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The *Ligue des Droits de l'Homme* and the 'Right to Life' in the 1930s

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This article examines the debates within the French *Ligue des Droits de l'Homme* on the adoption in 1936 of a *Complément* (Complement) to the 1789 Declaration of the Rights of Man and the Citizen. The *Ligue* questioned the relevance of the 1789 Declaration when social dislocation, economic distress and fascism challenged democracy. New rights, principally the 'right to life' (*droit à la vie*), the fundamental right from which all others flowed, were pronounced. The article examines the values and principles informing the *Complément* to address why a declaration of new rights was seen as a proper response to these crises. Aspirations for a radical transformation of the social, political and economic order were expressed in a genre and a language of rights deeply embedded in French history. The *Complément* continued the work of 1789, assuming a form through which this transformation could be imagined.

During the 1930s, the French *Ligue des Droits de l'Homme* (League for the Rights of Man – LDH) engaged in a debate on the 1789 Declaration of the Rights of Man and the Citizen, questioning whether it should be revised, modified, or even replaced with a new document. What began in 1930 as a campaign for the greater protection of individual rights under the French Republic had become by 1936 a new declaration of rights that responded to the dangers of the social, political and economic crises threatening France and Europe. This was adopted as a Complement to the Declaration of the Rights of Man (*Complément à la Déclaration des Droits de l'Homme*) that would add new social and economic rights among other principles (i.e. complement) to the civil and political rights of the 1789 Declaration. It declared the 'right to life' (*droit à la vie*) as the fundamental right from which all others followed.

Founded in France in 1898 during the Dreyfus Affair, the LDH pitted itself against the French state, the military and public opinion when it spoke out in defence of Captain Dreyfus and the principles of the 1789 Declaration.¹ In the years after the First World War, the LDH was not content merely with the roles of protector of rights and the conscience of French republicanism; it agitated for a more interventionist state that, in the tradition of the Revolutions of 1789 and 1792, was the creator of rights. It therefore pursued a programme to make rights real and meaningful. Its historian Emmanuel Naquet comments that this activist 'politics of rights' sought to balance state and society through a new social model.² Its campaigns during the 1930s therefore had the intention of extending rights protections in order to strengthen democracy, through electoral reform and the vote for women, women's rights generally, education reform, the reform of military justice and the judiciary, constraints on state power and the privileges of capital and, finally, by pronouncing social and economic rights.³

¹ P. Joxe, 'Préface' to E. Naquet, *Pour l'humanité. La LDH des droits de l'homme de l'affaire Dreyfus à la défaite de 1940* (Rennes: Presses universitaires de Rennes, 2014).

² Naquet, *Pour l'humanité*, 447–8.

³ Naquet, 489ff.

A part of the membership, fed up with the LDH's concerns for individual grievances, demanded bolder action. They believed that the 1789 Declaration of Rights was past its expiry date and that the very idea of freedom under a capitalist system was mythical.⁴ They confronted the LDH with its contradictions, demanding that it cease looking backwards and instead look ahead to a 'great' revolution to come.⁵ While they pushed the LDH towards a revision of the declaration of rights, the text adopted in 1936 was not theirs. Rather, their ambitions were co-opted by the more moderate politicians and activists on its Central Committee. While admitting the need to recognise new principles of economic democracy and social equality implicit in the term the 'right to life', they also affirmed the historical ideals declared in 1789 and their relevance at a time of antidemocratic dangers. They responded to the fascist threats to democracy by standing firmly behind the principles of 1789.

The 'right to life' was no backward glance to Jeffersonian liberalism. It looked ahead to new democratic principles. The term emerged as a contraction of the 'right to life and liberty', understanding that liberty was implicit in the 'right to life'. But it assumed a more general, more comprehensive conception of rights. It had been used by the International Federation of the *Ligue des Droits de l'Homme* in 1932 on the topic of an international rights of man, and was used again in response to the social and economic crises as an alternative to older socialist demands of the right to work and the right to subsistence. It expressed a range of social and economic principles that promised greater equality and greater freedoms, and sought to protect and assure the well-being and dignity of the people.

As the 1789 Declaration of the Rights of Man and the Citizen is a foundation stone of modern human rights, these attempts to revise it, modify it, or even replace it, deserve attention. This article is therefore a study of the debates within the LDH that led up to the 1936 Complement in order to assess the values and principles in the new rights it declared and answer why a new declaration of rights was seen as a proper response to the social and economic crises of the time. Aspirations for political reform, even a radical transformation of the social, political and economic order, were expressed in modes deeply embedded in French history. A language of rights and their purpose, and the generic form of a declaration, returned to the idealism of the revolutionary period when society was remade. In 1936, the LDH aspired to rekindling this idealism through a reaffirmation of rights principles more relevant to the age.

One British legal scholar, A. W. Brian Simpson, has criticised the Complement for representing a 'somewhat rosy vision of French history'. He considers its social and economic rights represented more the combat against tyranny, the moral and intellectual progress of individuals and societies, and a mission of the spirit of peace and tolerance that were in the traditions of the French Revolution, than they do the progress of rights.⁶ This admits to one particular understanding of rights in history, that their genealogy is political and diplomatic, rooted in covenants, conventions and treaties, or, to use Lynn Hunt's words, 'political history in the most old-fashioned sense'.⁷ It is a criticism that self-consciously excludes a longer history of rights in the struggles against tyranny, moral and intellectual progress, and missions for peace and tolerance – in other words, the progress of rights in the age of revolutions, and the emancipationist and liberation struggles of the nineteenth and twentieth centuries.

Contrasts are drawn in the historiography between the historical notion of the 'rights of man' – that is classical, Enlightenment notions of natural rights, which rested in the state and its citizenry – and human rights proper, which are recent, international, defined in conventions and treaties, and supported by institutional structures.⁸ Recent studies have bridged this divide through a focus on origins and genealogy, but the search for continuities through history largely centres on explaining

⁴ W. D. Irvine, *Between Justice and Politics: The Ligue des Droits de l'Homme, 1898–1945* (Stanford, CA: Stanford University Press, 2007), 26.

⁵ Naquet, *Pour l'humanité*, 495–6.

⁶ A. W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (Oxford: Oxford University Press, 2001), 155–6.

⁷ L. Hunt, 'The Long and Short of the History of Human Rights', *Past and Present*, 233 (Nov. 2016), 323.

⁸ See especially L. Hunt, *Inventing Human Rights: A History* (New York, NY: Norton, 2007), and S. Moyn, *The Last Utopia. Human Rights in History* (Cambridge, MA: Belknap Press, 2010).

present-day human rights.⁹ As Philip Alston argues, while this has striven to produce a coherent body of human rights that had not previously existed, it overlooks broader political and social influences on notions of rights and therefore dismisses longer lineages as precursors with no direct resemblance to current approaches.¹⁰ By seeking this coherency, the historiography also opens the dichotomy between particularist and globalist approaches at the expense of a deep analysis of the 'local scene', where the nuances of the 'human rights idiom', as Kenneth Cmiel calls it, have been a force for social and political change, and the progress of justice.¹¹ Human rights, Lynne Hunt argues, only become meaningful when they gain political content.¹² Historians should therefore pay particular attention to those moments when rights were invested with political meaning. They should take heed of the contexts that shaped past expressions of rights, considering also how they were imagined, how they assumed moral and indeed revolutionary purpose, the form they took in the genre of rights pronouncements and declarations, and, especially, the idiom of rights that gave them meaning.¹³

In their particular context, rights claims in the 1930s rested on the principle that true liberty was not possible while social and economic inequalities festered, and that rights could not be guaranteed without true economic democracy. As far as the LDH was concerned, a revised or even a new declaration of rights would complete the work of 1789 by advancing social and economic rights as critical to the preservation of democracy in the face of economic distress and the rise of fascism, and by affirming the right of people to live free of want and with full dignity of their humanity.

There was nothing new in this claim, of course. The LDH maintained its authority as the protector of rights with regular references to guarantees of economic security promised in the 1793 Declaration, for example. Rather, it was the urgency of economic and social conditions that demanded their recognition as fundamental rights at this time. The Complement therefore revised the nature and meaning of rights, and in the form of a declaration of new rights it was justified in a language – an idiom – of rights deeply rooted in French political history. It also was pronounced through a particular genre of political expression that dated back to 1789 (even to 1776) but which had gained urgency after the First World War. It therefore assumed a form through which a new social and economic order could be imagined.

Within a year of becoming president of the LDH in 1929, Victor Basch (1863–1944) – a foundation member and victim himself of militant antisemitism during the Dreyfus Affair (and ultimately a victim of the Vichy *milice* in 1944) – announced a campaign against the French government's failure to uphold basic rights. The 1789 Declaration of Rights of Man and the Citizen, he argued, had fallen into disuse because its rights were not guaranteed by law and the parliament was unable to safeguard fundamental protections. Nor were they meaningful to people's daily lives. The public was apathetic to injustices and parliamentary stasis on questions of reform.¹⁴ This would be a campaign to secure

⁹ For example, the essays included in P. Slotte and M. Halme-Tuomisaari, eds., *Revisiting the Origins of Human Rights* (Cambridge: Cambridge University Press, 2015) and S. L. B. Jansen and C. Walton, eds., *Social Rights and the Politics of Obligation in History* (Cambridge: Cambridge University Press, 2022).

¹⁰ P. Alston, 'Does the Past Really Matter? On the Origins of Human Rights', *Harvard Law Review*, 126, 7 (2013), 2079.

¹¹ K. Cmiel, 'The Recent History of Human Rights', *American Historical Review*, 109, 1 (2004), 119.

¹² Hunt, *Inventing Human Rights*, 21.

¹³ P. G. Lauren, *The Evolution of International Human Rights: Visions Seen* (University Park: Penn State University Press, 1998), 224, notes the 'moral conscience' informing rights discourses, citing Jacques Maritain who wrote in a submission to UNESCO on a proposed bill of rights: 'no bill of rights could ever be exhaustive and final, and by necessity must always be expressed in terms of the state of the moral conscience and of civilization at any given time in history.' See J. Maritain, 'The Rights of Man', *United Nations Weekly Bulletin*, 3, 21 (18 Nov. 1947), 672–4. On pronouncements and declarations of rights as 'genre', see D. Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2007), 13–16. On the political theory of language giving meaning, J. G. A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History* (Cambridge: Cambridge University Press, 1985), 12–13 and Q. Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), 105.

¹⁴ V. Basch, 'Pour la liberté individuelle', *Cahiers des droits de l'Homme (CDH)*, 20 Jan. 1930, 27–37. The criticism of parliament concerned a law that Clemenceau had put to the Senate on 18 July 1907, seeking among other things to remove Article 10 of the Criminal Code which gave prefects of police extrajudicial powers of arrest and incarceration. The Senate

legislative guarantees of individual liberty, demanding judicial reforms to constrain the power of the police and judges, the suppression of laws that policed prostitution and restricted the freedoms of the indigenous peoples in the colonies and the adoption of a law to constrain the arbitrary power of officials to expel foreign nationals. These were the LDH's new tasks, Basch declared.¹⁵

This campaign had specific domestic objectives. Soon afterwards, however, in January 1933, Basch announced a very different initiative, nothing less than writing a new declaration of rights. This was the outcome of discussions on the international 'rights of man' at the December 1932 Congress of the International Federation of the *Ligue des Droits de l'Homme*. This congress had brought to Paris international, though exclusively European-affiliated, LDH societies, which included among their delegations international jurists and others in exile from Bolshevism in Russia, the fascists in Italy and Nazi militancy in Germany.¹⁶ A major topic of its discussions was the need for an international declaration of rights to advance new trends in international law since the First World War.

Basch must have heard concerns expressed for the state of international rights similar to his concerns about individual rights in France: while they existed on paper and were spoken about in political circles, there were no guarantees of protection. International law, the congress heard, had moved towards an implicit recognition of rights and freedoms since the 1919 peace settlement but had failed to protect those on whom certain rights were conferred under new treaty arrangements. The congress gave its support to a draft Declaration of the International Rights of Man that the Russian jurist André Mandelstam had originally presented to the New York session of the Institute of International Law in 1929.¹⁷

Basch went a step further, outlining a plan for a new declaration that would incorporate principles of national rights long established in the 1789 Declaration and France's political history since, with the new trends towards the internationalisation of rights. He set out four specific objectives that a new declaration should satisfy. The first was the enunciation of the rights of the individual as an individual, as established in the classical rights of man declared in 1789 (in short, a reaffirmation of fundamental principles). The second was the rights of the individual in society, who was due social rights and greater economic equality (its modernisation). The third was the rights of the individual as a member of the international community, as recognised in the post-war treaties on the rights of minorities (the internationalisation of the rights of man). Finally, it would also include the rights of peoples in the international community, such as the right of self-determination, building on trends since the peace settlement, to reconcile national and international law with the human being at its centre (a *droit humain* as expressed by André Mandelstam).¹⁸

A former Imperial Russian Orientalist and former dragoman for the Russian Embassy in Constantinople, Mandelstam had written extensively on minority issues during the 1920s, summaries of which were reproduced for the LDH's membership in its journal, the *Cahiers des Droits de*

did not approve Clemenceau's law until 5 Feb. 1909, whereupon it remained before the Chamber of Deputies for ten years until a vote on 16 July 1919. The Senate voted again on 22 June 1922, and it then took another six years to be ratified in the Chamber. The final vote was on 30 Dec. 1932. Henri Guernut, 'Pour la liberté individuelle', *CDH*, 10 Jan. 1933, 7.

¹⁵ Basch, *CDH*, 20 Jan. 1930, 37. On the stasis of government at this time, see D. Thompson, *Democracy in France since 1870*, 5th edn (Oxford: Oxford University Press, 1969), 191–2.

¹⁶ Representatives were from the *Ligues* of Armenia, Austria, Bulgaria, Czechoslovakia, France, Georgia, Germany, Hungary, Italy, Luxembourg, Poland, Portugal, Russia, Spain and Switzerland. Delegations from Egypt, Greece and Belgium were not able to attend. 'Le Congrès International des Ligues des Droits de l'Homme', *CDH*, 20 Jan. 1933, 27.

¹⁷ André Mandelstam, 'La Déclaration des Droits Internationaux de l'Homme', *Esprit International: The International Mind*, 4, 1 (Apr. 1930), 232–43. Text reproduced in Boris Mirkine-Guetzévitch, 'La protection internationale des Droits de l'Homme', *CDH*, 20 Apr. 1929, 245–6. André Nikolaievitch Mandelstam (1869–1949). For a brief outline of his career, see D. Kévonian, 'Les juristes juifs russes en France et l'action internationale dans les années vingt', *Archives juives*, 34, 2 (2001), 72–94 and D. Kévonian, 'André Mandelstam and the Internationalization of Human Rights (1869–1949)', in Slotte and Halme-Tuomisaari, eds., *Revisiting the Origins of Human Rights*, 239–66.

¹⁸ Basch, *CDH*, 20 Jan. 1933, 36–7.

l'Homme.¹⁹ The draft Declaration of the International Rights of Man was the outcome of long discussions on conceptions of minority rights, the responsibilities of states towards individuals and ultimately a general conception of internationalised rights. It attempted to address the flaws in the system of protection for minorities through the adoption of an international covenant on rights.²⁰

The first article of the 1929 Declaration of the International Rights of Man repeated word for word the second article of the minorities treaties: 'The signatory states engage to recognise the right to life and liberty of each of their inhabitants and to accord them the full and complete protection of this right without distinction of race, language or religion.'²¹ For Mandelstam, this was implicit recognition of the universal right to life and liberty and the obligation of states to protect rights without prejudice. Yet Mandelstam was critical of the treaties in practice. Only designated states were obliged to sign them when they sought membership of the League of Nations; the major powers and states unaffected by the border changes of peace treaties were not. Consequently, while minorities in the treaty states had gained the international protection of the League of Nations, minorities of non-treaty states had no such protections. Nor were there international protections for the rights of nationals in both treaty and non-treaty states. Mandelstam argued therefore that international law was not only incomplete but unbalanced, conferring rights protections on some but not all. Moreover, the League of Nations was neither strong nor confident enough to assert its powers of minorities protection under these treaties over recalcitrant member states who failed to uphold or disregarded their obligations.²²

The internationalisation of the right of man was one new trend. Another was the recognition of rights and their protection in national laws and constitutional arrangements since the war. Another exiled Russian, Boris Mirkine-Guetzévitch, from the Paris Institute of Comparative Law, observed in this trend two related tendencies.²³ One was the expansion of what he called the 'classical catalogue' of individual liberties of the French Revolution with the inclusion of social rights. The other was the limitation of certain individual rights for the protection of the interests of the social collective, or the 'social control of individual liberties'.²⁴ New national constitutions, he observed, defended the individual as a social being, in marriage and the family, and in labour and economic participation. He noted, as had Mandelstam, how the treaties of 1919–20 instituted the protection of the rights of man while imposing limits on state sovereignty. He noted especially the constitution of the Spanish Republic of 1931, 'the most recently elaborated', and to his mind 'the most interesting because it had drawn from the experience of earlier constitutions'. Its key principles were social: the right to welfare, the right to life with the dignity of work and education.²⁵

¹⁹ André Mandelstam, 'La protection internationale des droits de l'homme', *CDH*, 10 Dec. 1931, 724–30; André Mandelstam, 'La révision des Déclarations des Droits de l'Homme', *CDH*, 20 Jan. 1933, 33–5. Also André Mandelstam, 'La protection internationale des Droits de l'Homme', *Recueil des cours de l'Académie de droit international*, 38, 4 (1931), 125–232.

²⁰ D. Kévonian, *La danse du pendule. Les juristes et l'internationalisation des droits de l'homme, 1920–1939* (Paris: Éditions de la Sorbonne, 2021), 115–16 and ch. 4.

²¹ See Mirkine-Guetzévitch, 'La protection international des Droits de l'Homme', *CDH*, 20 Apr. 1929, 244–5.

²² Mark Mazower, 'The Strange Triumph of Human Rights, 1933–1950', *Historical Journal*, 47, 2 (2004), 382–3.

²³ Born Ber Solomonovich Mirkin-Getsevich (1892–1955), a Jewish Ukrainian from Kiev, his name was Russified to Boris Sergeevich Mirkin-Getsevich. He was also known as Boris Mirsky. The English spelling is Boris Mirkin-Gutzevich. He settled in France in 1920 and became Secretary General of the International Institute of Public Law. J. Winter and A. Prost, *René Cassin and Human Rights: From the Great War to the Universal Declaration* (Cambridge: Cambridge University Press, 2013), 228; Kévonian, 'Les juristes juifs', 72–94. As this material is drawn from French sources, the French spelling is used here.

²⁴ Boris Mirkine-Guetzévitch, 'Les nouvelles tendances des "Déclarations des droits de l'Homme"', *CDH*, 20 Jan. 1933, 35–6. His other contributions include Boris Mirkine-Guetzévitch, 'La protection internationale des droits de l'homme', *CDH*, 20 Apr. 1929, 243–7; Boris Mirkine-Guetzévitch, 'Les "Déclaration des droits de l'homme" de l'après-guerre', in *CDH*, 20 Oct. 1929, 643–6; Boris Mirkine-Guetzévitch, 'Les nouvelles tendance des déclarations', *CDH*, 20 May 1936, 331–3.

²⁵ Mirkine-Guetzévitch, 'Les nouvelles tendances', 36.

The tendencies Mirkine-Guetzévitch described demonstrated not only a general shift toward social and economic rights to complement civil and political rights, but also a universal consciousness of rights. For the LDH, this was grounds for revisiting its own Declaration of Rights. Mandelstam insisted, on the other hand, that the tendency towards the internationalisation of rights had to be consolidated in international law through a covenant proclaiming universal rights to protect all individuals in all states.

A summary account of the December 1932 International Congress was published and circulated in the LDH's *Cahiers* in 1933. The *Cahiers* also published new summaries of Mandelstam's and Mirkine-Guetzévitch's views in 1932 and 1933. The international rights of man were therefore a subject of interest circulating among the approximately 180,000 members of the LDH, mostly leftist politically active individuals, across some 2,500 local sections in each of the departments of the metropole and in France's colonies.²⁶ They were presented with new ideas and a new language of rights but we can only speculate about how far they penetrated and shaped the LDH's political and social consciousness. There seemed to have been no real urgency to pursue a new declaration of rights in the short term despite Basch's intentions, however. The International Congress had resolved to convene a conference to work on a text for a new declaration of rights, but the question of rights does not appear again in the LDH's public records until 1935, when it was raised by its members from the floor of its National Congress.

Nevertheless, a distinct language of rights had started to emerge. Mandelstam put forward a new doctrine, a *droit humain*, distinct from both international law and the sovereign authority of the state but which bridged the two, with the human being central to its concerns.²⁷ The Declaration of the International Rights of Man presented to the LDH in 1932 had affirmed the right to life, liberty and property, upholding the classical principles of 1776 and 1789, yet there were no explicit statements moving beyond the restrictive conceptions of rights protection for reasons of race, language and religion pronounced in the minorities treaties. The phrase the 'right to life' appeared with liberty and property, the fundamental rights of the French Revolution. For Emil J. Gumbel, recently forced abroad by Nazi persecution and now representing the German delegation to the International Congress from exile in Paris, the critical phrase was 'right to life', as liberty was implicit in it. He also questioned the right to property, wondering whether it was still relevant in the 1930s when it conflicted with what was best for society as a whole. This question illustrated succinctly Mirkine-Guetzévitch's notion of the necessary social constraints on individual liberty.²⁸ Moreover, Mirkine-Guetzévitch's studies of rights documents in different national and legal contexts identified a universal tendency in conceptions of liberty and equality for reasons other than race, language or religion. Rights, these documents showed, were naturally possessed, in the classical sense, by the individual and conferred by the state on its citizenry. Victor Basch also suggested a new term to replace the 'rights of man'. 'There are no rights of man', he told the 1932 International Congress; 'there are the rights of human beings' (*droits d'être humain*). This was not only a necessary correction to the Constituent Assembly's error in 1789 of excluding the rights of women, he insisted; it would also better express the universality of rights.²⁹

For some among the LDH membership, the social consequences of economic distress were more urgent than remote ideas of an international rights of man. At the same time as the discussions in the 1932 International Congress were circulating in the LDH's *Cahiers*, economic difficulties were already focusing the minds of socialists. They used a language of rights familiar to them to express their concerns. In January 1933, for example, a socialist from the sections of Geneva and the

²⁶ On membership, see Irvine, *Between Justice and Politics*, 1.

²⁷ D. Kévonian, 'Exilés politiques et avènement du "droit humain": la pensée juridique d'André Mandelstam (1869–1949)', *Revue d'Histoire de la Shoah*, 177–8 (2003), 262.

²⁸ E. Gumbel, *CDH*, 20 Jan. 1933, 36 – Emil Julius Gumbel (1891–1966). A mathematician at the University of Heidelberg, Gumbel was a hated public intellectual for his criticisms of Nazi political murders. He left for France in 1932 when forced from his position.

²⁹ Basch, *CDH*, 20 Jan. 1933, 36.

Haute-Savoie, Maurice Milhaud, wrote of the grave dangers that the loss of hope and restlessness among the people posed to the state. The consequences of the social and economic distress of the workers in Italy and Germany made clear the dangers for France. Milhaud revived the doctrines of the 'right to work' (*droit au travail*) and the organisation of labour advanced by Charles Fourier in the 1830s and Louis Blanc in the 1840s.³⁰ The 'right to work' placed responsibility on the state to intervene when the economy failed to provide work for those who needed it and welfare for families when the breadwinner was out of work.

While historians concur that France did not suffer the consequences of the economic depression as severely as other countries, the impact of the collapse of world finance and trade nevertheless caused what Robert Paxton describes as a 'slow, demoralizing rot' of prolonged underemployment and poverty.³¹ The level of unemployment, considered to have been less than that experienced elsewhere, is now thought to have been much higher, rising to a rate of 10 per cent in 1935–6, possibly more, on a par with comparable industrialised countries. Manufacturing lost more than 760,000 jobs between 1931 and 1936.³² This was evidence enough for its critics of the failure of capitalism. Milhaud was alarmed at the social and political consequences, and turned back to remedies deployed in earlier times to assuage popular anger. Popular grievances could not but raise anxieties among the political class, with France's history littered with revolutionary upheaval from the distress of the urban and rural poor.

Milhaud's was one of several interventions that responded to economic and social conditions with questions of rights and the state's obligation to recognise and protect them. They typically argued that the alienation of workers and their families from the economic and political institutions that supported capital wealth while people fell into unemployment and poverty proved the weakness of the Republic and its inability to live up to the basic principle of equality. The LDH membership interpreted these problems through the prism of rights and therefore found the 1789 Declaration of Rights wanting in many areas and in need of reform at best, or obsolete at worst. At the LDH's 1933 National Congress in Amiens, Georges Michon, a socialist historian of the French Revolution, stated that workers had been reduced to a new feudalism and were left unprotected by the guarantees they were due under the Declaration of the Rights of Man and the Citizen. Moreover, democracy itself was threatened.³³ Michon was speaking in support of a motion put by César Chabrun, a socialist deputy from Paris, that the LDH's defence of democracy and the 'interests of the collective' must start with effective action against the 'powerful monied interests' (*les pouvoirs d'argent*). 'Equality is incomplete and liberty shackled', his motion commenced, 'while the rights of workers and their very existence depend exclusively on the economic powers that exploit them'.³⁴ Chabrun also asserted that the 'great business enterprises' (*grands sociétés*) were more powerful than the state, over which the collective had no control. This demanded nothing less than a major reform of democracy.³⁵ Michon added that these 'monied powers' had penetrated the public administration, the parliament, diplomacy and the press to such an extent that the interests of the state were now confused with interests of capital, which were, he argued, aligned with fascism.³⁶ To strengthen democracy against the fascist threat, therefore, individual rights had to be protected against the forces of capitalism. The premise on which rights rested could not but be questioned. Socialist lawyer with the *Cour de Paris* and secretary of the LDH's Federation of the Seine, Fernand Corcos, echoed Georges Michon by stating that private property favoured these monied powers and reduced workers to a new feudalism. He called for a

³⁰ M. Milhaud, 'Le droit au travail et la durée de travail', *CDH*, 30 Jan. 1933, 51–2.

³¹ R. O. Paxton, *Europe in the Twentieth Century*, 3rd edn (San Diego, CA: Harcourt Brace, 1997), 326.

³² C. Sowerwine, *France since 1870: Politics, Culture, Society*, 2nd edn (Basingstoke: Palgrave, 2009), 134; G. Wright, *France in Modern Times: From the Enlightenment to the Present*, 4th edn (New York, NY: Norton, 1987), 357–60.

³³ Michon, *Ligue des droits de l'homme. Le congrès national de 1933: Compte-rendu sténographique*, Amiens 15–17 Jul. 1933, 319–20.

³⁴ C. Chabrun, *Le congrès national de 1933*, 306–7.

³⁵ Chabrun, 312; Michon, *Le congrès national de 1933*, 320.

³⁶ Michon, *Le congrès national de 1933*, 319–20.

review of the very concept of private property ahead of a revision of the Declaration of the Rights of Man and the Citizen.³⁷

Property, then, was the focus for attacks on capital as it consolidated power and wealth to the detriment of society collectively. The right to property could no longer be tolerated as it had come to represent the causes of social and economic inequalities. What would follow, and what a revision of the Declaration of the Rights of Man might entail, were not yet articulated clearly. The National Congress of 1934, distracted by the riots in Paris on 6 February that brought down the government, was preoccupied with how the LDH should reorient itself to face the challenges of fascism. The following year, a new conception of rights and a new declaration was put to the National Congress that met in the southern city of Hyères (in Var).

The 1935 National Congress began with the same sense of timid introspection that had characterised the 1934 Congress. Victor Basch lacked conviction when he reportedly said that the ‘watchwords (*mots d’ordre*) of the French Revolution still speak today’. The militant young pacifist and syndicalist Léon Émery, again reportedly, had added that the debates troubling the LDH reflected ‘new realities that yet have no name’.³⁸ Neither proposed a way to move forward. Gustave Rodrigues, a philosopher from Paris and a long-serving socialist activist, stood to dismiss these empty words. The watchwords of the revolution, he threw back at them, were being extinguished on the *Ligue*’s own watch and, he proclaimed, the new realities did indeed have a name, and that was the ‘rights of man’. The LDH’s duty was to speak it loudly.³⁹ He then presented a new draft declaration of rights that, he insisted, gave the ‘rights of man’ new meaning.⁴⁰

Rodrigues represented a group of LDH federations – the Seine, the Seine-et-Oise and Morocco. He, like other delegates, was impatient with the Central Committee. His draft declaration of rights attempted to combine three key issues raised over the preceding years: the rights of man and the defence of democracy, the national interest over the privileged interests of the monied powers and new rights relevant to their new age. These were set out in twelve articles that followed six paragraphs of a preamble explaining why this new declaration was vital. Its first article proclaimed that liberty pertained to all domains, physical, social and intellectual, and that equality extended to economic rights as well as to civil and political rights. Article 2 proclaimed the ‘right to life’ as the fundamental right. It was a right of all, irrespective of age, sex, race, nationality and religion. Article 3 stated that ‘the right to life implied the right to liberty, the right to protection, the right to a means of living, the right to education and the right to leisure’. Subsequent articles developed the consequences of the ‘right to

³⁷ F. Corcos, *Le congrès national de 1933*, 327–9.

³⁸ G. Rodrigues, *Ligue des droits de l’homme. Le congrès national de 1935: Compte-rendu sténographique*, Hyères, 8–10 June 1935, 200. Irvine, *Between Justice and Politics*, 24, observes the depth of feeling at the 1935 Congress, especially the anger of younger militants.

³⁹ Rodrigues, *Le congrès national de 1935*, 200–1.

⁴⁰ Little is known about Gustave Rodrigues (1871–1940). Discussions in the Congress suggest that this was the first he attended (*Le Maitron. Dictionnaire biographique, mouvement ouvrier mouvement social* notes that he had attended the 1903 Congress in Bordeaux). The Bibliothèque nationale de France lists him as the author of ten books on political and moral philosophy. The author notice states only that he collaborated with the review *Monde nouveau* in 1921. Emmanuel Naquet has three references to him in his history of the LDH, one a footnote relating to internal politics in 1904 and the others relating to these debates on rights at the congresses of 1935 and 1936. Naquet, *Pour l’humanité*, 199, n.129: 497–8. *Le Maitron* states that he was a Professor of Philosophy at the Lycées Condorcet and Janson-de-Dailly and could count among his students Claude Lévi-Strauss and Simone de Beauvoir. He had been an active Socialist from his early years in Picardie. One author notes he was once a revolutionary syndicalist who became a Socialist and Freemason, and was a non-conformist in the 1930s. (Y. Verneuil, ‘Valeurs et combats de la Société des agrégés depuis 1914’, *Vingtième Siècle. Revue d’histoire*, 1 (2003), 77, 76, n.4. This related to an address he made to a congress of the *Fédération nationale des professeurs de lycée* in 1922). *Le Maitron* adds that, although a pacifist, he was nevertheless critical of the Popular Front’s reluctance to arm the Spanish Republican Government during the Civil War. He was expelled from the Socialist Party in 1937. See <https://maitron.fr/spip.php?article85118>, notice RODRIGUES Gustave par Justinien Raymond, version put online 30 Mar. 2010, last modification 30 Mar. 2010 (last viewed 20 Sept. 2022).

life'. The right to protection included the prohibition of the exploitation of man by man; the right to a means of living implied the right to security from life's risks, from birth to death, so as to ensure the minimum required for subsistence. The rights to education and leisure would allow everyone to develop intellectually, physically and morally. Article 12 concluded with a statement of obligations that everyone guaranteed these rights had to the 'collectivity'.⁴¹

The 'right to life' was therefore more than a description of the basic premise of classical rights that arose naturally from the right to liberty and security. These classical rights were implicit but, for Rodrigues, the 'right to life' included social, economic and cultural rights that individuals enjoyed as social beings. His text defended the need to adapt rights and introduce new ones when traditional rights failed to provide guarantees. 'If, one paragraph of its preamble began, 'the principles of the [1789] Declaration ought to be maintained in their integrity and spirit, and to stay faithful to the revolutionary tradition of 1793, they should be adapted to the new conditions to which they have in large part contributed'. Another paragraph states that 'rights have undergone a profound evolution', changing from their original conception and assuming a 'proper positive character having for their object the realisation of the human personality'.⁴² This is why the attacks on the monied interests fell within the new discourse on rights. Social controls on individual liberties legitimised restrictions on the classical right to property, as private property and the accumulation of wealth in the hands of the few were contrary to the national interest and the common welfare of the people.

For Rodrigues, economic conditions had forced upon society a new conception of rights that directly addressed social and economic inequalities. He expanded on this in a book on the 'right to life' also published in 1935.⁴³ Here he argued that scientific and technological advances had changed industrial production so profoundly that the relationship between capital, labour and the state was entirely transformed. Extreme wealth existed alongside extreme poverty as new forms of industrial production created a vast pool of under- and unemployed. The 'right to life', Rodrigues noted in his subtitle, was 'the only solution to the social problem'. He was at pains to distinguish it from the 'right to work' (*droit au travail*), with which he said it was confused. In fact, he rejected the notion of a 'right to work' altogether. It was not, he explained, the one property that those without real property possessed; nor was the 'right to work' distinct from the 'obligation to work' (*devoir de travail*). There was no 'right to work', he argued, since work was essential to earn a livelihood and to maintain one's dignity.⁴⁴ Without work there was no means of existence, and, as an obligation, it was servitude. Freely accepted even if it was difficult and punishing, it was always a constraint.⁴⁵ Even so, it was impossible for many to earn a livelihood when the industrial order and economic conditions deprived people of the opportunities for work, or when age or infirmity made work impossible. The 'right to life' was no less real in these circumstances; it was intrinsic to a person's humanity.⁴⁶ The 'right to life' also implied the development of an individual's quality of life. It implied the 'right to a complete life' (*droit à la vie intégrale*) and the 'total realisation' (*réalisation intégrale*) of the intellectual and moral spirit of all. This would serve as the basis for a new social order that satisfied humanity's essential needs.⁴⁷

Such was the urgency of the crises at the time, there was unanimous agreement on the need for new social and economic rights to reinforce the principles of 1789. Failure to recognise the distress of the people would simply leave opportunities for social unrest to fuel anti-democratic resentment. Instead, questions centred on how radical these new rights should be and the political challenges they presented. Rodrigues had declared that, while his proposals were rooted in the principles of the French

⁴¹ 'Une nouvelle "déclaration des droits de l'homme"', *Le congrès national de 1935*, 201–3. Reproduced in CDH, 20 May 1936, 345–6.

⁴² *Le congrès national de 1935*, 201–3; CDH, 20 May 1936, 345–6.

⁴³ G. Rodrigues, *Le droit à la vie. L'unique solution du problème social* (Paris: Liberté, 1935).

⁴⁴ *Ibid.*, 109.

⁴⁵ *Ibid.*, 111.

⁴⁶ *Ibid.*, 114.

⁴⁷ *Ibid.*, 119, 204–5.

Revolution, rights were a 'continuous creation'.⁴⁸ His supporters agreed, questioning the relevance of the previous 150 years to a markedly different age.⁴⁹ While the '89ers had attained political liberty and equality, they argued, economic liberty and equality was the challenge of 1935. Only by recognising the 'right to life' could the individual become truly free, 'economically and intellectually'.⁵⁰ Some denounced the Central Committee for its moderation when faced with the question of the 'right to life', going so far as to urge it to adopt the same zeal as the Jacobins of 1793.⁵¹

In defence of the Central Committee's position, Albert Bayet questioned what practical means Rodrigues and his supporters would adopt to bring the monied powers to heel.⁵² He cautioned against confusing rights with a political programme. One could speak of the need to redistribute wealth, he argued, but this would require a substantial programme of political reform. The LDH, he reminded the Congress, was not a political organisation and could not initiate a political programme.⁵³ A member of the centre-left Radical Party, Bayet was not hostile to the aims of the militants behind Rodrigues. He is in fact credited with writing in a 1932 publication that the task of his party was to work towards an 'economic '89, an international '89, an intellectual '89'.⁵⁴ Indeed, at the time of the Congress he was drawing his party more to the left and working on a united front with, and a common programme for, all anti-fascist organisations for the national elections of May 1936.⁵⁵

Bayet had in fact prepared a more moderate text with three distinct aims: to uphold and affirm the Declaration of 1789, to set out the reforms required for capital to serve the interests of all and to define the main tenets of a new regime. Bayet rejected the notion of the 'right to life', stating instead that the phrase 'free and equal in rights' included economic rights. How could the 'right to life' be guaranteed, he asked, as it was not possible to safeguard life against accident or illness? All that could be offered was the right to earn a living to support oneself and one's family by 'honest and useful work'.⁵⁶ He also pledged fidelity to the 1789 Declaration when others wanted to abandon it. 'We sense every day', he said, 'that we have not drawn from it all that it contains.' Bayet continued: the philosophy of the eighteenth century and the 'splendid age of Humanism' could not be discarded like old-fashioned clothes. He concluded: the task before them was an 'economic '89', through 'decisive action against monied interests, cartels and trusts' to break apart the powers that had usurped the sovereignty of the nation.⁵⁷

Principles were affirmed, but the task of putting them into an acceptable form remained. Both the texts of Rodrigues and Bayet had enough in common, Victor Basch intervened, to be combined into a single document. Basch also reminded the Congress that the term 'right to life' had been included in proposals for a new declaration of rights at the 1932 International Congress and should not now be discarded.⁵⁸

The new text included the phrase and brought together the common elements of Rodrigues' and Bayet's proposals. It was presented as a 'Complement to the Declaration of the Rights of Man and the Citizen' to the 1936 National Congress that met in Dijon from 19–21 July, giving the congress a purpose lacking in 1934 and 1935. The first of the two items set down for discussion (the second being the international situation and the League of Nations), the Complement framed the LDH's defence of democracy against the encroachment of Nazism after the German reoccupation of the Rhineland in

⁴⁸ Ibid., 204.

⁴⁹ Irvine, *Between Justice and Politics*, 24–5.

⁵⁰ J. Rozner, *Le congrès national de 1935*, 207–9.

⁵¹ H. Giraudot, *Le congrès national de 1935*, 218; G. Cudenet, *Le congrès national de 1935*, 221–8.

⁵² Albert Bayet (1901–1962) Sociologist, Professor at the École pratique des hautes études and the Sorbonne.

⁵³ Bayet, *Le congrès national de 1935*, 231–3.

⁵⁴ Quoted in *Le Maitron*, available at <https://maitron.fr/spip.php?article15971>, notice BAYET Albert, Pierre. Pseudonyme dans la Résistance: DUMONT par Nicole Racine, put online 20 Oct. 2008, last modification 16 Jul. 2013 (last viewed 20 Sept. 2022).

⁵⁵ Bayet, *Le congrès national de 1935*, 233.

⁵⁶ Ibid., 233–4.

⁵⁷ Ibid., 235–6.

⁵⁸ Basch, *Le congrès national de 1935*, 303.

March 1936 and mobilised support for a programme of radical social and political reform among a reinvigorated left after the Popular Front's victory in the elections of 6 May 1936.⁵⁹

Prepared by Albert Bayet and fellow member of the LDH's Central Committee, unionist, historian and journalist Georges Bourdon,⁶⁰ the *Complément* was too moderate for Rodrigues, who refused to compromise on his original text and presented it again as an alternative. Four other alternative texts were also put forward, each offering different perspectives and approaches to a new declaration of rights.⁶¹ The ensuing debate consequently concerned questions of form, and the distinction between a declaration and programmes for political reform. The delegates were asked in effect whether a new declaration should be a document of abstract ideals or a document with practical objectives. The first question considered, however, was whether the 1789 Declaration should be replaced or amended, or should a new document be appended to it, adding new rights to those of 1789? The Central Committee had pre-empted this by calling its text a 'complement' to the 1789 Declaration, a choice overwhelmingly supported.⁶² There was little desire to tinker with the foundation document.

History provided the context for pronouncements for and against making a new declaration. It was present in the very place in which the Congress met, the Palace of the Dukes of Burgundy where the illustrious orders of Burgundy had assembled before the Revolution to defend their traditional privileges. Now it hosted democratic republicans defending liberty and justice, and 'the spiritual substance of the Declaration of the Rights of Man'.⁶³ The regular references to the 1789 Declaration of Rights and the Jacobin Declaration of 1793 also brought history into the task the delegates had set before them. They were spoken about with a certain reverence, and an ideological struggle split the Congress between those who defended the LDH's historical mission to defend the principles of the 1789 and those who wanted to cast the Declaration aside and replace it with something more meaningful to the times.

The memory of former LDH member Alphonse Aulard, the first professional historian of the French Revolution, was also evoked as a reminder that the defence of the rights of man would require the pronouncement of new rights. Aulard had explained that the principles first expressed in the 1789 Declaration had evolved through political and social change. In 1793, the Republic had replaced the monarchy and a new order had emerged, requiring the pronouncement of new rights. The Declaration was revised again in 1848 as another regime came to power. The circumstances of 1936 called for the pronouncement of new principles. *Rapporteur* on the *Complément*, René Georges-Étienne, President of the LDH's section of the 5th Arrondissement of Paris, then asked rhetorically whether the 1789 Declaration had not itself evolved from and expanded upon the declarations of rights of the American colonies in the 1770s, which in turn had evolved from earlier humanist philosophers?⁶⁴ Aulard, he explained, had demonstrated the necessary evolution of the rights of man when the lessons of experience were learned. This evolution would continue. He had predicted that the right to work, the right to education and the equal rights of women would one day be inscribed in them. He had also suggested limits would be imposed on the right to property.⁶⁵ Although the 1789 Declaration was the

⁵⁹ William Irvine writes that the LDH claimed 'paternity' of the Popular Front through its organisational structure, the *Rassemblement Populaire*, and had devised its platform. Irvine, *Between Justice and Politics*, 160–4. Coincidentally, the military coup against the Spanish Republic occurred two days prior to the Congress, on 17 July 1936. It was not remarked upon.

⁶⁰ Georges Bourdon (1868–1938). One of the founders of the LDH. Also founder and Honorary President of the International Federation of Journalists from 1926.

⁶¹ The Bayet–Bourdon text had been approved by the LDH's International Congress at its Mar. 1936 session. The texts of the *Complément* and the five proposed alternatives were published in full, with critiques and commentaries, in the *Cahiers* two months before the Congress convened. *CDH*, 20 May 1936, 343–7.

⁶² R. Georges-Étienne, rapporteur, 'Projet de complément à la Déclaration des droits de l'Homme', *Le congrès national de 1936: Compte-rendu sténographique*, Dijon, 19–21 Jul. 1936, 222–34.

⁶³ M. Clerc, *Le congrès national de 1936*, 5.

⁶⁴ Georges-Étienne, 'Pour le congrès de Dijon. Les droits nouveaux de l'homme et l'adaptation de la Déclaration des Droits', *CDH*, 20 May 1936, 323.

⁶⁵ *Ibid.*, 223.

focus of attention, the main point of reference for revisions to it was the 1793 Jacobin Declaration, which had adapted and extended the original to new conditions and the new republican order. It was therefore incumbent on the LDH to work towards the further evolution of the 1793 Declaration.⁶⁶ To stress this point, the LDH reissued a short 72-page book on *The French Declarations of Rights* that Aulard had written for it shortly before his death in 1928, advertising it in the *Cahier* of 20 May 1936 alongside the detailed commentaries on the *Complément* and the alternative proposals.⁶⁷

The change in conception of the right to property is the most evident example of this evolution of rights. The point had been made repeatedly in the 1930s and was made again that property entrenched wealth and created antidemocratic cabals.⁶⁸ It was a right that benefited only the 'selfish and domineering interests of trusts and cartels', as Article 8 of the draft *Complément* spelt out. Constraints on it did not impinge on individual liberty and were not a threat to a citizen's independence. The evolution of rights was also reflected in the perceptions of state obligations to assure a more equitable share of wealth and distribution of resources. In this respect, the idea of society itself as guarantor of rights proposed in Robespierre's statement to the Jacobins in April 1793 was the one to which the LDH should aspire.⁶⁹ Georges-Étienne alluded to it three times. He observed that the 'right to life' expressed the same idea of a society's obligation to its citizens.⁷⁰ The 'right to life', he pointed out furthermore, was not so much a 'new right' but a restatement of a principle that was 'proclaimed some time ago by the [physiocrat] Turgot'.⁷¹ In short, then, he made the point that, rather than embarking in a new direction, the LDH was in fact remaining true to its historical heritage and returning to established principles.

The substance of the *Complément* was not contested. The 'right to life' encompassed accepted universal principles of liberty and equality, and went on to define the 'rights of man' in society. The right to life implied the potential of all individuals, irrespective of sex, race, religion, age or social status, to develop their full humanity, physically, morally, intellectually. The purpose of defining the right to life then was to free people from political and social oppression.⁷² The question facing the Congress consequently was whether this should replace the old values of 1789 or whether the 'spirit' of 1789 should endure and be embodied in a new text. Victor Basch had said ahead of the Congress that 'the old system of values is broken'.⁷³ For Gustave Rodrigues, standing to defend his draft

⁶⁶ Ibid., 223–4.

⁶⁷ Naquet, *Pour l'humanité*, 496. Georges-Étienne, *CDH*, 20 May 1936, 323–4. Advertisement at 326, advertised as Alphonse Aulard, *Les déclarations françaises des droits de l'homme (1789–1852), textes réunis et annotés*.

⁶⁸ G. Corcos, *Le Congrès de 1933*, 327–9.

⁶⁹ This statement became Article 21 of the 1793 Declaration: 'Les secours publics sont une dette sacrée. La société doit la subsistance aux citoyens malheureux, soit en leur procurant du travail, soit en assurance les moyens d'exister à ceux qui sont hors d'état de travailler'. See A. Cobban, 'The Political Ideas of Maximilien Robespierre during the Period of the Convention', *English Historical Review*, 61, 239 (1946), 54.

⁷⁰ Georges-Étienne, *CDH*, 20 May 1936, 323. He repeated this in his address to the Congress when introducing the *Complément* and opening the debate. *Le congrès national de 1936*, 223, 230. Irvine, *Between Justice and Politics*, 149, writes that Georges-Étienne had come to the view that 'true freedom consists of being able to work and to live' and was informed by his observations of the National Socialist economy in Germany and its contrast to the little that the Weimar Republic could offer workers. Other aspects of Nazi Germany he found detestable.

⁷¹ Georges-Étienne, *Le congrès national de 1936*, 230.

⁷² Draft *Complément*, Art 3:

The right to life consists of the right of the mother to the necessities of motherhood, the right of the child to all it requires for its physical and moral development, the right of the elderly, the ill and infirm to what their conditions demand, the right of all to benefit equally from all the means for protection that science makes possible.

Art 4: The liberty of man and the citizen must be assured against all forms of political and social oppression, *CDH*, 20 May 1936, 327.

⁷³ Quoted by Georges-Étienne, *Le congrès national de 1936*, 227.

declaration, this statement could only bring the 1789 Declaration into question. All ideological assumptions to this point in time, he argued, were dead, but the Complement upheld and affirmed them.⁷⁴ Albert Bayet, on the other hand, maintained the 'spirit' of earlier declarations in the very wording of the Complement. The right to life was implicit in the 'rights of man proclaimed by the French Revolution' but now needed to be pronounced explicitly. It was also synonymous with the notion of the 'right to work' and to a means of subsistence from remunerative work or welfare. The state's obligation was to provide the means for individuals to sustain themselves.⁷⁵

In short, then, the debate at the 1936 Congress had three lines of arguments: for upholding the 'spirit' and the principles of 1789 (those supporting the Complement); for new rights based on new principles (those supporting Rodrigues or another alternative text); and for practical measures of rights protection that dressed political programmes in the form of a declaration of rights. Another delegate arguing against the Complement, Jean Marestan, for example, presented a text that had come from discussions begun in 1924 in the Marseille section and resumed in the Federation of the Bouche-du-Rhône in 1933.⁷⁶ He argued that the 'abstract and sentimental' form of rights under discussion ignored the need for a more precise constitutional form that would give practical moral and civil possibilities to the defence of peace and democracy.⁷⁷

Some delegates had specific political objectives. Another of the alternative texts put forward by a Mme Coussy on behalf of the fifty-one women delegates to the Congress proposed a Declaration on the Rights of the Child because of the value of the child to future society and the 'sacred duty' of child protection.⁷⁸ This, like Marestan's text, required an active political programme to be realised.

It was in the nature of an open debate such as this that many different voices demanded to be heard. They exposed the many expectations placed on the very notion of a new declaration of rights and consequently on the omissions and oversights that were made in the written texts. Although the rights of women were listed as part of the campaign that Victor Basch initiated in 1930, they were only implicit in the universal conception of the right to life in the draft Complement. One speaker at least expressed her hope that the 'liberty of man and the citizen' (Article 4 of the draft) included the liberty of women.⁷⁹ Elsewhere (Article 3), the rights of women were conflated with the rights of mothers and children but stopped short of expressly pronouncing the rights of mothers as women, for example their right to an education.⁸⁰

Again, the rights of the peoples of colonised territories were implied in the universal meaning given to the right to life. The draft Complement included in its Article 12 a denunciation of colonisation 'accompanied by violence, oppression and contempt' as an 'attack on the rights of man'. But, for

⁷⁴ Rodrigues, *Le congrès national de 1936*, 237–9.

⁷⁵ Draft *Complément*:

Art. 2: The rights of man proclaimed by the French Revolution consist of the right of each human being to life. National and international society owes individuals the means to sustain their lives

Art. 5: The right to life consists of the right to remunerative work and the right to a subsistence for children, the elderly, the ill and the infirmed. Where the economic system fails its obligations to provide labour for the subsistence of its active members, it proves its incompetence, *CDH*, 20 May 1936, 327.

⁷⁶ Marestan, *Le congrès national de 1936*, 244–8. Jean Marestan (1874–1951), pen name of Gaston Havard, an anarchist in his youth, later a neo-Malthusian and a proponent of sexual education. Vice-President of the LDH section of the Bouche-du-Rhône.

⁷⁷ *Ibid.*, 245.

⁷⁸ Mme Coussy, 'Déclaration Consacrant les droits d'Enfant', *Le congrès national de 1936*, 285–9.

⁷⁹ Mme Legrand-Falco, *Le congrès national de 1936*, 290.

⁸⁰ Marestan, *Le congrès national de 1936*, 248–9. Natality and the prohibitions on contraception under the law of 31 Jul. 1920, and the policing of prostitution, were also raised as examples of laws oppressing women.

two speakers, simply condemning the abuses of colonisation did not go far enough. It was the principle that one people could colonise another that should be condemned as an affront to the rights of man.⁸¹ The delegate representing the section of Dakar, Marc Antoine Casati, proposed the simple statement that 'colonisation is an attack on the Rights of Man' because it was by its nature an act of violence, oppression and contempt.⁸²

Between 1930 and 1936, the LDH pronounced new rights ideals in an unsettled age with grave political challenges. It was motivated by the need to protect individual rights when they seemed, politically and socially, to have lost their meaning and purpose in protecting freedoms and assuring equality. The LDH moved from plans for a campaign for political reform to protect and extend existing rights, to being persuaded to support a new declaration of the international rights of man. Finally, it adopted the Complement to make rights more meaningful in people's lives through economic democracy and the recognition of individuals as individuals and as social beings, in full dignity of their humanity.

The moderate majority fell behind the Complement, voting overwhelmingly in its favour (1,088 votes out of a total of 1,343).⁸³ A final text was then prepared, and to reconcile the Complement with other texts, parts of the Rodrigues' and Marestan's draft declarations were incorporated into it. But they both refused to compromise and did not cooperate in the final wording.⁸⁴ Notably, the final text simplified Article 2, stating 'the first of the rights of man is the right to life'.

The common element throughout this period was the writing of declarations. Rights were pronounced in the form of an established genre of political writing that presented ideals as cogent political aspirations. The Complement (not to mention the various draft declarations and the debates on rights from 1933 to 1936) was expressed in a mode deeply rooted in French history that had been normalised in practice through revolution and regime change. But there are two distinct differences from earlier declarations. One is that rights pronouncements had assumed an international outlook. The other is that the Complement was a product of national domestic politics which anticipated political, social and economic reforms and therefore assumed the form of a political manifesto. It was assuredly aspirational, utopian even, stating the ideology of a putative future regime, not one that, as in 1789 and 1793, had attained power and was therefore distinguishing itself from the regime it replaced.

Progress in national contexts advanced rights ideals between the two world wars. Mirkine-Guetzévitch had observed that they had become the norm in national laws and the new post-war constitutions. In this particular example of France, of the LDH and its Complement of 1936, we see the notion of the 'right to life' move rights ideals beyond the restricted criteria of the minorities treaties – race, language or religion – that Mandelstam maintained in his draft declaration of international rights. We see a principle – the right to life – that attempted to encompass all liberties, including social and economic freedoms, and that pronounced the 'rights of the human being' without distinction of sex, race, nationality or religion, to be respected 'at all times in all places'.⁸⁵

Therefore, while the debates were concerned primarily with the domestic context, the Complement was also a declaration of international rights. Articles 8 to 14 of the final text added international rights and the international implications of the right to life: the rights of groups (Art. 8); the rights and duties of each nation in respect to others (Art. 9); the condemnation of colonisation when accompanied by 'violence, oppression and contempt' (Art. 10); the abolition of war (Art. 11); international conciliation and arbitration of disputes between nations (Art. 12); the rights of nations as societies and

⁸¹ M. Weber, *Le congrès national de 1936*, 296–7.

⁸² Casati, *Le congrès national de 1936*, 297–8. Casati abstained because of this article. He was the only delegate to do so.

⁸³ Voting was by mandate. Each section and federation had a number of mandates based on membership. For sections, this was one mandate per 100 members or fraction thereof, and for federations one mandate per 1,000 members or fraction thereof (*Le Congrès de 1933*, 301–2). A total of 433 delegates attended the 1936 Congress representing 76 federations and 942 sections (914 metropolitan, 27 colonial and one from Geneva). There were 1,439 mandates in total. Rodrigues' text received 175 mandates, Marestan's 65 mandates. *Le congrès national de 1936*, 333. Federations, sections and names of delegates listed at 537–46.

⁸⁴ Naquet, *Pour l'humanité*, 497–8.

⁸⁵ Article 1, 'Complément à la Déclaration des Droits de l'Homme', *Congrès national de 1936*, 418–22.

the international obligation to defend them (Art. 13). It stated that no state could refuse the protection of rights to any person and international protection must be organised and guaranteed universally (Art. 1). It concluded (Art. 14) by stating that it was the duty of society to combat tyranny, develop citizens' moral and intellectual progress, and the well-being of individuals 'after the example of the French Revolution' to strive for a 'reign of reason, justice and fraternity'.⁸⁶

For these aspirations to be truly meaningful and have substance beyond its ideological pronouncements, it would have to be transmitted widely, be read by and appeal to those whose interests it addressed. We can only guess how widely it was read and whether it moved general opinion. The LDH seemed incapable of promoting and spreading its own document. However, during 1937 and 1938 it split over the increasingly fractious politics relating to the Spanish Civil War, the Moscow show trials and France's relations with the Soviet Union. Its political influence ceased with the collapse of the Popular Front.⁸⁷

Yet, the Complement certainly appealed to two readers during the war years, who also expressed their ideas of social reform in this same genre of rights declarations. One was H. G. Wells. In answer to the question he posed in 1940, 'What are we fighting for?', Wells cites the Complement and compares it to his own 'revised declaration of rights' that expressed in his mind the ideological purpose of the allied war effort and the kind of society that should come about with peace. He provided a full translation of it for his British readers.⁸⁸ Another was the French sociologist Georges Gurvitch. Writing in New York during the 1940s, Gurvitch stated that the Complement was 'more appealing and forceful' than other texts for a future international convention on rights, as it 'established principles of economic democracy through the suppression of all special privileges in the social field'.⁸⁹

Gurvitch proclaimed that new declarations of rights were the 'order of the day' at the time when he published his own.⁹⁰ The genre of rights declarations continued into the post-war years with many new models proposed before the United Nations adopted the Universal Declaration of Human Rights in 1948. They had in common an emphasis on social and economic rights and were driven by principles of economic democracy.⁹¹ This is not to say that the Complement had a far-reaching impact. Rather, notions of social and economic rights, and economic democracy, emerged in various contexts as a reaction to the impact of the economic depression and the influence it had on the drift to the political extremes in the 1930s, and consequently on the war itself. The fashion for the writing of declarations suggests common aspirations for peace as well as changing conceptions of the principles upon which the political, social and economic orders of post-war society should rest.⁹²

The factors that led to the adoption of the Complement after several years of debates about rights and their reconceptualisation in the circumstances of the 1930s remind us of the motive force behind social and economic rights in the progress of rights generally. In these years, industrial and technological developments, along with financial and economic collapse, were feared with good reason to have become a threat to the liberty of nations, peoples and individuals. Gurvitch claimed there was

⁸⁶ 'Complément à la Déclaration des Droits de l'Homme'.

⁸⁷ Irvine, *Between Justice and Politics*, ch. 7.

⁸⁸ H. G. Wells, *The Rights of Man* (1940) (Harmondsworth: Penguin, 2015), trans. at 85–94. His translation of the 'droit à la vie' is the 'right to live'.

⁸⁹ G. Gurvitch, *The Bill of Social Rights* (New York, NY: International University Press, 1946), 17. Originally published in French as *La déclaration des droits sociaux* (New York, NY: Éditions de la Maison de France, 1944).

⁹⁰ Gurvitch, *La déclaration des droits sociaux*, 21.

⁹¹ A small sample would include the 1943 Declaration of the Rights and Duties of Man and the Citizen by the Free French, London, likely the work of René Cassin, and Cassin's draft of an international Declaration of Rights presented to the United Nations in 1947 (M. Agi, *René Cassin, Prix Nobel de la Paix (1887–1976)*. Annex 4, 338–42 & Annex 9, 358–65); the 1943 'New Bill of Rights' of the American National Resources Planning Board (C. E. Merriam, 'The National Resources Planning Board. A Chapter in American Planning Experience', *American Political Science Review*, 38, 6 (1944), 1079); Jacques Maritain, *Les droits de l'homme et la loi naturelle* (New York, NY: Editions de la Maison Française, Inc., 1942; Paris: Paul Hartmann Éditeur, 1947), published in English as *The Rights of Man and Natural Law*, trans. Doris S. Anson (1943) (New York, NY: Gordian Press, 1971).

⁹² Cf. Armitage, *The Declaration of Independence*, 16–7.

a ‘fierce struggle, without mercy or respite, against dangerous opponents, against economic feudalism, financial oligarchy, arbitrary power of employers . . . [and] fascist plotters’.⁹³ Gurvitch could look back to and learn from the social, economic and political crises that had led to war. Certainly, the delegates to the LDH National Congress in 1936 were acutely aware of the role that social dislocation and economic distress had in the appeal of fascism in Italy and Nazism in Germany, and were already witnessing a similar rise of the extreme right in France. For the LDH, social and economic rights, the right to life, to security, subsistence and dignity were critical for the protection of liberty and the defence of democracy. The Complement of 1936 was its response. In its form as a declaration, it not only set social and economic rights alongside the classical civil and political rights, but it also elaborated a doctrine of international, indeed universal rights of the human being ‘at all times and in all places’.

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⁹³ Gurvitch, *The Bill of Social Rights*, 48–9.