Poetry in the Shadow of Human Rights
Hadji Bakara

*It is a mortal error to expect from poetry the supersubstantial nourishment of man*
– Jacques Maritain

Between 1945 and 1948, Archibald MacLeish, the poet and politician participated in the founding of the United Nations and its Commission on Human Rights and helped draft the century’s two most important declarations of human rights: the preamble to the United Nations Charter and the preamble to the Universal Declaration of Human Rights (UDHR). As an esteemed poet, rhetorician, and public intellectual, MacLeish was called on at different times to articulate the mission of the UN and human rights to a global public. Yet the archive assembled in this essay—a range of poems, preambles, notebook entries, and written fragments—reveals how, in each case, the institutional responsibility of declaring rights led MacLeish to explore alternative political and philosophical foundations for postwar justice. Tasked with fine-tuning the declarations, MacLeish came to question the very grounds of postwar universalism. Like his contemporary, the German social theorist and refugee Hannah Arendt, MacLeish refused to look past what the philosopher called the “perplexities” of claiming universal human rights in the wake of World War II, the Holocaust, and the continued plight of the stateless and rightless. Also like Arendt, he set himself the formidable task of imagining ontological grounds for universal rights that did not rely on the tradition of natural and divine law. Yet whereas Arendt engaged the task of rethinking human rights through political theory, MacLeish pursued alternatives in and through poetry.

Buried in MacLeish’s official papers from the founding of the UN are assorted literary fragments and formal anomalies: preambles written as poems and poem fragments scribbled in the stolen moments between his official duties as Assistant Secretary of State. These neglected or forgotten writings cleave open space between the institutions codifying human rights and the abstract objects that these institutions rendered. This space allows us to consider more soberly the felt compatibility between lived historical
moment and the categories and concepts that emerged to give order and meaning to a society reeling from catastrophe. The first part of this essay reads these fragments as evidence of poetic thinking that the challenge of articulating absolute human value in the wake of war and genocide occasioned. The second part turns to MacLeish’s last modernist long-poem, “Actfive” (1948), emerging out of these fragments. Begun on a scrap of paper during the UN’s founding and completed while MacLeish was at work on the UDHR, “Actfive” represents a critical point of convergence among literary modernism, postwar memory, and the history and politics of human rights.

1. On Poetry and the Human Person

The historical arc of this essay follows MacLeish as he navigates the abstractions on which human rights were founded at the UN. His goal, I argue, is to ground radical human value without recourse to the intrinsic “worth” of a “person” before the law (whether national, international, or divine). Yet to get a sense of the scale of human life that MacLeish’s writings sought to make available for subjective encounter, we may first touch on the exceptions sown into the language and philosophy of human rights and the “human person” at midcentury. More importantly for our specific purpose, I also survey the literary forms underwriting the distinctions between humans and persons encoded in the century’s founding documents of human rights.

The preambles to the United Nations Charter and the Universal Declaration of Human Rights both turn on the same promissory, ex post facto promise to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person” (1). Few sentences have had more of an impact on the politics of our time, yet few are less straightforward in their meaning, since the “human person” of human rights law is not, strictly speaking, the human as such. The English “person” derives from the Latin persona and the Ancient Greek prosopon, meaning an actor’s mask, later the actor themselves, and finally a human being recognized by some form of law, whether, divine, natural, national, or international. While we tend instinctively to consider all humans persons, the “person” is only a “synonym for a rights-and-
duty-bearing unit. Any such unit would be a person,” as John Dewey noted in 1926 (663). “Human rights law,” as Joseph Slaughter notes, is thus “something of a misnomer,” since the human “cited in the title of the UDHR is not a human as such” but a “particular kind of human activated as a legal and moral unit with rights” (38). Insofar as it bears a stable definition, the “human person” simply possesses value and, with it, the capacity to be a bearer of rights. As the philosopher Roberto Esposito thus maintains, “In order to be able to assert what we call subjective rights — to life, to well-being, to dignity — we must first enter into the enclosed space of the person” (3).

Ever since human rights emerged as the “lingua franca of global moral thought” at the end of the Cold War, literary studies have shown an increasing interest in the “person” of human rights law and discourse (Ignatieff 53). The topic, however, has so far been approached almost exclusively by way of narrative fiction. In the early 1990s Wayne Booth laid the groundwork for much later work on literature and human rights when he posited that the emplotted “social self” delivered in the realist novel best represented the “human” of the human rights imaginary (30). Locked into the social network of narrative fiction, Booth reasoned, a fictional character assumes multiple, contingent selves that we recognize as paramount to the universal constitution of personhood. Joseph Slaughter has since thickened the ties between literary and legal emplotment, reasoning that what we recognize as the “human person” described in the 30 articles of the UDHR has come down to us via the European bildungsroman and its emphasis on character development. To that end, Slaughter cites a remarkable literary debate that took place during the proceedings of the United Nations Commission on Human Rights — a debate centering on Daniel Defoe’s Robinson Crusoe (1719). Unable to reach a consensus on the relative autonomy or social contingency of the “human personality,” delegates turned to these fictional adventures to debate the universal nature of “Man.” Slaughter then makes a case for viewing the novel form and human rights as “mutually enabling fictions,” since “each projects an image of the human personality that ratifies the other’s idealistic vision” (4).

Although it is now widely accepted that the histories of human rights and of the novel developed coevally, scholars of human rights and literature have had much less to say about poetry. A curious
omission, since one need not dig too deep in the history of human rights to find poetry, in fact, to find Walt Whitman.

The author of the preamble to the United Nations Charter, which introduced both the language of human rights and the human person into the mandate of the UN, was Jan Christian Smuts, former prime minister of South Africa and a close friend of Winston Churchill. An inveterate racist and theorist of global white supremacy, Smuts was also a learned polymath with monographs ranging from Hegelian philosophy and ecology to Romantic poetry. In April 1945, Smuts tabled his first draft preamble and declaration of human rights, which began:

The high contracting parties: determined to prevent a recurrence of fratricidal strife which has twice in our generation brought untold sorrow and losses on mankind, and to reestablish the faith of man and women in fundamental human rights, in the sacredness, essential worth and integrity of the human personality (“Smuts Preamble” 1).

Here were the rudiments of the sentence we began with: to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person” (UNP1). But what exactly did this racist mean when he declared the “human rights” and “essential worth” of the “human personality?”

As it took shape in the late nineteenth-century, Smuts’s vision of the “human personality” grew out of a theory of the greater Romantic lyric, elaborated in his first of many works on global order: Walt Whitman: A Study in the Evolution of Personality (1895). This idiosyncratic book took up Whitman’s life and poetry in order to ground a “general philosophic theory of the personality” (76). The “personality,” Smuts explained, was a “distinct, single, indivisible unity of life in each individual,” which evolved within the greater “social organism” that was civilization (47, 80). All human beings possessed personalities; yet owing to an unevenness of human development (between white European and inhabitants of the Global South), not all personalities were of equal “worth.” Instead, only a select portion of “personalities” — such as Whitman’s poetry evinces— ever fully evolved. Staking his philosophy of
human rights and human value on this imputed asymmetry, Smuts developed an elaborate theory of
global racial difference, which he implemented with varying degrees of success through his influence at
the League of Nations, the British Commonwealth, and the UN. While a deeper exploration of his racial
views (and the role of these views in the theory of human rights) is beyond the scope of the present
discussion, what I want to emphasize here is the axiomatic place of lyric personhood within the genealogy
of Smuts’s philosophy of human rights Lyric poetry — especially a lyric voice as capacious as
Whitman’s—struck Smuts as offering “a history, not only of experience, but also of personality” (73).
Possessed of what Smuts called a “universalizing extensivity,” Whitman’s lyric powers testified to the
poet’s superior position at the highest stage of human personality development, or what the diplomat
called, with no little odor of his racist outlook, the “highest manifestation of life in this world” (73).

Smuts was not alone at midcentury in assuming the supreme value of the “personality” over the
human. The French Catholic philosopher Jacques Maritain was indeed the period’s most important
philosopher of human rights and the human personality. Widely read and translated, Maritain’s seminal
works included The Rights of Man and Natural Law (1942), Man and State (1951), Christianity and
Democracy (1944), and his introduction to UNESCO’s “Human Rights: Comments and Interpretations”
(1947). Beginning in early 1940s France, Maritain adumbrated a theory of human rights grounded in the
doctrine that God grants all humans prepolitical, natural rights, which could be activated or claimed by
each “human person.” Maritain’s doctrine was one of many iterations of the broader philosophical
movement known as Personalism, of which he was the leading voice. As Samuel Moyn suggests,
Maritain was “the most prominent thinker of any kind across the world to champion rights in the postwar
moment” (90). In Maritain’s influential view, human rights were realized through a “Dynamism which
impels the unwritten law to flower forth in human law” (Christianity 94). Only when the “temporal
world” of human life came to harmonize with the “perfect” laws made by God would all humans truly be
“persons,” making universal human rights a reality on earth.

Before Maritain emerged as the leading philosopher of human rights during World War II, a
principal field of his study was aesthetics, on which he published Art and Scholasticism (1920), “The
Frontiers of Poetry” (1933), and Creative Intuition in Art and Poetry (1953). Much like Smuts, Maritain harbored a vision of poetry as a privileged conduit of “personality.” “Poetry (like metaphysics),” Maritain wrote, “is spiritual nourishment” (Frontiers 18). It possessed the power to carry humanity in moments of crisis by nurturing the human spirit for creation. At the same time, poetry was also “of a savor which has been created and which is insufficient (18). Concerned about a drift towards nihilism in the arts, Maritain argued that modern poetry had grown bold and idolatrous in bidding to make poetry “the means of life.” While modern poetry fostered an ethics based on one’s relationship to the art object, Maritain warned that poetry could function only as a “counterfeit of the supernatural.” It was therefore “a mortal error to expect from poetry the supersubstantial nourishment of man” (12).

Yet for Maritain, poetry could affirm the spiritual core of the human, but only insofar as the poem becomes a conduit for the “personality” guided by both “creative intuition” and “poetic sense.” In each human being, a “creative intuition” turns the mind and hands towards the process of making new things – things that reflect God’s original creations while never equaling them. “God’s ideas precede things, they create them” (Art 6). As the material artifact of a higher sense, Maritain saw art objects as the worldly crystallizations of God’s “creative” intentions. A poem resplendent in authorial personality was a fabrication of God’s ways on earth. Just as human rights showed God’s law “flowering forth” in human law, poetry resonated with the agency of a higher spiritual force brought down to the “temporal world” of human making.

Since he so strictly believed that poetry’s value was as a conduit of the “personality,” Maritain took particular issue with the poetics of “impersonality” pursued most influentially by T. S. Eliot and, later, MacLeish. On more than one occasion Maritain took up MacLeish’s poem “Ars Poetica” to convey the fallacy of modern poetry in rejecting the metaphysical. Here is the famous final stanza of MacLeish’s poem:

A poem should be equal to:

Not true.
For all the history of grief
An empty doorway and a maple leaf.

For love
The leaning grass and two lights above the sea —

A poem should not mean
But be (Collected 95).

This seemed to Maritain the ultimate expression of modern poetry’s denial of its own metaphysical substance. “A poem must only be, yes” Maritain explained, “but it cannot be except through the poetic sense; and some intelligible meaning, subordinate or evanescent as it may be, at least some atmosphere of clarity is part of the poetic sense” (Creative 51). What the philosopher was ultimately protesting in MacLeish’s poem is the claim that ontology alone grounds poetry’s value. He challenges poetry’s being in itself: its significance as a marker of human action on earth. Poetry “cannot be,” Maritain insists, without affecting a trace of the metaphysical “poetic sense.” And when “poetic sense” is effaced poetry is severed not only from its conditions of intelligibility but, more crucially, from its source of value. Devoid of “personality,” Maritain reasoned, a poem becomes a profane thing and a metonym for a fallen world.

MacLeish, by contrast, assigned value to poetry precisely where Maritain found it wanting. Even as he later revised the ideas expressed in “Ars Poetica,” MacLeish never gave up on the highest value of poetry as ontology. What changed over the course of the 1930s—when economic crisis at home and fascism abroad came to animate his work—was his view of poetic making as a historically and politically conditioned action. A poem, MacLeish wrote in “Public Speech and Private Speech in Poetry,” is “an action on this earth” like “a war or an edict” (59). While a poem may only “be,” its coming into the world leaves behind an artifact “committed to this earth, confined within the shallow water of this air” (6). Whereas Maritain discerned “a mortal error to expect from poetry the supersubstantial nourishment of
man,” MacLeish understood poetry as correcting the error of seeking human nourishment in the “supersubstantial.

Most likely, the conflicting views of poetry held by Smuts, Maritain, and MacLeish would have remained solely in the realm of aesthetics had Smuts and MacLeish not crossed paths in 1945, each tasked with imagining and declaring absolute human value in the preamble to the United Nations Charter. What would likely have remained a disagreement among theorists concerning the relation of human value to art became, for MacLeish, the foundational principle on which the terms and forms of postwar universalism were debated and worked through.

II. A Poem and a Preamble

In the spring of 1945, as delegates assembled in San Francisco to charter the United Nations Organization, aesthetics was scarcely among the subjects debated. Yet MacLeish’s partisanship to the “impersonal” over the personal, and the ontological over the metaphysical, can at least partially explain why he was moved to anger by the language and philosophy of Smuts’s preamble. We will recall that the South African’s first draft of the preamble promised to restore “faith” in “fundamental human rights” and the “sacredness, essential worth and integrity of the human personality (“Preamble” 1). A few days after Smuts tabled the draft, MacLeish, acting as Assistant Secretary of State, delivered a letter of protest to President Truman. Avowing never to have seen “a more complete literary and intellectual abortion,” MacLeish called the preamble a “cross word puzzle” constructed out of “political and academic odds and ends” (“Letter to Stettinius” 1). The preamble had to be rewritten and rephrased, he reasoned, if the aims of the nascent organization were to achieve a “human perspective” (1).
Long buried in his papers at the Library of Congress, MacLeish’s alternative preambles and declarations of rights bear witness to a very literal search for foundations in a period of global crisis and reorganization. They remind us of just how fluid and unpredictable was the language and ethos of universalism coming out of World War II. For neither the idea of “human rights” nor the language of the inalienable “dignity” of the “human person” was the inevitable outcome of a world shocked by total war and genocide. MacLeish’s preambles, however, bespeak more than a semantic conflict with the Personalist philosophy of Smuts and Maritain. They also bespeak his anxiety over working within the declaration form itself, revealing a turn to poetic thinking and formal experiments that cut across the generic confines of the declaration form.

MacLeish first began work on his preamble and alternative declaration of rights with a palimpsestic exercise written literally on top of and in the interstices of a printed copy of the preamble to the American Declaration of Independence (see Figure 1). To begin with that celebrated document was only logical. Historians of rights such as David Armitage and Lynn Hunt trace the “literary genre” of declarations of rights to its prefatory paragraphs. Hunt likewise begins her seminal history of human rights by noting the significance of Thomas Jefferson’s final inclusion of the term “self-evident” in transforming the conceptual grounds of the human. “With this one sentence” she explains, Jefferson transformed a “typical eighteenth-century document about political grievances into a lasting proclamation of human rights,” and all future declarations of human rights would come to rest “on a claim of self-evidence” (21).

MacLeish, however, appeared uninterested or unwilling to rescript those claims for the post-1945 era. Instead, he categorically avoided the defining concepts like “self-evident” and “inalienable,” as well as “human rights,” the “human person,” and the “human personality.” In their place, he declared rights with a long paratactic line of iambs: “The rights of men to live like men in dignity and decency and order and under the rule of justice and of law, are rights common to all men everywhere (“Declaration Draft” 1). More than just avoiding the defining terms, the poet’s first formulation exhibits a clear conviction that all heteronomous concepts should be expunged. Nothing in MacLeish’s preamble is “sacred” or
“fundamental” — nothing is preceding politics. When considered alongside the diction and philosophy of both eighteenth- and twentieth-century declarations of human rights, MacLeish’s is remarkable for its exclusions. Whereas eighteenth-century declarations drew on the authority of “creation” to ground “self-evident,” “inalienable,” “inherent” and “undeniable” rights, and twentieth-century declarations of human rights rest on concepts like “sacredness,” “essential worth,” and the inviolable “dignity” and “integrity” of the “human person,” neither God, nature, the “human” nor the “human person” should be the foundation of the “rule of justice and of law” for MacLeish.14
Fig. 1. Archibald MacLeish’s draft of the preamble to the United Nations Charter, undated. Courtesy of the Library of Congress Manuscripts Division. Washington D.C.

Fig. 2. Archibald MacLeish’s draft of the preamble to the United Nations Charter, June 19, 1945. Courtesy of the Library of Congress Manuscripts Division. Washington D.C.
MacLeish’s “Declaration Draft” marked the beginning of a concentrated project to reimagine the rhetorical underpinnings of the declaration form, and with it the philosophical grounds of human value. Over the next weeks, MacLeish drafted nearly twenty declarations of rights, none of which employ either the language of “human rights” or Smuts’s and Maritain’s Personalist rhetoric. The draft that most concerns us appeared late in the sequence. Dated 16 June, 1945, this version is a fully lineated poem/preamble (see Figure 2):

We the Peoples of the United Nations
Resolved by uniting our strength
to save ourselves and our children
from the scourge of war which twice
in our time has brought untold war
to mankind,

Persuaded that men and nations
can live together as good neighbors
by the common undertaking and purpose
of them all,

Believing in the worth and dignity
of man and in the rule of law
and justice among nations,

Convinced that only a common ef-
fort can improve the conditions of the
common man,

Through the representatives designated by our
governments and furnished with full powers
found to be in good due form
agree in conference at San Francisco to the present

CHARTER OF THE UNITED NATIONS (“Poem/Preamble” 1).

If earlier drafts excluded “human rights” and any mention of the “person,” this draft does away with the language of rights altogether. The pivotal term here is “common,” and its subject is the “common man.” In an unpublished poem fragment from 1945-1946 titled “The Common Man,” MacLeish figures that entity through a paratactic linkage of “you + I + him + her,” suggesting a potentially infinite chain of impersonal encounters (“Common” 1). Significantly, MacLeish defined the subject of his declarations only in a poetic fragment; moreover, the use of parataxis to braid “you + I + him + her” projects an image of human life in many ways unavailable to preambular language and form. While parataxis creates semantic disorder, preambular language smooths over conceptual and semantic antagonism, imposing order and coherence. MacLeish’s impulse to bring poetry and preambularity together in his poem/preamble may well express a cognate effort to overcome the limitations on thought and language inherent to the preamble form.

The question is whether we may read the form of the poem/preamble as a contributing to—perhaps even marking the fundamental quality—of MacLeish’s political philosophy. To introduce rhythmic prosody into a declaration of universal rights stages a particularly freighted encounter between the legal and the literary. The text’s imperfectly enjambed lines reorganize the preamble semantically and
affectively; it is no longer merely a statement of intent but a temporally conditioned meeting place between reader and writer whose anticipation of the line break is mutual. This intersubjective dimension of poetic rhythm has been variously described by poetry theorists and seems to have some bearing on the twinned intentions of a poem/preamble. For the New Critics, this enjambment was a marker of subjectivity; for Susan Stewart, being in time or “in number” is a form of extra-semantic communication of human sense experience (22); for Mutlu Blasing “the individuating and intentionalizing function of rhythm . . . renders audible an intending subject,” or “virtual subjectivity” (8).

With MacLeish’s poem/preamble before us and legible as a poem, we do acknowledge an intending force—a maker—whose energy is felt at the edges of meaning and sound. Yet this abstract poet/maker is too sparse to speak or be claimed as a “person” or “personality.” It is, in a word, impersonal. Read as dichotomous indices of human value, the impersonal poet/maker of MacLeish’s poem/preamble and the “human personality” of Smuts’s declaration become especially notable. Smuts had found in Whitman’s lyric poetry an archive of the fully formed “human personality” whose rights are “fundamental” and “sacred.” By contrast, MacLeish’s poetics placed value in human intention, action, and possibility, sources of humanness posterior to the formation of personhood but fundamental to the fabrication of things in the world. In this way, the incommensurability of MacLeish’s poet/maker and Smuts’s “human personality” reminds us of the of depersonalized quotients of human life that precede the legal or metaphysical abstraction of the rights-bearing person. From a slightly different angle, this impersonal humanness might also stand as the general criterion of a more radically open idea of “what a person is,” as Oren Izenberg has recently argued. Izenberg contends that poets at midcentury responded to the “upheavals of decolonization and nation formation . . . and above all, genocide and the specter of total annihilation” not always in a poem but in “something through or by poetry” (2). Yet by “poetry” he means “not so much the expression of the imagination as a revelation that the imagination is the fundamental, value-bearing aspect of our nature” (17). For Izeneberg, “poetry in the general sense” precedes the act of composing a poem, and might therefore be understood as the use of a specific “faculty,” which intends to “reveal, exemplify, or make manifest a potential or ‘power’ that
minimally distinguishes what a person is” (23). Either way, whether we understand poetry as an act of making or as a human faculty, encountering MacLeish’s preamble as poetry supplements and expands upon its capacities to locate, make sensible, and otherwise ground the value of human life.

MacLeish, however, could not have intended the preamble to be read or encountered as a poem. Since his final version of the preamble was not lineated, we can assume that the poem/preamble was only an experiment. But an experiment in what? It was an experiment, no doubt, in imagining, articulating, and grounding human value in the wake of war and genocide. What the poem/preamble makes definitely available to us then is an occasion of poetic thinking provoked by historical catastrophe. As Simon Jarvis defines it, “poetic thinking” can describe a “thinking-through-making which happens in the composition of poems which prompts us to expand our idea of what persons can do and can be” (1). In making a poem, Jarvis suggests, one imagines plural others in a way radically open and irreducible to the imagined reader. For Izenberg, however, “poetic thinking” may also precede the act of making, existing only as an intention to be with and towards plural others. Keeping both these definitions in mind, in MacLeish’s poem/preamble we get the sense that in placing his words in time he was both writing for nobody and for somebody, concurrent intentions making the parameters of this somebody radically undeterminable.

Charles Bernstein describes something like this when he counsels that we take note of “the collective and dialogic nature of poetry without necessarily defining the nature of this collectivity — call it a virtual collectivity” (5). Although any variety of poetic deposit might be read as a communion with a “virtual collectivity,” there is an especially freighted significance to the act of thinking poetry and preambularity together as MacLeish did, and when he did.

In bringing this text to the foreground, I aim to demonstrate how MacLeish’s institutional responsibility and efforts to imagine and articulate universal rights opened onto a dialectic between poetic thinking and making and human valuing. By this I mean simply that MacLeish began writing poetry again (after a six-year hiatus) at the very moment when he was tasked with ascribing value to all human beings;
in doing so he ended up reimagining the nature and possibilities of this challenge by moving beyond the simple act of ascription. Take for instance a declarative stanza of MacLeish’s poem/preamble:

Believing in the worth and dignity
of man and in the rule of law
and justice among nations,
Convinced that only a common ef-
fort can improve the conditions of the
common man (1).

Effort is the preamble’s dynamic force, distinguishing it from Smuts’s declaration, which rests assured in the givenness of the human personality’s rights. For MacLeish, so much hinges on the sound fragment “ef-fort.” Still, he must have known that readers would spill over the line-break, that “ef-fort” was a guise to keep the line afloat. But a guise for whom? Such small peculiarities run through MacLeish’s preambles. In isolation they appear as little more than quirks: elective constraints the poet assumed in private. Yet when you aggregate and consider them as composite parts of something larger, they adduce not only the common expressive project of achieving something like a poem’s mixture of meaning and sense, but also a way of thinking about others that is demanded by poetry. For this reason, the dichotomy between “poetry” and poems drawn by Izenberg becomes an especially apt way of deriving meaning from the formal ambiguity of the poem/preamble. Rather than assume the text is a poem, we might more accurately and fruitfully take it up as the material deposit of “poetry in the general sense,” as evidence, that is, of a faculty acting to express or ground some fundamental aspect of being human.

To compose a poem is to think in terms of others who cannot be identified or defined. In the difference between “common ef/fort” and “common effort,” we see how words to be signified (“common effort”) becomes a sound to be communicated (“common ef/fort”), and, in turn, how an idea to be declared (universal human value) becomes a concept to be grounded in the act of poetic making. Importance accrues to the poem/preamble as a disturbance or disruption in thinking (ours and
MacLeish’s) about how to imagine what a value-bearing human is and can do. The poem/preamble marks an aberration of poesis into the history of human rights, interrupting the administrative and procedural flow of postwar reconstruction that helps reframe our sense of imagining and articulating human value without exceptions.

III. What is Man?

I’ve been exploring how MacLeish’s preambles to the United Nations Charter indexed his attempts to reshape the philosophy of the declaration of rights from the inside, while necessarily and circumstantially keeping within the preamble form. The poetry that MacLeish produced during the years to follow more directly reveals the inadequacy of the declaration to announce and ground absolute human value fully. Before I turn to that poetry, I will briefly trace MacLeish’s career through the immediate years of the postwar.

At war’s end, human rights and the “human person” triumphed. Smuts’s preamble was ratified with minimal edits, and few, save W.E.B Du Bois, found any reason to object to the fact that one of the century’s foremost racists headed the drive for human rights. Amidst the fanfare, MacLeish’s discontent might have appeared to put him on the wrong side of history. But the immediate postwar decades proved inhospitable to human rights as a moral or political ideal. As the UN and UNESCO started ambitious and large-scale projects to address the question, “what is a human?,” many of the period’s writers and intellectuals repudiated the idea that such questions should be left up to institutions. To be sure, countless writers and intellectuals addressed the question of fundamental anthropology at midcentury. But scarce few took up the problem of human rights until the 1970s. By the early 1950s, T. S. Eliot, among the era’s most important writers and moralists, could lambast human rights as erstwhile “verbiage” used “during the war as moral stimulant” (90). On a similar note, the influential cultural critic, Dwight Macdonald, cast efforts to draft an international bill of human rights as the naïve work of “global backwoodsmen” (“Henry” 98). Search the premier literary journals of the period, on both sides of the Atlantic, and one
seldom encounters evidence of a “human rights revolution,” save Arendt’s bracing and foundational critiques.9 “No one will deny that the discussion of poetry is one of the highest proofs of civilization that a society can give,” wrote a critic in the Partisan Review in 1945 (Schwartz 50). One would have been hard pressed to find the same said about human rights.

In the early postwar years, MacLeish worked as the principal conduit between UNESCO and the new United Nations Commission on Human Rights (UNCHR). In June 1947, during the commission’s inaugural planning sessions in Lake Success, New York, MacLeish attended the meetings as UNESCO’s official representative, tasked with gathering data for the organization’s landmark study, “Human Rights: Comments and Interpretations” (1948). Since little attention was paid to the actual substance of human rights during the founding of the UN, the human rights commission was convened to establish the meaning and foundation of universal human rights. During his two weeks attending the commission, MacLeish witnessed what historians of human rights consider to be among the most protean and contentious of the sessions. Looming was the question of anthropological universalism. For the Lebanese delegate, Charles Malik, a Catholic philosopher and a partisan of Jacques Maritain’s Thomist philosophy, the clear purpose of the commission was to define the human. “The Bill of Rights,” Malik later announced, “must define the nature and essence of man. . . . It will, in essence, be an answer to the question: What is man? It will be the United Nations’ answer to this question” (“Speeches” 5). By many accounts Malik’s prescriptive agenda and emphasis on fundamental anthropology set the tone for the Lake Success sessions. As the Canadian delegate John Humphrey recounted, Malik “believed in natural law” and felt his “chosen philosophy provided the answers to most, if not all, questions, and his thinking was apt to carry him to rigid conclusions” (205). In Malik’s narrow terms, human rights were rights to a private sphere of being unmolested by collective life, or “the tyranny of the state and the tyranny of systems” (“Speeches” 8).

Although Malik’s vision of human rights found abundant expression across the articles of the UDHR, it did not go uncontested. On the opening day of the commission, the Chinese delegate, P. C. Chang, wondered if the very terms of the commission’s focus shouldn’t be rethought. “Are we not
speaking of obligations and the experience of man?” Chang asked, suggesting, “Rights without obligations is tyranny. Obligations without rights is tyranny” (“Minutes” 12). Chang, a student of John Dewey, held a view of human life much closer to MacLeish’s, whose language of the “common” also echoed Dewey. Contrary to Malik’s faith in a single human nature, Chang’s philosophy of humanness was fundamentally pluralist, blending pragmatism and Confucianism out of which came a keen emphasis on social contingency, education, and human plurality as the prerequisites for living the ideal of human rights.

According to historian Lydia Liu, Chang worked diligently though unsuccessfully during the later drafting sessions of the UDHR to translate and include the written character 仁 (ren) — which combines the character 人 (human) and 二 (the number “two”). While Chang suggested a transliteration of 仁 (ren) as “two-mindedness,” the final drafters settled on the thoroughly inadequate estimation of “reason and conscience” (“Shadow” 412). MacLeish’s preambles had pursued a philosophy very similar to Chang’s. Much like MacLeish’s “common man” defined as “you + I + him + her,” Chang’s notion of 仁 (ren) imagines a humanness irreducible to the “dignity” of a singular being. In their own ways, Chang and MacLeish had sought pragmatist alternatives to the principles of Christian natural law, and each had ultimately failed. There must then have been a tinge of irony for MacLeish when Eleanor Roosevelt called on him to draft the final preamble to the Universal Declaration of Human Rights. In a letter passed over in all major histories of the UDHR’s drafting, Roosevelt wrote to MacLeish:

The preamble to the Human Rights Declaration was based on three drafts French, British, and United States—with a few extra ideas and phrases thrown in. On behalf of the United States, we had withdrawn our previous draft and put in the one you sent me (after a certain amount of editing, relating only to the substantive elements). I do not know how pleased or shocked you will be with the compromise results; but I do thank you for the very real contribution (“Roosevelt Letter” 1)
IV. Riddles and Perplexities

Along with his work on the UDHR, 1948 saw MacLeish officially return to poetry with the publication of *Actfive and other Poems*, after nearly a decade of silence. “Actfive,” the long title poem, was a mock epic in three acts, in which he returned to the form and themes of interwar modernism, however ironically. As previously noted, “Actfive” was actually begun during the founding of the UN in 1945, while MacLeish worked on the preamble to the charter. The first iteration of the poem is found on a piece of scrap paper located amongst his papers from the San Francisco conference. In this initial draft we can see in the upper left corner the poem’s guiding apostrophe, “who is the hero?”

![First Undated Draft Fragment of MacLeish’s “Actfive.”](image)

Set against the ruins of World War II, “Actfive” begins after action unseen: “The Stage all Blood,”
Whereat – the King unthroned, the God
Departed with his leopards serpents
Fish, and on the forestage Man
Murdered, his wounds like words so many wounds (Collected 330).

With all sources of authority abandoned, the poem’s speaker apostrophizes into the void: “who will play the hero?” Part theater and part wartime cinema-reel, the setting and atmosphere of the poem also resembles the space of the human rights commission itself (see Figure 4). To reimagine the circular boardroom at Lake Success as a theater is not difficult, especially when considering Malik’s frequent oratories on the “nature and essence of man.” Was this not already the stuff of Shakespeare? Neither is it difficult to imagine the room as blood-soaked, saturated by a recent history whose atrocious acts of violence — the concentration camps, and the Allied bombing campaigns, including Hiroshima and Nagasaki — were collectively and consensually repressed. The war had given way to endless tragic theaters, sites of helplessness and delusion in the face of fathomless inhumanity. And MacLeish may very well have imagined the UNHRC this way.
While critics praised the volume’s shorter lyrics, they unanimously excoriated “Actfive.” The poem, judged simply “a failure” by Hayden Caruth, was largely faulted on two counts: its thematic overreach and its incoherence (86). A review in *Time*, for instance, faulted “Actfive” for “echoing the big, pretentiously philosophical tones for which [MacLeish’s] poetic equipment is essentially unsuited” (“Actfive” 30). The *American Mercury* observed that while the poem “deals with the present critical condition of the world,” its “words and phrases are so abstruse and so childishly punctuated that the poem reads like gibberish” (18). Selden Rodman, in turn, found the poem “a curious spectacle,” noting both “genuine alarm” and surprise at “this frantic wringing of the hands, this gall of disillusionment . . . coming from the once-sanguine MacLeish” (63). “Actfive” left Rodman less “shocked by our postwar world than by the emotional instability of its prophets” (65). “Gibberish,” “disillusionment,” and “emotional instability” strike one as odd assessments of a poet who had so recently been called upon to work on, indeed to *clarify*, the Universal Declaration of Human Rights. But the discord is illuminating.
For the previous decade to have read or heard him was greatly to have encountered the sanitized propaganda of the American Warfare State. Yet now, with the war won, he saw the world “Abandoned by guardians and gods” (Collected 340).

In the conference room at Lake Success, MacLeish had witnessed heated debates over the relative merits of rights and duties. Echoing those debates, “Actfive” begins by asking toward whom or what do we owe the duty by which a corresponding right will be ensured. The epigraph poses the question as a kind of riddle:

> With no one to whom the duty could be owed and still to owe the duty — no one here or elsewhere: even the noble image of ourselves in which we trusted broken and destroyed (Collected 330).

MacLeish’s prefatory riddle is a sort of declaration of its own. A duty is categorically owed, but a duty to nothing or no one. In this way, his question reimagines the form and philosophy of the preamble in general, and the human rights preamble in particular, by replacing coherence with obscurity. Preambles by nature rest on tautology — their generic marker is the use of the conjunction whereas, denoting a given fact. And while preambles deal in tautology, human rights preambles work in the tautology of the human. They assume that we know what a human is.

By contrast, riddles traffic in obscurity. If preambles articulate the “self-evident,” riddles make strange and defamiliarize what cannot rise to self-evidence. As Daniel Tiffany observes, the difficulty and incoherence of riddles (themselves one of the oldest forms of poetry) connect historically to poetry’s “obscurity effects.” “Rather than being the principal impediment to poetry’s social relevance,” Tiffany reasons, “obscurity effects” are an active though repressed aspect of poetry’s contribution to sociological knowledge (16). If we take poetry’s “obscurity effect” as part of its claim to social utility, then cultivating obscurity and striving for legibility are not opposing actions per se but dichotomous and potentially complimentary forms of knowledge production. Every preamble may need its riddle or poem, since poetic obscurity and preambular tautology provoke very different courses of thought when turned toward the
same burden of articulation. If preambles announce inclusion and coherence, poetic obscurity cultivates semantic and even social disruption while enjoining us to attune ourselves and to value what is excluded from plain view or uncritical thought. Riddles and poetic obscurity strategically mobilize opacity, oriented toward provoking attention to the excluded, marginalized, difficult, dark, and incoherent aspects of language, knowledge, and social life.

The epistemological value of cultivated obscurity is one way that MacLeish used “Actfive” to lodge his claims against the official institutional discourses that occasioned the poem. While declarations of human rights frame their object as an “inalienable” truth, poetic obscurity renders the world momentarily unrecognizable, placing its lesson beyond the pale of rational, inherited thought or feeling. In *The Origins of Totalitarianism* (1951), Arendt launched the first sustained critique of human rights by taking as her subject the “perplexities of the rights of man” (306). World War II and the Holocaust had thrown the absolute vulnerability of the “mere human” into stark relief. Refusing to ignore the disjuncture between human and citizen, the most productive critical work in the Arendtian tradition has addressed such knotty contradictions and critical impasses. “Human rights have only paradoxes to offer, writes Costas Douzinas, the “paradoxical, the aporetic, the contradictory are not peripheral distractions awaiting to be ironed out by the theorist. Paradox is the organizing principle of human rights” (9). Yet facing up to the deep perplexities of human rights neither makes achieving them impossible or pursuing them foolhardy. In *Rightlessness in the Age of Rights* (2015), the political scientist Ayten Gündoğdu rightly surmises that the riddle of human rights will not be definitively solved, due to the plurality of human life and the unpredictability of historical forces. “The task,” however, “is neither to provide the discourse of human rights with a coherence that it originally lacked nor to call on alternative emancipatory languages. . . . It is instead to come to grips with the perplexities of human rights for the purposes of rethinking these rights in response to challenging problems of rightlessness” (28). In this sense, riddles and paradoxes provoke live critical thinking occasioned by the challenges that rightlessness poses.
V. The Shape of Flesh and Bone

In “Actfive,” the redeeming “hero” raises paradox to an epistemology, even a philosophical anthropology. Not or not-yet human, the “hero” of “Actfive” is a “shape,” the “shape of flesh and bone.” In contrast to the “dignity” of the “human person, “flesh and bone” invokes the sublime and the abject. For instance, at different moments the “flesh and bone” are beaten and brutalized, yet they remain a conspicuously unsentimental object. Their formlessness renders it impervious to sympathy or pity. Without the features and contours necessary for human expression, the mute “shape” appears to lack all “humanity.” In a way, the recursive apostrophe, “who will play the hero?” thus proves to be something of a catachresis, invoking a too fully humanized or anthropomorphized “hero.” It becomes part of the ongoing riddle of “Actfive” that we ask after the ontology and substance of the “hero.” Is it singular or plural? Is it dead or alive? Human or nonhuman? How can one owe a duty to a thing that seems less than alive? And how can one’s rights be guaranteed through a duty to a mere shape?

While a formless “hero” seems abstract, an obligation to face the reality of a life beyond the human was very real in 1948. In “Actfive,” we are told that the speaker is situated “Years afterwards in peace and better times.” Yet hanging over the postwar moment is the specter of “The huge injustice: the intolerable wrong” wherein “Multitudes mingled together in one death.”

Death–camp cities where beneath the night
The faceless figures wander without names
Fenced by the barbed and icy stars, and stare
Beyond them at the memory of their lives:
Vastness overwhelming all with its ignorance! (Collected 402).

Very few writers, and fewer poets, in the US had come near the topic of the Nazi concentration camps in 1948. Indeed, consciousness of the Holocaust and support for the veracity of victims’ claims were
shockingly scarce at the time. Nor was sympathy for the living or dead readily expressed. In 1945, General George Patton characterized Jewish displaced persons as “a sub-human species . . . lower than animals” (Blumenson 90). By 1948, Arendt observed that evidence of the Holocaust was met “everywhere with the skeptical shrug that greets ineffectual propaganda.” “Despite overwhelming proofs,” she observed, “anyone speaking or writing about concentration camps is still regarded as suspect” (“Concentration” 20).

Yet in the figure of the “flesh and bone,” “Actfive” makes clear the importance of finding language to represent the difficult facts of life beyond the “human person.” In turning to the camps, MacLeish makes a case for the ethical responsibility of literature to take up the job of attending to human life in all forms, especially during a period of widespread denial regarding sovereign power’s capacity for dehumanization. In following an imperative to fit into language forms of life that do not ratify the discourse of human rights, MacLeish comes closest to Arendt. As Ira Katznelson has emphasized, it was above all Arendt who “pointed to the importance of linguistic invention to find means to say what ordinarily is outside the realm of human speech” (30). Ethics hence becomes, in part, a matter of description. This ethical task often took the form of translating visual evidence into words. As Arendt noted, however, this was neither an easy nor much esteemed activity in the immediate postwar era. “To the unprejudiced observer,” she wrote of images of the concentration camps, “they are just about as convincing as the pictures of mysterious substances taken at spiritualist séances” (“Concentration” 12). Not only did early postwar publics not want to dwell on images of the Holocaust, but, more importantly, this natural aversion was also transmuted into forms of disavowal. What MacLeish and Arendt undertook therefore was a kind of realism of the unreal, an attempt to turn ectoplasm into “flesh and bone.”

Clearly drawing on photographs of the newly liberated camps, MacLeish’s image of “death camp cities” where “multitudes mingled together in on death” closely resembles what Arendt, after encountering a photo of the camps, deemed “the image of hell”:
They all died together, the young and the old, the weak and the strong, the sick and the healthy; not as people, not as men and women, children and adults, boys and girls, not as good and bad, beautiful and ugly — but brought down to the lowest common denominator of organic life itself, plunged into the darkest and deepest abyss of primal equality, like cattle, like matter, like things that had neither body or soul, nor even physiognomy upon which death could stamp its seal (Origins 302).

What Arendt mines from the image of the concentration camps is an inverse course of development as that elaborated in the bildungsroman that Slaughter discusses in his literary genealogy of the “human person.” Where in the latter, the person becomes a subject of rights through the normative growth of human qualities, Arendt’s meditation plots a devolving trajectory from “man” to “matter,” from the recognition of human qualities to the “lowest common denominator of organic life.” The logic of legibility remains the same, however. Just as human rights are made legible in narratives of development, only in the destitute state of “primal equality” does the human come to be defined by the human rights they possess, for Arendt. Her critique of the discourse of human rights is predicated on its denial of this stark biopolitical reality: that, if formulated as natural rights, human rights are the rights of those with no rights at all. In other words, human rights “coincide with the instant when a person becomes a human being in general — without profession, without citizenship, without an opinion, without a deed by which to identify and specify himself” (Origins 306)

Arendt, however, was nonetheless resolute that a system of recognition and protection for all humans should be the vital pursuit of philosophy and politics. She imagined this system as a “new law on earth” securing “the right to have rights” (Origins xi). Such rights were what was absent from the UDHR and an enumerative definition of the human, which, in cataloguing the positive traits and eternal possessions of the “human person” will leave as their outside “the abstract nakedness” of being human (300). Because of its abstract nature, the “nakedness” of human life was beyond existing legal and political frameworks. Yet as Werner Hamacher notes, “this mere existence is the only source of law for
the right to rights, in Arendt’s well known formulation.” For Hamacher, “the right to have rights is a
privilegium in the strictest sense, a prelegal premise, a protoright, in which it is left open, what a human
may be, who a human may be.” Attempts to determine the characteristics of the subject of rights would
“resist the right to have rights” as “every given determination of man breaks with his right of belonging to
humanity, because only the humanity and humaneness that are not yet given would be able to determine
what or who a human is” (“Rights” 303). Paradoxically, Arendt’s “right to have rights” can be extended
only to the “not-yet human,” for every predetermination of what or who a human is bars them from these
fundamental rights to have rights.

Understandably, it is the specific nature of this “not yet” or “not yet given” that has troubled
scholars in their concretizing of Arendt’s views on human rights. If the concreteness of the human is
always deferred, then how can a stable definition of humanity be attained? According to Seyla Benhabib,
“by withholding a philosophical engagement with the justification of human rights . . . Arendt also leaves
us with a disquiet about the normative foundations of her own political philosophy” (xxxiii). Yet for
Arendt, neither humanity nor human rights rest on a stable foundation. To the contrary, both are open to
and contingent on the event of “natality” and the “startling unexpectedness” that it introduces into the
world of human action (Human 10). In Arendt’s account of the “human condition,” natality represents the
beginning (arche) and basic principle of humanity: “What saves the act of beginning from its own
arbitrariness is that it carries its own principle within itself or, to be more precise, that beginning and
principle, principium and principle, are not only related to each other, but are coeval . . . . For the Greek
word for beginning is arche, and arche means both beginning and principle” (On Revolution 212) But
while natality is both the beginning and defining principle of human freedom, it can never “explain what
we are or answer the question of who we are for the simple reason that [it] can never condition us
absolutely” (Human 181). As Peg Birmingham thus observes, the “who” of Arendt’s subject of rights
“does not possess an enduring fixed nature but is instead inherently marked by contingency and
unpredictability,” which are the only features of the human that “provide an ontological foundation for
human rights” (12). Yet how do we figure a rights bearing entity that is neither a “what” or a “who?”
Perhaps as a “shape.”

VI. The Poetics of the Human

Like MacLeish’s “Actfive,” Arendt’s philosophy of “natality” hinges on the “startling unexpectedness” of her own unnamed and unformed “hero.” The unpredictable shape of each human born into the world is in Arendt’s terms “the miracle that saves the world” (Human 92). For both MacLeish and Arendt, an ethics and politics of human rights will turn on the deferral of “who” or “what” a human can be. It is axiomatic then that “shape” acts both as a noun and a verb in “Actfive,” often with ambiguous simultaneity. “Shape” is both an undetermined form of life as well as form giving action: “There what flesh and bone attend / Shapes the world that shapes its end (Collected 401). Together, the “shape of flesh and bone” and the act of shaping itself represent a twinned principium — both imply and mark a beginning, and a beginning without a fixed course or end. Since Plato’s quarrel with the poets, the idea of the poet as shaping, rather than creating, has been fundamental to distinctions between idealist philosophy and literature. “The poet is a shaper who shapes forms,” notes Stanthis Gourgouris, “but for Plato, shaping forms is, in the last instance, inevitably misshaping, de-forming, hence his alarm about the poet as a shaper who transforms morals.” As a shaper, the poet opposes Plato’s philosopher who instead seeks stability within invariable truths and forms: “Plato’s concern is warranted from the standpoint of what will become the philosophical (and later, theological) desire to harness an unalterable, inalienable truth” (8,10). We see this ancient opposition to idealism in the myriad valences of “shape” in “Actfive.” For to “shape” also invokes poesis, advocating an understanding of poetry as forming rather than conforming to higher laws.

Where the word alone is left,
Hard and secret as a shell
That the grinding sea has ground,
There what flesh and bone believe

Shapes the world that whirls them round! (Collected 403).

Here shaping will entail, foremost, the tool of language: the “word alone.” “Ground” down to its bare rudiments, the “word” rebuilds the “world” by shaping what is already roiled in the process of material and historical flux. Both shaped by and shaping its environment, the “flesh and bone” figure an endless openness grounded in the faculty of action and speech.

Through the many valences of the “shape of flesh and bone,” MacLeish makes tangible in language an image of humanness as an autopoetic and self-creating force. Following through with this logic means turning away from the human as a universal category in order to fully acknowledge both the untoward facts of dehumanization as well as the positive and poetic dimension of becoming a human that has never been before. It is the constitutive lack of concrete form that lends the “shape of flesh and bone” its transformative or simply formative power. Its resistances to being contoured to the image of “Man” or the “person” allows “the shape of flesh and bone” to realize a potentially endless capacity to give form to history, the world, the future. Hence, by withstanding definitive form itself, MacLeish’s patently unsentimental “hero” holds out its specific purchase and promise: the potential to take an unexpected form rather than itself being shaped by preexisting categories of value and identity.

Some of the most stringent critics of human rights today agree that their potential lies in a capacity to be reshaped. Rather than hold to the UDHR as a culturally and historically invariant trove of self-evident truths, global publics and human rights organization must be especially attuned to calls for amendment and rearticulation. “No human rights are self-evident,” observes James Tully in his 2012 Oxford Amnesty Lecture, “dialogue, negotiations, interpretation, contestation and revision emerge around human rights and continue forever. . . . Human rights gain their authority from being open to the reflective and critical enquiry and testing of the persons and peoples who hold them” (21). Tully’s radically open vision of human rights demonstrates just how far the discourse has traveled since the human rights
commission first met in 1947. To speak today of the “nature and essence of man” or of the grounds of human rights in a “Supreme being” or a “Lord of history,” as Malik once did, seems not only atavistic but even in breach of the democratic principles of human rights. No longer the possessions of the “human person,” human rights are increasingly claimed as a nexus of agency, tools to be used, abandoned, shaped and reshaped. Seeing poetry as an escape from rather than a vehicle for bestowing upon us an “inalienable truth” enables a poetics of the human ever more crucial to the survival of human rights today.

Notes


2. In The Origins of Totalitarianism (1953), Arendt speaks of the “perplexities of the Rights of Man” (290) in order to elaborate on the gap between the political and civil rights of national citizens and universal human rights, which are purposed to precede politics. In comparing these two orders of rights, a perplexity emerges, since the human being stripped of citizenship and left only with their human rights appear in fact to have no rights at all. Human rights “coincide with the instant when a person becomes a human being in general — without profession, without citizenship, without an opinion, without a deed by which to identify and specify himself” (306)
3. Arendt was a staunch critic of natural law and natural rights. Her arguments against the tradition appear across her shorter writings of the 1940s, but culminate in the famous ninth chapter of *The Origins of Totalitarianism*, “The Decline of the Nation State and the End of the Rights of Man.”

4. These can be found in Box 51, Folder: “United Nations,” MacLeish Papers. Lib. Of Cong. Washington, DC.


7. The most thorough discussion of Smuts’s work on Whitman and his theory of rights can be found in Peder Anker, *Imperial Ecology: Environmental Order in the British Empire: 1895-1945* (2001), chapters 2 and 5. For the best overview of Smuts’s life and politics leading up to the founding of the United Nations, see Bill Schwarz, *White Man’s World: Memories of Empire* (2011), chapter 5.


9. For an elaboration of Maritain’s notion of “poetic sense” see “The Poetic Sense” *Poetry* 81. 6 (March 1953): 369-383. For his definition of “creative intuition” see *Creative Intuition in Art and Poetry* (1953), introduction and chapter 1.


16. For Arendt’s early critiques of human rights, before the publication of *The Origins of Totalitarianism* (1951), see “The Concentration Camps” (1948), and “The Rights of Man: What are They?” (1949).

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**Works Cited**


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