# ANTICOLONIAL RIGHTS ADVOCACY

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ABSTRACT

*It is often asserted that human rights discourse and practice principally originated following the Second World War, or as late as the 1970s, and that human rights claims are inherently Western and liberal. None of these assertions are true. In fact, both rights-based critiques and rights claims were frequently articulated prior to the Second World War. They were articulated not only by Western liberals, but also by anticolonial advocates from every part of the world. This article explores anticolonial rights claims advanced between the end of the First World War and 1930. Rights claims were extensively made by numerous groups during that period in a range of contexts and towards a variety of ends. Recovering interwar anticolonial rights advocacy is important to refute suggestions that human rights claims are of more recent origin and that they are inherently Western. In addition, recovering early twentieth century rights claims is important because of the progressive ways in which rights were often understood and articulated in the period: as deeply interconnected; as an intrinsic part of anticolonial struggle; and as inextricably linked to workers' rights and longer-term struggles for labor freedom.*



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## I. INTRODUCTION

"Human rights" are often presented and understood by supporters and critics alike as post-World War II developments, closely linked to liberal thought.[1] Others trace human rights or the "human rights movement" to the 1970s.[2] However, support for much of the substance of contemporary human rights has a much longer history. In particular, numerous anticolonial movements of both liberal and socialist orientation developed and advanced forceful rights visions, challenging the reality of colonial oppression in their time. This Article traces the development of these visions in the interwar period.[3]

1 On the post-World War II origin of rights, see JOHANNES MORSINK, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ORIGINS, DRAFTING, AND INTENT 60 (2000); ELIZABETH BORGWARDT, A NEW DEAL FOR THE WORLD: AMERICA'S VISION OF HUMAN RIGHTS (2007); Mark Mazower, *The End of Civilization and the Rise of Human Rights: The Mid-Twentieth-Century Disjuncture*, *in* HUMAN RIGHTS IN THE TWENTIETH CENTURY 29 (Stefan-Ludwig Hoffmann ed., 2012). On rights' Western, liberal nature, see Jack Donnelly, *Human Rights and Western Liberalism*, *in* HUMAN RIGHTS IN AFRICA: CROSS-CULTURAL PERSPECTIVES 31 (Abdullahi Ahmed An-Na'im & Francis M. Deng eds., 1990); Makua wa Mutua, *The Ideology of Human Rights*, 36 VA. J. INT'L L. 589, 592 (1996); JOHN CHARVET & ELISA KACZYNSKA-NAY, THE LIBERAL PROJECT AND HUMAN RIGHTS: THE THEORY AND PRACTICE OF A NEW WORLD ORDER (2008); CHRISTIAN REUS-SMIT, INDIVIDUAL RIGHTS AND THE MAKING OF THE INTERNATIONAL SYSTEM 35-67 (2013).

2 *See, e.g.*, SAMUEL MOYN, THE LAST UTOPIA: HUMAN RIGHTS IN HISTORY 106 (2011); JAN ECKEL & SAMUEL MOYN, THE BREAKTHROUGH IN HUMAN RIGHTS IN THE 1970S 2 (2013); BARBARA J. KEYS, RECLAIMING AMERICAN VIRTUE: THE HUMAN RIGHTS REVOLUTION OF THE 1970S 104 (2014).

3 While the interwar period was particularly fertile for the development of such visions, anticolonial rights claims preceded the First World War as well, already developing force in the late nineteenth and early twentieth centuries. This history remains to be more fully explored.

While it is true that earlier efforts rarely referred to "human rights" as such, this is a distinction that has been overblown. The fact that many rights claims today are advanced under the heading of "human rights" creates the illusion of a greater unity than in fact exists between the innumerable different calls and programs advanced under that label.[4] Moreover, much of the substance of earlier calls for rights is indistinguishable from the substance of calls advanced under the heading of human rights today. This was true both on the negative side of the equation, as many of the same sorts of abusive law and practice that might be called out today were challenged and decried at the time, and on the positive side, as the full range of rights called for today, including rights to political inclusion, integrity rights, civil rights, the right to freedom of movement, social rights, due process rights and equality/non-discrimination rights, were assertively emphasized.

However, while there are similarities between earlier and current calls for human rights, there are differences as well. Earlier anticolonial rights advocacy was quicker to associate civil and political rights, socio-economic rights, and equality rights together than is typical today, when, despite constant calls for rights to be viewed holistically, they remain more often considered under distinct headings.[5] Moreover, the counter-hegemonic rights visions of the interwar period saw little distinction between what would today be termed "human rights" and workers' rights, which were often presented and generally viewed as being closely intertwined. This connection often drew upon and was closely linked to the well-established struggle against slavery and other forms of coercive labor, which remained prominent objects of the transnational campaigning

4 For a related point, see CHRISTOPHER N.J. ROBERTS, THE CONTENTIOUS HISTORY OF THE INTERNATIONAL BILL OF HUMAN RIGHTS 66 (2014); CHRISTOPHER M. ROBERTS, ALTERNATIVE APPROACHES TO HUMAN RIGHTS: THE DISPARATE HISTORICAL PATHS OF THE EUROPEAN, INTER-AMERICAN AND AFRICAN REGIONAL HUMAN RIGHTS SYSTEMS 22 (2022).

5 The approach adopted in practice is in substantial part driven by the fact that different sets of rights are addressed by different treaties and bodies, including, for instance, the International Covenant on Civil and Political Rights, the Human Rights Committee, the European Convention on Human Rights and the European Court of Human Rights on the one hand, and the International Covenant on Economic, Social and Cultural Rights, the Economic, Social and Cultural Rights Committee, the European Social Charter, and the European Committee of Social Rights on the other hand.

advanced throughout the interwar period by individuals and groups with diverse backgrounds and perspectives.[6]

Recovering the interwar history of human rights thus presents several challenges to contemporary rights narratives. In the first place, it challenges histories that imagine "human rights" as having a more recent origin. In addition, it upends the understanding of human rights as fundamentally liberal that both supporters and critics of rights claims appear to hold. Instead, early rights claims' close connection to workers' rights claims, their use by socialists and communists, and their regular deployment as part of broader anticolonial activism all suggest a far more radical understanding of rights than has become common today.

The history detailed in this Article presents more than a challenge to human rights scholars, however. The account offered here also highlights a limitation within many histories of anticolonial movements, which have tended to focus on the struggle for self-determination to the exclusion of other aspects of anticolonial visions. While trajectories both before and after independence were diverse, for the period considered herein, they were consistently and profoundly marked by rights-based imaginaries and critiques. In addition to changing how anticolonial movements are understood, recovering this history is important insofar as it helps to underscore the limitations of many moments of decolonization in practice, in which many of the systematically rights-violating legal and institutional structures of former colonial regimes, central to the critiques of earlier anticolonial activists, were preserved.

The account developed here owes a great deal to several bodies of scholarship that have challenged simplistic human rights histories

6 For more on the linkage of republican and anti-slavery discourses in the preceding period, see DAVID MONTGOMERY, BEYOND EQUALITY: LABOR AND THE RADICAL REPUBLICANS 1862–1872 (1967); William Forbath, *Ambiguities of Free Labor: Labor and the Law in the Gilded Age*, 4 WISC. L. REV. 767 (1985); WILLIAM FORBATH, LAW AND THE SHAPING OF THE AMERICAN LABOR MOVEMENT 129 (1989); ALEX GOUREVITCH, FROM SLAVERY TO THE COOPERATIVE COMMONWEALTH: LABOR AND REPUBLICAN LIBERTY IN THE NINETEENTH CENTURY (2015); GEORGE LASKI, UNTIMELY DEMOCRACY: THE POLITICS OF PROGRESS AFTER SLAVERY (2018); Alex Gourevitch, *Solidarity and Civic Virtue: Labour Republicanism and the Politics of Emancipation in Nineteenth-Century America*, *in* RADICAL REPUBLICANISM: RECOVERING THE TRADITION'S POPULAR HERITAGE 149 (Bruno Leipold, Karma Nabulsi & Stuart White eds., 2020); Bruno Leipold, *Marx's Social Republic: Radical Republicanism and the Political Institutions of Socialism*, *in* RADICAL REPUBLICANISM: RECOVERING THE TRADITION'S POPULAR HERITAGE, *supra,* at 172.

and have cast light on earlier rights developments in the colonial context. In the former camp, histories that have highlighted European empires' forceful resistance to rights oversight[7] and Third World contributions to rights developments[8] have played an important role in opening up space for more critical, holistic understandings of rights history. Even more fundamental has been the work of scholars such as Bonny Ibhawoh and Meredith Terretta, who have underscored the existence and importance of interwar anticolonial rights claims.[9] Essential too has been the work of numerous scholars focused on early anticolonial radicalisms, cited extensively throughout this piece. Particularly significant in this context are works that have explored the history of black internationalism[10] as well as other forms of transnational anti-imperial solidarity.[11] If this Article is able to cast

7 *See* BRIAN SIMPSON, HUMAN RIGHTS AND THE END OF EMPIRE: BRITAIN AND THE GENESIS OF THE EUROPEAN CONVENTION (2004); FABIAN KLOSE, HUMAN RIGHTS IN THE SHADOW OF COLONIAL VIOLENCE: THE WARS OF INDEPENDENCE IN KENYA AND ALGERIA (2013).

8 *See* ROLAND BURKE, DECOLONIZATION AND THE EVOLUTION OF INTERNATIONAL HUMAN RIGHTS (2013); STEVEN L.B. JENSEN, THE MAKING OF INTERNATIONAL HUMAN RIGHTS: THE 1960S, DECOLONIZATION, AND THE RECONSTRUCTION OF GLOBAL VALUES (2017); A. DIRK MOSES, MARCO DURANTI & ROLAND BURKE, DECOLONIZATION, SELF-DETERMINATION, AND THE RISE OF GLOBAL HUMAN RIGHTS POLITICS (2020).

9 *See* BONNY IBHAWOH, IMPERIALISM AND HUMAN RIGHTS: COLONIAL DISCOURSES OF RIGHTS AND LIBERTIES IN AFRICAN HISTORY (2007); Meredith Terretta, *'In the Colonies, Black Lives Don't Matter.' Legalism and Rights Claims Across the French Empire*, 53 J. CONTEMP. HIST. 12 (2017).

10 *See, e.g.*, JONATHAN DERRICK, AFRICA'S 'AGITATORS': MILITANT ANTI-COLONIALISM IN AFRICA AND THE WEST, 1918-1939 (2008); MINKAH MAKALANI, IN THE CAUSE OF FREEDOM: RADICAL BLACK INTERNATIONALISM FROM HARLEM TO LONDON, 1917-1939 (2011); HAKIM ADI, PAN-AFRICANISM AND COMMUNISM: THE COMMUNIST INTERNATIONAL, AFRICA AND THE DIASPORA, 1919-1939 (2013); HOLGER WEISS, FRAMING A RADICAL AFRICAN ATLANTIC: AFRICAN AMERICAN AGENCY, WEST AFRICAN INTELLECTUALS AND THE INTERNATIONAL TRADE UNION COMMITTEE OF NEGRO WORKERS (2014); MARC MATERA, BLACK LONDON: THE IMPERIAL METROPOLIS AND DECOLONIZATION IN THE TWENTIETH CENTURY (2015); ADOM GETACHEW, WORLDMAKING AFTER EMPIRE: THE RISE AND FALL OF SELF-DETERMINATION (2019).

11 *See, e.g.*, HUE-TAM HO TAI, RADICALISM AND THE ORIGINS OF THE VIETNAMESE REVOLUTION (1992); MAIA RAMNATH, HAJ TO UTOPIA: HOW THE GHADAR MOVEMENT CHARTED GLOBAL RADICALISM AND ATTEMPTED TO OVERTHROW THE BRITISH EMPIRE (2011); NICO SLATE, COLORED COSMOPOLITANISM: THE SHARED STRUGGLE FOR FREEDOM IN THE UNITED STATES AND INDIA (2012); MICHAEL GOEBEL, ANTI-IMPERIAL METROPOLIS: INTERWAR PARIS AND THE SEEDS OF THIRD WORLD NATIONALISM (2015); MICHELE L. LOURO, COMRADES AGAINST IMPERIALISM: NEHRU, INDIA, AND INTERWAR INTERNATIONALISM (2018) [hereinafter COMRADES AGAINST IMPERALISM];

further light on the developments explored, it is in great part thanks to the contributions such scholars have already made.

The central aim of this Article is to highlight the ubiquity of rights critiques and claims across anticolonial movements in the late nineteenth and early twentieth centuries. In this context, it is only possible to devote limited attention to each particular development and movement, all of which were full of complexities, tensions, and antagonisms that cannot be laid out in full detail here. However, that the claims in question may not have been perfectly pure or consistent is no fatal blow against them. Neither in the past nor today are complex social movements perfectly morally pure, nor should such (impossible) purity be fetishized. In the early twentieth century as now, rights claims were not limited to those with particular political positions, with some in the anticolonial context in favor of gradual reforms while others advocated for immediate revolution. While small reforms were won on occasion, rights claims often went unanswered in the moments in which they were articulated. However, in mass and over time, those claims made important contributions to the normative undermining of their objects of critique: in the history considered here, colonial governance in general. Despite their frequent immediate weakness, the collection of claims surveyed should therefore be considered part of what Neta Crawford suggested was one of the most important normativity-linked changes in global politics—the broader success of global decolonization movements in achieving national self-determination.[12] While the movements in question have not had the same degree of success in reforming national legal and institutional orders, this should not lead to criticism alone, but rather to renewed struggle in support of such reforms, guided by a vision of decolonization that not only embraces national self-determination, but also reform of persisting colonial legal orders.[13]

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MICHELE LOURO, CAROLIEN STOLTE, HEATHER STREETS-SALTER & SANA TANNOURY-KARAM, THE LEAGUE AGAINST IMPERIALISM: LIVES AND AFTERLIVES (2020) [hereinafter THE LEAGUE AGAINST IMPERIALISM].

12 *See* NETA CRAWFORD, ARGUMENT AND CHANGE IN WORLD POLITICS: ETHICS, DECOLONIZATION, AND HUMANITARIAN INTERVENTION 1-10 (2002).

13 For two positive recent developments recognizing that the project of decolonization is ongoing and requires domestic legal reform, see On the Compatibility of Vagrancy Laws, No. 001/2018, Advisory Opinion, African Court on Human and People's Rights [Afr. Ct. H.P.R.], ¶ 79 (Dec. 4, 2020) (finding vagrancy laws incompatible with numerous rights guarantees in the African Charter on Human and Peoples' Rights and observing that these laws "reflec[t] . . . an outdated and largely colonial perception of individuals . . . [that] dehumanizes and

This Article proceeds in chronological order. Section II discusses rights claims and initiatives in the immediate aftermath of the First World War. Section III considers rights claims advanced in the early 1920s, both in forums organized by and linked to the emerging Soviet Union and in other contexts. Section IV considers rights claims in the mid-1920s, specifically within the Chinese context. Section V considers developments in the late 1920s, including rights claims advanced by the League Against Imperialism, further Communist rights claims, and claims by other actors and in other fora. Finally, the conclusion explores the aggregate balance of the rights claims of the period, with particular attention to the aspects of this history that contrast with typical understandings and articulations of human rights today.

## II. POSTWAR INITIATIVES

The First World War involved massive violence, suffering, and abuses of power in Europe.[14] It also saw extensive violence, suffering, and abuses of power around the colonial world, including colonial powers' extensive reliance on particularly harsh forms of coercive labor.[15] The armies of great powers such as Britain, France, and the

degrades individuals with a perceived lower status"); Katiba Institute and Others v. The Director of Public Prosecutions and Others (2024) KEHC 2890 (KLR), ¶ 137 (striking down Kenya's subversion law with attention to the law's colonial origins in particular).

14 *See, e.g.*, GREAT WAR, TOTAL WAR: COMBAT AND MOBILIZATION ON THE WESTERN FRONT, 1914-1918 (Roger Chickering & Stig Förster eds., 2000); HEATHER JONES, VIOLENCE AGAINST PRISONERS OF WAR IN THE FIRST WORLD WAR: BRITAIN, FRANCE AND GERMANY, 1914-1920 (2011); Heather Jones, *Violent Transgression and the First World War*, 104 IRISH Q. REV. 124 (2015); Bruno Cabanes, *Violence and the First World War*, *in* VIOLENCE, VOLUME IV: 1800 TO THE PRESENT 286 (Joy Damousi, Philip Dwyer & Jay Winter eds., 2020). On some of the aftermaths of the violence of the war, see GEORGE L. MOSSE, FALLEN SOLDIERS: RESHAPING THE MEMORY OF THE WORLD WARS (1990); Jon Lawrence, *Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain*, 75 J. MOD. HIST. 557 (2003); Benjamin Ziemann, *Germany After the First World War – A Violent Society? Results and Implications of Recent Research on Weimar Germany*, 1 J. MOD. EUR. HIST. 80 (2003); Elizabeth Nelson, *Victims of War: The First World War, Returned Soldiers, and Understandings of Domestic Violence in Australia*, J. WOMEN'S HIST., Winter 2007, at 83 (2007); LEGACIES OF VIOLENCE: EASTERN EUROPE'S FIRST WORLD WAR (Jochen Böhler, Wlodzimierz Borodziej & Joachim von Puttkamer eds., 2014); ROBERT GERWARTH, THE VANQUISHED: WHY THE FIRST WORLD WAR FAILED TO END (2016).

15 *See, e.g.*, GEOFFREY HODGES, THE CARRIER CORPS: MILITARY LABOR IN THE EAST AFRICAN CAMPAIGN, 1914–1918 (1986); Bill Nasson, *Africa, in* 1 THE CAMBRIDGE HISTORY OF THE FIRST WORLD WAR 433, 433 (Jay Winter ed., 2014);

United States all relied in substantial part on the labor of the colonized and discriminated-against populations, including persons from South, Southeast and East Asia, Africa, persons of African descent, and others.[16] Rather than being treated as equals, colonial and minority soldiers were systematically discriminated against by the same armies that relied on their contributions.[17]

In the years immediately following the First World War, former soldiers, remaining in the metropoles or returning to their homes in colonized territories, were often at the forefront of the movements demanding greater rights.[18] In Belgium, M'Fumu Paul Panda Farnana

Kyle J. Anderson, *The Egyptian Labor Corps: Workers, Peasants, and the State in World War I*, 49 INT'L J. MIDDLE E. STUD. 5, 5 (2017).

16 *See, e.g.*, Christian Koller, *The Recruitment of Colonial Troops in Africa and Asia and Their Deployment in Europe During the First World War*, 26 IMMIGRANTS & MINORITIES 111 (2008); XU GUOQI, STRANGERS ON THE WESTERN FRONT: CHINESE WORKERS IN THE GREAT WAR (2011); Jacqueline Jenkinson, *'All in The Same Uniform'? The Participation of Black Colonial Residents in the British Armed Forces in the First World War*, 40 J. IMPERIAL & COMMONWEALTH HIST. 207 (2012); TIMOTHY C. WINEGARD, INDIGENOUS PEOPLES OF THE BRITISH DOMINIONS AND THE FIRST WORLD WAR (2011); RICHARD S. FOGARTY, RACE AND WAR IN FRANCE: COLONIAL SUBJECTS IN THE FRENCH ARMY, 1914-1918 (2008); DAVID OLUSOGA, THE WORLD'S WAR (2014); Bill Nasson, *British Imperial Africa, in* EMPIRES AT WAR: 1911–1923 130 (Robert Gerwarth & Erez Manela eds., 2014); COLONIAL SOLDIERS IN EUROPE, 1914-1945: "ALIENS IN UNIFORM" IN WARTIME SOCIETIES (Eric Storm & Ali Al Tuma eds., 2016); Enika Ngongo, *The Forgotten. African Soldiers and Porters of the Belgian Colonial Forces in the First World War*, 48 J. BELGIAN HIST., no.1-2, 2018, at 14.

17 *See, e.g.*, FOGARTY, *supra* note 16; CHAD WILLIAMS, TORCHBEARERS OF DEMOCRACY: AFRICAN AMERICAN SOLDIERS AND THE ERA OF THE FIRST WORLD WAR (2010); RACE, EMPIRE AND FIRST WORLD WAR WRITING (Santanu Das ed., 2011); Gajendra Singh, *India and the Great War: Colonial Fantasies, Anxieties and Discontent*, 14 STUD. ETHNICITY & NATIONALISM 343 (2014); RADHIKA SINGHA, THE COOLIE'S GREAT WAR: INDIAN LABOUR IN A GLOBAL CONFLICT, 1914–1921 (2020).

18 On the importance of veterans to protest in Nigeria, see James J. Mathews, *World War I and The Rise of African Nationalism: Nigerian Veterans as Catalysts of Political Change,* 20 J. MOD. AFR. STUD. 493 (1982); George N. Njung, *Victims of Empire: WWI Ex-Servicemen and the Colonial Economy of Wartime Sacrifices in Postwar British Nigeria*, 10 FIRST WORLD WAR STUD. 49 (2019). On some effects of the wartime experience in interwar Algeria, see DONNALL HASSETT, MOBILIZING MEMORY: THE GREAT WAR AND THE LANGUAGE OF POLITICS IN COLONIAL ALGERIA, 1918-1939 (2019). On some of the effects of the war in India, see SHARMISHTHA ROY CHOWDHURY, THE FIRST WORLD WAR, ANTICOLONIALISM AND IMPERIAL AUTHORITY IN BRITISH INDIA, 1914–1924 (2019). For some cautionary notes relative to the significance of returning soldiers relative to anti-colonial advocacy in general, see Richard S. Fogarty & David Killingray, *Demobilization in British and French Africa at the End of the First World War,* 50 J. CONTEMP. HIST. 100 (2015).

founded the Union Congolaise, which "protested . . . forced labour and ill-treatment of prisoners and called for extension of education."[19] In the British Empire, the discrimination Afro-Caribbean soldiers faced during the war led to protests and activism both before and after demobilization.[20] In Africa, the *Gold Coast Independent* gave voice to a typical sentiment a few years later: "if [Africans] were good enough to fight and die in the Empire's cause they were good enough . . . to have a share in the Government of their countries."[21]

In the United States, the Hamitic League of the World, via its new paper, the *Crusader*—which was dedicated to "spread[ing] the Eternal Truths of the Creator endowed equal rights to 'life, [l]iberty and the pursuit of happiness' of every human being"[22]—issued a resolution demanding "full citizenship rights and [a] free Africa."[23] The resolution laid out the hope many Black soldiers had after fighting in the war: that they would receive their "full [share] of liberty and peace" in the form of "rights . . . consistent with the [ideas] and principles for which they fought."[24] The resolution demanded not only full citizenship rights and self-determination for the people of Africa, but also "that all discrimination because of Color be made illegal" and that "the exploitation of Africa and other countries belonging to people of Color herewith cease."[25] In a later issue of the *Crusader*, an editorial made the case for the right to political participation by invoking the anti-slavery tradition, arguing that "[s]lavery is not dead," but rather, "[a]ll that has changed is the type of bondage," on the grounds that for an individual "to be controlled by laws in the making of which he had

19 DERRICK, *supra* note 10, at 93 (footnote omitted).

20 *See* W.F. Elkins, *A Source of Black Nationalism in the Caribbean: The Revolt of the British West Indians Regiment at Taranto, Italy*, 34 SCI. & SOC'Y 99 (1970); Michael S. Healy, *Colour, Climate, and Combat: The Caribbean Regiment in the Second World War*, 22 INT'L HIST. REV. 65, 70-72 (2000); GLENFORD HOWE, RACE, WAR AND NATIONALISM: A SOCIAL HISTORY OF WEST INDIANS IN THE FIRST WORLD WAR (2002); RICHARD SMITH, JAMAICAN VOLUNTEERS IN THE FIRST WORLD WAR: RACE, MASCULINITY AND THE DEVELOPMENT OF NATIONAL CONSCIOUSNESS (2004); Richard Smith, *West Indians at War*, 36 CARIBBEAN STUD. 224 (2008); Anna Maguire, *"I Felt Like a Man": West Indian Troops Under Fire During the First World War*, 39 SLAVERY & ABOLITION 602 (2018).

21 G.I.C. Eluwa, *Background to the Emergence of the National Congress of British West Africa*, 14 AFR. STUD. REV. 205, 215-16 (1971) (alteration in the original) (quoting GOLD COAST INDEP. (1921)).

22 Cyril V. Briggs, *Aims of the Crusador*, CRUSADER, Sept. 1918, at 4, 4.

23 Cyril V. Briggs, *Negroes of the World Unite in Demanding a Free Africa*, CRUSADER, Dec.1918, at 4, 4.

24 *Id.*

25 *Id.*

no part is the exact definition of a slave."[26] In another issue, the editors of the paper criticized how colonial powers refused to define self-government as "a right."[27]

On January 18, 1919, the Paris Peace Conference began, providing another opportunity for colonized people to advance their rights claims. A particularly compelling case was made in a document signed in the name of Nguyen Ai Quoc (Nguyen "the patriot"), later known as Ho Chi Minh, but collectively written by a small group of individuals including Phan van Truong and Phan Chu Trinh.[28] The document in question, "Les Revendications du Peuple Annamite" (The Demands of the Annamite People), was distributed to the delegates of the Versailles Conference and various newspaper offices around Paris.[29] The demands began in powerful terms:

> Since the victory of the Allies, all subject peoples have trembled with hope at the prospect of the era of law and justice which must open for them by virtue of the formal and solemn commitments, made before the whole world by the different powers of the Entente in the struggle of Civilization against Barbarism.[30]

The demands continued by observing that, while self-determination remained the ultimate goal and a "sacred right," several reformist steps should be taken before the achievement of that goal.[31] These steps included amnesty for political prisoners, equality before the law, abolition of the special courts, replacement of government by decree by government by law, freedom of the press and opinion, freedom of association and assembly, freedom to emigrate and travel internationally, freedom of education and expansion of the educational system, and political representation in the French Parliament.[32]

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26 Editorial, *The Great Illusion*, CRUSADER, Nov. 1918, at 5, 5.

27 *Right to Self-Government,* CRUSADER, Dec. 1918, at 13, 13.

28 TAI, *supra* note 11, at 68-69.

29 *Id.* at 68. For more on the background to the document, see MARK PHILIP BRADLEY, IMAGINING VIETNAM & AMERICA: THE MAKING OF POSTCOLONIAL VIETNAM, 1919-1950 10-25 (2000).

30 Nguyễn Ái Quốc (Ho Chi Minh), Les Revendications du Peuple Annamite (June 18, 1919), reprinted by HYPOTHESES: MÉMOIRES D'INDOCHINE (Sept. 26, 2012), https://indomemoires.hypotheses.org/532 [https://perma.cc/CTD5-FY8G] (translation by the authors).

31 *Id.*

32 *Id.*

The demands advanced by the Groupe des Patriotes Annamites were ignored by the colonial powers assembled at Versailles. In retrospect, however, the demands provided a powerful example of the strength of rights understandings immediately following the First World War. While presented as "demands" rather than "rights," the substance of the "demands" in question clearly corresponded with many of the subjects addressed by international human rights law today. The demands emphasized a combination of core civil rights (i.e., the rights to freedom of the press, opinion, association and assembly and amnesty for political prisoners), social rights (i.e., the right to education), procedural rights (i.e., the abolition of special courts), the right to freedom of movement, political rights (i.e., the rights to governance by law rather than decree and to representation), and the right to equality before the courts.

In February 1919 the First Pan-African Congress, a successor to the 1900 Pan-African Conference, was held in Paris, organized by W. E. B. Du Bois and Blaise Diagne.[33] The Congress called for "such rules and laws as to land, capital and labor as to prevent the ruthless exploitation of [Africa]" and for greater representations of "Africans and persons of African descent . . . in the development of Africa," seen as a key step along the path to "democratizing the world."[34] They fleshed out these ideas further. First, the Congress called for "a code

33 The meeting was supported by the French government; Diagne, a prominent Senegalese politician and Commissioner General in France's Colonial Ministry at the time, was the chair. DERRICK, *supra* note 10, at 89. For more on the background to the Congress, see Clarence G. Contee, *W.E.B. Du Bois, the NAACP, and the Pan-African Congress of 1919*, 57 J. NEGRO HIST. 13, 21-23 (1972). Du Bois also used his time in Europe to investigate the treatment of African American soldiers in Europe:

> He had expected some discrimination . . . the reality was worse than anything he had imagined. "Within a month after landing he was utterly amazed and dumbfounded at the revelations poured upon him. He heard of conditions, acts, conspiracies, wholesale oppression and cruelty of which he had no previous inkling."

RAYMOND WOLTERS, DU BOIS AND HIS RIVALS 127 (2002) (quoting W.E.B. Du Bois, The Future and Function of the Private Negro College (June 10, 1946)). In particular, African Americans were used for logistical support, and "were generally mistreated, overworked, and almost enslaved." *Id.*

34 W.E.B. Du Bois, Pan African Conference (Mar. 1919) (on file with Univ. of Mass. Amherst Librs., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 1A. General Correspondence), https://credo.library.umass.edu/view/full/mums312-b015-i049 [https://perma.cc/L26B-R68N].

of laws for the international protection of the natives of Africa, similar to the proposed international code for Labor," to be supervised by "a permanent Bureau charged with the special duty of overseeing the application of these laws to the political and social welfare of the natives."[35] In particular, they suggested the following: that "[t]he land and its natural resources shall be held in trust for the natives and at all times they shall have the effective ownership of as much land as they can profitably develop"; the regulation "of capital and . . . concession[s]" with the aim of "prevent[ing] the exploitation of the natives and the exhaustion of . . . natural wealth": taxation of the profits of international investments "for the social and material benefit of the natives"; the abolition of "slavery and corporal punishment" and "forced labor except in punishment for crime"; regulation of "the general conditions of labor"; as extensive a system of public education as possible, with respect for "the right of every native child to learn to read and write in his own language, and to be given technical instruction in some branch of industry"; state provision of "medical care and sanitary conditions" supported by "a native medical staff"; that Africans "have the right to participate in government"; that "liberty of conscience" be ensured; that no person "be denied on account of race or color a voice in their own government; "justice before the courts and economic and social equality according to ability and desert"; that "[g]reater security of life and property . . . be guaranteed [to] the natives"; and that "[w]henever it is proven that African natives are not receiving just treatment . . . or that [they are being] deliberately exclude[d] . . . from [the] political and cultural" life of States, "the League of Nations . . . bring the matter to the attention of the civilized world."[36]

Back in the United States, the Universal Negro Improvement Association (UNIA), founded in Jamaica by Marcus Garvey in 1914, took up the cause of rights as well. A Convention of the UNIA held at Liberty Hall in New York in August 1920 adopted a "Declaration of the Rights of the Negro Peoples of the World." The Declaration highlighted various forms of violence, abusive legal processes, and systemic exclusion against persons of African descent committed by the United States and European colonial powers, including denial of

35 Pan African Conference, Resolutions, (Feb. 21, 1919) (on file with the Univ. of Mass. Amherst Libr., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 1A. General Correspondence), https://credo.library.umass.edu/view/full/mums312-b015-i035 [https://perma.cc/5B6L-D3RQ].

36 *Id.*

political participation and the limited "right" to healthcare, education, and equal work opportunities.[37] The Declaration further emphasized that colonial powers treated subject African populations "like slaves" and suggested that "any limited liberty which deprives one of the complete rights and prerogatives of full citizenship is but a modified form of slavery."[38] The declaration also called for respect for the equality of all men, full respect for the rights to "life, liberty and the pursuit of happiness," political participation of Africans and persons of African descent, "even-handed justice before all courts of law," an end to the deprivation of Africans' land and resources and unjust taxation, universal freedom of the press and freedom of speech, an "unlimited and unprejudiced education," equal treatment at work, and international freedom of movement.[39]

Indian anticolonial activity continued in North America in the postwar years as well, despite the aggressive prosecution of the Ghadar Party in the dramatic, high-budget 1917 "Hindu-German Conspiracy Trial" held in San Francisco.[40] Rattan Singh and Santok Singh assumed leadership of the party after the trial. The party began publishing a new paper, the *Independent Hindustan*, in September 1920.[41] Early issues of the paper called out the exploitation of Indian workers in Fiji, and the violence, imprisonment, and deportation they faced when they attempted to strike, [42] as well as the treatment of Assam tea plantation workers, described as "bonded slaves . . . shipped to Assam tea plantation where they live[d] at the mercy of the English tea-planters" who were subjected to physical and sexual violence with impunity.[43] The paper also called out British "[a]trocities" against "the defenseless, innocent population" of India, who were made "serfs in their own country" and subjected to "confiscat[ions] [of] property," "flogging, killing, and looting," "constant censorship" of the press, a "monster evil system of police

37 Universal Negro Improvement Soc'y, Declaration of the Rights of the Negro Peoples of the World arts. 2, 4-12 (1920), reprinted by BLACKPAST (Sept. 13, 2013), https://www.blackpast.org/african-american-history/declaration-rights-negro-peoples-world-1920/ [https://perma.cc/MQ2D-FC78].

38 *Id.* arts. 3, 41.

39 *Id.* arts. 1-54.

40 For more on the trial, see Gajendra Singh, *Jodh Singh, The* Ghadar *Movement and the Anti-Colonial Deviant in the Anglo-American Imagination*, 245 PAST & PRESENT 187 (2019).

41 *See* RAMNATH, *supra* note 11, at 136-37.

42 *See Plight of Indian Labor in Fiji*, 1 INDIAN HINDUSTAN 12, 12 (1920).

43 Editorial, *A Tale of Assam Tea*, 1 INDIAN HINDUSTAN 25, 25 (1920).

rule," "over-taxation in a very enormous scale," famines caused by economic exploitation, and imprisonment for attempts to advance "claims of liberty."[44]

Other organizations and initiatives in support of the rights of Britain's colonial subjects took place around the British Empire in the years following the war as well. In South Africa, the South African Native National Congress (SANNC), founded on January 8, 1912, sent a memorial to the King of England shortly after the end of the war, calling for enfranchisement of natives.[45] On November 21, 1919, SANNC delegates met with Prime Minister Lloyd George, with whom they shared their grievances pertaining to "land dispossession, lack of political rights, and [the] obligation to carry passes . . . ."[46]

The postwar years also saw the rising strength of unions around the British colonial world. In South Africa, the Industrial and Commercial Workers' Union of Africa (ICU) was founded in 1919.[47] The ICU began publishing a monthly journal, *The Black Man,* in 1920.[48] In November 1919, Arthur Cipriani led a longshoremen's

44 Baghat Singh, *The Tolls on the Claim of Liberty*, 1 INDIAN HINDUSTAN 31, 31. Other articles criticized British colonial wealth extraction and the resultant poverty; poor labor conditions and suppression of worker voice and participation; the "despot[ism]," "impunity" and "repressive laws, including . . . press laws" adopted by the colonial Government, including following the murder of innocent people; failure to spend Indian revenues on poverty reduction, improved sanitary conditions or on education, the "birthright of every child," or to respect the idea that Indian people should "have equal opportunities with others;" and indentured labor, which made many workers "slave[s] in all the meaning[s] of the term," penal labor laws, and the poor living conditions, long working hours and low wages of Indian workers. *See* Bishan Singh, *India's Blood Vampired by the British*, 1 INDIAN HINDUSTAN 59, 59 (1920); *Labor Unrest in India*, 1 INDIAN HINDUSTAN 64, 64 (1920); *Punjab Atrocities*, 1 INDIAN HINDUSTAN 65, 65 (1920); Bernard Houghton, *To Death or to Life*, 1 INDIAN HINDUSTAN 83, 83 (1920); *Labor Conditions in India*, 1 INDIAN HINDUSTAN 85, 85-86 (1920).

45 *See* DERRICK, *supra* note 10, at 73 (citing BRIAN WILLAN, SOL PLAATJE: SOUTH AFRICAN NATIONALIST 1876-1932 228-29 (1984)).

46 *Id.* Lloyd George subsequently wrote to South African Prime Minister Smuts on the matter, but Smuts dismissed the appeals. *See* WILLAN, *supra* note 45, at 241-46.

47 *See* Chris Saunders, *Pan-Africanism: The Cape Town Case*, 47 J. ASIAN & AFR. STUD. 291, 294 (2012). In 1920, the ICU merged with various other emergent African workers' organizations, including the Industrial Workers of the World-inspired Industrial Workers of Africa. For more on the subsequent history of the ICU, see HELEN BRADFORD, A TASTE OF FREEDOM: THE ICU IN RURAL SOUTH AFRICA, 1924-1930 (1987); Lucien van der Walt, *The First Globalisation and Transnational Labour Activism in Southern Africa: White Labourism, the IWW, and the ICU, 1904–1934*, 66 AFR. STUD. 223 (2007).

48 *See* Saunders, *supra* note 47.

strike in Trinidad.[49] In the aftermath of the strike, another strike leader, David Headley, argued that "[o]ur inherent rights receive emphasis and new assertion at moments of political stress and strain, for whenever society is in travail liberty is born."[50] Cipriani subsequently went on to head the Trinidad Workingmen's Association (TWA), later renamed the Trinidad Labour Party, which continued to fight for workers' rights in Trinidad.[51]

A new political organization, the National Congress of British West Africa (NCBWA), met for the first time in Accra in March 1920.[52] The issues discussed at the meeting included the need for "[s]anitary and [m]edical [r]eforms," "compulsory education throughout the British West African colonies," "raising of the standard of education in the schools," and the need to tackle racial inequalities.[53] The Congress also called for greater local representation in legislative and municipal councils, separation of the executive and judicial functions of government, the establishment of

49 *See* Christian Høgsbjerg, *'Whenever Society is in Travail Liberty is Born': The Mass Strike of 1919 in Colonial Trinidad*, *in* THE INTERNATIONALISATION OF THE LABOUR QUESTION: IDEOLOGICAL ANTAGONISM, WORKERS' MOVEMENTS AND THE ILO SINCE 1919 215, 223-27 (2020).

50 KELVIN SINGH, RACE AND CLASS STRUGGLES IN A COLONIAL STATE: TRINIDAD 1917-1945 23 (1994) (quoting DAVID HEADLY, MONOGRAPHICAL LAB. REV. 1 (1921)).

51 *See* C.L.R. JAMES, THE LIFE OF CAPTAIN CIPRIANI: AN ACCOUNT OF BRITISH GOVERNMENT IN THE WEST INDIES 85-86 (1932); WILLIAM ARTHUR LEWIS, LABOUR IN THE WEST INDIES: THE BIRTH OF A WORKERS' MOVEMENT 27 (2d ed. 1977). For more on the TWA, see Brinsley Samaroo, *The Trinidad Workingmen's Association and the Origins of Popular Protest in a Crown Colony*, 21 SOC. & ECON. STUD. 205 (1972).

52 *See* J. AYODELE LANGLEY, PAN-AFRICANISM AND NATIONALISM IN WEST AFRICA 1900-1945 125-33, 219-21 (1973); G.O. Olusanya, *The Lagos Branch of the National Congress of British West Africa*, 4 J. HIST. SOC'Y NIGERIA 321, 326 (1968). The idea of forming the organization apparently stemmed from a 1913 meeting of "Dr Akinwande Savage of Nigeria (then resident on the Gold Coast) and Casely Hayford, a Gold Coast barrister," with apparent inspiration from the Indian National Congress. *Id.* at 321 (citing J.G. Campbell, *The Truth about the Local Nigerian Branch of the British West African Conference, Now Known as the National Congress of British West Africa*, LAGOS WEEKLY REC., July 10, 1920). The Ceylon National Congress, and constitutional reforms in Ceylon, would also provide later inspiration for the group as well. *See* Eluwa, *supra* note 21, at 215 (quoting Casely Hayford, Presidential Address Delivered during the Fourth Session of the National Congress of British West Held in Lagos, Nigeria (Dec. 1929), *in* WEST AFRICAN LEADERSHIP 86 (M.J. Sampson ed., 1951)).

53 Akintola J.G. Wyse, *The Sierra Leone Branch of the National Congress of British West Africa*, *1918-1946*, 18 INT'L J. AFRICAN HIST. STUD. 675, 681-82 (1985).

a regional appellate court, a regional university and a regional press union, "the cessation of discrimination against Africans in the Civil Service," and the repeal of "certain obnoxious ordinances."[54]

Shortly after the meeting, the NCBWA sent a delegation, headed by the Sierra Leonean Herbert Bankole-Bright and the Gold Coast author and lawyer J. E. Casely Hayford, to London.[55] While Colonial Secretary Milner refused to meet with them, they were received by the League of Nations Union.[56] The NCBWA used the meeting to call principally for greater political representation.[57] Other aspects of the existing order were called out as well, including "the Provincial Courts of Nigeria" on the grounds that rather than respecting the idea that "a man is considered innocent until his guilt be proved," "in [the Nigerian colonial court] system an accused person is deprived of every advantage and privilege of defending himself . . . ."[58] The representatives also called for: a court of appeal for the region; greater due process rights for defendants; an end to criminal laws applied in Nigeria but not in Britain; the repeal of the Unsettled District Ordinance, the Collective Fines Ordinance, the Assessors Ordinance, the Provincial Courts Ordinance and the Criminal Law Procedure Amendment Ordinance 1919; an end to corporal punishment of women; an end to discrimination in appointments to the civil service; improved sanitation, healthcare and education; and land law reforms.[59] The NCBWA was ultimately able to submit a petition together with various supporting documents to the King via the Colonial Office, but the British government, acting on the advice of the governors of the British West African colonies, responded negatively to the requests contained therein, advising the petitioners to go to their local governors in the future rather than coming to London directly.[60]

The NCBWA delegation included the Lagos Chief Amodu Tijani Oluwa as well as his secretary, Herbert Macaulay, who would serve as a constant critic of the British colonial government in Nigeria over

54 *Id.*

55 *See* LANGLEY, *supra* note 52, at 130-131.

56 *See id.* at 247, 251.

57 *See* NAT'L CONG. OF BRIT. W. AFR., REPORT OF THE PROCEEDINGS OF A MEETING HELD IN LONDON BETWEEN THE LEAGUE OF NATIONS UNION AND THE DELEGATES OF THE NATIONAL CONGRESS OF BRITISH WEST AFRICA (1920).

58 *Id*. at 12.

59 *See id.* at 13-20.

60 *See* Gabriel I.C. Eluwa, *The National Congress of British West Africa: A Pioneer Nationalist Movement*, 77 PRÉSENCE AFRICAINE 131, 141-42 (1972).

his lifetime.[61] In addition to his NCBWA role, Oluwa, with Macaulay's support, was in London to challenge the British government's acquisition of his family's land, which he and Macaulay argued had been wrongly taken without compensation.[62] Oluwa's case at the Privy Council was successful, a notable, if rare, use of the British imperial legal system against the wishes of local colonial authorities.[63]

Various organizations formed to protest rights violations in the French colonial empire as well. The newspaper *L'Action Colonial* was founded in 1918. In 1920, Olivier Brémond became an editor, and gave the journal a new, more radical direction.[64] In 1919 and 1920, the Ligue Française pour l'Accession aux Droits de Citoyen des Indigènes de Madagascar (LFADCIM) ("French League for the Attainment of the Rights of Citizens of the Natives of Madagascar") was founded with the support of the Ligue des Droits de l'Homme (LDH).[65] The LFADCIM sought "to fight against any illegality, any arbitrary act of which Malagasys may be victims, and to have the Malagasys receive the benefits of the Republic's motto: Liberty, Equality, Fraternity."[66]

In 1921, the Groupe des Patriotes Annamites and the LFADCIM merged to form the Union Intercoloniale (UIC). The UIC's manifesto proclaimed its goal of "rally[ing] all the native people of the colonies" of France.[67] The manifesto also condemned the "depriv[ation] of all

61 *See generally* LANGLEY, *supra* note 52.

62 *See* M.P. Cowen & R.W. Shenton, *British Neo-Hegelian Idealism and Official Colonial Practice in Africa: The Oluwa Land Case of 1921*, 22 J. IMPERIAL & COMMONWEALTH HIST. 217, 218-20, 231-42 (1994).

63 *See* Amodu Tijani v. The Secretary, Southern Provinces [1919] UKPC 80 [1921], 2 AC 399 (appeal taken from Nigeria). For a description of the trial from the time, see *The Nigerian Land Case and A Question*, WEST AFRICA, July 16, 1921, at 5. The British Nigerian colonial government was not happy with the affair, including Macaulay's statements to the press along the way, and made its displeasure known back in Nigeria. *See* Olakunle A. Lawal & Oluwasegun M. Jimoh, *Missiles from 'Kirsten Hall': Herbert Macaulay versus Hugh Clifford, 1922–1931*, 13 LAGOS HISTORICAL REV. 40, 50-53 (2013). Subsequent years saw reforms in Nigeria, however, including steps that allowed Macaulay and others to form the Nigerian National Democratic Party (NNDP) in 1923. *See* LANGLEY, *supra* note 52, at 183.

64 *See* DERRICK, *supra* note 10, at 103.

65 *See id.* at 123-26; GOEBEL, *supra* note 11, at 244. Prominent members of the LFADCIM included Jean Ralaimongo of Madagascar and the Antillean lawyer Max Clainville-Bloncourt. Clainville-Bloncourt was a socialist and member of the LDH, and the nephew of Melvil-Bloncourt, a forceful Guadeloupean abolitionist in the nineteenth century. *See* GOEBEL, *supra* note 11, at 244.

66 DERRICK, *supra* note 10, at 124.

67 Ho Chi Minh, Manifesto of the "Intercolonial Union," The Organization of the Natives in All Colonies, *in* HO CHI MINH: SELECTED WRITINGS 1920-1969 20, 21 (1977).

the rights that make for human dignity such as freedom of association and assembly, freedom of the press, freedom of movement," the imposition of "the unpopular and heavy poll-tax and corvées," and the lesser pay received by colonized workers in comparison to European workers.[68] The UIC's paper, *Le Paria*, included articles criticizing human rights violations, such as the detention of Louis Hunkanrin, an anticolonial activist in Dahomey, as well as calls for greater respect for rights, including through the abrogation of the Native Code and respect for the rights to freedom of travel, of opinion, and of the press, equal pay for equal work, and improved public education.[69]

As the preceding discussion makes clear, rights demands were frequently made by a wide range of actors in the immediate postwar years. The Hamitic League of the World, the Groupe des Patriotes Annamites, the First Pan-African Congress, the UNIA, the Ghadar Party, the SANNC, the NCBWA, the LFADCIM, and the UIC all called out rights violations and demanded legal reform to ensure rights enjoyment. Among other things, these groups called out: the denial of political representation; murder, corporal punishment and other forms of violence against colonized and discriminated-against persons; police rule; censorship; coercive labor, described as "slavery," "serfdom," "forced labor" and otherwise; pass laws; the expropriation of land; poor provision of healthcare and education services; a lack of due process; and racial discrimination. They called for: self-determination and greater political representation; government by law rather than by decree and an end to exceptional legal measures; respect for the right to life and the abolition of corporal punishment; freedom of speech, the press, opinion, conscience, association, and assembly; an end to slavery and forced labor, the enactments of protective labor laws, and a better deal for workers; an end to pass laws and freedom of movement; expanded culturally sensitive public education; sanitation and healthcare services; an end to political imprisonment; respect for due process rights and equality before the law; legally guaranteed equality; an end to unjust taxation and higher taxes on international investments; and an end to and reversal of land expropriation.

68 *Id.* at 20-21. The manifesto decried the "forced consumption of alcohol and opium as in Indochina" and "the night-watch duty as in Algeria to look after the properties of colonial sharks." *Id.* at 20.

69 *See* DERRICK, *supra* note 10, at 131; GOEBEL, *supra* note 11, at 192. The paper was read by around 2,000 to 4,000 persons between Paris and the colonies. GOEBEL, *supra* note 11, at 190.

## III. THE EARLY 1920S

### *A. Communist Articulations of Anticolonial Rights Claims*

As the previous Section detailed, rights claims were advanced by numerous anticolonial actors in the aftermath of the First World War. Anticolonial rights claims were also a feature of the Russian Revolution from its earliest moments. On November 15, 1917, the Provisional Workers' and Peasants' Government in Petrograd issued a "Declaration of the Rights of the Peoples of Russia."[70] The Declaration declared the "emancipation" of the "peasants . . . from the power of the landowners" and of "[t]he workingmen . . . from the whim and arbitrary will of the capitalists . . . ."[71] It also put forward the principle of "[t]he equality . . . of the peoples of Russia" and called for "[t]he abolition of any and all national and national-religious privileges and disabilities."[72] On December 7 of the same year, the declaration was followed by an appeal to "All Worker Moslems of Russia and the East" that emphasized "the rights of all peoples of Russia" and declared that Muslims' "beliefs and customs, [and] . . . national and cultural institutions . . . are free and inviolable."[73]

In July 1920, the Communist International (Comintern) had its second meeting in St. Petersburg and Moscow. Prior to the Second Congress, Lenin prepared the "Preliminary Draft Theses on the National and Colonial Questions," concerning which he requested participants to offer "opinions, amendments, addenda and concrete remarks" at the Congress.[74] The final text of the Theses described ongoing colonialism as mass "enslavement."[75] It called for the abolition of classes, arguing that only through class abolition could

70 Provisional Workers' & Peasants' Gov't, Declaration of the Rights of the People of Russia (Nov. 15, 1917), reprinted by MARXISTS INTERNET ARCHIVE, https://www.marxists.org/history/ussr/government/1917/11/02.htm [https://perma.cc/L9G7-6DSB].

71 *Id*.

72 *Id.*

73 UNION OF SOVIET SOCIALIST REPUBLICS, USSR: SIXTY YEARS OF THE UNION, 1922-1982 36-37 (1982).

74 V.I. LENIN, DRAFT THESES ON NATIONAL AND COLONIAL QUESTIONS (1920), *reprinted in* LENIN ON THE NATIONAL AND COLONIAL QUESTIONS, THREE ARTICLES 20, 20 (Foreign Languages Press ed., 1967).

75 SECOND CONG. OF THE COMMUNIST INT'L, THESES ON THE NATIONAL AND COLONIAL QUESTIONS (1920), *reprinted in* TO SEE THE DAWN: BAKU, 1920 – FIRST CONGRESS OF THE PEOPLES OF THE EAST app. 4 at 266-67, 272 (John Riddell ed., 1993).

equality be achieved.[76] The Theses warned the Communist Party against "bas[ing] its policy on the national question on abstract and formal principles" and instead called for more careful analysis of history and economic conditions.[77] The Theses further called on the Communist Party to "distinguish . . . the oppressed, dependent nations that do not have equal rights and the oppressor, exploiting nations that do," to make apparent the "colonial and financial enslavement of the immense majority of the entire world population by a narrow minority of the richest, most advanced capitalist countries."[78]

In early September 1920, the Bolshevik Party organized the "First Congress of the Peoples of the East" in Baku, which was presented as a continuation of the Comintern's Second Congress.[79] Over 2,000 delegates from more than two dozen Asian countries attended.[80] Delegates at the conference condemned the "ruthles[s] pillag[ing]" of India "by British capital," the "mow[ing] down" of "an unarmed crowd" at Amritsar and the subsequent humiliations enacted on the local population, and attacks on the "sacred rights" of the Turkish peasantry by "Western capitalists."[81] The manifesto released at the end of the conference observed that Britain had treated "the many-millioned masses of the Indian peasants and workers [as] dumb beasts of burden without any rights."[82] John Reed, an American communist, highlighted how "[i]n North America . . . there are ten million Negroes who possess neither political nor civil rights."[83] He further emphasized the manner in which "capitalists" engaged in constant "incite[ment]"

76 *Id.* at 266.

77 *Id.*

78 *Id.* at 267. As Makalani notes, the theses were inspirational to many anticolonial activists, including for instance the future Ho Chi Minh. MAKALANI, *supra* note 10, at 77. M. N. Roy, the Indian Marxist and Communist Party member in Moscow at the time, was not convinced by every component of the Theses as adopted, emphasizing the need not to ally too closely with bourgeois nationalist movements in particular. *See id.* at 79-80; M.N. Roy, Supplementary Theses (July 25, 1920), reprinted by RED SAILS (Apr. 24, 2023), https://redsails.org/theses-on-the-national-and-colonial-questions/#fn7 [https://perma.cc/5ZM7-P8VM].

79 *See* John Riddell & Ma'mud Shirvani, *Introduction*, *in* TO SEE THE DAWN: BAKU, 1920 – FIRST CONGRESS OF THE PEOPLES OF THE EAST, *supra* note 75, at 11, 11.

80 *See id.* at 11.

81 THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, PROCEEDINGS (1920), *re-printed in* TO SEE THE DAWN: BAKU, 1920 – FIRST CONGRESS OF THE PEOPLES OF THE EAST, *supra* note 75, at 43, 76, 126.

82 *Id.* at 223.

83 *Id.* at 133.

against Black Americans, who were frequently attacked and murdered.[84]

Delegates often explicitly framed their calls in terms of the legacy of slavery. The call for the Congress indicated that one of its overarching goals was to "proclaim . . . that the age of slavery is past . . . ."[85] In the Congress's opening rally, the Eastern European communist Karl Radek emphasized communists would take a different approach to the global proletariat than British capitalists, who "looked on [them] as slaves to be denied human rights . . . ."[86] Delegates condemned: the "enslave[ment]" of "the peoples of the East" by the "slave owners of the West"; the "forcible transformation of the inhabitants of [European] colonies into slaves subject to inhuman exploitation"; the manner in which "British capitalists" had assisted the Shah of Persia in "thrust[ing] the peasants back into serfdom, making them once again . . . slaves . . . without any rights"; the making of Arabs into "slaves of the governments of Paris and London"; the manner in which "American bankers and the American capitalists [were] attempt[ing] everywhere to conquer the places and enslave the peoples where oil is found"; the alignment between "American capitalists" and "a Filipino capitalist class" to "keep the Filipinos in slavery"; the "enslave[ment of Mexicans] for centuries, first by the Spaniards and then by foreign capitalists"; the fact that, following the war, European colonialists had been "exploit[ing] the population of Africa and Asia as never before," attempting to "tur[n] them into slaves forced to work not only for themselves but also for the French and British workers"; the manner in which "the system of landlordship . . . enslave[d] the peasant," and "the heavy yoke of debt . . . harnesse[d] the peasantry to the old world of slavery"; and metropolitan "socialists" who "made [their] peace with [such] colonial slavery."[87]

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84 *Id.* at 133-34.

85 THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, CALL TO THE BAKU CONGRESS (1920), *reprinted in* TO SEE THE DAWN: BAKU, 1920 – FIRST CONGRESS OF THE PEOPLES OF THE EAST, *supra* note 75, at 36, 40.

86 THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, PROCEEDINGS, *supra* note 81, at 53.

87 THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, CALL TO THE BAKU CONGRESS, *supra* note 87, at 38; THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, PROCEEDINGS *supra* note 83, at 58, 67, 87-88, 119, 133, 165, 188, 190, 225. *See also* THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, PROCEEDINGS, *supra* note 83, at 77, 81-82, 84-85, 90, 93-95, 104, 121, 129, 139-40, 146, 153, 158, 165, 177, 184-85, 187, 189, 191-93, 212, 222-33, 235-41. The language of slavery was employed

The delegates also made various statements laying out their rights visions. The Congress in general decried colonialism, with Mikhail Pavlovich observing: "There must be no colonies. All nations have equal rights."[88] The announcement of the Congress indicated that a core purpose of the event was to "proclaim to the workers around the world that you are defending your rights . . . against all injustice and exploitation."[89] In his speech, Radek observed that the socialist project aimed at a world in which "there will not be people of different-colored skin with different rights and duties, [but rather] everyone will share the same rights and duties."[90] Bela Kun, the Hungarian communist leader who had been forced into exile, criticized the false "[f]reedom" promised by the Western bourgeoisie and their tendency to combine measures that "appeared to give rights to the working people" with "domination," "tyranny," and "usur[y]" in practice, counterpoising this position to the actual power and real "equality of all working people."[91] Najiye Hanum, a member of the Communist Party of Turkey, called for "equal rights" in all walks of life for "the women of the [e]ast," and emphasized the need for "a bloody life-and-death struggle to win our rights by force."[92] In addition to "[c]omplete equality of rights," she called for "women['s] unconditional access to

by communists in the period in other contexts as well. The inaugural issue of the *Communist*, the first Bolshevik publication in China, described Chinese laborers "abroad" as "slaves to foreign capital, [and] those in China [as] slave[s] for foreign and Chinese capitalists alike." ARIF DIRLIK, ANARCHISM IN THE CHINESE REVOLUTION 152-153 (1991). Anarchists, meanwhile, criticized Bolshevik state collectivism via analogy to slavery as well, observing for instance that in the post-revolution U.S.S.R., "[t]he bureaucrats are the masters, the workers their slaves." *Id.* at 164 (quoting OU SHENGBAI (歐勝白), DA CHEN DUXIU (陈独秀) 663). Chinese anarchists also emphasized the importance of new forms of education that would help "laborers advance from the status of slave to that of human being . . . ." *Id.* at 177 (quoting Linyi (临沂), *Sinian qian Zhongguode laodong daxue* (四年前中国的劳动大学), 29-30 GETNING ZHOUBAO (获得周报) (Dec. 1927)). In addition to calling for "free public education," the prominent Chinese anarchist Liu Sifu, or 'Shifu,' also called for "spontaneous, democratic public associations" and a limit of "two-four hours a day" of work. *Id.* at 97-98 (quoting LIU SHIFU (刘师傅), SHIFU WENCUN (师父文村) 45-47 (1927)).

88 THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, PROCEEDINGS, *supra* note 81, at 154. These statements echoed the Theses on the National and Colonial Questions. *See* SECOND CONGRESS OF THE COMMUNIST INTERNATIONAL, *supra* note 75, at 266-72.

89 THE FIRST CONGRESS OF THE PEOPLES OF THE EAST, CALL TO THE BAKU CONGRESS, *supra* note 85, at 40.

90 *Id.* at 95.

91 *Id.* at 174-175.

92 *Id.* at 204, 206.

educational and vocational institutions established for men," "[e]quality of [marriage] rights," the "[u]nconditional admission of women to employment in legislative and administrative institutions," and the "[e]stablishment of committees for the rights and protection of women everywhere."[93]

Between January 21 and February 2, 1922, the Comintern convened the First Congress of the Toilers of the Far East in Moscow and Petrograd.[94] One hundred and forty-eight delegates representing China, Japan, Korea, Mongolia, Indonesia, and India attended the Congress.[95] Among other notable speeches was the address delivered by Zhang Guotao, a member of the Chinese delegation, who described the long working hours and "ruthless exploitation of female and juvenile labour" in China.[96] Deng Pei, a trade unionist and another member of the Chinese delegation, criticized the low pay, absence of medical facilities for workers, and poor and hazardous working conditions for Chinese workers, including women and children. Pei described those workers as "virtual slaves" and observed the need for laws to be put in place to protect the workers from "foreign capitalists and foreign capital['s] [attempts to] exploit them and enslave them without any limitations."[97] Similarly, Wong-Kieng from the Korean delegation recounted that "Korean coolies [were] systematically forced to work for little or no pay" under Japanese rule.[98] A report on the situation in Korea received by the conference highlighted that Korean peasants were often "sent to do forced labour on the railways, roads, [and] the building of government houses—even houses of Japanese officials and the police."[99] The report observed that Korean peasants were worked to exhaustion "without receiving a cent in payment," and that they were "punished, imprisoned, and fined" if they did not comply with orders.[100]

93 *Id.* at 206.

94 *See* John Sexton, *Introduction*, *in* ALLIANCE OF ADVERSARIES: THE CONGRESS OF THE TOILERS OF THE FAR EAST 1, 2 (John Sexton ed., 2018). The conference was convened in response to the Washington Conference on Disarmament. *See id* at 3.

95 *Id.* at 13.

96 *Id.* at 90.

97 *Id.* at 94.

98 *Id.* at 126.

99 *See* Sexton, *supra* note 94, at 179.

100 *Id.* The report indicated that even if free from these conditions, Korean workers faced circumstances similar to their Chinese counterparts, being forced to work incredibly long hours for a below-subsistence wage. *Id.* at 180.

The Fourth Comintern Congress, held in November and December 1922, addressed some similar issues. In particular, the Fourth Congress resulted in the publication of "Theses on the Negro Question."[101] Among other things, the Theses argued that the U.S. Civil War had not been a war "to free the slaves," but rather a war aimed at "maintain[ing] the industrial supremacy of capitalism in the Northern states."[102] Its result, therefore, had been to "presen[t] Blacks with the choice between slavery in the South and wage slavery in the North."[103] The Theses also harshly criticized the recruitment and subsequent treatment of Black soldiers, "permitted to kill for 'democracy' and let themselves be killed" during the war, but who, upon return to the United States, faced "racial persecution, lynching, murder, deprival [of their ability] to vote, and inequality . . . ."[104] The Theses further suggested persons of African origin in the United States and colonized people around the world shared a similar situation, suggesting that "[i]n India and China, in Iran and Turkey, in Egypt and Morocco, the oppressed Coloured peoples are. . . . rising up against the same outrages that drive Blacks to fury: racial oppression, social and economic inequality, and intensive exploitation in industry."[105] The Theses concluded with statements of the Comintern's commitments to, among other objectives, "struggle for the equality of the white and Black races, and for equal wages and equal political and social rights," and to "compel the trade unions to take Black workers into their rights, or, where this right already exists in form, to make special efforts to recruit Blacks into the trade unions."[106]

In short, rights claims in the postwar period were not limited to the center and right of the political spectrum: communists also frequently made recourse to rights claims. While all rights discourses in the period drew on pre-existing anti-slavery discourses, these elements were particularly pronounced in communist claims, highlighting communists' stronger underlying recognition of the linkages between freedom in work and freedom in society. Among

101 *See* WEISS, *supra* note 10, at 9.

102 The Fourth Comintern Cong., Theses on the Black Question para. 2 (Nov. 30, 1922), reprinted by MARXIST INT. ARCHIVE, https://www.marxists.org/history/international/comintern/4th-congress/blacks.htm [https://perma.cc/7QG6-KDBD] (last visited Jan. 26, 2025).

103 *Id.*

104 *Id.*

105 *Id.* para. 4.

106 *Id.* para. 6.

other things, communists called out colonial massacres, racialized violence, slavery, forced labor, other coercive and hazardous labor conditions, and economic exploitation. They called for the end of arbitrary power, the recognition of freedom of belief and freedom at work, the implementation of protective labor legislation, the expansion of educational and medical services, the equality of all peoples, an end to racism, the recognition of women's equality, and the abolition of classes.

### *B. Other Anticolonial Rights Claims in the Early 1920s*

Other anticolonial advocates continued to deploy rights language in the early 1920s as well. In August and September 1921, the Second Pan-African Congress was held in London, Brussels, and Paris. The session in London adopted a more critical tone than the First Congress. The chief product of the session was a manifesto, "To the World," prepared by Du Bois.[107] Among other things, the manifesto condemned racial prejudice, emphasized that colonized countries had "been forced into semi-slavery," and suggested that "the majority of mankind [had] be[en] brutalized and enslaved by ignorant and selfish agents of commercial institutions . . . ."[108] It also described as

> [T]he shame of the world that today the relation between the main groups of mankind and their mutual estimate and respect is determined chiefly by the degree in which one can subject the other to its service, enslaving labor, making ignorance compulsory, uprooting ruthlessly religion and customs, and destroying government, so that the favored Few may luxuriate in the toil of the tortured Many. . . .
>
> The day of such world organization is past . . . [and] the 20th century must come to judge men as men and not as material and labor.
>
> It is shameful, unreligious, unscientific and undemocratic that the estimate, which half the peoples of earth put on the

107 *See* W.E.B. DU BOIS, *To the World (Manifesto of the Second Pan-African Congress) (1921)*, *in* W.E.B. DU BOIS INTERNATIONAL THOUGHT 56 (Adom Getachew & Jennifer Pitts eds., 2022).

108 *Id.* at 57-58.

> other half, depends mainly on their ability to squeeze profit out of them.
>
> If we are coming to recognize that the great modern problem is to correct maladjustment in the distribution of wealth, it must be remembered that the basic maladjustment is in the outrageously unjust distribution of world income between the dominant and suppressed peoples; in the rape of land and raw material, and monopoly of technique and culture. . . .
>
> [W]e arraign civilization and more especially the colonial powers for deliberate transgressions of our just demands and their own better conscience.[109]

The manifesto emphasized that "racial equality does not interfere with individual liberty (rather, it fulfils it") and called for a world order based on "equality, justice and mutual respect" and the establishment of democratic institutions for all.[110] It concluded with eight demands: equality; self-government; education; freedom of religion and customary practice; international cooperation on the basis of "Justice, Freedom and Peace"; "common ownership of the land and its natural fruits and defence against the unrestrained greed of invested capital"; "[t]he establishment under the League of Nations of an international institution for the study of Negro problems"; and the establishment of a body within the ILO "charged with the protection of native labor."[111]

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109 *Id.* at 58-59. The manifesto also called out recent American abuses in Haiti, observing "America has unjustly and cruelly seized Haiti, murdered and for a time enslaved her workmen, [and] overthrown her free institutions by force." *Id.* at 61.

110 *Id.* at 56-57.

111 *Id.* at 61-62. The session also produced a resolution aimed at the League of Nations in particular, which called for the creation of an office within the ILO dedicated to African labor; emphasized the movement of the world towards self-government; and called for the League to "take a firm stand on the absolute equality of races." Letter from W.E.B. Du Bois to the League of Nations (Sept. 15, 1921) (on file with the Univ. of Mass. Amherst Librs., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 1A. General Correspondence), https://credo.library.umass.edu/view/full/mums312-b018-i239 [https://perma.cc/4HKR-DY2N]. The subsequent Belgian session adopted a far less confrontational position, largely due to the influence of Diagne, leading to substantial tension between Du Bois and Diagne after the latter read the resolutions of the London session at the conclusion of the discussions. *See* W.E.B. Du Bois, *A Second Journey to Pan-Africa*, NEW REPUBLIC (Dec. 7, 1921) (on file with the Univ. of Mass. Amherst Librs., Special Collections and University Archives, W.E.B. Du

Following the meetings of the Second Congress, a Pan-African Association was established, with the aim, among others, of ensuring for "the Black Race all over the world. . . . the same rights as those accorded to . . . other citizens or subjects."[112]

Protests occurred with increasing frequency in various parts of the British Empire in this period. In what is now known as Kenya, major protests took place in 1919 and 1920 against the colonial government's policy of "encouraging" Africans to work on settler farms.[113] Popular resistance among Kenyans helped lead to the formation of the Young Kikuyu Association, soon renamed the East African Association (EAA) in 1921, under the leadership of Harry Thuku.[114] The EAA campaigned for higher wages for Africans, an end to forced labor and the *kipande* pass system, an end to excessive taxation, better provision of education, and extended enfranchisement.[115] These advocacy efforts were met by violence and

Bois Papers, Series 3. Articles), https://credo.library.umass.edu/view/full/mums312-b215-i247 [https://perma.cc/YH8P-XXFG]. The final Paris session, meanwhile, fell somewhere in between the two. According to Challaye, both the Ligue des Droits de l'Homme and the Bureau International pour la Défense des Indigènes generally supported the direction of the Paris discussions though they would have appreciated, if anything, stronger positions. *See* Félicien Challaye, *Le Congrès Pan Noir*, LES CAHIERS DES DROITS DE L'HOMME, Sept. 25, 1921, at 12, reprinted by RETRONEWS, https://www.retronews.fr/journal/les-cahiers-des-droits-de-l-homme/25-septembre-1921/713/1961769/12 [https://perma.cc/H5BN-XXDJ]. At the conference itself, Challaye responded to a Black delegate from the French Congo, who supported French government policies there, by observing that "France had imitated Belgium in seizing native land, in prohibiting certain native industries, in paying the lowest price for materials [and] in the capture of chiefs and women and children as hostages." *A Second Journey to Pan-Africa, supra*.

112 The Pan-African Association–Status § 2 (Dec. 8, 1921) (on file with the Univ. of Mass. Amherst Libr., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 1A. General Correspondence), https://credo.library.umass.edu/view/full/mums312-b018-i230 [https://perma.cc/U88W-72EQ]. The "attempt at permanent organization was not successful," however. W.E.B. Du Bois, The Third Pan-African Congress (1923) (on file with the Univ. of Mass. Amherst Libr., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 1A. General Correspondence), https://credo.library.umass.edu/view/pageturn/mums312-b020-i438/#page/1/mode/1up [https://perma.cc/D48Z-ZM2S].

113 *See* DERRICK, supra note 10, at 102-03. The coercive labor policies employed in British East Africa were criticized by some British figures as well, including for instance the Bishop of Zanzibar. *See generally* FRANK WESTON, THE SERFS OF GREAT BRITAIN (1920).

114 *See* K.J. King, *The Nationalism of Harry Thuku: A Study in The Beginnings of African Politics in Kenya*, TRANSAFRICAN J. HIST., Jan. 1971, at 39, 42-43.

115 *See id.* at 41-43.

repression. In March 1922, Thuku was arrested, and the police dispersed the protests against his imprisonment with lethal force.[116]

In West Africa, the NCBWA met for a second time in 1923 in Freetown. The NCBWA used the meeting to agree on a constitution, which committed the organization to fighting for "all and every right of free citizenship of the Empire and the fundamental principle that taxation goes with effective representation," a "[g]overnment of the people by the people for the people," "equal opportunity for all," and "to preserve the lands of the people for the people . . . ."[117] Pressure from the NCBWA and others appears to have been effective in producing some changes during this period, including the opening of a small number of Legislative Council positions for Africans in Nigeria in 1923, in Sierra Leone in 1924, and in the Gold Coast in 1925.[118]

In South Africa, the SANNC was renamed the African National Congress (ANC) in 1923. At its May 1923 Annual Conference, the ANC issued a "[B]ill of [R]ights."[119] Clause 1 declared that the Bantu population had, "as human beings, the indisputable right to a place of abode in this land of their fathers."[120] Clause 2 proclaimed that "all Africans [have] . . . the God-given right to unrestricted ownership of land in this, the land of their birth."[121] Clauses 3 and 4 called for "liberty of the subject, justice and equality of all classes in the eyes of the law," "equal rights for all civilised men south of the Zambezi," and respect for "the democratic principles of equality of treatment and equality of citizenship in the land, irrespective of race, class, creed or origin."[122] Clause 5 suggested that

> [P]eoples of African descent have, as an integral and inseparable element in the population of the great Dominion of South Africa, and as undisputed contributors to the growth

116 *See id.* at 52.

117 LANGLEY, *supra* note 52, at 117 (alteration in the original) (quoting Nat'l Cong. of Brit. W. Afr., The Constitution of the National Congress of British West Africa (1923)).

118 *See* Wyse, *supra* note 53, at 681-83.

119 *See* Seth Nthai, *A Bill of Rights for South Africa: An Historical Overview*, CONSULTUS, Nov. 1998, at 142, 142.

120 DEP'T OF INFO. & PUBLICITY, AFR. NAT'L CONG., THE ANC AND THE BILL OF RIGHTS, 1923 TO 1993: A SEVENTY YEAR SURVEY 4 (1994).

121 *Id.*

122 *Id.*

> and development of the country, the constitutional rights of an equal share in the management and direction of the affairs of this the land of their permanent abode, and to direct representation by members of their own race in all the legislative bodies of the land, otherwise, there can be "no taxation without representation."[123]

The Bill of Rights also appealed to Parliament to provide for "adequate representation of the non-European races domiciled within the borders of the Union of South Africa in the Parliament of the Union and in the Provincial Councils thereof."[124]

In India, the All-India Trade Union Congress (AITUC) was formed in 1920 to represent Indian workers at the International Labour Organisation (ILO).[125] Over the years, AITUC representatives advanced a strong rights message in numerous fora. During the course of the AITUC's first session, which ran from October 31 to November 2, 1920, Joseph Baptista, the Chairman of the AITUC's Reception Committee, argued to the Governor of Bombay "that the well-being of society depends upon the well-being of labour . . . that labour ought to reap the full fruits of their labour, that the state ought to fix the minimum wage for labour and the maximum profit for capital and that all excess profits ought to be to the benefit of labour."[126] Baptista also called on the government of India on the whole "to abandon their attitude of benevolent neutrality and legislate for the compulsory recognition of the right of association for lawful objects to give effect to the decree of the League of Nations."[127] This call was echoed by others in the AITUC, who called on the Governor to "make it legally obligatory on employers of labour to recognise trade unions," to

123 *Id.*

124 *Id.*

125 *See* Carolien Stolte, *Bringing Asia to the World: Indian Trade Unionism and the Long Road Towards the Asiatic Labour Congress*, *1919-37*, 7 J. GLOBAL HIST. 257, 259-60 (2012).

126 1 ALL-INDIA TRADE UNION CONG., FIFTY YEARS DOCUMENTS 68 (1973) [hereinafter AITUC]. Although, according to Baptista, workers did not have "the political power of the purse and the law-maker," he proposed three avenues to attaining the well-being of workers—"unions, strikes, and boycotts." *Id.* at 12. On another occasion, Baptista noted that Indian workers "ha[d] not educated the world regarding [boycotts] as [they had] educated them regarding strikes," and suggested that the "most powerful weapon is of course simultaneous use of strike and boycott." *Id.* at 15.

127 *Id.* at 13.

instruct police officers "to place no obstacles in the way of workers organizing themselves into unions," to act in such a way "as to give no cause for any suspicion of partiality especially while a strike is in progress," and to provide assistance to "facilitate the formation of unions."[128] The session passed a resolution urging the government to "issue general instructions to the heads of districts and the police department that no obstruction be placed in the way of workers organizing themselves into unions."[129]

During the same session, delegates also criticized the exclusion of Indian laborers from the first International Labour Conference and the discriminatory standards adopted at that conference, including the suggestion that while an eight-hour day and a thirty-nine-hour week were appropriate for Europe, a ten-hour day and a sixty-hour week were appropriate for India.[130] In addition, there was extensive reference to the harsh conditions faced by Indian workers. Lala Lajpat Rai emphasized his "refus[al] to admit that the interests of Indian industries must in every case[ ] override the human needs of workers," and called out the fact that Indian "labour . . . remain[ed] half-starved, ill-clothed, badly housed, and destitute of education . . . ."[131] Other delegates denounced the "brutal treatment meted out to Indian workers" in Fiji and issued a resolution "propos[ing] that full independent inquiry be made and proper facilities afforded to those who wish to return to their motherland."[132] The Congress also called for better protections for women workers' rights, including suggesting "that every mill, factory and workshop where women are employed should be provided with special accommodation where the women workers can, during their hours of work, keep their young children," and that female inspectors be appointed to "examin[e] the condition[s] of labour and . . . safeguar[d] the interests of women operatives."[133] Following its first session, the AITUC issued a manifesto. The manifesto called on Indian workers to "understand [their] rights" and

128 *Id.* at 67-68.

129 *Id.* at 47.

130 AITUC, *supra* note 126, at 49-50.

131 *Id.* at 29-30.

132 *Id.* at 55. Deep Narayan Singh, who advanced the resolution, explained that Indian laborers in Fiji had gone on strike after negotiations for an "increase in their wages to meet the abnormal rise in the prices of necessaries of life" failed, but that the government had responded by proclaiming martial law, "sho[oting] down [men] in the streets and [engaging in] floggings," acts of violence he described as "more harrowing than those of the Jallianwala Bagh tragedy." *Id.*

133 *Id.* at 62-63.

highlighted the harsh conditions faced by "the slaves of the Assam tea plantations," whose "real daily wages [were] less than [the] three annas a day prescribed under government acts" and who were "often victims of brutal treatment . . . ."[134] The Manifesto also emphasized the close interconnection between "[p]olitical freedom" and "economic freedom."[135]

At its second session in late 1921, AITUC delegates were united in their support of *swaraj*, or self-rule. Among other arguments, they suggested *swaraj* was necessary to improve the condition of labor by "chang[ing] the social order of the working classes," "remov[ing] forced labour and beggary," "prevent[ing] . . . employers from calling the help of police and military," allowing for cheaper basic goods, including "stop[ping] the exportation of the necessities of life," and "fix[ing] the minimum wages and maximum hours of labour . . . ."[136] For his part, Mohamed Daud, president of the Seamen's Union of Calcutta, challenged the entire existing order of criminal labor laws and migration limitations, which he suggested had been "forged at the instance of the capitalists to keep the labour slaves eternal to their employers."[137] Other resolutions adopted by the sessions observed that Indian miners were forced to work in conditions similar to those of slaves, condemned strike-breaking by the Madras government, urged the immediate abolition of indentured and forced labor and the establishment of humane housing for all workers, called for the adoption of draft conventions relating to hours of work, suggested improvements to the rights of domestic servants, seamen, coal miners and railway workers in particular, and urged an end to racially discriminatory pay.[138] Among the issues raised at the AITUC's third session in 1923 were calls for the abolition of the *begar* bonded labor system, legislation to protect workers against unemployment, old age and sickness, an increase in miners' wages, and an end to underground work for women.[139]

134 *Id.* at 78.

135 AITUC, *supra* note 126, at 79.

136 *Id.* at 115-16.

137 *Id.* at 117. Daud also observed how, whereas Taff Vale workers in England had been able to influence the government, there was no opportunity for Indian workers to do the same without swaraj. *See id.* at 117-18.

138 *Id.* at 121, 175, 186-88.

139 *See* PREM SAGAR GUPTA, A SHORT HISTORY OF ALL-INDIA TRADE UNION CONGRESS 40 (1980).

The Third Pan-African Congress was held in London and Lisbon in November 1923. Among other things, the Congress saw criticism of the Mozambique Company, a major concessionary company operating huge plantations in central Mozambique. The Congress described the company as "an English concern" (on the theory the company's commercial backers were extensively English in practice) that was able to "obtain[] a fifty year franchise in" Mozambique due to the "economic pressure of England on a weak distracted Portugal.[140] The company had, it was reported, acquired "powers that ma[d]e them absolute masters of the land," which it used to "virtually enslave native labor and recruit for their mines in South Africa."[141] Relative to Kenya, meanwhile, one speaker observed that "[t]here is ample evidence to show that flogging and shooting of Natives . . . have developed into a system.'[142]

The Congress produced several resolutions, calling for people of African descent to have:

> 1. A voice in their own government.
> 2. The right of access to the land and its resources.
> 3. Trial by juries of their peers under established forms of law.
> 4. Free elementary education for all; broad training in modern industrial technique; and higher training of selected talent.
> 5. The development of Africa for the benefit of Africans . . . .
> 6. The abolition of the slave trade . . . .
> 7. World disarmament and the abolition of war; but failing this, and as long as white folk bear arms against black folk, the right of blacks to bear arms in their own defence.
> 8. The organization of commerce and industry so as to make the main objects of capital and labour the welfare of the many, rather than the enriching of the few.[143]

140 W.E.B. Du Bois, Draft of *A Third Journey to Pan-Africa* 1, 2 (Jan. 2, 1924) (on file with the Univ. of Mass. Amherst Librs., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 3. Articles), https://credo.library.umass.edu/view/full/mums312-b208-i011 [https://perma.cc/YZF9-KSVP].

141 *Id.* at 2-3.

142 *Id.* at 3.

143 Pan Afr. Cong. Exec. Comm., Resolutions of the Executive Committee of the Third Pan African Congress 1 (Dec. 1923) (on file with Univ. of Mass. Amherst

These demands were described by Du Bois in his later account as the Congress's "Charter of Rights."[144]

In sum, events like the Pan-African Congresses and organizations like the EAA, the NCBWA, the ANC, and the AITUC continued to advance anticolonial rights discourse in the early 1920s. Among other things, they criticized systematic racial violence, slavery, semi-slavery, forced labor, indentured labor, other forms of labor coercion, brutal treatment, and the dehumanization and the commercial exploitation of colonial workers. They called for: self-government and enfranchisement; trade union rights; freedom of religion and customary practices; universal labor protections including minimum wages, maximum hours, maximum profits for capital, higher wages, and special measures to support women workers; an end to pass laws; better provision of educational services and social insurance; equality before the law and the right to trial by jury of one's peers; racial, class, religious and national equality; an end to excessive taxation; and common ownership of the land and a reorganization of economic systems so as to prioritize the welfare of the many rather than the enrichment of a few.

## IV. THE MID-1920S

### *A. Rights Claims in the Chinese Context*

China was a key site for the advancement of rights claims as the post-war years progressed. On May 4, 1919, student protests took place in Beijing, leading to what came to be known as the May Fourth Movement.[145] Among the initial resolutions of the movement were to

Librs., Special Collections and University Archives, W.E.B. Du Bois Papers, Series 1A. General Correspondence), https://credo.library.umass.edu/view/full/mums312-b022-i417 [https://perma.cc/ZW9D-ERHB].

144 Du Bois, *supra* note 140, at 6. The document containing the resolutions also called for an end to discrimination as to "race and colour," "the restoration of rights to the land," "a recognition of th[e] right to a voice in . . . government," and for black representatives in the Mandates Commission and the ILO. Pan Afr. Cong. Exec. Comm., *supra* note 143, at 1.

145 For more, see TSE-TSUNG CHOW, THE MAY FOURTH MOVEMENT: INTELLECTUAL REVOLUTION IN MODERN CHINA (1960); JOSEPH T. CHEN, THE MAY FOURTH MOVEMENT IN SHANGHAI: THE MAKING OF A SOCIAL MOVEMENT IN MODERN CHINA (1971); REFLECTIONS ON THE MAY FOURTH MOVEMENT: A SYMPOSIUM (Benjamin I. Schwartz ed., 1972); PETER ZARROW, CHINA IN WAR AND REVOLUTION, 1895-1949 (2005); REMEMBERING MAY FOURTH: THE MOVEMENT

promote recognition of the difficult situation faced by the people of China, to conduct a large demonstration in Beijing, and to create a Beijing student union. On May 5, 1919, students, workers, and others went on a strike in several cities around the country. While the government cracked down through arrests in early June, the arrests only prompted further strikes. Labor organizing and protest remained significant in the following years.[146]

A significant mechanics' strike took place in Hong Kong in 1920.[147] 1922 saw an even larger strike, led by the Hong Kong Seamen's Union.[148] The strikers demanded higher wages, shorter working hours, better working conditions, and the abolition of the contract labor system in which Chinese labor contractors hiring Chinese laborers for British firms would keep up to 80% of a laborer's salary.[149] May 1922 also saw the First China National Labor Congress

AND ITS CENTENNIAL LEGACY (Carlos Yu-Kai Lin & Victor H. Mair eds., 2020). A few months earlier, on March 1, 1919, protests broke out against Japanese colonialism in Korea. The protesters declared Korean independence and condemned discrimination in government employment and education, land confiscation, forced labor and mistreatment. For more, see Frank Baldwin, The March First Movement: Korean Challenge and Japanese Response, 5-6 (1969) (Ph.D. dissertation, Columbia University) (ProQuest); KOREA'S RESPONSE TO JAPAN: THE COLONIAL PERIOD, 1910-1945 (C.I. Eugene Kim & Doretha E. Mortimore eds., 1977); Michael D. Shin, KOREAN NATIONAL IDENTITY UNDER JAPANESE COLONIAL RULE: YI GWANGSU AND THE MARCH FIRST MOVEMENT OF 1919 (2018); Tae-eok Kwon, *Imperial Japan's 'Civilization' Rule in the 1910s and Korean Sentiments: The Causes of the National-Scale Dissemination of the March First Movement*, 15 J. NORTHEAST ASIAN HIST. 113 (2018); Baik Youngseo, *1919 in Dynamic East Asia: March First and May Fourth as a Starting Point for Revolution*, 52 CHINESE STUD. HIST. 277 (2019).

146 Official concern with popular sentiments at the time was testified to, for instance, by the concern shown by Cao Kun, military governor of Zhili province, with "anarchist advocacy of revolution . . . for economic equality, labor organization, and freedom to achieve humanitarianism . . . ." DIRLIK, *supra* note 87, at 113.

147 *See* JOHN MARK CARROLL, A CONCISE HISTORY OF HONG KONG 96–97 (2007).

148 *See* Chen Ta, *The Labor Movement in China*, 15 INT'L LAB. REV. 339, 349 (1927); *see generally* Gary W. Glick, The Chinese Seamen's Union and the Hong Kong Seamen's Strike of 1922 (1969) (M.A. thesis, Columbia University) (on file with Stanford University); EARL JOHN MOTZ, GREAT BRITAIN, HONG KONG, AND CANTON: THE CANTON-HONG KONG STRIKE AND BOYCOTT OF 1925-26 15 (1972); Josephine Fowler, *From East to West and West to East: Ties of Solidarity in the Pan-Pacific Trade Union Movement, 1923-1934*, 66 INT'L LAB. & WORKING-CLASS HIST. 99, 105 (2004); CARROLL, *supra* note 147, at 97–99.

149 *See* MOTZ, *supra* note 148, at 15.

in Canton, attended by 160 or so delegates from twelve cities, claiming to represent over 100 unions and around 200,000 laborers.[150]

A few years thereafter, on May 30, 1925, British forces fired on a group of workers on strike in Shanghai, killing several of the protestors.[151] The shooting led to widespread protests in Hong Kong, Canton, Southeast Asia, and elsewhere.[152] The May 30 killings and the subsequent May Thirtieth Movement led to a sixteen-month general strike in Hong Kong and Canton that lasted from June 1925 to October 1926.[153] The general strike also supported the mobilization of labor more broadly. In May 1926, the Third National Labor Congress in Canton attracted 502 delegates from 699 unions representing around 1,240,000 workers.[154] Over the course of 1926, forty-three strikes were recorded in Canton.[155] The striking workers made several demands:

150 *See* Ming K. Chan, *The Realpolitik and Legacy of Labor Activism and Popular Mobilization in 1920s Greater Canton*, *in* THE CHINESE REVOLUTION IN THE 1920S: BETWEEN TRIUMPH AND DISASTER 187, 192 (Mechthild Leutner, Roland Felber, M.L. Titarenko & A.M. Grigoriev eds., 2002).

151 *See* TOM BUCHANAN, EAST WIND: CHINA AND THE BRITISH LEFT, 1925-1976 542 (2012). For more on the May Thirtieth Movement, see Hung-Ting Ku, *Urban Mass Movement: The May Thirtieth Movement in Shanghai*, 13 MODERN ASIAN STUD. 197 (1979).

152 *See* JEAN CHESNEAUX, THE CHINESE LABOR MOVEMENT, 1919-1927 262–89 (1968); NICHOLAS CLIFFORD, SHANGHAI 1925 (1979); Chan, *supra* note 150, at 195; COMRADES AGAINST IMPERIALISM, *supra* note 11, at 31. Cantonese labor was particularly primed, having been heavily influenced by Sun Yat-Sen's Kuomintang, anarcho-syndicalist movements and the Chinese Communist Party since the early 1910s. *See* C. MARTIN WILBUR & JULIE LIEN-YING HOW, MISSIONARIES OF REVOLUTION: SOVIET ADVISORS AND NATIONALIST CHINA, 1920-1927 225–27 (1989); DANIEL Y.K. KWAN, MARXIST INTELLECTUALS AND THE CHINESE LABOR MOVEMENT: A STUDY OF DENG ZHONGXIA (1894-1933) 75–76 (1997); Chan, *supra* note 150, at 190–91. The memory of a summer 1924 strike against British and French restrictive measures in their concessions in Canton was also still present. *See id.* at 194.

153 Chan, *supra* note 150, at 195; Ming K. Chan, Labor and Empire: The Chinese Labor Movement in the Canton Delta, 1895-1927 ch.11 (1975) (PhD dissertation, Stanford University) (ProQuest); CARROLL, *supra* note 147, at 99-104. The Hong Kong strikers seem to have attracted sympathy even from some of those meant to police them: the *United States of India* reported in a September 1925 issue that "[a]bout 70 men of the British Indian police from Hong Kong left the service of the British government in a sympathetic walkout in favour of the Chinese workers as a protest against the ruthless methods used by the English in shooting down strikers and demonstrators." RAMNATH, *supra* note 11, at 148 (quoting SOHAN SINGH JOSH, HINDUSTAN GADAR PARTY 35 (1977)).

154 *See* Chan, *supra* note 150, at 195.

155 *See id.* at 196.

> 1) that the Chinese . . . enjoy freedom of organization, speech, publication, workers education, and that the dissolved unions be restored.
>
> 2) that the Chinese . . . enjoy the same legal treatment as received by other nationals in the colony and that deportation and flogging be abolished.
>
> 3) that the election law . . . be revised to include the Chinese as electors.
>
> 4) that labor legislation . . . be enacted providing for an eight-hour day, a minimum wage, collective agreement with the employers, abolition of contract labor, improvement of living conditions of women and child workers, and compulsory insurance.
>
> 5) that all strikers be allowed to return to work without discrimination.
>
> 6) that all strikers receive pay for the time lost during the strike.
>
> 7) that a committee be formed by representatives of employers and workers to investigate losses and to recommend them to the Hong Kong Government for compensation.[156]

In sum, the workers advanced a combination of political, civil, equality, social and workers' rights demands. The scale of the protests was such that those with political and economic power were forced to comply with several of the workers' demands.[157]

International solidarity developed in support of the strikes and protests in China during this period. The "Hands Off China" movement began in June 1925 with protests by Chinese students and other groups in Britain.[158] Labor exploitation in Shanghai was debated in Parliament around the same period.[159] In addition, the British Trade Union Congress wrote to Prime Minister Stanley Baldwin criticizing the use of force by the British against the protestors. As a result, the

156 TA CHEN, ANALYSIS OF STRIKES IN CHINA, FROM 1918 TO 1926 27-28 (1927). These demands were relative to Hong Kong; similar demands were made relative to Shameen. *Id.*

157 *See* Chan, *supra* note 150, at 196.

158 *See* BUCHANAN, *supra* note 151, at 31.

159 *Id.* at 40-41.

London Trades Council established the "British Labour Council for Chinese Freedom" in December 1926.[160]

Following Chiang Kai-Shak's seizure of control of the Kuomintang and several victories in the national war, the Hong Kong-Canton strikes and boycott were called off on October 10, 1926.[161] As Chen observed at the time, the strike had several positive effects, such as helping to "consolidate[e] labour union[s] in Hong Kong," allowing for important "workers' education," and demonstrating the strength of labor in the region.[162] The strikers called out the authorities' excessive use of force, corporal punishment, political exclusion, the poor conditions of workers and systemic racial discrimination. Among other things, they called for greater political participation, an end to corporal punishment, freedom of speech, publication, association and assembly, the ability to engage in collective bargaining, the abolition of contract labor, an eight-hour day and a minimum wage, improved living conditions and social insurance, and racial equality.

### *B. Other Anticolonial Rights Claims in the Mid-1920s*

Anticolonial rights advocacy continued in other parts of the world through the mid-1920s as well. The Women's International League for Peace and Freedom (WILPF) was founded in 1915. The force of WILPF's anticolonial advocacy grew as the 1920s progressed. One area of concern for the organization was the United States' occupation of Haiti, over the course of which the Americans killed thousands of Haitians.[163] In 1926, the board of WILPF decided to dispatch a commission to investigate.[164] The commission's investigation, which found the American occupation to be unambiguously racist,[165] led to the publication of a book, *Occupied Haiti*, which among other things

160 *Id.* at 34.

161 *See* CARROLL, *supra* note 147, at 103; CHEN, *supra* note 156, at 29; HAROLD R. ISAACS, THE TRAGEDY OF THE CHINESE REVOLUTION 93-106 (2d ed. 1961).

162 *See* CHEN, *supra* note 156, at 30-33.

163 *See* Joyce Blackwell-Johnson, No Peace Without Freedom, No Freedom Without Peace: African-American Women Activists in the Women's International League for Peace and Freedom, 1915-1970 115 (1998) (PhD Dissertation, University of North Carolina at Chapel Hill). On the occupation of Haiti in the period generally, see MAGDALINE W. SHANNON, JEAN PRICE-MARS, THE HAITIAN ELITE AND THE AMERICAN OCCUPATION 1915-35 (1996).

164 *See* Blackwell-Johnson, *supra* note 163, at 116.

165 *See id.*

called for self-determination for Haitians, an end to preventive detention, and restoration of Haitians' freedom of the press.[166]

Another major WILPF initiative from the period was the Fifth WILPF Congress, held in Dublin and Geneva in July 1926. A major theme of the conference was "Colonial and Economic Imperialism."[167] The Congress observed the various wars undertaken by colonial powers in colonized territories, colonial powers' "depriv[ation] [of] great populations of their natural liberty and resources, reducing them in many instances to conditions of forced labour," and their application of "cruel and oppressive treatment."[168] The "oppression" of "concessions" and its tendency to place "natives . . . in a situation analogous to that of the exploited working and agricultural classes in all countries" was also emphasized.[169]

In response to such abuses, many suggestions were made during the discussions. It was suggested, for instance, that colonized states should obtain both "*political* sovereignty" as well as "*economic* sovereignty."[170] The Congress considered various other measures, including providing natives with "a share in the profits as well as in the labor," "[c]ontrol of the financial companies which are exploiting the colonies" and "[t]he organization of the exploitation of the natural resources of the colonies in such a manner as not to defraud the natives."[171] In her speech, Mary Sheepshanks of the British Section called for "absolute prohibition of native forced labour or military service for European masters" and "[i]nternational economic control and equality of rights in economic opportunities in undeveloped territories . . . ."[172] In its concluding resolutions, the Congress called for the prohibition of "[m]ilitary conscription of natives," expenditure of "[t]he revenue derived from the native population . . . in their own interests," the preservation of "[e]nough good class land . . . for the present and future needs of the native population," the prohibition of "[f]orced labour," attention to the "hygienic conditions and needs of the natives," "[l]iberal provision . . . for . . . education of natives

166 *Id.* at 116-17.

167 DERRICK, *supra* note 10, at 242; *see* WILPF, REPORT OF THE FIFTH CONGRESS, DUBLIN (1926). WILPF was considered radical enough at the time that "its magazine *Pax International* was banned in France . . . ." DERRICK, *supra* note 10, at 242.

168 WILPF, *supra* note 167, at 87.

169 *Id.* at 85.

170 *Id.* at 84.

171 *Id.* at 85-86.

172 *Id.* at 91.

without injury to their own culture," and "[f]ull liberty . . . to the native press."[173]

The Fifth Annual Convention of the Negro Peoples of the World was held in August 1926 under the auspices of the UNIA. The Convention called out numerous rights violations in Africa, including the "exploitation and abuse" of "Liberian laborers," the "enslavement and abuse" of "the Peoples of the Sudan" by "alien financing" and British cotton interests, the "ruthless oppression" of the "Negro peoples of South Africa"—subject to "a most degrading system of segregation and proscription," "robbed of their land and possessions," "mercilessly driven on the farms and in the mines for the benefit of white owners who spurn and abuse them" and "deprived of almost every human right"—and the "enslavement and terrorization" of the peoples of East, West and Central Africa.[174] The Convention also called out denial of constitutionally-guaranteed "equal rights," the perseverance of the "spirit of chattel slavery," the "segregation, disenfranchisement, legal injustice, debt and convict slavery and lynching" in the United States, and the American invasion, "terroriz[ation] and suppress[ion]" of the Haitian people, including its "enslave[ment] of "large numbers" of the population "for the building of military roads under corvee systems."[175] The Convention also called for an end to the "exploitation" of Cuban workers, deprecated the failure to grant "[c]itizenship rights . . . and elementary human rights such as freedom of speech, press, and assembly" in the Virgin Islands and called for the "complete social and political emancipation" of the British West Indies.[176]

In response to such violations, the UNIA Convention called for the adoption of "protective labor laws," support to local efforts "to organize economically and politically," the abolition of "compulsory labor" as well as of "debt and convict slavery," the full "political enfranchisement" of African peoples worldwide, the abolition of "all proscriptive laws and customs and every form of segregation," "protection against lynching and mob violence," "equal educational opportunities," the strengthening of "labor unions," "cooperative

173 *Id.* at 106-07.

174 Universal Negro Improvement Ass'n, The Social and Political Status of the Negro Peoples of the World; Means for Its Improvement 2-3 (1926) (on file with the Int'l Inst. for Soc. Hist, League against Imperialism Archives, File 55), https://search.iisg.amsterdam/Record/ARCH00804 [https://perma.cc/V3TP-QU57].

175 *Id.* at 3-4.

176 *Id.* at 5.

associations," and anticolonial movements, the establishment of "independent press" institutions, and full respect for "elementary human rights."[177] Overarchingly, the Convention called for several "basic rights and measures" to be adopted, including "African ownership of African land," self-determination, "abolition of compulsory labor," "abolition of military conscription," "complete freedom of movement to, from and within Africa," and "freedom of speech, press and assembling."[178]

In India, the AITUC continued its efforts as well. At its fourth session in March 1924, delegates foregrounded the issue of representation, calling on the government to "exten[d] the . . . franchise for electing members for the central and local legislatures so as to give adequate representation to the working classes" and to "giv[e] special representation to the organisations of labour in India."[179] The Congress also called on the government to establish "unemployment insurance, health insurance and old age provision for all workers engaged in . . . industries and commerce," adopt legislation granting maternity leave and allowances and "setting up . . . creches or nurseries for the benefit of women workers," mandate a eight-hour maximum workday for miners and the end of women's underground work, and enact "legislation for the protection and recognition of trade unions in British India."[180] Support was again voiced for the Indian workers in Fiji, while in India itself, the delegates called for the "appoint[ment] [of] a committee to investigate and report on the then existing differences in scales of pay and conditions of service between European, Anglo-Indian and Indians in the Indian Railways which were based not on merit but on colour with a view to removing them as soon as possible."[181] The Congress also recommended rule of law reforms, specifically "that the government should not give magisterial power to the officers of any concern by which they could investigate or decide cases in which the laborers of the same firm were concerned."[182] The AITUC's fifth session in February 1925 saw calls for stronger labor legislation, unemployment insurance, health insurance, old age pension, public housing,

177 *Id.* at 2-5.
178 *Id.* at 1.
179 GUPTA, *supra* note 139, at 45.
180 *Id.* at 45-47.
181 *Id.* at 45-46.
182 *Id.* at 45.

maximum working hours, respect for the right to work, and full adult suffrage.[183] The sixth session in January 1926 called out the abusive work conditions faced by railway workers and recent anti-Asian legislation passed in South Africa and advocated for universal suffrage.[184]

Protest continued around the French empire as well. Two anticolonial organizations were founded in 1924: the Ligue Universelle de Défense de la Race Noire (LUDRN) and the Confédération Général du Travail Tunisien (CGTT).[185] The LUDRN's paper, *Les Continents*, contained articles condemning "the Indigénat and other oppressive acts," "the lack of schools," and other forms of colonial injustice.[186] In July 1924, the UIC convened a large meeting in Paris. The Algerian Emir Khaled, one of the speakers, highlighted the discriminatory laws applied to Muslims, their extremely low wages, and their lack of representations.[187] In 1925, the LDH sponsored lectures by Nguyen An Ninh, a Vietnamese anticolonial activist, in Paris, in which he emphasized the importance of respecting freedom of association and migration and called for an end to exceptional, abusive approaches to labor regulation in Vietnam.[188]

183 *See id.* at 50-53.

184 *See id.* at 68-75.

185 *See* DERRICK, *supra* note 10, at 135-42. The founder of the CGTT, Mohammed Ali, was quickly arrested, accused of conspiracy in November 1925, and banished. *See* GUPTA, *supra* note 139, at 68-75.

186 DERRICK, *supra* note 10, at 144. *Les Continents* was ultimately driven out of business following a large fine it was ordered to pay after it lost a libel suit based on an article that suggested that Blaise Diagne had led a 1918 recruitment campaign in exchange for payment. *See id.* at 145-46. For more on the Indigénat, see Gregory Mann, *What Was the* Indigénat? *The 'Empire of Law' in French West Africa*, 50 J. AFRICAN HIST. 331 (2009).

187 DERRICK, *supra* note 10, at 140. Other speakers included Nguyen The Truyen and Hadj Ali. *Id.* at 139-40.

188 *See* GOEBEL, *supra* note 11, at 233. As time went on, the LDH's commitment to the anticolonial cause became less impressive. One controversy concerned Paul Painlevé, a founding member of the League and a prominent French socialist politician. Painlevé had a poor record from an anticolonial perspective, having overseen the repression of anticolonial insurgency in Morocco, utilized the suppressive "scoundrel" laws of the 1890s, originally aimed at anarchists, to suppress those protesting the campaign in France, and having failed to seriously challenge the government's use of military courts to try political opponents. As a result, in 1926 the Paris section of the LDH, of which he was a member, voted to expel him from the League. The expulsion was blocked by the LDH's Central Committee, however. The affair indicates the evolving attitude of LDH leaders: while criticism of some colonial abuses was allowed, on the higher levels it was typically couched in a paternalistic attitude that imagined civilization and readiness for self-determination as requiring decades of French tutelage first. *See* WILLIAM D.

While the UIC gradually ran out of steam, several new organizations were founded in 1926, including the Étoile Nord-Africaine (ENA), the Comité de Défense de la Race Nègre (CDRN) and the Parti Annamite d'Independence.[189] Generally, the ENA called for an end to colonial abuses, including the Indigénat, and for "political and social equality," and suggested the use of "the press, public meetings, posters, parliamentary action, petitions to public authorities, [and] other action[s]" in support of these aims.[190] The ENA's paper, *El Ikdam*, criticized the Indigénat and called for the "application of French social and work legislation, democratic freedoms, and free movement between Algeria and France."[191] The CDRN's paper, *La Voix des Nègres*, contained similar content.[192] Lamine Senghor, the CDRN's president, used the publication to condemn colonialism, declaring that colonizers had "seized" both the colonized and their territories and granted themselves "the rights to sell and buy an entire people" without their consent, despite "claim[ing] to have abolished slavery."[193] Senghor also laid out a program of action, including "[r]efus[ing] to reinforce the apparatus of oppression in the colonies directed at the Negro Race or any other race" and "work[ing] to break th[at] apparatus."[194]

In 1926, the extremely rough conditions and high death rate resulting from the use of forced labor to construct the Congo-Ocean Railway came under increasing criticism in France.[195] André Gide's *Voyage au Congo*, published in 1927, supported these criticisms, calling out the abusive policies of large concessionary companies in

IRVINE, BETWEEN JUSTICE AND POLITICS: THE LIGUE DES DROITS DE L'HOMME, 1898-1945 67-71, 144-45 (2006).

189 GOEBEL, *supra* note 11, at 194. The ENA built on previous steps by the French North African community, including a December 1924 workers' congress in Paris that "adopted a programme of economic, social and political demands" and "call for the 'introduction of universal suffrage . . . .'" RABAH AISSAOUI, IMMIGRATION AND NATIONAL IDENTITY: NORTH AFRICAN POLITICAL MOVEMENTS IN COLONIAL AND POSTCOLONIAL FRANCE 15 (2009).

190 DERRICK, *supra* note 10, at 168 (citing JACQUES SIMON, L'ETOILE NORD-AFRICAINE (1926-1937) 81 (2003)); *see also* AISSAOUI, *supra* note 189;

191 DERRICK, *supra* note 10, at 168. *See also* GOEBEL, *supra* note 13, at 237. *El Ikdam* was banned in 1928 and on November 20, 1929, the ENA itself was declared illegal by the Seine tribunal (though the ruling was later overturned). *See* AISSAOUI, *supra* note 189, at 18-19, 21.

192 *See* DERRICK, *supra* note 10, at 218.

193 Lamine Senghor, *Ce qu'est notre Comité de Défense de la Race Nègre*, LA VOIX DES NÈGRES, Mar. 1927, at 1,1.

194 *Id*.

195 *See* DERRICK, *supra* note 10, at 238.

the region and comparing the situation of the local people under French rule to slavery.[196]

The mid-1920s saw extensive protests in the Dutch East Indies. 1923 witnessed the largest strike in the colony up to that point in time, organized by the Union of Rail and Tramway Workers in the Netherlands Indies ("Vereeniging voor Spoor-en Tramweg Personeel in Nederlandsche-Indie").[197] Aware of domestic unrest, the government, headed by Governor-General since 1921, Dirk Fock, complimented already existing suppressive policies with new repressive laws, including measures penalizing "disturbance[s] of public order" and the like.[198] Those measures were widely criticized at the time, including by the Communist Party of Indonesia ("Partai Komunis Indonesia," or PKI) members and others, on the grounds of their vague wording, which permitted government officials to apply them as they pleased, and their censorship of expression.[199]

Some of the most forceful criticisms of the Dutch colonial government were advanced by Tan Malaka, a prominent PKI member, in his April 1925 book *Towards the Republic of Indonesia*.[200] While the colonial government claimed to have recently adopted a new approach, the so-called "Ethical policy," Malaka observed that Indonesians were "under threat and torture beyond the bounds of humanity . . . ."[201] However, despite the risks, they continued to "striv[e] after their birthrights," rights that were "long since recognized in Europe and America, but which Dutch imperialism answers with uncivilized measures."[202]

In addition to criticizing the approach employed by the government, Malaka outlined the PKI's alternative program. Among the goals he highlighted were "the speedy and unconditional independence of Indonesia," "the quick conferral of full political rights on the Indonesian people, both men and women," "[a] minimum

196 *See* ANDRÉ GIDE, VOYAGE AU CONGO (1927).

197 ANDI ACHDIAN, RAS, KELAS, BANGSA: POLITIK PERGERAKAN ANTIKOLONIAL DI SURABAYA ABAD KE-20 5 (2023).

198 *See* MOHAMMED HATTA, *Indonesia and Her Independence Problem*, *in* PORTRAIT OF A PATRIOT: SELECTED WRITINGS 181 (1972).

199 *See* Klaas Stutje, *Herald of a Failed Revolt*, *in* THE LEAGUE AGAINST IMPERIALISM, *supra* note 11, at 309, 314-15.

200 *See* GEOFFREY C. GUNN, TAN MALAKA'S NAAR DE REPUBLIEK INDONESIA: A TRANSLATION AND COMMENTARY (1996). The book was sarcastically dedicated to Fock, whom Malaka observed "stimulated this small book." *Id.* at iv.

201 *Id.* at 12.

202 *Id.*

wage, a seven hour working day and improvement in working hours and workers' livelihood," "[a]ttention to the working environment with the recognition of the workers' right to strike," "[s]eparation of church and state and recognition of freedom of religion," "social, economic, and political rights to Indonesian nationals both men and women," the creation of an education system "linked to the present and future needs of Indonesia," "full rights to soldiers to create organizations and meetings," "[t]he separation of the *pangreh-praja* (civil service), Police and Judiciary," and "full rights to all accused . . . offering them protection against the courts in the face of justice . . . ."[203] Malaka also wrote an action plan for the PKI, which emphasized the importance of struggling to ensure "[r]ecognition of Workers' Unions and the right to strike," the elimination of contract labor with penal sanctions, the eradication of laws that "oppress political movements, such as governmental power to: (a) exile any person considered a danger to the state, (b) forbid strikes, (c) forbid and dissolve meetings, (d) forbid press publication, (e) forbid the giving of lessons," "the full acknowledgment of independence movements," and full respect for "rights to demonstrate . . . ."[204]

By December 1925, PKI leaders were planning for an uprising.[205] While the Comintern issued instructions that a revolt should be postponed, local support for the uprising was strong.[206] The ultimate result was a partial uprising on November 12, 1926, in which more than half of the PKI branches did not participate.[207] Those who did revolt were quickly suppressed by the government, with over 10,000 arrested, thousands imprisoned, many more interned and internally deported, and some sentenced to death.[208] As Mohammed Hatta later put it, Fock's reign in this period was "a veritable terror."[209]

In sum, throughout the mid-1920s, groups such as WILPF, the UNIA, the AITUC, various French anti-colonial organizations, and the PKI continued to deploy rights language against colonialism. They protested against disenfranchisement and lack of representation,

203 *Id.* at 21-23.

204 *Id.* at 23.

205 *See* Stutje, *supra* note 199, at 314-15.

206 *See id.* at 315.

207 *See id.* at 314-15.

208 *See id.* at 315; *see also Indonesia and Her Independence Problem*, *supra* note 198, at 181.

209 *Indonesia and Her Independence* Problem, *supra* note 198, at 179; *see also* Stutje, *supra* note 199, at 314.

occupation, exceptional legality, mass killings, colonial terrorism, cruel and oppressive treatment, restrictions on freedom of speech, the press and assembly, slavery, forced labor, other forms of coercive labor, low wages, preventive detention, segregation, racism, and the theft of land. They also called for the following: extended political enfranchisement and economic sovereignty; an end to exceptional forms of legality and the separation of powers; protection against discriminatory violence; freedom of speech, the press, assembly, association, and religion; the prohibition of forced labor, debt and convict slavery and penal labor laws, the adoption of protective labor laws, a minimum wage, maximum hours, maternity leave and the equitable distribution of profits; complete freedom of movement; improved hygienic conditions, healthcare and educational service provision, public housing and social insurance; due process rights for the accused; an end to segregation, discrimination and pay inequalities; and land ownership by local populations.

## V. THE LATE 1920S

By 1927, the global socialist and anticolonial movement was on the defensive. After major battles in 1925, Abd el-Krim, the leader of Berber forces in Morocco's Rif region, surrendered in 1926 following a brutal campaign of French and Spanish suppression.[210] The Hong Kong/Canton strike and boycott of 1925 and 1926 had been called off following Chiang Kai-shek's changing priorities in 1926, and the PKI uprising in Indonesia was forcibly suppressed.[211] In 1926, a massive general strike in the United Kingdom, the largest the country had ever seen, was also defeated through, among other means, the deployment of the military and exceptional legal measures.[212] Meanwhile, in April 1927—a few months after the Brussels Congress of the League Against Imperialism as discussed below—the Chinese United Front

210 For more, see DAVID S. WOOLMAN, REBELS IN THE RIF: ABD-EL-KRIM AND THE RIF REBELLION (1968); C.R. PENNELL, A COUNTRY WITH A GOVERNMENT AND A FLAG: THE RIF WAR IN MOROCCO (1986); SEBASTIAN BALFOUR, DEADLY EMBRACE: MOROCCO AND THE ROAD TO THE SPANISH CIVIL WAR (2002).

211 *See supra* Sections IV.1 & IV.2.

212 For more, see Mark D. Harmon, *A War of Words: The* British Gazette *and* British Workers *During the 1926 General Strike,* 60 LABOR HIST. 193 (2019); BURNARD F. DUKORE, *The British General Strike of 1926*, *in* UNION, STRIKES, SHAW 47 (2022); DAVID BRANDON, THE GENERAL STRIKE 1926: A NEW HISTORY (2023).

fell apart when the Kuomintang turned on the Communists, massacring thousands in Shanghai.[213]

### *A. The League Against Imperialism*

While the late 1920s were a difficult period for anticolonial forces, anticolonial rights advocacy continued. In Germany, the 1925 protests in China and the violence they met led Willi Münzenberg to organize the "Hands-off China" Congress on August 16, 1925, formed in solidarity with the Chinese revolutionary cause.[214] The success of the Congress led Münzenberg to propose the idea of developing a more "comprehensive congress against imperialist colonial policy" to the USSR.[215] In December 1925, Münzenberg formed the "Committee against Atrocities in Syria" in Berlin.[216] In February 1926, the Committee was transformed into the "League against Colonial Oppression," with the support of "the Central Union of Chinese Students" and the German Section of the Kuomintang in particular.[217]

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213 For more, see PATRICIA STRANAHAN, UNDERGROUND: THE SHANGHAI COMMUNIST PARTY AND THE POLITICS OF SURVIVAL, 1927–1937 (1998); STEPHEN A. SMITH, A ROAD IS MADE: COMMUNISM IN SHANGHAI, 1920-1927 (2000); Peter Kwok-Fai Law, *Colonialism and Compromise: The Shanghai Municipal Council and the Arrest of Communists, 1927-37*, 31 J. ROYAL ASIATIC SOC'Y 831 (2021). The *Negro Worker* summarized the repressive wave of the period in general in 1929, observing:

> With the help of English, French and other armed forces, the Chinese Revolution has been smashed. The uprising of the workers and peasants of Indonesia, who raised their arms against their oppressors has been drowned in a sea of blood. The national-emancipatory movements in Morocco, Syria and Egypt have suffered defeat.

*The League Against Imperialism Must Become a Militant Organisation*, THE NEGRO WORKER, Jan.-Feb 1929, at 15, 15.

214 *See* Hans Piazza, *The Anti-Imperialist League and the Chinese Revolution*, *in* THE CHINESE REVOLUTION IN THE 1920S: BETWEEN TRIUMPH AND DISASTER 161, 161-62 (Mechthild Leutner, Roland Felber, M.L. Titarenko & A.M. Grigoriev eds., 2002); WEISS, *supra* note 10, at 78. The congress was organized under the auspices of the Internationale Abeiterhilfe, an international workers' organization founded by Münzenberg and Lenin. *See* Piazza, *supra*, at 162.

215 Piazza, *supra* note 214, at 162 (citing Russian Ctr. for the Conservation and Study of Mod. Hist. Documents F. 538, op. 2, d. 27). Münzenberg proposed collaboration with the 'League of Civil Rights,' among others. *Id.*

216 *Id.*

217 *Id; see also* COMRADES AGAINST IMPERIALISM, *supra* note 11, at 31-32.

At the same time, Münzenberg began promoting the idea of a congress against imperialism, a difficult task as colonial governments were keen to intercept attempted communications.[218] Some got through, however, with the Central Executive of the Kuomintang among the first to respond positively.[219] In subsequent months, many more, including the Indian National Congress, the National Association for the Advancement of Colored People, the American Civil Liberties Union, WILPF, and various prominent individuals, including Albert Einstein, indicated their desire to participate.[220]

The "First International Congress Against Colonialism and Imperialism" convened on February 10, 1927, in Brussels. The Congress was attended by "152 delegates and 22 guests, representing 137 parties and 15 organizations from 37 countries."[221] Several forceful speeches were made. On the second day, Lamine Senghor "denounced imperialism as a modern form of slavery" and "called on the workers of the world to unite and overthrow the entire capitalist-imperialist system."[222] Senghor also called out the manner in which the French forced African men, women, and children "to work ten hours a day under the burning sun" for meagre pay, while hypocritically suggesting "that slavery has been abolished, that the negroes are free, that all men are equal."[223] Senghor observed that while "the retail sale of individuals has been outlawed," slavery had not in fact been abolished but rather "modernised," including in the form of colonial rule as such.[224] He also suggested that Africans were denied their "rights" under French rule.[225] In his contribution, Josiah Tshangana Umede, a Zulu representative from South Africa and member of the ANC, observed that his people "have nothing, and can

218 *See* Piazza, *supra* note 214, at 162.

219 *Id.* at 163. On the Chinese role in the LAI, see also Anna Belogurova, *China, Anti-Imperialist Leagues, and the Comintern (1926-1937): Visions, Networks, and Cadres*, *in* THE LEAGUE AGAINST IMPERIALISM, *supra* note 11, at 135.

220 *See* Piazza, *supra* note 214, at 163.

221 *Id.* at 163-64 (citing LIGA GEGEN, IMPERIALISMUS UND FÜR NATIONALE UNABHÄNGIGKEIT, DAS FLAMMENZEICHEN VOM PALAIS EGMONT 229 (1927)).

222 David Murphy, *No More Slaves! Lamine Senghor, Black Internationalism and the League Against Imperialism*, *in* THE LEAGUE AGAINST IMPERIALISM, *supra* note 11, at 211, 211.

223 *Id.* at 217 (citing LAMINE SENGHOR, LA VIOLATION D'UN PAYS ET AUTRES ÉCRITS ANTICOLONIALISTES 60 (2012)).

224 *Id.*

225 DERRICK, *supra* note 10, at 175.

only tell each other sad stories of our slavery."[226] Messali, meanwhile, a representative of the ENA, "denounced France's violent colonial oppression in Algeria, the Native Code and the dispossession and humiliation endured by Algerian Muslims" and called for self-determination and "social and political reforms . . . ."[227]

The conclusion of the Brussels Congress saw the publication of a manifesto. The manifesto decried "hundreds of years [of] European capitalism [that] dr[ew] its main source of nourishment from the ruthless, fierce, stop-at-nothing exploitation of transoceanic, Asiatic, African, and American nations and tribes," including through "[i]ndescribable oppression, inhuman enslavement, and back-breaking labour [and] the complete extermination of whole nations and tribes . . . ."[228] In opposition to that history, the manifesto observed "[t]he banner of rebellion against enslavement and oppression was raised in China, India, Egypt, north-west Africa, Indochina, Mexico, and the Philippines," with anticolonial forces collectively calling for "a better, freer, and more cultured life . . . ."[229] The manifesto also referred to various serious cases of rights violation, "inhuman cruelty" and "barbarous acts of revenge," including the "new colonial wars in Morocco and Syria," the "bestial shooting at an unarmed crowd in a square in Amritsar," American intervention in Nicaragua, foreign intervention and the massacre of innocents in China, and "forced labour and serfdom" in the Dutch Indies.[230] The manifesto concluded: "[l]et him who has no interest in oppression, who does not live by the fruits of that oppression, who hates modern slavery and serfdom, and who strives for his own freedom and that of his neighbour join us and support us."[231]

226 *Id.* at 176 (citing JACK SIMONS & RAY ALEXANDER SIMONS, CLASS AND COLOUR IN SOUTH AFRICA, 1850-1950 353-54 (1983)).

227 AISSAOUI, *supra* note 189, at 17. When back in Paris after the Congress, Messali called for improving the situation of France's Algerian population as well, including through "better health care, equal salaries, and an end to discriminatory police surveillance . . . ." GOEBEL, *supra* note 11, at 203. In January 1930, Messali sent a memorandum to the League of Nations, denouncing "a century of [French] oppression and exploitation in Algeria . . . ."AISSAOUI, *supra* note 189, at 19.

228 *'To All Oppressed Nations and All Oppressed Classes': The Manifesto of the Brussels Congress on the Struggle with Imperialism*, *in* LANGLEY, *supra* note 52, at 383, 383.

229 *Id.* at 385.

230 *Id.* at 385-86.

231 *Id.* at 388.

The end of the Brussels Congress also saw participants adopt various resolutions and position papers.[232] One, signed by Nehru, Liao Huanxing, and various leaders of British labor, demanded, among other things, "direct action, including strikes, to prevent the movement of ammunition and troops to China and India," "the annulment of all Unequal Treaties" and "a stand for unity and for united action in the interest of the political and labor movements in England, India and China."[233] The resolution on North African countries observed that France had made the local population into "slaves," that it "had exterminated and was still exterminating tens of thousands" and that it had deprived the local population of "any freedom of organization [and] of all political and legislative rights."[234] The resolution called for the "immediate abolition of the Indigénat and other exceptional measures," amnesty for those wrongly punished under such laws, "freedom of the press, association and assembly," "political and unions rights," "universal suffrage," better educational and social provisions, the right to strike, an eight-hour day, weekly rest, social insurance and workers' protections, and land and profit return and redistribution.[235] The Indonesian resolution observed the dramatic racial inequality in salaries in the colony, negligence of the population's needs for education and healthcare, the violent suppression of the anticolonial movement and the strategy of political terror employed by the colonial government, and called for amnesty for those expelled and condemned to death.[236] An extensive report on Japanese colonization in Korea was also submitted to the Congress,

232 Many of the resolutions are in French. Where that is the case, the text has been translated by the authors.

233 Résolution anglo-indoue-chinoise (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 24), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57]; Piazza, *supra* note 214, at 164; Carolien Stolte, *Uniting the Oppressed Peoples of the East: Revolutionary Internationalism in an Asian Inflection*, *in* THE INTERNATIONALIST MOMENT: SOUTH ASIA, WORLDS, AND WORLD VIEWS 1917-39 56, 72 (Ali Raza, Franziska Roy & Benjamin Zachariah eds., 2015).

234 Résolution des pays de l'Afrique du Nord (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 17), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

235 *Id.*

236 'Resolution betreffs Indonesien (Niederländisch-indische Kolonien)' eingebracht von der indonesischen Delegation (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 34), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

which described political and labor coercion.[237] A resolution on Africans and persons of African descent called for "complete freedom for Africans and people of African origin," racial equality, African control of African territory and administration, "immediate abolition of forced labor and unfair taxes," "abolition of all racial, social, economic and political restrictions," "abolition of military recruitment," "freedom of movement, internally and externally," "freedom of speech, the press and assembly," "the right to education at all levels," "the right to organize unions" and increased efforts to organize African unions, cooperatives and liberation movements.[238] A resolution on the need for a "united front" called for "[a]bolition of all social, economic, political and cultural privileges of . . .imperialist invaders," an end to unequal treaties, "[t]he right of every country to freely dispose of its own natural resources . . . traffic-ways, customs, taxes and other sources of national income," "full freedom of every country to decide its own constitution," and self-determination.[239] Additional resolutions called on colonized peoples to "seek their power [through] the effective economic means of revolutionary struggle–the boycott, strike, refusal to pay, [sic] taxes and non-cooperation,"[240] called on all peoples to "popularize the use of partial

237 Rapport sur la politique impérialiste coloniale du Japon en Corée (texte du discours de Kin Fa Lin) (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 36), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

238 Résolutions communes sur la question nègre (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 54), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

239 Resolution: 'The united front in the struggle for emancipation of the oppressed nations' (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 59), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

240 Text of the declaration of the International Antimilitarist Commission (IAMC, which consist of the IWA and IAMB) read by A. Müller Lehning (1927) [hereinafter International Antimilitarist Commission] (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 60), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57]; *see also* Disha Karnad Jani, *Unfreedom and Its Opposite*, *in* THE LEAGUE AGAINST IMPERIALISM, *supra* note 11, at 237, 243. The same paper observed further that oppression was suffered by colonized peoples and the proletariat within metropolitan territories alike, and that "real freedom" of the colonial peoples will come, "not only through national independence, but especially through economic liberty—the ending of all forms of exploitation of the working-class." *Id.* at 248 (quoting International Antimilitarist Commission, *supra*). The declaration continued by emphasizing that "struggling colonial people should take care that they do not create a new form of exploitation through a nationalist State in place of exploitation through their present 'motherlands' . . . ." *Id.*

and general strikes," and emphasized that "the rights to unionize, to associate, to assembly, to strike . . . freedom of speech and of the press must be obtained by all the workers of colonized and semi-colonized countries."[241]

The delegates at the Brussels Congress also decided to form a new organization, the League Against Imperialism and for National Independence (LAI).[242] The LAI aimed at uniting "all who do not profit from the oppression of others and who do not live on the fruits of this oppression" as well as "all who hate modern slavery and are longing for their own freedom and the freedom of their fellow-men . . . ."[243] From June 1927, the LAI began publishing circulars with news on anticolonial activities worldwide.[244]

The Congress had a significant impact on its participants. For his part, Nehru observed that the Congress left him "full of energy and vitality," and with a recognition that while "[p]olitical freedom [and] independence . . . were no doubt essential . . . they were steps only in

241 'Resolution der Gewerkschaftsvertreter am Brüsseler Kongress' (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 61), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

242 The first Chairman of the LAI was George Lansbury. Lansbury resigned in June 1927, after which Fenner Brockway, a leading British socialist and Independent Labour Party (ILP) politician, took over the role. He too soon left the post, on the advice of the Labour and Socialist International, in which he also served as a representative. James Maxton, a Scottish MP and member of the ILP, was then elected General Secretary, before being replaced by Willi Münzenberg and Virendranath Chattopadhyaya in April 1928. The British section of the LAI was headed by Reginald Bridgeman, a former British diplomat who gradually radicalized. The Executive Committee of the French section, the Ligue Anti-Impérialiste, included Gabrielle Duchêne, a founder of the French section of WILPF, and Victor Basch, chairman of the LDH. *See* DERRICK, *supra* note 10, at 178-81. The Dutch section, led initially by Perhimpunan Indonesia, managed the distinction of being the only national section to publish its own journal, *Recht en Vrijheid* (*Rights and Freedom*), which was published bi-weekly for just short of a year. The journal's mission, as declared in its inaugural issue, was to advance "the strongest possible protest and resistance against the persecution, exploitation and ill-treatment of the Indonesian proletariat and nationalists – and the greatest possible propaganda for Justice and Freedom for the Indonesian people." *Recht en Vrijheid* also published the program of the Dutch section, which consisted of nine demands, including calls for the abrogation of laws and policies penalizing anticolonial activists and for amnesty for political crimes. *See* Piazza, *supra* note 214, at 172; JOHN INGLESON, PERHIMPUNAN INDONESIA AND THE INDONESIAN NATIONALIST MOVEMENT, 1923-1928 34-35 (1975).

243 Manifest des Brüsseler Kongresses gegen den Imperialismus (1927) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 10), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

244 *See* COMRADES AGAINST IMPERIALISM, *supra* note 11, at 80.

the right direction; without social freedom and a socialistic structure of society and the State, neither the country nor the individual could develop much."[245] Nehru was able to convince the Indian National Congress to associate itself with the LAI in May 1927.[246]

In July 1928, the first issue of the LAI's flagship publication, the *Anti-Imperialist Review*, was released under the editorship of Virendranath Chattopadhyaya.[247] An article by Hatta highlighted the "unlimited arbitrariness of the [colonial] government" and their reliance on deportation without trial of men, "women and children" to incredibly harsh "concentration camps" in which many died.[248] Hatta also criticized the difference between the "penal code['s] . . . punish[ment of] disseminat[ing] race hatred" and the fact that "the Dutch colonial press c[ould] insult Indonesians daily with impunity."[249]

A second LAI congress was held in Frankfurt in July 1929.[250] Among the speakers was Kouyaté, representing the Ligue de Défense de la Race Nègre (LDRN). Kouyaté called out coercive labor, deplorable working conditions, and immense violence in the French Congo and the similar conditions in Madagascar and French West Africa.[251] A resolution on Indonesia highlighted oppressive legislation, "forced labor," "penal sanctions," the criminalization of

245 JAWAHARLAL NEHRU, AN AUTOBIOGRAPHY 166 (1953).

246 COMRADES AGAINST IMPERIALISM, *supra* note 11, at 79.

247 *See* Michele L. Louro, *India and the League Against Imperialism: A Special "Blend" of Nationalism and Internationalism*, *in* THE INTERNATIONALIST MOMENT: SOUTH ASIA, WORLDS, AND WORLD VIEWS 1917-39 22, 44 (Ali Raza, Franziska Roy & Benjamin Zachariah eds., 2015).

248 Mohammad Hatta, *The Latest Development of Dutch Imperialist Policy in Indonesia*, ANTI-IMPERIALIST REV., July 1928, at 31, 31.

249 *Id.* at 33.

250 The second congress attracted more delegates from the colonies than the first, including strong representation of Indian trade unions: the AITUC, the All-India Workers and Peasants Party, the Municipal Workers' Union of Bombay, the Bombay Trade Council Union, the Bank Peon's Union and the Great Indian Peninsular Railwaymen's Union were all in attendance. *See* Stolte, *supra* note 233, at 74. Africa and the African diaspora were also better represented, thanks in significant part to the involvement of the Comintern's Negro Bureau and the International Trade Union Committee of Negro Workers. Black American Communists James Ford and William Patterson were in attendance, as was Kenyatta. *See* WEISS, *supra* note 10, at 160, 164; MINKAH MAKANI, IN THE CAUSE OF FREEDOM: RADICAL BLACK INTERNATIONALISM FROM HARLEM TO LONDON, 1917-1939 134 (2011).

251 *See Speech of Comrade Kouyate (of French West Africa) at the Congress of the League Against Imperialism*, THE NEGRO WORKER, Aug. 1929, at 23.

strikes, and "limitations of freedom of the press, to assembly and to organize," which enabled "brutal political oppression and unlimited economic exploitation."[252] A resolution on "red aid," highlighting the "persecution, torture, executions [and] banishment" deployed by colonial powers as part of a "policy of imperialist terror" aimed at "keep[ing] millions of workers and peasants in subjection as cheap and humble wage-slaves," committed to the fight "against race prejudice," against "bourgeois class-justice . . . imperialist colonial legislation and . . . the barbarous prison and penal system."[253] A resolution on Africans and peoples of African descent called for struggle "against all forms of slavery, regardless of the guise under which they are concealed (forced labor, contract labor, the corvee system, passes, etc.)," and supported "the development of strong peasant organisations which will carry on a determined struggle against all forms of feudal exploitation, against expropriation of their land, against sequestration and against all forms of imperialist exploitation," "[f]or the right to organise and to strike and for freedom of speech and assembling," "[f]or the eight-hour-day," "[f]or equal pay for equal work, regardless of race, colour or sex," and "[a]gainst all racial barriers in the Trade movement . . . ."[254] A resolution on trade unions highlighted the violations workers faced, including the "direct and violent suppression of the movement" and "the exploitation of national and race prejudices amongst the workers."[255] The resolution called on supporters of the LAI to "fight against the national bourgeois parties obtaining any influence upon the trade union movement" and "support[] the struggle of the class trade unions in the colonial countries in every respect, and in particular in their struggle to obtain a legal existence to win the right

252 Résolution proposée par la Perhimpoenan Indonesia sur la situation en Indonésie (1929) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 88), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

253 The I.R.A. resolution: 'The International Red Aid in the colonial and semi-colonial countries'(1929) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 93), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

254 Resolution on the negro question: 'The process of the enslavement of the negro peoples' (1929) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 91), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

255 Resolution: 'The trade unions and the struggle against imperialism' (1929) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 89), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

to strike, etc."[256] It further called for supporters to "fight . . . against child labour and on behalf of the demands of the young workers" and "against all forms of colonial oppression and slavery."[257] Finally, the second LAI congress also released a manifesto calling for "a radical improvement of the conditions of the working class. . . . full freedom of assembly and press. . . . the right to organise and strike," and "the abolition of landlordism and free distribution of the land to the peasants."[258]

Formation of the LAI was a particularly clear, dramatic example of the type of anticolonial organizing on the rise throughout the post-war period. Like other anticolonial groups in the period, the LAI engaged in extensive rights-based critiques, challenging violent repression, terror, concentration camps, massacres and extermination, exceptional and discretionary laws, "modern" slavery, forced labor, serfdom, child labor, penal labor sanctions, long hours and poor working conditions, pass laws and deportations, negligence of local education and healthcare, racism and unequal salaries, and land expropriation. The LAI also articulated its own rights demands, calling for: universal suffrage and self-determination; freedom of speech, the press, association and assembly; the abolition of forced labor, an eight-hour day, weekly rest and workers' protections; freedom of movement; better educational service, social insurance and other social provisions; racial equality, equal pay for equal work and the repeal of discriminatory laws; an end to unequal treaties and unfair taxes, local control of natural resources and sources of income, an end to landlordism, and land and wealth redistribution.

### *B. Communist Support for Anticolonial Rights in the Late 1920s*

The Sixth Comintern Congress met from July to September 1928. The Sixth Congress addressed strategies for revolution in the colonies and semi-colonies, and produced the *Theses on the Revolutionary Movement in the Colonial and Semi-Colonial Countries* (also known as the *Colonial Theses*).[259] The *Theses* marked a move away from

256 *Id.*

257 *Id.* The resolution also called out British labor's attempts to "make the Indian labour movement purely economic and to detract [sic] it from any active political struggle." *Id.*

258 Manifesto of the Second World Congress of the League against Imperialism (1929) (on file with Int'l Inst. of Soc. Hist., League Against Imperialism Archives, File 78), https://hdl.handle.net/10622/ARCH00804 [https://perma.cc/V3TP-QU57].

259 *See* WEISS, *supra* note 10, at 113.

cooperation with European Social Democrats and bourgeois anticolonial movements, calling for a "United Front from Below" involving cooperation between the Western working class, oppressed peoples in the colonies and semi-colonies, and the Soviet Union.[260]

The Sixth Congress also discussed issues affecting Africa and the African diaspora.[261] On the proposal of the African American communist James W. Ford, the Sixth Congress elected a "Negro Commission," which was to be focused on African American issues and the recruitment of African Americans to the Communist Party.[262] The Commission's meetings resulted in issuance of a "Resolution on the Negro Question in the United States," authored by Harry Haywood and Nikolai Nasanov.[263] The Resolution focused on African American agricultural workers in the U.S. South, who, it observed, were "subject to . . . ruthless exploitation and persecution of a semi-slave character."[264] The Resolution called for the "Complete Emancipation of the Oppressed Negro Race" and on the Communist Party to support "full social and political equality for the Negroes" and "the right of the Negroes to national self-determination in the southern states . . . ."[265] The Resolution urged the Communist Party of the United States to engage white members in taking up the cause of African American workers and more generally "to combine all demands of the Negroes with the economic and political struggle of the workers and poor farmers." The Resolution also called for the desegregation of unions or, if desegregation was not possible, the formation of Black unions.[266]

260 *Id.*

261 *See id.* at 114.

262 *See id.* at 115-16.

263 *See id.* at 116.

264 *Resolution on the Negro Question in the U.S.A.*, THE DAILY WORKER, Feb. 12, 1929, at 3, 3 ¶ 2, reprinted by LIBR. OF CONG.: CHRONICLING AM., https://www.loc.gov/resource/sn84020097/1929-02-12/ed-1/?sp=3&st=image&r=-0.753,-0.073,2.506,1.461,0 [https://perma.cc/2PMQ-8T9M] (last visited Nov. 18, 2024). In that context, the Resolution distinguished between "ordinary forms of capitalist exploitation" and "slave exploitation," listing "peonage, share-cropping, landlord supervision of crops and marketing" as examples of the latter. *Id.*

265 *Id.* at 3 ¶ 5. While the idea of national self-determination for African-Americans was initially controversial, it came to be supported by prominent members of the Comintern. *See* WEISS, *supra* note 10, at 120.

266 *Resolution on the Negro Question in the U.S.A*, *supra* note 264, at 3 ¶ 8.

The Resolution noted that African American women were subject to enhanced exploitation due to their lack of union representation.[267]

As the Sixth Comintern Congress was getting started, the Executive Committee of the Red International of Labour Unions (the Profintern) issued a resolution in July 1928 on the organization of the International Trade Union Committee of Negro Workers (ITUCNW).[268] The ITUCNW was created to support Black workers through establishing multiracial unions as well as Black unions where multiracial unions could not be established.[269] Starting in 1928, the ITUCNW published a journal, initially titled *The International Negro Workers' Review* (and later simply *The Negro Worker*). The first issue recalled a recent meeting of the Executive Bureau of the Profintern, which had recognized Black workers as "the most oppressed slaves of capitalism"[270]; observed that the people of Africa had been "reduced to wage slavery"[271]; and noted recent agreements between Portuguese Mozambique and South Africa, which, in James W. Ford's view, "amount[ed] to the traffic in slaves by Portugal and the enslavement of native labour (confinement in compounds) by the mineowners of the South African Union."[272] Another article emphasized the commitment of black workers around the world to

> [t]he struggle for the eight-hour day, for the right to strike, for the absolute freedom of the trade unions, for factory legislation (all kinds of insurance, including state insurance of the unemployed), for the protection of the labour of women and children, for raising the level of the real wages, against any racial barriers in the trade union movement [and]

267 *Id.* at 3 ¶ 19. In addition, the resolution criticized the AFL for "excercis[ing] toward [female Black workers] a double hostility" due to combining its anti-Black with a males-only policy. *Id.*

268 *See* WEISS, *supra* note 10, at 131.

269 *See id.* at 132. In addition, the ITUCNW kept track of international developments affecting Black workers, including the discussions at the ILO on forced labor. *See id.* at 133.

270 *Organization of an International Negro Trade Union Bureau by the R.I.L.U.*, THE NEGRO WORKER, Aug.-Sept. 1928, at 1, 3.

271 George Padmore, *Problems of Negro Workers in the Colonies*, THE NEGRO WORKER, Aug.-Sept. 1928, at 11, 11.

272 T.W. Ford, *The Mozambique Convention: Slave Traffic in 1928*, THE NEGRO WORKER, Aug.-Sept. 1928, at 15, 15-16 [hereinafter *The Mozambique Convention*].

> against the division of trade unions by national, racial, or religious distinctions (equal pay for equal work) . . . .[273]

Elsewhere, it was suggested African workers should combat the situation of "legali[zed] human bondage and slavery" in which they found themselves through "organisation into trade unions" and demands for "the abolition of compounds (prisons or slave quarters) [and] the establishment of suitable dwellings, adequate health protections and higher wages."[274]

Subsequent issues of *The International Negro Workers' Review* denounced rights violations while articulating positive rights claims as well. The first issue of 1929 extensively denounced French labor exploitation in central Africa, condemning it as a "barbarous system of colonial exploitation, slavery and oppression . . . ."[275] The exploitation of Black labor on plantations in Cuba, thanks to the influence of American companies including the United Fruit Company, was also highlighted and described as slavery. [276] On the positive side, the issue recalled Lenin's description of "the right of self-determination for nations" as the "basic demands of political democracy," his insistence that "a complete victory of Socialism is impossible without realising democracy to the full," and his call for "consistent and revolutionary struggle for democracy."[277] Another article laid out the demands of South African workers, which were, in particular:

> 1. Equal Pay for Equal Work . . . .
> 2. An Eight-Hour day . . . .
> 3. [An end to] Forced Labor. . . .
> 4. Workers' Legislation (insurance, [old age], etc.) . . . .

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273 L. Heller, *The Trade Union Movement in Colonial and Semi-Colonial Countries*, THE NEGRO WORKER, Aug.-Sept. 1928, at 5, 10.

274 *The Mozambique Convention*, *supra* note 272, at 17.

275 *Statement of the International Trade Union Committee of Negro Workers of the R.I.L.U. on French Slaughtering in Equatorial Africa*, THE NEGRO WORKER, Jan.-Feb. 1929, at 14, 14.

276 *See Crystallisation of the Negro Race Problem in Cuba*, THE NEGRO WORKER, Jan.-Feb. 1929, at 19, 19.

277 G. Slavin, *Lenin—The Inspirer of the Oppressed*, THE NEGRO WORKER, Jan.-Feb. 1929, at 1, 1.

> 5. [Opposition to] "government . . . coercion, compulsory arbitration, company unions . . . .
> 6. [An end to] Racial Barriers in Unions . . . .
> 7. [An end to] White Terrorism [including] "lynchings, police and soldier terrorism . . . the assassination of trade union leaders and social workers . . . their arrest and deportation."
> 8. [Better] Housing and Social Conditions . . . .
> 9. [An end to] color-bars . . . .
> 10. [An end to] land confiscation, Poll and Hut Taxes . . . .
> 11. Civil Rights [including] universal suffrage, freedom of speech, freedom of workers' press, the abolition of all racial discrimination, abolition of "Pass-Laws," and of all other laws and regulations depriving the Negro worker of his rights.
> 12. [P]olitical power and self-determination.[278]

A later 1929 issue called out "forced labour in Equatorial Africa," South Africa, Mozambique, "Portuguese West Africa," "British South West Africa," the West Indies, and the "Southern U.S.A."[279] It also decried "mob violence," "lynch law," "racial discrimination and segregation" in the United States and the "expropriat[ion of] territory," and the use of the "'Corvée system' and forced labour" in East Africa.[280] The issue called for greater organization into trade unions as the essential step forward.[281] It further listed several key demands and suggestions for reform. These included: demands relating to political rights, in particular a call for "universal suffrage";[282] integrity rights, including an end to "[w]hite [t]errorism";[283] civil rights, including "freedom of speech, assembly, press, etc."[284]; workers' rights, including "an eight-hour day," an end to "forced labour," "insurance laws covering accident, sickness and old age pensions, to

278 J.W. Ford, *The Affiliation of the Federation of Non-European Trade Unions of South Africa to the R.I.L.U.*, THE NEGRO WORKER, Jan.-Feb. 1929, at 2, 9-11.

279 J.W. Ford, *The Negro Question: Report to the 2nd World Congress of the League Against Imperialism*, THE NEGRO WORKER, Aug. 1929, at 1, 7.

280 *Id.* at 8-9.

281 *Id.* at 11.

282 *Id.* at 12.

283 *Id.* at 10-11.

284 *Id.* at 10, 12.

be a charge on the employers," "[e]stablishment of labour inspection laws," "protection for women and youth," "abolition of child labour," "freedom of trade unions," "establishment of full trade union rights," the "[a]bolition of pass laws," and the "[a]bolition of peonage";[285] social rights, including improved "housing and social conditions," "[s]tamping out of illiteracy," "establishment of free universal education," "[e]limination of ghetto life and conditions," "elimination of congestion detrimental to health," and "proper provision of hospitals for children and especially for women in pregnancy, free hospitals and free dispensaries";[286] equality rights, including "equal pay for equal work," an end to "colour bars," an end to "[r]acial [b]arriers in [u]nions," the "[a]bolition of jim-crow laws and segregation," and "[a]bolition of caste systems and racial divisions";[287] and structural reforms, including "[e]xpropriation of land formerly held by Negroes," "[a]bolition of all taxes, such as poll and hut taxes,"[288] "[s]upport for agriculture," "[r]epeal of [expropriative and/or racist] Land Acts," and the "[e]stablishment of agrarian organisations of poor peasants and . . . farm labourers' unions."[289]

On November 22, 1928, the Executive Committee of the Comintern also established a Negro Bureau with the objectives of "conduct[ing] research, propaganda, and agitation" and engaging in "the building of connection" with Black workers.[290] In February 1929, James W. Ford presented a report to the Negro Bureau that included a list of recommendations for future work, including a recommendation

285 Ford, *supra* note 278, at 10-12.

286 *Id.*

287 *Id.* at 12.

288 *Id.* at 12. Or, as put elsewhere, the "[a]bolition of all forms of taxation that have as their purpose the enslavement and placing of great burdens of debts upon the working population, including loans, custom regulations in the hands of the imperialists [and] the weighing down of the people with great revenue taxes." *Id*.

289 *Id.* Another issue later in 1929 highlighted demonstrations, and the violent repression thereof, by workers in French Equatorial Africa, South Africa, Barbados, Gambia, Nigeria, Haiti, Madagascar and Cuba, as well as the massacre of the Bondelzwarts in Southwest Africa. *See generally* J. Reed, *Anti-Imperialist Struggle of the Negro Workers*, THE NEGRO WORKER, Dec. 1929, at 1; George Padmore, *Africans Massacred by British Imperialists*, THE NEGRO WORKER, Dec. 1929, at 2; J. Wilenkin, *Dollar Diplomacy in Haiti*, THE NEGRO WORKER, Dec. 1929, at 4; J. Reed, *The Strike of Negro Workers in Gambia*, THE NEGRO WORKER, Dec. 1929, at 8; Korobitzin, Persecutions in Cuba, THE NEGRO WORKER, Dec. 1929, at 9; Victor, *Under the Defence of the League of Nations*, THE NEGRO WORKER, Dec. 1929, at 10.

290 WEISS, *supra* note 10, at 123.

to focus more on France and the French colonies.[291] The same month, William Patterson drafted the Negro Bureau's manifesto, which he addressed to "all workers and peasants of the world[,] all oppressed colonial peoples [and] the soldiers and sailors of the capitalist armies and navies."[292] Among other things, the manifesto described the coercive labor conditions as well as the recent repression of an uprising in the French Congo, comparing the situation in the colony to the infamous conditions in King Leopold's Belgian Congo.[293]

Even as the Communist party forged a more solitary path in the late 1920s, it continued to place extensive emphasis on rights, particularly in the context of Africans and persons of African descent. Among other things, communists called out white terrorism, slavery, wage slavery and other forms of worker exploitation, deportations, arbitrary arrests, segregation in society, at work, and in unions, and land confiscation and hut and poll taxes. They called for: self-determination, universal suffrage and full democracy; freedom of speech, workers' press and assembly and full trade union rights; an end to forced labor and peonage, an eight-hour day, higher wages, labor inspection laws, special protections for women and child workers and the abolition of child labor; the abolition of pass laws; improved healthcare, education and housing services and the provision of social insurance; an end to racial discrimination, segregation and the color bar, full social and political equality and equal pay for equal work; and the abolition of discriminatory taxes, land return, and support for agricultural workers and unions.

### *C. Other Anticolonial Rights Claims in the Late 1920s*

Other anticolonial groups continued to deploy rights language extensively in the late 1920s as well. In August and September 1927, WILPF organized a summer school on race relations in Gland, Switzerland. Speakers at the summer school included Roger Baldwin, Jawaharlal Nehru, and Mohammad Hatta. In his conclusion to the program, Félicien Challaye emphasized the speakers' collective recognition of the "violence and economic imperialism" of colonialism and their desire to ensure the rights of peoples of color to

291 *Id.* at 146-47.

292 *Id.* at 148 (alteration in original).

293 *See id.* at 147-48.

"dispose freely of themselves."[294] He noted further that the speakers demanded that colonized people "retain or regain possession of their land and its natural resources, the right to free work, to the exclusion of all forced labor, the right to free trade, an administration and a justice adapted to their needs; that hygienic conditions be improved; [and] that education be extended, while respecting indigenous culture . . . ."[295] Challaye observed that the speakers at the summer school had emphasized the need for immediate respect for "freedom of the press, of assembly, of association, of trade unions, and of general education . . . ."[296]

Hatta's interventions in the summer school were particularly notable. Hattta used the occasion to denounce Dutch colonial rule, observing that "colonial history knows few examples where conquest was not accompanied by the oppression and exploitation of the indigenous population" and that colonists "do not ask themselves if their system is immoral or not, but whether it is giving the maximum profit."[297] Colonialism, Hatta observed, was "the use of the rapacity and greed of the materially stronger nations in order to satisfy their economic and commercial interests at the expense of the weaker nations."[298] This order, Hatta observed, "was called slavery by all peoples."[299]

Hatta was particularly scathing on Dutch labor exploitation in Indonesia. In the early 1800s, he observed, "[e]ight hundred thousand families . . . were compelled to work at crop-growing, in such a way that half of the island of Java was transformed into a colony of slaves."[300] While forced cultivation was eventually abolished, Hatta suggested this was not motivated by humanitarian concerns, but rather by changing economic circumstances.[301] The new system brought no

294 Cours de Vacances International, Gland (Suisse) (Aug. 25-Sept. 8, 1927) (on file with Univ. of Colo. Boulder Librs., Rare and Distinctive Collections, WILPF Collection, Accession 1, Series 1, Box 23, Folder 9) (translated from the French by the authors).

295 *Id.*

296 *Id.*

297 *Indonesia and Her Independence Problem, supra* note 198, at 168.

298 *Id.*

299 *Id.* at 169. Hatta was quoting a previous statement by late-eighteenth century French colonial official François-Thomas Galbaud du Fort. *See id.* Hatta further observed that colonialism was the antithesis of "the general consciousness of justice rooted in the masses." *Id.* at 168.

300 *Id.* at 171.

301 *See id.* at 171.

improvement in social and economic conditions in Indonesia.[302] Hatta criticized limitations on the "freedom" of the population "to organise itself politically and economically," noting that strikes were prohibited.[303] He also condemned the coercive penal labor system in Sumatra, which, he argued, "equate[d] to slavery."[304] Hatta criticized the colonial government's failure to act to minimize poverty or provide public healthcare, housing and education, highlighting the disparities in the budget spent on educating local and European children.[305] In addition, Hatta condemned the government's adoption of a suite of repressive laws, including bans on political meetings and associations and laws passed to punish "disturbance[s] of public order," which he suggested had grown out of the Dutch colonial government's earlier policy of "govern[ing] by brute force."[306]

Shortly after he returned to the Netherlands, Hatta was arrested along with other members of Perhimpunan Indonesia (PI).[307] Uncowed, he used the occasion of his trial as a platform to again denounce the abuses of Dutch colonialism. Hatta identified censorship of the press, bans on meetings and terrorization, racist legislation, and policies resulting in poor economic and social conditions as four principal areas through which the rights of Indonesians were violated.[308] On freedom of the press, Hatta made the argument that allowing expression was a better policy as "freedom of speech is a sort of outlet," whereas suppression leads to "high pressure . . . building in the national steam boiler."[309] On the government's approach to assemblies, Hatta observed that "[p]ublic meetings [were] dispersed by the police without any specific reason" and condemned the government for its tendency to "think that the national movement is the work of some 'rebels' and 'agitators' who wished to overthrow the government."[310] Hatta particularly criticized a 1923 law that allowed

302 *See Indonesia and Her Independence Problem*, *supra* note 198, at 171-72.

303 *Id.* at 173.

304 *Id.* at 174.

305 *See id.* at 176-77.

306 *Id.* at 178-81.

307 Klaas Stutje, Behind the Banner of Unity: Nationalism and the Anticolonialism Among Indonesian Students in Europe, 1917-1931 169 n.543 (2016) (PhD dissertation, University of Amsterdam) (on file with the University Library, University of Amsterdam).

308 *See* MOHAMMAD HATTA, *Indonesia Free*, *in* PORTRAIT OF A PATRIOT, *supra* note 198, at 205, 226-45 [hereinafter *Indonesia Free*].

309 *Id.* at 227.

310 *Id.*

the government to criminally punish strikers, observing that it "offered the government ample opportunity to carry out 'legally' every arbitrariness."[311] In contrast, he emphasized "the right of union and meeting," observing that it was an "ancient Indonesian right" that "ha[d] always existed in the set-up of [Indonesian] democratic institutions (village consultations, mass protests)."[312]

Hatta also took the occasion to lay out PI's three-part program. The plan contained a "political" part based on "[s]elf-determination for the Indonesian people," "[u]niversal franchise," "government on a purely democratic basis, with the village community as the central element," "[f]reedom of the press and unrestricted right of association and public meeting," and "the abolition of the 'exorbitant [powers] of the Governor-General."[313] Second, the plan contained an "economic" part, aimed at the "[p]romotion of agricultural cooperation . . . loan banks [and] national industry on a cooperative basis," the "[a]bolition of the system of land-revenue" and "of private estates," and "[a] just regulation of . . . taxation policy with [an] exemption" for the poorest.[314] Lastly, the plan contained a "social" part, focused on "[s]ocial legislation," the "abolition of penal sanctions," "an eight-hour working day," the "elimination of usury," the "[p]romotion of national education," and the "[i]mprovement of the public health."[315] Hatta's triumphant use of the trial to push his progressive message was crowned by the fact that he and the other defendants were eventually acquitted.[316]

In August 1927, the Fourth Pan-African Congress was held in New York. While the Congress did not match the excitement of earlier events, it was notable both for the general support it saw for the recent meeting of the LAI, its condemnation of the ongoing U.S. occupation of Haiti, and its support, like previous Pan-African Congresses, of greater local voice in government, native rights to the land and its resources, education for all, reorganization of society in support of the

311 *Id.* at 228.

312 *Id* at 229.

313 *Id.* at 277.

314 *Indonesia Free, supra* note 308, at 277-78.

315 *Id.* at 278.

316 *See* Willi Münuzenberg, *From Demonstration to Organisation*, ANTI-IMPERIALIST REV., July 1928, at 1, 5; Stutje, *supra* note 307, at 173.

interests of the many rather than the enrichment of the few, and an end to racial discrimination.[317]

1927 saw protests around the British Empire as well. In India, the Kirti Kisan Sabha (Workers and Peasants Party) (KKS) was formed in 1927.[318] The KKS became the home for a publication titled *Kirti*, which had the proclaimed missions of constituting "the voice of Indian workers in America and Canada" and "sympathis[ing] with all the workers throughout the world . . . [and] the subjugated, weak and oppressed nations and subjugated India."[319] Among other themes, *Kirti* declared its support for the creation of an anticolonial worker-peasant party, supported the "Chinese liberation struggle and the Russian revolution," and advocated for an eight-hour workday.[320] KKS assemblies meanwhile called out, among other subjects, colonial forced labor and land taxes.[321]

The AITUC continued its advocacy through the period. At its seventh session in March 1927, the AITUC's President, Rai Sahib Chandrika Prasad, condemned "[t]he imperialistic system of Government . . . in India," suggesting it was "an agency of the rich in England," and called on that government to take steps to "control the uneven distribution of wealth, destroy monopolies and privileges of all kinds, put an end to poverty and make it possible for all to live easily and comfortably."[322] In response to a cable from Shanghai, the AITUC also issued a resolution supporting Chinese labor and liberation and condemning the deployment and use of India troops in the city.[323] At its eighth session in November of the same year, delegates called for higher wages, an end to arbitrary fines and delayed payment of wages, improved conditions of work, better provision of housing and education, access to the basic necessities of life, full

317 Editors, The Black Agenda Review, *Document: Resolutions Passed by the Fourth Pan-African Congress, New York City, 1927*, BLACK AGENDA REPORT (June 1, 2022), https://blackagendareport.com/document-resolutions-passed-fourth-pan-african-congress-new-york-city-1927 [https://perma.cc/7KD7-F24G].

318 *See* Ali Raza, *Straddling the International and the Regional: The Punjabi left in the Interwar Period*, *in* THE INTERNATIONALIST MOMENT: SOUTH ASIA, WORLDS, AND WORLD VIEWS, 1917-39 86, 94 (Ali Raza, Franziska Roy & Benjamin Zachariah eds., 2015).

319 RAMNATH, *supra* note 11, at 153. *Kirti* was initially published in February 1926 in Amritsar by Santok Singh and other Ghadar returnees to India. *Id.*

320 *Id.* at 154.

321 *Id.* at 155.

322 GUPTA, *supra* note 139, at 83.

323 *Id.* at 88-89.

enfranchisement, and an end to racial inequality.[324] The Congress also adopted a resolution listing "General Labour Demands," which specified seven demands: "[a]dult [f]ranchise"; "[a]n eight hours' or 44 hours' week"; "[m]achinery for fixing minimum wage—in view of the fact that the wages in India are extremely low and that it is the right of the workers to get a minimum living wage"; "[s]ickness and unemployment insurance"; "[o]ld age pensions and pensions for widows and orphans"; "[m]aternity benefits"; and "[w]eekly payment of wages."[325]

AITUC resolutions became even more detailed in subsequent years. At the AITUC's ninth session in December 1928, a resolution containing demands for future constitutional provisions was adopted. In particular, the resolution demanded the establishment of "socialistic republic government," the "nationalization of industries and land," "universal adult franchise," "free compulsory primary education," "freedom of speech," the "right to work and maintenance and provision for social and unemployment insurance, including maternity benefits," "non-enactment of repressive and reactionary labour legislation," and "protection of general labour interests."[326] At its tenth session in 1929, the AITUC demanded an increase in the minimum wage as well as general wage increases, the establishment of a weekly rest day with pay, equal pay for equal work, social insurance for sickness, invalidity, accidents, old age and death, unemployment relief, free and compulsory primary education, protective legislation for women, an abolition of taxation on peasant land, the salt tax and all taxes on food and primary goods, and full freedom and enjoyment of the rights to freedom of the press and assembly, including through strikes and pickets.[327]

While West Africa's NCBWA didn't last long, its work was taken over by the West African Students' Union (WASU).[328] In 1927, WASU published a speech by Bankole-Bright (by that time a member of the Legislative Council in Sierra Leone), criticizing Britain for promising liberal freedoms and the rule of law, but actually delivering

324 AITUC, REPORT OF THE EIGHTH SESSION 25-26, 32-33, 39-44, 51-56 (1927).

325 *Id.* at 111-12.

326 GUPTA, *supra* note 139, at 139-40.

327 *See id.* at 180-81.

328 *See* MATERA, *supra* note 10, at 30-31. WASU began issuing a journal, *Wãsù* (Preach), in 1926. *See id.* at 31. For more on WASU and similar mobilizations, see Hakim Adi, *West African Students in Britain, 1900-60: The Politics of Exile*, 12 IMMIGRANTS & MINORITIES, no. 3, 1993, at 107.

"growing discrimination and autocracy in the colonies."[329] More broadly, as one commentator observed, WASU emphasized "the concept of the legal rights of the individual" and "his equality before the law."[330]

In South Africa, various organizations, including the ANC, the ICU, and the Federation of Non-European Trade Unions, came together to form the League of African Rights (LAR) in August 1929.[331] The LAR aimed to work in support of civil rights and against South Africa's repressive, discriminatory pass laws.[332] In response, the South African government sought to adopt new repressive legislation via amendment to the Riotous Assemblies Act, which arrested thousands and sentenced hundreds to jail terms for "tax default[]."[333] Josiah Tshangana Gumede, president of the ANC at the time, refused to bow to state pressure, emphasizing the need to "mobilize the people against the government's plans to burden them with yet more restrictions under the proposed Native Service Contract Bill, Pirow's amendment to the Riotous Assemblies Act, and a new Urban Areas Bill."[334] In 1930, Gumede highlighted that "Africans were dubbed agitators when they respectfully, constitutionally and moderately asked for the return of their rights" and suggested that Africans had "'to demand our equal economic, social and political rights'" by "demanding a South African Native Republic with equal rights for all . . . ."[335] However, this speech was seen as too radical by conservatives in the ANC, who ousted Gumede as president.[336]

In 1928, the Hilton Young Commission was dispatched to British East Africa to consider potential union of the different territories

329 MATERA, *supra* note 10, at 31.

330 Philip Garigue, *The West African Students' Union: A Study in Culture Contact,* 23 AFRICA 55, 57 (1953).

331 *See* JACK SIMONS & RAY ALEXANDER SIMONS, CLASS AND COLOUR IN SOUTH AFRICA, 1850-1950 417 (1969). The LAR was later presented by Gumede as "the reincarnation of the old Funa Ma Lungelo—we seek our rights—movement." *Id.* at 425.

332 *See id.* at 417-18.

333 *Id.* at 419-20. The amendments went through, allowing the government "to banish, ban or prohibit any person, public meeting or book, if in [their] opinion there was reason to suppose that they would cause hostility between whites and other people." *Id.* at 430.

334 *Id.* at 423. Gumede, who had attended the LAI meeting in Brussels, also hoped for their support "for the cause of freedom." *Id.* (citing SOUTH AFRICAN WORKER (Dec. 31, 1929)).

335 SIMONS & SIMONS, *supra* note 331, at 427-28.

336 *Id.* at 429.

there.[337] The Kikuyu Central Association (KCA) presented various complaints to the Commission of inquiry, including a call for increased political representation, abolition of the *kipande* system, and greater spending on education and welfare for the African population.[338] In February 1929, Jomo Kenyatta, General Secretary of the KCA, came to London to deliver two petitions, the first calling for the release of Harry Thuku from internal exile and the second for reforms to Kenyan land law, greater political representation, education, abolition of the *kipande* system, reforms to other measures through which labor was coerced, and the right to a trial by a jury of one's peers for locals.[339] The Colonial Office was not moved to respond to these various calls for reform and indicated as such to Kenyatta, who pushed back on the government's movement and labor policy, suggesting that if the "police methods" used in Kenya "were applied to Englishmen in England they would protest against them as imposing a 'state of slavery.'"[340]

Kenyatta also published various critical articles during this period. An article in the *Sunday Worker* on October 27, 1929, criticized British appropriation of African land.[341] A subsequent article condemned the violent suppression of the strike that took place after Thuku's arrest.[342] Another piece in the *Manchester Guardian* laid out five aims of the KCA: recognition of Africans' right to land; an end to the hut tax for women; African representation in Kenya's Legislative Council; an extension of practical education services; and greater respect for local customary rights.[343]

The late 1920s also saw extensive criticisms of labor conditions in Liberia, including allegations that the Liberian government was facilitating practices similar to the slave trade to compel workers to go work in the Spanish colony of Fernando Po, and that workers at the Firestone Company's large concession were compelled to work in various manners.[344] Criticisms came from sources including Harvard

337 *See* W.O. MALOBA, KENYATTA AND BRITAIN: AN ACCOUNT OF POLITICAL TRANSFORMATION, 1929-1963 30 (2018).

338 *Id.* at 30-31.

339 *Id.* at 11-14.

340 *Id.* at 21.

341 *See* DERRICK, *supra* note 10, at 208 (citing JEREMY MURRAY-BROWN, KENYATTA 119-33 (1972)).

342 *See id*. at 209.

343 *See id*.

344 For more on the extensive contestation over and tensions within Liberia in the period, see IBRAHIM K. SUNDIATA, BLACK SCANDAL: AMERICA AND THE LIBERIAN

political scientist Raymond Buell's 1928 *The Native Problem in Africa* and a Comintern memorandum.[345] The League of Nations also took up the issue, convening an "International Commission of Inquiry into the Existence of Slavery and Forced Labour in the Republic of Liberia" and issuing a scathing report in 1930 on practices in the country.[346]

Efforts to build broader international solidarity against colonial abuses continued. In 1927, the British chapter of WILPF argued that Indian women should "have a say in their own government."[347] At the 1928 Labour and Socialist International Conference, it was suggested that an ILO code to protect native workers should be drawn up, a call for action that would exceed the steps towards regulating the forced labor being undertaken under the auspices of the ILO at the time.[348] At the 1929 conference of the Labour and Socialist International, the Independent Labour Party suggested more support should be given to African peoples' calls for equality.[349]

The late 1920s also saw anticolonial advocacy around the French empire. In May 1927, Lamine Senghor and other more radical members of the CDRN left to form the LDRN.[350] After Senghor's death in November 1927, leadership of the LDRN passed to Malian Tiemoko Garan Kouyaté.[351] A March 1929 article in the LDRN's paper, *La Race Nègre*, supported mass naturalization, arguing that it would "involve access to education, full civil liberties, and local self-government."[352]

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LABOR CLASS, 1929-1936 (1980); Emily Rosenberg, *The Invisible Protectorate: The United States, Liberia, and the Evolution of Neocolonialism, 1909–40,* 9 DIPLOMATIC HIST. 191 (1985); IBRAHIM SUNDIATA, BROTHERS AND STRANGERS: BLACK ZION, BLACK SLAVERY, 1914–1940 (2003).

345 *See* RAYMOND BUELL, THE NATIVE PROBLEM IN AFRICA (1928); WEISS, *supra* note 10, at 176-77.

346 *See The 1930 Enquiry Commission to Liberia*, 30 J. ROYAL AFRICAN SOC'Y 277 (1931).

347 Laura Beers, *Bridging the Ideological Divide, Liberal and Socialist Collaboration in the Women's International League for Peace and Freedom, 1919-1945*, J. WOMEN'S HIST., Summer 2021, at 111, 121. WILPF's "association with the anti-colonial left . . . garnered the suspicion of the British government" at the time. *Id.*

348 *See* DERRICK, *supra* note 10, at 248.

349 *See* STEPHEN HOWE, ANTICOLONIALISM IN BRITISH POLITICS: THE LEFT AND THE END OF EMPIRE, 1918-1964 70 (1993).

350 *See* Murphy, *supra* note 222, at 213.

351 *See id.* at 229.

352 DERRICK, *supra* note 10, at 219 (citing J.S. Spiegler, Aspects of Nationalist Thought among French-Speaking West Africans 1921-1938 147-48 (1968) (D.Phil thesis, University of Oxford) (on file with the University of Oxford). As Derrick

In Madagascar, Jean Ralaimongo, a native Malagasys, and Paul Dussac, a French settler, member of the LDH, and communist sympathizer, started *L'Opinion* in May 1927.[353] The paper attacked the government over both its forced labor and land policies.[354] In response, the colonial government imprisoned both Ralaimongo and Dussac under a decree penalizing "damag[ing] respect for French authority."[355] Following their release in 1929, Ralaimongo, Dussac and others published a "Pétition des Indigènes de Madagascar" in *L'Opinion*, calling for full citizenship and equal rights for all Malagasys.[356] In May 1929, a large assembly in support of citizenship and representation was planned in Tananarive, to which more than 1,000 people showed up.[357] However, the authorities forbade the protest and ended up arresting several protesters.[358] Following those events, Ralaimongo was banished for five years to Port-Bergé.[359]

In regards to Central Africa, André Matsoua, originally from the French Congo but in Paris at the time, wrote two letters to the French Prime Minister in 1928, protesting exploitation by French concessionary companies and the Indigénat.[360] Around the same time, an association he helped found, the Association Amicale des Originaires de l'Afrique Equatoriale Française (AAOAEF), organized large protests in the French Congo.[361] In response to these protests, the French government arrested and deported Matsoua, and the colonial government in Congo arrested protesters.[362] The protests in French Equatorial Africa were picked up on by *L'Humanité* in 1929, which addressed the forced labor in the region in depth.[363] In June 1929, the LAI sent a letter to the ILO's Committee on Forced Labour,

puts it, *La Race Nègre* was "for years the leading 'seditious' newspaper in the eyes of the French rulers of Africa . . . ." *Id.*

353 *See* Terretta, *supra* note 9, at 26.

354 *See* DERRICK, *supra* note 10, at 235.

355 *Id.*; *see also* Terretta, *supra* note 11, at 26.

356 *See* SOLOFO RANDRIANJA, SOCIETE ET LUTES ANTICOLONIALES A MADAGASCAR DE 1896 A 1946 179-83 (2001); DERRICK, *supra* note 10, at 235; Terretta, *supra* note 9, at 27.

357 *See* DERRICK, *supra* note 10, at 235; Terretta, *supra* note 9, at 27.

358 *See* Terretta, *supra* note 9, at 27.

359 *See* GENERAL HISTORY OF AFRICA, VII: AFRICAN UNDER COLONIAL DOMINATION 1880-1935 247-48 (A. Abu Boahen ed., 1990).

360 *See* GEORGES BALANDIER, SOCIOLOGIE DE BRAZZAVILLES NOIRES 171 (2d ed. 1985); DERRICK, *supra* note 10, at 241.

361 *See* BALANDIER, *supra* note 360.

362 *See id*.

363 *See* DERRICK, *supra* note 10, at 240.

highlighting the extensive abuses committed by concessions in the French Congo.[364] In December 1929, the LDRN held a protest concerning the massacre by United States marines of Haitians protesting the occupation of Haiti, at which Kouyaté condemned the thousands killed in the construction of the Congo-Ocean Railway as well.[365] In 1930, the AAOAEF was banned in Congo, and Matsoua received a three-year prison sentence and a ten-year sentence of banishment.[366]

In sum, rights advocacy remained a key component of the work of a broad range of anticolonial organizations, including WILPF, PI (as represented by Hatta), the KKS, the AITUC, WASU, the ANC, the LAR, the KCA, the LDRN, the LDH and the AAOAEF, throughout the late 1920s. Among other things, they called out: colonial occupation, terrorism, political suppression and the excessive use of force; the use of harsh, discretionary, and racist laws; limitations on freedom of the press, assembly and association; slavery, forced labor, penal labor, the operations of concessionary companies and other forms of labor coercion and exploitation, arbitrary fines and delayed payment of wages; pass laws; inadequate provision of healthcare, housing and education; racial inequalities; and discriminatory land taxes and land expropriation. They called for self-determination, universal franchise and fully democratic government, an end to excessive and arbitrary executive powers and exceptional powers, freedom of speech, the press, assembly and association, an end to forced labor and penal labor sanctions, higher wages, a minimum wage, the regular payment of wages, an eight-hour work day, weekly rest days, improved conditions of work, the right to free work, support for cooperative ventures, maternity benefits and protective legislation for women workers, an end to pass systems, extended education and healthcare services and social insurance, equality before the law and the right to a jury of one's peers, an end to racial discrimination, equal rights for all and equal pay for equal work, an end to private estates and the generation of wealth through land revenue, a just system of

364 *See* Letter to the Chairman of the International Committee on Forced Labour, ILO, from the Ligue Contre l'Oppression Coloniale, C.F.L. D. 63 (June 10, 1929). Among other things, the letter highlighted that "the areas which the Government, in order to grant them [to concessions], called 'vacant lands' were in reality the collective property of the native tribes," who "claimed and used exclusive rights therein . . . ." *Id.*

365 *See* DERRICK, *supra* note 10, at 223.

366 *See* BALANDIER, *supra* note 360; DERRICK, *supra* note 10, at 241.

taxation, local ownership of land, and control of natural resources and/or nationalization.

## VI. CONCLUSION

As the preceding discussion documented at length, rights claims were extensively deployed by anticolonial activists in the interwar period. Unfortunately—and in many ways confoundingly—there is a close to unanimous understanding in contemporary academia that "human rights" are a product of the post-World War II period. While the adjective "human" was not commonly referenced in the pre-World War II period, the substance of the actions criticized and the rights called for were in many ways indistinguishable from the human rights claims and standards advanced after the Second World War.

Anticolonial activists were not the only actors who deployed rights language in the period. However, that they did so is particularly significant. There has been a tendency throughout human rights literature to think of rights claims as by nature liberal or Western. Recovering the extent of anticolonial rights advocacy makes clear that this is false: rights claims have always also been deployed, in both negative and positive ways, by anticolonial groups from all parts of the world. To the extent there were differences, one of the most prominent was in terms of sincerity: whereas Western rights claims were typically advanced in part to legitimize Western power, colonial reality inevitably involved varying degrees of the abnegation of rights. Anticolonial activists' rights claims, in contrast, were sincere both in their critiques and their aspirations.[367]

Like today, anticolonial activists frequently called out the various extreme rights violations colonized populations were subjected to. In addition, they frequently made positive rights claims. For the sake of analytical clarity, rights claims can be divided into ten categories: calls for political rights; rule of law-based government; integrity rights; civil rights; worker rights; freedom of movement; social rights; due process rights; equality rights; and rights-based structural reforms.

As the above exposition makes clear, numerous anticolonial organizations and individuals made extensive calls for rights protections in all these categories. Over and over again, anticolonial activists demanded: self-determination and universal suffrage; an end

367 This does not of course mean that postcolonial regimes would adopt this position; unfortunately, rights-violating laws and institutions deployed by colonial powers almost invariably persisted into the postcolonial period.

to excessive, arbitrary and emergency governance; an end to corporal punishment; freedom of speech, the press, association and assembly, including trade union rights and the right to strike; an end to coercive forms of labor and enhanced workers' rights across the board; an end to pass laws and greater freedom of movement; better healthcare, housing, education and social insurance; equality before the law; an end to all racially discriminatory measures; and reforms and redistribution in context of taxes and land.

Anticolonial activists hence engaged in a great deal of what can be readily recognized as standard human rights discourse today. At the same time, their claims were different from those encountered in the contemporary context in two important ways. First, the claims of the period frequently deployed the language of anti-slavery in support of their cause. This can be seen over and over again in the above: from the UNIA's suggestion that colonial powers treated subject African populations "like slaves," and suggestion that "any limited liberty which deprives one of the complete rights and prerogatives of full citizenship is but a modified form of slavery"; to the *Preliminary Draft Theses on the National and Colonial Questions*' description of colonialism as such as mass "enslavement . . . by a small minority of the wealthiest and most advanced capitalist countries"; to the Baku Congress's similar descriptions; to Deng Pei's description of Chinese workers as "virtual slaves"; to the "Theses on the Negro Question" description of the U.S. as involving ongoing "[virtual] slavery in the South and wage slavery in the North"; to Du Bois' suggestion that "the majority of mankind [had] be[en] brutalized and enslaved by ignorant and selfish agents of commercial institutions"; to the AITUC's reference to "the slaves of the Assam tea plantations"; to Mohamed Daud's description of Indian workers as "labour slaves"; to Lamine Senghor's suggestion colonial powers had granted themselves "the rights to sell and buy an entire people" without their consent, despite "claim[ing] to have abolished slavery"; to the LAI manifesto's condemnation of "modern slavery"; to the ITUCNW's description of African workers as subject to a system of "legali[zed] human bondage and slavery"; to *The International Negro Workers' Review's* description of United Fruit Company working conditions in Cuba as essentially slavery; to Hatta's argument that the people of Java and Sumatra had been reduced to slavery through compulsory cultivation and penal labor; to Kenyatta's suggestion that if the "police methods" used in Kenya "were applied to Englishmen in England they would protest against them as imposing a 'state of slavery'"; to the

international criticisms of labor recruitment practices in Liberia as amounting to the slave trade.[368] This extensive utilization of anti-slavery language testifies in part to the extensive labor coercion deployed around the world in the period. It also testifies to the fact that the interwar period stood at the intersection of a prior age of advocacy to which anti-slavery campaigns were central, and the latter portion of the twentieth century, in which the centrality of freedom at work to freedom in general has been de-emphasized.

Second, anticolonial rights claims tended to imagine and suggest a much closer connection between "human" rights and "worker" rights than is the case today. This could be seen in the volume and diversity of claims for workers' rights that were closely interwoven with other rights claims by the various organizations considered. In addition to an end to various forms of coercive labor, anticolonial advocates called for higher wages, a minimum wage, the regular payment of wages, maximum hours and days of work, improved conditions of work, the creation of labor inspection services, special measures to protect women and child workers, an end to pass laws, and the right to free work. At times, they also called for measures that would go even further in terms of restructuring economic systems, including for maximum profits for capital, the equitable distribution of profits, support for cooperative ventures, expanded collective ownership and/or nationalization, just taxation systems and the redistribution of land.

What can we learn from this history? Most centrally, anticolonial rights advocates in the period appear to have seen their various claims as closely interrelated: ultimately, they sought not only freedom from colonial rule, but also fundamental political reforms, respect for civil and political rights, social rights provision, and a total restructuring of the nature of the world of work. Today, the inseparability of civil and political and social and economic rights is frequently emphasized in theory, though not so often in practice.[369] Workers' rights, however,

368 *See supra* passim.

369 On the need to see civil and political and social and economic rights as inseparable, see, e.g., G.A. Res. 40/114 Indivisibility and Interdependence of Economic, Social, Cultural, Civil and Political Rights (Dec. 13, 1985); IDA ELISABETH KOCH, HUMAN RIGHTS AS INDIVISIBLE RIGHTS: THE PROTECTION OF SOCIO-ECONOMIC DEMANDS UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS (2009); *A Call to Unite the Two Covenants on Human Rights*, OHCHR (Mar. 7, 2016), https://www.ohchr.org/en/stories/2016/03/call-unite-two-covenants-human-rights [https://perma.cc/V2V7-JNJ2]; *Key Concepts on ESCRs – Are Economic, Social and Cultural Rights Fundamentally Different from*

are often considered, or at least in practice function as, a different subject. Recovering the anticolonial rights tradition emphasizes the need to overcome this distinction and recognize that freedom in society and freedom in work are inseparable.

*Civil and Political Rights?*, OHCHR, https://www.ohchr.org/en/human-rights/economic-social-cultural-rights/escr-vs-civil-political-rights [https://perma.cc/R53Y-W7EN] (last visited Apr. 29, 2024).