the Color Line (Cambridge: Harvard University Press, 2001).
[58] See Carol Anderson, Eyes Off the Prize (Cambridge: Cambridge University Press, 2003). Also see Penny Von Eschen, Race Against Empire (Ithaca: Cornell University Press, 1997).
[59] Barbara Keys, Reclaiming American Virtue (Cambridge: Harvard University Press, 2013), especially Prologue and Chapter 2.

struggles to international ones and to US actions abroad. Singh suggests that this was connected this to his broader political universalism, and his political, rather than primarily cultural, version of pan-Africanism.[60] But there was more to it than this: his ambitions, and his critique, were grander and farther-reaching. Malcolm X opposed American hypocrisy, and related neo-colonial hypocrisy, for its false promises. That hypocrisy served to delay progress, enable and apologize for brutality by describing it as aberrational and temporary. It was, at best, deeply paternalistic, keeping people in a slave-like condition of dependency. Building on language of the American Declaration, and citing Lincoln, he sought to bring that hypocrisy to a crisis point, to force a dilemma. That dilemma would give way, he hoped, to democratic self-assertion: to a new Emancipation Proclamation, now issued by slaves to re-found America; to the making of new, more mutual promises; to a more equal international order and the fulfillment of commitments to humanity more broadly. This was not just an effort to make change in America, to either defy or fulfill American principles, but rather, on the horns of that dilemma, to build a world that could realize the potential in the idea of human rights.

[60] Nikhil Singh, Black is a Country (Cambridge: Harvard University Press, 2004): 188-89. Brenda Gayle Plummer also reads Malcolm X as taking advantage of new anti-imperial sentiment, rather than just continuing a 1940s human rights sensibility; see Brenda Gayle Plummer, Rising Wind (Chapel Hill: University of North Carolina Press, 1996).

Postscript. Looking at the Past Looking at the Future

In 1989, an association of artists, working in collaboration with the French government, put together a poster exhibition and accompanying book illustrating the legacies of the Declaration of the Rights of Man and Citizen. The exhibition, "Images internationales pour les droits de l'Homme et du Citoyen," was part of the official celebration of the 200 year anniversary of the Declaration; it was also suggested that it would mark, sort of, the fortieth anniversary of the passage of the UDHR. The posters' creators constitute a who's-who of late twentieth century graphic design: Milton Glaser, of I [heart] NY fame; Yusaku Kamekura, who most notably had designed posters for the Tokyo Olympics; a young Thomas Hirschhorn, whose work is now in the permanent collections of the Museum of Modern Art and the Tate. The 68 posters came from all different countries, meant to illustrate the global influence of the eighteenth century document. Barbed wire motifs and flames, echoing the Amnesty International logo, feature in multiple entries. The Council of Europe, ACLU, and Human Rights Watch were among the partner organizations involved in the exhibit.[1]

Several explicitly serve to illustrate the susceptibility of human rights to claims from below. The Australian Julia Church submitted a colorful design, incorporating a stick figure, dark-skinned, arms upheld, with white text: "l'egalite, la liberté, la sûreté, la propriété for all indigenous people in the Pacific." The New York advertising firm M&Co submission, which was reproduced in Le Monde, features a tight shot of a black face, with high contrast, blurring into a black background, the white text over it reading: "Article 35 Quand le gouvernement viole

[1] Materials from the exhibition are contained in RP ONU Geneve, Box 295, Folder Exhibition, CADN.

les droits du peuple l'insurrection est pour le peuple, et pour chaque portion du peuple, le plus sacré des droits et le plus indispensable des devoirs."

The organizers worried at first that certain posters might inflame other governments; it seems likely they were concerned in particular about an entry by David Tartakover, from Israel, showing a uniformed man with a machine gun walking down a street past a scarved woman looking out from an alley or doorframe. But they decided that censoring any posters would be contrary to the spirit of the exhibition itself, and the ideas it was meant to illustrate. The expansion of the practice of human rights claim-making, and its basis in that older French legacy, was the point.

On December 20, 1988, a memo from the Ministère des Affaires Étrangères to the French ambassador to the UN in Geneva, under the header "Vers un monde nouveau?," speculated that perhaps the year of the revolution's bicentenary would turn out to a year of a worldwide diplomatic revolution, as economic conflicts had created a greater desire for peace, and as Perestroika and Glasnost generated opportunities for new inter-European collaboration. An apparently skeptical reader wrote in the margin simply "Hum!," though the memo now reads as perhaps more portentous.[2]

If the memo's author is to be believed, it was the spirit of 1789 that ended the Cold War. The inheritances of the French and American revolutions were ideas that invited people to stake new claims; they had gradually rolled out to the world. Their openness and abstraction was somehow both formal and substantive: formally, it meant they were inclusive, and could be claimed universally; substantively, that same openness and abstraction marked them as distinct

[2] RP ONU Geneve, Box 295, Folder Bicenntaire Revolution, CADN.

from, and appealing alternatives to, the oppressiveness of Soviet and other regimes. If the US had once been worried about embarrassment by the Soviets on human rights, the concept had now been consolidated as a foundationally American one – part of what gave America itself a universal quality.

The M&Co poster illustrates, and arguably trades in, an aspect of what I have been describing as an imperial human rights politics. The very right to rebellion is a French inheritance, reinscribed in the UDHR. To rebel, even against France itself, is to uphold France's foundational principles, to help realize its promise. In this version, the idea of human rights is a providential one; the cunning of human rights arises from its very universalism.

To historians, the end of the Cold War marked the consolidation of the version of human rights ascendant in the 1970s, a depoliticized version that offers little leverage on contemporary forms of inequality. Reconsidering the period from the 1940s to the 1970s, however, we see just how tentative this story was. It was a history the French and American governments were both frequently at pains to tell and retell, to narrate as the continued rolling out of their own promises to the world. There are certain disavowals built into the narrative of human rights history as one of abstract and open promises and their gradual fulfillment. Claims that sought to contest racial and imperial domination, that demanded not fulfillment but the making of new promises, were made to appear discontinuous. Such claims aimed to refound political communities, to create new possibilities for freedom out of the hypocrisy and lies of the past. To do so, they had to offer new narratives not just of the future, but of the past as well.

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