

# The Myth of Universality: The UNESCO “Philosophers’ Committee” and the Making of Human Rights

Mark Goodale

*This article reexamines one of the most enduring questions in the history of human rights: the question of human rights universality. By the end of the first decade after the end of the Cold War, debates around the legitimacy and origins of human rights took on new urgency, as human rights emerged as an increasingly influential rubric in international law, transnational development policy, social activism, and ethical discourse. At stake in these debates was the fundamental status of human rights. Based in part on new archival research, this article offers an alternative interpretation of the rediscovery by scholars in the late 1990s of a 1947 UNESCO survey that purported to demonstrate the universality of human rights through empirical evidence. The article argues that this contested intellectual history reflects the enduring importance of the “myth of universality”—a key cultural narrative that we continue to use to find meaning across the long, dark night of history.*

Myth is neither a lie nor a confession: it is an inflexion.

Roland Barthes, *Mythologies*

## INTRODUCTION: DISCOVERING THE TRUMP

In 1947 and 1948, the bold, controversial, and cosmopolitan first Director-General of the UN Educational, Scientific, and Cultural Organization (UNESCO), Julian Huxley, together with Jacques Havet, the young first head of UNESCO’s philosophy subsection, took steps that were intended to shape the conceptual framework of what became the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly on December 10, 1948. Huxley and Havet put in motion an extraordinary process that was meant to elicit empirically opinions that would lead to a cross-cultural consensus on the basic philosophical and ethical principles upon which a new global social contract should be based.

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**Mark Goodale** is Professor of Cultural and Social Anthropology at the University of Lausanne and Series Editor of Stanford Studies in Human Rights. He may be contacted at [mark.goodale@unil.ch](mailto:mark.goodale@unil.ch). He appreciated the chance to discuss the research that forms the basis for this article during events at the Hebrew University of Jerusalem in January 2017, the Venice Academy of Human Rights in July 2016, and the Freeman Spogli Institute for International Studies at Stanford University in April 2014. The full documentary history of the UNESCO human rights survey can be found in *Letters to the Contrary: A Curated History of the UNESCO Human Rights Survey* (Stanford University Press, forthcoming). He is grateful to the anonymous reviewers for their helpful remarks on an earlier draft. This article was the co-winner of the 2017 International Geneva Award.

This process took place independently of the much more public one that unfolded somewhat later under the auspices of the UN's Commission on Human Rights (CHR), which was chaired by Eleanor Roosevelt.

The work of UNESCO on human rights during this period, the debates surrounding its conflicts with the CHR, the specific results of the cross-cultural survey it undertook, and the broader implications of this survey for the meanings and legitimacy of human rights were all lost to a history that was dominated by the geopolitical logics of the Cold War. However, with the dissolution of this prevailing system of international ordering, an opening was created through which human rights—as law, as politics, as moral discourse—took root as an emergent and increasingly influential factor shaping everything from the constitution of post-apartheid South Africa to the resolution of ethnic civil wars in the region of the former Yugoslavia. And perhaps most consequential—though less obvious—during these early post-Cold War years was the way in which the rubrics of human rights transformed the strategies and justifications of international development, particularly in the Global South. As Eleanor Roosevelt herself had predicted decades before, a “curious grapevine” of transnational nongovernmental organizations eventually coalesced around the idea of human rights so that it came to “seep in even when governments [were] not so anxious for it” (quoted in Korey 1998, 48).

The result was that by the mid 1990s, human rights had become, as the anthropologist Richard A. Wilson has argued, the “archetypal language” of democratic transition, social justice, international accountability, and, increasingly, national foreign policy, a dramatic shift that reflected what Wilson called a “sea-change in global politics” (2001, 1). Yet signs of later conflict and cultural tension appeared even during these early years of international optimism and normative possibility. For example, after the government of China had been severely criticized by newly emboldened human rights organizations like Human Rights Watch and Amnesty International after the killing of hundreds of pro-democracy demonstrators in Tiananmen Square in 1989, it responded by rejecting these human rights critiques on the basis that they were in fact the manifestation of ages-old Western imperialism in universalist clothing. Soon after, and throughout the early to mid 1990s, other countries in East and Southeast Asia further elaborated the so-called Asian values rejection of universal human rights. This regional response to the expanding “culture of human rights” was then picked up beyond Asia when “many Third World countries began to counter what they saw as an American-led Western trend toward intervention” (Bell, Nathan, and Peleg 2001, 7) that was grounded not in the *Realpolitik* language of national interest, but in the language of radical ontological equality, universal entitlement, and self-evident moral truths.

At stake in these debates were a number of basic and enduring questions: Are human rights universal? If they are universal, in what sense? If they are not universal, but a product of time and place, are they “Western”? If human rights are universal, does the international community have an obligation to intervene to promote and protect them? If there is a structural conflict between universal human rights and culture, how should this conflict be resolved? If cultural diversity is disappearing in an age of global interconnection, what does this fact bode for the future

of human rights? And, perhaps most fundamental, how should these (and many other related) questions be answered—philosophically, historically, politically, critically, ethnographically, or some combination? At its core, the debate over human rights universality was a debate over legitimacy. If the idea, as the Preamble to the UDHR asserted, that “all members of the human family” are fundamentally the same because they have in common “inherent dignity and . . . equal and inalienable rights” was not, in some sense, true, then the status of human rights would be overturned. Human rights would become merely another contested political ideology at just that moment in history when what UN Secretary-General Kofi Annan (2000) called the “Age of Human Rights” appeared to be dawning.

Throughout the 1990s, the debates over human rights universality, non-Western values, culture, and legacies of colonialism took the form of conceptual and historical arguments that evoked clashes centuries before around natural law and natural rights, in which—for example—Jeremy Bentham had attacked the metaphysics of natural rights as “dangerous nonsense” built on “terrorist language” (quoted in Hayden 2001, 122, 124), while Edmund Burke had argued that because “liberties and . . . restrictions vary with times and circumstances and admit to infinite modifications, they cannot be settled upon any abstract rule” (quoted in Hayden 2001, 92).

But like these earlier struggles over the meaning and legitimacy of human rights, those during much of the 1990s were likewise a battle over abstract concepts rather than over forms of empirical evidence that would support one argument or another. How, apparently, could it be otherwise? If one argues that all human beings possess “inherent dignity” and Jeremy Bentham counters that this claim is “nonsense on stilts,” what kind of empirical evidence could be found to bolster one side or the other? Without the possibility of bringing to bear some kind of evidence in their defense beyond the power of rhetorical persuasion, the universal claims of human rights would remain trapped in an epistemological echo chamber, subject to political manipulation, and closely associated with a long history of what Hernández-Truyol (2002) has called “moral imperialism.”

Yet by the end of the 1990s, a group of human rights historians had claimed to have unearthed precisely such empirical evidence for human rights universality. The survey that UNESCO conducted in 1947 and 1948 was rediscovered and examined in a series of influential publications that went on to become primary sources for the proposition that despite the “differing religious, philosophical, political, and cultural values spread across the vastness of the globe,” the “human experience had produced a core of certain ‘common convictions’” (Lauren 1998, 216–17) about the fact that all humans possess certain universal rights.

Here, finally, and just in time, was the answer to a decade of growing critique of the Western origins—and, thus, the fundamental legitimacy—of human rights. As it turned out, completely separately from the well-known and largely diplomatic processes in the United Nations that led to the UDHR, another process was taking place that was based on an empirical study of “wide-ranging perspectives from around the world” (Lauren 1998, 215). How could the origins of human rights be “Western” if a group of experts had discovered that the basic principles underlying what became the UDHR were, in fact, universal, well *before* December 10, 1948?

But as we will see below, the rediscovery of the UNESCO survey on human rights, and its use within wider debates over human rights universality and legitimacy from the late 1990s to the present, was based on a revealing combination of tenuous historical information and interpretation that was more ideological than analytical. On the one hand, recent archival research provides a much fuller account of UNESCO's role in the debates and institutional processes that culminated in the adoption of the UDHR in 1948. This new history makes the conventional wisdom about the UNESCO survey difficult to sustain; indeed, in several important particulars, the process was fundamentally different than supposed. Yet on the other hand, this deeper history of the UNESCO survey and its findings should not be taken as new evidence for, or against, the universality of human rights. Indeed, it is a basic argument of this article that it is the enduring question of universality itself, rather than the answers, that is of real interest in understanding the contours of human rights within the wider trajectory of contemporary history.

Human rights appeared to many as the “last utopia” (Moyn 2010), the final chance to achieve what the writer E. M. Forster had called, in a 1938 essay, “the one permanent victory of our queer race over cruelty and chaos” (Forster 1951, 73). Diversity, pluralism, contingency, politics, *Volksggeist*—these were clearly not the stones that would form what the UDHR describes as the “foundation of freedom, justice and peace in the world.” Rather, it was the revelation of our common humanity and the universal entitlements that are derived from it that would point the way to what Eleanor Roosevelt had called a “world made new,” in the phrase made famous by Mary Ann Glendon in her 2001 history of human rights.

In this way, the story of human rights universality functioned as myth, not in the sense of a false account—for how could something like “inherent dignity” ever be either true or false?—but rather as *mythos*, that is, a cultural narrative that is meant to do important work in shaping the course of society in particular ways. If it is true, as Erving Goffman once put it, that “for a complete man to be expressed, individuals must hold hands in a chain of ceremony, each giving . . . to the one on the right what will be received deferentially from the one on the left” (1967, 84), then the myth of universality was the link that bound us all together, and human rights would be what we passed among ourselves along the global chain of ceremony.

### UNESCO Canvasses (a Small Part of) the World

Julian Huxley was nothing if not a visionary. British army intelligence officer, colonial advisor, globally renowned evolutionary biologist, grandson to T. H. Huxley (“Darwin’s bulldog”), eugenicist, and wildlife conservationist, Huxley had played a formative role in the creation of UNESCO. Huxley had envisioned UNESCO as a unique international institution whose mission was to “stimulate the quest, so urgent in this time of over-rapid transition, for a world philosophy, a unified and unifying background of thought for the modern world” (Huxley 1946, 41), as he had put it in his sweeping blueprint for the new organization. Through a

political compromise brokered between the United Kingdom, France, and the United States, whose delegation was suspicious of Huxley's leftist politics and commitment to world government, Huxley was confirmed as UNESCO's first director-general but for a term of only two years (despite the fact that UNESCO's 1946 constitution specified a term of six years; see Sewell 1975).

The first head of UNESCO's philosophy subsection (within the philosophy and humanistic studies section) was Jacques Havet, the twenty-seven-year-old former "cacique" (first in class) from the *École normale supérieure* (ENS), France's breeding ground for philosophers, who had just published a study of Kant begun at the Sorbonne years earlier under the direction of Henri Gouhier (who became well known later for having supervised the undergraduate thesis of Pierre Bourdieu; see Israël 2005).

At the first session of UNESCO's General Conference in Paris in November and December 1946, the philosophy and humanistic studies section was charged with overseeing the following task:

#### D. Rights of Man

The Secretariat should organize, in collaboration with the United Nations Commission on the Rights of Man, an International Conference in order to clarify the principles on which might be founded a modern declaration of the Rights of Man. (UNESCO 1947, 236)

Yet because the UN CHR had not begun its work by this time (it would not meet formally until January and February 1947), the exact nature of this "collaboration" between UNESCO and the CHR was unclear. But because Huxley would later come to view what he considered the overly politicized, state-oriented, and US-dominated work of the CHR with disdain, it is not surprising that he seized upon the opportunity at this early stage to take the leading role in articulating the principles of human rights as the first, and most important, expression of a "unified and unifying background of thought for the modern world" (Huxley 1946, 41).<sup>1</sup>

At the same time, the young Havet was motivated by other factors to put UNESCO's philosophy subsection at the center of a nonpolitical and philosophical investigation that reflected the highest aspirations of his calling, even if this process took place within a government institution rather than in the halls of the academy. Havet, whose father was killed by the Nazis as a political prisoner at Buchenwald in 1944, was of the generation of French intellectuals for whom the well-worn path from the revolutionary meritocratic institutions like the ENS to permanent teaching posts at the center of French academic life had been profoundly altered.

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1. The archival research that forms the background to this article was conducted in the following archives: the UNESCO archives in Paris, the Julian Huxley archives at Rice University, and the Richard McKeon archives at the University of Chicago. Archival materials included all the correspondence, interoffice memoranda, and assorted miscellany largely found in the following: UNESCO Archives, AG 8 Secretariat Records, Central Registry Collection, file Human Rights—Enquiry, Public Opinion 342.7 (100): 301.153 A 151. I am grateful for the various forms of collaboration with and among the different archival centers. Particular thanks are due the following: Petra van den Born and Nooshin Dadmehr of UNESCO Library, Adele Torrance of UNESCO Archives, Jens Boel, UNESCO's Chief Archivist, and Daniel Meyer, Director of Special Collections and University Archivist at the University of Chicago.

Although Havet's circle of correspondents and supporters included many of the most well-known scholars of the time, such as Georges Gurvitch, Étienne Gilson, Gaston Berger, René Le Senne, Jean Hyppolite, Maurice Merleau-Ponty, and, most importantly, Jean-Paul Sartre (a group that included distinguished *normaliens* from earlier generations), Havet's own academic career had been derailed by the war. He had left his book on Kant aside to serve in a number of administrative roles, including in the Prefecture of Liberation for Maine-et-Loire, and, by the time the war had ended, Havet had made what turned out to be a permanent transition from academics to government service. In many ways, therefore, his major intellectual—if behind the scenes—role in the UNESCO human rights survey would remain his most lasting contribution to the world of ideas.<sup>2</sup>

With Huxley's world-historical aspirations for UNESCO, grounded in what he had called "scientific world humanism" (Huxley 1946, 8), as the backdrop, Havet set out in early 1947 to organize an international conference of scholars to develop the philosophical architecture for a human rights declaration. Almost from the beginning, however, the process put in motion by Havet and Huxley encountered two fundamental and interrelated problems. First, Huxley in particular was keeping a close and worried eye on developments in the United States, where the CHR had finally begun its work. If UNESCO was going to play the role he envisioned for it, it had better move quickly, which meant necessarily limiting the scope of the planned human rights conference so that it could be held at the earliest possible time. Second, because the process would have to be initiated and completed over the course of only a few months to preempt the competing one moving forward on the other side of the Atlantic, it was clear from the beginning that participation would have to be restricted to those who could commit to attend on very short notice.

As Huxley put it, "I feel we should limit [participation] to about twelve people, if possible all of them from Western Europe, *as the matter is urgent* (Memo from Huxley to Havet, March 3, 1947, emphasis added). For his part, Havet went even further, suggesting that the event be made private and limited to a small group of invited participants and UNESCO staff. For reasons of financial economy, Havet proposed that the UNESCO delegation in Paris should itself be consulted for specialists within its ranks, along with those "living nearby" (Memo from Havet to Huxley, March 4, 1947). Thus, it is important to note at this point that a "global survey" on the idea of human rights was never, and could never have been, part of the original plan for UNESCO's "collaboration with the United Nations Commission on the Rights of Man."

Yet even with the structure of the human rights conference becoming smaller and moving farther away with each interoffice memo from any realistic potential to reveal a "unifying background of thought for the modern world," Havet nevertheless suggested that the event be held between May 26 and May 30 and included a short-list of scholars for Huxley's review, an all-male group comprised of seven from France, two from Belgium, one from the Netherlands, one from Norway, and two

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2. After his work on human rights for UNESCO, Havet went on to have a distinguished thirty-four-year career, serving as UNESCO's Director of the Department of Social Sciences in the 1970s and retiring in November 1980 as Deputy Assistant Director-General for the social sciences (<http://atom.archives.unesco.org/havet-jacques>).

from the United Kingdom, “Bertrand Russell and perhaps someone else you know.” As for US participation, Havet wrote that “although it might be impossible to invite them,” certain American thinkers were capable of making a “constructive contribution,” including Richard McKeon from the University of Chicago, who would come to play an oversized role throughout the UNESCO human rights process, and the Harvard University idealist philosopher William Ernest Hocking, who developed the theory of “negative pragmatism” (that which does not work is by definition not true). As for the goals of the conference, Havet wrote significantly that the most important was that the participants “obtain an agreement” on “positive conclusions” so that they could be forwarded “as fast as possible” to the CHR (Memo from Havet to Huxley March 4, 1947).<sup>3</sup>

After March 4, however, largely for reasons of time, the idea of holding a small conference of scholars in Paris was abandoned. With the extended Easter holiday looming, and reports on the work of the CHR reaching him from the United States, Huxley made the decision to replace the conference with something much more far-reaching and risky, a shift that would forever change the way the UNESCO process and the history of human rights more generally were understood. Between March 4 and March 27, 1947, Havet (working most likely under Huxley’s supervision, although the UNESCO archives go dark during this period) drafted an extraordinary two-part document, which appeared later as “UNESCO/Phil/1/1947.”

The document consists of an introductory cover letter followed by a fourteen-page “aide-mémoire.” The letter began:

The Commission on Human Rights of the U.N. is to prepare this summer a Declaration on the Rights of Man for the entire world. There is no need to underline the importance of this event, an importance both philosophical and practical, with both immediate and lasting effects.

It continued:

The General Conference of UNESCO had already envisaged a Conference of Philosophers to undertake a general discussion of the subject. However, in view of the immediacy of the task, it has proven necessary to alter this procedure and ask for contributions in written form, from Governments and from individuals. The Director-General is accordingly communicating with Member Governments, requesting them to lay before their National Commissions, Co-operating Bodies, or other appropriate groups, the problem of formulating an analysis of the problem of human rights and its

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3. Although outside the scope of this article, it must be observed here that unbeknownst to both UNESCO and the full membership of the CHR itself, the first and most important draft of what became the UDHR had already been written by this time. As Johannes Morsink has put it, in his definitive, nearly hour-by-hour history of the UDHR drafting process, the “baby was [already] born” by about February 28, 1947, when John P. Humphrey presented a first draft of forty-eight articles to Eleanor Roosevelt (drawing in part on reviews of existing declarations of rights). She had instructed him to create this first draft, *working by himself*, during a tea party held at her apartment in Washington, DC on February 14 (Morsink 1999, 5, 29; see also Humphrey 1984; Hobbins 1989).

underlying principles, *so as to permit the formulation of a Declaration of Human Rights for the modern world in its present circumstances* (emphasis added).

Havet then wrote that UNESCO would convene a “Drafting Committee” that would study the responses in order to create a “single document” that would be sent to the CHR to permit it to be able to “fram[e] . . . a Declaration of the Rights of Man.” Havet requested that contributions be sent directly to him via airmail and that they be written “preferably, though not necessarily, . . . in English or French, and should be between 2,000 and 4,000 words in length.” In the aide-mémoire that followed, Havet discussed the general history of human rights declarations with reference to the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen, with an important reflection on how the theory of evolution and Marxism have changed the way natural rights are conceptualized. The aide-mémoire ended with a long list of suggested rights and freedoms, which respondents were asked to consider as they formulated their replies.

Beginning in late March 1947, and with a sense of profound urgency shaping the entire process, Huxley and Havet embarked on a massive correspondence campaign, a remarkable feat in an era of handwritten letters, typewriters, and wispy carbon copies. Using their own vastly different professional and personal networks as a base, Huxley and Havet sent UNESCO/Phil/1/1947 out to dozens of national governments, scholars, artists, trade unions, publications, universities, theologians, and political parties. Havet’s letters went out to his circle of French intellectuals and those outside of France who were likely more comfortable working in French than in English (this included many from the Soviet Bloc). Huxley’s letters of invitation were, not surprisingly, more widespread and reached many well-known writers, artists, scholars, and political figures in the British imperial world, although most notable were those within Huxley’s upper-class circles in the United Kingdom.

Given Huxley’s connections, in particular, UNESCO/Phil/1/1947 managed to reach a fascinating mix. For example, Huxley sent the materials to Jawaharlal Nehru, who was soon to become the first prime minister of India, with an additional request that Nehru forward the documents to Gandhi for his consideration (Nehru declined to reply, whereas Gandhi eventually penned a short response to UNESCO/Phil/1/1947 from a moving train). Huxley sent a warm letter to Bertrand Russell, who had just published his *A History of Western Philosophy* in 1945 (for which he would receive the 1950 Nobel Prize in Literature), asking “My dear Bertie” to send his ideas about human rights without which the inquiry would be “sadly incomplete.” Despite these entreaties, Russell declined to provide a response to UNESCO’s documents. And in one of the more notable exchanges, Huxley’s letter to T. S. Eliot (who was due to receive the 1948 Nobel Prize in Literature) was met with a characteristically devilish reply. In a letter of April 18 written on Faber and Faber stationery, Eliot expressed astonishment that Huxley and UNESCO had any interest at all in a declaration of human rights. As he put it, a “statement of the rights of man, unless it was a tissue of ambiguities, could never, I think, be framed in such a way as to command the assent of all intelligent men.” And in any case, Eliot concluded, even if such a statement could be eventually drafted, the

consequences of such a bill of rights were likely to “turn out to be positively mischievous.”

Throughout March 1947, Huxley had exchanged correspondence regarding the transformed UNESCO human rights process with Richard McKeon, Dean of the Humanities at the University of Chicago, advisor to the US delegation to UNESCO, and first acting counselor on UNESCO affairs attached to the US Embassy in Paris (on the McKeon-Huxley correspondence during this time, see Doxtader 2010). McKeon was a legendary professor of philosophy who inspired “cold sweat and raw fear” in a long list of students, including Susan Sontag, Richard Rorty, Paul Rabinow, and Robert Pirsig, the latter of whom modeled the character of the dreaded “Chairman” in his 1974 novel *Zen and the Art of Motorcycle Maintenance* after McKeon (Obermiller 1994).<sup>4</sup>

McKeon agreed to participate in the survey by overseeing invitations and receiving replies within the United States. He coordinated his activities with the US National Commission for UNESCO and the American Council of Learned Societies, which collectively produced an extensive list of potential US respondents. On the US side, the UNESCO documents were sent to forty-five people, including philosopher John Dewey, cofounder of the American Civil Liberties Union Morris Ernst, Lewis Mumford, Reinhold Niebuhr, Henry Wallace (vice president under FDR), W. H. Auden, Paul Robeson, Arnold Schoenberg, and the author Richard Wright.

Because of McKeon’s energetic and systematic work over the spring of 1947 (and not for any other notable reason), which included small workshops in Chicago for potential respondents to the UNESCO documents, the eventual US contribution to the survey represented by far the largest grouping by nation, eclipsing even those from the United Kingdom (despite Huxley’s role) and France. Indeed, even though Havet had circulated the UNESCO documents to most of the leading French intellectuals of the time—including Merleau-Ponty and Havet’s mentor Sartre—and the fact that the process was being directed from UNESCO headquarters in Paris, the only weighty French scholar to respond was the Catholic philosopher Jacques Maritain, then serving as the French ambassador to the Vatican.

It is remarkable that so few responses were received from major French intellectuals and political figures, a fact that points to both an Anglophone dominance of the process and Havet’s youth and relative lack of experience, despite his connections. Besides Maritain, the other French replies came from the Jesuit priest and paleontologist Pierre Teilhard de Chardin (who had recently been censured by the Vatican for his writings), the physicist and UNESCO colleague Pierre Auger, René Maheu, another UNESCO colleague of Havet’s who would later become UNESCO’s director-

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4. Although the majority of documents and related correspondence that form the foundation for this article were found in UNESCO Archives, AG 8 Secretariat Records, Central Registry Collection, file Human Rights—Enquiry, Public Opinion 342.7 (100): 301.153 A 151, a central mystery remained concerning the complete record of survey responses, since these are not in the cited UNESCO archive. After some detective work, a parallel archive was found among the Richard McKeon papers at the University of Chicago Library, which not only contained all the responses to the UNESCO survey, but various other documents, correspondence, notes, and records of meetings that were helpful in filling in the historical picture.

general (1962–1974), and Emmanuel Mounier, founder of *Esprit* magazine and the leader of France’s interwar personalist movement.

It is difficult to know for certain how many human rights surveys were sent and received, particularly because many of the letters to national governments and UNESCO national commissions (which were handled by Huxley) asked these bodies to pass on the UNESCO documents in a form of snowball sampling (“please pass on to anyone you feel could make a contribution”). In a letter from Huxley to Eleanor Roosevelt on May 1, 1947, he mentioned that “about 150” invitations to respond to the UNESCO survey had been sent and this number is perhaps the most accurate we have, especially since Huxley and Havet had agreed among themselves that they could hope for no better than a one-third response rate. Regarding the number of responses received, a much more precise figure can be given: between fifty-six and fifty-eight, depending on how different kinds of correspondence are counted. This number would seem to fit quite closely with the anticipated response rate.

Even by the standards of a largely still-colonial world in 1947, the distribution of responses was remarkably limited. Although many individuals were solicited not as representatives of countries, but of particular philosophical or political or theological traditions or simply because of their global renown, Huxley and Havet themselves used country affiliation as a way to track the representativeness of the process. An analysis of this distribution suggests a survey on human rights whose scope and participation differed starkly from how the process has been described from the beginning. Almost 45 percent of the replies came from just two countries: the United States and the United Kingdom. If the replies from Western Europe (sixteen), South Africa (three), Australia (two), and Canada (one) are added to those from the United States and the United Kingdom, this still-limited range comprises *over 80 percent* of all the replies.

Six were received from the countries of the Soviet Bloc, which included one from a Soviet legal scholar whose response had been commissioned—and paid for—by UNESCO. The balance was distributed among India (three), all of Latin America (two), and China (one), although the contribution from Chung-Shu Lo was due to the fact that he was working at UNESCO as a consultant at the time and thus was another work colleague of Huxley’s and Havet’s (in a letter to Sartre, Havet describes Lo as a “Chinese philosopher passing through Paris”). Only one woman replied to the UNESCO documents: the English Quaker prison reformer Margery Fry, younger sister of the Bloomsbury Group painter and art critic Roger Fry.

### The Limelight Dims, Then Goes Out

As the responses to the UNESCO survey on human rights slowly began to arrive in Paris, Huxley and Havet had to decide what to do with them. Again, with Richard McKeon playing an important role in correspondence, it was decided to convene a committee of experts to study the materials and prepare a report on findings for the CHR. Yet time was still pressing and beginning to slip away from Huxley’s dream of using the human rights inquiry to uncover the “unifying

background of thought for the modern world” that he believed in so firmly. The CHR had installed itself by this time at Lake Success, New York, and reports had begun reaching Huxley of a dramatically expanding process. Because he held firm to the position that the UNESCO human rights inquiry must form the conceptual foundation to the more political process taking place in Lake Success, Huxley made a bold attempt to have the work of the CHR postponed so that UNESCO could complete its study and submit its report.

In early April 1947, only a few weeks after the UNESCO documents had started going out, Huxley sent a cable to McKeon urging both the US National UNESCO Commission and the US State Department to “use their influence with the Commission on Human Rights to delay the date of formulation of the Declaration of Human Rights” (Letter from McKeon to Huxley, April 17, 1947). The audacious request coming from the controversial Huxley in Paris rippled throughout the United Nations and met with a firm refusal from Eleanor Roosevelt herself. As she made known to US UNESCO officials, any materials—whether related to the UNESCO human rights inquiry, or not—would have to be received by the CHR at the latest by June 1947, since the CHR would “probably start final work on the draft in September” (Letter from McKeon to Huxley, April 17, 1947).

At the same time, the CHR and the US State Department had begun to receive puzzled inquiries from heads of government who had either received the UNESCO documents or had learned of them through national institutions. Because UNESCO/Phil/1/1947 and the accompanying letter conveyed the impression that a UNESCO “Drafting Committee” would be formulating the basic principles of human rights after receiving responses to the survey, it was not clear which institution—the UN CHR or UNESCO—was actually responsible for directing the process and producing a declaration. Once the full extent and ambition of UNESCO’s self-appointed role finally became clear to the CHR and the US government, however, the response was swift and unambiguous: Huxley and UNESCO were given the equivalent of a cease and desist order and the door on UNESCO’s participation in the framework that led to the UDHR was slammed decisively shut.

In a May 8, 1947 letter to Huxley, Arthur Compton, Acting US Representative at UNESCO, took Huxley and UNESCO to task for sowing confusion among nations about the role of UNESCO in the drafting of a human rights declaration. After explaining that the CHR and the US government had received worrying reports about the far-reaching UNESCO survey, Compton’s impatient instruction to Huxley is made clear: “It is felt that any inquiries on the philosophical issues which might be made by UNESCO to member Governments would hardly be likely to produce helpful results at this time and might be interpreted as duplicating work to be undertaken by the Commission on Human Rights.” Compton then directed Huxley to consider sending out a humiliating “supplementary circular letter referring to the original communication” (i.e., UNESCO/Phil/1/1947) that clarified the fact that it was the CHR, not UNESCO, that was responsible for “establishing an international bill.” Despite internal debate within UNESCO the very same day after receiving Compton’s instruction that Huxley “clear the record on UNESCO’s interest in human rights,” Huxley indignantly refused to alter course.

In a May 9 reply to Compton, a Nobel Prize winning physicist whose global stature was arguably greater than his own, Huxley rejected the idea of sending an additional letter, since “no useful purpose would be served by a further communication” from UNESCO on the matter. Moreover, Huxley attempted to go around Compton by invoking the ambiguous support of none other than John P. Humphrey, who had visited UNESCO in late April or early May to “investigate Unesco’s part in this work at length over a period of days” (Letter from Huxley to Compton, May 9, 1947). According to Huxley, Humphrey’s “conclusion was that, having launched our own enquiry, we should go ahead as proposed, the risk of a possible duplication with the Human Rights Commission of the Economic and Social Council being in fact not serious.” Of course, as we have seen above (see footnote 3), Humphrey was in a unique position to know in May 1947 that UNESCO’s survey could not possibly duplicate work on what became the UDHR, since he himself had written the first and most important draft of the document just over two months before.

Nevertheless, the official story throughout the spring of 1947 (and for decades after) was that all the work on the UDHR was yet to come and would be directed by the Drafting Committee of the CHR. Because of this, UNESCO’s stubborn refusal to “clear the record” meant that any future collaboration between UNESCO and the CHR was effectively foreclosed and, along with it, the possibility of the UNESCO survey influencing the shape and content of what became the UDHR, let alone determining it. Yet several weeks after this momentous exchange between Huxley and Compton, which signaled the beginning of the end of Huxley’s ambitious plan for UNESCO in the writing of a declaration “for the entire world,” he was still taking steps to assemble what he described as a “Drafting Committee of Unesco on the Rights of Man” (Letter from Huxley to Jean Guéhenno, May 1947).

Although the composition of the “committee of experts convened by UNESCO on the philosophical principles of the rights of man,” as it was formally called, was in flux right up until it met at UNESCO House in Paris between June 26 and July 2, 1947, it eventually consisted of the following: E. H. Carr (chair), Richard McKeon (rapporteur), Pierre Auger, Georges Friedmann, Étienne Gilson, Harold Laski, Luc Somerhausen, and Chung-Shu Lo. The UNESCO consultant Lo was added only the day before as a replacement for the Mexican scholar and diplomat Manuel Cabrera Maciá, who was then studying for a doctorate at the Sorbonne.

Despite the fact that this committee came to be characterized decades later as the “philosophers’ committee,” it was actually a thoroughly interdisciplinary body. Although McKeon, Gilson, and the last-minute addition Lo were indeed philosophers, the majority of the committee was not. Auger was a nuclear physicist; Friedmann was a Marxist and (even in 1947) pro-Soviet sociologist; Carr and Laski were political scientists and historians; and Somerhausen was a Belgian communist and civil servant who had survived as a *Nacht und Nebel* political prisoner in the Nazi concentration camp at Esterwegen.

During the week’s meeting in Paris, the committee had before it the forty-four responses to the UNESCO survey on human rights that had been received by late June, more than half of which were from US and British respondents. With Huxley

dealing with the diplomatic fallout from the UNESCO process and soon to be distancing himself from it, Havet reasserted his role with vigor. He produced a series of working documents for the committee to consider during the sessions that made it clear that its task was to formulate a position on human rights that would support the drafting of a “Declaration on the Rights of Man for the entire world” (his phrase from UNESCO/Phil/1/1947, which reappears frequently), *regardless* of what the responses to the UNESCO survey contained.

As Havet explained, in a letter to E. H. Carr on June 2, while the eventual report to the CHR “must consider as imperative a completely truthful statement of both agreement and disagreement . . . it is perhaps desirable to make the utmost effort to transcend the views put forward and [to] assert a higher philosophical spirit.” To this end, Havet asked the committee to consider the specific rights and freedoms from his March aide-mémoire to decide which could be included in the report to the CHR. Indeed, beyond “election of officers,” the only other substantive item on the agenda for the meeting was the “drafting of a report for the Commission on Human Rights of the United Nations.”

Although only circumstantial evidence exists, it is likely that the committee’s sessions, which were held in English, were dominated by Carr, Laski, and, above all, McKeon, the fearsome US philosophy professor who had—more than anyone else except Havet—played the most critical part in the UNESCO process up to that time. With the exception of the larger-than-life Gilson, who had been elected an “immortal” member of the *Académie française* the year before, the other French speakers (Auger, Friedmann, and Somerhausen) made minimal contributions to the proceedings, either during the sessions themselves or through the later minor revisions to the documents that the committee produced (including the report prepared for the CHR).

Lo, the “Chinese philosopher passing through Paris” who was added to the committee at the last minute, also did not play any noticeable role during the sessions (although he did write a response to the UNESCO survey, which was later invested with great importance). Finally, the committee was visited by René Cassin, who “was anxious to express the interest he felt for Unesco’s undertaking” (UNESCO/Phil/8/1947). Cassin, it might be remembered, was the French delegate to the CHR who went on to win the 1968 Nobel Peace Prize for being the “Father of the Declaration of Human Rights” (Nobel Media AB 2014), based largely on decades of overstating his role in the UDHR drafting process (see Morsink 1999, 8–9; see also Hobbins 1989).

Within days after the meeting, McKeon, who was staying on in Paris to attend a meeting of UNESCO’s Executive Committee in late July as a replacement for Milton Eisenhower, the Chairman of the US National Commission, went to work drafting two documents, which he finished in less than a week: first, an administrative report on the session; and second, a document entitled “The Grounds of an International Declaration of Human Rights” that was intended as the official UNESCO report to the CHR. In the first, McKeon underscored the fact that the committee’s work was, in an important sense, prefigured, despite the actual—and potentially confounding—range of responses that UNESCO had received. As he put it, the committee “decided that its task was to explore the philosophical bases

of human rights for the purpose of clarifying grounds of possible agreement underlying divergent philosophic approaches *and of facilitating the removal of differences*" (UNESCO/Phil/9/1947, emphasis added).

In other words, the possibility that the many responses to the UNESCO survey would undermine the "preparation of a Declaration of Human Rights" was never considered. Nevertheless, McKeon went on to say that the opposition to human rights and the various philosophical differences were serious enough that UNESCO should consider overseeing a second inquiry at some future time by employing for "about six months the services of a scholar competent on the question" (he was no doubt thinking of himself as the ideal candidate). Despite the fact that UNESCO did continue to play a role, albeit a minor one, in the area of human rights in the years after the 1948 UDHR was adopted, it never took McKeon up on his suggestion to undertake a critical and unfettered evaluation of the responses that had been received to the 1947 survey.<sup>5</sup>

As for McKeon's "The Grounds of an International Declaration of Human Rights," it has had an interesting trajectory. Its content combines elements from McKeon's personal response to the UNESCO survey with Havet's aide-mémoire, particularly in the way it lists specific rights and freedoms that supposedly reflect universal agreement and adherence. What it does not represent, however, is a collective analysis and expression of the diversity of the forty-four responses received by the time of the 1947 meeting in Paris. The document, which was intended as the official UNESCO statement on human rights for the CHR, was circulated among the other members of the committee of experts for comment and revision. No major revisions were suggested or made to McKeon's document. With the exception of Somerhausen, who pleaded with Havet to have the document translated into French, the only other members to respond were E. H. Carr and Chung-Shu Lo, both of whom asked for clarification about a human right to rebellion that McKeon had included in the document, and Pierre Auger, who wanted to ensure that a right to work was retained in the report.

On August 1, 1947, Huxley sent a copy of "The Grounds of an International Declaration of Human Rights" with an explanatory cover letter to Henri Laugier, UN Assistant Secretary-General for social affairs, in Lake Success, New York, and at the same time sent fifty copies directly to John P. Humphrey in Geneva, where the CHR was to meet for a second session in December. One month later, in September 1947, E. H. Carr, who had served as the UNESCO committee's chair, repudiated

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5. For example, in the spring of 1952, UNESCO carried out an opinion survey about the UDHR in the three university towns of Grenoble (France), Uppsala (Sweden), and Cambridge (United Kingdom), which were chosen because it was believed they would represent a leading-edge of awareness about human rights. The survey, which asked questions like "Do you think all clever children should be able to get higher education, even if their parents cannot afford to pay?" and "Negroes, Chinese and Japanese should have the same freedom of opinion, of speech and of the press as we have, yes or no?" yielded disappointing results. Despite the fanfare and international coverage, very few people had any idea at all about human rights in 1952, even in centers of international academic exchange. Indeed, the counterintuitive findings of the opinion survey led the project leader to claim, in his official report, that "the Universal Declaration of Human Rights contains the weaknesses inherent to its nature. These weaknesses are to be found essentially in its lack of sociological foundation" (Report of J. Goormaghtigh, consultant, to Jacques Godchot, UNESCO Social Sciences Department, 1952).

both the report and the broader process of drafting a declaration of human rights. In a letter to Huxley, which also reflected the grave concerns of Auger and Somerhausen, whose “doubts are even stronger than mine,” Carr argued that the basic idea of searching for universal principles upon which a declaration of human rights could be based was flawed to its core, since it treated an essentially political process as a philosophical one. As he put it, you “can compromise in politics, but not—unless you are either stupid or intellectually dishonest—in philosophy.” And moreover, if the drafting of a declaration “is in any way tolerably done, it will blow to pieces the minimum agreement reached [through politics] by showing the hollowness of its foundation” (Letter from Carr to Huxley, September 29, 1947).

But what happened to “The Grounds of an International Declaration of Human Rights” once it reached the CHR? In an extraordinary discussion in closed session in December 1947, the CHR officially rejected both the UNESCO report and UNESCO’s meddlesome intrusion into the process that would lead to the UDHR one year later. The Belgian delegate, Fernand Dehousse, angrily demanded to know who had authorized UNESCO to conduct a study of human rights and prepare its report to the CHR. Both Roosevelt and Humphrey professed ignorance or little knowledge of UNESCO’s survey, with Humphrey responding that he “had the impression that UNESCO had acted on its own initiative. Nothing in the Resolutions of the Commission or of the Economic and Social Council could have decided UNESCO to draw up that Report” (CHR, E/CN.4/SR/26, December 3, 1947).

Roosevelt, for her part, replied that “her opinion had not been asked” about the legitimacy of the UNESCO study and report. Dehousse, not satisfied, went on to chastise UNESCO further for its “most regrettable” actions and demand that the “very dangerous precedent” be met with formal disapproval by the CHR. With others, including the Soviet delegate Bogomolov and the Australian delegate Hodgson, joining the chorus of anti-UNESCO sentiment, the CHR voted eight to four (with one abstention) effectively to suppress “The Grounds of an International Declaration of Human Rights” and to refuse to distribute it to “Members of the United Nations” as part of the broader UDHR drafting process.<sup>6</sup>

## A World Made New . . . and Even Newer

Despite the fact that the UNESCO human rights survey was a creative, if nearly accidental, concession to the exigencies of time; despite the fact that the responses it received were unrepresentative in the extreme, even by the standards of 1947; despite the fact that no systematic criteria were developed or applied at any stage in the process, from the selection of potential respondents to the analysis of the responses; and despite the fact that the content that emerged from the UNESCO process largely reflected the thinking of only two people (Havet and

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6. In many ways, the rejection of UNESCO’s report by the CHR had been anticipated by Huxley even before the committee of experts had convened in Paris in late June 1947. As C. M. Berkeley, Huxley’s trusted executive assistant put it, in a letter to a friend in the British Ministry of Education, “I think we did shoot rather fast on this one, and there was certainly a feeling in Lake Success that we were trying to steal the limelight from the Human Rights Commission” (Letter from C. M. Berkeley to F. R. Cowell, June 19, 1947).

McKeon); nevertheless, a very different interpretation was given to UNESCO's role from the very first public accounts. Indeed, it was Havet himself who laid the foundations for what might be thought of as the imaginary construction of universality in the findings of the UNESCO survey.

In an August 1948 article, entitled "Distinguished World Thinkers Study Bases of Human Rights," published in the *UNESCO Courier*, Havet described the results and implications of UNESCO's "world-wide symposium of the philosophic bases of Human Rights." Because the United Nations was involved in "one of the most significant projects in social history: the drafting of a universal bill of Human Rights," a "special committee" of UNESCO (actually, Havet himself) prepared a survey that was "despatched to philosophers, scientists and political figures throughout the world." The responses received by UNESCO "represented nearly all the world's national groups and nearly all ideological approaches." A UNESCO committee of experts, which was "made up of persons representing a wide range of opinions and faiths," drafted "statements" (in the plural) that attempted to "show to what extent seemingly widely-opposed conceptions [about human rights] aimed at common future ideals." Finally, these "statements" (again in the plural) "were sent to the Human Rights Commission which considered them at its meeting in Geneva in December [1947]" (Havet 1948, 8).

So here we have the key elements of the imaginary construction: a "world-wide symposium"; a survey on human rights sent "throughout the world"; responses flooding in that reflected "all the world's national groups and nearly all ideological approaches"; a committee of experts "representing a wide range of opinions and faiths" carefully analyzing the responses and discovering, perhaps despite their inclinations, that they revealed a universal consensus on basic principles; and finally, "statements" being passed on to the CHR to be made part of its deliberations over the content of the UDHR.

Although it took fifty years for this "world-wide symposium" on human rights universality to be rediscovered, when it was, it was through a curious volume that had been published under a UNESCO copyright in London and New York in 1949. *Human Rights: Comments and Interpretations* (which was later reissued by Greenwood Press in 1973) was assembled under the leading hand of the young Havet, who wrote the book's brief foreword and who had overseen two further meetings (in September 1947 and July 1948) that included members of the UNESCO committee of experts, which had been convened for the purposes of producing a compilation of the responses.

Besides the foreword, *Human Rights: Comments and Interpretations* reproduces thirty-one of the fifty-six to fifty-eight responses to the survey received by UNESCO, the materials that were sent out in March and April 1947 (UNESCO/Phil/1/1947), McKeon's report to the CHR ("The Grounds of an International Declaration of Human Rights"), and an introduction written by the French Catholic natural law philosopher (and future monk) Jacques Maritain. Maritain, whose role in the UNESCO human rights process has usually been misstated,<sup>7</sup> was among

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7. For an interesting analysis of the ways in which Maritain's role in both the UNESCO and CHR human rights processes has been conventionally mistaken, sometimes absurdly so (e.g., he has been described as "the signatory of the Declaration of Human Rights"), see Stibora (2013).

the original group asked to respond to the March 1947 survey. However, he played no role in the process until most likely late spring or early summer of 1948. Until at least April 1948, the two leading candidates for taking up the introduction were the Dutch phenomenologist Hendrik Josephus Pos and Charlie Dunbar Broad, who was at the time the Knightbridge Professor of Moral Philosophy at Cambridge University. Yet Maritain's opening address to UNESCO's Second General Conference in Mexico City in December 1947 had made an impact on Huxley, and he turned to Maritain with time running short largely because he knew that Maritain had a text that could easily be adapted to the project.

And indeed, Maritain's introduction is largely modeled on his Mexico City speech and makes no attempt to analyze the thirty-one responses reproduced in the book. As a Catholic natural law philosopher, he had already established his own position about human rights long before, one in which the divine spark of God manifests itself through human institutions (including human rights) as an immutable truth. As he had put it in his 1932 *The Degrees of Knowledge*: "What we need is not truths that serve us but a truth we may serve" (Maritain [1932] 1959, 4).

In 1990, Alison Dundes Renteln described the broader stakes that linked the intellectual, political, and moral context in which the UNESCO human rights survey and its early imaginary construction took place with debates that sharpened at the dawning of the "age of human rights" decades later:

There was in the 1940s and there remains today some question about the degree to which the "Universal" Declaration of Human Rights truly reflects "universal" values. Doubts were not laid to rest on December 10, 1948, with the consequence that the credibility of this potentially revolutionary document has been enveloped in controversy. . . . What remains to be determined is the extent to which the UDHR is, in fact, based on values shared by all systems. (Renteln 1990, 32)

Yet by the late 1990s, this determination had apparently been made, not through a more careful analysis of the UDHR itself, but through the discovery and celebration of the contemporaneous, but forgotten, UNESCO human rights survey. Although a series of human rights histories published around the same time (e.g., Lauren 1998; Morsink 1999) devoted space to the revelatory implications of the UNESCO survey, it was the forceful intellectual and ethical interventions by the award-winning Harvard law professor Mary Ann Glendon that made the UNESCO process famous and established it as a major source of empirical evidence for the universality of human rights.

Perhaps surprised by the extent to which her incisive and influential 1991 critique of "rights talk" in the United States had grown beyond its intended boundaries to become a foundational challenge to rights more generally, including, troublingly, human rights, Glendon had devoted herself throughout the 1990s to the promotion of women's and human rights, including serving as the Vatican's representative at the landmark 1995 UN World Conference on Women in Beijing. At

the same time, she was at work on a scholarly study of Eleanor Roosevelt and the drafting of the UDHR, early versions of which were published in 1998 and 1999.

Although Glendon was working primarily with the 1949 *Human Rights: Comments and Interpretations* as her guide, she had clearly discovered something of basic, even revolutionary, importance in how the origins and contemporary legitimacy of human rights should be understood. Her description of the UNESCO process and its meaning for ongoing debates over universality, moral imperialism, and the power of Western institutions, was unambiguous:

In 1946, UNESCO appointed a committee of philosophers to try to figure out whether it was feasible to frame a “bill of rights” for all peoples and nations. The committee, which included many of the leading thinkers of the day, sent a detailed questionnaire to statesmen and scholars in every part of the world. To their surprise, they found that the lists of basic rights and values they received from their far-flung sources were essentially similar. (Glendon 1998, 613)

A year later, as Glendon’s research advanced, she returned to the UNESCO survey, now in the context of a formal campaign against charges that the UDHR, and human rights more generally, were a set of essentially Western political and philosophical ideas masquerading as universal truths.<sup>8</sup> In an extended defense of human rights universality, Glendon argued that the UNESCO committee had “discovered to its surprise that a few basic practical concepts of humane conduct were so widely shared that they ‘may be viewed as implicit in man’s nature as a member of society’” (Glendon 1999, 5, quoting from McKeon’s essay in UNESCO 1949, 45). But it was through the publication of her 2001 *A World Made New* that the far-reaching implications of the UNESCO human rights survey reached a global audience.

Again working with the curious 1949 *Human Rights: Comments and Interpretations* as her source, Glendon (2001) devotes an entire chapter (“A Philosophical Investigation”) to the UNESCO survey, albeit one that is much shorter than the others in the volume, which are based on groundbreaking archival research in UN archives and among the papers and memoirs of Eleanor Roosevelt, to which Glendon had been given in some cases unprecedented access. Despite the fact that a decade after the end of the Cold War “universality [was] under siege” (Glendon 2001, 221), the UNESCO human rights survey of 1947 stood as a formidable rejoinder:

No one has yet improved on the answer of the UNESCO philosophers:  
Where basic human values are concerned, cultural diversity has been

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8. That Glendon was making the case in different arenas for the universality of human rights during this time is attested to by, among others, her Harvard law school colleague Martha Minow (who later became dean of the Law School). As Minow put it, “my colleague, Mary Ann Glendon, writes powerfully about the negotiations over the U.N. Declaration of Human Rights. She directly rebuts the charges that the document, and by implication, the human rights movement, is an imposition by the West on the rest of the world” (Minow 2002, 166).

exaggerated. The group found, after consulting with Confucian, Hindu, Muslim, and European thinkers, that a core of fundamental principles was widely shared in countries that had not yet adopted rights instruments and in cultures that had not embraced the language of rights. Their survey persuaded them that basic human rights rest on “common convictions,” even though those convictions “are stated in terms of different philosophic principles and on the background of divergent political and economic systems.” (Glendon 2001, 222, quoting from UNESCO 1949, 258–59)

With this, the myth of human rights universality received its most influential endorsement and its lasting narrative arc. Indeed, Glendon’s 2001 book went on to become its own primary source for the UNESCO human rights survey and its dramatic implications, eventually coming to replace the problematic 1949 *Human Rights: Comments and Interpretations* itself.<sup>9</sup>

## CONCLUSION: INFLECTING THE BENT TWIG

Aus so krummem Holze, als woraus der Mensch gemacht ist, kann nichts ganz Gerades gezimmert werden. [Out of timber so crooked as that from which man is made nothing entirely straight can be built.]

Immanuel Kant (1784, quoted in Berlin 1991, xi)

Although it might be expected that I will conclude with a discussion of what is actually revealed in both the thirty-one responses reproduced in the 1949 *Human Rights: Comments and Interpretations* and in the remaining twenty-five to twenty-seven responses that have recently been discovered in the archives, showing how they do not support either the position taken in McKeon’s “The Grounds of an International Declaration of Human Rights” or the interpretation given to them decades later during charged debates over the legitimacy of the global human rights movement, to do so would be to undermine a central argument of the article.<sup>10</sup> That is, like dignity, equality, and liberty, the truth—or value, or meaning—of universal human rights is not something that can be demonstrated empirically. If they are indeed “implicit in man’s nature as a member of society,” this is a conclusion that resembles those of theology, of faith, and indeed of much of philosophy itself,

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9. Although it is not possible here to analyze the impact of Glendon’s interpretation of the UNESCO human rights survey on later debates over human rights universality, culture, and Western influence, it is perhaps useful to note that it has been the basis for hundreds of citations across a wide interdisciplinary literature. To take just one example, chosen almost at random, from study of human rights and “social justice education”: “The aforementioned UNESCO philosophers’ survey . . . confirmed that these rights were universal human rights. Although the codification of rights had been a Western undertaking (e.g., the Bill of Rights, the Declaration of the Rights of Man), UNESCO found that, ‘where basic human values are concerned, cultural diversity had been exaggerated . . . a core of fundamental principles was widely shared in countries that had not yet adopted rights instruments and in cultures that had not embraced the language of rights’ (Glendon, 2001, p. 222)” (Grant and Gibson 2013, 87).

10. Nevertheless, a “curated” presentation of all the UNESCO survey responses along with historical analysis, a discussion of related correspondence, including what I am calling the “substantive refusals” to respond to the inquiry, and a review of the salient historiographical problems, are undertaken in Goodale (forthcoming).

in which arguments about something like “the good” or human nature take the form of struggles over social and symbolic capital, rhetorical power, and conceptual rigor.

This is why the basic premise of an empirical demonstration of human rights universality is itself mistaken. Thus, the historical reconstruction here of what actually happened during the UNESCO human rights survey is not a way to demonstrate that the conclusions drawn from it were not, in fact, accurate, as if to suggest that a dozen or a thousand or even a million more responses to UNESCO/Phil/1/1947, representing every possible social, gender, regional, economic, and ideological category, would have crossed an invisible evidentiary threshold beyond which lies the proof of our common humanity.<sup>11</sup>

Instead, it is to suggest that the entire debate be itself viewed through a different optic, one in which it is the question of universality that is of real interest, rather than the answers. Why was it necessary for Havet to mischaracterize both the scope of the human rights survey and its findings in the 1948 *UNESCO Courier* article? Why would Glendon “directly rebut” the serious claims of Western bias in the UDHR based on a single book whose compromising origins and compilation could have been uncovered in several hours of archival research at UNESCO House in Paris? It is because the alternatives to human rights universality, the alternatives to human dignity, the alternatives to a world in which people strive to link themselves together in a noble chain of ceremony simply cannot be lived, to paraphrase the German poet Rilke—they are the way toward nationalist, ethnic, and religious war, persecution, and genocide.<sup>12</sup> As the *UNESCO Courier* article put it, the stakes could not be higher. In a “world distraught with . . . fearsome problems” that had just emerged from “history’s most terrible conflict—a conflict by the peoples of the world against the denial of Human Rights” (Havet 1948, 8), the only salvation lay in the transcendent truth of our essential sameness, despite it all.<sup>13</sup>

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11. It is important to observe that in making this argument, one that is both historical and normative, I am not suggesting that the reconstructed history of the UNESCO human rights survey and its later rediscovery constitute a new Ur-moment in the broader and lively historiography of human rights, that is, the *actual* point—or, rather, points—in time around which the rest of human rights history should revolve. Having said this, I would have no objection if other scholars read the story of the UNESCO survey to mean that the period from the founding of the United Nations in 1945 to the adoption of the UDHR on December 10, 1948 was more important to the longer history of human rights than has otherwise been supposed, particularly within the dynamic and absolutely necessary line of revisionist histories that have enlarged our understanding of human rights as idea, ethics, cultural value(s), and politics, including Borgwardt (2005), Bradley (2016), Hoffman (2010, 2016), Jensen (2016), Moyn (2010, 2014, 2015), and Roberts (2015).

12. Here, it must be acknowledged, as an anonymous reviewer of an earlier version of this article pointed out, that various versions of “universal human rights” have been used as a justification for violent state action throughout history, including as a rationale for colonialism. Nevertheless, particularly in the post Cold War period in which the UNESCO human rights survey was rediscovered and redeployed as a trump against charges of Western moral imperialism, human rights were generally considered the precondition for peaceful relations that appeared to characterize what Fukuyama (1992) called the “end of history.”

13. In drawing this contrast, it is worth noting that I am not making a more general theoretical argument about the relationship between particular values—like human dignity, universal humanity, equality—and the norms, like human rights and obligations, that are supposedly derived from them. Rather, I am representing the way this relationship was understood both by the actors, like Havet and McKeon, who played a key role in the initial framing of the UNESCO human rights survey in the late 1940s, and by later scholars who used this framing to support an argument for the universality of human rights.

In this way, the enduring struggle to keep the flame of human rights universality burning through the long, dark night of history depends on the ability of some to keep telling the myth and equally on our collective willingness to keep listening to it. If it is true, as Kant argued, that we, in our fraught diversity, are like a twisted piece of wood that can never be finally straightened, then the myth of universality must be understood as one of the most important stories we tell ourselves, about ourselves, as a way of grappling with the implications of this harrowing fact.<sup>14</sup>

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14. To be precise, the first "we" here refers to all of us, that is, all human beings, regardless of our beliefs; the second "we," however, refers to an historically smaller subset of the first category—those for whom the fact of our existential crookedness poses a worrying dilemma, one for which the myth of universality provides a soothing, if ultimately problematic, resolution.

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