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Constructing Colonial Peoples: W. E. B. Du Bois, the United Nations, and the Politics of Space and Scale

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This article examines W. E. B. Du Bois's transnational political thought during his work with the UN and the NAACP in the 1940s. Focusing on unpublished speeches, essays, and correspondence, it explores how he exploited the conceptual elasticity of terms like "colonial status" and "colonial peoples" in order to build a transnational majority on a global scale. The conceptual capaciousness of the term "colony" and its cognates allowed him to connect disparate forms of domination and dependence across boundaries of race, nation, and empire, thus binding colonial and semi-colonial peoples together in a common program of international action. The fruition of these efforts, I argue, was Du Bois's 1948 petition to the UN, An Appeal to the World. Through the appropriation of international legal discourse, he sought to politicize the jurisdictional bifurcation of domestic and international politics embedded in the UN Charter and expand the spatial scale of democracy by placing civil rights struggles in imperial context.

In 1944, W. E. B. Du Bois once again left Atlanta University and accepted a new position as director of the Department of Special Research with the National Association for the Advancement of Colored People (NAACP). After leaving the organization a decade earlier over ideological and personal differences, he returned at a somewhat auspicious moment. One of his central reasons for resigning as editor of *The Crisis* in 1934 concerned the NAACP's inattention to the transnational dimension of the race problem. "They will have nothing to do with Africa or the Negroes outside of the United States and I could not agree with them," Du Bois proclaimed. When he returned, the NAACP, like the larger Afro-American community, was "avowedly anti-colonialist and anti-imperialist."¹ In his new role, he was tasked with preparing "material to be presented to the Peace Conference or Conferences after the close of the war in [*sic*] behalf of the peoples of Africa and

¹Du Bois quoted in Gerald Horne, *Black & Red: W. E. B. Du Bois and the Afro-American Response to the Cold War, 1944–1963* (Albany, 1986), 1, 332. Against Horne, Anderson explores how anticolonialism was more deeply embedded in NAACP activism beyond the period coinciding with Du Bois's return from 1944 to 1948. Carol Anderson, *Bourgeois Radicals: The NAACP and the Struggle for Colonial Liberation, 1941–1960* (Cambridge, 2015).

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other colored groups so as to demand for them an assured status of security and progress in the post-war world.”² He immediately accepted the offer and went to work researching the global condition of colonial peoples. By May of 1945, he was in a position to use his research in his role as a consultant to the United States delegation to the United Nations Conference on International Organization (UNCIO) in San Francisco.

In preparation for this task, he organized a “Colonial Conference” from 6 to 7 April 1945 at the Schomburg Center in Harlem, NY. In the months prior to the conference, he sent invitations to activists and political leaders living in or near New York City to serve as representatives of colonies as well as religious and humanitarian organizations involved in colonial policy.³ His efforts organizing the conference came on the heels of two and half decades organizing pan-African conferences. Yet what marked the Colonial Conference apart from these earlier meetings was its explicit focus on colonial populations beyond Afro-descendant peoples.⁴ Du Bois intended the conference less as a discussion of theory and opinion than as a fact-finding mission, an effort to get a picture of the present and future of colonial conditions. The conference was composed of an “all-star lineup” of anticolonial activists such as Francis Nkrumah, Kumar Goshal, Maung Saw Tung, Julio Pinto Gandia, and Amy Ashwood Garvey, as well as prominent black intellectuals like L. D. Reddick and Rayford Logan. By all accounts, it was “a spectacular success and may have been the most significant signpost on the road to anti-colonial independence.”⁵ In his invitations, he requested that participants bring petitions, resolutions, and manifestos that anticolonial movements have made since World War I. His intention was to publish these documents in a single volume titled “Colonial Demand for Democracy and Freedom in the Twentieth Century.” The need for such a volume was evident in the fact that “most readers and thinkers seem to have no idea that colonial peoples have ever expressed themselves in anything but vague and indefinite terms.”⁶

At the end of the conference, the resolution committee selected Du Bois to present a petition demanding rights of self-determination for colonial peoples at the UNCIO two months later. Going into the UNCIO, Du Bois was therefore expressly concerned with representing the demands of colonial peoples for democracy and freedom from colonial domination. Yet in his self-conscious effort to act as a representative of colonial peoples on a global scale, Du Bois ran into a problem—the fact that there was no recognizably coherent and unified constituency he could

²Manning Marable, *W. E. B. Du Bois: Black Radical Democrat* (Boston, 1986), 162. W. E. B. Du Bois, letter to Walter White, 5 July 1944, W. E. B. Du Bois Papers (MS 312), Box 103, 1. Special Collections and University Archives, University of Massachusetts Amherst Libraries. Subsequent citations will follow the format DBP Box #, page # (when relevant).

³W. E. B. Du Bois, letter to L.D. Reddick, 8 Jan. 1945, DBP 108.

⁴Due to space constraints, my focus will be on Du Bois’s involvement with the UN and will have to set aside consideration of his work organizing the Pan-African Congresses.

⁵Horne, *Black and Red*, 28–9. John Munro, *The Anticolonial Front: The African American Freedom Struggle and Global Decolonization* (New York, 2017), 44–8.

⁶Du Bois pitched this volume to the MacMillan Company, who responded with a request for the manuscript, which Du Bois failed to provide. Letter from W. E. B. Du Bois to MacMillan Company, 31 Jan. 1945, DBP 106.

claim to represent in the first place.⁷ Rather, such efforts to represent colonial peoples entered into a contested discursive terrain and thus operated not simply as a descriptive claim but as a political and rhetorical claim that called that constituency partially into existence. As a result, the boundaries of colonial peoples in both anticolonial movements and international law were necessarily porous rather than a stable referent authorizing anticolonial claims for freedom and self-government. At stake in these debates over the boundaries of colonial peoplehood was whether racism within the United States could be understood in colonial terms. Indeed, figures as different as C. L. R. James, Frantz Fanon, and James Baldwin all expressed serious skepticism.⁸

This problem surfaces in an exchange Du Bois had with one of the invitees to the Colonial Conference, the Baptist minister Harry Emerson Fosdick. An outspoken advocate against racism, Fosdick was also the brother of the American diplomat Raymond Fosdick, a prominent internationalist and architect of the League of Nations. His response to Du Bois's invitation was disheartening to say the least. Admitting that he had "not the faintest glimmering of an idea concerning what your letter means," Fosdick went on to say that Du Bois's use of the word "colony" had some special significance that evaded ordinary use of the term. Repeating Du Bois's words back verbatim, Fosdick reiterated his confusion: "I cannot get even the dimmest idea as to what you mean by a colony."⁹ Fosdick declined participation and questioned the value of his presence at the conference. Du Bois responded by enclosing a list of colonial possessions detailing both raw population statistics and area by square miles "in order that you may realize that seven hundred fifty million people on this earth live in colonies which have rights which no white nation is bound to respect."¹⁰ Fosdick was skeptical that there was a singular anticolonial constituency to represent before international institutions. In order to bring anticolonial demands for freedom and democracy before the UN, Du Bois had to construct an image of a recognizable constituency to represent in the first place. Doing so required clearly delineating terms like "colony," which was complicated by the fact that he included in his definition formal colonies under overt political control of a foreign power as well as quasi-colonial peoples in a condition of second-class citizenship like African Americans.

As this exchange illustrates, the linguistic and sociological boundaries of "colony" and "colonial peoples" were subjects of debate. In this article, I examine how Du Bois navigated these problems of constructing what Nazmul Sultan calls "colonial peoplehood" by focusing on his work in the 1940s with the UNCIO. Yet rather than focusing on the "developmental incapacity for political sovereignty" imposed by imperial discourses that prevents colonized populations from claiming rights of democratic rule, I turn to a different problem of colonial peoplehood: that

⁷Lisa Disch, "Democratic Representation and the Constituency Paradox," *Perspectives on Politics* 10/3 (2012), 599–616.

⁸Frantz Fanon, *The Wretched of the Earth* (New York, 2004), 153. James Baldwin, "Princes and Powers," in Baldwin, *Collected Essays* (New York, 1998), 143–69. C. L. R. James, "The Revolutionary Answer to the Negro Problem in the United States" *Fourth International* 8/9 (1948), 242–51, available at <https://www.marxists.org/archive/james-clr/works/1948/revolutionary-answer.htm>.

⁹Letter from Harry Emerson Fosdick to W. E. B. Du Bois, 11 Jan. 1945, DBP 105.

¹⁰Letter from W. E. B. Du Bois to Harry Emerson Fosdick, 17 Jan. 1945, DBP 105.

of representing the disconnected claims of self-determination for colonized peoples across different imperial jurisdictions in international politics.¹¹ In response, Du Bois's objective was not just to represent a unified set of colonial demands, but to construct a new constituency in international politics that would constitute new forms of political conflict over the colonial question. Through analysis of his writings, speeches, and correspondence in the 1940s, I explore the rhetorical practices that Du Bois deployed to constitute an anticolonial constituency to bring before the newly minted institutions of global governance. Specifically, I argue that he exploits the conceptual elasticity of the meaning of "colony" in order to build a transnational democratic majority on a global scale. The capaciousness of terms like "colony" and "colonial peoples" allowed Du Bois to connect disparate forms of oppression and economic exploitation across boundaries of race, nation, and empire. In connecting transnational forms of racial and colonial hierarchy, he sought to constitute a transnational and majoritarian constituency to counter the ills of global poverty, colonialism, and international inequality.

In arguing that Du Bois partially constitutes an anticolonial, transnational constituency, however, I do not mean to suggest he does so *de novo*. Historians and political theorists have long documented the networks of transnational solidarities—many of which Du Bois himself participated in—that linked African Americans with colonial peoples in a shared struggle for self-determination.¹² Inés Valdez, most significantly, shows how Du Bois, in his editorial practices for *The Crisis* in the 1920s and 1930s, constructed a transnational public sphere that attends to "the entanglements between overarching forms of power and local social and political formations" in order to understand and confront transnational forms of injustice that cut across spheres of domestic and international politics.¹³ While Valdez productively illuminates the transnational dimensions of Du Bois's political thinking, she pays less attention the tensions and contestations associated with the paradoxes of representing colonial peoplehood. The task of illustrating how Du Bois theorized forms of transnational solidarity, I will argue, cannot assume the coherence and stability of the constituencies represented in this counterpublic sphere.

As I will reveal, Du Bois faced profound challenges in articulating such anticolonial claims that derived from the prominent place of rearticulated conceptions of national sovereignty in the UN Charter. Embodied in Article 2, liberal norms of

¹¹Nazmul Sultan, "Self-Rule and the Problem of Peoplehood in Colonial India," *American Political Science Review* 114/1 (2020), 81–94, at 92.

¹²See Roderick Bush, *The End of White World Supremacy: Black Internationalism and the Problem of the Color Line* (Philadelphia, 2009); Nikhil Pal Singh, *Black Is a Country: Race and the Unfinished Struggle for Democracy* (Cambridge, 2005); Juliet Hooker, *Theorizing Race in the Americas: Douglass, Sarmiento, Du Bois, and Vasconcelos* (Oxford, 2017); Bill Mullen, *Afro-Orientalism* (Minneapolis, 2004); Yuichiro Onishi, *Transpacific Antiracism: Afro-Asican Solidarity in 20th-Century Black America, Japan, and Okinawa* (New York, 2013); Nico Slate, *Colored Cosmopolitanism: The Shared Struggle for Freedom in the United States and India* (Cambridge, 2017); Minkah Makalani, *In the Cause of Freedom: Radical Black Internationalism from Harlem to London, 1917–1939* (Chapel Hill, 2011); Keisha Blain, *Set the World on Fire: Black Nationalist Women and the Global Struggle for Freedom* (Philadelphia, 2018); and Penny von Eschen, *Race against Empire: Black Americans and Anticolonialism, 1937–1957* (Ithaca, 1997).

¹³Inés Valdez, *Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft* (Cambridge, 2019), 89.

noninterference upheld the sovereign-state system by casting the claims of oppressed minorities and colonial peoples as residing within the “domestic jurisdiction” of imperial nation-states and thus outside the UN’s purview. Thus any attempt to represent colonial peoples as a transnational constituency confronted the institutional bifurcation of internal state sovereignty and international law proposed under the UN founding charter, which separated colonial peoples as internal minorities within the sovereign domain of the nation-state rather than as a constituency with connected claims for self-determination.¹⁴ To overcome these constraints, Du Bois rhetorically recast the meaning of “colonial status” and “colonial peoples” by treating different forms of colonial domination and dependency as interconnected dynamics of an overarching process of global empire. He then demanded that any institutional model of global democracy provide deliberative avenues for the representation of colonial peoples within the decision-making bodies of the UN.

In providing a new contextualization of the problems that Du Bois confronted at the UN, I show how engagements with concepts of sovereignty, jurisdiction, democratic majoritarianism, and political representation played out in the evolving spatial contexts of world politics. Such contextualization contributes to the ongoing efforts of historians of international thought to “explore alternative spatial imaginaries of political order” in the twentieth century.¹⁵ Yet I also hope to raise new questions about how to study the spatial contexts of global political thought. An essential part of this requires attention to how perceptions of space and scale influence political concepts and categories. Or Rosenboim highlights the category of “political space” as a useful one for the historical study of political thought, which prompts reflection on “the midcentury perceptions of the physical geographical conditions of the world and their impact on political and social order.”¹⁶ David Armitage similarly argues, “When conceptions of space expand, webs of significance ramify and networks of exchange proliferate to create novel contexts and unanticipated connections among them ... Changing conceptions of space expanded the contexts for ideas and, with them, the very possibilities for thought.”¹⁷

If the proliferation of global spaces and contexts created new possibilities for political thought, something like the reverse is also true. What I propose here is a shift from understanding “the spatiality of politics”—the way that spatial discourses and

¹⁴I adapt the language of institutional bifurcation from Go’s notion of “analytic bifurcation” to characterize the methodological nationalism of sociology. Julian Go, *Postcolonial Thought and Social Theory* (Oxford, 2016), Ch. 3.

¹⁵Or Rosenboim, “The Spatiality of Politics: Cesare Battisti’s Regional and International thought, 1900–1916,” *Modern Intellectual History* First View (2021), 1; Duncan Bell, *Dreamworlds of Race: Empire and the Utopian Destiny of Anglo-America* (Princeton, 2020); Gary Wilder, *Freedom Time: Negritude, Decolonization, and the Future of the World* (Durham, NC, 2015); Frederick Cooper, *Citizenship between Empire and Nation: Remaking France and French Africa, 1945–1960* (Princeton, 2014); Merve Fejzula, “The Cosmopolitan Historiography of Twentieth-Century Federalism,” *Historical Journal* 64/2 (2021), 477–500; Kevin Duong, “Universal Suffrage as Decolonization,” *American Political Science Review* 115/2 (2021), 412–28.

¹⁶Or Rosenboim, *The Emergence of Globalism: Visions of World Order in Britain and the United States* (Princeton, 2019), 5.

¹⁷David Armitage, “The International Turn in Intellectual History,” in Darrin McMahon and Samuel Moyn, eds., *Rethinking Modern European Intellectual History* (Oxford, 2014), 232–52, at 241.

contexts shape political thinking—to “the politics of space”—the way that political actors use spatial grammars to act politically.¹⁸ The space and scale of politics are not a priori conditions that simply structure political thought and action. Rather, perceptions about the proper ordering of political space as well as codified constructions of spatial jurisdiction in both domestic and international law are themselves contested objects of political, economic, and ideological conflict.¹⁹

Global majoritarianism and the theory of constructive minorities

While Du Bois’s involvement with the founding of the United Nations in the 1940s represented a unique moment in which he was in a position to insert anticolonial claims into extant frameworks of international law, I argue here that much of his strategic vision surfaces in a significant but ultimately unpublished essay from 1935 called “A Pragmatic Program for a Dark Minority.” Du Bois originally prepared the paper for a conference at Howard University convened by Alain Locke on Problems, Programs, and Philosophies of Minority Groups in April of 1935.²⁰ The language of minority status in the conference title and Du Bois’s paper evoked ongoing debates over the legacy of the “minority rights regime” in the League of Nations, a series of bilateral and multilateral treaties providing collective rights of national minorities within Eastern European states after the breakup of the Ottoman and Austro-Hungarian empires. As Robert Vitalis notes, the language of minority rights emerged only in the 1920s. The minority treaties provided Locke with a conceptual apparatus for placing black struggles for racial equality in an imperial context.²¹ The strict definition of “national minorities” pertained to “distinct ethnic groups with an individual national and cultural character living within a state which is dominated by some other nationality.” Directly invoking the minority-rights treaties under the League of Nations, Locke and other participants adopted a “looser definition of minorities” delineated as “any people in any state differing from the majority population in either race, language or religion.”²² This expansive definition of minority status thus provided participants with a means of placing the problem of domestic racism in the context of international politics.

Echoing this perspective, Du Bois argued that racial minorities within a nation like African Americans are “analogous” both to formal colonies politically

¹⁸The “politics of space” has resonance with notions of anticolonialism as world-making activity. Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton, 2019); and Duncan Bell, “Making and Taking Worlds,” in Samuel Moyn and Andrew Sartori, eds., *Global Intellectual History* (New York, 2013), 254–79.

¹⁹I take this notion of spatial politics from Lefebvre, who argues that spatiality is both a precondition and an effect of social relations, “so there is no sense in which space can be treated solely as an *a priori* condition of these institutions and the state which presides over them.” Henri Lefebvre, *The Production of Space* (Malden, 1991), 60, 85.

²⁰In 1938, Du Bois unsuccessfully submitted the paper to *Atlantic Monthly* for publication. Despite never being formally published, it illuminates central features of his spatial framework.

²¹Robert Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations* (Ithaca, 2015), 96.

²²Ralph Bunche, “A Critical Analysis of the Tactics and Programs of Minority Groups,” *Journal of Negro Education* 4/3 (1935), 308–9.

dependent on imperial powers and to small nations economically dependent on imperial powers. In doing so, he outlined three different global minority populations that shared an interconnected set of challenges in pursuing rights of self-government: (1) formal colonies under the legal control of a foreign power that lack rights of self-rule, (2) small nations who are formally free yet have their political independence conditioned by their economic dependence on foreign capital, and (3) minority groups who face curtailed rights of self-government within larger nation-states. Although they face different forms of domination and dependence, these three distinct populations—formal colonies, small nations, and internal minorities—all together form what Du Bois called “constructive minorities”; that is, artificially constructed minorities. Far from natural minorities, the lack of power that constructive minorities face is an artifact of the spatial construction of politics. Political space, Du Bois suggested, is not naturally given but is an object of contestation itself. By confining the demands of constructive minorities for economic and political equality to the nation-state, colonial powers disconnect these demands through the institutional bifurcation of the domestic and international. Because of the constructed spatial contexts they operated in, constructive minorities experience diminished power in opposition to their imperial masters, who appear as the majority due to colonial relations of power: “they have little or no voice in their own government or the government of the mother country.”²³

Du Bois then outlined three options facing constructive minorities like African Americans. One option was to seek a “separate national existence” through self-segregation. Another option was to seek “eventual inclusion within mother countries” through absorption and assimilation into the majority group. Both options, however, left the underlying spatiality of politics undisturbed, in Du Bois’s mind. That is, neither separation nor assimilation contest the coordinates of political space in order to reconfigure the very terrain of struggles for racial equality. A third option was to seek federation, union, and cooperation among the constructive minorities of the world. Du Bois wrote, “Minority groups, colonies and small nations occupy today an anomalous position in the world. Together they form a major part of the world’s population. Separately they are dominated by majorities who wield political, economic, and social power over them. Ordinarily, they cannot hope to become majorities.”²⁴ However, by federating with each other and by altering the spatiality of imperial politics, constructive minorities could form a transnational majority. The potential for such a majoritarian strategy is implicit within the hierarchical structure of international order. The further entrenchment of colonial hierarchies, global poverty, and statelessness all lead to the “cumulative numerical increase” of minorities. Based on his theory of constructive minorities, Du Bois envisioned a “new conception of democracy,” less as an institutionalized, transnational polity than as a means by which artificially separated minorities coalesce into a global majority.²⁵

For Du Bois, this had distinct implications for civil rights struggles within the United States. As Nikhil Pal Singh puts it, “the world beyond the United States

²³W. E. B. Du Bois, “A Pragmatic Program for a Dark Minority,” *DBP* 213, 1.

²⁴*Ibid.*, 1.

²⁵*Ibid.*, 2, 8.

was especially important for blacks at home because it presented the possibility of wider publics—indeed a global majority—who had been denied the historic protections and benefits of nationality.”²⁶ Rather than a “nation within a nation,” African Americans would be part of a transnational majority on a global scale, thus altering the terrain of politics on which civil rights struggles occurred.²⁷ Du Bois thus constituted constructive minorities as the subject of a form of majoritarian rule that cut across the boundaries of colony and empire, fusing different racialized and colonized populations into a single constituency. What is significant in these reflections is the way that majoritarian power on a global scale is doubly determined not just by the demographic power of colonial peoples, but also by the political space and scale within which their demands for freedom and democracy are confined. On the one hand, the notion of constructive minorities signaled the sheer numerical force of colonial peoples as a sign of their democratic (i.e. majoritarian) power. On the other hand, Du Bois keenly sensed that the power of such a global popular majority rested on more than demographic magnitude. As long as different colonial constituencies remained isolated and disconnected due to their confinement to the national scale of domestic politics and their lack of representation in institutions of global governance, they would fail to realize their numerical power.

Notably, the first two options Du Bois outlined above correspond to traditional distinctions in black political thought between integrationism and separatism, both of which Du Bois juxtaposed to global majoritarianism.²⁸ His conclusion in favor of global majoritarianism is striking because it comes just a year after he broke with the NAACP for arguing for the self-segregation of African Americans into their own political, economic, and cultural enclaves as a tactic in the civil rights struggle.²⁹ In his arguments for racial separatism, Du Bois faced persistent criticism not just from racial liberals at the NAACP but also from younger radicals like Ralph Bunche and George Streater.³⁰ Bunche criticized racial separatism as a form of “defeatism in its most extreme form,” tacitly equating Du Bois with both Zionism and the Garvey movement. For Bunche, the only adequate program for the masses of any minority group was “the hope that can be held out for the betterment of the masses of the dominant group.” Put differently, any minority group must side with the dominant working-class majority by viewing their interests,

²⁶Singh, *Black Is a Country*, 53.

²⁷W. E. B. Du Bois, “A Negro Nation within the Nation,” *Current History* 42 (1935), 265–70.

²⁸See, for instance, Bernard Boxill, “Two Traditions in African American Political Philosophy,” *Philosophical Forum* 24 (1992), 119–35. In my view, this particular strand of Du Bois’s thought challenges accounts of him as calling for the assimilation of African Americans into the norms of modernity or as a pragmatic black nationalist. For these alternative views see respectively Robert Gooding Williams, *In the Shadow of Du Bois: Afro-modern Thought in America* (Cambridge, 2011); and Tommy Shelby, *We Who Are Dark: The Philosophical Foundations of Black Solidarity* (Cambridge, 2009). In contrast to these characterizations, I follow Marable and Mullings in viewing Du Bois as embracing a transformative vision of radical, multiracial democracy, which more adequately captures these transnational and anticolonial dimensions of this thought. Manning Marable and Leith Mullings, “The Divided Mind of Black America: Race, Ideology, and Politics in the Post-Civil Rights Era,” *Race & Class* 36/1 (1994), 61–72

²⁹David Levering Lewis, *W. E. B. Du Bois: The Fight for Equality and the American Century, 1919–1963* (New York, 2000), 335–8.

³⁰Vitalis, *White World Order*, 93–9.

programs, and tactics as identical.³¹ Where Bunche presumed the boundaries of the dominant majority group and lacked a transnational account, Du Bois's theory of constructive minorities contested those boundaries. He saw any political majority as a contingent, albeit durable, construction, as an effect of jurisdictional mappings of space rather than as a naturalized background feature of politics. Accordingly, the first duty of any minority group is not to blindly side with the will of the dominant majority, but to reconfigure the boundaries of that majority by contesting and transforming political space and scale.³²

Streator, in turn, charged Du Bois's separatist arguments with relying on the mistaken notion that a "minority group can save itself" by insulating themselves from global minority struggles. Streator reminded Du Bois "that no one group can pull apart from [the] world economy, no matter how spiritual and resolved."³³ Without attending to their mutual embeddedness in global relations of capitalist exploitation, any program of minority tactics will uphold the imperial order and global capitalism. The theory of constructive minorities appears as a partial response to such criticism. While he upheld racial separatism as "a legitimate tool but not as a final end" by the end of "Pragmatic Program," Du Bois argued that global majoritarianism must amend any program of voluntary segregation. Because my concern is less with his normative arguments for or against racial separatism than with his rhetorical construction of colonial peoples, it is beyond the scope of this article to resolve the tensions between these countervailing features of his thought. As some scholars argue, practices of self-segregation can underlie rather than counteract transnational solidarity.³⁴ But it is clear here that he had doubts about the inherent capacity of racial separatism to lead to transnational solidarity.

What I would tentatively suggest is that Du Bois turned to global majoritarianism because of his pervasive sense that self-determination for minority populations required more than the assertion of national sovereignty. Du Bois did not deny the validity of national struggles and clearly upheld the ideal of national self-determination for colonial peoples. Yet he also recognized the limitations of any model of decolonization that fixated on national independence alone. According to Adom Getachew, Du Bois and other anticolonial figures like George Padmore likened the structure of imperial domination to enslavement, thus linking together the legacy of colonial slavery in the Americas with the new imperialism and neo-colonial forms of economic domination.³⁵ Imperialism was an extension of plantation slavery by other means. Despite the attainment of national independence through the abolition of formal imperial rule, international hierarchies persist through the unequal integration of decolonized nation-states into the political

³¹Bunche, "Critical Analysis," 312, 320.

³²For an earlier iteration of these views see W. E. B. Du Bois, *Darkwater* (New York, 2016), 87–8. On similar themes in this work see Lawrie Balfour, "Darkwater's Democratic Vision," *Political Theory* 38/4 (2010), 537–63; and Ella Myers, "Beyond the Psychological Wage: Du Bois on White Dominion," *Political Theory* 47/1 (2019), 6–31.

³³George Streator, letter to W. E. B. Du Bois, 8 April 1935, DBP 76, 2.

³⁴Valdez, *Transnational Cosmopolitanism*, 141–7; and Navid Hassanzadeh, "Race, Internationalism, and Comparative Political Theory," *Polity* 50/4 (2018), 536–42.

³⁵Getachew, *Worldmaking*, Ch. 3.

and economic structures of global order. In achieving national independence and sovereign statehood without a transformation of international order, formerly colonized nations will run the risk of sliding back toward slavery in the form of deterritorialized modes of economic imperialism. Underneath this formulation of “empire as enslavement” is thus a complex set of rhetorical claims in which Du Bois capaciously expands the meaning of colonialism in order to transform global minority populations into a transnational majoritarian constituency by connecting disparate sites of imperial rule in a single analytic frame.³⁶

Constructing colonial status and colonial peoples

One of Du Bois’s central concerns during the 1940s was theorizing the relationship between the legacies of European colonialism and emerging imaginaries of world peace and global democracy embodied in the United Nations. Any attempt to construct a global system of democratic institutions that did not directly address the problem of colonialism was destined for failure. In one of his seminal speeches on the topic, Du Bois pronounced, “I want to indicate today that because of the colonial situation, democracy is not being practiced among most people; and without worldwide democracy applied to the majority of people, it is going to be impossible to establish a universal peace.”³⁷ Du Bois continually reiterated that colonialism affects at least one-third of the world’s population. When combined with different forms of neocolonialism and internal colonialism, colonial peoples were a vast majority of the world’s population. Any effort to establish global democracy that excluded such an extensive portion of the global demos would necessarily backfire because it left the underlying cause of world war—imperial competition for control of the colonies—unaddressed.

Du Bois’s fear about the stillbirth of “worldwide democracy” was not mere conjecture. By failing to address the entwined problems of race and colonialism, the Dumbarton Oaks meeting in 1944—which laid out the initial framework for the UNCIO—all but promised that this political blindness would continue in San Francisco. Echoing language in Chief Justice Roger Taney’s majority opinion in *Dred Scott v. Sanford* (1857), Du Bois argued, “There will be at least 750,000,000 colored and black folk inhabiting colonies owned by white nations, who will have no rights that the white people of the world are bound to respect.”³⁸ Without accounting for the legacies of colonialism, the UN would allow a minority of white citizens to rule over a majority of colonial peoples without rights of representation and petition. Du Bois proclaimed, “It may be said that the interests of these colonial peoples will be represented in the world government by the master nations. In the same way it was said in 1787 in the United States that slaves would be represented by their masters.”³⁹ The use of the US language of race and

³⁶Adam Dahl, “Self-Determination between World and Nation,” *Comparative Studies of South Asia, Africa, and the Middle East* 40/3 (2020), 613–20.

³⁷W. E. B. Du Bois, “Colonialism, Democracy, and Peace after the War,” in Du Bois, *Against Racism: Unpublished Essays, Papers, Addresses, 1887–1961*, ed. Philip Foner (Amherst, 1985), 229–44, at 236.

³⁸*Ibid.*, 248–9.

³⁹W. E. B. Du Bois, “The Negro and Imperialism,” in *W. E. B. Du Bois Speaks: Speeches and Addresses, 1920–1963*, ed. Philip Foner (New York, 1970), 150–60, at 151–2.

representation to describe the racial and colonial structure of the UN was not incidental. By refusing to grant self-rule to colonial peoples, the UN would replicate the national structure of *Herrenvolk* democracy at the global level through the domination of great powers like Britain and the United States over the Security Council. Du Bois warned, "All the plans of the white people are to dominate the world. Just as sure as you do this you cannot have a democracy, you are going to have a paradox of democracy when 50 or 60 millions of people in England are ruling 460 millions of people in India and they do not have voice in the government at all."⁴⁰

In response to these paradoxes of democracy, Du Bois's conceptions of colonialism and cognate terms like "colonial status" and "colonial peoples" were constantly shifting, undergoing persistent redefinition in order to connect different sites of colonial domination and dependency across the jurisdictions of different imperial formations. The meaning of colonialism for Du Bois and his transnational audience was by no means predetermined. Given the vast array of different forms of power and domination that comprise the European imperial order, the boundaries of what constituted "colonial peoples" were necessarily porous and open to question. This difficulty of constructing colonial peoplehood is immediately evident in Du Bois's masterwork from the period, *Color and Democracy, Colonies and Peace* (1945). He opened the text with the common critique that he persistently leveled at the Dumbarton Oaks meeting, which left the recurring cause of world war unaddressed, namely the denial of "the rights of colonial peoples" and inter-imperial competition for control of colonies. As a consequence, the "brooding residue of colonial problems intertwined with problems of race and color" would mar the UNCIO in 1945. Without addressing this residue, the plan for global democracy designed to end war and instill universal peace would necessarily "preserve imperial power and even extend and fortify it."⁴¹ Institutions of global democracy risked perpetuating imperial hierarchies if they left the underlying colonial issue unresolved.

In coming to discuss this residue more thoroughly, Du Bois posed the fundamental question of his inquiry: "What, then, are colonies? ... It is difficult to define a colony precisely. There are the dry bones of statistics; but the essential facts are neither well measured nor logically articulated."⁴² In attempting to answer his own question, Du Bois suggested that statistics are elusive in defining the meaning of "colony." For instance, he collected reams of demographic data seeking to discern the size of the formally colonized population, placing it at around 750,000,000, roughly one-third of the world's total population. To do this, Du Bois tabulated demographic data for formally held colonial territories under the world's empires. Another numerical strategy was to account for the disproportion between the ruling class and the ruled in different European empires. For example, each British subject ruled ten colonial peoples, while each Dutch citizen ruled between eight and nine colonials and each French citizen ruled roughly two colonials. The United States was somewhat exceptional as an imperial power because every six citizens ruled about one colonial.

⁴⁰W. E. B. Du Bois, "Individualism, Democracy, and Social Control," 14 March 1944, DBP 198, 7.

⁴¹W. E. B. Du Bois, *The World and Africa and Color and Democracy* (New York, 2007), 245–6.

⁴²*Ibid.*, 253.

Although a useful starting point, “mere numbers” could not give a full picture of the extent and nature of global colonial hierarchies.⁴³ To get a full view of the totality of the colonial order, Du Bois drew connections between different colonial situations in order to establish structural connections and similarities among them. In outlining the condition of the disenfranchised colonies, he proclaimed, “Colonies are the slums of the world. They are today the places of the greatest concentration of poverty, disease, and ignorance of what the human mind has come to know.”⁴⁴ This analogy of likening social conditions at the periphery of the European imperial order to “municipal slums” at the center of the metropolitan social order allowed Du Bois to cast colonialism as a global system that cut across conventional bifurcations of center/periphery, global North/South, and West/non-West.⁴⁵ In both cases of urban slums and colonies, national economies draw their profits from the exploitation, degradation, and poverty of peripheral communities. The position of colonies and quasi-colonies in the global capitalist economy results in a shared condition of impoverishment. Despite clear discontinuities in different colonial situations, colonial peoples share certain characteristics. “All colonies or quasi colonies,” Du Bois wrote, “do not exhibit these characteristics in the same degree. But colonial peoples are, in the first place, poor; they exhibit a degree of poverty almost unknown in civilized lands except in small depressed classes.”⁴⁶

Du Bois’s challenge was to construct an understanding of colonialism as a multiplicity of different forms of economic dependence and political domination to account for their local specificity, yet also link them together in a global system of rule. In a 1944 lecture in Haiti called “Colonialism, Democracy, and Peace after the War,” he opened the speech drawing attention to the capaciousness of colonial discourse. In his use of the word “colonial,” he admitted to investing the term with a wider meaning than is typical in ordinary language. “First of all I am deliberately using the word ‘colonial’ in a much broader sense than is usually given to it. A colony, strictly speaking, is a country which belongs to another country, forms a part of the mother country’s industrial organization, and exercises such powers of government, and such civic and cultural freedom, as the dominant country allows.”⁴⁷ In its strict meaning, a colony is a people under the legal control of a foreign power.

Yet Du Bois immediately moved beyond this definition to encapsulate a much broader set of dynamics under the rubric of colonialism. “But beyond this narrower definition, there are manifestly groups of people, countries and nations, which while not colonies in the strict sense of the word, yet so approach the colonial status as to merit the designation semicolonial.” As examples, Du Bois referenced free states in the Balkans, South and Central America, and the Caribbean. Despite formal political independence and a shared sense of national identity, the self-determination of these small nations is impeded by their economic dependence on international trade and foreign investment from industrial powers. They thus

⁴³W. E. B. Du Bois, “Colonies in the Post-war World,” 1 Nov. 1944, DBP 198, 22.

⁴⁴Ibid., 253.

⁴⁵Inés Valdez, “Association, Reciprocity, and Emancipation: A Transnational Account of the Politics of Global Justice,” in Duncan Bell, ed., *Empire, Race, and Global Justice* (Cambridge, 2019), 120–44.

⁴⁶W. E. B. Du Bois, “Colonial Peoples and the Two World Wars,” 26 April 1944, DBP 198, 1.

⁴⁷Du Bois, “Colonialism, Democracy, and Peace after the War,” 229.

comprise “the economic colonies of the owners of a closely knit world of global industry.” In formally independent African states like Liberia, Haiti, and Ethiopia, “there is recognized political independence, and a cultural heritage of varying strength and persistence. But on the other hand in all these cases, the economic dependence of the country on European and North American industrial organization ... makes the country largely dependent on financial interests and cultural ideals quite outside the land itself.”⁴⁸ Du Bois then added into the mix African Americans, “who do not form a separate nation and yet who resemble in their economic and political condition a distinctly colonial status.”⁴⁹ The central difficulty here was the need to draw connections between different sites of colonial domination and dependence without collapsing them into each other and erasing important geographic and historical specificities. By at once expanding and disaggregating the meaning of colonial status, Du Bois rhetorically called into existence a more capacious understanding of colonial peoples that attended to their mutual embeddedness in histories of slavery and empire without implying equivalence.

The central question of world peace and international cooperation after the war, for Du Bois, involved the position of colonial and semicolonial peoples in the emerging global order. However, before we can “seek remedies” and construct a new conception of democracy, Du Bois called on his audience to “generalize” and “make comparisons.”⁵⁰ As we see here, Du Bois’s anticolonial thought challenges how we generalize about colonial situations. For Du Bois, any account of colonial peoples must begin by examining local dynamics of race, inequality, and poverty as manifestations of global processes. In this effort, he spent the rest of his speech mapping the global and interconnected conditions of colonial, semicolonial, and quasi-colonial peoples. What is essential to note in this mapping of colonial peoples is the way he unmistakably drew on his earlier analysis of global minority populations in “Pragmatic Program.” He made three broad classifications of colonial peoples: (1) *formal colonial status* marked by political domination; (2) *semicolonial status* marked by economic dependence; and (3) excluded minorities and second-class citizens like African Americans, what he calls *quasi-colonial peoples* or at times “internally colonized” populations. There is thus a direct link between his theory of constructive minorities and his elastic conceptualization of colonialism.

In this way, Du Bois’s notion of semicolonial status, marked by the combination of formal political independence from and economic dependence upon European imperial powers, allowed him to challenge the neglect of the colonial question at the Dumbarton Oaks meeting and the UNCIO. Without addressing the economic legacies of colonial imperialism, small nations like Haiti, Liberia, and Latin American states will incorporate into the United Nations as “free nations which are not free.” By integrating these so-called free nations into institutions of global governance without addressing forms of economic imperialism that continue to structure international hierarchy, larger nations and imperial powers will establish “spheres of influence, behind the façade of world organization,” and “over the sovereign liberties of their small neighbors.” For instance, Du Bois pronounced, “Haiti

⁴⁸Ibid., 233–4.

⁴⁹Ibid., 229–230.

⁵⁰Ibid., 230.

needs today only freedom from unjustly imposed American debt, and from industrial fetters laid upon her agriculture and commerce, to prove again to the world her ability and progress.” Here again, Du Bois insisted that the realization of world peace and democracy demanded the disintegration of political, economic, and cultural hierarchies in international politics. As long as free nations continue to sink into the “spheres of influence” of wealthier imperial powers through debt and foreign investment, they will “succumb into disfranchised colonies,” again raising the threat of world war brought on by inter-imperial competition for colonial control.⁵¹

Du Bois’s attempts to synthesize the disparate demands of semicolonial, quasi-colonial, and colonial peoples into a single rhetorical claim were directed at two audiences. On the one hand, he sought to instill a sense of unity of aims and strategies among global minority populations (i.e. constructive minorities) in a common program of international action, evident in his efforts organizing the 1945 Colonial Conference. On the other hand, he also directed his efforts at peace activists and civil rights activists within the United States in an attempt to demonstrate that anticolonialism is central to any vision of world peace and racial equality within the nation. This is clearly reflected in a 1947 speech titled “Human Rights for All Minorities,” delivered before Town Hall auditorium in New York at the invitation of the East and West Association. Founded by the novelist Pearl Buck, the organization sought to cultivate mutual understanding between the United States and Asia and agitate against colonialism and racism after World War II. Yet rather than work through state diplomats, the association adopted a transnational perspective focused on people-to-people relationships, direct bonds of understanding and solidarity that moved across and against the boundaries of sovereign statehood.⁵² Buck had previously praised Du Bois’s book *Color and Democracy* for criticizing the Dumbarton Oaks meeting for “ignoring the injustices out of which war will come.” In an effort to instill this transnational sensibility, the association invited Du Bois to speak in its Peoples Congress series on the topic of “Minority Peoples and Problems: A World View.”⁵³

In the speech, Du Bois again utilized the global majoritarian discourse of “Pragmatic Program” to reconstruct the spatial boundaries of democratic politics. Colonial peoples throughout the world, Du Bois proclaimed, cover “a large number of people. Indeed so large that it is fair to say that minorities together form a majority, and the majority is a minority with the power to enforce its will.”⁵⁴ Echoing the notion of constructive minorities, the problem is that there is “no logical nor functional unity among these minorities.”⁵⁵ Du Bois went on,

We know that colonies, as centers of this frustration of democracy, are the starting point of injustice and cruelty toward all groups of people who form minority groups and who at the same time, in a sense, are the majority of

⁵¹Du Bois, *Color and Democracy*, 283, 285–6.

⁵²Robert Shaffer, “Pearl S. Buck and the East and West Association: The Trajectory and Fate of Critical Internationalism,” *Peace & Change* 28/1 (2003), 1–36, at 1.

⁵³Buck quoted in Lewis, *W. E. B. Du Bois*, 509. Lily Edelman, letter to W. E. B. Du Bois, Jan. 31, 1947, DBP 113.

⁵⁴W. E. B. Du Bois, “Human Rights for All Minorities,” in *W. E. B. Du Bois Speaks*, 179–91, at 179.

⁵⁵*Ibid.*, 179.

the peoples of the world. And they are part of this majority even though unjustly treated minorities do not actually occupy colonial status. Often they occupy quasi-colonial status.⁵⁶

In such statements, Du Bois suggested that the sovereign state system itself insulates imperial jurisdictions and issues in a kind of global gerrymandering that constructs the boundaries of colonial constituencies in order to weaken their collective voice, shoring up an archipelago of minority rule within international order. As in the drawing of electoral maps, the gerrymandering of global space entails distorting the spatial distribution of colonial populations in order to reinforce imperial power structures.⁵⁷

Du Bois's conception of global majoritarianism here hinges on his performative construction of colonial and quasi-colonial status. Within the latter, he includes a wide array of populations beyond those living in formal colonies:

Negroes in the United States who are segregated physically and discriminated against spiritually ... South American Indians who are laboring peons, without rights or privileges ... whole laboring classes in Asia and the South Seas who are legally part of imperial countries ... All these people occupy what is really a colonial status and make the kernel and substance of the problem of minorities.⁵⁸

Throughout other speeches in the 1940s, Du Bois connected colonial domination and US racism by suggesting that African Americans face a “quasi-colonial situation” and form part of an “internal colonial system.”⁵⁹ What ties together minorities like African Americans with formal colonies and small nations is the way that the poverty produced by global capitalism prevents them from taking “any effective part in democratic procedure.” Similar to small nations who are unable to exercise the full rights of self-determination afforded to formally “free nations” due to economic hierarchy, the economic position of internally colonized populations in domestic hierarchies prevents them from fully exercising the formal rights of suffrage and self-rule. Structurally, internally colonized minorities within the nation—what he called “little nations within nations, who are encysted and kept from participation in the full citizenship of their native lands”—partially mimic the position of small nations in international political and economic hierarchies.⁶⁰

Human rights, minority rights, and the problem of “domestic jurisdiction”

Throughout his activism with the NAACP in the 1940s, Du Bois consistently advocated three measures that he deemed essential for the UN to address the colonial

⁵⁶Ibid., 182.

⁵⁷I adapt the language of global gerrymandering from Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (New York, 2010), 21, 62. James Tyner, *The Geography of Malcolm X: Black Radicalism and the Remaking of American Space* (Routledge, 2006), 128–40.

⁵⁸Du Bois, “Human Rights,” 184.

⁵⁹W. E. B. Du Bois, “Colonial Peoples and the American Negro in the United Nations,” 25 Sept. 1946, DBP 198, 3; and Du Bois, “Colonies as a Cause of War,” 20 April 1949, DBP 199, 4.

⁶⁰Du Bois, *Color and Democracy*, 285.

question. First, he demanded the “representation of the colonial peoples alongside the master people” in the General Assembly. He deliberately left open the question of whether colonial peoples would have an equal vote or merely the right to petition the Assembly, but he was adamant that the lack of colonial representation would reproduce the logics of *Herrenvolk* representation in the US Constitution, where masters represented slaves. Second, he called for the establishment of a “colonial commission” under either the Security Council or the Economic and Social Council with defined powers to investigate complaints and petitions brought to the Assembly and to enforce economic, social, and political standards in the administration of the colonies.⁶¹ In calling for “the international trusteeship” of colonial peoples, Du Bois’s proposal in some ways mimicked the Mandate system under the League of Nations. The difference was in his view that trusteeship extended to all colonies beyond those of the Axis powers. Third, he demanded that each imperial power make a clear statement of their intentions and plans “gradually but definitely ... to raise the peoples of colonies to a condition of complete political and economic equality with the peoples of the master nations,” either through the eventual incorporation of colonial peoples into “the polity of the master nations” or through independence.⁶²

The ultimate objective of these proposals was to ensure participatory parity and an equal voice of colonized peoples in international institutions. But as I will show in this section, these demands for the representation of colonial peoples were thwarted by international discourses of “domestic jurisdiction” that separated national and international law. The effect was both to exclude colonial peoples from international institutions and to dilute the majoritarian power of anticolonial forces in international politics. In “Pragmatic Program,” Du Bois noted the difficulty of achieving minority rights: “No disadvantaged minority can successfully use force against a determined majority.”⁶³ For this reason, he called for a form of “inter-minority unity” that would establish solidarity among global minority populations.⁶⁴ Du Bois’s specific objective in redefining “colonialism” and “colonial peoples” in this more capacious way reflects a distinct spatial strategy aimed at raising the civil rights struggle from a national to a global scale through the construction of a transnational majority. By seeking to establish inter-minority unity, he contested and reconfigured the spatiality of democracy by disrupting the settled distinction between domestic and international politics. With rights of representation and petition before the General Assembly, colonial and quasi-colonial peoples

⁶¹On this point see Sam Klug, “Making the Internal Colony: Black Internationalism, Development, and the Politics of Colonial Comparison in the United States, 1940–1975” (unpublished Ph.D. dissertation, Harvard University, 2020), 32–82.

⁶²Du Bois, *Color and Democracy*, 328–9; W. E. B. Du Bois, “Imperialism, United Nations, Colonial People,” *New Leader*, 30 Dec. 1944, 5; Du Bois, “World Peace and the Darker Peoples,” June 1945, DBP Box 108, 2; Du Bois, “Petition for a World Government,” 9 Jan. 1946, DBP Box 111, 1; Jan. “Colonial Conference Resolution,” 6 April 1945, DBP Box 107.

⁶³Du Bois, “Pragmatic Program,” 11.

⁶⁴Du Bois, “Human Rights for all Minorities,” 1. On Du Bois’s attempts to cultivate transnational solidarities among both European and colonized laboring classes see Adam Dahl, “Unusual Returns: Transnational Whiteness and the Dividends of Empire,” *Constellations*, forthcoming, available at <https://onlinelibrary.wiley.com/doi/full/10.1111/1467-8675.12642>.

would be making demands on the UN not as isolated groups but as an emerging global majority.⁶⁵

Yet these efforts to construct such an anticolonial constituency were further impeded by Article 2, paragraph 7 of the UN Charter, which institutionalized liberal norms of noninterference in the domestic jurisdiction clause. Article 2 stated that nothing “contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.”⁶⁶ The domestic jurisdiction clause was largely the work of John Foster Dulles, who, as a senior advisor to Senator and member of the US delegation Arthur Vandenberg, expressed concern that integrating human rights language into the Charter would subject the southern United States to international scrutiny and intervention. Colonial powers like Britain, France, and Belgium similarly contended that allowing for representation of colonial peoples would constitute a violation of their national sovereignty.⁶⁷

NAACP consultants at the UN conference like Du Bois and Walter White embraced varied responses. White felt that because the great powers had approved the domestic jurisdiction clause, eliminating it altogether was beyond possibility. In response, he advocated a pragmatic approach of clarifying and expanding what precisely constitutes a “domestic matter.”⁶⁸ Du Bois took a more radical route by disputing not so much the “boundaries of the international,” in Jennifer Pitts’s words, but the boundaries between the international and the domestic.⁶⁹ Under the auspices of the NAACP, he issued an alternative statement to the UNCIO that he advocated in place of the domestic jurisdiction clause:

The colonial system of government, however deeply rooted in history and custom, is today undemocratic, socially dangerous and a main cause of war. The United Nations recognizing democracy as the only just way of life for all people should make it a first statute of international law that at the earliest practical moment no nation nor group shall be deprived of effective voice in its own government. An international colonial commission on which colonial peoples shall have representation should have power to investigate the facts and implement this declaration under the Security Council.

From Du Bois’s perspective, the liberal norm of noninterference embedded in Article 2 had perverse effects, which shielded imperial powers from criticism by relegating colonial questions to internal matters of domestic concern. For Du Bois, Article 2 of the Charter directly contradicted Articles 1 and 73, the latter of which upheld the rights and well-being of non-self-governing territories as well

⁶⁵To clarify, my argument is not simply that more numbers would automatically result in more power, but that the creation of a transnational constituency would produce a different kind of politics. Du Bois hoped that it would shift the terrain of global politics by taking questions of race and colonialism out of the domestic jurisdiction of imperial nation-states and into the sphere of international law.

⁶⁶Walter White, memorandum to Roy Wilkins, 14 May 1945, DBP 107, 1.

⁶⁷Carol Anderson, *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944–1955* (Cambridge, 2003), 48–50.

⁶⁸White, memo to Wilkins.

⁶⁹Jennifer Pitts, *Boundaries of the International: Law and Empire* (Cambridge, 2018), 184–6.

as the obligations of UN members to ensure just treatment of colonial peoples under trust obligations.

Article 1, paragraph 3 similarly linked the task of “international cooperation” with the promotion of respect for “human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” The language of human rights entered the Charter primarily under the advocacy of prime minister of the Union of South Africa, Field Marshal Jan Smuts, whose plea for the inclusion of human rights language struck Du Bois as “an extraordinary and confusing paradox.” The fact that the domestic jurisdiction clause in Article 2 directly followed the appeal to human rights in Article 1 only exacerbated this problem. By upholding the norm of noninterference, the domestic jurisdiction clause effectively nullified the gesture toward human rights and self-determination made in Articles 1 and 73. In an article for an unpublished volume edited by L. D. Reddick called “A World View of the Negro Question,” Du Bois warned that these paradoxes would bring the “United Nations under the control of the colonial powers [by preserving] the colonial system.” Accordingly, the UNCIO was not a step toward peace and freedom, but a leap “backward toward war and slavery.”⁷⁰ The root cause of the massive disenfranchisement of colonial and quasi-colonial peoples was the Charter’s insistence that “international organization cannot interfere with ‘domestic matters’ such as colonies” and racial disenfranchisement unless in immediate cases of the threat of war.⁷¹

The domestic jurisdiction clause placed Du Bois’s rhetorical claims to represent colonial peoples in a precarious position. As a racialized subject within the United States, he lacked standing to petition for the rectification of human rights abuses and other colonial injuries. In navigating this dilemma, he appropriated and recoded the meaning of extant discourses of international law such as “human rights” and “minority rights” in order to contest the bifurcation of international law and internal state sovereignty. This spatial strategy most vividly surfaces in perhaps his most radical and lasting legacy from this period, his authorship and editorship of *An Appeal to the World: A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress* (1948). As editor, Du Bois wrote the introduction and curated a series of socio-legal studies documenting the extent of racial discrimination in the United States. Submitted to the Human Rights Council (HRC) in October 1947, the *Appeal* fed into broader anxieties on the part of dominant powers regarding the preservation of imperial state sovereignty. US officials such as Senator Tom Connally, chair of the Senate Foreign Relations Committee, worried that accepting petitions demanding human rights from non-state peoples would subject the US South to international investigations.⁷²

⁷⁰W. E. B. Du Bois, “The Winds of Time,” *Chicago Defender*, 9 July 1948, DBP 216, 1. Du Bois, “Colonies and Peace,” 7 Dec. 1945, DBP 229, 13–14. On Smuts see Mark Mazower, *No Enchanted Place: The End of Empire and the Ideological Origins of the United Nations* (Princeton, 2009).

⁷¹W. E. B. Du Bois, supplementary statement to *Color and Democracy*, “Colonies and Peace,” 5 June 1945, DBP 219, 1. On these contradictions see Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge, 2001).

⁷²Anderson, *Eyes off the Prize*, 3. Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935–1960* (Chapel Hill, 1996), 183.

Directly invoking the domestic jurisdiction clause, Smuts himself objected to a similar petition brought by the Indian delegation charging South Africa with human rights violations as an act of international intervention.⁷³

By invoking the notion of human rights, the *Appeal* intervened in these debates about domestic jurisdiction in two ways. On the one hand, it cast civil rights as a human rights issue to be resolved through international intervention. In appealing “to the peoples of the world” rather than to the nation, Du Bois drew attention to the spatial scope of his audience: “It may be quite properly asked at this point to whom a petition and statement such as this should be addressed?”⁷⁴ In posing this question, he rejected the notion that the petition involved a domestic question of internal concern best addressed to a national citizenry. Instead, he insisted that race in the United States is not a domestic problem but has implications for world order. Insofar as it connects to the legacies of European imperialism, it directly impinges on the question of international cooperation and world peace. As a result, “an internal and national question becomes inevitably an international question and will in the future become more and more international, as the nations draw together.”⁷⁵ Because of global interconnection, “discrimination practiced in the United States against her own citizens and to a large extent a contravention of her own laws, cannot be persisted in, without infringing upon the rights of the peoples of the world.”⁷⁶ In this way, the failures of US democracy are not of mere provincial concern. Rather, they jeopardized broader ideals of world peace.

On the other hand, the *Appeal* was not simply a petition to the higher authority of international law for redress of grievances. Rather, it exposed the contradictions of the founding document of international law itself in adequately providing for human rights. In doing so, it revealed the UN as a mechanism of continued colonial rule. Du Bois’s attempt to connect racial injustice domestically with colonial injustice abroad was part of a broader framing of the United States as an imperial force on par with other European colonial empires like France, Belgium, and Britain. Like these other colonial empires, the United States had deprived millions of quasi-colonial peoples in the South any effective voice in government in order to maintain control over labor and industrial production. Because of southern control stemming from countermajoritarian institutions like the Senate and the disenfranchisement of black voters, the federal government had “continually cast its influence with imperial aggression throughout the world and withdrawn its sympathy from the colored peoples and from the small nations.” The United States had thus become “part of the imperialistic bloc which is controlling the colonies of the world.”⁷⁷ Thus, black disenfranchisement in the South was not an isolated injustice. It was one element in a broader inter-imperial order where European powers perpetuated domination through control of international institutions.

⁷³Leland Goodrich, “The United Nations and Domestic Jurisdiction,” *International Organization* 3/1 (1949), 14–28, at 23–4.

⁷⁴W. E. B. Du Bois, *An Appeal to the World! A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of the United States of America and an Appeal to the United Nations for Redress* (New York, 1947), 12.

⁷⁵*Ibid.*, 13.

⁷⁶*Ibid.*

⁷⁷*Ibid.*, 11.

Alongside other imperial powers, the United States professed democracy with one hand but denied it to millions with the other.

More than just a challenge to nation-state sovereignty, the *Appeal* challenged the liberal international order itself and the authority of the UN in relying on the norm of non-interference that bifurcated domestic and international spheres. Du Bois was writing at a time when the line between the domestic and the international was certainly in flux due to transformations in international law under the League of Nations.⁷⁸ Yet under the direction of imperial powers like the United States, Britain, and France, the domestic jurisdiction principle was becoming increasingly rigidified. In appealing to the world, therefore, Du Bois did not simply present a case before a free society of nations. He illuminated how these reemerging norms of global order resolidified the bifurcation of international and domestic law and thus perpetuated colonial domination. Put differently, he did not make an appeal to an otherwise neutral international society. Instead, he revealed how liberal norms of global governance disconnected minority struggles through the separation of domestic and international politics. For international society to act on Du Bois's *Appeal*, it would need to restructure its constitutive norms, principles, and procedures. The *Appeal* was not simply an attempt to bring international opinion to bear on domestic practices of racial discrimination. It was an attempt to use the problem of racism within the United States as a vehicle for the transformation of global governance.

Closely connected to these dynamics was Du Bois's appropriation of the language of "minority rights" surrounding the drafting of the 1948 Declaration on Human Rights. Here again, the discourse of minority rights aided Du Bois and his coauthors of the *Appeal* in contesting the circumscribed spatial jurisdiction ossified by Article 2 of the UN Charter. In response to calls from the Soviet Union to establish a Subcommission on the Protection of Minorities, the US State Department sought to restrict the expansive meaning of "minority" to exclude African Americans from their purview.⁷⁹ Alongside this strategy of restricting the definition of minority status, the State Department sought to deprive the HRC of authority to review petitions from "individuals and groups throughout the world protesting against wrongs."⁸⁰ If non-state minorities had the right to petition, State Department officials feared, they would inundate the UN with complaints regarding US human rights abuses, undermining its projected image as a democratic exemplar and moral leader in the international realm.

What is notable in these debates about the definition of minority status is that the language of minority rights was exclusively an element of international legal discourse. The idea of a "minority rights regime" internal to the nation-state would not emerge until the 1960s.⁸¹ Thus, when Du Bois's *Appeal* evoked "the denial of human rights to minorities" in the United States, we should understand this language of minority status not in the domestic sense as an ethnic or racial

⁷⁸ Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History, 1842–1933* (Cambridge, 2014), 225–6.

⁷⁹ Quoted in Anderson, *Eyes off the Prize*, 74–5.

⁸⁰ *Ibid.*, 78–9.

⁸¹ John Skrentny, *The Minority Rights Revolution* (Cambridge, 2002).

minority making appeals within the nation, but as a minority group that stands under the jurisdiction of international law. The turn to the language of “minority rights” in the *Appeal* is perplexing and virtually unnoticed by commentators. As Mark Mazower has explained, the UN’s commitment to human rights was directly linked to its efforts to abandon the minority rights regime under the League of Nations. Although the Covenant of the League of Nations did contain a weaker version of the domestic jurisdiction clause, the minority rights regime allowed non-state minorities to bring petitions forward and did at least allow for the theoretical possibility of international intervention into member states. In this regard, the triumph of the language of “human rights” over “minority rights” signaled the calcification of nonintervention in norms and institutions of global governance.⁸²

Yet, as I show below, in reassociating the two Du Bois and his coauthors self-consciously turned to the older language of minority rights in order to internationalize the problem of racial discrimination and to contest the authority of the domestic jurisdiction clause. In this regard, the language of minority rights in the *Appeal* can be directly linked with a longer genealogy of black scholars appropriating discourses of international law, stretching back to and beyond the 1935 conference on minority status at Howard University.

In the sixth chapter of the *Appeal*, on “The Charter of the United Nations and Its Provisions for Human Rights and the Rights of Minorities,” Rayford Logan sought to deliberately recouple the languages of human rights and minority rights. Based on his expertise in the operation of the mandates system in Africa, Du Bois tapped Logan as an ideal candidate to clarify both the duty and the power of the United Nations to ensure the human rights of African Americans. Logan gladly accepted the charge to write the final and most important chapter of the *Appeal*, but he soon ran into obstacles. While Logan was confident that the UN had a clear duty to address racial discrimination, he confessed that he was having difficulty determining whether it actually had the power to correct the situation. The primary obstacle in doing so was the domestic jurisdiction clause of the UN Charter. At first, Logan proposed a revision of the tone and objective of the petition to focus on revising the Charter.⁸³ By the time he had finished a draft of the chapter, however, he had hit upon another strategy for circumventing the constraints imposed by the domestic jurisdiction clause. Instead of requesting a revision of the Charter, he turned to precedents in international law that granted global governing bodies the authority to intervene and protect minority rights.

Based on his research, Logan determined that provision in international law for the protection of minority rights is a relatively modern phenomenon. He traced the first instances of minority rights in international agreements to the Treaty of Berlin (1878), which provided for the protection of Jews in Romania in the wake of the Russian defeat of the Turkish Empire in the Balkans. Although the minority rights provision lacked enforcement, it did establish precedent followed by the League of Nations. After the Treaty of Versailles, the allied powers imposed “minority treaties” on Poland, Czechoslovakia, Yugoslavia, Austria, Bulgaria, and Hungary, among

⁸²Mark Mazower, “The Strange Triumph of Human Rights, 1833–1950,” *Historical Journal* 47/2 (2004), 379–98. I am thankful to an anonymous reviewer for pushing me on this point.

⁸³Exchange between W. E. B. Du Bois and Rayford Logan, 1 and 12 Oct. 1946, DBP, 110.

others, that took steps to protect the rights of ethnic and religious minorities after the collapse of the Turkish and Austro-Hungarian empires. Distinct from the Treaty of Berlin, however, the League of Nations assumed the authority to enforce the treaties and affirmed the right of any member to file petitions calling attention to violations of the treaties. Broadly construed, the petitioning provision extended to minority groups not directly represented by state interests in the League. Logan asserted, "This right of petition to a principal organ of the international machinery for the maintenance of peace and security must be, at the very least, maintained."⁸⁴ Although the turn to the language of minority rights in the treaties was an anachronistic, albeit politically generative, move, in Logan's eyes it provided meaningful precedent to justify the power of the UN to address domestic abuses and the rights of minorities to petition international legal bodies.⁸⁵ In this way, Du Bois and Logan exhibit parallels with other lawyers and activists from semi-peripheries who used the instruments of international law to contest imperial domination and exclusion from international society.⁸⁶

By framing the *Appeal* in the language of minority rights, Du Bois and Logan further contested the bifurcation of international order and internal state sovereignty embodied in the UN Charter, which reinforced the American assumption that race was a "static problem and had nothing to do with the dynamic development of the world."⁸⁷ In utilizing the language of minority rights, they reframed black struggles for equality by drawing connections with national minorities, stateless peoples, and colonial peoples similarly struggling for rights of citizenship and self-determination. In so doing, they further framed the oppression of African Americans as a form of colonial domination connected to broader claims for freedom and democracy posed by transnational, anticolonial constituencies.⁸⁸ The languages of minority rights and human rights comprised a set of spatial grammars that not only exposed the entanglement of national and international politics but also allowed Du Bois to unsettle the division of these two political spheres. Yet it is important to note that this strategy was defeated through the machinations of the UN Secretariat, the HRC, and the US State Department. By 1949, after the defeat of the *Appeal* and countless other anticolonial petitions, Du Bois would chide the UN and their "bumbling formulas on human rights" for denying "the wretched even the right to complain."⁸⁹ Du Bois thus ran up against the fact that, as Emma Stone Mackinnon puts it, "the promise of human rights was very much a promise made by nations."⁹⁰

⁸⁴Rayford Logan, "The Charter of the United Nations," in Du Bois, *Appeal to the World*, 85–94, at 86.

⁸⁵Of course, Logan significantly exaggerated the effectiveness of the League at enforcing the treaties. See Hannah Arendt, *The Origins of Totalitarianism* (New York, 1976), 269–90.

⁸⁶Lorca, *Mestizo International Law*, 225–62.

⁸⁷W. E. B. Du Bois, "Is it Democracy for Whites to Rule Dark Majorities?", in *Writings by W. E. B. Du Bois in Periodicals Edited by Others*, vol. 4, 1945–1961, ed. Herbert Aptheker (Millwood, 1982), 4–5, at 5.

⁸⁸Eric Porter, *The Problem of the Future World: W. E. B. Du Bois and the Race Concept at Midcentury* (Durham, NC, 2010), 89–96.

⁸⁹Du Bois, "Colonies as a Cause of War," 7.

⁹⁰Emma Stone Mackinnon, "Declaration as Disavowal: The Politics of Race and Empire in the Universal Declaration of Human Rights," *Political Theory* 47/1 (2019), 57–81, at 74. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, 2010), 93–107.

Conclusion: the politics of space and scale

This criticism mounted against the UN stands in stark contrast to previous statements Du Bois made five years earlier when he proclaimed, “The United Nations is the greatest hope of abolishing colonialism and thus abolishing poverty in the world.”⁹¹ By clarifying the problems and paradoxes posed to Du Bois’s transnational anticolonialism by the UN Charter, I hope to have thrown into sharper relief the significance and novelty of his alternative vision of the UN as an anticolonial force. It would be easy to read his 1949 turn against the UN as evidence of the failure of this vision, but there is a real sense in which the promise of his strategic interventions did come to belated and partial fruition. Between 1955 and 1961, due to decolonization, the UN General Assembly admitted thirty-nine new member states and thirty-three more over the course of the next decade, making formerly colonized peoples a majority-voting bloc.⁹² Throughout the 1960s and into the 1970s, the UN General Assembly remained an important source of power for former colonial countries. While the UN was, as Getachew notes, “a quintessentially American creation that sought to institutionalize a liberal international order,” it became within two decades of its founding an important instrument that anticolonial actors seized to pursue economic and political projects of decolonization. The ability to utilize these instruments of international order rested on the consolidation of a global majority within the General Assembly.

Yet rather than close by calling for a recovery of Du Bois’s anticolonial vision of the UN, I want to focus on the way his engagements prompt contextual attention to the politics of space and scale. For Du Bois, space and scale are not a priori features of politics and political reflection. Rather, the space and scale of democracy are themselves objects of political debate, disagreement, and contestation. Struggles for racial equality, in Du Bois’s mind, involved contesting different and overlapping jurisdictional boundaries of political authority at the local, national, and international levels. These different scalar levels entailed distinct kinds of politics, each with their own limitations and possibilities. This strategy of contesting the spatial jurisdiction of democracy comprised a persistent feature of his political thought stretching back to his involvement with the Niagara Movement in the early 1900s when he outlined a civil rights strategy focused on expanding the scope of racial struggles from state and local to national politics. He thus engaged in a “politics of space and scale” in which the spatial orientation of civil rights was not given, but was a deliberate object of political struggle.⁹³ After the First World War, he developed a more sustained view about the limits of a nationalizing strategy and

⁹¹W. E. B. Du Bois, “The United Nations and Colonies,” 26 June 1944, W. E. B. Du Bois Papers, Schomburg Center for Research in Black Culture, New York Public Library, Box 1, 1.

⁹²Mark Mazower, *Governing the World: The History of an Idea, 1815 to the Present* (New York, 2013), 258–9.

⁹³It is important to note here that my use of this language is as an analytic category rather than as an “actor’s category—a concept that belongs to the archive and is itself an object of investigation.” See Samuel Moyn and Andrew Sartori, “Approaches to Global Intellectual History,” in Moyn and Sartori, *Global Intellectual History*, 3–30, at 17. Nevertheless, I follow Williams in viewing the politics of space as endemic to Du Bois’s thought insofar as he saw issues of spatial jurisdiction and the scope of the civil rights struggles as open political questions. Robert Williams, “Politics, Rights, and Spatiality in W. E. B. Du Bois’s ‘Address to the Country’ (1906),” *Journal of African American Studies* 4/3 (2010), 337–58, at 343.

instead used international legal discourse associated with the League of Nations and the UN to internationalize the question of racial equality.⁹⁴

While they are ultimately inseparable, it is helpful to analytically distinguish between the spatial and the scalar dimensions of Du Bois's transnational democratic practice. Spatially, he was concerned with the boundaries of different political constituencies that claim representation in different institutional settings. To assert a claim for the representation of colonial peoples at the UN, Du Bois had to construct a coherent constituency out of disparate forms of colonial domination. Yet his redefinition of colonialism to account for quasi-colonial status and semicolonial forms of economic dependence was not simply a sociological task. It was an expressly political task of working through and building political and institutional alliances. That is, Du Bois was not just seeking a sociological description of colonial peoples through the tabulation of demographic data. Rather, he sought to call into being a transnational constituency out of the global conditions of colonial domination and dependence by linking the structural features of different colonial situations together in a single set of rhetorical claims. The effect was to transform the terrain of politics and expand the scope of political conflict, radically contesting the domestic jurisdiction of the nation-state over questions of racial and colonial domination.

In key respects, this spatial strategy of constructing a transnational democratic majority was a precondition for the scalar strategy of expanding struggles against racial and colonial domination from the national to the international level. Du Bois enacted this scalar move by challenging the discourse of "domestic jurisdiction" and appropriating the international legal discourse of minority rights and human rights. The problem of representing colonial claims for democracy, for Du Bois, was not just one of overcoming figurations of colonial peoples as unfit for sovereignty but of representing non-state peoples and other colonized populations in an international order that sanctifies the domestic jurisdiction of sovereign statehood.⁹⁵ Confined within the jurisdiction of imperial nation-states, the claims of colonial and quasi-colonial peoples could not appear as coherently connected under international law established by the UN Charter. In contesting national authority over the race question and shifting the political terrain to international institutions, Du Bois expressly politicized the scalar level of engagement (e.g. local, national, international) at which democratic politics occurs.⁹⁶ In his attempts to construct an anticolonial constituency, he disrupted the boundaries between domestic and international jurisdictions over questions of race and colonialism by subjecting them to political contestation. By further grafting the international language of minority rights and human rights onto claims for self-rule of colonial peoples, he sought to destabilize incipient constructions of jurisdictional authority that rested on a bifurcated division between the domestic and the international.

⁹⁴Hooker, *Theorizing Race in the Americas*, 142.

⁹⁵Sultan, "Self-Rule and the Problem of Peoplehood in Colonial India."

⁹⁶Thea Riofrancos, "Scaling Democracy: Participation and Resource Extraction in Latin America," *Perspectives on Politics* 15/3 (2017), 678–96. Begum Adalet, "Infrastructures of Decolonization: Scales of Worldmaking in the Writings of Frantz Fanon," *Political Theory* 50/1 (2022), 5–31.

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