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SHADOWS: DU BOIS AND THE COLONIAL PROSPECT, 1925

NATHANIEL BERMAN*

OUR panel on “intellectual origins” reminds us that this conference on critical race theory and international law follows in a venerable tradition.¹ Many American race-critics have long placed their analysis in an international frame—a fact that becomes particularly evident if one casts one’s gaze beyond international law’s formal disciplinary limits. I am going to analyze the intervention of a key American race-critic, W.E.B. Du Bois, at a crucial transitional stage in international race relations—the interwar period, with its questioning and restructuring of colonialism. I will focus on Du Bois’ April 1925 essay, *Worlds of Color*.² Although Du Bois was not an international lawyer by disciplinary training, his writings and advocacy activities form part of the transformation of international legal and political discourse in the twentieth century. In particular, Du Bois’ writings were important for the development of a distinctively American critical stance in relation to that discourse.

Among the factors transforming international law and politics during the twentieth century were the rise of anticolonialism, on the one hand, and the shifts in the relative strength of the most powerful states, on the other. For much of his career, Du Bois looked for opportunities afforded by the potential links between these phenomena—for the possibility that rivalries among powerful states could be exploited to bring about change in the colonial system. Accordingly, Du Bois closely examined the various colonial situations for any promising trends. He then tried to deploy the prevalent legal and political discourse in a manner that might enlist powerful forces to expand those trends. Seen in this way, Du Bois’ writings from this period are more than important historical documents. Rather, they present intriguing, if problematic, responses to the perennial challenges faced by those who aspire to lobby effectively for fundamental international change.

In its authorship, timing, and strategic placement in the main journal of the American foreign policy establishment, *Worlds of Color* thus provides a key to understanding the development of a critical American approach to international race relations. Among the characteristically American features of this essay is a love/hate relationship with Europe, especially France, in one distinctively African American variant. I am going to emphasize the link between this feature and a deeper ambivalence, concern-

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1. See generally Henry J. Richardson III, *Gulf Crisis and African-American Interests Under International Law*, 87 AM. J. INT’L L. 42, 61-65 (1993).

2. W.E.B. Du Bois, *Worlds of Color*, III FOREIGN AFF. 423 (1925).

ing the relationship between the progressive critic and state power—in which a programmatic desire for an alliance with state power was inseparable from haunting doubts about its plausibility.

A bit of context: April 1925 was a good month to reflect on colonialism from within the centers of Western power. In April 1925, in Morocco, the Berber people of the Rif Mountains began a military revolt against French rule.³ This year-long revolt inspired solidarity efforts across the colonized world and bitterly divided French society—foreshadowing the anticolonial struggles of the '50s and '60s. This revolt provoked critical reflection on the imperial enterprise among a wide range of French intellectuals.⁴

On the radical fringe of French society, the War of the Rif sparked the first major European attempts to link avant-garde culture and politics to anticolonialism. The Surrealists, most notably, issued a manifesto in support of the Moroccan rebels.⁵ In their anticolonial enthusiasm, though, they seemed unable to distinguish between one non-European group and another. Announcing their hope for French defeat in North Africa, they declared: “It is time for the Mongols to camp in our public squares.”⁶ Maybe this confusion of Africa and Asia was just Orientalist exuberance in its leftist form, or maybe the Surrealists were trying to frighten the bourgeoisie with whatever code words they thought would work. From the Surrealist perspective: “*Moroccans, Mongols, whatever*—as long as it scares the good folks of Paris.”

Du Bois' April 1925 essay participated in this same complex moment in the history of colonialism, though in style and intent it departed significantly from the Surrealists. Du Bois' 1925 program for thinking about colonialism was encapsulated in the following passage:

With nearly every great European Empire today walks its dark colonial shadow, while over all Europe there stretches the yellow shadow of Asia that lies across the world. One might indeed rede the riddle of Europe by making its present plight a matter of colonial shadows and speculate wisely on what might not happen if Europe became suddenly shadowless—if Asia and Africa and the islands were cut permanently away. At any rate here is a field of inquiry⁷

As a preliminary comment, I note that many international law writers currently in the United States may be viewed as working within this Du

3. See generally DAVID S. WOOLMAN, *REBELS IN THE RIF* 174-96 (1968) (detailing origins of 1925 Rif rebellion).

4. I analyze these debates in a work in progress, *The 'Appeals of the Orient': Imperial Desire, Internationalist Aspiration, and The War of the Rif*.

5. See generally *La Révolution D'Abord et Toujours*, 5 *LA RÉVOLUTION SURREALISTE* 31 (1925).

6. *Id.* (author's translation).

7. DU BOIS, *supra* note 2, at 423.

Boisian “field of inquiry”—the reading of “the riddle of Europe” as a matter of “colonial shadows.” Such writers—loosely affiliated under the rubric of “Third World Approaches to International Law”—have been reading international legal history in relation to colonial history, a “shadow” often viewed by more canonical interpretations as secondary to international law’s main concerns. Examples of such scholarship include, most notably, my fellow panelist Antony Anghie’s systematic historical work relating the shifting meanings of sovereignty to the changing forms of colonialism.⁸ More specific studies examine particular inflections of Western legal and political culture by colonial events—for example, the French debates during the War of the Rif. This kind of work argues that the notion of a European or American origin and center of international law is a derivative—in part or in whole, directly or obliquely—of law’s construction and subordination of a colonial periphery. Ruth Gordon’s recent work calling for a displacement of authority for legal reform in Africa from international institutions to local communities urgently draws this project in a programmatic direction.⁹ In addition, the ambivalences and tensions I will point out in Du Bois’ essay—in particular, between the detailed interpretive focus on the varieties of colonial “shadows” and the utopian hope for their “permanent cutting away”—also find their correlates in contemporary critical writing.

Throughout his life, Du Bois cast and recast American race issues in an international frame. *Worlds of Color* emerged out of Du Bois’ ongoing reflections on World War I and its aftermath. From the beginning of that war, he traced its causes to imperial competition, a competition made possible by the European racialization of Africa.¹⁰

Du Bois’ publication of his essay in *Foreign Affairs* was a scholarly counterpart to his practical efforts to make his views effective within institutions of power. In 1919, Du Bois, fearing the recolonization of Germany’s African colonies by other European states, urged that the colonies be turned over to “organized civilization” in preparation for “an autonomous state.”¹¹ In February 1919, he went to the Pan-African Congress in Paris with a delegation of African Americans. The Congress sought to influence the victorious Allies’ Peace Conference, then in Paris to draft the legal

8. See, e.g., Antony Anghie, *Finding The Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law*, 40 HARV. INT’L L. J. 1, 34-43 (1999).

9. See Ruth Gordon, *Growing Constitutions*, 1 U. PA. J. CONST. L. 528, 582 (1999) (stating that most new state governments “did not grow out of the cultures and experiences of those they were meant to govern [T]he global community might try to help people build on what they are, instead of trying to shape them into what we believe they should be.”).

10. See, e.g., W.E.B. Du Bois, *Resolutions of the Washington Conference*, 14 CRISIS 59, 59 (1917).

11. W.E.B. Du Bois, *Reconstruction and Africa*, 17 CRISIS 165 (1919), reprinted in 2 THE SEVENTH SON: THE THOUGHTS AND WRITINGS OF W.E.B. DU BOIS 188, 188 (Julius Lester ed., 1971) [hereinafter *The Seventh Son*].

framework for the post-war world.¹² The Pan-African Congress' resolutions, signed by Du Bois and Blaise Diagne, called on the Peace Conference to establish a "Code of Laws for the international protection of the Natives of Africa," the placement of Africa under a trusteeship on behalf of the "Natives," and the accordance of equal rights to persons of African descent wherever they were "civilized."¹³

From the perspective of a later and more categorical anticolonialism, these positions may seem rather timid, if not distasteful. They participated in a tradition of liberal Western efforts to reform colonialism—in fact, they sought to enlarge the program already under consideration by the Peace Conference. In effect, the resolutions called for a generalization and strengthening of the proposed Mandate system—an internationally established system of tutelage designed for those peoples "not yet able to stand up under the strenuous conditions of the modern world."¹⁴ While the Peace Conference extended the Mandate system only to territories taken from the defeated German and Ottoman Empires, reformers, such as the Pan-African Congress, sought to extend it to the entire colonized world. Whatever one's retrospective political evaluation of the Pan-African Congress' resolutions may be, they should be read as a product of a strategic evaluation of the political possibilities at the time. They attempted to use the prevalent legal and political discourse—in which, as in our post-1989 period, talk of a new internationalism was everywhere—in order to plausibly lobby the victorious powers to move the world away from colonialism's most unbridled forms.

Du Bois' nuanced and differentiated strategy in writing about colonialism during this period may thus be viewed as reversing that of the Surrealists. Where the Surrealists conflated diverse colonized peoples in their calls for anticolonial revolt, Du Bois undertook a complex analysis of the differences between colonizing regimes in his evaluation of the opportunities for change. *Worlds of Color* read the "riddle of Europe" empire by empire, comparing the differences in colonial governance and the resulting differences in transformative possibility.¹⁵ In particular, Du Bois returned throughout these analyses to the complex relationship between legal framework and political context.

Du Bois' judgments about European colonialism varied dramatically with each empire. What is of interest about these analyses is not their often dubious accuracy. Rather, it lies both in the mere fact that Du Bois found this differentiated analysis a worthwhile exercise and in the particularities of his relative evaluation of the various empires.

12. See W.E.B. Du Bois, *THE PAN AFRICAN CONFERENCE* (Apr. 1919), reprinted in *THE SEVENTH SON*, *supra* note 15, at 188, 193 (listing resolutions introduced to Peace Conference).

13. *Id.* at 193-95.

14. LEAGUE OF NATIONS COVENANT art. 22.

15. See Du Bois, *supra* note 2, at 424-41 (analyzing colonial policies of Portugal, Belgium, France and England).

For example, Du Bois presented a relatively favorable image of the Portuguese. He declared that racism did not play a major role in Portugal, due to its long history of racial mixing.¹⁶ He was particularly impressed by the sight of two Portuguese parliamentary deputies apparently kissing a black colleague on the floor of the house—though he acknowledged that it would be unlikely for a black man to marry into an upper class Portuguese family.¹⁷ Yet, the relatively positive racial attitudes of the Portuguese could not translate into progressive colonial policies due to the lack of “adequate democratic control.”¹⁸ As a result, Portuguese colonialism was split between a “liberally worded” colonial code and the practical sway of “unrestrained Portuguese and English capital.”¹⁹

By contrast, in his description of the British Empire, Du Bois relentlessly emphasized its protean forms of exploitation and hypocrisy. Commenting on his mistreatment upon arrival in Sierra Leone, he declared that the British “fear black folk who have even tasted freedom.”²⁰ He denounced the shifting proclamations of British humanitarianism as so many attempts to shore up imperial power in response to changing conditions.²¹ For example, British pronouncements of their fiduciary responsibility for the “natives” served to justify their marginalization of those Africans already educated in the English manner—i.e., those no longer entitled to be viewed as authentic “natives.”²² Du Bois argued that the British claimed to provide formal legal equality among the races, while practicing racial exclusion and domination.²³ In general, “[e]verything that America has done crudely and shamelessly to suppress the Negro, England in Sierra Leone has done legally and suavely”²⁴

Nonetheless, Du Bois contended that even the British Empire was characterized by conflicting tendencies that could lead to change, though in uncertain directions.²⁵ For example, he described the struggle in South Africa by a strange alliance of white labor unions and Boer nationalists (united in their desire to exclude black workers) against an equally strange alliance of black workers and English capital (the former seeking more employment opportunities, the latter seeking cheap labor).²⁶ He

16. *See id.* at 424 (noting that persons of color hold governmental positions in Portugal). Du Bois further stated, “There is so much ancient black blood in this peninsula.” *Id.* “Between the Portuguese and the African and near African there is . . . no accumulated hatred.” *Id.*

17. *Id.* at 424.

18. *Id.*

19. *Id.* at 426.

20. *Id.* at 434.

21. *See id.* at 437-38.

22. *See id.* at 435-36.

23. *See id.* at 434 (noting that Freetown allowed black government officials, but never had one).

24. *Id.* at 434.

25. *See infra* notes 32-34 and accompanying text.

26. *See Du Bois, supra* note 2, at 438 (detailing alliance).

also argued that political rivalry between Unionists and Liberals concerning the Boer War had led to the arousal of British public opinion against some of the worst colonial abuses.²⁷ He declared that the abolition of slavery in the Portuguese colony of São Thomé, whose cocoa industry was backed by British capital, resulted from this dynamic.²⁸

But it was Du Bois' evaluation of the French Empire that was the most nuanced and seemingly invested with deep and conflicted emotions. For Du Bois, the French Empire embodied both the potential for the worst colonialist excess and the best hope for humanistic reform: "One looks on present France and her African shadow, then, as standing at the parting of tremendous ways; one way leads to democracy for black as well as white; . . . the other road is the way of the white world . . ." ²⁹ For Du Bois, this "parting of the ways" *within* the French Empire had an inter-imperial correlate: crass British-style exploitation *versus* non-racial French egalitarianism.

Du Bois' partiality toward France was longstanding. At the outbreak of war in 1914, he wrote that, despite the shortcomings of French colonialism, "colored Frenchmen always love France"—and that France "draws no dead line of color."³⁰ The 1925 Du Bois' hopes for French colonialism went dramatically further. Du Bois foresaw the possibility of a new, French-led, "Latin imperialism," which would fundamentally transform the colonial relationship:

Suppose that this new Latin imperialism emerging from the Great War developed a new antithesis to English imperialism . . . suppose that . . . Latin Europe should evolve political control with black men and the Asiatics having a real voice in Colonial government It is not so much the attitude of France toward Germany that frightens white Europe, as her apparent flaunting of the white fetish.³¹

As startling as it may seem, Du Bois nourished great hopes for this putatively transgressive French relationship to race. He declared that the triumph of French ideals would "carry Italy, Portugal and Spain with it, and it is the fear of such a possible idea that explains the deep seated resentment against France on the part of England and America."³²

27. *See id.* at 424-25 (stating that when Liberals or Unionists gained power, opposing party exposed other's labor abuses).

28. *See id.* at 425 (stating that "the attack of the Unionists on the Liberals and the 'cocoa press,' proving slavery on the São Thomé plantations, led to a demand for drastic labor reform").

29. *Id.* at 433.

30. W.E.B. Du Bois, *World War and the Color Line*, 9 *CRISIS* 28 (1919), *reprinted in* THE SEVENTH SON, *supra* note 15, at 65-68.

31. Du Bois, *supra* note 2, at 431.

32. *Id.*

Still, he qualified these extravagant hopes for the French Empire with a question: "Is it certain that France is going to follow this program?"³³ The devil of the piece, throughout, was the British counter-example: despite French ideals, in much of the empire "white Frenchmen were exploiting black Africans in practically the same way as white Englishmen . . ."³⁴ For Du Bois, the future of colonialism depended on the struggle for the purification of the French soul from the contaminating spirit of British capital.

Such conflicts within and between imperialisms made possible a field of progressive action with a range of political choices. For Du Bois in the 1920s, for example, there was still a viable choice between civil equality for Africans within the empires, on the one hand, and independence, on the other.³⁵ Whatever their strategic choice, colonial reformers who wished to be effective needed to link their support for particular trends within an empire (for example, the French) to a stance on inter-imperial rivalry (for example, between France and Britain). "Latin imperialism" offered hope, but only if "black French leaders encourage and push France," showing the "pitfalls of American and English race leadership."³⁶ "Encouragement" was only pertinent if one believed there were progressive tendencies within the French Empire; "pushing" was only pertinent if those tendencies were embattled within and without the empire.

Throughout his career, Du Bois attended to such links between inter-imperial rivalry and intra-imperial conflict. This complex and pragmatic stance made the tension between his analysis of the dynamic unfolding of the colonial "shadow" and the hope for its "permanent cutting away" something more than a hackneyed opposition between integration and separation. For Du Bois, imperialism was not monolithic, but a field of contending powers—with each empire, in turn, split by competing interests.

The political choice between the transformation of the "shadow" and its "cutting away" thus depended on the fate of a progressive alliance with the most hopeful state power of the day. For the 1925 Du Bois, that power was France, though the object of his hopes would shift more than once over the following decades. This analysis sheds situational light on a key tension that has marked general debates about the international legal framework since World War I—the tension between the centripetal forces of internationalism and the centrifugal forces of self-determination. Du Bois' relative support for one or the other side of this intertwined pair shifted during his career, depending on his ability to identify a powerful

33. *Id.*

34. *Id.* at 432.

35. See W.E.B. Du Bois, *Manifesto of the Second Pan-African Congress*, 23 *CRISIS* 5 (1921), reprinted in *THE SEVENTH SON*, *supra* note 15, at 199-205.

36. Du Bois, *supra* note 2, at 433.

state bearing the internationalist banner in the cause of global racial equality.

I see this programmatic optimism about an alliance with state power, however cautious, as a characteristically American critical stance. In the 1920s, Du Bois vested his hopes in France, or rather, a particular strand in French political culture. During World War II, some American race-critics saw the emergence of American leadership of a new world order as offering a different kind of hope.³⁷ Such writers focused on a particular tendency in the American foreign policy establishment—represented by those influential publicists who used the language of anticolonialism to justify the ongoing shift from European to American world leadership.³⁸

For example, in 1943, L.D. Reddick wrote an essay in the NAACP journal, *The Crisis*, tellingly entitled, “Africa: Test of the Atlantic Charter.”³⁹ The essay juxtaposed pro-imperial statements by British leaders with anti-imperial statements by Americans such as Under-Secretary of State Sumner Welles. Like the 1925 *Worlds of Color*, Reddick’s essay identified progressive tendencies that had a chance of guiding the policy of a powerful state—in this case, the United States. And like Du Bois in the 1920s, Reddick linked the conflict on colonial issues within that powerful state to inter-imperial rivalry—relating the conflict between Sumner Welles and pro-imperial Americans like Robert Taft to Anglo-American rivalry. The battle for the American soul thus appeared just as decisive for the future of colonialism in the ’40s as the battle for the French soul had appeared in the ’20s. In both cases, British imperialism and its allies were seen as the primary villains.

The move from European to American leadership has often been associated with the move from a formalistic international law, especially in its focus on sovereignty, to a pragmatic policy-oriented approach, with an emphasis on the power of international organizations to subordinate sovereignty—a move from statism to internationalism. After World War II, as after the Cold War, antiformalist internationalist rhetoric was often used by those who sought to clear away ossified empires to make way for a new international order. Yet, many American policymakers in the ’40s came to view African nationalism as just as irrelevant to the post-World War II world as the European imperialism that had suppressed it.⁴⁰ To the extent that some vested their hopes in this shift in the center of international law from Europe to the United States, and from formalism to pragmatism, they would be disappointed. By the end of the war, the Americans, and at least some of the Europeans, converged around the idea of a more flexible

37. See, e.g., L.D. Reddick, *Africa: Test of the Atlantic Charter*, 106 *CRISIS* 202, 217 (1943).

38. See *infra* text accompanying notes 43-45.

39. Reddick, *supra* note 41.

40. See, e.g., WILLIAM ROGER LOUIS, *IMPERIALISM AT BAY* 538 (1978) (quoting Harold Stassen, U.S. delegate to the San Francisco Conference in 1945, calling for “inter-dependence” rather than “independence” for colonies).

subordination of the non-European world that could dispense with formal colonialism and its embarrassingly biased legal categories.⁴¹ The United States, like France before it, proved to be the wrong place to look for a state power to sponsor a new internationalism directed at empowerment of the colonial world.

Nonetheless, such disappointments did not structurally alter the basic strategic stance adopted by Du Bois and others. Such writers persistently sought to locate a given historical moment's progressive tendencies and the state power that could bring about their implementation—whether that power was France and the United States, or, later, the Soviet Union and newly independent African states such as Ghana. In his 1945 book, *Color and Democracy: Colonies and Peace*, written at a radically shifting moment in world affairs, Du Bois coupled an unflinching description of present horrors with a wide-ranging search for the long hoped-for alliance. Like *Worlds of Color*, *Color and Democracy* portrayed conflicting tendencies within a variety of powerful states. For example, Du Bois described both hopeful and troubling tendencies within Soviet policy; his emphasis on the former reflected his growing political sympathies.⁴² Yet, he also declared that a “Greater Britain,” an anticolonial Britain, might emerge—and that the West might eliminate colonial injustice through a combination of “French equality and Yankee push, with British love of liberty, stubborn courage, sportsmanship, and common sense.”⁴³

Still, Du Bois always remained true to his deep ambivalence about this strategy: his dramatic political shifts testify to his ever-present skepticism about any particular state power, a skepticism that coexisted with his perennial hope for the right ally. This ambivalence about state power makes Du Bois both more and less familiar to contemporary writers in the United States. Contemporary critical writers are far less likely to identify a particular state with progressive ideals. Neither an illusory French egalitarianism, nor a tarnished American idealism, nor a collapsed Soviet internationalism, nor even a demystified African nationalism can today command the allegiance of most analysts. Nonetheless, at the practical level of legal and political action, today's progressives, like Du Bois throughout his career, must continue to look for the institutionalized power that can effect change. It is never a matter of “speaking truth to power,” but of a strategic alliance between disparate and asymmetrical forces.

Moreover, our deepened ambivalence about such an alliance has been accompanied by doubts about the possibility of the “permanent cutting away” of the colonial shadow. Post-colonial history has provided sobering examples of the persistence of racialized shadows and the danger of thinking they can be wished or willed away. I turn to two stories about

41. See Nathaniel Berman, *In the Wake of Empire*, 14 AM. U. INT'L L. REV. 1521, 1521-54 (1999).

42. See W.E.B. DU BOIS, *COLOR AND DEMOCRACY: COLONIES AND PEACE* 115-16 (1945).

43. *Id.* at 142.

the enduring effects of racialized colonialism, both stories with crucial turning points in the 1920s, the time of Du Bois' essay.

First, a story of East Africa: in his 1925 essay, Du Bois recounted the expropriation of millions of acres of Kenyan land from the Africans and their replacement by both white settlers and by South Asians.⁴⁴ For the latter, of course, the move consisted of a migration from one part of the British Empire to another. At some point, Du Bois tells us, the Asians began to claim equal political and civil rights with the British.⁴⁵ The British sought to counter this demand by declaring that they would be violating their fiduciary duty to the "natives" if they gave Asians a privileged position within Kenya—for Du Bois, one more example of British hypocrisy.⁴⁶ Yet, according to Du Bois, one unintended consequence of the British position was the reinforcement of the idea of "Africa for the Africans," strengthening an already growing African nationalism.

The second story returns us to French North Africa. The French, from the beginning of their colonial rule, tried to detach the Berber population of North Africa from the Arab population.⁴⁷ This policy was deeply racialized—the French fantasy was that the Berbers were actually of European stock, unjustly subordinated by the Arabs.⁴⁸ The French sought to detach the Berbers from the Arabs, to wean them away from Islam, to seduce them with French culture.⁴⁹ Unfortunately for this French conceit, the Berbers were always in the forefront of anticolonial struggle—as I've mentioned, in April, 1925, the same month as Du Bois' essay, a Berber revolt broke out in North Africa against the French.⁵⁰

Five years later in Morocco, the French tried to implement their divide-and-rule policy through the so-called "Berber Decree" of 1930. The "Berber Decree" sought, among other things, to entrench separate legal systems for Berbers and Arabs.⁵¹ The reaction to the Berber Decree, both in Morocco and throughout the Arab world, was fierce. Its long-lasting effect in Morocco was to give birth to modern Moroccan nationalism.⁵² The modern political notion of a unified Moroccan people became crystallized in the resistance to this attempt to divide them.

It is tempting to see each of these stories as the converse of the other. The East African story tells us of the emergence of anticolonialism

44. See Du Bois, *supra* note 2, at 439.

45. See *id.* at 439-40 ("Indians claimed the rights of free subjects of the empire—a right to buy land, a right to exploit labor, a right to a voice in the government now confined to the handful of whites.").

46. See *id.* at 440.

47. See, e.g., TAYEB BOUTBOUQALT, *LA GUERRE DU RIF ET LA REACTION DE L'OPINION INTERNATIONALE 1921-1926* (1992).

48. See *id.*

49. See *id.*

50. See *id.*

51. See generally GILLES LAFUENTE, *LA POLITIQUE BERBÈRE DE LA FRANCE ET LE NATIONALISME MAROCAIN* (1999).

52. See *id.*

through resistance on the part of those subordinated by racially divisive colonial policies, the Africans—an anticolonialism achieved by empowering the subordinated group in relation to both Asians and Europeans. By contrast, the North African story tells us of the emergence of anticolonialism through resistance on the part of those supposedly privileged by colonial policies, the Berbers—anticolonialism achieved by making common cause with those subordinated, the Arabs.

Far from heralding the emergence of a shadowless world, each of these stories has a sobering epilogue. The crystallization of East African nationalism through resistance to the British-constructed power differential between Africans and Asians had an enduring divisive effect on relations between the two groups. While this is not the place to discuss this complex issue, the British attempt to rule East Africa through racial division echoed through the century in struggles over race, class and nation, struggles involving competing assertions about inclusion and exclusion, competing allegations of exploitation and disenfranchisement. In East Africa, the shadows of racialization did not disappear with formal colonialism. Political attempts to “cut them away” could only succeed, if at all, at a painful human cost—including, at its most extreme, simple expulsion.

Conversely, in North Africa, the emergence of anticolonial nationalism through resistance to the racial divisions promoted by colonial policy led to attempts to enforce a uniform identity on heterogeneous populations.⁵³ During internecine struggles within the independence movement in Algeria, for example, one of the strongest charges that one could make was to say that one’s opponent was a “berbero-materialist.”⁵⁴ These identity conflicts erupted into violence both before and after independence—in the Algerian civil war of the 1990s, for example, Berbers were attacked by both the military government and its Islamicist opponents.

From the enforced separations of East Africa to the enforced integrations of North Africa, post-colonial history has taught the lesson of the persistence of the colonial shadow—the puncturing of the utopian hope of the sudden “cutting away” of race. The instability, yet persistence, of the racial shadow makes judgments about the emancipatory or regressive effect of inclusions and exclusions politically and ethically risky. Once the dynamics of identity conflict were released on the world, there could be no return to “shadowlessness.”

Indeed, the ideal of a shadowless “peoplehood” is afflicted by all those denials of difference and inequality that beset the concept of “sovereignty.” The general issue raised here is the problem of representation: the problem of the ideology of unity, be it of state or people, and its denial of shadows—whether of a racial, ethnic, or gendered character. A concept of “peoplehood” that ignores this problem of representation—which pretends that racialized shadows can be eliminated by *fiat*—can be deeply

53. See MOHAMMED HARBI, *LE F.L.N.: MIRAGE ET RÉALITÉ* 193 (1980).

54. See *id.* at 193.

repressive. Such phenomena show the impossibility of a return to a pre-lapsarian unity—and the dangerous repercussions of any ideology that ignores this lesson.

If Du Bois told us that the problem of the twentieth century would be the problem of the color line, then we can say that the course of that century only brought with it the proliferation of color lines, in ever-new and baroque configurations. Now, as before, it is the task of those working in the intersection of critical race theory and international law to “read the global riddle” in relation to those shadows—a carrying forward of the legacy of W.E.B. Du Bois.