CHRISTIAN PERSONALISM AND HUMAN RIGHTS PRIOR TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS:

A PHILOSOPHICAL AND THEOLOGICAL EXPLORATION

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DEDICATION

To Marie, Hannah, Rose, Gabriel, Mom and Dad, thank you for loving me deeply! Psalm 150 and gratitude that goes far beyond a mere dissertation also stir in my heart.

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The high tide of modern transnational institution-building occurred in the immediate aftermath of two profound crises: the Great Depression and World War II. No document better captures the aspirations for a post-war era of greater human welfare than the 1948 Universal Declaration of Human Rights (UDHR). The UDHR elevated the rights of individual humans above the doctrine of state-sovereignty and embodied the burgeoning view that states have a responsibility to secure the welfare and rights of all persons. A "new" school of human rights historiography has shown that Christian personalists were among the few advocates of "human rights" in this period. Moreover, Jacques Maritain and Charles Malik, prominent Christian personalists, were directly involved in United Nations efforts to codify universal human rights. Yet new-school historiography has over-corrected for "classical" historiography's penchant to rely heavily on arcane philosophical and theological developments dating centuries and even millennia into the past. New-school historiography deracinates Christian personalism form its nineteenth century forebearers: philosophical personalism, phenomenology, existentialism, and neo-classicism. It also underplays the orthogonal character of a movement that aspired to create a third way between established polarities. The very term "personalism" connotes a middle position between individualism and collectivism: individual human beings have inviolable dignity and are inherently relational. As such, the current picture of the advent of human rights discourse in the mid-twentieth century is incomplete. By connecting Christian personalism

to its nineteenth-century philosophical roots and contextualizing its views of the relationship between the individual and the state in the crisis milieu of the transwar era, I fill an important gap in the history of "human rights" discourse in the buildup to the UDHR.

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Chapter 1: Introduction

History is always produced in a specific historical context.[1]

On December 10, 1948, the general assembly of the United Nations adopted the Universal Declaration of Human Rights (UDHR). Speaking to the UN General Assembly, Eleanor Roosevelt, who chaired the drafting committee, stated her hope that the Declaration would become "the international Magna Carta of all men everywhere."[2] In that speech, she also likened the UDHR to both the French Declaration of the Rights of Man and of the Citizen and the U.S. Bill of Rights. Decades removed, this landmark document, which noted scholar of international law Louis Henkin called "the scriptures" of the human rights movement, has become highly influential in international relations, humanitarianism, philanthropy, and beyond.[3] The Declaration is, for example, the central piece of the International Bill of Rights, an explicit ground for the Sustainable Development Goals (SDGs), and the primary reference point for the United Nations Millennium Declaration's section on human rights.[4]

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[1] Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History, 20th Anniversary Edition*, 2nd Revised (Beacon Press, 2015), 22, http://gen.lib.rus.ec/book/index.php?md5=9fe5423a696e1d851dca790902427dd7. Similarly, Moyn begins the preface to a work on historiography and human rights noting that "All history is contemporary history." Samuel Moyn, *Human Rights and the Uses of History* (London, UK: Verso Books, 2014), 8.

[2] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, 1st ed. (New York: Random House, 2002), 166.

[3] Louis Henkin wrote that the UDHR is the "authoritative articulation of the international human rights standards: the symbol, the representation, the scriptures." Louis Henkin, "Human Rights: Ideology and Aspiration, Reality and Prospect," in *Realizing Human Rights: Moving from Inspiration to Impact*, eds. Samantha Power and Graham Allison (New York: St. Martin's Press, 2000), 3, 12. The connection between the UDHR and philanthropy runs in both directions. Charles Malik, for example, credited nongovernmental organizations (particularly Catholic, Jewish, and Protestant religious organizations) with playing a major role in post–WW II human rights advocacy. Charles Habib Malik, "The Universal Declaration of Human Rights," in *Free and Equal*, ed. O Frederick Nolde (Geneva: World Council of Churches, 1968), 10.

[4] See the International Bill of Human Rights that begins with UDHR, the reference to the UDHR in the United Nations Millennium Declaration that preceded the MDGs, and the UDHR as the first grounding for the "shared principles and commitments" of the SDGs.

However, the term "human rights" was scarce in the first half of the twentieth century. Samuel Moyn, noting the surprising phenomenon, identifies a loosely knit community of Christian and Thomist "personalists" as one of the few sources for human rights theory and advocacy prior to the UDHR.[5] His writings, at times polemical, helped create a "new school" of human rights historiography. This school takes a skeptical view of the assertion that noble ideals stand behind human rights, pays close attention to power and politics, and focuses on specific historical inflection points. Scholars of this approach have focused primarily on the 1940s (with the advent of the United Nations, the UDHR, etc.) and the 1970s (in which HR discourse blossomed more widely). They also often appeal to the French Declaration of the Rights of Man and of the Citizen, with its secular character, as the primary legitimate origin of a universalistic concept of human rights. By contrast, "classical" or "traditional" historiography paints a picture of human rights evolving over centuries and millennia. Classical accounts foreground the philosophy and theology of justice, right, natural law, and related concepts; and, thus, are more attuned to ideas than to power or politics. They see precedents for the contemporary concept of human rights in, among other places, the Enlightenment (e.g., Immanuel Kant and John Locke), medieval European theology (e.g., Thomas Aquinas and William of Ockham), and Greco-Roman philosophy (e.g., Aristotle and Cicero).

While these two historiographic approaches shed much light on the origins of human rights, they have paid little attention to the intellectual history of personalism—one of the leading sources of human rights discourse in the transwar era. Due to its focus on inflection points and power, new historiography has largely overlooked the nineteenth-century

[5] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010); Samuel Moyn, *Christian Human Rights* (University of Pennsylvania Press, 2015).

philosophical roots of Christian personalism. Classical histories, with their interest in the change in ideals over the *longue durée*, have yet to thoroughly examine the development of Christian personalist thought in the first half of the twentieth century.[6] As a result, the history of the idea of human rights in the transwar era is incomplete.[7] My research takes an important stride toward filling the historiographic lacuna. *By connecting Christian personalism to its nineteenth-century philosophical roots and contextualizing the evolving view of the relationship between the individual and the state in the crisis milieu of the transwar era, I paint a more nuanced picture of the advent of "human rights" discourse in the build-up to the UDHR.* This dissertation is neither a history of Christian personalism nor a history of Christian personalist contributions to the UDHR (though the latter is an important component of my work). Rather, this project details Christian personalist views of human rights in the transwar era.

My work integrates several academic disciplines. Methodologically, it is historical. I reconstruct a key component of the modern history of the concept of human rights via appeal to primary source documents while engaging with current historiographic debates on the subject. More specifically, my research falls mainly within intellectual history and the history of ideas. The former studies how ideas—philosophical, theological, political, scientific, etc.—interact with and influence human thought and action. The latter explicates

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[6] Braudel's landmark *La Méditerranée et le monde Méditerranéen à l'époque de Philippe II* articulates three time-horizons of analysis, all of which contribute to a richer historical understanding of various phenomena. The *longue durée* is the most important because "the long run always wins in the end." It contrasts with the ten-to-fifty-year "slow but perceptible rhythms" of the medium-term *conjonctures* and the shorter "ephemera of history," which he termed *histoire événementielle*. Anna Green and Kathleen Troup, eds., *The Houses of History: A Critical Reader in Twentieth-Century History and Theory* (New York University Press, 1999), 89–90.

[7] I borrow the term "transwar," which denotes the period of the 1930s and 1940s, from Philip G. Nord, *France's New Deal: From the Thirties to the Postwar Era* (Princeton University Press, 2010), 12. Importantly, "transwar" is distinct from "interwar," which signifies the period between WW I and WW II, 1919-1939.

the historical development and structure of ideas such as human rights. As is often the case with this form of research, I incorporate elements of philosophy. Personalism is an outgrowth of counter-Enlightenment critiques of certain philosophical theories of cognition and causation. Moreover, given the role of theology in Christian personalism, I interact with theological systems at several points. The Thomistic renewal of the nineteenth century and Christian existentialism are two such systems.

My focus on intellectual history and theology is not set apart from the discipline of philanthropic studies. In adopting philanthropic studies scholar Dwight Burlingame's definition, "voluntary action intended for the public good," my work demonstrates that the history of human rights is intimately interconnected with debates over the nature of philanthropy.[8] In sharing similar origins, pioneering movements for the abolition of slavery, women's rights, and equal civil rights were led by voluntary actors or philanthropists such as Anthony Benezet, Angelina Grimké, and Rosa Parks.[9] Likewise, ultra-wealthy "philanthropists" like Julius Rosenwald, the Rockefeller family, Andrew Carnegie, and twenty-first-century mega-donors such as George Soros and Bill Gates have funded many projects relating to various rights.[10] The contemporary landscape of human

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[8] Dwight Burlingame, "Faculty Behaving Well," in *Faculty Work and the Public Good: Philanthropy Engagement and Academic Professionalism*, ed. Genevieve G. Shaker (New York: Teachers College Press: Columbia University, 2015), 136.

[9] See Anthony Benezet and David L. Crosby, *The Complete Antislavery Writings of Anthony Benezet, 1754 1783: An Annotated Critical Edition*, Antislavery, Abolition, and the Atlantic World (Baton Rouge: Louisiana State University Press, 2013); Marie-Jeanne Rossignol and Bertrand Van Ruymbeke, eds., *The Atlantic World of Anthony Benezet (1713-1784): From French Reformation to North American Quaker Antislavery Activism*, Early American History Series : The American Colonies, 1500-1830, volume 5 (Leiden: Brill, 2017); Stephen H. Browne, *Angelina Grimke: Rhetoric, Identity, and the Radical Imagination* (East Lansing, MI: Michigan State University Press, 1999), http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=3338168; Angelina Weld Grimké and Carolivia Herron, *Selected Works of Angelina Weld Grimké*, The Schomburg Library of Nineteenth-Century Black Women Writers (New York: Oxford University Press, 1991); Jeanne Theoharis, *The Rebellious Life of Mrs. Rosa Parks*, 1st edition (Boston: Beacon Press, 2013)..

[10] Stephanie Deutsch, *You Need a Schoolhouse: Booker T. Washington, Julius Rosenwald, and the Building of Schools for the Segregated South*, Reprint edition (Evanston, IL: Northwestern University Press, 2015);

rights advocacy also includes voluntary actors such as the Belarusian pro-democracy activist Ales Bialiatski, the Yazidi human rights advocate Nadia Murad, and nonprofit organizations such as Human Rights Watch and Amnesty International. In addition, the story of Christian personalism and human rights exhibits the overlap between human rights advocacy and voluntary action. Dorothy Day, for example, fostered a national network of voluntary actors working on various facets of human rights.

On a closely related note, human rights are central to the fields of humanitarianism, relief, and development. As mentioned, the UDHR is a foundational document for contemporary global development goals (MDGs and SDGs). The right to development and rights-based development are also significant themes for many humanitarian NGOs.[11] Similarly, the theological dimensions of human rights (e.g., Christian personalist theories of rights) and religious practice are relevant to an entire ecosystem of religious organizations that comprise a significant segment of the humanitarian sector. For example, a recent study explores the decades of rights advocacy by religious NGOs at the UN.[12]

On a broader level, the transwar connection between faith and human rights also illustrates the significant link between philanthropy and religion. This relationship shows up in many ways. For instance, religious congregations constitute roughly one-fifth of all non-profit organizations in the US.[13] Another prominent link between faith and voluntary

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Chuck Sudetic, *The Philanthropy of George Soros: Building Open Societies* (PublicAffairs, 2011); Paul Weindling, "Philanthropy and World Health: The Rockefeller Foundation and the League of Nations Health Organisation," *Minerva* 35, no. 3 (1997): 269–81.

[11] Martha Nussbaum, "Capabilities and Human Rights," *Fordham Law Review* 66, no. 2 (January 1, 1997): 273; Peter Uvin, "From the Right to Development to the Rights-Based Approach: How 'Human Rights' Entered Development," *Development in Practice* 17, no. 4/5 (2007): 597–606.

[12] Amélie Barras, *Faith in Rights: Christian-Inspired NGOs at Work in the United Nations* (Stanford: Stanford University Press, 2024).

[13] Brad R. Fulton, "Religious Organizations: Crosscutting the Nonprofit Sector," in *The Nonprofit Sector: A Research Handbook, Third Edition*, ed. Walter W. Powell and Patricia Bromley (Redwood City, CA: Stanford University Press, 2020), 579–97.

action intended for the public good is the generally positive relationship between religious adherence and philanthropic engagement (i.e., donating, volunteering, etc.).[14]

Thus, while the idea and practice of human rights involve disciplines such as philosophy, theology, history, political science, and development studies, they are also a part of the study of the voluntary sector. A disciplinary Venn diagram of the study and practice of human rights would be incomplete without philanthropic studies. Moreover, the reverse is also true: philanthropy's history and contemporary practice are replete with human rights advocacy.

After reviewing the existing historiography of human rights (chapter 2), the proceeding work is structured around four main elements. First, I provide key contextual information to illustrate better the Christian personalist turn toward human rights. This includes two main components: (a) the development of personalism as an intellectual school and, thus, an emphasis on the value of the human person in certain nineteenth-century philosophical circles (chapter 3); and (b) the shifting view of the relationship between the state and the individual in the transwar era (chapter 4). Second, building directly on chapter three, chapter five explores the roots of Christian personalism in philosophical personalism and existentialism. Third, the last two sections of the fifth chapter, continuing the theme of chapter four, discuss the view among Christian personalists of the relationship between the individual and the state. Subsequently, I detail the theory, practice, and enumeration of human rights of five leading transwar Christian personalists (chapter 6). Finally, I

[14] René Bekkers and Pamala Wiepking, "Generosity and Philanthropy: A Literature Review," Science of Generosity (Notre Dame, 2007), https://generosityresearch.nd.edu/assets/17402/generosity_and_philanthropy_revised.pdf.

summarize the main arguments of this analysis and draw out implications for historiography, philanthropy, and human rights (chapter 7).

1.1 New–school Historiography of Human Rights

My research project is indebted to the new school of human rights historiography in three ways. To begin, I follow Moyn in his identification of Christian personalism as an important contributor to the idea of human rights in the transwar era and as playing a direct role via Malik, and to a much lesser extent Maritain, in the creation of the Universal Declaration of Human Rights. In addition, my attempt to understand Christian personalism and human rights in the mid-twentieth century remains, for the most part, restricted to the 1930s and 1940s. That is, this research project follows the more chronologically targeted methodology generally employed by the new school of human rights historiography. Finally, while my research does not center on power and politics, a crucial element of personalism's development in both the nineteenth and twentieth centuries was its struggle against opposing modes of thought. Personalists routinely positioned themselves explicitly against competing philosophical and political movements, often as a middle or third way between established polarities.[15] The important methodological shift in the study of the history of ideas, to foreground struggle, power, and politics, illuminates the relationship between Christian personalism and human rights. The history of the advent of "human rights" in the transwar era is much richer for the contributions of new–school historians such as Duranti, Hunt, and Moyn. They significantly advanced our understanding of the subject and provoked fruitful historiographic debates.

[15] One example of this general personalist orientation is the description by Rauch, the author of the foreword to a reprint of Mounier's *Personalism*. He described Mounier's philosophy as a "philosophy of combat" with "no real meaning outside of the evolving of historical situations it is meant to illuminate." Rufus William Rauch, Jr., "Foreword," in *Personalism* (University of Notre Dame Press, 1989), ix.

1.1.1 Two Methodological Limitations: The Nineteenth Century and Philosophy

Yet new–school historiography constructs an incomplete, at times misleading, picture due to silence on numerous facets of Christian personalism and its historical context. The most impactful omissions stem from an overemphasis on two of its important methodological choices: (a) narrowing the period of inquiry to the 1930s and 1940s and (b) deemphasizing the philosophical and theological concerns of Christian personalism, a movement grounded in philosophical theology. The heart of my research is the aspiration to push past a strict adherence to these two methodologies. A more balanced approach, one that incorporates elements of classical and new historiography, yields a fuller understanding of both Christian personalism and the advent of "human rights" discourse in the mid-twentieth century.

Regarding chronological scope, Moyn overstates the case against deeper historical precedents for human rights. He accuses histories of human rights of "ransacking the past" and proceeds to suggest that "if study of the past is useful at all in coming to terms with what happens today in the name of timeless and universal values, it suggests the reinvention of our movement."[16] Duranti, while more open chronologically, has to date invested little energy on the evolution of philosophical and theological thought leading up to the transwar era. However, study of past precedents for human rights is, of course, useful. It reveals more than just discontinuity between notions of human rights in the mid-twentieth century and those of right, justice, and human welfare in preceding centuries.

[16] Samuel Moyn, *Human Rights and the Uses of History* (London, UK: Verso Books, 2014). Similarly, Borgwardt writes, "as contemporary scholars of human rights ransack the past . . ." Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, MA: Belknap Press, 2007), 58.

While I follow the new historiography by not giving primacy of explanatory power to deep historical precedents, the story of Christian personalism and human rights is unintelligible without in-depth exploration of intellectual currents prior to the transwar period. Most importantly in this regard, the larger philosophical movement known as personalism, of which Christian personalism is an outgrowth, developed in the early nineteenth century in response to a set of specific philosophical concerns about Enlightenment rationalism. Beginning with Friedrich Heinrich Jacobi (1743–1819) and Herman Lotze (1817–1881), a variety of philosophers rejected both idealism and naturalism. Phenomenology, existentialism, and personalism were three interrelated philosophical schools that saw idealism as leading to subjectivism (or solipsism) and naturalism as precluding human freedom and thus personality. As such, Jean Lacroix's description of philosophical personalism as "anti-ideology," while arguably an overstatement, communicates an important aspect of the philosophy's oppositional origin.[17]

In addition, Christian personalism was part of the broader ideological conflict growing from the eighteenth century between capitalism and individualism, on the one hand, and communism and collectivism, on the other hand. Much personalist thought, following the epochal Papal encyclical *Rerum Novarum* (1891), sought a middle path between these two phenomena and their underlying ideologies. In fact, the very name "personalism," as well as the insistence on the term "person" over "individual" in the UDHR, reflects this middle view of human society. In the words of Maritain, human society is (a) "*personalist* because it considers society to be a whole composed of persons whose dignity is anterior to society,"

[17] Jean Lacroix, *Le personnalisme comme anti-idéologie* (Paris: Presses Universitaires de France, 1972).

(b) "*communal* because it recognizes the fact that the person tends naturally toward society and communion," and (c) "*pluralist* because it assumes that the development of the human person normally requires a plurality of autonomous communities which have their own rights, liberties and authority."[18] Summarizing the first criticism of new historiography, I agree with Hoffman's observation that "Moyn and Hunt have, as it were, skipped over" the nineteenth century.[19]

Regarding the second methodological limitation of new–school historiography, the neglect of philosophy and theology, Christian personalism and its view of the human, and thus of human rights, is inextricably intertwined with two broader theological issues of the late nineteenth and early twentieth centuries.[20] First, the movement to reconcile faith and reason, in the aftermath of the Enlightenment, was a central theological project within Christendom. One of the most important elements in this reaction was the Catholic Church's reembrace of Thomistic theology as exemplified by *Dei Filius* (1870) of the First Vatican Council as well as Pope Leo XIII's *Aeterni Patris* (1879). Thomas Aquinas (1225–1274), of course, is the great thirteenth-century philosopher–theologian whose voluminous writings attempted to integrate or reconcile Aristotelian thought and Christianity. Charles Malik and Jacques Maritain, the two most important personalists directly involved in advocacy of human rights in the 1940s, were proponents of Thomistic natural law theory.

In the second place, Christian personalists grappled extensively with major secular challenges to religion from figures such as August Comte, Charles Darwin, Karl Marx,

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[18] Jacques Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law* (San Francisco, CA: Ignatius Press, 2012), 78.
[19] Stefan-Ludwig Hoffmann, "Human Rights and History," *Past & Present* 232, no. 1 (2016): 308.
[20] Both Renaud and Shortall note the need for theological analysis of personalism and human rights. Terrence Renaud, "Human Rights as Radical Anthropology: Protestant Theology and Ecumenism in the Transwar Era," *The Historical Journal*, 60, no. 2 (June 2017): 493–518; Sarah Shortall, "Theology and the Politics of Christian Human Rights," *Journal of the History of Ideas* 79, no. 3 (September 20, 2018): 445–460.

and, above all, Friedrich Nietzsche. For instance, Henri de Lubac, a personalist and one of the foremost Catholic theologians of the twentieth century, thoroughly engaged Comte, Darwin, and Marx in his work, *Le Drame de l'Humanisme Athée* (1944). Additionally, Emmanuel Mounier, perhaps the leading voice of transwar Christian personalism, wrote *L'Affrontement Chrétien* (1945) as a hypothetical conversation with Nietzsche.

1.1.2 Two Tenuous Conclusions: Invented Tradition and Conservative Human Rights

1.1.2.1 Christian Personalist Human Rights as Invented Tradition

Moyn highlights the 1942 Papal Christmas message, "in the perspective of world history," as noteworthy because of the new values that it articulates.[21] In the text, Pius XII outlined "Five Fundamental Points for the Order and Pacification of Society" of which the first is the "Dignity and Rights of the Human Person."[22] Moyn describes this and similar Christian articulations of rights at the time as "invention of tradition" in which "Christian human rights were injected into tradition by pretending they had always been there, and on the basis of minor antecedents now treated as fonts of enduring commitments."[23] This interpretation raises several questions. To begin with, those who follow classical historiography of human rights would dispute the claimed irrelevance of, for example, early Christian texts declaring the ontological equality of all humans, the evolution of the semantic range of the Latin *jus* to include subjective (e.g., a person's right to property) and not merely objective (e.g., a right or good law) connotations, the trenchant polemics of Bartolome de Las Casas against the inhumanity of Catholic *conquistadors* in the Americas, or Christian abolitionist appeals to the common humanity of enslaved and free persons

[21] Moyn, *Christian Human Rights*, 2.
[22] Pope Pius XII, "Christmas Message 1942," December 24, 1942, 13–15.
[23] Moyn, *Christian Human Rights*, 5.

(e.g., the celebrated abolitionist emblem that asks, "Am I not a man and a brother?"). The historical record is more complex than new historians acknowledge.

Even when homing in on the transwar era, Moyn's assertion that Pius XII and Christian personalists invented a tradition underestimates the larger political shift in the concept of the state due to the crises of WW I, the Great Depression, and WW II. The Christian humanist/personalist W. H. Auden penned the poem, "September 1, 1939," that describes the 1930s as a "low dishonest decade" and the year 1939 as full of "waves of anger and despair" with the "unmentionable odour of death" at hand. Moreover, Auden authored these mournful verses prior to the deaths of tens of millions of people, the majority of whom were civilians, in WW II. In the face of such darkness, myriad people from all corners of society posited new ideas for the preservation and welfare of humanity. These innovations included *The Rights of Man* (1939) by H. G. Wells, the "Six Pillars of Peace" by the Federal Council of Churches in the United States, Emmanuel Mounier's *Déclaration des Droits: des Personnes et des Collectivités* (1945), and the American Declaration on the Rights and Duties of Man (March 1948) by what would become the Organization of American States. Innovation or reformation in response to a sense of profound peril and deep despair was ubiquitous. Setting Christian personalist support for human rights in this milieu challenges the invented tradition characterization to *some* degree. A more circumspect analysis might conclude that the partial Christian turn to human rights in the 1930s and 1940s resulted from the emergence of certain theological streams in the light of cataclysmic events. In 1943, a Catholic theologian claimed:

> The content of [Thomist Personalist] teachings, then, is not entirely new discovered truth. The originality of their contribution to philosophic thought is found in their more complete and explicit elaboration of the concepts of "person" and

> "individual" and in their application of these concepts to the problem of the mutual and paradoxical relationship of the individual and the State.[24]

In the larger context of a world coming to grips with the horrific failure of the Westphalian order, the League of Nations, and *laissez faire* governance, historic ideas such as natural law and the *imago dei* provided coherent justifications for efforts to better secure the welfare and protection of individual persons.[25]

1.1.2.2 Christian Personalist Human Rights as Conservative

Duranti, Moyn, and Terrence Renaud describe transwar Christian human rights as conservative. Moreover, Moyn laments that Christian personalists usurped the rightful place of the more progressive heirs of the French Revolution. In his view, human rights, before the transwar era, had "always been" a "promise of secular emancipation" associated with the French Revolution.[26]

This assessment raises questions in at least two directions. First, was transwar Christian personalism conservative? To a degree, yes. Day championed the Catholic Church's anti-contraception policy. Maritain associated with the reactionary, nationalist, and royalist

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[24] John A. O'Brien, "Personalism and the Problem of the Individual in the State," *Proceedings of the American Catholic Philosophical Association* 19 (July 1, 1943): 44, https://doi.org/10.5840/acpaproc19431923. Maritain identified, per O'Brien, a "paradox in the philosophy of politics." On the one hand, human persons are subordinate to the polity and its common aim. On the other hand, the human person is superior to the polity and is the end toward which the common aim is focused. Maritain drew these two postulates of his political philosophy from the *Summa Theologica* of Thomas Aquinas: (a) "'*Quaelibut persona singularis comparatur ad totam communitatem sicut pars ad totum.*' (Every individual person is compared to the whole community as part to the whole)"; and (b) "'*Homo non ordinatur ad communitatem politicam secundum se totum et scundum omnia sua*' (Man is not ordained to the body politic according to all that he is and has)." However, O'Brien questions the strength of Maritain's distinction between individual and person. While it is consistent with Thomistic thought (as the quotes above demonstrate), O'Brien saw better grounding for these two elements of the relationship between the individual and the state elsewhere: "These [two] truths are implied in the Scholastic doctrines of man's social nature, the natural character of civil society and the origin and nature of civil authority." O'Brien, 48–52. Finley, a political theorist, concluded, "the experience of the totalitarian regimes of the twentieth century was central to the development" of Maritain's political philosophy. Emily B. Finley, "Jacques Maritain: Catholicism under the Influence of Democratism," in *The Ideology of Democratism*, ed. Emily B. Finley (Princeton, N J: Oxford University Press, 2022), 80, https://doi.org/10.1093/oso/9780197642290.003.0005.

[25] *Imago dei*, Latin for "the image of God," comes from Genesis, which states, in part, that "So God created humans in his image, in the image of God he created them," Gen. 1:27 (New Revised Standard Version).

[26] Moyn, *Christian Human Rights*, 2.

Action Française prior to its condemnation by Pius XI in 1926. Maritain also included theistic or Christian as one of the four characteristics of a free society along with personalist, communal, and pluralist in his 1942 *The Rights of Man and the Natural Law*.[27] Malik was skeptical of second-generation rights in the UDHR. However, relative to its historical milieu, transwar Christian personalism was more progressive than conservative. In "Personalism and Marxism," for instance, Berdyaev stated that "the social system most consistent with Christian personalism is the system of personalistic socialism."[28] Likewise, Day's labor support and radical pacifism, Hocking's deemphasis of evangelism in missions, Maritain's nearly socialist economic vision, and Mounier's Nietzschean critique of bourgeois Christianity were by no means conservative.

More than right or left, Christian personalism sought a middle path between contemporary political poles. One prominent illustration of this sentiment was *Esprit's* introduction to the *Déclaration des Droits: des Personnes et des Collectivités* noting the magazine's firm commitment to avoid sectarianism and partisanship.[29] Thus, Shortall, an intellectual historian, wrote:

> The defining feature of Catholic personalism was precisely its political ambivalence—the way it resisted the logic of the right-left political spectrum. Often labeled "non-conformists," these Catholics explicitly rejected party politics and sought to articulate a spiritual "third way" between liberal individualism and "totalitarian" collectivism, between capitalism and communism.[30]

Retrospectively, Christian personalism may be more conservative than progressive. This is especially true if one equates, as new historiography seems to do, Christianity with

[27] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 77–79.
[28] Nikolai Berdyaev, "Personalism and Marxism," *Put*, 1935, 19.
[29] Emmanuel Mounier, "Faut-Il Réviser La Déclaration Des Droits? Fin," *Esprit* 6, no. 110 (1945): 851.
[30] Shortall, "Theology and the Politics of Christian Human Rights," 447.

conservatism and secularism with progressivism. Yet, prospectively, new historiography's description of transwar Christian personalism as conservative is dubious.

Second, the regret that human rights discourse in the transwar era was not common among the heirs of the French Revolution raises questions about those heirs and their views on human rights. For instance, August Comte (1798–1857) saw himself as continuing the work of the French Enlightenment. Out of the wreckage of the *Ancien Regime*, Comte championed what he saw as the arrival of a third and final stage of humanity. This positive stage, as he termed it, was superior to the prior theological and metaphysical stages. Yet positivism, in its various forms, was not a seedbed of human rights.[31] The anti-Christianity of Nietzsche, to take another example, resonates well with the anticlericalism of the French Revolution. But Nietzsche surely would have seen the concept of human rights as a groundless fiction for weak-minded people. Or Hocking, who was deeply influenced by Hegelian idealism (itself a scion of the Enlightenment), held a culturally dependent view of human rights that supported his relatively authoritarian views of the state and society.

On a closely related topic, new–school historiography would benefit from treating the specific rights proposed by secular progressives during the transwar era. For example, the *Ligue des droits de l'homme* explicitly connected its *Complément à la Déclaration des Droits des L'homme* (1936) to the French Declarations of 1789 and 1793.[32] Is the *Complément* more progressive than Mounier's *Déclaration des Droits: des Personnes et des Collectivités*? Similarly, are the propositions contained in Wells' 1940 *The Rights of*

[31] Furthermore, the conservative nationalist Charles Maurras, with whom Maritain had associated until the condemnation of his *Action Française* by the Catholic Church, was a disciple of Comte.
[32] H. G. Wells, *The Rights of Man* (New York: Vintage, 2017), 84–92.

Man more progressive than those of Maritain's *The Rights of Man and the Natural Law*?[33] The American Anthropological Association (AAA) presents another interesting case. While lauding "the revolutionary character of the slogan 'Liberty, Equality, [and] Fraternity,'" its "Statement on Human Rights" (1947) makes the rights of the individual and "respect for the cultures of differing human groups" equally important.[34] What would such an equivalence mean for practices such as female circumcision or racial segregation? Again, new–school historiography's characterization of Christian personalism as conservative is questionable, or at least incomplete.

1.2 Personalism

One of the most common and succinct ways to articulate the philosophy of personalism is via the distinction between individuals and persons. The former term is inadequate to personalists because it connotes an isolated and merely material or social being. The latter word, by contrast, signifies a self-giving, relational, and spiritual being. Transwar Christian personalists believed that Western conceptions of the human being had grown increasingly egocentric and individualistic with solipsism close at hand. Maritain articulated "the problem of *individualism and personality*" when he wrote, "Look at the Kantian shriveled up in his autonomy, the Protestant tormented by concern for his inward liberty, the Nietzschean giving himself curvature of the spine in his effort to jump beyond good and

[33] Wells, *The Rights of Man*; Mounier, "Faut-Il Réviser La Déclaration Des Droits?"; Maritain, *Christianity and Democracy, and the Rights of Man and the Natural Law*.

[34] The AAA partially reversed this position in the 1999 Declaration on Anthropology and Human Rights (https://americananthro.org/about/declaration-on-anthropology-and-human-rights/) and proceeded to do so fully in its 2020 Statement on Anthropology and Human Rights that states, "The 1948 United Nations Universal Declaration of Human Rights (UDHR) and subsequent treaties establish that rights are inherent to all human beings, regardless of race, gender, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, the right to an adequate standard of living, health, and many more. Everyone is entitled to these rights, without discrimination," https://americananthro.org/news-advocacy/2020-statement-on-anthropology-and-human-rights/.

evil, the Freudian cultivating his complexes and sublimating his libido . . . all of those unhappy people are looking for their personalities."[35] Similarly, Mounier argued for personhood over individuality as follows:

> *L'individu, c'est, tout court, la dissolution de la personne; ou encore la reconquête de l'homme par la matière, qui sait singer. La personne s'oppose à l'individu en ce qu'elle est maîtrise, choix, formation, conquête de soi. Elle risque par amour au lieu de se retrancher. Elle est riche enfin de toutes les communions, avec la chair du monde et de l'homme, avec le spirituel qui l'anime, avec les communautés qui la révèlent*.[36]

Additionally, Berdyaev criticized the notion of the individual as a naturalistic category with only biological and sociological scope.[37] As such, the individual has no independent existence from either genus or society. This mere component of a larger entity lacks identity apart from its relationship to the whole. By contrast, the person belongs not only to the biological and social orders but also, and more importantly, to the spiritual realm from which its unique identity and inviolable dignity derive.

However, the notion of personalism as a unified philosophical program is somewhat artificial. A wide variety of thinkers were associated by their own account, or by historians, with this loose-knit intellectual community. Hocking and Maritain, for instance, disagreed on key issues of philosophy and theology such as ontology and natural law. Additionally, Mounier took a more squarely existentialist approach while also sympathizing with Marxism. As such, the political philosopher Deweer observes that the plural

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[35] Joseph Amato, *Mounier and Maritain: A French Catholic Understanding of the Modern World* (Ypsilanti, MI: The Catholic University of America Press, 2010), 63.

[36] Emmanuel Mounier, *Révolution Personnaliste et Communautaire* (Paris: Éditions de Seuil, 2000), 49. Translation by author: "The individual is, quite simply, the dissolution of the person; or even the reconquest of man by matter, which knows how to imitate. The person opposes the individual in that it is mastery, choice, formation, conquest of self. The person risks out of love instead of taking refuge. The person is rich, finally, in all communions, with the flesh of the world and of man, with the spiritual which animates it, with the community which reveals it."

[37] Berdyaev, "Personalism and Marxism."

"personalisms" is a more accurate label than the singular form of the appellation.[38] Personalists themselves noted the diversity of the movement. Mounier observed, "*C'est donc au pluriel, des personnalismes, que nous devrions parler*" (It is therefore in the plural, of personalisms, that we should speak).[39] Likewise, Maritain wrote, "There are, at least, a dozen personalist doctrines, which at times, have nothing more in common than the term 'person.'"[40]

A key distinction in the study of personalism is the difference between strict and broad definitions of the term. Williams, a Catholic theologian, describes personalism in this narrower sense as constituting a unique philosophical system, drawing heavily from phenomenology and existentialism. At its core, this view "places the person at the center of a philosophical system that originates from an 'intuition' of the person himself and then goes on to analyze the personal experience that is the object of this intuition."[41] Or, in the terminology of the personalist philosopher Borden Parker Bowne, personhood is the "basal fact" of reality.[42] Critics of Enlightenment rationalism eschewed the opposing philosophies of idealism and naturalism in favor of personhood. On the one hand, they rejected transcendental idealism because it created an unbridgeable chasm between the human mind and the external world, between Kant's *phenomena* and *noumena*. The solipsism inherent, in their analysis, in such radical subjectivism was deeply problematic. On the other hand, these same critics had no interest in empiricist, materialist, or naturalistic philosophies. The

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[38] Dries Deweer, "The Political Theory of Personalism: Maritain and Mounier on Personhood and Citizenship," *International Journal of Philosophy and Theology* 74, no. 2 (May 1, 2013): 108–126, https://doi.org/10.1080/21692327.2013.809869.
[39] Emmanuel Mounier, *OEuvres*, vol. 1 (Paris: Éditions du Seuil, 1961), 483.
[40] Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald, new imp. ed. (University of Notre Dame Press, 1994), 12–13.
[41] Thomas D. Williams, *Who Is My Neighbor?: Personalism and the Foundations of Human Rights* (Washington, DC: The Catholic University of America Press, 2005), 109.
[42] Borden Parker Bowne, *Personalism* (USA: Andesite Press, 2017), 216.

determinism entailed in such views obviates the possibility of freedom, creativity, and morality; and as such was, in their view, incompatible with human personality. In search of an alternative fundamental reality, various philosophers posited the person or personhood as the basal fact or the first postulate by which all other facts are intelligible. Personhood, they taught, is not a subcomponent of a larger philosophical system, but the foundational ontological postulate of its own unique philosophy. Berdyaev and Mounier, with their existentialist philosophies, were closer to personalism in the narrower sense.

By contrast, personalism in the broader sense is not a novel philosophical system. It is the integration of "a particular anthropological and ethical vision" into an existing philosophical system.[43] It prioritizes a commitment to the inherent dignity of the human being—not as an atomized "individual," but as a relational being, or "person," with rights and responsibilities within society. Williams describes five key characteristics of this broad school: "The radical difference between persons and nonpersons, an affirmation of the dignity of persons, a concern for the person's subjectivity, attention to the person as object of human action to be treated as an end and never as a mere means, and particular regard for the social (relational) nature of the person."[44] To be more concise, one might say that the human person is an inviolable and relational subject. Personalism of this type is, per Williams and Bengtsson, not an "autonomous metaphysics" (distinct from idealism and

[43] Thomas D. Williams, "What Is Thomistic Personalism?," *Alpha Omega* 7, no. 2 (2004): 165. The full quote states that personalism in a broad sense "integrates a particular anthropological and ethical vision into a global philosophical perspective. Here the person is not considered as the object of an original intuition, nor does philosophical research begin with an analysis of the personal context. Rather, in the scope of a general metaphysics the person manifests his singular value and essential role. Thus the person occupies the central place in philosophical discourse, but this discourse is not reduced to an explication or development of an original intuition of the person. In this context, the person does not justify metaphysics but rather metaphysics justifies the person and his various operations. More than an autonomous metaphysics, personalism in the broad sense offers an anthropological-ontological shift in perspective within the existing metaphysics and draws out the ethical consequences of that shift."

[44] Williams, *Who Is My Neighbor?*, 118.

realism, e.g.), but is "an anthropological-ontological shift in perspective within existing metaphysics."[45] Whereas personalism in the strict sense provides the ground for metaphysics, and therefore is its own philosophical system, personalism in the broad sense is founded upon and justified by prior or other metaphysical postulates.[46] Hocking, Malik, and Maritain, the personalists most directly involved in the creation of the UDHR, were personalists only in the broad sense. Hocking, like numerous U.S. personalists, held an idealist ontology. Malik and Maritain, following Aquinas, were philosophical realists.[47]

The relationship between these two personalisms has several important characteristics. First, personalists of both genres generally shared the same critiques of Enlightenment rationalism. Both narrowly and strictly defined, personalism sought to avoid the problems of subjectivism and determinism deriving from transcendental idealism and naturalism, respectively. In addition, those who embraced personalism in the narrow sense were often also personalists in the broad sense. In fact, each of the Christian personalists discussed in chapters 5 and 6 would have assented to the five characteristics of the broad school of personalism provided by Williams above. An important consequence of their belief in both the inherent worth and the relational nature of human beings was that Christian personalists, of both narrow and broad types, rejected the ideological poles of

[45] Williams, 109.

[46] Thomas D. Williams and Jan Olof Bengtsson, "Personalism," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2020), https://plato.stanford.edu/archives/spr2020/entries/personalism/.

[47] Williams, *Who Is My Neighbor?*, 123. On this note, Williams writes, "A broader personalism, and particularly Thomistic personalism, ensconced as it is in an objective [or realist] metaphysics, offers surer footing for anthropology and ethics than a strict personalism that endeavors to reinvent metaphysics on the basis of man's self-consciousness." Yet Maritain also expressed ideas that corresponded well with personalism defined more narrowly. For example, he wrote, ""But it happens that we are men, each containing within himself the ontological mystery of personality and freedom." Jacques Maritain, *On the Use of Philosophy; Three Essays* (Princeton University Press, 2016), 35, https://press.princeton.edu/books/hardcover/9780691652054/on-the-use-of-philosophy.

individualism and collectivism. Personalism fit poorly in the dichotomous framework of left-right or conservative-progressive. The theologian John Milbank correctly characterizes the movement as "orthogonal."[48] Similarly, French historian Olivier Wieviorka describes personalism as creating a third way between communism and liberalism.[49]

1.2.1 Clarifying Terminology: Christian Personalism, Thomistic Personalism, and Humanism

The term Christian personalism is an analytical expedient. There is no hard-and-fast delineation between the philosophical personalism detailed in chapter 3 and the Christian personalism of the transwar era. Most of the earlier philosophical personalists and phenomenologists were themselves Christian (principally Catholic or Methodist), and many, especially in the United States, were also members of the clergy. Similarly, most of the transwar Christian personalists discussed here were trained philosophers.

In addition, the provenance of the label "Christian personalism" is uncertain. Paul L. Landsberg, a German existentialist and phenomenologist who studied under Martin Heidegger, Edmund Husserl, and Max Scheler, used the French equivalent, *personnalisme chrétien*, in a December 1934 *Esprit* article.[50] A close friend of Mounier, Landsberg contrasted Christian personalism with personalism directed solely toward humans. He also

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[48] John Milbank, "The Last Christian Settlement: A Defense and Critique, in Debate with Samuel Moyn," in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins, Human Rights in History (UK: Cambridge University Press, 2020), 27.

[49] Wieviorka wrote, "*En refusant le matérialisme, en faisant primer l'individu sur le groupe, en ouvrant une troisième voie entre communisme et libéralisme, il se rattache enfin au personnalisme de Mounier*." Olivier Wieviorka, *Une Certaine Idée de La Résistance. "Défense de La France" (1940–1949)* (Paris: Éditions du Seuil, 1995), 266. Furthermore, the earlier French sociologist and historian Jean-Louis Loubet del Bayle placed Mounier and *Esprit* among the "nonconformists" of the 1930s. Jean Louis Loubet del Bayle, *Les Non-Conformistes Des Années 30: Une Tentative de Renouvellement de La Pensée Politique Française* (Paris: Éditions du Seuil, 1969).

[50] Paul L. Landsberg, "Quelques Réflexions Sur L'idée Chrétienne De La Personne," *Esprit* 3, no. 27 (1934): 389.

regarded solidarity as central to true personalism. Mounier briefly mentioned *personnalisme chrétien* in a September 1935 article for *Esprit*.[51] The following month (October 1935), Roger Leenhardt, a French film maker, quoted Landsberg's formulation *personnalisme chrétien* in an attempt to sketch a "non-Christian" or "extra-religious personalism."[52] Moreover, Leenhardt associated Christian personalism with Maritain's Christian humanism. Likewise, Berdyaev used the Russian equivalent in his 1935 "Personalism and Marxism."[53] Mounier's title for a 1940 tri-partite series in *Esprit* was the French *"Personnalisme Catholique."*[54] The closely related appellation, Thomistic personalism, occurred at least as early as 1943 in an article in the *Proceedings of the American Catholic Philosophical Association,* which characterized Maritain as the "best-known and perhaps most brilliant Thomist Personalist."[55] Maritain, himself, may have employed the language, Thomistic personalism, as early as 1939, but certainly did so by 1946.[56] Finally, the most popular early major work to carefully delineate "Christian personalism" may have been Mounier's 1950 *Le Personnalisme* published in English as *Personalism* in 1952.[57]

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[51] Emmanuel Mounier and Georges de Santillana, "Dialogue Sur L'état Fasciste," *Esprit* 3, no. 36 (1935): 725–751.
[52] Roger Leenhardt, "Une Mesure Humaine De La Personne," *Esprit* 4, no. 37 (1935): 71–74.
[53] Berdyaev, "Personalism and Marxism," 18.
[54] Emmanuel Mounier, "Personnalisme Catholique," *Esprit et Le Voltigeur* 8, no. 89 (1940): 221–246.
[55] O'Brien, "Personalism and the Problem of the Individual in the State," 44.
[56] Mounier, "Personnalisme Catholique," 221–246. Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald, New impression edition (University of Notre Dame Press, 1994), acknowledgments, 13. This book, originally published in 1946, was largely a compilation of earlier lectures, several of which date to 1939. An article in a Catholic journal applied the label "Thomist personalist" to Maritain in 1943. O'Brien, "Personalism and the Problem of the Individual in the State." Karol Wojtyla (Pope John Paul II) also used the description Thomistic personalism as the title of an essay presented at the Catholic University of Lublin in 1961. Karol Wojtyla, *Person and Community: Selected Essays*, trans. Theresa Sandok, Catholic Thought from Lublin, vol. 4 (New York: P. Lang, 1993), 165.
[57] Emmanuel Mounier, *Personalism* (University of Notre Dame Press, 1989), 80. The same page (80) of this 1989 edition has a footnote referencing "*Personnalisme et Christianisme* (*Esprit*, 1940), reprinted in *Liberté sous conditions*," which I could not locate. This footnote may be a reference to Mounier's *Personnalisme Catholique*, an *Esprit* series of three articles published in 1940.

Third, the term personalism overlaps at times with humanism.[58] Maritain, illustrating this point, summarized his political philosophy as personalist, communitarian, and pluralist, but also as integral humanism.[59] Similarly, in *Integral Humanism*, he advocated for a renewal of democracy and civilization based, in part, on a personalist conception.[60] He also rejected "anthropocentric humanism" because it removed the supra-rational or transcendent elements of life.[61]

1.2.2 Biographies of Christian Personalists

This section provides a basic introduction to the five figures whose writings are the primary sources of information for my analysis. Table 1.1 and the text that follows provide introductory descriptions, in chronological order, of William Ernest Hocking (1873–1966), Jacques Maritain (1882–1973), Dorothy Day (1897–1980), Emmanuel Mounier (1905–1950), and Charles Habib Malik (1906–1987). I selected these five Christian personalists because of their prominence as theorists of Christian personalism (Hocking, Maritain, and Mounier), contribution to human rights theory (Hocking and Maritain), enumerations of human rights (Hocking, Maritain, and Mounier), participation in transnational processes

[58] A historiographic example of this phenomenon is Jacob's identification of Maritain, among others, as a Christian humanist. Alan Jacobs, *The Year of Our Lord 1943: Christian Humanism in an Age of Crisis* (New York: Oxford University Press, 2018).

[59] Jacques Maritain, "A Letter on Independence," in *The Collected Works of Jacques Maritain XI - Integral Humanism, Freedom in the Modern World, & a Letter on Independence*, ed. Otto Bird, trans. Josephy Evans and Richard O'Sullivan, 1st ed. (University of Notre Dame Press, 1996), 133.

[60] Jacques Maritain, "Integral Humanism," in *The Collected Works of Jacques Maritain XI - Integral Humanism, Freedom in the Modern World, & a Letter on Independence*, ed. Otto Bird, trans. Josephy Evans and Richard O'Sullivan, 1st ed. (University of Notre Dame Press, 1996).

[61] Maritain explained further, "Here we have a glimpse into the nature of the great defect of classical humanism, the brand of humanism which, since the Renaissance, has occupied the last three centuries. This defect, it seems to me, lies not so much in that which it affirmed in this sort of humanism, as in that which consists of negation, denial, and separation; it lies in what one might call an *anthropocentric* concept of man and culture. We reproach anthropocentric humanism not for having been a humanism, but for having been anthropocentric. In the concrete realm of human life, reason has become divorced from the supra-rational." Jacques Maritain, Jean-Marie Allion, and Raïssa Maritain, *uvres Complètes: Jacques et Raïssa Maritain*, vol. 8 (Fribourg, Suisse/Paris: Editions universitaires; Editions Saint-Paul, 1989), 838.

related to the UDHR (Hocking, Malik, and Maritain), and activism on issues related to human rights (Day). Though these are arguably the five most important subjects of study to develop a robust understanding of the relationship between Christian personalism and human rights in the transwar era, a broader orbit of the movement existed. For example, Ralph T. Flewelling (1871–1960), Nikolai Berdyaev (1874–1948), Peter Maurin (1877–1949), Henri de Lubac (1896–1991), and W. H. Auden (1907–1973) also appear, although less prominently, in this dissertation. In addition, Henry Churchill King (1858–1934), Albert C. Knudson (1873–1953), Edgar S. Brightman (1884–1953), T. S. Eliot (1888–1965), Emil Brunner (1889–1966), Reinhold Niebuhr (1892–1971), C. S. Lewis (1898–1963), Alexandre Marc (1904–2000), Dietrich Bonhoeffer (1906–1945), and Simon Weil (1909–1943) were among the many adherents or sympathetic interlocutors of transwar Christian personalism.[62]

Table 1.1 Christian Personalists Discussed (Chronologically Ordered)

Personalist	Date	Country	Philosophy	Relevant Works
Hocking, William E.	1873 - 1966	USA	Pragmatist, Personal Idealism, Humanist	*The Meaning of God in Human Experience* (1912) *Human Nature and Its Remaking* (1918) *Human Nature and Its Remaking* (1923) *Man and the State* (1926) *Present Status of the Philosophy of Law and of Right* (1926) *Rethinking Missions* (1932) *The Lasting Elements of Individualism* (1937) *Types of Philosophy* (1939)
Maritain, Jacques	1882 - 1973	France	Integral Humanism, Thomism, Personal Realism	*Freedom in the Modern World* (1935) *Integral Humanism* (1936) *Les Droit de l'Homme et la Loi Naturelle* (1942) *Christian Humanism* (1942) *Christianity and Democracy* (1944) *The Twilight of Civilization* (1946) *The Person and the Common Good* (1947) *Existence and the Existent* (1948/trans.1956) *Man and the State* (1951) *The Pluralist Principle in Democracy* (1952)

[62] Gary J. Dorrien, *The Making of American Liberal Theology: Idealism, Realism, and Modernity, 1900–1950* (Louisville, KY: Westminster John Knox Press, 2003); Jacobs, *The Year of Our Lord 1943*.

Day, Dorothy	1897 - 1980	USA	Natural Law, Catholic Social Teaching	*House of Hospitality* (1939) *The Long Loneliness* (1952) *The Catholic Worker* (Newspaper) (1933-1980)
Mounier, Emmanuel	1905 - 1950	France	Personal Realism, Existentialism	*Esprit* (Magazine) (1932-1950) *Révolution personnaliste et communautaire* (1934) *Manifeste au Service du Personnalisme* (1936) *L'Affrontement Chretien* (1945)*/The Spoil of the Violent* (1955) *Traité du Caractère* (1946)*/The Character of Man* *Existentialist Philosophies: An Introduction* (1948) *Le Personnalisme* (1950)*/Personalism* (1952)
Malik, Charles	1906 - 1987	Lebanon	Personalism, Thomism	"The Challenge of Human Rights" (1949) *Christ and Crisis* (1962) *Man in the Struggle for Peace* (1963) "Introduction in *Free and Equal: Human Rights in Ecumenical Perspective* (1968) *The Challenge of Human Rights* (2000) United Nations Archives[63]

William Ernest Hocking (1873–1966), an American philosopher at Harvard University made his intellectual name with *The Meaning of God in Human Experience* (1912). Zubovich, a historian, describes this monograph as a study of the "metaphysics of intersubjectivity" in which "knowledge of God is presupposed in knowledge of oneself and in social relationships."[64] This knowledge of self through knowledge of others, and knowledge of others through knowledge of self recalls phenomenology and supports the middle path between atomistic individualism and individual-subjugating collectivism. As mentioned above, Hocking deviated from other Christian personalists in his adherence to philosophical idealism—embracing a neo-Hegelian view of history and culture. Hocking's position on human rights, which he treated in the path-breaking *Present Status of the*

[63] Another key source for Malik's thought on issues of human rights is the archive of the United Nations, which retains minutes of meetings of two committees on which he served: the Commission on Human Rights and the Social, Humanitarian, and Cultural Affairs Committee. The archive can be accessed at https://digitallibrary.un.org/?ln=en. Additionally, Morsink provides a helpful guide to archives related to the UDHR. Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (University of Pennsylvania Press, 2000), 337–338.

[64] Gene Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," in *Christianity and Human Rights Reconsidered*, eds. Sarah Shortall and Daniel Steinmetz-Jenkins, Human Rights in History (UK: Cambridge University Press, 2020), 143, https://doi.org/10.1017/9781108341356.009.

Philosophy of Law and Rights, also diverged from natural law theory. He followed a culture-based approach that sees human rights as deriving from positive law and that, as such, rights are dependent on history and place. Yet he identified one right as fundamental and not wholly determined by culture: the right to develop. Hocking, whom religious historian Garry Dorrien identified as a "major liberal religious" thinker, was also a committed advocate of transnational institutions that he believed would lead to greater human welfare and protect many of the items identified as human rights.[65] He was, for instance, a vocal supporter of the League of Nations, writing a *New York Times* article in 1920 that advocated for support of the U.S. ratification of the Treaty of Versailles.[66] Similarly, in the aftermath of WW II, Hocking promoted the United Nations via his work with the Federal Council of Churches (FCC).

Jacques Maritain, a French philosopher and theologian, became one of the most important Catholic thinkers in the twentieth century. *Fortune* magazine, in 1942, characterized him as "Europe's foremost Catholic philosopher."[67] As an agnostic Protestant, he and his wife-to-be, Raissa (a Russian and Jewish émigré to France), rejected scientism and naturalism as void of deeper meaning. Subsequently, the pair made a pact to commit suicide if they could not find metaphysical meaning. Under the influence of Henri Bergson, Léon Bloy, and Charles Péguy—many Christian personalists revered Bergson and Péguy—their search ended at Catholicism.[68]

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[65] Dorrien, *The Making of American Liberal Theology*, 477.

[66] William Ernest Hocking, "Answer to a Threat: Professor Hocking Replies to Arguments of Pro-League Republicans. Krupps Not a Bidder" *New York Time*, October 25, 1920, accessed July 24, 2023 https://www.proquest.com/docview/98024447/citation/CED6501843C3467APQ/1.

[67] Jacques Maritain, "Christian Humanism: Life with Meaning and Direction," *Fortune*, April 1942, 106.

[68] Bergson had a mixed relationship with the Catholic Church. The Catholic left held him in high esteem, yet several of his books appeared on the *Index Librorum Prohibitorum*. He was also the head of the International Committee on Intellectual Cooperation (under the auspices of the League of Nations), which was the predecessor to UNESCO. Day noted the influence of Bloy, whom she called "the pilgrim of the absolute,"

Early in his career, Maritain associated with *Action Française*. This Catholic political movement, led by Charles Maurras, was a center of reactionary thought opposed to the secular legacy of the French Revolution (the movement also gained traction on the ideological right for its anti-Dreyfusard stance). In contrast to laïcité, including the 1905 Law on the Separation of Church and State, Maurras and his followers promoted a monarchical and Catholic state with corporatist and integralist elements. Maritain disassociated from the organization after Pope Pius XI condemned it in 1926 and the Catholic Church subsequently placed numerous writings of Maurras, including the *Action Française* newspaper, on the *Index Librorum Prohibitorum*.

Throughout this time and beyond, Maritain participated in the Thomistic revival of the Catholic church as signaled by Pope Leo XIII's *Aeterni Patris* (1879). Thomistic and Aristotelian realist epistemology synched well with the personalist aversion to transcendental idealism. In addition to pioneering what he called "integral humanism" (including a 1936 book by that name), Maritain was both a major inspiration for the post–WWII Christian democratic political movement in Europe, and a significant voice in the reforms of Vatican II (1962–1965). He also worked intimately with Mounier in the early years of the leading European personalist journal, *Esprit*. However, his appraisal of *Esprit* diminished over time as the journal failed to advocate sufficiently, in Maritain's eyes, for Catholic personalism—Mounier positioned the journal as a publication in which leading thinkers across the philosophical, theological, and political spectra could debate the pressing issues of the day.

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on Maritain, Maurin, and herself. Per her account, it was a "great and terrible line" of Bloy, "There is only one unhappiness, and that is—NOT TO BE ONE OF THE SAINTS," that led to the conversion of the Maritains to Catholicism. Dorothy Day, "Letter to Our Readers at the Beginning of Our Fifteenth Year," *The Catholic Worker*, May 1947, 2.

Maritain's contribution to the development of human rights was both as a philosopher who wrote about rights and, more directly, as a contributor to the UNESCO Committee on the Philosophic Principles of the Rights of Man (aka, the "Philosophers' Committee"). This committee, chaired by Cambridge historian E. H. Carr, compiled a list of rights for consideration by the Human Rights Commission as it created the UDHR.[69] Maritain wrote the introduction to the committee's oft-cited final product: *Human Rights: Comments and Interpretations.*[70]

Dorothy Day's familial background did not portend an activist future. She described her father as xenophobic and racist, and some of her extended family as "hard shell" or primitive Baptists, "fundamentalists," "religious bigots," and "racists."[71] At the University of Illinois, she joined the Socialist party and, at just twenty years old, participated in protests for women's suffrage that led to her arrest and imprisonment (the first of numerous incarcerations due to nonviolent resistance). Though born into a Protestant family, she converted to Catholicism as a young adult. This conversion was particularly costly as she knew it would spur her common-law husband and the father of her only child to abandon her.

The most influential person in Day's adult life was Peter Maurin, a French Catholic social activist who immigrated to the United States. She credited Maurin with opening her eyes "to the splendid literature of the church, the social teaching."[72] Day recalled the "radical" proclivities of Maurin who believed that people were "just beginning to realize

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[69] Mary Ann Glendon, "Knowing the Universal Declaration of Human Rights," *Notre Dame L. Rev.* 73, no. 5 (1998): 1156.
[70] UNESCO, ed., *Human Rights: Comments and Interpretations* (New York: Columbia University Press, 1949).
[71] Dorothy Day, "The Case of Cardinal McIntyre," *The Catholic Worker*, August 1964, 4.
[72] Day, 5.

how deep-seated the evil is."[73] She also noted Maurin's affinity for Emmanuel Mounier's *Le Personalism*. In fact, an anonymous obituary for Mounier in *The Catholic Worker*, likely penned by Day, noted, "Peter Maurin used to say wherever he went, "There is a man in France called Emmanuel Mounier. He wrote a book called 'The Personalist Manifesto.' You should read that book."[74] Additionally, Day credited the personalist philosophy of Mounier and Berdyaev as having played a special role in the shaping the Catholic Worker movement.[75] She founded both *The Catholic Worker* (1933), at Maurin's instigation, and the related House of Hospitality movement to care for the destitute.[76]

A lay Catholic, Day is an outlier among the figures in this chapter in that she had little to say explicitly about "human rights" and was not involved in the creation of the UDHR or other post-war transnational institutions. Yet she advocated and embodied numerous causes, such as workers' rights and pacifism, related to human rights.

Moyn describes Emmanuel Mounier as "without question the man who made the intellectual fortune of personalism."[77] The journal *Esprit,* which he founded in 1932 and edited until his death in 1950, except several years during WW II when publication ceased, was the principal tool through which Mounier's influence operated. He also published a variety of noteworthy personalist monographs, including the 1950 *Le Personnalisme*,

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[73] Dorothy Day, "Peter Maurin 1877–1977," *The Catholic Worker*, May 1977, 3.

[74] "Emmanuel Mounier," *The Catholic Worker*, April 1950, 2. Day later wrote similarly, "A favorite source of [Maurin] was *The Personalist Manifesto* by Emmanuel Mounier, which he would go around extemporaneously translating from the French for the benefit of anyone who would listen." Dorothy Day, "Loaves and Fishes," *The Catholic Worker*, May 1967, 6.

[75] Mark Zwick and Louise Zwick, *The Catholic Worker Movement: Intellectual and Spiritual Origins* (Mahwah, NJ: Paulist Press, 2005), 1.

[76] Day, "The Case of Cardinal McIntyre," 3. Interesting as an anecdote of the interconnection among Christian personalists, *The Catholic Worker* ran an advertisement requesting books for a new reading room at St. Joseph's House of Hospitality in New York. The first author mentioned on the short list of book requests was Maritain. "Needed," *The Catholic Worker*, October 1937.

[77] Samuel Moyn, *Christian Human Rights* (University of Pennsylvania Press, 2015), 71.

which was published posthumously in 1952 as the English translation *Personalism*.[78] This work begins by noting early uses of the word "personalism" by Walt Whitman in the United States (1867) and Charles Renouvier in France (1903).[79] However, Mounier distanced himself from those authors and associated the term in his day with *Esprit, Ordre Nouveau* and other unnamed French groups.[80]

Mounier saw himself as a revolutionary, but of a spiritual, rather than martial nature. Surprisingly, he was both a self-professed pacifist and a member of the French Resistance. His efforts against the Vichy government, for which he was imprisoned, were a rejection of "that pacificism which is merely a coalition of the tranquil against heroism."[81] Similarly, in *L'Affrontement Chrétien* (1944), published in English as *The Spoil of the Violent* in 1955, he targeted bourgeois Christianity with a call to "heroic Christianity."[82] The Catholic News Service described him as "an outspoken anti-communist" and "the declared enemy of conservatism and nationalism."[83] Like Day, Mounier was not involved in the creation of the UDHR or other transnational post-war institutions. His work was the spiritual and intellectual revolution and renewal that *Esprit* attempted to foment.

Charles Habib Malik was a Greek Orthodox theologian and Thomistic philosopher from Lebanon. He studied philosophy under Alfred North Whitehead at Harvard University and briefly under Martin Heidegger at the University of Freiburg. While at Harvard, Malik also took courses from Hocking with whom he would develop a life-long

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[78] In this book, Mounier briefly acknowledges *Le Personalisme* (1903) by Charles Renouvier, but is apparently unaware of *Personalism* (1908) by Bowne.
[79] The earliest use of personalism in the United States, predating that of Whitman, may have been an 1863 essay by Amos Bronson Alcott (1799-1888), and educator and philosopher. Williams and Bengtsson, "Personalism."
[80] Mounier, *Personalism*, xv.
[81] Mounier, *Personalism*, xi.
[82] Emmanuel Mounier, *The Spoil of the Violent* (West Nyack, NY: Cross Currents, 1955), 6.
[83] NCWC News Service, April 3, 1950, 6.

friendship. Interrupting a successful academic career in Beirut, Malik accepted diplomatic missions to the United States and the United Nations. This political path would lead him to represent Lebanon during the epoch-making United Nations Conference on International Organization (UNCIO). Held at San Francisco in 1945, this conference built upon the work of the 1944 Dumbarton Oaks Conference to produce the United Nations Charter.

Among Christian personalists, Malik was by far the individual most directly involved in the development of post-war transnational institutions. He was the Rapporteur for the eighteen-member UN Commission on Human Rights (CHR), chaired by Eleanor Roosevelt, whose task was to draft an international bill of rights that would become the UDHR. He was also the head of ECOSOC at a pivotal moment when the UDHR needed its approval to be considered by the General Assembly. He was a signatory of the UN's Convention on the Prevention and Punishment of the Crime of Genocide (1949). He succeeded Eleanor Roosevelt as the chair of the CHR and later served as president of the UN Security Council (1953 and 1954) and General Assembly (1958). In summary of Malik's impact on the UDHR, Glendon writes that, "more than any other individual," he helped to build the case for the declaration's universality and to steer the document to adoption by the UN General Assembly.[84]

1.3 Summary

Christian personalism and human rights in the transwar era were, clearly, complex phenomena. Classical historians such as Tierney and Tuck provide meticulous accounts of deep historical and theological intricacies related to rights (see chapter 2).[85] At times, the

[84] Mary Ann Glendon, "Introduction," in *Challenge of Human Rights*, ed. Habib C. Malik (Oxford, UK: I B Tauris Academic, 2000), 2.
[85] Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150 1625*, 1st ed. (Grand Rapids, MI: Eerdmans, 1997); Brian Tierney, "The Idea of Natural Rights-Origins and

connection between the subjects of their research and the mid-twentieth century is tenuous. For example, the evolution in the semantic range of the Latin term *jus* in medieval theology, important and insightful as it is, has little causal relationship to the advent of human rights discourse and advocacy in the transwar period. Thus, I am thankful for the corrective impulse of Moyn, Hunt, Duranti, and others. New histories of human rights have provided valuable insight into the development of human rights in the mid-twentieth century. Their identification of Christian personalism as a key component of this history is helpful.

At the same time, the new historiography of human rights has over-corrected for the excesses of classical histories. New–school histories partially misinterpret the story of human rights in the mid-twentieth century by adhering too closely to a targeted chronology (i.e., the transwar era) and eschewing the philosophical bases of Christian personalism. Noting these problems, Hoffman suggests, "the history of human rights should be expanded to include a moral history of the century after the Enlightenment," a century that many histories of human rights "have, as it were, skipped over."[86] As opposed to centering on "invented tradition" or ideological transmogrification in the transwar era, the history of Christian personalism and human rights is primarily that of interconnecting schools of thought (i.e., philosophical personalism, phenomenology, Neo-scholasticism, and existentialism) evolving amidst ideological contests and a unique set of profound crises. Moreover, new historiography's assertion that transwar Christian human rights were conservative is questionable. Due to the firm belief in secular Enlightenment philosophy as the proper ground of human rights, new historians are apparently unable to see the

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Persistence," *Northwestern University Journal of International Human Rights* 2 (2004): 2; Richard Tuck, *Natural Rights Theories: Their Origin and Development* (New York: Cambridge University Press, 1982).
[86] Stefan-Ludwig Hoffmann, "Human Rights and History," *Past & Present* 232, no. 1 (2016): 308.

ideological ambivalence of a third-way or nonconformist movement that rejected the extremes of transcendental idealism and naturalism, individualism and collectivism, and capitalism and communism.

As such, I aspire to offer three contributions to the historiography of human rights in the twentieth century: (a) a synthesis of classical and new historiographic methods; (b) a fuller account of how Christian personalists came to advocate, mostly, for human rights; and (c) a greater understanding of the meaning of human rights in the transwar era.

Chapter 2: Literature Review

Simplistic oppositions are inadequate to historical complexity.[1]

Contemporary scholarly discussions of human rights occur fields such as philosophy, political science, and development studies. Philosophers discuss questions such as the possibility of inherent human rights versus the idea of rights deriving only from a community or polity and the relationship between rights and duties. Political scientists discuss topics such as the justiciability of rights and the interplay—prioritization and tension—between various human rights (e.g., the three generations of rights: civil and political; economic, social, and cultural; and collective or solidarity rights). Scholars of development studies ask about the practicability of rights and probe the distance between rights declared and rights realized.

Adding to these conversations, I focus on the reasoning of a particular set of historical actors who played an influential role in the embrace of the notion of human rights at a critical point in modern history. Christian personalists Jacques Maritain and Charles H. Malik championed the idea of human rights and actively participated in processes that resulted in the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. This intellectual historical task is important for numerous reasons. To begin with, the UDHR is an epochal document that has influenced a great deal of political and humanitarian work in the post–World War II era. Renowned human rights scholar Louis Henkin characterized this declaration as the "authoritative articulation of the international

[1] Julian Bourg, "The Alpine Climb between Paris and Rome," in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins, Human Rights in History (Cambridge, UK: Cambridge University Press, 2020), 57.

human rights standards: the symbol, the representation, the scriptures."[2] Among other examples of its reach, the UDHR is the central piece of the International Bill of Rights and serves as an explicit ground for the Sustainable Development Goals (SDGs).[3] In addition, the incipient intellectual historical analysis of human rights in the 1930s and 1940s, while providing key insights such as the import of Christian personalism, invites greater detail and nuance. For example, new historiographic work does not explore the third-way thinking that often characterized Christian personalists such as Mounier who rejected atomistic individualism and oppressive collectivism. Finally, from a methodological perspective, new histories of human rights have provoked and to a certain extent promoted a false choice between longer and shorter histories. Rightly, Moyn, Duranti, Hall, and others have drawn attention to the inadequacies of accounts with a singular interest in the *longue duree* of history. However, I show that both approaches are necessary to understand the advent of human rights in the mid-twentieth century.

With these motives in mind, this chapter reviews the historiography of human rights in four parts. The first and second sections below explicate the two major schools of human rights historiography: classical (2.1) and new (2.2). New–school historians, departing from the deep histories of much prior work, have drawn attention to Christian personalism of the transwar era as an especially important influence on the development of human rights. Section 2.3 introduces a variety of alternative histories with the intent of illustrating, not comprehensively cataloging, histories that fit less neatly within the two dominant schools.

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[2] Louis Henkin, "Human Rights: Ideology and Aspiration, Reality and Prospect," in *Realizing Human Rights*, eds. Samantha Power and Graham Allison (New York: St. Martin's Press, 2000), 3–12, https://doi.org/10.1007/978-1-137-03608-7.

[3] The International Bill of Rights is composed of the UDHR and two of its progenies: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The UN General Assembly adopted the latter two documents in 1966.

Lastly, section 2.4 argues for a synthetic and pluralistic historiography of human rights. It attempts to demonstrate that the classical and new schools have significant potential as complementary historiographic approaches. This final section is particularly important as it lays the foundation for the work of the chapters to follow.[4]

2.1 Classical Historiography of Human Rights

Shortall and Steinmetz-Jenkins recently published an edited volume that has quickly become a leading resource for making sense of the historiography of human rights. They distinguish between "traditional" or "classical" accounts and an emerging "new" historiography.[5] The classical historiography of human rights sees significant continuity, albeit with growth and evolution, of ideas stretching for centuries or even millennia into the past. In addition, classical histories of human rights often explore philosophical and theological roots of the concept. Though scholars who follow this approach are divided on the specific threads and ideas that best explain or grow into the mid-twentieth-century idea of human rights, they are closer to the *longue durée* orientation of the *Annales* school of historiography.

For example, Mahoney gives a survey of "human rights in history" that moves from ancient, classical philosophy to the world of the Bible, the Medieval world, the Renaissance and Reformation, Hobbes and Rousseau, revolutionary England, U.S. independence, and the French Declaration of the Rights of Man and of the Citizen.[6] Similarly, Skinner,

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[4] Specifically, section 2.4.2 presents the need for the research detailed in chapters 3 (the nineteenth century roots of Christian personalism) and 4 (the crisis milieu in which Christian personalist advocacy of human rights occurred); and these two topics link directly to chapter 5. Additionally, section 2.4.3 discusses an overcorrection of new school historiography, the overvaluation of secular French Enlightenment origins of human rights, which informs the work of the entire dissertation.

[5] Sarah Shortall and Daniel Steinmetz-Jenkins, eds., *Christianity and Human Rights Reconsidered*, Human Rights in History (Cambridge, UK: Cambridge University Press, 2020).

[6] John Mahoney, *The Challenge of Human Rights: Their Origin, Development, and Significance* (Malden, MA: Blackwell Pub, 2007).

founder of the historicist or contextualist Cambridge School of intellectual history, combines Greco-Roman, Hebrew, early Christian, and Medieval Christian thought in his genealogy of human rights. He pays most attention to the Medieval period noting a variety of movements toward notions of human freedom and restriction on ruling authority: the Ordinance of 817 (limiting royal tyranny), a moral right of resistance, "free cities" with elected officials, Gregorian Reforms with "rights of resistance" and appeal of unjust political or ecclesiastical authorities (even if these reforms were not realized), the embrace of universalities in moderate nominalism (Ockham's belief that universals can be abstracted from individual items) and moderate realism (Aquinas's belief that universal eternal law sustains natural law), and the conciliar Catholic tradition with its limitations on papal authority in favor of the larger Ecumenical council or even the church at large. Skinner also takes this longer-term view. While writing more generally about rights and liberties, he speaks of "liberty before liberalism" traced back to a neo-Roman understanding of civil liberty.[7]

Within classical historiography, numerous scholars look to natural rights as the most important antecedent to human rights. Henkin points, for instance, to natural rights in the seventeenth century before highlighting the late-eighteenth-century U.S. and French Revolutions and then FDR's "Four Freedoms" in 1941.[8] Likewise, Robertson begins an account of "the human rights story" with natural rights.[9] One of the critical inflection points in his research is the transition in the semantic range of the Latin term *jus* (Greek *dikaion*)

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[7] Quentin Skinner, *Liberty before Liberalism*, Canto Classics (Cambridge, UK: Cambridge University Press, 2012).
[8] Samantha Power and Graham T. Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact*, 1st ed (New York: St. Martin's Press, 2000), 4.
[9] Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, 4th ed (London: Penguin, 2012), 1.

from connoting only an objective idea (e.g., a "just" or "right" law or outcome) to also including a subjective possessive possibility (e.g., a person's "right" of ownership).

Richard Tuck, a historian of political thought, identifies Jean Gerson (1363–1429) as the historical figure "who really created the theory" of natural rights.[10] Gerson was the first theorist to conceive of *jus* as an ability. Tuck writes, "*Jus* is a dispositional *facultas* or power, appropriate to someone and in accordance with the dictates of right reason."[11] By defining *jus* in this manner, he was able to bring right and freedom together in a way that Roman law (which saw them in opposition) and medieval thought did not. Both *jus* and *libertas* were *facultas* according to reason, as well as the will in the case of liberty. In addition, he distinguished between *jus* and *lex* in anticipation of seventeenth century rights theorists. Gerson also brought *dominium* and *jus* together anticipating John Locke (1632–1704): "There is a natural *dominium* as a gift from God, by which every creature has a *jus* directly from God to take inferior things into its own use for its own preservation."[12] From this starting point, Tuck identifies Hugo Grotius (1583–1645) as the most important contributor to theories of natural right with Samuel Pufendorf (1632–1694) and the aforementioned Locke factoring heavily as well. Tuck then proceeds to contrast and discuss moral theory based on natural rights with moral theory grounded in a social contract. For example, he argues that Rousseau followed the somewhat limited historiography of the era in his criticism of natural rights theory as conservative. Yet Tuck's post-Gerson analysis is restricted almost entirely to the seventeenth century.

[10] Richard Tuck, *Natural Rights Theories: Their Origin and Development*, 25.
[11] Tuck, 25.
[12] Tuck, 27.

French philosopher Michel Villey follows a similar line at points to that of Tuck, though with a different philosophical and legal progenitor. He describes the thought of the nominalist philosopher William of Ockham (1287–1347) as a "Copernican moment" in which the idea of subjective rights (again, Latin *jus*) first appeared in Western thought.[13] Ockham's nominalist philosophy, emphasizing individual entities (breaking from a focus on abstract universals or ideals), was the intellectual soil from which a theory of subjective rights sprang. Without a solid philosophical grounding for supra-individual ideals such as objective *jus*, moral and juridical norms are based on the individual will. On this philosophical foundation, Ockham united the ideas of *jus* and *potestas*, in a manner foreign to the thought of Aristotle or Aquinas. That is, he employed *jus* to connote a licit and subjective power of individuals.[14]

Brian Tierney, a medievalist, writing in response to Villey and partially following Tuck, explores the development of natural rights beginning in the twelfth century. He concludes that Gerson and Ockham inherited the distinction between objective and subjective *jus* for which they are known. By the year 1200, the canonists, detailing various connotations of *jus naturale* in Gratian's *Decretum*, included a subjective "faculty or power inherent in human nature."[15] This work, transmitted by medieval lawyers and Ockham, served as a ground for theories of natural rights in medieval and modern eras. However, Tierney agrees that Ockham and then Gerson are important figures who continued to employ *jus* in a subjective sense. In addition, Tierney credits Ockham, not with "some new nominalist and voluntarist definition of *jus*," but with (a) "a new emphasis on nature and

[13] Tierney, *The Idea of Natural Rights*, 14.
[14] Tierney, 28–30.
[15] Tierney, 76.

reason as sources of subjective rights" and (b) a "carefully sustained distinction between natural rights and positive rights."[16] Both of these ideas, often interrelated, would become central to discussions of rights in the centuries to follow as theorists and others debated between inherent universal rights existing prior to the community (e.g., based in divine law or in Kant's appeal to human rationality) and rights existing contingently due to the community or polity (e.g., the social contract theory of Hobbes and Rousseau, as well as the more recent version espoused by John Rawls).

Within the history of natural rights is the question of how natural rights are grounded. Some historians explore the connection between natural rights and natural law. Finnis and Tierney are among those who make this connection. Tierney writes:

> To say that "Thou shalt not steal" is a command of natural law is to imply that others have a right to acquire property, a point that medieval jurists clearly grasped. In fact, one finds natural rights regarded as correlative with natural law at every stage in the history of the doctrine—in the twelfth-century renaissance law, in the eighteenth-century Enlightenment, and still in twentieth-century discourse.[17]

In addition, as this quote illustrates, natural law is closely connected, historically, to philosophical theology. Theorists see natural law emanating from eternal law, which is the divine will—Maritain made this argument as well.[18]

John Witte Jr., a specialist in law and religion, also explores religious roots of human rights by tracing several Calvinist influences on the development of rights, particularly influences related to religious freedom and the separation of church and state. Though Calvin's Geneva was profoundly intolerant of dissenting religious beliefs, Witte Jr. credits the great Protestant Reformer with several key innovations important to the history of

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[16] Tierney, 130.
[17] Tierney, 34.
[18] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*.

human rights. First, Calvin emphasized both natural and positive law to distinguish between "civil norms" and "spiritual norms."[19] In turn, these two types of norms produce two categories of morality: "morality of duty," which applies to all members of a polity; and "morality of aspiration," which applies only to Christians.[20] The former are the domain of state enforcement. The latter, which are spiritual norms, fall within ecclesiastical authority. However, Witte Jr. sees "Calvin's most original contribution to the Western rights tradition" in three innovations of ecclesiastical structure: (a) valuation of the rule of law within the church, (b) use of democratic processes to elect elders, assign delegates for synods, and in creating space for members to speak in congregational meetings, and (c) protection of religious liberty within the church. Theodore Beza (1519–1605), successor to Calvin in Geneva, pioneered Calvinist Resistance theory in the aftermath of the St. Bartholomew's Day Massacre (1572) during which Catholic partisans assassinated thousands of Huguenots (French Calvinists). His theory, first articulated in *Du Droits des Magistrats* (1574), rested on a view of God as a third party that oversees and adjudicates the covenant between civic leaders and their subjects. This departure from the doctrine of the divine right of kings provided a theoretical ground for the removal of unjust rulers who violated the rights of the people and, thus, supported the idea of subjective rights of members of a political community. Beza succinctly wrote, "The people are not made for rulers, but rulers for the people."[21] Beza saw rights originating from both the Decalogue and natural law. The latter included his most fundamental rights of the "liberty of

[19] John Witte Jr., *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2007), 4.
[20] Witte Jr., 4.
[21] Witte Jr., 7.

conscience" and "free exercise of religion."[22] From Calvin and Beza, Witte Jr. traces a developing theory of subjective rights through Johannes Althusius, the Dutch Revolt and Republic, John Milton and the English Revolution, Puritan New England, and more distantly the American Revolution.

Another scholar with interest in the sixteenth century is Roger Ruston, a theologian. He links elements of human rights to European colonial encounters in the Americas and the theological doctrine *imago dei* ("the image of god"). He draws attention to Dominicans such as Antonio de Montesinos (1475–1540), Bartolome de Las Casas (1484–1566), and Francisco de Vitoria (1483–1546). The latter's two reflections of 1539 "demolished the theory of the universal rule of the pope and emperor, and with it the right of Christian armies to invade and conquer non-Christian indigenous peoples." [23] In its place, Vitoria promulgated "a theory of the universal rule of a *natural law*."[24] Part of Vitoria's attack on Spanish conquest and enslavement of Indians was his position that "man is the image of God in his inborn nature, that is by his rational powers."[25] This contemporaneous doctrine entails the ontological equality of all human beings. Similarly, in 1552, Las Casas published his scathing *Brevísima relación de la destrucción de las Indias* (*A Short Account of the Destruction of the Indies*).[26] Therein, he recounted the atrocities of the Spanish *encomienda* system. He scandalized the Spanish conscience by inverting terms such as "barbarian" and "diabolical" to describe Spaniards, not indigenous peoples of the Americas, and by illustrating Iberian avarice in gruesome detail. Additionally, Las Casas

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[22] Witte Jr., 7.
[23] Roger Ruston, *Human Rights and the Image of God* (London: SCM Press, 2004), 76–77.
[24] Ruston, 76–77.
[25] Ruston, 82.
[26] Fray Bartolomé de las Casas, *Brevísima relación de la destrucción de las Indias* (San Juan, Puerto Rico: Textos Classicos Universales, 2019); Bartolomé de Las Casas and Anthony Pagden, *A Short Account of the Destruction of the Indies*, trans. Nigel Griffin, First Edition (London, England: Penguin Classics, 1999).

was a disputant, opposing Juan Sépulveda (1490–1573), in the Valladolid Debates of 1550–1551. Sépulveda followed a primarily secular and humanist line, including Aristotle's idea of "natural slaves," to argue for the right of Spanish military conquest and enslavement of indigenous peoples.[27] Las Casas countered with an appeal to the doctrine of the *imago dei*. All people, including Aztecs, Caribs, Incas, Spaniards, and Tainos, are created in the image of God, and therefore, all people are equal in dignity and worth.

Ruston also highlights an important secular element of the history of rights against which the Catholic Church has long objected: the political theory of the "abstract individual," born in the seventeenth century, in which "the liberal paradigm" is rooted.[28] Like Tuck, he points to Grotius, but also to Pufendorf and Locke. Even though the work of these intellectual luminaries was largely within the theistic framework of natural law, they sought to ground rights in nonreligious formulas. Ruston follows Kenneth L. Grasso, a political scientist, in defining their liberal paradigm as holding to radical individualism, subjectivism, individual autonomy, political neutrality in terms of defining the good life, and the privatization of religion. By contrast, Ruston concludes that "the Catholic paradigm of rights begins not from the sovereign individual, but with the social person, made in God's image, endowed with reason and freedom of choice, able to tell the difference between an objective good and evil."[29]

Jurgan Moltmann's brief history of rights, written for a World Council of Churches publication, follows a classical human rights historiographic line. He begins with three sources for the notion of the equality of humans: the Sophist and Stoic idea of *humanitas*,

[27] Ruston, *Human Rights and the Image of God*, 145.
[28] Ruston, 9.
[29] Ruston, 11.

Cicero's universal *homo humanus* over the provincial *homo romanus*, and the Hebrew scriptural/Old Testament doctrine of *imago dei*. Next, Moltmann jumps to the *Magna Charta Libertatum* (1215), the English Bill of Rights (1689), the Virginia Declaration of Rights (1776), and the first article of the French Constitution of 1791. Yet like Ruston and Witte Jr., Moltmann highlighted the sixteenth century when he wrote, "Only in the sixteenth century do human rights emerge as instruments in the political struggle for the legal security of the individual against the coercion of the state."[30]

A final historical analysis that is broadly consistent with the classical historiography of human rights is Sievers' research on the emergence of civil society. Overlapping to some degree with Witte Jr., he points to the Dutch Republic as the pioneering force behind the origins of civil society. The Union of Utrecht (1579) granted religious freedom to Catholics and Protestants alike. This freedom reflected "a new concept of a personal relationship with the divine" arising from the "disintegration of the unities of medieval life" in the wake of the protestant Reformation.[31] Sievers names seven qualities of civil society that began to emerge: philanthropy, the common good, the rule of law, nonprofit and voluntary associations, individual rights, free expression, and tolerance.[32] The intellectual climb to greater individual rights "lay in the zealously defended autonomies of villages, towns, provinces and religious bodies" and the working out of these ideas was highly conflictual.[33] The result was "a balance of interests and in many cases mutual acceptance of the rights of

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[30] Jurgen Moltmann, "The Original Study Paper: The Theological Basis of Human Rights and of the LIberation of Human Beings," in *A Christian Declaration on Human Rights: Theological Studies of the World Alliance of Reformed Churches*, ed. Allen O. Miller (Grand Rapids, MI: Eerdmans, 1977), 27.
[31] Bruce R. Sievers, *Civil Society, Philanthropy, and the Fate of the Commons*, Civil Society: Historical and Contemporary Perspectives (Medford, Mass. : Hanover [N.H.]: Tufts University Press ; University Press of New England, 2010), 45.
[32] Sievers, 4–7.
[33] Sievers, 52.

opposing entities to determine their ways of life and allegiances."[34] Moreover, the rights or toleration in question were both individual- and group-based (e.g., the right to worship for either Catholics or Protestants meant the right for Catholic and Protestant institutions to exist). In this way, recognition of the rights of others (including religious "tolerance") was also a legitimizing force for civil society.

The political character and evolution of this pioneering state were informed by some of the most prominent philosophers and theologians of Western European history. Erasmus of Rotterdam (1466–1536), Grotius, Baruch Spinoza (1632–1677), and Locke are among the luminaries with strong links to the Dutch Republic (or one of its predecessors in the case of Erasmus) and who helped further the ideas of toleration and individual liberty. Moreover, these ideas profoundly influenced the Glorious Revolution of England (1688–1689) (and its Declaration of Rights) as well as the American Revolution (1775–1783)—Grotius and Locke possibly being the two most influential nonliving philosophers during the colonial struggle for independence.

As this brief review suggests, though classical or traditional histories of human rights are abundant and varied, they have two key attributes in common: (a) rights and human rights of the twentieth century are meaningfully linked to intellectual innovations in prior epochs, and (b) the history of rights is intimately bound up with questions of philosophy and theology.

2.2 New Historiography of Human Rights

In contrast to classical histories of human rights, a group of scholars asserts that the ideals encoded in the UDHR are not principally descendants or products of prior

[34] Sievers, 52.

philosophical or theological thought. Instead, the new historiography of human rights focuses on shorter-term horizons, takes a skeptical view of claims of noble ideals standing behind human rights, and pays more attention to power and politics. New–school historians largely eschew the quest for historical antecedents of human rights to show the "inevitable march of moral progress" in much the same way as scholars have criticized church historians who once regarded the Christian religion "as a saving truth, discovered rather than made in history."[35] To the contrary, Duranti, Hunt, Moyn, and others argue that human rights were invented in specific times and places due to local and contemporary exigencies, struggles, and self-interest.[36] As such, classical and new historiography of human rights stand in obvious tension with each other.

Moyn's numerous works have done much to create the new school of historiography. His initial shot across the historiographic bow, *The Last Utopia* (2010), made much of the breach in time between the human rights discourse and instruments (e.g., UDHR) of the 1940s and the proliferation of human rights activity and concern in the 1970s. For him, this gap is evidence that the focus on historical precedents is of little importance, and, in its place, scholars should look to the immediate political factors and contingencies that led to a bloom in the 1970s and beyond.[37] In that work, and more so in *Christian Human Rights*

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[35] Michael N. Barnett, *Empire of Humanity: A History of Humanitarianism*, 1st ed. (Ithaca, NY: Cornell University Press, 2013), 11; Moyn, *The Last Utopia*, 6.

[36] On a related note, Rauch Jr. concluded that "The personalism of Mounier . . . has no real meaning outside of the evolving historical situations it is meant to elucidate." Rufus William Rauch Jr., "Foreward to Paperback Edition," in *Personalism* (University of Notre Dame Press, 1989), ix.

[37] It is difficult to understand how a relatively small chronological gap can carry such weight for new historians of human rights. The UN adopted the UDHR in 1948 with fifty-eight member countries. Only six years later, in 1954, both the ICCPR and the ICESCR began their journeys to adoption with a discussion of draft versions at the UN General Assembly. In 1966, the two covenants gained the approval of the UN General Assembly (now with more than twice the membership as in 1948). The two covenants came into force in 1976 after being ratified by the requisite number of member states (thirty-five). Thus, the thirty years between the UDHR's adoption and the embrace of human rights discourse by the Carter administration were punctuated by at least these three significant steps toward the international legitimation of human rights protections. This is not to say that explanations of why human rights discourse proliferated beginning in the

(2015), Moyn credits Christian personalists as being one of the few communities to discuss and advocate human rights in the transwar period. He also identifies the 1942 Christmas message of Pope Pius XII as "in the perspective of world history" unfurling "some new" values; and quotes a subsection of the sermon, entitled "Dignity of the Human Person," at length:

> He who would have the Star of Peace shine out and stand over society should cooperate, for his part, in giving back to the human person the dignity given to it by God from the very beginning. . . . *He should uphold respect for and the practical realization of . . . fundamental personal rights.* . . . The cure of this situation becomes feasible when we awaken again the consciousness of a juridical order resting on the supreme dominion of God, and safeguarded from all human whims; a consciousness of an order which stretches forth its arm, in protection or punishment, over the *unforgettable rights of man* and protects them against the attacks of every human power.[38]

Moyn describes these theological articulations of human dignity and rights as "invention of tradition" in which "Christian human rights were injected into tradition by pretending they had always been there, and on the basis of minor antecedents now treated as fonts of enduring commitments."[39] By contrast, human rights before the 1930s and 1940s had

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late 1970s are unhelpful. On the contrary, Keys' and Moyn's discussions of the topic in the U.S. context provide significant explanatory insight. However, the relative inactivity between 1948 and 1977 is not compelling evidence against classical historiography of human rights. Moreover, Robertson (2012) incorporates the "thirty inglorious years" of 1946–1976 within the context of a largely classical account. Robertson, *Crimes against Humanity*, 2012, 51–59.

[38] Samuel Moyn, *Christian Human Rights* (University of Pennsylvania Press, 2015), 2. Moyn also points to the pioneering and explicitly Christian Irish Constitution of 1937, which included the first use of the idea of human dignity "in global constitutional history" when it stated, "And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations." Moyn, 25–27. On the subject of human dignity and human rights, Peter Maurin quoted the message of the U.S. Conference Bishops' Message of 1934 as saying, "In common with other nations we have brought about our present unhappy conditions by divorcing education, industry, politics, business and economics from morality and religion and by ignoring for long decades the innate dignity of man and trampling on his human rights." Peter Maurin, *Easy Essays* (Wipf and Stock Publishers, 2010), 41.

[39] Moyn, *Christian Human Rights*, 5. Andreopoulos and Arat, in agreement with Moyn, note that the UDHR and the subsequent human rights treaties depart from earlier documents (e.g., eighteenth-century U.S. and French declarations) "by expressly subscribing to the principle of equality in dignity." George J. Andreopoulos and Zehra F. Kabasakal Arat, eds., *The Uses and Misuses of Human Rights: A Critical Approach to Advocacy*, First edition (New York: Palgrave Macmillan, 2014), 9.

"always been" a "promise of secular emancipation" associated with the French Revolution.[40] Thus, Moyn views the history of human rights in the twentieth century as the usurpation by reactionary religious communities of the progressive French Revolutionary origin of human rights.

Keys takes a line similar to Moyn in focusing on the twentieth century. She looks specifically to the late 1970s as the major inflection point for the development of the modern embrace of human rights—this was Moyn's chronological focal point before his first book on the subject, *The Last Utopia*, which was written five years before the publication, *Christian Human Rights*, that focuses on the 1940s. Keys writes:

> Before the 1970s, women's, peace, labor, and religious groups with longstanding internationalist agendas were the main guardians of a discourse of international human rights, though it did little to penetrate the consciousness of most Americans. Jewish social groups, liberal Protestant denominations, and Catholic groups inspired by Vatican II were among few non-governmental organizations that gave international human rights and UN human rights in particular an institutional home between the end of the Second World War and the 1970s.[41]

Moreover, her analysis of the reason that human rights discourse gained traction in the late 1970s was a combination of a mostly "accidental" embrace of the terminology by the Carter administration and the desire for U.S. constituencies, both conservative and liberal, to move past the shame of the Vietnam War. Keys posits that a "human rights" focus on foreign abuses was "a potent tool to resurrect anticommunism" for conservatives and a way to restore "faith in America's fundamental benevolence" for liberals.[42] Such motivations were part of an effort that brought a concept known only by "handfuls of international

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[40] Moyn, *Christian Human Rights*, 24.
[41] Barbara J. Keys, *Reclaiming American Virtue: The Human Rights Revolution of The 1970s* (Cambridge, U.S.: Harvard University Press, 2014), 28, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=3301416.
[42] Keys, 10.

lawyers and church groups" into the mainstream of U.S. foreign policy and eventually international relations.[43]

Lindkvist's monograph on the Universal Declaration of Human Rights and religious freedom (Article 18) further contributes to the new historiography of human rights. On the question of historical timescales, he begins with balance: "Surely there are no reasons to deny that the concept of religious freedom has a deep and multifaceted history. Yet approaching Article 18 as a nutshell representation of a long tradition of thinking on religious rights and freedom is potentially misleading."[44] Rather, the Article has a unique emphasis that is not present in the pioneering eighteenth-century bills of rights (i.e., the Virginia Declaration of Rights, the U.S. Constitution, and the French Declaration of the Rights of Man and of the Citizen) or even in twentieth-century statements on religious freedom prior to the UDHR (e.g., the League of Nations and the Paris Peace Treaty of 1947). Religious freedom in Article 18 focuses more on a person's conscience, while the former documents focused on the issues of establishment of religion (eighteenth century) and free exercise of religion (twentieth century).

These differences have significant implications per Lindkvist's analysis that are beyond the present scope. However, his methodological example is relevant. Following the Cambridge School of the history of political thought, Lindkvist eschews "more long-term conceptual history" in favor of, quoting Skinner, "understanding of political concepts as 'tools and weapons of ideological debate.'"[45] It is not their "march through history," but their use in "particular, context-bound interventions" that explains ideas like human rights.

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[43] Keys, 12.
[44] Linde Lindkvist, *Religious Freedom and the Universal Declaration of Human Rights* (Cambridge, UK: Cambridge University Press, 2017), 5.
[45] Lindkvist, 13.

As such, he moves beyond the records of official discussions and meetings associated with the drafting of the UDHR. Detailed accounts of these items by scholars such as the political philosopher Johannes Morsink are helpful as a starting point.[46] Morsink believes that these official records are sufficient and do not need contextualization because the drafters largely did not discuss contextual concerns in their official work. Lindkvist counters that this lack of context in official documents is exactly why scholars should pay attention to the drafters themselves—not their biographies, but their writings outside of the UN CHR and its Drafting Committee. To understand the limitations of the official committee records, one must explore the writings of figures such as René Cassin, Malik, and Eleanor Roosevelt.

Among the new–school histories covered above, those of Moyn, Keyes, and Morsink, center on twentieth-century origins of human rights. They excavate the ideologies, self-interests, political power, and other factors that led to the promulgation and embrace of human rights. Their method emphasizes discontinuity with prior eras. The two histories discussed in the remainder of this section, those of Hunt and Duranti, have greater nuance in chronological considerations. While prioritizing a particular moment in time, both scholars are more open to continuities between epochs than are their new-school colleagues discussed above.

Hunt is, per Moyn, the person who initiated "a seismic shift of massive proportions" in the historiography of human rights.[47] Hunt proposes a genealogical connection between the Enlightenment with its rights of man and post–World War II human rights. She highlights, for instance, the similarity in the grounding rational of the UDHR and the

[46] Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (University of Pennsylvania Press, 2000).
[47] Samuel Moyn, "Preface," in *Christianity and Human Rights Reconsidered*, eds. Sarah Shortall and Daniel Steinmetz-Jenkins, Human Rights in History (Cambridge, UK: Cambridge University Press, 2020), xi.

language of the Declaration of the Rights of Man and of the Citizen: "All human beings are born free and equal in dignity and rights" (UDHR); and "Men are born and remain free and equal in rights" (French Declaration).[48] For Hunt, this connection illustrates that human rights "entered into political discourse only at certain times and in specific places."[49] The specific intellectual and political exigencies of late-Enlightenment France, rather than long-developing philosophical concepts, are most important in human rights historiography.

That said, Hunt locates the first step in the metamorphosis of rights into human rights in Hugo Grotius' book, *De jure belli ac pacis* (1625). This work formulated natural rights without a divine or religious basis, which was an important development in the history of human rights in Hunt's analysis. An additional step in the evolution of rights was the shift from rights based in a particular common law and history (e.g., The English Bill of Rights of 1689) to a framework of rights existing prior to a polity (e.g., the U.S and French declarations of 1776 and 1789, respectively). A third step was the earliest known use of the phrase, "rights of man," in Rousseau's *Du contrat social*, published in 1762.[50] Hunt points to this book as an important mile marker on the road to understanding rights as pertaining to all people, regardless of positive law or other contextual considerations.

For Hunt, eighteenth-century France is key, because it is the source of her central hypothesized innovation in the growth of human rights, the self-evidence of rights. A prime example is the 1755 article in Denis Diderot's pioneering *Encyclopédie* in which he had this to say about natural law: "The use of this term is so familiar, that there is almost no one who would not be convinced inside himself that the thing is obviously known to him.

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[48] Lynn Hunt, *Inventing Human Rights: A History*, 1st ed (New York: W.W. Norton & Company, 2007), 17.
[49] Lynn Hunt, "The Paradoxical Origins of Human Rights," in *Human Rights and Revolutions*, ed. Jeffrey N. Wasserstrom et al., 2nd ed (Lanham, MD: Rowman & Littlefield Publishers, 2007), 3.
[50] Hunt, 7.

This interior feeling is common both to the philosopher and to the man who has not reflected at all."[51] Another important illustration of the emergence of "self-evident" rights is the celebrated phrase proclaiming inalienable rights in the U.S. Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."[52] Having homed in on this idea, Hunt raises a difficult question about the "paradox" of self-evidence. If these truths or rights are self-evident, why have they been recognized only in certain times and places. This dilemma grows in scale with her assertion that human rights have three criteria: they must be equal, natural, and universal.[53] The risk for Hunt is that we may have to become rights pragmatists. Her solution revolves around the eighteenth-century concept of "sympathy" in the context of increasing appreciation of personal autonomy. Hunt posits that rights became universal because sympathy had acquired a nearly universal place or consensus in society. Specifically, through "reading accounts of torture or epistolary novels," ordinary people developed greater levels of sympathy.[54] Ultimately, "an emotional appeal . . . strik[ing] a chord in each person" undergirds this argument for the self-evidence of sympathy in the eighteenth century.[55]

Duranti's history of human rights focuses, like Moyn's *Christian Human Rights*, on the late 1940s (and early 1950s). His concern is twofold. First, he shows convincingly that reading a specific Holocaust remembrance justification or motivation into the post-war

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[51] Hunt, 8.
[52] "Declaration of Independence: A Transcription." America's Founding Documents, U.S. National Archives and Records Administration, last modified January 31, 2023, https://www.archives.gov/founding-docs/declaration-transcript.
[53] Hunt, *Inventing Human Rights*, 20.
[54] Hunt, 33.
[55] Hunt, 26.

discussions of human rights is erroneous. That language simply did not occur in the debates, committees, and literature of the time—in fact, the term "Holocaust" only gained traction in the 1960s after the landmark trial of Adolph Eichmann. Instead, interested parties discussed the broader crimes and atrocities of the German Nazi state. Duranti argues that the pursuit of political consensus to build broad coalitions within the United Nations precluded discursive focus on the suffering of any one specific ethnic group—even at the scale of six million murders.[56] Second, he argues that the connection between the French Declaration of 1789 and human rights in the creation of both the UDHR (1948) and the European Court of Justice (1952) is tenuous. Specifically, he shows that the embrace of human rights and promotion of the related European Court of Justice by elements of the French extreme right was motivated, at least in part, by the desire to have avenues of appeal for Nazi collaborators and Vichy functionaries.

In both cases, Duranti targets a specific issue with ample historical evidence and is alert to power and self-interest, particularly from "conservative" sources, lurking beneath the surface of human rights theory and advocacy. However, he is less wary of deeper historical antecedents for rights discourse of the 1940s than numerous other new-school historians. On this point, Duranti writes, "An even more *longue durée* approach might illuminate further the tensions between revolution and reaction, transformation and restoration,

[56] Yet Duranti does not mention tension between minority rights and human rights under the League of Nations regime. For example, in an Assembly of the League of Nations (September–October 1933), Antoine Frangulis, representing Haiti, "criticiz[ed] the existing system for the protection of minorities and call[ed] for international guarantees for human rights everywhere." Jan Herman Burgers, "The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century," *Human Rights Quarterly* 14 (1992): 457. Hannah Arendt also detailed problems of minority rights in the aftermath of World War I. Hannah Arendt, "The Decline of the Nation-State and the End of the Rights of Man," in *The Origins of Totalitarianism* (New York: Harcourt, Inc., 1973).

reconfiguration and rehabilitation in the history of human rights."[57] Thus, though Shortall and Steinmetz-Jenkins group Duranti in the category of new historiography, his chronological vision is longer than most others in that camp.[58] Furthermore, Duranti stands out within new-school historiography for his appreciation for multiple histories of human rights. The volatility of the post-war period in which many people "found themselves struggling to adapt to shifting political currents," reveals in his analysis, "the polyvalence and polygenesis of international human rights norms."[59] Duranti recognizes the possibility of multiple human rights origins and uses.[60] His methodology, more capacious and less polemical than that of Moyn, allows for greater complexity. It is critical and political, as well as ideological and philosophical. He has space for insights from the *longue durée* of history, even while employing a methodology that prioritizes the immediate aftermath of World War II.

In addition, though Duranti resembles Moyn in his identification and criticism of reactionary religious advocates of human rights, his endorsement of polyvalence and polygenesis opens the door to explore not only differences between intellectual camps (e.g., the juxtaposition of secular French and Thomistic views) but also the variation within constituencies. This is an important consideration for the study of a phenomenon, Christian

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[57] Marco Duranti, "The Holocaust, the Legacy of 1789 and the Birth of International Human Rights Law: Revisiting the Foundation Myth," *Journal of Genocide Research* 14, no. 2 (June 2012): 180.
[58] Shortall and Steinmetz-Jenkins, *Christianity and Human Rights Reconsidered*.
[59] Duranti, "The Holocaust, the Legacy of 1789 and the Birth of International Human Rights Law," 163. However, Moyn's discussion of multiple origins of cosmopolitanism in the context of universalizing human rights is also broader than his treatment in *The Last Utopia*. See, Samuel Moyn, "The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism," *Critical Inquiry* 40, no. 4 (2014): 365–84, https://doi.org/10.1086/676412.
[60] Ballinger also advocates for a more multifaceted history of human rights and criticizes both Hunt and Moyn on this point. He writes that Moyn "falls into the same trap . . . by constructing an alternative creation story that posits a singular origin point, rather than multiple trajectories." Pamela Ballinger, "The History of Human Rights: The Big Bang of an Emerging Field or Flash in the Pan?," *New Global Studies* 6, no. 3 (December 8, 2012), https://doi.org/10.1515/1940-0004.1184.

human rights, that contained significant diversity. Liberal U.S. Protestants such as William Earnest Hocking and the Federal Council of Churches generally endorsed the U.N. and the UDHR, whereas prominent Evangelicals such as Carl Henry and Neo-orthodox international relations realists such as Richard Niebuhr were skeptical of human rights. Moreover, among Christian personalists who championed human rights, major differences existed in their theories of human rights (see chapter 6).

The upshot of this discussion is that the new school of human rights historiography pioneered by a handful of excellent histories has provoked a reexamination of the history of human rights. The works of Duranti, Hunt, Moyn, and others also show the fruit of deep contextual analysis of narrower time periods around crucial inflection points (e.g., the 1940s or the 1970s). In general, these scholars argue for a more political and critical approach to the topic. Their efforts are either a corrective or a complement, depending on one's position, to classical historiography.

2.3 Other Historiographic Frameworks

The division between classical and new historiography, as with most frameworks, obscures or marginalizes readings that fit poorly within its boundaries. For example, Fortin resembles the new historiography in criticizing the "conventional wisdom . . . that modern thought was already latent in premodern thought," including with respect to human rights.[61] He points to Hegel as the philosophical authority behind this erroneous view and to historians such as R. W. Carlyle and A. J. Carlyle who furthered this historiography.[62] Yet Fortin departs from the new school's focus on the 1930s and 1940s or the 1970s. Instead,

[61] Ernest L. Fortin, *Human Rights, Virtue and the Common Good* (Lanham, MD: Rowman & Littlefield Publishers, 1997), 205.
[62] See for example R. W. Carlyle and A. J. Carlyle, *A History of Mediæval Political Theory in the West* (Edinburgh: W. Blackwood and Sons, 1903).

he examines the tension between premodern and modern views originating in the sixteenth to eighteenth centuries. He reminds us of the seventeenth-century phrase, the "quarrel between the Ancients and the Moderns;" and the illustrative anecdote of Swift's tiny and modern Lilliputians juxtaposed with giant Gulliver, a fictional embodiment of the ancients and their wisdom. In this historiography, Machiavelli, whom he identifies as the originator of premodern thought, Hobbes, Locke, whom he calls "the dominant political theorist of the modern age," and Smith effect the turn from a premodern ethic of duty and common good to a modern focus on individuals and their rights. He describes the two basic tenets of modern liberalism as "the atomic individual possessed of prepolitical rights, and the contractual society into which he 'enters' for the protection of these rights."[63]

Some scholars view abolition as a significant antecedent to the advent of human rights in the twentieth century. Martinez writes about the largely forgotten Anglo–Dutch "Mixed Commissions" of the early nineteenth century. In her assessment, these multinational slave-trade tribunals, not the trials held at Nuremberg after World War II, were "the first international human rights courts."[64] Operating under the authority of treaties between Britain, Portugal, and Spain the Mixed Commissions liberated almost 80,000 slaves in more than 600 legal cases.[65] This element of abolitionist history, largely championed by the British, stands on the shoulders of the likes of Anthony Benezet, Granville Sharp, Thomas Clarkson, Olaudah Equiano, and William Wilberforce—figures who some consider to be forerunners of modern human rights advocacy.

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[63] Fortin, *Human Rights, Virtue and the Common Good*, 205. Fortin lists Leo Strauss and Hannah Arendt among the philosophers who questioned the conventional view.
[64] Jenny S. Martinez, *The Slave Trade and the Origins of International Human Rights Law,* repr. ed. (Oxford, UK: Oxford University Press, 2014), 6.
[65] Martinez, 6.

Yet the chronological gap between the end of the abolitionist movement in the mid-nineteenth century and the human rights discourse of the mid-twentieth century is a challenge for those positing a direct connection between abolitionism and transnational human rights. In this temporal breach, several historians point to the campaign against the cruelty of King Leopold's (Belgium) personal slave colony of the Congo as an antecedent to human rights. E. D. Morel, working in maritime industries in the port of Liverpool, formerly the heart of the British slave-trade, uncovered, publicized, and fought against the oppression of Africans in the Congo.[66] Cmiel describes E. D. Morel as the "bridge between anti-slavery activism of the mid-nineteenth century and the human rights work of the present."[67]

However, a stronger connection between abolitionism and twentieth-century rights advocacy was the push for women's rights. Martinez, cited immediately above regarding the Anglo-Dutch Mixed Commissions on the slave trade, notes the interconnection between anti-slavery and women's rights: "The Women's suffrage campaign initially drew many of its activists and tactics from the antislavery movement."[68] The drive for women's rights included highlights such as Mary Wollstonecraft's pair of books, *A Vindication of the Rights of Men* (1790) and *Vindication of the Rights of Women* (1792), the landmark Seneca Falls Convention (1848), and ultimately women's suffrage across the globe. In one fascinating text of the movement, a letter to Catherine Beecher (1800-1878), sister of Harriett Beecher Stowe, entitled "Human Rights Not Founded on Sex," Amelia Emily

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[66] Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston: Houghton Mifflin, 1999); Kenneth Cmiel, "The Recent History of Human Rights," *The American Historical Review* 109, no. 1 (February 1, 2004): 117–35, https://doi.org/10.1086/ahr/109.1.117.
[67] Cmiel, "The Recent History of Human Rights," 127; Hochschild, *King Leopold's Ghost*.
[68] Jenny S. Martinez, "Human Rights and History Response," *Harvard Law Review Forum* 126 (2013 2012): 234.

Grimke (1805-1879) , one of the two pioneering Grimke sisters who advocated for abolition and women's rights, declared: "I recognize no rights but *human* rights—I know nothing of men's and women's rights for in Christ Jesus there is neither male nor female."[69]

The advocacy of André Mandelstam (1869-1949), a pioneer of human rights in the 1920s and 1930s, is another key contribution in the view of several historians. The failure of European nations to intervene in the Armenian genocide of 1915 shocked and motivated Mandelstam.[70] He was intimately aware of the tragedy due to his service as a Russian diplomat in Constantinople in the early twentieth century—he was later exiled from Russia after the Bolshevik Revolution of 1917. At the end of World War I, numerous peace treaties, as well as the League of Nations more broadly, addressed issues of minority rights. Despite dedicating himself to these efforts, Mandelstam criticized the incipient minority rights regime for its ad hoc nature. As such, he began to work for the universalization of rights—regardless of nation-state or individual status (i.e., citizen, inhabitant, refugee, etc.). Aust describes him as "the driving force behind" the 1929 initiative of *Institute de Droit International* to create a Declaration of the International Rights of Man.[71] Additionally, Mandelstam's wrote an article in 1930 entitled "La generalization de la protection des droits de l'homme," and advocated for "*droit humain*" in international law during a 1931 lecture at the Hague.[72]

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[69] Angelina Emily Grimké, *Letters to Catherine E. Beecher, In Reply to An Essay on Slavery and Abolitionism, Addressed to A. E. Grimke. Revised by the Author.* (Boston: Isaac Knapp, 1838), 118, http://utc.iath.virginia.edu/abolitn/abesaegb5t.html.

[70] Raphael Lemkin, the creator of the term "genocide,|" was also deeply influenced by the failure of the international community to intervene on behalf of the Armenian people. See Dominik Schaller, "From Lemkin to Clooney: The Development and State of Genocide Studies," *Genocide Studies and Prevention: An International Journal* 6, no. 3 (December 1, 2011), https://digitalcommons.usf.edu/gsp/vol6/iss3/6.

[71] H. P. Aust, "From Diplomat to Academic Activist: Andre Mandelstam and the History of Human Rights," *European Journal of International Law* 25, no. 4 (2014): 1107, https://doi.org/10.1093/ejil/chu070; Burgers, "The Road to San Francisco," 452.

[72] Aust, "From Diplomat to Academic Activist," 1111.

Burgers also credits Mendalstam as well as Antoine Fangulis and H. G. Wells for their influential interwar efforts to universalize rights. Fangulis, a jurist and diplomat, represented Greece at the League of Nations in the early 1920s. He and Mendalstam were both on the committee that drafted the Declaration of the International Rights of Man.[73] Wells, the famed English author, published an article entitled "War Aims: The Rights of Man" (1939) in the *Times* (London) and subsequently the book *The Rights of Man or What Are We Fighting For?* (1940).[74] He lamented the failure of the League of Nations in the preface of this book, despite having been an outspoken advocate of the League in more optimistic times. As his titles suggest, Wells proposed the rights of man as the proper motivation for British participation in World War II.

As the activity of these three figures in the League of Nations demonstrates, the Treaty of Versailles and the League of Nations were important antecedents in some accounts of the origin of the idea of human rights in the mid-twentieth century. Following this train of thought, Hilpold describes the League of Nations as an "extraordinary experiment . . . to solve an acute human rights problem."[75] Furthermore, he writes of a "sophisticated edifice of norms" suggesting that "a new era of relations between state and individuals had begun."[76] This scholarship challenges a defeatist view of the League and that fails to recognize its meaningful contributions to the development of human rights.

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[73] Burgers, "The Road to San Francisco," 452.
[74] Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," *Human Rights Quarterly* 23, no. 1 (2001): 51, n. 25.
[75] Peter Hilpold, "The League of Nations and the Protection of Minorities – Rediscovering a Great Experiment," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, August 5, 2013), 2, https://papers.ssrn.com/abstract=2305920. See Hilpold's first footnote on the same page for an extensive list of references on the "experiment" of the League of Nations in terms of minority and human rights.
[76] Hilpold, 2.

Waltz adds an important element missing in most accounts of the development of the International Bill of Rights (i.e., the UDHR, ICCPR, and ICESCR): the participation and contribution of less powerful nation-states in its development. For example, representatives of the Dominican Republic, India, and Pakistan were particularly influential in defense of women's rights. As a result of their advocacy, and especially that of Hansa Mehta of India, Article 1 of the UDHR states, "All human beings are born free and equal in dignity and rights," rather than a similar formulation with gendered language (i.e., "All men are born freed and equal in dignity and rights").[77] Cuba, similarly, was responsible for 28 of the 166 proposed amendments to the UDHR during the General Assembly's Third Committee.[78] One of Cuba's main contentions was that the UDHR should align with the American Declaration on the Rights and Duties of Man promulgated by the Organization of American States earlier in the same year as the UDHR. Cuban advocacy highlighted duties with rights. Mexico's delegation also sought to broaden the discussion of rights by drawing attention to the importance of socioeconomic rights. Finally, Waltz highlights the role of several small-state representatives in writing the declaration.[79] Charles Malik (Lebanon) and Hernán Santa Cruz (Chile) were small-state (or less influential state) representatives who played major roles in the drafting process. Though Roosevelt (United States), Cassin (France), and John P. Humphrey (Canada) played important roles, their part is overvalued in some accounts at the expense of the likes of Malik and Cruz.

[77] Waltz, "Universalizing Human Rights," 63–64.
[78] Waltz, 54–55.
[79] Waltz, 58. The Soviet Union's Alexei Pavlov is also worthy of historiographic attention.

In a similar vein, several histories document the influence of Peng Chung Chang in the production of the UDHR.[80] Among other noteworthy contributions, Roth recounts Chang's defense of pluralism in the face of Malik's insistence on Aquinas's natural law theory. Chang was also an influential advocate for a nonbinding declaration. Advocates for a binding convention wanted the force of international law and transnational juridical institutions to strengthen nation-state commitments to human rights. However, Chang posited several reasons why a nonbinding declaration was a better first step. First, a binding international convention could justify the intervention by militarily powerful nations into the affairs of other nations, a prescient intuition. Second, given the urgent need for an international statement on the importance of human rights, Chang worried that the longer timescale required to draft and win consensus on a binding convention would jeopardize vulnerable peoples. Third, if the UDHR had a binding element, Chang believed that fewer nations would vote in its favor. This realistic approach won the day and was surely a factor in the UDHR passing without a single dissenting vote.[81]

Likewise, Paul Gordon Lauren, an historian of human rights, strikes similar notes about less powerful nations in his discussion of the "people's peace" language that was, in part, a rhetorical device aimed to criticize the five Great Powers.[82] For example, he quotes New Zealand's ambassador to the United States commenting on the prewar order: "Too much

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[80] Hans Ingvar Roth, *P.C. Chang and the Universal Declaration of Human Rights*, Pennsylvania Studies in Human Rights (University of Pennsylvania Press, 2018); Pinghua Sun, *Chinese Contributions to International Discourse of Human Rights* (Singapore, SINGAPORE: Springer Singapore Pte. Limited, 2022), http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=6949322.

[81] However, eight nations abstained from voting. See Glendon, *A World Made New*.

[82] The "Great Powers," in the aftermath of WW II, signified China, France, the Soviet Union, the United Kingdom, and the United States. The five nations both constitute the permanent membership of the United Nations Security Council and are the only members who hold veto power in that potent body. In addition, four of these nations (all but France), conducted the highly influential planning for a post-WW II order at Dumbarton Oaks in 1944.

emphasis on Great Powers and not much real machinery for joint action. . . . Too much vagueness. No guarantees, no pledges, no undertaking in general terms. . . . With the emphasis on the Great Powers no adequate opportunity for small countries like New Zealand to exercise influence or express views."[83] Together Lauren, Roth, and Waltz add an important element to the multifaceted history of the UDHR. It was not only the product of the most powerful victorious nations.

Schlatter provides a final example of an account that fits in neither classical nor new–school historiography. He points to the attempt of *Rerum Novarum* (1891) to navigate between atomistic individualism and collective ownership of property. In this epochal encyclical, Pope Leo XIII, the champion of the return of Thomistic Aristotelianism within the Catholic Church, embraced Locke's labor theory of property. Though the encyclical was critical of industrial capitalism, the greater threat in its view was socialism and the subjugation of the individual to the collective. By elevating Lockean property rights, the encyclical created a philosophical hedge against Marxism, but it also, in contrast to Augustine and Aquinas, placed rights "on more or less the same footing as duties."[84] Schlatter notes:

> One of the last upholders of the conservative interpretation of the natural right of property was the Church of Rome. That the Church should accept a doctrine borne of the Enlightenment and promulgated by the French Revolution is surprising. But apparently it was the fear of socialism which led Leo XII to state in the famous encyclical, *Rerum Novarum* (1891), that each man makes his own that portion of nature's field which he cultivates—that portion on which he leaves, as it were, the impress of individuality; and it cannot but be just that he should possess that portion as his very own, and have a right to hold it without anyone being justified in violating that right. . . . Hence it is clear that the main tenet of Socialism, community

[83] Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 3rd ed, Pennsylvania Studies in Human Rights (University of Pennsylvania Press, 2011), 167.
[84] Fortin, *Human Rights, Virtue and the Common Good*, 206.

> of goods, must be utterly rejected, since it . . . is directly contrary to the natural rights of mankind.[85]

Thus, Schlatter sees the Catholic Church embracing an Enlightenment view of property rights, which elevated individual rights to the same status that individual duties had long held in its theology.

In addition, Schlatter notes that the Soviet constitution of 1936 dealt in detail with the right of property and it too embraced the classical or Lockean labor theory of property rights, albeit in a socialist formulation: "The net product of labour shall belong, collectively, to those who labour; individuals shall be rewarded according to the quantity and quality of their work; and the holding of personal private property acquired by labour is a right guaranteed by law."[86] Thus, he sees more continuity between Enlightenment, Catholic, and socialist theories of rights than many historians of rights, including both the classical and new schools, in the twentieth century.

2.4 A Synthetic and Pluralistic Historiographic Approach

2.4.1 Examples of Synthetic and Pluralistic Historiography of Human Rights

Though I may be looking at the proverbial glass optimistically, as half-full, a synthesis of classical and new approaches to the history of human rights seems plausible and useful. Cmiel illuminates such an approach while invoking a universal/particular distinction among historians. The particularist wants "to know in great depth the local scene they survey;" but cautions that this can lead to "a sort of reflexive cultural relativism" in which "talk of universal rights was suspect."[87] The linguistic focus, emphasized at times by

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[85] Richard Schlatter, *Private Property: The History of an Idea* (New Brunswick, N.J: Rutgers University Press, 1951), 278–279.
[86] Schlatter, 279–280.
[87] Cmiel, "The Recent History of Human Rights," 119.

particularists, can limit historians to "those places where some magic words—*rights of man, human rights, derechos humanos, renquan*—were actually being uttered."[88] On the other hand, the universalist search for antecedents of human rights in the distant past can be anachronistic, "akin to talking about auto repair in the sixteenth century;" and it can make "human rights activists" out of Buddha and Jesus.[89] Cmiel concludes that "there are no definitive answers" to this tension.[90]

Hoffman attempts a synthetic history of human rights while positing a different point of distinction between classical and new histories than Cmiel or Shortall and Steinmetz-Jenkins.[91] He sees two branches of new historiography. One, exemplified by Hunt, values the *longue durée* in its "search for stabilizing points" with which to fix the present moment.[92] The other, illustrated by Moyn, is "historiographical revisionism" that demonstrates the "instability" of "universalist narratives" because of the historicity or transience of moral convictions.[93] Hoffman's characterization of Hunt is debatable—Moyn sees himself closely aligned with Hunt's emphasis on construction or invention over discovery or revelation of human rights, even if that invention is in prior centuries. Yet the more relevant point here is that Hoffman values both revisionist and *longue durée* histories. Regarding the former, he looks to the aftermath of the Cold War when "We can first speak of individual human rights as a basic concept (*Grundbegriff*), that is, a contested,

[88] Cmiel, 120.
[89] Cmiel, 119.
[90] Cmiel, 120. However, at times, he appears more in line with the new historiographic tradition. See his focus on the blossoming of human rights in the 1970s in Kenneth Cmiel, "The Emergence of Human Rights Politics in the United States," *The Journal of American History* 86, no. 3 (1999): 1231–50, https://doi.org/10.2307/2568613.
[91] Hoffmann, "Human Rights and History."
[92] Hoffmann, 280.
[93] Hoffmann, "Human Rights and History."

irreplaceable, and consequential concept of global politics."[94] In terms of the latter, he examines developments of the nineteenth century (e.g., women's rights, economic rights, and international law) to gain a better understanding of the continuity and, more importantly for Hoffman, the discontinuity with the notion of human rights in the late twentieth century. This two-pronged approach prevents historians from falling into what they see as the biggest error of new–school historiography of human rights: "It invents for our times a history of human rights conceived as individual and pre-state rights which are read into the past and future as if without alternatives."[95] Moreover, this invented history of human rights conceals, ironically, the reality that human rights are more Eurocentric now than in the mid-twentieth century.

Lauren also follows a synthetic historiographic path in his expansive history of human rights that he frames with two contrasting currents. The first, gentler and longer, is associated with religious thought, philosophy, and introspection. The second, torrential and precipitous, is born of violence, upheaval, and war. As such, while Lauren's account centers on World War II and the UDHR, it discusses ancient doctrines of major world religions (e.g., Hinduism, Judaism, Buddhism, Confucianism, Christianity, and Islam), a variety of historic philosophies of human nature and natural law (e.g., the Mohist school of moral philosophy, the Code of Hammurabi, Greek philosophy, Roman Stoicism, Cicero, Thomas Aquinas, and the Iroquois Confederacy), the traditional canon of Western rights documents (e.g., the Magna Carta, the English Bill of Rights, the U.S. Declaration of Independence, and the French Declaration of the Rights of Man and of the Citizen), and Enlightenment philosophy (e.g., Grotius, Locke, Francis Hutcheson, Diderot, and Kant).

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[94] Hoffmann, 282.
[95] Hoffmann, 283.

Yet Lauren's work is not just a combination of two chronological scales. His pluralistic methodology is attuned to competing, contrasting, and overlapping ideas and forces. For example, his book explores the use of human rights discourse by racial minorities (e.g., African Americans in the United States and Black South Africans) and anti-colonialists (e.g., the International Committee of the Congress of Peoples Against Imperialism).[96] He highlights the movement for the self-determination of peoples within discussions of human rights, and exposes the Western bias betrayed both in resistance to a right of self-determination of peoples and in the elevation of civil and political rights over economic and social rights. In addition, his treatment of Western religious actors is multifaceted: some religious figures and institutions have been important advocates for rights (e.g., Quakers), while others have been intransigent opponents to the growth of individual rights (e.g., Pope Pius VI). Lauren gives voice to the pluralism undergirding his scholarship, writing, "The historical origins of powerful visions capable of shaping world events and attitudes like those of international human rights are rarely simple. Instead, they emerge in complicated, interrelated, and sometimes paradoxical ways from the influence of many sources, forces, personalities, and conditions in different times and diverse settings."[97] Lauren's approach is capacious not only chronologically but also ideologically. He explores a wide range of religious and philosophical influences on the history of human rights and gives voice to some of the complexity and contradiction within various constituencies.[98]s

[96] Lauren, *The Evolution of International Human Rights*, 213–32.
[97] Lauren, 5.
[98] Waltz makes a similar historiographic observation when she notes, "One of the subtle but powerful truths to emerge is that no single, straightforward story about the origins, shape, and content of the international Bill of Rights can be told." Waltz, "Universalizing Human Rights," 45.

2.4.2 Implications for the History of Christian Personalism and Human Rights

The relationship between Christian personalism and the development of human rights in the transwar era is multifaceted. New historians are right in insisting that the immediate historical context is central. Thus, I argue that the impact of World War I, the Great Depression, World War II, and many lesser crises caused leaders and theorists to rethink the obligations and sovereignty of the state in matters relating to the welfare and safety of individuals. The League of Nations, minority treaties, an increasing role for government in domestic provision, and the United Nations are some of the important evidence of this rethink of the role and limits of the nation-state. Hocking and Maritain, each of whom penned a book entitled *Man and the State*, were among the myriad persons to offer new visions for society. The changing relationship between the individual and the state is a major topic of chapters 4 and 5 below.

However, the story of Christian personalism and human rights advocacy is incomplete without the deeper past. Christian personalism is an outgrowth of post-Enlightenment critiques of transcendental idealism and mechanistic naturalism. The centering of personhood, or the view of personhood as a basal fact, in the philosophy of figures such as Jacobi, Lotze, Husserl, and Bowne is one of the major intellectual streams in which Christian personalists came to their understanding of human rights. Thus, Hoffman rightly criticizes new historiography for having "as it were, skipped over" the nineteenth century.[99]

[99] Hoffmann, "Human Rights and History," 308. Christian personalists of the twentieth century were indebted in positive ways to philosophers such as Lotze, Husserl, and Dostoevsky (see Chapters 3 and 5). They also argued against what Malik called, "the superficial thinkers of the nineteenth century." Charles Malik, "The Challenge of Human Rights," in *Behind the Headlines*, vol. IX, 6 (Toronto: Canadian Institute of International Affairs, 1949), 4. Another example to support Hoffman's critique is the commentary of Mounier that individualism, one of the two main systems against which his personalism is directed, "was the ideology and the prevailing structure of Western bourgeois society in the 19th and 19th centuries." Emmanuel Mounier, *Personalism* (Notre Dame, IN: University of Notre Dame Press, 1989), 18–19.

Chapters 3 and 5 of this dissertation take a step toward addressing this lacuna in the current scholarship on Christian personalism and human rights.

2.4.3 The Overcorrection of New Historiography of Human Rights

A final element that a synthetic and more pluralistic approach to the historiography of Christian personalism can remedy is the problematic assumption in new–school scholarship that the ideals of the secular French Enlightenment are the uniquely valid genealogy and justification of human rights. Dissatisfied, understandably, with the penchant of classical school historians to overemphasize Christian contributions to the development of human rights, the new school engages in a mirror-opposite error at times. Moyn cheers the promise of secular emancipation in the French Declaration of the Rights of Man and of the Citizen and laments the Christian usurpation of what he sees as French Enlightenment values. Similarly, for Hunt, the fulcrum of human rights history is the French Revolution. Her shorter treatment, "The Paradoxical Origins of Human Rights," culminates in that event, and her longer treatment, *Inventing Human Rights*, commences in 1789. Duranti, more measured on this point, nevertheless emphasizes the break of human rights in the aftermath of WW II from the French Declaration.

The priority of Enlightenment secularism is not exclusive to new school analyses. Israel, for example, advocates "rejecting all theology" to break free from the "chains of superstition" or "the sway of ignorance and superstition," and to follow instead the "science, reason and truth" of "the Radical Enlightenment."[100] On this subject, Hurd warns of two conflicting types of secularism in international relations scholarship: "Claims to

[100] Jonathan Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights 1750-1790* (Oxford, UK: Oxford University Press, 2011), 34–35, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=800816.

universality grounded either in the claim to have overcome religio-cultural particularities altogether, as in laicism, or to have located the key to democratic moral and political order in a particular religio-cultural heritage, as in Judeo-Christian secularism, are problematic."[101] Hurd sees a major flaw that new school scholars have rightly criticized in classical histories of human rights (i.e., universalizing Judeo–Christian origins of rights), but she also observes the type of inconsistency encapsulated in new–school historiographic assertions that secular Enlightenment thought is the universally valid and objectively true ground of human rights.

Practically speaking, the affinity for secular Enlightenment origins of human rights contributes to several weaknesses in new–school accounts of Christian personalism and the rise of human rights in the transwar era.[102] First, the focus on the late eighteenth century and then the mid-twentieth century obscures the origins of personalism in the nineteenth century. Christian personalism grew, in part, from questions of epistemology and ontology deriving from Enlightenment era philosophy.

Second, new–school historiography, with its focus on secular political thought, pays little attention to the spirituality and theology at the center of Christian personalism. Shortall and Renaud, though differing in important ways, each note this deficiency. Shortall, commenting on the historiography of Duranti and Moyn, asserts that Christian human rights "cannot be understood without attending to [its] theological vison."[103] She illustrates the importance of theology in Christian human rights by contrasting Maritain

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[101] Elizabeth Shakman Hurd, "Secularism and International Relations Theory," in *Religion and International Relations Theory*, ed. Jack L. Snyder (New York: Columbia University Press, 2011), 61.
[102] See also Witte Jr.'s critical review of Moyn's *Christian Human Rights.* John Witte Jr., "The Long History of Human Rights: Review of Samuel Moyn, Christian Human Rights," *Books and Culture* 22, no. 2 (April 2016).
[103] Shortall, "Theology and the Politics of Christian Human Rights," 448.

with Henri de Lubac. The former emphasized natural law, which is not necessarily grounded in a particular theology. The latter appealed to explicit Christian theological formulations. Thus, Maritain was better positioned than Lubac to collaborate with secular and other religious rights traditions. Similarly, Renaud critiques new school historiography, despite himself arguably belonging to that camp, for its "focus on the political contours of personalism at the expense of its theological foundation."[104] He explores bases for rights in the theological anthropologies of Karl Barth and Emil Brunner.[105]

To understand Christian personalism and Christian formulations of human rights, scholars must grapple with the theological concerns that were foundational for many of the historical figures in question.[106] A final example of the consequences of such an approach is the work of Ralph T. Flewelling (1871–1960). The Boston University–trained philosopher founded *The Personalist* journal and brought personalism west to the University of Southern California. His *Bergson and Personal Realism* contains the earliest known (to this author) explicit personalist argument for "human rights" in 1920. The basis of his argument was overtly theological (see chapter 5).

Third, the predilection to valorize ideas of the French Enlightenment as the uniquely correct ground for human rights has also led new school histories to a simplistic dichotomy

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[104] Renaud, "Human Rights as Radical Anthropology," 494.

[105] Renaud writes, "From the 1920s through the 1940s, European and Anglo-American Protestants perceived a crisis of humanity. While trying to determine religion's role in a secular age, church leaders redefined the human being as a theological person in community with others and in partnership with God. This new anthropology contributed to a personalist conception of human rights that rivalled Catholic and secular conceptions." Renaud, "Human Rights as Radical Anthropology," 493.

[106] Two examples of related historical analysis that recognize the importance of theology are Richard M. Gamble, *War for Righteousness: Progressive Christianity, the Great War, and the Rise of the Messianic Nation* (Wilmington, DE: ISI Books, 2003); Markku Ruotsila, *The Origins of Christian Anti-Internationalism: Conservative Evangelicals and the League of Nations*, Religion and Politics Series (Washington, D.C: Georgetown University Press, 2008).

of conservative versus progressive, reactionary versus liberal. For example, Moyn describes human rights in the transwar era as "a project of the Christian right, not the secular left," and a "successful capture" of the French revolutionary *droits de l'homme.*[107] The title of Duranti's major work on the subject, *The Conservative Human Rights Revolution*, speaks to a similar interpretation.[108] The frequent characterization of transwar Christian advocates of human rights as conservative, while partially correct, misses the orthogonal character of Christian personalism with its third-way and nonconformist tendencies. Shortall and Steinmetz-Jenkins question new school scholarship on this subject with specific reference to Christian critiques of individual rights. They note that "to reject liberalism is not necessarily to embrace conservatism," and that critiques of individualism have come from both conservative and progressive (e.g., Liberation theology) Christian communities.[109] In a different piece, Shortall describes the historiographic problem as follows:

> Moyn and Duranti are right to trace the origins of [human rights] discourse to the French personalists of the 1930s, but the defining feature of Catholic personalism was precisely its political ambivalence—the way it resisted the logic of the right-left political spectrum. Often labelled "non-conformists," these Catholics explicitly rejected party politics and sought to articulate a spiritual "third way" between liberal individualism and "totalitarian" collectivism; between capitalism and communism.[110]

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[107] Moyn, *Christian Human Rights*, 8.
[108] Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (New York: Oxford University Press, 2017). Cmiel also exhibits a new historiographic chord when he identifies some "deeply conservative men and women," such as Charles Malik, as playing a role in the advent of human rights in the 1940s, and describes Malik's participation in the drafting of the UDHR, seemingly, despite his conservatism. Cmiel, "The Recent History of Human Rights," 129.
[109] Shortall and Steinmetz-Jenkins, *Christianity and Human Rights Reconsidered*, 9.
[110] Shortall, "Theology and the Politics of Christian Human Rights," 447.

Shortall's insight is less a rebuttal of new historiography, than a caution that can still incorporate much of the benefit of its methodology. In fact, the article quoted here, "Theology and the Politics of Christian Human Rights," has a new-school tone with its interest in the political dimension of human rights.

Zubovich draws out an element of this problem in his work on U.S. ecumenical Protestantism, which was "at the forefront of developing the 1940s-era language of human rights."[111] His research finds American Christian personalist advocacy of human rights to be a movement within, rather than opposed to, U.S. liberalism and progressivism.[112] Likewise, Nurser, though in some senses prefiguring new–school methodology by focusing on a specific community and its political vision in the late 1930s and 1940s, warns against "anti-Catholic" and "anti-religious" interpretations of human rights grounded in "the stream of thought characteristic of the French Revolution."[113] He focuses on the role of ecumenical Christians beginning in the late 1930s with the founding of the Oxford Conference of 1937 and the World Council of Churches. Frederick Nolde, a particularly important figure in this account, helped, among other things, to secure the inclusion of the Human Rights Commission as article 68 of the 1945 UN Charter. The key drivers for this constituency's advocacy of the United Nations, the CHR, and eventually the UDHR were

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[111] Gene Zubovich, "American Protestants and the Era of Anti-Racist Human Rights," *Journal of the History of Ideas* 79, no. 3 (2018): 428, https://doi.org/10.1353/jhi.2018.0026.

[112] Dorrien writes, "For over a centuryliberal theology was usually Kantian or Schleiermacherian or Hegelian, or a blend of Schleiermacher and Hegel (as in German mediating theology), or a blend of Kant, Schleiermacher, and modern historicism (as in the Ritschlian school). For most of the nineteenth century American liberal theology typically appealed to experience or piety, if not to Schleiermacher. In the social gospel era most American progressives took the Ritchschlian option, excluding metaphysical reason, or moved through and beyond Ritschlian theology, as in the Chicago school. Though America produced its share of neo-Hegelian philosophers, notably Josiah Royce and W. E. Hocking, the party of Hegel had little theological following in the United States. The school of personalist idealism centered at Boston University was a synthetic alternative. It affirmed moral intuition *and* religious experience *and* the social gospel *and* metaphysical reason. Hegel was half right, as were Kant, Schleiermacher, Ritschl, and the social gospellers." Dorrien, *The Making of American Liberal Theology: Idealism, Realism, and Modernity*, 286–87.

[113] Nurser, 846 (n 19).

(a) the desire for a post-national or supranational world order in which, as Alan Toynbee noted, the problem of "investing the national self with divine qualities" may be checked, and (b) the protection of religious and intellectual freedom.[114] In addition, Nurser differentiates between theological liberal (e.g., Hocking) and conservative (e.g., neo-Barthians) strains of ecumenical Christianity of the era. Similarly, Chappel concludes that Catholic human rights discourse in the transwar era was neither liberal nor conservative nor humanist, but "simply Catholic" with all of the "contradictions of a Church in transition."[115] He arrives at this position, in part, by contrasting the authoritarian and anti-communist Catholicism of the German Jesuit Robert Linhardt and the French Catholic reactionary Henri Massis with the personalist and pluralistic state envisioned by Jacques Maritain and Emmanuel Mounier.

In summary, deep histories and detailed analyses of the immediate context of specific moments are not mutually exclusive modes of research. Doubtlessly, tension exists between these two approaches, but they can also complement one another. In addition, the philosophical or ideological orientation of many classical histories of human rights is not inherently incompatible with a critical analytical lens that illuminates power and political struggle. As Chappel succinctly notes, the "history of human rights has taken a welcome pluralist turn in recent years" as it resists a single origin story either chronologically or ideologically.[116]

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[114] Nurser, 852.
[115] James Chappel, "Explaining the Catholic Turn to Rights in the 1930s," in *Christianity and Human Rights Reconsidered*, eds. Sarah Shortall and Daniel Steinmetz-Jenkins, Human Rights in History (Cambridge, UK: Cambridge University Press, 2020), 80.
[116] Bourg, 63.

This dissertation works in that pluralist space. The history of human rights discourse and advocacy in the build-up to the UDHR is multifaceted. On the one hand, human rights emerged as a political response to the unique and devastating crises of the first half of the twentieth century. Franklin Delano Roosevelt, for instance, introduced the term into the Declaration by the United Nations signed by the Allies in 1942. Chapter 4 positions the crisis milieu of the transwar era as crucial to the popularization of human rights in the mid-twentieth century. On the other hand, the history of human rights is philosophical and theological. The personalists who figure so prominently in new histories of human rights arrived at the centrality of personhood in significant part in response to the inadequacies, as they saw it, of Enlightenment rationalism. Their response, influenced by phenomenology and existentialism, proclaimed the centrality of the person. Chapter 3 sets up and chapter 5 explores this lineage of personalism without which an account of transwar Christian personalism and human rights, the subject of chapter 6, is incomplete.

Chapter 3: Philosophical Personalism

Every possible metaphysical system has one or more first principles or ultimate postulates

. . . . For personalism, personality or selfhood is a first principle.[1]

As the literature review demonstrates, much scholarship on the origins of human rights underappreciates the nineteenth century. In the case of new–school histories of human rights, the intervening period between the French Enlightenment and the 1940s barely factors into the equation. As such, their analyses of Christian personalism and human rights implicitly cut off the movement from its philosophical roots. Figures such as Hocking, Maritain, and Mounier built their systems of thought, in part, on long-standing intellectual debates about transcendental idealism and naturalism. Thus, the story of Christian personalism in the early- to mid-twentieth century is not fully intelligible without knowledge of earlier philosophical concerns.

Philosophical personalism, which bequeathed to Christian personalists of the transwar era possibilities for navigating seemingly intractable epistemological and ontological dilemmas, began as late eighteenth- and early nineteenth-century responses to the systems of several Enlightenment-era philosophers. René Descartes' rationalist *cogito ergo sum* and Locke's empiricist *tabula rasa* were attempts to solve the problems of skepticism about reality and the mind's connection to the external world. Baruch Spinoza, David Hume, and Immanuel Kant would develop their own influential positions in these debates; and personalism grew out of philosophical responses to these thinkers but, above all, Kant.

[1] Edgar Sheffield Brightman, ed., *Personalism in Theology: A Symposium in Honor of Albert Cornelius Knudson* (Boston, MA: Boston University Press, 1943), 40.

Personalist thought countered what its proponents identified as fallacies in views of cognition and causation. Errors in these domains had, for many personalists, profound negative implications. The very nature or definition of the human self was at stake with concomitant threats to social relations, ethics, and even explicitly human rights (see the following discussion of Flewelling). For these reasons, personalism is to some degree a reactionary movement. Thus, John Lacroix's description of it as "anti-ideology" communicates an important oppositional aspect of the philosophy.[2]

The descriptor "personalism" for the philosophical system in question is of relatively late date. In 1926, personalist Edgar S. Brightman described the term as a recent name for what had previously been described as "monadology, spiritualism, neo-criticism, and personal or teleological idealism."[3] He located the origin of "personalism" as a *terminus technicus* in the work of Friedrich Schleiermacher.[4] Schleiermacher's 1799 book, *On Religion*, contrasted personalism and pantheism. In this theological context, personalism denotes the notion of a personal deity.[5] Brightman also credited John Grote, an English

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[2] Jean Lacroix, *Le personnalisme comme anti-idéologie,* (Paris: Presses Universitaires de France, 1972). Similarly, Bengtsson, a historian of personalism, describes it as a critical response to "a certain form of radical abstract rationalism." Jan Olof Bengtsson, *The Worldview of Personalism: Origins and Early Development* (Oxford, UK: Oxford University Press, 2006), 2. In addition, Williams looks to subsequent generations of philosophers and their concerns—namely, nineteenth-century determinism and materialism deriving from thinkers such as Hegel, Comte, Darwin, Marx, and Nietzsche—as provocations that inspired the full bloom of personalism in the late-nineteenth and twentieth centuries. Determinism and materialism remove the distinction between Homo sapiens and the rest of nature, which has the effect of undermining the "spiritual character and free will" of human beings. Thus, he describes personalism broadly as a "reaction to trends that were seen as dehumanizing." Thomas D. Williams, *Who Is My Neighbor?: Personalism and the Foundations of Human Rights* (Washington, DC: The Catholic University of America Press, 2005), 110.

[3] Edgar Sheffield Brightman, ed., *Proceedings of the Sixth International Congress of Philosophy, Harvard University, Cambridge, Massachusetts, United States of America, September 13, 14, 15, 16, 17, 1926*, International Congress of Philosophy (New York: Longmans, Green and Co., 1927), 161.

[4] Brightman, 162.

[5] Friedrich Schleiermacher, *Schleiermacher: On Religion: Speeches to Its Cultured Despisers*, ed. Richard Crouter (Cambridge, UK: Cambridge University Press, 1996), 103. Even though neither the other figures discussed in this chapter nor the Christian personalists of the transwar era relied on Schleiermacher (except for Knudson's use of Schleiermacher in constructing a theory of the religious *a priori*), his thought has a fundamental resonance with theirs. Like them, Schleiermacher reacted against Kant and Enlightenment rationalist abstraction. Crouter writes, "*On Religion* is the premier expression of an understanding of religion

philosopher and Anglican clergy member, for introducing the term into English via his 1865 *Exploratio Philosophica Part I*.[6] However, the appellation "personalism" as a recognized system of thought emerged at the turn of the twentieth century in the work of Charles Renouvier (1815–1903) and Borden Parker Bowne (1847–1910) (see sections 3.2.2 and 3.3.1, respectively).

The current chapter covers philosophical personalism in three sections: antecedents of personalism (Jacobi and Lotze), phenomenology and European personalism (Husserl, Scheler, Stein, Ingarden, and Renouvier), and U.S. personalism (Bowne, Knudson, Brightman, and Flewelling). These movements and associated figures are described briefly in table 3.1.

Table 3.1 Philosophers Covered in Chapter 3

Section	Philosopher	Dates	Country	Philosophy
Antecedents of Personalism	Jacobi	1743-1819	Germany	Realism

as rooted in the immediate pre-reflexive feeling and intuition, and only secondarily at the level of intellectual cognition or in moral systems and deeds." This intuitive view of religion resembles the emphasis on firsthand experience in phenomenology and personalism. Richard Crouter, "Introduction," in *Schleiermacher: On Religion: Speeches to Its Cultured Despisers* (Cambridge, UK: Cambridge University Press, 1996), xi. For Knudson's use of Schleiermacher, see Dorrien, *The Making of American Liberal Theology*, 353.

[6] Grote stated, "The idealism, personalism, or whatever it may be called, which lies at the root of all that I have said, is not simply a doctrine or opinion, but seems to me to have been my earliest philosophical feeling, and to have continued, if not so vivid, yet not less strong, ever since." John Grote, *Exploratio Philosophica: Rough Notes on Modern Intellectual Science* (Cambridge, UK: Deighton, Bell, and Company, 1865), 146. In the second part of the same work, he explained this idea somewhat more clearly: "To me, human consciousness and freedom—suggesting to us a personal existence more real than that even of the universe—are things quite unaffectable, *a priori*, by things which physio-psychology can discover, and which any consideration of how the human race has come physically to be what it is, or how it is related to the other organized races, has nothing to do with. The study of mind and intelligence from the point of view of consciousness is what I have called 'philosophy.' The study of intelligence, that is animal intelligence (human, as animal, included), so far as it can be phenomenally studied, is the main part of physio-psychology. I recognize intense interest in it: for intelligence, even *thus* studied, is more interesting than anything not intelligence: but it will not really come into the place of the other, which starts as I have said, differently." John Grote, *Exploratio philosophica Part II* (Cambridge, UK: Cambridge University Press, 1900), 332, http://archive.org/details/exploratiophilos02grot.

	Lotze	1817-1881	Germany	Eclectic, transitional between idealism and positivism
Phenomenology and European Personalism	Husserl	1859-1938	Germany	Phenomenology, transcendental idealism
	Scheler	1874-1928	Germany	Phenomenology
	Stein	1891-1942	Poland, Germany	Phenomenology, personalism
	Ingarden	1893-1970	Poland, Germany	Phenomenology, between idealism and realism
	Renouvier	1815-1903	France	Personalism, neo-Kantian, neocriticism
U.S. Personalism	Bowne	1847-1910	USA	Personalism
	Knudson	1873-1953	USA, Germany	Personalism
	Brightman	1884-1953	USA	Personalism
	Flewelling	1871-1960	USA	Personalism

While this chapter is mostly organized geographically and temporally, several key threads run throughout the discussion. To begin with, the principal methodological commitment of personalism is the value of first-person experience over and above philosophical abstraction or speculative philosophy—a foundational influence and overlap with phenomenology. Beyond methodology, philosophical personalism sought to bridge or surpass the seemingly insoluble intellectual conflict between idealism and realism.

Another common articulation of this aspiration was constructing a middle path between subjectivism (including what personalists saw as its logical end, solipsism) and objectivism.

In addition to this method and goal, two central theses stand out in the thought of the philosophers discussed below. First, personality or selfhood is a first principle. Personality is a postulate rather than a conclusion, inference, or product of other philosophical postulates. Moreover, personality is not simply one postulate among many. It is *the* central postulate of personalist philosophy—hence the name. Second, humans or persons can truly know themselves only in relation to an external world, and chief among external referents are other minds or persons (human and divine). Personalists believed we humans come to know ourselves through interaction with other subjects. Several philosophers in this movement used the term "inter-subjectivity" to encapsulate this second thesis. Repeatedly throughout the remainder of the third chapter, these four elements (method, goal, and two theses) will recur. They are the defining characteristics of philosophical personalism and, thus, were formative for Christian personalism in the transwar era.

3.1 Antecedents of Personalism: Jacobi and Lotze

3.1.1 Jacobi contra Kant and Idealism

The German philosopher Friedrich Heinrich Jacobi (1743–1819) was an important antecedent of personalism. He was one of the central figures in the German Counter-Enlightenment, and according to the intellectual historian Anders Moe Rasmussen, his influence on German idealism rivaled that of Immanuel Kant.[7] Jacobi believed that Enlightenment rationalism threatened, in the words of Bengtsson, "the status and the moral

[7] Anders Moe Rasmussen, "Friedrich Heinrich Jacobi: Two Theories of the Leap," in *Kierkegaard and the Renaissance and Modern Traditions*, ed. Jon Stewart, vol. 5 (London: Routledge, 2009), 18.

freedom of the individual, the moral values of the ordered community of persons, and the personality and transcendence of God."[8] In addition, one of Jacobi's central concerns, which continued with various personalists in the future, was "nihilism"—a term he popularized.

A focal point of Jacobi's philosophy was a critique of Kant's work on cognition (cognition and epistemology were lifelong emphases of Kant). Kant was arguably the most influential Enlightenment philosopher and was the point of departure for German idealism.[9] His *Prolegomena to Any Future Metaphysics* begins with the question, "whether such a thing as metaphysics is even possible at all?"[10] He arrived at this question via reflection upon David Hume's analysis of the notion of causality. Hume departed from the rationalist thought of the likes of Descartes and Leibniz when he asserted that cause-and-effect is not a concept derived a priori by reason, but from experience and the senses. For Hume and subsequently Kant, the problem was not whether the notion of causation is useful or even indispensable in daily life, but whether it is true in principle.[11] If the only justification for the principle of causality is fond in observing nature, the concept could not be described as theoretically and universally true. Kant's more detailed explanation is as follows:

> If one might consider extricating oneself from the difficulty of this investigation by saying: Experience presents unceasing examples of such regularity in appearances, which provide sufficient occasion for abstracting the concept of cause from those appearances and, by that means, for simultaneously verifying the objective validity of such a concept – then one has not observed that the concept of cause can by no

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[8] Bengtsson, *The Worldview of Personalism*, 2.
[9] Immanuel Kant, *Prolegomena to Any Future Metaphysics: That Will Be Able to Come Forward as Science: With Selections from the Critique of Pure Reason, rev. ed.*, trans. Gary Hatfield, rev. ed. (Cambridge, UK: Cambridge University Press, 2004).
[10] Kant, 5.
[11] He wrote, "The question was not, whether the concept of cause is right, useful, and, with respect to all cognition of nature, indispensable, for this Hume had never put in doubt; it was rather whether it is thought through reason *a priori*, and in this way has an inner truth independent of all experience." Kant, 8–9.

> means arise in this manner, but must either be grounded in the understanding completely a priori, or given up entirely as a mere brain phantom.[12]

Empirical observation can lead to the induction that cause and effect has "wide applicability" or "comparative universality," but it cannot justify the notion of causality as necessary and universal.[13] That claim would require the observation of every single effect in the universe to ascertain whether each of them has a cause(s). Thus, at the level of philosophy, one cannot assert the truth of the principle of causality.

Moreover, Kant saw Hume's empiricist critique of rationalist epistemology or cognition as a challenge, not just for the notion of causation, but for the entirety of metaphysics. If cause and effect are only empirically grounded principles that we erroneously take to be pure concepts, the same problem may exist for other pure concepts. That is, all pure concepts may be based only on experience and perception without any universality and inherent veracity. Thus, in Kant's words, "The use of pure concepts of the understanding would, then, be completely altered if one wanted to treat them merely as empirical products."[14] In this way, Hume famously awakened Kant from a "dogmatic slumber."[15]

This awakening prompted the great Prussian philosopher to endeavor to create a "completely new science" to justify a priori cognition.[16] He called this new science a "metaphysics of metaphysics" and likened it to the Copernican revolution in terms of its novelty and import. In Kant's technical vocabulary, he sought to counter Hume by showing

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[12] Kant, 170.
[13] Kant, 170.
[14] Kant, 170–171.
[15] Kant, 8–9.
[16] Kant, 11.

that synthetic a priori propositions exist: "Metaphysics properly has to do with synthetic propositions a priori, and these alone constitute its aim."[17] A priori judgments, those known prior to and independent of sensory experience, contrast with a posteriori judgments, those known only after and due to sensory experience.[18] To this distinction, he added the delineation between analytic and synthetic judgments. The former are judgments in which the subject term already contains the predicate: "Ontology is the science of being" or bachelors are unmarried.[19] The latter are judgments in which the predicate adds additional information: "Metaphysics is in trouble."[20] Kant classified synthetic a prioris into four categories: quantity (unity, plurality, and allness), quality (reality, negation, and limitation), relation (inherence and subsistence, causality and dependence, and community), and modality (possibility-impossibility, existence-nonexistence, and necessity-contingency).[21] These are an exhaustive list of "all the original pure concepts of understanding that the understanding contains a priori," and they served as the basis for Kant's idealist theory of cognition.[22]

Kant's metaphysics of cognition provoked reactions from many philosophers, including those who would come to be associated with philosophical personalism, due to its epistemological implications. Per his system, what we experience of the world is bounded by synthetic a prioris and is therefore distinct from the existing world. This is, in a nutshell, the oft-cited distinction between *phenomena* and *noumena*. The former are our perceptions of objects in conformity to the synthetic a prioris of human cognition. The

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[17] Kant, 22.
[18] Kant, *Prolegomena to Any Future Metaphysics,* xviii.
[19] Kant, xviii.
[20] Kant, xviii.
[21] Immanuel Kant, *Critique of Pure Reason*, trans. Werner S. Pluhar (Indianapolis, IN: Hackett Publishing Company, Inc., 1996), 132.
[22] Kant, 132.

latter are the objective things-in-themselves. Though Kant believed that *noumena* exist, his emphasis on synthetic a prioris in human cognition means that we can know very little about them. Even such foundational notions as the location in time and space of an object is a function, not of objective reality (i.e., *noumena*), but of our perception of reality (i.e., *phenomena*). Guyer and Horstman describe two of the implications of Kant's view: *transcendental idealism* and *theoretically indeterminate ontological realism*. The former is "the view that the way things appear to us essentially reflects our cognitive capacities rather than anything intrinsic to them;" and the latter is "the view that there are things independent of our representations of them but because our most fundamental ways of representing things cannot be true of them we cannot know anything about them other than this fact itself."[23] Thus, Kantian thought opens a gaping chasm between perception and reality, between subject and object.[24]

Jacobi initiated the critique of Kant's proposal for human cognition with a forceful attack in a piece entitled "On Transcendental Idealism" (a supplement to his work, *David Hume on Faith or Idealism and Realism*).[25] di Giovanni and Livieri describe it as a *locus classicus* of anti-Kantianism, and Behler describes Jacobi as the "most vociferous challenger" and "unrelenting" critic of the German idealism of Kant, Hegle, Schelling, and others.[26] In "On Transcendental Idealism," Jacobi quoted Kant on the idea of *noumena*:

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[23] Paul Guyer and Rolf-Peter Horstmann, "Idealism," in *The Stanford Encyclopedia of Philosophy* (Spring 2021 edition), ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2021), 49–50, https://plato.stanford.edu/archives/spr2021/entries/idealism/.

[24] Kant attempted to mitigate this dualism with a practical argument for the fundamentally mental nature of humans and of God. Guyer and Horstmann, 50. However, the theoretical epistemological duality of transcendental idealism persists.

[25] Friedrich H. Jacobi, "David Hume on Faith or Idealism and Realism," in *The Main Philosophical Writings and the Novel Allwill*, ed. George di Giovanni (Montreal: McGill-Queen's University Press, 1995), 331-338.

[26] George di Giovanni and Paolo Livieri, "Friedrich Heinrich Jacobi," in *The Stanford Encyclopedia of Philosophy* (Summer 2020), ed. Edward N. Zalta, (Metaphysics Research Lab, Stanford University, 2020);

> For if we regard outer appearances as representations produced in us by their objects, and if these objects be things existing in themselves outside us, it is indeed impossible to see how we can come to know the existence of the objects otherwise than by inference from the effect to the cause; and this being so, it must always remain doubtful whether the cause in question be in us or outside us.[27]

That is, if knowledge of an object is based on internal perception coupled with the notion that this perception has a cause, there is no telling whether that cause is internal, in the human mind, or external, in the world. Jacobi derided this position, stating, "In brief, our entire cognition contains nothing, nothing whatsoever, that could have any *truly* objective meaning" because "according to the Kantian hypothesis, the empirical object, which is always only appearance, cannot exist outside us and be something more than a representation."[28] In contrast, Jacobi declared himself "for 'realism' and against 'idealism.'"[29] The error of transcendental idealism is to confuse "the coming to be of the concept with the coming to be of the thing itself."[30] That is, Jacobi more firmly distinguished between the advent of concepts in the mind and the origin, existence, and intelligibility of things in themselves.[31] He believed both that "actual objects or things independent of our mind representations" exist and that humans can perceive them

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Ernst Behler, ed., *Philosophy of German Idealism: Fichte, Jacobi, and Schelling*, 1st ed. (New York: Continuum, 1987), viii.

[27] Jacobi, "David Hume on Faith or Idealism and Realism," 332.

[28] Jacobi, 355.

[29] Jacobi, 256.

[30] Jacobi, 288.

[31] Thus, *The Stanford Encyclopedia of Philosophy* describes Jacobi in this way: "an outspoken critic, first of the rationalism of German late Enlightenment philosophy, then of Kant's Transcendental Idealism, especially in the form that the early Fichte gave to it, and finally of the Romantic Idealism of the late Schelling. In all cases, his opposition to the philosophers was based on his belief that their passion for explanation unwittingly led them to confuse conditions of conceptualization with conditions of existence, thereby denying all room for individual freedom or for a personal God." di Giovanni and Livieri, "Friedrich Heinrich Jacobi."

truthfully.[32] Jacobi wrote, "For me, objective truth and actuality are one," by which he meant that *a priori* (abstract) and *a posteriori* (sensory) knowledge cohere.[33]

In addition, Jacobi attacked the internal validity of Kant's *noumena/phenomena* distinction. He saw a "presupposition" or knowledge of various functions of *noumena* in Kant's system that contradicted the transcendental idealist claim that humans can know nothing about things-in-themselves other than that they exist. Any presupposition is "plainly impossible" in transcendental idealism, but without it, Kant would be powerless to assert anything about the object, even its causal role in the perception created within a human mind—which assumes too much about the external object's effect on the subject or perceiver. Rasmussen explains the contradiction this way:

> In order to secure the receptivity of intuition, Kant must presuppose objects outside the representations that cognition spontaneously produces. In this context Kant talks about the "*Ding an sich*" affecting our representations. Speaking in that way, however, produces a sheer contradiction in so far as Kant applies the concepts of cause and effect, which belong to cognition, to items that transcend representations.[34]

Kant assumes the relationship of cause to effect between noumena and human perception without philosophical justification. He has already said that causality is one of the synthetic a piroris of relation in the mind, and thus, not an actual property of the external world, or

[32] Whether or not this is an accurate description of Kant is questionable. His esoteric style and voluminous output create problems for deciphering his philosophy on certain points. Moreover, he refined his thought over time including via response to objections from other philosophers. On this point, Kant defended the existence of external objects and, thus, attempted to distance himself from extremes of idealist philosophy. For example, he wrote, "I am conscious of my existence as determined by time. All time determination presupposes something *permanent* in perception. But this permanent something cannot be something within me, precisely because my existence can be determined in time only by this permanent something. Therefore, perception of this permanent something is possible only through a *thing* outside me and not through mere *presentation* of a thing outside me. Hence determination of my existence in time is possible only through the existence of actual things that I perceive outside me." Kant, *Critique of Pure Reason*, 290.
[33] Jacobi, "David Hume on Faith or Idealism and Realism," 278.
[34] Rasmussen, "Friedrich Heinrich Jacobi: Two Theories of the Leap," 235.

at least not a property we can assume to be universally true of the external world. This reasoning is why Jacobi wrote the incisive criticism of Kant's system of cognition, "without that presupposition I could not enter into the system, but with it I could not stay within [it]."[35] As such, he exhorted transcendental idealists, if they desire to be consistent, to embrace "the strongest idealism that was ever professed" regardless of its vulnerability to charges of "speculative egoism."[36]

On this point, the philosophical contest between realism and idealism breaks out into different concepts of the human being. Idealism, including, at least per its critics, transcendental idealism, has two weaknesses regarding the self. First, the denial of the ontological reality of external objects, or the more modest Kantian denial that we can know nothing with certainty about external objects, opens the door to solipsism, or the notion that the self is all that one can know to exist. Perception or apprehension of the external world may be nothing more than creations of or imaginings internal to the mind. Kant, of course, did not make this assertion. However, Jacobi argues that his formulation of the *noumena/phenomena* distinction, if followed to its logical conclusion, inevitably ends in such a position. Second, given that idealism calls into question the existence of an external world, it logically undermines the theoretical basis of interpersonal relationships. Other human beings are among the *noumena* that are fundamentally unknowable to any given human mind.

In contrast to idealism, Jacobi argued not only that the external world is real and knowable, but that self-conception can exist only in relation to an external non-self.[37] His

[35] Jacobi, "David Hume on Faith or Idealism and Realism," 336.
[36] Jacobi, 338.
[37] *The Stanford Encyclopedia of Philosophy* summarizes the point this way: "The starting point is the denial, because contrary to fact, of the fundamental assumption of classical empiricism — namely, that experience

most well-known proposition may be that "without a *Thou*, the *I* is impossible."[38] In other words, "the *I* and the *Thou*, the internal consciousness and the external object, must be present both at once in the soul even in the most primordial and simple of perceptions"[39] The *Thou* is anything that exists external to the self. Though the *I–Thou* relationship is not formulated specifically as a statement about interpersonal relationships (i.e., a personal *I* and a personal *Thou*), the argument applies in that domain as well. Because idealism either denies the existence of external objects, including other humans, or denies that we can know anything about these things-in-themselves it undermines the theoretical foundation for interpersonal relationships.

3.1.2 Jacobi contra Spinoza and Determinism

The threat to the human self and interpersonal relations is not, however, merely from Kant and post-Kantian idealism. Jacobi was also deeply concerned about fallacies in the naturalist philosophy of Baruch Spinoza (1632–1677). Spinoza became widely known due to his full-throated attack on Christian religion and the church in the *Tractatus Theologico-Politicus* (1670). His views were so controversial that his more enduring work, *Ethics*, was only published posthumously (1677). Historian Jonathan Israel views Spinoza as one of the pioneers of the "Radical Enlightenment" and has compared him to Marx and Nietzsche

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begins with purely subjective representations, and that belief in external objects is arrived at only by way of an inference based on the passivity of some of these representations. This assumption inevitably leads to Hume's skepticism. Jacobi rejects it off-hand on the ground that, as a matter of fact, a subject could not be aware of himself — aware also, therefore, of the alleged subjectivity of some of his representations — without defining his 'self' in opposition to some admittedly external object, that is, without immediately referring his representations to something other than himself. The very possibility of subjectivity entails the possibility of objectivity. Jacobi's classical formula for this position is that there is no 'I' without a 'Thou' (Jacobi, 1787: 63–65)." di Giovanni and Livieri, "Friedrich Heinrich Jacobi."

[38] Friedrich H. Jacobi, "Concerning the Doctrine of Spinoza," in *The Main Philosophical Writings and the Novel Allwill*, ed. George di Giovanni (Montreal: McGill-Queen's University Press, 1995), 231.

[39] Jacobi, "David Hume on Faith or Idealism and Realism," 277.

in the degree to which he "so openly and provocatively repudiated almost the entire belief-system" of the contemporary society.[40]

In two letters to a fellow philosopher, Jacobi took on what he saw as the grave consequences of Spinoza's philosophy. The letters, written to Moses Mendelssohn (1729–1786), addressed the surprising self-identification by Gotthold Ephraim Lessing (1729–1781) as a "Spinozist"—an association that was still controversial more than a century after Spinoza's death. Jacobi located the Spinozist inspiration in the philosophical problem of *a nihilo nihil fit* (nothing comes from nothing).[41] Spinoza's philosophy posits an immanent divine cause of all things that Lessing described with the Greek phrase *hen kai pan* ("one and all"), which is pantheistic or panentheistic in its metaphysical implications. Pantheism, which Jacobi applied to Spinozism, equates all of reality with the divine, and panentheism asserts that the divine exists in everything. In the first part of Spinoza's *Ethics*, entitled "Concerning God," he described "God as substance, the only substance that 'can be granted' or even conceived" (proposition XI),[42] and stated, "Whatsoever is, is in God, and without God nothing can be, or be conceived" (proposition XV).[43] These two postulates communicate his pantheism.

In addition, Spinoza articulated two important related propositions. First, neither "intellect nor will appertain to God's nature."[44] Second, "nothing in the universe is

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[40] Jonathan I. Israel, *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man, 1670–1752* (Oxford, UK: Oxford University Press, 2006), 220, http://BZ6FJ9FL8E.search.serialssolutions.com/?V=1.0&L=BZ6FJ9FL8E&S=JCs&C=TC0000147841&T=marc.

[41] As discussed above, Hume's skepticism, which awoke Kant from his "dogmatic slumber," also had roots in questions of causality.

[42] Proposition XI of the *Ethics* begins, "God, or substance." Proposition XIV states, in part, "besides God no substance can be granted, or consequently conceived." Proposition XV states, "Whatsoever is, is in God, and without God nothing can be, or be conceived." Benedict de Spinoza, *Ethics* (S.l., Infomotions, Inc, 2000).

[43] Spinoza, 9.

[44] Spinoza, 12.

contingent" nor could anything have occurred differently than it has.[45] Taken together, no being, not even God, act "according to freedom of the will."[46] Or, in terms of causality, "will cannot be called a free cause, but only a necessary cause" in that all that exists is necessary, including God by its nature.[47] As such, Spinoza and Lessing were fatalistic and deterministic. Jacobi wrote, "If there are only efficient, but no final, causes, then the only function that the faculty of thought has in the whole of nature is that of observer; its proper business is to accompany the mechanism of the efficient causes."[48] As such, our belief that we have acted in anger, love, magnanimity, or reasoning is "mere illusion!"[49] By contrast Jacobi held "no concept more intimate than that of the final cause"—a transcendent and "an intelligent personal cause of the world."[50] Moreover, he had "no conviction more vital than that *I do what I think*, and not, that *I should think what I do*."[51] That is, thought proceeds action or even substance, not that substance or action proceed thought. Jacobi was a staunch advocate of free will.

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[45] Spinoza, 17.

[46] Spinoza, 19. However, corollary two of proposition XVII states, "That God is the sole free cause." Yet the sense in which Spinoza means God is a free cause is that, though God is necessary by its nature and unable to act according to freedom of the will, God is the cause of all that exists. That does not mean that God chose to create, but that substance or God, which exists necessarily, contains and causes the cosmos. So, for example, Spinoza writes, "That eternal and infinite being we call God, or Nature, acts from the same necessity from which he exists" (Part IV, Preface).

[47] Spinoza, 19. Beth Lord explains the connection between divine and human determinism. First, she quotes Spinoza and then offers her interpretation: "'From God's supreme power, or infinite nature, infinitely many things in infinitely many modes, that is, all things have necessarily flowed, or always follow, by the same necessity and in the same way as from the nature of a triangle it follows, from eternity and to eternity, that its three angles are equal to two right angles.' Spinoza's universe is, then, fully determined. One implication of this is that human beings are fully determined in their thoughts and actions; that is, we have no free will. This can be inferred from P32, which argues that the will is not a free cause, but a necessary one. . . . *God itself* is free, as cause of itself. But God's will and intellect, as effects of that causality, are not free. Human will and intellect, which are finite modes of God, are therefore not free either." Beth Lord, *Spinoza's Ethics*, Indiana Philosophical Guides (Indiana University Press, 2010), 45.

[48] Jacobi, "Concerning the Doctrine of Spinoza," 189.

[49] Jacobi, 189.

[50] Jacobi, 189.

[51] Jacobi, 193.

3.1.3 Jacobi contra Fichte and Nihilism

A final way in which Jacobi was a pioneering forerunner of philosophical personalism was in his use of the term *nihilism*. He employed the word to critique fatalism and determinism, not as a reference to the philosophical problem, *a nihilo nihil fit*, mentioned above. In a letter that he penned in 1799 to his friend and fellow philosopher Johan Gottlieb Fichte (1762–1814) Jacobi asserted that contemporary "speculative philosophy" had resulted or logically ended in nihilism.[52] While disagreeing with Fichte's philosophy, Jacobi praised him for being, in contrast to Kant, a consistent idealist and "the true Messiah of speculative reason."[53] Fichte proposed an "I-hood" in which the self is an "I" by virtue not of its substance or being a thing-in-itself (Kant's *noumena*), but because it posits itself. Thus, in Jacobi's negative assessment, consistent idealism (e.g., Fichte) would lead to self-referential egoism and ultimately to nihilistic incoherence.

Combining this letter to Fichte with his letters on Spinoza, Jacobi viewed nihilism as the result of idealism and materialism. Following an empirical methodology, Jacobi wrote that humans naturally, not per speculative philosophy, apprehend both "I am" and "there are things outside me."[54] On the contrary, speculative philosophy seeks to base itself on only one of the two poles identified in Jacobi's empirical philosophy—subjectively (idealism) or objectively (materialism). However, both routes, he argued, lead to the dissolution of the self. George di Giovanni, a philosopher, writes, "Kant's critical subjectivism ended up engendering a strange kind of impersonal personalism, and Goethe's

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[52] Behler, *Philosophy of German Idealism*.
[53] Friedrich H. Jacobi, "An Open Letter to Fichte (1799)," in *The Main Philosophical Writings and the Novel Allwill*, ed.
George di Giovanni (Montreal: McGill-Queen's University Press, 1995), 501.
[54] Jacobi, 501.

naturalism made for a pantheism that harked back to Spinoza. And both, so Jacobi thought, militated against the very autonomy of the person that the Enlightenment had stood for."[55] As such, Jacobi sought a middle position between idealism and materialism by showing the inadequacies of both; and he did so in part, by following an empirical or experiential method.

In other words, though not a personalist, Jacobi exemplified the methodology (i.e., first-hand experience) and goal (i.e., to bridge or move beyond the idealist/realist impasse) that would come to characterize philosophical personalism. In addition, Jacobi's pioneering use of the word "nihilism" and philosophical assault on the impersonalism of Enlightenment philosophy is strong support for the first thesis of personalism mentioned above: the postulate of personhood, or the idea of personality as a first principle. Finally, Jacobi contributed to the development of the second thesis of philosophical personalism. He asserted that self-knowledge is possible only through interaction with the external world, including relationships with other persons—there is no *I* without a *thou*. Thus, Jacobi was a pioneering advocate for four crucial threads woven throughout philosophical personalism.

3.1.4 Lotze contra Materialism

While Jacobi is the initial philosopher to champion what would become common post–Enlightenment personalist concerns, theological ethicist Johan De Tavernier identifies Rudolf Herman Lotze (1817–1881), one of the foremost German philosophers of his day, as the "immediate predecessor of the personalist movement."[56] Lotze's metaphysics

[55] Friedrich H. Jacobi and George di Giovanni, *The Main Philosophical Writings and the Novel Allwill* (Montreal: McGill-Queen's University Press, 1995), 38.
[56] Johan de Tavernier, "The Historical Roots of Personalism: From Renouvier's 'Le Personnalisme,' Mounier's 'Manifeste Au Service Du Personnalisme' and Maritain's 'Humanisme Intégral' to Janssens'

"attempted to chart a middle ground between the absolute idealism of Hegel . . . and the critical realism of Herbart."[57] One of his principal philosophical projects was to probe the nature of the human person. The first chapter of his *Microcosmus: An Essay Concerning Man and His Relation to the World* is entitled, "Conflicting Views of Nature."[58] The two conflicting views are, on the one hand, an ancient mythology of the "universal vitality of Nature" in which "free voluntary activity" is believed to exist, with pantheistic overtones; and, on the other hand, the "inevitable predetermination" of all things due to "impersonal substances" and the "blind conflict of unconscious forces."[59] Assuming that the former view was little-held in his day, Lotze's main objectives were to show that materialistic determinism is philosophically untenable and to argue for the existence of free volitional personalities, both human and divine.

Toward this end, the first of the five sections of *Microcosmus* describes the contemporary scientific view of the "machine of Nature."[60] The ancient or mythological view saw objects in nature as indivisible and distinct with their own essences. By contrast, contemporary scientific research modified objects (e.g., chemistry) and living beings (e.g., selective breeding of plants and animals) showing "the divided plurality of determining and moulding forces."[61] Thus, "Nature brings forth her products not through animating

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'Personne et Société,'" *Ethical Perspectives* 16, no. 3 (2009): 361. De Tavernier also notes that historians trace ideas consistent with personalism to Plato, Plotinus, Augustine, Boethius, Aquinas, Descartes, Leibnitz, and Berkeley. For the assessment that Lotze was one of the most important German philosophers of his era see Randall Collins, *The Sociology of Philosophies: A Global Theory of Intellectual Change*, *Fulcrum.Org* (Cambrdige, MA: Harvard University Press, 1998), 691.

[57] David Sullivan, "Hermann Lotze," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Winter 2018) (Metaphysics Research Lab, Stanford University, 2018).

[58] Hermann Lotze, *Microcosmus: An Essay Concerning Man and His Relation to the World*, trans. Elizabeth Hamilton and Emily Elizabeth Constance Jones (Edinburgh: T&T Clark, 1885), 1.

[59] Lotze, 1–2. Lotze also describes the distinction as "between the two extremes of the belief in Personal Spirits in Nature and the notion of a blind necessity of working." Lotze, 9–10. In addition, *Microcosmus* rejected the related idea of a "World Soul" as championed by Hegel.

[60] Lotze, *Microcosmus*, 23–25.

[61] Lotze, 24.

impulses from within, to which we have nothing parallel to show, but through the composition of the same separate forces, by whose application we succeed in transforming creatures."[62] In other words, what a being is or does is not a function of "its own arbitrary fancy," but "the general laws of the world's order and the particular circumstances under which it enters into that order."[63] Moreover, in a subsection entitled "Nature as Mechanical," he described two intimately related features of philosophy. First, material objects proceed "by a universal and comprehensible law" in which posterior states are the product of prior states. Second, the mechanical view of nature takes "unremitting care" to determine the causal elements for any effect.[64] The things of nature, both animate and inanimate, are determined by myriad factors and conditions external to themselves.

Lotze endorsed, mostly, this mechanistic view of the natural world. His criticism was not of the idea of natural laws or external conditions that determine the characteristics of natural phenomena—including, in principle, human bodies. He wrote, "We must admit, even for our own bodily life, the complete validity of the principles on which the world of sense is interpreted by the mechanical system of inquiry into Nature."[65] The problem, or the challenge for Lotze was "the many questions as to the respective boundaries of the two contiguous spheres of freedom and necessity."[66] In a section entitled, "The Existence of the Soul," he declared "how little ground we have to dread this combination of freedom and mechanism in the nature of the soul."[67] On the question of boundaries between the machine of nature and free personality, he drew the distinction between what physical

[62] Lotze, 19.
[63] Lotze, 20.
[64] Lotze, 27–29.
[65] Lotze, 26.
[66] Lotze, 24.
[67] Lotze, 147.

science has shown with certainty to act in conformity to natural mechanisms and unquestionable principles affirmed by "votaries" of physical science in the passion of intellectual battle—foreshadowing criticisms of positivism and scientism in the late nineteenth and twentieth centuries.

The stakes for Lotze were the very possibility, not just of human freedom, but of human personality. He observed that contemporary science had made "the possibility of any sort of personal existence one of the darkest of problems."[68] This, as described above, was also a central concern of Jacobi with both Kant's idealism and Spinoza's materialism. Lotze wrote, "Now in this perpetual flux of elements, attracted to and repelled from one another, what is our own place? To whom belongs our manifold inner life, with its play of knowledge, its pain and pleasure, its ever-varying energy of volition? May all this be after all but a subtle form of illusion?"[69] The idea that all phenomena are, everywhere and at all times, determined by material or natural factors would, he concluded, result logically in "the sacrifice of our own beings."[70] This position, which he labeled "the evil materialism," begets nihilism because it renders personality and will to be mere illusion.[71] By contrast, Lotze championed the idea that the soul must stand apart from the machine of nature. *Microcosmus* articulated the conviction that each human being has "an element of peculiar nature, differently constituted from the materials of the frame."[72] Similarly, after discussing the nature of the soul and its relation to the body, he renounced the idea that "mathematico-mechanical" constructions are adequate responses to metaphysical questions.[73]

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[68] Lotze, 25.
[69] Lotze, 143.
[70] Lotze, 26.
[71] Lotze, 151.
[72] Lotze, 144.
[73] Hermann Lotze, *Metaphysic: In Three Books, Ontology, Cosmology and Psychology,* vol. 1 of 2 (London: Forgotten Books, 2016), 535.

In addition, Lotze spoke of "the world of sensations, of emotions, of volitions," which constitute "the whole of a rounded-off development."[74] When describing human freedom, he wrote not only of human ideas but also of feelings and desires.[75] Therefore, the human person, which is more than the materials of the frame, is also, contra Descartes, more than a thinking being.[76] Humans are full of emotion and sentiment. Moreover, the focus on sensations, emotions, and volitions was key to Lotze's expansion of the grounds for human dignity beyond the narrower focus on rationality by philosophers such as Kant.

Finally, Lotze discussed the relationship between a personality and the external world, including other personalities. He argued that the "ego" is "at the same time subject and object of the act of ideation."[77] The philosopher David Sullivan explains the implication of this thought, writing, "Our own subjectivity is not founded in opposition to objectivity: the subject (the 'I') is not opposed and formed in reaction to the object (the 'not-I') but rather in its encounter with another subject (a 'thou')."[78] Lotze concluded, contra transcendental idealism, not only that humans can know objects in the external world but also that a human person can come to know itself only in relationship to the external world and most especially other persons. Lotze's philosophy of self-knowledge through relationship with others echoes Jacobi's *I-thou* emphasis (discussed above) and resembles Edmund Husserl's concept of intersubjectivity (see below).

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[74] Lotze, *Microcosmus*, 144.
[75] Lotze, 146.
[76] Lotze, 144.
[77] Hermann Lotze and George Trumbull Ladd, *Outlines of the Philosophy of Religion* (London: R. D. Dickinson, 1887), 59.
[78] Sullivan, "Hermann Lotze."

3.2 European Personalism

3.2.1 Phenomenology and Personalism: Husserl, Stein, Scheler, and Ingarden[79]

Scholars of personalism recognize phenomenology as an important influence on its development. For example, Erazim Kohak, the Czech dissident and philosopher who taught at Boston University, began his essay on personalism with the thought of Edmund Husserl (1859–1938), the father of phenomenology.[80] Similarly, the historian Kevin Schmiesing identifies three phenomenologists as "key figures" in the development of European personalism: Husserl, Max Scheler, and Edith Stein.[81] In the face of idealism and naturalism, phenomenologists made two philosophical contributions that would become important elements of personalism. First, phenomenology reinforced the epistemological position that first-hand experience of the external world provides valuable information about reality. Sense perception is trustworthy, and extreme skepticism of the external world due to philosophical abstraction is unwarranted. Thus, Brightman began his *Person and Reality* by identifying Husserl's phenomenological approach as "the starting point for metaphysical inquiry."[82] Second, phenomenologists, to mitigate charges of solipsism due to their Cartesian affinities, gave high value to interpersonal relationships. Whether Husserl's inter-subjectivity, Stein's iterated sympathy, or Scheler's self-giving love,

[79] Phenomenology would later divide into the "pure phenomenology" of Husserl and the "existential phenomenology" of Martin Heidegger, Maurice Merleau-Ponty, and Jean-Paul Sartre. In this division, a connection between phenomenology and personalism is visible. Not only was phenomenological methodology a pathway to personalism, but leading personalist Mounier was deeply influenced by the proto-existentialist writings of Friedrich Nietzsche. The connection between existentialism and personalism is further discussed in chapter 5.

[80] Erazim Kohák, "Personalism: Towards a Philosophical Delineation," *The Personalist Forum* 13, no. 1 (1997): 3–11.

[81] Kevin Schmiesing, "A History of Personalism" (Available at SSRN, December 1, 2000), https://papers.ssrn.com/abstract=1851661.

[82] Edgar Sheffield Brightman, *Person and Reality: An Introduction to Metaphysics* (New York: Ronald Press Co., 1958), 10.

phenomenologists argued that the human person is known through relationships with other external subjects.

Philosopher Donn Welton describes Husserl's effort to "take philosophy beyond the older, tired alternatives of psychology and formalism, realism and idealism, objectivism and subjectivism."[83] Husserl, who drew explicitly from the work of Lotze, wanted to reorient philosophy away from Kant's *noumena/phenomena* distinction and back "to the things themselves!"[84] In contrast to idealism, Husserl believed humans can credibly know a good deal about the external world. He moved away from metaphysics and *a priori* considerations toward a focus on the subject and experience. His phenomenological approach includes the practice of *epoché,* from the Classical Greek ἐποχή ("suspension"), which signifies "bracketing out" of preconceptions and *a priori* notions. This act is part of a transcendental or phenomenological "reduction" that limits one to "the stream of [one's] pure conscious processes."[85] The following quotation of Husserl provides a detailed picture of this key facet of phenomenology:

> In my waking consciousness I find myself in this manner at all times, and without ever being able to alter the fact, in relation to the world which remains one and the same, though changing with respect to the composition of its contents. It is continually "on hand" for me and I myself am a member of it. Moreover, this world is there for me not only as a world of mere things, but also with the same immediacy as a *world of objects with values, a world of goods, a practical world*. I simply find the physical things in front of me furnished not only with merely material determinations but also with value-characteristics, such as beautiful and ugly, pleasant and unpleasant, agreeable and disagreeable, and the like. Immediately, physical things stand there as Objects of use, the "table" with its "books," the "drinking glass," the "vase," the "piano," etc. These value-characteristics and practical characteristics also belong *constitutively to the Objects "on hand" as Objects*, regardless of whether or not I turn to such characteristics and the Objects.

[83] Edmund Husserl, *The Essential Husserl: Basic Writings in Transcendental Phenomenology*, Ill. ed., ed. Donn Welton (Indiana University Press, 1999), ix.
[84] Edmund Husserl and Sir Michael Dummett, *The Shorter Logical Investigations*, ed. Dermot Moran, trans. J. N. Findlay, 1st edition (Routledge, 2001), xxviii.
[85] Husserl, *The Essential Husserl*, 135.

> Naturally this applies not only in the case of the "mere physical things," but also in the case of humans and brute animals belonging to my surroundings. They are my "friends" or "enemies," my "servants" or "superiors," "strangers" or "relatives," etc.[86]

The world of objects "on hand" is not only real, but also inescapable. Regardless of the epistemological position one takes on abstract philosophical theories such as realism, idealism, empiricism, and skepticism, phenomenologists see an undeniable reality of the immediately experienced world—here, Husserl is close to the phenomenal reality of Bowne (see below).

Yet the priority for first-hand experience remains open to criticisms of solipsism. In the *Cartesian Meditations*, Husserl acknowledges the problem himself, writing, "When I, the meditating I, reduce myself to my absolute transcendental ego by phenomenological *epoché* do I not become *solus ipse*?"[87] The discussion of this problem in meditations on Descartes is not unexpected. The Cartesian *cogito ergo sum* and the phenomenological method are similar in their subjective starting points; thus, they are both vulnerable to the characterization of solipsism. Against this weakness, Husserl advocates "intersubjectivity," or the notion that a subject, or ego, perceives or experiences others as subjects, or alter egos. Husserl summarized the concept as follows:

> If, with my understanding of someone else, I penetrate more deeply into him, into his horizon of ownness, I shall soon run into the fact that, just as his animate bodily organism lies in my field of perception, so my animate organism lies in his field of perception and that, in general, he experiences me forthwith as an Other for him, just as I experience him as *my* Other.[88]

[86] Husserl, 61.
[87] Husserl, 135.
[88] Husserl, 157.

Experiencing oneself as an object in the perception of an external subject mitigates against the extremes of subjectivism. Stated differently, subjects experiencing each other as subjects, not merely as objects, is intersubjectivity. Understanding the human other not just as an object of perception but also as a subject with its own perceptions averts the philosophical descent into solipsistic nihilism.

Husserl proceeded to apply this notion at the level of a community. The result is a subject experiencing another subject (or "Other"), not only as a subject, but also in relation to additional subjects. This multi-relational experiencing of Others is an "open plurality" of people "as subjects of possible intercommunion," or a "community of monads."[89] Thus, Husserl's philosophy, while valuing subjectivity and first-hand experience, also prized interpersonal relationships and community.

Edith Stein (1891–1942), who was murdered in a gas chamber in Auschwitz as part of reprisals against Catholics who protested Nazi treatment of Jews, was a student of Husserl. Her doctoral thesis, under his supervision, developed the idea of "reiterated empathy" as "the basis of intersubjective experience" and "the condition of possible knowledge of the existing outer world."[90] The view of one's self gained via empathy is not as the unique "zero point," but as one among many zero points. Christian Beyer, a philosopher, describes Stein's iterated empathy as follows:

> *Iterated empathy* [is] where I put myself into the other subject's shoes, i.e., (consciously) simulate him, under the aspect that he (or she) in turn puts himself into *my* shoes. In this way, I can figure out that in order for the other subject to be

[89] Husserl, 157–58.
[90] Edith Stein, *On the Problem of Empathy*, 3rd rev. ed., The Collected Works of Edith Stein, vol. 3 (Washington, DC: ICS Publications, 1989), 64.

> able to ascribe intentional acts to me, he has to identify me *bodily*, as a flesh-and-blood human being, with its egocentric viewpoint necessarily differing from his own. This brings home to me that my egocentric perspective is just one among many, and that from all foreign perspectives I appear as a physical object among others in a spatio-temporal world. So the following criterion of subject-identity at a given time applies both to myself and to others: one human living body, one experiencing subject.[91]

A person understands herself or himself as an object not despite but through a deep exploration of subjective experience—the experience of other perceiving subjects. Thus, for Stein, phenomenology built a link between idealism and realism.

Max Scheler (1874–1928) was also deeply influenced by Husserl. Scheler's larger philosophical project, per Stein (who attended Scheler's lectures in Göttingen), was "to achieve a reconciliation between the fixed, absolute, a priori of Kantianism and the relativism of historicizing psychology, a reconciliation in which elements of truth in both are appropriated and integrated."[92] This is a familiar terrain in the development of both phenomenology and personalism. However, Scheler (like Martin Heidegger) came to view Husserl's phenomenology as overly focused on the individual as a knower with Cartesian

[91] Christian Beyer, "Edmund Husserl," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2020 (Metaphysics Research Lab, Stanford University , 2020).
[92] Schmiesing, "A History of Personalism," 9.

and solipsistic implications.[93] Instead, Scheler described humans fundamentally as lovers, saying that, before *ens cogitans* or *ens volens* humans are *ens amans*.[94]

Scheler's *Ordo Amoris* ("the order of love") begins with the familiar experiential impulse of phenomenology: "I find myself in an immeasurably vast world of sensible and spiritual objects which set my heart and passions in constant motion. I know that the objects I can recognize through perception and thought, as well as all that I will, choose, do, perform, and accomplish, depend on the play of this movement in my heart."[95] Scheler's human experience is more about emotion than reason or volition. Love is "always the primal act" by which a person "abandons itself" to share and participate with another.[96] Knowledge of others is based on and proceeded by love—Scheler also argued that volition is based on and proceeded by love. Thus, love, as well as hate, were central to his view of humanity and morality.[97] Scheler stated, "Everything we recognize as morally important to man (or to a group) must be reduced, however many steps it may take, to the particular structure of his acts of loving and hating and his capacities for love and hate; it must be reduced, in other words, to the *ordo amoris* which governs these acts and expresses all of

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[93] Jonna Bornemark, "Max Scheler and Edith Stein as Precursors to the 'Turn to Religion' Within Phenomenology" (Stockholm: Södertörns Högskola, Centrum för Praktisk Kunskap, 2010), 49–50. Brightman would also conclude that Husserl's phenomenological method, though valuable to a degree, in its pure form leads to solipsism. He writes, "But to take this 'shining present' as all that can be known is not only to allow metaphysics to be destroyed in a flash, but also is to commit one's self to purse solipsism and all its embarrassments. For if only the bracketed present moment can be known, how can one now know past moments? Much less can one know present moments other than one's own experience. Thus abstract phenomenology may be a deadly foe of metaphysics; yet, quite possibly, the data which it furnishes may be the source and nutrient of metaphysics." Brightman, *Person and Reality*, 10.

[94] Max Scheler, *Selected Philosophical Essays* (Evanston, IL: Northwestern University Press, 1973), 110–11.

[95] Scheler, 98.

[96] Scheler, 110.

[97] Love is also central to classical and contemporary definitions of philanthropy. Marty Sulek, "On the Modern Meaning of Philanthropy," *Nonprofit and Voluntary Sector Quarterly* 39, no. 2 (2010): 193–212, https://doi.org/10.1177/0899764009333052; Marty Sulek, "On the Classical Meaning of Philanthrôpía," *Nonprofit and Voluntary Sector Quarterly* 39, no. 3 (2010): 385–408, https://doi.org/10.1177/0899764009333050.

man's stirrings and emotions."[98] As this quote notes, the moral implications of the human person as *ens amans* extends beyond the individual to groups. Scheler concluded that Kant and Nietzsche "deny the principle of solidarity" due to the individualism deriving from their emphasis on reason and will, respectively, as the fundamental defining mark of humanity.[99] Love, as Scheler defined it, is intrinsically oriented toward others and opens the self to the external world. Thus, he spoke of the individual as "a member of a community of persons" with an ethical "coresponsibility" to this community.[100]

Phenomenology reached Poland via one of Husserl's students at Göttingen, Roman Ingarden (1893–1970). Like Scheler, Ingarden opposed the idealist turn of Husserl's later thought. Charting a different phenomenological path, Ingarden explained the human person in terms of praxeology (the theory of action). He wrote, "In order to be 'independent' of the surrounding world in his decisions and in the actions issuing from them, the person must, above all, contain a center of action, which enables him to take initiative."[101] The person as an actor or agent, even in the act of intentional reflection and thought, is a common theme in phenomenology. Yet this center of action, Ingraden taught, "must also be sensitive to outside intrusions, insofar as his responsibility springs from a determinate form of his living together with the surrounding reality, and particularly with other people."[102] In fact, his *Man and Value* expends a good deal of effort explicating various elements of human responsibility. Thus, Ingarden preserved both individuality and

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[98] Scheler, *Selected Philosophical Essays*, 99–100.
[99] Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt toward the Foundation of an Ethical Personalism*, 5th rev. ed. (Evanston, IL: Northwestern University Press, 1973), 516.
[100] Scheler, 519.
[101] Roman Ingarden, *Man and Value* (Munich: Philosophia Verlag, 1983), 85.
[102] Ingarden, 85.

responsibility through the phenomenological emphasis on a human subject's action in relation to others.[103]

3.2.2 Incipient French Personalism: Renouvier

The French moral philosopher Charles Renouvier (1819–1903) introduced a personalist philosophical system to the Francophone world with his book *Le Personnalisme* (1903). Like numerous others in this chapter, he was keenly interested in the work of Kant and the transcendental idealism at its core. For instance, he labeled his specific form of neo-Kantian philosophy, "neocriticism," in keeping with the idea of philosophical critique expressed in Kant's three pioneering works: *Critique of Pure Reason*, *Critique of Practical Reason*, and *Critique of the Power of Judgment*. Renouvier also described his system variously as French criticism, personalism, and critical personalism. As with transcendental idealism, epistemology was one of the principal philosophical questions of neocriticism. Renouvier rejected both rationalism and skepticism. The latter, he argued, was the inevitable terminus for the former's demand for infallibility. Renouvier sided with Hume and others in concluding that no universal system of knowledge, philosophy, or belief is immune to skeptical critiques. On this point, he faulted Kant for not following his own critical impulse faithfully enough to see "*un cercle vicieux inévitable*" in the rationalist search for universal principles of reason: the rational principles that are the goal of philosophical inquiry are the same criteria used to determine their own truth and value.[104] In addition, Renouvier described transcendental idealism, with

[103] Karol Wojtyla (1920–2005), the future Pope John Paul II, would become Ingarden's most illustrious student and an accomplished personalist philosopher himself.

[104] Charles Renouvier and Louis Prat, *Critique de la doctrine de Kant* (Paris: Alcan, 1906), 3, http://archive.org/details/critiquedeladoct00reno.

its unknowable *noumena*, as begetting "*une doctrine solipsist*."[105] He noted that Fichte had also interpreted the *Critique of Pure Reason* in this fashion while building a highly subjective idealist philosophy with the "pure I" at its center.

Renouvier set the concept of transcendental idealism and its mystery of unknowable things-in-themselves against our experience of nature and reality. Appealing to Leibniz,[106] he described a better version of idealism as follows: "The universal system of real intelligible beings, not of unknowable noumena, is constituted, for our knowledge, by the attributes, qualities and relations, all related to consciousness in all its possible degrees of lucidity and extent."[107] The actual external world is not a mystery, as Kant thought, but its attributes, qualities, and relations are accessible to the human mind. Renouvier was an idealist who posited verisimilitude between human ideas or perceptions and the world as it truly exists. Reality is experiential, and human experience is formed and organized by the mind to produce exemplars of the external world.[108] Thus, like other philosophical personalists, Renouvier was a phenomenologist committed to the validity of first-hand or experiential knowledge—at times characterizing his philosophical system as

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[105] Renouvier and Prat, *Critique de la doctrine de Kant,* 99. In this same passage, Renouvier described Kant as both a dualist and a "*réaliste hypothétique*" who wanted to be a "*réaliste cosmothétique.*" That is, Kant wanted to, but could not prove that the representations of the mind (i.e., *phenomena*) effectively represented the real external world.

[106] Renouvier described Leibniz idealism as teaching humans to see "*dans le monde phénoménal un monde de substance, véritables être en soi définis par des relations et des concepts*." Renouvier and Prat, 111.

[107] Renouvier and Prat, 111. Translated from French to English by author. The original text is "*Le systèm universel des réels être intelligibles, non des inconnaissables noumènes, est constitue, pour notre connaissance, par les attributs, qualités et relations, rapportés tous à la conscience en tous ses degrés possible de lucidité et d'étendue*."

[108] Jeremy Dunham, "Idealism, Pragmatism, and the Will to Believe: Charles Renouvier and William James," *British Journal for the History of Philosophy* 23, no. 4 (2015): 759, https://doi.org/10.1080/09608788.2014.1002074.

"*phénoménisme"*[109] Vernaux summed up Renouvier's philosophy as a "position astride two sharply conflicting traditions," idealist rationalism and empiricism.[110]

In place of the *noumena/phenomena* distinction of Kant, Renouvier appealed to practical reason and broke from what he called the dogmas of pure or abstract reason. Specifically, he advocated the "principle of relativity," by which he meant that all knowledge is relative to its subject and that all experience is relational.[111] Perceptions are neither given nor received by beings in isolation.[112] As such, humans cannot know anything except as related to representations attained through experience.[113]

In *Le Personnalisme,* Renouvier lamented the implications of transcendental idealism for the concept of the human person: Kant's philosophy "*est en très grande partie tournée à la ruine du principe de la personne*." [114] In particular, he concluded that the doctrine of the unknowable *noumena* as the reality behind *phenomena* turns the natural world, including persons, into little more than an illusion. In addition, because Kant asserted "*le déterminisme universel et absolu*" of the phenomenal world, human freedom was also

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[109] Dunham, 764.

[110] William Logue, *Charles Renouvier, Philosopher of Liberty* (Baton Rouge: Louisiana State University Press, 1993), 18.

[111] Charles Renouvier, *How I Arrived At This Conclusion: A Philosophical Memoir*, trans. Bernard J. Looks (New York: YBK Publishers, 2011), 33. Vernaux also wrote the following of Renouvier's principle of relativism: "*il pose que le reel pour nous est constitué par des lois, relations constantes entre les phénomènes; il s'oppose à l'inconditionnalisme ou réalisme absolutiste, qui suppose l'être hors de relations.*" Roger Verneaux, *Renouvier: Disciple et Critique de Kant*, Bibliothèque d'histoire de La Philosophie (Paris: J. Vrin, 1945), 36.

[112] Charles Renouvier, *Le Personnalisme Suivi d'une Étude Sur La Perception Externe et Sur La Force*, Bibliothèque de Philosophie Contemporaine (Paris: F. Alcan, 1903), 54.

[113] Dunham writes, "To be a Renouverian idealist is to assume that reality is knowable and that the only kind of 'stuff' we can know is experiential. To posit any kind of non-experiential metaphysical stuff is to place oneself at the point of being *without* knowledge. The paradox of realism, he argues, is that it is a realism that presents us with nothing of the real, since it defends the ontological reality of substances (forever hidden from our cognition but nevertheless its necessary ground), while regarding our phenomena as illusory representations of these unknowable substances." Dunham, "Idealism, Pragmatism, and the Will to Believe," 760.

[114] Renouvier, *Le Personnalisme Suivi d'une Étude Sur La Perception Externe et Sur La Force*, V. He also wrote, "*le plus frappant character de l'idealisme de Kant, et de celui de Fichte*" was their "*ignorance voulue de la nature*." Renouvier and Prat, *Critique de la doctrine de Kant*, 110.

illusory.[115] By contrast, Renouvier posited "*la conscience comme fondement de l'existence, la personne comme premier principe causal à l'égard du monde.*"[116] Thus, Renouvier, in his search for a philosophical solution to the impasse between idealism and realism, or subjectivism and objectivism, arrived at personality or consciousness as a first principle (similar to Bowne's "basal fact" described below).[117]

In addition to pioneering a personalist philosophy in France, the nation that would produce several leading twentieth-century Christian personalists, Renouvier is relevant to the history of personalism and human rights because he articulated a theory of rights in his *Manuel Republicain de l'Homme et du Citoyen* (1848). The small manual begins by framing itself as espousing a Republican rather than a religious view of how humans should live—with echoes of the French Revolution. It conceives citizens' rights as the product of the social contract. Humans would be subject to no restraints or authority in the state of nature. In the quest for safety and greater welfare, people sacrifice certain habits or actions to join a community. However, some powers exist or remain that humans "*ne veulent ou ne peuvent jamais abandoner entièrement, parce qu'ils tiennent de trop près à leur personnes;*" and these powers are "*droits naturels*."[118] Though Renouvier did not explicate natural rights in detail, he summarized them with two main ideas: liberty and equality.

In the same publication, Renouvier provided another way to conceive of natural rights: as the corollary of duties. This approach fits well with his relational and personalist philosophy as described above. In fact, Renouvier's manual places duty before rights both

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[115] Renouvier wrote, "Kant affirmait dogmatiquement le déterminisme universel comme loi absolue du monde phenomenal." Renouvier, V.
[116] Renouvier, VII.
[117]Renouvier described creation as follows: "There is the sudden manifestation of the first consciousness, immediately linked to the production of consciousnesses." Renouvier, *How I Arrived At This Conclusion*, 52.
[118] Charles Renouvier, *Manuel Républicain de l'homme et Du Citoyen* (n.d.: Ligaran, 2015), 23.

in its physical layout and in the structure of its theory. Chapter 4 is entitled "*Devoirs de l'homme et du citoyen.*"[119] The "devoirs de l'homme" derive, the chapter argues, from the sentiment of the human conscience and heart. By contrast, duties of the citizen are based on the will of the people as expressed through representative government (i.e., the social contract).[120] The primary duties of humans are to live and to make good use of one's life. The justification for the duty to live is that a person can benefit others. On a related note, the manual's second duty is to make good use of one's life. This duty consists of two sub-duties: justice and fraternity. Renouvier also advocated the duty of tolerance, which he described as respect for the convictions, religious beliefs, and conscience of all people. The subsequent chapter, entitled "*Droits de l'homme et du citoyen*," defines rights as the counterpart of duties. Renouvier consoled readers that their obligation to fulfill duties toward others contains the corollary that others have duties to complete toward you. In other words, "*la justice nous donne des droits en échange de nos devoirs*."[121] Thus, Renouvier's theory of rights resonates with the focus on duty toward others and relationships in the theories of numerous mid-twentieth-century rights advocates, including personalists.

[119] Renouvier, 19.
[120] The first duty of the citizen is to obey the law. Other citizen duties include to defend the Republic, to contribute material goods, to participate in juridical processes, and to sacrifice for the good of the community. Renouvier, 20–21.
[121] Renouvier, 22.

3.3 U.S. Personalism[122]

3.3.1 Boston Personalism: Bowne, Brightman, and Knudson

Methodist minister Borden Parker Bowne (1847–1910) and Methodist-affiliated Boston University were the philosopher and institution most responsible for the growth of personalism in the United States. Dorrien situates the theology of the "Boston University School" of metaphysical personalism within the broader movement of American liberal theology in the early twentieth century. The two other major streams of theological liberalism during this period were evangelical liberalism, centered at Union Theological Seminary, and modernist liberalism, centered at the University of Chicago Divinity School. This tripartite liberal theological universe sought a "third way," or "mediating movement," between "authority-based Christian orthodoxies" and "rationalistic deism and atheism."[123] In this description, one can see its dual inheritance: Enlightenment and evangelicalism. The former imparted the idea that "no credible truth claim can be settled or based upon appeal to external authority."[124] The latter "affirmed the authority of Christian experience, upheld the divinity and sovereignty of Christ, preached the need of personal salvation, and emphasized the importance of Christian missions."[125] The combination of these two

[122] Walt Whitman is a notable U.S. figure who advocated "personalism" with seemingly no direct connection to others in this chapter. Both in the relatively well-known *Democratic Vistas* (1871) and in a small magazine article entitled "Personalism," Whitman championed a third-way option that embraced both the individual and the community. Folsom describes Whitman's Personalism as "a blending of the one and the many, a balancing of individuality with camaraderie—the love for one's democratic and equal others in all their diversity balanced against the pride in one's own identity." Walt Whitman and Ed Folsom, *Democratic Vistas: The Original Edition in Facsimile* (Iowa City: University of Iowa Press, 2009), XX. However, Whitman's idea gained little traction at the time, so much so that the article "personalism" received only two reviews—one of which called the essay "incoherency and bombastic unreason," and the other of which described it as "inconceivable drivel." Whitman and Folsom., IV.
[123] Dorrien, *The Making of American Liberal Theology*, 2003, 3.
[124] Dorrien, 1.
[125] Dorrien, 11.

elements creates an obvious tension. Not surprisingly, then, Dorrien describes liberal theology of the progressive era as "reformist in spirit and substance, not revolutionary."[126]

Bowne, who taught at the Massachusetts school for more than three decades, was a key figure in personalism both for his pioneering position in the U.S. branch of the school and for his detailed articulation of its tenets in *Personalism* (1908).[127] He provided this philosophical self-description:

> It is hard to classify me with accuracy. I am a theistic idealist, a Personalist, a transcendental empiricist; an idealistic realist, and a realistic idealist; but all these phrases need to be interpreted. They cannot well be made out from the dictionary. Neither can I be called a disciple of anyone. I largely agree with Lotze, but I transcend him, I hold half of Kant's system, but sharply dissent from the rest. There is a strong smack of Berkeley's philosophy, with a complete rejection of his theory of knowledge. I am a personalist, the first of my clan in any thoroughgoing sense.[128]

This quotation, as difficult as it is to fully digest, gives a sense of the ground that Bowne sought between idealism and realism, and his path-breaking role in personalist thought—though one wonders if he was aware of Renouvier's slightly earlier *Le Personnalisme* (1903).

Bowne's blend of idealism and realism is spelled out in more detail in the *Metaphysics* where he argued for two realities, ontological and phenomenal, which are somewhat like

[126] Dorrien, 3.
[127] See issue 1 of vol. 13 of *The Personalist Forum* (Spring 1997) dedicated to the significance of Bowne.
[128] Kevin M. Dirksen and Paul Schotsmans, "The Historical Roots of Personalism: Borden Parker Bowne and the Boston Tradition on Personal Identity and the Moral Life," *Bijdragen* 73, no. 4 (2012): 389.

the *noumena* and *phenomena* of Kant.[129] Ontological reality is the world of mental abstraction and metaphysics. Phenomenal reality is the empirical realm, or the world experienced and perceived by the senses. Unlike Kant and German idealism, Bowne held reality as experienced to be trustworthy. The unacceptable alternative would be that "no intuition or action of the receptivity can reveal the nature of a thing. This nature must forever remain supersensible, and its determination must always be a problem of reason, not of sense"—this is Bowne critiquing German idealist Johan F. Herbardt (1776–1841).[130] Radical doubt about the validity of the world as experienced, and thus the external world itself, would lead to solipsism as Jacobi and Husserl had also warned. Rather than embrace a deeply skeptical position, Bowne's "transcendental empiricism" accepts the world of the senses as phenomenal reality.[131]

Relatedly, Bowne explicitly embraced, in part, positivist philosophy. In fact, his *Personalism* (1908) begins with a discussion of the stages of human progress proposed by August Comte. Comte, one of the most influential philosophers of the nineteenth century, elaborated a positivist historical progression in which societies evolve from a theological to a metaphysical to a positive stage. He summarized this view as follows:

> Our speculations upon all subjects whatsoever, pass necessarily through three successive stages: the Theological stage, in which free play is given to spontaneous fictions admitting of no proof; the Metaphysical stage, characterized by the prevalence of personified abstractions or entities; lastly, the Positive stage, based upon an exact view of the real facts of the case. The first, though purely provisional, is invariably the point from which we start; the third is the only permanent or normal state; the second has but a modifying or rather a solvent influence, which qualifies it for regulating the transition from the first stage to the third. We begin

[129] Borden Parker Bowne, *Metaphysics*, rev. ed. (New York: Harper, 1898), 28.
[130] Bowne, 38.
[131] Bowne advocates "a resolute adherence to experience itself in its form of transcendental empiricism." Borden Parker Bowne, *Personalism*, 280.

> with theological Imagination, thence we pass through metaphysical Discussion, and we end at last with positive Demonstration.[132]

Historians of the nineteenth century, Robin W. Winks and Joan Neuberger, describe the apogee of Comte's progression, the positivist stage, as the point in which "science would enable people to understand nature without recourse to theological or metaphysical intermediaries."[133] Bowne agreed that scientific inquiry should be concerned with "coexistence and sequence among phenomena" instead of philosophical questions of causation, purpose, and perhaps universality.[134] Thus, both philosophers placed significant weight on empirical knowledge and sense perception.

Additionally, Bowne concurred with Comte (a) that the first or theological stage is personalist—it is, in Bowne's words, the perspective from which "all phenomena are referred to wills, either in things or beyond them," and (b) that the second or metaphysical stage is "only the ghost of the earlier personal explanations."[135] Yet the two philosophers departed completely in the specific question of will and personality in causation and the valuation of nonempirical causal inquiry more broadly. For Bowne, questions of causation in the empirical world or within phenomenal reality inexorably lead back to personality and will.[136] For Comte, such groundless and fruitless theological imagination and

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[132] Auguste Comte, *The Positive Philosophy of Auguste Comte*, trans. by Harriet Martineau (Chicago: Belford, Clarke & Co, 1880), 35–36.
[133] Robin W. Winks and Joan Neuberger, *Europe and the Making of Modernity* (New York: Oxford University Press, 2005), 243.
[134] Bowne, *Personalism*, v. Bowne also agreed with Comte that "abstract and impersonal metaphysics is a mirage of formal ideas, and even largely of words, which begin, continue, and end in abstraction and confusion," vii.
[135] Bowne, v-vi.
[136] Bowne wrote, "Causal explanation must always be in terms of personality, or it must vanish altogether. Thus we return to the theological stage, but we do so with a difference. At last we have learned the lesson of law, and we now see that law and will must be united in our thought of the world. Thus man's earliest metaphysics reemerges in his latest; but enlarged, enriched, and purified by the ages of thought and experience." Bowne, vii.

metaphysical discussion should yield to that which is physically demonstrable. Thus, Bowne's aim in the lectures that became *Personalism* was "to show that critical reflection brings us back again to the personal metaphysics which Comte rejected."[137] For Bowne, this critical reflection involved epistemology and metaphysics, including conceptions of reality and causation.

These two subjects are each a major section of *Personalism*. In a chapter entitled, "The Problem of Knowledge," Bowne covered ground that is by now familiar. He began by noting that Kant "inaugurated a new era in philosophy" addressing the cognitive or epistemological question of how knowledge is possible.[138] Bowne then rehearsed objections to contemporary epistemologies, particularly those rooted in Hume, or the idea that "all knowledge is from experience," and Kant, or the notion that "the mind may know many things independently of experience."[139] He concluded that the epistemological debate between idealism and realism (or empiricism) is irresolvable. Bowne's position was that knowledge can neither be "defined except in terms of itself" nor "can it be deduced from that which is not knowledge."[140] Therefore, knowledge, or active intelligence, is the "basal fact" that explains all additional facts.[141]

Bowne also taught that philosophers can credibly describe important characteristics of knowledge, even though they cannot provide a "recipe" of how it is possible. Its first characteristic is the distinction between "the 'me' and the 'not me.'"[142] The very idea of

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[137] Bowne, vii.
[138] Bowne, 54.
[139] Bowne, 54.
[140] Bowne, 57.
[141] Bowne, 215. Bowne also wrote, "When we make active intelligence the basal fact, all other facts become luminous and comprehensible, at least in their possibility, and intelligence knows itself as their source and explanation." Bowne, 216.
[142] Bowne, *Personalism*, 58.

knowledge presupposes the subject and object. More importantly, the subject is personal. This too is a basal fact of human experience (a point where the epistemological method of Bowne and Comte align): "The self itself as the subject of the mental life and knowing and experiencing itself as living, and as one and the same throughout its changing experiences, is the surest item of knowledge that we possess."[143] This point counters transcendental idealism in which the subject itself is also, apparently, a mere phenomenon with only a murky connection to the noumenal world. The idealist position, he observed, produces the incoherent notion of a phenomenon perceiving other phenomena: "Where there is no perceiving subject there can be no phenomena; and when we put the subject itself among the phenomena, the doctrine itself disappears."[144] Thus, Bowne's philosophy, which drew support from and deviated from Comte and Kant (and their followers), led him to a personalist theory of knowledge.

The personalist epistemology of Bowne has two important features to note. First, it posits a community of *us* and *not-us*: "We human beings become the 'us,' the subjects, and the cosmic order with whatever else there may be becomes the 'not us.'"[145] Bowne made this claim because of a philosophy that values other objects generally, and the personality of human others specifically—the echoes of both Lotze's *I-thou* relationship and Husserl's intersubjectivity are evident. Second, he posited a single infinite person that is the source of thought: "The universe is a society of persons under the leadership of a Supreme Creative Person who gives meaning and immanent cooperation to all that is finite."[146] Thus,

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[143] Bowne, 88. In regard to his empirical epistemology's relationship to Comte, Bowne wrote, "We are positivists with respect to science, and theologians as respects causation." Bowne, 302.
[144] Bowne, *Personalism*, 88.
[145] Bowne, 58.
[146] Dorrien, *The Making of American Liberal Theology*, 2003, 300.

Bowne rejected "impersonalism" due to his emphasis on interpersonal human cognition and relations, and the divine being that anchors personality. He wrote, "We affirm that impersonalism is a failure whether in the low form of materialistic mechanism or in the abstract form of idealistic notions, and that personality is the real and only principle of philosophy which will enable us to take any rational step whatever."[147] In this quote, Bowne summed up a lot of what Jacobi, Lotze, and others had been driving toward: both Enlightenment idealism and naturalism break down when pushed to their logical ends. In their place, personality is a better first principle of reality.

Bowne also arrived at personalism via reflection on the issue of causation. He cited Spinoza's conclusion that "apart from intelligence, final causality is literally preposterous, for it turns the effect into a cause of itself."[148] Bowne's entry point for this discussion was the infinite causal regress, and the age-old riddle, "Which is first, the hen or the egg?"[149] He observed that "mechanical and impersonal causation" cannot terminate the regressive loop as it can never move from changed to changeless, or from caused to causeless. Only a free or volitional agent can be the source of change. Therefore, Bowne concluded that personalism is more plausible than idealism or naturalism regarding both epistemology and causality—two philosophical questions at the heart of the personalist project. Bowne summarized these avenues that brought him to personalism, saying, "When we consider the world as an object of knowledge, we come to personalism as the only tenable view. When we consider it from the standpoint of causality, we come equally to personalism as the only tenable view."[150] Thus, for Bowne, the "category of categories" is neither the

[147] Bowne, *Personalism*, 263.
[148] Bowne, 181.
[149] Bowne, 186.
[150] Bowne, 216.

world of ideas nor the world of material objects. The most fundamental category is the person.[151]

Bowne's student Albert C. Knudson of the United States (1873–1953) concluded that Kant's view of the self admits only to knowledge of the empirical self. The real or substantial self is not only unknown, but unknowable. Kant knew only the soul as experience or the conscious soul, not the soul as substance. This view created a major problem for Knudson:

> Consciousness seems to be an effect rather than a true agent. Hence, the reduction of the soul to a merely conscious form of existence appeared to many equivalent to a denial of its reality. This was naturally suggested by the Kantian distinction between the empirical and the ontological self. To avoid the dissolution of the self it became, therefore necessary to transcend the Kantian standpoint. This was done by Lotze, who combined the idea of reality with that of consciousness or, rather, interpreted reality in terms of self-consciousness. For him, there was no consciousness without a subject, no thought without a thinker, no activity without an agent.[152]

In addition to solving a problem of the Kantian self, Knudson looked to Lotze's idea of the indissoluble self as a mitigant against the potential absorption of finite individuals into the "Absolute Spirit" of Hegel. Again, Knudson wrote:

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[151] Brightman, *Person and Reality*, 260.
[152] Albert C. Knudson, *The Philosophy of Personalism: A Study in the Metaphysics of Religion* (New York: Abingdon Press, 1927), 73–74.

> Personalism attaches itself to the Leibnitzian monadology, and by virtue of this relation stands opposed to the two great realistic or universalistic systems of modern times, Spinozism and Hegelianism. The "concrete" universalism of Hegel, it is true, differs in important regards from the "abstract" universalism of Spinoza, but, as commonly understood, both are at one in denying true reality to finite individuals or monads and in claiming it exclusively for an absolute and universal Spirit or Substance. The error into which both fall is what Bowne calls "the fallacy of universals."[153]

Instead of the appeal to idealist universal systems, either Kantian or Hegelian, Knudson championed the idea of personality.

Brightman, a colleague of Knudson at Boston University, also embraced Bowne's personalism. Brightman's *Person and Reality* describes what he saw as the poor state of metaphysics. Among the most important problems of philosophy in his mind were the excessive demand for logical necessity and an "undue emphasis on abstraction."[154] The former, pursued by the likes of Aristotle, Aquinas, Descartes, Spinoza, Kant, and Hegel, was always illusory in Brightman's analysis. The latter, intended to produce an integrated and universal system of reality, was ultimately unable to provide a coherent view of the world per personalist critiques.

Brightman's proposal was based on neither logical necessity nor abstraction. Like Bowne's self as basal fact, Brightman regarded selfhood or personality, which he defined

[153] Knudson, 188.
[154] Brightman, *Personalism in Theology: A Symposium in Honor of Albert Cornelius Knudson*, 8.

as "conscious unity, identity, and free activity," as a first principle.[155] Furthermore, personality was not, for him, one fundamental fact. Rather, he considered it to be "the first principle which unites and explains all other 'first principles.'"[156] Appealing to the empirical method so common in this school, he also wrote, "Whatever else is in the universe, there is a preanalytic, unified complex of consciousness ongoing;" and "all further observation, theorizing, analyzing, and synthesizing, presuppose and involve this thinking, sensing, feeling, remembering, desiring, willing, personal self."[157] Brightman listed seven characteristics of the personalist view of personality: empirical (referencing Bowne's "transcendental empiricism"), activistic (persons are active and interactive), unitary, free, purposive, rational, and social.[158] Building on his fellow Boston personalists (i.e., Bowne and Knudson), he succinctly declared that "personality is the key to reality."[159] This statement encapsulates the essence of philosophical personalism in the narrow sense as defined by Williams in Chapter 2: a system that "places the person at the center of a philosophical system that originates from an 'intuition' of the person himself and then goes on to analyze the personal experience that is the object of this intuition." [160]

3.3.2 Ralph T. Flewelling

A second center of U.S. personalism, also affiliated with the Methodist Church, developed in the first half of the twentieth century at the University of Southern California. Ralph T. Flewelling (1871–1960), who studied at Boston University, brought personalism

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[155] Edgar S. Brightman, "Personality as a Metaphysical Principle," in *Personalism in Theology: A Symposium in Honor of Albert Cornelius Knudson*, ed. Edgar Sheffield Brightman (Boston, MA: Boston University Press, 1943), 42.
[156] Brightman, 42.
[157] Brightman, *Person and Reality*, 346.
[158] Brightman, "Personality as a Metaphysical Principle," 57–59.
[159] Brightman, 42.
[160] Williams, *Who Is My Neighbor?*, 109.

to the western United States. He also founded *The Personalist* journal in 1920, which, in the words of Schmiesing, "would serve as the forum for American personalism."[161] Flewelling offered this excellent summary of the initial philosophical intuition that connects many thinkers in the personalist orbit:

> Whatever one's philosophical opinions may be, there are but two attitudes which can be taken toward the perplexing problems of philosophy. One can decide to ignore altogether one side of the contradiction, or one can set out boldly to transcend the contradiction by seeking some higher basis where the apparent contradictions will appear as complementary parts of a higher unity. Both materialism and idealism present examples of the first attitude.[162]

The Enlightenment era problem of cognition, with its two opposing options, idealism and realism, remained a seemingly intractable dilemma in the early twentieth century. As such, the first two sections of his book, *Personalism and the Problems of Philosophy: An Appreciation of the Work of Borden Parker Bowne,* are arguments against idealism and naturalism (or materialism), respectively. He argued that both principal streams of philosophy had "run their course" with only "extreme partisans" adhering to one or the other as a coherent system.[163] The book argued, on the one hand, that naturalism (or materialism) cannot maintain the unity of the cosmos, yielding metaphysical "pluralism or at least dualism."[164] Naturalism is also deficient because it leads inexorably to "a system

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[161] Schmiesing, "A History of Personalism," 3. Later, *The Personalist* became the *Pacific Philosophical Quarterly*.
[162] Ralph Tyler Flewelling, *Bergson and Personal Realism* (New York: The Abingdon Press, 1920), 217–18.
[163] Ralph Tyler Flewelling and Rudolf Eucken, *Personalism and the Problems of Philosophy: An Appreciation of the Work of Borden Parker Bowne* (New York: The Methodist Book Concern, 1915), 38–39.
[164] Flewelling and Eucken, 40.

of necessity" in which "moral action becomes impossible."[165] On the other hand, Kantian idealism begets subjectivism and the loss of true knowledge of the external world.

Thus, where many philosophers chose between two (inadequate) options, personalists sought a third way. Flewelling began this quest by distinguishing between two senses of subjectivism. Kant, he observed, used the term "subjective" to denote "that which is peculiar to the individual alone."[166] In contrast, Flewelling defined "subjective" in a broader fashion as "that which is true for intelligence anywhere and has no existence apart from it."[167] He meant by this, not merely that phenomena "are the things that exist for human intelligences everywhere," but that they "derive their common meaning through a supreme intelligence by which they exist."[168] This latter claim, that the divine person is the source of meaning in the world, is common across much of philosophical and Christian personalism.

Flewelling did not shy away from the transcendent nature of this proposition. He wrote, for example, "If one is to be thrust on mystery anyway, it seems well to choose the mystery least incongruous with the facts of experience."[169] For personalism, the mystery of personality is more consistent with experience and is more logical than the mysteries of solipsism or determinism—note the high appraisal of first-hand observation or experience in this idea, which is consistent with phenomenology. Flewelling summed up his position in this helpful sentence: "Our choice lies between an incoherent purposeless accident, demanding an infinite regress, and therefore unknowable, or an inaccessible pantheistic

[165] Flewelling and Eucken, 82.
[166] Flewelling and Eucken, 92.
[167] Flewelling and Eucken, 92.
[168] Flewelling and Eucken, 93.
[169] Flewelling, *Bergson and Personal Realism*, 221.

cause wherein matter is wholly phenomenal; or we may choose a self-creative personality as the ground of being sustaining itself according to general uniformities discoverable in limited and partial ways within ourselves."[170] In other words, reality is mysterious, and the best explanation of our world, one that preserves human cognition and moral agency (two fundamental elements of human experience), is a transcendent personal source.

Though Flewelling's discussion of materialism and idealism vis-à-vis causality was not particularly innovative within philosophical personalism, he articulated two important arguments for the development of the personalist intellectual tradition. First, he defined personal realism in contrast to early-twentieth-century philosophical neo-realism. Flewelling defined neo-realism as a midpoint between idealist ("mind alone") and materialist ("matter alone") conceptions of reality.[171] Neo-realists took "relation as the fundamental reality;" and specifically "the actual relation of mind and matter as joined in the act of perception."[172] A major deficiency in the theory of neo-realism is the lack of unity of the myriad perceptions of reality across time. Flewelling wrote that each perception "is reality itself in the moment of being. Each reality arises like a bubble on the waters of life and is immediately lost as its place is taken by other perceptions. There could be no life, no self-identification, for all would rise and pass away in the act of perceiving."[173] Therefore, neo-realists could not explain human memory, relationships, and personality. To solve this challenge, personal realism modified neo-realism by focusing not on the relation of mind to the external world but on the agent in that relationship: the

[170] Flewelling, 221.
[171] Flewelling, 200.
[172] Flewelling, 200.
[173] Flewelling, 200.

relating mind or personality—Flewelling also used the appellation "the finality."[174] Personality, which he described as "indivisible and unanalyzable consciousness in perception," brings unity to the innumerable unique instances of perception.[175] Moreover, following the empirical bent of philosophical personalism, Flewelling viewed reality as existing only in these "concrete instance," not in the abstract.[176]

Second, and to foreshadow a pivotal lexical question that arose during the drafting of the UDHR, Flewelling distinguished between the individual and the person. He lauded the idea of "the intrinsic worth of the individual" as "the basis of all true democracy" and credited the long development from the Renaissance to the nineteenth century with bringing about "some of the most precious accomplishments of society" in relation to the protection and freedom of individuals.[177] However, Flewelling decried the "morally untempered" individualism of the nineteenth century as exemplified by Nietzsche and his "doctrine of the superman."[178] This strain of individualism, inspired by Romanticism, Goethe, and evolutionary theory, fostered an "egotistic selfishness" which "embarrassed individualism."[179]

By contrast, he conceived of the "dominant principle" of personalism, which is a "higher individualism," as "the dependence of individual culture upon the moral and spiritual values."[180] Honor, integrity, and self-respect are more important than self-

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[174] Flewelling, 201.
[175] Flewelling, 201.
[176] Flewelling, 202.
[177] Ralph Tyler Flewelling, "Personalism and the Trend of History," in *Personalism in Theology: A Symposium in Honor of Albert Cornelius Knudson*, ed. Edgar Sheffield Brightman (Boston, MA: Boston University Press, 1943), 186. Flewelling, *Bergson and Personal Realism*, 278.
[178] Flewelling, *Bergson and Personal Realism*, 279.
[179] Flewelling, 280. In addition, Flewelling connected this egotistic individualism with secularism—the lack of spiritual, religious, or moral elements.
[180] Flewelling, 285.

survival. The contrast between these two species of individualism is egocentrism versus the willingness to sacrifice for a noble purpose outside oneself such as the common good or the welfare of others. For Flewelling, the paradigmatic figures of this conflict were the Nietzschean *übermensch* with his will to power and Christ, the "real superman," with his will to "lay down his life for his friends."[181] Furthermore, he saw the philosophy of the will to power as a threat to "the inviolable human rights of the least and feeblest in the social structure."[182] Thus, as early as 1920, a philosophical personalist had generated a philosophical-theological defense of universal human rights.[183]

3.4 Summary

In summary, philosophical personalism developed for more than a century in response to weaknesses in Enlightenment thought. Critics saw idealism, particularly in its purer forms, and naturalism as untenable explanations of reality. Each, in different ways, undermines the freedom, relationships, and spirituality of human beings. In their place, personalism and its predecessors, following the phenomenological intuition of first-hand experience took personality or personhood to be the central or basal fact.

This chapter's aim is not to offer a comprehensive account of the origin and growth of personalist philosophy. Such an effort would include, among others, Henri Bergson (1859-

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[181] Flewelling, 287.

[182] Flewelling, 286. In this same work, Flewelling leveled a similar criticism of Ernst Haeckel, the infamous German biologist, scientific racist, and eugenicist whose theories supported the supremacy of the Caucasian civilization. One element of Haeckel's scientific racism was the application of the Darwinian concept of the survival of the fittest to human society, or what has been called "social Darwinism."

[183] Flewelling provided this "Personalist creed:" "I believe in personality as the power of self-consciousness and self-direction. I believe in personality as the World-ground, the ever-creative source of all things, immanent yet transcendent. I believe in personality as the fundamental reality of life, man's highest possession, the source of all creativity, the perfect realization of which is his supreme goal. I believe that human personality is fully realized only as it comprehends and gives itself to the will of the Infinite Personality, or God, 'in whom we live, and move, and have our being.'" Dorrien, *The Making of American Liberal Theology*, 2003, 303.

1941), Horace Bushnell (1802-1876), and George Holmes Howison (1834-1916).[184] It would also explore responses of various thinkers to nineteenth-century naturalism (e.g., Charles Darwin and Thomas H. Huxley), Marxism, and existentialism (e.g., Søren Kierkegaard). Rather, the goal of the preceding discussion is to explore the intellectual concerns that gave birth to personalism and, thereby, to lay a foundation for a fuller comprehension of transwar thought. This task is particularly necessary because philosophical personalism was one of the most important roots of Christian personalism and because neither classical nor new–school historiography have addressed this crucial component of the history of human rights.

Toward the end of better understanding transwar Christian personalism, two central theses stand out. First, personality or selfhood is a first principle, if not the singular first principle of personalist philosophy. It is not a secondary matter, but a basal fact. In place of viewing the world primarily as either ideal or material, the philosophers described in this chapter saw personality, both human and divine, as the most real or essential aspect of the cosmos. Second, humans or persons can know themselves only truly in relation to the external world, and chief among external referents are other minds or persons, human and divine.

[184] For more on the philosophical history of personalism, see Gary J. Dorrien, *The Making of American Liberal Theology: Imagining Progressive Religion, 1805–1900* (Louisville, Ky: Westminster John Knox Press, 2001), 371–92; Dorrien, *The Making of American Liberal Theology*, 2003, 286–355; Williams and Bengtsson, "Personalism."

Chapter 4: Beyond Westphalia?

The New Order when it arrives will be grounded in the intrinsic worth of the individual, the inner sanctity of the person.[1]

The relation of the individual to the State has always been the main problem of law and politics. [2]

The surprising growth from sparse discourse of human rights prior to the 1930s to widespread recognition of their importance in the late 1940s is part of a larger shift in *the relationship between the state and the individual* in response to the crises of the first half of the twentieth century. The emphasis in international affairs on state sovereignty and the balance of powers had existed since the Peace of Westphalia in the mid-seventeenth century. Yet the Westphalian model proved impotent to safeguard the welfare or even the most basic rights of tens of millions of individuals. The War to End All Wars, the Great Depression, and the Second World War unleashed a level of calamity and suffering inconceivable prior to 1914. In their wake, a plethora of leaders, intellectuals, and organizations offered proposals to better secure the peace and wellbeing of individual persons and minority groups.[3] As Humphrey, author of the first draft of the UDHR, stated, "Up until the outbreak of the first world war at least the individual had no status in

[1] Ralph Tyler Flewelling, "Personalism and the Trend of History," in *Personalism in Theology: A Symposium in Honor of Albert Cornelius Knudson*, ed. Edgar Sheffield Brightman (Boston University Press, 1943), 184.
[2] H. Lauterpacht, "The Law of Nations, the Law of Nature and the Rights of Man," *Transactions of the Grotius Society* 29 (1943): 1. The role of the state is also a fundamental component of understanding the nature and function of philanthropy in a given society. In his pioneering work on international philanthropy, James writes, "A comprehensive theory of nonprofit organizations requires a theory of the state." Estelle James, ed., *The Nonprofit Sector in International Perspective: Studies in Comparative Culture and Policy* (New York: Oxford University Press, 1989), 8.
[3] Charles Malik discussed these elements as the "negative roots" (i.e., the devastation of WW II) and "positive roots" (i.e., common aspirations for a new order such as expressed in FDR's four freedoms) of the UDHR. Mary Ann Glendon, "Introduction," in *Challenge of Human Rights*, ed. Habib C. Malik (London: I. B. Tauris Academic, 2000), 6.

international law;" but from that time to the late 1940s, "revolutionary" change occurred in the status and protection of the individual.[4]

To be sure, post-WW II the sovereign nation-state continued to function as the fundamental unit of the international order. However, transnational innovations such as the United Nations, the Nuremberg Trials, and the UDHR muted the doctrine of the inviolability of nation-states (as have other forces such as global-power imperialism, transnational corporations, and international nongovernmental organizations) and elevated the status of the individual person. Though some use the label "post-Westphalian" to describe the contemporary world, it overstates the discontinuity between the state of international relations before and after WW II.[5] "Westphalian-plus" is a more accurate description of the post–WW II international order that gives greater weight to the rights and welfare of the human person.

This chapter explores various innovations of the transwar era, part-and-parcel of the burgeoning Westphalian-plus order, which helped to create the milieu in which human rights advocacy gained traction and in which the adoption of the UDHR was possible.[6] The discussion begins by highlighting the League of Nations as an embodiment of the doctrine of state sovereignty, but also as making tentative progress toward protecting individuals and minorities. Next, I illustrate the widespread sense of existential crisis in the transwar

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[4] John P. Humphrey, "The Universal Declaration of Human Rights," *International Journal* 4, no. 4 (1949): 352. Similarly, American political theorist at the time, Quincy Wright, noted that prior to WW II, "It was a general principle that a State was free to persecute its own nationals in its own territory as it saw fit" and that "effective organization [of the peace] is not possible unless it protects basic human rights against encroachment by national States." Mark Mazower, "The Strange Triumph of Human Rights, 1933–1950," *The Historical Journal* 47, no. 2 (2004): 385, https://doi.org/10.1017/S0018246X04003723.

[5] An example of the "post-Westphalian" view is the article by Christian Kreuder-Sonnen and Bernhard Zangl entitled, "Which post-Westphalia? International Organizations between Constitutionalism and Authoritarianism," *European Journal of International Relations* 21, no. 3 (September 2015), 568–594.

[6] In addition, please see the appendix, which details a wide variety of declarations, writings, and events related to the protection of the rights, and at times explicitly human rights, of individuals.

era amidst the failure of nation-states to protect individuals and minorities. Finally, the chapter ends by highlighting efforts to re-envision and reformulate society, even at the cost of diminished state sovereignty, to minimize the possibility of repeating the nearly unfathomable suffering experienced in the prior three decades.

4.1 The League of Nations

4.1.1 Peace between Nation States

The nation-state is a relatively recent political construct. Quentin Skinner, an intellectual historian, notes the importance of Thomas Hobbes for this political creation, writing:

> Hobbes began to develop his view of state sovereignty in his *De Cive* of 1642, but it was in his *Leviathan* of 1651 that he gave the definitive presentation of his case. There we read that the state or commonwealth "is One Person, of whose acts a great Multitude . . . have made themselves every one the Author" and that "he that carryeth this Person, is called SOVERAIGNE." It is here, in short, that we first encounter the unambiguous claim that the state is the name of an artificial person "carried" or represented by those who wield sovereign power, and that their acts of representation are rendered legitimate by the fact that they are authorised by their own subjects.[7]

Not only does the state achieve sovereign status as an artificial person, but one of the state's primary duties toward the individual in Hobbes's framework is merely to prevent their rights from injury by others. Pufendorf, likewise, characterized the state as a composite moral person in *De Iure Natural et Gentium* (1672), which is a touchstone for the theory of nation-states.[8]

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[7] Quentin Skinner, *Liberty before Liberalism*, Canto Classics (Cambridge, UK: Cambridge University Press, 2012), 4–5.

[8] Maritain looked to Jean Bodin for the beginning of the doctrine of state sovereignty. Jacques Maritain, *Man and the State*, New ed. (Washington, DC: Catholic University of America Press, 1998), 30–34.

Political historians consider the Peace of Westphalia (1648) to be the moment in which the nation-state was born, even though its conceptual and practical maturation occurred later. European powers hoped to put the depravations and instability of the Thirty Years War (1618–1648) and the Eighty Years War (1568–1648) behind them. The Treaty of Westphalia sought a "good and faithful neighborhood" of nation-states as a foundation for continental peace.[9] State sovereignty combined with the balance of power among nation-states was the basis upon which human society would flourish. Similarly, the Congress of Vienna (1814–1815) was predicated on the idea of sovereign nations, balanced against each other, resolving international disputes to maintain peace and order.[10] Vienna, like Westphalia, was meant to bring stability to a continent that had experienced great bloodshed and violence—in this case, that of the French Revolution (1789–1799) and the Napoleonic Wars (1803–1815). The Westphalian order and the ideas of the Concert of Vienna—if not the minimal and short-lived use of its mechanisms—were the dominant framework for the pursuit of international stability and prosperity until the mid-twentieth century.

The "Concert of Europe" came to a catastrophic end in 1914. Nationalism, the proliferation of arms, and new international alliances had been pushing Europe toward conflict. The assassination of Archduke Franz Ferdinand, heir to the Austro–Hungarian

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[9] "Treaty of Westphalia," *The Avalon Project*, accessed July 24, 2023, https://avalon.law.yale.edu /17th_century/westphal.asp.

[10] However, the Congress of Vienna did include an injunction against the slave trade due to British advocacy on the issue: ACT No. XV, Declaration of the Powers, on the Abolition of the Slave Trade, of the 8th February 1815. The nonbinding resolution stated, in part, "Having taken into consideration that the commerce, known by the name of 'the Slave Trade,' has been considered, by just and enlightened men of all ages, as repugnant to the principles of humanity and universal morality . . . . The Plenipotentiaries . . . proclaim in the name of their sovereigns, their wish of putting an end to a scourge, which has so long desolated Africa, degraded Europe, and afflicted humanity." Martinez, *The Slave Trade and the Origins of International Human Rights Law*, 33.

throne, in Sarajevo on June 28, 1914, was the spark that lit the "Tinderbox of Europe." As the inevitability of war took hold in the public consciousness, few observers had an inkling of the carnage to come. Hubris manifested in officials across Europe as they predicted victory after a conflict of mere weeks or months: a German officer would eat breakfast in Paris by early September; a Russian officer would be in Berlin in six weeks, and an English officer noted "financial reasons why the Great Powers could not continue for long."[11] As such, many people optimistically thought war would "clear the air" and provide a "fresh start."[12] Wells created the iconic appellation, "war to end all wars," as the title of a publication he authored in 1914. Although holding few illusions about the totality and severity of the burgeoning martial conflict, he envisioned it as "a crusade against war" that "shall stop this sort of thing forever."[13] It would not be "just another war—it is the last war!"[14] An occasional more sober commentator feared a much darker future. British foreign minister Edward Grey said, "The lights are going out all over Europe, they shall not be lighted again in our lifetimes."[15] In retrospect, 1914 was the year in which the nineteenth century ended.[16] It was also the beginning of a greater recognition of the limits of the Westphalian order to provide peace and stability in order that human society might thrive.

WW I was both much longer and more destructive than most contemporaries thought possible. Estimates suggest that approximately nine million soldiers and twelve million

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[11] Barbara W. Tuchman, *The Guns of August & The Proud Tower*, ed. Margaret MacMillan, 1st ed. (New York: Library of America, 2012), 139.
[12] Robin W. Winks and Joan Neuberger, *Europe and the Making of Modernity: 1815–1914* (New York: Oxford University Press, 2005), 356.
[13] H. G. Wells, *The War That Will End War*, ed. Taylor Anderson (Scotts Valley, CA: CreateSpace Independent Publishing Platform, 2017), 2.
[14] Wells, 3.
[15] Winks and Neuberger, *Europe and the Making of Modernity*, 357.
[16] Winks and Neuberger, 357.

civilians died in the Great War.[17] The total number of military personnel killed, wounded, or missing may have been as high as thirty-six million people.[18] The massive scale of the war, combined with crises such as the Armenian Genocide (1915) and Russian Revolution (1917), fueled internationalist urgency to construct an "organized peace" out of the ruins of Europe.

Among the major figures involved in negotiating the post–WW I peace, Woodrow Wilson was one of the most determined champions of a significant enhancement of the system of international relations. Upon U.S. formal entrance into hostilities, Wilson spoke of a fight for "human rights" and "the rights of mankind."[19] His proposal for the League of Nations became the first section of the Treaty of Versailles.[20] As important as the League of Nations was in setting the stage for the United Nations, it suffered both for going too far and not far enough. Regarding the former, the League started in a weak position because the Treaty of Versailles was never ratified by the U.S. Senate due to fears of its encroachment on national sovereignty. The most significant point of contention for many senators debating its ratification was Article 10 of the Covenant of the League of Nations, which declared:

> The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or

[17] Gerard J. De Groot, *The First World War* (New York: Red Globe Press, 2000), 1.
[18] Robin W. Winks and R. J. Q. Adams, *Europe, 1890–1945: Crisis and Conflict*, ill. ed. (New York: Oxford University Press, 2003), 72.
[19] "The President Calls to Service," *Christian Herald*, April 25, 1917, 481.
[20] Immanuel Kant, who significantly influenced Woodrow Wilson's internationalism, had, in the words of Cmiel, a historian of human rights, "dreamed of moving international affairs beyond the 'Westphalian system.'" Thomas Paine similarly sought a non-Westphalian solution. However, the rights frameworks that these two giants of political theory influenced (i.e., the French Declaration of the Rights of Man and of the Citizen, and the U.S. Declaration of Independence and Constitution) were restrained within the framework of the nation-state. Though the French and United States both codified various universal rights, at least on paper, their protection or guarantee was the responsibility of national governments—a framework that offers no, or little redress for rights violations of a government against its own citizens. Cmiel, "The Emergence of Human Rights Politics in the United States," 126.

> danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.[21]

If a member of the League were attacked, the United States, or any other member, could find itself under "obligation" to respond militarily regardless of its own legal and political processes for the declaration of war. It appeared to many that the League's Council, not the sovereign members' own governments, held the final authority in this vital matter. As such, the U.S. Senate, led by Republican Henry Cabot Lodge, rejected the Treaty of Versailles by a vote of 55 to 39; and the United States never joined what was one of the most important transnational institutions to ever exist prior to WW II.

On the other hand, the League did not go far enough in that it maintained an unmistakable orientation toward peace and balance among sovereign nation-states.[22] The preamble to the Covenant reads:

> THE HIGH CONTRACTING PARTIES,
>
> In order to promote international co-operation and to achieve international peace and security
>
> > by the acceptance of obligations not to resort to war,
> > by the prescription of open, just and honourable relations between nations,
> > by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and
> > by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

[21] League of Nations, *Covenant of the League of Nations*, accessed January 2, 2023, http://avalon.law.yale.edu/20th_century/leagcov.asp.

[22] Even Wilson's "Fourteen Points" focused mainly on territorial disputes of and international security between nation-states. A slim majority of Wilson's points (numbers 6–13) sought to resolve specific territorial problems. Of the remaining six points, five (numbers 1–5) addressed general provisions of international peace. The final point (number 14), the proposal for the League of Nations itself, focused on the "political independence and territorial integrity" of "states." Woodrow Wilson, "Woodrow Wilson's Fourteen Points," *The Avalon Project*, accessed July 24, 2023, https://avalon.law.yale.edu/20th_century/wilson14.asp.

Agree to this Covenant of the League of Nations.[23]

The call is to "international co-operation," "just and honourable relations between nations," and "respect for treaty obligations" between "organized" peoples. To the extent that individuals or communities within states are a factor in this text, they are so only implicitly. The rights, duties, security, and wellbeing of individuals are not directly addressed. Furthermore, among the twenty-six articles of the Covenant, only two of the last four (Articles 23 and 25) focus on the welfare of individuals.

All this is to say, even the length, wide geographic scope, and destructive scale of WW I did not lead to a major modification of the global order. Perhaps, by so fully singling out Germany, the infamous "War Guilt Clause" (Article 231 of the Treaty of Versailles) deflected attention away from flaws in the doctrine of national sovereignty. The victors viewed the "war to end all wars" more as an indictment of one malevolent nation-state than as a sign of weaknesses in the international order itself. Whatever the reasons, Versailles largely restated past precedent. In fact, the conveners of the 1919 Paris Peace Conference had "carefully studied the only available example—the Congress of Vienna," while the Foreign Office of the United Kingdom commissioned a book on the 1815 Congress to provide guidance for deliberations in Paris.[24] In the end, the Wilsonian Order may have aspired to a more just version of the Westphalian "good and faithful neighborhood." However, justice, rights, and obligations largely pertained to sovereign nation-states. The rights or wellbeing of individuals, families, minorities, communities, and associations were of peripheral concern.

[23] League of Nations, *Covenant of the League of Nations*, April 28, 1919.
[24] Margaret MacMillan, *Paris 1919* (New York: Random House, 2001), xxviii.

4.1.2 Tentative Steps toward Human Rights

Despite the fundamental state-centrism that produced a myopic interest in peace between nation-states, the League of Nations took noteworthy steps on several fronts related to transnational human rights. One such step was the codification of care for individual rights and welfare in Articles 23 and 25 of the Covenant of the League of Nations. Article 23 consisted of six subpoints, four of which (a, b, c, and f) focused on human rights or welfare. They called for "fair and humane conditions of labour," "just treatment of the native inhabitants," agreements on "traffic in women and children, and the traffic in opium, and other dangerous drugs," as well as steps for the "prevention and control of diseases."[25] Finally, Article 25 codified the desire to establish and collaborate with "national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world."[26] This statement of purpose is indicative of a framework in which philanthropic or voluntary actors, not governments, were at the forefront of humanitarian work. In addition, Article 22 called for members to "guarantee freedom of conscience and religion" and "prohibit abuses such as the slave trade, the arms traffic and the liquor traffic" among peoples in certain regions, such as Central Africa, who had not reached "the stage of development" at

[25] League of Nations, *Covenant of the League of Nations*, April 28, 1919. The other two subpoints (d and e) address the trade of military armaments as well as the freedom of communication, transit, and commerce between League members (with reference to the "special necessities of the regions devastated during the war").

[26] League of Nations, *Covenant of the League of Nations.* In addition, Article 22 has a secondary interest in rights of individuals. This highly paternalistic article provides guidance for the administration of colonies and territories. Among the article's provisions is that certain regions are at a developmental stage in which the colonial power must "guarantee freedom of conscience and religion" and "prohibit abuses such as the slave trade, the arms traffic and the liquor traffic." However, the former requirement was subject to "the maintenance of public order and morals."

which they could self-govern.[27] However, freedom of conscience and religion were subject to "the maintenance of public order and morals."[28] This racist and paternalistic article, whose primary object was to provide guidance for the administration of colonies and territories, had a secondary interest in several important human rights.

The humanitarian and rights aspirations encapsulated in these three articles found numerous expressions. For instance, the League adopted the Geneva Declaration on Rights of the Child, which was drafted by Eglantyne Jebb (founder of Save the Children in the aftermath of WW I). Lauren identifies this 1924 document as "the very first declaration ever adopted by an international organization of sovereign nation-states on an issue of human rights."[29] The rights enumerated were meant to apply universally "beyond and above all considerations of race, nationality or creed."[30] Another initiative of the transnational organization was the rescue of survivors of the Armenian Genocide entrapped in the former Ottoman empire from 1920 through 1927. League archives show, for example, that the Rescue Home in Aleppo, Syria, aided more than two thousand women and children fleeing captivity.[31] An additional major humanitarian effort of the League was the partnership of the League of Nations Health Organization (LNHO) with the Rockefeller Foundation. An article in the journal *Science* from 1926 summarized two important

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[27] League of Nations, *Covenant of the League of Nations.* This same qualification for the freedom of conscience and religion would recur in other minority treaties.

[28] League of Nations, *Covenant of the League of Nations*, April 28, 1919. This same qualifying idea, subject to the "maintenance of the public order and morals," was also part of minority treaty provisions. For example, see "Minorities Treaty between the Principal Allied and Associated Powers [the British Empire, France, Italy, Japan, and the United States) and Poland," signed at Versailles, June 28, 1919.

[29] Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 120.

[30] League of Nations, "Geneva Declaration of the Rights of the Child," *United Nations*, accessed July 24, 2023, http://www.un-documents.net/gdrc1924.htm.

[31] Keith David Watenpaugh, "The League of Nations' Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927," *American Historical Review* 115, no. 5 (December 1, 2010): 1315, https://doi.org/10.1086/ahr.115.5.1315.

activities of this collaboration. First, from 1922 to 1925, 388 medical officials from forty-eight countries participated in a program of international exchanges designed for training and information sharing.[32] Second, this partnership supported the work of the Epidemiological and Public Health Intelligence Unit's compilation and publication of epidemiological data from around the globe. This effort included "handbooks on statistical services," "monographs on health organization," and specialized studies.[33] Rachel Crowdy, chief of the Opium and Social Questions Section of the League of Nations in the 1920s, praised the League's humanitarian intent: "The people who drew up the Covenant of the League showed great vision when they included social and humanitarian questions among its responsibilities."[34] These were noteworthy steps toward a greater recognition of the import of transnational humanitarianism and human rights.

At the same time, historian Keith David Watenpaugh highlights tension in League humanitarian intervention due to its "liberal nationalist, Wilsonian" inflection.[35] On the one hand, the Rockefeller Foundation justified the work of the LNHO with transnational language: "There are certain health functions that are international in character; national governments cannot undertake them; they are important for the health of the people of all lands."[36] On the other hand, the Rockefeller Foundation was aware that the LNHO could be an "unwelcome intruder" in the eyes of national ministries of health.[37] In addition, the Rockefeller Foundation's funding level for the LNHO was determined in part by the desire

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[32] "The Rockefeller Foundation and the League of Nations," *Science* 64, no. 1648 (July 30, 1926): 115, https://doi.org/10.1126/science.64.1648.115.a.
[33] "The Rockefeller Foundation and the League of Nations," 115.
[34] Watenpaugh, "The League of Nations' Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927," 1318.
[35] Watenpaugh, 1318.
[36] Weindling, "Philanthropy and World Health," 269.
[37] Weindling, 270.

to neither "usurp governmental authority" nor "transgress national sovereignty."[38] That is, not only individual nation-states but also LNHO and Rockefeller Foundation leadership guarded national sovereignty in humanitarian initiatives.

A second way in which the League of Nations progressed toward transnational human rights advocacy was in its efforts to protect minorities. The League required minorities clauses or treaties for a variety of member nations with rights of appeal to the Minorities Section. From 1921 to 1939, over nine hundred complainants submitted petitions regarding discrimination.[39] One of the most widely known cases in this system was the 1933 Bernheim petition from Upper Silesia. The national status of the border province between Germany and Poland was disputed after WW I. The German–Polish Convention on Upper Silesia of 1922 settled the dispute with most of the territory passing to German control. Article 147 of that agreement allowed for any minority inhabitant of the territory to appeal to the League of Nations in case of an alleged violation of their rights.[40] Franz Bernheim, a Jewish person, was fired from his work under the authority of a recently passed German law that permitted employment termination of non-Aryans in numerous professional fields. Subsequently, he brought a complaint to the League of Nations through its Minorities Section. German leadership instructed its delegate that "Debate on the Jewish question in the League Council is absolutely undesirable and is to be avoided at all costs."[41] Thus, the League faced a difficult decision between honoring minority protections codified in

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[38] Weindling, 270.
[39] A. W. Brian Simpson, "The International Protection of Individual Rights Before 1939," in *Human Rights and the End of Empire: Britain and the Genesis of the European Convention*, ed. A. W. Brian Simpson (Oxford, UK: Oxford University Press, 2004), 133, https://doi.org/10.1093/acprof:oso/9780199267897.003.0003.
[40] J. W. Brugel, "The Bernheim Petition: A Challenge to Nazi Germany in 1933," *Patterns of Prejudice* 17, no. 3 (July 1, 1983): 17, https://doi.org/10.1080/0031322X.1983.9969715.
[41] Lauren, *The Evolution of International Human Rights*, 130.

League-enforced treaties and honoring the sovereignty of a member state. To the dismay of Germany, the Council of the League of Nations discussed the case at length. The upshot of the process was two-fold. First, Bernheim received financial compensation for loss of employment. Second, and more notably, the German regional governor declared that discriminatory German laws did not apply in the region—this exception held until the expiration of the German–Polish Convention on Upper Silesia in 1937.[42]

Another example of League minority protection was a case involving education in Albania. As minority treaty mechanisms allowed, the Permanent Court of International Justice heard a complaint against the Albanian government for its plan to close private schools—a move that would have particularly harmed Christian minorities. The court ruled:

> That all Albanian subjects belonging to racial, religious or linguistic minorities should enjoy the same treatment and the same security, both in fact and in law, as other Albanian subjects; and that they should be entitled to establish, to administer and to control at their own expense, charitable, religious or scholastic institutions of all kinds, to employ their own language and to practice their own religion freely without interference by the authorities, provided that the interest of public order is safeguarded.[43]

This ruling, only an "advisory opinion," was a victory for not only Albanian Christians but also for minority rights more broadly.

Despite limited success, a fundamental flaw existed at the heart of the post–WW I minority protection scheme: the League subjected only certain nations to minority protection obligations (Albania, Austria, Bulgaria, Czechoslovakia, Estonia, Greece,

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[42] As a result of the petition, the regional administrative head (the Oppeln *Oberpräsident*) stated that "all laws and Orders in Council, as far as promulgated already since 1 April 1933, or promulgated in future and containing exceptional provisions for persons of non-Aryan origin, have no validity in the Plebiscite area of Upper Silesia." Brugel, "The Bernheim Petition," 23.
[43] Minority schools in Albania.

Hungary, Iraq, Latvia, Lithuania, Poland, Romania, Turkey, and Yugoslavia).[44] The Great Powers compelled minority rights protections for other nations without subjecting themselves to the same obligations.[45] This partiality created resentment. At the 1925 General Assembly of the League of Nations, a Lithuanian delegate (M. Galvanauskas) remarked that neither moral nor political unity would be possible within the organization because "*la souveraineté des uns sera limitée par un intérêt supérieur, alors que l'action des autres ne connaîtra pas cette limite*" (the sovereignty of some [nations] is limited by a higher interest, while the action of other [nations] does not know this limit).[46] Henry de Jouvenel, representing France and its paternalistic *mission civilisatrice*, responded that "*Il n'est pas mauvais qu'il reste des États impartiaux qui regardent la protection des minorités du point de vue général de l'humanité*" (It is not bad that there remain some impartial states which regard minority protection from the point of view of humanity in general).[47] Additionally, France would never sign such a treaty because it did not have a minority population in its estimation.[48] Also evincing a racist and paternalistic view, James Headlam-Morley, a British academic who helped draft the Treaty of Versailles, wrote:

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[44] Lauren, *The Evolution of International Human Rights*, 117. The term minority referred to nationality, race, and language. For example, Article 2 of the Minorities Treaty between The Principal Allied and Associated Powers [the British Empire, France, Italy, Japan, and the United States] and Poland [signed on June 28, 919 at Versailles] stated: "Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion. All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals." Clive Parry, *The Consolidated Treaty Series*, vol. 225 (New York: Ocean Publications, 1969), S.414.

[45] Immediately prior to WW I, the appellation "Great Powers" denoted Austria-Hungary, France, Germany, Great Britain, and Russia.

[46] Dzovinar Kévonian, "Exilés politiques et avènement du « droit humain »: la pensée juridique d'André Mandelstam (1869–1949)," *Revue d'Histoire de la Shoah* 177–178, no. 1–2 (2003): 269. Translation by author.

[47] Kévonian, 270. Translation by author.

[48] Kévonian, "Exilés politiques et avènement du « droit humain »," 269–270. France was also concerned about minority treaties for fear that they would destabilize its allies in Eastern Europe, where the vast majority of the minority populations of Europe resided. Mazower, "The Strange Triumph of Human Rights, 1933–1950," 52.

> At first there was, so far as I recollect, a proposal that there should be inserted in the League of Nations some general clause giving the League of Nations the right to protect minorities in all countries which were members of the League. This I always most strongly opposed . . . for it would have involved the right to interfere in the internal constitution of every country in the world. As I pointed out, it would give the League of Nations the right to protect the Chinese in Liverpool, the Roman Catholics in France, the French in Canada, quite apart from the more serious problems, such as the Irish. This point of view was, I think, not seriously opposed by any except the unofficial bodies who wished the League of Nations to be a sort of super-state with a general right of guarding democracy and freedom throughout the world.[49]

Tellingly, each hypothetical example of a problem stated by Headlam-Morley concerns a minority population residing in Western Europe or North America. The United Kingdom also worried about the impact of minority rights protections on its overseas possessions. An anonymous British citizen observed, "The acceptance of such a proposal by His Majesty's Government would be entirely impossible in view of our colonial empire."[50] The United Kingdom had no interest in being accountable to an external body for its own treatment of minorities.

The League attempted to redress, or paper over, the imbalance of minority rights obligations by adopting a 1922 resolution that "the States which are not bound by any legal obligations to the League with respect to Minorities will nevertheless observe in the treatment of their own racial, religious, or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties."[51] Not surprisingly, this resolution contained no power of enforcement or juridical appeal.

Throughout the interwar period, rights advocates shifted their strategy from protecting minority populations to advocating for universal rights for all people. This evolution

[49] Mazower, Minorities, 52–53.
[50] Lauren, *The Evolution of International Human Rights*, 133.
[51] Lauren, 117.

occurred for many reasons, including the refusal of the Great Powers to subject themselves to minority treaties and the failure of the League to prevent oppression and discrimination of minorities in many places. André Mandelstam, a former Russian diplomate living in exile in France, was arguably the pivotal figure of this movement. Horrified by the 1915 Armenian Genocide and the inability or unwillingness of foreign powers to intervene, he became one of the most prominent champions of minority rights in the aftermath of WW I. He argued against the absolute sovereignty of any nation-state—a view that he associated with German idealism, especially Hegel.[52] Mandelstam, an early adopter of the term "human rights," founded a committee of the International Law Institute (aka, *Institut de Droit International)* in 1921 to consider the topic of minority and human rights.[53] He grew frustrated with League inaction on the question of globalizing minority rights (e.g., the League of Nations General Assembly of 1925) and began to focus on the rights of all people.[54] In 1928, he collaborated with a former Greek diplomat, Antoine Frangulis, to create a resolution on human rights for the International Diplomatic Academy, which Frangulis founded in France in 1926.[55] The academy's work sought to universalize some of the protections stipulated in the minority rights provisions of the 1919 and 1920 League treaties and to convene an international conference on the subject under the aegis of the

[52] H. P. Aust, "From Diplomat to Academic Activist: Andre Mandelstam and the History of Human Rights," *European Journal of International Law* 25, no. 4 (2014): 1109–1110, https://doi.org/10.1093/ejil/chu070.
[53] Aust, 1107.
[54] Mandelstam was also deeply disappointed in the Lausanne Peace Treaty of 1923 because of its obligatory migration of Turks and Greeks, which he called "a barbaric treatment of minorities in general." This treaty also granted amnesty for prior violations of minority rights, including those associated with the Armenian Genocide. Thus, Mandelstam wrote a book critical of the League's treatment of Armenians entitled *La Société des Nations et les Puissances devant Le Problème Arménien*. Hülya Adak, "The Legacy of André Nikolaievitch Mandelstam (1869–1949) and the Early History of Human Rights," *Zeitschrift Für Religions-Und Geistesgeschichte* 70, no. 2 (2018): 127.
[55] Jan Herman Burgers, "The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century," *Human Rights Quarterly* 14 (1992): 451–452.

League of Nations.[56] In 1929, Mandelstam's International Law Institute produced the Declaration of the International Rights of Man. Some scholars identify this document as the first international human rights declaration.[57]

Two years later (1931), Mandelstam worked with the International Federation of Leagues for the Defense of the Rights of Man and of the Citizen to adopt the "New York Declaration," a close cousin to the 1929 declaration. Another two years later (1933), also influenced by Mandelstam's leadership, the International Union of Associations of the League of Nations adopted a revised version of the New York Declaration and established a committee, including Mandelstam, to study the possibility of a declaration of human rights that could be adopted by the League of Nations. In that same year (1933), Frangulis, now as a delegate to the League of Nations representing Haiti, submitted the 1928 human rights resolution of his International Diplomatic Academy for consideration to the General Assembly of the League of Nations. During a plenary meeting on the topic, Frangulis argued against the existing minority rights framework and in favor of protection for the rights of all human beings everywhere. Ultimately, the League of Nations rejected this resolution for reasons that included its implications for colonial possessions and fear that such a proclamation would further alienate the United States with its racist Jim Crow regime.

The torrent of death and destruction wrought during WW II brought an end to the tactical question of minority versus universal rights frameworks. For example, Rabbi Morris D. Waldman, executive director of the American Jewish Committee, penned a *New*

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[56] Burgers, 452.
[57] Adak, "The Legacy of André Nikolaievitch Mandelstam (1869–1949) and the Early History of Human Rights"; Aust, "From Diplomat to Academic Activist."

York Times article in 1944 that characterized the minority rights approach to protect "the rights of individual members of racial and religious minorities a proved failure."[58] In place of minority rights treaties or declarations, he advocated for an international Bill of Rights that would emphasize "human rights" over "national freedom."[59] He observed that "the well-intentioned doctrine of national self-determination did not break down tensions between racial and cultural groups but nurtured them, because the sacrosanct principle of state sovereignty was strengthened by the doctrine of national self-determination."[60] His logic echoed that of Mandelstam, Frangulis, and others, who rejected the League of Nations' deference to the national interests of great-powers at the expense of the rights and welfare of individuals.

A third way in which the League advanced the cause of transnational justice was via its establishment of an international court. Article 14 of the Covenant of the League of Nations stipulated the creation of the Permanent Court of International Justice (PCIJ). This precursor to the International Court of Justice (ICJ) convened its first session at The Hague in 1922 and continued until the German invasion of the Netherlands in 1940.[61] Article 14 restricted the court's purview to "any dispute of an international character" and endowed it with the capacity to offer only "advisory opinion" on other disputes brought to it by the League of Nations Council or Assembly.[62] Thus, the PCIJ (and its successor the ICJ)

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[58] Morris D. Waldman, "A Bill of Rights for All Nations," *New York Times*, November 19, 1944, 48–49, http://timesmachine.nytimes.com/timesmachine/1944/11/19/issue.html.
[59] Waldman, 48–49.
[60] Waldman, 48. In the same year, Waldman also published a longer treatment entitled, *Beyond "National Self-Determination"* in which he appealed to the "Pattern for Peace: Catholic, Jewish, and Protestant Declaration on World Peace" whose seven declarations included affirmations of the rights of the individual, the oppressed, and minorities.
[61] Manley O. Hudson, *International Tribunals: Past and Future*, Carnegie Endowment for International Peace. Division of International Law. Studies in the Administration of International Law and Organization, no. 2 (Washington, DC: Carnegie Endowment for International Peace and Brookings Institution, 1944), 11.
[62] League of Nations, *Covenant of the League of Nations*, April 28, 1919.

accepted only states as parties to cases under its jurisdiction. This was an important feature without which it would most certainly not have been included as a provision of the Covenant. Thus, while the PCIJ was not able to hear cases relating to human rights abuses against individuals or communities, it provided additional precedent for structures of transnational justice.

Yet as the League made modest progress in protecting the rights and securing the welfare of individuals, Japan, Germany, and later Italy reacted to perceived League overreach by withdrawing from the organization, joining the isolationist United States in rejecting transnational encroachment on national sovereignty. In response to the 1931 Japanese invasion of Manchuria, the League of Nations appointed the Lytton Commission to investigate the military conflict and make recommendations for its resolution. In 1933, League membership voted forty-two to one, Japan being the lone dissenting vote, in favor of the commission's report, which included the recommendation that Manchuria become a state within the sovereign nation of China. In that same year, while noting the hypocrisy of Western imperialism, Japan left the League. Germany also withdrew from the League of Nations in 1933. Rearmament was the contentious issue that provoked Germany's ire. The WW I belligerent grew weary of transnational prohibition of its quest to match neighboring nation-states, particularly France and Poland, in military strength. The Bernheim Petition, discussed above, was also submitted in 1933. Thus, the German Nazi government had multiple reasons to be concerned about league interference with its national autonomy.[63]

[63] In addition to these issues in 1933, Hitler had a long-standing disregard for the League of Nations as is evident in, for example, *Mein Kampf*, in which he derides "pious hopes" of "credulous souls" in the "fantastic new invention." Adolf Hitler, *Mein Kampf*, 1st Mariner Books ed. (Boston: Houghton Mifflin Company, 1999), 627.

The third future Axis power, Italy, would follow suit four years later in response to League sanctions in condemnation of the Italian invasion of Abyssinia.

All told, the Treaty of Versailles and the League of Nations sided with the centuries-old doctrine of state sovereignty. Global leaders largely envisioned a post-war peace in the same framework as the Peace of Westphalia and the Concert of Europe.

4.2 Crisis in the Transwar Era

4.2.1 Failure of the Laissez Faire State

Though the dominance of state sovereignty changed little during the interwar period, the conception of the state changed markedly in a different direction. The laissez faire doctrine of governance gave way to one of greater state provision for the welfare of its citizenry. Barnett writes, "The global depression of the 1930s caused states as ideologically diverse as the United States, France, Britain, and Germany to accept that the state had a responsibility to protect its citizens during rough times."[64] This evolution helped pave the way for the embrace of human rights discourse and the adoption of the UDHR in the 1940s.

Historians of philanthropy point to crises in the 1930s as triggering a shift in the United States from private philanthropy to greater direct government intervention on behalf of impoverished and suffering people. Specifically, the role of government in the direct provision of aid changed substantially between the Mississippi River flood of 1927 and the great drought of 1930. The former, which was the most destructive river flood in U.S. history, affected 170 counties.[65] In response, Herbert Hoover, Commerce Secretary in the Coolidge administration sought to replicate the widely acclaimed success of the

[64] Barn Michael Barnett and Janice Gross Stein in *Sacred Aid: Faith and Humanitarianism* (New York: Oxford University Press, 2012), 99.
[65] Olivier Zunz, *Philanthropy in America: A History* (Princeton University Press, 2012), 120.

Commission for Relief in Belgium, which he headed during WW I. The Commission relied heavily on private funding and management of its vast philanthropic operation.[66] As such, Hoover placed the American Red Cross at the center of the 1927 relief efforts, and the effort won wide praise for its efficacy. However, the drought of 1930 affected more than one thousand counties in the Mississippi River valley.[67] The scale of desiccation, in combination with deteriorating macroeconomic conditions, overwhelmed private philanthropy, including even the Red Cross.[68]

The federal government, breaking the precedent of relying on private donations and loans in disaster relief, attempted to grant $25 million to the Red Cross for unemployment relief and food assistance in January 1931.[69] The Red Cross rejected the offer on the principle that it was not an unemployment relief organization, and with fears—seconded by many—of the consequences of government entering so directly into the philanthropic space. Connecticut Republican and House Majority leader, John Q. Tilson, expressed the concern of many of his contemporaries when he stated, "Once the Red Cross is destroyed, as it must inevitably will be by a Federal dole, and our local charities paralyzed, as they will be when the Federal Government takes over responsibility for charitable relief, the appropriations that must follow as a consequence of such a policy would now stagger belief."[70] Tilson correctly diagnosed the moment as a crossroads for both philanthropy and the state, even if his prognosis for the nonprofit and voluntary sector was inaccurate. When

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[66] George H. Nash, "The 'Great Humanitarian': Herbert Hoover the Relief of Belgium, and the Reconstruction of Europe after World War I," *The Tocqueville Review* 38, no. 2 (2017): 55–70.
[67] Zunz, *Philanthropy in America*, 120.
[68] As an example of the impact of macroeconomic forces on the philanthropic sector, Walter I. Trattner notes that one-third of U.S. charities went defunct between 1929 and 1932. *From Poor Law to Welfare State: A History of Social Welfare in America* (New York: Free Press, 1974), 273.
[69] Zunz, *Philanthropy in America*, 121.
[70] Zunz, 122.

the Red Cross balked at the offer to play the role of a government-funded, and thus potentially government-directed, relief agency, the U.S. Congress approved a $20 million aid package, in February 1931, to be distributed directly by the Treasury Department to state and local emergency relief committees.

The proverbial Rubicon had been crossed. Relief efforts in the wake of the Dust Bowl of 1934–1935 would show the transformation from privately to publicly administered humanitarian relief, facilitated by the Roosevelt administration's more interventionist view of the federal government, to be complete. Olivier Zunz, a historian of philanthropy, concludes that from the 1927 flood to the Dust Bowl of 1934–1935, "Federally-funded New Deal relief and policy-planning had become the preferred method for confronting disasters," while private philanthropy was reduced to an auxiliary support.[71]

The phenomenon of increasing government intervention in response to crisis was not isolated to the United States. Though the Great Depression began with the "Black Tuesday" crash of the New York Stock Exchange on October 29, 1929, it spread across the Atlantic Ocean and around the globe. One salient international example for the history of Christian personalism is the country of France—given the French provenance of Maritain and Mounier, as well as the immigration of Berdyaev to France.[72] The French politician, Paul

[71] Zunz, 135. Similarly, Peter Dobkin Hall, a scholar of U.S. philanthropy, describes the period of 1920–1945 as experiencing the growth of public-private partnerships (rather than statism). He also concludes that "even for the most conservative" Americans of that era, "government had a legitimate and central role to play in public life." Peter Dobkin Hall, "A Historical Overview of Philanthropy, Voluntary Associations, and Nonprofit Organizations in the United States, 1600–2000," in *The Nonprofit Sector: A Research Handbook*, eds. Walter W. Powell and Richard Steinberg, 2nd ed. (New Haven, CT: Yale University Press, 2006), 48. Barnett notes that the "halting creation of various kinds of safety nets during the interwar years suggested that states were accepting new responsibilities for their populations" and that "states grudgingly accepted new kinds of international assistance and protections for radically vulnerable populations after World War I." Michael Barnett, *Empire of Humanity: A History of Humanitarianism*, 1st ed. (Ithaca, NY: Cornell University Press, 2013), 94.

[72] One could also point to events such as the Soviet famine of 1932–1933, in which millions of people died, or to the towering unemployment in Germany in the early 1930s. Komarkova describes the depressions' impact on Germany and Czechoslovakia as follows: "The economic crisis affected all sectors of the

Reynaud, who served as his nation's penultimate prime minister prior to WW II described the effects of the Great Depression starkly: "Deserted oceans, ships left unfitted in silent ports, no plume of smoke from the factory chimneys, long lines of unemployed in the towns, indigence in the countryside."[73] As a result, "People were driven to despair by the tardiness of the state to counteract economic setbacks and mass unemployment, and ready to challenge everything: state, society, the economic organization, moral values, traditional philosophies."[74] Laissez faire orthodoxies, which had failed to prevent and arguably fostered the conditions for economic disaster, began to give way to visions of the state with greater responsibility to its citizens.

A diverse set of intellectuals promoted various paths forward. In addition to Mounier's *Esprit* for which Maritain provided input, *Combat, L'Homme Nouveau, L'Ordre Nouveau, Plans, Reaction*, and others sprang up to meet the challenge.[75] Though representing a wide range of ideological positions, and some were diverse in their own pages, these publications shared a critique of the liberal and capitalist regime at the heart of the economic crisis. At the same time, numerous political and labor groups proposed alternatives to liberal governance. *Révolution constructive, Parti Radical, Jeunes Radicaux, Comité de Vigilance des intellectuels antifascistes*, and *Groupe du 9 juillet 1934* were among the organizations advocating for great state involvement in economic matters.[76] Though various factions

population without exception. More and more workers were laid off; unemployment swelled to appalling proportions; and, by virtue of its natural inclination toward radicalism, the younger generation was affected the most adversely." Bozena Komarkova, "Czechs and Germans in Our Century," *Viatorium* XLVII, no. 1 (2004): 95, https://web.archive.org/web/20070816192633/http://www.etf.cuni.cz/cv/comm1_2004.pdf.

[73] Paul Marie de La Gorce, *The French Army: A Military-Political History*, trans. Kenneth Douglas (New York: G. Braziller, 1963), 220.

[74] La Gorce, 219.

[75] La Gorce, 222.

[76] François Denord, "The Origins of Neoliberalism in France," *Le Mouvement Social* 195, no. 2 (2001): 6.

preferred capitalism, corporatism, or socialism, they mostly agreed on the need to endow the state with more power to protect and provide for the material wellbeing of its citizens.

The French quest for greater state intervention in economic matters reached its pre-war apex in the Popular Front government of 1936–1937. This New Deal–oriented and anti-fascist administration produced, in the words of the historian Philip G. Nord, "a socialist-leaning state."[77] During the Popular Front's ascendency, the French Workers' Movement achieved the *Accords de Matignon*, which codified the right to unionize and the right to strike. Another rights document, *Complément à la Déclaration des Droits de l'homme,* was, per contemporary French sociologist Georges Gurvitch, "the inspiration for the Popular Front movement and government."[78] That declaration, created by the *Ligue des Droits de l'homme* in 1936, is noteworthy for its emphasis on economic and workers' rights, as well as its insistence that individual property rights are valid only in so far as they "do not impair the common interest."[79] Such formulations were a clear repudiation of the laissez faire or liberal approach to economic governance. In addition, the first article of the *Complement* uses the French "*Les Droits de l'être humain"* (the rights of the human being), which deviates from the overwhelming utilization of the gendered "*droits de l'homme*" derived from the *Declaration de Droits de l'Homme et du Citoyen*.[80] Linguistically, this was a step closer to "human rights" discourse.

Though the Popular Front government was short-lived, its ideas influenced both the *Conseil National de la Résistance* (CNR) during the war and the post-war Social

[77] Philip G. Nord, *France's New Deal: From the Thirties to the Postwar Era* (Princeton University Press, 2010), 8.
[78] Georges Gurvitch, *The Bill of Social Rights* (Madison, CT: International Universities Press, 1946), 18.
[79] Gurvitch, 18.
[80] However, the *Complément à la Déclaration des Droits de l'homme* uses the gendered "*droits de l'homme.*"

Democratic Movement. Moreover, the *Complément à la Déclaration des Droits de l'homme* was part of the larger international discussion of rights. Its text was, for example, reprinted in widely read *The Rights of Man* by Wells.[81] That is to say, a substantial French coalition—including socialists, nonconformists, and corporatists—took part in the international movement toward a greater role for government in citizen welfare.

At the highest level, the 1930s was a period of failure: the Wilsonian order never came to fruition, the Great Depression racked economies around the globe, and the terrifying specter of war loomed again. As such, the interwar period saw a shift in attitudes toward the role of national governments. The idea of the "state-as-night-watchman" began to give way to a new notion of the "state-as-caretaker."[82] Not surprisingly, the UNESCO Philosophers' Committee, which compiled an initial international list of human rights in July 1948, made a similar observation when it wrote, "Finally, the widespread unemployment of the interwar period, with its acute financial depression, spelled a crisis for the development of the eighteenth century formulation of the rights of man: among other things, it led to a rapid development of schemes of social security, which ran counter to many of their traditional individualist conceptions."[83] The old laissez faire order waned as nation-states increasingly intervened directly in matters of economy and human welfare.

4.2.2 Crisis and Renewed Visions of Humanity

The 1930s began with the Great Depression, which quickly spread internationally, and ended with a burgeoning global war merely twenty years after the "war to end all wars."

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[81] Wells, *The Rights of Man*.
[82] Nord, *France's New Deal*, 67; Michael N. Barnett and Janice Gross Stein, *Sacred Aid: Faith and Humanitarianism*, 1st ed. (New York: Oxford University Press, 2012), 99.
[83] UNESCO and Jacques Maritain, "Human Rights: Comments and Interpretations" (Paris, 1948), Appendix I, 3.

In addition to these apocalyptic bookends, many lesser tremors shook the world. For example, Japan attacked Manchuria (1931), Italy invaded Abyssinia (1935), and Spain endured a civil war (1936–1939). W. H. Auden's poem, "September 1, 1939," evokes the pathos and existential dread of the time:

> I sit in one of the dives
>
> On Fifty-second Street
>
> Uncertain and afraid
>
> As the clever hopes expire
>
> Of a low dishonest decade:
>
> Waves of anger and fear
>
> Circulate over the bright
>
> And darkened lands of the earth,
>
> Obsessing our private lives;
>
> The unmentionable odour of death
>
> Offends the September nights.[84]

The day memorialized in the poem's title marked Germany's invasion of Poland and, thus, the beginning of WW II.

The word "crisis" is a fitting moniker for the transwar era. For example, E. H. Carr, who served as the chair of the UNESCO Philosophers' Committee, entitled his history of

[84] W. H. Auden, *The Complete Works of W.H. Auden: Poems*, ed. Edward Mendelson (Princeton: Princeton University Press, 2022), 1:375. Chappel draws attention to the 1930s as its own unique period of travail when he writes, "The crisis of the 1930s played a larger role in [human rights] history than is normally believed. That interwar decade should be viewed as a crucible in its own right." Chappel, "Explaining the Catholic Turn to Rights in the 1930s," 80.

the era, *The Twenty Years' Crisis, 1919–1939*.[85] Another illustration with connections to Christian personalism was the development of "crisis theology" or "Neo-orthodoxy" by theologians such as Emil Brunner, Karl Barth, and Reinhold Niebuhr during the period. Moreover, use of the term "crisis" in printed literature was more than 50 percent greater throughout the transwar era than in the several decades prior to WW I.[86]

Detailed diagnoses of crisis and ensuing questions about the nature of humanity abounded. Martin Buber, the Austrian Jewish philosopher who propounded dialogical personalism, asked "What Is Man?" in *Between Man and Man* (1938). He attributed the heightened peril of humanity to both "the increasing decay of the old organic forms of the direct life of man with man" (e.g., family, unions, and community in villages and towns) and the loss of control over man's own creations in the realms of technique (e.g., machinery), economy, and politics.[87] He also noted that no suitable "doctrine of the being of man" existed in philosophy because of the neglect of, whether in more spiritual or natural philosophies of man, "the power of community" in anthropology.[88] For Buber, the central subject of the philosophical science of man was "neither the individual nor the collective,

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[85] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, 1st ed. (New York: Random House, 2002). Another important historical use of crisis language is the name, *The Crisis*, given to the official magazine of the NAACP, founded in 1910. Its founding editor, W. E. B. Du Bois, stated the magazine's purpose in the inaugural issue: "It will first and foremost be a newspaper: it will record important happenings and movements in the world which bear on the great problem of inter-racial relations, and especially those which affect the Negro-American. Second, it will be a review of opinion and literature, recording briefly books, articles, and important expressions of opinion in the white and colored press on the race problem. Third, it will publish a few short articles. Finally, its editorial page will stand for the rights of men, irrespective of color or race, for the highest ideals of American democracy, and for reasonable but earnest and persistent attempts to gain these rights and realize these ideals. The magazine will be the organ of no clique or party and will avoid personal rancor of all sorts. In the absence of proof to the contrary it will assume honesty of purpose on the part of all men, North and South, white and black." "History of *The Crisis*," *NAACP*, accessed June 11, 2022, https://naacp.org/find-resources/history-explained/history-crisis.

[86] Google Books NGram Viewer, "Crisis," accessed July 24, 2023.

[87] Martin Buber and Ronald Gregor Smith, *Between Man and Man*, Routledge Classics (New York: Routledge, 2002), 186–187.

[88] Buber and Smith, 185.

but man with man," or his famous *I-You* understanding of human nature. Like the personalist distinction between individuals and persons, which is roughly that between a biological individual and a relational/spiritual subject, Buber distinguished between the instrumental *I-It* and the relational *I-You* modes of human life.[89]

Wells proposed a list of the rights in *The Rights of Man* (1940). Lamenting the failure of the "too conservative" League of Nations and appealing to the tradition of rights documents (i.e., Magna Carta, the U.S. Bill of Rights, and the French Declaration of the Rights of Man and of the Citizen), he advocated a new world order in the "quite inevitable march towards a world collectivism."[90] A new declaration of rights would provide a "structural defence between the citizen and the necessary growth of central authority."[91] Reflecting a progressive orientation, his list of rights placed greater emphasis on second generation rights with their concern for economic, social, and cultural elements.[92]

The English philosopher R. G. Collingwood authored *The New Leviathan: Or Man, Society, Civilization and Barbarism* (1942). The very first line of this work inquires "What

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[89] Buber's *I-You* philosophy, including the inability of a subject to know itself in isolation from other persons, resembles Jacobi's *I-Thou* philosophy in which a subject knows itself only in relationship to the external world.

[90] Wells, *The Rights of Man*, 4. Wells had also been a vocal advocate of the League of Nations, including authoring an extended article in *The Atlantic Monthly* in support of the idea in 1919. H. G. Wells, *The Idea of a League of Nations* (Redditch, UK: Read Books Ltd, 2016).

[91] Wells, *The Rights of Man*, 13.

[92] For example, Wells included nourishment, housing, medical care, education, and paid employment rights of man. Scholarship is mixed on Wells' influence on Franklin D. Roosevelt's adoption of human rights ideals and the UDHR. Wells sent a copy of his *Rights of Man* to the U.S. president in 1940. Roosevelt responded only with a perfunctory acknowledgment of receipt. Thus, Simpson writes, "There is no evidence, so far as I am aware, that Roosevelt paid any attention to Wells' views," and the influence of the *Rights of Man* on the text of the UDHR is "non-existent." A. W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention*, rev. ed. (Oxford, UK: Oxford University Press, 2004), 166. On the other hand, Burgers attributes a greater level of significance to Wells' campaign for individual rights. In particular, he cites the dissemination of *The Rights of Man* via newspapers. The British *Daily Herald*, broadly supportive of Labor Party policies, printed the declaration in 1940. Subsequently, major newspapers in France, Italy, the Netherlands, and elsewhere printed the translations. Wells himself also spoke with many leaders about the text, including some who would become influential in the United Nations, and paid for its translation into a wide variety of languages. Burgers, "The Road to San Francisco," 464–468.

Is Man?" The urgency of this question sprung from the "revolt against . . . civilization, which is the most conspicuous thing going on at the present time."[93] Collingwood situated man in society and civilization; and the revolt against or "hostility towards" civilization as "barbarism," of which Germany was the latest example.[94] Similarly, Ernst Cassirer, a German philosopher, wrote his seminal work, *An Essay on Man* (1944). He began with a chapter entitled "The Crisis in Man's Knowledge of Himself."[95] He ascribed this predicament to the disintegration of any unified vision of the nature of humanity, be it metaphysical, theological, mathematical, or biological. Cassirer criticized the contemporary empirical age with the observation that a "wealth of facts is not necessarily a wealth of thoughts."[96] Moreover, he criticized the various empiricist theories of human nature for containing arbitrary assumptions of value: Nietzsche's will to power, Freud's sexual instinct, and Marx's economic instinct. Cassirer's proposed a dialectical and functional unity, employing symbols and creativity, that he believed would foster self-liberation and culture. In this way, he sought to distinguish humans from Aristotle's social animals.

The proliferation of writings on the nature and future of humanity continued in the immediate aftermath of the war. One of the most influential thinkers of the twentieth century, French philosopher Jean Paul Sartre, delivered a lecture entitled, "Existentialism Is a Humanism" (1945) just after the liberation of France (see chapter 5 for more on existentialism and Christian personalism). He defined existentialism, either Christian (e.g.,

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[93] R. G. Collingwood and Thomas Hobbes, *The New Leviathan: Or Man, Society, Civilization, and Barbarism* (Westport, CT: Greenwood Press, 1984), 1.
[94] Collingwood and Hobbes, 342.
[95] Ernst Cassirer, *An Essay on Man: An Introduction to a Philosophy of Human Culture*, repr. ed. (New Haven, CT: Yale University Press, 1962), 1.
[96] Cassirer, 40.

Kierkegaard, Karl Jaspers, and Gabriel Marcel) or atheistic (e.g., Nietzsche, Heidegger, and Sartre himself), as the belief "that existence comes before essence."[97] There is, he believed, no inherent universal human nature either from theistic or naturalistic positions. In this regard, Sartre was equally in opposition to religious doctrine and eighteenth-century secular Enlightenment philosophies (e.g., Voltaire and Kant). Man is free and responsible for his action because he is not predetermined by nature or God. Moreover, Sartre described existentialism as humanistic, not in the sense of seeing humans as the apex of the cosmos, but in making each human the reference for her own actions of self-transcendence. Additionally, Sartre published his magnum opus, *Existentialism*, in 1947.

In that same year, Erich Fromm, a Jewish psychologist and humanist from Germany, penned *Man for Himself* (1947). Fromm wrestled with the philosophical problem of the modern era:

> While becoming the master of nature, [man] has become the slave of the machine which his own hands built. With all his knowledge about matter, he is ignorant with regard to the most important and fundamental questions of human existence: what man is, how he ought to live, and how the tremendous energies within man can be released and used productively.[98]

He wanted to free twentieth-century humanity from external authority while avoiding relativism. The former is a restatement of secular Enlightenment principles. In fact, he thought that the "contemporary human crisis" produced a retreat from Enlightenment ideals.[99] In their place, realism "preaches" an "utter lack of faith in man."[100] By contrast, Fromm exhorted readers to remember that ideas and truth are found within, not

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[97] Jean Paul Sartre, "Existentialism Is a Humanism," 20, https://www.marxists.org/reference/archive/sartre/works/exist/sartre.htm.
[98] Erich Fromm, *Man for Himself: An Inquiry into the Psychology of Ethics* (New York: Rinehart, 1947), 4.
[99] Fromm, 4.
[100] Fromm, 5.

independent of, man; and, correlatively, morality depends on individual freedom not external authority.[101]

Likewise, various prominent theologians wrote about deep societal crisis and the urgent need for renewal. Pope Pius XI, one of the most influential examples, advocated for a more just distribution of goods in society. His *Quadragesimo Anno* (1891), which celebrated the fortieth anniversary of Pope Leo XIII's *Rerum Novarum* (1931), reaffirmed the need for an alternative to the binary of liberal and socialist political philosophies. Arguing against laissez faire liberalism, he rejected the idea of government as a "mere guardian of law and good order."[102] Rather, the state should proactively ensure individual freedom and wellbeing. Recognizing the tension between state action and individual freedom, he argued that the only legitimate constraints on individual free action are the preservation of the common good and the prevention of injury to other individuals. Additionally, when a state deliberates on how to protect the rights of private individuals, the Pope stated that "chief consideration ought to be given to the weak and the poor."[103] The encyclical's subtitle, "On Reconstruction of the Social Order," indicates the diagnosis of widespread societal *dis*order in the mind of the Pontiff.

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[101] Fromm, 246–247.

[102] Pope Pius XI, "Quadragesimo Anno" (Vatican City: Libreria Editrice Vaticana, 1931), 5, http://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html.

[103] Pope Pius XI, 5. A similar formulation, "the preferential option for the poor," coined at the 1968 Medellin Conference of Latin American Bishops, would become a common theme in Catholicism. Thomas A. Nairn, "Roman Catholic Ethics and the Preferential Option for the Poor," *AMA Journal of Ethics* 9, no. 5 (May 1, 2007): 384–87, https://doi.org/10.1001/virtualmentor.2007.9.5.msoc2-0705. Gustavo Gutierrez, a Peruvian Catholic priest, popularized this ethic in his pioneering *Theology of Liberation*, which was published in 1971 (in its original Spanish version) only three years after the Medellin Conference. Gustavo Gutierrez, *A Theology of Liberation: History, Politics, and Salvation*, trans. Caridad Inda and John Eagleson, rev. ed. (Maryknoll, N.Y: Orbis Books, 1988).

Another prominent Catholic theologian who wrote about civilizational crisis was the Jesuit priest, later a cardinal, and central proponent of *ressourcement* or *Nouvelle theologie*, Henri de Lubac.[104] A friend of Maritain, Lubac published the *Drama of Atheist Humanism* in 1945 that identified atheism as "the great crisis of modern times."[105] Specifically, antitheism, a more constructive ideology than pessimistic or nihilistic versions of atheism, concerned Lubac. This distinction resembles Maritain's differentiation between positive and negative atheisms (see chapter 5). Not surprisingly, Lubac quoted Maritain, as well as Berdyaev, in this book. In addition, much like the writings of Berdyaev, Flewelling, and Maritain, Lubac featured Nietzsche and Dostoevsky prominently in his analysis. Lubac criticized antitheism and Nietzsche not only for disavowing a transcendent reality but also for the additional loss that the death of god hypothesis entails: the denial of reason, truth, morality, and a coherent universe.[106] Moreover, Lubac pointed to the "self-destruction of [atheist] humanism" by concluding that "where there is no God, there is no man either."[107] By contrast, he pointed to Dostoevsky as a prophet in psychological and metaphysical domains who preserved the uniqueness and freedom of the human person—even if Dostoevsky did so in significant part by portraying human irrationality in all its inscrutability. Lubac had also described Nietzsche as a prophet, in his case, a prophet of the death of God. Thus, for Lubac, the crisis of the mid-twentieth century was an existential

[104] *Ressourcement* was a mid-twentieth century theological movement that sought renewal in the Catholic church via a return to original sources such as the Bible and early Church Fathers. The appellation, *Nouvelle theologie*, was originally a pejorative description of this movement. See Gabriel Flynn, "A Renaissance in Twentieth- Century Catholic Theology," *Irish Theological Quarterly* 76, no. 4 (2011): 323–338; Gabriel Flynn and Paul D. Murray, *Ressourcement: A Movement for Renewal in Twentieth-Century Catholic Theology* (New York: Oxford University Press, 2012).
[105] Henri de Lubac, *The Drama of Atheist Humanism*, trans. Mark Sebanc (San Francisco: Ignatius Press, 1995), 25.
[106] Lubac, 63.
[107] Lubac, 65.

question: is the human person more than a material object determined by natural law and instinct? Following threads of Christian existentialist thought, including Dostoevsky and Kierkegaard, he concluded that the only way to preserve the human person lay in the existence of a divine personal being.

Several leading protestant theologians, likewise, wrote at great length on the topic of crisis. As mentioned briefly above, Emil Brunner helped to develop "Neo-orthodoxy" or "crisis theology" during this era. His *The Theology of Crisis* (1929) begins with a reference to the highly influential *The Decline of the West* (1923) by Oswald Spengler and its diagnosis of long-term European civilizational downfall.[108] For Brunner, Enlightenment rationalism, of idealist or naturalist varieties, produced an atomized society (either individualist or collectivist in form) and undermines both theology and civilization. In addition, the immanentism of liberal theology severed any tie between humanity and a divine or transcendent absolute. The logical result of this "understanding of life" was "relativistic skepticism."[109] Brunner also wrote *Man in Revolt* (1947). That book probes "the riddle of man" under the conviction that "we seem to be as far as ever from being able to give a clear answer to the question: What Is Man?"[110] He argued that the difficulty in generating this definition derived from the positivistic reduction of anthropology to a branch of natural science. The central questions of human existence, in Brunner's view, were not answered using empirical methods. Therefore, to base human identity on various materialistic or naturalistic grounds (e.g., Darwin, Freud, Marx, or Nietzsche) would be insufficient. Rather, the question of man is one for philosophy, and above all theology.

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[108] Emil Brunner, *The Theology of Crisis* (New York: Scribner, 1929), 1.
[109] Brunner, 7.
[110] Emil Brunner, *Man in Revolt*, repr. ed. (Philadelphia, PA: The Westminster Press, 1947), 26–27.

Reinhold Niebuhr, who would become the leading crisis or Neo-orthodox theologian, wrote the book *Moral Man and Immoral Society* in 1932. This work, which brought him to prominence, argues, as the title suggests, that groups of people are more prone to self-interest and immorality than individuals. The argument concords with a less sanguine view of the state and thus, arguably, also with the diminution of the doctrine of state sovereignty. In addition, Niebuhr expressed doubt concerning the moral optimism of Enlightenment rationalism, romanticism, and progressivism. With echoes of Hume, he wrote, "Reason is the servant of impulse before it is its master."[111] Without denying important moral and social advances, he maintained that self-interest with the quest for power and security were ineliminably human.[112] Thus, even in 1932, he did not view WW I as a unique crisis or, in the language of Wells, "The War to End All Wars." Rather, humankind would never have the moral or rational capacity to prevent such tragedies.

Nearly a decade later, during the next terrible war, Niebuhr founded the magazine *Christianity and Crisis*. Its first issue spoke of the "ultimate crisis of the whole civilization of which we are a part" and included a short piece by Niebuhr entitled, "The Christian Faith and the World Crisis."[113] That article called for readers, using resources inherent in Christianity, to participate in both the salvation from tyranny and reconstruction of the

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[111] Reinhold Niebuhr, *Moral Man and Immoral Society: Study in Ethics and Politics* (Louisville: Westminster John Knox Press, 2002), xiv.

[112] Niebuhr wrote, for example, "Moralists who have observed and animadverted upon the hypocrisy of nations have usually assumed that a more perfect social intelligence, which could penetrate and analyse these evasions and deceptions, would make them ultimately impossible. But here again they are counting on moral and rational resources which will never be available. What was not possible in 1914–1918, when the world was submerged in dishonesties and hypocrisies (the Treaty of Versailles, with its pledge of disarmament and the self-righteous moral conviction of the vanquished by the victors, being the crowning example), will hardly become possible in a decade or in a century, or in many centuries." Niebuhr, 106–107.

[113] Mark Hulsether, *Building a Protestant Left: Christianity & Crisis Magazine 1941–1993* (Knoxville, TN: University of Tennessee Press, 1999), 24; Reinhold Niebuhr, "The Christian Faith and the World Crisis," *Christianity and Crisis* 1, no. 1 (February 10, 1941): 4.

world. Finally, in the same year that *Christianity and Crisis* (1941) debuted, Niebuhr published the first volume of his masterpiece, *The Nature and Destiny of Man*.[114] Niebuhr's analysis of human nature, which derived from his Gifford Lectures (1938–1940), brought sin to the forefront. Given the historical context, the emphasis on human fallibility is not surprising.

4.2.3 Christian Personalism and Crisis

Christian personalists, of course, also experienced the turmoil and despair of the transwar era; and they too authored various works on civilizational crisis and renewal. Mounier, for instance, lamented the devolution of the classical conception of humanity to a position in which humans have neither essence nor nature.[115] He looked to Black Tuesday, the crash of the New York Stock Exchange, as sounding "the knell of Europe's happiness" by calling attention to "revolutions already underway" due to "the spiritual crisis" of the bourgeois world.[116] Furthermore, he identified October 29, 1929 with the birth of personalism.[117] Mounier also wrote a chapter entitled, "In An Hour of Apocalypse," which began by juxtaposing a quotation from the book of Revelation with a description of the detonation of an atomic bomb.[118] Humanity was haunted not simply by the prospect of civilizational ruin, but by the real possibility of the human-induced end of the world.

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[114] Volume one of that work is subtitled, "Human Nature." The second and final volume, subtitled "Human Destiny," debuted in 1943. Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*, 1st ed. (Louisville, Ky: Westminster John Knox Press, 1996).
[115] Emmanuel Mounier, *Be Not Afraid: A Denunciation of Despair* (Providence, RI: Cluny Media, 2021), 152.
[116] Emmanuel Mounier, *Personalism* (University of Notre Dame Press, 1989), 98.
[117] Howard Caygill, "Levinas's Political Judgement: The *Esprit* Articles 1934–1983," *Radical Philosophy* 104, November/December (2000): 7.
[118] Mounier, *Be Not Afraid: A Denunciation of Despair*, 3.

Similarly, Day located the origins of her and Peter Maurin's ministry "in the face of the crisis of the day, a crisis that has continued these last fourteen years through a great depression and a great war."[119] That assessment, which Day wrote in 1947, references the beginning of her collaboration with Maurin at the nadir of the economic depression in 1933.[120] Maritain too noted "the suffering that all the earth is experiencing today"[121] while describing the period as experiencing "the greatest crises of human history."[122] In the early 1940s, he described the post–WW I era as "the liquidation of what is known as the 'modern world.'"[123] In 1934, Berdyaev felt the need to write a second volume of his 1924 publication, *The End of Our Time.* In the resulting book, *The Fate of Man in the Modern World*, he stated, "More keenly than ever I feel that night and shadow are descending on the world."[124] For Berdyaev, the discourse of historical crisis had become banal. A deeper apocalyptic moment was at hand.[125]

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[119] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year," 1. See also, Howard Caygill, "Levinas's Political Judgement: The Esprit articles 1934–1983," *Radical Philosophy* 104 (2000), 7.

[120] Day later described the sentiment of the Catholic Worker movement in its earliest years as "the longing in every human heart for the lost Eden of the past and the Paradise we all hoped for in the future. We were Utopians, in other words." Dorothy Day, "The Case of Cardinal McIntyre," *The Catholic Worker,* August 1964, 6.

[121] Jacques Maritain, "A Letter on Independence," *The Collected Works of Jacques Maritain XI*, trans. Otto Bird (University of Notre Dame Press, 1996), 139.

[122] Jacques Maritain, Jean-Marie Allion, and Raïssa Maritain, *Œuvres Complètes: Jacques et Raïssa Maritain*, vol. 8 (Fribourg, Suisse : Paris: Editions universitaires ; Editions Saint-Paul, 1989), 844.

[123] Jacques Maritain, *The Rights of Man and the Natural Law* (San Francisco: Ignatius Press, 2011), 9.

[124] Nicolas Berdyaev, *The Fate of Man in the Modern World*, trans. Donald A. Lowrie, enl. ed. (Hartford, CT: Semantron Press, 2009), 1.

[125] His 1949 volume, *Divine and the Human*, begins with this observation: "There are two crises. The crisis of the non-Christian and anti-Christian world, and the crisis of the Christian world, the crisis within Christianity itself." Berdyaev had also participated in Sir Francis Younghusband's "World Congress of Faiths" in 1936. Younghusband and others associated with this congress dreamed of an ecumenical religious body along the lines of the League of Nations—they discussed "League of Religions" as a possible appellation. Younghusband declared, "No reconstituted League of Nations will be of the slightest avail unless it is inspired by an irresistible religious impulse." Marcus Braybrooke, *A Wider Vision: A History of the World Congress of Faiths, 1936–1996* (Oxford, UK: Oneworld Publications), chap. 4, accessed March 6, 2023, https://www.religion-online.org/book/a-wider-vision-a-history-of-the-world-congress-of-faiths-1936-1996/.

Maritain's small book, *The Twilight of Civilization*, first delivered as a lecture on February 8, 1939, resonated with this more fundamental apprehension.[126] Mere months from the outbreak of WW II, he wrote of dual threats to civilization: anthropocentric humanism and anti-humanist irrationalism. The former was problematic because of its anthropocentrism, not its humanism. Embraced by Soviet Russia, this materialist philosophy isolated reason and human dignity from their transcendent source. The latter, exemplified by Nazi totalitarianism, eradicated truth in favor of instinct.[127] Not formally atheistic, this biologically driven irrationalism turned God into the demon of the Aryan race. These two forces were, for Maritain, in "existential opposition" to integral, theocentric, or true humanism.[128] In dialectical language, he advocated a new humanism that would "remake anthropology" and "discover the rehabilitation and 'dignification' of the creature."[129] In other words, the civilizational darkness of anthropocentric humanism and anti-humanist irrationalism would yield to the dawn of "the human person considered as the image of God."[130]

Fortune published a series in 1942 entitled, "The Heart of the Problem: without Vision of Deep Purpose We Shall Perish," to which both Hocking and Maritain contributed.[131] Hocking, in the lead essay of the series, lamented the ways in which modernity, with its positivist framework, eroded all sense of meaning. Without meaning or values, humanity risks becoming "a race of monsters" unable to "make truly human use" of the power

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[126] Jacques Maritain, *The Twilight of Civilization*, trans. Lionel Landry (New York: Sheed & Ward, 1943).
[127] Maritain described Nationalist-Socialist totalitarianism, more than the somewhat older Russo-Communistic totalitarianism, as "display[ing] the most irremediable power of destruction and carry[ing] the most hopeless threat to the universe." Maritain, 18.
[128] Maritain, 18–19.
[129] Maritain, 12.
[130] Maritain, 12.
[131] "The Heart of the Problem: Without Vision of Deep Purpose We Shall Perish," *Fortune*, February 1942, 50.

obtained by the increasing scientific and technological mastery of nature.[132] Moreover, he cautioned that the reduction of human life to that which is empirically measurable or testable necessarily entails the loss of human rights and democratic ideals. He wrote, "The unity on which democracy rests is not man the scientific fact; it is something beyond man."[133] The "something beyond man," or the transcendent fact was, for Hocking, the notion that all humans are created by God and endowed with souls. His solution, in keeping with a long-standing interest in absolute idealism, was a transcendent or absolute ground of value and meaning.

Maritain's contribution to this series, which refined themes that appeared in his *The Twilight of Civilization* (discussed above), was "Christian Humanism: Life with Meaning and Direction."[134] He sounded a similar warning to that of Hocking: in a secular and positivist civilization all value and meaning gives way to utility and instinct. He sought to replace the emergent "anthropocentric humanism" with "theocentric humanism." The former was, as the article states, the response to existential despair in the face of a meaningless world embodied by the character Kirilov in Dostoevsky's *The Possessed*. Kirilov committed suicide explicitly as the ultimate step of human autonomy from God, or any other transcendent reference point. Another reaction to the despair of modernity was Nazi racism grounded in an instinctual or biological rejection of rationality in which the individual is merely "a particle of the political whole, and lives by the *Volksgeist*."[135] Maritain also criticized Marxism for its subjugation of the individual to the whole. However, he saw Marxism as less destructive than Nazism because it remained

[132] William Ernest Hocking, "What Man Can Make of Man," *Fortune*, February 1942, 136.
[133] Hocking, 147.
[134] Maritain, "Christian Humanism: Life with Meaning and Direction."
[135] Maritain, 164.

rationalistic—not relying on biological instinct as did Nazi racism. After critiquing modernity and associated ideologies, Maritain proposed a new Christendom. His was not a call for the reunification of Church and state, but for a re-embrace of the idea of God as creator of the cosmos, including human persons. In this vision, the human person is more than a physical or biological entity. Humans, he argued, have souls.

Hocking and Maritain both used the term "soul" in their essays for *Fortune*, and each author grounded human rights in this metaphysical notion. Hocking wrote that "it was the soul that had rights" prior to its evisceration by modern philosophy and psychology.[136] Maritain lamented the loss of the soul via reducing humans to particles of the polity. Such anthropology sacrifices the inviolable nature of human rights before the majority's will in society's quest for economic and material production. Alternatively, Maritain's new Christendom, inspired by "spiritual things" and "religious faith," would be a "community of the human rights and of the dignity of the human person, in which men belonging to diverse racial stocks and to diverse religious creeds would commune in a temporal common work truly human and progressive."[137]

Malik also took issue with a reduced view of the human person. Secular materialism, much of it emanating from nineteenth century philosophy was a consistent target of Malik's. In 1938, he lamented the influence of Marx on Russia and Nietzsche on Germany. Later, he wrote of the "superficial thinkers of the nineteenth century" whose secular and materialist philosophy jeopardized the very nature of the human person. [138] The most

[136] Hocking, "What Man Can Make of Man," 142.
[137] Maritain, "Christian Humanism: Life with Meaning and Direction," 166.
[138] Malik, "The Challenge of Human Rights," 4. His intellectual attack on secularism and materialism would reach fuller expression in *Christ and Crisis* (1962), which he wrote after retirement from diplomatic life. Charles Malik, *Christ and Crisis* (Grand Rapids, MI: Acton Institute, 2015).

exigent questions of the era were, for Malik, those of the origins, nature, rights, and destiny of humans. Twenty years removed from the adoption of the UDHR, Malik would state, "For we believed that nothing was more needful in a world that had just emerged from a devastating war – devastating not just only physically, economically, politically, but above all morally, spiritually, humanly – than to recapture and reaffirm the full integrity of man."[139]

Flewelling, the first philosopher to explicitly defend "human rights" in personalist language (see chapter 5), wrote a work entitled, *The Survival of Western Culture: An Inquiry into the Problem of Its Decline and Resurgence.* This book compares itself, as the title suggests, to Spangler's *The Decline of the West* mentioned in association with Brunner above. Though apprehensive about the future of humanity, Flewelling was more optimistic than Spangler. Flewelling argued that material and technological advances, as important as they are, do not satisfy the human spirit. The individualism of the West was too naturalistic. Thus, he advocated for a more spiritual and teleological view (with appeal to Aristotle), or a higher individualism, which he called personalism. That same year, Flewelling also contributed a paper entitled, "Personalism and the Trend of History," to a volume honoring Knudson. Flewelling articulated the sense of a contemporaneous "world-wide revolution."[140] The struggle of freedom against tyranny was so great as to make reversion to the prior order as "unthinkable as to thrust the duckling back into his shell."[141] The momentum that had carried the human person to the fore in science, philosophy, and religion, when it reached the political sphere, would beget a new order founded on the

[139] Malik, "The Universal Declaration of Human Rights," 7.
[140] Flewelling, "Personalism and the Trend of History," 178.
[141] Flewelling, 184.

personalistic and Christian principle of the intrinsic worth of the individual person.[142] This political philosophy was, in Flewelling's analysis, the basis upon which human rights and democracy could stand.

4.3 Foregrounding Human Welfare and Rights[143]

The League of Nations' lackluster humanitarian efforts were, per one scholarly analysis, not "a shortage of ideas but of political will."[144] Though that judgment pertains specifically to League efforts with refugees, the sentiment is an appropriate postmortem for the post–WW I order more broadly. Phenomena such as the restriction of the ICJ to cases between states, the weak and uneven regard for minority rights, and the U.S. decision not to join the League of Nations were symptomatic of a lack of will to curb state sovereignty or to promote the rights of the human person.[145]

Unfortunately, another and much more destructive martial conflict would be necessary to create that will. Macmillan contrasts the two world wars saying, "Away from the battlefields, Europe still looked much the same [post–WW I]. The great cities remained,

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[142] Flewelling, 184–186.

[143] In addition to the material covered in this section, the decade of the 1930s saw a growing shift towards rights and human rights language within the Catholic Church. In Catholic encyclicals from 1890 to 1930 "rights" discourse almost exclusively related to corporate entities. However, in the 1930s, discussions of the rights of individuals increased seven-fold. Bourg, "The Alpine Climb between Paris and Rome," 66. On a related note, the Irish Constitution of 1937, heavily influenced by Catholic thought, placed great emphasis on the "fundamental rights" of the "human person" so that "the dignity and freedom of the individual may be assured." "Irish Constitution (1937) with Amendments to 2012," *The Constitute Project*, accessed June 29, 2023, https://www.constituteproject.org/constitution/Ireland_2012.pdf.

[144] Matthew Frank and Jessica Reinisch, "Refugees and the Nation-State in Europe, 1919–1959," *Journal of Contemporary History* 49, no. 3 (July 2014): 481. Though this analysis is specifically related to care for refugees, it is consistent with the lack of proactive League humanitarianism more broadly.

[145] However, the League of Nations Association founded the *Commission to Study the Organization of Peace* which sought a stronger transnational federation to combat "exaggerated developments of the idea of sovereignty." Its preliminary report, issued in November of 1940, enumerated five "limitations on sovereignty" including respect for "certain human and cultural rights." James T. Shotwell, *Commission to Study the Organization of Peace, Preliminary Report* (New York: Commission to Study the Organization of Peace, 1940), 11–12. Glenn Tatsuya Mitoma and Glen Mitoma, "Civil Society and International Human Rights: The Commission to Study the Organization of Peace and the Origins of the UN Human Rights Regime," *Human Rights Quarterly* 30, no. 3 (2008): 613.

the railway lines were more or less intact, ports still functioned. It was not like the Second World War, when the very bricks and mortar were pulverized."[146] WW II unleashed "total war" that devastated not just armies, but communities, cities, and countries. Total war included such horrors as the fire bombings of Coventry and Dresden, the rape of myriad "comfort women," atomic annihilation in Hiroshima and Nagasaki, the siege of Leningrad, and genocide against the Jewish people. The conveners of the Treaty of Versailles surely could have had no idea that sixty million people or approximately 3 percent of the entire global population, the majority of whom were noncombatants, would die in another world war that would begin merely twenty years after the Great War ended.[147] Moreover, this time, unlike in 1919, the victors would find it more difficult to lay responsibility for the obliteration of so much life at the feet of only one nation. The quest for power and empire with its increasingly devastating military instruments proved to be undeniably and universally human. As such, the will to create a more stable, peaceful, and prosperous world order grew immensely. The following two sections illustrate key steps toward a new vision of society, including the foregrounding of the rights of individual persons.

4.3.1 A New Deal for the World, the Atlantic Charter, and the United Nations Relief and Rehabilitation Act

Advisors to President Franklin D. Roosevelt described the New Deal as "the duty of government to use the combined resources of the nation to prevent distress and to promote the general welfare of all the people."[148] Related themes appeared as early as Roosevelt's

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[146] Margaret MacMillan, *Paris 1919: Six Months That Changed the World* (New York: Random House, 2002), xxv-xxvi.

[147] Though WW II death tolls are difficult to estimate, sixty million is a commonly cited figure. See, for example, The National WW II Museum's estimate.

[148] Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, MA.: Belknap Press, 2007), 6.

1932 presidential campaign. During a speech at San Francisco's Commonwealth Club, Roosevelt said:

> Our task now is not discovery, or exploitation of natural resources, or necessarily producing more goods. It is the soberer, less dramatic business of administering resources and plants already in hand, of seeking to reestablish foreign markets for our surplus production, of meeting the problem of underconsumption, of adjusting production to consumption, of distributing wealth and products more equitably, of adapting existing economic organizations to the service of people. The day of enlightened administration has come.[149]

This "enlightened administration" and adaptation of the economy to serve the people were at the heart of the New Deal. During its first five years, the Roosevelt administration moved the federal government into a more central and controlling role in economic matters to protect the interests of ordinary and vulnerable populations. The following are a sample of New Deal initiatives of the 1930s:

- Glass-Steagall Banking Act (1933), which separated commercial from riskier investment banking and created what would become the Federal Deposit Insurance Corporation.
- National Recovery Act (1933), which gave the president authority to regulate prices and wages.
- Securities Act (1933), which established federal regulations for the sale of securities on the primary market.
- National Housing Act (1934), which created the Federal Housing Administration to insure mortgages on single-family homes to combat the spate of foreclosures resulting from the Great Depression.
- National Labor Relations Act (1934), which codified nationally the rights of private-sector workers to unionize, negotiate, and strike. This act also created the National Labor Relations Board.
- Security Act (1934), which established federal regulations for the sale of securities on the secondary market and established the Securities and Exchange Commission.
- Work Progress Administration (WPA) (1935), which hired millions of unemployed people to complete public works projects.
- Social Security Act (1935), which created both Social Security and unemployment insurance.

[149] David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929–1945*, The Oxford History of the United States, v. 9 (New York: Oxford University Press, 1999), 373.

The 1930s witnessed many other examples of the federal government's increasing promotion of the welfare and rights of the general populace (including the new federal role in disaster relief discussed above in section 4.2.1). Suffice it to say, Roosevelt's New Deal undertook a marked transformation of the relationship between the nation-state and its citizens.[150]

As the period of domestic New Deal innovation (1933–1938) drew to its end, the advent of war provided the president with an opportunity to champion a similar vision internationally. The 1941 State of the Union (SOTU) address is significant in this regard for two reasons. First, Roosevelt declared that a "healthy and strong democracy" is founded not only on political and civil rights but also on an economic system that provides jobs, security, unemployment insurance, and adequate medical care for all people. In fact, social and economic problems were "the root cause of the social revolution" roiling the world. This was an early articulation of what would become Roosevelt's "second Bill of Rights" or "economic Bill of Rights."[151] Second, in the same speech, he famously proposed "four essential human freedoms" upon which to found the post-war world: "the freedom of speech and expression," "the freedom of every person to worship God in his own way," "freedom from want," and "freedom from fear."[152] He advocated the first three freedoms "everywhere in the world," and the freedom from fear "anywhere in the world."[153] In addition, the concluding paragraph of the speech proclaimed that "freedom means the

[150] At the same time, U.S. philanthropy continued to grow and play a dynamic role in society, even if in the context of greater state intervention. See Zunz, *Philanthropy in America*.
[151] The titles "second Bill of Rights" and "economic Bill of Rights" come from Roosevelt's 1944 State of the Union Address in which he enumerates a similar list of items to those discussed in the 1941 State of the Union Address.
[152] Franklin D. Roosevelt, "State of the Union," January 6, 1941.
[153] Roosevelt.

supremacy of human rights everywhere."[154] At least rhetorically, Roosevelt constructed a transnational standard based not exclusively on the sovereignty and rights of nations states but also on human freedoms and human rights.[155] Moreover, these freedoms were not only civil and political (i.e., "first generation rights") but also economic and social (i.e., "second generation rights").

Later in that same year, August 1941, Roosevelt and Winston Churchill took another step toward the recognition of international human rights in their clandestine "Atlantic Conference" aboard the U.S.S. *Augusta* in the waters of Newfoundland, Canada. Churchill's goal, not achieved until the Japanese attack on Pearl Harbor three months later, was the formal entrance of the United States as a combatant in WW II. The meeting was highly consequential for its production of a joint declaration of war named, the "Atlantic Charter." The charter outlined eight "common principles" upon which the two powers based "their hopes for a better future for the world."[156] Several of these principles voiced human rights aspirations without specifically employing the formulation "human rights": the third principle called to "respect the right of all peoples to choose the form of government under which they will live;" the fifth principle aimed at international collaboration to improve "labor standards, economic advancement and social security;"

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[154] Roosevelt.

[155] However, U.S. duplicity on human rights within its own borders was an important fact of life at the time. One illustration of U.S. hypocrisy, racial segregation and discrimination, was a book edited by W. E. B. DuBois entitled, *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.* Dubois W. E. B., ed., *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* (New York: The National Association for the Advancement of Colored People, 1947). Another important example of the denial of human rights for all people in the United States was Gunnar Myrdal's landmark 1944 work, *An American Dilemma: The Negro Problem and American Democracy,* which detailed the oppression and subjugations of African Americans. Moreover, Soviet representatives frequently criticized the hypocrisy of the United States' push for human rights in light of its treatment of racial minorities. Glendon, *A World Made New,* 36.

[156] Franklin D. Roosevelt and Winston S. Churchill, "The Atlantic Charter," August 14, 1941.

and the sixth principle advocated the "freedom from fear and want" for "all the men in all lands."[157] This liberation from fear and want are two of the four freedoms that Roosevelt introduced in the 1941 SOTU. The Atlantic Charter also hinted at a new transnational order in which nations would collaborate for economic purposes (principles four and five) and for the promotion of global security (most prominently principle eight, but also principles six and seven).[158] Therefore, both in its concern for universal human welfare and in its vision of greater transnational collaboration, the Atlantic Charter was an important step in the evolving conception of the relationship between the nation-state and the individual.

The following year, Roosevelt specifically used "human rights" language in two noteworthy contexts. First, the president inserted, in his own hand, the purpose "to preserve human rights and justice" into a draft of the Declaration by the United Nations.[159] That declaration, signed by the four principle allies—China, the Soviet Union, the United Kingdom, and the United States—on January 1, 1942, formalized the relationship of the allied powers in the war and would serve as the basis of the United Nations. Second, in a letter to Churchill on the anniversary of the Atlantic Charter, Roosevelt tied the declaration to the "preservation of human rights and justice" internationally.[160] Thus, both the Atlantic Charter and the Declaration by the United Nations, arguably the two most important allied

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[157] Roosevelt and Churchill.

[158] Principle eight in full, states, "Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measure which will lighten for peace-loving peoples the crushing burden of armaments." Roosevelt and Churchill.

[159] Lauren, *The Evolution of International Human Rights*, 344, endnote 16. This is also the first official instance of the term "United Nations," which is also attributed to Franklin D. Roosevelt. "Preparatory Years: UN Charter History," *United Nations*, accessed September 21, 2022, https://www.un.org/en/about-us/history-of-the-un/preparatory-years.

[160] Franklin D. Roosevelt, "Message to Prime Minister Churchill on the First Anniversary of the Atlantic Charter," August 14, 1942, https://www.presidency.ucsb.edu/node/210801.

documents in the early years of the war, were influential parts of the burgeoning human rights movement.

An additional salient stride for transnational rights and humanitarianism deriving from the destruction of WW II was the founding in 1943 of the United Nations Relief and Rehabilitation Administration (UNRRA), a predecessor to the United Nations that had forty-four nations as signatories at its creation. In its short existence, 1943–1947, the institution provided relief to civilian populations in areas occupied by militaries of the "United Nations."[161] The estimated $3.7 billion of funding supplied to the UNRRA came principally from the governments of allied nations.[162] By contrast, private individuals had supplied $52 million of monetary donations and gifts in kind for the largest relief effort during WW I: Hoover's Commission for the Relief of Belgium.[163] Thus, the historian G. Daniel Cohen argues that the transnational humanitarian collaboration of the UNRRA, founded through the advocacy of the Roosevelt administration, marked "the end of the 'charitable phase' of modern humanitarianism."[164] This change is related to the transition in U.S. humanitarian relief leadership from the Red Cross to the federal government in the early- to mid-1930s (see section 4.2.1 above).

Elizabeth Borgwardt, a historian, characterizes the shift from "the private to the public realm in relief and rehabilitation" entailed in the UNRRA as part of the "internationalization of New Deal-style problem solving."[165] An editorial from *The Nation*

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[161] "Agreement for the UNRRA," 1943, http://www.ibiblio.org/pha/policy/1943/431109a.html.
[162] Laure Humbert, "Not by Bread Alone? UNRRA and the Displaced Persons in Gutach," in *France in an Era of Global War, 1914-1945: Occupation, Politics, Empire and Entanglements*, ed. Ludivine M. E. Broch and Alison Carrol (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014), 211.
[163] Merle Curti, *American Philanthropy Abroad* (New Brunswick, NJ: Transaction Publishers, 1988), 235.
[164] G. Daniel Cohen, "Between Relief and Politics: Refugee Humanitarianism in Occupied Germany 1945–1946," *Journal of Contemporary History* 43, no. 3 (2008): 438.
[165] Elizabeth Borgwardt, *A New Deal for the World* (Cambridge, MA: Belknap Press, 2005) 119.

in 1944 captured the sentiment of many in the Roosevelt administration: "Only a New Deal for the world, more far-reaching and consistent than our own faltering New Deal, can prevent the coming of World War III."[166] In that same year, during his SOTU, Roosevelt declared the need for a "second Bill of Rights" to serve as the basis for a new and secure peace.[167] The speech's progressive vision, going well beyond first generation of civil and political rights, called for "the right to earn enough to provide adequate food and clothing and recreation," "the right of every family to a decent home," "the right to adequate medical care," and "the right to education."[168] As such, Moyn describes human rights as "part of a wartime internationalization of the American New Deal."[169] Though there is much more to be said about the advent of human rights in the 1940s, the exportation of U.S. New Deal thinking was a crucial factor.

4.3.2 Post-War Human Rights Innovations: UN Charter, Human Rights Commission, and UNESCO Philosophers' Committee[170]

In terms of post-war events that propelled the cause of human rights forward, the 1945 United Nations Conference on International Organization (UNCIO) held in San Francisco was paramount. The United Nations Charter (UN Charter), created and adopted at this conference, emphatically signaled a new orientation toward global order: the nation-state is no longer unbridled in political authority. A comparison between the founding documents of the UN and the League of Nations illustrates the difference in thinking at the

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[166] Elizabeth Borgwardt, 6.
[167] Franklin D. Roosevelt, "State of the Union," 1944.
[168] Roosevelt.
[169] Samuel Moyn, "Personalism, Community, and the Origins of Human Rights," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann, Human Rights in History (Cambridge, UK: Cambridge University Press, 2011), 87, https://doi.org/10.1017/CBO9780511921667.007.
[170] The category of "post-war" is not strictly accurate as it relates to the United Nations Conference on International Organization. That conference took place from April 25 to June 26, 1945. WW II ended in Europe on May 8, 1945, and in Japan on September 2, 1945.

end of the two world wars. The bolded language in Table 4.1 contrasts the state-centric character of the Covenant of the League of Nations with the emphasis on individual persons in the UN Charter.

Table 4.1 Comparison of League Covenant and UN Charter

Preamble to the Covenant of the League of Nations (1919):	Preamble of The UN Charter (1945):
THE **HIGH CONTRACTING PARTIES**, In order to promote **international co-operation** and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations **between nations**, by the firm establishment of the understandings of international law as the actual rule of conduct **among Governments**, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of **organised peoples** with one another, Agree to this Covenant of the League of Nations.[171]	WE THE **PEOPLES** OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to **mankind**, and to reaffirm faith in **fundamental human rights**, in **the dignity and worth of the human person**, in the **equal rights of men and women** and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote **social progress and better standards of life** in larger freedom.[172]

The League's Covenant begins with concern for "nations," "organized peoples," and "governments." These terms denote nation-states. In addition, its concern for individuals is conspicuously minimal and late, appearing in Articles 23, 25, and to a lesser extent 22.

The UN Charter reverses both the order and the weight of this treatment. A conceptual change is visible within the first line of the Preamble. That line reads, "WE THE *PEOPLES* OF THE UNITED NATIONS*"* (italics added), and contrasts with the Covenant of the

[171] League of Nations, "Covenant of the League of Nations," *The Avalon Project*, accessed July 24, 2023, https://avalon.law.yale.edu/20th_century/leagcov.asp.
[172] United Nations, "Charter of the United Nations and Statute of the International Court of Justice," (San Francisco, 1945) 2.

League of Nations' more formal and nation-sate focused beginning: "THE HIGH CONTRACTING PARTIES." Furthermore, the next line of the UN Charter laments the impact of war on "mankind"—a clue to the emphasis on humanity. If doubt exists regarding the significance of these minor semantic differences, the next statement of the UN Charter Preamble confirms a major thematic difference. It proclaims the determination to safeguard "fundamental human rights," "the dignity and worth of the human person," and "the equal rights of men and women and of nations large and small." The human person is now at the fore.[173] While the UN Charter maintains strong Westphalian elements, it advocates for the protection of human rights and human welfare with boldness and clarity.[174]

In keeping with this attention to the welfare and rights of the individual, the UN Charter also stipulates a commission on human rights in Article 68.[175] The responsibility for setting

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[173] Burgers writes, "One of the most striking differences between the Covenant of the League of Nations of 1919 and the Charter of the United Nations of 1945 is that human rights had no place in the Covenant (apart from some references in Article 23 to 'fair and humane conditions of labour' for everyone and to 'just treatment' of the native inhabitants of dependent territories)." Burgers, "The Road to San Francisco," 449.

[174] For a sign of the continued Westphalian elements, the following section of the Preamble (i.e., "AND FOR THESE ENDS"), as well as Article 1 (i.e., "The Purposes of the United Nations are:") include the Westphalian concept of "good neighbors" and have a heavy emphasis on "international peace and security" with "friendly relations among nations, "international cooperation," and "harmonizing the actions of nations."

[175] John S. Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington, DC: Georgetown University Press, 2005), 5–6. Frederick Nolde was a crucial figure in this account who helped, among other things, secure the inclusion of a commission on human rights in the UN Charter. In addition to Nolde, John Foster Dulles, John Mackay, Maritain, and J. H. Oldham played prominent roles in Nurser's history of UN institution-building and human rights advocacy. Additionally, James T. Shotwell, who had been a leading advocate of both the International Labor Organization (having participated in its creation) and the League of Nations (having served as president of the League of Nations Association), in his capacity as chairman of the consultants at the UNCIO also championed the inclusion of a commission on human rights in the UN Charter. Moreover, throughout his career, Shotwell served in various capacities for the Carnegie Endowment for International Peace—he served as the endowment's president in the late 1940s. Another influential advocate for human rights leading up to and during the San Francisco conference was the Commission to Study the Organization of Peace (CSOP). Created by the League of Nations Association in 1939, the CSOP (including Clark M. Eichelberger and Shotwell) advocated for human rights throughout the 1940s. An example of the Commission's work was the 1943 report *Human Rights and the World Order* by Chicago University's international law professor Quincy Wright. The report urged a "universal bill of human rights." Consistent with personalist philosophy, the report appealed to the "value of human personality," which it associated with Christianity, as an important ground for human rights. Quincy Wright, *Human Rights and the World Order* (New York: Commission to Study the Organization of Peace, 1943), 14-16, 26.

up the commission belonged to the Economic and Social Council (ECOSOC).[176] ECOSOC created the Commission on Human Rights (CHR) (a.k.a. Human Rights Commission) in 1946, which became the United Nations Human Rights Council in 2006. The CHR began work on an "International Bill of Human Rights" in early 1947 under the leadership of Eleanor Roosevelt (chairman), P.C. Chang (vice-chairman), and Charles Malik (rapporteur). A smaller committee comprising a subset of CHR members, the Drafting Committee of the Commission on Human Rights, appointed René Cassin of France to author a first draft that the CHR subsequently debated and edited over many months. Ultimately, these efforts produced the UDHR that the UN General Assembly adopted on December 10, 1948.[177]

In addition, the San Francisco Conference recommended that a predecessor organization deriving from the League of Nations, the Conference of Allied Ministers of Education, should become the United Nations Educational, Scientific and Cultural Organization (UNESCO). Following the vision of its first president, Julian Huxley, brother of the famed writer Aldous Huxley, the newly formed UNESCO addressed, among other issues, the "rights of man" in its first General Conference in 1946. The conference report recommended an international convening, in conjunction with the CHR, "to clarify the principles on which might be founded a modern declaration of the Rights of Man."[178] The resulting committee, the UNESCO Committee on the Philosophic Principles of the Rights

[176] The full text of the article reads: "The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions." United Nations, "Charter of the United Nations and Statute of the International Court of Justice," 13.

[177] In addition to Roosevelt, Chang, and Malik, this new UDHR Drafting Committee included Alexandre E. Bogomolov (USSR), Cassin (France), Santa Cruz (Chile), Charles Dukes (UK), William Hodgson (Australia), and Humphrey (Canada). For a history of the drafting process, see Glendon, *A World Made New*.

[178] "UNESCO General Conference: First Session" (Paris: UNESCO, 1947), 236, https://unesdoc.unesco.org/ark:/48223/pf0000114580.

of Man, also known as the "Philosophers' Committee," had E. H. Carr, a Cambridge historian, as chairperson, and Richard McKeon, a University of Chicago philosopher, as rapporteur. The Philosophers' Committee received responses to its survey on the nature and content of rights from approximately seventy intellectuals and leaders from a wide range of perspectives (e.g., American, Chinese, European, Islamic, Hindu, socialist, etc.), including several notable figures (e.g., Mohandas Gandhi and Aldous Huxley).[179] Despite the relative diversity of input, the Philosophers' Committee was able to reach consensus on a list of fifteen widely held rights encompassing both first and second generation rights.[180] In addition, the committee published its well-known report, "Human Rights: Comments and Interpretations" (1948), with an introduction by Maritain.[181] In the end, the Philosophers' Committee achieved mixed results. While it produced high-quality and diverse thought about human rights and created greater awareness of their importance, the CHR voted eight to four against distributing its report to the UDHR Drafting Committee.[182]

4.3.3 The Nuremberg Trials, Crimes Against Humanity, and Genocide

The Nuremberg Trials (1945–1946), which the human rights lawyer Geoffrey Robertson, describes as "a colossus in the development of international human rights law," showed a level of supranational jurisprudence rarely seen prior its advent.[183] The court was

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[179] Glendon, *A World Made New*, 73.

[180] Glendon, 76. The fifteen "fundamental rights on which, the UNESCO committee on the Philosophical Principles of the Rights of Man is convinced, all men are agreed" were: the right to life; the right to the protection of health; the right to work; the right to maintenance; the right to property; the right to education; the right to information; freedom of thought and the right to free inquiry; the right of self-expression; the right to justice; the right to political action, freedom of speech, assembly, association, worship and the press; the right to citizenship; the right to rebellion or revolution; and the right to share in progress. UNESCO and Maritain, "Human Rights: Comments and Interpretations," Appendix II, 11-15.

[181] UNESCO and Maritain, "Human Rights: Comments and Interpretations."

[182] Glendon, *A World Made New*, 83–84; Mark Goodale, "Seventy-Year-Old Views That Remain Contemporary," *The UNESCO Courier*, October 3, 2018, accessed July 24, 2023, at https://en.unesco.org/courier/2018-4/seventy-year-old-views-remain-contemporary.

[183] Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (New York: New Press, 2000), 75.

composed of judges and prosecutors from four allied powers (France, the Soviet Union, the United Kingdom, and the Unites States). In fact, a U.S. Supreme Court Justice, Robert H. Jackson, was one of the prosecutors of this trial of German citizens in the nation of Germany by foreign justices. The right, claimed by allied nations, to prosecute citizens and leaders of Germany for crimes not perpetrated on allied soil clearly broke with the doctrine of national sovereignty. Not shrinking from the juridical transnationalism of the trial, Sir Hartley Shawcross, lead prosecutor for the United Kingdom at Nuremberg and Her Majesty's Attorney General for England and Wales, wrote, "International law has in the past made some claim that there is a limit to the omnipotence of the state and that the individual human being, the ultimate unit of all law, is not disentitled to the protection of mankind when the state tramples upon his rights in a manner which outrages the conscience of mankind."[184] This rationale limits state power for the sake of the rights of individual human beings as guided by the conscience of humanity. Stated differently, positive law adopted by a polity is not the sole determinate of justice because each individual human has rights that transcend positive law.

In addition, the Nuremberg trials were the first to prosecute defendants for "crimes against humanity."[185] Article 6(c) of the Nuremberg Charter, signed by allied powers in 1945, defined crimes against humanity as follows:

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[184] Mark Swatek-Evenstein, *A History of Humanitarian Intervention* (Cambridge, UK: Cambridge University Press, 2020), 203; Norman Geras, *Crimes Against Humanity: Birth of a Concept* (Manchester, UK: Manchester University Press, 2011).

[185] This term had been used as early as the 1860 U.S. Republican Party platform (point 9) as a characterization of the slave trade. "Republican Party Platform of 1860," May 17, 1860, https://www.presidency.ucsb.edu/documents/republican-party-platform-1860. George Washington Williams, the African-American minister, politician, lawyer, and historian, also used the term in reference to the systematic enslavement and oppression of Africans in the Congo Free State of King Leopold II of Belgium. Hochschild, *King Leopold's Ghost*, 102.

> Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.[186]

This new charge composed count four of the indictment in the first and most public portion of the trials: the International Military Tribunal (IMT).[187] The focus on humanity at large was a shift from the League of Nations minority rights approach discussed in section 4.1.2 above. While scholars such as Duranti and Moyn express reservations about the broad nature of the new crime potentially obfuscating the particularly heinous treatment of Jews, theologian John Milbank argues that prosecuting crimes against Jews, or any other ethnic or religious minority, as crimes against humanity is "the more radical" charge because it assumes that the victims are fully human regardless of their ethnicity or religion.[188] Furthermore, the logic of crimes against humanity gave international rights to all

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[186] "Nuremberg Charter," 1945, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.2_Charter%20of%20IMT%201945.pdf.

[187] The IMT was the landmark trial in which twenty-one of the most senior Nazi leaders, including Herman Goering and Rudolf Hess, were prosecuted for their crimes in WW II. As mentioned, the IMT was the first and best known of the Nuremberg Trials. It was international in scope, whereas U.S. military courts alone conducted the proceeding twelve trials at Nuremberg of lower-level Nazi defendants from 1946-1949. In addition, eleven nations that fought against the Empire of Japan prosecuted Japanese leaders during the International Military Tribunal (IMT) for the Far East, which occurred in Japan from 1946-1948. In both IMTs (Germany and Japan), allies prosecuted three classes of crime: crimes against peace, war crimes, and crimes against humanity. See Geras, *Crimes Against Humanity*.

[188] John Milbank, "The Last Christian Settlement: A Defense and Critique, in Debate with Samuel Moyn," 32. Moreover, contra the assertion by Duranti and Moyn that atrocities against the Jewish people were not explicitly invoked, the opening statement of the lead U.S. prosecutor at Nuremberg, Robert H. Jackson, features the language of "Crimes Against Jews." In fact, that is the title of the largest section of his oration (fourteen of its eighty-nine pages). Robert H. Jackson, *The Case against The Nazi War Criminals: Opening Statement for the United States of America*, 1st ed. (New York: A. A. Knopf, 1946).

individuals, minority or otherwise, against their own governments.[189] In fact, Hersch Lauterpacht, an influential mid-twentieth-century international lawyer and judge on the International Criminal Court, wrote, "In an indirect but compelling manner the enactment of 'crimes against humanity' constituted the recognition of fundamental human rights superior to the law of the sovereign State."[190] More recently, Leslie H. Gelb and Justine A. Rosenthal, experts in international relations, described the Nuremberg Trials as, "perhaps the boldest single effort to enshrine" the notion of universal human rights.[191]

In a similar vein, the legally innovative "genocide" debuted in the Nuremberg prosecutions—in both the IMT and the subsequent twelve trials by the purely US-led Nuremberg Military Tribunal (NMT). Raphael Lemkin, a Jewish legal expert from Poland, developed this neologism in his 1944 Carnegie Endowment publication, *Axis Rule in Occupied Europe,* with this definition:

> Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.[192]

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[189] Geras, *Crimes Against Humanity*, 76.
[190] Hersch Lauterpacht, *International Law and Human Rights*, The Garland Library of War and Peace (New York: Garland Pub, 1973), 38.
[191] Leslie H. Gelb and Justine A. Rosenthal, "The Rise of Ethics in Foreign Policy: Reaching a Values Consensus," *Foreign Affairs*, January 28, 2009, 3, https://www.foreignaffairs.com/articles/2003-05-01/rise-ethics-foreign-policy-reaching-values-consensus.
[192] Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Publications of the Carnegie Endowment for International Peace, Division of International Law (Washington, DC: Carnegie Endowment for International Peace, Division of International Law, 1944), 79.

Though no defendants were charged with the crime of genocide, the term provided greater descriptive clarity at a time when no word existed to denote the Nazi policy of the violent extermination of Jews, Romani, and others.[193] One of the chief alternative words, "holocaust," was widely associated with the German "final solution" only in 1961 due to the trial of Adolf Eichmann.[194] The crime of genocide gained much greater currency a few years later, when, with significant effort by Lemkin, the United Nations General Assembly adopted the Convention on the Prevention and Punishment of Genocide.[195] The UN General Assembly approved the Genocide Convention on December 9, 1948—one day before the adoption of the UDHR. Given the common historical motivations, similar chronologies of development, and shared concern to restrain the absolute authority of the state, A. F. Vrdoljak, a professor of international law, aptly described the Genocide Convention and the UDHR as "two sides of the same coin."[196]

In the first few years after WW II, an epochal emendation of the Westphalian project was well underway. The UN Charter, the Nuremberg trials, and the UDHR were among its most celebrated and impactful accomplishments. In addition, the laissez faire conception

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[193] Alexa Stiller, "The Mass Murder of the European Jews and the Concept of 'Genocide' in the Nuremberg Trials: Reassessing Raphaël Lemkin's Impact," *Genocide Studies and Prevention: An International Journal* 13, no. 1 (April 1, 2019): 167, https://doi.org/ https://doi.org/10.5038/1911-9933.13.1.1610 . In the IMT indictment, "genocide" occurs in the description of count 3, which is the charge of "War Crimes;" and it is defined as follows: "the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies and others."

[194] Stiller, 145. See Stiller's discussion (also page 145) of the origins of the term "holocaust" from the Greek *holókaustos* meaning "completely burned" from the Septuagint (i.e., a widely used Greek version of the Jewish Tanakh completed in the third century BCE). Stiller asserts that holocaust was first used "for the extermination of a particular group in the case of the Armenians" in 1895 by the *New York Times*.

[195] In 1946, the United Nations had already resolved to declare genocide to be "a crime under international law." United Nations General Assembly Resolution 96 (I), December, 11, 1946. See Karen E. Smith, ed., "United Nations General Assembly Resolution 96 (I), 11 December 1946," in *Genocide and the Europeans* (Cambridge, UK: Cambridge University Press, 2010), 254, https://doi.org/10.1017/CBO9780511760570.009.

[196] A. F. Vrdoljak, "Human Rights and Genocide: The Work of Lauterpacht and Lemkin in Modern International Law," *European Journal of International Law* 20, no. 4 (November 1, 2009): 1165, https://doi.org/10.1093/ejil/chp090.

of the state had lost much ground to the conviction that the state should directly intervene to ensure the welfare of its inhabitants. As such, whatever else one concludes about the development of human rights in the mid-twentieth century, it was part of a wider phenomenon. The nearly unimaginable catastrophes of WW I, the Great Depression, and WW II created a unique environment in which figures from across the intellectual, political, and religious landscapes sought to restructure society. This renovation included questions about human nature, the rights of the individual person, and the limits of state sovereignty. Christian human rights advocacy in the transwar era, while innovative in various ways, was reflective of the exigencies of the milieu. New historians of human rights emphasize the novel elements of Christian, and especially Catholic, support of human rights in the era using the characterization of "invented tradition." In doing so, this school of historiography has downplayed the extent to which Christian personalist formulations of human rights were logical applications of preexisting philosophical and theological principles to the demands of an almost unimaginably catastrophic era. A more accurate account of the history of Christian personalism and human rights must elucidate both discontinuity and continuity.

Chapter 5: Christian Personalism–Personhood and the State

Personality is the existential center, not society, and not nature,
the subject is existential, not the object.[1]

A sound political conception depends above all on the human person.[2]

The embrace and advocacy of human rights by Christian personalists in the transwar era were logical extensions of their views of the human person. Chapter 5 supports this claim in three parts. To begin, I locate transwar Christian personalism within the intellectual trajectory of philosophical personalism (building on the content of chapter 3). Many of the same fundamental critiques of rationalism, idealism, and naturalism persisted from philosophers such as Jacobi, Husserl, and Bowne through to Christian personalism of the 1930s and 1940s. A common thread throughout their responses to the insufficiency of Enlightenment rationalism was the primacy of the person or personhood as a first principle. Second, the present chapter highlights the existentialist affinities of Christian personalism. Mounier, arguably the chief proponent of Christian personalism, defined it as a branch of the existentialist tree.[3] Dostoevsky and Nietzsche, some of whose writings are important sources of existentialist thought, pointed thinkers such as Berdyaev, Mounier, and Maritain to the central importance of personhood and human freedom. In addition, the earliest known (to this author) explicit defense of "human rights" in Christian personalist terms comes in Flewelling's 1920 commentary on Nietzsche's *Übermensch*. Third, I detail several Christian personalist views of the evolving relationship between the individual and the state (building on the theme of chapter 4). Despite sharing a strong commitment to the

[1] Nikolai Berdyaev, "Personalism and Marxism," *Put*, 1935, 4.
[2] Jacques Maritain, *Christianity and Democracy: The Rights of Man and the Natural Law* (San Francisco, CA: Ignatius Press, 2012), 100.
[3] Emmanuel Mounier, "Introduction Aux Existentialismes," *Esprit* 4, no. 121 (1946): 525.

dignity of the human person, Hocking and Maritain diverged significantly in political philosophy. The former, following an idealist philosophy, developed a strong, even authoritarian, view of the state. The latter, based on Thomistic natural law theory, elaborated a more pluralistic political theory. In addition, Day and Mounier, skeptics of increasing state power, worked to protect the rights and welfare of individuals and intermediate institutions such as the family and labor unions.

In summary, this chapter furthers our understanding of several of the most important ideas that influenced Christian personalist approaches to human rights. As such, it lays a foundation for the exploration in the following chapter of the ways in which Christian personalists thought about and engaged issues of human rights.

5.1 Following Philosophical Personalism

5.1.1 Critique of Enlightenment Rationalism

Maritain's criticism of Enlightenment rationalism centered on Descartes whom he believed "dominate[d] all philosophy" of the preceding three centuries. Maritain wrote:

> The Cartesian experiment was an admirable metaphysical undertaking bearing the hallmark of genius; we owe it a great deal, if only for having brilliantly proven that any experiment of that nature is doomed ahead of time to failure. . . . The Men of today have the very instructive privilege of watching the historic failure of three centuries of rationalism.[4]

He attributed to Descartes three major philosophical errors: Cartesian philosophy is (a) idealist regarding the connection between "thought and being;" (b) rationalist in terms of the "meaning of knowledge;" and (c) dualist in anthropology.[5] Each of these positions has the potential to undermine the connection of humans to the external world, including other

[4] Jacques Maritain, *The Dream of Descartes: Together with Some Other Essays*, trans. Mabelle Louise Cunningham Andison (New York: Philosophical library, 1944), 10.
[5] Maritain, 168–169.

persons. As such, Maritain described Cartesian thought as "the great French sin in modern history."[6] A stronger repudiation is hard to imagine.

In place of the rationalist idealism emanating from Descartes, with Platonic roots, Maritain embraced the realism and objectivism of Aquinas, with Aristotelian roots.[7] Thomistic philosophy asserts that truth exists in the conformity of the mind to the external world, which is independent of the mind.[8] The mind grasps not merely the idea of an external object, but the object itself "stripped of its own existence and conveyed within the intellect, transferred into the intellect's own immateriality."[9] Maritain contrasted his position with the "great naïveté" of the Cartesian belief that the mind grasps only its own ideas.[10] Thus, while Kant never arrived at the real world, "noumena" being unknowable, Maritain's Thomistic epistemology posited the apprehension, not formation, of the external world by the mind. In addition, Maritain's ontology begins with the world of sensible nature, moves to the world of spiritual things and freedom, and reaches its apogee in that which is truly supernatural—each level for him was both real and intelligible.[11]

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[6] Maritain, *The Dream of Descartes*, 186.

[7] On this subject, Maritain wrote: "From the outset, Thomas Aquinas makes knowledge *absolutely dependent* upon what is. To know, in fact, is essentially to know *something*, and something which, as specifier of my act of knowing, is not produced by my knowledge, but on the contrary measures it and governs it, and thus possesses its own being, independent of my knowledge; for it would be absurd for the measuring device as such to be dependent upon the thing measured. Far from its being true that the object of knowledge is, as Kant put it, a product manufactured by thought, and something other than *what is*, it must, by its very nature of known object, be that which a thing precisely taken in its otherness, in what it has of itself and not of me. The entire specification of my act of intelligence comes, therefore, from the object *as something other*, as free from me. In knowing, I subordinate myself to a being independent of me; I am conquered, convinced and subjugated by it. And the truth of my mind lies in its conformity to *what is* outside of it and independent of it. That is the fundamental realism and objectivism of Thomistic philosophy." Jacques Maritain, *The Range of Reason* (New York: Charles Scribner's Sons, 1952), 12–13.

[8] Maritain, 12–13.

[9] Maritain, 15.

[10] Maritain, 15. In seeking the middle ground between idealism and materialism, Maritain expressed an appreciation for the faculty of the senses as providing valid information that works together with the "spiritual faculty" to produce ideas. It would be "an absurdity," in his view, to deny the physical world as attested by the senses. Jacques Maritain, *An Introduction to Philosophy* (London: Continuum, 2005), 108.

[11] Jacques Maritain, *Freedom in the Modern World*, The Collected Works of Jacques Maritain XI, ed. by Otto Bird, trans. by Richard O'Sullivan and Otto Bird, 1st ed. (University of Notre Dame Press, 1996), 15.

Mounier also saw a fundamental error in Cartesian philosophy. In his most well-known book, *Personalism*, published in the year of his death, 1950, Mounier acknowledged the "abundant riches" that Descartes had endowed to philosophy, but faulted him for having bequeathed, via the *Cogito*, "the germs" of "idealism and metaphysical solipsism."[12] The rational idealism derived from Cartesian thought led both to the "dissolution of concrete existence," leaving only the realm of ideas, and to the diminution of "classical personalism from Leibniz to Kant."[13] Thus, both Maritain and Mounier, recognizing the solipsistic potential of Cartesian rationalism, eschewed its reduction of reality to thought or abstract forms.

Mounier further articulated his dissatisfaction with rationalism by writing about two opposing errors emanating from its adherents: "Either they eliminate the spectator altogether as a free personal existence . . . or they leave us with only an 'objective' spectator."[14] The former is a materialist denial of personality and freedom. The latter casts doubt on the connection between the individual and the external world. The "knowing subject" was Mounier's alternative to an isolated and unrelating observer. The depersonalization of the world especially discomfited Mounier as philosophy and science, with their aspiration to systematize and objectify all things, had composed a world in which the real and the rational were identical. This absolute idealism, or Hegelian absolutism, had also been the target of philosophical personalists such as Lotze and Knudson. Thus, for Mounier, "the original sin" of rationalism was to forget that the conscious mind was

[12] Mounier, *Personalism* (University of Notre Dame Press, 1989), xxiii.
[13] Mounier, xx–xxiii. By classical personalism, Mounier meant "a keen sense of the dignity of the human being" that appears in Greek philosophy. He offered Socrates' "Know thyself," Aristotle's *Nichomachean Ethics*, and the Stoic *caritas generis humani* as instances of this idea.
[14] Emmanuel Mounier, *Personalism* 73.

personal and creative, not merely a material phenomenon reducible to logical formulas of explanation.[15] The solution for Mounier was personalism, a branch of existentialist thought. He explained the origins of existentialism as "a reaction of the philosophy of man against the excesses of the philosophy of ideas and the philosophy of things."[16] Personhood supplanted, for Mounier, either ideas or material objects at the center of reality.

Hocking departed from many personalists, especially of the Thomistic variety, in maintaining an idealist philosophy. However, he described idealism as unfinished because it failed "to arrive at reality"—a critique similar to those of Maritain and Mounier discussed above.[17] He referred sympathetically to "our new philosophies" that were supplanting idealism because they better accounted for the material world: mysticisms, pragmatisms, and realisms.[18] Hocking's effort to complete idealism came out of the post-Kantian German idealism initiated by Johann Gottlieb Fichte (1762–1814) and the concept of "objective idealism" introduced by another member of that school, Friedrich W. J. Schelling (1775–1854). In place of the dualism resulting from the dense epistemological fog between Kant's *phenomena* and *noumena*, Schelling posited a monistic ontology with the "World-Soul" as

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[15] Emmanuel Mounier, *Existentialist Philosophies - An Introduction*, trans. Eric Blow (Hassel Street Press, 2021), 9. Mounier used the metaphor of "original sin" in numerous contexts, several of which I discuss below.
[16] Mounier, 2.
[17] William Ernest Hocking, *The Meaning of God in Human Experience: A Philosophic Study of Religion* (New Haven, CT: Yale University Press, 1912), 66.
[18] Hocking, ix; Carroll R. Bowman, "William Ernest Hocking on Our Knowledge of God and Other Minds," *Religious Studies* 10, no. 1 (1974): ix, 66. Hocking was especially sympathetic toward some forms of realism. For example, he wrote, "The craving for an ingredient of moral realism in our philosophy seems to me a justified hunger of the age. The whole set of realistic upheavals, Nietzschean, neo-Machiavellian, Syndicalist, Freudian, and other, crowd forward with doctrines about human nature and its destiny which at least have life in them. Whatever else they contain, unsound or sinister, they contain Thought: and this thought must be met on its own ground. The next step, whether in social philosophy, or in education, or in ethics, requires an understanding between whatever valid elements moral realism may contain and the valid elements of the challenged tradition." William Ernest Hocking, *Human Nature and Its Remaking* (New Haven, CT: Yale University Press, 1918), ix.

its absolute real object.[19] The World-Soul is simultaneously mind and nature. The apparent distinction between the two is merely a psychological necessity due to the limits of the human mind, not an ontological verity. Thus, Hocking's monism restored the connection between *phenomena* and *noumena*, matter and ideas, and objects and subjects.

Hocking built toward absolute idealism in his most influential philosophical work, *The Meaning of God in Human Experience* (1912), in which he dedicated a chapter to "The Need of an Absolute."[20] This text points to the insufficiency of some of the most important philosophies relating to a metaphysical absolute: Descartes' *Cogito*, Kant's categorical imperative, and the skeptic's denial of absolute truth. Hocking concluded that these philosophical formulations are unable to say anything about the external world with objective certainty because each "retreat[s] into the subject."[21] Descartes grounded reality in the mind of the human subject. Kant's categorical imperative relies on the philosopher's own assertion of a moral truth: the inherent dignity of humans. The skeptic depends on a self-proclaimed absolute truth: that absolute truth does not exist. In each instance, philosophers sought, but did not find, a foundational reality external to the self.[22] As such, "modernity completely failed to resolve the dilemma of 'solipsism'" in Hocking's assessment.[23]

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[19] Paul Guyer and Rolf-Peter Horstmann, "Idealism," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, (Metaphysics Research Lab, Stanford University, Spring 2021), https://plato.stanford.edu/archives/spr2021/entries/idealism/. Guyer and Horstmann describe Kant's epistemological view as "theoretically indeterminate ontological realism" or the concept that, although there truly are objects outside independent of our representation of them, "because our most fundamental ways of representing things cannot be true of them we cannot know anything about them," other than the fact of their existence independent of our minds. Guyer and Horstmann, 49–50.
[20] Hocking, *The Meaning of God in Human Experience*, 183.
[21] Hocking, 195.
[22] Hocking, 194.
[23]Bowman, "William Ernest Hocking on Our Knowledge of God and Other Minds," 45. Hocking was neither a realist nor even a classical idealist. Idealism for Hocking was not the choice of mental over material as the one ground of existence, but the recognition of intrinsic meaning in the universe. The presence of meaning, which he described as his own "a priori prejudice" implies some kind of mental life at the core of reality."

To avoid that dead end, Hocking followed the work of Bowne further into the concept of selfhood.[24] The self is more than a natural phenomenon, more than a fact, because facts are not conscious of other facts.[25] The self also transcends nature in that it interprets or assigns value to natural instincts. On the one hand, Hocking agreed with a realist view of human nature based on instinct. On the other hand, he disagreed with the idea that human life is only the deterministic drive to fulfill biological instincts for items such as food, reproduction, and security. The satisfaction of instincts requires significant thought, prioritization, and valuation. It also varies from person to person and may be different for any one person depending on factors such as time, circumstance, and location. That is to say, "conscious life is engaged quite as much in *trying to find out what* it wants as in trying to get it," or, more succinctly, "instinct requires interpretation."[26] Thus, his monograph, *Human Nature and Its Remaking,* is a self-described "experiment in interpretation."[27] A link between biology or nature and value or mind, in human persons, was part of Hocking's case against naturalism.[28]

Another important step toward his monistic conception of reality, what Hocking described as "an individual Reality not-ourselves," was the supposition of an absolute self or person.[29] He employed various appellations for this concept: ultimatum, Eternal and

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This was a philosophical minimum without which philosophy would not be possible in his estimation. Hocking, William Ernest Hocking, *Types of Philosophy* (New York: Scribner, 1939), 495–497.

[24] Borden Parker Bowne, *Theory of Thought and Knowledge* (New York: Kraus Reprint Co., 1970).

[25] Hocking, *Types of Philosophy*, 500.

[26] Hocking, *Human Nature and Its Remaking*, x.

[27] Hocking, xi.

[28] Hocking also attacked naturalism writing, "It follows that every philosophy of whatever type is bound to assume that the universe has a meaning (or a system of meanings); a meaning which is objective, in the sense that it is there whether or not you or I discover it, but which can be discerned by us. And since meanings are something more than the bare facts of that natural order, all philosophy is, in its assumptions, contradictory to naturalism, taking naturalism strictly as the negative doctrine that Nature is all there is." Hocking, *Types of Philosophy*, 495.

[29] Hocking, *The Meaning of God in Human Experience*, 177. Monistic philosophy, as currently conceived, divides into two main categories: existence monism and priority monism. Hocking's monism would have

Necessary Fact, Changeless Ultimate, the Absolute, and God.[30] He also developed numerous justifications for the idea. To begin, he posited that selfhood applies both to specific parts of the world, meaning individual self-conscious humans, and to the world as a unity, akin to Schelling's World-Soul. The central evidence of the latter, a monistic divine selfhood, is immediate experience. On this point, he was indebted to the phenomenological epistemology of Husserl with whom he studied in Germany.[31] The final chapter of Hocking's *Human Nature and Its Remaking*, entitled "The Last Fact," ends with the following thought: "*The truth* does not lie in the dialectic itself. It must come as a positive datum, something itself personally experienced or 'revealed.'. . . Its function is not to prove God but to announce God."[32] For Hocking, the knowledge that we are not alone in the universe, that an ultimate self or person exists, was the first and most persistent human intuition.[33] In other words, via a phenomenological epistemology, he saw personality at the center of reality.

Hocking also arrived at an absolute personal object through the quest to ground several other fundaments of human experience. First, knowledge and meaning, he thought, suggest a transcendent mind: "Since meanings are abstractions unless they are somehow known or felt or appreciated, the existence of objective meaning in the world implies some kind of mental life at the core of reality."[34] This "mental life" was the divine knower. He spoke

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been closer to priority monism as he did conceive of the absolute as foundational, but also of real others deriving from (not subsumed in) that absolute. Jonathan Schaffer, "Monism," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter (Metaphysics Research Lab, Stanford University, Winter 2018), https://plato.stanford.edu/archives/win2018 /entries/monism/.

[30] Hocking, 183–206.

[31] Bowman, "William Ernest Hocking on Our Knowledge of God and Other Minds," 66.

[32] William Ernest Hocking, *Human Nature and Its Remaking*, new and rev. ed. (New Haven, CT: Yale University Press, 1923), 426–427.

[33] Hocking, *Types of Philosophy*, 500.

[34] Hocking, 495.

admiringly of the mystic who, through experience of things such as love or natural beauty, judges the world to be "an almost untouched reservoir of significance and value."[35] Hocking's phenomenologically influenced epistemology carried the intellectual duty to "take things as we empirically find them" in the external world, including the presence of meaning.[36] Furthermore, a particular subset of knowledge of the external world, that of other finite persons, depended on the knowledge of a divine person in Hocking's analysis. He wrote, "My current social experience, the finding of any fellow finite mind, is *an application* of my prior idea of an Other; in a sense an application of [the] idea of God."[37] The human intuition of an absolute personal object (refer to the discussion on "The Last Fact" in the preceding paragraph) opens the mind to the category of other persons. In this way, Hocking concluded not that the knowledge of God derives from the knowledge of other persons, but that the knowledge of other persons derives from the knowledge of God.[38]

Second, the need for an objective moral standard upon which to ground an individualistic theory of society also led to the divine absolute in Hocking's philosophy. Without such a foundation, society would be the final arbiter of human nature. Such a relativistic view of humanity would end in the conclusion that society is always right against the helpless individual. Thus "all liberalism" and "all reform" rest on the recognition of a "true interpretation" or an "objectively valid interpretation" of human nature, and this interpretation derive from the divine absolute.[39]

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[35] Hocking, 495.
[36] Hocking, 496–497.
[37] Hocking, *The Meaning of God in Human Experience*, 297.
[38] Hocking, 297–298.
[39] Hocking, *Human Nature and Its Remaking* (New Haven, CT: Yale University Press, 1918), xi.

A final justification, in Hocking's view, for a personal objective absolute came from the concepts of identity and improvement. He argued that without a permanent or absolute element to reality, improvement would not be possible.[40] Betterment implies some core of stability or continuity that remains identifiable in an object as it changes. Without stability or continuity, a changing object may be completely or fundamentally different in the future than it is now. The "Changeless Absolute" was the only entity, in Hocking's philosophy, that could provide the ground for growth with continuity.[41]

In summary, Hocking's philosophy of objective absolute idealism was a philosophy of selfhood—both divine and human. In fact, he concluded that there is "nothing higher than selfhood and nothing more profound."[42] To escape the irresolvable challenges with transcendental idealism and naturalism, Hocking appealed to a monistic ontology of a personal absolute object. In other words, he arrived at the centrality of the self or person through philosophical debates rooted in the late eighteenth and nineteenth centuries.

5.1.2 Freedom over Determinism

The second major problem of Enlightenment philosophy that carried profound implications for the idea of personhood was the question of human freedom in the physical world. Maritain began his *Freedom in the Modern World* (1935) by discussing the relationship between freedom and nature. He observed that, in Kant, these realms are in opposition and that, in Hegel, they are identical.[43] Aquinas, by contrast, "unites without

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[40] Hocking, *The Meaning of God in Human Experience*, 186–187.
[41] Hocking, 187.
[42] Hocking, *Types of Philosophy*, 499.
[43] Maritain explained the opposition of nature and freedom in Kantian thought as follows: "If our intellect terminates at a system of sensible appearances that are related and interpreted on mathematical principles, and is without power to penetrate with a metaphysical view to the being of things and their transcendental structure, what can it discover save a multitude of connections in the phenomenal order, connections that are more or less constructions of our thought and that are more or less deducible by mathematical processes, but

confusing them, and grounds the former in the latter."[44] In this view, freedom is based in nature because ethics presupposes metaphysics: to make moral judgments of human action one must first grapple with questions such as "What is man? Why is he made? [and] What is the end of human life?"[45] Humans are unlike beings such as ants or stars for which ethical considerations are irrelevant. The latter are merely components of an "infinite concatenation of phenomena subject to the rule of determinism and absolute necessity."[46] In contrast, humans are reasoning beings by nature and reason was, for Maritain, among many other philosophers, the root of freedom.[47]

In this argument, Maritain distinguished between two types of freedom. He began with free will, which is "the source and spring" of human freedom. It is a "datum of metaphysics," a formulation reminiscent of phenomenological epistemology, and an element of human nature.[48] Simply put, free will is the ability to choose for oneself. It is freedom of choice as an end unto itself, or choice merely for the sake of choosing. From

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that constitute what we may call a panorama of pure fact, entirely foreign to any consideration of Right or of ruling Law?

On the other hand, the order of Ethics and of Conscience, of Good and Evil for Man, cannot but be absolutely separate from the order of Nature. It is founded exclusively on a concept of freedom which in the thought of Kant again belonged to a system of absolute values and of beliefs or postulates of the supra-sensible order, but which had to be affirmed as existing, of itself and apart, without any relation with Nature. Mankind has had occasion since the time of Kant to observe how uncertain and even precarious is the situation of Ethics if it is put on such a basis.

However, that may be, it would seem either that there is no order of Freedom and of Right, or else that it exists independently of the order of Nature and of Fact and in opposition to this Order." Maritain, *Freedom in the Modern World*, 6.

[44] Maritain, 6.

[45] Maritain, 11.

[46] Maritain, 5.

[47] Maritain wrote, "One sees how in the philosophy of St. Thomas the world of ethics is a world apart, a realm of action distinct from the realm of speculation, a realm of Freedom distinct from the realm of Nature." Maritain, 15.

[48] Maritain, 19.

his Thomistic position, Maritain characterized such freedom as Kantian and merely the material element or precondition of moral action.[49]

Humans, he posited, have a responsibility to develop this initial freedom. In fact, every person has an obligation to achieve dominion, psychologically and morally, over their actions. This is control of free choice by reason. Maritain described such dominion as freedom of autonomy.[50] He also labeled it terminal freedom or wisdom. The form and measure of the initial or material element of freedom, freedom of choice, is determined by rationality. Stated differently, the end to which one directs the will, or the end to which one's decision making is committed, formally constitutes moral action. A will constrained by human reason, and ultimately consonant with divine reason, is both materially and formally free. Such a will has committed itself to pursue that which is good in itself, the *bonum honestum*.[51] Moreover, the progress from freedom of choice to freedom of autonomy is the moral and psychological effort "to become what we already are in the metaphysical order: a Person."[52] Thus, Maritain defined a person as "a universe or whole of a spiritual nature endowed with freedom of choice and intended to enjoy freedom of autonomy."[53] Personhood and freedom, for Maritain, were indissolubly linked.[54]

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[49] Maritain, 20. Here, Maritain also described freedom of choice as "the essence or the formal element of moral action."

[50] Berdyaev wrote similarly about two types of freedom: "As early as St. Augustine we get the distinction between two kinds of freedom, namely *libertas minor* and *libertas major*. In fact we can see that the word 'freedom' possesses two different meanings, for by 'freedom' is understood either that initial and irrational liberty which is prior to good and evil and determines their choice, or else that intelligent freedom which is our final liberty in truth and goodness. Consequently freedom is regarded either as a starting point and a means to an end, or else as an aim and object." Nicolas Berdyaev and Boris Jakim, *Freedom and the Spirit*, trans. Oliver Fielding Clarke, enl. ed. (San Rafael, CA: Semantron Press, 2009), 125.

[51] Maritain, *Freedom in the Modern World*, 11.

[52] Maritain, 19.

[53] Maritain, 19–27.

[54] Maritain also constructed a political philosophy, as opposed to this treatment of personal ethics, using freedom of choice and freedom of autonomy. See chapter 6 for more on Maritain's political philosophy involving freedom of choice and freedom of autonomy.

Mounier, likewise, wrote on the problem of freedom. His *Personalism* has a chapter entitled "Freedom Under Conditions."[55] Mounier's definition of freedom contained a distinction like that of Maritain's—though Mouiner's concern was rooted more in the dilemma of determinism than in the subject-object problem so critical to philosophical personalists and with which Maritain began his *Freedom in the Modern World*. Both philosophers differentiated between the mere act of choosing and choosing that which is good. Mounier rejected "a sort of philosophic myopia [that] tends to see the centre and pivot of freedom in the act of choice."[56] By contrast, he argued that true freedom "lies in progressive liberation to choose the good."[57] He used the terminology "spiritual freedom" for a liberty that surpasses mere unconstrained choice.[58]

Furthermore, the attainment of a high degree of autonomy would result, in Mounier's analysis, in the contraction of the individual. Rather than that sort of individualism, he advocated for "freedom of association" or the cultivation of responsiveness to the external world.[59] True human freedom involves not unencumbered choice, but recognition of the moral and social duties that correspond to the nature of persons. On a closely related note, Mounier also believed that one person's freedom is inextricably bound up with and dependent on the liberty of others. Quoting Mikhail Bukanin (1814–1876), the nineteenth-century Russian founder of collectivist anarchism, Mounier observed, "I cannot truly be free until everyone around me, man or woman, is equally free . . . I become free only

[55] Mounier, *Personalism*, 54–64.
[56] Mounier, 63.
[57] Mounier, 63.
[58] Mounier, 59–63.
[59] Mounier, 63–64.

through the liberty of others."[60] Duty toward others, therefore, was a major reason for which he described freedom as subject to conditions.

Mounier also made allotment for biological and economic circumstances that can inhibit freedom.[61] He recognized and castigated the material and economic oppression of the industrial age. Human will, in conditions of deprivation, may barely supersede "awareness of necessity"—a notion that he explicitly borrowed from Marx. More than most personalists, Mounier espoused a form of socialism based on a Marxist critique of the liberal economic order.[62] In fact, he noted that "Marxism is right in giving a certain primacy to economics."[63] Yet Mounier spurned the fundamentally materialist orientation of Marxist thought. He believed that a philosophy that denied the spiritual nature of humanity could not address the deeper problems of human existence. Moreover, such a philosophy could sustain neither the notion of personhood nor freedom, nor for that matter human rights.

The main provocation for Mounier's interest in defending freedom was determinism in scientific thought of the nineteenth and twentieth centuries. He noted that recent discoveries about indeterminism or randomness at the molecular level had "called the bluff of the positivists."[64] While optimistic that indeterminism in physics would weaken scientifically based claims of determinism in human action, he rejected the idea that a

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[60] Emmanuel Mounier, *Personalism*, 58.
[61] Mounier, 59.
[62] Mounier defined the socialism that he supported as "the abolition of the proletarian condition; the suppression of the anarchic economy of profit by an economy directed to the fulfillment of the totality of personal needs; the socialization, without state monopoly, of those sectors of industry which otherwise foster economic chaos; the development of co-operative life; the rehabilitation of labour; the promotion, in rejection of all paternalist compromises, of the worker to full personality; the priority of labour over capital; the abolition of class distinctions founded upon the division of labour or of wealth; the priority of personal responsibility over the anonymous organization." Mounier, 104.
[63] Mounier, 103.
[64] Mounier, 55. He also wrote of Henri Bergson's philosophy as "the Existentialist challenge protesting against the Positivist notion of the objectification of man" (though Bergson did not use that term to describe himself). Mounier, *Existentialist Philosophies – An Introduction*, 5.

phenomenon of the material world, such as indeterminism at the molecular level, could be the source of human freedom. Mounier believed that free will, which he saw as inherent in personal being, was an endowment from a transcendent source.[65]

Berdyaev, a close associate of Mounier, also emphasized freedom and creativity in his articulation of personalism. In the 1935 "Personalism and Marxism," Berdyaev equated personality with free action:

> Personality presupposed the creative nature of man. Creativity presupposed freedom. True creativity is creativity out of freedom. Creativity is the opposite of evolution, which is determination. Only the creative subject has a personality. A being wholly determined by the natural and social process cannot be called a personality, has not yet become a personality.[66]

Berdyaev distinguished the biological and sociological individual from the spiritual person: The former is fully determined by nature and society; the latter, while influenced by nature and society, is endowed with freedom and, therefore, is capable of creative action. In addition, he argued that freedom is "foundationless"—an illusion to the *Undung* of the German philosopher and theologian, Jacob Böhme (1575–1624), who was crucial to Berdyaev's philosophy.[67] Thus, Berdyaev placed freedom and personality in the sphere of spiritual rather than naturalistic or even rationalistic metaphysics.[68] That is to say, freedom and personality were, for Berdyaev, more elemental than matter or rationality. His philosophy is another case of personalism eschewing or attempting to transcend the

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[65] Mounier, 58–59.
[66] Berdyaev, "Personalism and Marxism," 5.
[67] Boris Jakim, "A Brief Overview of Nikolai Berdyaev's Life and Works," in *Freedom and the Spirit*, enl. ed. (San Rafael, CA: Semantron Press, 2009), 367. For a more detailed discussion of the *Ungrund*, see Bogdan M. Lubardić and Gnomon Center for the Humanities, "The Ungrund Doctrine and Its Function in the Christian Philosophy of Nicolai A. Berdyaev," *Philotheos* 2 (2002): 168.
[68] Berdyaev and Jakim, *Freedom and the Spirit*, 117–157.

philosophical divide between idealism and naturalism by appealing to the ontological primacy of personhood.

Clearly, Christian personalists disagreed with several of the most prominent pillars of Enlightenment philosophy. The rationalism of Descartes, the determinism of Spinoza, and the idealism of Kant were incoherent systems of thought in the eyes of many personalists. These philosophies undermined the freedom and relational character of human beings. In other words, Enlightenment thought jeopardized the possibility of human personhood. This problem, descried by numerous philosophers in the nineteenth century, was at the heart of Christian personalism in the mid-twentieth century.

5.2 Existentialism[69]

Seeing the unsatisfying attempts of idealist and deterministic philosophies to bridge the gap between subject and object, phenomenologists built on the work of Jacobi, Lotze, and others to reorient philosophy toward human experience. Phenomenology began with Husserl and quickly branched into and influenced a variety of other movements and thinkers. Mounier described existentialism as rooted in phenomenology and as subdivided into two streams: a Christian version in which human dignity and the centrality of the person are based in the doctrine of the *Imago Dei*, and an atheistic or secular version for which Nietzsche "stands at the source."[70] Personalism, per Mounier, was a branch of the former stream.

[69] This section expands upon material from a previously published paper by the author: Andrew Lloyd Williams, "Religion and International Relations Theory: The Case of 'New' Historiography of Human Rights," *Religions* 13, no. 1 (2022): 39, https://doi.org/10.3390/rel13010039.
[70] Mounier, *Existentialist Philosophies,* 5.

5.2.1 Christian Existentialist Par Excellence: Mounier

Among Christian personalists, Mounier had a particularly strong affinity for existentialism. His 1946 series in *Esprit* on existentialism called it the "richest and deepest stream" of contemporary philosophy.[71] The series outlined the contours of a diverse school of thought by engaging the work of a wide range of philosophers connected with existentialism (e.g., Berdyaev, Heidegger, Karl Jaspers, Kierkegaard, Gabriel Marcel, Nietzsche, Blaise Pascal, and Jean-Paul Sartre).[72] Mounier echoed criticisms of idealism and naturalism that phenomenologists and philosophical personalists had previously articulated.[73] Among other formulations of his concern was the charge that the *Cogito* is "a superficial illusion."[74] Whereas Descartes saw his own thought as a source of certain knowledge, Mounier saw mystery and obscurity because human thought itself is not fully transparent to the human mind. He conceived of being as an "inexhaustible concretion" that can be recognized but not fully systematized, rationalized, or defined.[75] Similarly, Mounier argued that free action, an integral part of existence, is unintelligible to the human mind. The origin and nature of the free act are inscrutable. Thus, he identified the complete

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[71] Mounier, 1.

[72] Similarly, in *Existentialist Philosophies*, Mounier most frequently engages with the thought of Nicholas Berdyaev, Martin Heidegger, Karl Jaspers, Søren Kierkegaard, Gabriel Marcel, Friedrich Nietzsche, Blaise Pascal, and Jean-Paul Sartre.

[73] For example, he described existentialism as "a reaction of the philosophy of man against the excesses of the philosophy of ideas and the philosophy of things." Mounier, *Existentialist Philosophies – An Introduction*, 2. He also began his single most influential work, *Personalism*, by noting the object-subject divide, albeit in different language: "Modern philosophies of spirit divide man and the world between two independent series, material and spiritual. Sometimes they accept, as brute fact, the independence of the two series (psycho-physical parallelism) abandoning matter to its determinism, whilst safeguarding the absolute right of the spirit to legislate within its own domain: the connection between the two worlds then remains unexplained. Sometimes they deny any reality to the material world, to the point of making it a mere reflection of the spirit: the importance of such an apparent world then becomes somewhat of a paradox. Such schema are rejected from the start by personalist realism." Mounier, *Personalism*, 3.

[74] Mounier, *Existentialist Philosophies – An Introduction*, 13.

[75] Mounier, 13.

objectification of existence and the person—the removal of mystery, spirit, creativity, and wonder—as the "Original Sin" in the eyes of many existentialists.[76]

By contrast, Mounier described existentialism as continually urging a "change of mind," or *metanoia*, the same Greek word often translated as "repentance" in the New Testament, to "adopt a complete reversal of the objective point of view."[77] At its most profound level, human existence is the subject of recognition and reflection, not objectification and systematization. Yet recognition and reflection are too passive to capture the urgent proactivity of Mounier's existentialism. Philosophic detachment associated with positivism was another "original sin" of which he wrote.[78] In lieu of detachment and laziness, Mounier urged conversion. In part, this was the Socratic exhortation, "Know thyself!" However, self-knowledge and action were, for Mounier, inseparable. He wrote, "For the genesis of consciousness there must be a liberating action, and, on the threshold of this action we must make a choice."[79] Thus, Mounier, following the Christian existentialist Marcel, described the initial step of philosophy as "a call to action: 'Man, wake up!'"[80] Also reflecting an emphasis on action, Mounier changed what he called the "Existentialist *cogito*" from "Know thyself!" to "Choose for thyself!"[81] As these statements suggest, Mounier was a philosopher of action. In fact, he wrote, "A personalism that was content with speculation about the structure of the personal universe

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[76] Mounier, 17.
[77] Mounier, 19.
[78] Mounier, 11.
[79] Mounier, 57. Mounier continued this thought, writing, "If indifference really means spiritual death, then deciding the choice is the first effect of conversion. Kierkegaard, following Pascal's example, concentrates his whole dialectic on this crucial point. 'It is not so much a question of deciding to choose between good and evil as of choosing to decide.' In this respect, it is like the baptism of the will, which initiates it into the ethical order."
[80] Mounier, 11.
[81] Mounier, 57.

would belie its name."[82] Philosophy and creative activity were inextricably bound together for him.

Mounier's orientation toward the human subject was largely a reaction against the objectivization of the person due to idealism, yet he was aware of the possibility of an overcorrection terminating in solipsism.[83] He sought to mitigate this potential in two ways. First, he rejected the conception of the human being as simply "a globule of flesh and mind" set up in front of the world as a spectator.[84] Rather, a person irrupts into and exists in the world in a particular position. The external world is not "the world," but "my world" with specific attachments such as "place, time, family, environment and character."[85] These various human attachments not only affect one's perspective of the external world, but via the power of consciousness become part of the individual. Mounier wrote, "I am in those very mountains that I can see, or the whole of that country in whose life I share, or those far-off friends by whose efforts I do live."[86] This was not a naturalistic and deterministic connection to the material world, but a dialectic of inwardness: freedom and choice exist together with embeddedness and attachment to the external world.

The second way in which Mounier shaped his philosophy to avoid the excesses of subjectivism was through the idea of "other-person-ness."[87] This concept, he thought, was a key advance of existentialism over classical philosophy. Mounier observed:

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[82] Mounier, *Personalism*, 97. In addition, in his final *Esprit* article Mounier wrote: "Injustice! Thousands of good men ignore it in complete tranquility. . . . We will haunt their nights, our nights with its hoarse voice." Rufus William Rauch Jr., "Foreword" in *Personalism* (University of Notre Dame Press, 1989), xiii.
[83] In fact, Mounier clearly stated that existentialism was also a reaction against contemporary subjectivism. Thus, attachment and other-person-ness were important parts of his philosophy (see the discussion immediately following this footnote).
[84] Mounier, *Existentialist Philosophies – An Introduction*, 61.
[85] Mounier, 65.
[86] Mounier, 61.
[87] Mounier, 72.

> THE problem of "other-person-ness" is one of the great conquests of Existentialism. Classical philosophy used to leave it strangely alone. If you enumerate the major problems dealt with by Classical philosophy, you have knowledge, the outside world, myself, the soul and the body, the mind, God, and the future life—the problem created by association with other people never assumes in Classical philosophy the same importance as the other problems. At one stroke, Existentialism has raised it to its central position.[88]

Like the intersubjectivity of Husserl, Mounier began by positing that a person can only be an object from the perspective of an external subject. An external entity that is merely an object does not possess the faculties of observation and cognition by which to comprehend the other. Thus, to be comprehended entails the idea of an external subject(s).

From a slightly different angle, he postulated that the only way for a person to "get at another person" was to recognize as "a fundamental fact of my existential experience" the "presence of another-person."[89] As prior philosophical debates about cognition suggested, there is no rational way to know the subjectivity of that which is an object in one's own field of experience. Thus, Mounier, like Hocking, took the personal nature of other humans as a fact of experience—a reminder that the firsthand or empirical experience of phenomenology is an important aspect of personalism. Furthermore, the "other-person-ness" or subject-ness of one's family, friends, and colleagues is what enables them to exercise such a profound influence, much deeper than that of mere objective external phenomena, on an individual person's life.[90]

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[88] Mounier, 72.
[89] Mounier, 80.
[90] This interpersonal aspect of Mounier's thought is equally visible in his discussion of the relationships between I, thou, and we (see chapter 6).

5.2.2 Contrasting Dostoevsky and Nietzsche: Berdyaev, Maritain, and Flewelling[91]

The existentialist character of Christian personalism is best illustrated, perhaps, by its frequent engagement with Dostoevsky and Nietzsche. More than any other philosophers, these two proto existentialists, who were mirror opposites in important ways, informed personalist critiques of Enlightenment rationalism and its offshoots. Nietzsche was also a powerful resource against bourgeois Christianity—a target of Mounier in particular (see chapter 6).

Other than Mounier, the most influential Christian personalist with strong existentialist affinities may have been Berdyaev. Among other publications, he authored the 1921 *Dostoievsky: An Interpretation* on his fellow Russian intellectual.[92] Dostoevsky, though not an existentialist, is closely linked with that movement. In fact, Walter Kaufman, a leading scholar of existentialism, describes the first part of Dostoevsky's *Notes from Underground* as "the best overture for existentialism ever written."[93] Berdyaev sought to display the "spiritual side" of Dostoevsky.[94] For example, he described Dostoevsky as a *pneumatologist* and part of a torrent of spiritual and religious thought. Berdyaev's analysis

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[91] Though this section does not discuss Day, Dostoyevsky's (as she spelled his name) writings were a significant resource for her as well. She noted reading his works as a matter of routine and that he and Tolstoy made her "cling to faith in God" in her earlier years. Dorothy Day, *The Long Loneliness: The Autobiography of the Legendary Catholic Social Activist* (New York: Harper Collins, 1997), 43, 107. She also wrote, "Through those years I read all of Dostoyevsky's novels and it was, as Berdyaev says, a profound spiritual experience. The scene in *Crime and Punishment* where the young prostitute reads from the New Testament to Raskolnikoff, sensing the sin more profound than her own, which weighed upon him; that story, *The Honest Thief;* those passages in *The Brothers Karamazov*; the sayings of Father Zossima, Mitya's conversion in jail, the very legend of the Grand Inquisitor, all this helped to lead me on. The characters, Alyosha and the Idiot, testified to Christ in us. I was moved to the depths of my being by the reading of these books during my early twenties when I, too, was tasting the bitterness and the dregs of life and shuddered at its harshness and cruelty. Dorothy Day, *From Union Square to Rome* (New York: Arno Press, 1978), 8.

[92] Nicolas Berdyaev and Boris Jakim, *Dostoievsky: An Interpretation*, trans. Donald Attwater (San Rafael, CA: Semantron Press, 2009).

[93] Walter Arnold Kaufmann, *Existentialism: From Dostoevsky to Sartre* (New York: Meridian Books, Inc., 1956), 14.

[94] Berdyaev and Jakim, *Dostoievsky: An Interpretation*, 11.

focused on one of the most well-known portions of nineteenth-century literature: "The Grand Inquisitor" in *The Brothers Karamazov.* In this story, Jesus of Nazareth returns to Earth during the Spanish inquisition only to be imprisoned by ecclesiastical authorities. Surprisingly, clerics incarcerate him not because they believe him to be an imposter, but precisely because they recognize him to be the true and divine Christ. The Grand Inquisitor explains to Jesus that the masses prefer comfort and safety to spiritual truth and freedom. Therefore, the Grand Inquisitor and his fellow Catholic clergy provide the people with "an unexciting modest happiness, suitable to the feeble creatures that they are."[95] This is an ironic and subversive polemic: church leaders did not want Christians to experience and know the Christ. The fictional account encapsulated the choice between two opposing universal principles: "freedom and compulsion, belief in meaning of life and disbelief, divine love and humanitarian pity, Christ and Antichrist."[96] The Grand Inquisitor chose the anti-Christian side of the dichotomy. Instead of the "God-man" of Christian theology, Jesus, he symbolizes the "self-deified man."[97] Berdyaev also associated the self-deified man with Kirilov from Dostoevsky's *Demons*, as well as Nietzsche's Zarathustra and *Übermensch*.

Maritain, like Berdyaev, used Dostoevsky and Nietzsche as paradigmatic thinkers. Dostoevsky's Kirilov, Maritain wrote in the *Range of Reason* (1952), embodies "negative

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[95] Berdyaev and Jakim, 194.

[96] Berdyaev and Jakim, 189. Jakim summarized the point aptly, writing, "For Berdyaev 'The Legend of the Grand Inquisitor' is the high point of Dostoevsky's work and the crown of his dialectic, in which he solves the radical problem, that of human freedom. 'Every man is offered the alternatives of the Grand Inquisitor or of Christ, and he must accept one or the other. . . . In the Grand Inquisitor's system, self-will leads to the negation and loss of freedom of spirit, which can be found again in Christ alone.'" Berdyaev and Jakim, iv–v.

[97] Berdyaev and Jakim, 202. Berdyaev also wrote, "The development of Dostoyevsky's dialectic depends on the antithesis of the God-man and the Superman, Christ and Antichrist, and human destiny is actualized in the clash between them."

atheism," "a merely negative or destructive process of casting aside the idea of God."[98] In *The Possessed* (aka, *Demons*), Kirilov comes under the influence of Stavrogin, the central character. Stavrogin views good and evil as mere prejudice and encourages Kirilov in his quest to conquer the notion of God through the act of self-annihilation. Suicide, in this view, is the ultimate victory of the individual human will. Self-annihilation is a profound rejection of transcendence as individual freedom triumphs over eternal law, inherent human dignity, obligation to God, and any other universals. Negative atheism also had a less severe variant for Maritain. Instead of suicide, it could take the form pursued, for example, by the masses in the narrative of Dostoevsky's Grand Inquisitor. This "shallow and empirical" negative atheism is concerned merely with human comfort.[99] Whether in the form of voluntary self-annihilation, exemplified by Kirilov, or the more common libertine pursuit of comfort and pleasure, exemplified by the masses of the Grand Inquisitor, negative atheism drives toward the "absolute independence, a kind of divine independence" of the human self.[100]

By contrast, "positive atheism" or "antitheism" is not simply the quest for independence from the divine, but a crusade to destroy anything associated with God, divinity, or religion.[101] Maritain characterized positive atheism, exemplified by Nietzsche, as a tragic and solitary atheism produced by revolutionary and dialectical materialism. He also defined it as "a desperate, I would say heroic, effort to recast and reconstruct the whole human universe of thought and the whole human scale of values in accordance with the

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[98] Maritain, *The Range of Reason*, 104.
[99] Maritain, 104.
[100] Maritain, 104. This philosophy of freedom is also what Maritain called the "freedom of choice" as distinguished from the "freedom of autonomy."
[101] Henri de Lubac, citing Pierre-Joseph Proudhon (an early theorist of anarchy), used the term "antitheism" to describe secular humanism of his era. Henri de Lubac, *The Drama of Atheist Humanism*, trans. Mark Sebanc (San Francisco: Ignatius Press, 1995), 25.

state of war against God."[102] Furthermore, he saw positive atheism as trendy, calling it the "fashionable atheism of existentialism."[103] As such, positive atheism was a greater cause for alarm to Maritain than negative atheism.

Maritain's discussion of atheism has echoes of the key distinction in his philosophy of freedom: the mere "freedom to choose," or the ability to choose detached from any specific end, versus the higher "freedom of autonomy," or free choice exercised in consonance with the *bonum honestum*. The former is a subjective orientation in which individual agents create their own meaning and morality, their own good. It also entails liberation from all other persons, human or divine. Additionally, Maritain associated this incomplete freedom not only with Nietzsche but also with Spinoza's Sage.[104] He wrote, "Man is obliged to divinize himself by the use of purely natural means, and is crushed in a living contradiction between the God that he must be and the creature that he is."[105] Maritain was diametrically opposed to the philosophy of the *Übermensch*, the finite subject attempting to generate, *ex nihilo*, its own transcendence.

Similarly, Mounier's *Personalism* uses Nietzsche to illuminate the ineluctable nihilistic fruit of rationalism. Mounier admired Nietzsche's prophetic voice announcing humanity's fate in a world devoid of spiritual meaning. Faced with the dilemma of choosing between idealism and naturalism, or subjectivism and objectivism, Nietzsche courageously forged an alternative existentialist path forward: "the primacy of temperament, of zeal or the will to power."[106] Yet Mounier was not a Nietzschean because he was, above all, not an atheist.

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[102] Maritain, *The Range of Reason*, 104.
[103] Maritain, 104.
[104] Maritain, *Freedom in the Modern World*, 20.
[105] Maritain, 20.
[106] Mounier, *Personalism*, 74.

Whereas Nietzsche gave up the possibility of external transcendence, Christian existentialism and Christian personalism based human meaning, value, and personhood in the Divine person. Therefore, Nietzsche served both to advance Mounier's critique of rationalism and modernity, one of Nietzsche's frequent targets, and to illustrate the vacuity of atheistic existentialism, which Nietzsche embodied for many Christian personalists. Mounier pithily concluded that Nietzsche "proclaim[ed] the nihilism of Europe before yielding the floor to Dostoevsky."[107] Nietzsche, both a heroic and tragic figure for Mounier, was in some ways an inspiration to Christian personalism and in other ways its antithesis.

Other personalists focused singularly on the antithetical character of the relationship between Christian personalism and Nietzsche with little appetite to find utility, let alone heroism, in his thought. For example, Malik regarded Fascism and Naziism as direct progeny, doctrinally speaking, of Nietzsche's philosophy.[108] Flewelling characterized the *Übermensch* as a "morally untempered" individualism.[109] In his analysis, Nietzsche espoused an "egotistic selfishness," influenced by Romanticism, Goethe, and evolutionary theory, that "embarrassed individualism" because it was devoid of spirituality and morality.[110] Flewelling articulated a "higher individualism," whose "dominant principle" was "the dependence of individual culture on the moral and spiritual values."[111] Egocentrism versus self-sacrifice for others was the central ethical distinction between these two forms of individualism, which he called personalism and individualism, respectively. Like Berdyaev, Flewelling demonstrated this conflict by opposing archetypal

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[107] Mounier, 98.
[108] Charles Malik, "The Meaning of Philosophy" (Lecture, American College for Women in Beirut, February 24, 1938), 12.
[109] Ralph Tyler Flewelling, *Bergson and Personal Realism* (New York: The Abingdon Press, 1920), 285.
[110] Flewelling, 280.
[111] Flewelling, 285.

figures: the Nietzschean *Übermensch* and Jesus Christ. The former exercised the will to power in pursuit of his own ends, while the latter, the "real superman," was willing to "lay down his life for his friends."[112]

Moreover, the amorality of Nietzsche's individualism, as developed, for example in *Beyond Good and Evil*, poses a clear threat to the concept of human rights. Flewelling explained:

> Individualism with its exaltation of individual preferment at the expense of the many, with its ethical doctrine that whatever is useful in furthering its culture is morally right, with its scorn of the weak and helpless as beyond the pale of its care and responsibility, with its disregard and skepticism toward all spiritual values, is lined up in a great world conflict against all who believe in the inviolable *human rights* [emphasis added] of the least and feeblest in the social structure.[113]

The *Übermensch*, in principle, has no reason to be interested in the welfare of marginalized and suffering persons. He would reject both the notion of universal human rights and the idea that humans have duties to one another. Thus, via a critique of Nietzsche, a prominent personalist argued for universal human rights in specifically Christian and personalist terms at least as early as 1920.

In summary, Christian personalist dissatisfaction with the choice between what its adherents saw as equally inadequate options, idealism and naturalism, induced a philosophical quest to secure human values, personality, and relationality. They thought that modernist faith in reason and empirical science alone was insufficient. Thus, Christian personalists either adopted or borrowed from existentialist philosophy in the effort to rescue human personhood from dissolution.

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[112] Flewelling, 287.

[113] Flewelling, 286. In that same discussion, he also wrote, "The swift lesson is now being taught a slow moving world that when the fundamental human rights of one are menaced the rights of all are endangered." Flewelling, 287.

5.3 The Person and the State

Christian personalism's embrace, mostly, of human rights in the transwar era, in addition to being a logical extension of the philosophical prioritization of the human person, was part of a broad reevaluation, across many constituencies and places, of the relationship between the state and the individual. While this evolution is the subject of chapter 4, the present section treats several conceptions of the individual-state relationship within transwar Christian personalism. Interestingly, both Hocking and Maritain penned separate monographs entitled *Man and the State.*[114] Despite shared personalist commitments, the two theorists diverged markedly in political philosophy. Hocking's idealism begat a statist position grounded in positive law. Maritain proposed a pluralist and communitarian state based in Thomistic natural law theory.[115] Building from these foundations, Hocking and Maritain would also come to different conclusions about human rights (see chapter 6). In addition, both Malik and Day evinced wariness of a strong state. The former did so in work on the UDHR and the latter via service and activism.

5.3.1 An Idealist State: Hocking

Hocking's *Man and the State*, guided by notions of a universal human nature, emphasized psychology and the state.[116] Its thesis, indebted to Nietzsche, was that "the state exists to *establish the objective conditions for the will to power* in human history."[117]

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[114] William Ernest Hocking, *Man and the State* (New Haven, CT: Yale University Press, 1926); Jacques Maritain, *Man and the State*, New edition (Washington, DC: Catholic Univ.of America Press, 1998).

[115] Maritain supported the value of positive law, but only as a derivative of the law of nations (*jus gentium*), which itself is grounded in natural law. Maritain, *Christianity and Democracy: The Rights of Man and the Natural Law*, 109–112.

[116] Hocking went so far as to define the state as "a union of human wills" and "a coincident circuit for the wills to power of all men." William Ernest Hocking, *Man and the State* (New Haven, CT: Yale University Press, 1926), 403.

[117] Hocking, 325. Two of his other articulations of the psychological origins of the state are: "The will to power is the psychological fact to which the state is the institutional answer;" and "The will to power in the form of the *disposition to administer* is the psychological origin of the state." Hocking, 333–336.

Hocking criticized the anthropology imbedded in Nietzsche's philosophy of the "will to power" as truncated because it omits the "completely mutual and non-competitive" elements of human nature.[118] As such, Hocking's emphasis on human will in political philosophy pertained to both individuals, consistent with Nietzsche, and polities, the communal element not adequately addressed by Nietzsche. On the one hand, to satisfy human desire or will, the individual must act with intelligence, self-knowledge, and timeliness.[119] On the other hand, to satisfy the will to power in history, the state must establish conditions in which the efforts of individuals to alter the universe for the better can achieve some level of endurance. Those conditions were "a permanent order, an available storehouse of acquired wisdom, the conquest of disorder by peace, and of chance by impersonal reason and justice."[120] This political vision was emancipative in his view as the state exists to provide conditions for the satisfaction of the individual will, with the assumption that individuals are cooperative and relational rather than egoistic.

Hocking also derived a theory of the state based on the concept of personality. The existence of personality in the world justifies, he thought, an "inalienable and unforgettable concern" in promoting an environment in which life grows—*the right to self-development is the one fundamental human right that Hocking recognized*. His idea of growth included individual self-development, diversity within society, robust civil-society structures, and political pluralism. He described the latter as "the common cause of all men."[121]

Moreover, Hocking asserted that a robust sovereign state is crucial to preventing social disintegration, and thus maintaining conditions hospitable to social cohesion and personal

[118] Hocking, 316.
[119] Hocking, 321.
[120] Hocking, 323.
[121] Hocking, 403.

growth. Elaborating on this thought, he wrote, "no person can hope to be a person except under a supreme authority of ideas; hence no person can will other than a sovereign state."[122] The state should not only set the "objective conditions" for individual and social growth, it should also determine "objective right" in the sphere of justice.[123] Additionally, he argued that no person is free unless "he can direct all his work to a constant and absolute judgment."[124] Though these statements touch two different domains, one political and the other metaphysical, they show Hocking's consistent emphasis on an absolute reference point or ground for human life and action.

The absolute object that Hocking had in mind is God. However, in his political philosophy, the state was a substitute for the divine—a better substitute in his assessment than alternatives such as society or humanity.[125] In his view, the state had a fundamentally paternal character. With its authority to establish objective conditions for development and its purpose to establish objective right in the sphere of justice, the paternalistic state should function in some sense like the General Will of Rousseau, though Hocking rejected the idea of the General Will as a unique center of consciousness). Moreover, through the ability and authority to correct its own mistakes, the state possesses "a strand of truth which we may call 'absolute' truth."[126] While Hocking denied that the state has the power to declare any specific law to be right absolutely, he supported the state's unconditional right to dictate experimentation with certain laws. In this formulation, the state's role is to try various hypotheses.

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[122] Hocking, 403. Hocking also associates this view of human nature with Hobbes in the same passage.
[123] Hocking, 324–332.
[124] Donald M. Gillmor, "Who Was W. E. Hocking?," *Communication Law and Policy* 3, no. 2 (1998): 233, https://doi.org/10.1080/10811689809368648.
[125] Hocking, *Man and the State*, 405.
[126] Hocking, 408.

In making this argument for the absolute authority of the state to experiment in legal matters, Hocking's negative pragmatism, which he summarized as "that which does not work, cannot be right," is close at hand.[127] In relation to justice and rights, negative pragmatism is "The principle of 'No injustice.'"[128] Breaking with Hegelians, he saw the absolute right of the state as procedural. That is, the state has the right to experiment as part of a progressive dialectic. Over time, he believed, the exercise of this right should produce a more just society. Hocking wrote, "The state cannot ensure the will to power of its members against partial defeat: it can ensure that no such will need be totally defeated, even in its historic purpose."[129] In other words, even though a particular law may prove to be ineffectual or detrimental to the production of conditions for the will to power, the state's experimentation is right and good because of the progress resulting from the process of elimination. Through trial and error, the state will produce better conditions for the will to power of its individual members. Thus, while Hocking rejected the full Hegelian notion of absolute spirit, his political philosophy endowed the state with immense power: it had absolute right in legal experimentation without clarity as to what would constrain this power.[130]

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[127] Hocking, *The Meaning of God in Human Experience*, xiii. Hocking's negative pragmatism was influenced by his deep appreciation for the work of the preeminent pragmatist William James under whom Hocking studied at Harvard. See Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," 142–143.

[128] William Ernest Hocking, *Present Status of the Philosophy of Law and of Rights*, (New Haven, CT: Yale University Press, 1926), 76.

[129] Hocking, *Man and the State*, 410.

[130] Maritain made a similar point when he stated that the rejection of natural law or the embrace of positive law as a basis for rights means that "man's rights are relative to the historical developments of society and are themselves constantly variable, and in a state of flux; they are a product of society itself as it advances with the forward march of history." For Maritain, unlike for Hocking, this view was a cause for deep concern. Jacques Maritain, "Pragmatic Viewpoint on Human Rights," *UNESCO Courier*, September 1948, 3.

5.3.2 A Pluralistic State: Maritain

Maritain, by contrast, developed a political philosophy that was more cautious of state authority and had greater conviction regarding the importance of pluralism, though with clear notes of cultural Christendom. His *Man and the State* expresses an instrumentalist theory of the state and criticizes substantialist or absolutist theories: "The State is not the supreme incarnation of the Idea, as Hegel believed; the State is not a kind of collective superman; the State is but an agency entitled to use power and coercion, and made up of experts or specialists in public order and welfare, an instrument in the service of man. Putting man at the service of the instrument is political perversion."[131] Maritain's conception of the state built from the inherent rights of individuals and criticized the notion of state sovereignty as intrinsically wrong.[132] He critiqued Jean Bodin, "the father of the modern theory of Sovereignty," for confusing the right of self-government with the absolute power of the sovereign ruler and subsequently the absolute power of the sovereign state.[133] The state or the necessary governing apparatus of a body politic does not possess a donation of power, comparable to a good possessed by one party, but rather it participates vicariously in the people's right to self-government.[134] Moreover, the natural and inalienable right to full autonomy of the body politic, the entire citizenry and not simply the top-most layer or "the state," is only comparative because it remains under the control of the citizenry and is renounceable: a state can give up some of its power to federate with

[131] Jacques Maritain, *Man and the State*, new ed. (Washington, DC: Catholic University of America Press, 1998), 13. He also described the state as "neither a whole nor a subject of right, or a person." Maritain, 24. Furthermore, Maritain criticized Hobbes' absolutist view of the state, quoting at length from *Leviathan*. Maritain, 39–40.
[132] Maritain, *Man and the State*, 29.
[133] Maritain, 30–35. Bodin wrote of "la puissance absolue et perpétuelle d'une Republique."
[134] Maritain, 35–36.

a larger body politic such as the United Nations.[135] Thus, Maritain's theory of the state was significantly more limited than that of Hocking and those of philosophical idealism more generally.

The pluralistic character of Maritain's political philosophy, which was part and parcel of a more circumspect view of the state, had two noteworthy pillars. First, all activities of the body politic that can be executed by "particular organs or societies" inferior to the State, should be the purview of those organs and societies.[136] This is a species of corporatism, though Maritain avoided that label because he lamented its corruption by Italian Fascism. Second, the "vital energy" for the affairs of the body politic should arise from the people themselves and not from the state; and the seat of such energy should be the "smallest local communities."[137] This is a point upon which Maritain and Day were quite similar (see section 5.4.2 for Day and subsidiarity).

Maritain contrasted the notion of pluralistic democracy with the view of civilization and community founded in mere reason. The optimism and rationalism of the eighteenth and nineteenth centuries erred, as he saw it, in both the supposition of free societies as neutral sites for the contestation of political ideas and the related relegation of religion and metaphysics to private matters.[138] On this subject, Maritain stated:

> As concerns, therefore, the revitalized democracy we are hoping for, the only solution is of the *pluralistic* type. Men belonging to very different philosophical or religious creeds and lineages could and should co-operate in the common task and

[135] Maritain, 42.
[136] Maritain, 67.
[137] Maritain, 68. On pluralism, Maritain quoted his former student Yves Simon, writing in *Esprit:* "In a hierarchical whole, every function which *can* be assured by the inferior *must* be exercised by the latter, under pain of damage to the entire whole. For there is more perfection in a whole, all of whose parts are full of life and of initiative, than in a whole whose parts are but instruments conveying the initiative of the superior organs of the community." Maritain, 68, fn 13.
[138] Maritain, *The Range of Reason*, 166.

> for the common welfare of the earthly community, provided they similarly assent to the charter and basic tenets of a society of free men.[139]

Democratic societies need not embrace Enlightenment rationalism as a common philosophical doctrine. They should seek practical rather than theoretical or creedal consensus. An oft-cited example of this political pragmatism comes from the 1947 UNESCO Philosophers' Committee—Maritain authored the introduction to the committee's final report. Responding to surprise that such a diverse group reached agreement on a provisional list of human rights (a list that was intended to inform the production of the UDHR), Maritain recorded the response, "Yes, we agreed on the rights, on the condition that no one asks why?"[140] Despite important ideological, philosophical, religious, and cultural differences, this committee was able to reach broad consensus on an issue of major societal and political import.[141]

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[139] Maritain, 166.

[140] UNESCO, *Human Rights: Comments and Interpretations* (New York: Columbia University Press, 1949), 1. In addition, Maritain began the fifth chapter of *Man and the State*, entitled "The Rights of Man," with this headline statement: "Men mutually opposed in their theoretical conceptions can come to a merely practical agreement regarding a list of human rights." At the same time, he considered those theoretical conceptions to be important: "Here we are confronted by the paradox that rational justifications are *indispensable* and at the same time *powerless* to create agreement among men. They are indispensable, because each of us believes instinctively in truth and only wishes to give his consent to what he has recognized as true and rationally valid. Yet rational justifications are powerless to create agreement among men, because they are basically different, even opposed to each other." Maritain, *Man and the State*, 76–77.

[141] For example, the committee's final report (the one for which Maritain wrote the introduction) began with a letter from Mahatma Ghandhi and had contributions from many others, including Maritain (the French Catholic and Thomistic philosopher), Harold J. Laski (the left-wing supporter of Labour and the Soviet Union), Chung-Shu Lo (the Chinese Confucian philosopher), Humayun Kabir (the Indian politician and future minister of education), and Aldous Huxley. UNESCO, *Human Rights*. However, as Goodale shows, nearly half of the responses to the international survey received by this committee were from the United Kingdom and the United States. Moreover, combined with responses from Australia, Canada, and Western Europe, approximately 75 percent of survey input came from the West. Thus, the agreement across differences of this committee, while noteworthy, was by no means representative of even the major global cultures. Mark Goodale, "The Myth of Universality: The UNESCO 'Philosophers' Committee' and the Making of Human Rights," *Law & Social Inquiry* 43, no. 3 (2018): 605, https://doi.org/10.1111/lsi.12343. This question of universality also applies to the UDHR itself. Malik, for example, claimed, "The ultimate significance of the Declaration rests on the fact that organized humanity here commits itself without a single dissenting vote on what belongs to the essence of man. This never happened before. We are not therefore simply before the opinion – even if true – of a well-meaning philosopher or law-giver or prophet: all effective

Though pluralistic, Maritain's political vision did not call for a minimalist state. He pointed approvingly to increasing state intervention to counter the deprivation and injustice produced by the Industrial Revolution.[142] In fact, he identified "enforcement of social justice" as the paramount duty of the state. Elsewhere, he also advocated redistribution as an essential characteristic of the common good.[143] Thus, contra libertarian individualism, his political philosophy implied positive obligations toward other individuals and the community more broadly, not simply the negative duty to refrain from harming others.

Furthermore, Maritain's pluralism contained, as the preceding discussion on social justice and duty suggests, a basic level of common ideological, not simply pragmatic, commitment. His call to revitalize democracy was based on shared respect for the charter or basic tenets of freedom. He wrote, "If it is to conquer totalitarian trends and to be its own mission, a renewed democracy will have its own concept of man and society, and its own philosophy, its own faith, enabling it to educate people for freedom and to defend itself against those who would use democratic liberties to destroy freedom and human rights."[144] Maritain rejected philosophical skepticism in siding with this minimum consensus or democratic faith. The latter would starve democratic society, cutting it off from the possibility of "a common practical belief" in truths such as freedom, justice, and rights.[145] Similarly, Maritain explicitly promoted human rights as the "*civic or secular* faith."[146]

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cultures in the world had a creative hand in the shaping of the document." His sentiment combines an element of truth with naivete and paternalism. Malik, "The Universal Declaration of Human Rights," 12.

[142] Maritain, *Man and the State*, 19.

[143] Maritain, 20. Maritain, *Christianity and Democracy: The Rights of Man and the Natural Law*, 70.

[144] Maritain, *The Range of Reason*, 167.

[145] Jacques Maritain, *On the Use of Philosophy; Three Essays* (Princeton University Press, 2016), 18, https://press.princeton.edu/books/hardcover/9780691652054/on-the-use-of-philosophy.

[146] Shortall and Steinmetz-Jenkins, *Christianity and Human Rights Reconsidered*, 6; Maritain, *Man and the State*, 110.

On this point, Maritain disagreed with his contemporary, the political philosopher Hans Kelsen (1881–1973), who was a leading architect of legal positivism.[147] Kelsen used the biblical case of Jesus and Pilate to illustrate a "relativistic justification of democracy."[148] Pilate, not knowing what to do with Jesus, famously asked him, "What is truth?" before handing him over to a frenzied and hosticle crowd. This was an example, for Kelsen, of democracy in action without the need for ontological verities. In the absence of a grounding truth-claim to guide his action, Pilate relied on majoritarian will. But the crowd willed the execution of an innocent person. As such, the story was a prime example, for Maritain, of the totalitarian trends that, to repeat a quote from above, "use democratic liberties to destroy freedom and human rights."[149] Maritain's aim in these arguments was not to defend a particular set of metaphysical or religious truths, though he conceived of Western civilization as fundamentally Christian, but to promote the minimum of political faith that he viewed as necessary for the commonwealth of any community and that was consistent with human dignity.[150] He was skeptical of the long-term prospects of a society without commitment to the dignity and inherent worth of the human person.

Maritain elucidated the common practical faith necessary for democratic pluralism by contrasting tolerance and friendship. The tolerance built on metaphysical skepticism

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[147] Leslie Green and Thomas Adams, "Legal Positivism," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2019 (Metaphysics Research Lab, Stanford University, 2019), https://plato.stanford.edu/archives/win2019/entries/legal-positivism/.

[148] Maritain, *On the Use of Philosophy; Three Essays*, 19. Kelson is one of the three "most important architects of contemporary legal positivism."

[149] Maritain, *The Range of Reason*, 167. Not incidentally, Kelsen was an international relations realist, who disregarded ideals in favor of the desire to maintain or increase power as an explanation for international phenomena. He wrote, "Justice is an irrational ideal. However indispensable it may be for volition and action of men, it is not subject to cognition. Regarded from the point of view of rational cognition, there are only interests, and hence conflicts of interest." Kenneth Waltz and Stephen M. Walt, *Man, the State, and War: A Theoretical Analysis*, anniv. ed. (New York: Columbia University Press, 2018), 190.

[150] To be clear, Maritain was deeply skeptical of the possibility of a basic philosophical consensus: "The lesson of experience seems to me to be clear: nothing is more vain than to seek to unite men by a philosophic minimum." Maritain, *Freedom in the Modern World*, 262.

undermines, he thought, the related ideas of human nature and inherent human dignity.[151] A superior way, for Maritain, was fellowship between individuals and communities with different metaphysical and religious beliefs. On this path, a person learns both to comprehend more profoundly their own system of beliefs and to do justice to alternatives. No value existed for Maritain in turning away from the irreducible heterogeneity of metaphysical positions. Fellowship in which each person maintains "maximum fidelity" to the light that they receive is better than philosophical skepticism and shallow tolerance.[152] Relationships of this nature, which Maritain also labeled "genuine tolerance" or "natural friendship," are not endangered by, but rather are predicated on zealous truth-seeking in the context of mutual love.[153] Moreover, such friendship and mutual love, even across intractable ideological, religious, or metaphysical divides, are possible because the interlocutors involved respect the "human nature and human dignity" of their counterparts.[154]

5.4 Wary of State Power

In the 1940s, an important theme of Christian personalism, and many other communities of thought, was fear of totalitarianism. Often referencing the unfathomable

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[151] Maritain also criticized a political philosophy built on reason alone. He wrote, "In modern times an attempt was made to base the life of civilization and the earthly community on the foundation of mere reason—reason separated from religion and from the Gospel. This attempt fostered immense hopes in the last two centuries, and rapidly failed. Pure reason showed itself more incapable than faith of ensuring the spiritual unity of mankind, and the dream of a 'scientific' creed, uniting men in peace and in common convictions about the aims and basic principles of human life and society, vanished in our contemporary catastrophes. In proportion as the tragic events of the last decades have given the lie to the bourgeois rationalism of the XVIIIth and XIXth Centuries, we have been confronted with the fact that religion and metaphysics are an essential part of human culture, primary and indispensable incentives in the very life of society." Maritain, *Man and the State*, 108–109.

[152] Maritain, *On the Use of Philosophy; Three Essays*, 33.

[153] Maritain, 35.

[154] Maritain, 24. Elsewhere, Maritain identified "*justice* and *civic friendship* as the essential foundations of that community of human persons which is political society." Maritain, *Christianity and Democracy: The Rights of Man and the Natural Law*, 89.

tyrannies of Axis governments, Christian personalists were wary of state power over the lives of individual persons. Even Hocking, whose philosophy had noteworthy statist elements, wrote, "The individual doesn't exist except as related to another but that other is not his state, and if you make it his state and his community, then you deliver yourself over to the Fascist point of view sooner or later."[155] This statement communicates two of the fundamental tenets of personalism: (a) The human person is inherently relational rather than isolated; and (b) The human person is more than an element of the community or state.

Maritain, in what was perhaps the definitive statement of his political philosophy, *Integral Humanism*, wrestled with the relationship between the individual and the state. He described a conception of renewed democracy and civilization as both communal and personalist. The former term denoted the common good being greater than a sum of individual goods.[156] The latter term signified that the common good must respect the "supratemporal ends of the human person."[157] That is, the human person has a nature and purpose that supersedes the material contingencies of the biological, social, and political realms. These two elements are the opposing sides of the tension between the individual and the polity. Individuals, for Maritain, were both subordinate to and transcendent beyond the political community.[158] He attempted to resolve this antinomy by appealing to "fraternal love" or self-giving love in a community aiming at a common good, but in which the inherent and inviolable worth of the human being is recognized. Moreover, Maritain

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[155] Gillmor, "Who Was W. E. Hocking?" 240.
[156] Maritain, *Integral Humanism*, 236.
[157] Maritain, The Collected Works of Jacques Maritain XI:237.
[158] Maritain, The Collected Works of Jacques Maritain XI:237. Maritain's view of this resolution of the tension between person and society is based on Aquinas. Maritain writes that "St. Thomas tells us, each human person himself is in regard to the community as the part is in regard to the whole, and is thereby subordinate to the whole. . . . But here is what immediately balances things and indispensably completes the first text [of Aquinas referenced]: man, St. Thomas also says, has in him a life and goods which surpass the ordination to political society." Maritain, The Collected Works of Jacques Maritain XI:238.

described the common good with his own neologism as an "infravalent" end. This term denotes the idea of an intermediate end or good. The common good is valuable in and of itself and, therefore, is worthy of pursuit as its own end. However, the common good is simultaneously a subordinate end that functions as a means to reach higher ends. For example, the promotion of the common good furthers the welfare of the individual person, which Maritain identified as an "eternal good" (see chapter 6 for more on Maritain and infravalent ends).

Following this view of the common good, Maritain defined the role of the state as to "raise men in general to a level of material, intellectual, and moral life in accord with the good and peace of the whole, that each person will be positively aided in the progressive conquest of his full life as a person and of his spiritual freedom."[159] In other words, the state should promote the conditions in which individuals pursue their own good and spiritual freedom—this element of Maritain's political thought resonates with that of Hocking (see section 5.3.1). Though Maritain would not have agreed with Hocking's incorporation of the Nietzschean goal to pursue the will to power, both philosophers conceived of the state as having the responsibility to foster the conditions in which human persons are able to develop. However, Maritain rejected the any role for the state in prescribing, much less authoring, a specific definition of the good. Rather, the state should promote the ability of people to pursue their own good within boundaries conducive to the common good.

Mounier succinctly articulated a similar idea, using the language of rights, in the first general disposition of his Declaration of the Rights of Persons and Collectivities: "The

[159] Maritain, 281.

state is the guardian, it is not the creator of right."[160] Furthermore, in a section of *Personalism* entitled, "The State. Democracy. Sketch of a Personalist Doctrine of Power," Mounier identified the tension between state and personal sovereignty. The political foundation for checking the power of the state, he argued, is "public and statutory recognition of the person and constitutional limitation of the powers of the State."[161] Closely related to the legal codification of the human person is Mounier's statement that human rights, which are a mid-point between personal freedom and social organization, are the foundation of authentic state sovereignty.[162] He emphasized the distinction between the state and the nation saying that only Fascists have the good of the state as their primary aim.[163]

Another way in which Mounier sought to limit the state was through the recognition of natural communities. The two bases for state authority, he declared in the preamble to his "Declaration of the Rights of persons and communities" (see chapter 6), are the good of the person and the development of the person in "natural communities."[164] In his Declaration the latter included family, religious communities, worker organizations, and groupings based on ethnicity, geography, and language. Finally, Mounier viewed international federalism as another method by which to attenuate state sovereignty.

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[160] Emmanuel Mounier, "Projet d'une Déclaration Des Droits: Des Personnes et Des Collectivités," *Esprit*, 1, no. 105 (1944): 121. Translation by author from French text: *L'Etat est la gardien, il n'est pas la créateur du droit.*

[161] Mounier, *Personalism*, 113.

[162] Mounier, 114.

[163] In addition, Article 29 of Mounier's *Déclaration des Droits des personnes et des collectivités* proposed a duty of the state to protect the cohesion of regional, ethnic, linguistic, and religious communities. This responsibility, in his view, meant that the state does not have the right to "*souveraineté politique inconditionée*" ("unconditional political sovereignty"). Emmanuel Mounier, "*Faut-Il Réviser La Déclaration Des Droits? Fin*," *Esprit* 6, no. 110 (1945): 855.

[164] Mounier, 851–852. Translation by author from French text: *Déclaration des Droits des personnes et des collectivités.*

However, he was skeptical of the efficacy of transnational organizations in the face of "passional, economic and social forces" that create conflict between nations and decrease the willingness of governments to abrogate power—as the failure of the League of Nations had shown.[165]

Thus, the political philosophies of Maritain, Mounier, and to a lesser extent, Hocking, contained limitations on state power. However, as discussed in the two sections below, Day and Malik evinced greater wariness of the authority of governments.

5.4.1 Limiting the State in the UDHR: Malik

Malik championed the freedom of the human person against the power of the state via his work on the UDHR from early 1947 until its adoption in late 1948. One of the most direct statements of his concern comes from an early UNCHR meeting. He warned:

> Mention must therefore be made in the international bill of rights of this tyranny of the State over the individual, who it was the duty of the Commission to protect. If the international bill of human rights did not stipulate the existence of the individual and his need for protection in his struggle against the State, the Commission would never achieve its intended purpose.[166]

No less than the "extinction of the human person" or the eradication of "his own individuality and inviolability" was at play in Malik's assessment.[167]

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[165] Mounier, *Personalism*, 110.

[166] "Commission on Human Rights First Session: Summary Record of the Ninth Meeting" (UNESCO, February 1, 1947), 3, https://digitallibrary.un.org/record/626959?ln=en. In that same meeting, Malik remarked, "There has been rising in the last few decades a new tyranny, the tyranny of the masses, which seems ultimately to have an inevitable tendency of embodying itself in what I might call the tyranny of the state. If there is any danger to fundamental human rights today, it is certainly from that direction."

[167] Charles Malik and Mary Ann Glendon, *The Challenge of Human Rights*, ed. Habib C. Malik (London: I.B. Tauris Academic, 2000), 28. Near the end of a 1949 essay, also named "The Challenge of Human Rights," Malik wrote of the tension between human rights and national sovereignty. He specifically criticized the movement by some governments to include a provision in the UDHR to permit the suspension in the public interest: "There must be a core of humanity which cannot be 'suspended' or 'derogated from' under any circumstances, and the whole present problem of human rights is to take them outside of the determination of individual governments. It was precisely in the name of 'the public interest' and 'the general welfare' that tyrants and dictators have always trampled upon the fundamental freedoms and rights of man." Malik and Glendon, 10.

Operating with this sentiment in mind, Malik was surprised by the statist position of the first line of Article 1 of an early draft of what would become the UDHR: "Everyone owes a duty of loyalty to the State and to the (international society) United Nations."[168] Malik saw this statement as problematic for two reasons. First, he argued that any moral obligation to the state depends to a large degree on the moral quality of that state. If this proposed Article 1 were to have validity as a universal proposition, it needed to specify or qualify the type of state to whom persons could have duties: only a just state.[169]

More importantly, even if the statement of duty to the state were qualified in this way, Malik "did not feel it proper to begin a Bill of Rights with the 'State.'"[170] Such a beginning to the Declaration would suggest an emphasis on the individual's obligations to society rather than on inviolable human rights. To be sure, transwar Christian personalists advocated duties toward family, neighbors, colleagues, community, and the state in their critiques of atomistic views of human rights. Their choice of the term "person," more relational and communal than the word "individual," strongly indicated as much. However, the context of WW II required a focus on human rights rather than human duties. Malik stated, for instance, "It was precisely because the balance had been tipped against the individual and in favor of society that human rights had been violated."[171] The post-WW II era was a time to institute measures for the protection of individual human persons from

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[168] "Commission on Human Rights Drafting Committee: Draft Outline of International Bill of Human Rights (Prepared by the Division of Human Rights)," June 4, 1947, 2, https://digitallibrary.un.org/record/621094?ln=en.

[169] "Commission on Human Rights Drafting Committee: First Session Summary Record of the Third Meeting," June 11, 1947, 10, https://digitallibrary.un.org/record/629281?ln=en.

[170] "Commission on Human Rights Drafting Committee: First Session Summary Record of the Third Meeting," 11.

[171] Glen Johnson and Symonides Janusz, *The Universal Declaration of Human Rights: A History of Its Creation and Implementation, 1948–1998, UNESCO Digital Library* (UNESCO, 1998), 57, https://unesdoc.unesco.org/ark:/48223/pf0000114488.

society and, above all, from the tyranny of the state. It was most definitely not an appropriate time, per Malik, to prioritize duties to the state.

The attempt to protect the individual against external coercion—be it by the state, community, religious institutions, or others—centered, in Malik's assessment, on Article 18 of the UDHR. The final version of that article reads: "Everyone has the right to the freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance." For Malik, a devout Greek Orthodox Christian, liberty of conscience and religion were the core of "man's absolute freedom."[172] His interest in the entire project of the UDHR, he later revealed, would have waned greatly had the UNCHR rejected Article 18—it was paramount for him.

The tension between human liberty and state power came to a head in a disagreement between Malik and Vladislav Ribnikar, an UNCHR member from Yugoslavia. At one point, Ribnikar had argued for the priority of the community over the individual. Later, he moderated this position stating that "the freedom of the individual was to be found in harmony between the individual and the community."[173] Malik countered the threat to human freedom by outlining four principles for the protection of the human person against coercion from the community, the state, and religious institutions: (1) "The human person is inherently prior to any group to which he may belong;" (2) The mind and conscience are "the most sacred and inviolable things" of a human person; (3) Social pressure, be it from

[172] Malik, "The Universal Declaration of Human Rights," 10.
[173] "Commission on Human Rights: Summary Record of the Fourteenth Meeting" (UNESCO, February 4, 1947), 3, https://digitallibrary.un.org/record/626959?ln=en.

the state, church, or other source that requires the consent of persons is morally wrong; and (4) The human person, not the group, is "the competent judge of the rights or wrongs" committed by groups to which they belong.[174] These tenets, which Malik hoped would guide the work of the Human Rights Commission, are a forceful assertion of the priority of persons over society and the state.[175]

In each of the four principles, Malik deliberately utilized the language of the "human person." This lexical choice communicated the spiritual nature of human beings. Persons, he argued, are more than individuals in the material, biological, social, or political senses. To reduce human beings to mere individuality could permit or even facilitate domination by the community or state. Persons, with a spiritual nature and consequent inviolable dignity, are more than components of the larger social whole. After subsequent discussion amongst committee members, Malik reiterated the intentionality of his deviation from the more commonly used "individual" in favor of "human person."[176] Other proponents of the

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[174] Malik and Glendon, *The Challenge of Human Rights*, 29.

[175] The disagreement between Malik and Ribnikar was just one skirmish in the battle, which lasted throughout the drafting and approval process of the UDHR, between Soviet and Western conceptions of the individual, the state, and human rights. Two important examples of this ideological rift exist in the speeches given on December 10, 1948, prior to voting on the UDHR in the UN General Assembly. A Yugoslavian delegate, Ljubomir Radovanovic, offered two critiques in a lengthy speech, at times citing his agreement with delegates from the USSR. First, he rejected the individualistic component of the proposed Declaration: "It should provide a more general protection to man, not only as an individual but as a member of social groups. . . . The text before the Assembly was based on individualistic concepts which considered man as an isolated individual having rights only as an individual." Second, he declaimed the lack of concern for the "social and material conditions necessary" for the enjoyment of human rights. The "new social capitalistic order" had jeopardized the civil and political rights proclaimed from the end of the eighteenth century because it "had brought man into a situation of dependence and economic subjugation." In addition, a delegate from the USSR, Andrei Vyshinsky, a Soviet jurist and legal theorist, voiced a related fundamental critique of the proposed Declaration. He described the draft as "unsatisfactory" and gave, as the USSR's first concern, the issue of national sovereignty. Vyshinsky explained, "The USSR delegation had pointed out that numerous articles completely ignored the sovereign rights of democratic Governments, moreover, that the draft contained provisions directly contradicting those of the [UN] Charter, which prohibited interference in the internal affairs of States. The USSR delegation had also pointed out that it had spared no effort to eliminate those shortcomings from the declaration. It had not succeeded, and that was one of the main reasons why it could not support the declaration." "Hundred and Eighty-Third Plenary Meeting: UN General Assembly" (United Nations, December 10, 1048), 913–923.

[176] "Commission on Human Rights: Summary Record of the Fourteenth Meeting," 6.

term "person" included Cassin, who would later win the Noble Peace Prize for his work on the UDHR, and numerous Latin American delegates—the 1948 American Declaration of the Rights and Duties of Man, a Latin-American product, heavily preferred "person" to "individual." The final version of the UDHR utilizes "person" five times, "personality" three times, and "individual" only once.[177] Despite Eleanor Roosevelt's initial preference for the term "individual," due to her desire to guard fundamental individual rights from the threat of state power, Malik and company succeeded in codifying the discourse of the "person" in the UDHR.[178]

In addition, crucial components of and resources for the protection of personal freedom, championed by Malik, and personalists more broadly, were institutions such as families, religious organizations, professional bodies, and local communities.[179] Malik argued that the "fight for freedom" in the late 1940s resided "primarily in asserting the rights of these intermediate institutions" in the face of "overwhelming claims of the state."[180] In terms of codifying intermediate institutions in the UDHR, early in the drafting process, he noted that the Declaration mentioned the family only once, though four articles in the final version codify protections of rights explicitly connected to the family, and he championed the article in which that occurrence was located, Article 16. When members expressed

[177] The Declaration also uses the word "human" twelve times (of which six are "human rights," two are "human beings," and one each is "human person," "human personality," "human family," and "human dignity").
[178] In this UNCHR discussion, Roosevelt stated, "It seems to me that in much that is before us, the rights of the individual are extremely important. It is not exactly that you set the individual apart from his society, but you recognize that within any society the individual must have rights that are guarded." Mary Ann Glendon, *The Forum and the Tower: How Scholars and Politicians Have Imagined the World, from Plato to Eleanor Roosevelt* (New York: Oxford University Press, 2011), 206–207. Johannes Morsink, *Article by Article: The Universal Declaration of Human Rights for a New Generation* (University of Pennsylvania Press, 2022), 54, https://doi.org/10.2307/j.ctv1f45qf8.
[179] Malik and Glendon, *The Challenge of Human Rights*, 26.
[180] Malik and Glendon, 26.

doubt about the need to single out the family for protection, as opposed to inferring protections for the family based on stated protections for persons, he insisted on keeping that article. Moreover, Malik successfully pushed for language that recognized the family as "the natural and fundamental group unit of society" (see chapter 6 for further discussion of Article 16).[181] This was a forceful declaration of the inherent importance of the family.

In keeping with a high valuation of family, Malik was the primary proponent of the codification in Article 26 of the parental right of educational choice for children. His concern was to prevent the state from having such decision-making authority. The third clause of Article 26 of the UDHR reads, "Parents have a prior right to choose the kind of education that shall be given to their children." This text derives from an amendment proposed by Malik's Lebanese delegation.[182]

Malik sought to constrain the power of the state in a variety of ways, in addition to his emphasis on the rights of the human person and the centrality of the family. He successfully advocated for adding the phrase "alone or in community with others" in the text of Article 18 and made a similar argument concerning a proposed Article 33, an article that was not included in the final version of the UDHR.[183] The specification that freedom of thought, conscience, and religion pertains to communities (not only individuals) aimed to prevent states from oppressing intermediate institutions such as cultural organizations and religious congregations. He also worked to include the protection of ethnic groups in the Declaration.

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[181] "Commission on Human Rights Second Session: Summary Record of the Thirty-Seventh Meeting" (UNESCO), December 13, 1947), 11, https://digitallibrary.un.org/record/627399?ln=en#record-files-collapse-header.

[182] Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (University of Pennsylvania Press, 2000), 266.

[183] "Commission on Human Rights Drafting Committee International Bill of Rights First Session: Summary Record of the Fourteenth Meeting" (UNESCO, June 23, 1947), 8, https://digitallibrary.un.org/record/626959?ln=en; Linde Lindkvist, *Religious Freedom and the Universal Declaration of Human Rights* (Cambridge, UK: Cambridge University Press, 2017), 138.

Numerous delegates objected to such protections in the UCHR believing that minority group rights did not belong in a document on the rights of individual persons. Roosevelt stated, for example, that "Provisions relating to the rights of minorities [have] no place in a declaration of human rights."[184] Similarly, the Indian delegate Hansa Metha, the only other woman on the UNCHR and a staunch advocate of women's rights, viewed minority rights as redundant because "members of minority groups were protected as human beings by other articles of the Declaration."[185] Support for minority group rights in the UDHR was also weak because of both the failed minority protections of the League of Nations and the assimilationist views of many delegates. Contesting this reticence, Lebanon and the USSR spearheaded the effort to incorporate minority group rights into the UDHR. Malik explained his observation that, in relation to the question of minority groups, "two basic conceptions of the State" existed. The first was a "uni-national" and "uni-cultural" state that assimilated various cultures in a "melting pot" model. The second was a "multi-national and multi-cultural" state that "encourage[d] the development of diversified groups.[186] Malik described Lebanon and the USSR as examples of the latter model. Subsequently, he proposed the following statement for inclusion in Article 18 or as a stand-alone article: "Cultural groups shall not be denied the right to free development."[187] Ultimately, the Third Session of the UNCHR voted against the inclusion of this text.[188]

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[184] "Commission on Human Rights Third Session: Summary Record of the Seventy-Third Meeting" (UNESCO, June 15, 1948), 5, https://digitallibrary.un.org/record/628986?ln=en.
[185] "Commission on Human Rights Third Session: Summary Record of the Seventy-Third Meeting," 6.
[186] "Commission on Human Rights Third Session: Summary Record of the Seventy-Third Meeting," 7–8.
[187] "Commission on Human Rights Third Session: Summary Record of the Seventy-Third Meeting," 13.
[188] "Commission on Human Rights Third Session: Summary Record of the Seventy-Fourth Meeting" (UNESCO, June 15, 1948), 4, https://digitallibrary.un.org/record/628989?ln=en. For a detailed discussion of this issue, see Morsink, *The Universal Declaration of Human Rights*, 269–280.

Finally, Malik advocated for several articles that more directly articulated limitations on state sovereignty. He proposed Article 30, which prohibits states, groups, or persons from taking actions designed to undermine the rights outlined in the UDHR.[189] He also proposed Article 28 stating the right of humanity to an international order, which he explicitly identified with the United Nations, that would support the rights articulated in the UDHR.[190] In other words, he did not view the state as the soul arbiter and guardian of human rights within its borders—transnational institutions have a role to play as well.[191]

In addition, Malik and Chang sponsored an article drafted by Humphrey that read: "Every State shall have the right to grant asylum to political refugees."[192] During debate on the proposal, Roosevelt struck at the core tension in this proposal when she "doubted whether it was within the province of the United Nations to tell Member States that they must grant asylum."[193] In the end, the text was modified and approved as Article 14.1: "Everyone has the right to seek and enjoy in other countries asylum from persecution." This statement has political refugees in mind (among others) as is suggested by Article 14.2, which exempts refugees under prosecution for nonpolitical crimes from the right to

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[189] However, the inclusion of "any State" in this article was the suggestion Australia's Hodgson, and accepted by Malik. "Commission on Human Rights Second Session: Summary Record of the Forty-First Meeting" (UNESCO, December 16, 1947), 7–8, https://digitallibrary.un.org/record/627419?ln=en.

[190] "Commission on Human Rights Third Session: Summary Record of the Seventy-Eighth Meeting" (UNESCO, June 17, 1948), 9, https://digitallibrary.un.org/record/629119?ln=en.

[191] Malik later criticized opponents of the right of persons to petition a transnational body in the case of potential human rights violations by their own government: "And to say that you will not allow your citizens to petition the United Nations, or some world court, in the case of the possible violation of human rights is, it seems to me, a virtual mockery of the whole affair. For with the one hand you tell the individual, 'You have such and such essential rights, and we are willing to enter into a compact with other nations about them,' and with the other you tell him, 'Yes, you have these rights, but one right you do not have, and that is to complain if these rights are violated!'" Charles Malik, "The Challenge of Human Rights" (Behind the Headlines series), IX, no. 6 (Toronto: Canadian Institute of International Affairs, 1949), 10.

[192] "Commission on Human Rights Drafting Committee: Draft Outline of International Bill of Human Rights," 12.

[193] "Commission on Human Rights Second Session Working Group on the Declaration of Human Rights: Summary Record of the Fifth Meeting," December 8, 1947, 5, https://digitallibrary.un.org/search?ln=en&p=E%2FCN.4%2FAC.2%2FSR.5&f=&action_search=Search&rm=&sf=&so=d&rg=50&c=Resource+Type&c=UN+Bodies&c=&of=hb&fti=0&fct__3=1947&fti=0.

seek and enjoy asylum. Thus, Article 14 stipulates a right that is in direct conflict with the political prerogatives, and accordingly the sovereignty, of states.

5.4.2 Less State-Centric in Practice: Day

While most visions of society in the transwar era, including those of many Christian personalists, placed significant emphasis on the role of the state, Day was notably more interested in local ministry and activism. Her approach drew from Catholic Social Teaching (CST) and its emphasis on subsidiarity. Two of the most important elaborations of this set of doctrines are Pope Leo XIII's *Rerum novarum* (1891) and Pope Pius XI's *Quadragesimo anno* (1931), which celebrated the fortieth anniversary of the earlier encyclical.[194] *Rerum novarum* laments "the misery and wretchedness pressing so unjustly on the majority of the working class" due to the "greed of unchecked competition" and "rapacious usury."[195] Both encyclicals promote a third-way socioeconomic order between individualistic capitalism and collectivism. An element of this approach is the promotion of intermediate institutions. Under the umbrella term "associations," *Rerum novarum* advocates "societies for mutual help," "benevolent foundations," "workingmen's unions," "confraternities," and "religious orders."[196] Moreover, both encyclicals frame their support of a variety of individual and worker rights, including the right to form associations, as natural rights.

Among the animating principles of the Catholic Worker movement, created by Peter Maurin and promoted by Day, were exhortations promoting CST, works of mercy, and

[194] Catholic subsidiarity, though originating with Luigi Taparelli in the 19th century, came to wider attention via Pope Pius XI's social encyclical, *Quadragesimo anno* (1931). See also, Maritain, *On the Use of Philosophy; Three Essays*, 42.
[195] Leo XIII, "Rerum Novarum" (Vatican City: Libreria Editrice Vaticana, 1891), 2, http://www.academia.edu/download/46961745/RERUM_NOVARUM.docx.
[196] Leo XIII, 15–19.

intermediate institutions (see also chapter 6).[197] The only mention of the state among Maurin's principles is the advocacy of farming communes to combat the machine of the "servile state."[198] As these emphases suggest, the concept of subsidiarity ran throughout the thought and practices of the transwar Catholic Worker movement. However, Day did not deny "the obligations of the state" in caring for impoverished and marginalized people.[199] To the contrary, she wrote, "The State is bound for the sake of the common good, to take care of the unemployed and the unemployable by relief and lodging houses and work projects. Pope Pius XI pointed that out very clearly."[200] But Day warned her fellow members of the Catholic Worker movement not to allow government efforts to deter their own sense of personal responsibility for the care of those in need.[201]

A more radical manifestation of Day's skeptical attitude toward state power was her longstanding and ardent pacifism. At the height of WW II, Day described herself as "a Christian Pacifist, opposing class war, race war, civil war, and international war."[202] A protester of the draft throughout the war, Day declared that she would not register, even in the face of imprisonment, if the U.S. government initiated a draft for women.[203] A 1937

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[197] Dorothy Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year," *The Catholic Worker*, May 1947, 2. Maurin, also refused to display the logo of the National Recovery Administration, a blue eagle, on *The Catholic Worker*. This was common practice among other newspapers, but Day remembers Maurin wanting "no part in co-operating with the state." Day, *The Long Loneliness*, 180.

[198] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year," 2.

[199] Dorothy Day, "Conclusion," in *House of Hospitality (The Catholic Worker*, 1939), 2, https://catholicworker.org/450-2/.

[200] Dorothy Day, "Conclusion," in *House of Hospitality* (*The Catholic Worker*, 1939), 1.

[201] Addressing, "No, we are not denying the obligations of the State. But we do claim that we must never cease to emphasize personal responsibility. When our brother asks us for bread, we cannot say, 'Go be thou filled.' We cannot send him from agency to agency. We must care for him ourselves as much as possible. And we claim that as Catholics we have not sufficiently cared for our own. We have not used the material, let alone the spiritual resources at our disposal. We have not drawn upon our tremendous reserves of material and spiritual wealth. We have scarcely known or recognized that we possessed them." Day, 2.

[202] Dorothy Day, "Day after Day," *The Catholic Worker*, February 1943, 4–5.

[203] Dorothy Day and Robert Ellsberg, *Duty of Delight: The Diaries of Dorothy Day* (Milwaukee: Marquette University Press, 2008), 646, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=476957. Four decades later, in the context of the Vietnam War, Day's pro-peace stance remained firm. She wrote, "On principle we refuse to pay income tax, because so great a portion goes

issue of *The Catholic Worker* illustrates the organization's and Day's position well. Therein, she condemned the Ethiopian War and implored readers that the machinations of the Italian Marshall, Emilio De Bono, "to create war" should "cause all, who call themselves Christians, to think, to reflect and to act now."[204] The issue also contains a profile of a conscientious objector from WW I. In that article Day described Ben Salmon, the person in question, as an "unsung hero" and "devout Roman Catholic."[205] Salmon, whom authorities imprisoned due to his anti-war convictions, believed that no modern war could be justified. Finally, the Catholic organization PAX placed an advertisement to specify the necessary conditions for a just war and to declare that its members believed that no modern war could meet the conditions for such a war.[206] Therefore, the notice proclaimed, PAX members would not participate in any modern war.[207]

The subsequent issue of *The Catholic Worker* rejected the conception of war as a legitimate means to defend Christianity. Without noting the irony, the article quoted the early Christian author and advisor to Constantine, Lactantius, as saying: "Religion is to be defended not by putting to death, but by dying; not by cruelty, but by patient endurance; not by crime, but by faith. If you wish to defend religion by bloodshed, you no longer defend it but pollute it."[208] Likewise, after WW II, Day responded to accusations that *The Catholic Worker* was isolationist. She appealed to the parable of the Good Samaritan who provided medical care, food, and shelter to the injured man without concern for justice or

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for wars, preparation for wars (defense, it is termed), and providing other countries with billions of dollars to buy our instruments of war and material and plants to make their own." Dorothy Day, "On Pilgrimage," *The Catholic Worker*, February 1974, 2.

[204] Dorothy Day, "Lessons in Ethiopian War Plans," *The Catholic Worker*, September 1937, 1.

[205] Dorothy Day, "Conscientious Objector," *The Catholic Worker*, September 1937, 1.

[206] PAX was a Catholic anti-war organization founded by the Catholic Worker movement in 1936. "C. W. to Organize Catholic Group to Protest War," *The Catholic Worker*, October 1936, 1.

[207] Dorothy Day, "Just War," *The Catholic Worker*, September 1937, 2.

[208] Dorothy Day, "On The Use of Force," *The Catholic Worker*, October 1937.

revenge. Christians, she declared, should go to great lengths to oppose the atomic bomb, weapons proliferation, the domination of small countries by major powers, the treatment of Blacks, hunger, and other injustices. In her view, faithful Christians lay down their lives, just as Jesus did, to fight these wrongs. For Day, this was not isolationism from the world, but radical engagement with the world. She ended the reflection with a statement by the saintly elder priest in *The Bothers Karamazov*: "Love, it is a beautiful word, but as Father Zossima said, LOVE IN PRACTICE IS A HARSH AND DREADFUL THING COMPARED TO LOVE IN DREAMS."[209]

5.5 Summary

Throughout the nineteenth century, various philosophers developed systems of thought in which personhood was central. Jacobi and Lotze reacted against the idealist chasm between the mind and the external world. They also attacked determinism as incompatible with human freedom and personality. Husserl's phenomenology continued the quest for an alternative to idealism and naturalism. His experiential epistemology and intersubjectivity highly valued human intuition and relationships, and thus the human person. In addition, the proto existentialism of Dostoevsky and Nietzsche highlighted, as personalists saw it, the incoherence of Enlightenment rationalism. In different ways, these two giants of the late nineteenth century emphasized the personhood of human beings.

Christian personalists of the transwar era built on these related philosophical strands. Hocking's elaboration of human meaning-making and the interpretation of values, Maritain's human freedom as a given data-point of metaphysics, Mounier's vision of freedom as responsiveness to the external world, and Berdyaev's link between creativity

[209] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year," 9.

and personality, as well as his foundationless human freedom, all resonate with elements of counter-Enlightenment, phenomenological, and existentialist philosophy.

In working out this philosophy in which the human person was foundational, Christian personalists necessarily engaged one of the most persistent tensions in political philosophy: the relationship between the individual and the state. Hocking and Maritain developed contrasting views in this regard. The former's absolute idealism, not surprisingly, resulted in a statist political philosophy. The latter's embrace of Thomistic natural law theory led to a political philosophy that foregrounded the dignity of the human person.

Perhaps the most important question of political philosophy in the transwar era was how to restrain tyrannical states. Christian personalists had a great deal to say on this topic. Maritain's "infravalent" ends and Mounier's "natural communities" were two concepts useful for the limitation of the state. At the same time, Malik worked with determination to protect individual persons and intermediate institutions against the power of the state in debates over the developing text of the UDHR. For her part, Day personified the less state-centric Christian personalist philosophy of Maritain and Mounier—both of whom, but especially Mounier, influenced Day and Maurin. The Catholic Worker's advocacy and embodiment of CST, including the doctrine of subsidiarity, fit well with a philosophy that prized relational persons and local communities. Be it Houses of Hospitality, labor unions, worker cooperatives, families, etc., Day was an ardent champion of local solutions to social and economic problems.

With these important elements of transwar Christian personalism in place, the stage is set to better understand its relationship to human rights. On the one hand, contrary to what a classical historiographic bent might suggest, the primary route to comprehend this

relationship does not lie in the *longue durée*. Philosophy and theology of the nineteenth century, particularly its second half, and the crisis milieu of the transwar era are more directly relevant. On the other hand, contrary to the inference of new histories of human rights to date, Christian personalist advocacy of human rights in the transwar era is thoroughly philosophical and theological. Moreover, it was profoundly shaped, as was much else in the philosophical, theological, and political worlds, by the failures of the state in the first half of the twentieth century. Building on these observations, the subsequent chapter details the theory, practice, and enumerations of human rights by prominent Christian personalists during the transwar era.

Chapter 6: Christian Personalism and Human Rights

Whenever we say that a man is a person, we mean that he is more than a mere parcel of matter, more than an individual element in nature, such as is an atom . . .or an elephant. Where is the liberty, where is the dignity, where are the rights of an individual piece of matter?[1]

Christian personalists, influenced by their philosophy of the human person (see chapter 5), were among the relatively few proponents of human rights in the early to mid-twentieth century. Flewelling formulated a brief justification for human rights in personalist and Christian terms as early as 1920. Hocking provided a more detailed description and defense of human rights within a personalist framework in his 1926 *Present Status of the Philosophy of Law and of Rights*.[2] The historian Gene Zubovich identifies this work as "the first formal philosophical defense of human rights in the United States."[3] Maritain, who adopted human rights discourse in the 1940s, became an influential advocate of the concept with his 1942 *Les Droit de l'Homme et la Loi Naturelle* (*The Rights of Man and the Natural Law*) and via his contribution to the 1947 UNESCO Committee on the Philosophic Principles of the Rights of Man (aka, the "Philosophers' Committee") that drafted a preliminary list of human rights.[4] Malik was a member of Eleanor Roosevelt's committee

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[1] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 66.

[2] William Ernest Hocking, *Present Status of the Philosophy of Law and of Rights* (New Haven, CT: Yale University Press, 1926). His *Man and the State*, also published in 1926, also discusses human rights. William Ernest Hocking, *Man and the State* (New Haven, CT: Yale University Press, 1926).

[3] Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," 140.

[4] Djurkovic and Moyn both point out that neither Mounier nor Maritain referred specifically to "human rights" until 1942. Djurkovic argues that their contribution earlier than this was the renewal of "the tradition of natural law and human dignity." Misa Djurkovic, "Christian Personalism as a Source of the Universal Declaration of Human Rights," *Filozofija i Drustvo* 30 (January 1, 2019): 274, https://doi.org/10.2298/FID1902270D. Maritain's connection to the Philosophers' Committee was two-fold: (a) he responded to its international survey on human rights; and (b) he authored the introduction to the committee's report. Both texts were published in UNESCO, *Human Rights: Comments and Interpretations* (New York: Columbia University Press, 1949). Julian Huxley, the director general of UNESCO at the time (as well as both the grandson of T. H. Huxley, aka, "Darwin's Bulldog," and the brother of famed author Aldous Huxley) solicited Maritain to write the introduction after hearing a speech that Maritain had given at the opening of UNESCO's Second General Conference. Maritain was the president of France's delegation

that drafted the UDHR, though he was less productive as an author of Christian personalist thought than Hocking, Maritain, and Mounier.

This early engagement with human rights, however, did not signify univocity. During the transwar era, important theoretical and tactical distinctions emerged in Christian personalist approaches to human rights. Hocking and Maritain constructed incompatible theories of rights due to their commitments to idealism and natural law, respectively (discussed in chapter 5). Tactically, Day and Mounier placed less import on national or transnational institutions than did Hocking, Malik, and Maritain. Drawing upon personalist and Thomist inspiration, Day chose the path of service and activism. Mounier, who had influenced Day and Maurin, was more ambivalent toward human rights proclamations. Despite producing a rights declaration in the pages of *Esprit*, his more profound interest was in spiritual revolution. Christian personalists also differed significantly in the human rights they explicitly enumerated or implicitly supported in action. Their specific proposals ranged from Hocking's one fundamental right to develop, to Malik's emphases on freedom of conscience and the rights of the family, to Maritain's broad list of first- and second-generation rights, to Mounier's similarly broad list augmented by duties limiting the state, to Day's activist foci on labor, pacifism, and racial equality.

Due to their diversity, chapter 6 explores the human rights thought, practices, and enumerations of these five prominent Christian personalists (i.e., Day, Hocking, Malik,

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to that conference held at Mexico City from November to December of 1947. His speech, "The Possibilities for Cooperation in a Divided World," was reprinted in Maritain, *The Range of Reason*, 172–184. For more information, see Mark Goodale, "The Myth of Universality: The UNESCO 'Philosophers' Committee' and the Making of Human Rights," *Law & Social Inquiry* 43, no. 3 (2018): 596–617, https://doi.org/10.1111/lsi.12343; Mark Goodale, *Letters to the Contrary: A Curated History of the UNESCO Human Rights Survey* (Stanford, CA: Stanford University Press, 2018); Carrie Rose Stibora, "Jacques Maritain and Alasdair MacIntyre on Human Rights" (Washington, DC: The Catholic University of America, 2013).

Maritain, and Mounier). The result is a detailed and nuanced account of the movement's human rights advocacy and relationship to the UDHR.

6.1 Human Rights Theory

Hocking and Maritian, in addition to authoring separate monographs on the relationship between the individual person and the state (see chapter 5), also penned works on the theory of human rights. These writings are essential to my research for three reasons. First, as leading Christian personalists, their well-developed elaborations of human rights are crucial sources of information for understanding the connection between Christian personalism and human rights. Second, the rights theories of Hocking and Maritain contrast sharply. Hocking articulated a view of culturally dependent rights with little room for universals. Maritain, building from Thomistic natural law theory, espoused human rights grounded in the inherent dignity and worth of the human person.

Third, their divergence shines light on the lament of new–school historiography that human rights have suffered because they were attached, during the transwar era, to Christian sources rather than their rightful secular Enlightenment foundations. Hocking, whose idealism was rooted through Hegel in secular Enlightenment idealism, produced a theory in which human rights depend on shifting cultural mores and the prerogatives of the state. Hocking also advocated only one vague human right: "the natural right of the individual to become what he is capable of becoming."[5] Maritain, by contrast, argued for theoretically inviolable human rights and included a host of specific first- and second-generation rights. Neither the ends of the state nor the common good, in Maritain's view, could justify the abrogation of the inherent human rights of the person.

[5] Hocking, *Present Status of the Philosophy of Law and of Rights*, 85.

The contrast between Hocking and Maritain suggests two points related to the historiography of human rights. First, it cautions against an overly dichotomous view of secular Enlightenment versus Christian human rights. Hocking, for example, was a product of both. Thus, it also complicates the claim that Christians "extricated" human rights from the legacy of the French Revolution.[6]Second, comparing Hocking and Maritain undermines the assertion that Christian theories of rights jeopardized the implementation of human rights in the post-WWII era. Hocking, whose conception of human rights was closely aligned with a Hegelian vein of secular Enlightenment philosophy, could not denounce slavery as inherently wrong and only offered one essential human right—the nebulous right to develop. Maritain, by contrast, enumerated a long list of first- and second-generation rights while arguing that human rights are inherent to all human beings regardless of their epoch and culture.

6.1.1 An Idealist Theory of Human Rights: Hocking

Flewelling developed the first known justification of human rights in Christian personalist terms in his 1920 *Bergson and Personal Realism*—though its treatment of human rights was minimal (see chapter 5).[7] The central interest of that discussion was to show the insufficiency of Nietzschean and, by extension, atheistic existentialist philosophy. Hocking, by contrast, was the first Christian personalist to treat the topic of rights in depth. His *Present Status of the Philosophy of Law and of Rights* developed a

[6] Samuel Moyn, *Christian Human Rights* (University of Pennsylvania Press, 2015), 9. Moyn writes, "Before this period, 'human rights,' had always been identified with the French Revolution and its promise of secular emancipation. In the face of a Soviet enemy that claimed for itself the mantle of secularism and revolution, a Cold War liberalism arose that featured a tremendously fateful new opening to Christian (sometimes now called 'Judeo-Christian') values and interests, with prior decades of culture war forgotten. This consequential reshuffling haunts politics to this day, as the deepest aspirations of democracy changed, prizing moderation against extremes over liberation of human capacity and restoring order to its regrettable if time-honored status as the centerpiece of justice." Moyn, 24.

[7] Flewelling, *Bergson and Personal Realism*.

state-centric theory of human rights consistent with idealist philosophy. The short book explores the legal theory of rights using the example of slavery. He began with a discussion of two leading German philosophers of law from the idealist tradition, Josef Kohler (1849–1919) and Rudolf Stammler (1856–1938). The former's *Lehrbuch der Rechtsphilosophie* (*Handbook of Legal Philosophy*) argued that human rights would not have been beneficial at every stage of progress in history.[8] Both scholars rejected natural law because creeds and culture, including justice and law, are subject to "history, relativity, evolution, [and] change."[9] As such, Kohler denied the universality of human rights across time and, surprisingly, went so far as to disagree that slavery is always wrong:

> No one who looks at the matter entirely from the standpoint of . . . human rights will be able to appreciate slavery in its historical development. Human rights are not advantageous to every development: technical arts must advance, humanity must make progress in industrial life, and for centuries this goes on with the sacrifice of human life. The sacrifice to culture is the highest sacrifice that the individual can make; but it is also one that he must make.[10]

Hocking drew out the Hegelian elements of this position by noting that, though Hegel thought slavery was wrong because it denies the capacity for autonomy and self-control of the enslaved, the institution was justifiable or right as a stage in the historical journey toward greater freedom in society and culture.[11]

This tension between culture and justice (or right) was at the heart of Hocking's view of human rights. Recognizing a common human nature, he advocated for universal

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[8] Hocking, *Present Status of the Philosophy of Law and of Rights*, 23.
[9] Hocking, 5. Hocking also stated that "The law-maker is a creature of his own time." Hocking, 27.
[10] Hocking, *Present Status of the Philosophy of Law and of Rights*, 8.
[11] Hocking wrote, "For Hegel said of slavery that it was once both wrong and right. . . . It was *right* as the only way by which, at a certain stage of development, when some men had gained the spirit of self-assertive freedom, that spirit could be made the property of everybody. . . .To Hegel, the one thing greater than personal freedom at any time is the general condition for a greater freedom." Hocking, 11.

"presumptive" legal rights.[12] These rights apply to all humans, not by virtue of what each person is at a given point, but because humans can advance and develop.[13] Aristotle was wrong to approve of slavery, in Hocking's view, not because he erred in recognizing some persons as inferior in their capacity to reason and thus unable to command others, but because he failed to comprehend that the tendency to remake and develop oneself is a fundamental aspect of human nature.[14] As a result, Hocking concluded, "*It is objectively 'right' that an individual should develop his powers*, whatever they are."[15] This is the one human right, and its universality is linked to the developmental capacity of human nature.[16] Other texts suggest support for the inviolability of the human person and inherent rights. For example, in the influential report *Re-Thinking Missions,* Hocking wrote, "each individual soul matters in the sight of God" and is of "absolute worth," and the "worth of the individual person" is the basis "of rights and also of duties."[17] Moreover, in the *Fortune* article series, which also featured Maritain, "What Can Man Make of Man?," Hocking rejected positivist approaches to rights as inadequate.[18] The insufficiency of positive law

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[12] Hocking, 58–67.

[13] In the final chapter of this book, Hocking derived two additional rights from the right to develop: "the right of liberty" and "the right to security." The former manifests in relation to self-management, seeking control of others, and control of nature. The latter, the right to security, pertains to one's person, agreements or contracts, and property. He provided little clarity or detail about these sub-elements of the right of liberty and security. Hocking, 91.

[14] Hocking, 64.

[15] Hocking, 71–72.

[16] Hocking addressed this issue in a footnote in his work on press freedom. He described the preexistence of rights as the "whole basis of the political theory" to which he subscribed. Yet he had qualms about the idea of natural rights for two reasons: "the ambiguity of the word 'natural' and the plurality of the word 'rights.' No theory and no society can operate with a plurality of absolutes. There is one right which, as inseparable from human nature, might fairly be called a natural right—the right to become what one is capable of, or to do one's human task. All other rights are derivable from this one and subordinate to it." William Ernest Hocking, *Freedom of the Press: A Framework of Principle*, ed. Commission on Freedom of the Press, Civil Liberties in American History (New York: Da Capo Press, 1972), 60.

[17] William Ernest Hocking, *Re-Thinking Missions: A Laymen's Inquiry After One Hundred Years* (New York: Harper & Brothers Publishers, 1932), 56, http://archive.org/details/rethinkingmissio011901mbp; Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," 152.

[18] William Ernest Hocking, "What Man Can Make of Man," *Fortune*, February 1942.

as a ground for rights caused Hocking to suggest that some intrinsic quality or characteristic of the human person exists upon which rights may be based.

Without a doubt, the justification for a right to develop was, for Hocking, intimately tied to the historically and culturally situated community. This one fundamental human right springs from the certainty that society benefits from the development of the powers of individuals and that all "wills" (signaling the sustained psychological inflection of Hocking's political thought) agree that pursuit of the common good is of supreme interest.[19] Though still potentially serviceable to defend the idea of universal human rights, this formulation is substantially weaker than the right to self-development based on human nature previously mentioned. The appeal to consensus raises clear risks for human rights, especially for minority and marginalized populations.

The relative element of Hocking's human rights theory is easier to detect in the two principles of justice that he proposed. The first precept is that nothing can be just "which is certainly known to be deleterious to the total cultural interest."[20] The second claim attempts to balance this culturally dependent definition of justice with the contention that "nothing can be for the total cultural interest which is certainly known to be unjust."[21] Whatever the value of this balancing act, the salient point is that justice depends, in both statements, on the knowledge of the community in question. Thus, slavery could be morally just in a particular time and place if it was not known to be deleterious to the culture or not known to be unjust.

[19] Hocking, *Present Status of the Philosophy of Law and of Rights*, 71–77.
[20] Hocking, 50.
[21] Hocking, 52.

The tension between culture and justice is also a major theme in Hocking's *The Lasting Elements of Individualism* (1937). This work describes "the old dilemma" between the purposes of groups and the ideas of individual members, between authority and liberty.[22] Hocking noted that law existed in the world long before theories of individual rights. Therefore, law did not derive first from a concern over the infringement of individual rights, but from a desire to protect "the general interest in settlement, peace, [and] order."[23] However, Hocking was unwilling to give the polity unequivocal primacy in issues of justice and right. He agreed with both sides of a dilemma in political philosophy that he traced to Aristotle and Locke: "The state is prior to the individual, and the individual is prior to the state: there is an alternating current or cycle in which neither can claim absolute priority."[24]

Hocking, attempting to hold this antinomy together, proposed the "co-agent" state as opposed to the laissez faire governance of liberalism. He admired Rousseau's notion of the "General Will," but lamented that the very democratic impulses it creates serve to undermine the unity of the General Will. Democracy, he thought, destroys the absoluteness that it seeks to establish.[25] The way out of *le culte de l'incompeténce* (the cult of incompetence) is "to return to the notion that the head shall do the thinking" and to give up

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[22] William Ernest Hocking, *The Lasting Elements of Individualism* (New Haven, CT: Yale University Press, 1937), 139.
[23] Hocking, 29.
[24] Hocking, 4–5. Maritain sounded a similar note to Hocking when he wrote, "Man finds himself by subordinating himself to the group, and the group attains its goal only by serving man and by realizing that man has secrets which escape the group and a vocation which the group does not encompass. If we understand these points clearly, we also understand that, on the one hand, life in society is natural to the human person, and that, on the other hand—because the person as such is a root of independence—there will always exist a certain tension between the person and society. This paradox, this tension, this conflict, are themselves something both natural and inevitable. Their solution is not static, it is dynamic; it provokes movement and is accomplished in movement." Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 76.
[25] Hocking, *The Lasting Elements of Individualism*, 139–140.

the pretense that other organs of society (the feet, heart, stomach, etc.) are capable of governing.[26] According to this framework, the government exercises the "commotive function."[27] The co-agent state's primary function, the commutive function is to unite all members of society in thought, sentiment, and action.

Of course, this vision of the state is authoritarian. While affirming the "older Liberalism" in its protection of the freedom to express thought, he regretted that liberalism had not been "careful to add that freedom to express thought is for *thinkers*."[28] Moreover, he opined, "Disgust with Liberalism is probably due more to this trait than any other, that it has called for liberty of thought for nonthinkers."[29] Only a strong government, he believed, could provide both the absolute ground for unity and an environment in which individuals are able to develop.[30]

In keeping with this hierarchical political philosophy, Hocking criticized the Kantian liberal state because it was only concerned with regulating citizens' external behavior and not the conscience or internal motives.[31] Thus, Hocking argued that states are justified in conditioning "the so-called rights of men" such that without a person's goodwill, "all rights

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[26] Hocking, 140. Hocking borrowed the phrase, *le culte de l'incompetence* (the cult of incompetence) from work of political theory with that title by Emile Faguet. Looking for the animating or guiding principle of democracy to contrast it with republicanism, Faguet wrote, "I have often wondered what principle democrats have adopted for the form of government which they favor, and it has not required a great effort on my part to arrive at the conclusion that the principle in question is the worship and cultivation, or, briefly 'the cult' of incompetence or inefficiency." His hierarchical fear, in a nutshell, was that laws would be enacted, interpreted, and applied by people who are unqualified for such roles. Émile Faguet, *The Cult of Incompetence*, trans. Beatrice Barstow (Dutton, 1912), 14–15.

[27] Hocking, *The Lasting Elements of Individualism*, 141. Hocking also contrasted this idealist view of the state grounded in the absolute of the public or general will, with a realist political philosophy. The later, "in effort to do justice to actualities, weakly and unnecessarily lets go the element of significance and hope in political life, the universal which alone brings men together." Hocking, 151.

[28] Hocking, *The Lasting Elements of Individualism*, 173.

[29] Hocking, 173.

[30] Hocking, 176.

[31] Hocking wrote, "The co-agent state will deal more hardily with conscience than the Liberal state felt justified in doing. For while conscience is the peculiar sphere of individual liberty, it is also the sphere of deepest public concern. The central fallacy of Kant's theory of Law lies in the supposition that the state has nothing to do with motives and is only concerned with external behavior." Hocking, 170.

cease to exist."[32] Earlier in this publication, *The Lasting Elements of Individualism*, he described natural rights as a "moral toxin."[33]

Hocking's rejection of universal and inherent human rights is striking. Rather than guaranteeing rights, the state disciplines and trains citizens so that they are competent to exercise their conditional rights.[34] "The older liberalism" did not comprehend the half-truth or paradox that liberty, peace, sympathy, and individuality are the product of restraint, pugnacity, hardness, and harmony. Therefore, though Hocking explicitly rejected a theory of human rights founded on legal positivism, some of his writings plainly indicate that rights are contingent upon the knowledge or will of the polity. On this point, his theory of rights is consistent with his strong, arguably authoritarian, view of the state (see also chapter 5).

Hocking turned to the issue of freedom of speech to illustrate the discipline and restraint upon which he believed human rights stand. As mentioned above, freedom of expression is not a right for the untrained; rather, "freedom to express thought is for *thinkers*."[35] In an evocative turn of phrase, he compared "idea bearing" to childbearing and was disappointed that society had made the former into a "public promiscuity."[36] He took this view to the Commission on the Freedom of the Press (aka, the "Hutchins Commission").[37] Hocking authored a special report linked to the committee's work entitled *Freedom of the Press: A*

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[32] Hocking, 171–172. Yet Hocking equivocated at times. For example, on the very next page he spoke of "genuine rights, not expediencies," but added that "the state will take the line that the genuine right belongs to the genuine good will and to nothing else; and it will clamp down with a new severity on specious claims to make way for those that are genuine." Hocking, 173.
[33] Hocking, *The Lasting Elements of Individualism*, 55.
[34] Hocking, 173.
[35] Hocking, *Present Status of the Philosophy of Law and of Rights*, 173.
[36] Hocking, *The Lasting Elements of Individualism*, 174.
[37] Reinhold Niebuhr served as one of thirteen committee members. In addition, Maritain served briefly in the commission's first year, 1945, as one of four foreign advisers before accepting the post of French Ambassador to the Holy See.

Framework of Principle.[38] That publication wrestles extensively with the tension between freedom and responsibility, or unbounded and bounded liberty—a tension which "human understanding seems hitherto unable to solve."[39] After carefully distinguishing between freedom of speech and freedom of the press, the report argued for a new era in which news purveyors should be more responsible and accountable to society's needs.[40]

Hocking summarized his position on rights and free expression in two ways. First, he asserted that "there are *no unconditional rights*" of an individual in society.[41] In his Gifford Lectures, he amplified this theme in boldly hierarchical language:

> There is no such thing as an unconditional "right of man," and therefore there is no such thing as an "unalienable right." This conditionality is the fundamental shock to the whole outlook of Humanism. . . . In the spirit of Liberalism and Humanism we have conferred rights unconditionally on whole populations unready for their intelligent exercise, under the talismanic term of Liberty. We have found rights to vote, freedom of speech and press, needing new limitations in statute law."[42]

The doctrine of laissez faire, long debated in the economic sphere, was inadequate in relation not only to speech and the press but also to suffrage. Moreover, he rejected the common idea that freedom was not only the primary political good, "but almost the whole

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[38] Hocking, *Freedom of the Press*.
[39] Hocking, 8.
[40] Similarly, the official report of the Hutchins Commission described freedom of press, including the right to be wrong, as "social irresponsibility" and warned that "The press must know that its faults and errors have ceased to be private vagaries and have become public dangers." The Commission on Freedom of the Press, *The Commission on Freedom of the Press A Free and Responsible Press: A General Report on Mass Communication: Newspapers, Radio, Motion Pictures, Magazines, and Books* (The University Of Chicago Press, 1947), 131.
[41] Hocking, *Freedom of the Press*, 74.
[42] Donald M. Gillmor, "Who Was W. E. Hocking?," *Communication Law and Policy* 3, no. 2 (1998): 235–236, https://doi.org/10.1080/10811689809368648. Hocking delivered the Gifford Lectures, "Fact and Destiny," at the University of Glasgow from 1938–1939. He also wrote "all rights have their conditions…there can be no security for liberty at any time under any regime except in the reality of individual conscience, and that it is the first business of the co-agent state to develop and equip that very conscience of its members which may reject and call for revision of the state's efforts at inward justice." Hocking, *The Lasting Elements of Individualism*, 177.

of social wisdom."[43] Understandably, a skeptical reviewer quipped that the Commission on the Freedom of the Press is really the "The Commission Versus the Press."[44] Second, Hocking continued to espouse one and only one human right that transcends positive law: "the right to become what one is capable of, or to do one's human task."[45] The problem with a plurality of rights, such as those in rights declarations, is that "no society can operate with a plurality of absolutes"—his absolute idealist philosophy is again evident.[46]

A final noteworthy element of Hocking's view of human rights was connected to his belief in an emergent world culture. He hoped this unifying phenomenon would mitigate the fractious tendencies of pluralistic forces and promote a global view of human rights. Zubovich describes Hocking's hope that "the spread of modernity—including the proliferation of technology, science, and liberal religion—was creating a basis of commonality between diverse cultures."[47] Likewise, Hocking wrote of the connection between human worth and world purpose: "The worth of the individual person derives from a world purpose, within which his own task or fortune lies. . . . No world purpose, no individual worth; no individual worth, no democracy. Ergo: no world purpose, no democracy."[48] Both the emerging global culture based on scientific progress and the world purpose at the base of human worth, and thus rights, were further outgrowths of Hocking's objective idealism with its echoes of Hegel and the father of positivism, August Comte

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[43] Hocking, *Freedom of the Press*, 51.
[44] Andie L. Knutson and Zechariah Chafee, "The Commission Versus the Press," ed. Report of the Commission on Freedom of the Press and William Ernest Hocking, *The Public Opinion Quarterly* 12, no. 1 (1948): 130–135.
[45] Hocking, *Freedom of the Press*, 60.
[46] Hocking, 60.
[47] Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," 153.
[48] Gillmor, "Who Was W. E. Hocking?," 235.

(1798–1857). Human rights, in this view, are relative to society and culture and not inherent to human nature.

6.1.2 A Thomist Theory of Human Rights: Maritain

While Hocking's philosophy of rights fell squarely in the idealist camp, Maritain's approach was rooted in natural law. One of the most important intellectual influences on Maritain was undoubtedly Thomas Aquinas, the great scholastic philosopher, theologian, and proponent of natural law. On this count, Maritain reflected the Roman Catholic Church's re-embrace of the "Angelic Doctor" in the second half of the nineteenth century. Pope Leo XIII's 1879 encyclical, *Aeterni Patris, subtitled* "On the Restoration of Christian Philosophy in the Spirit of the Angelic Doctor, St. Thomas Aquinas," was a watershed moment in the neo-Thomist (or Neo-scholastic) movement.

6.1.2.1 Freedom and Political Philosophy: Maritain

Maritain's *Freedom in the Modern World* developed a view of human beings in explicitly Thomistic terms.[49] As discussed in chapter 5, this publication began with criticism of Kant's and Hegel's approaches to the relationship between human freedom and nature. On the one hand, Kant's framework put the two in unnecessary opposition. On the other hand, Hegel's attempt to correct Kant led to the untenable unification of freedom and nature, thought and being, morality and the material world—these syntheses were deterministic in Maritain's assessment. By contrast, Maritain pointed to Aquinas, whom he believed could relate freedom and nature while maintaining their uniqueness. Aquinas viewed reason as the root of freedom and argued that reason and freedom depend on human nature.[50] Another formulation of this synthesis is that ethics (and freedom) presupposes

[49] Maritain, *Freedom in the Modern World*.
[50] Maritain, 6.

metaphysics, because ethics depends on a particular speculative or theoretical definition of human nature (also mentioned in chapter 5).

For Aquinas, and subsequently Maritain, human nature was teleological, with the relevant question being "*What is the end of human life?*"[51] Maritain explained the human *telos* as follows:

> We may here call attention to two points in the philosophy of St. Thomas. In the first place, when a man after deliberating on the problem of life decides to follow the love of that which is good-in-itself (the *bonum honestum*) and to make his future depend on this decision, it is toward God, even though he know it not, that he orients his life. In the second place, such a choice of God as his last end is an act in conformity with that which *is*; for it is a fact of nature, a fact of the ontological order, that created intelligence can only find beatitude in God, and perfect beatitude in God seen face to face.[52]

Exercising human freedom to choose to love the *bonum honestum* is to act in accordance with the nature of the cosmos—a nature that is both material and supernatural. Stated differently, human freedom is a Thomistic "prime truth" that carries the concomitant "primary obligation" to choose the divine *telos*. To elect this end is to subordinate oneself to absolute Goodness and ultimately to the divine will. Maritain also described such an obligation as "a commandment laid on *liberty* by *truth*."[53]

Metaphysics, in Maritain's philosophy, not only guides ethics by identifying the proper *telos* of human beings but also by discovering the laws that govern the utilization of means appropriate toward proper ends. These laws derive from the Eternal law, which is "the ideal order of creation in the mind of the Creator."[54] Because human persons are endowed with rationality, the human mind is able to see beyond its own experience of the world to

[51] Maritain, 11.
[52] Maritain, 11.
[53] Maritain, 12.
[54] Maritain, 13.

apprehend "the inner being and structure of essences," or "the nature of things."[55] Thus, proper or morally just exercise of free choice occurs when action is consonant with reason.

Maritain subsequently compared three philosophies of freedom by which social life could be ordered: freedom of choice (or initial freedom), freedom of autonomy (or terminal freedom), and a communal or personalist conception of freedom.[56] The first type of freedom in this social or political framework, which he also labeled "liberal" or "individualist," regards freedom of choice as a *telos*. The only restraint on human behavior per this libertarian view is the prohibition not to harm others—notions of the common good or social justice are absent. The second option, freedom of autonomy, is "imperialist or dictatorial" because it emphasizes material production and control at the level of the state. Thus, freedom of autonomy in the social or political order subjugates individual freedom, or freedom of choice, in the name of the common good. Maritain described these two views of freedom as dominant in France (freedom of choice following Rousseau) and Germany (freedom of autonomy following Hegel) in the nineteenth century. He also noted the frequently "violent opposition" between these philosophies historically.[57]

By contrast, the third political philosophy of freedom, communalism or personalism, holds together the tension between the individual and society that the first two philosophies abandon in opposite directions. Civil society is ordered "to a common good of the temporal order," both material and moral, which provides for earthly human life.[58] However, the common good, using a neologism created by Maritain, is only an "infravalent" end.

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[55] Maritain, 13.
[56] Maritain used "freedom of choice" and "freedom of autonomy" in two different contexts: (a) "in the order of the spiritual life;" and (b) "in the ordering of the social life." The former is the arena of personal ethics (see chapter 5). The latter context, which is the subject here, concerns the community or polity as a whole. Maritain, 19–27.
[57] Maritain, 24–25.
[58] Maritain, 25.

Infravalent, or intermediate, ends are "possessed of an intrinsic merit and goodness in themselves, and they are therefore worthy of attainment in themselves, though they are also means with respect to the supernatural end."[59] Maritain based this concept explicitly on the Thomistic notion that the common good of the community or polity is a legitimate end, but only in a subordinate position. The welfare of the body politic is an inherently good *telos*, but it is lesser in dignity than an eternal or absolute end. Aquinas and Maritian conceived of the common good as "intrinsically subordinated to the eternal good of individual citizens."[60] The citizen's worth or dignity is inviolable; and by extension, a person's rights must not be abrogated to meet the exigencies of a polity. Moreover, unlike Hocking's culturally conditioned understanding of rights (e.g., slavery may not be wrong if a particular community does not know it to be either unjust or deleterious to their culture), the Thomistic view of humans as an eternal end is not relative to human culture. The unjust treatment of other humans is morally wrong at all times and everywhere.

6.1.2.2 Human Dignity Based in Natural Law: Maritain

The concept of natural law is close at hand throughout Maritain's discussion of freedom. He referred to the nature of the created order as the basis for both human freedom and the status of humans as an eternal end. This intellectual path is indicated by the title of his fullest treatment of human rights: *The Rights of Man and the Natural Law*.[61] That work briefly traces natural law back through Christian (e.g., Grotius, Vitoria, Aquinas, Augustine, and St. Paul) and secular sources (e.g., Cicero, Stoicism, and Sophocles) before

[59] Eduardo J. Echeverria, "Nature and Grace: The Theological Foundations of Jacques Maritain's Public Philosophy," *Journal of Markets & Morality* 4, no. 2 (Fall 2001): 248.
[60] Maritain, *Freedom in the Modern World*, 1996, 25.
[61] Jacques Maritain, *Les droits de l'homme et la loi naturelle* (Paris: Éditions de la Maison Française, 1942); Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*. Interestingly, the English version of this book uses both "rights of man" and "human rights."

defining the concept as follows: "There is, by very virtue of human nature, *an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the necessary ends of the human being*. *The unwritten law, or natural law, is nothing more than that.*"[62] This unwritten or natural law derives from eternal law, which is "Creative wisdom itself."[63] Thus, in Maritain's thought, creative wisdom or the divine mind was the basis for both natural law and human nature.

Human nature was a fundamental topic of many articulations of human rights. The first subsection of Maritain's treatment of rights, entitled "The Human Person," exemplifies this approach.[64] Its argument refers to the distinction between an individual and a person. While both "metaphysical elements" characterize human beings, personhood is the relevant aspect of human nature for a theory of human rights.[65] Persons possess a dignity and value that individual material components of nature do not. Maritain observed that atoms, blades of grass, flies, and elephants, for instance, are mere individual elements of the material world, not persons with dignity and rights deriving from their nature.[66]

Maritain appealed primarily to spiritual reasoning in *The Rights of Man and the Natural Law*. While human dignity and value are partially related to rationality, an argument presented in greater detail in *Freedom in the Modern World*, he argued that "the human

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[62] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 103–104. Interestingly, both Maritain and Martin Heidegger (the phenomenologist and existentialist, as well as Nazi supporter, who partially built on the work of Edmund Husserl) expressed significant interest in *Antigone* by Sophocles. Maritain wrote, "Antigone is the eternal heroine of natural law, which the Ancients called *the unwritten law*, and this is the name most befitting it." Maritain, 103. For Heidegger and *Antigone*, see Martin Heidegger, "The Ode on Man in Sophocles' *Antigone*," in *An Introduction to Metaphysics* (New Haven, CT: Yale University Press, 1959).
[63] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 104.
[64] Maritain, 65.
[65] Maritain, 65.
[66] Maritain, 66.

person exists by virtue of the existence of its soul."[67] Additionally, absolute human dignity derives from the direct relationship between each person and the Absolute. This relationship between spiritual beings, human and divine, is possible because humans have souls. Maritain invoked the Christian doctrine *Imago Dei*, which originates in the statement of Genesis 1:27, "God created humans in his image," as support for this position.[68]

These theological considerations helped Maritain navigate the tension between persons and society, the first of two central questions that he addressed in the aforementioned section on "The Human Person" in *The Rights of Man and the Natural Law* (the second question being "the rights of the human person").[69] Persons are not merely parts of the created order, but are wholes in themselves, due to "spiritual superexistence" and "the supra-temporal" value of the soul.[70] Being a whole of supra-temporal value, a person's life and rights are sacrosanct. Therefore, a person's rights are not subject to the exigencies of the state or the will of the people. At the same time, a person is an open or relational, rather than a closed, whole. Maritain rejected the monads of Leibniz, denying the characterization of human persons as "little god[s] without doors or windows."[71] To the contrary, humans crave and go to great lengths to cultivate relationships with other persons.

On this point, Maritain was covering familiar territory. The proper relationship between the person and society is a prominent topic of personalist thought. However, he extended the argument by discussing the common good against the backdrop of two

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[67] Maritain, 66.
[68] New Revised Standard Version. This same grounding of human rights in the *Imago dei* is also central in the 1943 ecumenical declaration, "Pattern for Peace: Catholic, Jewish, and Protestant Declaration on World Peace."
[69] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 65.
[70] Maritain, 66–67. Also, Maritain later described society as a "whole composed of wholes." Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald, New impression edition (University of Notre Dame Press, 1994), 57.
[71] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 68.

contemporaneous corruptions of the relationship between persons and the state: bourgeois materialism and totalitarianism. The former phenomenon is problematic because it fails to meet several essential characteristics of the common good. Bourgeois societies produce an "anarchy of atoms" that struggle either to create or to redistribute the common good and its fruits.[72] In addition, individualistic societies are susceptible to the "root-error of Machiavellianism."[73] That is, individualism is poorly suited to cultivate the civic virtues, such as justice and moral righteousness, necessary to foster the intrinsically moral common good.[74]

Totalitarianism represented the second corruption of the relationship between the state and the person that discomfited Maritain. He cited two propositions of Aquinas' *Summa Theologiae* on the subject: "Every individual person bears the same relationship to the whole community as the part bears to the whole;" and "Man is not ordered to political society *by reason of himself as a whole and by reason of all that is in him*."[75] From the first quotation, Maritain reached the conclusion that every person should be engaged in achieving the common good of society. The second statement indicates that though persons are entirely engaged in political society by virtue of certain inherent characteristics of human nature, the human person transcends political society due to other elements of

[72] Maritain, 69.
[73] Maritain, 71.
[74] In his inaugural address to the Second Session of the UNESCO General Committee in Mexico City in 1947, Maritain also discussed the error of Machiavellianism and *Realpolitik*. It is an "homicidal error," he wrote, to abandon the concern for moral good and evil in the behavior of states and the attitudes of peoples. He continued, "We had to understand that Machiavellianism, although it may afford immediate success, but its very nature leads to ruin in the long run; that absolute Machiavellianism inevitably devours moderate Machiavellianism, and that the principle and virtue of Machiavellianism, whether absolute or moderate, can only be conquered by the principle and virtue of genuinely political justice, in a spiritual climate fit for the development of some heroic determination." Jacques Maritain, "The Possibilities of Co-Operation in a Divided World," in *The Range of Reason* (New York: Charles Scribner's Sons, 1952), 176.
[75] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 73–74.

human nature. Maritain further explained this thought and connected it to rights when he stated:

> I am part of the state by reason of certain relationships to common life which call my whole being into play; but by reason of other relationships (with which my whole being is also concerned) to things more important than common life, there are in me gifts, rights and values which exist neither by the State nor for the State and which are outside the sphere of the State.[76]

Whereas Hocking struggled with the choice to prioritize the person or society, Maritain unambiguously sided with the former: the person is superordinate to the state.

6.1.2.3 Human Rights: Maritain

When Maritain turned specifically to human rights, he unsurprisingly began by connecting them to natural law. Created as spiritual and rational beings, persons are enmeshed in the created and universal order or "in the laws and regulations of the cosmos."[77] As such, human rights are not derived from political agreements of a particular society—they transcend culture and politics. Humans possess rights because a person, as a spiritual being, is a whole and an end unto itself. Moreover, natural law and human rights stand in virtue of the right or justice of God "to see the order of his wisdom in beings respected, obeyed and loved by every intelligence."[78] Thus, the divine person and created order are central to Maritain's theory of rights. Shortall captures the idea, writing, "As a Thomist, Maritain believed that human law derives its binding force from its relationship to natural law, which in turn comes from God. He therefore tended to distinguish law from politics proper and envisioned human rights law as a check on political power."[79]

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[76] Maritain, 75.
[77] Maritain, 107.
[78] Maritain, 107.
[79] Sarah Shortall, "Theology and the Politics of Christian Human Rights," *Journal of the History of Ideas* 79, no. 3 (September 20, 2018): 457.

The "altogether opposite" theory of human rights, in Maritain's estimation, was to follow Rousseau in basing rights on human will and freedom.[80] Maritain described such a philosophy as "false political emancipation" or the "false city of human rights" based on anthropocentric individualism.[81] He linked this view not only to Rousseau but also to Kant. Both philosophical antecedents argued that "man is free *only if he obeys himself alone*."[82] By contrast, "the true city of human rights" or "the true democracy" has the autonomy of the human person, not the mere freedom of choice, as its central concept.[83] Because freedom of autonomy conforms to the ontological order with God at its core, the true city of human rights was, for Maritain, "theocentric."[84] The true city of human rights was also a "fraternal city" that "demands virtue and sacrifice" in the pursuit of the common good.[85] Maritain linked such communal living with the "recognition of the fundamental rights of persons."[86]

The connection between natural law and human rights occupied Maritain's thinking. In fact, only a few months before the United Nations adopted the UDHR, he offered this analysis in the UNESCO Courier:

> M. Maritain then deals with Human Rights from the point of view of philosophic doctrine. "Men, he says," are today divided . . . into two antagonistic groups: those who, to a greater or lesser extent, explicitly accept, and those who, to a greater or lesser extent, explicitly reject Natural Law as the basis for those rights. In the eyes of the first, the requirements of his being endow man with certain fundamental and inalienable rights antecedent in nature and superior to society, and are the source whence social life itself, originates and develops, with the duties and rights which that implies. For the second school, man's rights are relative to the historical

[80] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 108.
[81] Jacques Maritain, "The Conquest of Freedom," in *Freedom: Its Meaning*, ed. Ruth Nanda Anshen, 1st ed., Science of Culture Series, I (New York: Harcourt, Brace, 1940), 220.
[82] Maritain, 220.
[83] Maritain, 221. This is not "freedom of autonomy" at the level of the polity (refer to section 6.1.2.1), but at the level of the individual (see chapter 5).
[84] Maritain, 221–223.
[85] Maritain, 223.
[86] Maritain, *The Person and the Common Good*, 51.

> development of society and are themselves constantly variable and in a state of flux; they are a product of society itself as it advances with the forward march of history.[87]

Maritain viewed the latter approach, in which rights are culturally conditioned, as illusory because it contains neither an objective standard nor a way to circumscribe the desires of the ego. As such, rejecting the foundation of natural law often produces skeptical ambivalence toward or an outright dismissal of the concept of human rights.

In the face of such risk, Maritain called for an intellectual and moral revolution "to reestablish on the basis of a true philosophy our faith in the dignity of man and in his rights."[88] At the heart of Maritain's revolutionary call was a return to the philosophy of natural law. On the one hand, this approach was in tension with statements in which he explicitly rejected the possibility of a philosophic minimum consensus regarding the foundation of human rights in a pluralistic society. Instead of philosophical agreement, he spoke in favor of a practical consensus on a basic set of human rights. On the other hand, Maritain had already drawn separate secular and religious genealogies for natural rights. So, to the extent that he proposed natural law as a minimum philosophic consensus, room existed for multiple and even opposing derivations of natural law.

In terms of human rights theory, Hocking and Maritain articulated competing views. Both philosophers placed high value on the human person but did so in different ways. For the most part, transwar Christian personalism followed the path of Aquinas and Maritain. Natural law was more influential than idealism in the movement.

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[87] Jacques Maritain, "Pragmatic Viewpoint on Human Rights," *UNESCO Courier*, September 1948, 3.
[88] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 108. This text strongly resonates with one of Mounier's central messages: the need for spiritual revolution (see section 6.2.2 below).

6.2 The Practice of Human Rights: Three Paths Forward

In addition to the philosophical divide between Hocking and Maritain, tactical differences emerged in Christian personalist efforts to effect societal renewal. Malik and Maritain, the former with some counsel from Hocking (his teacher at Harvard), cheered and participated in constructing a post-war transnational order. They hoped that institutions such as the United Nations, UNESCO, and the UDHR would help protect vulnerable persons and communities in a way neither the Westphalian order nor the League of Nations had been able to do. Mounier, though he died tragically of a heart attack in 1950 at the age of 44, continued in the immediate aftermath of WW II to call for a spiritual revolution. Skepticism of the efficacy of declarations of lofty ideals was an element of his passion for deeper renewal. Day, together with Maurin, embarked on a more practical path. Motivated by Catholic Social Teaching and Mounier's revolutionary personalism, she invested countless hours and immense energy in caring for poor and marginalized persons. She also advocated ardently for workers' rights—thus the appellation "Catholic Worker." As such this section sketches three divergent approaches to human rights in the transwar era: institution-building, spiritual revolution, and grassroots ministry.

6.2.1 Institution Building: Hocking and Malik

6.2.1.1 Elitist Institutionalism: Hocking

Hocking had a long and distinguished history of elite-level reform and institution-building. Much of this work was directly or indirectly related to human rights. Outside of academia, he may be best known for authoring the 1932 report entitled *Re-Thinking Missions: A Layman's Inquiry After One Hundred Years.*[89] This publication presents the

[89] Hocking, *Re-Thinking Missions: A Laymen's Inquiry After One Hundred Years*.

findings and recommendations of an ecumenical commission of seven Protestant Christian denominations co-chaired by Hocking.[90] The committee re-envisioned missions to be as much, if not more, involved in "educational and other philanthropic" activity than straightforward evangelism.[91] The report also proposed a new, more centralized organization of mission activities across the denominations involved. Hocking articulated the "need for administrative unity on a comprehensive scale."[92] Thus, *Re-Thinking Missions* exhibits Hocking's advocacy of issues connected loosely to rights and his penchant for greater centralized control.

Hocking also worked on various projects for the Federal Council of Churches (FCC) during the transwar era. He served as a member and temporary chairman, filling in for John Foster Dulles, of the FCC's Commission to Study the Basis for a Just and Durable Peace (CJDP). While co-chair of CJDP Commission I, he authored the 1944 report "Comments on Current Discussions of International Peace." The report concluded, "When minorities—racial, national, or religious—are oppressed, a threat to peace and order appear[s]."[93] Furthermore, he described discrimination along racial, national, or religious lines as the suppression of human rights.

The FCC, in 1945, became a major proponent of human rights at the landmark United Nations Convention on International Organization (UNCIO) held at San Francisco. O.

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[90] The denominations represented on the commission were, using the titles of that period, Baptist, Congregational, Dutch Reformed, Episcopal, Methodist Episcopal, Presbyterian, and United Presbyterian.

[91] Hocking, *Re-Thinking Missions: A Laymen's Inquiry After One Hundred Years*, 326. The report partially redefined evangelism as follows: "Ministry to the secular needs of men in the spirit of Christ, moreover, *is* evangelism, in the right sense of the word; to the Christian no philanthropy can be mere secular relief, for with the good offered there is conveyed the temper of the offering, and only because of this does the service become wholly good." Hocking, 326.

[92] Hocking, *Re-Thinking Missions: A Laymen's Inquiry After One Hundred Years*, 318.

[93] Gene Zubovich, *Before the Religious Right: Liberal Protestants, Human Rights, and the Polarization of the United States* (University of Pennsylvania Press, 2022), 112, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=6882192.

Frederick Nolde, who had been a member of Hocking's CJDP committee on international peace, led the FCC's push to incorporate human rights protections in the UN Charter. Nolde collaborated with leaders of other religious traditions and NGOs to draft a set of four amendments to the UN Charter.[94] UNCIO adopted two of these proposals. First, Article 1.3 of the Charter includes "promoting and encouraging respect for human rights and for fundamental freedoms" as one of the purposes of the United Nations.[95] Second, Article 68 of the Charter calls for the Economic and Social Council (ECOSOC) to establish a commission "for the promotion of human rights."[96] This would become the Human Rights Commission.[97]

Additionally, Hocking wrote *Freedom of the Press: A Framework of Principle* in 1947. This publication was the product of the Commission on Freedom of the Press (refer to section 6.1.1 above), of which Hocking and Reinhold Niebuhr were members and for which Maritain had briefly served as a foreign advisor. In addition to expressing a hierarchical, perhaps authoritarian view of press freedoms, Hocking continued to insist there was only one absolute human right (i.e., the right to develop). The 1947 publication is noteworthy for wrestling with the utility of statements or declarations of principle. Hocking sympathetically expressed a "healthy skepticism about any particular formulation of principle."[98] He believed vague abstractions and duplicitous political sloganeering had

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[94] Malik, "The Universal Declaration of Human Rights," 77.
[95] United Nations, "Charter of the United Nations and Statute of the International Court of Justice," 3.
[96] United Nations, 13.
[97]For more on the FCC (with some content on Hocking), the UN, and Human Rights, see Albert N. Keim, "John Foster Dulles and the Federal Council of Churches 1937–1949" (Columbus: The Ohio State University, 1971), 167; John S. Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington, DC: Georgetown University Press, 2005), 112–117; Gene Zubovich, "For Human Rights Abroad, against Jim Crow at Home: The Political Mobilization of American Ecumenical Protestants in the World War II Era," *Journal of American History* 105, no. 2 (2018): 267–290, https://doi.org/10.1093/jahist/jay144; Zubovich, *Before the Religious Right,* 107-119.
[98] Hocking, *Freedom of the Press,* vi.

rightly earned the mistrust of the general populace. This important objection notwithstanding, Hocking held "no illusion that we can live civilized lives without principles."[99] Society needs explanations or reasons for its actions. Thus, Hocking was a reluctant supporter of declarations such as the UDHR.

Malik requested that Hocking provide advice on the language of the UDHR, which Hocking obliged. Specifically, he recommended changes to the first article consistent with his position that the right to develop one's personality is the singular fundamental human right.[100] The draft of Article 1 initially read, "All men are brothers. Being endowed with reason and conscience, they are members of one family. They are free and possess equal dignity and rights."[101] Hocking recommended a more explicit link between the human characteristics at the heart of the right to develop—reason and conscience—and human rights. The recognition of reason and conscience implies the recognition of human freedom and dignity. He wrote to Malik, "To accord 'rights' to a being is not something else than recognizing his freedom and dignity; it is the same thing."[102] He urged Malik to clarify this connection in the text rather than treat rights as an addendum, Ultimately, the article retained a less explicit formulation: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."[103] Malik was content because of what he saw as a reference to natural law, but the text fell short of Hocking's hopes.[104]

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[99] Hocking, vi.
[100] The UDHR includes three articles (22, 26, and 29) that promote the development of human personality. However, direct influence of Hocking on these articles is doubtful.
[101] Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," 139.
[102] Zubovich, 155.
[103] Zubovich, 139.
[104] The final version of the UDHR includes three references to human "personality." Though these cannot be traced to Malik, let alone Hocking, the resonance between Hocking's one fundamental human right and the text of the UDHR is notable: (a) Article 22 codifies "the right to social security" as well as "the economic

6.2.1.2 Transnational Human Rights: Malik

On December 9, 1948, Malik introduced the UDHR to the General Assembly for debate.[105] The Declaration was approved the following evening, December 10, 1948. In his remarks to the General Assembly after the Declaration's approval, UN president H. V. Evatt thanked only two people by name, Eleanor Roosevelt and Charles Malik.[106] Malik's glowing reminiscence of the period reflects the energy and passion he brought to the endeavor: "I never worked harder, I never had a surer sense of self-confidence, I never pulsated with a deeper existential joy, than in those memorable days."[107] A few years later (1951), his career in the UN Human Rights apparatus reached its apogee when he was elected to succeed Eleanor Roosevelt as chair of the Human Rights Commission. Subsequently (1958), Malik received the honor of election to serve as the thirteenth president of the United Nations General Assembly.

The UN Economic and Social Council created the aforementioned United Nations Commission on Human Rights (UNCHR) or Human Rights Commission on February 16, 1946. During its first session, January 27 to February 10, 1947, the Commission elected Eleanor Roosevelt as chairman, Pen-Chung Chang as vice-chairman, and Charles Malik as rapporteur. In addition, the UNCHR designated these three officers to begin work, with assistance from the UN Secretariat for Human Rights, on a preliminary draft of an

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and cultural rights indispensable for his dignity and the free development of his personality;" (b) Article 26.2 begins, "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms;" and (c) Article 29.1 states, "Everyone has duties to the community in which alone the free and full development of his personality is possible." United Nations, "Universal Declaration of Human Rights," 1948, Article 29, accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[105] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, 1st ed. (New York: Random House, 2002), 164.

[106] "A/PV.183," 934.

[107] Malik, "The Universal Declaration of Human Rights," 7.

international bill of human rights.[108] Shortly thereafter, Humphrey, director of the UN Secretariat for Human Rights, assumed the responsibility of drafting the preliminary draft due to ideological conflict between Chang and Malik (see below).

Just over a year later, in February 1948, Malik was elected to the presidency of the Economic and Social Council (ECOSOC) of the United Nations, the organization to which the UNCHR would submit the draft UDHR.[109] In the fall of the same year, Malik was elected to chair the UN's Social, Humanitarian, and Cultural Affairs Committee. Leading the Third Committee, as it was also known, was the self-proclaimed "crowning experience" of his human rights work with the UN.[110] Moreover, the Third Committee was the body authorized to receive the UDHR from ECOSOC and, after review, present it for approval to the General Assembly at its December 1948 meeting in Paris.[111] Thus, Malik, as rapporteur of the UNCHR, submitted the draft UDHR to himself as president of ECOSOC, and, in turn, submitted the draft Declaration again to himself as chairman of the Third Committee. He described this remarkable chain of events as the "oddest coincidence" during his service in the UN.[112]

Thus, Malik was the Christian personalist most influential in human rights advocacy in the aftermath of WW II. Through multiple leadership positions in United Nations agencies, he was instrumental in drafting, debating, and approving the UDHR. During the process,

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[108] "Second Year, Fourth Session, Supplement No. 3: Report of the Commission on Human Rights" (United Nations Economic and Social Council, 1947), 1-2. In March 1947, Roosevelt gained UNESCO approval for the initial drafting committee with the additions of Bogomolov (USSR), Cassin (France), Dukes (UK), Hodgson (Australia), and Santa Cruz (Chile). For more on the history of the drafting committee, go to https://research.un.org/en/undhr/draftingcommittee. See also, Johannes Morsink, *The Universal Declaration of Human Rights*, 1–35.
[109] Glendon, *A World Made New*, 124.
[110] Malik, "The Universal Declaration of Human Rights," 7.
[111] Glendon, *A World Made New*.
[112] Malik and Glendon, *The Challenge of Human Rights*, 242; Glendon, *A World Made New*, 124. The original source for this essay by Malik is the *UN Bulletin of Human Rights* (1986).

two competing sides of Malik emerged. On the one hand, he was an ardent, at times dogmatic, proponent of natural law as the only coherent foundation for universal human rights. On the other hand, he was a nimble diplomat shepherding the UDHR through painstaking committee work and intractable ideological divides.

Eleanor Roosevelt recounted an illuminating example of Malik's philosophical entrenchment at the outset of the drafting process. She recalled an introductory tea with core members of the drafting committee in early 1947:

> As we settled down over the teacups, one of them made a remark with philosophic implications, and a heated discussion ensued. Dr. Chang was a pluralist and held forth in charming fashion on the proposition that there is more than one kind of ultimate reality. The Declaration, he said, should reflect more than Western ideas and Dr. Humphrey [author of the first draft] would have to be eclectic in his approach. His remark, though addressed to Dr. Humphrey, was really directed at Dr. Malik, from whom it drew a prompt retort as he expounded at length the philosophy of Thomas Aquinas. Dr. Humphrey joined enthusiastically in the discussion, and I remember that at one point Dr. Chang suggested that the Secretariat might well spend a few months studying the fundamentals of Confucianism![113]

To Malik, as a philosopher rather than a diplomat, there was no doubt that natural law was the only basis on which a claim to universal human rights could stand.

[113] Eleanor Roosevelt, *The Autobiography of Eleanor Roosevelt*, repr. ed. (New York: Harper Perennial Modern Classics, 2014), 317.

Malik's "The Challenge of Human Rights," penned shortly after the adoption of the UDHR, explained that the Declaration represents a "partial and implicit return" to natural law theory.[114] He noted that the first line of the preamble, for instance, speaks of the "recognition of the inherent dignity and of the equal and inalienable rights" of all people.[115] Words such as "recognition," "inherent," and "inalienable" imply that the dignity and rights of the human person adhere in due to something in human nature, not merely because of the law-making or juridical actions of a government. Likewise, Malik pointed to the first article's assertion that humans are both "born free and equal in dignity and rights" and are "endowed with reason and conscience."[116] Terminology such as "born" and "endowed" imply a reality prior to the mores or laws of a particular community. With this sort of discourse in mind, Malik noted that "the doctrine of natural law is woven at least into the intent of the Declaration."[117]

An insightful example of how Malik worked directly to incorporate conceptions consistent with natura law in the UDHR comes from debates on what would become Article 16. Malik's proposed version stated, "The family deriving from marriage is the natural and fundamental group unit of society. It is endowed by the Creator with inalienable rights antecedent to all positive law and as such shall be protected by the State and Society."[118] He argued for this language because society was composed of groups rather

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[114] Malik, "The Challenge of Human Rights," 8.
[115] Malik, 8.
[116] Malik, 8.
[117] Malik, 8. Malik did however recognize the potential "contradiction in terms" of declarations such as the UDHR if they were conceived as "imposing man his rights." His answer to this "strain" was to argue that human societies must first mature to the point of being able to understand what rights adhere to the human person prior to their codification. That is, societal progress made possible the recognition of what had always existed. As such, Malik consistently advocated for language in the text of the UDHR that invoked human nature, inherent rights, rights endowed in humans from birth, humans as created, etc. Malik, "The Universal Declaration of Human Rights," 12.
[118] "E/CN.4/SR.37," 11.

than "individuals"—a central point of personalist philosophy. Furthermore, he opined that among groups or units of society, the family is "the first and most important."[119] The natural law tenor of Malik's proposal was evident in his assertion that inalienable human rights derive from the endowment of a creator and that the family, not the polity, is the natural and fundamental unit of society. The UNCHR rejected his amendment—though more support existed for the first than the second of the two sentences.[120] However, the U.S. delegation later proposed a compromise between Malik's original text and a Belgian version: "Men and women are entitled to equal right as to marriage. The family deriving from marriage is the natural and fundamental group unit of society and is entitled to protection."[121] The transcript of the debate of this proposal records that Malik "pressed for retention of the words 'the natural and fundamental group unit of society' which were the most essential part of his amendment."[122] The final version of the article retained the language so crucial to Malik; and thus, Article 16.3 of the UDHR declares: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."[123] The final text is noteworthy not only because the language is consistent with natural law theory but also because it is the only explicit mention in the Declaration of an institution with the entitlement to state protection.

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[119] "Commission on Human Rights Second Session: Summary Record of Thirty-Seventh Meeting," 11.
[120] Morsink, *The Universal Declaration of Human Rights*, 254–256.
[121] "Commission on Human Rights Third Session: Summary Record of the Fifty-Eighth Meeting" (United Nations Economic and Social Council, June 3, 1948), 9, https://digitallibrary.un.org/record/628775?ln=en. Roosevelt also made the point that this proposed text "correspond[ed] with the text of the Bogota Declaration" (aka, American Declaration of the Rights and Duties of Man), which was entered into the official ECOSOC records (by the Commission on Human Rights) as E/CN.4/122. The Bogota Declaration's Article 6 reads, "Every person has the rights to establish a family, the basic element of society, and to receive protection therefore."
[122] "Commission on Human Rights Third Session: Summary Record of the Fifty-Eighth Meeting," 11.
[123] United Nations, "Universal Declaration of Human Rights," Article 16, accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

Malik was also a capable diplomat who effectively steered the UDHR on its journey to adoption, despite his insistence that natural law was the only coherent philosophical basis for universal human rights. Throughout his service on the UNCHR, the Economic and Social Council, and the Social, Humanitarian and Cultural Affairs Committee (aka, the Third Committee), Malik effectively facilitated the completion and approval of the Declaration. For example, as chair of the Third Committee, he employed a stopwatch to ensure that all members had the exact same amount of time, five minutes, to speak during debates. He exactingly enforced the time limit with prominent delegates such as Roosevelt, representatives from his own Lebanese delegation, and lesser-known committee members. Malik credited this simple method with empowering the Third Committee to be able to complete the mammoth task of debating and approving the preamble and thirty articles of the UDHR in only eighty-five meetings in the fall of 1948. He proudly recalled, "not a comma, not a semicolon, not a word escaped the most meticulous scrutiny" of committee members.[124] Thus, fairness and firmness were crucial to the group's efficacy. While timekeeping may seem like a trivial detail, significant concern existed among participants and observers that Soviet Bloc countries were attempting to delay the Declaration in committee as long as possible with the hope that geopolitical circumstances would change enough to make its approval by the General Assembly improbable. Malik later stated, "We were aware of this danger by many signs, even intimations, both in and outside of the Committee."[125] This was the era of the Berlin Blockade (June 1948-May 1949), a deteriorating relationship between the Soviet Union and the United States, the approaching

[124] Malik, "The Universal Declaration of Human Rights," 8.
[125] Malik and Glendon, *The Challenge of Human Rights*, 253. Glendon, *A World Made New*, 152.

Cold War, and the rise of Mao Zedong and the Chinese Communist Party. Thus, time was very much working against the UDHR.

In addition, Humphrey described Malik as "one of the most independent people ever to sit on the Human Rights Commission."[126] Perhaps no issue was more threatening to the prospects of an international bill of rights than the divide in political philosophy between the Soviet Union and the Western allies, which is to say between communism and democratic capitalism. On the one hand, Soviet Bloc delegates greatly emphasized the role of the state, economic welfare and rights, and equality of individuals. On the other hand, Western nations prized the freedom of the individual and, therefore, civil and political rights. This Western focus on the individual was necessarily at the expense of, at least to some degree, the authority of the state—a point that troubled Soviet delegates.

Malik could understand and appreciate the Soviet position while continuing to prioritize the freedom of the human person (see section 6.3.4). At a general level, for example, he listed the economic and social rights of the Russian Revolution as one of four major predecessors of the UDHR, along with the Magna Carta, the French Declaration of the Rights of Man and of the Citizen, and the U.S. Bill of Rights.[127] Similarly, Malik highlighted the positive influence of the USSR when introducing the UDHR to the UN General Assembly.[128] He specifically credited a Soviet representative, Professor Koretsky, with focusing the committee's attention on, in Malik's words, "the extreme importance of

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[126] Mary Ann Glendon, "The First Lady and the Philosopher," in *The Forum and the Tower: How Scholars and Politicians Have Imagined the World, from Plato to Eleanor Roosevelt* (New York: Oxford University Press, 2011), 213.

[127] Malik, "The Challenge of Human Rights," 3.

[128] In that same speech, Malik described details of contributions from representatives of 19 countries: Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Dominican Republic, Ecuador, France, India, Lebanon, Mexico, Panama, the Soviet Union, the United Kingdom, Uruguay, the United States, and Yugoslavia. Malik and Glendon, *The Challenge of Human Rights*, 117–25.

the principle of equality and nondiscrimination."[129] Malik went on to attribute the enshrinement of equality in the UDHR primarily to the Soviet delegation. He also pointed to the "distinctive contribution through his unrelenting effort" of professor and ambassador Pavlov, another Soviet delegate, on the practical question of how the UDHR could improve the material well-being of human life (rather than being a mere list of aspirations).[130]

Similarly, Malik recognized by name each of the four Soviet representatives who worked on the Declaration for their insistence on four key points: (1) "absolute non-discrimination and equality, (2) "the improvement of the living conditions of the broad masses of mankind," (3) "the duties of man to society," and (4) "the decisive role to be played by the state in guaranteeing human rights and freedoms."[131] Each of these issues was contentious in various ways. For instance, the vocal Soviet resolve to codify nondiscrimination and equality was, among other things, meant to highlight U.S. hypocrisy. How could a nation with such widespread racial discrimination (e.g., Jim Crow laws) take a leading role in the development of an international bill of rights? Soviet state-centrism was another prominent bone of contention. Malik, among others, was quite leery of foregrounding duties to society or the state in a document meant to protect the rights of the person against, among other entities, the state.[132]

Malik's leadership facilitated an expedient and relatively impartial drafting process that helped to make the Declaration's approval possible. In the end, not even one country voted

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[129] Charles Malik and Mary Ann Glendon, *The Challenge of Human Rights*, 120–121.
[130] Malik and Glendon, 122.
[131] Malik and Glendon, 122. Malik added one additional element to a near verbatim repetition of the four points, now five points, in his article "The Challenge of Human Rights" published not long after the UDHR was approved. That additional point was "the reflection in the text of the continued struggle against fascism." Malik, "The Challenge of Human Rights," 3.
[132] See both chapter 5 and section 6.3.4 for more on Malik's wariness of state power and emphasis on the freedom of the human person.

against the UDHR, although six Soviet Bloc states, Saudia Arabia, and South Africa formally abstained from voting.[133] Undoubtedly, the lack of dissenting votes had more to do with the geopolitics of the late 1940s than the work of any specific person on the UDHR. However, contemporaries credited Malik's efficiency and impartiality as influential factors in this landmark success.

6.2.2 A Spiritual Revolution: Mounier

While Hocking and Malik were institutionalists, Mounier was a philosopher of spiritual revolution whose thought resonated strongly with that of the preeminent existentialist prophet, Friedrich Nietzsche. Mounier engaged Nietzsche's writings more robustly and constructively, though still critically, than other Christian personalists. His *L'Affrontement Chrétien* (*The Spoil of the Violent*) is a fictional running dialogue with Nietzsche, in which he employed Nietzsche's trenchant criticisms of Christianity in pursuit of spiritual revolution.[134] Mounier enjoined the faithful to resist a "bourgeois" spirituality in favor of a "heroic" faith.[135] The summons to heroism is consistent not only with Mounier's philosophy and religious convictions but also with his actions. [136] Following this orientation, he espoused as a personalist motto, "Choose for Thyself!"

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[133] The Soviet Bloc abstentions were Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR, and Yugoslavia. Including the abstentions of Saudi Arabia and South Africa, the UN General Assembly approved the UDHR with 48 affirmative votes, 0 negative votes, and 8 abstentions. In addition, Honduras and Yemen failed to register their votes altogether. That is, they neither voted nor formally abstained. "International Bill of Human Rights: Universal Declaration of Human Rights : resolution / adopted by the General Assembly)," 1948, https://digitallibrary.un.org/record/670964?ln=en.

[134] Emmanuel Mounier, *L'affrontement chrétien* (Paris: Éditions du Seuil, 1945); Emmanuel Mounier, *The Spoil of the Violent*, 1st Brit. ed. (West Nyack, NY: Cross Currents, 1955).

[135] Similarly, Peter Maurin advocated "radicalism" with morality and religion over "liberalism" with its unidimensional emphasis on individual freedom in service of capitalism. For example, see his "The Curse of Capitalism" and "Not Liberals, But Radicals." Peter Maurin, *Catholic Radicalism* (New York: Catholic Worker Books, 1949), 126–132.

[136] Emmanuel Mounier, *Personalism* (University of Notre Dame Press, 1989), 97.

Mounier's fellow Frenchman Charles Péguy (1873–1914) inspired his revolutionary zeal even more than Nietzsche's oeuvre.[137] Péguy, who died in battle early in WW I, was an anarchist and Dreyfusard who converted to Catholicism. Mounier described him as pushing "a radical synthesis of all French traditions; the Christian tradition, the socialist and revolutionary tradition, the Republican and Revolutionary tradition."[138] Péguy became more patriotic toward the end of his life, yet he retained the third-way thinking that Mounier would later manifest.[139] Mounier wrote that Péguy imparted to the generation maturing in the late 1920s and early 1930s a "revolutionary awareness" of the urgent need to prevent the loss of human values.[140] Péguy's refrain, "The Revolution will be moral or not at all," was a guiding thought for Mounier and many of his contemporaries.[141] However, Mounier transposed the revolution from the moral to spiritual planes.[142] The "primacy of the spiritual" pulsed throughout his life and thought.[143] Moerover, in "What is Personalism,"

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[137] Mounier described Péguy and Maritain as the principle inspirations for Christian personalism. He wrote, "To what does one owe this renewal of Christian realism if not to those men who were at the same time hard and prophetic, Péguy and Maritain, whom the young Christian personalists considered as their masters for living and thinking." Joseph Amato, *Mounier and Maritain: A French Catholic Understanding of the Modern World* (Ypsilanti, MI: The Catholic University of America Press, 2010), 97.

[138] Amato, 99.

[139] Amato writes, "For those who saw no hope in the present social order and found no political party with which they could identify, Péguy was an attractive figure. He spoke of missions and unities of peoples, truths and lives that went beyond the confines of the present bourgeois order and the chaos of modern contemporary life. As *Dreyfusard*, socialist, patriot, peasant, Christian poet, Péguy represented, as much as any other, a life which had a meaning unto itself, a life which appeared above any set of orthodoxy." Amato, 99–100. Additionally, the description of personalism as "orthogonal" derives from John Milbank, "The Last Christian Settlement: A Defense and Critique, in Debate with Samuel Moyn," in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins, Human Rights in History (Cambridge, UK: Cambridge University Press, 2020), 27.

[140] Amato, *Mounier and Maritain*, 99.

[141] Amato, 99. For one noteworthy example, Mounier began the first chapter of his *Révolution Personnaliste et Communautaire* with this line from Péguy. Emmanuel Mounier, *Révolution Personnaliste et Communautaire* (Paris: Editions de Seuil, 2000), 13.

[142] For example, a major focus of the agenda of *Esprit* for 1933 was spiritual revolution. In setting out the program for that year, Mounier described *la revolution spirituelle:* "*Nous pouvons le caractériser en deux formules complémentaires : haine des mensonges et des médiocrités où nous avons compromis jusqu'ici les valeurs spirituelles; décision, en les ramenant à leur pureté, de les engager, avec les exactes audaces qu'elles commandent, à la reconstruction du monde*." Emmanuel Mounier, "Programme Pour 1933," *Esprit* 1, no. 3 (1932): 364.

[143] This comes from Amato page 117, but Amato cites it to Oeuvres Tome 1 of Mounier

an essay also titled "Personalist Revolution," Mounier equated the spiritual with the personal.[144]

One prominent way in which Mounier articulated the idea of a spiritual revolution was through the call *refaire la renaissance* (to remake the Renaissance)—the lead article in the first issue of *Esprit*, which he authored, carried the title "*Refaire la Renaissance.*"[145] During the Renaissance, humanity had freed itself from the strictures of feudal lordship and bureaucracy that had stifled the human spirit. Mounier praised this movement toward freedom, although he rejected the "individualist decadence" that followed in its wake.[146] New systems of power, legal and economic, came to isolate and dominate individuals in the succeeding centuries. Fascism and communism, two collectivist reactions against these atomizing forces, were leading elements of a twentieth-century civilizational rupture or breaking point—in other words, a second renaissance.[147] Mounier rejected what he saw as the fundamental elements of these two rebirths: the bourgeois individualism of the Renaissance and the collectivist over-correction in the forms of twentieth-century fascism and communism. Thus, his call to remake the Renaissance was not a return to a feudalistic or theocratic past but a personalist remaking of the present. Preempting an interpretation of *refaire la renaissance* as atavistic, he wrote, "I reject in advance any attempt to use Personalism as a buttress to historical lethargy, in order to defend forms of civilization condemned by history."[148]

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[144] Emmanuel Mounier, "Qu'est-Ce Que Le Personnalisme?," *Esprit (1932-1939)* 3, no. 27 (1934): 357–67.
[145] Emmanuel Mounier, "Refaire La Renaissance," *Esprit* 1, no. 1 (1932): 5–51.
[146] Mounier, *Révolution Personnaliste et Communautaire*, 56.
[147] Mounier wrote, "Another fourteenth century, as it were, is crumbling away before our eyes: the time for 'a second Renaissance' is at hand." Mounier, *Personalism*, 99.
[148] Mounier, *Personalism*, xiii.

Remaking the Renaissance or undertaking a spiritual revolution centered on finding a middle-way between the capitalist bourgeoisie and collectivist tyranny. To achieve this end, Mounier advocated, "*Notre tâche capitale est de retrouver la vraie notion de l'homme*" ("Our capital task is to rediscover the true notion of man").[149] A veritable conception of man recognizes that human nature is fundamentally spiritual rather than material and communicative rather than atomistic.[150] Regarding the former distinction, the impersonal is mere matter, quantity, and number. By contrast, spirit, value, and destiny only pertain to personhood.[151] He described the latter difference in language that echoes the I-thou relationship of phenomenology:

> The person only exists thus towards others, it only knows itself in knowing others, only finds itself in being known by them. The *thou*, which implies the *we*, is prior to the *I*—or at least accompanies it. . . . It is thus communicable by its nature, and it is lonely from the need to communicate. We must start from that primordial fact.[152]

The spiritual and relational nature of human beings, which was fundamental for Mounier and Christian personalism more broadly, gave rise to the lexical preference for "person" over "individual."[153] This relational and self-giving view of human nature brought Mounier another alternative to Descartes' *Cogito*: "Love is the surest certainty that man knows, the one irrefutable, existential *cogito:* I love therefore I am."[154]

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[149] del Bayle Jean-Louis Loubet, *LES NON-CONFORMISTES DES ANNÉES 30: Une Tentative de Renouvellement de La Pensée Politique Française* (Paris: Les Éditions du Seuil, 1969), 514.
[150] Mounier, *Personalism*, 17.
[151] Mounier, *Révolution Personnaliste et Communautaire*, 47–48.
[152] Mounier, *Personalism*, 20.
[153] Mounier also wrote, "The fundamental nature of the person is not originality nor self-knowledge nor individual affirmation. It lies not in separation but in communication." Mounier, *Personalism*, 17.
[154] Mounier, 23. He also wrote, "One might almost say that I have no existence, save in so far as I exist for others, and that to be is, in the final analysis to love." Mounier, 20. Hocking and Maritain held love in high regard in their personalist theories. The former stated, "Love is the one persistent and searching force of individuation operating in human history." Hocking, *The Lasting Elements of Individualism*, 31–32. The latter suggested, "Perhaps the most apposite approach to the philosophical discovery of personality is the study of the relationship between personality and love." Maritain, *The Person and the Common Good*, 38.

6.2.3 Subsidiarity and a Workers' Movement: Day[155]

Dorothy Day's place in a conversation about Christian personalism and human rights pertains more to the principles her life embodied than the theory she elaborated. Though a voracious reader of philosophy, theology, and other literature, she dedicated herself to practical ministry and advocacy. During a visit in the mid-1970s to St. Joseph's House, a House of Hospitality in New York City, a group of Harvard College students asked Day about the meaning and interpretation of her life. She replied, "to live up to the moral vision of the Church."[156] Day attempted to do this in numerous ways. While undertaking a hunger strike amidst a thirty-day jail sentence for picketing with suffragists, she began to understand the vast difference between theoretical knowledge and personal experience of injustice.[157] She named her firstborn and only child Teresa after Teresa of Avila (1512–1582). Explaining the decision, Day praised St. Teresa as "a mystic and practical woman" and "most active."[158] A historical retrospective issue of *The Catholic Worker* from the late 1940s, which Day edited, began with this statement: "It is better to light a candle than to sit complaining in the dark."[159] These are but a few of the myriad indications (see below for more) that Day was a nearly indefatigable person of action.

Day held more radical ideological views than many of her contemporaries, which informed her activism. Like Mounier, she had a deep appreciation for Marxist critiques of society, including the idea that capitalism produced an unjust distribution of economic

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[155] In this section, "*The Catholic Worker*" (italicized and with a capital "T") refers to the newspaper; and "the Catholic Worker" or "Catholic Worker" refers to the larger movement for which the newspaper was the principal publication.
[156] Dorothy Day, *The Long Loneliness: The Autobiography of the Legendary Catholic Social Activist* (New York: Harper Collins, 1997), 4.
[157] Day, 79.
[158] Day, *The Long Loneliness*, 140.
[159] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year."

resources. This inclination was visible early in life when she joined the Socialist Party at the University of Illinois, wrote for several socialist newspapers in New York, and joined the Industrial Workers of the World (IWW). Later, she described the IWW slogan, "Workers of the world, unite! You have nothing to lose but your chains!" as a "most stirring battle cry" and a "clarion call" for solidarity with and amongst the working-class masses in the face of bourgeois smugness and self-satisfaction.[160] After converting to Catholicism, Day continued to condemn economic oppression and unjust structures of power. For example, she noted that Jesus' first recorded public act, even before his oft-cited first public miracle of transmogrifying water into wine at a wedding in Cana, was to violently overturn the tables of avaricious and predatory moneychangers at the Jewish Temple in Jerusalem.[161]

Day's relationship with Maurin propelled her radicalism.[162] Maurin, a French immigrant and Catholic social activist, spoke of a "Green Revolution," by which he meant living in harmony with others and the natural world.[163] He referenced the writings of Peter Kropotkin (1842–1921) and Vladimir Lenin (1870–1924), among others.[164] He rejected collaboration with the state and advocated for voluntary poverty in the service of society. The very name of the movement that Day and Maurin co-founded, the Catholic Worker, conveyed the subversive nature of their project by 1930s standards. A comment by Bishop Hugh Boyle illustrates the relative extremity and unpopularity of Day's position: "You can go into all the parishes in the diocese with my blessing, but half the pastors will throw you

[160] Day, *The Long Loneliness*, 42.
[161] Day, 165.
[162] Day, 169.
[163] Francis J. Sicius, "Peter Maurin's Green Revolution," *U.S. Catholic Historian* 26, no. 3 (2008): 1–14.
[164] Maurin, *Catholic Radicalism*.

out."[165] Day also observed that many Catholics viewed the Catholic Worker movement as communism in disguise or as "wolves in sheep's clothing."[166] Furthermore, a letter to the editor from a former reader entitled "Red?" lambasted the eponymous newspaper with this charge:

> Your entire production is, in my opinion, a hoax and camouflage—it is the most poorly and thinly disguised sheet of Communistic, rabble-baiting literature it has been my misfortune to see. It is the more disgusting because, it seems to me, some decided Communists or exCommunists have stolen the raiment of the Church and are feeding their false economic doctrine to children—your paper is a disgrace.[167]

This genre of ire against the Catholic Worker movement and its newspaper was often a reaction against the advocacy for worker ownership of commercial enterprises.

Several years after WW II, *The Catholic Worker* described its "program of action" with a set of guiding aims that Maurin had created in 1933:

1. To reach the man in the street with the social teachings of the church.
2. To reach the masses through the practice of the corporal and spiritual works of mercy, a personal sacrifice, which means voluntary poverty.
3. To build up a lay apostolate through round table discussions for the clarification of thought.
4. To found Houses of Hospitality for the practice of the works of mercy.
5. To found farming communes for the cure of unemployment. To solve the problem of the machine, for the restoration of property and the combating of the servile state: for the building up of the family, the original community, the first unit of society. [168]

As this program suggests, Maurin and Day sought the engagement of the masses of people, rather than states or transnational institutions. Toward that end, they promoted action (points 2, 4, and 5) based in knowledge (points 1 and 3). In addition, though the five points

[165] Day, 211.
[166] Day, 188.
[167] C. J. Fairhurst, "Letters from Our Readers: Red?," *The Catholic Worker*, April 1938, 5.
[168] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year."

invoked neither personalism nor rights explicitly, they spoke twice of the ancient Catholic concept of "works of mercy." This phrase occurred another seven times in the same issue of *The Catholic Worker* and was a consistent theme in the publication under Day's leadership. These works had both spiritual and corporeal elements. The latter were to provide food, water, clothing, and shelter to those in need, to visit the sick and imprisoned, and to bury the dead.[169]

Houses of Hospitality were the chief mechanism for practicing corporeal works of mercy in the early years of the movement. The houses aimed to mitigate the effects of depression-era unemployment, which Day characterized as "the great tragedy of the day."[170] Her 1939, *House of Hospitality*, shows a range of ways in which the Catholic Worker movement operated out of houses for the benefit of their communities.[171] At its height in the 1930s, the movement fed approximately five thousand people per day. The homes provided shelter, often temporary or transitional, for families in economic crisis or who had recently relocated to seek work in industrial centers. Though food and lodging were the primary ministries, other activities included anti-eviction advocacy, medical assistance, clothing supply, support for labor, and sales of *The Catholic Worker*. The Houses of Hospitality began in New York with a domicile for women in 1933 and spread to an array of U.S. cities during the transwar era, including Baltimore, Boston, Buffalo, Chicago, Los Angeles, Milwaukee, New Orleans, Sacramento, San Francisco, Seattle, South Bend, St. Louis, St. Paul/Minneapolis, Toledo, and Washington, DC. The economic

[169] The spiritual works of mercy, which are not the focus of this section, are to admonish the sinner, instruct the ignorant, counsel the doubtful, comfort the sorrowful, bear wrongs patiently, forgive all injuries, and pray for the living and the dead. "The Works of Mercy," *Catholic Worker*, January 11, 2023, https://catholicworker.org/works-of-mercy-html/.
[170] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year."
[171] Dorothy Day, *House of Hospitality* (New York: Sheed & Ward, 1939).

boom of wartime production and post-war recovery ended severe unemployment, which in turn contributed to a decline in the demand for and number of houses. Though the Catholic Worker movement and Day continued working via communal homes and farms for decades, they became less prevalent.

In addition to Houses of Hospitality, but often based in the houses, advocacy for the just treatment of workers was a significant focus of the Catholic Worker in its early years—as the name suggests. Day reported that the newspaper reached a circulation of one hundred fifty thousand in the 1930s as labor organizing increased demand for its content.[172] In a 1939 issue of *The Catholic Worker*, she listed dozens of strikes and efforts to organize labor that they had supported with direct action or written advocacy over the preceding several years. In 1937, for example, members of the Catholic Worker movement supported the Congress of Industrial Organizations' (CIO) labor organizing in the steel industry. They assisted with strikes in Arkansas (sharecroppers), Boston (fishermen), Chicago (steel and stockyard workers), Detroit (autoworkers), New York (five and ten cent stores), and Vermont (marble workers).[173] Catholic Worker volunteers provided food for strikers, marched in picket lines, and encouraged labor organizers. Day herself was present at many strikes to reinvigorate workers and gather information for newspaper articles in support of labor.

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[172] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year." Day also reported that labor advocacy, at times, cost significant numbers of readers. For example, *The Catholic Worker*'s endorsement of the Child Labor Amendment in its May 1935 issue resulted in significant loss of subscriptions due to fear among Catholics of government interference in education. Day also noted that pressure from employer groups caused the termination of many subscriptions due to *The Catholic Worker*'s support for a strike of the National Biscuit Company. Day, *House of Hospitality*, 261.
[173] Day, *House of Hospitality*, 262–63.

The feature article of the September 1937 issue of *The Catholic Worker* bore the dramatic title, "Join the Union! Natural and Supernatural Duty." [174] The article, as the title suggests, argued that workers not only had an elementary and natural right to join a labor union but also a duty to do so. A pillar of this pro-labor argument was Catholic Social Teaching (CST). In *Quadragesimo Anno,* Pope Pius XI argued that workers should earn enough money not only to purchase homes, educate their children, and sustain themselves in retirement but also to acquire ownership in industry. A year earlier, Day had explained her support for labor in a feature article entitled "C.W. States Stand on Strikes."[175] The main contours of her reasoning were that workers are human beings and not chattels, that humans are the temple of the Spirit of God, that Christ dignified human nature (including work) in the incarnation, that workers should have the right or entitlement to be partners in enterprise, and that labor is not a mere commodity.[176]

Day's robust and multifaceted defense of workers diminished as she and the Catholic Worker movement turned from labor advocacy by the end of the 1930s. Their waning engagement in the cause was partly due to the decreasing scope and depth of the problem, which paralleled the decline in the number of Houses of Hospitality. The labor situation improved as the economy recovered, New Deal legislation created greater security, and labor victories accumulated. Day also felt conflicted by the prospect of advocating for

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[174] Day, "Join the Union! Natural and Supernatural Duty."
[175] Dorothy Day, "C.W. States Stand on Strikes," *The Catholic Worker*, July 1936.
[176] The article begins with a full explication of her rationale: "Let us be honest. Let us say that fundamentally, the stand we are taking is not on the ground of wages and hours and conditions of labor, but on the fundamental truth that men should be treated not as chattels, but as human beings, as 'temples of the Holy Ghost.' When Christ took on our human nature – when He became Man, 'He dignified and ennobled human nature.' He said, 'The Kingdom of Heaven is within you.' When men are striking, they are following an impulse, often blind, often uninformed, but a good impulse – one could even say an inspiration of the Holy Spirit. They are trying to uphold their rights to be treated not as slaves, but as men. They are fighting for a share in the management for their right to be considered partners in the enterprise in which they are engaged. They are fighting against the idea of their labor as a commodity, to be bought and sold." Day, 1.

better conditions for workers in war-related industries (see chapter 5 for more on Day's pacifism).[177]

A more foundational motive existed for the shift away from the labor movement. Even in the 1937 "Stand on Strikes" article, proclaiming the right and duty to join a union, Day contrasted the effort to improve working conditions and pay with a "long range program" whose aim was a new and more just social order.[178] With this distinction in mind, she wrote in 1947:

> We must continue to protest injustice, bad working conditions, poor wages which are general now in face of the high cost of living; but our vision is of another system, another social order, a state of society where, as Marx and Engels put it, "Each man works according to his ability and receives according to his need," Or as St. Paul put it, "Let your abundance, supply their want." Men are beginning to think of the annual wage, in the unions, but not the family wage. Usually it is "equal pay for equal work." But that holy Pope Pius XI, said we should work to deproletarize the worker, to get him out of the wage-earning class and into the propertied class, so that he would own his home, as well as his tools.[179]

Unsatisfied with tactical labor goals, the Catholic Worker movement pursued a more strategic aim: the fundamental reordering of the relationship between workers and capital. Their goal was neither to abolish private property nor to promote a violent revolution, but to bring about a redistribution of the ownership of the means of production. To deproletarize was to pay a wage sufficient for workers to support their families, educate their children, save for retirement, and acquire ownership of the means of production.

Day spoke about this vision of a more just economic order with the term "distributism." In a 1948 article, she quoted Pope Pius XII's admonition that the age of mechanization risks rendering the human person "merely a more perfect tool of industrial production" (as

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[177] Dorothy Day, "On Distributism: Answer to John Cort," *The Catholic Worker*, December 1948, 3.
[178] Day, "Join the Union! Natural and Supernatural Duty," 3.
[179] Day, "Letter To Our Readers at the Beginning of Our Fifteenth Year."

well as a "a more perfect tool for mechanized warfare").[180] Consistent with this pontifical analysis, Day looked to a social and economic revolution that would produce a fairer distribution of resources.[181] She defined distributism as "family ownership of land, workshops, stores, trades, [and] professions."[182] This was not an anti-capitalist vision, but a middle path between communism and capitalism.[183] Elsewhere, she described the idea as a reformation or reorientation of capitalism on a fairer distribution of land and capital.[184] In a section of an article entitled "Bad Distribution," Day used the American Woolen Company to highlight economic inequality. At the time, the president of the company earned $376,000 per year, while mill workers earned on average $18 per week (or approximately $900 per year).[185] In such an economic order, workers had little hope of acquiring the land, tools, and capital necessary to secure long-term economic welfare for themselves and their families.

Another consistently important issue for Day and the Catholic Worker movement was racial inequality in the United States. In *House of Hospitality*, Day recounted a moment of spiritual inspiration about race. While reciting the rosary in route to a strike by the Seaman's Defense Committee, these "words of our Father pierced [Day's] heart:"

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[180] Day, "On Distributism: Answer to John Cort," 3.
[181] Dorothy Day, "All the Way to Heaven Is Heaven," *The Catholic Worker*, June 1948, 2.
[182] Day, "All the Way to Heaven," 5. She also wrote, "Family ownership of the means of production so widely distributed as to be the mark of the economic life of the community—this is the Distributists desire."
[183] Day wrote, "Distributism is a third point of view, neither Communism or capitalism." Day "All the Way to Heaven," 1.
[184] Quoting from an article in the Weekly Review, Day characterized the principle of distrubist law as follows: "that *all* its subjects should exercise control of Land and Capital by means of direct family ownership of these things. This, of course, is the principle from which, until yesterday, our own law started. It was the theory of capitalism under which all were free to own, none compelled by law to labor. . . . Unfortunately, in practice, under capitalism the many had not opportunity of obtaining land and capital in any useful amount and were compelled by physical necessity to labor for the fortunate few who possessed these things. But the theory was all right. Distributists want to save the theory by bringing the practice in conformity with it." Day, "All the Way to Heaven," 5.
[185] Day, "Join the Union! Natural and Supernatural Duty," 3.

> To all those who were about me, to all the passersby, to the longshoremen idling about the corner, black and white, to the striking seamen I was going to see, I was akin, for we were all children of a common Father, all creatures of one Creator, and Catholic or Protestant, Jew or Christian, Communist or non-Communist, were bound together by this tie. We cannot escape the recognition of the fact that we are all brothers.[186]

Day described this occurrence as a joyful thought accompanied by a bright light. In the same book, she told of a time when a Black woman came to stay at a House of Hospitality. Day feared that several young white Catholic women, who were wealthy and well-educated, would not treat the new guest well. To preempt the effects of racial prejudice, Day reminded the young women that Christ washed the disciples' feet. Therefore, following his example, all house residents should serve one another regardless of race. Evidently, the women responded well. Day described the ensuing cooperative spirit in the house with the new resident as a "special birthday present" for the movement.[187] Yet sanguine moments like these did not alter the widespread racism that hampered the Catholic Worker's efforts. Authorities closed, for example, the interracial House of Hospitality in Baltimore because it was illegal to house Blacks and whites in the same hostel.[188]

Condemnation of racism and promotion of racial equality naturally were common themes in *The Catholic Worker*. A late-1930s article bore the descriptive title, "Racial Prejudice Is A Stupid Sin!"[189] In addition to describing racism as sin, particularly reprehensible, and un-Catholic, the author rejected the fear of interracial marriage as a

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[186] Dorothy Day, *House of Hospitality* (*The Catholic Worker*, 1939), 179-180.
[187] Day, 47.
[188] Dorothy Day, "The Case of Cardinal McIntyre," *The Catholic Worker*, August 1964, 6. On the same page of this article, Day recounted that the Catholic Chancery offices in numerous cities (Baltimore, Chicago, New Jersey, New York, Omaha, and Washington) did not hamper, but also never "committed themselves" to support Catholic Worker protests about racial discrimination or war.
[189] John Cogley, "Racial Prejudice Is a Stupid Sin!," *The Catholic Worker*, September 1937, 3.

reason to justify segregated Catholic schools in Chicago. In doing so, he noted that no civil, ecclesiastical, or divine law prohibited marriage between members of different races. Maurin published "Race Problems" in *The Catholic Worker* toward the end of WW II, which denounced white Catholic racism as a failure to live up to the teachings of Saint Augustine.[190] Furthermore, Maurin's essay provocatively envisioned a future in which Blacks would have power over whites—the power of an exemplary life of greater, because not racist, faith. A final example of *The Catholic Worker's* advocacy against racial prejudice is its November 1935 issue, which contained numerous commentaries on the topic. In "Thoughts Pertinent to the Negro Question," the rector of a church in Pennsylvania created an extended syllogistic argument that concluded with this sweeping censure of racist Catholic institutions:

> Therefore, materially at least, if not formally, and in practice at least, if not in theory, all those universities, colleges, seminaries, high schools, academies and grade schools, all those churches and chapels, all those hospitals, sanitariums, homes for aged and orphan asylums, etc., all those religious congregations, fraternities, sororities, etc., all those clerics and laymen, etc., etc., who uphold the "Jim Crow" system, are anti-catholic.[191]

Another article in that issue, "Our Own Ethiopians," likened the United States' treatment of Blacks to Mussolini's invasion of Ethiopia and Hitler's treatment of Jews. Moreover, the author excoriated the smug conviction that the United States is "the land of the free and the home of the brave" while lamenting the corruption of U.S. Christianity due to its racism. The article ends by offering a prayer of repentance for Americans in the light of widespread racism: "Lord be merciful to me a sinner."[192]

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[190] Peter Maurin, "Race Problems," *The Catholic Worker*, November 1944.
[191] "Thoughts Pertinent to the Negro Question," *The Catholic Worker*, November 1935.
[192] "Our Own Ethiopians," *The Catholic Worker*, November 1935.

Two articles in that same November 1935 publication of *The Catholic Worker* addressed one of the most heinous elements of the Jim Crow era: lynching.[193] The first argued that the lynching of a Black man in Georgia that year for being intoxicated was the strongest possible argument in support of the federal anti-lynching law. To buttress this position, the piece includes a lengthy quote from the National Association for the Advancement of Colored People (NAACP). Citing the extra-judicial murder of Elwood Higginbotham, a Black tenant farmer, by a Mississippi mob while a jury was deliberating his case, the NAACP argued in support of the proposed Costigan-Wagner anti-lynching bill. A second article on the subject reported on lynching as a tactic to destroy the Share-croppers' Union for the double crime of unionization and of bringing Black and white members together in the same organizing effort.[194] The ensuing terror fell heavily, though not exclusively, on Black unionizers. This article reported on the brutal beating of seven Black strikers and union leaders, the discovery of three unidentifiable murdered Black persons, the lynching of one union leader, and the shooting of another. Yet the author concluded somewhat triumphantly with the report of continued underground union organizing and membership growth.

Day was also a committed advocate for women's rights. In 1917, she was imprisoned for thirty days for silently protesting, outside of the White House, the treatment of women's suffragists who had been jailed.[195] Through *The Catholic Worker,* she supported houses for women and girls and maternity guilds.[196] Yet Day focused more on the rights of workers

[193] "1935 Lynching Record Aids Anti-Lynching Bill," *The Catholic Worker*, November 1935.
[194] "Lynch Terror Fails to Stop Share Croppers' Union Growth," *The Catholic Worker*, November 1935.
[195] Day, *The Long Loneliness*, 72–83.
[196] "Call for Catholic Houses for Needy Women and Girls," *The Catholic Worker*, November 1933; Dorothy Weston, "Why Do We Need Maternity Guilds?," *The Catholic Worker*, June 1935.

and racial minorities than the rights of women during the 1930s and 1940s, the period of most relevance to questions of Christian personalism and the UDHR. Despite that priority, *The Catholic Worker* addressed women's rights, intertwined as they were with labor rights, from time to time. For example, page one of the inaugural issue of the newspaper featured "Women in Industry," an interview with Lithuanian immigrant Pauline Newman, a leader of the influential International Ladies' Garment Workers union.[197] Newman observed that only two means existed to improve the labor conditions of women: labor organization and legislation. A later article targeted the exploitation of unemployed women in the household labor field. The author decried low wages and used the term "social rights" to advocate for just working conditions for women.[198] Similarly, a reader of the newspaper from St. Louis wrote about the participation of Catholic workers in a sit-down labor strike at Eastman Electric. The letter detailed poor wages for both women and men. It framed low pay for men as insufficient to provide for a family—a matter of economic rights relevant to many women. The author also contrasted economic and human rights, declaring, "It has come to a point in industry where human rights must transcend legal property rights. The idea of strict property rights has been carried to absurdity. Why is there no law to protect the human rights of the workers?"[199] This letter is an apt example of the intermixing of multiple rights issues that often occurred in Day's advocacy. She envisioned a transformed society in which workers, families, and women, regardless of race, would have the rights and resources necessary to thrive.

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[197] "The Listener," *The Catholic Worker*, May 1933.
[198] "Big Sisters Uphold Housemaid's Code Against Exploiters," *The Catholic Worker*, April 1935, 8.
[199] Cyril Echele, "St. Louis Letter," *The Catholic Worker*, April 1937, 7.

6.3 Enumerating Rights

An important step toward a fuller understanding of human rights advocacy in the transwar era is to explore the actual rights proposed. As with the theory and strategies discussed above, rights proposals within Christian personalism were not monolithic. While major overlaps existed, various Christian personalists diverged significantly regarding the enumeration of human rights. This section discusses the preferred human rights, in chronological order, of Hocking, Maritain, Mounier, Malik, and Day. The cases of Hocking, Maritain, and Mounier are relatively clear. Each philosopher provided clear commentary on the rights they posited. Malik is a more difficult historiographic case as he did not memorialize a list of suggested human rights. However, ample evidence exists in the minutes of UNCHR meetings regarding his thoughts, and he penned several works that suggest what rights he might have enumerated. Day is an even more challenging case because she did not propose a list of rights and used human rights terminology sparingly. Nevertheless, her writings and *The Catholic Worker*, which she edited throughout the 1930s and 1940s, shed significant light on what rights she would have prioritized in a declaration of human rights.

6.3.1 Hocking: The Right to Develop

Of the personalists discussed in this chapter, Hocking is the most straightforward to treat in terms of human rights enumerated. As described above, he posited only one fundamental or natural human right: the right to self-development. He articulated this view in his pioneering 1926 book on human rights and more than twenty years later in

correspondence advising Malik on Article 1 of the UDHR. Hocking also thought highly of the self-determination of peoples and the individual's duty to society.[200]

In addition, Hocking named two "permanent presumptions of rights" that are instrumentally linked to the right to develop: the rights to liberty and security.[201] The descriptor "permanent presumptions" connotes that these rights may be regarded as universally applicable prospectively because of the progressive development of world culture. Presumptive rights are those rights that change as underlying presumptions change. In Hocking's Hegelian schema of progressive historical development, human society had already reached and would not retreat from the level at which the presumptions required for these rights were widespread. Furthermore, both rights apply to the three levels of self, society, and nature. As such, the right of liberty relates to "self-management" (i.e., freedom of conscience and religious worship),[202] "seeking control of others" (i.e., freedom of speech, association, and domestic rights), and "control of nature" (i.e., property rights).[203] The right to security pertains to "one's person" (i.e., self), "one's agreements or contracts" (i.e., society), and "one's property" (nature).[204] In addition to these rights, he borrowed a list of five "jural postulates" through which he believed "the relative does in fact join hands with the permanent."[205] The postulates boil down to the freedom of bodily security, the

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[200] For Hocking's emphasis on freedom of conscience and religion, see Lindkvist, *Religious Freedom and the Universal Declaration of Human Rights*; Nurser, *For All Peoples and All Nations*. For His anti-colonial perspective, see Gene Zubovich, "The Protestant Search for 'the Universal Christian Community' between Decolonization and Communism," *Religions* 8, no. 2 (February 2017): 17, https://doi.org/10.3390/rel8020017; Zubovich, *Before the Religious Right*, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=6882192. For his emphasis on duty to society, refer to the discussion in section 6.1.1 of his views on press accountability to society.
[201] Hocking, *Present Status of the Philosophy of Law and of Rights*, 85.
[202] Religious freedom was particularly important for Hocking. See his work on *Re-Thinking Missions* above as well as Lindkvist, *Religious Freedom and the Universal Declaration of Human Rights*.
[203] Hocking, *Present Status of the Philosophy of Law and of Rights*, 91.
[204] Hocking, 91.
[205] Hocking, 93.

right to property and the fruit of one's labor, honesty and fairness in relations, and the effort to avoid damaging the interests of others.

All told, Hocking's rights and jural postulates are vague and minimal. While he enumerated several of the most important civil and political rights, he offered little specificity. Most importantly, he appears to have wrestled at length and without success to construct a theory that included some form of inviolable human rights—rights that secured, at least in theory, the fundamental freedom of the human person. Thus, Hocking's vague right to develop, set in the context of his statist political philosophy (see chatper 5), leaves the human person in a vulnerable position.

6.3.2 Maritain: Fundamental, Civic, and Worker Rights

Maritain enumerated rights in three categories. First, he wrote of the rights of the human person, the "fundamental rights," or "the rights and liberties that belong to natural law."[206] These included the right to exist/life, freedom of conscience, spiritual and religious freedom, the right to property, the right to marry and raise a family, and so on. The second category of rights was that of the civic person. This species of rights is directly grounded in positive law, which is itself indirectly dependent on natural law. Over time, human rationality has enabled society to progress toward a fuller understanding and, subsequently, codification of the fundamental requirements of natural law in human (positive) law.[207] Civic rights, for Maritain, were freedom of association, freedom of expression, political equality, equal possibility for public employment, and preeminently, equal voting rights

[206] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 112–118.
[207] Hocking and Maritain both viewed positive law as an important part of the subject of human rights, even if they did so from different points of view: Hocking saw positive law as independent of natural law, and Maritain conceived of it as a derivative of natural law.

for all.[208] Maritain's first two categories of rights, fundamental and civic, are broadly consistent with first-generation or civil and political rights. The third and final category, which he labeled the "rights of the working person," overlapped significantly with second-generation or economic, social, and cultural rights (ESC rights). These included the rights to work, just remuneration, unemployment insurance, social security, sick benefits, and unionization.

In the 1940s, this catalog of rights for the working person was relatively robust and progressive. Yet Maritain pushed further to the point at which his articulation of rights and elements of socialism converged.[209] Workers should have, he argued, "associative ownership of the means of production."[210] Such an economic structure would be based on the family and communities of labor with "worker's title" to productive assets.[211] This system would do away with capitalist wage labor altogether, and it would protect the right of all persons "to have part, free of charge depending on the possibilities of the community, in the elementary goods, both material and spiritual, of civilization."[212]

Maritain's capacious vision of rights also extended to children. The last printed text in *The Rights of Man and the Natural Law* is a footnote enumerating six basic rights for children adopted by the New Education Fellowship Conference in London in 1942: the right of every child to proper food, clothing, shelter, medical treatment, full-time schooling,

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[208] Maritain, *Christianity and Democracy; The Rights of Man and the Natural Law*, 137.
[209] Maritain wrote, "It seems that many socialists and many Christians are in the process of revising and renewing their social concepts, and at the same time, of getting nearer to one another." While he placed his theory in this "new phenomenon," Maritain warned against "temptations which arise from the thinking habits of the past," by which he meant the primacy of economic technique and entrusting the welfare of all people to the power of the state. Maritain, 127–128.
[210] Maritain, 128.
[211] Maritain, 129.
[212] Maritain, 138.

and universal religious training.[213] Not only does this list have children as its subject, but it enumerates a robust set of ESC rights.

In the final analysis, Maritain's rights philosophy was progressive in the transwar milieu. His economic thought, which bordered on socialism, resulted in considerable emphasis on second-generation rights. Moreover, religious conviction informed, rather than inhibited, his forward-thinking conception of human rights.

6.3.3 Mounier: Personal and Community Rights, State Duties, and Doubts

Mounier published a series of four versions of a declaration of rights in *Esprit,* from the first draft in December 1944 to the final version in May 1945.[214] Entitled "Declaration of the Rights of persons and collectives," the final list consists of three divisions: rights of persons (twenty-six articles), rights of communities (eleven articles), and rights of the state (six articles).[215]

The first section, rights of persons, covers a broad range of rights the majority of which are civil and political: liberty of physical integrity, equality before the law (regardless of race, class, or sex), free movement, religious freedom, freedom of conscience (expressed in written or spoken form), the related freedom to teach, the inviolability of one's private life and domicile, due process under the law (including the presumption of innocence, and the proscription of double jeopardy, proscription of imprisonment without charge before a judge, and the requirement that punishments are commensurate to crimes), and freedom to

[213] Maritain, 138.
[214] Emmanuel Mounier, "Faut-Il Refaire La: Déclaration Des Droits?," *Esprit* 1, no. 105 (1944): 118–120; Jean-Jacques Chevallier, "Faut-Il Réviser La Déclaration Des Droits?," *Esprit* 4, no. 108 (1945): 581–590; Emmanuel Mounier, "Faut-Il Réviser La Déclaration Des Droits? (Suite)," *Esprit* 5, no. 109 (1945): 696–708; Emmanuel Mounier, "Faut-Il Reviser La Déclaration Des Droits? Fin," *Esprit* 6, no. 110 (1945): 850–856. See also the very similar Emmanuel Mounier, "Projet d'une Déclaration Des Droits: Des Personnes et Des Collectivités," *Esprit* 1, no. 105 (1944): 121–127.
[215] Translation by author from French text: *Déclaration des Droits de personnes et des collectivités.*

assemble. A sizeable minority of this section enumerates economic rights: the rights to guaranteed employment, just remuneration for work, resources necessary to sustain a family, union participation (as well as the right not to join a union), social security in case of diminished capability, and both preventative and curative medical treatment. The section ends with two articles stipulating the equal rights of women (with a vague and troubling caveat for marital laws) and the protection of children so that they develop intellectually and morally.[216]

Mounier offered his second and third categories, rights of communities and rights of the state, explicitly to avoid the excesses of rationalism and individualism that he believed characterized the 1789 French revolutionary *Déclaration des Droits de l'Homme et du Citoyen.*[217] His elaboration of the rights of communities begins the recalibration away from atomistic individualism with its very first line: "*Il existe des communautés naturelles*" ("There are natural communities") born outside of the state.[218] The premier natural community, the family, is entitled to protection by the state even though it limits the power of the state. While family rights occur primarily in the section on rights of persons, this portion of the Declaration adds the right to pass family property to heirs and the need for sufficient remuneration to maintain a family.

The other natural community that Mounier identified in his Declaration is the community of nations. In language parallel to the initial statement on the family, he wrote,

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[216] Article 25, after stating that no woman can be treated in any sense as a "personne mineur" ("minor person"), states the following marital exemption: "*La capacité civil de la femme mariée peut être modifiée par les régimes matrimoniaux dans la measure nécessaire à l'administration des biens propre et communes*" ("The civil capacity of a married woman can be modified by matrimonial regimes in the measure necessary for the administration of private and common goods"). Mounier, "Faut-Il Réviser La Déclaration Des Droits? Fin," 1945, 854.
[217] Mounier, "Faut-Il Refaire La Déclaration Des Droits?," 1944, 120.
[218] Mounier, "Faut-Il Réviser La Déclaration Des Droits? Fin," 1945, 855.

"*Il existe une communauté internationelle naturelle*" ("There is a natural international community").[219] The international character of this natural community carried a vital implication for Mounier: it should be federated. Thus, bodies such as the League of Nations and the United Nations had a more elemental basis than political will in his analysis.[220] Within his view of federation, each nation maintains the right to cultural, linguistic, and spiritual independence. Yet national sovereignty is limited by the community of nations. Affirming the latter point, the Declaration's preamble calls for an independent body with the power to define and judge abuses of state power and crimes of the state.

Mounier briefly mentioned two other types of communities that have the right to exist, though he did not use the adjective "natural" to describe them: (a) economic and worker communities and (b) regional, ethnic, linguistic, or religious communities within states. Finally, as with section one, the community grouping has a noteworthy emphasis on economic rights. In the community of nations, each member has the right to receive a fair share of the riches of the universe: workers should be remunerated sufficiently to meet the needs of family life, and persons also have the right to emigrate in search of more fruitful work.

The third portion of Mounier's Declaration of the Rights of Persons and Communities, "*Droits de l'Etat"* ("Rights of the State"), is concerned primarily with the duties and limits rather than the rights of states. The role of a state is to safeguard the common good, defend against external threats, and coordinate activities of individuals and communities within its

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[219] Mounier, 855.

[220] Mounier also addressed the phenomenon of international community in *Personalism*. He believed world unity would come under three arguably utopian conditions: (a) "that the nations give up their complete sovereignty . . . to a democratic community of peoples;" (b) "that this union be achieved between the peoples and their representatives, not between the several governments;" and (c) "that the forces making for imperialism, especially the economic forces which act sometimes in national and sometimes in cosmopolitan disguise, can be kept under control by the united peoples." Mounier, *Personalism*, 110.

borders. The state's authority should be restrained procedurally by a constitution, separation of powers (especially an independent judiciary), and universal suffrage. At a deeper level, state authority is limited by the natural communities described earlier and the fundamental individual liberties elaborated throughout the document. Here, Mounier echoed a key statement in the Declaration's preamble: "*La fonction propre de l'Etat est d'aider activement à la fois l'indépendance des personnes et la vie des communautés*" ("the proper function of the state is to actively aid both the independence of persons and the life of the community").[221] In an explanation that succinctly captures this dual emphasis of personalism, the preamble sets the independence of persons against "*la tyrannie toujours menaçante des groups*" ("the ever menacing tyranny of groups") and the life of communities against "*l'anarchie toujours renaissante des individus*" ("the ever reborn anarchy of individuals").[222]

Mounier's Declaration markedly emphasizes responsibilities or duties. The preamble defines the goal of any society as the elevation of persons not only to liberty but also to responsible action. Article 1 begins, "*La responsabilité personnelle, effective ou supposée, est le fondement des droits des personnes*" ("Personal responsibility, effective or supposed, is the foundation of the rights of persons"). Mounier prioritized responsibility over rights both in the article's order and logic. This focus is also visible in various propositions throughout the Declaration: (a) the exception for the public need that can abrogate property rights; (b) the provision for laws that target abuses of free speech and expression; and (c) the requirement that everyone contribute, according to their ability, to the supply of resources necessary for the wellbeing of the community. In addition, Mounier included

[221] Mounier, "Faut-Il Réviser La Déclaration Des Droits?," 1945, 852.
[222] Mounier, 852.

numerous statements that conveyed the importance of duty in his view of rights: (a) economic enterprise should be based on service to society and not on the acquisition of financial power; (b) only "*le capital irresponsible*" ("irresponsible capital") fails to pay a just wage by which workers can support their families and live a life of dignity; and (c) the right of personal property exists to provide for the necessary items of the life of a human person with the condition that possessions not become a means to oppress or plunder the legitimate work of others.[223] The final and most extreme example of personal responsibility to the community in Mounier's Declaration is the prohibition, in Article 5, of self-mutilation or suicide—the text describes this prohibition as reciprocal to the right to health of Article 4.

Yet Mounier's illuminating proposal, in which he invested significant thought and effort (e.g., publishing four different versions), should not obscure an underlying skepticism of rights declarations. Even his introduction in *Esprit* to the final version of the Declaration began as follows: "BEFORE closing our inquest, we must turn one last time to those who would be tempted to forget that the most well-adjusted formulas will never be anything without a public spirit and institutional mores."[224] The specificity of the two prongs, spiritual and institutional, of his critique of rights declarations comes into clearer focus in *Le Personnalisme* (1950)*/Personalism* (1952). On institutional mores, he agreed with the Marxist critique of formal democratic rights: "Many of the rights that the liberal State grants to its citizens are abrogated by the facts of their economic and social

[223] Mounier, 855.
[224] Mounier, 850. Translation by author from French text: *AVANT de clore notre enquête, il nous faut nous tourner une dernière fois vers ceux qui seraient tentés d'oublier que les formules les mieux ajustées ne seront jamais rien sans un esprit public et des mœurs institution.*

existence."[225] Mounier observed, for example, that much more success had been achieved during the one hundred and fifty years of the labor movement by activism and pressure than by jurists and the benevolent sentiment of the powerful. On the spiritual level, he cautioned that the "noblest Declarations of Rights" obscure the "egoistic man" separated from other individuals and the community.[226] He expressed this critique in moral terms: "the most solemn Declarations of Rights" are ineffectual in a society lacking "men of indomitable character to confirm them."[227] Despite earnest engagement in the promotion of human rights, Mounier remained a partisan of spiritual revolution rather than a firm believer in the efficacy of transnational declarations and institutions.

6.3.4 Malik: UDHR Articles 16.3, 18, 26.3, and 28[228]

Malik did not publish a list of human rights, yet his work on the UDHR provides a window into what rights he prioritized. In comments made shortly after the adoption of the UDHR, he identified and addressed three "ultimate questions" that had been the subject of debate during its drafting: duties to society, balancing freedom and security, and the origin of human rights. His discussion of the first and second questions sheds light on what sort of list he would have enumerated had he done so.

Regarding the first ultimate question, duties to society, Malik focused first and foremost on freedoms of the person.[229] He explained this priority as follows:

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[225] Mounier, *Personalism*, 115.
[226] Mounier, 60.
[227] Mounier, 52.
[228] This section covers several articles of the UDHR discussed in the section on Malik's wariness of the state in chapter 5. While this approach creates minor instances of repetition, I provide more detail here and believe the small amount of duplication is justified by the need for each of the two discussions to contain the information necessary to complete their respective arguments.
[229] The nearly myopic focus on rights in the UDHR was a point of significant disagreement at the time. Malik noted for example, that the Panamanian delegation's draft declaration "in which the list of duties ingeniously paralleled that of rights." Malik, "The Challenge of Human Rights," 4. Similarly, the Organization of

> We are [in the UDHR] dealing with the rights of man as man, and not with the rights of society or the state. The problem of human rights arose in recent years precisely because society and the state trespassed upon man, to the extent, in totalitarian states, of shocking him altogether. In our formulation we are therefore called upon to correct the excesses precisely of statism and socialism.[230]

Therefore, as discussed previously (see chapter 5), he considered Article 18 the cornerstone of the Declaration. The first clause of that article, "Everyone has the right to freedom of thought, conscience, and religion," was, for Malik, the most important human right codified in the UDHR.[231]

Malik's appreciation of duty within certain parameters nuanced his view of freedom. Though he had objected to an earlier draft of the Declaration that began with a statement of man's duty to society (see chapter 5), Malik wrote affirmatively about a statement on duty toward the end of the document—the singular mention of duty in the UDHR (Article 10 also has an oblique reference to "obligations" along with rights).[232] Article 29.1 states, "Everyone has duties to the community in which alone the free and full development of his personality is possible." Malik made two closely related observations about this text. First, though persons have legitimate duties to the community, those duties are not absolute. Duties exist alone to communities in which personality can fully develop. Second, freedom is a condition for human development and, thus, for a society to merit the duty of its citizens. Including the word "alone" in this article was a significant point of debate during

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American States, only seven months prior to the adoption of the UDHR, approved the American Declaration of the Rights and Duties of Man (aka, the Bogota Declaration).

[230] Malik, 5.

[231] He wrote, "I cared for every word in the Declaration, I felt that if we should lose on this Article [18] on freedom of conscience and religion, if man's absolute freedom were to be derogated from in any way, even by the subtlest indirection, my interest in the remainder of the Declaration would flag." Malik, "The Universal Declaration of Human Rights," 10–11.

[232] United Nations, "Universal Declaration of Human Rights," Article 10, accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

the drafting process.[233] For Malik, this term signified that "the supremacy of man over all society and all social claims is perfectly recognized;" and therefore, "society, including its supreme organized form, the state, is for the sake of man—the full, free, personal man; and not conversely."[234] Thus, even in a discussion on duty, Malik was clear on the priority of the human person over the state. Freedom, while not negating duty, supersedes it.

At the same time, Malik remained keenly interested in protecting the position of intermediate institutions or institutions that exist between the individual and the state. So, for example, he championed the addition to Article 18 of the clause "alone or in community with others."[235] He also co-sponsored a proposal to codify the right to form associations.[236] Most importantly in the category of intermediate institutions, Malik was a leading proponent of the family in the Declaration. He argued that "society was not composed of individuals, but of groups, of which the family was the first and most important unit."[237] As such, he proposed and ardently advocated to define the family as "the natural and fundamental unit of society" in Article 16.3. The second portion of his proposal on the subject stated that the family has inalienable rights "endowed by the Creator" and that the state is obligated to protect these rights because they are "antecedent to all positive law."[238] Ultimately, the first statement survived (though the committee rejected language rooting

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[233] Morsink, *The Universal Declaration of Human Rights*, 246–248.
[234] Malik, "The Challenge of Human Rights," 5.
[235] Mary Ann Glendon, "Knowing the Universal Declaration of Human Rights," *Notre Dame L. Rev.* 73, no. 5 (1998): 1166.
[236] This proposal was made during committee debates over what would end up becoming Article 20 of the final version of the UDHR: "Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association." United Nations, "Universal Declaration of Human Rights," Article 20, accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights. In addition, Malik, as chair of the Third Committee, affirmed that while the right to unionize "was covered under the more general terms of Article 18 [20], but that it had been thought wise to include the right in question because of the particular importance of trade union activities in modern economic life." Morsink, *The Universal Declaration of Human Rights*, 168–174.
[237] "Commission on Human Rights Second Session: Summary Record of Thirty-Seventh Meeting," 11.
[238] "Commission on Human Rights Second Session: Summary Record of Thirty-Seventh Meeting," 11.

the family in marriage), but the committee rejected most of the second portion of the proposition. As such, Article 16.3 of the UDHR states: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." In addition to its general affirmation of the family, this statement is noteworthy because it is the only article in the Declaration that explicitly invokes the state as a protector of a particular right or entity.

Also related to the family, the Lebanese delegation (Malik's delegation) was responsible for Article 26.3, which recognized the priority of parents in educational decision-making concerning their children. Malik argued that this text was critical given the inclusion of "compulsory" education in Article 26.1.[239] Numerous delegates, including Roosevelt, found the Lebanese proposal unnecessary or repetitive as they did not view Article 26.1 as a threat to parental prerogatives. As a result, the UNCHR voted against the proposal. However, Malik, continuing to believe in the importance of explicitly protecting parental rights from the potential of tyrannical states, pressed the issue successfully in the Third Committee. Thus, Article 26.3 of the UDHR states, "Parents have a prior right to choose the kind of education that shall be given to their children."[240] These proposals by Malik or the Lebanese delegation were surprisingly strong affirmations of group rights considering his high value on individual freedom (e.g., the centrality of Article 18 in his view of the UDHR).

Regarding the second question of ultimate significance, the tension between freedom and security, Malik distinguished between "inalienable individual rights" and "economic,

[239] "Commission on Human Rights Third Session: Summary Record of the Sixty-Eighth Meeting" (United Nations Economic and Social Council, June 10, 1948), 9, https://digitallibrary.un.org/record/628973?ln=en.
[240] United Nations, "Universal Declaration of Human Rights," Article 26, accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

social, and cultural rights" (ESC rights).[241] On the one hand, he noted that the Declaration gave relative prominence to economic rights. This prioritization reflected, in Malik's analysis both the relative novelty of such rights (i.e., to include economic rights in such a document would give them a newfound prominence) and "the rising tide of materialism" that was "much deeper than Marxism or present-day communism."[242] To express this apprehension, he appealed to "the most wonderful expression in literature" of the tension between freedom and security: Dostoyevsky's Grand Inquisitor. Malik summarized the message of the famous fictional story as follows:

> It seems, Dostoyevsky writes, that man would rather be secure than free, that his freedom is a bothersome burden, that nothing irks him more, and perhaps shortens his life, than every day to have to make responsible choices without complete certainty as to the future, and that therefore he would be far happier if some power came along and freed him of his freedom. If such a power came, people would gladly sell away their birthright freely to think, to choose, to act, to be, in order to be relieved of the anguish of insecurity.[243]

In *The Brothers Karamazov* and other works, Dostoyevsky sided unambiguously with freedom against security. Malik further argued that modern totalitarianism had shown the great Russian novelist to have been correct about human nature.

In a UNCHR Drafting Committee meeting, Malik emphasized the implications of the choice of security in the form of ESC rights. The responsibility to secure these rights, if it meant anything, would require power to direct economic, social, and cultural organizations such as businesses, universities, and religious congregations—a power Malik was unwilling to cede to governments. While supporting the content of ESC rights as ideals (not as rights), he argued that "Governments should see only that the material conditions

[241] Malik, "The Challenge of Human Rights," 3.
[242] Malik, 6.
[243] Malik, 6–7.

for freedom were maintained."[244] In the end, given the widespread support for ESC rights, Malik was pleased that second-generation rights (Articles 22–27) were "more than balanced" by first-generation rights (Articles 1–21) in the Declaration.[245] Freedom, partially due to his influence, outweighs security in the UDHR.

The final UDHR statement relevant to a discussion of Malik's view of rights is Article 28: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized."[246] This proposition, which Glendon describes as Malik's invention, is one of three articles constituting the UDHR's pediment in the structure Cassin devised.[247] Order (Article 28), duties (Article 29), and limits (Article 30) cover the remainder of the Declaration and link the individual to society.[248] Malik's dual intent for Article 28 was to promote the general conditions in which persons can develop and to check state power with the oversight of transnational institutions. In debate on this text, he argued that the words "social" and "international" captured these two ideas—alternatively, he used the terminology "social – national and international" and "international order" for the two concepts.[249] Malik likely was not thinking of the first half of Article 28 (the social portion) as a right with corresponding enforceable duties attached to the state. Similar to the problem of ESC rights, a justiciable

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[244] "Commission on Human Rights Drafting Committee Second Session: Summary Record of the Twenty-Ninth Meeting" (United Nations Economic and Social Council, May 2, 1948), 4, https://digitallibrary.un.org/record/612006?ln=en. On this note, Malik wrote pithily (sounding a similar note to Hocking), "The very essence of freedom is *the right to become*, not the right to be." Malik, "The Universal Declaration of Human Rights," 11.
[245] Malik, "The Challenge of Human Rights," 6.
[246] United Nations, "Universal Declaration of Human Rights," Article 28, accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.
[247] Glendon, "Knowing the Universal Declaration of Human Rights," 1169.
[248] In fact, the UNCHR approved the order of these three articles in the same meeting during which it approved the text of Article 28. "Commission on Human Rights Third Session: Summary Record of the Seventy-Eighth Meeting" (United Nations Economic and Social Council, June 17, 1948), 13, https://digitallibrary.un.org/record/629119?ln=en.
[249] "Commission on Human Rights Third Session: Summary Record of the Seventy-Eighth Meeting"," 10.

right to specific social conditions implies a great deal of state control in various private domains. However, Malik viewed the latter half of this article as a human right with corresponding limitations of the state and duties attached to transnational institutions. This is clear in his criticism of skeptics of the right for a citizen to petition a transnational body in the event of alleged human rights violations by their own government:

> And to say that you will not allow your citizens to petition the United Nations, or some world court, in the case of the possible violation of human rights is, it seems to me, a virtual mockery of the whole affair. For with the one hand you tell the individual, "You have such and such essential rights, and we are willing to enter into a compact with other nations about them," and with the other you tell him, "Yes, you have these rights, but one right you do not have, and that is to complain if these rights are violated!"[250]

This is a strong statement of support for transnationally justiciable human rights and limited national sovereignty.

The clear priority in Malik's transwar work on human rights was the sanctity of the human person and the freedom of conscience vis-à-vis threats from authoritarian governments. Coming out of WW II, this was the concern of myriad observers. In addition, Malik esteemed family, which he characterized as the natural and fundamental grouping of human society. Strong intermediate institutions, including the family, could guard against the tyrannical possibilities of the state. Malik's work on the UDHR also demonstrated a tepid view of second-generation rights. Though concerned about economic welfare of individuals and families, he was skeptical of codifying economic rights because of the endowment of power to the state entailed in such rights. All told, Malik's attitude toward human rights was the most conservative of the Christian personalists discussed in this chapter.

[250] Malik, "The Challenge of Human Rights," 10.

6.3.5 Day and The Catholic Worker: Worker Rights, Pacifism, and Anti-Discrimination

Day, like Hocking, was not a proponent of a particular set of human rights. In fact, she used human rights language quite infrequently. For example, "human right(s)" occurs only twice in the *House of Hospitality* (1938) and not at all in *The Long Loneliness* (1952).[251] In addition, human rights language is sparse in *The Catholic Worker*—occurring in twenty-nine articles from 1933–1939 and, surprisingly, in even fewer articles (fourteen) during the following decade (1940–1949) in which human rights language gained more traction.[252]

Some of her writings, which include human rights terminology, communicate high-level definitions of the concept. For instance, a short article from the mid-1930s entitled "Human Rights" quotes a Benedictine priest who connected human rights to the moral law.[253] Similarly, in 1943, Day published, though did not author, a short commentary with quotations from a pioneering papal address related to human rights: Pope Pius XII's 1942 Christmas Message.[254] The Pope posited "Five Fundamental Points for the Order and Pacification of Human Society," of which the first is the "Dignity and Rights of the Human Person."[255] *The Catholic Worker* article paraphrased the first fundamental point as "Human Rights and Dignity," summarizing the idea as the right "to develop and maintain one's corporal, intellectual and moral life."[256] A final general example, deriving from an article

[251] Day, *House of Hospitality*, 210, 263. Day preferred the simpler term "right(s)," which occurs, for example, twenty times in *House of Hospitality* and five times in *The Long Loneliness.* She employed this word in the context of rights to work, to private property, to be treated as a human, to picket, etcetera.
[252] Of the forty-three articles in *The Catholic Worker* from 1933–1949 that use the term "human right(s)," Day's authorship is certain for only one. However, her choice as editor to publish articles that discuss human rights, including at times in the headings, signifies a basic level of awareness and support for the discourse.
[253] Dom Virgil Michael, "Human Rights," *The Catholic Worker*, February 1935, 8.
[254] As discussed in chapter 2, Moyn concludes that "in the perspective of world history" this sermon unveiled "some new" values. Moyn, *Christian Human Rights*, 2.
[255] Pope Pius XII, "Christmas Message 1942," December 24, 1942, 13–15, https://curate.nd.edu/show/2n49t15118x.
[256] "Christmas Broadcast of Pius XII," *The Catholic Worker*, January 1943, 1.

published not long after WW II, cited a statement by Catholic bishops on "Man and the Peace."[257] The bishops affirmed, because "we are our brothers' keepers," that Catholics cannot be complacent while others are "denied the free exercise of their rights" by tyrannical powers.[258]

In addition to these broad statements, two specific contexts of human rights discourse stand out in the Catholic Worker movement from the transwar era: worker/economic rights and pacificism. The most common subject about which the movement invoked human rights discourse was worker or economic rights. In fact, the only two uses of "human rights" terminology in Day's *House of Hospitality* contrast property rights and human rights.[259] The opposition of the property rights of wealthy industrialists against the human rights of poorly paid workers was a common discursive strategy in the labor movement of that era. Numerous *The Catholic Worker* writings follow this pattern. A fascinating example comes from the article "The C. W. and Labor" in which the author told of *The Catholic Worker's* refusal to publish many disappointing interviews with Catholic industrialists because the newspaper did not want to contribute to the rhetoric of class warfare. The article contrasted these industrialists, unsupportive of labor, with a politician and several sheriffs who stood for "human rights above property rights" because they sought arbitration rather than the use of force in labor disputes.[260] Similarly, the article "Manufacturers' Resolutions Show Open Defiance of Human Rights" frames the antilabor initiatives of a joint meeting of the National Association of Manufacturers and the Congress

[257] Dan Sullivan, "Human Personality," *The Catholic Worker*, December 1946, 8.
[258] Sullivan, 8.
[259] Day, *House of Hospitality*, 210, 266. In those cases, Day describes human rights as above property rights.
[260] John Curran, "The C. W. and Labor," *The Catholic Worker*, June 1939, 3.

of American Industry as contravening the human rights of workers.[261] Echoing this pattern at the grassroots level, a letter from a reader stated, "It has come to a point in industry where human rights must transcend legal property rights."[262] On the topic of economic welfare more broadly, the essay "Human Rights" (already cited in this section) quoted *Quadragesimo Anno* to support the idea that human rights entail the distribution of sufficient resources to every human person.[263]

The second context in which human rights language occurred with some regularity during the transwar era in *The Catholic Worker* was anti-war and, especially, anti-conscription advocacy. The lengthy "The Immorality of Conscription" by the Catholic priest, Fr. John J. Hugo (1911–1985), which Day published three separate times in the 1940s, contrasted the immorality of conscription with the great moral development that was human rights.[264] He authored a related article in support of conscientious objectors declaring that no modern war could be just, or fought in the name of human rights, because modern warfare is economically motivated. Moreover, citing the example of Sir Thomas More (1478–1535), who "objected to the infringement of the State upon certain sacred rights," Hugo argued that the state was "trampling sacred rights underfoot" by suppressing conscientious objectors.[265] Another article warned in even bolder terms that "almost every

[261] "Manufacturer's Resolutions Show Open Defiance of Human Rights," *The Catholic Worker*, January 1935, 2.
[262] Echele, "St. Louis Letter," 7.
[263] Michael, "Human Rights," 8.
[264] The three versions of this article, though they share much material in common, are not identical. John J. Hugo, "The Immorality of Conscription," *The Catholic Worker*, November 1944, 10; John J. Hugo, "The Immorality of Conscription," *The Catholic Worker*, March 1945, 10; John J. Hugo, "The Immorality of Conscription," *The Catholic Worker*, April 1948, 8.
[265] John J. Hugo, "Catholics Can Be Conscientious Objectors: A Reply to the Ecclesiastical Review," *The Catholic Worker*, May 1943, 6.

human right of the individual citizen is imperiled" and that nationalism superseded Christ in the drive to war.[266]

In addition to workers' rights and pacifism, *The Catholic Worker* supported other causes using human rights language: advocacy of racial equality,[267] condemnation of anti-Semitism,[268] and the rejection of government pressure to accept birth control.[269] Finally, in one of the few instances of human rights discourse authored by Day herself, she characterized the right to marry as a human right.[270]

6.4 Summary

Christian personalist engagement with human rights contained a good deal of variation. Hocking and Maritain diverged significantly in their theoretical conceptions of human rights. Tactically, Christian personalism was home to significant diversity as well. Hocking's elite institution-building is nearly the polar opposite of Day's subsidiarity and grassroots activism. Maritain and Mounier, long-time intellectual and spiritual companions, held significantly different attitudes toward rights declarations and formal democratic political renewal.

Naturally, disparate theories and practices were closely related to different enumerations of human rights. Despite shared philosophical and theological commitments to the value of personhood, Christian personalist proposals for human rights in the transwar era ran the spectrum from sparse explicit invocation of human rights (Day), to advocacy of

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[266] "Almost Every Human Right Brought to Peril When War Spirit Rules the Land," *The Catholic Worker*, September 1940, 3.
[267] "Letters from Our Readers: Providence Pronouncement," *The Catholic Worker*, April 1938, 5; "Blueprint for Demoralization," *The Catholic Worker*, July 1943, 8; Jehn Dochele, "Racism in New York," *The Catholic Worker*, September 1947, 7.
[268] "The Bishops' Message," *The Catholic Worker*, May 1934, 2; "Archbishop Decries Slander and Untruths About Jews," *The Catholic Worker*, July 1939, 2.
[269] "Relief and Birth Control," *The Catholic Worker*, January 1935, 3.
[270] "Day by Day," *The Catholic Worker*, June 1934, 7.

one culturally constrained human right (Hocking), to a heavy emphasis on personal freedom (Malik), to a robust set of first- and second-generation rights (Maritain), to a skeptical enumeration of the rights of the person and community alongside limitations of the state (Mounier).

Contrary to the inference of new historiography, this body of rights was not reactionary. By mid-twentieth century standards, these enumerations were more ideologically progressive than anything.[271] Second-generation rights, for example, featured prominently in the advocacy of Day, Maritain, and Mounier. Moreover, the socialist leanings of Maritan and Mounier and the pacifism of Day were clearly not conservative. In addition, limiting state sovereignty via transnational institutions—a progressive era ideal shared by Woodrow Wilson and Franklin D. Roosevelt—was a prominent theme of the rights advocacy of Malik, Maritain, and Mounier. Malik, the most conservative of the five personalists discussed here, prized freedom of conscience and religion above all other rights. This priority is consistent with the ideals of the French Revolution's heavy emphasis on individual liberty and freedom of conscience from ecclesiastical domination. Malik also pushed for the right of persons to present claims against the state for transnational adjudication. This position also fits poorly under the rubric of conservative human rights.

A close examination of the human rights advocacy of Christian personalists in the transwar era reveals a movement with roots in counter-Enlightenment, phenomenological, existential, and Thomistic thought. Its philosophy and theology were also forged and shaped in the fires of twentieth-century crises. The Westphalian order had failed terribly. Innovative approaches to the tension between the state and the individual emerged to

[271] Shortall describes Maritain's work as "a key resource for the emerging Catholic left in the 1940s." Shortall, "Theology and the Politics of Christian Human Rights," 447.

amend or supersede the doctrine of the sovereign state. The best accounts of this history, incorporating methodological insights of both classical and new historiography of human rights, elucidate both the continuity and discontinuity in transwar Christian personalist engagement with human rights.

Chapter 7: Discussion and Conclusion

The best future one could wish for Personalism is that it should so awaken in every man the sense of the whole meaning of man, that it could disappear without trace, having become the general climate of our days.[1]

Historians…interpret the past for the purposes of the present with a view to managing the future.[2]

7.1 Christian Personalism and Human Rights

Christian personalism helped to spur the advent of human rights before the UDHR. Flewelling, Hocking, and Maritain wrote about human rights when such discourse was scarce. Hocking, Malik, and Maritain played active roles in national and transnational projects related to human rights. Day and Mounier sought spiritual and grassroots renewal in areas germane to human rights. New–school historiography has rightly drawn attention to this group of philosophers, theologians, and activists. Duranti, Hunt, Moyn, and others have also foregrounded ideological struggle in the mid-twentieth-century story of human rights. Moyn concludes, "Human rights are best understood as survivors: the god that did not fail while other political ideologies did."[3] In a subfield replete with teleological narratives of moral triumph, increasing recognition of power and struggle is a key contribution of new–school historiography.

The focus on ideological conflict illuminates several salient elements of transwar Christian personalism. It was a third-way or orthogonal movement. The very name

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[1] Rufus William Rauch, Jr., "Foreword," in *Personalism,* p.b. ed. (University of Notre Dame Press, 1989), xiii.
[2] John Lewis Gaddis, *The Landscape of History: How Historians Map the Past* (New York: Oxford University Press, 2002), 10.
[3] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), 5.

"personalism" connoted a middle position between atomistic individualism and individual-absorbing collectivism. This polarity, of course, corresponded closely to the contest between Western capitalism and Soviet communism. Christian personalists promoted an economic ideology that valued, in language reflecting what was arguably the foremost economic tension of the era, both property and labor rights (or both capital and workers). Day sought a reform of capitalism in which property would be more equally distributed. Her vision included worker ownership of the means of production. Mounier championed "personalist socialism," not communism, with rights to work and a wage sufficient to support a family. Maritain, consciously drawing near to a socialist position, advocated a robust set of economic rights to augment civil and political rights—reflecting a mixed political philosophy.

At a deeper level, transwar Christian personalists saw themselves as fighting against various philosophies of the last several centuries. Descartes, Spinoza, and Kant opened the door to solipsistic detachment of the human person from the external world or the dissolution of human freedom due to naturalistic determinism. The nineteenth century begat several schools of thought, including phenomenology and existentialism, critical of Enlightenment philosophy and its progeny—phenomenological emphases on human intuition and intersubjectivity informed personalism. In addition, assaults on modernity embedded in the psychological fiction of Dostoyevsky and flowing from the Dionysian pen of Nietzsche tutored many Christian personalists in the first half of the twentieth century. Nietzsche captured and boldly faced the conundrum of philosophies that reject transcendence: the *Übermensch* must become its own source of meaning and morality. Thus, Flewelling recognized human rights could only be fictions of weak minds in the

Nietzschean view. Dostoyevsky, by contrast, held fast to personality and human freedom against the reduction of all things to material processes. Berdyaev, Day, Maritain, and Mounier embraced Dostoyevsky's critique. All told, transwar Christian personalists followed several nineteenth-century philosophical schools in centering ethics, if not also ontology, on free and relational personhood.

Additionally, Christian personalism matured amidst a period of near-ubiquitous recognition of the insufficiency of the Westphalian order. The central subject or entity of the Treaty of Westphalia (1648), the Treaty of Paris (1815), the "Hundred Years Peace" (1815–1914), and even the Treaty of Versailles (1919), despite its League of Nations, had been the sovereign state. This foundational unit of the international order held, at least in principle, unchallengeable authority in internal affairs with relatively little obligation to provide for the welfare of citizens. The carnage of WW II disabused myriad theorists, leaders, and politicians of state sacrosanctity. At the same time, the Great Depression shattered the confidence of an array of states in laissez-faire governance. Throughout the 1930s, many governments increased their direct provision for the welfare of vulnerable citizens. Roosevelt's New Deal programs and the French Popular Front exemplified the growing conviction that states should provide more directly for their citizens' economic welfare.

In this milieu, Christian personalists propounded numerous ideas for a more secure future in which a higher percentage and diversity of human persons would flourish. Chief among these proposals was the notion of the inviolable and relational human person—more than an individual in the biological sense or a community member in the sociological sense. Springing from its philosophical and theological commitment to the inherent dignity of the

human person, Christian personalism was fertile soil for the burgeoning concept of universal human rights.

7.2 The Central Weakness of New–school Historiography of Human Rights

New–school historiography of human rights has one major weakness: an insufficiently critical or nuanced devotion to a French Revolutionary genealogy of human rights. While attuned to the contest for power and the competition between ideologies in the transwar era, its histories suffer, ironically, from the fight to secure intellectual hegemony for secular Enlightenment values. Moyn laments what he sees as a mid-twentieth-century extraction of human rights from its proper French Revolutionary context. Christian usurpation of human rights from the "French Revolution and its secular emancipation," he concludes, "haunts politics to this day."[4] Hunt displays a similar tendency. Her *Inventing Human Rights* begins with the French and U.S. Revolutions, while her "The Paradoxical Origins of Human Rights" culminates in the French Revolution.[5] The former features Eugène Delacroix's painting, *Liberty Leading the People* (1830), with its French Revolutionary symbolism (e.g., the French Tricolour and Phrygian hat) on the cover. Duranti, who expresses greater openness to multiple origins of human rights, nevertheless pits "liberal cosmopolitanism and technocracy" against "nostalgic Christian internationalism."[6]

The problem is not that Hunt and Moyn, and to a lesser extent Duranti, evince ideological commitments. All histories, this dissertation included, are perspectival. Rather than failing to meet an unrealistic expectation of objectivity, the difficulty is that the secular

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[4] Samuel Moyn, *Christian Human Rights* (University of Pennsylvania Press, 2015), 24.
[5] Hunt, *Inventing Human Rights*; Hunt, "The Paradoxical Origins of Human Rights."
[6] Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (New York: Oxford University Press, 2017), 403. For more on the new-school historiographic bias for secular Enlightenment and French Revolutionary origins of human rights, see Andrew Lloyd Williams, "Religion and International Relations Theory: The Case of 'New' Historiography of Human Rights," *Religions* 13, no. 1 (2022): 39, https://doi.org/10.3390/rel13010039.

Enlightenment preferences of new–school historiography have occluded several important features of transwar Christian personalism from its gaze. The leap from 1789 to the 1940s deracinates Christian personalism from the four major nineteenth-century intellectual phenomena from which it sprang: counter-Enlightenment philosophy, phenomenology, existentialism, and Neo-Scholasticism. To overlook the sources of a movement while simultaneously characterizing it as an invented tradition is suspect historiography.

Another methodological step that renders the assertion of invented tradition almost circular is new–school historiography's overcorrection against philosophy and theology. Moyn has rightly criticized classical histories for overreliance on often obscure metaphysical disputations. New–school historians have also shown that teleological narratives of the triumph of human rights are inadequate. Yet a research methodology that omits the philosophical and theological concerns of an overtly philosophical and theological movement arbitrarily eliminates the traditions from which it springs.

Finally, the belief that a secular Enlightenment origin of human rights is good and right has apparently led new–school histories to adopt a default ideological binary: secular advocacy of human rights is progressive and benevolent, but religious advocacy of human rights is conservative and malevolent. On this point, new–school historians would do well to address specific rights proposals. In what way is the French Declaration of the Rights of Man and of the Citizen of 1789, or even the version of 1793, which adds numerous economic and educational rights, more progressive than lists proposed by Christian personalists? Similarly, who were the mid-twentieth century bearers of the secular Enlightenment or French Revolutionary traditions and how did their views of human rights compare with those of contemporaries, including Christian personalists? Until new

historians address such questions, I remain skeptical of their denouncements of conservative Christian human rights, especially as it pertains to transwar Christian personalism.

7.3 The Legacy of Christian Personalism

After the UN adopted the UDHR, Christian personalism lived on in numerous ways. Maritain, arguably, had the greatest post–WW II influence of transwar Christian personalists. He and Mounier helped to inspire the Christian Democratic movement, itself a mixture of conservative and progressive politics, in the post-war era.[7] Several decades later, Maritain was a major voice of ecclesiastical reform in the Second Vatican Council (1962-1965), especially relating to human rights and religious liberty. Pope John Paul VI's presentation of the "Message to Men of Thought and Science" to Maritain at the end of the Council was a sign of Maritain's influence.[8] Karol Wojtyla (1920–2005), the future Pope John Paul II, observed that the doctrine of the human person "lies deep within the entire conciliar teaching" of Vatican II.[9] An example of the personalist philosophy of Vatican II comes from *Gaudium et spes,* one of the four constitutions produced by the Council, which states, "Insofar as man by his very nature stands completely in need of life in society, he is, and he ought to be, the beginning, the subject and the object of every social organization.

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[7] James Chappel, *Catholic Modern: The Challenge of Totalitarianism and the Remaking of the Church* (Cambridge, MA: Harvard University Press, 2018).

[8] Richard Schenk, "Vatican II and Jacques Maritain: Resources for the Future? Approaching the Fiftieth Anniversary of the Council," *Logos: A Journal of Catholic Thought and Culture* 13, no. 1 (2010): 79–106, https://doi.org/10.1353/log.0.0057.

[9] Karol Wojtyla, *Person and Community: Selected Essays*, trans. Theresa Sandok, Catholic Thought from Lublin, vol. 4 (New York: P. Lang, 1993), 177.

. . . [and] There is a growing awareness of the sublime dignity of the human person, who stands above all things and whose rights and duties are universal and inviolable."[10]

In the late 1960s, Christian personalists also helped to inspire the rise of "liberation theology" in Latin America. In *Introducing Liberation Theology*, Leonardo and Clodovis Boff, siblings who are Catholic theologians in Brazil, credit the integral humanism of Maritain and the social personalism of Mounier with sustaining a mid-twentieth-century theological renewal in which the social mission of the church became an urgent priority.[11] Gustavo Gutierrez, the father of liberation theology, credited Maritain with constructing a political philosophy, on a Thomist foundation, "based upon justice, respect for the rights of others, and human brotherhood."[12]

Day, in turn, significantly influenced post-war Catholics, pacifists, labor advocates, and radicals through publications such as *The Catholic Worker*, which she edited until her death in 1980, and the autobiographical *The Long Loneliness* (1952). Day's life-long work on behalf of the rights of vulnerable populations was evident in her arrest along with Cesar Chavez in support of the United Farm Workers' Movement in 1973—Day was 75 years old.[13] Upon her death, an obituary in *Commonweal* described Day as "the most significant, interesting, and influential person in the history of American Catholicism."[14] Moreover,

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[10] Paul VI, "Gaudium et Spes" (Papal Archive, The Holy See, December 7, 1965), accessed July 24, 2023, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.

[11] Leonardo Boff and Clodovis Boff, *Introducing Liberation Theology*, trans. Paul Burns (Maryknoll, NY: Orbis Books, 1987), 2.

[12] Gustavo Gutierrez, *A Theology of Liberation: History, Politics, and Salvation*, trans. Caridad Inda and John Eagleson, rev. ed. (Maryknoll, N.Y: Orbis Books, 1988), 55.

[13] Dorothy Day and Robert Ellsberg, *Duty of Delight: The Diaries of Dorothy Day* (Milwaukee, UNITED STATES: Marquette University Press, 2008), xix, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=476957.

[14] David J. O'Brien, "Dorothy's Days | Commonweal Magazine," *Commonweal*, March 28, 2011, https://www.commonwealmagazine.org/dorothy%E2%80%99s-days.

the Holy See's acceptance of her cause for possible canonization is a sign of her enduring influence—Day's case is currently in process.

The two most consequential conduits of Christian personalist ideas to the broader world in the twentieth century were Pope John Paul II and Martin Luther King Jr. (1929–1968). The former studied under Roman Ingarden, who had been a student of Husserl. Before becoming Pope, Wojtyla published *Person and Community: Selected Essays*. Its second section begins with the essays "Thomistic Personalism," "On the Dignity of the Human Person," and "The Human Person and Natural Law."[15] In the second of these three essays, he wrote, "There is no way to acknowledge the dignity of the human being without taking [the unique human] purpose and its thoroughly spiritual character into account. Neither the concept of *homo faber* nor the concept of *homo sapiens*, understood in a purely functional way, will suffice here."[16] This thought is an excellent summary of the foundational claim of Christian personalism: human dignity is based in a spiritual reality that transcends the natural or material world, that of *homo faber*, as well as the rational or ideal world, that of *homo sapiens*.

King studied personalism under Brightman at Boston University where he completed his doctoral degree. King acknowledged his debt to personalist philosophy when he wrote, "Personalism's insistence that only personality—finite and infinite—is ultimately real strengthened me in two convictions: it gave me metaphysical and philosophical grounding for the idea of a personal God, and it gave me a metaphysical basis for the dignity and

[15] Wojtyla, *Person and Community*, 165–186.
[16] Wojtyla, 179.

worth of all human personality."[17] Lotze, mediated through Bowne, Brightman, and others at Boston University, was a particularly important influence on King.[18]

Consistent with their adherence to personalist philosophy, John Paul II and King were two of the foremost champions of the rights, dignity, and worth of the human person in the twentieth century. The Pope spent significant energy fighting for individual liberties in the Soviet Union, including in his native Poland. King, of course, labored at great personal cost, ultimately giving his own life, to end racial discrimination and terror in the United States. Interestingly, the pair evince the relative political ambivalence of personalism: John Paul II fought for individual freedoms against the most powerful communist state of the twentieth century, and King fought for equal treatment under the law against the most powerful capitalist state of the twentieth century.

However, by the turn of the twenty-first century, Christian personalism had lost its major public representatives. No subsequent figures comparable to Maritain and Day, let alone John Paul II and King, have come forth under its influence.[19] Christian personalism currently exists in niches, often Catholic, of philosophy, theology, ethics, and political science. The multi-disciplinary *The Person at the Crossroads: A Philosophical Approach*

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[17] Martin Luther King and Clayborne Carson, *Stride Toward Freedom: The Montgomery Story* (Boston, MA: Beacon Press, 2010), 88, http://ebookcentral.proquest.com/lib/iupui-ebooks/detail.action?docID=3118069.

[18] David Sullivan, "Hermann Lotze," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, Winter 2018). Sullivan also notes, interestingly, the influence of Lotze on the thought of W. E. B. Du Bois.

[19] One partial caveat to this statement is that Pope Benedict XVI was inspired in significant ways by personalism. In interviews toward the end of his life, the Pope reminisced about seeking an escape from the "stagnant and closed philosophy" of rationalistic Neo-Scholasticism when he was a young theologian. He wanted "to understand the theological thinkers of the Middle Ages and modernity anew." He encountered the personalism of Martin Buber, whom the young Ratzinger revered. He also appreciated Pope John Paul II for uniting personalism and natural law. Pope Benedict XVI and Peter Seewald, *Last Testament*, trans. Jacob Phillips, repr. ed. (New York: Bloomsbury, 2017), 75–76. Much earlier in life, he wrote about a personalist "revolution in man's view of the world: the sole dominion in thinking in terms of substance is ended; relation is discovered as an equally valid primordial mode of reality." Joseph Cardinal Ratzinger, *Introduction to Christianity*, 2nd ed., trans. J. R. Foster and Michael J. Miller (San Francisco: Ignatius Press, 2010), 99.

is one such example.[20] David Walsh, a professor of political science, has written on personalist philosophy and its political implications.[21] In ethics, business professor Alma Acavedo offers a personalist critique of Maslow's theory of needs, and Peter J. Colosi, a professor of philosophy, contrasts the approaches of personalism and utilitarianism to love and suffering.[22]

In the final analysis, Christian personalism has exerted major influence via channels such as the UDHR, Christian Democracy, the Second Vatican Council, John Paul II, and King. An optimist might conclude that Christian personalism has followed, at least to some degree, the path envisioned in the first epigram above. Despite Christian personalism's retreat from public prominence, its conception (shared with others) of an inherently worthy and relational human person whose inviolable rights supersede the exigencies of states remains important in the modern world.

7.4 Implications

7.4.1 Historiography

In *The Landscape of History*, military historian John Lewis Gaddis cautions that to write history is, by definition, to manipulate the past. Historical evidence is "always

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[20] James Beauregard, Giusy Gallo, and Claudia Stancati, eds., *The Person at the Crossroads: A Philosophical Approach*, Vernon Press Series in Philosophy (International Conference on Persons, Wilmington, Delaware: Vernon Press, 2020).

[21] David Walsh, *Politics of the Person as the Politics of Being* (University of Notre Dame Press, 2015); David Walsh, *The Priority of the Person: Political, Philosophical, and Historical Discoveries* (University of Notre Dame Press, 2020).

[22] Alma Acevedo, "A Personalistic Appraisal of Maslow's Needs Theory of Motivation: From 'Humanistic' Psychology to Integral Humanism," *Journal of Business Ethics* 148, no. 4 (2018), https://doi.org/10.1007/S10551-015-2970-0; Peter J. Colosi, "Christian Personalism versus Utilitarianism: An Analysis of Their Approaches to Love and Suffering," *The Linacre Quarterly* 87, no. 4 (November 1, 2020): 425–437, https://doi.org/10.1177/0024363920948331. Colosi wrote an earlier article framing the contrast between Christian personalism and utilitarianism with Pope John Paul II and Peter Singer. Peter J. Colosi, "John Paul II and Christian Personalism vs. Peter Singer and Utilitarianism: Two Radically Opposed Conceptions of the Nature and Meaning of Suffering," *Ethics Education* 15, no. 1 (2009): 23.

incomplete," and the historian's perspective is "always limited."[23] New–school historiography's selection of historical evidence (e.g., deemphasis of the nineteenth century) and ideological perspective (e.g., commitment to French Revolutionary and secular origins of human rights) has generated a misleading picture of Christian personalist advocacy of human rights in the transwar era. While new–school historiography has excavated significant historical evidence and provoked important scholarly debate, it has erroneously framed an orthogonal or third-way movement rooted in nineteenth-century philosophical questions as a conservative faction that invented justifications for the support of human rights in the transwar era.

Gaddis also recommends "a preference for parsimony in consequences, but not causes" in the study of history.[24] New–school historiography's methodological focus on inflection points, such as the creation and adoption of the UDHR, is consistent with the advice to seek parsimony in consequences. However, both classical and new–school histories are often less attuned to the idea captured in the second half of Gaddis's recommendation: eschewing parsimony in causation. Gaddis notes that "multiple causation is the only feasible basis of explanation" for most historical questions.[25] One way to discuss multiple causal connections for the growth of human rights advocacy in the mid-twentieth century is through Braudel's three time-horizons of history: the *longue durée* of centuries and millennia, the *conjunctures* of decades, and the ephemera of a particular moment. Both classical histories, majoring in the *longue durée,* and new histories, focusing primarily on the immediate historical context, offer valuable insights into the history of human rights.

[23] Gaddis, *The Landscape of History*, 26.
[24] Gaddis, 105.
[25] Gaddis, 105.

Yet major elements of the story of Christian personalism and human rights prior to the UDHR also exist in the medium term or *conjunctures* of Braudel's temporal framework. The phenomenological method of Husserl, the incisive critiques of modernity by Dostoyevsky and Nietzsche, and the return to Thomistic theology cemented in Pope Leo XIII's *Aeterni Patris* are three such elements.

Moreover, the history of human rights prior to the UDHR exhibits philosophical, theological and political causality. As already noted, Classical histories generally detail the former two influences while new–school histories typically chronicle the latter. All three, of course, are relevant. Christian personalists, to say nothing of other sources of human rights advocacy, differed on core issues of philosophy (e.g.., idealism, realism, and existentialism), theology (e.g., Catholicism, Methodism, and Orthodoxy), and politics (e.g., liberalism, socialism, and distributism).

Polygenesis and polyvalence, as Duranti affirms, characterize the history of human rights.[26] Moyn acknowledges this point in his implicitly self-critical preface to *Christianity and Human Rights Reconsidered* (a book that critically engages new–school historiography): "An essential purpose of this book, indeed, is to leave the debates sparked by any one position behind, in order to move fully into an age of scholarship with the hallmarks of every mature field: it is always critical but also always pluralistic."[27] A central aspiration of my research is to contribute to this maturation in the historiography of human rights.

[26] Marco Duranti, "The Holocaust, the Legacy of 1789 and the Birth of International Human Rights Law: Revisiting the Foundation Myth," *Journal of Genocide Research* 14, no. 2 (June 2012): 163.
[27] Moyn, "Preface," xii.

7.4.2 The Practice and Study of Philanthropy

The notion of human rights was variegated and contested even within the small community of transwar Christian personalism. Likewise, the UDHR resulted from collaboration, conflict, and compromise between a relatively diverse set of individuals, states, and nongovernmental organizations. Here, one thinks of the oft-cited comment at the UNESCO Philosophers' Committee: "Yes, we agreed on the rights, on the condition that no one asks why."[28] By recapturing important nuances and diversity in a seminal moment in the history of human rights, my research offers support for multi-perspectival philanthropic collaborations.

The Sustainable Development Goals, which reference the UDHR, are an example of collaboration across fundamental dissimilarities that can garner encouragement, best practices, and wisdom from transwar human rights advocacy. All 193 UN member states are Party to the Goals.[29] Lithuania and Rwanda, countries in which I have lived, are an illustrative comparison among SDG signatories. On the one hand, Rwanda, characterized by a collectivist and religious culture, centralized state, largely agrarian economy, low gross domestic product (GDP) per capita, wariness of Western neo-imperialism, and opportunistic foreign policy, has embraced the SDGs. The Rwandan government has

[28] UNESCO, *Human Rights: Comments and Interpretations* (New York: Columbia University Press, 1949), 1. In addition, Maritain began the fifth chapter of *Man and the State*, entitled "The Rights of Man," with this headline statement: "Men mutually opposed in their theoretical conceptions can come to a merely practical agreement regarding a list of human rights." At the same time, he considered those theoretical conceptions to be important: "Here we are confronted by the paradox that rational justifications are *indispensable* and at the same time *powerless* to create agreement among men. They are indispensable, because each of us believes instinctively in truth and only wishes to give his consent to what he has recognized as true and rationally valid. Yet rational justifications are powerless to create agreement among men, because they are basically different, even opposed to each other." Jacques Maritain, *Man and the State*, new ed. (Washington, DC: Catholic University of America Press, 1998), 76–77.

[29] United Nations, "Sustainable Development Goals," accessed July 24, 2023, https://www.un.org/sustainabledevelopment/blog/tag/193-member-states/.

incorporated, for example, the SDGs into its Vision 2050 development plan.[30] In 2023, the UN reported 363 "key activities," many of which involve partnerships with NGOs, in Rwanda supporting various SDGs.[31] On the other hand, Lithuania, with its more individualistic and secular culture, democratic state, diversified economy, mid-tier GDP per capita, and staunchly Western foreign policy has also embraced the SDGs. The Lithuanian government especially prioritizes SDGs related to environmental sustainability.[32] For example, the International Renewable Energy Agency reports that renewable sources accounted for 34 percent of Lithuania's total energy supply (TES) in 2019.[33] This number is much higher than the target of 23 percent renewable energy by 2020, which Lithuania agreed to in support of the EU's overall 20 percent renewable energy target.[34] While agreement between the two countries on philosophy and governance is unlikely, practical collaboration is feasible and productive. Thus, despite their vast differences, Lithuania and Rwanda are making significant strides on shared development goals.

Another facet of pluralism in philanthropic practice is the growing realization in Western relief and development that religion and the sacred are relevant and significant. An edited volume by Michael N. Barnett and Janice Gross Stein, professors of international

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[30] "Vision 2050" (Republic of Rwanda, 2020), https://www.minecofin.gov.rw/fileadmin/user_upload/Minecofin/Publications/REPORTS/National_Development_Planning_and_Research/Vision_2050/English-Vision_2050_Abridged_version_WEB_Final.pdf.

[31] "Our Work on the Sustainable Development Goals in Rwanda," *United Nations*, accessed July 24, 2023, https://rwanda.un.org/en/sdgs.

[32] Specifically, Lithuania focuses on environmental targets associated with SDGs 3, 6, 7, 11, 13, 14, and 15. "Lithuania Country Profile – SDGs and the Environment," *European Environment Agency*, accessed July 24, 2023, https://www.eea.europa.eu/themes/sustainability-transitions/sustainable-development-goals-and-the/country-profiles/lithuania-country-profile-sdgs-and.

[33] "Energy Profile: Lithuania" (Abu Dhabi, United Arab Emirates: International Renewable Energy Agency, 2022), https://www.irena.org/IRENADocuments/Statistical_Profiles/Europe/Lithuania_Europe_RE_SP.pdf.

[34] "Environment, Agriculture and Energy in Lithuania (edition 2022)," *Government of Lithuania*, accessed July 24, 2023, https://osp.stat.gov.lt/en/lietuvos-aplinka-zemes-ukis-ir-energetika-2022/energetika/atsinaujinantys-energijos-istekliai.

relations and conflict management, respectively, argues that the line between religion and secularism in humanitarianism is blurry because both have sacred elements. As such, the authors are more interested in identifying ways various types of secular and religious aid can be more effective, including via cooperation, than promoting one singular rationale for helping. Moreover, Barnett and Stein caution against the potentially "fatal effect" of humanitarianism that "succumb[s] to the excesses of secularization."[35] That is to say, univocal administrations of humanitarianism, whether secular or religious, in a philosophically and religiously diverse world are limited.

Similarly, in a retrospective paper, "Revisiting Religion: Development Studies Thirty Years On," Séverine Deneulin and Carol Rakodi, scholars of development, exhort theorists and practitioners that "religion needs to be 'brought back in' to development research."[36] Religious constituencies have unique insights, resources, and networks for promoting human welfare. Moreover, as the history of personalism illustrates, religious observers are well-positioned to recognize biases and weaknesses in secular Western thought—that ideology that informs much of philanthropy. Deneulin and Rakodi also draw attention to the dynamism and heterogeneity within religion. Thus, the study of philanthropy should be wary of frequently reducing diverse religious and theological traditions to a monolithic "religion" variable.

The account of Christian personalism and human rights also illustrates the value of the humanities disciplines to philanthropic studies. Research on the third sector has experienced the same troubling trend as the wider academic community: a decline in input

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[35] Michael N. Barnett and Janice Gross Stein, eds., *Sacred Aid: Faith and Humanitarianism*, 1st ed. (New York: Oxford University Press, 2012), 30.
[36] Séverine Deneulin and Carole Rakodi, "Revisiting Religion: Development Studies Thirty Years On," *World Development* 39, no. 1 (January 1, 2011): 52, https://doi.org/10.1016/j.worlddev.2010.05.007.

from the humanities disciplines.[37] As my dissertation shows, fields such as history, philosophy, and theology are not only valuable, but also indispensable, for an accurate rendering of past and present philanthropic phenomena.[38] Understanding the shortcomings of post-WWII liberalism, as decried by Moyn, Duranti, and others, is vital. Without robust scholarly debate from the humanities, the new historiographic assertion that the purported conservatism of transwar Christian personalism is to blame would have stood unchallenged.[39] A recent initiative addressing this gap in philanthropic studies is the academic journal *Philanthropia*, which publishes research on philanthropy from the perspective of the humanities and normative theory.[40]

7.4.3 Skepticism of Human Rights

Ambivalence toward human rights was arguably as much a part of transwar Christian personalism as was optimism. Hocking and Mounier were skeptical of rights declarations for various reasons, Day focused her energies elsewhere, and Malik deprecated economic rights. In other words, doubt was endemic in one of the few communities discussing human rights prior to the UDHR. Likewise, many contemporary observers have misgivings about the efficacy of human rights or the sincerity of those who endorse them. In *Uses and*

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[37] Marty Sulek, Andrew L. Williams, and Julianna Giannoutsou, "Humanities and Normative Theory in the Study of Philanthropy: A Literature Review from 1998-2023," *Philanthropia*, 1, no. 1 (2024) [Forthcoming].

[38] Turner makes the complementary argument that philanthropic studies is a central discipline for the humanities. He argues that the study of philanthropy is (a) "most properly a humanities pursuit," and that (b) "as a humanities pursuit it may be best positioned to develop the globalizing perspective and totalizing capacity traditionally associated with the humanities (and humanism), without falling into the empty claims for universality that postmodernism has worried about;" and in addition, (c) philanthropic studies "combines the pure inquiry into intellectual questions and problems and the production of new knowledge with work dedicated to practices that make life better in the world." Richard C. Turner, "Philanthropic Studies as a Central and Centering Discipline in the Humanities," *International Journal of the Humanities* 2, no. 3 (n.d.): 2083.

[39] In addition to this dissertation, see Shortall and Steinmetz-Jenkins, *Christianity and Human Rights Reconsidered*; Williams, "Religion and International Relations Theory."

[40] *Philanthropia* is a bi-annual, peer-reviewed, open-access academic journal published by the Institute for Philanthropy of LCC International University.

Misuses of Human Rights: A Critical Approach to Human Rights Advocacy, George J. Andreopoulos and Zehra F. Kabasakal Arat, professors of political science, employ the distinction of intended and unintended outcomes.[41] They encourage more empirical studies and debate about the full impact of well-intended human rights programs with the goal of "fulfill[ing] the emancipatory promise of human rights as articulated in international declarations and treaties."[42] While approving the general idea of human rights, these scholars are suspicious of the results of programs offered in its name.[43]

Martha Nussbaum and Amartya Sen are the progenitors of an influential approach meant to address weaknesses in the theory of human rights. Their "capabilities approach" asks the question "What are people actually able to do and to be?"[44] In lieu of prioritizing theoretical human rights, their framework foregrounds vulnerable persons and communities. Nussbaum, an Aristotelian philosopher, writes, "Analyzing economic and material rights in terms of capabilities would thus enable us to understand, as we might not otherwise, a rationale we might have for spending unequal amounts of money on the disadvantaged, or creating special programs to assist their transition to full capability."[45] Rather than simply declare a certain set of rights, the capabilities approach informs

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[41] George J. Andreopoulos and Zehra F. Kabasakal Arat, eds., *The Uses and Misuses of Human Rights: A Critical Approach to Advocacy*, 1st ed. (New York: Palgrave Macmillan, 2014).
[42] Andreopoulos and Kabasakal Arat, 20.
[43] Effective Altruism (EA), championed by the ethicist Peter Singer and others, shares this concern for empirically testing humanitarian interventions. EA is "both a **research field**, which aims to identify the world's most pressing problems and the best solutions to them, and a **practical community** that aims to use those findings to do good." "What is effective altruism?," *Effective Altruism*, accessed, July 24, 2023, https://www.effectivealtruism.org/articles/introduction-to-effective-altruism. Another noteworthy organization with a highly empirical approach to issues that relate to human rights is Abdul Latif Jameel Poverty Action Lab (J-PAL) at the Massachusetts Institute of Technology. J-PAL's mission is "to reduce poverty by ensuring that policy is informed by scientific evidence." See https://www.povertyactionlab.org/.
[44] Martha Nussbaum, "Capabilities and Human Rights," *Fordham Law Review* 66, no. 2 (January 1, 1997): 295.
[45] Nussbaum, 295.

policymaking and service-provision for those whose human rights are not secure. Nussbaum does not reject the idea of human rights but augments it with capabilities.

More cynical or perhaps perceptive commentary sees human rights advocacy, at least in many cases, as the tool of hegemony and neo-imperialism. Moyn's *Not Enough: Human Rights in an Unequal World* questions the sincerity of the human rights project in the face of persistent and widespread inequality.[46] He concludes that market-oriented neo-liberalism has overshadowed egalitarianism despite the former's discourse of human rights. Contributors to *Deconstructing Development Discourse: Buzzwords and Fuzzwords* voice similar critiques.[47] For instance, Shalmali Guttal, a scholar and practitioner who serves as the executive director of Focus on the Global South, notes, "Paradoxically, the same forces that promote global capitalism also promote democracy, human rights, and government intervention. This is paradoxical, because global capitalism cannot survive in an ethical climate that promotes democracy and fundamental human rights, nor does it favor independent-minded states."[48]

In comparable critiques, numerous scholars of development frame "development" as an ideology. Wolfgang Sachs characterizes development as a global project building from the older notion of progress and justifying the imposition of a particular relationship between the Global North and Global South.[49] Gilbert Rist describes development

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[46] Samuel Moyn, *Not Enough: Human Rights in an Unequal World*, repr. ed. (Cambridge, MA: Belknap Press, 2019).
[47] Andrea Cornwall and Deborah Eade, eds., *Deconstructing Development Discourse: Buzzwords and Fuzzwords* (Oxford, UK: Practical Action Publishing, 2010).
[48] Shalmali Guttal, "Globalization," in *Deconstructing Development Discourse: Buzzwords and Fuzzwords*, eds. Andrea Cornwall and Deborah Eade (Oxford, UK: Practical Action Publishing, 2010), 77.
[49] Wolfgang Sachs, "Development: The Rise and Decline of an Idea" (working paper), Wuppertal Papers, no. 108, (August 2000).

discourse as a seductive and deceitful invention of the mid-twentieth century.[50] William Easterly, in opposition to eminent economist Jeffrey Sachs, associates the ideology of development with the "White Man's Burden," Rudyard Kipling's racist and paternalistic poem in support of the United States in the Philippine–American War.[51]

Easterly also rejects developmentalism due to two problems with accountability. Humanitarian programs, he observes, are not accountable to the communities purportedly served—instead, they are accountable to donors. Likewise, massive foreign aid programs reduce the accountability of recipient governments to their citizens. Governments of developing states are often beholden to transnational institutions (e.g., the World Bank and the European Union) or unilateral aid donors (e.g., China, the United Kingdom, or the United States). Such governments are less responsive to priorities and needs expressed via internal political processes. Similarly, analyses such as *Decolonizing Wealth: Indigenous Wisdom to Heal Divides and Restore Balance*, *Just Giving: Why Philanthropy Is Failing Democracy and How It Can Do Better*, and *Winners Take All: The Elite Charade of Changing the World* point to the plutocratic and paternalistic tendencies of elite philanthropy.[52] In the latter, Anand Giridharadas, a journalist, warns, "What is at stake is whether the reform of our common life is led by governments elected by and accountable to the people, or rather by wealthy elites claiming to know our best interests."[53]

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[50] Gilbert Rist, *The History of Development: From Western Origins to Global Faith*, 5th ed. (London: Zed Books, 2019), 1.
[51] William Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*, repr. ed. (New York: Penguin Books, 2007); William Easterly, "The Ideology of Development," *Foreign Policy Magazine*, July/August 2007.
[52] Edgar Villanueva, Jennifer Buffett, and Peter Buffett, *Decolonizing Wealth: Indigenous Wisdom to Heal Divides and Restore Balance* (Oakland, CA: Berrett-Koehler Publishers, 2018); Rob Reich, *Just Giving: Why Philanthropy Is Failing Democracy and How It Can Do Better* (Princeton University Press, 2018); Anand Giridharadas, *Winners Take All: The Elite Charade of Changing the World* (New York: Knopf, 2018).
[53] Giridharadas, *Winners Take All*, 10.

Summarizing these skeptical interpretations, Peter Uvin describes the adoption of human rights language, using textual examples from the World Bank and the United Nations Development Program, as "little more than thinly disguised presentations of old wine in new bottles."[54] From its inception in the transwar era, modern advocacy and discussions of human rights have been replete with doubts about its efficacy and sincerity. These questions are beneficial and important moderating influences. Utopian or partisan views of human rights have the potential to wreak havoc—as the United States government's hypocrisy on cluster munitions in the Russo–Ukrainian War illustrates.[55] Without skeptics and critical observers, who would constrain earnest utopians or manipulative partisans as they impose their will on others in the name of human rights?

7.4.4 The Promise of Human Rights

The post–WW II project of human rights has been a source of justice, succor, and hope for millions of people. Despite undeniable hypocrisies, conscious abuses, and unintended harms, discourse and advocacy of human rights has and can continue to help build a world in which a greater number and diversity of individuals, families, and communities flourish. For the sake of brevity, I will briefly mention three positive lines upon which human rights have developed since the adoption of the UDHR. Most directly, the UDHR has spurred numerous related declarations and conventions. Two of the foremost examples are the ICCPR and the ICESCR, which combine with the UDHR to compose the International Bill

[54] Peter Uvin, "From the Right to Develop to the Rights-Based Approach: How Human Rights Entered Development," in *Deconstructing Development Discourse: Buzzwords and Fuzzwords*, eds. Andrea Cornwall and Deborah Eade (Oxford, UK: Practical Action Publishing, 2010), 165.

[55] Despite being a Party to the Convention on Cluster Munitions and condemning Russian use of such ordinance as violations of human rights, the United States recently began supplying Ukraine with cluster bombs.

of Rights.[56] To take another example, the 1989 UN Convention on the Rights of the Child explicitly references the UDHR twice in its preamble. It also describes the family as "the fundamental group of society"—language that echoes Malik's "natural and fundamental unit of society."[57] Furthermore, the Millennium Declaration, the foundation for the Millennium Development Goals (MDGs), resolves "to respect fully and uphold" the UDHR. Simlarly, the more recent SDGs are "grounded" in, among other items, the 1948 Declaration.[58]

Second, the philanthropic sector, building on its role in promoting human rights in the 1940s (e.g., the UN Charter and the UDHR), has long been engaged in the difficult task of transforming those rights from words on paper to realities on the ground. NGOs such as Amnesty International, Human Rights Watch, International Justice Mission, and Lawyers Without Borders focus directly on protecting the human rights of threatened individuals or communities. Amnesty International describes the Declaration as a "global road map for freedom and equality – protecting the rights of every individual everywhere."[59] Or the International Justice Resource Center grounds its view of refugee rights in Article 14.1 of the UDHR, which codifies the right to seek asylum in the face of persecution.[60] These and myriad other organizations work to protect the rights, for example, of children, immigrants,

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[56] "International Bill of Rights," *United Nations*, accessed July 24, 2023, https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights.

[57] United Nations, "Convention on the Rights of the Child," accessed July 24, 2023, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

[58] United Nations, "United Nations Millennium Declaration," accessed July 24, 2023, https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-millennium-declaration; United Nations, "Sustainable Development Goals," accessed July 24, 2023, https://sdgs.un.org/2030agenda.

[59] "Universal Declaration of Human Rights," *Amnesty International*, accessed July 24, 2023, https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/.

[60] "Asylum & the Rights of Refugees," *International Justice Resource Center*, accessed July 24, 2023, https://ijrcenter.org/refugee-law/. In addition, the IJRC refers to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, both of which sprang from Article 14.1 of the UDHR.

indigenous peoples, racial minorities, refugees, religious adherents, sexual minorities, and women. Some of these organizations explicitly refer to the UDHR.

A third avenue through which human rights discourse holds promise for greater justice and human flourishing is its application to the theory of development. Some critics of paternalism and structural inequality in development appeal to a "rights-based" development theory. Foregrounding human rights can be beneficial in two ways. First, it challenges "neoliberal ideas of the limited role of the state in the development process."[61] If citizens have rights rather than mere needs, the state is implicitly obligated to act on their behalf. Duty rather than goodwill or charity calls the state into action. The state's responsibility for citizen welfare is especially visible in second-generation rights such as education, healthcare, and housing. Second, a rights-based theory of development challenges global power structures. The notion that all humans have certain fundamental and inalienable rights calls into question international relationships, institutions, and legal frameworks that create or permit persistent inequality and suffering. From this perspective, development questions are political: "Poverty is neither natural nor inevitable but becomes something done to people, for whom certain actors bear responsibility."[62] Thus, a rights-based theory shifts development from the sphere of charity to that of justice. Marginalized communities assert a rightful claim rather than request a merciful gift.

These positive possibilities are consistent with the hopes and dreams of human rights advocates in the transwar era. Leaders, practitioners, and scholars can look back to one of the most terrifying and uncertain moments in human history for the courage to continue working for greater justice and human welfare.

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[61] Rebecca Schaaf, *Development Organizations* (New York: Routledge, 2013), 216.
[62] Schaaf, 216.

7.5 Sample and Limitations

A limitation of my research is its focus on a small sample of French and American personalists. This scope is a natural result of the subject matter. Transwar European personalism was first and foremost a phenomenon of a small circle of French intellectuals, of which Berdyaev, Maritain, and Mounier were leading members. The primary mouthpiece of Christian personalism on the continent in the 1930s was Mounier's French magazine *Esprit,* which also published essays by Berdyaev and Maritain. Across the Atlantic Ocean, a fecund personalist movement had been growing since the late nineteenth century at Boston University. Beginning with Bowne, this school produced Flewelling, the founder of *The Personalist* journal, Knudson, and Brightman. Hocking, due to his pioneering work on the theory of rights, his leadership on numerous commissions related to the topic, and his relationship with Malik, is a logical addition to my sample. The inclusion of Hocking also complicates the history of transwar Christian personalism and human rights. His absolute idealism departed from the natural law theory espoused by many other personalists, including Day, Malik, and Maritain. Moreover, Hocking's statist political philosophy and culturally constrained view of human rights, with roots in secular Enlightenment philosophy, weaken the claim of new–school historiography that heirs of the secular Enlightenment would have better secured progressive human rights in the post–WW II period. Day is an important addition to my research because of her avowed commitment to personalism and close connection to the thought of Maritain and Mounier. In addition, Day's life of activism and corporeal works of mercy provides a rich example of Christian personalism in action.

Due to its focused sample, my research does not describe human rights advocacy in the transwar era. Such a project would look at many additional individuals and collaborative efforts, some of which appear in the literature review in chapter 2. If the scope were human rights advocacy in the transwar era, I would probe, among others, Cassin, Chang, the 1936 *Complément à la Déclaration des Droits de l'Homme*, Humphrey, Andre Mandelstahm, O. Frederick Nolde, the Organization of American States, Franklin D. and Eleanor Roosevelt, and the Soviet Constitution of 1936. In addition, my dissertation does not cover the breadth of personalism in the transwar era. To do so, I would have needed to explore the thought of Martin Buber, Dietrich von Hildebrand, Roman Ingarden, Jean Lacroix, Andrew Seth Pringle-Pattison, Max Scheler, Edith Stein, and others. Geographically, a broader view of transwar personalism would include, at a minimum, Germany, Poland, and the United Kingdom, in addition to France and the United States.

An additional limitation of my dissertation is the authorial perspective it represents. My own religious and political commitments have indubitably influenced not only the choice of subject matter but also the specific themes and evidence upon which I focus. Christian personalism interests me partly because I am Christian and have always registered as a political independent. My criticism of new–school historiography's mischaracterizations of transwar Christian personalism is not surprising given my background. However, I do not intend for this research to be an endorsement of transwar Christian personalism. That potential characterization of my work would be understandable due to its focus on detailing the thinking of Christian personalists in their own words in response to what I believe to be a misleading picture. I seek to describe an aspect of this historical phenomenon rather than judge its ideas and actions.

7.6 Future Research

Broadly defined, my dissertation aims to prompt a better understanding of the development of human rights thought and advocacy prior to the UDHR. Toward this end, I suggest a group of four complementary research projects divided into two pairs of etymological and comparative topics. In support of the value of related etymological research is the surprising observation that little scholarly documentation exists of the use of the English language terminology "human rights" prior to the 1940s. A careful study of the history of that language would inform the interpretation of human rights in the transwar era. Among other constituencies, the antislavery and labor movements would factor heavily into such a project. In addition, a fascinating cadre of individuals explicitly discussed "human rights" over the past several hundred years, including Angelina Grimke, Sarah Grimke, Harriet Beecher Stowe, Frederick Douglas, Charles Sumner, William Jennings Bryan, Theodore Roosevelt, and Samuel Gompers.

On a closely related note, the link between the "rights of man" and "human rights" is little documented. One of the complications in evaluating the conclusion that human rights discourse was rare before the mid-twentieth century is that a clear delineation between "rights of man" and "human rights" did not exist. In fact, this language was interchangeable at times. Even if the exact language "human rights" was rare, certain ideas it connoted were not. Additionally, this history is complicated because the French *droits de l'homme*, rather than the more literal *droits humains*, has been used as a translation for "human rights." For example, the official French version of the UDHR was and continues to be entitled *Déclaration Universelle des droits de l'homme*.[63] Moreover, this translational issue

[63] United Nations, "Universal Declaration of Human Rights – French (Française)," accessed July 24, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

sometimes flows back into English. For instance, the official website of the president of France, *Élysée,* currently labels the UDHR as the "Universal Declaration of the Rights of Man."[64] Thus, research on the connection between "rights of man" and "human rights" would help answer questions about the meaning and novelty of "human rights" in the transwar era. Moreover, such research would provide insight into questions of gender and human rights discourse and ideological influence on rights discourse—the persistence of "*droits de l'homme*" and "rights of man" possibly signaling a particular view of the origin or grounding of human rights.

In addition, I would like to pursue two projects of comparative rights study that spring directly from this dissertation. First, I plan to work on a study of the specific human rights promoted during the transwar era by individuals or groups from a variety of cultural and metaphysical perspectives. Such a study might include Hocking (representing idealism), Maritain (representing natural law), P.C. Chang (representing a Confucian view), the 1929 Declaration of the International Rights of Man (a secular Western text), the 1936 *Complément à la Déclaration des Droits de l'homme* (an heir of the 1789 French Declaration), the 1936 Constitution of the Soviet Union (a communist text), and the 1948 American Declaration of the Rights and Duties of Man (the product of Latin American thought). Second, one of the weaknesses of the recent historiography of transwar human rights is the relatively monolithic treatment of religious communities. The complexity within traditions or schools is often underexplored. As stated above, for example, leading scholarship characterizes Christian personalism as conservative despite its strong interest in Marxism and socialism. Similarly, the fundamental opposition of Hocking's absolute

[64] "The Declaration of the Rights of Man and of the Citizen," *Élysée,* accessed July 24, 2023, https://www.elysee.fr/en/french-presidency/the-declaration-of-the-rights-of-man-and-of-the-citizen.

idealism and Maritain's natural law theory, with major ramifications for human rights, was lost. As such, value exists in further comparative scholarship related to Christianity and human rights in the transwar era.[65] Specifically, I would like to study the theological reasoning that led to different views of the conceptual validity and practical utility of human rights in the transwar era. Such research might compare Christian personalism, Neo-orthodoxy, *Nouvelle théologie*, evangelicalism, and left-leaning Latin American theology.

[65] An excellent step in this direction is Shortall and Steinmetz-Jenkins, *Christianity and Human Rights Reconsidered*.

Curriculum Vitae

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Education

- Doctor of Philosophy, Philanthropic Studies, Indiana University
- Master of Theology, New Testament, Harvard Divinity School
- Master of Arts, New Testament, Gordon-Conwell Theological Seminary
- Master of Arts, Old Testament, Gordon-Conwell Theological Seminary
- Bachelor of Arts, Business Administration, Furman University

Professional Experience

- Director, Institute for Philanthropy, LCC International University, Klaipeda, Lithuania
- Assistant Professor, International Relations and Development, LCC International University, Klaipeda, Lithuania
- Sr. Program Manager and Interim Country Director, HOPE International, Rwanda
- Regional Director & Sr. Program Advisor, HOPE International, Dominican Republic
- Director of Operations, PEER Servants, Boston, MA
- Director of Operations, Marketplace Network, Boston, MA
- Personal Care Assistant, Boston, MA
- Assistant Director of Admissions, Furman University, Greenville, SC

Publications (Academic Journals and Peer Reviewed)

- Jamie L. Goodwin, Andrew L. Williams, and Patricia S. Herzog, "Cross-Cultural Values: A Meta-Analysis of Major Quantitative Studies in the Last Decade (2010-2020);" Religions 2020, 11(8), 396.
- Patricia Snell Herzog, David P. King, Rafia A. Khader, Amy Strohmeier, Andrew L. William,"Studying Religiosity and Spirituality: A Review of Macro, Micro, and Meso-Level Approaches;" Religions 2020, 11(8), 437.
- Patricia Snell Herzog, Amy Strohmeier, David P. King, Rafia A.Khader, Andrew L. Williams, Jamie Goodwin, Dana R.H. Doan, Bhekinkosi Moyo, "Religiosity and Generosity: Multi-level Approaches to Studying the Religiousness of Prosocial Actions;" Religions 2020, 11(8), 446.
- Andrew L. Williams and Dana R. H. Doan, "Independent Sector: Preservation of the Status Quo?," Nonprofit Policy Forum, January, 2021.
- Andrew L. Williams, "Religion and Paternalism: International Relief and Development Organization Mission Statements," International Society for Third Sector Research 14th International Conference Working Papers Series, November, 2021.
- Andrew L. Williams, "Religion and International Relations Theory: The Case of "New" Historiography of Human Rights;" Religions 2022, 13(1), 39.
- Andrew L. Williams, Gretchen Ketner, and Meder Mukai Uulu, "Pedagogy in a Diverse and Fractured World: Perceptions and Practices," in Engaging in Prosocial Behaviours for an Inclusive Classroom and Society, Enoch Leung ed., IntechOpen, 2024.

- Andrew L. Williams, David P. King, and Brad R. Fulton, “Politics and Preaching: How Religious Leaders Justify Addressing or Avoiding Political Topics,” Scheduled for publication in 2024.
- Mary Sulek, Andrew L. Williams, and Julianna Giannoutsou, “Humanities and Normative Theory in the Study of Philanthropy,” Scheduled for publication in 2024.
- Andrew L. Williams, Sofia G. Stonehouse, and Johannes Thober, “Religion, Empowerment, and Paternalism: International Non-Governmental Organization Mission Statements,” Under review by an academic journal.

Publications (Other)

- William D. Mounce, ed. Mounce’s Expository Dictionary, Contributing Author, Zondervan, 2006.
- William Messenger, ed. Theology of Work Bible Commentary, Consultant, Hendrickson, 2016
- Andrew L. Williams, “Pope Francis” In Learning To Give; 2017.
- Thad Austin & Andrew L. Williams, “Giving to Religion” In Giving USA; Indianapolis, IN: Giving USA Foundation, 2018.
- Andrew L. Williams, Review of The Infidel Within’: Muslims in Britain since 1800, by Hamayun Ansari, Journal of Muslim Philanthropy and Civil Society, 4(1), 74-78.
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- Andrew L. Williams, Review of The Practice of Islam in America by Edward E. Curtis, Journal of Muslim Philanthropy and Civil Society, 2(2), 71-75.
- Andrew L. Williams, Review of Becoming One: Religion, Development, and Environmentalism in a Japanese NGO in Myanmar by Chika Watanabe, VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations, 30(6), 1437-1438.
- "Politics and Preaching" in Insights, Lake Institute on Faith and Giving. September 22, 2020.
- Andrew L. Williams, Review of A Gospel for the Poor: Global Social Christianity and the Evangelical Left by David C. Kirkpatrick, Christian Relief, Development and Advocacy, 2(2), 82-83.
- Andrew L. Williams, Review of The Year of Our Lord 1943: Christian Humanism in an Age of Crisis by Alan Jacobs, Religious Studies Review, 47(1).
- Andrew L. Williams and Saulius Ramanauskas, "Philanthropy Forged in the Fire: Voluntary Action in Lithuania," Indiana University Lilly Family School of Philanthropy Research Blog, September 6, 2024.

Conferences Presentations

- Tiara Dungy & Andrew L. Williams, Philanthropic Education (panel), Indiana Blacks in Philanthropy; Gary, IN; October 2018.

- Andrew L. Williams, Religion and Paternalism in International Relief and Development, Midwest Public Affairs Conference; Indianapolis, IN; September 2019.
- Andrew L. Williams & Dana Doan, Independent Sector: Preservation of What?, Association for Research on the Nonprofit & Voluntary Sectors; San Diego, CA; November 2019.
- Andrew L. Williams (panelist), Generosity, Morality, and Altruism: Global Studies in Cross-Cultural Values, American Sociological Association; August 2020.
- Andrew L. Williams, David P. King & Brad R. Fulton, Politics and Fundraising in Religious Congregations: Principled or Pragmatic, Association for Research on the Nonprofit & Voluntary Sectors; November 2020.
- Jamie Goodwin, Andrew L. Williams & Patricia Herzog, Cultural Foundations of Social Action: A Literature Review of Cross-Cultural Beliefs, Morality, and Values, 2010-2020, Association for Research on the Nonprofit & Voluntary Sectors; November 2020.
- Thad Austin, David P. King & Andrew L. Williams, The Appearance of Religious Language on Form 990 and Websites, A Study of International Affairs Organizations, Association for Research on the Nonprofit & Voluntary Sectors; November 2020.
- Andrew L. Williams, Religion and Paternalism: International Relief and Development Organization Mission Statements, International Society for Third-Sector Research; July 2021.

- Andrew L. Williams, The Historical Context of the Advent of “Human Rights” in the mid-20th Century, Association for Research on the Nonprofit & Voluntary Sectors; November 2021.
- Andrew L. Williams, David P. King & Brad R. Fulton, Politics and Preaching, International Society for Third Sector Research; July 2021.
- Andrew L. Williams, The Historical Context of the Advent of “Human Rights” in the mid-20th Century, International Society for Third Sector Research; July 2021.
- Thad Austin, David P. King & Andrew L. Williams, The Appearance of Religious Language on Form 990 and Websites, A Study of International Affairs Organizations, International Society for Third Sector Research; July 2021.
- Andrew L. Williams, Human Rights and the Evolution of Relationship between Individuals, Civil Society, and the State, International Society for Third Sector Research; July 2022.
- Andrew L. Williams, David King, & Brad R. Fulton, Socio-Politlcal Discourse in Religious Congregations: Theological or Pragmatic, International Society for Third Sector Research; July 2022.
- Thad Austin, David P. King, & Andrew L. Williams, Religious Expression and Mission Statements: Comparing 990 and Website Data of U.S. International Nonprofits, International Society for Third Sector Research; July 2022.
- Andrew L. Williams, Philosophy, Personalism and Human Rights, Society for the Study of Theology; April 2023.
- Andrew L. Williams, Comparative Human Rights, Building a Community with a Shared Future for Mankind, Hangzhou City University, China; October 2023.

- Andrew L. Williams, Marty Sulek, & Julianna Giannoutsou, A Major Gap in the Study of Philanthropy and Civil Society, 5th World Conference on Arts, Humanities, Social Sciences and Education, Eurasia Conferences; May 2024.

Honors, Awards, and Fellowships

- William & Edie Enright Fellowship, Lake Institute on Faith and Giving, Indiana University Lilly Family School of Philanthropy
- University Fellow, Indiana University-Purdue University Indianapolis
- Zondervan Greek Award, Gordon-Conwell Theological Seminary
- Phi Alpha Chi Theological Honor Society, Gordon-Conwell Theological Seminary
- American Legion Award, Furman University
- Award for one graduating student who exhibits "Leadership, Scholarship, and Service," Furman University
- Omicron Delta Kappa (ODK) Leadership Society, Furman University