

Declaration as Disavowal: Race and Empire in the Universal Declaration of Human Rights

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In his *The Declaration of Independence: A Global History*, David 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. The French Declaration of the Rights of Man and Citizen, in 1789, would further elaborate the genre of the rights declaration, as would, he claims, the 1948 Universal Declaration of Human Rights. Considered as a genre, on Armitage’s account, the rights declaration is a way for people to forge political space, constructing both internal and external sovereignty in acts of promise making.¹

Yet such declarations, I argue here, can also avoid or refuse to acknowledge – can disavow – other forms of politics, other ways of taking up the legacies of declarations that came before. Read in this way, we can see the disavowal of a politics of human rights directed against imperial and racial domination as an active presence in Universal Declaration of Human Rights. Treating this as a moment of disavowal also brings forward the politics of negotiations over different understandings of concepts like “human rights,” and what it means for one version to take precedence over another. In particular, the UDHR served to disavow an understanding of human rights politics as involving a broadly democratic version of self-determination, one that complicated overly neat notions of state sovereignty and sovereign equality and that staged

¹ David Armitage, *The Declaration of Independence: A Global History* (Cambridge: Harvard University Press, 2007). See pages 13-15 especially.

demands for justice in the present. The UDHR did this precisely by avowing a version of human rights premised on assimilation to a nation state committed to working toward the promise of rights, as one state among other separate but equal sovereign nations, within the United Nations.

Reading the UDHR in this way allows me to complicate the reading offered by Samuel Moyn: that earlier declarations were associated with a different conception of human rights, one in which “human rights” *per se* was at best a peripheral concept and self-determination held pride of place; that this earlier tradition was what anti-colonial and African American activists were drawing on in the late 1940s through 1960s; and that the UDHR departed from that tradition, articulating what would, in the 1970s, gain traction more widely as a utopian vision of human rights (though the later version was certainly not the same; among other things, it was more cosmopolitan).² Focusing on the declaration of rights as a genre, and claiming that both the American and French Declarations and the UDHR all participate in that genre, allows me a framework within which to consider the ways certain ideas of human rights, self-determination, and sovereignty were rearranged and contested, and to focus then on the politics of that renegotiation. The language of disavowal offers an idiom to think about how one version of a concept is refused through the avowal of another; it is that double movement, of avowal and refusal, that I find in the UDHR. This happens not just in a single moment, but through a contest over the legacies of past moments, a contest over how to properly take up the inheritance of the past and so reshape a genre.³ On my reading, it was at least partially in response to the use of a

² Samuel Moyn, “Imperialism, Self-Determination, and the Rise of Human Rights,” in *The Human Rights Revolution*, ed. Akira Iriye and Petra Goedde (New York: Oxford University Press, 2012): 159-178. Also see Samuel Moyn, *The Last Utopia* (Cambridge: Harvard University Press, 2010).

³ This does not entirely avoid Moyn’s argument that human rights and self-determination are separate and separable concepts. But I consider questions of natural right, self-determination, and national founding to be, historically as well as theoretically, profoundly intertwined, and I take their figuration in relation to each other to be the subject of political contestation. I am less interested in arbitrating which was the most salient in any particular moment than I am interested in how they were articulated with and through each

conception of human rights tied to national self-determination, and to democratic participation, by anti-colonial and anti-racist activists in the mid-twentieth century, that the concept Moyn identifies with “human rights” emerged: as a way of re-defining human rights that would be compatible with racial and imperial domination. It is the politics of that conceptual split that is of central concern to me here.

The first part of this chapter seeks to develop a methodological and conceptual frame for thinking about historical legacies and contested inheritances. The first section explores what it means to treat rights declarations as a genre; the second focuses on the concept of disavowal. I use the frame of genre in order to get purchase on what different declarations might have in common and how they relate to one another. Treating rights declarations as a genre offers a way of understanding how earlier and later instances relate without focusing on whether they share the same key elements, or reach the same conclusions; instead, it allows us to see the politics behind both the breaks and the continuities in the genre.⁴ Looking for conceptual coherence alone risks obscuring the politics behind how a genre might be taken up but changed: the shadow cast by earlier declarations, the ways later versions did not just instantiate or derive from, but instead reflexively commented on, what had come before. Reviewing debates in literary theory on the nature of genre, I propose we can see new declarations as inheritors of a tradition, at times owning and at times disowning aspects of what came before, and so altering rather than simply repeating it. This provides direction on how we might read the documents themselves: looking to how they engaged their inheritance, what they sought to render plausible and what, at times,

other, and their changing configuration. I take my view to be compatible with Armitage’s claim, cited above, that the American Declaration participated in multiple genres.

⁴ Of course, talking about “rights declarations” rather than merely “declarations” already appears to smuggle in a fair amount of conceptual content. But because I don’t think content and form are wholly separable, with genre only describing the latter, I follow Armitage in taking “rights declaration” as itself a genre. More on this in the discussion of genre in literary theory in what follows.

they sought to write out; what they bequeathed to later human rights politics, and what they thereby disavowed, disowned, refused to pass down.

My second section focuses on the idiom of disavowal as I use it here, tracing its place in contemporary debates in political theory and raising some concerns about its use by theorists so far. My aim here is twofold: to show the usefulness of the theoretical concept for understanding history; and to intervene in ongoing theoretical debates through the use of a historical case. The case of rights declarations, and particularly the UDHR's status among them, allows me to suggest different ways in which we might understand and re-politicize certain refusals or denials of acknowledgement. In so doing, I also aim to demonstrate the usefulness of theoretical debates about recognition and acknowledgement for questions of human rights and empire.

In the second part of the chapter, I turn to the UDHR, a self-conscious inheritor of the French and US Declarations, one that helped found a new post-war international order and that still shapes our political and legal imagination of international human rights. I choose this example because of its place in debates about the history of human rights, as well as, relatedly, because it allows me to focus on the particular version of human rights politics of the declaration in the context of its supposed universality. In doing this, I focus not on questions of whether rights as such are truly universal, and the related philosophical questions of whether any coherence can be made of the philosophies of rights discussed among the drafters. I want to sidestep – as its drafters did themselves – the question of rights' true origins, their philosophical basis, to focus instead on the ways the UDHR structures the acknowledgement of rights so as to disinherit other possibilities for the meanings of and politics surrounding rights declarations. I seek to understand, in particular, how the UDHR mediated between human rights, the

international, and state sovereignty so as to disavow more democratic imaginations of human rights and supra-state politics in its time.

Attending to this requires that we go beyond just a reading of the document itself, considering as well the drafting process and the questions and problems to which the drafters were responding.⁵ I start from the most infamous exclusion of the document: the non-inclusion of self-determination. This was not simply a matter of excluding anti-colonial claims, as a practical political matter, but was part of a broader contest over the relationships between human rights, sovereignty, and democratic participation. I trace this through a consideration of drafting committee member René Cassin's opposition to the treatment of self-determination as itself a right, looking both forward to his role in the debates about the human rights covenants in the early 1950s, and backward to his opposition to German occupation of France during World War II. What emerges here is a way of defining human rights that necessarily excluded anti-colonial claims against the French – that disavowed that possibility, and that inheritance of earlier declarations, so as to avow a different conception of rights.

I then seek to broaden the discussion of self-determination further, to consider the contest over who might appear at, and appeal to, the United Nations. I use as an entry point the NAACP's "Appeal to the World" petition, considering what form of human rights politics that

⁵ The primary characters in my story here are the US and French delegates to the committee, Eleanor Roosevelt and René Cassin, as well as, to a lesser extent, the Canadian delegate, John Humphrey. Cassin and Humphrey are often considered the two primary writers of the Declaration, Humphrey having drawn up the very first draft and Cassin having rewritten it for a later draft. Charles Malik, the Lebanese delegate to the "nuclear" drafting committee, is not considered at length here, but his alignment with the US in the Cold War, connected to his Christianity and his view of the US as an Augustinian City of God combating the Soviet pagans, aligned him with Roosevelt, even as it also leant his support a more messianic tone. See Charles Malik, *Man in the Struggle for Peace* (New York: Harper and Row, 1963). Peng Chang, the Chinese delegate and the fifth member of the nuclear committee, while fascinating in his debates with Malik over Confucianism and Christianity, was a far more minor figure in the particular discussions that are of interest to me here, though China's relationship to the Third Worldist politics of the time would grow more complex in the 1950s.

document enacted, the picture of the world it projected, the inheritance it sought to draw from the earlier American Declaration, and its reception by the UDHR's drafting committee. The discussions of race on the committee intersected with discussions of colonialism, and so with questions of self-determination more broadly defined; through its handling of self-determination, the right to petition, and minority rights, as well as its narrative of progress, the UDHR, I argue, repudiated the version of international human rights politics offered by DuBois and other pan-African and anti-colonial activists. This disavowal displaced claims for justice in the present, both by deferring questions of justice (as Dipesh Chakrabarty and others have critiqued), and by describing human rights in such a way as to preclude the appearance, under that description, of colonialism and racial domination as themselves violations of human rights.⁶

What was avowed instead in the UDHR was not merely a static political form, but rather part of a narrative of human rights as something toward which states might strive and progress. Under this description, active denials and violations of rights in the colonies and in the US appeared not as violations, but as items on which progress was being made. This was a story in which both France and the US were figured as the inheritors of their own foundational human rights promises, even if those promises could only gradually be fulfilled, and even as those promises were articulated through more or less explicit ideologies of racial hierarchy. It was a story in which such fulfillment came not through democratic participation and forms of solidarity beyond the nation state, but instead through assimilation to nation states in which one would be protected from discrimination, states that held the promise of rights and were working toward their realization. On this picture of the world, the commitment of different states to that narrative of progress on human rights itself held the promise of self-determination and sovereign equality,

⁶ See Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2007 [2000]), particularly his discussion of the "waiting room of history" in the introduction.

always still to come. In this way, 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 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.

Part I. Genre, Inheritance, and Disavowal

A. Rights Declaration as Genre

In describing the genre of the rights declaration that he sees the American Declaration as founding, Armitage defines a 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” (13-15). As a genre, declarations of rights offer a form through which we come to understand ideas and events; genres offer a structure, a plot, that brings with it a certain way of understanding and approaching the world, narrating a past and projecting a future.

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 1948 Universal Declaration of Human Rights. A declaration, derived from the French *déclaration*, she writes, traditionally involved the assertion and performance of sovereignty, historically tied to territorial sovereignty, control of land. The 1776 and 1789 declarations, in France and the US, announced the appearance of new states, incarnating a new idea of governments whose legitimacy derived from their securing of individual rights internally.⁷ These internal rights, incarnated as rights in the declaration, had to first become self-evident,

⁷ Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton, 2007): 113-116.

intelligible and plausible to a reading public, a transformation of affect achieved, on Hunt's account, through the circulation of sentimental novels and campaigns against torture.⁸ This is not just a matter of literary works contributing to broader political shifts; instead, Hunt's account should encourage us to avoid a stark divide between literary works and documents in international law, treating the declaring of rights as one part of how the idea took hold in people's minds. Attending to declarations as a genre allows us to see how the act of declaring operated within and helped give form to a particular political imaginary.

As Armitage stresses, the American Declaration's establishment of internal sovereignty was intimately connected with the announcement of its external sovereignty. Appealing to the "opinion of Mankind" and taking cues from previous documents in international law, the Declaration established the place of the United States in the world. The declaration, that is, proposed 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" sovereign nations in a world organized by international law.

So is this something we should expect to see in all other rights declarations, a defining element of the form? Stanley Cavell writes of genre that "the picture of an object with its properties is a bad one," and that instead "The idea is that the members of a genre share the inheritance of certain conditions, procedures and subjects and goals of composition, and that...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."⁹ While Cavell is arguing, along the lines of a Wittgensteinian view, "not to say of things called by the same name that they

⁸ See Hunt 2007, chapters 1 and 2.

⁹ Stanley Cavell, *Pursuits of Happiness: The Hollywood Comedy of Remarriage* (Cambridge: Harvard University Press, 1981): 28, emphasis his.

must have something in common,” his approach is, he claims, stronger than a Wittgensteinian approach. He is not saying that such things “bear to one another a family resemblance”; rather, the point is that “they *are what they are* in view of one another” (29).

Approached this way, we need not focus on whether a particular document, considered alone, appears to be a “declaration of rights.” 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.¹⁰ 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 conditions to which they respond and on the genre itself. When we look to later declarations of rights, we should not expect to see straightforward repetition, the passing down of a fixed concept, but instead an engagement with a complex and multi-faceted conceptual inheritance.

By approaching these documents as participating in a genre, we can focus on the way they inherit certain problems, and certain answers, from previous documents, the narrative forms and registers their writers draw upon, the ways the documents accept and also refuse aspects of this inheritance. This does not mean we should take each declaration as one instance of a clearly defined category, and seek to distill the shared elements, what defines the “declaration of rights” as a form.¹¹ Rather, we should look to the ways in which one declaration is positioned in relation

¹⁰ Here I also have in mind David Scott’s reading, in *Conscripts of Modernity*, of CLR James’s *The Black Jacobins*, and particularly Scott’s claim that the change in emplotment, from romance to tragedy, between James’s earlier and later editions, arose from the fact that the problem space to which James was responding had changed; by the later moment, on Scott’s account, the genre of romance was no longer an acceptable reply, no longer helpful in making sense of that space, so James turned instead to tragedy. See David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham: Duke University Press, 2004).

¹¹ Indeed, to do so would be to participate in what Chicago school literary theorists termed the “neoclassical fallacy” – one of a trio, alongside intentional fallacy and affective fallacy, that we should also avoid in thinking about reading historical texts. The most oft forgotten of the trio, the neoclassical

to other declarations, the way it comments on and contributes to the genre, as essential to understanding how it changed the ways people understand and talk about human rights.

Cavell's language is useful in another way as well: in pointing to the inheritances shared within a genre, it suggests the possibility of disinheritances as well. In considering how a member of a genre "bears the responsibility" of its inheritance, we might look as well at what it refuses to bear, what it disowns. We can consider what histories are carried forward, and which are not; what social facts are acknowledged, and which are written out; what forms of politics are avowed, and which are constitutively excluded. We should understand these disavowals as actively present in the document itself.¹²

From here, we can reapproach Moyn's readings of mid-twentieth century declarations of rights. Moyn follows Armitage, yet takes his point about the subordination of individual rights to questions of the nation's place in the world even farther. The American and French declarations, on Moyn's account, were primarily concerned with external sovereignty; later citations of them, such as Ho Chi Minh's appropriation of the language of the American Declaration in the opening to the 1945 Vietnamese Declaration of Independence, should therefore be read as claims for self-determination – and not as human rights documents. On Moyn's telling, it is this emphasis on self-determination by mid-twentieth century anticolonial and antiracist movements that marks

involves reading for an Aristotelian-style form, as though literary texts might be embody or fail to embody such forms. 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, primarily at Yale, 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: Critical Institutions, Scholarly Agendas*, ed. Rónán McDonald (New York: Cambridge University Press, 2015): 137-154).

¹² I am indebted here to George Shulman's discussions of genre, inheritance, and disavowal in George Shulman, *American Prophecy: Race and Redemption in American Political Culture* (Minneapolis: University of Minnesota Press, 2008), and in his article "Acknowledgement and Disavowal as an Idiom for Theorizing Politics," *Theory and Event* 14, vol. 1, 2011. The book and article are discussed in greater detail below.

them as both continuous with the earlier declarations and discontinuous with the (more recent) history of human rights.¹³ And, to continue his argument, it is the emphasis on individual rights, and refusal to use the term “self-determination,” that marks the Universal Declaration of Human Rights as a human rights document, discontinuous with both the declarations that came earlier and the anticolonial politics that came at around the same time.¹⁴ This, despite claims by its drafters that the UDHR was an inheritor of the Declaration of Independence, the Declaration of the Rights of Man and Citizen, and perhaps also, as Eleanor Roosevelt liked to call it, “a modern day Magna Carta.”¹⁵

We can understand the twentieth century conflict over the inheritance of the French and American Declarations, in which both Eleanor Roosevelt and Ho Chi Minh claimed to be carrying those projects forward, as a contest over the meaning of those earlier declarations. We do not need to decide, then, which belonged to which family – the family of human rights documents or the family of self-determination ones. Rather, we can see how each of the later documents proposed a certain view of the earlier ones, and so sought to recast the genre. If we look to this series of rights declarations as a genre, we can see how later declarations take up aspects of earlier ones, participating in and altering their ongoing history. 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.

¹³ Moyn 2012.

¹⁴ This is alluded to in Moyn’s essay, and more explicit in his *The Last Utopia*. To be clear, while I take him to treat the UDHR as centrally concerned with human rights, he reads it, and the broader rights rhetoric of the 1940s, as an elite rights discourse that failed to capture a broader public imagination, and as discontinuous with the 1970s discourse of human rights.

¹⁵ See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

B. Disavowal and its Evidence

The term ‘disavowal’ has come to prominence in recent political theory as a way to describe a psychological stance in which the fact of another person’s domination, and one’s own responsibility for it, is known but actively denied. In contemporary political theory, the use of the term is caught up in the legacies of debates, over the past few decades, about recognition, and efforts to re-describe recognition’s failures. In place of a Hegelian “struggle for recognition,” Patchen Markell has argued that we might 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.¹⁶ George Shulman, drawing on James Baldwin, argues for describing such failures of acknowledgement as more active failings, drawing on the idiom of disavowal. For Baldwin, white Americans’ disavowal is not just a refusal to recognize black Americans as human, or as equal, but a failure to acknowledge what one knows, in particular the shared destiny of black and white Americans.¹⁷ In *The Fire Next Time*, Baldwin describes this as a disavowal of love, manifest as hatred and calling forth a hateful reaction from black Americans, which can be overcome only through an insistence, in the face of that demand, on love (otherwise, as the title prophesies, the next flood will come, this time as fire).¹⁸ For Shulman, introducing an idiom of disavowal into discussions of acknowledgement is a way of re-politicizing political theory’s ethical turn.¹⁹ Following

¹⁶ Patchen Markell, *Bound by Recognition* (Princeton, N.J.: Princeton University Press, 2003).

¹⁷ Shulman 2011.

¹⁸ James Baldwin, *The Fire Next Time* (New York: Vintage Books, 1993 [Dial Books, 1963]).

¹⁹ I am not willing to go as far as Shulman in describing the idiom of acknowledgement in Cavell and Markell as apolitical (though I agree with his criticism of Judith Butler’s recent, more Levinasian, work). Shulman claims they view the avoidance of acknowledgement as just that, as a blank rather than an active refusal; I don’t read them that way. As Cavell himself says, “spiritual emptiness is not a blank.”

Michael Rogin, he argues for “creative narratives and constructive collective action” aimed at acknowledging the legacies of imperialism and racial domination that lie in plain sight.

Here, I am following Shulman’s use of disavowal, though only so far. Shulman’s and Rogin’s accounts highlight the way disavowal enables broader injustice, precisely by denying its reality. Shulman calls for new narratives, or the creation or re-purposing of different genres, that might enable such acknowledgement. I share his interest in finding ways to make visible and urgent the persistence of crisis, and of relationships of domination. But my emphasis is elsewhere: I am interested in how certain practices of politics, and the particular understandings of political concepts that go with them, are repudiated in favor of other forms. It is that displacement of political concepts that renders ongoing crises invisible and unintelligible, and it is that double movement, declaring one while repudiating another, that I am calling disavowal.²⁰

There are several advantages to this approach. For one, it goes beyond an emphasis on acknowledging the results or even history of domination, the facts of suffering or the experience of injustice, emphasizing instead the foreclosure of certain forms of politics in favor of other forms. In this way, it goes farther in re-politicizing the “ethical turn” by showing how political and ethical failures, what I’m calling disavowals, might be overcome not by greater awareness, or by coming clean about what one knows – by taking a different stance toward the other – but by attending to the politics of what made those failures invisible, and the other possibilities for politics that were structurally excluded.²¹ Second, and related, my approach here is a less psychological one, placing the emphasis not on personal transformation or moral renewal but on

²⁰ This is in line with the reading offered by Neil Roberts, in *Freedom as Marronage*, who draws on Freud to define disavowal as a double movement. Roberts uses disavowal to describe 19th century legal treatment of slave agency: that slaves were both officially treated as property, as non-people, and yet also bore responsibilities, and potential punishments, that implicitly acknowledged their status as actors. Neil Roberts, *Freedom as Marronage* (Chicago: University of Chicago Press, 2015), especially Part 1.

²¹ In this way, while I am distancing myself from some of the more psychological language in this literature, I want to hold onto many of its aesthetic concerns.

a change in political practice. Similarly, disavowal, as I understand it, is not primarily a psychological phenomenon; it is a political machination present in political documents and institutions. This is not, or not necessarily, a matter of the personal moral failures of either writers or readers.

Perhaps most importantly, however, my approach allows a more nuanced view on the ways concepts of human rights have served to perpetuate racial and imperial domination. On one standard view, the denial of rights through imperial and racial domination was seen as justified because of a denial of the humanity of those subject populations, either in absolute or developmental terms (that they had yet to reach a certain standard of civilization). In thinking about this as a failure of acknowledgement, it is tempting to see a disavowal of the humanity of dominated people, of their suffering, and of the dependence of those in positions of power on the maintenance of that domination. What I am tracking, instead, is the way a version of human rights politics that emphasized progressive fulfillment and inclusion served to actively displace a version that emphasized a democratic politics of self-determination.

By calling this disavowal, rather than foreclosure or something else, I want to retain Shulman's focus on the active stance at play, and the double movement at stake. I want to emphasize, that is, that the concept that is avowed still contains that repudiation, and is shaped by it. And I also want to highlight the lack of finality, the persistent openness of concepts and genres to reclamation and political contestation.

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, after all, more active, often involving the simultaneous acknowledgement of something else. We might think back to the "avoidance of

love” Cavell describes in *King Lear*. 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 instead defined through the professions of her sisters, Regan and Goneril. Cavell calls this “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.²²

Cavell finds that evidence in the text of the play, and the actions and emotions of the characters. In his own diagnosis of disavowal, James Baldwin describes white America’s disavowal of its love for, and dependence on, black America, tracing its evidence through autobiography. He speaks descriptively and diagnostically, from experience, from a history that is at once national and personal, of the emotions he finds in relations among Americans. Baldwin’s approach is aimed at a collective diagnosis, and a call for moral renewal; in this sense, it participates in what Shulman identifies as an American genre of prophecy.

We could follow Baldwin in looking to the lived history of ideas of human rights. But I focus instead on a key moment of definition and redefinition, a moment when terms were redefined, and the inheritances and disinheritances of a genre contested. This, of course, has its limits: it does not in itself prove the ongoing relevance of the UDHR, or of the rights declaration as genre, in people’s political imaginations. But it does, I hope, show an instance of disavowal in what Armitage, Hunt, and others have identified as a central genre of human rights, at a moment that recast the genre so as to establish new international political institutions and the vocabulary and procedures for making claims on them. It was, of course, not a moment of final closure, and

²² Stanley Cavell, *Must We Mean What We Say?* (Cambridge: Cambridge University Press, 2002 [1969]): Chapter 10. See also Williams Shakespeare, *King Lear* (New York: Penguin, 1999). Lear’s disavowal also takes the form of disinheritance, as Lear disowns Cordelia, making Regan and Goneril his heirs; similar issues of inheritance and disinheritance arise in Gloucester’s relationships with his legitimate and illegitimate sons, Edgar and Edmund.

the UDHR itself would be open to contestation going forward – but all the more reason to make sense of the active presence of the politics of race and empire in the UDHR.

The UDHR avowed an understanding of human rights as a set of foundational promises, toward which nations were perpetually striving, best achieved through membership in and assimilation to a nation state, states that would themselves be separate and equal members of the UN. Human rights were figured as a civilizational achievement, an endpoint always still to come, as part of a narrative in which contemporaneous abuses were not human rights violations, but anomalies on the path of progress. This progress narrative allowed both the US and France to explain away the abuses of empire and American white supremacy. The US was not a racist country, but a country making progress on race; France was not an imperial country, but a country whose colonies were gradually advancing toward independence. In what follows, I trace the UDHR's inheritance of a narrative of exceptionalism and progress, and its disavowal of the history of that narrative and its service to ongoing systems of domination, through a consideration of its treatment of the vision of international politics the document presented, and the related issues of self-determination, the right to petition, and the rights of minorities.

Part II. The World in the Universal Declaration of Human Rights

A. Sovereignty and Self-Determination

Perhaps the most infamous silence in the Universal Declaration of Human Rights is the absence of any mention of self-determination. Yet despite Moyn's suggestion that this provides proof of the UDHR's divorce from the question of external sovereignty, the UDHR contains a fairly clear picture of sovereign states and their relations – a picture that intersects with, and was partially determined by, questions about self-determination, broadly understood. The document has its own version of what Armitage and Hunt identify in the American Declaration as an

establishment of sovereignty, internal and external: the UDHR would contain ideas about the aims of states, the sources of human rights and their protection, how states relate to each, and what sort of power the new United Nations would have in these relationships. In Armitage's terms, there is a world in the UDHR. In declaring rights, the UDHR projected a particular imagination of the international.

In the first round of drafting, John Humphrey went back and forth on precisely this: "Man is a citizen both of his state and of the world," he wrote, and "Every one owes a duty of loyalty to his State and to the international society of which he forms part." Showing the draft to Eleanor Roosevelt, he crossed out "the international society of which he forms part," replacing it with "the United Nations," taking the United Nations as a metonym for international society as such.²³ The final version depicts an international order composed of states, mandates, and territories, with each person in possession of a nationality, protected from discrimination, and entitled to participate in a democratic political system through periodic elections. In addition to a silence on self-determination, the UDHR would not contain a right to petition the UN – and yet questions of democratic appearance on the international stage, and about the nature of that international, left clear marks on the document. Carrying over ideas of self-determination from the American Declaration, it could have inherited a tradition that Moyn identifies with self-determination; instead, ideas of self-determination as either a human rights in itself or as a starting point for human rights were disavowed, in favor of a different inheritance.

²³ Humphrey Papers, McGill University. MC 4127 C11 1457B, Draft Declaration. This particular language would not survive the many rounds of revisions the document went through, including the overhaul to the preamble that René Cassin made in his draft, which he claims was done to make the document better conform to the norms of international law. The gendered language present in the Humphrey draft would also be removed in later iterations, largely on the insistence of the Indian delegate, Hansa Mehta.

On one common telling, the UDHR's non-inclusion of self-determination was corrected when, after the adoption of the UDHR, the General Assembly, now dominated by newly independent countries, emphatically placed self-determination in the rights covenants.²⁴ While some treat this later moment as a contest in which the former imperial powers lost out, John Humphrey offers an even more cynical account – and a suggestion that, in a sense, the latter moment wasn't so complete a defeat for empire. His account portrays some of the complexity, and politics, of the notion of “self-determination” in this moment. 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.²⁵

On Humphrey's account, he and his co-authors only narrowly avoided having to include self-determination in the 1948 UDHR. The Western powers fought the inclusion of “self-determination” until decolonization itself appeared inevitable; once that happened, an effort went into ensuring that “self-determination” would be understood narrowly, and would only apply to those colonies that were in the course of achieving independent status.

As Humphrey's account suggests, at stake was not just the presence or absence of the word, but what it was taken to mean. In the debates at the UN, the historian Roland Burke

²⁴ The Covenants followed the Declaration and were meant to specify, in a manner that would be binding under international law, the rights gestured to in the Declaration's more aspirational tone. More on this later.

²⁵ “The Achievement of 1948: An Interview with John Humphrey,” 90 Box 3 ACC#02-086. John Humphrey Papers, McGill University.

describes the contest in terms of the understanding of how self-determination and human rights relate to one another, logically and temporally.²⁶ Burke focuses on 1950s, and the debates about the Covenants, in which Cassin and Humphrey both opposed the inclusion of self-determination – Humphrey explicitly because of his objections to the power politics of the debate, Cassin for more subtle reasons. On Burke’s account, Cassin objected, in particular, to an understanding of self-determination as a human right, and a precondition for the fulfillment of other human rights; he objected, that is, to the idea that sovereignty came first, and sovereign states could then secure human rights for their people. This was not, on Burke’s telling, the only understanding of self-determination present – others understood it more loosely and democratically, as something fulfilled alongside and through the fulfillment of political and other human rights. But it was the sovereignty-first version that became prominent in debates about decolonization, because it most clearly marked colonialism as incompatible with human rights, and it was the sovereignty-first version that would ultimately feature in the Final Communiqué of the 1955 Bandung Conference.

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, in 1950 and later, 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. On his reading, human rights are in fact prior to true self-determination: their respect by states is the basis on which states can relate to each other, through the UN, as sovereign equals. The records of the Third Committee’s meeting from November 1950 summarize his position in this way:

²⁶ Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010). See chapter 2.

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 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.²⁷

Cassin’s point is in many ways compatible with a view that the legitimacy of a state, its right to be treated as sovereign, rests on its respect for human rights – a philosophical line of argument more recently associated with the United Nation’s “Responsibility to Protect” doctrine.²⁸ Yet Cassin’s argument is more complex, and implies a more complete image of world order: that the United Nations itself is founded on the respect for rights, and that it is that universal respect that enables the UN to mediate among states, establishing relationships characterized by mutual respect, including respect for the self-determination of peoples.

Cassin’s vision of self-determination following from respect for rights already contains a clue of how we might square his adamant advocacy for universal human rights with his defense of French colonialism. Burke suggests that Cassin contradicted himself here: by continuing to defend colonialism, and particularly by defending 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 UDHR, from his support

²⁷ A/C.3/SR.311, paragraphs 20 and 21. Portions of this passage are cited by Burke (37), and are used as the title of his chapter. In later discussions Cassin indicated that he thought an express right to self-determination “exceeded the bounds directly established by the Universal Declaration of Human Rights”; while gesturing toward it, in the spirit of the UN Charter, in the preamble would be acceptable, including it in the body of the covenant would not. He also objected that it was too political for the covenant on economic and social rights, and that it was a group right rather than an individual one. See A/C.3/SR.399 and A/C.3/SR.401, all in the United Nations’ official records.

²⁸ For the recent history and a strong critique of the “R2P” doctrine, see Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011), especially chapter 1.

for the notion of universal rights (40).²⁹ He voiced a similar stance while serving on a commission chaired by René Pleven, immediately after the war, on the place of the colonies in the new French constitution. The commission saw its task as formulating a federative structure for inclusion without equality; on Fred 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 self-government."³⁰ Deepening the seeming contradiction, in addition to this invocation of a civilizational, and implicitly racial, hierarchy, Cassin also went on to defend, before the UN in his role on the Human Rights Commission and internally as vice-president of the *Conseil d'Etat*, France's violent repression of the Algerian resistance.³¹ 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 use torture, as representing a "glaring contradiction" with his commitment to human rights (276).

We get a more nuanced view if we start a bit earlier, and look to his writings about national liberation and human rights in the World War II period. In this time, he was part of Free

²⁹ Quoted in Burke, page 40. Fabian Klose, reviewing Jay Winter and Antoine Prost's biography of Cassin, also questions their ability to account for his support for colonialism, given what they say about his advocacy for human rights from 1941 forward. Fabian Klose, Review of *René Cassin and Human Rights: From the Great War to the Universal Declaration*, by Jay Winter and Antoine Prost. *The American Historical Review* (2014) 119 (5): 1786-1787. In his own book, Klose maintains that the French war in Algeria was waged on the premise of a suspension of law, and an Agambian state of exception. Setting aside the question of how best to read Agamben, what I am claiming here is that even that "state of exception" did not suspect France's narrative of colonial control as making progress toward human rights, but in fact fit within that narrative, as Cassin's description of the rebel forces already suggests. See Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria*, Dona Geyer, trans. (Philadelphia: University of Pennsylvania Press, 2013).

³⁰ Frederick Cooper, *Citizenship Between Empire and Nation: Remaking France and French Africa, 1945-1960* (Princeton: Princeton University Press, 2014). See 41, quoting from the commission's records.

³¹ For his role on the *Conseil d'Etat* in relation to human rights and Algeria, 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): 274-279. For his role at the UN, see 382AP129.

France, and Charles DeGaulle's resident legal theorist. Winter and Prost emphasize the legacy of World War II in Cassin's position on rights: he held that the sovereignty of Nazi Germany should not have been respected; that its flagrant violations of human rights should have undercut the country's claim to self-determination, permitting intervention. And yet Cassin was also at pains to justify France's own right to self-determination in the face of German occupation.

Writing from Algeria, in a 1944 article in *Cahiers Antiracistes* titled "*Les Droits de l'Homme et la France Libre*," Cassin reflected on the occasion of the January 1944 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, like Cassin, Jewish. He opens the piece by setting up an opposition: on the one hand, the "savage" assassination of Basch, and, more generally, the traitors in the Vichy camp; on the other, the reconstituted *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 either dies for liberty or works toward that supreme goal: "toutes les libérations, celle des nations comme celle des êtres humains" (all liberations, that of nations just like that of human beings).³²

Cassin's claim here is not contradicted by, but in fact echoed in his later defense of French repression in Algeria. As his French biographer Marc Agi documents, Cassin would defend France's actions on the grounds that the resistance represented the enemies of human rights, who had sworn off respect for international law; respect for such law could only be ("could not not be") bilateral.³³ France's violent repression of the rebellion was legitimate because it was waged against those who had sworn off respect for human rights. While far from perfect parallels, Cassin in each case designates one group (Vichy France or Algerian rebels) as

³² 382AP71, "Les Droits de l'Homme et la France Libre" and letter from *Cahiers Antiracistes*.

³³ Marc Agi, *René Cassin: Fantassin des Droits de l'Homme*. Paris: Plon, 1979. See 235-236.

opposed to human rights, trampling rights underfoot, while another group, some version of France in both cases, stands for human rights. Colonial violence was not evidence of a lack of respect for rights, but was justified given the circumstances; anticolonial violence, in contrast, was evidence of a lack of respect for rights, and so proof of the lack of a legitimate claim to self-determination. Self-determination and national liberation follow from respect for rights.

The piece on Basch appears in Cassin's files as a prefatory note to a declaration of rights, prepared for a commission overseen by Cassin and, starting in 1943, chaired by Félix Gouin on "*Reforme de l'Etat.*" The commission was one of several convened by Free France (Cassin, in the introduction, says "*France Combattante*") to draw up principles to guide the postwar transition. The declaration was written by a subcommission, chaired by Paul Vaucher, in 1942 and 1943, and approved on August 14, 1943.³⁴ The document itself attempts to position Cassin's side as the true champions of human rights, the rightful inheritor of the legacies of the 1789 French Declaration, though it traces broader inheritances as well, which serve to associate France's human rights tradition with that of the Allies. Free France's mid-war declaration of rights arose, he says in his introduction, not just from the spirit of 1789, but also 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 preamble reads:

The French people, convinced that the disregard and forgetting of the rights of man are the most severe causes of the misfortune of the world, have resolved to set out in a solemn declaration these inalienable and sacred rights, so that all citizens can ceaselessly compare the acts of government with the goals of social institutions, and never tire before the oppression and degradation of tyranny, and that the progress of reason and science may not be used for the enslavement and destruction of the individual but deliver man

³⁴ Winter and Prost discuss the formation of the subcommission and the conditions for the drafting of the declaration on pages 159-167. Cassin lists the members of the drafting committee as Misters Vaucher (president), Maisonneuve (secretary, Bernard, Burnay, Fournier, Hauck, Jacquemin, Lazard, Simon, and Stefanini.

from avoidable misery and suffering. Therefore, the French people proclaim this declaration of the rights of man and citizen.³⁵

This is followed by an enumeration of 34 rights, which include includes the right to share in the scientific and economic progress of society as well as *habeas corpus* and freedom from arbitrary arrest. The last of the 34 is the right to rebel: “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 indispensable of duties.” The list of rights is followed by a list of 12 additional duties, reiterating, as number 11, the duty to rebel, but also specifying the circumstances: that “if the government violates the constitution, insurrection is the most sacred of rights and the most imperative of duties.” Here we have not only a justification for French resistance, but a condemnation of Vichy collaborators, who, on Cassin’s telling, 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 – not as a matter of outright hypocrisy, but because, to his mind, the conditions justifying rebellion had not been met. On Cassin’s view, France’s actions in the colonies were aimed at spreading respect for rights; 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. But, within this, he did imagine Algerians coming into possession of greater rights to self-determination, in a broad sense: he would defend, with DeGaulle, extending French citizenship and representation in the National

³⁵ « *Le peuple français, convaincu que le mépris et l’oubli des droits de l’homme sont les pires causes des malheurs du monde, a résolu d’exposer dans une déclaration solennelle ses droits inaliénables et sacrés, afin que tous les citoyens, pouvant sans cesse comparer les actes du Gouvernement avec le but de toute institution sociale, ne se laissent jamais opprimer et avilir par tyrannie, et que les progrès de la raison et de la science ne soient pas utilisés pour l’asservissement et la destruction de l’individu, mais qu’ils aient pour effet de délivrer l’homme de la misère et de la souffrance évitable. En conséquence, il proclame la déclaration suivante des droits de l’homme et du citoyen.* »

Assembly to Algerians and others. On his view, participation in government followed, but did not precede, the respect for rights instilled through French colonial control.

Read through this history, 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 that was being articulated at the time in favor of a human rights politics that was in keeping with colonial control. On Cassin’s later reading, 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.

The rejection of self-determination as a human right in the UDHR, and the projection of an alternative view of the world, was caught up in the broader politics of race and empire. In this sense, it rejected not only a view of self-determination as the precondition of human rights, but broader understandings of democratic participation both in national governments and before the United Nations, through its narrative of progressive inclusion and rejection of the right to petition. The NAACP, often remembered in this period for DuBois’s 1947 petition to the UN on behalf of African Americans in the United States, was involved with these broader anti-imperial and pan-African movements, including advocacy for representation for colonized people at the United Nations. While the NAACP’s petition does not demand self-determination *per se*, the politics it offers, and that its presentation embodied, does connect to broader questions about democracy and the status of what the petition refers to as “a nation within a nation.”

B. International Appeals and Nations Within Nations

In August 1946, DuBois wrote to Walter White, president of the NAACP, suggesting the NAACP compose a petition to the UN “touching the situation of American Negroes.” He wrote: “The necessity of a document of this sort is emphasized by the fact that other groups of people, notably the Indians of South Africa, the Jews of Palestine, the Indonesians and others are making similar petitions. ...It would be, I am sure, an omission not easily to be explained if the NAACP did not make a petition and statement of this sort.”³⁶ In the petition’s title itself – “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” – the denial of human rights in America is presented as a case, which DuBois expected to be read alongside accounts of other cases of the denial of human rights to minorities.

The *Appeal* frames its case through an invocation of the American Declaration, and an accusation that the US was failing to make good on its founding promises. DuBois charges in his introduction:

The color caste system...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. (2)³⁷

DuBois goes on to explain that these denials, falsifications, and hypocrisy have disenfranchised black Americans (as well as Southern whites), threatening the functioning of American democracy; the failure of democracy in America presents a threat to world peace and stability,

³⁶ W.E.B. DuBois, *The Correspondence of W.E.B. DuBois, Vol. 3: Selections, 1944-1963*, ed. Herbert Apetheker (Amherst: University of Massachusetts Press, 1997): 163.

³⁷ 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 in the United States of America and an Appeal to the United Nations for Redress*, W.E.B. DuBois, ed. (New York: National Association for the Advancement of Colored People, 1947). Notably, DuBois’s time reference here is not to 1776, but to 1619, and the first arrival of African slaves in what would become the United States, in Virginia (he discusses this event later on the same page).

and so should be of concern to the UN. What's more, the failure of democracy in what he describes as "the leading democracy in the world" marks democracy's failure in the world (6). The "redress" sought by the *Appeal* is not clearly specified, but in a sense, the submission of the petition to the General Assembly and to the Commission on Human Rights serves as a moment of re-enfranchisement, of democratic public appearance.³⁸

Such an appearance also staged the messiness of state sovereignty, and particularly the messiness of the overlapping categories of state, nation, and people. The petition opens with an accounting, and a suggestion not of a "people" but of a legally constituted caste. In the published version, this reads: "There were in the United States of America, 1940, 12,865,518 citizens and residents, something less than a tenth of the nation, who form largely a segregated caste, with restricted legal rights, and many illegal disabilities." The version delivered to the drafting committee says, in place of "citizens and residents," "native-born citizens," suggesting already some ambiguity about the constitution of a "people," and the nature of membership.³⁹ The view of black Americans as a "nation within a nation" has a long history in African American political thought, and was a recurring concern in DuBois's work in particular. While his version, as articulated in the petition, tends to insist on a cultural unity, something approaching an expressivist politics, the phrase also summons questions of separatism and self-determination.

Not coincidentally, in this sense, the other history of the phrase in American political thought

³⁸ The reading of the petition as a moment of democratic appearance in a new international imaginary is also present in Carol Anderson's account, in *Eyes Off the Prize*, and consistent with Brenda Gayle Plummer's account, in *Rising Wind*, of how DuBois viewed the purpose of the petition (see 179 in particular). Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (Cambridge: Cambridge University Press, 2003). Brenda Gayle Plummer, *Rising Wind: Black Americans and US Foreign Affairs, 1935-1960* (Chapel Hill and London: University of North Carolina Press, 1996).

³⁹ Published version printed by the NAACP, cited above. The *Appeal* was prepared for printing after it had been delivered to the committee; for the committee's version, see Eleanor Roosevelt Papers, Box 1936, Folder "NAACP Statement." This is one of at least two copies in her papers; both open the same way.

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.”⁴⁰ In the present case, the phrase serves to disrupt the image of the UN as a collection of independent and coherent nations: it suggests that nations can be overlapping, can even contain each other. This is, as I read it, the animating tension of the petition’s introduction: the 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.

Even as the petition gives an account of a particular history, and even as it invokes a narrative of American exceptionalism (that the US is the leading democracy in the world), it should be read within the context of DuBois and the NAACP’s broader anti-colonialism, their sense of the US as a case. Both DuBois and the NAACP’s earlier engagement with the UN, before the *Appeal* petition, was framed in terms of an anti-colonial effort and part of a broader black internationalism. When, in advance of the San Francisco conference, the organization was asked by Eleanor Roosevelt what it would like to see in the UN Charter, Walter White wrote back with nine items, summarizing what he said he and DuBois had agreed upon, all concerning colonialism and democracy outside of the United States. When Mary McLeod Bethune followed up with an additional four, she began with the trusteeship system, then added that “one of the basic qualifications for employment on the UNO permanent Secretariat should be sympathetic attitude toward and technical experience with the problems of racial minorities,” that Latin American nations should lift race-based migration and citizenship restrictions, and that UNESCO’s exchange student program should include “Negroes” from Europe and other

⁴⁰ W.J. Cash, *The Mind of the South* (New York: Vintage Books, 1991 [A. A. Knopf, 1941]).

countries, bringing them to historically black colleges and universities in the US.⁴¹ DuBois and White attended the San Francisco 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.⁴² They also dissented strongly from the “national jurisdiction” clause of the charter, which upheld the sovereignty of nations against intervention.⁴³

DuBois did not let the issue of representation drop after San Francisco. In September 1946, after he had proposed but before he began work on the *Appeal to the World* petition, 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 although not the national office. DuBois did not attempt to present the 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 help arrange a meeting between them.⁴⁴

When it came time to submit the *Appeal* petition, DuBois tried multiple approaches to get it heard by the UN: he circulated copies to country delegations; he put together a formal presentation at UN headquarters, at which the petition was received by John Humphrey and France’s Henri Laugier; he tried to have it added to the agenda of the Economic and Social Committee (ECOSOC), which included the Commission on Human Rights, at that time engaged

⁴¹ Eleanor Roosevelt Papers, Box 1659, Folder Walter White. Also published in Allida Black, ed., *The Eleanor Roosevelt Papers, vol. 1* (Detroit: Thomson Gale, 2007).

⁴² 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). See 34-38.

⁴³ Carol Anderson, *Bourgeois Radicals: The NAACP and the Struggle for Colonial Liberation, 1941-1960* (New York: Cambridge University Press, 2015). See 63.

⁴⁴ DuBois Correspondence, 153-159. For the letter to Padmore, see 159. Gerald Horne claims in *Black & Red* that the meeting organized by Myrdal did in fact take place (see page 39); Herbert Aptheker, the editor of DuBois’s published correspondence, says there is no evidence for this.

in drafting the UDHR. Eleanor Roosevelt was at the time the US delegate to the General Assembly, a member of ECOSOC, and the president of the Commission on Human Rights, as well as a board member of the NAACP and friend of Walter White. As Anderson and other historians have documented, she was not as helpful with the petition as the NAACP, and especially DuBois, would have liked. And yet she did forward the petition, with a cover letter from the NAACP stating that they hoped to present it to the General Assembly or to ECOSOC, to the Secretary General, on September 24, 1947; the Secretary's office wrote back to say they were trying to arrange for it to be received by the Department of Social Affairs.⁴⁵ Her attitude about both attending the public presentation ceremony and about the petition's discussion before ECOSOC suggested more ambivalence: a certain amount of sympathy for the effort, but a frustration with the position it put her in, vis-à-vis her colleagues, especially the Soviet delegates and her State Department advisors. As she wrote to Walter White at the time, in reply to an invitation to the formal presentation of the petition:

I am very sorry that I cannot be with you tomorrow morning at twelve o'clock. As an individual I should like to be present, but as a member of the delegation I feel 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.

Indeed, her State Department advisors, Mr. Sandifer and Mr. Burnett, had recommended she not attend.⁴⁶

When the petition came before ECOSOC, at their meeting in Geneva on December 3, 1947, the question of procedure continued to dominate. As Anderson and others have reconstructed, the committee decided to refer this and other petitions to a subcommission, tasked

⁴⁵ Letter from Clyde Nichols, Office of the Secretary General, to Eleanor Roosevelt, October 17, 1947. Eleanor Roosevelt Papers, Box 1609, Folder NAACP.

⁴⁶ 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.

with reviewing communications and passing forward summaries of relevant communications.

That subcommittee decided not to consider the petition.⁴⁷ Giving her own version of what

happened in that meeting, 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. Jonathan Daniels [an American representative] 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.⁴⁸

That the US quashed discussion of the petition to avoid embarrassment by the Soviets is a widely shared narrative of what happened to the petition itself, though Roosevelt suggests perhaps greater willingness to discuss the petition here than is often attributed to her. And yet, in light of the US government's sense of vulnerability to embarrassment about race, the politics embodied by the NAACP petition was subsumed not only into a frame of state sovereignty, but into a new way of carving up the world, now under the rubric of the Cold War.⁴⁹

⁴⁷ See Anderson, as well as, in the UN archives, E/CN.4/SR.26, pages 8 onward; E/CN.4/77, page 11; and E/CN.4/77.ADD1.

⁴⁸ Eleanor Roosevelt to Walter White, January 20, 1948. Eleanor Roosevelt Papers, Box 1659, Folder Walter White. I quote this letter at length because I have not seen it included in other accounts of the correspondence related to the petition, or in published collections of Roosevelt's or the NAACP's correspondence. The International Democratic Women's group would be investigated by HUAC the following year.

⁴⁹ That US embarrassment over race ultimately spurred positive change is also a widely shared account. Responding to this argument, Mary Dudziak writes: "To say that the Cold War was 'good' for the civil rights movement strikes me as like saying that Hurricane Katrina was good for the building trades on the Gulf Coast" (Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2011 [2000], xix). In *Satchmo Blows Up the World*, Penny Von Eschen emphasizes not only the US government's attempt to propagandize about "progress" on race through its "jazz ambassadors" (a program coinciding with the denial of passports to DuBois, Malcolm X, and others), but also the indeterminacy of that effort, and the way Louis Armstrong, Dizzy Gillespie, and

The US's broader stance on the right to petition the UN was also heavily inflected by Cold War politics. The briefing book Eleanor Roosevelt received in advance of the Geneva meeting reasoned that petitions might be useful, facilitating the free flow of information and bringing abuses to light, but petitions were nonetheless a flawed mechanism, because after all, "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." The UN would need to account for this in its reception of petitions. Further, the book instructed that "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 State Department author worried, there might be more petitions brought against it than against other countries, which various "pressure groups" might then decide to use to embarrass the US – "political dynamite at this time." On the other hand, America's commitment to free speech would be on display, which could be an asset, and the ability to petition did seem like an important way for abuses to come to light. All things considered, the author concluded, the US should remain neutral.⁵⁰

France took a similar stance. René Cassin, writing in December 1949 to his government, recounted the debate over the right to petition. He attributed the promotion of the right to petition at the UN to the fact that such petitions could be used as an offensive tool against "*les états*

others were able to instead spread a more complex message. Penny Von Eschen, *Satchmo Blows Up the World: Jazz Ambassadors Play the Cold War* (Cambridge: Harvard University Press, 2004). Also see Penny Von Eschen, *Race Against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca: Cornell University Press, 1997).

⁵⁰ See page 8, Position Book for the Second Session of Commission on Human Rights, Geneva, Switzerland, Dec. 1-19, 1947, Book 1. Eleanor Roosevelt Papers, Box 1944, Folder "Geneva Conference, December 1947." There was a separate set of concerns related to the compatibility of a right to petition with the Logan Act. See Eleanor Roosevelt Papers, Box 1933, Folder Position Book 1947, page 68.

‘*possessionnés*,’” states with colonial possessions (he mentions France, England, and Belgium), to oppose segregation; on his telling, this was being done in the name of upholding rights, but was in fact part of an anticolonial agenda. He suggests that such petitions should instead go to the *Ministre des Outre Mer*, so they could be handled internally to France, which would, he claims, better protect the rights of French settler minorities living in the colonies.⁵¹

Arguably, the later inclusion of a right to petition in the Covenants, much like the inclusion of self-determination, marked the triumph of those anticolonial forces at the UN.⁵² Yet the refusal to include a right to petition in the UDHR represents more than a moment of delay, followed by later victory: it marks a disavowal of the politics of appearance championed in the NAACP petition. 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. As Cassin’s counter proposal already suggests, the idea that national governments mediated between “minorities” and the UN, that there should be no direct line of communication from such “nations within nations” to the international body, was an essential component of this disavowal. Appearance before the UN, and national liberation, followed from respect for universal human rights, which itself would be best assured by incorporation into France, the US, or other nations that stood for universal respect of human rights.

C. Assimilating Minority Rights

The subsumption of the NAACP’s claims, the right to self-determination, and a broader anti-colonial politics into the particular system of sovereign states envisioned in the UDHR was dependent as well on the UDHR’s treatment of “minority rights.” This involved the description

⁵¹ René Cassin, “Note,” 10 December 1949, 382AP-129 Dossier 1, page 2.

⁵² Roland Burke, *Decolonization and the Evolution of International Human Rights*, chapter 3.

of what might be considered “nations within nations,” demanding self-determination either through equal inclusion or sovereign independence, as, instead, minorities within nations. Instead of “minority rights,” however, the UDHR guarantees the right to a nationality and the right to protection from discrimination: the final agreement emphasizes assimilation and non-discrimination, rather than collective rights. The agreement resulted from extensive conversations and negotiations about the rights of racial and national minorities, heavily influenced by the experience of the previous world wars.

Complicating these conversations was the convergence of a wide range of issues and groups under the heading “minority.” Humphrey, from New Brunswick but having married a Quebecois woman and spent much of his adult life in Montreal, was very concerned about the rights of Francophile Canadians. René Cassin was concerned with the status of French colonies; in addition, Cassin was Jewish, and often cited his family’s history as Jews who had fled persecution in Spain to move to France. But what was most directly present in the UDHR’s conversations were concerns about “national minorities” – concerns that were motivated by recent experience with the League of Nations, particularly the League’s “Minority Treaties,” as well as Nazi Germany.

The American position was to support assimilation and non-discrimination, rather than self-determination or group rights. The US also maintained that this was a problem only affecting other countries, as it had, on its accounting, no national minorities. In January 1947, Eleanor Roosevelt received an advance version (number one of fifteen numbered copies) of the introduction to a since-declassified State Department report, “A Survey of National Minorities in Foreign Countries,” with a note that the full report, 444 pages, would arrive in a few days. The cover letter noted that the report, prepared for the use of the US delegate to ECOSOC, would not

cover the US, as “The United States has upon several occasions stated that it has no national minorities.”⁵³ The introduction expanded on this claim:

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, nor to refugees or displaced persons anywhere. Only those national minorities have been selected for treatment in this report whose situation is believed to be critical, that is, which might involve consideration by the United Nations.

The report begins its treatment of national minorities with a discussion of Europe – where, it says, the “most acute minority problems” are located, made all the worse by the “political considerations involved.” In the second section, on “Africa, Near East and Middle East,” the focus is still often on people from Europe: the “national minority” discussed in the section on Tunisia, for example, is that of Italian nationals in what was then French-controlled territory. This shifts by the final section, on “Far East.” The report does not cover either Canada, despite what would appear to be a French minority there, or France.⁵⁴

The report begins with a brief history, an explanation of why it was thought urgent that Roosevelt read to prepare for her duties at ECOSOC. It cites the presence of national minorities and “the revisionist agitation to which they gave rise” as a major cause of the First World War. While the peace treaties attempted to address the problem, they ultimately made it worse, because “the principle of national self-determination which theoretically guided the peacemakers was in many cases compromised for political reasons, or proved inapplicable, or, when applied in the interest of a particular nationality, resulted in the denial of that very principle to other

⁵³ Walter Kotschnig to Eleanor Roosevelt, January 10, 1947, and cover note by Paul Neuland, January 2, 1947, Eleanor Roosevelt Papers, Box 1933, Folder “A Survey of Minorities in Foreign Countries.” After its claim about the US, the letter notes that “the same is true of the Latin-American countries” but that “Further attention is being given to the situation in Soviet Russia.”

⁵⁴“A Survey of Minorities in Foreign Countries,” Depart of State Intelligence Research Report, OCL-4209, January 2, 1947. Eleanor Roosevelt Papers, Box 1933, Folder “A Survey of Minorities in Foreign Countries.”

ethnic groups.” At the close of the Second World War, that principle of self-determination was often replaced with one of “assimilation” – including what we would now call repatriation – and yet this was incomplete, so the problem persisted. It is the completion of that project that the report suggests was necessary.

Guided by the principle of assimilation, Roosevelt sought protections for minorities from persecution by majorities. Here, she was influenced in part by the historical experience of Weimar Germany. Arnold Brecht, a Weimar legal philosopher, had fled Germany for the United States during the war; he was advising the State Department and was in touch with Roosevelt. Instead of guarantees of group rights, he favored institutional guarantees that could protect people from persecution by a popular majority: among other things, he emphasized ensuring strong internal courts that could intervene.⁵⁵ His article on “amendment-proof” constitutional guarantees – protections that could not be removed by a popular majority government – was read by Roosevelt; she forwarded a copy to Humphrey for his review as well, noting that they might consider whether the principle could be adapted for international human rights agreements.⁵⁶

In its briefing book to Roosevelt before the December 1947 meeting, the State Department instructed her that the US should support assimilation, rather than the protection of minority rights, coupled with prohibitions on discrimination. This would avoid the problem of group rights, at least in most cases:

It is recognized that minority rights of this type 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

⁵⁵ 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.

⁵⁶ 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.

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.⁵⁷

This insistence that assimilation was possible, and emphasis on protection from discrimination, is consistent with what appears in the UDHR.

René Cassin wrote to the French ambassador to the UN in early 1948 to summarize where the committee had arrived on protection of the rights of minorities. It was a difficult issue, he claimed, particularly in the question of group versus individual rights. The answer to this question would vary based on the type of state: unitary, republican, federal, etc.⁵⁸ The key was for a country to maintain legislative unity; so long as this was respected, some minority protections could be allowed. As such, he continued, France should not extend minority protections to those (and here he is referring to French settlers and their descendants in the colonies – *ressortissants*) who could not accept, in advance, the legislative unity of the nation, could not accept that the colonies would not become states within states.⁵⁹ “Assimilation” here would mean acceptance of colonial control, by both colonial subjects and settlers.

The priority on assimilation into a country, and non-discrimination within that country, would be complemented by provision for a right to a nationality – an individual right. That right would seem to protect against the problem of statelessness made visible by the failures of the League of Nations and diagnosed perhaps most famously in 1948 by Hannah Arendt, in her

⁵⁷ “Article 36” in Book II of “Detailed Comment on the Long Form Declaration of the International Bill of Rights,” page 2. Eleanor Roosevelt Papers, Box 1944 Folder “Geneva Conference Book II.”

⁵⁸ Frederick Cooper discusses the then-contemporary debates within France about what kind of nation to build out of their empire, and the conversations about the comparative merits of the US, Britain, and other systems. See Cooper 2015, especially chapter 1.

⁵⁹ René Cassin to Monsieur Parodi, 30 April 1948, page 4, 382AP128. It isn’t entirely clear what precisely Cassin is concerned with here; it seems perhaps that he was worried about demands for greater local control and decentralization. As Cooper emphasizes, there was a great deal of uncertainty about the potential legal forms the empire might take in this period, especially around what a federal organization would mean.

chapter of *Origins of Totalitarianism* titled “The Decline of the Nation State and the Ends of the Rights of Man.” In the chapter, Arendt argues that “human rights,” as the concept was emerging at the time, while supposedly pre-political, based on humanity alone, nonetheless required membership in a nation state; to be expelled from the nation, to fall back on humanity alone, leaves one stateless, unequal, lacking the “right to have rights.” While the UDHR would not resolve this conceptual paradox, the guarantee of nationality would seemingly resolve the problem of non-membership.

And yet it would fail to address Arendt’s other diagnosis there: it is not just rights, but equal rights, that are unavailable to the stateless; people only become truly equal through an act of national founding. On Arendt’s telling, this is not just any national founding. Its specificity becomes clear from her examples – the American and French revolutions – as well as her mention of another form of rightlessness in the essay, one that does arise not from expulsion from the nation exactly. Those in “tribal or other ‘backward’ communities,” as she calls them, are also, like stateless people, lacking human rights.⁶⁰ This is a striking moment in her essay, both for her language and because of the suggestion that human rights are in a sense an achievement – the outcome, her terminology suggests, of a civilizing process, culminating in the founding of a nation. Questions of what it meant to be ready for national independence, and about inclusion without equality, would characterize much of the debate about decolonization and self-determination, as discussed above. By approaching minorities as groups to be assimilated, even while the UDHR did not attempt to split human rights from the idea of nationality, it did attempt to split human rights from the idea of national founding. As Arendt’s

⁶⁰ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace, Jovanovich, 1973 [1951]). See especially 291.

account highlights, this would make the UDHR compatible with ongoing forms of political inequality.

D. Declarations versus Covenants: Aspirational Human Rights and Narratives of Progress

Shortly after the adoption of the Universal Declaration of Human Rights by the UN General Assembly, presided over by René 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. The piece ends: “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.”⁶¹ Following the devastation of two world wars, and a growing ideological 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.

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 that allowed Americans to feel good again, after the civil rights struggle and the war in Vietnam.⁶² And 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, in describing the ratification process of the Declaration and related two Covenants, 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; when nations adopted these

⁶¹ Eleanor Roosevelt, “The Promise of Human Rights,” *Foreign Affairs*, April 1948.

⁶² Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge: Harvard University Press, 2014).

(which the US would not do for several more decades), they had to change their laws to conform to the agreements. But the Declaration was, as she presented it, an aspirational document. It was an orienting set of ideals not just for individuals, but for nations.

Human rights, on Roosevelt's view, were an achievement of states. Everyone was entitled to a nationality – which, she stressed in the piece, was among the three most vital items in the UDHR⁶³ – and through that nation might progress toward the fulfillment of human rights ideals. This was not just Roosevelt's view, but is built into the text of the Declaration itself. The closing paragraph of the 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.⁶⁴

The UDHR, here, is presented as a “standard of achievement,” one requiring ongoing education. The text is very close to the version proposed by the US in the December 1947 meeting – though in that version, the Declaration was recommended, rather than proclaimed, as a standard of achievement.⁶⁵ It was also at the December 1947 meeting that the Commission agreed to split the non-binding Declaration from the legally binding Covenants, and to proceed with the writing of the Declaration on a separate track from the Covenants (though versions of this idea were already partially in place before). The US State Department claimed that this was desirable

⁶³ This is a bit surprising, because the US delegation had earlier opposed the inclusion of a right to a nationality, precisely because they thought it would create further conflict over the status of stateless people, rather than provide a resolution to such conflict.

⁶⁴ <http://www.un.org/en/universal-declaration-human-rights/index.html>

⁶⁵ Committee on International Social Policy (State Department), “Recommendations with Respect to Specific Articles Formulated by the United Nations Commission on Human Rights at its Second Session in Geneva in December, 1947,” pages 1-2. Eleanor Roosevelt Papers, Box 1932, Folder “Declaration of Human Rights – Recommendations, Preamble, December 1947.”

because the Covenants would have to be formulated more carefully in order for nations to agree to adopt them, given that they could actually be violated, in contrast to the more aspirational Declaration.⁶⁶

Viewed as setting out a “standard of achievement,” the final line of the preamble – a stark reminder that the UDHR was being adopted not by free and equal states, but by member states and territories – appears less jarring. The UDHR reflects the ends of civilization, an achievement that not all have yet achieved. It is surprisingly compatible with a traditional civilizing mission. In addition to its potential colonial undertones, the suggestion that human rights were a promise, always still to come, disavowed the kinds of demands for justice in the present that the NAACP and others had presented to the Commission. The idea that human rights were the endpoints of progress is also consistent with the US narrative on race throughout the Cold War. As historians have emphasized, the line that Eleanor Roosevelt and the US State Department would champion was one of progress: the US was not a racist country, as the Soviets charged, but was a country making progress on race.

René Cassin, echoing this theme, praised Truman’s Civil Rights Commission, writing that it was an example other countries could follow. Much as the Truman Commission, on his account, had studied possible federal reforms and made recommendations, other countries could establish committees in their territories to study similar problems, and in so doing to shape public opinion and educate people about human rights, building support for the UDHR.⁶⁷ What Cassin saw as a democratic approach to implementation was also, on his telling, entirely compatible with continued French colonial control, with the maintenance of territories. That he would point

⁶⁶ Acting Secretary of State to Mrs. Franklin D. Roosevelt, November 26, 1947. Eleanor Roosevelt Papers, Box 1944, Folder Geneva Position Book 1.

⁶⁷ 382AP128, “Droits de l’Homme,” p. 10-11.

to Truman's Commission on Civil Rights in particular suggests not just his ascension to the State Department's line about American progress on race, but his savvy in seeing its usefulness.

The politics surrounding Truman's Commission on Civil Rights closely echo the narrative of progress, and framing of civil rights as a domestic matter with implications for foreign policy, that I have been tracing. The Commission began meeting in December 1946, and their report, *To Secure These Rights*, had come out just before the Geneva meeting, in October 1947. On Brenda Gayle Plummer's account, the report, while it contained some necessary recommendations, fell short in its failure to address the US Housing Authority's segregation policies and the House Committee on Un-American Activities' targeting of civil rights activists (183). To the extent it did make useful recommendations, they were framed as important because of the trouble discrimination presented for Cold War US foreign policy – not on their own terms. Truman would continue to disappoint on civil rights, making some progress but only when motivated by foreign policy concerns or domestic elections. As Penny von Eschen documents, Walter White would reluctantly come to his aid, serving as a liberal counterweight to Paul Robeson and other more radical African American activists at the time. Von Eschen sums up the US Cold War strategy on race: to acknowledge that discrimination exists, but to present it as an anomaly, one on which progress was ongoing.⁶⁸

Addressing Congress on February 2, 1948, Truman put forward just this message: “If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy.”⁶⁹ In a sense, his line, delivered before a recalcitrant Congress, echoed what DuBois had argued: that American

⁶⁸ Penny von Eschen 1997, see especially 109-114, 128.

⁶⁹ Quoted in Dudziak, page 82.

democracy was failing, and its moral guidance to the rest of the world was at stake. The opposition Truman faced in Congress arose, in part, from what DuBois diagnosed: the disenfranchisement of African Americans that put the likes of Bilbo and Rankin in Congress. Yet Truman's version did not denounce this as a human rights failure.

Instead, human rights were the promise of the US, their violation an anomaly on that path of progress. This was the vision of the human rights of the UDHR. It drew upon those past Declarations, the American and French, not to diagnose American and French failures and demand justice, but to reinforce a vision of human rights as the promise of nation states, one best fulfilled by assimilation into those states, through which states themselves might become separate and equal. With this inheritance, the UDHR disavowed a politics of self-determination, of democratic appearance, that staged equality in order to demand justice in the present. In so doing, the UDHR recast the genre itself. Human rights were the highest achievement of civilization, a promise toward which we were still progressing. Racial and imperial domination were not in conflict with that promise, but anomalies on the path toward its fulfillment.