

**“All the clauses in the Preamble to the Constitution are worth fighting for:”
FDR’s Four Freedoms and Midcentury Transformations in
America’s Discourse of Rights**

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Historical perspectives on human rights politics contribute to a larger, ongoing dialogue with activists, lawyers, sociologists, and political scientists. As the historian of ideas Kenneth Cmiel has reminded us, “historians of human rights can do much to further our understanding of global political discourse by not taking the term for granted, by carefully attending to its different uses, and by locating those uses in local, political contexts.”ⁱ Such a deeply-contextualized approach in turn anchors broader discussions of what we might learn from particular transformative moments in the past. This kind of expansive analysis helps us interrogate overly facile deployments of historical “lessons” even as it offers affirmative examples of a more capacious definition of the national interest – a definition that defined American values as explicitly incorporating human rights, however imperfectly realized in practice.

Rockwell vs. Roosevelt

Norman Rockwell was feeling rejected. Early in 1942, the well-known American illustrator was interested in making an artistic contribution to the Allied war effort. He hoped to go beyond the sentimental content of his First World War propaganda posters,

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with their images of well-scrubbed soldiers singing around the campfire. Rockwell hoped to paint something inspirational, ideally with an uplifting ideological message. “I wanted to do something bigger than a war poster,” he later explained, in order to “make some statement about what the country was fighting for.” Accordingly, Rockwell thought he might illustrate the principles of the August 1941 Atlantic Charter, a short Anglo-American statement of war and peace aims, “thinking that maybe it contained the idea I was looking for.”ⁱⁱ

But how to paint the ideas about self-determination, free trade, disarmament, and collective security articulated in the 8-point Roosevelt-Churchill Atlantic Charter? Rockwell eventually gave up. He noted in his autobiography that, not only could he not *paint* the war and peace aims itemized in the Atlantic Charter statement; the 376-word document was so boring that he couldn’t even bring himself to *read* it. “I hadn’t been able to get beyond the first paragraph,” he confessed. The artist then decided that although the ideas in the proclamation were doubtlessly very noble, he, Rockwell, was “not noble enough” to paint them. He concluded, matter-of-factly; “Besides, nobody I know was reading the [Atlantic Charter] proclamation either, despite all the fanfare and hullabaloo about it in the press and on the radio.”

Nor were the Office of War Information officials whom Rockwell solicited particularly interested in employing the forty-eight-year-old illustrator, anyway. They were seeking someone younger and edgier for a 1942 war bond campaign. They insulted the notoriously thin-skinned artist by suggesting that his realistic style might better lend itself to illustrating a calisthenics manual, instead.ⁱⁱⁱ

So what was a patriotic and publicity-hungry artist to do? Instead of illustrating an abstract international agreement, Rockwell went on to paint his famously homespun interpretation of a related initiative describing war and peace aims: a depiction of each of Roosevelt's 1941 "Four Freedoms" -- freedom of speech and religion; and freedom from fear and want -- a list drawn from FDR's State of the Union address of January 1941.

A recent essay on Rockwell's contribution to the war effort favorably contrasts the illustrator's "salt-of-the-earth" rendition of the Four Freedoms, featuring scenes from the daily lives of the artist's Vermont neighbors, with the "brainy" and "dense" presentation of the Four Freedoms offered by the Roosevelt administration in a 1942 Office of War Information pamphlet. As Rockwell himself put it, "I'll express the ideas in simple, everyday scenes . . . Take them out of the noble language of the [Four Freedoms] proclamation and put them in terms everybody can understand."^{iv}

Rockwell took the "thin" and universalist terms of the language from Roosevelt's Four Freedoms speech and "thickened" them by using a local, culturally-specific idiom. Political theorist Benedict Anderson famously observed that it is easier to motivate citizens to fight and die for their country rather than for amorphous, transnational values or organizations such as Marxism, the Red Cross, or the United Nations. This phenomenon arguably continues to push expressions of personal loyalty and sacrifice towards a more and more local vernacular, where concrete images of home and hearth exert a more powerful grip than discussions of rights and ideas as symbols of "what we are fighting for."^v

Rockwell had reshaped the Four Freedoms vision into a format that was so culturally-specific that his rendition was barely comprehensible even to many of

America's anti-Axis allies. The artist noted that the starving and overrun European allies "sort of resented" the image of abundance in the "Freedom from Want" poster, for example, which featured a well-fed family eagerly anticipating consuming an enormous roast turkey.^{vi}

The major point of contrast between the Rockwell and Roosevelt visions of the Four Freedoms was the distance between a domestic and an international focus for U.S. war aims. While the text of Roosevelt's original Four Freedoms speech percussively highlighted the worldwide relevance of each "freedom," repeating the phrase "everywhere in the world" after each item to emphasize their universal application, Rockwell's Four Freedoms were an almost exclusively domestic affair, in both senses of that term. As the runaway success of Rockwell's vision soon suggested, it proved dramatically easier to sell "national goals which justify asking citizens to make the ultimate sacrifice" as a purely domestic, front-porch-style agenda.^{vii} Even the initial circulation of these images was privatized: Instead of creating his paintings as a government commission (as he had originally tried to do), Rockwell ended up selling them to his long-time client the *Saturday Evening Post*.

One result of the instant popularity of Rockwell's Four Freedoms series was that they were soon picked up by the Office of War Information anyway, as part of a war bond campaign. Repackaged as a series of posters adorning the walls of schools and other government buildings, Rockwell's Four Freedoms went on to become some of the most enduring images of the war years for many Americans on the home front. Other publicists and advertisers soon integrated references to the popular and recognizable Four Freedoms into portrayals of daily life, as a device for selling consumer goods by linking

consumption to war aims. A 1943 advertisement for Wilson Sporting Goods equipment in *Life* magazine asked Americans to dedicate themselves “to the proposition that all men everywhere are entitled to Freedom from Fear, Freedom from Want, Freedom of Speech and Freedom of Worship. *But* let us also be a *Nation of athletes* – ever ready, if need be, to sustain our rights by the might of millions of physically fit sports-trained, freedom-loving Americans.”^{viii}

But there were other contrasts between the Roosevelt and Rockwell visions of this boiled-down set of war aims. Rockwell’s rendition also neatly elided what might be called the “New Deal content” of the Four Freedoms, namely the way economic rights were mixed together with more traditional political and civil rights. By setting his image of abundance in a private space – the family dining room – Rockwell avoided any implication that ensuring freedom from want was a governmental responsibility. Historian Lizabeth Cohen notes how “Rockwell depicted ‘Freedom From Want’ not as a worker with a job, nor as government beneficence protecting the hungry and homeless, but rather as a celebration of the plenitude that American families reaped through their participation in a mass consumer economy.”^{ix}

By contrast, the government-sanctioned message of the Four Freedoms posited “the foundation of a Global New Deal,” as historian Robert Westbrook has incisively observed, and implied a “reciprocal relationship” between state and citizen, where the state would be obliged “to provide and protect a minimal level of subsistence for the individuals who comprise it.”^x This mixing of political and economic provisions speaking with the sovereign voice of government was a New Deal-inspired phenomenon, and such provisions were stewed together in the terms of the 1941 Atlantic Charter, as

well – the also-ran subject of Rockwell’s wartime vision -- which sketched a vision for the postwar world where “all the men in all the lands may live out their lives in freedom from fear and want.” In a recent essay, the historian of ideas James Kloppenberg highlights “the gap between the privatized utopia of plenty portrayed in Norman Rockwell’s rendition and Roosevelt’s own more egalitarian conception of the Four Freedoms.”^{xi}

The Genesis of FDR’s Four Freedoms: Legacies of the Great Depression

This paper traces the wider ideological and more immediate political origins of Franklin Roosevelt’s famous Four Freedoms address of 1941, focusing on the evolution and transformation of the content of the phrase “freedom from fear and want.” The resulting analysis attempts to recapture a human rights moment that is all but forgotten in many treatments of mid-twentieth-century America: before the advent of the full-blown Cold War, when the ideologies of the mature New Deal were colliding with the politics of oncoming war, and when social and economic rights, along with more traditional civil and political rights, were widely touted as ideological weapons in an anti-Axis arsenal.

The expanded notion of stability in early 1940s America grew directly out of the broader social and political impact of the Great Depression of the 1930s. America’s Great Depression, as a national slice of a transnational phenomenon, shattered lives and often reshaped the worldview of those who remembered it. Over the course of a decade in which unemployment rates never fell below 14 percent, and often approached 50 percent in cities such as Detroit and Chicago, nearly half of all white families, and 90 percent of African-American families, lived for some time in poverty. Even the marriage

rate declined by almost one-fourth, as pessimistic young people faced an uncertain future.^{xii}

The American iteration of the Great Depression assumed a pivotal importance not only for the certainties it shattered and the improvisation and resourcefulness it called forth from so many individuals but also for the scope and variety of institutional responses. As local charities and states with depleted coffers turned helplessly to Washington, it was federally-sponsored programs that got the country moving again. The Works Progress Administration employed some eight and a half million of the formerly jobless; the Civil Works Administration employed over four million; the Civilian Conservation Corps put three million more to work on forestry, flood control, and anti-erosion projects. The WPA and other programs had an impact far beyond the numbers of those directly employed: for example, over 30 million Americans saw the productions of the federal Theater Project, while the Federal Music Project sponsored over 200,000 performances by 15,000 musicians.^{xiii}

Millions of Americans responded to the New Deal experiment with fervor. The White House received 450,000 letters during FDR's first week in office; seventy people were hired just to respond to the overwhelming volume of mail. President Hoover, by contrast, had managed with a lone mailroom employee during his entire tenure in office. Historian of ideas Isaiah Berlin wrote of Roosevelt that "he altered the fundamental concept and its obligations to the governed" by initiating "a tradition of positive action." This tradition in turn fed new expectations that quickly ossified into perceived entitlements. Security for individuals – the dominant motif of the New Deal – would be

permanently associated with “entitled benefits that only the federal government could confer.”^{xiv}

For policymakers, the lessons of the New Deal response to the Great Depression were twofold: first, that there was a connection between individual security and the stability and security of the wider polity; and second, that institutions of governance had “an affirmative responsibility” to help individuals achieve that security. After transborder armed conflict erupted in Europe in 1939, these lessons were readily extrapolated to the international level by Roosevelt’s aides in the executive branch as well as by State, War, and Treasury Department planners, many of whom had served as New Deal administrators themselves.^{xv}

Roosevelt had mentioned an earlier version of the idea of a list of freedoms in a press conference on June 5, 1940, as a response to a question about how he might “write the next peace.”^{xvi} Originally framed in the negative, FDR had offered a checklist for “the elimination of four fears:” “the fear in many countries that they cannot worship God in their own way;” “the fear of not being able to speak out,” “the fear of arms;” and “the fear of not being able to have normal economic and social relations with other nations.”^{xvii} The following month, another reporter’s question elicited a list that added up to five protected qualities – freedom of information, religion, and expression, as well as freedom from fear and want -- although the fifth one was in effect added by the questioner after the president had finished an initial tally:

Q: [Mr. Harkness]: Well, I had a fifth in mind which you might describe as ‘freedom from want’ – free trade, opening up trade?

The President: Yes, that is true. I had that in mind but forgot it. Freedom from want – in other words, the removal of certain barriers between

nations, cultural in the first place and commercial in the second place.
That is the fifth, very definitely.^{xviii}

It is fascinating to trace the evolution of the content of the catchphrase “freedom from want” over the course of 1940-42. This phrase actually starts out as one of the labels for U.S. Secretary of State Cordell Hull’s cherished reciprocal free trade agreements. By 1942 it stands in for a concept much closer to what we would now call a personal entitlement, with its internationalization as the key difference between the post-World War I and post-World War II vision of international order, at least for many U.S. wartime planners.

According to Roosevelt speechwriter Sam Rosenman, reports of contemporaneous debates over social welfare in Britain were a major source of inspiration for Roosevelt’s evolving list of “fears” and “freedoms.”^{xix} A clippings file maintained for the president on the general topic of an “economic bill of rights,” and used for the preparation of the Four Freedoms speech, contained a letter quoting *New York Post* columnist Samuel Grafton, whose book *All Out* had recently been published in Britain. The Grafton excerpt explained that “In September of 1940 the better sections of the English press began to debate the need for an ‘economic bill of rights,’ to defeat Hitlerism in the world forever by establishing minimum standards of housing, food, education, and medical care, along with free speech, free press and free worship.” Roosevelt’s “Four Freedoms” speech file also contained a December 1940 clipping from the *New York Post*, quoting the joint proposals offered by Protestant and Catholic leaders in Britain, advocating:

1. That extreme inequalities of wealth be abolished

2. Full education for all children, regardless of class or race
3. Protection for the family
4. Restoration of a sense of divine vocation to daily work
5. Use of all the resources of the earth for the benefit of the whole human race.

These debates in Britain were part of a transatlantic wave of interest in the relationship of domestic social welfare provisions – individual security – to wider war and peace aims – international security.^{xx}

In Britain, these concerns about the economic contours of the postwar world found immediate political expression in 1941 with the commissioning of the extensive surveys underpinning the so-called Beveridge Report, which was not published until late 1942.^{xxi} The Beveridge Report, named after the British economist and social welfare expert Sir William Beveridge, was a detailed proposal “designed to abolish physical want” in Britain, through “social security,” noting that “social security for the purpose of the Report is defined as maintenance of subsistence income.”^{xxii} When the Report was finally released, a year after the publication of the Atlantic Charter, it mentioned the Charter explicitly and used the language of the Four Freedoms, as did the American and British press coverage analyzing it. The Beveridge Report was “put forward as a measure necessary to translate the words of the Atlantic Charter into deeds,” concluded the Report’s official summary, which also explained that “Freedom from want cannot be forced on a democracy . . . It must be won by them.”^{xxiii}

American press coverage of the Beveridge Report referred to it as a British “blueprint for postwar New Deal,” which would stand as “the first attempt to translate the

four freedoms into fact” by giving life to “at least one of the rights specified in the Atlantic Charter – the right to live without hunger or destitution.”^{xxiv} This use denotes a definite shift in the way Americans were deploying the phrase “freedom from want” from FDR’s earlier articulation two years earlier, regarding the “fear of not being able to have normal economic and social relations with other nations.” Linking individual security to international security was becoming a fresh way of framing U.S. national interests.

This nexus between ideas about individual and international security starts to gain traction before 1941 – examples would include the Philadelphia Conference of the Federal Council of the Churches of Christ in America, establishing the Commission to Study the Bases of a Just and Durable Peace, as well as Roosevelt’s 1940 State of the Union Address of January 3, 1940 and Radio Address of January 19, 1940 – but the logic of linkages between individual and international security did not receive wide attention in the United States until the 1941 Four Freedoms speech.^{xxv}

Nor was this an especially American phenomenon: as of 1942, “[m]ore than sixty major statements on the nature of the postwar world have thus far been issued by religious groups in various countries,” notes historian Lois Minsky, such as the really quite radical Malvern Declaration of Church of England leaders from January 1941, which called for “removal of the stumbling block of private ownership of basic resources, urge[d] unemployment insurance, industrial democracy, equal educational opportunities for all, and the unification of Europe as a co-operative commonwealth.” European social and labor movements in the 1930s, such as Leon Blum’s French Socialist Party, called for a “social regime” to replace untrammled individualism, while legal scholars such as Chile’s Alejandro Alvarez called for an international bill of rights, and sociologists such

as Emile Durkheim and Karl Mannheim called for increased social solidarity. Historian Ken Cmiel has left us an important unpublished essay about four “conscience liberals” who were all professionally active in the early 1940s, and who all went on to make major contributions to the UN’s Universal Declaration of Human Rights in 1948: China’s Peng-chung Chang, Lebanon’s Charles Malik, Panama’s Ricardo Alfaro, and France’s Jacques Maritain.^{xxvi}

By 1942 in the U.S., such an expansion of the idea of security was taken for granted in Roosevelt administration policy statements, and widely perceived to be one of the lessons of the Great Depression in an increasingly unsettled international environment. A September 1942 pamphlet from the National Resources Planning Board entitled “After the War – Toward Security: Freedom From Want” stated in its introductory note that its own postwar planning efforts were “designed to meet the challenge to our national security caused by lack or inadequacy of jobs or income.” Explaining that “without social and economic security there can be no true guarantee of freedom,” the agency asserted that these objectives are “indeed a fundamental part of national defense.”^{xxvii}

Ideas about national security were expanding in the American domestic realm, as well. To pressure Roosevelt to sign an executive order prohibiting racial discrimination by defense contractors, labor leader A. Philip Randolph threatened a march of 100,000 African-American workers on the White House in June 1941, while lawyer and activist Thurgood Marshall was urging that anti-lynching legislation was “just as important as portions of the National Defense Program” for a nation that was “starved for military personnel, begging for factory workers, and striving for international credibility.”^{xxviii}

The Four Freedoms, Atlantic Charter, and Britain's Beveridge Report were only three of the more visible crests in a transatlantic sea of advocacy generated by journalists, social welfare activists, academics, professionals, and church leaders as well as elected political leaders and bureaucrats in the early 1940s.^{xxix} The editor of the *London Times*, Robert M. Barrington Ward, wrote an impassioned letter to Churchill in April 1942, proposing additional dramatic public declarations based on the Atlantic Charter: "The fundamental demand on the peace-makers," the editor explained, "from uncounted millions of mankind, will be for welfare and security. These twin aims sum up the essential purpose of the [Atlantic] Charter. They are aims which will more and more obliterate the distinctions once possible between domestic and foreign policy. The realization of the Charter can and must begin at home."^{xxx} As part of a dialogue that crossed national boundaries, the broader policy context of the Four Freedoms and the Atlantic Charter highlights the reciprocal relationship between domestic and international politics, an often-underemphasized perspective in the study of foreign policy generally, and in the study of the U.S. role in the world in particular.

Roosevelt's famous phrase that Dr. New Deal would have to give way to Dr. Win the War as the primary physician resuscitating the American body politic has led a number of historians to conclude that the New Deal had ended, or was winding down, under the impact of the war. An alternative framing would be to argue that the New Deal was transformed from a set of domestic programs into a war aim, and infused with a new, explicitly human rights perspective as it was multilateralized by its reiterations in the Four Freedoms and Atlantic Charter.

As legal scholar Cass Sunstein observes, New Deal-infused commitments such as the Four Freedoms “came from a fusion of New Deal thinking in the early 1930s with the American response to World War II in the 1940s. The threat from Hitler and the Axis powers broadened the New Deal’s commitment to security and strengthened the nation’s appreciation of human vulnerability.” In the early 1940s, a thinner and more rhetorical iteration of the New Deal was becoming nothing less than America’s vision for the postwar world.^{xxx}

An “Economic Bill of Rights”

Because of the way scholars commonly write about rights today, discussions of the Four Freedoms and the Atlantic Charter tend to separate the “political” from the “economic” provisions. Skipping ahead to the late 1940s, for instance, we can see how political rights -- often known as “civil rights” during the interwar era and embodied, for example, in the U.S. Bill of Rights -- had come to be anointed by U.S. analysts as essential fundamental freedoms defining the “free world” in opposition to its remaining totalitarian rival, the Soviet Union. By contrast, economic rights, such as a right to food, shelter, medical care, or employment, had by the early Cold War era come to be denigrated as initiatives that were not merely aspirational or utopian, but affirmatively un-American.^{xxxii}

Indeed, by 1949, former State Department official, Roosevelt speechwriter, Librarian of Congress, and unofficial poet laureate, Archibald MacLeish, was warning that American politics operated “under a kind of upside-down Russian veto” -- that is, whatever Moscow advocated must by definition be the opposite of the liberty-loving American approach.^{xxxiii} Tainted by their association with the USSR, by the late 1940s

economic, social, and cultural rights accordingly were being dismissed as anathema to free enterprise visions of limited government.^{xxxiv}

But such a polarization was not always the case, particularly at the historical moment in the early 1940s when the realities of oncoming war were colliding with the ideologies of the mature New Deal. For example, another section of Roosevelt's same 1941 Four Freedoms speech had spelled out FDR's ideas about the "basic things expected by our people of their political and economic systems."^{xxxv} Roosevelt's list, in turn, served as the basis for a more elaborate "Economic Bill of Rights" devised by the National Resources Planning Board, and was widely reprinted as a pamphlet under the title *Our Freedoms and Rights*.^{xxxvi} This Economic Bill of Rights was discussed by the Planning Board's vice-chair, University of Chicago professor Charles E. Merriam, in his 1941 Edwin Lawrence Godkin Lecture on Democracy at Harvard University. In this speech, Merriam outlined a list of "fundamentals which underlie a democratic program guaranteeing social justice:"

For everyone equal access to minimum security as well as to the adventures of civilization.

For everyone food, shelter, clothing, on an American minimum standard.

For everyone a job at a fair wage -- if he is in the labor market -- and a guaranty against joblessness.

For everyone a guaranty of protection against accident and disease.

For everyone a guaranteed education, adapted to his personality and the world in which he lives.

For everyone a guaranty of protection against old age.

For everyone an opportunity for recreation and the cultural activities appropriate to his time.^{xxxvii}

This is an astonishing list! One measure of the extent to which our contemporary sensibilities have been shaped by later, Cold War-inspired shifts in the American political discourse of rights is the continuing power of such a New Deal-inspired catalogue to surprise us. In a commentary that could just as easily be about the Four Freedoms proclamation itself, Merriam explained:

There are two great objectives of democracies in the field of world relationships:

- I. The security of a jural order of the world in which decisions are made on the basis of justice rather than violence.
- II. The fullest development of the national resources of all nations and the fullest participation of all peoples in the gains of civilization.

Linking these two ideas together as a matter of public policy was arguably a New Deal-inspired contribution. Indeed, Roosevelt speechwriter Sam Rosenman referred to the 1941 Annual Message as a whole -- which included articulations of innovative initiatives such as Lend Lease, the Four Freedoms, the Economic Bill of Rights -- as the president's "renewed summation of the New Deal."^{xxxviii} Part of what was new about it was its explicit international focus, putting the New Deal on the path to becoming a war aim. Merriam framed his own speech with the hope that "[s]ome day it will dawn upon us that all the clauses in the Preamble to the Constitution are worth fighting for." He elaborated: "Justice was the first term in the [Constitution's] preamble and liberty the last, but between them came the general welfare, common defense, and domestic tranquility."^{xxxix}

Transformation and Reinvigoration of Human Rights Ideas

This paper does not assert that “human rights” was somehow a new term born of World War II. A more precise formulation would be to argue that, as a figure of speech, “human rights” entered the lexicon of educated readers and influential commentators as a readily-understood shorthand in the World War II era, both in the United States and internationally. More importantly, the term’s meaning shifted as it entered general use. Before the war, the phrase occasionally appeared as a somewhat disfavored variation of the much older locution, “rights of man.”^{xl} Human rights was also used occasionally as a synonym for the narrower legal term “civil rights” -- which in the interwar era in the U.S. usually meant controversies relating to the Bill of Rights or specialized fields such as labor rights.^{xli} By the end of the war, however, the term “human rights” was serving as a caption for the so-called fundamental freedoms meant to differentiate the Allies from their totalitarian rivals.

Traditional civil rights such as freedom of speech and religion were a lesser, included subset of these fundamental freedoms, which drew on natural law concepts to paint a vision of what scholar of ethics and public affairs Paul Lauren calls “certain basic and inherent rights” to which all individuals were entitled “simply by virtue of being human.”^{xlii} For example, for the political theorist and essayist Hannah Arendt, the wartime encounter with totalitarianism “demonstrated that human dignity needs a new guarantee which can be found only in a new political principle, in a new law on earth, whose validity this time must comprehend the whole of humanity.”^{xliii} Legal scholar Richard Primus explains that what he calls a “resurgence of normative foundationalism” soon resulted in “a new vocabulary of ‘human rights’” which linked wartime political

commitments with “a broader idea rarely seen in the generation before the war but ascendant thereafter: that certain rights exist and must be respected regardless of the positive law.”^{xliv}

While the precise measurement of such a sea-change is necessarily inexact, one way of highlighting this shift in American political thought would be to examine the *New York Times Index* for the years 1936 to 1956. In 1936, there is no “human rights” heading at all. In 1937, the term makes a tentative appearance with two articles, one on property rights and one on labor rights. By 1946, the term is listed as a separate heading, referring the reader to “civil rights,” where there are approximately 150 articles we would recognize as addressing human rights-related topics. In 1956, the human rights heading is no longer cross-referenced to civil rights, but rather to a whole new conceptual universe, “freedom and human rights,” under which heading there are over six hundred articles.^{xlv}

There is arguably something of a time lag for such an amorphous shift to be reflected in the index of a general-interest newspaper. Indeed, if there were a “moment” when the term acquired its modern meaning, a strong candidate would be the signing of the initial “Declaration by United Nations” on January 1, 1942. This document was a product of the second major Churchill-Roosevelt summit, codenamed Arcadia, held in mid-December 1941 to early January 1942. Immediately after the December 7th attack on Pearl Harbor, the prime minister proposed a Washington summit to formalize a “Grand Alliance” of Anglo-American military operations. In private at least, Churchill signaled that he no longer saw himself as the hopeful suitor in his relationship with the United States, commenting that “now that she is in the harem, we talk to her quite

differently.” (Churchill often used a gendered or sexualized imagery not at all uncommon to his day. What is perhaps noteworthy about the prime minister’s salty asides is the way they consistently tagged the United States and its leader with feminine imagery.)^{xlvi}

Churchill famously took up residence in the White House for fourteen days, keeping Roosevelt up all hours, charming the American press corps and Congress – and having a mild heart attack, kept secret due to its potential effect on allied morale. In a widely acclaimed address to a joint session of Congress on December 26, 1941, the prime minister noted bluntly that: “If we had kept together after the last war, if we had taken common measures for our safety, this renewal of the curse need never have fallen upon us.” White House Press Secretary Steven Early was reportedly “becoming concerned at the quality of the oratorical competition.”^{xlvii}

At the urging via cable of Deputy Prime Minister Clement Attlee, the two leaders agreed that, in order to emphasize “that this war is being waged for the freedom of the small nations as well as the great powers,” their resulting statement of alliance should be broadened to include the 26 other nations then at war with the Axis.^{xlviii} FDR himself coined the term “United Nations” for this growing anti-Axis coalition: the president liked the way the term stressed common purpose and de-emphasized the military component.^{xlix} (Churchill preferred “Grand Alliance.”) Roosevelt was reportedly so taken with his choice of title that he interrupted Churchill’s bath to tell the prime minister about it.¹ In this January 1942 Declaration by United Nations, the 26 Allies began by affirming the “common program of purposes and principles . . . known as the Atlantic Charter.” The United Nations coalition went on to assert that they were fighting to secure “decent life, liberty, independence, and religious freedom” as against the “savage and

brutal forces seeking to subjugate the world.” These nations pledged to cooperate in order “to preserve human rights and justice in their own lands as well as in other lands.”^{li}

The term “human rights” had been absent from the December 25 draft of the Declaration by United Nations. It was likely added in response to a memo from Harry Hopkins, who wrote that: “another sentence should be added including a restatement of our aims for human freedom, justice, security, not only for the people in our own lands but for all the people of the world.” He continued, “I think a good deal of care should be given to the exact words of this and I do not think the reference to the Atlantic Charter is adequate.”^{lii}

Incorporating the Atlantic Charter by explicit reference, the final version of the Declaration by United Nations is the first multilateral statement of the four key elements of a new, anti-Axis reading of the term “human rights.”^{liii} These four elements included (1) highlighting traditional political rights as core values; (2) incorporating a broader vision of so-called “Four Freedoms” rights, which included references to economic justice; (3) suggesting that the subjects of this vision included individuals as well as the more traditional unit of sovereign nation-states (by means of the Atlantic Charter phrase referencing “all the men in all the lands”); and finally, (4) emphasizing that these principles applied domestically as well as internationally.^{liv} This was a fresh formulation of a much older term, and all four of these elements continue to inform our modern conception of the term “human rights” today.^{lv}

There is, of course, a heartbreaking irony in the timing of the United Nations’ ringing phrases, which were circulated worldwide during the same month in 1942 as the infamous Wannsee Conference was held among Nazi Germany’s wartime leaders.^{lvi}

Again with bitter irony, January 1942 is also the very same month that federal officials decided forcibly to “relocate” -- under what were effectively POW conditions -- some 127,000 persons of Japanese ancestry in the continental United States, roughly two-thirds of whom were American citizens.^{lvii} Such horrifying contrasts only emphasize why it is important continually to juxtapose discussions of words with an examination of lived realities. Reacting to the Declaration of the United Nations, Mohandas Gandhi wrote to Roosevelt in July 1942: “I venture to think that the Allied Declaration that the Allies are fighting to make the world safe for freedom of the individual and for democracy sounds hollow, so long as India, and for that matter, Africa are exploited by Great Britain, and America has the Negro problem in her own home.” (Ken Cmiel reminds us that “Gandhi generally disliked rights-talk of all kinds, associating it with the self-indulgence of the modern age”).^{lviii}

Gandhi’s letter underscores how aware historical actors themselves often were of these yawning gaps between rhetoric and reality. In part, it is an awareness of such disjunctures -- in the examples above, amounting to a cognitive dissonance so strong as to induce near-vertigo -- that itself constitutes an engine of historical change in its own right, precisely in order to narrow the gap. This dynamic may be described as a kind of feedback effect, induced by reading one's own press releases.^{lix}

This transformation of human rights as a label -- from narrow and domestic ideas about civil rights to a broader and internationalized vision of fundamental freedoms -- is an unusually clear example of how a conceptual change can be reflected in a rhetorical shift.^{lx} In short, human rights as a locution achieved what might be called a kind of “cultural traction” in the United States during this era -- a congruence with the newly-

reshaped worldview not only of elite opinion makers, but also of what was then a fairly recently-identified demographic growing up between elite and mass opinion, a widening group of citizens known at the time as “the attentive public.”

The very demographic group designated as “the attentive public” had itself changed composition considerably during the war. This heterogeneous group included people who occasionally read a “middlebrow” periodical such as *Reader’s Digest* or *The Saturday Evening Post*, for example, in addition to a daily metropolitan newspaper. Just a few percentage points’ increase in this group could consolidate the critical mass favoring an ever-broader construction of the Roosevelt administration’s war aims – a mass that was either absent or quiescent in the wake of World War I. The very term “middlebrow” dates from the early 1940s, although the cultural historian Joan Shelley Rubin traces its roots to the founding of the Book-of-the-Month Club and other developments in the late 1920s. Robert Westbrook describes America’s World War II as “the first American war to follow the consolidation of mass culture and social science,” putting the formulators of U.S. policy in a position to act of the systematic “investigation of the reflective life of less articulate men and women,” especially after the advent of scientific public opinion polling in 1936.^{lxi}

The infusion of these human rights ideas into traditional American conceptions of the national interest resulted in something new under the sun in mid-1940s America. The human rights ideas embedded in the Four Freedoms and the Atlantic Charter -- as well as in the 1942 Declaration of the United Nations, the document which further internationalized the Charter -- had reshaped the concept of the national interest by injecting an explicitly moral calculus. While international initiatives infused with

moralistic ideas were hardly a new development, now mobilized and mainstream constituencies were arguably paying attention and reacting in a way they had not before. These vocal constituencies were quick to shout about the betrayal of the “principles of the Atlantic Charter” when confronted with the cold realities of U.S. policies that ignored British colonialism, strengthened *status quo* ideologies such as national sovereignty, or facilitated racial segregation and repression.^{lxii}

The prime minister of New Zealand echoed many of America’s allies when he repeatedly invoked “the principles of the Atlantic Charter” which “must be honoured because thousands have died for them.” As he elaborated in a 1944 speech to the Canadian parliament, linking the Atlantic Charter and the Four Freedoms: “Your boys, boys of New Zealand, South Africa, India, the United States and all the united nations have given their lives that the four freedoms – freedom of speech, freedom of religion, freedom from fear and freedom from want – may be established and the masses of the people given greater opportunities than ever before.” He then warned, “Unless we strive to carry out those principles we shall be undoing in peace what has been won on the battlefield.”^{lxiii}

Similarly, after an early 4-power draft of the United Nations Charter was circulated in October 1944, one of the main objections by “smaller” countries not invited to these negotiations was the absence of an explicit discussion of a role for human rights, especially economic and social rights. Representatives of Australia and New Zealand met in Wellington in November 1944 and developed a joint proposal calling for a greater role for expanded provisions on economic and social rights; Poland and Denmark offered proposals to append the 1941 Atlantic Charter to the new United Nations Charter;

Norway wanted to append the 1942 “Declaration by United Nations,” multilateralizing the Atlantic Charter and explicitly referencing human rights.^{lxiv}

Probably the most trenchant human-rights-related critique of the draft world charter came from an assembly of nineteen Latin American nations convened at Chapultepec castle near Mexico City in February-March 1945: Bolivia, Cuba, and Mexico sought to annex an international bill of rights to the UN’s proposed “constitution.” The delegation from Nicaragua admonished that “the peace and security of the world” now depended on “all nations, large and small, now adopting in their international relations . . . solid principles of equality and justice, of liberty and law,” while the delegation from Cuba submitted an extensive “Declaration of the International Rights and Duties of the Individual” which the conference voted to append to the other suggestions to be forwarded to the inaugural San Francisco UN conference. Conference president Ezequiel Padilla, who had formerly served as Mexico’s attorney general and as a revolutionary leader under Pancho Villa, explained that wartime solidarity needed to be converted “into a solidarity of peace; a solidarity that considers the poverty of the people, its social instability, its malnutrition.”^{lxv}

By the end of the war, the iconic status of the Four Freedoms and the Atlantic Charter had itself become a sort of “entangling alliance” in its own right, in the evocative image of historian Lloyd Gardner. Especially in the realm of social and economic rights, images of “war aims” and “what we are fighting for” contributed to both creating and raising expectations about the justice and legitimacy of any proposed postwar order, much to the inconvenience – and occasional annoyance -- of the Allied officials charged with planning for a postwar world.^{lxvi}

Some Contemporary Resonances: Constructing a more expansive vision of the national interest

The legal scholar and political scientist Anne-Marie Slaughter has noted specific similarities in regulatory structure, institutional design, and even the cast of characters between various New Deal programs and wartime multilateral initiatives. United States security became bound up with the collective security embodied by the United Nations system, in a way that large groups of citizens as well as traditional policy elites could intuitively understand. In the words of a 1946 League of Women Voters pamphlet, “Even before this war had ended this nation had decided that singlehanded it could not ensure its own security, and that the only safety lay in working away from the old system of a world organized into intensely competitive nationalistic states working together for agreed-upon ends.” American multilateralism became a way of using rules and institutions to entrench U.S. interests in the global arena beyond the war.^{lxvii}

This story accordingly suggests a correlation between multilateralism – solving problems in tandem with allies – and a globalized, integrated vision of human rights that would apply within national boundaries as well as across them. But in the contemporary world, the shadowy outline of a new and disturbing correlation is emerging on the international scene: an axis linking unilateralism with a lack of respect for human rights. Such a link has a certain intuitive traction; that decency itself might become a casualty of discarding what the U.S. Declaration of Independence calls “a decent respect for the opinion of mankind.”

Lack of comprehension of these dynamic processes of transformation may well be the pith of what is lacking from neoconservative and “realist” analyses of international

politics. Such approaches are too static. They tend to discount the processes for transformation that emerge through the workings of institutions, activism, ideas, education, and technology, and reactions to local or international events. The late-twentieth-century wave of what the international legal scholar Jonathan Greenberg calls “rule of law revolutions” in Eastern Europe, the Philippines, Chile, South Africa, South Korea, and Taiwan was a set of developments that realists analysis completely failed to predict, for example. These revolutions drew much of their power from international human rights ideas and institutions. Astonishingly, they also unfolded without the cataclysmic violence one would have expected, given the entrenched regimes they overthrew or drastically modified. But no realist-dominated mode of inquiry has been able to explain this phenomenon.^{lxviii}

Equally important, standard realist approaches unrealistically discount the possibility of transformation in unwelcome directions, such as the creation of additional terrorists and the alienation of allies through poorly-planned and incompetently-executed unilateral interventions. A worldview which assumes that the pool of “evildoers” is fixed is just as erroneous as one which assumes that a god process is the same thing as a good result.

In 1941 the political scientist Harold Lasswell expressed his concern that, as a democracy mobilized to fight its enemies, it might transform itself into a “garrison state.” He feared the emergence of a technocratic dystopia where “the specialists on violence are the most powerful group in society,” having usurped legislators and other representative groups where who were merely “specialists on bargaining.” In Hannah Arendt’s iconic analysis of the origins of totalitarianism, the first, fatal step on this downward path was

the advent of the device of “protective custody ”for so-called “undesirable elements . . . whose offenses could not be proved and who could not be sentenced by ordinary processes of law.” Repression of traditional civil rights at home was combined with the creation of what Arendt called “a condition of complete rightslessness” in occupation zones abroad.^{lxix}

Wartime political theorists also understood that the process of administering such a garrison state, at home and abroad, would have a transformative effect on individual citizens. The lawyer and sociologist David Riesman worried in 1942 that a kind of authoritarian politics might be possible even in America: “Like a flood,” he wrote evocatively, such a collapse of democratic institutions “begins in general erosions of traditional beliefs, in the ideological dust storms of long ago, in little rivulets of lies, not caught by the authorized channels.” The ends – order, elite control, and military mobilization – would somehow serve to justify the means – repression, squelching of civil liberties, and the sowing of suspicion among citizens.^{lxx}

In the twenty-first century, we are starting to see that transforming one’s polity into an occupying power can have dramatic and deleterious effects on the people called upon to do the actual occupying. The cultural critic Susan Sontag examined how individuals take their moral cues from the system in which they are embedded. The U.S. torture scandal beginning in 2004 was “not an aberration,” she explained, but rather “a direct consequence of the with-us-or-against-us doctrines of world struggle with which the [U.S.] administration has sought to change, change radically, the international stance of the United States and to recast many democratic institutions and prerogatives.” Such an impact also translates transnationally: the international relations expert Rosemary Foot

has recently noted how arrests under Malaysia's internal security act have spiked since 9/11, as has internal repression against separatists in Indonesia, with officials in those countries justifying repressive measures against internal opponents specifically on the basis of America's handling of its own detainees in the war on terror.^{lxxi}

Here again the human rights politics of the 1940s have something to tell us. Seeking a different kind of congruence between the internal and the external, Roosevelt in his Four Freedoms address explained that "just as our national policy in internal affairs has been based on a decent respect" – note the deliberate echo of the Declaration of Independence – "for the rights and dignity of all our fellow men within our gates, so our national policy in foreign affairs has been based upon a decent respect for the rights and dignity of all nations, large and small." While FDR's assessment may have been excessively optimistic, he captured a dynamic through which rhetoric can serve to reshape reality. Legally unenforceable ideals, such as those embodied in the Declaration of Independence or Atlantic Charter, might nevertheless serve "both as personal aspiration and as effective political fulcrum," in the words of legal scholar David Martin, offering an impetus for positive changes.

By contrast, cultivating a reputation as a bully who fails to show decent respect – who scorns the permission slip of multilateral legitimacy for interventionist policies – may turn out to be especially costly and ineffective when imprudently designed plans go awry. The veteran American journalist Walter Cronkite observed in the waning months of the formal U.S. occupation of Iraq that "in the appalling abuses at Abu Ghraib prison and the international outrage it has caused, we are reaping what we have so carelessly sown. In this and in so many other ways, our unilateralism and the arrogance that

accompanies it have cost us dearly.” Rather than “draining the swamp of terrorism,” in the imagery of today’s political strategists, such policies have instead drained the “gigantic reservoir of good will toward the American people” – the increasingly parched resource that Republican presidential candidate Wendell Willkie in the 1940s termed “the biggest political fact of our time.”^{lxxii}

This is not to say that rights are always trumps and that a free society can never take steps to protect itself, including bounded curtailments of liberties, as the political commentator Michael Ignatieff has recently argued. But Ignatieff also shows that it is a significant blow to a free society – a win for the bad guys – when the very institutions underpinning a free society are reframed as a source of weakness. This dystopian narrative, the narrative of Lasswell’s 1940s “garrison state,” deflates the spacious concept of the national interest, by disparaging and diminishing those very values and principles that other peoples might admire about the United States and even seek to emulate.^{lxxiii}

Policy expert Joseph Nye has coined the term “soft power” for what he describes as “the ability to get what you want through attraction rather than coercion or payments. It arises from the attractiveness of a country’s culture, political ideals, and policies.” Nye’s premier example of this phenomenon is “the impact of Franklin Roosevelt’s Four Freedoms in Europe at the end of World War II” – a classic instance of “when our policies are seen as legitimate in the eyes of others.”^{lxxiv} [29/298] His analysis is even more pointed in an era where human rights have once again become a vector for transformations in America’s self image and its role in the world.

ⁱ Kenneth Cmiel, “Review Essay: The Recent History of Human Rights.” *American Historical Review* 109(1)(2004), 117-135. The work of the late, great historian of ideas Ken Cmiel imbricates almost every point in this analysis, even though FDR’s foreign policy *per se* is a topic that engaged Ken hardly at all. In purporting to summarize, consolidate, and modestly extend the growing field of human rights history, Ken Cmiel basically invented it. The most important examples of his work in this field include “Review Essay: The Recent History of Human Rights,” *The American Historical Review* 109(1) (2004), 117-135; “Human Rights, Freedom of Information, and the Origins of Third-World Solidarity,” in Mark Philip Bradley and Patrice Petro, eds., *Truth Claims: Representation and Human Rights* (New Brunswick: Rutgers University Press, 2002), 107-130; “The Emergence of Human Rights Politics in the United States,” *Journal of American History* 86(3) *The Nation and Beyond: Transnational Perspectives on United States History: A Special Issue* (December 1999), 1231-1250; and most heartbreakingly, the manuscript “The United Nations and Human Rights: Ambiguous Origins,” tragically unfinished. The Department of History at the University of Iowa, where Ken was formerly Chair, maintains a webpage from which many of Ken’s works may be downloaded free of charge, and which also features clips of his readings and from his astonishing memorial service: www.uiowa.edu/~history/People/cmiel.html

ⁱⁱ Atlantic Charter, August 12, 1941, telegram headed, in President Franklin Roosevelt’s handwriting, “For delivery to press and radio at 0900 EST on Thursday August 14” and reprinted in Elizabeth Borgwardt, *A New Deal for the World: America’s Vision for Human Rights*, (Cambridge, MA: Belknap Press of Harvard University Press, 2005). This chapter expands on my discussion of Roosevelt’s Four Freedoms address and the wartime transformation of American ideas about rights in *New Deal for the World*.

ⁱⁱⁱ Norman Rockwell, *My Adventures as an Illustrator*, as told to Thomas Rockwell (New York: Doubleday & Co., 1960), 338- 341; Stuart Murray and James McCabe, *Norman Rockwell’s Four Freedoms* (New York: Gramercy Books, 1993), 8; 37-38; 40; Atlantic Charter reprinted in Elizabeth Borgwardt, *A New Deal for the World: America’s Vision for Human Rights* (Belknap/Harvard 2005), 303-04.

^{iv} FDR, “Annual Message to Congress, Jan. 6, 1941,” PPA 1940, 672; Office of War Information (OWI) pamphlet, n.a., “The United Nations Fight for the Four Freedoms: The Rights of All Men – Everywhere” (1942)(overseen and likely authored by Archibald MacLeish). See also the excellent discussion of the Four Freedoms paintings as depicting U.S. war aims in Robert B. Westbrook, “Fighting for the American Family: Private Interests and Political Obligation in World War II,” in Richard Wightman Fox and T.J. Jackson Lears, *The Power of Culture: Critical Essays in American History* (Chicago: University of Chicago Press, 1993), 194-221, and reprinted in Westbrook, *Why We Fought: Forging American Obligations in World War II* (Washington, DC: Smithsonian Books, 2004).

^v Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, rev. ed. (London: Verso, 1991)(1st ed. 1983),10.

^{vi} Rockwell, *Adventures*, 343.

^{vii} Murray and McCabe, *Rockwell’s Four Freedoms*, x. Indeed, the only reference to international affairs in Rockwell’s Four Freedoms series is an oblique one: the partially-obscured headline describing the bombing of London, in a newspaper held by a concerned and loving father, as he watches his children being safely tucked in bed. Westbrook, “Fighting for the American Family,” 203.

^{viii} *Life* (October 11, 1943): 73, emphasis in original. Rockwell’s editor, Ben Hibbs, described the subsequent career of Rockwell’s Four Freedoms paintings: “The result astonished us all,” he wrote, “The pictures were published early in 1943 [in the *Saturday Evening Post*] . . . requests to reprint flooded in from other publications. Various Government agencies and private organizations made millions of reprints and distributed them not only in this country but all over the world. Those four pictures quickly became the best known and most appreciated paintings of that era . . . Subsequently, the Treasury Department took the original paintings on a tour of the nation as the centerpiece of a *Post* art show – to sell war bonds. They

were viewed by 1,222,000 people in 16 leading cities and were instrumental in selling \$132,992,539 worth of bonds.” Letter excerpted in Rockwell, *Adventures* 343.

^{ix} Lizabeth Cohen, *A Consumers’ Republic: The Politics of Mass Consumption in Postwar America*, (New York: Knopf, 2003), 56.

^x Westbrook, “Fighting for the American Family,” 204. See also Cass R. Sunstein, *The Second Bill of Rights: FDR’s Unfinished Revolution and Why We Need It More Than Ever* (New York: Basic Books, 2004), 9-30.

^{xi} See National Resources Planning Board, “After the War – Toward Security: Freedom From Want,” Sept. 1942, FDRPL, PSF, Postwar Planning, Introductory Note, 1,8; FDR, “Annual Message to Congress, Jan. 6, 1941”; Atlantic Charter point six; James T. Kloppenberg, “Franklin D. Roosevelt, Visionary,” review essay on Cass R. Sunstein, *The Second Bill of Rights: FDR’s Unfinished Revolution and Why We Need It More Than Ever* (New York: Basic Books, 2004) and on Borgwardt, *New Deal for the World* in *Reviews in American History*, 34 (December 2006), 509-520.

^{xii} [88 /77]

^{xiii} [89 /78]

^{xiv} [90 /78]

^{xv} [91 / 78]

^{xvi} Franklin D. Roosevelt, *Complete Presidential Press Conferences of Franklin D. Roosevelt*, (New York: DaCapo Press, 1972), No. 649-A (June 5, 1940), 498.

^{xvii} *Ibid.* at 499. See also Laura Crowell, “The Building of the ‘Four Freedoms’ Speech,” *Speech Monographs* 22 (1955), 268.

^{xviii} FDR, *Press Conferences*, No. 658 (July 5, 1940), 18-22, at 21-22.

^{xix} Samuel I. Rosenman, *Working with Roosevelt* (New York: Harper, 1952), 263-4.

^{xx} Samuel Grafton, *All Out: How Democracy Will Defend America, Based on the French Failure, the English Stand, and the American Program* (New York: Simon and Schuster, 1940), quote taken from page 60 (internal quotations omitted). Ickes letter discussed in Rosenman at 264-65. This proposal by religious leaders in Britain is also discussed in Louis Minsky, “Religious Groups and the Post-War World,” *Contemporary Jewish Record* (August 1942), 5:357-72. On the “economic bill of rights,” see generally, Sunstein, *The Second Bill of Rights*, 9-30. Sunstein’s treatment does not spend much time on the origins of this program, however.

^{xxi} “Social Insurance and Allied Services, Report by Sir William Beveridge” Papers of William H. Beveridge (1st Baron Beveridge), Archives of the London School of Economics and Political Science, Part 8, File 46, “Summary and Guide to [Beveridge] Report and Related Papers, 1941-44.” See also Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1998), especially his concluding chapter, “London, 1942.”

^{xxii} Beveridge Report, “Summary and Guide,” 7-8.

^{xxiii} *Ibid.* at 8.

^{xxiv} American Division, Ministry of Information, “Beveridge Report: American Survey” by cable from the British Press Service, New York, Report of Friday, December 4, 1942, quoting the *Louisville Courier*

Journal of December 3, 1942 and Report of Saturday, December 5, 1942, quoting the *Atlanta Constitution* of December 3, 1942, in Beveridge Papers, Part 8, File 49, part 2.

^{xxv} PPA, 1940 volume, 1, 53. See also Minsky, “Religious Groups and the Post-War World,” 362.

^{xxvi} Minsky, “Religious Groups,” 362; Special issue of the *Leiden Journal of International Law*, “Alejandro Alvarez and the Periphery” forthcoming, 2007; Kenneth Cmiel, “An International Bill of Rights,” unpublished essay; Cmiel, “Duty” forthcoming in Oxford essay collection [?]

^{xxvii} National Resources Planning Board, “After the War –Toward Security: Freedom From Want,” September 1942, FDRPL, PSF, Postwar Planning, Box 157, Introductory Note, 1, 8.

^{xxviii} Carol Anderson, *Eyes Off the Prize: The United Nations and the African-American Struggle for Human Rights, 1944-1955* (New York: Cambridge University Press, 2003), 11, 14. FDR signed the highly controversial Executive Order 8802, setting up the Fair Employment Practices Division, but declined to present anti-lynching legislation during the war; Randolph cancelled the march on Washington.

^{xxix} On the British side, see, for example, Deputy Prime Minister Clement Attlee’s speech notes for the International Labor Organization, November 16, 1941: “Undoubtedly the evils from which we are suffering today are to a large extent due to the economic conditions of the last two decades which by destroying the security of millions made them ready in despair to listen to the promises of gangster dictators;” Attlee speech notes, November 16, 1941, CHAR 20/23:86, where he also explains that the general text for his speech “must be Franklin D. Roosevelt’s four freedoms and the clauses of the Atlantic Charter . . .” *Ibid* at 87. See also Rodgers, *Atlantic Crossings*, 485-501.

^{xxx} Robert M. Barrington-Ward to Churchill, April 14, 1942, CHAR 20/62: 9-10 (this letter with attached memo also mentions the not-yet-published Beveridge Report).

^{xxxi} Sunstein, *Second Bill of Rights*, 1. Ken Cmiel argues that “historians should set aside their preoccupation with ‘thick descriptions’ of culture and ponder the uses of ‘thin’ cultural messages in our mass-mediated world.” Cmiel, “The Emergence of Human Rights Politics in the United States,” 86 (3) *Journal of American History*, (December 1999), 1233.

^{xxxii} For a vivid example of this winnowing out of economic rights in the late 1940s, see Stuart J. Little, “The Freedom Train: Citizenship and Postwar Political Culture, 1946-1949,” *American Studies* 34 (1979): 35-67, at 40ff: One measure of the disfavor into which economic and social rights had fallen is indicated by the decision of the conservative, private-sector sponsors of the Freedom Train exhibition to cut the text of the Four Freedoms speech from the original list of exhibits proposed by the staff of the National Archives. The text of the Four Freedoms address was removed, along with the Wagner Act, because, as one of the consultants on the project wrote in private correspondence in 1946, “I think a great number of people in this country are sick and tired of many of the New Deal ideologies.” Quoted in *ibid* at 48.

^{xxxiii} Archibald MacLeish quoted in Studs Terkel, *The Good War’: An Oral History of World War II* (New York: Pantheon Books, 1984), 13. MacLeish, in 1941 the Librarian of Congress and co-editor of one set of Felix Frankfurter’s papers, had headed the State Department’s Office of Facts and Figures, an agency created in October 1941. He was also occasionally called in to polish FDR’s speeches. In June 1942 the OFF was folded into a new agency, the Office of War Information. MacLeish resigned in January 1943 under attack from Congress for acting as a “propagandist for Roosevelt and his policies.” See Arthur M. Schlesinger, Jr., *A Life in the 20th Century: Innocent Beginnings, 1917-1950* (Boston: Houghton Mifflin, 2000) especially chapter 14, “Blowup at OWI.” See also *R & H*, 215.

^{xxxiv} See generally, Les K. Adler and Thomas G. Patterson, “Red Fascism: The Merger of Nazi Germany and Soviet Russia in the American Image of Totalitarianism, 1930’s-1950’s,” *American Historical Review* 75 (April 1970):1046-1048; Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (New York: Viking Press, 1968), 149-158.

^{xxxv} FDR, “Annual Message to the Congress, January 6, 1941,” PPA 1940, 672. For additional background on the drafting of the speech, see Rosenman, *Working With Roosevelt*, 262-265; and Crowell, “The Building of the ‘Four Freedoms’ Speech,” 266-283.

^{xxxvi} Charles E. Merriam, *On the Agenda of Democracy*, (Cambridge, Mass: Harvard University Press, 1941); National Resources Planning Board, “After the War --Toward Security: Freedom From Want,” September 1942, in President’s Secretary’s File, Subject File: Postwar Planning, Box 157, FDRPL, especially 19-28; National Resources Planning Board, *National Resources Development: Report for 1942*, 3, as discussed in Rosenman, *Working With Roosevelt*, 53-54.

^{xxxvii} Merriam, *Agenda*, 98-99. See also Merriam, “The National Resources Planning Board: A Chapter in the American Planning Experience,” *American Political Science Review* 38 (December 1944), 1075, 1079.

^{xxxviii} Rosenman, *Working With Roosevelt*, 264.

^{xxxix} Merriam, *Agenda*, 52-53, 9, 78; Sunstein, *Second Bill of Rights*, 4.

^{xl} Paul Lauren speculates that the term human rights originated with Thomas Paine, in Paine’s “sensational and provocative best seller,” *The Rights of Man* (1791). Paul G. Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998), 21. For an excellent summary of the recent literature focusing on 1940s-era transformations in the politics of human rights ideas, see Ken Cmiel, “Review Essay: The Recent History of Human Rights,” *American Historical Review* 109 (February 2004): 117, 129n35.

^{xli} See, for example, Henry J. Abraham, *Freedom and the Court: Civil Rights and Liberties in the United States*, 5th ed. (Oxford and New York: Oxford University Press, 1988); Geoffrey R. Stone, “Reflections on the First Amendment: The Evolution of the American Jurisprudence of Free Expression,” *Proceedings of the American Philosophical Society*, 131 (September 1987); Samuel Walker, *In Defense of American Liberties: A History of the ACLU*, 2^d ed., (Carbondale, IL: Southern Illinois University Press, 1999).

^{xlii} See Lauren, *Visions Seen*, 1.

^{xliii} Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 2004, originally published 1948)(2004 edition with a new introduction by Samantha Power), xxvii.

^{xliv} Primus, *Language of Rights*, 179, 178; see also Hersch Lauterpacht, “The International Protection of Human Rights,” *Académie de Droit International de la Haye, 70 Recueil des Cours* 1947 (I): 1-108. For a discussion of the links between this changing conception of the sources of international human rights and what historian Peter Novick calls “Holocaust consciousness,” see chapter 8 in Borgwardt, *New Deal for the World*, on the Nuremberg Charter. Novick, *The Holocaust in American Life* (Boston: Houghton Mifflin Co., 1999).

^{xlv} These 600 articles are only a partial listing: They are accompanied by a caveat explaining that the 600 entries are limited merely to articles pertaining to human rights in the United States, and that additional human rights articles focusing on other countries may be found under the separate country headings.

^{xlvi} Churchill quoted in Arthur Bryant, *The Turn of the Tide, 1939-1943* (London: Grafton Books, 1986), 282.

^{xlvii} Churchill, “Prime Minister’s Address to the Senate and the House of Representatives in the Senate Chamber at Washington, and Broadcast to the World December 26, 1941,” reprinted in *The Unrelenting Struggle: War Speeches by the Right Hon. Winston S. Churchill*, compiled by Charles Eade (Boston: Little, Brown & Co., 1942), 360, on Churchill’s heart attack, see the memoir of his personal physician, Lord

Moran, *Churchill at War, 1940-45* (London: Constable & Robinson, 2002), 17 (first published as *Churchill: The Struggle for Survival 1940-1965*, London: Constable & Co., 1966); *R & H*, 444.

^{xlviii} Attlee cable quoted in *R & H*, 446.

^{xlix} John Milton Cooper traces the phrase “united nations” to a 1915 speech given by, of all people, Woodrow Wilson’s nemesis, Senator Henry Cabot Lodge. This appears to be a coincidence -- Lodge was not using the phrase as a caption for anything specific, but was speaking in a general way of the need for great power unity: “The great nations must be so united as to be able to say to any single country, you must not go to war, and they can only say that effectively when the country desiring war knows that the force which the united nations place behind peace is irresistible.” Lodge, “Force and Peace,” speech of June 9, 1915, in Henry Cabot Lodge, *War Addresses, 1915-1917* (Boston: Houghton Mifflin, 1917), as quoted in John Milton Cooper, Jr., *Breaking the Heart of the World: Woodrow Wilson and the Fight for the League of Nations* (Cambridge, UK: Cambridge University Press, 2001), 12. It seems unlikely that Roosevelt would have known of this isolated reference.

^l Roosevelt’s personal secretary Grace Tully reported seeing the president shortly after this alleged encounter and having FDR confide to her that the prime minister was “pink and white all over.” Tully, *FDR My Boss* at 305. It seems to have been rather commonplace for Churchill to have visitors during his twice-daily baths.

^{li} Declaration of the United Nations, January 1, 1942, *FRUS 1942*, 1: 25-26; see also US Department of State, *Cooperative War Effort: Declaration by United Nations, Washington, D.C., January 1, 1942, and Declaration Known as the Atlantic Charter, August 14, 1941*, US Department of State Publication 1732, Executive Agreement Series 236 (Washington: US GPO, 1942), 3. Forty-six countries ultimately adhered to this Declaration. Roosevelt himself insisted that India and other dominion countries sign as independent entities, and not under Great Britain’s signature. Roosevelt, Papers as President, PSF Safe File, Box 1, Atlantic Charter(1), FDRPL. On Roosevelt’s coining the term “united nations,” see Churchill, *The Grand Alliance* (Boston: Houghton Mifflin, 1953), 575, 577.

^{lii} *R & H*, 448. The phrase “in their own lands as will (*sic*) as in other lands” was added by Roosevelt and appears in his own handwriting in an undated draft of the Declaration. Declaration of the United Nations draft, PSF, Box 1, Atlantic Charter(1), FDRPL.

^{liii} The first *unilateral* example of such a statement was, arguably, the Four Freedoms speech itself.

^{liv} While this definition is my own formulation, these elements may be extracted from the introductory sections of most basic texts on the history, law, or politics of human rights. See, for example, Lauren, *Visions Seen*; Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, and Morals*, 2d ed. (Oxford: Clarendon Press, 2000); Richard Pierre Claude and B.H. Weston, eds., *Human Rights in the World Community*, 2d ed. (Philadelphia: University of Pennsylvania Press, 1992).

^{lv} See, for example, Amartya Sen, “Elements of a Theory of Human Rights,” 32(4) *Philosophy & Public Affairs* (2004)315-356; Sebastiano Maffettone, “Universal Duty and Global Justice,” paper presented to Global Justice Working Group, Freeman Spogli Institute for International Studies, Stanford University, December 2006 (<http://www.globaljustice.stanford.edu>).

^{lvi} Wannsee is widely cited as the meeting where the decision was made to implement the genocide of European Jews known as the “Final Solution.” See Richard Breitman, *The Architect of Genocide: Himmler and the Final Solution* (New York: Knopf, 1991); Ian Kershaw, “Improvised Genocide? The Emergence of the ‘Final Solution’ in the Warthegau,” *Transactions of the Royal Historical Society*, 6th Series, 2, (1992), 51-78, although more recent accounts suggest earlier decisions. See Christopher R. Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939-March 1942* (Lincoln: University of Nebraska Press, 2003), which notes that Himmler commissioned concentration camps with gas chambers for mass killings three months earlier, in October 1941.

^{lvii} See, for example, Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans* (Cambridge, Mass: Harvard University Press, 2001); Roger Daniels, *Prisoners Without Trial: Japanese Americans in World War II* (New York, 1993); Eugene V. Rostow, "The Japanese American Cases -- A Disaster," *Yale Law Journal* 54 (1945), 489-533.

^{lviii} Gandhi to Roosevelt, July 1, 1942, *FRUS, 1942* 1: 678-679; Cmiel, "The Recent History of Human Rights," *109 American Historical Review* (2004), 120.

^{lix} For example, diplomatic historian Lloyd Gardner has observed that, in FDR's press conferences, the president "often confronted his own rhetoric." Gardner, "The Atlantic Charter: Idea and Reality, 1942-1945," in Douglas Brinkley and David R. Facey-Crowther, eds., *The Atlantic Charter*, Franklin and Eleanor Roosevelt Institute Series on Diplomatic and Economic History (New York: St. Martin's, 1994), 48. See generally, Primus, *Language of Rights*, 7-8; Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Mass: MIT Press, 1996); William E. Forbath, "Habermas's Constitution: A History, Guide and Critique," *Law & Social Inquiry* 23 (fall 1998), 969-1016.

^{lx} A similar shift, including the time lag, is mirrored in the more detailed and specialized *Index to Legal Periodicals* for this era. Volume 6, covering August 1940 to July 1943, does not list Human Rights as a topic heading, although a total of roughly 24 articles under both Civil Rights and International Law headings address a human rights topic explicitly. The same is true for Volume 7 (August 1943 to July 1946), where approximately 46 articles deal directly with human rights. Human Rights has its own heading for the first time in Volume 8 (August 1946 to July 1949), cross-referenced to Civil Rights for all article listings, which now number 146 specifically on human rights, (including 40 with the term human rights in the title, up from zero in 1940-43 and two in 1943-46).

^{lxi} Robert Westbrook, "Fighting for the American Family"; for a discussion of the concept of the attentive public, see Gabriel A. Almond, *The American People and Foreign Policy*, 2d ed., (New York: Harcourt Brace, 1960), 139-143, 150-152, 233; see also Eugene R. Wittkopf, *Faces of Internationalism: Public Opinion and American Foreign Policy* (Durham: Duke University Press, 1990); William L. Rivers, *The Opinionmakers* (Boston: Beacon Press, 1965). On the idea of "middlebrow" culture in America, see Joan Shelley Rubin, "Between Culture and Consumption: The Meditations of the Middlebrow," in Fox & Lears, eds., *Power of Culture*, 162-191; Virginia Woolf, "Middlebrow," in Woolf, *The Death of the Moth* (New York: Harcourt Brace Jovanovich, 1974), 180-184; Russell Lynes, "Highbrow, Lowbrow, Middlebrow," *Harper's* Feb 1949, 19-48. On the measurement of U.S. public opinion, see William A. Lydgate, *What America Thinks* (New York: Thomas Y. Crowell, 1944); Sarah Igo, *The Averaged American: Surveys, Citizens and the Making of a Mass Public* (Harvard 2007); and Susan Herbst, *Numbered Voices: How Opinion Polling Has Shaped American Politics* (Chicago: University of Chicago Press, 1993).

^{lxii} See, for example, the *Christian Century* editorial, "President Roosevelt Sabotages the Atlantic Charter," beginning, "He intended to undermine still further any moral authority which that much flouted declaration might retain." *Christian Century*, 62 (January 3, 1945), 3-4; Horace R. Clayton, "That Charter: We Seem to be Reneging on the Principles of the Atlantic Charter," *Pittsburgh Courier* (November 28, 1942), 12, as cited in Penny M. Von Eschen, *Race Against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca: Cornell University Press, 1997), 198n15. For a fascinating description of the international backlash against the disappointed hopes raised by the moralistic U.S. foreign policy of the Wilsonian era, see Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anti-Colonial Nationalism* (New York: Oxford University Press, 2007).

^{lxiii} New Zealand Prime Minister Peter Fraser addressing the Canadian Parliament, Friday, June 30, 1944, *Debates*, House of Commons, Session 1944, vol. 5 (Ottawa: Edmond Cloutier, 1945), 4424.

^{lxiv} Edward R. Stettinius, Jr., Papers "Dumbarton Oaks Diary," Albert & Shirley Small Special Collections Library, University of Virginia; British Commonwealth Conference, *Yearbook of the United Nations 1946-*

1947, Department of Public Information, United Nations (Lake Success, New York: 1947), 10; *United Nations Conference on International Organization: Selected Documents*, Department of State Publication No. 2490 (Washington, DC: US GPO, 1946), 94-99; Division of International Organization Affairs, "Comments and Suggestions by Other Governments," undated, Harley Notter Papers, RG 59, Box 164, NARA; telegram from U.S. Embassy in Norway to State Department, March 2, 1945, Notter papers, Box 185; Division of International Organization Affairs, "Comments and Suggestions on the Dumbarton Oaks Proposals," March 28, 1944, Box 214, Notter papers.

^{lxv}“Synopsis of Essential Observations Made by the Mexican Delegation on the Dumbarton Oaks Proposals,” Inter-American Conference on Problems of War and Peace (Chapultepec Conference), Feb. 25, 1945, Conference File, Papers of Leo Pasvolksy, LC; Editorial in *El Universal* (Mexico) Feb. 28, 1945. The Conference of Chapultepec consisted of the members of the Pan-American Union minus Argentina, where the fascist-leaning government of General Edelmiro Farrell had seized power in 1944. On human rights-related provisions, see also “Resolution XXX of the Inter-American Conference on Problems of War and Peace” in 12 *State Department Bulletin* (March 18, 1945), 449-50; Committee II, “An Account of the Essential Comments Made by the Delegates to the Inter-American Conference on Problems of War and Peace Concerning the Bases of Dumbarton Oaks,” Records of the Office of UN Affairs, RG 59, Box 30, NARA; “Proposals of the Delegation of Cuba for the Declaration of the International Duties and Rights of the Individual,” Notter papers, RG 59, Box 23, NARA; US Department of State, “Report of the Delegation of the United States of America to the Inter-American Conference on problems of War and Peace,” Washington, DC: US GPO 1946.

^{lxvi} Gardner, “The Atlantic Charter: Idea and Reality, 1942-1945,” in Brinkley and Facey-Crowther, *Atlantic Charter*, 45-81, at 53.

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