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'*Human Rights and Imperialism in Historical Perspective*' . Sydney: Marco Duranti, University of Sydney; Samuel Moyn, Columbia University, 10.08.2012-11.08.2012.

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'Human Rights and Imperialism in Historical Perspective'

This interdisciplinary conference, co-sponsored by the University of Sydney, the University of Western Sydney and the New York-based Consortium for Intellectual and Cultural History, explored the entangled histories of human rights and imperialism from the nineteenth century to the present.

MARCO DURANTI (Sydney) opened the conference by asking the participants to reflect on commonalities and continuities between the history of imperialism and the history of human rights. New research in these fields has highlighted the polygenesis and polyvalence of imperial and human rights discourses. Rather than be satisfied with deconstructing triumphalist and teleological grand narratives in favour of more critical and fragmented historical accounts, scholars should embrace interdisciplinary collaboration as a means of constructing broader explanatory frameworks and considering the normative implications of their findings. SAMUEL MOYN (New York) explained the organizational principle behind the conference, noting that it began with the premise that international human rights and imperial projects were as much symbiotic as antithetical. The conference papers traced how empire became a prism through which human rights discourses were refracted and an arena of contestation between local, imperial and global rights idioms. And insofar as the papers illustrated the positive connection between human rights and empire, they also showed how much work was required to sever the two so that human rights could assume what many scholars consider their obvious critical relationship to empire.

In the first session, which theorised the relationship between human rights and empire, JOHN KEANE (Sydney) argued that the disintegration of the Nazi Germany's European empire in the immediate aftermath of the Second World War led to a Copernican shift in the conception of democracy. No longer was democracy concerned with the mob nor unquestioningly naïve. Rather it turned to the problem of ruling and matters concerning the arbitrary use of power. And it is in this shift that Keane attributes the roots of 'monitory democracy' developed as the remedy to unbridled power and the need for state accountability. NIKOLAS KOMPRIDIS (Sydney) explored the idea of humanity and the 'right to be human' supposed by human rights discourse and derived from the Western humanist tradition. Invoking the writings of Hannah Arendt and Frantz Fanon, Kompridis argued for a rethinking of human rights around the 'right to be human'. He highlighted the vacancy in human rights history of an explication of what and who is human. In discussion, Glenda Sluga noted that in the debates in the late 1940s about human rights, the question of what it meant to be human was prominent as rights talk shifted from the 'rights of man' (droits de l'homme) to a more inclusive vision of humanity.

The second session considered whether anticolonialism was a human rights movement. BONNY IBHAWOH (Hamilton, Ontario) argued that human rights and decolonisation were a 'two-way street' of ideas. Focusing on the human rights dimensions of anticolonialism in British Africa, he demonstrated that human rights are not always invoked in normative and objective ways, and thus it is impossible to impose a singular human rights narrative. Using the example of the vernacularisation of human rights, Ibhawoh called for increased subaltern and micro-studies in human rights scholarship. ROLAND BURKE (Melbourne) contended that many postwar anticolonialists envisioned self-determination as the 'essential pre-requisite' of all human rights. Central to this argument was the equation of self-determination with individual freedom and the conflation of citizenship rights with human rights. This understanding of self-determination would be short-lived however, reaching a peak in the 1950s, as nationalist imperatives ultimately prevailed. Through the case study of French Algeria, FABIAN KLOSE (Munich) demonstrated how human rights language functioned as an instrument of colonial

and anticolonial agitation. In the battle for public opinion the FLN and French government used human rights language extensively to press anticolonial and colonial claims.

The third session dealt with human rights discourse in nineteenth-century colonial and imperial spaces. PENNY RUSSELL (Sydney) explored notions of humanity and justice in nineteenth-century Australia through a case study of violence in Australian settler society. Questions of jurisdiction, race and morality all had bearing on the distribution of justice and the attribution of rights. Russell noted that the language of natural rights was used to exclude indigenous persons from the scope of imperial law or jurisdiction through its imposition of a hierarchy of humanity, while the language of barbarism was used similarly to morally legitimate the inhumane treatment of settlers. ANN CURTHOYS (Sydney) highlighted recent historical scholarship on the role of evangelical humanitarianism and missionary endeavour in Australian settler society, as well as the place of law in colonial situations. Curthoys questioned whether the languages of rights and protection were in fact alternatives. In discussion, the sentimentalist language of humanitarianism and its inadequacy in securing a stable notion of humanity were considered.

The fourth session explored the extent to which human rights are a legacy of empire. ROB SKINNER (Bristol) argued that decolonisation resulted in the development of a more articulated human rights discourse that was notable for its distillation into 'narrowly-defined questions of legal rights'. As demonstrated through the example of anti-apartheid campaigns and activism in Britain in the 1960s, the grassroots mobilisation that occurred was largely constitutive of the concerned liberal middle class. Ultimately, for Skinner, human rights were an 'empty vessel', an 'obvious choice of discursive framework' for western activists responding to an emerging postcolonial world. CHARLES PARKINSON (Melbourne) also touched on the opportunism present in the implementation of bills of rights as a legacy of the British Government to it former dependents. The 1962 decision that British protectorates adopt bills of rights was one made with acute awareness of the political value of such a move. The British saw small value in a bill of rights and had done little to establish a local legal culture that would support its implementation. Bills of rights were political solutions to the problem of peaceful transition of power.

The fifth session asked whether human rights justify ethnic partition and violence. JAY WINTER (New Haven) presented a paper focusing on the rights discourse of René Cassin. Noting that all utopias perform the contradictions of their age, Winter used the example of Cassin's response to the Algerian War of Independence and Arab-Israeli conflict to argue that Cassin was beholden to the liberal imperialist assumptions of his generation. Cassin articulated the Jewish cause in the language of 'human rights' (entitlements), while understanding the Palestinian cause in terms of 'humanitarian rights' (laws of war). Cassin's imperial lens illustrated the myopia of human rights struggles of the period. DIRK MOSES (Florence / Sydney) argued similarly in that there was an imperial blindness and generational overhang, in this case of minority rights concerns, despite increased human rights rhetoric during the 1930s and 1940s. The oft-made assumption that human rights had a 'stable meaning' or 'uniform purpose' is ahistorical. Human rights discourse, far from being a 'mere puff', was an inspiration and justification for the foundational violence of the new postwar order and was littered with residual imperial designs. In discussion, SHEILA FITZPATRICK (Sydney) drew attention to the practice of mass population transfers in the Soviet Union during the 1930s about which there is a notable absence of discussion.

The sixth session questioned whether human rights discourses helped the subalterns of imperial history. KIT CANDLIN (Sydney) analysed the incidence and evolving definition of the word 'refugee' in the early nineteenth-century Atlantic world. As Anglo-Atlantic crises increased the number of migratory groups, the idea of a 'freeborn' member of empire became problematic. To deal with this, a system of social exclusion designed to solidify colonial identities and reinforce distinctions was developed. A direct expression being the language used to distinguish membership within the empire, such as 'refugee'. TOMOKO AKAMI (Canberra) focused on socio-economic rights and the inter-imperial health regime of the League of Nations in the Asia and Pacific region. Akami argued that the institutions established in the interwar period to deal with humanitarian crises that fell beyond the borders of national sovereignty were inter-imperial institutions designed to ensure the security of the metropolitan state. She contended that, despite genuine humanitarian concern by certain key figures in the League, their interest was not the welfare of the individual. The inter-imperial dimension of the League resulted in its public health regime becoming an important public relations forum for imperial and national claims of legitimacy. KIRAN GREWAL (Sydney) posited that the ongoing framing of issues relating to gender equality and culture within the classic imperial discourse of the

'civilising mission' has frequently served to undermine the benefits of international human rights interventions by reinforcing an apparent dichotomy between the endorsement of 'Western feminist values' and respect for local (patriarchal) cultural norms. In the recent case of post-conflict Sierra Leone, this process has allowed the international community to remain blind to its own sexist and racist assumptions, establishing similar patterns to those of colonial feminism while once again excluding the possibility of specifically located women expressing their demands and desires in their own terms.

The seventh session examined the extent to which human rights emerged as a response to national crimes. Using the case study of South Africa, SAUL DUBOW (Sussex) argued that any consideration of human rights should be examined in view of not only the demise of apartheid but also its rise. Dubow identified three predominant forms of rights thinking in South Africa: Boer republican, Anglophone liberal, and African nationalist. All of these contributed to the political transition in South Africa to varying, and not always positive, effect. As Dubow emphasised, rights provisions were included in the South African constitution largely to ensure white supremacy. The real imperialist force that should be considered in postwar rights talk, he concluded, is the United States. BARBARA KEYS (Melbourne) did just this, presenting a paper that considered the Vietnam roots of U.S. human rights legislation enacted in the early 1970s. Buried underneath accounts of a general desire to curb executive power, the Vietnam roots of U.S. human rights legislation, Keys argued, had been forgotten. This perspective had been lost in a political culture that emphasised national responsibility for government involvement in human rights abuses but preferred to erase any memory of direct involvement. Estela Valverde suggested that Section 32 was propagandistic as the United States was still funding right-wing regimes in Latin America.

The eighth session explored if and how human rights help master the imperial past. MICHAEL HUMPHREY (Sydney) presented a paper on transitional justice and its reach into past imperial violence and trauma, illustrating through two cases - the Mau Mau of Kenya and Rawagede of East Java - how post-transitional justice attempted a balance between achieving justice and peace for victims of colonial oppression. He argued that, in these cases, decolonisation was an instance of 'transitional amnesty' whereby victims were submerged in a particular version of transition, one that was notable for the colonial silence on one hand and the presentation of suffering victims as heroes by postcolonial states on the other. In her paper, DANIELLE CELERMAJER (Sydney) engaged with a debate identified among historians on the relationship between self-determination and human rights movements, focusing on their conceptual compatibility. Using the example of contemporary international and domestic indigenous rights movements, Celermajer argued that the emphasis of contemporary human rights discourse on the individual presented a constraint for indigenous groups attempting to engage the international human rights system collectively, effectively placing them in a position of structural disadvantage and political marginalisation and belying the fact that human rights abuses themselves are usually organised around particular types of identities.

Conference Overview:

Welcome and Introduction

Marco Duranti (University of Sydney)

Samuel Moyn (Columbia University)

Session One: How Do We Theorise Human Rights and Empire?

Chair: Alison Bashford (University of Sydney)

John Keane (University of Sydney): Human rights, imperialism and the birth of monitory democracy

Nikolas Kompridis (University of Western Sydney): The right to be human: from the normativity of principles to the normativity of new beginnings

Session Two: Was Anticolonialism a Human Rights Movement?

Chair: Andrew Fitzmaurice (University of Sydney)

Bonny Ibhawoh (McMaster University): Seeking the political kingdom: the human rights dimensions of anticolonialism in British Africa

Roland Burke (La Trobe University): The 'essential prerequisite'? Self-determination and human rights in the 1950s

Fabian Klose (LMU Munich): Human rights as an instrument of anti-colonial and colonial agitation: the Algerian case

Session Three: How Did Human Rights Discourse Operate in Nineteenth-Century Colonial and Imperial Spaces?

Chair: Ann Curthoys (University of Sydney)

Penny Russell (University of Sydney): Human rights, honour and frontier violence in Australia

Session Four: Are Human Rights a Legacy of Empire?

Chair: Chris Hilliard (University of Sydney)

Rob Skinner (University of Bristol): Re-defining justice? British observations on human rights, decolonization and the Third World, 1956-70

Charles Parkinson (Victoria Bar): Constitutional protections for human rights at independence: a comment about Britain's human rights legacy to its former possessions

Session Five: Do Human Rights Justify Ethnic Partition and Violence?

Chair: Roy MacLeod (University of Sydney)

Jay Winter (Yale University): René Cassin between humanitarian rights and human rights

Dirk Moses (European University Institute / University of Sydney): Partitions, Population 'Transfer' and the Question of Human Rights and Genocide in the 1930s and 1940s

Session Six: Do Human Rights Help the Subalterns of Imperial History?

Chair: Robert Aldrich (University of Sydney)

Kit Candlin (University of Sydney): The expansion of the idea of the refugee in the early nineteenth-century Atlantic world

Tomoko Akami (Australian National University): Socio-economic rights and the inter-imperial health regime of the League of Nations

Kiran Grewal (University of Sydney): Women's rights as human rights in post-conflict Sierra Leone: can the subaltern finally speak (and be heard)?

Session Seven: Do Human Rights Emerge as a Response to National Crimes?

Chair: James Curran (University of Sydney)

Saul Dubow (University of Sussex): Rights in South Africa: anti-imperialism and anti-apartheid

Barbara Keys (University of Melbourne): The forgotten Vietnam origins of U.S. human rights legislation

Session Eight: Do Human Rights Help Master the Imperial Past?

Chair: Warwick Anderson (University of Sydney)

Michael Humphrey (University of Sydney): Re-entering history as suffering victims: the reach of transitional justice into past imperial violence and trauma

Danielle Celermajer (University of Sydney): Imperialism, colonialism and the construction of the fourth generation rights movement

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