



Human Rights/Social Rights: The Twentieth Century Predicament Conference Report

2.12.2010 - 4.12.2010, Potsdam

Place: Zentrum für Zeithistorische Forschung Potsdam und Einstein Forum

Organizers: Małgorzata Mazurek (ZZF Potsdam), Stefan-Ludwig Hoffmann (ZZF Potsdam), Sandrine Kott (Université de Genève), Paul Betts (University of Sussex), Andreas Eckert (Humboldt Universität zu Berlin)

Sponsored by Fritz Thyssen Stiftung und ZZF Potsdam

Report by:

Ned Richardson-Little (University of North Carolina at Chapel Hill)
nrl@email.unc.edu

In recent years, the triumphalist narratives of the rise and rise of human rights have been challenged as historians have focused more on the contradictions and conflicts within the history of human rights. Although the older narratives of progressive success and accomplishment have been expanded to include competing or opposing understandings of human rights, the work of unpacking the shifting meanings of social rights in the 20th century has only just began. In order to understand better the broader evolution of social rights and human rights, the conference sought to bring together historians of state socialism, the welfare state, international organizations, colonialism and post-colonialism with expertise stretching across every continent.¹

The conference opened with a call for a greater openness to the ambiguities and complexities of social rights in history rather than any clear thesis as to their meaning. In her introduction, MAŁGORZATA MAZUREK emphasized the necessity of bringing together the fields of social history and everyday life with transnational or global approaches to a history of international human rights. As there were many ways of expressing the social in twentieth-century history, it should be closely examined when and why social rights blended in or replaced other notions of social claim making such as 'needs' or 'social justice'. Of particular importance in the examination of these

¹ This has been the follow-up to the 2008 conference "Human Rights in the Twentieth Century. Concepts and Conflicts," organized by the ZZF and the Wissenschaftszentrum Berlin. See Stefan-Ludwig Hoffmann (ed.), *Moralpolitik. Geschichte der Menschenrechte im 20. Jahrhundert* (Göttingen: Wallstein 2010); Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge/New York: Cambridge University Press 2011); and the conference report: <<http://hsozkult.geschichte.hu-berlin.de/tagungsberichte/id=2208>>.

problems is the interconnection and the separation of social rights from human rights as well as the problem of periodization and the placing of social rights into broader historical narratives.

FREDERICK COOPER's opening keynote lecture examined tensions between social rights and national self-determination in French and British Africa after 1945. During the era of decolonization, claims of colonized people that they should enjoy the same social entitlements as European citizens, stood in contradiction with their desire towards sovereignty. Therefore, Cooper argued, the association of social rights, as central to the post-colonial project, with national citizenship was thus not an inevitable march towards self-determination for European colonies, but an uncertain period where the boundaries of community, citizenship and their concomitant rights were fluid and contested. The achievement of sovereignty was likewise problematic as national rulers and economic elites used the language of self-determination to forestall and refute claims to social rights from below. In more general terms, Cooper concluded, the example of decolonizing Africa helps to grasp how people historically imagined and located rights within shifting political structures. In 1950 it was still possible to think about locating social rights within an empire or federation, whereas later on the connection between rights and national self-determination got naturalized.



Frederick Cooper (New York University) and Andreas Eckert (Humboldt Universität zu Berlin)

The first panel on historical trajectories of human rights provided three contrasting examples of how social rights originated in very different ways with ambiguous results in Latin America and Africa. SAUL DUBOW's paper on the fractured history of rights discourse in South Africa argued that main problem with tracing the tradition of rights before and during Apartheid regime is that the concept of rights overlapped with that of citizenship. In the 20th Century, however, social rights served as a form of 'antipolitics' and were offered to the disenfranchised black population as a substitute for political freedoms such as citizenship. In contrast to the South African example, TIMOTHY JAMES examined the case of revolutionary Mexico where the Constitution of 1917, one of the first in the world to include legal protections for social and economic rights, served as the basis for the redistribution of estates and elite-controlled land. While this allowed for the rapid realization of economic distribution it

also permitted arbitrary action by the state with long-term negative consequences for legally guaranteed political and civil rights. Elsewhere in Latin America, rights discourses developed much later as ROSSANA ROCHA REIS showed in the case of Brazil where the right to land emerged as a key claim of peasants in the 1970s. Rather than stemming from any kind of notion of citizenship or international legality, the right to land as a human right came from a grass-roots movement with a religiously oriented conception of social justice.

In the discussion, REIS explained further that Brazil's farmers used the language of rights, partly because it linked them well with transnational networks and NGOs. Still, it remained unanswered why for some peasant cultures concerned with the issue of land distribution, the idea of rights did not resonate, like in the case of Soviet peasantry, and in others social rights had been synonymously and easily swapped with an idea of social justice.



Małgorzata Mazurek (ZZF Potsdam), Atina Grossmann (The Cooper Union) and Marco Duranti (Yale University)

The second panel on rights revolutions in the wake of the Second World War examined the contradictory currents of popular usages of rights and their establishment as part of the international system. KATHERINE E. LEBOW's paper on autobiography and rights in Poland, 1933-1948 explored locally and individually conceptualized notion of rights of "ordinary people" through autobiographical documentation collected by the left-wing social scientists in mid-century Poland. Memoirs served as intimate, but highly political evidence for the necessity of social transformation, and therefore constituted a template for an idea of social rights. ATINA GROSSMANN's paper on Jewish claims to rights and social entitlements in German Displaced Persons camps looked at how food came at the forefront of rights claims as the result of post-war scarcity. These demands reflected a material and symbolic competition between defeated Germans and surviving Jews as conflicts over the definition of needs hinged on claims to victimhood as a justification for benefits or rights. In contrast to these accounts of rights claims stemming from material need and personal understandings of justice and victimization MARCO DURANTI's presentation showed how Western European conservatives worked to exclude social and economic rights from the 1950 European

Convention on Human Rights as a means of creating an international counter-weight to the emerging post-war welfare-state consensus. Although not in power, the British conservatives and French Christian-Democrats were successfully able to out-manuever their social democratic opponents and limit the Convention to classical political and civil rights in order to forestall and prevent a feared encroachment of the state at home. By limiting the Convention to classical political and civil rights they were able to transform their particular conception of human rights into a supposed consensus view of the universal values of a new Europe.

In the discussion, DURANTI clarified that he was seeking not to refute the centrality of Cold War to the creation of the European Convention but to reframe the problem so as to focus on domestic conflict within Western Europe. TIMOTHY JAMES argued that the problem of justiciability and the technical problems of creating legally enforceable social rights likely also played a role in weakening the position of the Social Democrats and the eventual exclusion of social rights from the European Convention. JAN ECKEL added that the issue of legitimacy for post-war institutions and its connection to the problem of food provision should also be further examined.

The third panel on the contestation of unfree labor examined the often overlooked actors in the history of rights such as administrators of international organizations, systems and empires. ERIC ALLINA-PISANO's paper examined the ambiguous position of colonial administrators in Mozambique who coordinated and oversaw an extensive system of forced. Rather than considering only the short-term implications of international opprobrium - debates accompanying production of International Labor Organization (ILO) Conventions on Slavery (1926) and on Forced Labor (1930) - the "men in the middle" sought to maintain their own long-term position by distancing themselves from the unseemly practices of colonial rule. In her paper on international organizations as forums for debates on forced labor, SANDRINE KOTT argued that rather than thinking about Cold War conflicts over human rights in terms of blocs, it is important to examine institutional arrangements and forces that shaped these exchanges. In the case of the ILO, a wide number of non-state actors also sought to make their agenda into one of international human rights - such as developing nations pushing for broader conceptions of forced labor to issues of debt peonage and other types of economic exploitation. These forums also served as site of conflict for competing representative and activist organizations. For example, the American Federation of Labor used the international forum as a means of undermining their rival organization the CIO.

In the discussion, EMMANUEL REYNAUD from the ILO Century Project pleaded for a more careful distinction between rights discourse and legal instruments, such as international conventions. Such distinction would help to refine historical arguments in regard to activities of international institutions. Other participants questioned further Cold War narratives as an appropriate framework for understanding the history of social rights. Although the ILO convention on forced labor was originally designed to fight

the Soviet Union, it was used consequently by the postcolonial world to pursue its own agenda within the international arena.

The fourth session on state socialism, welfare and the language of rights offered perspectives on the usage of rights by both citizens and the state in the Soviet Union and East Germany. MARK SMITH showed that in practice following the death of Stalin in 1953, welfare rights took on greater importance and were codified and enforced as a means of bolstering the legitimacy of the state. The new constitution under Brezhnev in 1977 only increased the language of rights even as political and civil rights continued to be denied exposing the fundamental tension of the Soviet system, between paternalism and constitutionalism. PAUL BETTS's paper discussed the hidden "rights culture" under socialism in the former East Germany. East German citizens could make claims for their social and economic rights through an extensive petitioning (*Eingaben*) system and dispute commissions were set up so that citizens could file complaints against fellow citizens who had violated their civil rights to secure personal property as well as peace and quiet.

In discussion, MAŁGORZATA MAZUREK argued that the any discussion of rights under state socialism had to be careful to compare claims of various social groups: while peasants and workers in Poland spoke of needs and promises, the language of rights was the territory of intelligentsia and experts. MARK SMITH added that while the language of social and welfare rights was widespread, the idea of human rights remained marginal including in the work of dissidents. Furthermore, NED RICHARDSON-LITTLE contended that the use of human rights language allowed for both increased civilian participation but was also a means of cementing state control – the right to work was used as a means of punishing those perceived as lazy and even the shootings at the Berlin Wall were justified as a means of securing human rights. SANDRINE KOTT responded that coercive state measures to ensure participation in the workforce were not simply capricious but served the role of integrating individuals into the political and social system.

The fifth panel on rights, international aid and development focused on the problematic implication of depoliticizing economic issues through the language of rights. Both presentations looked at the unintended consequence and long-term structural effects of the rise of an international community and NGO system that has sought to relieve the worst problems of poverty and inequality without challenging the economic order that has created these very problems. According to ALEXANDER NÜTZENADEL, the creation of an international food security system that could deal with acute emergencies and system malnutrition on a global scale following the famine and instability of the Second World War has led to a connection between food aid with the idea of human rights. This has, however, removed the problem of hunger from considerations of the broader economic system and relegated it to weak UN institutions with limited political power. MATTHEW HILTON's presentation found similar results from the perspective of British NGOs. He argued that the increased use of human rights language, has only strengthened the connections between the grass roots and the international liberal order and while the use of rights language has provided a means of

making valuable gains, it has also reinforced the larger systematic forces that have sustained global poverty in the first place.

The sixth session on race, rights and international politics examined the complex and often contradictory intersections of racial and developmental politics with the idea of social and economic rights as well as the important role of non-Western nations in shaping international understandings of human rights. RYAN IRWIN's presentation showed how African activists used the international legal dispute over the status of South West Africa as an opportunity to attack Apartheid claiming that rights could only be upheld through territorial autonomy, economic development and racial equality while Afrikaaner nationalists argued that racial equality was actually a detriment to the fulfillment of rights and claimed that the separation of races was actually essential to this project. ROLAND BURKE's paper examined how third world nations elevated the idea of social and economic rights over that of political and civil rights yet ultimately failed to provide either type of rights through post-colonial authoritarian development states. Moving to the example of Chinese intellectuals, KLAUS MÜHLHAHN examined their role as active participants in the realm of international human rights in charting a path between capitalist and Marxist conceptions of human rights by combining the Confucian idea of "being a person" with the ideals of basic social and economic rights to create an indigenous Chinese human rights discourse.

In his comment, FREDERICK COOPER raised the issue of contending discourses of liberation and sovereignty. In the international arena, the United States wanted to achieve both without major conflict between various groups while Africans sought to achieve liberation but also demanded total sovereignty once they had achieved it. South African leaders were in a problematic position as they viewed themselves as part of a white Christian civilization that included the United States that was now undermining them though the endorsement of sovereignty for native Africans.

The final discussion section outlined two general areas for further research based on the results of the conference. First, conflicts and distinctions between types of rights and types of claims: In his closing state STEFAN-LUDWIG HOFFMANN pointed out that although many historical issues are framed nowadays by historians as those of social or human rights, it is important to examine the language and conceptions of historical actors to see if they even used such language themselves. In those cases where the language of rights was not used, how were social claims phrased and justified? Hoffmann pushed for the examination of the different forms of claims making and how communities of rights were constructed from notions of nationhood, individualism, class or empire. FREDERICK COOPER added that it was important to further study the conflict between social and economic rights as in the example of international corporations using their legal rights to suppress the social rights of locals where they do business. In general it was agreed that more had to be done to explore the full range of the polyvocality of social rights and the varieties of claims making methods and tactics.

The second main area for further research lay in the diversity of systems, structures and actors. PATRICIA CLAVIN noted that the papers indicated the importance of looking beyond citizens and states to include international organization, secretariats and functionaries from above as well as peasants, farmers and other marginalized groups from below. Participants also agreed that it was vital to consider problems of hegemony in that social rights claims can be part of a larger ideological framework.

The conference both demonstrated the immense diversity – geographically, politically and ideologically – that entails the history of social rights and how much still needs to be done. Although no unity or teleology was posited, the composition of the papers bringing together such seemingly disconnected subjects across continents, decades and political blocs showed the true international character of the history of human rights in this regard and at the same time displayed just how distant from each other and conflicting many of these strands of social rights often were. Most useful for future scholarship was the array of methodological approaches presented: from the use of worker's autobiographies to the records of colonial administrators the presenters offered a plethora of new actors and sources that can be mined for further study. There were some omissions rightly noted by the participants such as the paucity of gendered analysis and the general absence of right wing and conservative political movements as relevant actors in the shaping and use of social and economic rights. Yet, these critiques were in keeping with the general thrust of the conference: the history of social rights is multifaceted, international and knows no political and ideological boundaries. The conference provided no definitive answers to these problems, but instead unpacked the extensive theoretical and methodological issues that should be explored and mapped out a clear path for future scholarship.

CONFERENCE OVERVIEW

Thursday, 2 December 2010

Einstein Forum Potsdam

6.30 p.m. - 8 p.m.

Public keynote lecture

Frederick Cooper (New York University): Social Rights and Sovereignty at the End of Empire: Labor and Economic Development in Decolonizing Africa

Moderator: Andreas Eckert (Humboldt Universität zu Berlin)

Friday, 3 December 2010

Zentrum für Zeithistorische Forschung Potsdam

9.30 a.m. - 9.45 a.m.

Introduction: Małgorzata Mazurek (ZZF Potsdam): Human Rights/Social Rights: The Twentieth Century Predicament

9.45 a.m. - 11.30 a.m.

Session 1: Historical Trajectories of Human Rights

Chair: Paul Betts (University of Sussex)

Papers: Saul Dubow (University of Sussex): Human Rights in South Africa: A Long and Fractured Tradition

Timothy M. James (University of South Carolina Beaufort): Social Rights as 'Higher Law' Discourse and Constitutional Law, before, during and after the Mexican Revolution (1830s-1930s)

Rossana Rocha Reis (University of São Paulo): The Right to Land as a Human Right in Brazil

11.45 a.m. - 1.30 p.m.

Session 2: Rights Revolutions in the Wake of War

Chair: Małgorzata Mazurek (ZZF Potsdam)

Papers: Katherine E. Lebow (Newcastle University): Autobiography and Rights in Poland, 1933-1948

Atina Grossmann (The Cooper Union): Displacement and Human Rights: Jewish Claims to Rights, Social Provisioning and Nationhood in the Aftermath of War, Flight and Genocide

Marco Duranti (Yale University): Recasting Human Rights Discourse After the Second World War. The European Convention and the Conservative Turn

2.45 p.m. - 4.15 p.m.

Session 3: Contesting Unfree Labour

Chair: Patricia Clavin (University of Oxford)

Papers: Eric Allina-Pisano (University of Ottawa): Negotiating Labor for Colonial Subjects in Mozambique: The View of the Local Colonial Administrators

Sandrine Kott (Université de Genève): Defining Social Rights in the Cold War Context: The Forced Labor Issue (1947-1973)

4.30 p.m. - 6 p.m.

Session 4: State Socialism, Welfare and Rights Talk

Chair: Sandrine Kott (Université de Genève)

Papers: Paul Betts (University of Sussex): Socialism, Social Rights and Civilization

Mark B. Smith (University of Leeds): The Right to Welfare in the Soviet Union from Stalin to Brezhnev

Saturday, 4 December 2010

Zentrum für Zeithistorische Forschung Potsdam

10 a.m. - 11.30 a.m.

Session 5: Rights, International Aid and Development

Chair: Andreas Eckert (Humboldt-Universität zu Berlin)

Papers: Alexander Nützenadel (Humboldt-Universität zu Berlin): Freedom from Want: International Food Aid and Human Rights after 1945

Matthew Hilton (University of Birmingham): International Aid and Development NGOs in Britain and Human Rights since 1945

11.45 a.m. - 1.15 p.m.

Session 7: Race, Rights and International Politics

Chair: Frederick Cooper (New York University)

Papers: Ryan M. Irwin (Yale University): 'The Gordian Knot:' Untangling the Rights

Question in Southwest Africa, 1960-1966

Roland Burke (Latrobe University): Decolonization, the Third World, and the Paradoxical Internationalization of Economic and Social Rights

Klaus Mühlhahn (Freie Universität Berlin), Chinese Human Rights Thinking and the 1948 Universal Declaration

2.45 p.m. - 4 p.m.

FINAL COMMENTS:

Stefan-Ludwig Hoffmann (ZZF Potsdam)

Patricia Clavin (University of Oxford)