

Declaration as Disavowal:

The Politics of Race and Empire in the Universal Declaration of Human Rights

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Published in *Political Theory*; first available June 20, 2018, via OnlineFirst, at:
<https://doi.org/10.1177/0090591718780697>¹

When the United Nations General Assembly ratified the Universal Declaration of Human Rights in December 1948, it provided the latest entry in the genre of the rights declaration, a genre historians often described as starting with the American Declaration of Independence and the French Declaration of the Rights of Man and Citizen.¹ While the documents share a good deal, the UDHR also broke from its predecessors in important ways, and when describing their relationship, other historians emphasize not shared form but conceptual discontinuity. Eighteenth-century declarations announced national independence and self-determination, principles that anticolonial movements in the twentieth century, drawing on those declarations, would attempt to carry forward. The UDHR, this story goes, was something different, setting forward human rights, and the respect of those rights by national governments, as an object of international concern.²

But neither story fully captures how the genre of the rights declaration has both been defined by and given shape to contests over the concept of human rights. I worry that the discontinuity story assumes what it purports to explain: how and why human rights and self-determination came to appear as distinct and separable conceptual legacies. The premise that individual and group rights are *prima facie* distinct is belied by their combination in those

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eighteenth-century declarations; the challenge of how such rights relate is better understood as an animating tension for the genre of the rights declaration. At the same time, those who reject the argument for discontinuity and instead offer a story of gradual expansion risk treating the idea of human rights as necessarily in tension with, rather than at times abetting, imperialism and domination. Instead, we should read the UDHR not as simply breaking with, but rather as actively disavowing, alternative legacies of earlier rights declarations – legacies which anticolonial actors were, in the same period, trying to carry forward.

In what follows, I reconsider what it means to treat the rights declaration as a genre. In the first part, drawing together material from literary and political theory, I argue that by participating in a genre, carrying it forward, later documents recast it, making certain continuities apparent and others illegible, reshaping the ways in which concepts like human rights are understood and mediated. Through such contestation, rights declarations can refuse to acknowledge – can disavow – aspects of the legacies of prior declarations, refiguring the genre so that certain inheritances appear conceptually and historically discontinuous.

In the second part, I turn to the writing of the UDHR, reading the document in the context of the questions to which it responded, particularly those questions related to racial and imperial politics in France and the US. I reconstruct select backstage machinations, focusing on the French and American delegates most heavily involved in the document's drafting, René Cassin and Eleanor Roosevelt. This is not to assert Cassin and Roosevelt's primacy in the process – though they did each wield substantial power – but to provide a window on the relationship between the writing of the document and the political concerns of France and the US, a relationship they were both actively negotiating.³

Beginning from the drafting committee's reception of the NAACP's *An Appeal to the World*, edited by W.E.B. DuBois, I then turn to the treatment of several interrelated "rights": those of petition, self-determination, and resistance or rebellion. Considering those three, and the separation of the declaration from the later rights covenants, leads me into debates not just about the enumeration of rights, but about what it meant to declare them. In participating in the genre of the rights declaration, the UDHR recast it, retelling its central story as a narrative in which human rights were something toward which nations would strive and progress – what Eleanor Roosevelt, promoting the new document to the American public, referred to as "the promise of human rights."⁴ Certainly, the document also stipulated several rights that might aid in making democratic claims: rights to equal protection of the law and participation in government, most notably, as well as a provision about non-discrimination. But these were subsumed within a picture of human rights as something provided by governments, not enacted by people; the fulfillment of rights was not immediate, but something toward which progress was being made.

Part I. Genre, Inheritance, and Disavowal

A. Declaration of Rights as Genre

On David Armitage's account, the rights declaration as a genre serves to forge political space, constructing both internal and external sovereignty. In *The Declaration of Independence: A Global History*, Armitage writes that the American Declaration "marked the birth of a new genre of political writing." On Armitage's reading, the American Declaration attempted to project a place for the US within an existing imagined international sphere, allowing the US to appear as a sovereign nation among other "separate and equal" nations in a world organized by international law. In 1789, the French Declaration of the Rights of Man and Citizen would

further elaborate the genre of the rights declaration, as would, he claims, the UDHR. Armitage defines genre as “a distinct but repeatable structure of argument and literary form”; he writes that genres “supply the forms that capture, and allow us to comprehend and criticize, similar ideas and events.”⁵

In *Inventing Human Rights*, Lynn Hunt also calls attention to the declaration of rights, tracing this from the American and French declarations to the UDHR. A declaration, from the French *déclaration*, she writes, traditionally involved the assertion and performance of sovereignty, tied to territorial control. The 1776 and 1789 declarations announced the appearance of new states whose legitimacy derived from their securing of individual rights internally.⁶ As a genre, the rights declaration gave narrative form to the relationship between ideas of rights and their realization.

Armitage offers an account of the “contagious consequences” of the American Declaration of Independence, tracing its presence, in particular, in twentieth-century anticolonial movements. He emphasizes the end of European empires, and the longer history of an “association between independence and statehood” originating around 1776, as key conditions of possibility for that contagion. The association of independence and statehood made central the need to align external sovereignty, premised on recognition by other states, with internal sovereignty, justified in terms of rights. It was that alignment that later declarations attempted to articulate and to perform; he cites Mahatma Gandhi’s 1930 draft declaration for the Indian National Congress, as well as Ho Chi Minh’s 1945 Vietnamese Declaration, which opened with quotations from the American and French Declarations of 1776 and 1791.⁷

While Armitage describes the appeal of the American Declaration as arising from its ability to combine notions of internal and external sovereignty, of rights and self-determination,

he also emphasizes that these would later become divergent genres, and that ultimately it was the announcement of external sovereignty that was more weighty.⁸ Samuel Moyn picks up this later point, but takes it farther, emphasizing not contagion but discontinuity. Looking to the Vietnamese declaration, Moyn draws a firm line between a tradition concerned with rights and one concerned with self-determination. For Moyn, the Vietnamese and the American declarations are aligned in their emphasis on self-determination and their construction of external sovereignty; that emphasis, however, renders them conceptually discontinuous with the UDHR, in which universal human rights held pride of place.⁹

Both accounts rest on a view of genre as something coherent and static, “distinct but repeatable.” Should we read later declarations against what came before, defining them as belonging to a genre simply if they successfully repeat key aspects of earlier documents? Thinking about genre differently, I argue, can bring contests over conceptual legacies, and their political stakes, more clearly into view. Stanley Cavell writes of genre that “the picture of an object with its properties is a bad one,” and 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 . . . each member of such a genre represents a study of these conditions, something I think of as bearing the responsibility of the inheritance. There is, on this picture, nothing one is tempted to call *the* features of a genre which all its members have in common.” While Cavell is arguing, along the lines of a Wittgensteinian view, “not to say of things called by the same name that they must have something in common,” his approach is, he claims, stronger. It is not that members of a genre “bear to one another a family resemblance”; rather, “they *are what they are* in view of one another.”¹⁰ Approached this way, we should not take each declaration as an instance of a fixed category and then seek to distill the shared elements, what defines the “declaration of

rights” as a form.¹¹ Instead, we should see instances of a genre as sharing certain conditions and challenges, 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.

In this way, genres are not static, but internally contested. New instances of a genre contribute to, and revise, that genre; they do not merely repeat it. Rights declarations, of course, do often contain certain elements: what Armitage describes as a picture of the world and one’s presence within it, a linkage between rights as a basis for internal sovereignty with ideas of self-determination externally. But what defines a particular declaration as part of the genre is not whether it can tick certain boxes. Instead, what Armitage and Hunt describe can be better understood as a shared set of problems, or animating tensions, to which members of the genre respond; in Cavell’s terms, they are “working out [a certain] problematic.”¹²

Political theorists have also offered accounts of the central problems of the declaration of rights as genre, emphasizing the tension in the “we” of a declaration, as it refers to a collective called into being through its enunciation and yet also references some prior unity. This is related to the broader problem of “authorization”: the combined appeal to both the performative and constative authority contained in an act of declaration; that is, to the power that is performed and to some prior law that is more or less explicitly cited to justify it.¹³ Rights are both enacted through their very declaration, and presented as originating in something prior; they are both self-evident and in need of establishment. In this sense, the act of declaring rights already involves a question of self-determination, understood loosely, and different declarations will respond to that concern in different ways.

This suggests an alternative to Moyn’s reading of mid-twentieth century declarations of rights. On Moyn’s telling, it is the emphasis on self-determination by mid-twentieth century

anticolonial movements that marks them as both continuous with the earlier declarations and discontinuous with the later history of human rights. Continuing his argument, it is the emphasis on individual rights, and refusal to use the term “self-determination,” that marks the UDHR as a human rights document, discontinuous with both the earlier declarations and contemporaneous anticolonial politics. Instead, we can understand twentieth century declarations as engaged in a contest over the inheritance of the French and American Declarations, a contest in which both Eleanor Roosevelt and Ho Chi Minh claimed to be carrying those projects forward. By looking to the rights declarations as a genre, we can see how later declarations take up certain aspects of earlier ones while refusing others, participating in and altering the genre’s ongoing history so as to recast the genre itself.

B. Disavowal and its Evidence

Discussing how participants in a genre might take up or refuse aspects of their inheritance, Cavell describes such changes and omissions as requiring “compensation.” His examples tend to be playful riffs: a feature of the genre is left out, yet that omission is compensated for – and the compensation serves to acknowledge, rather than neglect, the relevance of the omitted aspect.¹⁴ But, perhaps especially for rights declarations, not all amendments to a genre are so friendly. Later participants may inherit certain legacies of what came before precisely by disowning others, acting as if certain aspects of the problem are not problems at all. One approach, one historical legacy, is disavowed in favor of another; some legacies are passed down while others are made to appear discontinuous, part of some other genre or history.

The term ‘disavowal’ has been used in recent political theory to describe a psychological stance in which a problem, and one’s own involvement in it, is known but not acknowledged. The term is part of the legacy of earlier debates about recognition and efforts to re-describe recognition’s failures. In place of a Hegelian “struggle for recognition,” Patchen Markell has argued that we instead think of relationships of domination as refusals of acknowledgement, in which something is known but that knowledge is not admitted, and where, crucially, what is known is not just a fact about the other, but about oneself and one’s own dependence on, or non-sovereignty with respect to, another person.¹⁵ George Shulman uses the language of disavowal to describe such failures of acknowledgement, drawing on James Baldwin to argue for describing such failures in more active terms. For Baldwin, white Americans’ disavowal is not just a refusal to recognize black Americans as human or as equal, but a refusal to acknowledge what is known – namely, the shared history and destiny of black and white Americans.¹⁶ In *The Fire Next Time*, Baldwin describes this as a refusal of love, which gives way to hatred. It is not just that the failure to acknowledge is incorrect, but that it constitutes a wrong, an injustice, and a destructive one. For Baldwin, the refusal to acknowledge what is known, the insistence that such wrongs do not exist, is a claim to innocence. And as Baldwin puts it, and Shulman emphasizes, “it is the innocence which constitutes the crime.”¹⁷

In this way, disavowal is not merely a silence. The refusal of acknowledgement is an active stance, and involves a kind of compensation. We might think here of one of Markell’s central examples of a failure of acknowledgement, an example he takes from Cavell: the “avoidance of love” in *King Lear*. Lear’s disavowal of his daughter Cordelia’s love takes the form of a double movement, as he does not just refuse her affection, but claims that what she expresses is not, in fact, love; love is defined instead through the professions of her sisters. This

is not just a matter of choosing one daughter over another: with the refusal to acknowledge Cordelia's version of love as love, Lear does an injustice to Cordelia, an injustice that initiates and gives form to the tragedy of the play. In *Must We Mean What We Say*, Cavell calls this refusal of acknowledgement, Lear's refusal of Cordelia's love, "avoidance," and it is an active stance, voiced by Lear: "nothing will come of nothing."¹⁸ The rest of the play offers evidence of the presence of that nothing, of everything that can come from it. In Baldwin's terms, Lear's apparent innocence in this moment – his refusal to acknowledge Cordelia's claim, to acknowledge the love she performs, echoed in his assertion that what he is doing is nothing other than a simple exercise in logic – is his worst crime.

Thinking about genre, we might look for such "nothing will come from nothing" moments: when inheritances and disinheritances are contested, and terms are defined so that certain possibilities for that genre – for what problem it describes, what its terms could mean – are disavowed. In what follows, I aim to show an instance of disavowal in what historians have identified as a central genre of human rights, at a moment that recast the genre so as to establish new political institutions and the vocabulary and procedures for making claims on them. Carrying over ideas of self-determination from the American Declaration, the UDHR could have inherited a tradition that Moyn identifies with self-determination. Instead, ideas of self-determination as either a human right in itself or as a starting point for human rights were excluded, in favor of a different inheritance.

Approaching the UDHR in this way has its limits: tracing such contests does not in itself prove the continuing relevance of the UDHR, or the rights declaration genre, in people's imaginations. What's more, the US and French declarations were not the UDHR's only sources, nor the only declarations relevant in considering the rights declaration as a genre. But rather

overestimate the power of particular rights declarations, or undermine the importance of other participants in that genre, I hope my account will underscore precisely the genre's instability. New participants in a genre do not merely repeat inherited ideals, but take up shared problems in new ways. One should not understate the power of the French and US governments in this period – and the hagiography around Roosevelt and Cassin that historians like Johannes Morsink have described as historically inaccurate is itself also evidence of that power.¹⁹ At the same time, even very powerful governments cannot control the meaning of a genre, and their efforts were neither entirely decisive nor final.

Part II. The World in the UDHR

A. Nations Within Nations: The Right to Petition

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

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

The effect of the color caste system on . . . white America has been disastrous. It has repeatedly led the greatest modern attempt at democratic government to deny its political ideals, to falsify its philanthropic assertions and to make its religion to a great extent hypocritical. A nation which boldly declared “That all men are created equal,” proceeded to build its economy on chattel slavery. . . . Its high and noble words are turned against it, because they are contradicted in every syllable by the treatment of the American Negro for three hundred and twenty-eight years.²⁰

In addition to generating a moral scandal for white America, DuBois goes on to explain that that hypocrisy has disenfranchised black Americans, threatening the functioning of American democracy; this should be of concern to the UN both in itself and because the failure of democracy in America presents a threat to peace, stability, and democracy everywhere.²¹ The other chapters detail that disenfranchisement, and its connection to inequalities in access to healthcare, education, and employment, as well as its history in US law. Accounts of the personal and structural operation of racism are frequently contrasted with America’s professed values: in Chapter 4, for example, William Ming cites what he describes (echoing Gunnar Myrdal) as the “American Creed” of equality and justice under law, found in the Declaration of Independence and the Constitution and restated in the Reconstruction Amendments and in Franklin Roosevelt’s Four Freedoms speech, yet hardly realized in social and political life.

While it asserts the uniqueness and even exceptionalism of American politics, the petition was meant to be read alongside those from other countries. As the title itself states, this was one “case” among others. In August 1946, when DuBois wrote to Walter White, president of the NAACP, proposing the petition, he argued that “The necessity of a document of this sort is emphasized by the fact that other groups of people . . . are making similar petitions.”²² The final chapter, by Rayford Logan, cites some of these other petitions, as well as the right to petition and the rights of minorities that had been guaranteed under the League of Nations, in defending the NAACP’s standing to appeal. DuBois and the NAACP viewed their situation and that of other petitioners as not merely parallel but interconnected, part of a broader anti-colonial politics. DuBois and White had argued for representation of colonized peoples and racial minorities at the UN during the organization’s founding conference in San Francisco, and in September 1946, DuBois had authored a petition from the Pan-African Conference to the UN, demanding representation for “African colonial peoples.”²³

As Carol Anderson has emphasized, the very the submission of the petition served as a moment of re-enfranchisement, a performance of democratic public appearance in a new international forum.²⁴ Taking Anderson’s argument further, we might say that the *Appeal* was itself a kind of declaration of rights. As a petition to the UN from a “nation within a nation” – itself simultaneously part of an anticolonial international public – the *Appeal* staged the messiness of the overlapping categories of state, nation, and people. On DuBois’s telling, black Americans were a “nation” because of both a shared experience of suffering and a common cultural inheritance; as a nation, they were caught in a dilemma between self-improvement and collective advancement, on the one hand, or separatism and “escape,” on the other. The answer to that dilemma had been determined from without, as “discrimination and segregation” forged

an internal nation with its own institutions and economies.²⁵ This is a core animating tension of the petition: between assimilation and self-assertion; between the demand for making good on the promise of democracy in the US, a demand for enfranchisement and inclusion, and an invocation of separateness, of independence or even self-determination. Read as a rights declaration, the petition offers its own modifications of the genre, compensating for the lack of certain features with others, and responding to the genre's animating tensions by underscoring their urgency, heightening rather than resolving them.

In doing so, the *Appeal* serves to dramatize, but not resolve, the contradictions born of American hypocrisy. The *Appeal* opens with an accounting, and a suggestion not of a "people" but of a legally constituted "caste." In the opening chapter, DuBois narrates a history of the role of black Americans in the US economy, military, artistic culture, and population. This is not a straightforward call for inclusion: black Americans are already included, yet disenfranchised. For the country, he writes, that disenfranchisement ultimately "makes its democracy unworkable by paradox and contradiction."²⁶

The NAACP's effort to have the petition heard by the UN was hampered from the start, nominally by matters of procedure. I return to that story both to offer some new archival material and to argue that something more active was at play: what may seem like practical political concerns or Cold War politics were part of a broader move to define human rights in a manner that disavowed the politics of rights that the petition represented. DuBois tried multiple avenues to submit the petition: 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; and he tried to have it added to the agenda of ECOSOC, which included the Commission on Human Rights, at that time engaged in drafting the UDHR. At the time,

Eleanor Roosevelt, in addition to her role at the UN, was a board member of the NAACP and friend of White. She was not as helpful as the NAACP, and especially DuBois, would have liked. And yet she did forward the petition, with a cover letter from the NAACP, to the Secretary General on September 24, 1947; the Secretary's office wrote back, saying they would try to arrange for it to be received by the Department of Social Affairs.²⁷

Roosevelt's attitude about attending the public presentation and about the petition's discussion suggested a certain amount of sympathy for the effort, but also frustration with the position it put her in with her colleagues, especially the Soviet delegates. As she wrote to White, in a widely-cited reply to his invitation to the formal presentation of the petition: "As an individual I should like to be present, but as a member of the delegation I feel that until this subject comes before us in the proper way, in a report of the Human Rights Commission or otherwise, I should not seem 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."²⁸

When the petition came before ECOSOC at their meeting in Geneva on December 3, 1947, as Anderson and others have reconstructed, the committee decided to refer it and other petitions to a subcommission tasked with reviewing and summarizing them. In a move that is often read as quashing, for the time being, any meaningful right to petition at the UN, that subcommission decided not to consider it.²⁹ Giving her own version of what happened, Roosevelt wrote to White on January 20, 1948:

I want to tell you that I doubt if you quite understood what happened in the Committee on Minorities and Discrimination in Geneva and in the Human Rights Commission.
[American] Jonathan Daniels moved to accept all petitions which would have included

accepting the NAACP petition though nothing could as yet be done about it. The Russians refused to include all and promptly suggested that only the NAACP and the International Democratic Women's group, which is communist dominated, should be received because they represented the most people. Naturally it [sic] 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.³⁰

Roosevelt here suggests greater willingness to discuss the petition than is usually attributed to her. Later in 1948, when the topic of the right to petition came up, and draft text for such a right was being debated, Roosevelt again endorsed postponing discussion until some way of handling any petitions could be decided, a proposal put forward by the United Kingdom. That postponement meant in effect that no right to petition appeared in the UDHR.³¹

In advance of the Geneva meeting, Roosevelt had received a briefing book explaining the US's ambivalent stance on including a formal right to petition in the UDHR. The State Department reasoned that petitions might be useful, facilitating the free flow of information and bringing abuses to light, but that they were nonetheless a flawed mechanism, because "oppressed people are often ignorant, unable to express themselves clearly, and as their oppression grows their sense of balance and accordingly their accuracy of expression deteriorates." The author also worried that, because of the US's exceptionally strong guarantees of free speech, there might be

more petitions brought against it than others, which various “pressure groups” might decide to exploit to embarrass the US – “political dynamite at the moment.” On the other hand, America’s commitment to free speech would be on display, a possible asset. All things considered, the author concluded, the US should remain neutral.³²

For his part, Cassin urged that a right to petition one’s own government be included in the document, but not a right to petition the United Nations.³³ Writing in December 1949 to his government, Cassin attributed the promotion of the right to petition at the UN not to a genuine interest in human rights but to the fact that such petitions could be used as an offensive tool against states with colonial possessions. He suggested that such petitions should instead go to the *Ministère des Outre-mer*, and be handled internally to France.³⁴

The treatment of the right to petition dovetailed with, but cannot simply be explained by, the UDHR’s treatment of minority rights, although the latter was directly cited by the *Appeal*. On minority rights in general, the perceived problems of the League of Nations were doubtless the more relevant context, contributing to the UDHR’s general emphasis on the individual’s inclusion in a country, and the provision of rights by that country.³⁵ In briefings to Roosevelt, the State Department emphasized that US should support “assimilation” coupled with prohibitions on discrimination, a departure from the League of Nations’ minority rights regime; it also maintained that the US had no minorities.³⁶ Cassin wrote to the French ambassador to the UN in early 1948 to summarize where the committee had arrived on minority rights, emphasizing inclusion within the nation as a guiding principle; his primary concern was with citizens of other nations living in France’s colonies.³⁷

The NAACP petition would be invoked again later by the USSR representatives as part of their unsuccessful advocacy for including a prohibition on capital punishment in Article 3,

which in final form reads “Everyone has the right to life, liberty and security of person.” The Soviet delegate argued that the lynching documented in the *Appeal* underscored the need for such a provision. Roosevelt countered that the petition “is over a year old, and that lynching in the United States is deplorable but that it is against the law and when it takes place it is a violation of the law and exceptional.”³⁸ Roosevelt was, in a limited sense, correct. But her reply was also a convenient over-simplification, one that fit with her broader narrative: racial injustice in the US was contradictory to the country’s laws and its true principles, principles echoed in that tripartite list of rights, and progress was being made.

Arguably, the 1960s adoption of a meaningful right to petition marked the triumph of anticolonial forces at the UN.³⁹ Yet the refusal to include a right to petition in the UDHR represented more than a moment of delay: it served to disavow the politics of appearance championed by the NAACP. This was not merely a matter of subsuming principles to practical politics, of doing what was expedient, but of affirming a set of principles, a version of the right to petition, that would deny groups such as the NAACP standing to appear before the world body. The effect was a wider disavowal of the concerns the petition raised about democracy, rights, and self-determination, the inheritance it drew from the American Declaration, and the version of international human rights politics it sought to enact.

B. Self-Determination and a Right to Rebel

In addition to the absence of the right to petition, the UDHR famously omits any reference to self-determination. On one common telling, this too was corrected when self-determination was placed prominently in the rights covenants. While some treat this later

moment as a contest in which the former imperial powers lost, Humphrey offers a more cynical account. In a later interview, conducted by a journalist named Brian Cameron, he explains:

JH: Don't forget that it was a very different kind of UN in those early years. 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 states 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.⁴⁰

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

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

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

Mr. CASSIN (France) recalled that, under Article 55 of the Charter of the United Nations, universal respect for, and observance of, human rights and fundamental freedoms for all should effectively enable the United Nations to establish between nations relations based on "respect for the principle of equal rights and self-determination of 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.⁴¹

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

Cassin's defense of putting rights first, as the grounds for sovereign legitimacy, can seem suspiciously convenient given that those demanding self-determination included people in French colonies. Burke suggests that Cassin contradicted himself here: by continuing to defend colonialism, and particularly by backing a clause in the covenant that would have excluded the colonies on the grounds that, as Cassin put it, "different peoples" could not be held to "uniform obligations," Cassin broke from his earlier support for the notion of universal rights.⁴² Cassin took a similar stance while on a commission chaired by René Pleven, immediately after the war, on the place of the colonies in the new French constitution. The commission sought to formulate a federative structure for inclusion without equality; on Frederick Cooper's account, in justifying that unequal status, Cassin "put the inhabitants of Equatorial Africa at the 'bottom of the scale,' people with a 'great attachment to France but whose primitive character implies that they are not in a state to create a true unity,'" while Morocco and Tunisia "would benefit from 'a bit more self-government."⁴³ In addition to this invocation of a civilizational, and implicitly racial, hierarchy, Cassin would also defend, in his role at the UN and as vice-president of the *Conseil d'Etat*, France's violent repression of the Algerian resistance.⁴⁴ In their biography of Cassin, Jay

Winter and Antoine Prost refer to his role on the *Conseil d'Etat* as in “glaring contradiction” with his commitment to human rights.⁴⁵

The apparent contradiction seems even more profound if we start a bit earlier, and look to Cassin’s writings about national liberation and human rights while with Free France during World War II. In this period, Cassin was at pains to justify France’s own right to self-determination in the face of German occupation and Vichy rule, praising the cause of national liberation as intimately bound up with the liberation of individuals. Interpreting the legacy of World War II in Cassin’s work, Winter and Prost emphasize a belief in the legitimacy of outside intervention: that the sovereignty of Nazi Germany should not have been respected, as its flagrant violations of human rights justified intervention. Glenda Sluga, similarly, argues that the primary lesson of World War II for Cassin concerned the legitimacy of outside intervention in the name of human rights.⁴⁶ But the Nazi occupation of France imparted another lesson, too: the importance of national liberation of France and other countries from German control, and of a French right to self-determination, for the sake of the protection of individual rights.

Although Cassin’s claim about the connection between national liberation and rights might appear to deepen the contradiction between his philosophy and his politics, it in fact suggests a way to reconcile the two. This was about more than national liberation *per se*: it involved a particular vision of the nation, and what could make independence rightful. Writing from Algeria, in a 1944 article in *Cahiers Antiracistes* titled “Les Droits de l’Homme et la France Libre,” Cassin reflected on the recent assassination by the Vichy government of Victor Basch and his wife. Basch had been Cassin’s colleague in the *Ligue des droits de l’homme* and was also Jewish. He opens the piece with a comparison: on the one hand, the “savage” assassination of Basch, and the treachery of the Vichy camp; on the other, the *Ligue*, the French

people, and DeGaulle's provisional government. The former stands for those who have disowned national independence and "trampled human dignity underfoot." The other is committed to liberty, even willing to die for it, with one supreme goal: "all liberations, that of nations just like that of human beings."⁴⁷

A similar set of comparisons appears in his later defense of French colonialism. As Marc Agi documents, Cassin would defend France's actions on the grounds that the resistance represented the enemies of human rights, and had sworn off respect for international law. France was the inheritor of its past rights declarations, a country devoted to human rights – but respect for law must be bilateral, so France's violent repression of the rebellion was legitimate.⁴⁸ Anticolonial violence was evidence of a lack of respect for rights, and therefore proof of the lack of a legitimate claim to self-determination. Self-determination and national liberation followed from respect for rights.

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 convened to draw up principles for the postwar transition. The declaration, which includes an introduction and a preamble, was written by a subcommission chaired by Paul Vaucher, and approved on August 14, 1943.⁴⁹ The introduction positions his side as the true champions of human rights, rightful inheritors of the legacies of France's earlier declarations. It traces broader inheritances which serve to associate France's human rights tradition with that of the Allies: Free France's mid-war declaration of rights arose, Cassin writes in his prefatory note, not only from the French declarations, but the American and English "Bill of Rights," the Atlantic Charter, Roosevelt's Four Freedoms speech, the writings of H.G. Wells and Jacques Maritain, and the work of the *Ligue*. The document enumerates 34 rights, the last of which is quoted directly from Article 35 of the 1793 French rights declaration:

“When the government violates the rights 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 “if the government violates the constitution.” The invocation served not only as a justification of French resistance, but a condemnation of Vichy collaborators, who not only failed to exercise a right but failed to fulfill a duty.⁵⁰

For the Cassin of the 1950s, the right to rebel did not extend to Algerians. France’s actions in the colonies were aimed at spreading respect for rights, and it was through this respect that subjects would gain citizenship and the ability to participate in government. Cassin conceived of France as a nation that went far beyond the metropole, including mandates, territories, and possessions. He would defend extending French citizenship and representation in the National Assembly to Algerians and others: participation in government was a product of French colonial control, premised on respect for rights, not something to be claimed and won through rebellion or revolt. Cassin’s vision was in fact consistent with third clause of the UDHR’s Article 21, assuming its fulfillment was to be understood as an aspiration: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” Indeed, while the UK had objected to this clause, precisely because of the difficulty of applying it in the colonies, France had not.⁵¹

In the preamble’s third clause, the UDHR acknowledges the specter of rebellion: “Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.” Morsink describes this as a “submerged right,” but the text does not affirm a right (let

alone a duty) so much as state a realistic possibility. A more robust right to resistance and rebellion was discussed during the drafting, with Humphrey offering one version. Roosevelt fervently opposed including any such right. Cassin had tried to tone back Humphrey's version, qualifying what had been "Everyone has the right, either individually or with others, to resist oppression and tyranny" to read "Whenever a government seriously or systematically tramples the fundamental human rights and freedoms, individuals and peoples have the right to resist oppression and tyranny, without prejudice to their right of appeal to the United Nations." Defending his text, Cassin would cite the "genuine duty for all citizens to obey the law." He would later double down on the language about government agency and systematicity, claiming that the right existed only when "tyranny and oppression . . . were practiced by a regime and systematically."⁵² One can imagine he would have seen the situation of Vichy France as rising to this level, but not French colonialism.

Cassin's sense of France's status as an inheritor of its own foundational promises, and of its mission in spreading human rights through colonial control, would be echoed in 1953, shortly after France had expelled the Sultan of Morocco and installed another leader. Cassin wrote to Eleanor Roosevelt, upset about an article she published suggesting that France should make concessions. She was relying on accounts, he said, by a biased author who "minimizes the past and present civilizing role of France and conceals the origin of a large part of the difficulties that pose obstacles to world progress"; she should visit and see for herself. She replied: "I very much regret I can not visit Morocco in the near future. I realize the French have benefited the country but I fear not enough."⁵³

Read in this context, the UDHR is not simply silent with respect to self-determination. Instead, the non-inclusion of self-determination is in keeping with a view of human rights in

which governments are primary, and are tasked with ensuring, among other things, the right to participation; that, in turn, becomes their source for legitimacy. While Cassin would seemingly have endorsed a limited right to rebellion against regimes systematically failing to uphold human rights, even that version did not make it into the document. Rights were something to be provided by national, and colonial, governments, not something to be demanded beyond or in defiance of the nation. This was a version of human rights politics that, even if it imposed some limitations, was in keeping with colonial control. The UDHR set forth a vision of a world composed of nations, mandates, and territories, in which human rights would be universally respected; this respect made the United Nation's mediation among states possible, enabling their mutual respect for each other as separate and sovereign. To be truly coherent, however, this vision would have to be coupled with a narrative of progress.

C. The Promise of Human Rights as Progress Narrative

Shortly after the adoption of the UDHR by the UN General Assembly, presided over by Cassin, Eleanor Roosevelt published a column in *Foreign Affairs* titled "The Promise of Human Rights." In it, she addresses the American people about the origins and aims of the UDHR. She closes: "The work of the Commission has been of outstanding value in setting before men's eyes the ideals which they must strive to reach. Men cannot live by bread alone." She describes the UDHR as "educational": by articulating rights, the declaration would inform people of them, and so advance their realization. Following two world wars, and a growing divide between East and West, Roosevelt proposed that human rights might provide a set of ideals that, precisely for their idealism, offered a kind of sustenance.⁵⁴

In a sense, this resembles what Moyn, Barbara Keys, and others have pointed to as a defining feature of 1970s human rights discourse: an image of utopia, always still to come, that transcended nation states and allowed Americans to feel good again.⁵⁵ 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 nations. Earlier in the article, describing the ratification of the Declaration, she wrote: "It seems to me most important that the Declaration be accepted by all member nations, not because they will immediately live up to all of its provisions, but because they ought to support the standards toward which the nations must henceforward aim." It was the Covenants that would be binding; the Declaration was an aspirational document, an orienting set of ideals. It was educational for both individuals and nations.

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

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

As a “standard of achievement,” the UDHR required ongoing education. The final text is nearly the same as the version proposed by the US in the December 1947 meeting.⁵⁶ It was also at that meeting that the Commission agreed to split the non-binding Declaration from the legally binding Covenants.⁵⁷ The US State Department claimed that this was desirable because the Covenants would have to be formulated more carefully, so as to be enforceable.⁵⁸

The presence of the word “territories” in the last line of the preamble represents a loss for the colonial powers – though also a partial victory. The line was initially proposed by the Egyptian delegate; the UK and France opposed it, arguing that making the distinction would be a kind of discrimination. This was connected to debates over the other mention of territories in the final document, the second half of Article 2: “Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.” That had begun as a separate article, proposed by the Yugoslav delegate, and had been approved over objections from French, American, and other delegates who argued that non-discrimination was sufficient. Sent to a subcommittee on style and arrangement, the article was replaced by a line in Article 2 about non-discrimination; this was rebuked as overreach, and the separate article reinstated. But as part of the final General Assembly session in which the Declaration was adopted, Britain moved to amend the document again, replacing the separate amendment with the text that now appears.⁵⁹

Within the frame of a “standard of achievement,” however, that provision lost much of its force: people, whether in the metropolises or the territories, had a right to a nationality, to be part of a state committed to the promise of human rights, and this is what colonial regimes were

working toward. It was within this model of international politics that self-government and sovereignty would then be possible, in the community of the UN. Read this way, The UDHR set forward the ends of civilization toward which the world was progressing, not in spite but because of that system of states and territories.

The idea that human rights were the endpoint of progress was consistent with the US narrative on race from the 1940s into the Cold War. The line that the US State Department would champion was one of progress: the US was not a racist country, as the Soviets charged, but a country making progress on race. This line was consistent with a broader narrative in the US during the Cold War of racial progress as a domestic matter, and the transformation of human rights into civil rights concerns.⁶⁰ René Cassin was, in a sense, acknowledging the canniness of this narrative when he praised the 1954 Truman Commission to his government, and suggested France might establish committees in its own territories to hold hearings about human rights, and so promote knowledge of the UDHR.⁶¹

The UDHR reflected 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. The UDHR altered the genre of the rights declaration so as to make anticolonial demands appear separate and distinct, not part of its heritage. If the Vietnamese Declaration now appears to belong to a different genre, this is a product of the political contests internal to the genre of the rights declaration itself: the disavowal of alternative possibilities for politics, alternative inheritances of the declarations that had come before, present in the UDHR. If we take the story of the NAACP petition as a pivotal moment in the broader turn from the language of human rights to that of civil rights, especially as it became clear that human rights appeals would be seen as aligned with Soviet interests, essential to this story is a transformation

of the idea of human rights – and, even more so, of what it means to declare rights. This was a contest over the central problems of the genre: the relationship between immediate demands and aspirational commitments, between internal sovereignty and international appearance, between democratic performance and democratic authorization.

The UDHR recast the genre of the rights declaration to affirm an aspirational narrative of progress, an inheritance then bequeathed to rights declarations still to come. Contesting the significance of that inheritance for the present requires not that we choose between the genre of the rights declaration and that of the declaration of independence, but that we challenge their figuration as separate and distinct. To recover a politics of human rights directed against imperialism would require not simply denouncing hypocrisy, but challenging the disavowal of alternative inheritances contained within the genre of the rights declaration itself.

¹ See especially David Armitage, *The Declaration of Independence: A Global History* (Cambridge: Harvard University Press, 2007); Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton, 2007); and Elizabeth Borgwardt, *A New Deal for the World* (Cambridge and London: Harvard University Press, 2005), esp. 263-267. The latter two are also instances of the “gradual expansion” story referenced below. For the UDHR itself, see the UN’s A/RES/217(III), and the UN’s research portal, <http://research.un.org/en/undhr/introduction> (last accessed May 1, 2018).

² See, classically, Samuel Moyn, *The Last Utopia* (Cambridge: Harvard University Press, 2010).

³ Several historians have told far more intricate stories about the drafting process, doing greater justice to the UDHR’s multiple origins; Johannes Morsink in particular has offered an account that highlights the role of John Humphrey, and the diversity of documents on which he drew in constructing a first draft, as well as the interventions of the other delegates. Johannes Morsink,

The Universal Declaration of Human Rights: Origins, Drafting, and Intent (Philadelphia: University of Pennsylvania Press, 1999).

⁴ Eleanor Roosevelt, “The Promise of Human Rights,” *Foreign Affairs*, April 1948.

⁵ Armitage, *Declaration*, especially 13-15, 110.

⁶ Hunt, *Inventing Human Rights*, 113-16.

⁷ Armitage, *Declaration*, 135-38.

⁸ Armitage, *Declaration*, 139-40.

⁹ Moyn, *Last Utopia*, chapter 3. Also see 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.

¹⁰ Stanley Cavell, *Pursuits of Happiness: The Hollywood Comedy of Remarriage* (Cambridge: Harvard University Press, 1981): 28-9, emphasis his.

¹¹ Indeed, to do so would be to participate in what Chicago school literary theorists termed the “neoclassical fallacy”: reading for an Aristotelian-style form. The reading of genre I propose in place of this tracks with Cavell’s response to the debate between Chicago School literary critics and those involved in New Criticism. See James Chandler, “Literature Among the Objects of Modernist Criticism: Value, Medium, Genre,” in *The Value of Literary Studies*, ed. Rónán McDonald (New York: Cambridge University Press, 2015): 137-154.

¹² Stanley Cavell, *Contesting Tears: The Hollywood Melodrama of the Unknown Woman* (Chicago: University of Chicago Press, 1996): 9.

¹³ This literature often builds on accounts of rights declarations by Hannah Arendt and Jacques Derrida; see in particular Ayten Güngöç, *Rightlessness in an Age of Rights* (New York: Oxford University Press, 2015), especially chapter 5, and Bonnie Honig, “Declarations of

Independence: Arendt and Derrida on the Problem of Founding a Republic,” *American Political Science Review* 85, no. 1 (March 1991): 97-113.

¹⁴ Cavell, *Pursuits of Happiness*, 172.

¹⁵ Patchen Markell, *Bound by Recognition* (Princeton, N.J.: Princeton University Press, 2003).

¹⁶ George Shulman, “Acknowledgement and Disavowal as an Idiom for Theorizing Politics,” *Theory and Event* 14, no. 1 (2011).

¹⁷ James Baldwin, *The Fire Next Time* (New York: Vintage Books, 1993 [Dial Books, 1963]): 6.

¹⁸ Stanley Cavell, *Must We Mean What We Say?* (Cambridge: Cambridge University Press, 2002 [1969]), 292; see generally chapters 9 and 10.

¹⁹ Morsink 1999. For that hagiography, see for instance the documents from René Cassin’s 1968 Nobel Peace Prize award ceremony, available at http://www.nobelprize.org/nobel_prizes/peace/laureates/1968/press.html (last accessed May 8, 2018). French versions in Cassin papers, 382AP152.

²⁰ The reference to 328 years indexes the arrival of slaves in Virginia. National Association for the Advancement of Colored People, *An Appeal to the World*, W.E.B. DuBois, ed. (New York: NAACP, 1947): 6.

²¹ NAACP, *Appeal*, 6.

²² 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.

²³ For an account of the San Francisco conference, see Gerald Horne, *Black and Red: W.E.B. DuBois and the Afro-American Response to the Cold War, 1944-1963* (New York: State University of New York Press, 1986): 34-8, and Carol Anderson, *Bourgeois Radicals: The NAACP and the Struggle for Colonial Liberation, 1941-1960* (New York: Cambridge University

Press, 2015): 63. For the Pan-African Congress petition, see DuBois, *Correspondence, Vol. 3*, 153-9.

²⁴ See Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (Cambridge: Cambridge University Press, 2003), and Brenda Gayle Plummer, *Rising Wind: Black Americans and US Foreign Affairs, 1935-1960* (Chapel Hill and London: University of North Carolina Press, 1996).

²⁵ In his 1935 article “A Negro Nation Within the Nation,” DuBois had also described “a nation within a nation” as both the product of discrimination and as an accomplishment worth striving for, putting greater emphasis on self-improvement as a response. Milton Konvitz, in the third chapter of the petition, also uses the phrase, citing his own 1941 article of the same title, which surveyed the legal construction of an internal nation through the Supreme Court’s repeated moves to uphold segregation. W.E.B. DuBois, “A Negro Nation Within the Nation,” *Current History* 42 (June 1935): 265-270.

²⁶ NAACP, *Appeal*, 7.

²⁷ Letter from Clyde Nichols, Office of the Secretary General, to Eleanor Roosevelt, October 17, 1947. Eleanor Roosevelt Papers, Box 1609, Folder NAACP.

²⁸ State Department advisors had recommended she not attend. 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.

²⁹ See Carol Anderson, *Eyes Off the Prize*, and Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2011 [2000]). Also, in the UN archives, see E/CN.4/SR.26, pages 8 onward, E/CN.4/77, page 11, and E/CN.4/77.ADD1. For a reading of this as a defeat for the right to petition, see Roland Burke,

Decolonization and the Evolution of International Human Rights (Philadelphia: University of Pennsylvania Press, 2010), especially chapter 3.

³⁰ I quote at length because I have not seen this included in other accounts. Eleanor Roosevelt to Walter White, January 20, 1948, Eleanor Roosevelt Papers, Box 1659, Folder Walter White.

³¹ Morsink, *UDHR*, 303-7.

³² 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.” A separate set of concerns related to the compatibility of a right to petition with the Logan Act; see “Position Book,” page 68, Eleanor Roosevelt Papers, Box 1933, Folder Position Book 1947.

³³ See Morsink, *UDHR*, 304.

³⁴ René Cassin, “Note,” page 2, 10 December 1949, 382AP129 Dossier 1.

³⁵ For a strong version of this argument, see Mark Mazower, “The Strange Triumph of Human Rights, 1933-1950,” *The Historical Journal* 47, no. 2 (2004): 379-398

³⁶ “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.”

³⁷ René Cassin to Monsieur Parodi, 30 April 1948, page 4, 382AP128.

³⁸ As quoted in Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001): 150.

³⁹ See Roland Burke, *Decolonization*, and Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009).

⁴⁰ “The Achievement of 1948: An Interview with John Humphrey,” John Peters Humphrey Fonds, McGill University Library, MG 4127, Acc 2002-0086, Box 3, Item 90.

⁴¹ A/C.3/SR.311, paragraphs 20 and 21. Portions also cited by Burke, *Decolonization*, 37.

⁴² Roland Burke, *Decolonization*, 40.

⁴³ Frederick Cooper, *Citizenship Between Empire and Nation: Remaking France and French Africa, 1945-1960* (Princeton: Princeton University Press, 2014): 41.

⁴⁴ For his role on the Conseil d’Etat, 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): 274-9. For his role at the UN, see 382AP129.

⁴⁵ Winter and Prost, *René Cassin*, 276.

⁴⁶ See Glenda Sluga, “René Cassin: *Les droits de l’homme* and the Universality of Human Rights, 1945-1966,” *Human Rights in the Twentieth Century*, Stefan-Ludwig Hoffman, ed. (New York: Cambridge University Press, 2011): 107-124.

⁴⁷ 382AP71. Translations mine.

⁴⁸ Marc Agi, *René Cassin: Fantassin des Droits de l’Homme* (Paris: Plon, 1979): 235-6.

⁴⁹ Winter and Prost also discuss the conditions for the drafting of the declaration on 159-67, citing a copy from 382AP57.

⁵⁰ Though his emphasis is elsewhere, my story here is consistent with Moyn’s more recent claim that discussions of human rights within the wartime French Resistance reflected “Jacobin legacies” – inheritances which would be dropped from the UDHR. Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge: Harvard University Press, 2018): 46-7.

⁵¹ Morsink, *UDHR*, 98.

⁵² Proposed text and comments as quoted in Morsink, *UDHR*, 309-10. Cassin's comment about a duty to obey is a paraphrase from the meeting's minutes.

⁵³ For Cassin's letter, see Cassin to Roosevelt, February 3, 1953, Eleanor Roosevelt Papers, Box 1682, Folder Cassin. Roosevelt added a handwritten postscript to the typed note: "I agree with you that the Sultan would probably not improve matters." For her note, see Eleanor Roosevelt to René Cassin, April 16, 1953, 382AP151.

⁵⁴ Roosevelt, "The Promise of Human Rights."

⁵⁵ Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge: Harvard University Press, 2014).

⁵⁶ 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."

⁵⁷ Cassin summarized the decision in a 1970 talk, saying that "the idea of a declaration manifesto" (*l'idée d'une Déclaration-manifeste*) was proposed by the US, to be separate from the Covenants. René Cassin, "Man and the Modern State," in *An Introduction to the Study of Human Rights: Based on a Series of Lectures Delivered at King's College, London, in the Autumn of 1970* (London: Europa, 1972), especially 34 and 44.

⁵⁸ Acting Secretary of State to Mrs. Franklin D. Roosevelt, November 26, 1947. Eleanor Roosevelt Papers, Box 1944, Folder Geneva Position Book 1.

⁵⁹ Recounted in Morsink, *UDHR*, 96-101. The British amendment is the UN's A/778/Rev.1.

⁶⁰ See Anderson, *Bourgeois Radicals* and *Eyes Off the Prize*, and Plummer, *Rising Wind*, as well as Penny Von Eschen, *Race Against Empire* (Ithaca: Cornell University Press, 1997), Thomas Borstelmann, *The Cold War and the Color Line* (Cambridge: Harvard University Press, 2001).

⁶¹ “Droits de l’Homme,” 10-11, 382AP128.