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## Research proposal – Doctoral thesis

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„Konzeptionen von Menschenrechten der antikolonialen “schwarzen” Bewegungen  
im Paris der Zwischenkriegszeit“

submitted by

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## **Introduction:**

French colonialism was defined by its republican-civilisational self-image in the tradition of the French Revolution of 1789. The basic idea of the *mission civilatrice* was that the colonised could climb the ladder of humanity and eventually become equal French citizens.<sup>1</sup> Official France believed that colonised subjects could become French citizens. French citizens, as the highest level of civilisation, had extensive political rights - as laid down in the Declaration of the Rights of Man and of the Citizen - which the colonial subject did not (could not) have because he was not yet equipped to exercise them.<sup>2</sup>

Most scholarship divides French colonial policy into two loosely defined eras of assimilation and association. Until around the beginning of the twentieth century, and to some extent until the outbreak of the First World War, leading politicians preached the ideal of assimilation, according to which colonial subjects could become French citizens. This long-standing policy of assimilation, which in the republican spirit frowned upon cooperation with the local elites in the colonies and sought to create a new educated bourgeois class, succeeded in creating a new elite of *évolués* who, because of their "successful assimilation", demanded the rights that theoretically went alongside it. Apart from the republican language, everyday life in the French colonies, especially in the 'underdeveloped' colonies of sub-Saharan Africa, was characterised by coercion, authoritarian administration and arbitrariness. However, French republican discourse provided a space in which Enlightenment ideas of modernity could circulate and demands - such as equality and liberty - could be made in the name of European ideas.

This is the starting point for my research project, which seeks to explore the idea of human and civil rights as a means of anti-colonial struggle. For this purpose, I chose the interwar period as specific historical period and focus on actors from former French West Africa. The First World War and the massive participation of colonised soldiers in the French army - such as the *tirailleurs sénégalais* - led to the political empowerment of colonial subjects after the First World War. Furthermore, the French

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<sup>1</sup> Conklin, *A mission to civilize* (1997) 144.

<sup>2</sup> Le Cour Grandmaison, *De l'Indigenat* (2010) 43ff.

Communist Party provided at least partial access to revolutionary political education to colonised subjects in France. In the inter-war years, Paris was a multi-ethnic city par excellence, where colonised persons from all parts of the world met intellectuals from the Franco-Caribbean colonies, and where many new ideas were generated by the liberal legislation in France. These historical circumstances led to an extreme heterogeneity of anti-colonial struggles within a limited temporal and geographical space. Concepts such as human rights could be rediscussed, reshaped, and rethought in this environment. Colonial identities were thus imagined into seemingly universal legal claims and led to shifts in meaning. The aim of my research is to present these processes of resemantication.

After the First World War, the policy of assimilation gave way to a policy of association, in which the idea of the *mission civilisatrice* was not rejected, but the idea that colonial subjects could become true French citizens through assimilation was abandoned. This means that the path to French citizenship that had been advertised for assimilated subjects until then was closed and the colonised were faced with a new situation. French colonial discourse hereby emphasised the fundamental cultural otherness of colonial subjects, who until now were supposed to be educated towards universal equality. This was also reflected by the rise of ethnology from the 1920s onwards.<sup>3</sup>

The "black" anti-colonial movement is particularly suitable for this analysis for several reasons. On the one hand, the 'black' population of Paris operated within a particularly international framework. This was very diverse, ranging from the burgeoning Pan-Africanism of the Americas, assimilated elites of the old colonies in the Caribbean, to West African workers. Thus, within this manageable set, which can also be dealt with in the context of a dissertation, there is an ideological range of groups that allows for a broad answer to my research question. I will analyse assimilationist groups such as the *Ligue universelle de défense de la race noire*, politically left-wing groups such as the *Comité du Défense de la Race Nègre*, but also cultural and literary movements such as *Négritude*. All these groups published their own periodicals, which allows to follow their intellectual development.

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<sup>3</sup> Conklin, *A mission to civilize* (1997) 196f.

Most human rights historiography attempts to illuminate considerations from antiquity and the European Christian Middle Ages through the Enlightenment and the anti-slavery movements of the nineteenth century to the Universal Declaration of Human Rights and the human rights covenants of the 1960s. From this point on, historical debates tend to take a step back while dogmatic ones take the forefront. By focusing on a very specific historical situation, I would like to try to show the heterogeneity of the treatment of global legal concepts - such as human rights - in the anticolonial struggle.

The research questions of my dissertation are therefore: Did the concept of human rights play a relevant role in the resistance to French colonialism? How did the actors of the "mouvements nègres" approach these rights and which concept or meaning of the term human rights did they propagate? How did colonial identities influence seemingly universal European claims such as "Universal Human Rights"? The aim of the dissertation is therefore to shed light on the function and significance of law and human rights as a means of resistance to the French colonial project. By focusing on the heterogeneity of actors and colonial identities, the aim is to present a more comprehensive picture of the role of law in colonialism.

### **Theory and Methods:**

According to Wall, human rights should not be understood in an essentialist way.<sup>4</sup> They do not exist in a pre-political space and independently of membership of a political community, but can only be understood in terms of cultural, social and normative (re)production. I will use an understanding of human rights as a performative moment that can produce discursive dissent in legal debates.<sup>5</sup>

Wall defines three strategies of the orthodox human rights doctrine to maintain discourse sovereignty. First, elites are primarily seen as the historical subjects of human rights history; second, historiography is based on a teleological idea that is immanently inscribed in the discourse; and third, attempts are made to reduce the heterogeneity of certain movements in order to ensure a coherent-homogeneous

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<sup>4</sup> Wall, *Human Rights and Constituent Power* (2012) 3.

<sup>5</sup> see Rancière, *Who is the subject of the rights of man?*, *South Atlantic Quarterly* 2004, 297–310.

narrative.<sup>6</sup> It is precisely this first strategy that I would like to counter with my research by including the voices of actors from below.

An essential part of Wall's critique is that the classical history of human rights is carried by Western elite actors and, that actors outside the Western canon do not find a corresponding place in the narrative. This also explains why the French and American Revolutions are traditionally considered critical moments in human rights history, while the Haitian Revolution is given much less prominence.<sup>7</sup>

The main theoretical assumption on which the dissertation is based, is, that the history of human rights is a history of the struggle for the sovereignty of discourse. This struggle is fought both in the language of rights, in its European Enlightenment sense,<sup>8</sup> and in other languages, such as that of universality. Here I assume that, while the concept of subjective rights and the equality of the legal subject is a possible outcome of a notion of universalism, universalism is conceptually broader and includes older philosophical discourses. The aim of my research is to unravel the conceptual clashes within the debate in the context of Francophone antiimperialist struggle. Just as the concept of universal liberty did in the eighteenth century, the concept of universalism opened a discursive dissent in the nineteenth century.<sup>9</sup> I suggest that the actors of anticolonial struggle in turn used French republican discourse to generate such dissent and radically reinterpret the concepts for their own ends.

As shown, the classical history of human rights is based on the exclusion of important actors. My work aims to help bring the multiplicity of these histories to the fore and to highlight points of rupture. However, the aim here is not to explore an 'authentically anti-colonial' concept of human rights. Rather, I will examine how the meanings of the concept of human rights, or terms close to it, have been changed and renegotiated in translation into the anti-colonial context. Thus, the focus is not on a possible outcome - the anti-colonial concept of human rights - but on processes of

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<sup>6</sup> Wall, *Human Rights and Constituent Power* (2012) 10.

<sup>7</sup> Wall, *Human Rights and Constituent Power* (2012) 15; Kaisary, *Human Rights and Radical Universalism: Aimé Césaire's and CLR James's Representations of the Haitian Revolution*, *Law and Humanities* 2012, 197–216.

<sup>8</sup> see Menke, *Kritik der Rechte* (2018).

<sup>9</sup> Aristide/Nick Nesbitt, *The Haitian revolution* (Revolutions 2019).

cultural translation and resemanticisation. The thesis does not investigate the material content of human rights as they were demanded by the actors of the anti-colonial "black" movements. Rather, it seeks to explore, at a fundamental level, the significance of the movements' reference to human rights for their activities and whether or how this contact changed the idea of human rights itself. The sources are not necessarily to be understood in isolation, but are to be reread and rewritten in a deconstructivist manner.<sup>10</sup>

The methodological tools for this research cannot be drawn from the methods of dogmatic jurisprudence, but rather "law must be freed from its special position and [opened] to the insights of other disciplines".<sup>11</sup> As Auer explains, in order to broaden the horizons of research, it is necessary for the legal sciences to turn to other disciplines in the humanities.<sup>12</sup> In order to analyse how the anti-colonial movements in interwar Paris dealt with the discourse of human rights, the methods of postcolonial studies and linguistics seem particularly fruitful.

To understand and investigate (re)semanticisation processes, it is first necessary to address the question of how meaning is produced and reproduced in language. The world has to be perceived as essentially linguistic in order to locate the influence of words and language accordingly. The works of de Saussure and Wittgenstein will help to understand the function(s) of language. The writings of Derrida, Lacan and Fanon will then be used to understand the role of this function of language in the constitution of the (human or colonial) subject.

By setting language as an analogue to the unconscious, Lacan directs language, like the unconscious, primarily towards the (big) Other.<sup>13</sup> For Lacan, the Other - with a capital O - stands for an anonymous symbolic order that is subjectivised at a certain

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<sup>10</sup> Castro Varela/Dhawan, *Postkoloniale Theorie: Eine kritische Einführung*<sup>3</sup> (2020) 231.

<sup>11</sup> Keller-Kemmerer, *Die Mimikry des Völkerrechts: Andrés Bello's „Principios de derecho internacional“* (2018) 27.

<sup>12</sup> Auer, *What is Legal Theory?*, *Rechtsgeschichte - Legal History* 2021, 30–39.

<sup>13</sup> see *Funktion und Feld des Sprechens und der Sprache in der Psychoanalyse in Lacan, Schriften*. 14. durchges. Aufl. (Das Werk von Jacques Lacan / Hrsg.: Jacques-Alain Miller. In dt. Sprache hrsg. von Norbert Haas 1996) 71–170; see *The symbolic order in Lacan, The seminar of Jacques Lacan. book 1: Freud's papers on technique 1953-1954 / translated with notes by John Forrester* First publishes as paperback (1991) 220–236.

common point.<sup>14</sup> This can be a personification (as in the case of God), but also an abstract "thing" (nation, culture, idea). What is important is that the presence of the Other, structures the interaction of the subjects.<sup>15</sup> "If our desire is directed towards the desire of the other, the prospect of meeting in it increases to the extent that we are referring to an order that the other also shares, and for Lacan this is the symbolic order, which he equates with the order of language".<sup>16</sup>

The concept of '*liberté, égalité, fraternité*', which can arguably be described as founding myths of the modern French nation, may constitute such a symbolic Other in Lacan's sense. The invocation of human rights by the colonised can be seen as an example of the colonised advancing its process of personification by claiming to be part of the symbolic whole 'human', actively inscribing itself in the symbolic Other that serves as the order of 'humanity'. The sentence "I am human and thus I have rights" can therefore be read as an act of informing the Other that the colonial subject is part of this human social order.<sup>17</sup>

The demand for equal recognition must take place in a space that has been defined by prior exclusion. "What I desire is predetermined by the big Other, by the symbolic space I inhabit. Even if my desire is transgressive, if it violates social norms, that transgression relies on what it transgresses."<sup>18</sup> This observation is of fundamental importance because it explains why the struggle for personhood had to be waged within the symbolic order that negated that personhood before. The social order of equality, freedom and fraternity gives colonial subjects the space to make those demands that transcend this space, because the demand is thus made of the big Other.

Fanon's insights allow a deeper understanding of the processes of semantisation in the colonial context. Fanon does not comprehend (Re-)semantisation a mere change of meaning of a sign, but as a struggle for meaning. For the colonised, the struggle for meaning is one of the fields in which the intersubjective truths of the "white" world can

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<sup>14</sup> Žižek, Lacan: eine Einführung (Fischer-Taschenbücher 2016) 60.

<sup>15</sup> Žižek, Lacan: eine Einführung (Fischer-Taschenbücher 2016) 60.

<sup>16</sup> Krämer, Sprache, Sprechakt, Kommunikation: sprachtheoretische Positionen des 20. Jahrhunderts (2001) 206.

<sup>17</sup> see Žižek, Lacan: eine Einführung (Fischer-Taschenbücher 2016) 37–39.

<sup>18</sup> Žižek, Lacan: eine Einführung (Fischer-Taschenbücher 2016) 61.

be negated and the "black" can inscribe himself in the world of the white as self-consciousness. By not trying to be absorbed into the "white" discourse and negate his own self-consciousness, the "black" person tries to reoccupy the meanings of the "white" world in such a way that they perceive him as a person in and of himself. By shifting the meaning of language, the colonised can assert his ontology and break down Manichaeism: "This creation [of new people] receives its legitimacy from no supernatural power: the colonised "thing" becomes human precisely in the process by which it liberates itself."<sup>19</sup>

In a next step, the ideas of Homi K. Bhabha, whose concept of hybridity is central to my analysis, will be interconnected with theories of Judith Butler. The ways in which speech and language make it possible to create a subject through interpellation, and the ways in which the subject is able to deal with the uncertainties of semanticisation, provide an insight into the linguistic agency of the colonised.

Reading Bhabha helps us to see possibilities for action by the subaltern within an existing discourse. Contributions can thus not only be measured by the material impact on existing ones or by the establishment of new "authentic" terms. Rather, the contribution is often found in the hybridisation of already existing ones and can be read, by means of the strategy of mimicry, as an act of resistance, a repetition of almost but not quite the same.<sup>20</sup> The creation of a "discursive instability" thus enables progressive intervention within the existing, similar to Ranciere's view that claiming rights can trigger dissent.

Essential to Butler's considerations is that every use of a term - every quotation - repeats an action, while at the same time it has the inherent power to change the meaning of the term. According to Butler, this resignification is tied to the staging of the term. The repetition of the term must be "the performance of the repeated".<sup>21</sup> In the citation of preceding signs lies the possibility of the transformation of the sign.

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<sup>19</sup> see. Fanon, *Die Verdammten dieser Erden* (2020) 30.

<sup>20</sup> see Bhabha, *Die Verortung der Kultur* (2011) 126ff.

<sup>21</sup> Krämer, *Sprache, Sprechakt, Kommunikation: sprachtheoretische Positionen des 20. Jahrhunderts* (2001) 253.



What is at stake here - and this is one of the essential points - is not the creation of a "genuine" sign, but the potential of change.<sup>22</sup>

### **Material and first insights:**

After theoretical preparatory work, I conducted research in the Archives nationales d'outre-mer in Aix-en-Provence and currently have a comprehensive corpus of sources at my disposal containing all publications of the relevant groups as well as meticulous secret service documents of the French colonial ministry. For fear of rebellious elements, the colonial ministry closely monitored the groups and it is therefore possible to reconstruct almost all internal meetings and discussions. Building on these sources, two French historians studied the *mouvement nègres* in the 1980s and wrote their dissertations on the topic, the only works to date explicitly devoted to these movements.<sup>23</sup> More recently, the German historian Michael Goebel published a work on Paris as the centre of anti-imperialism in the interwar period and also devoted himself intensively to the *mouvements nègres*.<sup>24</sup> The state of research, however, remains limited to purely historical works and, apart from one essay dealing with the interventions of the French Human Rights League in the interwar and post-war period, there is no research from a legal historian perspective.<sup>25</sup>

So far, I focused in my analysis of the sources on one of the groups: the *Comité du Défense de la Race Nègre/Ligue du Défense de la Race Nègre (LDRN)*. The Committee and the League were two groups, whose founding in the mid-1920s is significantly linked to Lamine Senghor, who should not be confused with the later President of Senegal Leopold Senghor. Senghor came to France as a soldier in the First World War and fought on the eastern front, where he was seriously injured, presumably as a result of a poison gas attack. He then remained in France after the war and politicised himself by joining the communist movement. However, although he

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<sup>22</sup> see Butler, *Excitable speech: a politics of the performative* (1997).

<sup>23</sup> Dewitte, *Les mouvements nègres en France 1919-1939* (1985); Sagna, *Des pionniers méconnus de l'indépendance : africains, antillais et luttes anti-colonialistes dans la France de l'entre-deux-guerres (1919-1939)* (These doctorale) (1986).

<sup>24</sup> Goebel, *Anti-Imperial Metropolis. Interwar Paris and the Seeds of Third World Nationalism* (2015).

<sup>25</sup> Blévis, *De la cause du droit à la cause anticoloniale. Les interventions de la Ligue des droits de l'homme en faveur des « indigènes » algériens pendant l'entre-deux-guerres*, *Politix* 2003, 39–64.

was asked by the communist party leadership to build an African wing of the Union Intercolonial, he declined and tried to represent the interests of "blacks" in France and the colonies by founding the *Comité du Défense de la Race Nègre*. The two groupings, the Committee, and the League, which I am combining for the sake of simplicity for this project summary, meandered between closeness and distance to the French Communist Party from 1926 to 1939.

From January 1927 onwards, the groups published periodicals: *La Voix des Nègres* and from June 1927 onwards *La Race Nègre*, in which they elaborated their ideological positions and repeatedly dealt with the ideas of human equality and access to justice. As early as September 1926, internal debates within the Ligue show, that the struggle for human and civil rights was perceived to be an essential element of 'black' resistance. What is important for my analysis is that the struggle here was not only for effective access to human and civil rights, but on a much more elementary level for the recognition of "blacks" as human beings. For, in the self-perception of 'blacks' in French society, they did not play the role of human beings, but of animals, as sources show: "*The status of the black as a domestic animal is still demonstrated by the work reserved for him, both in the colony and in Europe*".

The struggle for human rights can thus be interpreted at the same time as a struggle for being human and - to use Hannah Arendt's diction - as a struggle for the right to have rights. The demand is thus not only aimed at granting subjective rights, but - according to my reading - turns the tables and tries to establish legal personhood by demanding rights.

For the *Comité du Défense de la Race Nègre/Ligue du Défense de la Race Nègre*, it can be stated that the language of human rights and their demand did not play a prominent role in the group. As a niche issue, however, it was used with some regularity to remind France of its own philosophical and legal foundations and thus to strengthen one's own position. The language of human rights was thus used selectively and tactically to push through certain interests and quantitatively takes a back seat to demands for national independence or the right of peoples to self-determination. I assume however, is that among more "elitist" or "assimilated" groupings, such as the early representatives of Négritude, there would be less caution in the usage of France's basic liberal principles. The *Ligue du Défense de la Race Nègre* was critical of these

ideas at a fundamental level because of its proximity to the communist party - and thus also to the Marxist critique of subjective rights.

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