

Jacques Maritain, Christian New Order, and the Birth of Human Rights

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Jacques Maritain, the Catholic philosopher and publicist, was the highest profile thinker to defend the concept of human rights in the immediate postwar period, the era of their framing in the Universal Declaration and embedding in European identity. What I would like to analyze in this essay is how this once reactionary critic of rights transformed into their champion. The basic argument is that this shift has to be correlated with overall ideological change in Catholicism, in which dominant old political options disappeared and new ones were needed. They were created, not simply adopted from elsewhere: Maritain – who castigated the language of rights through the late 1930s – changed them through his turn to them as much as they changed him. And his personalist and communitarian recasting of the language as a new option for Christianity helps explain why commitments to human dignity and human rights could become as prominent as they did in the postwar European order.

For we must give up once and for all the idea that the history of human rights is a story in which a static liberal doctrine rises slowly over time, its degree of external acceptance (and the failure of external alternatives to it) the main story unconnected to any sense of its internal plasticity and ideological reinvention.¹ In a recent book, Jay Winter has proposed that the Universal Declaration of Human Rights be seen as a “utopia,” albeit in a minor key.² If so, what matters is whose utopia it was, and with what content, at the moment of its

formulation and at different stages of its reception. I will try to argue that, in terms of the cultural meanings that the concept had in the beginning, human rights reflected most centrally the ideology of “personalist humanism.”

This ideology, the intellectual backbone of the larger postwar European politics of human dignity, not only cannot be left out when pondering the original meaning of human rights, but was arguably their most determining constituent. On reflection, other proposals for understanding the content and ambiance of human rights in this inaugural era are not all that plausible. The Universal Declaration was certainly not a revolutionary document, in continuity with the revolutionary ideology of rights of the early modern period, even though it made a place for some of its long since domesticated content. The years of immediate postwar European history were also not a “republican moment.” Finally, though the Universal Declaration is as much backward looking as forward looking, the people who understood human rights as a response to the Holocaust specifically were few and far between. And, if there were such things as human rights, there was no “human rights movement” motivated to collective action by other grievous catastrophes or various structural wrongs.

Conversely, the ideology of personalist humanism, associated with the spiritualist and communitarian search for a third-way alternative to the rival materialisms of individualist liberalism and totalitarian communism, fits quite well with the main political drift of the moment in European society. When one considers the postwar years as the period of stabilization and reconstruction that they were – an era of the conservative “re-recasting” of bourgeois Europe, if I may put it that way – then whole postwar politics of human dignity looks like its ideological translation, with its emphasis on the restoration of fundamental

values, often thought to be religious in basis, and its resumption of the hallowed moral truths of “Western civilization.” Postwar human rights fit best in this context. They originated not just due to an American “new deal for the world,” but also as part of the reinvention under pressure of a self-styled European humanism.³ If this isn’t what people once meant by droits de l’homme, or now mean by “human rights,” then so much the worse for the expectation of a long and continuous tradition that led to what turns out to be a very contemporary idea and movement.

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In what follows, the goal is to fix as precisely as possible the chronology Maritain’s turn to rights and to piece together basic elements of the larger context of the transformation of political Christianity required to explain that turn. Contrary to a common misunderstanding, Maritain’s break with his reactionary affiliates around Action Française in the late 1920s (precipitated by the Pope’s condemnation of the group) did not by itself transform this thinker into a supporter of rights. In Maritain’s eyes, it was a matter of saving Maurras’s insight from his error: “the truths acknowledged by the criticism of liberal and revolution ideology must be delivered in a higher synthesis than the mere nationalist idea could ever guarantee,” he wrote in The Things that Are Not Caesar’s, justifying his response to the papal ban. “Men in our time are summoned to an integral restoration of Christian values, to a universal reinvention of order.” In many ways Christianity’s liberation from direct politics meant the continuation of an old project in resituated form. Indeed, far from being neutral towards the form of government, religion requires us to “procure the truly human and therefore moral good of the social body.”⁴ An intricate path

(which I try to cover elsewhere) would lead him from here to his epoch-making Integral Humanism (1936) and beyond. The papal ban eventually did lead him to attack “political theology,” i.e., the belief that Christianity should seek an integralist society in which the line between Church and state would fade away. And this led Maritain to some courageous stands in the later 1930s – opposition to Italy’s invasion of Ethiopia as a perversion of the humanism its partisans claimed they were bringing to savage lands; vituperation of the widespread belief that Catholics should rally against republicanism (and communism) in the Spanish Civil War as part of a religious crusade; and even principled denunciation of Christian and other forms of antisemitism.⁵

That Maritain earned attacks as “red” and even “Jewish” as a result of these stands against the current of his co-religionists is not surprising. (In welcoming him to America, even Catholics there would have to make sure: the first three questions posed to him in a Commonweal interview of 1939 inquired in order whether he was a Jew, mason, or communist.)⁶ He was advocating a minority view in French (and world) Catholicism. But since it would eventually become a majority view, it bears insisting that these stands cannot be separated from the positive vision Maritain was developing. If one’s question is why, from cause to cause, a vision like Maritain’s would later win over the Church, one cannot restrict one’s attention to the cause by itself, for the answer lies in the larger reinvented Christian vision on offer.⁷ That his risky bet paid off means that the focus must be just as much on what he wanted to bring about, for the “democracy” and “rights” that Maritain’s humanism would shortly come to imply could mean many things. Maritain’s bold dissent against the Christian right of his time established the kernel of a vision of a different Christian order in

whose service he worked, whose point was to provide a plausible alternative to secularism east and west, and it was this vision that was to survive its competitive 1930s origins by many decades. It is this vision, indeed, that Maritain merely updated when he turned to human rights not long after.

One interesting sign of this is that he freely entered the 1930s competition over new order visions, promoting a Catholic entrant, one that eventually would take on board human rights. In an outtake from his magnum opus Integral Humanism published in English on “the new Christian order to come,” Maritain offered a speculative philosophy of history as to how the new reign of spirit he advocated might be brought about. Maritain predicted a “historical catastrophe of world proportions” following from the crisis of liberalism; and, appealing to old millennialist scripts of time, Maritain saw in the coming catastrophe the beginning of the celebrated “third age” of the world anticipated by Christian philosophers of history since the middle ages. “[T]his third era,” Maritain hypothesized, “should begin to appear with the general dissolution of post-medieval humanism and nobody knows how many centuries it would last after that. There is no intention of suggesting, with some millenarist thinkers, that it should be a golden age [but o]nly under this order could integral humanism blossom to fulness.” It was precisely and only by renouncing the explicit claim to governmental power that Christianity could realize the universal civilization that was its destiny, and individual Christians, far from accepting a merely interior faith because of the failure of theocratic aspirations, had to mobilize. “A full dissemination of Christianity in the temporal order is promised at the historical period which will follow the dissolution of man-centered humanism,” Maritain maintained.⁸ For a long time, however, indeed late into the 1930s, there was

simply no sign in Maritain's thought that such "Christian humanism" meant human rights.

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The central concept that would eventually permit (though not at all require) this derivation was that of the "person," which would eventually become the foundational term of the Universal Declaration of 1948. Maritain's first defense of "the person" and its retroactive identification with Thomism (Maritain's philosophical school throughout his career) occurs in his popular Action Française era book Three Reformers (1925). The reason this is of interest, to start, is that the basic claim of the sociopolitical relevance of "the person" antedates Maritain's break with the far right of his day. The crux of the idea of "the person" is its opposition to "the individual." Maritain not only politicized the distinction as he invoked it; he did so in a way that fit his politics at the time. "In the social order, the modern city sacrifices the person to the individual; it gives universal suffrage, equal rights, liberty of opinion, to the individual, and delivers the person, isolated, naked, with no social framework to support and protect it, to all the devouring powers which threaten the soul's life, to the pitiless actions and reactions of conflicting interests and appetites, to the infinite demands of matter to manufacture and use." Yet because it left the individual alone, modernity also, in an apparent paradox, opened the way for a far more depraved collectivization than the religious civilization it had somehow caused to fall. "If the State is to be built out of this dust of individuals, then ... the individual will be completely annexed to the social whole." Capitalism and communism were at root the same mistake. Yet it cannot be said in this era that Maritain did much more than gesture towards the political significance of

personalism. He claimed that the distinction between person and individual “contains, in the realm of metaphysical principles, the solution of many social problems.” He suggested that the personalist city must be Christian (and vilified the secularist reformer Jean-Jacques Rousseau for arrogating God’s sovereignty for the people), but that is about it.⁹ It was left to others, especially the “new order” and “non-conformist” intellectuals, and above all Emmanuel Mounier, to make the person the touchstone of French social and political thought in the 1930s. In this first decade of its circulation, however, personalism excluded rights as well, and in all of its forms.

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That is why we must look carefully at the Church and world politics to contextualize Maritain’s ideological adventure. “Although in the extraordinary conditions of these times the Church usually acquiesces in certain modern liberties, she does so not as preferring them in themselves, but as judging it expedient to allow them until in happier times she can exercise her own liberty,” Pope Leo XIII had written in 1888.¹⁰ The move towards the later twentieth century embrace of rights talk as the essence of Christian social thought – notably in John XXIII’s “Pacem in Terris” as well as in some documents of the Second Vatican Council that he called, and then in a different but equally pronounced way in the storied papacy of John Paul II – occurred neither at a slow and steady pace nor all at once in a single transformative moment. The terms “dignity” and “person” are of somewhat older vintage in papal pronouncement than that of “rights,” precisely because the former were ambiguous enough to be compatible with a wide range of inferred doctrines in different national settings and within specific national communities. But the same is true even of the latter, to the point

that it also appeared on occasion earlier than the crucial period of the late 1930s and early 1940s, first associated with the social question and the “rights of labor” (notably in Leo’s own Rerum Novarum and later Pius XI’s Quadragesimo Anno). Nevertheless, these invocations were “neither comprehensive nor tightly systematic.”¹¹

The first period of quickened use, which has not been effectively studied, occurred in the antitotalitarian transformation of the Church in the late 1930s, which led Pius XI towards the end of his papacy to begin to use the language in a more serious and organizing way. The remarkable turn against “statolatry” by no means compelled any embrace of rights as an organizing doctrine; but it did involve the assertion of religious sovereignty over personal conscience.

Interestingly, it was most frequently antiliberal premises that led to what may seem a liberalizing outcome in this denunciation of the era’s dictators (Benito Mussolini usually exempted), with the modern and “secularist” separation of state from church often presented as having allowed the menacing totalitarian hypertrophy of the state to occur.¹² In any event, it was at this moment that Pius – who knew Maritain well and esteemed his work – turned directly to personalism as the foundation of Church’s spiritual alternative to totalitarianism, in 1937-38.

“Man, as a person,” Pius declared, “possesses rights that he holds from God and which must remain, with regard to the collectivity, beyond the reach of anything that would tend to deny them, to abolish them, or to neglect them.”¹³ This phraseology, from the anti-Nazi encyclical of March 1937, Mit brennender Sorge, was matched by the anti-communist encyclical of the same month, Divini redemptoris, the latter with greater emphasis on the right of property in the

context of a more general picture of the rights of the person against the totalitarian collective.¹⁴

It was thus in a moment of discovering two extreme political ideologies that, in its view, left no room for Christianity that the Church discovered its sovereignty over the “human,” over which in turn no merely temporal politics can claim full authority. Soon to become Pius XII, Eugenio Pacelli, in summer 1937, made clear the centrality of this new figure, with “a vast and dangerous conspiracy” threatening unlike any prior occasion “the inviolability of the human person that, in his sovereign wisdom and dignity, the Creator has honored with an incomparable dignity.” Pacelli cited the critical line from Mit brennender Sorge to make clear that this inviolable dignity gave rise to some set of rights. Of course, personalism meant community not atomism. All the same, “if a society believed it could diminish the dignity of the human person in refusing it all or some of the rights that come to it from God, it would miss its goal.”¹⁵

What such changes in papal political theory meant on the ground, in the context of much other doctrine and the inherited weight of tradition, varied widely – especially after Pius XII’s election a year later to face the final crisis of the 1930s and the difficult choices of the war. With respect to the language of rights as well as in other ways, Pius XII, like any good strategist, left his options open, encouraging some possible lines of future development and tolerating others.¹⁶ In different national contexts, rights talk had different fates: the new language of the rights of the human person was not just passively received, but was creatively interpreted from place to place and moment to moment. As Paul Hanebrink has shown in the case of Hungarian debates, for example, what was

at stake for some churchmen and Christian politicians was only “the rights of (Christian) man,” chiefly the defense of the right of conversion against racist essentialism, still in the name of an exclusionary vision of a Christianized nation.¹⁷ But in America – before Maritain ever turned to rights – a small band of liberal Catholics chose a different direction.

In an unremembered but fateful statement to Americans on the jubilee of Catholic University, Pius XI had written barely two months before his death that “Christian teaching alone gives full meaning to the demands of human rights and liberty because it alone gives worth and dignity to human personality.” In a pastoral letter, American bishops took the argument a (textually unwarranted) step further: “His Holiness calls us to the defense of our democratic government in a constitution that safeguards the inalienable rights of man.”¹⁸ Historians who have examined the crucial early war years to trace the remarkable afflatus of the hitherto largely unused (in English) phrase of “human rights” have discovered minor percolations but little else until something happened to catapult the term into its immediate postwar career. Completely neglected among these percolations so far highlighted, however, is the comparatively early Catholic articulation of the human rights idea.¹⁹

In 1939 already, in response to the papal turn against totalitarianism and his letter insisting on the rights of the person, the prominent liberal Catholic John A. Ryan, together with Notre Dame’s Charles Miltner, founded the short-lived Committee of Catholics for Human Rights, to oppose the radio priest Charles Coughlin and rampant American Catholic racism; and in the early issues of their publication, The Voice for Human Rights, they featured Jacques Maritain as a key icon and author (even though he had not yet started to use their language).²⁰

The organization had originated out of a predecessor group more specifically concerned with antisemitism, but the rhetorical shift allowed generalization beyond that issue, as in Amarillo bishop Robert Lucey's ringing complaint in 1940 that "Millions of citizens throughout the world are no longer considered as inviolable persons: they are mere things to be juggled at will by gangster governments. ... The natural law demands that all human rights be afforded to all human beings."²¹ And some of the time, Pius XII turned to the rights talk that his predecessor had initiated. Already in his widely reported Christmas message to the world for 1940, he followed Maritain in calling for a new Christian order, and in his Pentecost radio message six months later, he recommended a declaration of the rights of the human person as its basis; and as of America's entry into the war in late 1941 American Catholics were alluding to Pius's peace points as implying that the United States should become "the instrument of Almighty God" for setting up a "new era" in which "human rights" would offer all peoples "prosperity and a chance of the pursuit of happiness."²²

As the war continued, papal pronouncement remained open-textured enough for Catholics to infer widely different messages from it. But one of the Catholic bishops who formed a committee to promote the papal peace points in this country, Aloysius Muench of Fargo, North Dakota, entertained the belief – at least according to his later testimony – that FDR's later language of new order and four freedoms merely amplified the pope's call for a postwar political settlement based on universal moral principles. This was especially so thanks to the 1942 letter FDR wrote to American bishops after the country's entrance in the war that the United Nations would seek "the establishment of an international order in which the spirit of Christ shall rule the hearts of men and nations." "We

were assured by the late President Roosevelt," Muench recalled just after the conflict, when he had become papal nuncio to defeated Germany, "that the war would not be one of vengeance but to establish a new order in the spirit of Christ [and] a crusade for the preservation of the rights of men."²³ American Catholics were in advance of others, and even their president, in deploying the phrase "human rights," but by 1941-42 Catholics in Germany and France were to be using the language too. The nuance and specificity of wartime human rights discourse remains to be studied, for the defense of the human rarely meant any special concern with the Holocaust and frequently went along with fierce Christian anticommunism in which enthusiastic support for Adolf Hitler's anti-Bolshevik crusade could coexist with dissent from his depredations against life.²⁴ Nevertheless, the language is there, as a possible new basis of the Church's political identity, for those who had stopped dreaming the dream of "holy empire." German bishops, in a common pastoral letter of Easter 1942, rose in protest of their regime's trampling not just of the church's rights (in disregard of the earlier concordat) but also of human rights – "the general rights divinely guaranteed to men." The extraordinary clandestine resistance group of French Catholics, *Témoignage chrétien*, republished this letter and amplified the call in its summer booklet "Human and Christian Rights."²⁵

Maritain intersected this earlier but episodic, unsystematic and selective Catholic tradition of rights and made it his most enduring contribution to the twentieth-century church and world. Maritain had already, by the late 1930s, begun a geographical and intellectual voyage to the American scene – one that would be fateful for the future of Catholicism as a whole. He originally went to North America in 1933, when he accepted fellow Thomist Étienne Gilson's

invitation to lecture annually at a new Institute for Medieval Studies in Toronto; and he first set foot in the United States in 1938.²⁶ But it was only the war that led his Christian humanism in the direction of rights. This is not to say that the Catholic rights turn described above did not have an immediate effect: in speaking on the Jewish question in 1937-38, Maritain could rise in defense of “a pluralism founded on the dignity of the human person, and established on the basis of complete equality of civic rights, and effective respect for the liberties of the person in his individual life.” The defense, however, immediately had to be couched in absolutely clear rejection “the old Liberalism,” even as it was “thoroughly opposed to the ignominious medievalist Hitlerian parody.” Rights, Maritain emphasized, were only going to be retrievable “in a general new régime of civilization, freedom from the ills of capitalistic materialism as well as from the even greater ills of Fascism, Racism, and Communism.”²⁷ In any case, far from becoming the self-evident entailments of the dignity of the human person they would shortly become (let alone the key watchwords of politics), rights remained highly uncertain in the place they initially found in Maritain’s thought: in a Chicago speech from the same period, Maritain still claimed to his American audience, in perfect fidelity to integral humanism, that “democracy can no longer afford the luxury of drifting. Individualism in the sense of individual rights and comforts must cease to be its chief objective.”²⁸ Fortunately, he continued, there were emerging signs that America planned to rediscover the religious imperatives of its civilization. In his Théâtre Marigny speech, just after the Munich agreements and the year before German tanks rolled into Paris, Maritain could lavish praise upon the remarkable State of the Union address that Franklin Delano Roosevelt gave for 1939 in which he endorsed religion as the foundation

of democracy. (In the same speech, Maritain likewise cited Walter Lippmann marveling: “that the President, who is the most influential democratic leader in the world, should recognize religion as the source of democracy ... is a fundamental reorientation in the liberal democratic outlook upon life.”)²⁹ Yet in the end it was only the events of the war, together with America’s apparent return to its religious basis, and entry into the conflict, that drove Maritain unequivocally towards rights.

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On his annual visit to North America when France fell, Maritain had to stay there, and played a critical role in the organization of émigré intellectual life during the following years.³⁰ From the 1930s, there is a large intraphilosophical and intratheological literature about the viability of Maritain’s person/individual distinction, what it might mean, and why it might matter.³¹ It would be wrong to isolate the doctrine from politics, however. By itself, personalism could have led Maritain, like so many other Catholics and para-Catholics, into the arms of the Vichy government, whose leader, indeed, himself proclaimed that “individualism has nothing in common with respect for the human person” (a respect he promised his regime would restore, along with religious civilization). Maritain’s formulae of the “primacy of the spiritual” and “integral humanism” were even used as sloganeering buzzwords by Vichyite intellectuals and youth.³² But Maritain, in exile, opposed Vichy uncompromisingly, and soon became an inspiration for the Christian resistance, even if he was ambivalent about Charles de Gaulle as the Free French leader, on the grounds that the latter would not concur with his vision of personalistic democracy.³³

It was most clearly in early 1942 that Maritain transformed into the philosopher of human rights that he had never been before.³⁴ In Natural Law and Human Rights, Maritain took what would be a fateful step for postwar intellectual history as a whole, making the claim that a revival of natural law implies a broad set of prepolitical human rights. What would have been – and still is – curious about this claim, of course, is that whatever their opinions of the origins of modern rights talk, nearly all histories of the political language concur that the rise of rights in political theory occurred after and because of the destruction of the Thomistic natural law tradition.³⁵ In either a stroke of a master or a sleight of hand, Maritain – as if the Church had not long and unanimously rejected modern rights – claimed that the one implied the other and indeed that only the one plausibly and palatably justified the other. He did so in the teeth of plausible initial skepticism from some of his own most devoted followers, the Catholic émigrés Waldemar Gurian and Yves Simon, that Thomism might now be unsalvageable due to its votaries' almost uniformly reactionary political choices on the continent. In a now famous remark, Gurian noted: "if Thomas were alive today he would be for Franco, for Tizo, for Pétain. ... To be practical in 1941 with St. Thomas in politics is a joke." In private, Simon went so far as to worry that a generation's worth of criticism of the French Revolution and its rights had, sadly, redounded to the benefit "not of Thomas but of Hitler."³⁶

Maritain energetically strove to override this skepticism, so that it is due above all to him that what came to be the Catholic position in recent political theory came about, with the older view that Catholicism's political and social doctrine could not be reformulated in terms of rights dropped in exchange for the claim that only the Catholic vision placing them in the framework of the

common good afforded a persuasive theory of rights.³⁷ By his Christmas message of 1942, the one frequently discussed solely for its insufficient reference to Jewish suffering, Pius too was laying out his postwar vision in terms of the dignity of the person and human rights.³⁸ If it is true that Maritain “formulate[d] ideas about the dignity of the human person, human freedom, human rights, and democracy which were interpreted by critics as an accommodation to the post-Enlightenment philosophy that he despised,” it was because of Maritain’s historically dubious but strategically brilliant gambit to capture an originally alien language for Catholicism and claim a perfect and necessary fit. In reality, Maritain “retained natural law but redefined its content.”³⁹ All the same, just as some Catholics wondered then and since if Maritain conceded too much to modernity (“dressing up poor Thomas Aquinas in the rags of a laicist apostle of democracy,” in Aurel Kolnai’s hilariously grim assessment), others asked if the Catholic theory of modern rights Maritain sought ultimately prioritized the avoidance of secularism over the break with integralism: “Maritain has presented a plausible and persuasive alternative to both secularism and clericalism,” the Protestant theologian Reinhold Niebuhr allowed in his New York Times review of the rights book, “but it naturally has the defect of avoiding the errors of the former more completely than of the latter.”⁴⁰

In the flow of Maritain’s political theory in these years, in fact, the Catholic position of the non-individualist person in the non-totalitarian community remained stable, as the overall governing framework into which rights were introduced. In an atmosphere in which many Catholics understood the defense of the West to mean all-out war against Bolshevism even at the price of alliance with unholy forces (like the French cardinal who saw the Archangel

Michael leading “the old Christian and civilized peoples who defend their past and their future at the side of the German armies”), Maritain’s message seems often to have been primarily directed against political theology, and against the Christian preference for fascism as the lesser evil. “An obscure process of leniency toward totalitarian forms that lying propaganda tries to picture as the upholders of order,” Maritain regretted at the University of Pennsylvania bicentennial in 1940, “has thus invaded parts of the believing groups in many countries.”⁴¹ “The error of those Catholics who follow Pétain in France or Franco in Spain,” Maritain wrote Charles de Gaulle in 1941, “is to convert Catholic thought, though lack of social and political education, in the direction of old paternalistic conceptions of history rejected in the meantime by the popes and condemned by history.”⁴² “The ideology now being fed to the French in the absence of a genuine reconstruction program,” he noted in his widely-noticed and clandestinely spread France My Country, “is a bizarre mixture of commonplaces, where these borrowed from Catholic social teachings are imbedded in the teachings of the political school of total nationalism.”⁴³

The idea, then, was that Catholic social thinking could be and had to be saved from its accidental entanglements with nationalism. What then was involved in Maritain’s new defense of rights and democracy? Stuart Hughes once observed: “All [Maritain’s] subsequent volumes of polemic and public philosophy were footnotes to or expansions on the themes that [Integral Humanism] had announced.”⁴⁴ Given the major change of vocabulary to rights talk or democracy that occurred after, it is surprising that this statement only needs slight correction. In the first place, Maritain’s attitude towards the catastrophe of modernity softened slightly but discernibly (though it never

reversed). “The modern world has pursued good things,” Maritain allowed already in 1938, “down wrong pathways.”⁴⁵ Second, while he continued to place much stock in parastate charitable action, he did far more graphically come down in favor of a specific regime – perhaps in a way that conflicted fragrantly with his earlier ban on “political theology.” That Maritain in the late 1930s and after advocated a democracy infused by Christianity made his new stance no less an endorsement of a non-neutral political theology. Finally, this relative move toward an affirmation of a specific kind of state framework within which alone a “new Christian order” could come about forced Maritain to quietly but decisively drop his old associations of formal liberties and formal democracy with liberal individualism on its deathbed. He broke almost completely with visions, like either Marxism or Mounier’s personalism, that treated formal rights and democracy as elements of a hypocritical capitalist sham. Formal or “bourgeois” liberties formerly condemned now had to be resurrected as providing the legal carapace of the Christian state and intrastate order. Arguably, however, these innovations were in the service of keeping Maritain’s Christian vision the same in new circumstances. The goal remained a personalist communitarianism, even if that substantive vision prompted a less critical attitude towards formal guarantees and political structures or might indeed invest them with considerable significance. (One could say something similar of Pius XII who, having adopted the rhetoric of the rights of the person, was by his 1944 Christmas message following Maritain by endorsing democracy on condition of differentiating between its Christian communitarian and reprobate secularist version.)⁴⁶

It was thus due neither to doctrinal purification nor to institutional destiny that Maritain could be led to expound “Christian humanism” and its doctrine of rights by early 1942 in Fortune magazine. He still castigated modern man for “claim[ing] human rights and dignity – without God, for his ideology grounded human rights and human dignity in a godlike, infinite autonomy of human will.” But he also now referred to the apparently alternative “concept of, and devotion to, the rights of the human person” as “the most significant political improvement of modern times.”⁴⁷ In these years, Maritain reached almost manic heights of activity, both authorial and organizational, in his participation in the New York and larger American émigré community and in a far-flung international network of correspondents and publishers. Notably, in late 1941 and early 1942 he was deeply involved in gathering editorial suggestions for a manifesto of Catholic intellectuals and putting it in final form, expressing the antitotalitarian critique of fascism and the alternative of personalist rights that was much noticed.⁴⁸ But the basis of his activity remained largely constant. In the deluge of his remarkable output over period -- from essay collections like Scholasticism and Politics to pamphlets like Christianity and Democracy and from radio messages to the French people to occasional intervention pieces -- Maritain rearticulated personalist communitarianism in the language of rights-based democracy. Further, having inventively claimed for Catholicism new compatibility with modern democracy and rights, Maritain reciprocally credited Catholicism with having been – often behind the backs of actual Catholic thinkers and actors – the source of those norms. At the Liberation, he offered his political and social philosophy to his French brethren, who he thought were finally in a position to see the mutuality of Christianity and

democracy that their oppositional history – not least in their own country – had obscured.⁴⁹

By 1944 the rights of the human person, as galvanized by Maritain's enthusiastic promotion and as the ground of his reappropriation of democracy, were understood by activist Catholics to be the main bulwark against Hitlerian racism.⁵⁰ And such Catholics also claimed that the concept provided the key slogan for the postwar settlement, which would have to be based on principle not power. The answer would be a vision of human rights that split the difference, or rather found the proper reconciliation, between self and collective. Appealing to Pius XII's Christmas message of 1942, Richard Pattee explained on the radio in 1945, "The genius of Catholicism is perhaps no better illustrated than in the subtle and profound harmony that is established between the dignity of the human being as a singular person, and the obligations and duties of that person as a member of society."⁵¹ As FDR turned by 1944 to supplement his promise of four freedoms with a "second bill of rights" ensuring social protection, Maritain worked with sociologist Georges Gurvitch to bring the originally French tradition of social rights to the attention of the world.⁵²

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A new paradigm had been forged. Thanks to FDR's championship of them – but also the earlier and continuing cultural factors that historical scholarship on wartime and postwar human rights has so far left out – the phrase "human rights" gradually entered diplomatic parlance and became a brief slogan in international affairs in the period following the Allied victory. There is no need here to follow Maritain's own involvement in this moment, which has been studied elsewhere; thanks to its late interwar promotion, ongoing papal

pronouncement, Maritain's strenuous advocacy, and the generally religious ambiance of the drafting process, "the person" became a prominent feature of the declaration, beginning in the preambular affirmation of "the dignity and worth of the human person."⁵³ It may be true, then, that (as Mark Mazower has argued) there was a conceptual shift from group to individual in diplomatic and legal circles that set the stage for the post-World War II human rights moment. But there was also a shift afoot from the individual to the person, and in terms of its cultural meaning at the time, and the embedding of its ideas in postwar European politics, the Universal Declaration is a profoundly communitarian document -- precisely a moral repudiation of dangerous individualism.⁵⁴ Indeed, in my view this is the key to placing the document more securely in the ambiance of the war's aftermath, as part of the moral reconstruction of Europe perceived to be necessary to stave off future world crises and conflicts.

As Wolfram Kaiser has now shown, Christian Democracy, hegemonic starting in this era as the continent restabilized, made a politics of personalism and dignity central to its work nationally and construction of Europe regionally.⁵⁵ "In the inter-war period catholicism had been closely linked to nationalism and the League of Nations had been presented as being a dangerous centre of masonic power," Richard Vinen observes, in a similar vein. "After 1945, this changed. Catholic organizations were enthusiastic proponents of international harmony, within the western bloc at least, and Christian Democrat parties in all European countries were so intimately linked to European integration that some began to feel that Europe was being built under the aegis of the 'catholic international.'"⁵⁶ It should be noted that Maritain's high-profile turn to democracy did not make him a prominent defender of Christian parties

in particular, so that the specific form of this historic convergence is not due to his influence.⁵⁷ And in spite of his premier role in spelling out a Catholic rights theory, it would be mistaken, for instance, to posit any real influence of Maritain on the evolution German-speaking Catholicism so crucial in this era (a significant portion of German Catholics would understand the postwar defense of “the West” to provide an alternative to the America Maritain came to love).⁵⁸ All this said, he remains a powerfully illustrative figure, since even in the German case it is hard not to notice a concordance between Maritain’s thought and the spiritualistic antimaterialism and emphasis on dignitarian personalism – including sometimes human rights -- prevalent at the time. As Maria Mitchell has emphasized, the spiritualist credo came close to providing the central ideological fulcrum of Christian democracy in Germany, and just as in the case of the Universal Declaration on which it drew, the Federal Republic Basic Law’s opening affirmation of human dignity is probably best to read not just retrospectively as a response to the Nazi past but prospectively as an allusion to the kind of moral future that would best overcome that past. In any event, it is a mistake to think about the “recivilization” of West Germany in the absence of the religious ideology that provided its justification and explained the specific, non-secular, moralized form it was supposed to take.⁵⁹ That the incipient Cold War would soon come to be widely understood in terms of the defense of religion and “the West” that the Church’s struggle against communism had already been for three decades was no doubt crucial here.⁶⁰

In this sense, Maritain’s personal trajectory, and incubation of a Christian alternative to integralism and communism based on rights, anticipated and assisted the shift of the Church and the continent in a new direction. For the

Church, of course, full-scale institutional conversion would await the arrival of John XXIII, and most notably his encyclical “Pacem in Terris.” The continent, however, moved far earlier in the direction of personalistic rights. I have emphasized, though, that this story is as much one of continuity as it is of break: the language of human rights in its original time, though certainly a form of idealism, was one that succeeded because it restated some core ideological commitments in a way that also overcame and corrected for Catholic political positions in the interwar period and during the disastrous war – including a flirtation with the extreme right or embrace of rightist regimes, occasionally in the name of “humanity.” Remarkably, in spite of these entanglements, Catholicism as a religion and Christian civilization as an idea managed to emerge from the war cleanly. Indeed, among many other factors, the Christian Democratic and Cold War promotion of human dignity and rights allowed it once again to become – as it did surprisingly quickly – the representative of the values of the European West, of putative universal significance for the world, and Christianity entered its last European golden age.

But the very success of this transformation was to lead to an obfuscation of the very recent and very contingent circumstances in which the relationship between Christian Europe and the idea of human rights had been achieved. In a last ditch plea to an overwhelmingly secularized continent shortly before his death, John Paul II worried that the very Europe that had come to celebrate rights as the core of its identity also seemed poised to cut the last thread binding it to the Christianity that had allowed their discovery. If Christian Europe finally passed into history – which will happen barring some miracle of new evangelization – then the faith in rights that was its precious contribution might

slowly evaporate, like a sea whose source has been cut off. After all, John Paul said, it was from “the biblical conception of man [that] Europe drew the best of its humanistic culture, and, not least, advanced the dignity of the person as the subject of inalienable rights.”⁶¹ The powerful invention of tradition that could allow such a view occurred in the 1930s and 1940s, thanks to Jacques Maritain above all.

Notes

¹ Samuel Moyn, “On the Genealogy of Morals,” The Nation, April 17, 2007.

² J.M. Winter, Dreams of Peace and Freedom: Utopian Moments in the Twentieth Century (New Haven, 2006), chap. 4.

³ Cf. Elizabeth Borgwardt, A New Deal for the World: America’s Vision for Human Rights (Cambridge, Mass., 2005).

⁴ Jacques Maritain, Primauté du spirituel (Paris, 1927), 220, in English as The Things that Are Not Caesar’s, trans. J.F. Scanlan (New York, 1931), 69. See also Maritain, “Le sens de la condamnation,” in P. Doncouer, et al., Pourquoi Rome a parlé (Paris, 1927).

⁵ For the putative humanity of the Italian campaign, see “Pour la défense de l’Occident et la paix en Europe,” Le Temps, November 4, 1935. For Maritain’s response, see the manifesto “Pour la justice et la paix,” Sept, October 18, 1935. See also Yves Simon, La campagne d’Éthiopie et la pensée politique française (Paris, 1936). On Spain, see Maritain, “De la guerre sainte,” Nouvelle revue française (July 1937), in English in Alfred Mendizabal, The Martyrdom of Spain: Origins of a Civil War (New York, 1938) and as “The Idea of Holy War,” in Justin O’Brien, ed., From the N.R.F. (New York, 1958). For comment, see José M. Sánchez, The Spanish Civil War as a Religious Tragedy (Notre Dame, 1986), chaps. 11-12 and Jay P. Corrin, Catholic Intellectuals and the Challenge of Democracy (Notre Dame, 2002), chaps. 12-13. On his interventions throughout, see Bernard E. Doering, Jacques Maritain and French Catholic Intellectuals (Notre Dame, 1983), chaps. 3-4. On antisemitism, see Doering, Jacques Maritain, chap. 5; Robert Royal, ed., Jacques Maritain and the Jews (Notre Dame, 1994); Pierre Vidal-Naquet, “Jacques Maritain et les juifs: réflexions sur un parcours,” in Maritain, L’impossible antisémitisme (Paris, 1995).

⁶ “An Interview with Jacques Maritain,” Commonweal, February 3, 1939.

⁷ Cf. John Connelly, “Catholic Racism and Its Opponents,” Journal of Modern History 79, 4 (December 2007): 813-47.

⁸ Maritain, “The Possibility of a New Christian Order,” The Colosseum 2 (1935): 85-86, 89. A primary model Maritain had in mind was the celebrated Catholic Action movements of the interwar period, but he also inclined to the corporatist solutions of contemporary papal ideology, even as he warned that the “Austro-fascist” version of this corporatism was not the only possible one.

⁹ Maritain, Trois réformateurs: Luther – Descartes – Rousseau (Paris, 1925), 28-30, 192; in English, Three Reformers: Luther – Descartes – Rousseau (New York, 1955), 21-22, 23-24, 136-37.

¹⁰ Leo XIII, Encyclical Letter “Libertas,” June 20, 1888.

¹¹ J. Bryan Hehir, "Religious Activism for Human Rights: A Christian Case Study," in John Witte, Jr. and Johan D. van der Vyver, eds., Religious Human Rights in Global Perspective: Religious Perspectives (The Hague, 1996), 101.

¹² Cf. Emilio Gentile, Politics as Religion, trans. George Staunton (Princeton, 2006), 92-93 and chap. 4, *passim*.

¹³ Pius XII, Encyclical Letter "Mit brennender Sorge," March 14, 1937, as translated in Georges Passelecq and Bernard Suchecky, The Hidden Encyclical of Pius XI, trans. Steven Rendall (New York, 1997), 105.

¹⁴ See esp. Fabrice Bouthillon, La naissance de la Mardité: Une théologie politique à l'âge totalitaire, Pie XI (1922-1939) (Strasbourg, 2001). Other works, such as Anthony Rhodes, The Vatican in the Age of the Dictators (London, 1973), provide the facts.

¹⁵ "Lettre de S. Em. le Cardinal Pacelli," in La Personne humaine en péril (Lyon, 1937), 5-8.

¹⁶ For a general picture of Pius's wartime positions, see Peter C. Kent, "Toward the Reconstitution of Christian Europe: The War Aims of the Papacy, 1938-1945," in David B. Woolner and Richard B. Kuriel, eds., FDR, the Vatican, and the Roman Catholic Church in America, 1933-1945 (New York, 2003).

¹⁷ Paul A. Hanebrink, In Defense of Christian Hungary: Religion, Nationalism, and Antisemitism, 1890-1944 (Ithaca, 2006), 170-80.

¹⁸ Pius XI, October 12, 1938; Pastoral Letter of the American Catholic Hierarchy, November 24, 1938.

¹⁹ See esp. A.W. Brian Simpson, Human Rights and the End of Empire: Britain and the Genesis of the European Convention (Oxford, 2001), chap. 4, also Paul Gordon Lauren, The Evolution of International Human Rights: Visions Seen, 2nd ed. (Philadelphia, 2003), chap. 5.

²⁰ Maritain, "French Catholic Scholar States Position on War," Voice for Human Rights 1, 3 (November 1939): 8. See also Maritain, "Vichy's Racial Decrees Deny French Tradition, Says Famed Philosopher," Voice for Human Rights 2, 2 (November 1940), and "Maritain Rejects Explanations Offered by Vichy Government for Defeat of French Nation," Voice of Human Rights 2, 3 (December 1940). See the related volume, John A. Ryan et al., Democracy: Should It Survive? (Milwaukee, 1943), whose dominant theme is the threat of totalitarianism to the dignity of the person and to which Maritain contributed an essay entitled "Humanism and the Dignity of Man."

²¹ Robert E. Lucey, "A Worldwide Attack on Man," Voice for Human Rights 1, 2 (September 1940): 7; on the name change, see "Change of Name Shows Broader Application of Principles," Voice for Human Rights 1, 2 (September 1940): 10.

²² See, e.g., "Pope Pius Tells World How to Make New Order," Chicago Daily Tribune, December 25, 1940; "Catholics Back 'War for Peace,'" Washington Post, December 19, 1941; letter to bishops as cited in Maritain, Christianity and Democracy trans. Doris Anson (New York, 1944), 58.

²³ Aloysius Muench, "One World in Charity" (1946), rpt. as Appendix C in Suzanne Brown-Fleming, The Holocaust and the Catholic Conscience: Cardinal Aloysius Muench and the Guilt Question in Germany (Notre Dame, 2006), 154.

²⁴ As, for example, the case of Bishop Klemens von Galen shows. See Beth A. Griech-Poelle, Bishop von Galen: German Catholicism and National Socialism (New Haven, 2002).

²⁵ See the text of the issue in François and Renée Bédarida, eds., La Résistance spirituelle 1941-1944: Les cahiers clandestins du "Témoignage chrétien" (Paris, 2001), 159-86.

²⁶ See the excellent reconstruction by Florian Michel, "Jacques Maritain en Amérique du Nord," Cahiers Jacques Maritain 45 (December 2002): 26-86. Some of his earliest connections, in an atmosphere in which American Catholicism considered its own non-state religiosity the

“hypothesis” in special circumstances rather than a “thesis” or general model, were with Dorothy Day and her Catholic Worker Movement. See Mark and Louise Zwick, The Catholic Worker Movement: Intellectual and Spiritual Origins (New York, 2005), chap. 10.

²⁷ Maritain, A Christian Looks at the Jewish Question (New York, 1939), 34. Most of material cited here actually originated in another essay on the Jews of 1937, and was inserted in this English translation of a February 1938 Paris lecture for its December 1938 New York delivery. See Maritain, “L'impossible antisémitisme,” in Henri Daniel-Rops, ed., Les Juifs (Paris, 1937) and “Les Juifs parmi les nations,” La Vie intellectuelle, February 1938, both rpt. in Maritain, L'impossible antisémitisme, pref. Pierre Vidal-Naquet (Paris, 1994), 97-98, 125.

²⁸ “Warns America Sectarianism Is a World Menace: Rejuvenated Democracy Is Urged by Maritain,” Chicago Daily Tribune, October 25, 1938.

²⁹ Maritain, Le Crépuscule de la civilisation (Paris, 1941), 78, in English, The Twilight of Civilization, trans. Lionel Landry (New York, 1943), 54-55.

³⁰ See Michel Fourcade, “Jacques Maritain et l'Europe en exil (1940-1945),” Cahiers Jacques Maritain 28 (June 1994): 5-38 and Doering, “L'héritage américain de Jacques Maritain,” in Michel Bressolette and René Mougel, eds., Jacques Maritain face à la modernité: Enjeux d'une approche philosophique (Toulouse, 1995).

³¹ “Why have philosophers devoted so much attention in recent years to the distinction between person and individual?” one Catholic philosopher asked in 1943, going on to conclude that even in Scholastic terms the distinction is baseless. “In this matter, they are motivated chiefly by the desire to provide a philosophical answer to the claims of totalitarianism.” John A. Creaveny, “Person and Individual,” The New Scholasticism 18, 3 (July 1943): 247. See the response to this article of Francis McMahon, “Religion and Freedom,” Review of Politics 5, 4 (October 1943): 542, and Maritain to Waldemar Gurian, November 5, 1943, Notre Dame Archives CZAN. For some important statements by major Catholic theologians in the postwar period, see Karol Wojtyła, “Thomistic Personalism” (1961), “On the Dignity of the Human Person” (1964), and other essays in Person and Community: Selected Essays (Catholic Thought from Lublin), trans. Theresa Sandok (New York, 1993); Joseph Ratzinger, “Zum Personverständnis in der Theologie,” in Dogma und Verkündigung (Munich, 1973); and Hans Urs von Balthasar, “On the Concept of Person,” Communio 13 (Spring 1986): 18-26. Though primarily indebted to Max Scheler, the personalist Wojtyła taught together at Lublin with Maritain's chief Polish disciple, Stefan Swiezawski; cf. Avery Cardinal Dulles, “John Paul II and the Mystery of the Human Person,” America, February 2, 2004.

³² Cited in John Hellman, Emmanuel Mounier and the New Catholic Left, 1930-1950 (Toronto, 1981), 168. For personalism -- including fulsome invocation of Maritain's formulae -- at Vichy, see Hellman's writings: “Maritain, Simon, and Vichy's Elite Schools,” in Michael D. Torre, ed., Freedom in the Modern World (Notre Dame, 1989), “Communitarians, Non-conformists, and the Search for a 'New Man' in Vichy France,” in Sarah Fishman et al., eds., France at War: Vichy and the Historians (Oxford, 2000), and The Knight-Monks of Vichy France: Uriage, 1940-1945 (Montreal, 1994).

³³ On this issue, see Hellman's excellent article, “The Anti-Democratic Impulse in Catholicism: Jacques Maritain, Yves Simon, and Charles de Gaulle during World War II,” Journal of Church and State 33, 3 (Summer 1991): 453-71.

³⁴ The earliest publications are “The Natural Law and Human Rights” (Windsor, Ontario, 1942), an award acceptance speech dated January 18, 1942 published as a pamphlet, and “Natural Law and Human Rights,” Dublin Review 210 (April 1942): 116-24.

³⁵ For radically contrasting stories of the origins of rights that nevertheless concur on this point, see Leo Strauss, Natural Right and History (Chicago, 1953); Richard Tuck, Natural Rights Theories: Their Origin and Development (Cambridge, 1979); and Michel Villey, Le droit et les droits de l'homme (Paris, 1983).

³⁶ Gurian is cited in Yves R. Simon to Maritain, July 16, 1941, Yves Simon Institute, South Bend, Indiana. I am grateful to Anthony O. Simon for access to this correspondence, though this

line has been cited elsewhere, notably in John T. McGreevy's graceful and illuminating Catholicism and American Freedom: A History (New York, 2003), 198. Simon's own remark is in a letter to Maritain, December 20, 1940, Jacques Maritain Center Archives JM 28/03.

³⁷ In 1943, Thomist Charles de Koninck published De la primauté du bien commun contre les personnalistes (Quebec, 1943) (the contents are self-explanatory); cf. Yves Simon's amusing reply, "On the Common Good," Review of Politics 6, 2 (October 1944): 530-33. One may compare here the revival of natural law by Heinrich A. Rommen, author of Die ewige Wiederkehr des Naturrechts (Leipzig, 1936) and anti-Nazi Catholic who emigrated to the United States in 1938. There, he wrote his mammoth The State in Catholic Thought (St. Louis, 1945), in which the concept of rights, though treated positively, is barely integrated and not allowed to compete with the more fundamental ones of natural law and common good (44, 58-59, 277-78, 377-78). However, a good number of his postwar mss., held at Georgetown University where he became a professor, turn frontally to the topic. His study of natural law appears in English as The Natural Law: A Study in Legal and Social History and Philosophy, trans. Thomas Hanley (St. Louis, 1947). For two postwar articles, see Rommen, "The Church and Human Rights," in Gurian and M.A. Fitzsimmons, eds., The Catholic Church in World Affairs (Notre Dame, 1954) and "Vers l'internationalisation des droits de l'homme," World Justice/Justice dans le monde 1, 2 (December 1959): 147-77.

³⁸ Pius XII, "The Internal Order of States and People," in The Major Addresses of Pope Pius XII, 2 vols., ed. Vincent A. Yzermans (St. Paul, 1961). In the same collection, one may wish to compare the 1958 Christmas message, "The Rights of Man."

³⁹ Julie Clague, "'A Dubious Idiom and Rhetoric': How Problematic Is the Language of Human Rights in Catholic Social Thought?," in J.S. Boswell et al., eds., Catholic Social Thought: Twilight or Renaissance? (Leuven, 2000), 130; Robert Kraynak, Christian Faith and Modern Democracy: God and Politics in a Fallen World (Notre Dame, 2001), 156. In the Anglo-American world, see John Finnis, Natural Law and Natural Rights (Oxford, 1980), esp. chap. 8 and many other works. Alasdair MacIntyre's After Virtue: A Study in Moral Theory (Notre Dame, 1981), took the position – more plausible historically at least – that medieval natural law did not flow into modern natural rights but broke down to produce them, but MacIntyre remained a marginal dissenter in an era when Pope John Paul II would champion the equation of Catholicism and human rights. For other worries that human rights opens the door to "liberalism" rather than successfully reformulates natural law, see Ernest L. Fortin, "The New Rights Theory and the Natural Law," in Classical Christianity and the Political Order (Lanham, 1996); John Hittinger, "Jacques Maritain and Yves Simon's Use of Thomas Aquinas in Their Defense of Liberal Democracy," in David M. Gallagher, ed., Thomas Aquinas and His Legacy (Washington, 1994); Ralph McInerney, "Maritain and Natural Rights," in Art and Prudence: Studies in the Thought of Jacques Maritain (Notre Dame, 1988); James V. Schall, "Human Rights as an Ideological Project," American Journal of Jurisprudence 32 (1987): 47-61; and Schall, Jacques Maritain: The Philosopher in Society (Lanham, 1998), chap. 5.

⁴⁰ Aurel Kolnai, "The Synthesis of Christ and Anti-Christ," Integrity 5, 11 (August 1951): 41 (see also John Oesterreicher's response in a letter, Commonweal, September 14, 1951); Reinhold Niebuhr, "A Frenchman States His Credo for Tomorrow," New York Times, September 5, 1943.

⁴¹ Alfred Cardinal Baudrillart, cited in Michael Burleigh, Sacred Causes: The Clash of Religion and Politics, from the Great War to the War on Terror (New York, 2007), 233; William L. Laurence, "Political Theory of Religion Is Hit," New York Times, September 17, 1940. For similar themes, see Maritain, "Religion and Politics in France," Foreign Affairs 20, 2 (January 1942). Though well-informed, Maritain consistently presented France as captured, thus drastically understating the extent and zeal of the collaborationism of some of his countrymen.

⁴² Maritain to Charles de Gaulle, 21 November 1941, in Cahiers Jacques Maritain 16-17 (April 1988): 61. By the next year he urged de Gaulle to champion a "renewed democratic ideal" rooted in personalism. *Ibid.*, 68.

⁴³ Maritain, A travers le désastre (New York, 1941), 89-90; in English, France, My Country: Through the Disaster (New York, 1941), 66.

⁴⁴ H. Stuart Hughes, The Obstructed Path: French Social Thought in the Years of Desperation (New York, 1968), 76.

⁴⁵ Maritain, Crépuscule, 26, in English, 12.

⁴⁶ See Pius XII, "True and False Democracy," in Major Addresses.

⁴⁷ Maritain, "Christian Humanism," Fortune, April 1942.

⁴⁸ Devant la crise mondiale: Manifeste de Catholiques européens séjournant en Amérique (New York, 1942), in English as "Manifesto on the War," Commonweal, August 21, 1942; for the redaction process, Jacques Maritain Center Archives, JM 18/01-06.

⁴⁹ Maritain, "Integral Humanism and the Crisis of Modern Times," Review of Politics 1 (January 1939): 1-17, rpt. as Scholasticism and Politics (New York, 1940), chap. 1; "Christianity and Democracy," Commonweal, May 7, 1943; Christianisme et démocratie (New York, 1943), in English as Christianity and Democracy; Principes d'une politique humaniste (New York, 1944); and Pour la justice. Of particular interest are Maritain's brief radio messages broadcast into France; see Maritain, Messages, 1941-1945 (New York and Paris, 1945). Finally, Maritain, A travers la victoire (Paris, 1944-45).

⁵⁰ Joseph T. Delos et al., Race, Nation, Person: Social Aspects of the Race Problem (New York, 1944), with chapters like "The Rights of the Human Person vis-à-vis of the State and the Race" and "Catholic Personalism Faces Our Times."

⁵¹ Richard Pattee, "Human Rights" (June 3, 1945), in George N. Shuster et al., Problems of the Postwar World: A Catholic Hour Symposium (Washington, 1945), 29.

⁵² See Georges Gurvitch, La déclaration des droits sociaux (New York, 1944), in English as The Bill of Social Rights (New York, 1946), and the prefatory drafts by Maritain (in whose series the book appeared) in the Jacques Maritain Center archives. On FDR and social rights, see Cass R. Sunstein, The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need It More than Ever (New York, 2004).

⁵³ See, most notably, Unesco, ed., Human Rights: Comments and Interpretations, intro. Maritain (New York, 1949) and Maritain, Man and the State (Chicago, 1951). Among the "framers," most credit for the UDHR's personalism is due to the Lebanese Christian philosopher Charles Malik. Mary Ann Glendon, A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (New York, 2001), 39-41 and *passim*. See also Glendon, "Catholicism and Human Rights," in James L. Heft, S.M., ed., Believing Scholars: Ten Catholic Intellectuals (New York, 2005) and her edited volume on personalism, Acta (Pontifical Academy of Social Sciences) 11 (2006). See also René Mougel, "J. Maritain et la Déclaration universelle des droits de l'homme," Cahiers Jacques Maritain 37 (November 1998): 13-15.

⁵⁴ Cf. Mark Mazower, "The Strange Triumph of Human Rights, 1930-1950," Historical Journal 47, 2 (June 2004): 379-98.

⁵⁵ Wolfram Kaiser, Christian Democracy and the Origins of the European Union (Cambridge, 2007).

⁵⁶ Richard Vinen, Bourgeois Politics in France, 1945-1951 (Cambridge, 1995), 152.

⁵⁷ Intervening in a famous fracas between Mounier and early Christian Democrat Paul Archambault during the 1930s, Maritain insisted that the new Christianity couldn't be equated with a party program, being "of a freer and more elevated order, which on the contrary seeks to renew the very manner of posing the problem." Integral humanism "could not be reduced to any of the operative ideologies in the political formation due to the nineteenth century and still extant." Maritain, "Au sujet de 'la démocratie et la révolution,'" L'Aube, January 25, 1934. His postwar views did change, of course, but never made him a primary ideologue of Christian Democratic politics.

⁵⁸ On Maritain and Germany, see Edward M. Andries, "On the German Constitution's Fiftieth Anniversary: Jacques Maritain and the 1949 Basic Law (Grundgesetz)," Emory International Law Review 13 (1999): 4-75 and Heinz Hürten, "Der Einfluß Jacques Maritains auf das politische Denken in Deutschland," in Katholiken, Kirche, und Staat als Problem der Historie, ed. Hubert Gruber (Paderborn, 1994). On "the West," see such works as Hürten, "Der Topos vom christlichen Abendland in Literatur und Publizistik nach den beiden Weltkriegen," in ibid.; Axel Schildt, Zwischen Abendland und Amerika: Studien zur westdeutschen Ideenlandschaft der 50er Jahre (Munich, 1999); Vanessa Conze, "Abendland gegen Amerika! 'Europa' als antiamerikanisches Konzept im westeuropäischen Konservatismus (1950-70)," in Jan C. Behrend and Arpád von Klimó, eds., Antiamerikanismus im 20. Jahrhundert (Berlin, 2005). See also Maritain, "Christliche Politik," Deutsche Universitätszeitung, April 28, 1950.

⁵⁹ Maria Mitchell, "Materialism and Secularism: CDU Politicians and National Socialism, 1945-49," Journal of Modern History 67, 2 (June 1995): 278-308 and Mitchell, "'Antimaterialism' in Early German Christian Democracy," in Thomas Kselman and Joseph A. Buttigieg, eds., European Christian Democracy: Historical Legacies and Comparative Perspectives (Notre Dame, 2003); see also Anton Rauscher, ed., Kirche und Katholizismus 1945-1949 (Munich, 1977). The absence of religion from such works as Konrad Jarausch, After Hitler: Recivilizing Germans, 1945-1995 (New York, 2006) and Tony Judt, Postwar: A History of Europe since 1945 (New York, 2005) is glaring. James Q. Whitman's provocative assertion of a fascist background to postwar dignity is wanting for similar reasons; the key is to recognize the transformation of political Christianity from its proximity to fascism to its postwar antifascism. Whitman, "From Fascist 'Honour' to European 'Dignity'," in Christian Joerges and Navraj Singh Ghaleigh, eds., The Darker Legacy of European Law: Perceptions of Europe and Perspectives on a European Order in Legal Scholarship during the Era of Fascism and National Socialism (Cambridge, 2003).

⁶⁰ Dianne Kirby, "Divinely Sanctioned: The Anglo-American Cold War Alliance and the Defence of Western Civilization and Christianity, 1945-1948," Journal of Contemporary History 35, 3 (2000): 385-412 and Kirby, ed., Religion and the Cold War (New York, 2003).

⁶¹ John Paul II, Apostolic Exhortation "Ecclesia in Europa," June 28, 2003. The legal philosopher Michael J. Perry is best associated with such claims on the American academic scene. Perry, The Idea of Human Rights: Four Inquiries (New York, 1998), chap. 1, and Toward a Theory of Human Rights (Cambridge, 2006).