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Charles Malik, his idea of 'reason' and the formula 'being endowed with reason' from the Universal Declaration of Human Rights's Article 1

[Charles Malik, su idea de 'razón' y la fórmula 'dotados como están de razón' del artículo 1 de la Declaración Universal de Derechos Humanos]

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Resumen

La doctrina especializada conoce el origen y significado de la palabra c o n c i e n c i a que aparece en el artículo 1 de la Declaración Universal de los Derechos Humanos (DUDH) y la considera, junto a todo el numeral, como la clave interpretativa del documento. Sin embargo, la frase precedente –"*dotados como están de razón*"– no ha recibido un trato similar. Quizá porque se desconoce la fuente y la discusión específica sobre su incorporación. Este artículo intenta llenar ese vacío explorando el sentido le daba a la palabra r a z ó n el más probable de sus autores –Charles Malik–. Para eso se apoya principalmente en el archivo académico del que hasta unos años antes había sido profesor de filosofía en la *American University of Beirut* que se encuentra en la *Library of Congress* en Washington, D.C.

Palabras clave

Charles Malik – razón – conciencia –ley natural – DUDH.

Abstract

The original (drafted) meaning of the word c o n s c i e n c e in Article 1 of UDHR has particular attention toward developing an interpretative frame of the Document. However, the preceding phrase of the formula –"*being endowed with reason*"– has not attracted consideration, if any. Maybe because there is no direct source as clear as conscience, this article intends to fill that void. For that intent, it will review the available sources of Charles Malik's academic years as a professor of philosophy at the American University of Beirut, which are storage at Library of Congress in Washington, DC.

Key Words

Charles Malik – Reason – conscience – natural law – UDHR.

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I. Charles Malik and the introduction of 'reason' in the UDHR

Article 1 of the Universal Declaration of Human Rights (UDHR) states: "*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood*". The drafting history of this formula –already studied by Lindholm[1], Morsink[2], and Glendon[3]– shows that the article represents the intellectual core of the Declaration. Glendon states that article 1 is an "expression of faith in human intelligence and fellow-feeling". Lindholm concludes that "article 1 […] is a significant innovation, and a much needed improvement, compared to classical predecessor texts in the Western tradition"[4].

What words or ideas expressed that innovation? Where does its novelty lie? On June 13, 1947, during the second session of the Drafting Committee –a body created by the Commission on Human Rights– the delegates decided to establish a temporary Working Group. Its mandate allows them to suggest a better arrangement of the Secretariat Draft Outline of the International Bill of Draft. The appointed delegates were "the representatives of France (René Cassin), Lebanon (Charles Malik), and the United Kingdom (Geoffrey Wilson)", "with the Chairman (Eleanor Roosevelt) as an ex-officio member"[5]. This Working Group held just two meetings and then asked Cassin to reformulate the whole draft. They felt that "such a document might have greater unity if drawn up by one person"[6]. The French delegate reviewed the text –over the weekend of June 14th-15th– and presented to his colleagues a Preamble and 44 articles divided in general principles, a body of rights, and implementation measures[7].

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[1] *Cfr.* Lindholm, Tore, Article 1, in Alfredsson, Gudmundur, and Eide, Asbjørn (eds.), *The Universal Declaration of Human Rights: A Common Standard of Achievement* (The Hague, Martinus Nijhoff Publishers, 1999), pp. 41-74.

[2] *Cfr.* Morsink, Johannes, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, in *Pennsylvania Studies in Human Rights* (Philadelphia, 1999, University of Pennsylvania Press), pp. 296-302.

[3] *Cfr.* Glendon, Mary Ann, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York, Random House, 2001).

[4] Lindholm, Tore, cit. (n. 1), p. 41.

[5] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Sixth Meeting, E/CN.4/AC.1/SR.6 (May 27, 1948), pp. 6-7. The references of the UN Documents of the drafting process of the UDHR can be found in Schabas, William (ed.), *The Universal Declaration of Human Rights: The Travaux Préparatoires*, (Cambridge, Cambridge University Press, 2013). The page numbers belong to the cited document's original, not the page on which they appear in the Scabas book.

[6] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Seventh Meeting, E/CN.4/AC.1/SR.7 (June 17, 1948), p. 2.

[7] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Report on an International Bill of Rights of the Drafting Committee to the Commission on Human Rights, E/CN.4/21 annex D (July 1, 1947), pp. 48-68.

René Cassin's new Article 1 said: "All men, being members of one family are free, possess equal dignity and rights, and shall regard each other as brothers"[8]. As can be noticed in its two sections, the formula points, first, to a factual reality: our common humanity in which inherent a free, equal, and worthy dignity is linked to rights. And second, it concludes with an ethical consequence or a moral position: the person's duty toward others' flourishing dignity.

On June 16, the Working Group examined Cassin's proposal of Preamble and discussed just the first six articles. They agreed in almost every word of the renewed article 1 but added a gnoseological stand: "*Being endowed with reason*". The whole article now said: "*All men are brothers. Being endowed with reason, members of one family, they are free and possess equal dignity and rights*"[9]. Unfortunately, there is no indication in the drafting papers or official summary records about who proposed it, neither the meaning intended nor the discussion among the drafters. It only appears to result from this Temporary Working Group (Cassin, Wilson, Roosevelt, and Malik).

The delegates discussed the new draft at the full Drafting Committee meeting the next day. There, the Chinese representative, P.C. Chang, suggests that "there should be added to the idea of 'ren'; the idea which is a literal translation from a Confucian notion that signifies "two-man-mindedness"[10]. In English, he explained, the word "sympathy" could be appropriate, or perhaps, the word "conscience" as "consciousness of his fellow-men", would be a better alternative[11].

Cassin supported this approach and explained to his colleagues that when he rewrote article 1, he intended to include a reference of an inherent moral capacity: the natural ability to discover the personal call to the grandeur of a worthy life[12]. A few days later, the French delegate clarified his thought on this issue, saying that he understood the article as a description of the human condition[13]. That day, Chang agreed that, along with "conscience", "there should also be some word indicating, aside from reason, something of a moral significance"[14]. He was "fumbling for some word, and perhaps this a good as any for the time being. I was going to suggest a sort of sympathy, including a fellow feeling, whatever it

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[8] UN ESCO, Commission on Human Rights, Drafting Committee, Suggestions Submitted by the Representative of France of the International Declaration of Human Rights, E/CN.4/21, annex D (July 1, 1947), p. 51.

[9] UN ESCO, Commission on Human Rights, Drafting Committee, Draft of International Declaration of Rights submitted by Working Group on the Declaration (Preamble and Art. 1-6), E/CN.4/AC.1/W.1 (June 16, 1947), p. 2 (emphasis added).

[10] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Eight Meeting, E/CN.4/AC.1/SR.8 (June 17, 1948), p. 2.

[11] Ibid.

[12] Ibid.

[13] *Cfr.* UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Twelfth Meeting, E/CN.4/AC.1/SR.12 (June 20, 1948), p. 2.

[14] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Thirteenth Meeting, E/CN.4/AC.1/SR.13 (June 20, 1948), p. 5.

is; that is, a natural-born thing. Unless and until I find a better word, I will accept 'conscience'"[15].

Lindholm explains that the best literal translation of the word 'ren' would be "mindfulness of the other person, humaneness toward others, or consciousness of his fellow men"[16]. Moreover, Glendon states that 'ren' is a word "emblematic of an entire worldview and way of life, 'ren' has no precise counterpart in English. […]. Chang's suggestion was accepted, but his idea was rendered awkwardly by adding the words 'and conscience' after 'reason.' (That unhappy word choice not only obscured Chang's meaning but gave 'conscience' a far from obvious sense, quite different from its normal usage in phrases such as 'freedom of conscience.')"[17].

It is clear that the drafters were looking for a formula that expresses the human capacity to grasp the person's dignity and the ability to comprehend the moral duty to act attuned to that reality. Chang felt that "endowed with reason and conscience" would be the equivalent to his understanding of 'ren'[18]. But who proposed the addition of "being endowed with reason" at the Temporary Working Group that reviewed Cassin's work? What were the arguments offered to justify this inclusion? Tore Lindholm affirms that "this insertion in Cassin's first draft […] was attributable to [Charles] Malik (Lebanon)"[19], but he did not present any source to back his claim. Still, a conjecture could reinforce Lindholm's comment.

Some conjectures strengthen Lindholm's intuition. "Being endowed with reason" appeared after the Temporary Working Group reviewed Cassin's work. Therefore, it is improbable that the French had introduced the formula. Geoffrey Wilson was a very experienced diplomat, but the records show someone with no inclination to suggest theoretical principles as "endowed with reason" presupposes. Eleanor Roosevelt tended to use an informative and pedagogical vocabulary rather than a philosophical one. The intellectual profile of the remaining member of the Temporary Working Group, Charles Malik, supports the idea that he was the origin of the addition.

Several reactions or statements of Malik defending two ideas support the conclusion of his authorship of the formula.

Early in 1947, after meeting with Chang and Humphrey at Roosevelt's apartment, Malik discussed with them the implication of the idea of "natural law" as the foundation of the human rights project, either as a philosophical statement

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[15] Malik, Charles Habib, *The Challenge of Human Rights: Charles Malik and the Universal Declaration* (Oxford, Charles Malik Foundation; Center for Lebanese Studies 2000), p. 70. This second reference has been taken from the Verbatim Records of the afternoon session on June 20th, 1947.

[16] Lindholm, Tore, cit. (n. 1), p. 44.

[17] Glendon, Mary Ann, cit. (n. 3) pp. 67-68. For the difficulties of translating the UDHR words, especially to those languages that do not adopt the "European Enlightenment model of personhood, of the individual human being as a rational, sovereign moral agent", see Kellman, Steven, *Omnilingual Aspirations: The Case of the Universal Declaration of Human Rights*, in *Polylinguality and Transcultural Practices*, 18/1 (2021), pp. 6-19.

[18] For an introduction to Chang's concept of dignity and human rights, see Sun, Pinghua, *P.C. Chang's Concept of Human Dignity for the Universal Declaration of Human Rights*, in *Journal of East Asia & International Law*, 12/1 (2019), pp. 91-106.

[19] Lindholm, Tore, cit. (cit. 1), p. 43.

in a political document or as intercultural struggles to accept a very particular school of thought[20]. Maybe that was the reason to avoid the complex formula "by nature" in the language of article 1 in June 1947. But in December 1947, a joint text presented by the representatives of the Philippines (Carlos Rómulo) and France (Cassin) incorporated two statements with philosophical implications: "born" and "by nature": "All men are born free and equal in dignity and rights. They are endowed by nature with reason and conscience, and should act towards one another like brothers"[21].

These additions created a fiery controversy among the delegates in the following spring, in May 1948. Is this article an ethical, political, or philosophical assertion? What would be its meaning and implication for the whole Document? Must it be a part of the body of rights and duties, or must it be located as a description of facts and intents at the Preamble? In that context, some delegates proposed deleting the words "by nature, conscience and reason". Charles Malik "deplored the tendency to disregard such important concepts […] the first Article of the Declaration on Human Rights should state those characteristics of human beings which distinguished them from animals, that is, reason and conscience. Without reason, the very work they were engaged in would be impossible; what, then, is more 'reasonable' than the explicit mention of the factor which constituted the basis of their work, in the very first article?"[22]. The article was approved.

In October 1948, during the Third Committee of the General Assembly meeting, Malik was chairing the discussions, and Mr. Karim Azkoul was the temporary Lebanese representative. Mr. Azkoul drew the attention of his colleagues "to the fact that there was a difference in meaning between 'par la nature' [by nature] and 'de par leur nature' [by its own nature]". Therefore, Lebanon opposed the deletion of the contested words.

It is more than probable that Mr. Azkoul repeated a malikean argument. When Malik lectured a group of Canadians, in January 1949, he asserted that the deletion of the words "by nature" was caused by "certain confusion in the French and Spanish translation of the phrase 'by nature' […] And I was more sorry than any other member was when it was dropped. But the records of the debate will reveal that it was generally recognized that the very word 'endowed' means 'endowed by nature,' and it was on this tacit understanding that the phrase 'by nature' was

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[20] *Cfr.* Roosevelt, Eleanor, *On My Own* (New York, Harper & Brothers, 1958), p. 77; *cfr.* Humphrey, John Peter, *Human Rights and the United Nations: A Great Adventure* (New York, Transnational, 1984), p. 29.

[21] UN ESCO, Commission on Human Rights, Drafting Committee, Report of the Working Group of the Declaration on Human Rights, E/CN.4/57 (December 10, 1947), p. 5. "In a later interview Malik told Philippe De La Chapelle that General Rómulo had introduced this phrase and had meant it as a reference to Christian natural law theory" (Morsink, Johannes, cit. (n. 2), p. 284). Also see De La Chapelle, Philippe, *La Declaration Universelle des Droits de l'Homme et le Catholicisme* (Paris, Libr. Generale de Droit Et de Jurisprudence, 1967), p. 84.

[22] UN ESCO, Commission on Human Rights, Third Session, Summary Record of the Fiftieth Meeting, E/CN.4/SR.50 (May 27, 1948), p. 12. Emphasis in the original.

dropped. I can, therefore, conclude from this brief exposition that there is ample room to read the doctrine of natural law into the doctrine of this Declaration"[23].

Malik was a philosopher converted to a diplomat. He was oriented to philosophical assertions and favorable to the Thomistic idea of natural law. Malik also knew the difficulties of adding an explicit reference to the notion of natural law or "by its own nature". Still, he was comfortable with the substitute "being endowed with reason". At some point, Malik "became the principal defender"[24] of article 1 with its reference to "being endowed with reason". Finally, he attributes the deletion of the words "by nature" to a misunderstanding of its meaning. However, he supports the idea embedded in the final version of article 1.

Article 1's meaning and interpretation –at least for its drafters, specifically its gnoseological section– rest partially in the idea of reason and conscience. As argued before, the documents suggest that Charles Malik was the drafter who proposed the formula "being endowed with reason". In that case, his intellectual background can illuminate the concept of "reason" as a potentiality inherent to the human person and "reason" as a natural operation of the human condition that grasps dignity and human rights. Is this reflection just an academic subtlety?

The United Nations official documents reveal with clarity who proposes the word "conscience" and offer a glimpse of its meaning on the drafter's discussion. However, the drafters built up the formula also considering the previous assertion "being endowed with reason". This specific section of the article has not attracted almost any scholarly attention, maybe because of the lack of historical support of the original drafter and the discussion generated by its inclusion.

Suppose the formula "being endowed with reason" is attributable to Charles Malik. In that case, his intellectual background can illuminate the context and meaning of the process of incorporation of "reason" at the UDHR.

After completing his doctorate at Harvard in 1939, Malik founded the philosophy department at the American University of Beirut. In 1946, he became the Lebanese ambassador at the U.N. He kept written records of his courses, lectures, conferences, talks, and papers. In the Library of Congress in Washington, the Manuscript Division guarded some of Malik's academic papers. The Notre Dame University in Lebanon holds the second most extensive collection of Charles Malik papers[25]. This article reviews the documents collected in the former, and unfortunately, none of the latter. They offer, in general, a basic understanding of Malik's intellectual framework in the period that preceded his work as a Diplomat; in particular, an introduction to his idea of reason as a current that leads into Article 1.

To comprehend Charles Malik as a philosopher, it is necessary to consider two conditions. First, an particular style described by Peter Shabaya –a former student of him– as follows: "When he would speak philosophically he'd always be speaking about the human condition that he was addressing and this, of course, made

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[23] Malik, Charles Habib, cit. (n. 16), p. 162.

[24] Glendon, Mary Ann, cit. (n. 3), p. 109.

[25] *Cfr.* Nasrallah, Tony, *Charles Malik Archives at NDU*, NDU Spirit, 68 (Dec., 2016), pp. 103-114.

it not that easy to see him if you think of him just as an academic philosopher"[26]. That is so because "in philosophy you teach precisely what you *are*"[27]. Second, the two pillars of Malik philosophy: "Two streams flow in me, a rational stream that is ultimately based on Aristotle and Aquinas, and an existentialist stream that springs not only from contemporary believing existentialists, but especially from the prophets and the holy fathers, such as David and Augustine and Pascal"[28].

Now it is important to introduce Malik's own voice of his idea of "reason" as a professor of philosophy. It is not a complete review of his thought nor pretend to be exhaustive in the description of his philosophy[29]. The idea is to offer a window to the teacher in philosophy, to the act of reasoning, and to his concept of reason. The following sections of the article present Malik's understanding of "reason" and "reasoning" in four areas: (1) a shared sight and common wisdom; (2) becoming a person toward actions and reason; (3) as an intelligible sense of duties toward grasped dignity; and (4), the looking for reasons and the human existence as a drama. These explanations would enlighten his proposal of reason at the core of the UDHR.

II. As shared sight and common wisdom

Malik knew that any statement suggested by the Declaration would implicitly hold a particular philosophical background. Even though the drafters avoid any agreement on a philosophical justification, words like "dignity", "inherent", "born" suggest an essential reference to a teleological reality noticeable -in some way- by the "reason and conscience". Malik pointed out: "I wish further to say that the very phrase 'human rights' obviously refers to man and that by 'rights,' you can only mean that which belongs to the essence of man. This means that which is not accidental, that which does not come and go with the passage of time and with the rise and fall of fads and styles and systems […] By 'right' then, you certainly mean something, as I said, that flows from the nature of man, and when we agree or disagree on human rights, we really disagree on how each one of us ultimately interprets himself […] Is man merely a social being? Is he merely

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[26] Haber, Romy. 2021. *Philosophy, Charles Malik and the Middle East*, *The Euro-Gulf information Center*. [Visible en internet: https://www.egic.info/philosophy-charles-malik-and-the-middle-east]

[27] Malik, Charles Habib, *Report of the work in Philosophy at the American University of Beirut for the year 1939-1940*, note, august 21, 1940, box 113, folder 2, *Charles Malik's Papers*, Manuscript Division, Library of Congress, Washington, p. 8. Emphasis in the original.

[28] Malik, Charles Habib, *'Shahādat 'Umr' [A Life-Testimony], Lecture Delivered in Saint Ilyās Church in Anṭilyās on April 6, 1974*, in Sabra, George (ed.) *Bih Kān Kul Shay': Shahādat Mu'min [In Him All Things Were Made: A Believer's Testimony]* (Beirut, Dār al-Mashriq, 2010). George Sabra explains that "In short, these two streams are reason and faith; essentially, they do not contradict each other, Malik held, but they are also not two parallel streams of equal value and equal role in Malik's philosophical edifice; the believing existentialist component ultimately proves to be more decisive and more important than the rational one; it transcends it.

[29] For an introduction to his philosophical thought see Malik, Habib Charles and Nasrallah, Tony [ed.], *On the Philosophical Thought of Charles Malik,* I*: Whitehead, Reason and Spirit* (Louaize, NDU, 2018).

an animal? Is he merely an economic being? How related is he to beings above himself and below himself? All these are fundamental questions that are implied in all our thinking"[30].

He understood that UDHR's articles insinuated, implicitly, philosophical assertions, even though they were trying to compose a multicultural document oriented to action. "We must gather our wisdom and light from all-time […]. I am afraid that if we arbitrarily limit ourselves to the ideas of the present age […]. We will find ourselves severely handicapped from the point of view of finding the right answers to the questions of human rights and freedoms raised by the present age"[31].

The statement caused complaints against him, especially from delegates who philosophically disagreed with the Lebanese, like the communist Tepliakov (URSS). This sort of discourse raised conflict with diplomats like Hansa Metha (India), who thought that the duty of the Commission was limited: to produce a document with practical rights: "this question should not be a matter dispute… We are here to reaffirm faith in fundamental human rights […] I do not think that we should discuss that [philosophical] problem now […] I think we should not enter into this maze of ideology at this stage"[32]. Malik responded to the latter and said, "unfortunately, whatever you say, Madam, one must have ideological presuppositions and, no matter how much you fight shy of them, they are there. And you either hide them, or you are brave enough to bring them out into the open and see them and criticize them. Furthermore, it is precisely my intention to give meaning to the vague phrase, human dignity and worth, which is used in the Charter to give it content and, therefore, to save it from hollowness and emptiness"[33].

How would it be possible that Malik suggested that they must avoid cultural parochialism without limiting the articles to a philosophical school of thought and, at the same time, affirming something with an elemental sense to be universally understood? What idea of r e a s o n did Malik hold for sustaining that declaration of rights?

Before his work at UN, Professor Malik edited a book compilating a text selection from the most influential philosophers and shared it with his students at his "Introduction to Philosophy" class. He wrote an "Introduction", where he explained why his students should read the ideas from those thinkers: from the pre-Socratic to Aristotle, from Augustine to Heidegger through Maimonides, Avicenna, Averroes, Aquinas, Descartes, Locke, Kant, Whitehead, among others[34]. There, he described a particular use of reason in the ability to place oneself in the same place as someone else, see what they saw, understand that sight, and then

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[30] MALIK, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), pp. 23-24 This meeting took place on the morning of Feb. 1, 1947.

[31] *Ibid.*, p. 25.

[32] *Ibid.*, p. 31.

[33] *Ibid.*, p. 37.

[34] *Cfr.* MALIK, Charles Habib, *Introduction*, in MALIK, Charles Habib (ed.), *Readings in Philosophy: Selection from the Great Masters* (Beirut, American University of Beirut, 1939), pp. v–xliii.

evaluate it. An operation like that requires four presuppositions. First, a world full of consistency and objectivity. Second, a cosmos that shows its intelligibility to anyone with the intellectual eye to encounter it. Third, a bright of attractiveness that awakes attention and desire of a person to get involved with it. Lastly, a sight and reason designed and predisposed to grasp and capture those qualities. Without those four preconditions, no person would share her view and make it understandable through dialogue with others.

This attitude allows any student –Malik thought– not just to know who said what or how to raise a good argument against a philosophical statement. Philosophy is not just science for speculation. Malik asked his students to reason from the same spot where a philosopher stood if they wanted to know that philosopher's idea. To see a philosopher's thought, a student would not just understand an isolated meaning of his discourse or its failure; but to discern what the thinker viewed when the former explained the word. In doing so, the latter truly dialog with that master. Malik explained that "we must study the great thinkers d i r e c t l y because philosophy is the personal articulation of the truth by individual men reacting in their total being to their several worlds. An interpreter color the men he is interpreting with his own presuppositions and therefore yields his philosophy of him, rather than that man's own philosophy. The right method is to let the other man interpret himself directly. […] Philosophy i s not its ideas and theories; philosophy is literally the philosophers themselves. The student's understanding will be vague and confused and swimming freely in no man's land so long as he does not grasp the unique individual personality of the philosopher he is studying. The m o m e n t of philosophical insight is when the student reconstructs the multitudinous doctrines, he is considering into the personal unity of will of the philosopher responsible for those doctrines. These doctrines must be s e e n by the eye of the mind to descend from and to answer to this basic unity of will. If a student is studying Aristotle, so long as he views a certain doctrine by itself in abstraction from the m a n Aristotle, he has not understood Aristotle. He understands Aristotle when he truly sees how this doctrine is A r i s t o t e l i a n. This happens if the student is so familiar with Aristotle's turn of mind and fundamental outlook as to s e e all his doctrines expressive of Aristotle himself, namely of his fundamental personal unity of will […] Students must read the great masters themselves, if the end of philosophy is to endeavor to s e e w h a t t h e y s a w"[35].

Malik proposes a sort of philosophical empathy as a way of reasoning with someone else from and within his perspective: "We can never understand the great masters if w e l o s e o u r s e l v e s in them, failing to live –in the deepest sense of the word– in our own-world, meeting its situation, raising its problems, suffering its issues"[36]. A student unable to understand a philosopher from within would think narrow and restrictedly due to his lack of broad, comprehensive, and global understanding. Professor Malik concluded that a philosophical reason

[35] Ibid., pp. xiii-xiv. Emphasis in the original.
[36] Ibid., pp. xv. Emphasis in the original.

would prepare a student to understand his world through the questions raised by the great master, the fundamental attitude to see the world, and the basic problems and answers discovered by the philosopher.

Philosophical thought and ethical commitment educated throughout the great masters prepare students to become universal reasoners, who have developed a character to integrate many cultures. In Malik's view, an important bridge between the East and the West. Not as cultural appropriation or subordination, but as fruitful encounter based on the truth as known among each culture: "Furthermore, the Graeco-Roman-European classical tradition of thought and being is h u m a n e before it is Western. The truth captured and expressed by this tradition belongs to m a n a s s u c h , and not to Greece or France or Germany or America. […] Philosophy surely is no more an alien importation, foreign to our nature, than the radio or modern medicine or modern political ideas. […] For us, the distinction between East and West does not apply […] Plato and Aristotle are our own as much as they are France's or America's, and it is our job now to reclaim them even better than our ancestors did and to claim with them also Augustine and Aquinas and Descartes and Locke and Kant. […] But if we consciously or unconsciously apply the moral distinction between W e s t and E a s t to ourselves, if we talk in terms of w e and t h e m, if we indulge in any false sense either of superiority or inferiority, if we are a f r a i d of the priceless spiritual values on the Western tradition if we use the automobiles and radios and superficial ideas of the West, and fail to penetrate to the inner backbone of thought and c r e a t i v e character of all these products if we do all these things, we will certainly become more and more helpless. We must turn to the greatest masters of the human spirit: we must love and assimilate Plato and Aristotle and Augustine and Aquinas; we must revive the great achievements of our line of philosophers from Al-Kindi to Ibn Rushd; we must pore over the great modern thinkers who created the world of thought in which we live –Descartes, Spinoza, Leibniz, Pascal, Locke, Berkeley, Hume, Kant, Fichte, Schelling, Hegel, Schopenhauer, Kierkegaard, Nietzsche, Dostoyevsky, Marx, Bergson, Royce, James, Whitehead–. Our life is not worth living, e v e n i f i t c o u l d b e l i v e d, without the knowledge of what these men saw and wanted to say"[37].

Thus, through its philosophical empathy, Malik thought that reason opens the horizon of knowing its own culture and the human goods rooted in common humanity but are discovered by different cultural packaging. Literature, like philosophy, could be another way to find a common root for human flourishing or another expression of this reasoning as philosophical empathy. In the final meeting of the second session of the ESCO on June 21, 1946, Malik pointed out that if the United Nations constricts its aims only to issues of military implication or political and economic instruments, it would compromise its success. Unfortunately, "the great ends of human life are not even hinted at. What man should live for, what he should think, what he should believe, what he should be,

[37] Ibid., pp. xxiv-xxxiv. Emphasis in the original.

all this was passed by in silence"[38]. He thought that "there can be no peace, there can be no prosperity even, so long as there are millions, hundreds of millions of human beings, who cannot read and write; who act by blind instinct and undisciplined emotion; who have never tasted the infinite peace of mind and reason; who never really saw the light. There can be no peace so long as the goods of the mind and spirit are abundant in some countries and miserably deficient in others; so long as the great classics of human thought and feeling, from Plato to the present day, have penetrated and transformed the life and literature and outlook of certain countries and are totally unheard of in others; so long as the supreme persons of history belong to the living tradition of certain countries and are absent from others"[39].

He suggested that the U.N. "sponsor the translation and publication in the languages of its fifty-one Members of the most important fifty classics in human thought"[40]. Which classics? Those books which "has been read and studied for centuries", those "who touch something permanent in human nature", those who were "fountainhead of particular doctrine;"[41] and offered this list with some examples: "'The Wisdom' of Confucius; 'The Upanishads' of India; 'The Dialogues' of Plato; The 'Logic' and 'Metaphysics' of Aristotle; The great religious literature; The fragments of Democritus and the poem of Lucretius on materialism; The 'Summa Theologica' of St. Thomas; Dante's 'Divine Comedy'; Ibn Khaldun's 'Prolegomena'; The works of Shakespeare; Cervantes' 'Don Quixote'; Pascal's 'Pensée'; Descartes' 'Geometry and Meditations'; Newton's 'Principia'; Goethe's 'Faust'; Hegel's 'Logic'; Jefferson's writings; Darwin's 'Origin of Species'; Marx's 'Capital'; Tolstoy's 'War and Peace'".[42]

Malik thought these authors and their books would educate the reason to "see their point of view and understand them. And peace is a function of understanding"[43]. He claimed that culture and philosophers are mediators of truth. At the same time, truth –or reality as knowable– has the proper consistency that allows it to be intercultural or appear to a different school of thought.

III. "Reasoning" as becoming a person

Malik explained to his students, in October 1943, that, "nothing, nothing greater can occur to this country than the liberation of its sons from every form of bondage and fear in order to turn to the sun and be able to see the truth in freedom. We want to train you in freedom of T[ought] here. We want you in absolute love to turn to the deepest issues of your life, and your country, and your

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[38] Malik, Charles Habib, *On the intellectual function of the UN and publication of classic books*, speech, 21 June 1946, box 208, folder 7, *Charles Malik's Papers*, cit. (n. 26), p. 17.

[39] Ibid., pp. 17-18.

[40] Ibid.

[41] Malik, Charles Habib, *On the translation and publication of classics*, speech, 5 December 1946, box 209, folder 1, *Charles Malik's Papers*, cit. (n. 26), p. 8.

[42] Ibid., p. 9.

[43] Ibid., p. 10.

people, and your race, and your nation, and your religion, and to think about them in absolute freedom. If you can think freely and you love the truth, it will reveal itself to you. […] The truth confers freedom and can be found only in freedom"[44].

Moreover, he claimed that philosophical reason requires the interior freedom to ask, seek, find, assume, and act according to the facts and realities grasped by the mind, "the philosopher refuses to abstract his philosophy from himself. His philosophy is the expression of his personal existence. When you think of philosophy, do not think of i d e a s, but of Democritus, Socrates, Plato, Aristotle, Augustine, Ibn Sina, Al-Kindi, Aquinas, Cusanus, Pascal, Descartes, Spinoza, Leibniz, Locke, Hume, Kant, Hegel, Nietzsche, James, Bergson, Whitehead. It is this line of men that will continue to live long after everything that excites us today has perished. If we see the vision of the truth which philosophy and these men are able to disclose to us, then we will let it flower in our minds and in our midst. And if we do so, then, and not before then, will we b e g i n to see why we exist"[45].

His idea of acting with freedom, seeking the truth, and reasoning implies an expression of who this person existence –"what I have found; this is what I have gathered, this is what I believe, this is what I know from a life of study, reflection, intense experience, and direct vision"[46]–. In that regard, freedom means not only a will of an individual but a person who, existentially, reveals her "compulsion of truth […] Thus the individual human soul by nature [has to be] free to seek the truth and able to attain it". Consequently, freedom of thought means eliminating barriers against free will and a way to transit from a mere human individual to a person. Malik synthesizes his argument saying that freedom of thought and conscience means, "1. That we can freely seek and know the truth in every field, no matter how sacred or delicate or profound. 2. That we can freely declare and publish this truth. 3. That we can freely change our minds when we know better. 4. That we can freely believe in and worship the object that seems to us highest. 5. That we can freely witness to the ultimate truths which we believe. 6. That we can freely change these ultimate truths when we know better"[47].

This conviction was part of his core concepts brought to the drafting process of the UDHR. Even in 1945 where, when he got a copy of the draft of the Dumbarton Oaks agreement, he wrote in that copy: "Freedom of T[hought] + Conscience – Lebanon as a cultural center"[48]: "If I understand the present age correctly, our problem is the struggle between the human person and his own personality and freedom, on the one hand, and the endless pressure of groups,

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[44] Malik, Charles Habib, *The Meaning of Philosophy*, lecture, 24 February 1938, box 116, folder 5, *Charles Malik's Papers*, cit. (n. 26), p. 24.

[45] Malik, Charles Habib, *The final issues*, paper, 21 October1939, box 116, folder 6, *Charles Malik's Papers*, cit. (n. 26), p. 12. Emphasis in the original.

[46] Malik, Charles Habib, *The Metaphysics of Freedom*, in *The New Scholasticism*, 40/3 (1966), p. 312.

[47] Malik, Charles Habib, *Freedom of thought*, talk, 26 May 1944, box 208, folder 4, *Charles Malik's Papers*, cit. (n. 26), pp. 54-55.

[48] Malik, Charles Habib, *Letter to William Hocking*, 3 March 1945, box 20, folder 12, *Charles Malik's Papers*, cit. (n. 26).

on the other, including, of course, his nation […]. In my opinion, there is here involved the deepest danger of the age, namely, the extinction of the human person as such in his own individuality and ultimate inviolability, and therefore, the disappearance of real freedom of choice"[49].

Human life was an existence of a person, which means a historical subject, with the task of existing in time that faces eternity; a mixture of freedom and nature; a fusion of limits and creativity; an amalgamation of intended results with unexpected consequences[50]. As Malik understood it, being a person was not "just being thrown into the existence", but also to act owning her existence by action, showing her capacity to take care of her ends. In 1946 he said: "What we care for in Lebanon, what we endeavor to realize above everything else, is freedom of thought and conscience, freedom of expression, and being. […] If we have any contribution to make, it is in the field of fundamental freedom, namely, freedom of thought, freedom of conscience, and freedom of being. And there is one point on which we wish to insist more than anything else, namely that it is not enough to be; it is not enough to be free what you are. You must also be free to become what your conscience requires you to become in the light of your best knowledge. It is freedom of becoming, of change that we stress just as much as freedom of being"[51].

Eight months later, he insisted on the same idea: "What is paramount to us more than anything else is the freedom of thought and conscience. It is on that principle that my country has always stood, and without it, it is simply inconceivable. I would like to stress an important point that is often lost sight of, namely that it is not enough to formulate the rights of man in static terms; they must rather be expressed in what I would call dynamic terms. So, it would not be enough to say simply that we would grant the right of freedom of thought and freedom of conscience, leaving it in that static form […] We must conceive our rights in dynamic terms so that freedom is the freedom to change and to become, rather than merely freedom to be and remain what you have always been"[52].

Freedom of conscience and thought means more than changing a hobby or changing an opinion based on feeling but the right to b e c o m e a person. Changing fundamental ideas implies a human person deciding how to face her relation to the world, other human beings, society, and culture. For Malik, this means protecting the core of dignity, which covers the existence of a member of the human species as a person with unexchangeable presence and absolute worthy value. It means to be honestly faithful to himself. Reason -and more precisely, conscience- would be the rational potentiality to see intellectually, personally accept, and freely live according to the truth grasped about herself.

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[49] Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), p. 28.

[50] A similar argument can be found in Malik, Charles Habib, *Man in the Struggle for Peace* (New York, Harper & Row, 1963).

[51] Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16)., pp. 16-17.

[52] Ibid., p. 23.

He learned in part from Heidegger[53] the difference between "Sein" and "Dasein", among b e i n g t h e r e as mere presence and e x i s t e n c e through the decision. He heard about this distinction, also from Jacques Maritain[54] and Thomas Aquinas[55], and, literarily speaking, from Dostoyevsky, whom he frequently refers to, especially *The Great Inquisitor* from *Brothers Karamazov*[56]: "The most wonderful expression in literature I know of this dialectic in the nature of man between freedom and security is Dostoyevsky's grand inquisitor in the 'Brothers Karamazov.' It seems that man would rather be secure than free, that his freedom is a bothersome burden, that nothing irks him more and perhaps shortens his life more than having to make responsible choices every day without complete certainty about the future. Therefore, he would be far happier if some power came along and freed him of his freedom. If such power came, people would gladly sell their birthright to think, to choose, to act, to be, in order to be relieved of the anguish of insecurity. […] In the genesis of the declaration, we had to resist the seductiveness of security at every turn"[57].

Malik's intellectual framework clarifies[58] the wide-ranging operations by reason to comprehend that "all human beings are born free and equal in dignity and rights". He understood that this potentiality could recognize the duty to adjust and attune the person's action to the beauty of that dignity and discover the person's obligation to fulfill her vital responsibility to flourish as human being.

In July 1947, Malik wrote to his friend William E. Hocking asking him for suggestions on the draft of the UDHR. Hocking replied that article 1 was a "very fine literary statement", but he keeps some doubts about the mix of moral descriptions with legal declarations. Still, he explained, "the possession of reason

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[53] *Cfr.* MALIK, Charles Habib, *The Metaphysics of Time in the Philosophies of A. N. Whitehead and M. Heidegger* (Cambridge, Harvard University, 1937).

[54] "As individual, each of us is a fragment of a species, a part of the universe, a unique point in the immense web of cosmic, ethnical, historical forces and influences -and bound by their laws. Each of us is subject to the determinism of the physical world. Nonetheless, each of us is also a person and, as such, is not controlled by the stars. […] Such a being must exist not only as other things do, but eminently, in self-possession, holding itself in hand, master of itself. In short, it must be endowed with a spiritual existence, capable of containing itself thanks to the operations of the intellect and freedom, capable of super-existing by way of knowledge and of love" (MARITAIN, Jacques, *The Person and the Common Good*, in *Review of Politics*, 8/4 (1946), pp. 431-432.

[55] "Now, a rational creature exists under divine providence as a being governed and provided for in himself, and not simply for the sake of his species […] Therefore, the acts of a rational creature […] are important [for the sake of] […] the species, but also inasmuch as […] [he develop] personal acts" (AQUINAS, Thomas, *Summa Contra Gentiles*, III.113). Few lines later, Aquinas said that through owning his own nature, a human *became* a person, and therefore he can be loved and loved personally: as an *I* and *Thou*, *cfr.* ibid., III, 115).

[56] MALIK, Charles Habib, *Introduction*, cit. (n. 33), pp. xix–xx; see also MALIK, Charles Habib, "A Near Eastern Witness to Christian Missions" in *Theology Today*, 5/4 (1949), p. 530; MALIK, Charles Habib, *War and Peace. A Statement Made Before the Political Committee of the General Assembly, November 23, 1949* (New York, The National Committee for Free Europe, Inc., 1949), p. 41.

[57] MALIK, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), pp. 159-160.

[58] See MALIK, Charles Habib, *The deepest things I believe*, note, June 1940, box 116, folder 1, *Charles Malik's Papers*, cit. (n. 26), pp. 1-2.

and conscience is the mark of the genus homo: Article 1 states that this quality transforms the genus into a family of brothers. In other words, humanity cannot be a mere genus. Why not? Because men have to treat one another as being what they are! To recognize the existence of reason and conscience in another creature is to recognize freedom and dignity. To accord right to a being is not something else than recognizing his freedom and dignity: it is the same thing. Man has rights because he has freedom and conscience; why not say that, instead of making rights an addendum?"[59]

Furthermore, Malik knew that UDHR and Article 1 was a medicine against unworthy constraints against the human person: "May I freely examine any issue, may I criticize, may I express my criticism, may I rebel and oppose and say No! to my group or government or nation? Or am I wholly determined by my social relations so that I have no right to rebel, no right to ask questions, no right to look around and seek, no right to lift my head above the crowd and reach forth to the light and truth? In this age, […] it is difficult to champion the cause of freedom; it is difficult to shout from the housetops that man cannot be absorbed by society […] But unless we succeed in preserving and promoting man's inalienable freedom, we shall have traded away his dignity, and we shall have destroyed his word"[60].

Before 1948, human rights documents described religious freedom from the decision of an individual who is free from any external coercion. Thanks to Malik, article 18 of the UDHR found a new meaning with his idea of the right to change religion[61]. In 1946 he "pointed out that his country was deeply interested in the fight for freedom of thought and conscience, and had always been a haven for persecuted minorities. […] He suggested that such a bill must provide not only for freedom of thought and conscience but for the freedom of being and of becoming what one's conscience required one to become, that is to say, freedom to change"[62].

According to Malik, when a person decides about the most fundamental ways to live her own life. Something more than electing among different options –like determining a hobby or what color she chooses to wear for a wedding–. In conscience and with reason, a person assumes her existence. Accordingly, Malik understood that reason and conscience needed special protection because they deal with the most intimate place of decision and identity. He laid this protection into the freedom of conscience or religious freedom. In that sense, this Lebanese saw religion as the human experience of accepting and assuming the personal position about her origin, destiny, history, and life. He did not understand religion as a mere affirmation of a point of view against others (freedom of opinion) as a

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[59] Hocking, William E. *Letter to Charles Malik*, August 1947, box 20, folder 12, *Charles Malik's Papers*, cit. (n. 26). Emphasis in the original.

[60] Malik, Charles Habib, *What Are Human Rights?*, in *The Rotarian*, 73/2 (1948), p. 9.

[61] *Cfr.* Lindkvist, Linde, *Shrines and Souls. The Reinvention of Religious Liberty and the Genesis of the Universal Declaration of Human Rights* (Malmö, Bokbox, 2014).

[62] UN ESCO, Official Records, Second Session, Fifth Meeting, E/SR.19 (May 31, 1946), 39.

gettering of an individual with similar interests (freedom of assembly) or as a free space of training new members of a group (freedom of education).

John Humphrey's outline of the Bill of rights[63] and René Cassin's draft included a section on freedom of conscience and belief, but those paragraphs never mention the right to become a person while exercising that right. Cassin's version explicitly stated, "the personal freedom of conscience, belief and opinion is an absolute and sacred right"[64]. Cassin's article raised some doubts during the First Session of the Drafting Committee, especially about the wording, and the drafters asked for more transparent language.

The French explained to his colleagues that "the article was trying to take into account the fact that manifestations of worship were not the only manifestation of opinion; there were, for instance, a manifestation of philosophical opinions"[65]. Then, after a short intervention by Mrs. Roosevelt, Charles Malik suggested that "the fundamental freedom to change one's opinions and beliefs must be included here". Then, the Lebanese recommended the following formula: "individual freedom of thought and conscience, to hold or change beliefs, is an absolute and sacred right"[66]. The root of the personal dignity that justifies the freedom of religion or freedom of philosophical convictions was broadened as a form to decide from the most unique and intimate will. The Draft approved by the Committee incorporated Malik's suggestion[67]. Linkvist points out that "there is no doubt that it was Malik who spearheaded the work to ensure that the outcome would mark the aspects of reason and conscience as the distinguishing features of man in Article 1 and as the central rights-objects of Article 18"[68].

In 1949, Malik again used this idea of expanding the right that protects religion and philosophical convictions with the actions born in conscience as "deciding-and-becoming" or "becoming-while-deciding" a person. Here, philosopher Malik explains that "article 18 is a right to a certain freedom, not to the substantive choice of a particular alternative under that freedom […] it simply means that the phrase "freedom of thought, conscience and religion" is complete nonsense unless it implies man's original power to change his mind and being in accordance with the progressive revelation of the truth to him. […] this article is, in effect,

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[63] *Cfr.* "Article 14", *Draft Outline of an International Bill of Rights. Prepared by de Division of Human Rights of the Secretariat*, UN ESCO, Commission on Human Rights, Drafting Committee, E/CN.4/21, annex A (July 1, 1947), p. 13.

[64] UN ESCO, Commission on Human Rights, Drafting Committee, *Suggestions Submitted by the Representative of France of the International Declaration of Human Rights*, E/CN.4/21, annex D (July 1, 1947), p. 51.

[65] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Thirteenth Plenary Meeting, E/CN.4/AC.1/SR.13 (June 20, 1947), p. 19.

[66] Ibid. pp. 19-20.

[67] "Article 20", *Suggestions of the Drafting Committee for Articles on International Declaration on Human Rights*, Commission on Human Rights, Drafting Committee, First Session, E/CN.4/21, annex F (July 1, 1947), p. 77.

[68] Lindkvist, Linde, cit. (n. 61), pp. 52-53.

a proclamation of the hope that man c a n bring himself into conformity with the truth"[69].

This idea of "reason" –or inner thought that assumes and decides one's destiny– appears in article 1 on natural reasoning about shared humanity and personal dignity, and in article 18 on religious freedom. Indeed, diplomat Malik actively promoted the inclusion of the formula "this right includes the freedom to change one's religion or beliefs".

IV. An intelligible sense of duties toward grasped dignity

The phrase "by nature" prompted a dispute among the delegates owed to the variances in denotation, extent, and philosophical reasons beneath the term supported by the drafters. Like Brazilian De Athaide, some delegates sympathetic to the communist block understood "by nature" as a biological reference. A word pointed to the things that follow the organic, necessary, and mechanical realm. This comprehension has a long tradition of supporters[70].

For other delegates at the UDHR drafting process, "by nature" suggested an abstract and fixed description of a geometrical reality that precedes every conclusion that stemmed from it[71] Usually, the Enlightenment thinkers follow this concept, described by Maritain as a "mythical conception of human nature, which assigns to that nature conditions peculiar to the pure spirit, […] giving to this word [nature] its full metaphysical sense"[72]. Specifically, René Cassin compares the UDHR to its 1789 French predecessor[73]; Chang refers to the Enlightenment idea of natural rights as the origins of the human rights idea[74] or when he tries to build a bridge among the delegates[75].

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[69] Malik, Charles Habib, *Human Rights and Religious Liberty*, in *The Ecumenical Review*, 1/4 (1949) p. 407. Emphasis in the original.

[70] In 416 b.C., the Athenians argued to the Melians as follows: "For ourselves […] holding in view the real sentiments of us both; since you know as well as we do that right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must. […] When you speak of the favour of the gods, we may as fairly hope for that as yourselves; neither our pretensions nor our conduct being in any way contrary to what men believe of the gods, or practice among themselves. Of the gods we believe, and of men we know, that by a necessary law of their nature they rule wherever they can. And it is not as if we were the first to make this law, or to act upon it when made: we found it existing before us, and shall leave it to exist forever after us" (Thucydides, *The Melian Dialog* in *The history of the Peloponesian war* V, 89, 105). Also, see Creon's idea of *nature law* as power and its utilitarian reasoning, *cfr.* Sophocles, *Antigone*, nn. 280-288, 484-490.

[71] *Cfr.* Maritain, Jacques, *The Rights of Man*, in *Man and State* (Chicago, The Catholic University of America Press, 1951), p. 81-84.

[72] Maritain, Jacques, *The Apostle of Modern Times*, in *St. Thomas Aquinas*, Jacques Maritain Center, https://maritain.nd.edu/jmc/etext/thomas3.htm, 1958 (25 August 2021).

[73] UN GAOR, Third Committee, Third Session, Summary Record of the Hundred and Eightieth Meeting, A/C.3/SR.180 (December 9, 1948), p. 865.

[74] UN GAOR, Third Committee, Third Session, Summary Record of the Hundred and Twenty-Seventh Meeting, A/C.3/SR.127 (November 9, 1948), p. 397.

[75] See, for example, UN GAOR, Third Committee, Third Session, Summary Record of the Ninety Eighth Meeting, A/C.3/SR.98 (October 9, 1948), pp. 113-114.

The mere idea of human rights requires at least two basic premises. First, there must be a shared human condition among all persons. Without that, human rights cannot be universal, or no one else would understand a claimed statement in the name of common dignity. Second, there must be a shared way of rationality that discovers the fundamental implications to the human dignity of a specific action. Without it, an understanding, a language, a discourse, a debate, or an organized action supporting human rights would be impossible.

On June 17, 1947, Chang explained to his colleagues that the idea of "ren" or "conscience" in article 1 "might well be included as an essential human attribute" [76]. He did not pretend to describe an abstract-metaphysical reality but a dynamic structure of the human condition. "Ren" signifies a gnoseological operation of recognizing dignity through duties. A reasoning operation rooted in being human; and, concurrently, an expression of his being human. This description should not imply a "debate [on] the question of the nature of man again;" for him, they "should build on […] a text beginning 'all human beings are free'"[77].

Cassin, likewise, tried to link within his idea of human rights a shared human condition that can perform an essential way of reasoning attuned with that ontology. He suggested that the draft should incorporate "two or three fundamental principles: […] (1) the unity of the human race or family; (2) the idea that every human being has a right to be treated like every other human being; and (3) the concept of solidarity and fraternity among men"[78]. In other words, he explained that he was looking "to convey the idea that the most humble men of the most different races have among them the particular spark that distinguishes them from animals, and at the same time, obligates them to more grandeur and to more duties than any other beings on earth. He added that there were still one or two ideas not yet mentioned, the concept of man as a reasonable being and the concept of reciprocal duties among men. These concepts, developed on the juridical plane, would concern mutual obligations or mutual rights or solidarity"[79].

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[76] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Eight Meeting, E/CN.4/AC.1/SR.8 (June 17, 1948), p. 2. Earlier that year, Chang pointed out -suggesting a philosophical concept- that "At the present time it was necessary to affirm and enlarge the difference existing between man and animal. A standard should be established with a view to elevating the concept of man's dignity and emphasizing the respect of man […] The principle of human rights should be given universal application regardless of human level. He had referred to a minimum standard as a means of increasing the stature of man as opposed to animal (UN ESCO, Commission on Human Rights, First Session, Summary Record of the Seventh Meeting, E/CN.4/ /SR.7 (January 31, 1947), p. 4".

[77] UN GAOR, Third Committee, Third Session, Summary Record of the Ninety Eighth Meeting, A/C.3/SR.98 (October 9, 1948), pp. 113-114.

[78] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Second Meeting, E/CN.4/AC.1/SR.2 (June 11, 1947), p. 2.

[79] UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Eight Meeting, E/CN.4/AC.1/SR.8 (June 17, 1947), p. 2. Three days later, he "pointed out that three ideas were expressed in the four [first] Articles: (1) the condition of man; (2) the duty of society to man; and (3) what man owes to society (UN ESCO, Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Twelfth Meeting, E/CN.4/AC.1/SR.12 (June 20, 1947), 4.

Years later, the French remembered that these formulas "allowed the Committee to take no position on the nature of man and of society and to avoid metaphysical controversies, notably the conflicting doctrines of spiritualists, rationalists, and materialists regarding the origin of the rights of man". [80] Still, he described the articles of the UDHR –including the phrase "being endowed with reason and conscience" in article 1– as an explanation of "the most essential attributes of every human being"[81].

As shown, either Chang or Cassin tried to describe the human condition and its essential capacities as a universal condition with an inherent gnoseological dynamic that allows it to grasp the shared ends of human dignity. Something analogous to the relations between the eye and the sight. Affirms the operation of seeing, implies the existence of the organ of view, the eye. Similarly, if someone admits the presence and relevance of empathy, "ren", or intellectually grasping human dignity as a duty, then someone implies, first, a shared human condition; second, a gnoseological capacity to know its presence; and third, the proper action required for its fulfillment.

Charles Malik wanted to use the words "by nature" –or, better still, "by its own nature"– to refer to the same reality as Chang or Cassin did. Malik understood the term as a threefold reality: first, human beings' essential structure or inherent design and its proper operation and intelligibility. Second, a reason designed to grasp that purpose and the suitable actions that allow that human structure to flourish. Finally, the desire or inclination to act according to the intended purpose. Article 1 describes the human condition as an arrangement that holds dignity, rights, and the capabilities to know that configuration –"being endowed with reason and conscience"–, with the proper conclusion toward action: the duty to "act towards one another in a spirit of brotherhood"

Grounding its rights on this human presence, reason, value, and duty, the Declaration can appeal to the conscience of every human being. Without this Malik's idea of "nature", –shared at least in its core by Cassin or Chang– the human rights movement and its brand-new Declaration would be the sign of decadence: "Destitute and desolate, he goes about begging for his rights at the feet of the world, and when the Commission votes on an article by 10 to 8, or the assembly by 25 to 17, he rejoices that there, there, he is granted a right! […] The spectacle of a human being has lost his true being –can there be anything more tragic?–"[82].

Malik tries different formulas to suggest this threefold idea that provides solid ground to the notion of conscience, "ren", intuitive empathy, or common-sense reasoning. First, at Roosevelt's apartment, he suggested using Aquinas's idea of natural law. Then, in June 1947, he incorporated the formula "being endowed

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[80] Cassin, René, *La Pensée et L'action* (Boulogne-sur-Seine, Éditions F. Lalou 1972), p. 108 as translated by Morsink, Johannes, cit. (n. 2), p. 287.

[81] UN ESCO, Commission on Human Rights, Third Session, Summary Record of the Forty Eighth Meeting, E/CN.4/SR.48 (May 28, 1948), p. 6.

[82] Malik, Charles Habib, *The Universal Declaration of Human Rights: Its Making and Meaning*, in Royce, Marion y Rennie, Wesley (eds.), *We, the People, and Human Rights: A Guide to Study and Action* (New York, Association Press, 1949), p. 25.

with reason" in article 1. And in May 1948, when Cassin and Rómulo added "by nature" to the article.

In 1949 Jacques Maritain explained that "since man is endowed with intelligence and determines his own ends, it is up to him to put himself in tune with the ends necessarily demanded by his being". He called "normality of its functioning" to the first. Here, "nature" means two other realities. It means "an ontologic structure which is a locus of intelligible necessities". Like all pianos have their proper end from their own design, a "normal piano" should perform the accorded tones from its identifiable intention and structural design. Maritain understood that the word "nature" refers to either that structured reality or to the inclination to discover that normality rationally.

Second, he refers to the architecture of human reasoning as an act of knowing or the concrete measuring human practical reason in action. Hence, natural law refers primarily to the structural dimension of the human condition, how this design operates through action, and how the configuration of reason captures that dynamic as a duty. A person who wants to learn, understand, and share her experience follows all human beings' normal and healthy desires. She acts like a person "by her own nature" because she grasps how the rational disposition of her essential tendencies can flourish through the action that she is about to execute[83]. In that regard, natural law as the structure of reasoning is "obscure, unsystematic, vital knowledge by connaturally". When this practical reason accesses this normality of its functioning, it "consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject"[84].

On the other hand, Professor Malik explained to his students that commonsense knowledge was the first step of awareness, or our elemental, necessary, but genuinely first knowledge of things[85]. He used the maritenian idea of this commonsense philosophy, as Maritain explained in "An Introduction to Philosophy"[86], published in 1930[87]. In that edition and the pages referenced in the note guarded

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[83] Maritain, Jacques, *The Rights of Man*, cit. (n. 71), pp. 85-90.

[84] Ibid. In the book, Maritain suggests three levels of explanation, perceptible in any natural law description: first: how it appears as a fundamental structure of any practical reason –only under this realm, the natural law could qualify as universal-. Second, how a particular person experiences an inherent and basic structure of his reasoning oriented to an action that fulfills her normal functioning. In this level of knowledge, the quality of universality -as equal, similar, or immutable- is inapplicable because that experience only can be a historical, a relative, a cultural, and a partial event. Third, the philosophical explanation of the previous two levels. Here the separation among cultures, ages, and theoretical traditions -rooted in different values, languages, and discourses- explains why the agreement between the theories of human rights is impossible. In his "Introduction" to the UNESCO Philosophers' Report, he offered a seminal and less detailed explanation of this triple distinction.

[85] *Cfr.* Malik, Charles Habib, *Introduction*, cit. (n. 33), p. xxiii.

[86] Professor Wallorde, in a handwritten note, kept by Malik between his notes on Aquinas lectures, said: "Further points which, I think, should be emphasized (or simply mentioned): (1) St. Thomas' philosophy of common sense. cf. Maritain, 133-143 (140, 141)" Wallorde, "The Thomistic Synthesis", handwritten note, 24 February 1942, box 116, folder 5, *Charles Malik's Papers*, cit. (n. 26), p. 3.

[87] *Cfr.* Maritain, Jacques, *An Introduction to Philosophy* (London, Sheed and Ward, 1930).

by Malik, Maritain explains that reason can seize the necessary materials -or knowledge- to work with spontaneously, rustic, imperfect, and primitive ways. At the same time, these elementals but fundamental truths, at their level, mode, and scope, are precise, valid, binding, infallible, and complete knowledge about reality.

Hence, Malik explained that this rudimentary and unstructured knowledge apprehended by the experience of all persons links them to the intra-subjective dignity through the primary experience of the duty of brotherhood. Furthermore, this kind of comprehension awakes "the questions about [the truth] in your hearth"[88] and moves someone to get deep into the presence, intelligibility, meaning, and ends of the things that he is knowing: "Thus, philosophy poses to common-sense, searching questions. What is the end of life? Are we here only to eat and drink and feel our pleasures and exercise our pride, and then die? Or are we here to achieve a tremendous purpose, which, if we miss, we miss everything in life? […] What does it mean to come back to yourself and face the truth? Are we free so that we can have a say in our destiny, or is our fate completely sealed already? Is this sorry, hum-drum existence all that there is, or is there a world beyond, a world infinitely removed in quality from this sordid life here below? […] What is reality and what is appearance, and can you authentically distinguish between the real and the unreal, the true and the false, the genuine and the ungenuine, the substantial and the apparent, the essential and the accidental?"[89]

In conclusion, the Lebanese delegate understood the phrase "by nature" as "by its own nature", with an intricate and philosophical connotation: "Something that belongs to the essence of man, […] a dynamic constitution from which an intelligible standard for action flows, regarding human fulfillment according to his dignity. What is to say, a reason intended to grasp and to express a naturally oriented human essence as a principle for action"[90]. In other words, our freedom, dignity, and rights flew naturally from our ontological structure[91] as inclinations toward its necessary end, that is rationally known spontaneously, desired, and realized.[92]

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[88] Malik, Charles Habib, *The Thomistic doctrine of the truth*, lecture, 12 March 1940, box 116, folder 4, *Charles Malik's Papers*, cit. (n. 26), p. 29.

[89] Malik, Charles Habib, *The meaning of philosophy*, lecture, 10 October 1940, box 116, folder 5, *Charles Malik's Papers*, cit. (n. 26), p. 17.

[90] Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), p. 25.

[91] "In the final structure of being there is an all-or-none effect which disturbingly challenges our reason: you either *see* an *Idea* (e.g. justice) in itself and draw forth its *logos* from its own content, or you have never *seen* it, in which case you are talking about soothing else, if you are talking at all" (Malik, Charles Habib, *Crisis of Reason. Lecture III: Man and transcendence*, lecture, 17 April 1953, box 115, folder 11, *Charles Malik's Papers*, cit. (n. 26), p. 8.

[92] *Cfr.* Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), pp. 161-163. "When reason grasps this ultimate "natural law" [rational design, intelligibility, and purpose of the structure of the being of things], it could never be more satisfied" this is how the person through "reason then sets about elaborating this 'law of nature' for the individual (the moral law) and for society (the ultimate norms of politics, in the widest sense of the term). (Malik, Charles Habib, *Crisis of Reason. Lecture III: Man and transcendence*, lecture, 17 April 1953, box 115, folder 11, *Charles Malik's Papers*, cit. (n. 26), p. 19).

Malik defined natural law as "the objective structure of human dignity"[93], what is to say, a configuration of the reason that allows it to grasp the primary ends of the intelligibility of the human condition. A spontaneous and rational discovery of the duty to "act towards one another in a spirit of brotherhood". A conclusion appears naturally with the elemental encounter with any human family member -someone who is "born free and equal in dignity and rights". This "natural law" suggests a reason that grasps an own duty when the person interacts with another one and does not follow the logic of the biological realm or the necessity of deduction from an abstract concept. Malik knew that natural law presence, as an expression of a person, breaks e x n o v o the realm of necessity: "There is a relationship that is absolutely discontinuous with anything else: I refer to the I – t h o u relationship. This is a genus by itself, derivable from nothing and reducible to nothing. The treatment of the other person as an *it*, a thing among other things, therefore a mere means, constitutes the modern fallacy of mechanism. But when you truly confront a t h o u in friendship, in a dialectical argument, in love, in prayer, in seeking counsel in moments of crisis, things then cease to be beautifully continuous. You are no longer the sole actor – there is a n o t h e r. You can no longer talk and talk indefinitely –you must l i s t e n. You are no longer in complete control –somebody else may c o n t r o l y o u. You are no longer the judge –you are u n d e r j u d g m e n t yourself. […] The question is no longer whether you understand –the question is whether you a r e u n d e r s t o o d"[94].

Here, it is necessary to recall two aspects of his idea of reason and reasoning. First, the importance of learning from someone else, the vocabulary, arguments, and explanations that allow us to understand our own experience of our basic humanity and personal dignity. He thought those demands would a p p e a r in any human person because of our shared n a t u r a l humanity. He wrote: "Things have a way of immediately revealing themselves to reason, provided that reason be not distorted to begin with. The great masters try to scoop the truth of a thing out of itself and not out of something else. Everything has its own proper nature, its own proper truth, and it is the part of adequacy tenderly to attend to it in itself, simply letting its truth come out from within. The great masters teach us this infinite, patient tenderness, where there is no haste, no distortion, no abstraction, but the pure desire to let the matter speak for itself"[95].

As mentioned above, Malik taught that we need great masters as guides that teach us how to recognize and understand the basic human requirements. In other words, we need mentors to understand the manifestation, discourse, and requirements of natural law. For Malik, reason and natural law allow us to understand the core experience of someone who lives in a different culture and time, just because we share a common rational structure of understanding the human condition. We learn that experiences by a kind of philosophical empathy.

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[93] Ibid., 23.
[94] Ibid., p. 11. Emphasis in the original.
[95] MALIK, Charles Habib, *Introduction*, cit. (n. 33), p. xii.

As it is well known, the drafters dropped the word "nature" to avoid philosophical disagreements. But still, they construct Article 1 as an answer to these two interrelated questions: why can Jane reasonably expect that when she says, "I have a human right", John will understand what she is referring to? And why and how does she know that he would accept her statement as an ethical duty for him?

V. "Reasoning" and existence as a drama

Lastly, Malik's papers, lectures, and academic talks show that in his point of view, reason and reasoning occur in the middle of the drama of existence. Reason act not in the silence of applying principles as in geometry or the greedy disposition of a utilitarian reasoner. Malik's academic papers illustrate human life as an unfolding drama and his classes as commotion for its recognition: "This course had wonderful moments of truth and vision" [96], he writes at the end of one semester. Reading his reflections on Dostoyevsky, Augustin, or Plato, you sense the drama of someone looking for a personal, fulfilled, and meaningful life. In 1940, he wrote: "There were moments in which it was futile even to ask questions, and philosophy could not exist without the grace of discerning the questionable character of existence. […] As a result, I suffered at times in forcefulness and quality: my soul was torn apart in many directions, and I had to struggle hard to maintain my self-identity. […] But against this soul of mine and against the forces fashioning it, I am waging a most bitter fight day and night. The two lights controlling my fight are Christ and Plato. In them, there is no looseness and no self-lostness"[97].

So, a r e a s o n that understands life as a drama that unfolds especially in the secrets of conscience: "The significant thing about every visible history is the invisible 'history' behind it. Not outward results, but inner suffering cannot be articulated: it must remain a secret between man and God"[98]. Because in life, "existence itself is at stake in this great conflict. There were moments in which it was futile even to ask questions; and philosophy could not exist without the grace of discerning the questionable character of existence"[99].

Malik shared this sense of life, search and meaning, and the kind of reason that grasped all those truths in one of his most beautiful interventions in the drafting process of the Declaration. Here, he invites his colleagues –and us– to broaden our sense of reasoning our human condition. He said: "we require I submit, the sensitive insight of the poet, the prophet, the philosopher; and I hope we shall call in these types of minds to aid us in our important enterprise. If only jurists and politicians and diplomats work out this Bill, I am afraid it will come out a distorted thing: it will lack vision and unity; it will lack sweeping simplicity. Vision

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[96] Malik, Charles Habib, *Report of the work in Philosophy at the American University of Beirut for the year 1939-1940*, note, august 21, 1940, box 113, folder 2, *Charles Malik's Papers*, cit. (n. 26), p. 3.

[97] Ibid., p. 8.

[98] Ibid.

[99] Ibid.

and sensitiveness belong pre-eminently to the prophet, unity to the philosopher, simplicity to the poet"[100].

Malik knew that the UDHR was not, academically speaking, a philosophical discourse. Neither he nor any of its drafters would be root its value in a specific theory of God or human nature: "The UDHR is a statement of principle. Even as such, it is not perfect. It is not perfect because it is not the creation of a single mastermind. If Plato, Saint Thomas, or Leibniz were to be assigned the task of elaborating such a document, it would have come out almost a perfect construction, aesthetically, logically, and from the point of view of adequacy"[101].

In this regard, article 1 of UDHR, explained by Malik's understanding of reason, means that the drafters rely on the common-sense knowledge –basic, spontaneous, chaotic, intuitive, and connatural– of someone else's dignity when the action of the former would affect the human rights of the latter. This approach describes why it is reasonable to expect a personal understanding of others' dignity and commitment to human rights. Malik's idea or "reason" does not intend to fulfill the requirements of a comprehensive theory or back a specific technique of interpretation of International Human Rights instrument. Neither to exhaust the standards of an intellectual structure explained by professionals.

VI. Conclusion

Malik's idea of the reason was shared among his colleagues, at least in its basic shape and function. Specifically, first, its ability to read the basic demands of the human condition as a natural structure of shared practical reasoning[102]. Second, is the intelligibility of the human condition. Third, both –the design of that kind of reasoning– its connaturality –and the human condition disposed to ends– allow someone to become a person. Because this is how she owns her nature, introducing into the world a decision that does not have a mechanical or evolutionary cause: there is something and someone that does not have an evolutionary necessity to be there. Fourth, the connatural link between a reason designed to grasp necessary ends and the human condition shared among all members of the human family explains why it is possible to understand and be sympathetic to others' dignity; without a shared philosophical explanation of the process, though a difference of culture. The fifth is the reason as the wisdom of looking throughout the drama of the personal existence, the meaning of a life worth living.

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[100] Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), p. 25. The summary record of that session recapitulate the idea as follows: "In [Malik's] opinion moreover, it was not politicians and diplomats alone who were concerned with this question; the advice of poets, prophets and philosophers should be asked" (UN ESCO, Commission on Human Rights, First Session, Summary Record of the Ninth Meeting, E/CN.4/SR.9 (June 1, 1947), p. 3.

[101] Malik, Charles Habib, *Human Rights and Religious Liberty*, cit. (n. 69), p. 405.

[102] Malik said: "Either man has an eternal essence which can be grasped and expressed by reason, or he dissolves without any remainder into the general flux". Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), p. 161.

In conclusion, in Malik's idea of reason, the anthropological depth of what is at stake in the human rights discourse is palpable. From this source, it is possible to renew the mechanisms of protection of rights that sometimes appear as instruments of cultural manipulation wrapped in neutrality, unfulfilled promises, or endless debate. Because human existence always depends on "reason" and "reasoning" of dignity, human rights –even from the process of drafting the UDHR– are the stage at which "you have the exciting drama of man seeking to grasp himself"[103]. In sum, "the placing of 'reason and conscience' at the very heart of the essence of man in the first Article is of the utmost importance, especially in view of the fact that in the present enlightened age man is often equated not to his 'reason and conscience' but to his reflexes, impulses, desires, drives, instincts, dreams, to his sociological and national functioning, to his economic wants, to the dark forces of the nether world"[104].

As can be seen, Malik's idea of reason implies a way of defending both the universality of the human rights project and the respect for cultural diversity. This explanation is undoubtedly different –buy related– from the Confucian argument of Chang or the liberal idea of Cassin but still a coherent justification of the international human rights project.

Bibliography

Aquinas, Thomas, *Summa Contra Gentiles*.

Cassin, René, *La Pensée et L'action* (Boulogne-sur-Seine, Éditions F. Lalou 1972).

De La Chapelle, Philippe, *La Declaration Universelle des Droits de l'Homme et le Catholicisme* (Paris, Libr. Generale de Droit et de Jurisprudence, 1967).

Glendon, Mary Ann, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York, Random House, 2001).

Haber, Romy. 2021. *Philosophy, Charles Malik and the Middle East*, *The Euro-Gulf information Center*. [Visible en internet: https://www.egic.info/philosophy-charles-malik-and-the-middle-east].

Humphrey, John Peter, *Human Rights and the United Nations: A Great Adventure* (New York, Transnational, 1984).

Kellman Steven, *Omnilingual Aspirations: The Case of the Universal Declaration of Human Rights*, in *Polylinguality and Transcultural Practices*, 18/1 (2021), pp. 6-19.

Lindholm, Tore, Article 1, in Alfredsson, Gudmundur, and Eide, Asbjørn (eds.), *The Universal Declaration of Human Rights: A Common Standard of Achievement* (The Hague, Martinus Nijhoff Publishers, 1999).

Lindkvist, Linde, *Shrines and Souls. The Reinvention of Religious Liberty and the Genesis of the Universal Declaration of Human Rights* (Malmö, Bokbox, 2014).

Malik, Charles Habib, *The Metaphysics of Time in the Philosophies of A. N. Whitehead and M. Heidegger* (Cambridge, Harvard University, 1937).

—*Great Masters* (Beirut, American University of Beirut, 1939).

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[103] Malik, Charles Habib, *Speech on Human Rights, delivered to the United States Chamber of Commerce in New York on Nov. 4, 1949*, [https://web.archive.org/web/20130529002542/http:/www.udhr.org/history/talkon.htm].

[104] Malik, Charles Habib, *The Challenge of Human Rights*, cit. (n. 16), p. 162.

—*What Are Human Rights?*, in *The Rotarian*, 73/2 (1948).
—*Charles Malik's Papers*, Manuscript Division, Library of Congress, Washington.
—*Human Rights and Religious Liberty*, in *Ecumenical Review*, 1/4 (1949).
—*A Near Eastern Witness to Christian Missions* in *Theology Today*, 5/4 (1949).
—*The Universal Declaration of Human Rights: Its Making and Meaning*, in Royce, Marion y Rennie, Wesley (eds.), *We, the People, and Human Rights: A Guide to Study and Action* (New York, Association Press, 1949).
—*Speech on Human Rights, delivered to the United States Chamber of Commerce in New York on Nov. 4, 1949*.
[https://web.archive.org/web/20130529002542/http:/www.udhr.org/history/talkon.htm].
—*War and Peace. A Statement Made Before the Political Committee of the General Assembly, November 23, 1949*, (New York, The National Committee for Free Europe, Inc., 1949).
—*Man in the Struggle for Peace*, (New York, Harper & Row, 1963).
—*The Metaphysics of Freedom*, *The New Scholasticism*, 40/3 (1966).
—*'Shahādat 'Umr' [A Life-Testimony], Lecture Delivered in Saint Ilyās Church in Anṭilyās on April 6, 1974*, in Sabra, George (ed.), Bih Kān Kul Shayʾ: Shahādat Muʾmin [In Him All Things Were Made: A Believer's Testimony] (Beirut, Dār al-Mashriq, 2010).
Malik, Habib Charles and Nasrallah, Tony [eds.], *On the Philosophical Thought of Charles Malik,* I: *Whitehead, Reason and Spirit* (Louaize, NDU, 2018).
Maritain, Jacques, *An Introduction to Philosophy* (London, Sheed and Ward, 1930).
—*The Person and the Common Good*, in *Review of Politics*, 8/4 (1946).
—*Man and State*, (Chicago, The Catholic University of America Press, 1951).
—*The Apostle of Modern Times*, in *St. Thomas Aquinas*, Jacques Maritain Center, 1958 [https://maritain.nd.edu/jmc/etext/thomas3.html].
Morsink, Johannes, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, *Pennsylvania Studies in Human Rights* (Philadelphia, 1999, University of Pennsylvania Press).
Nasrallah, Tony, *Charles Malik Archives at NDU*, in *NDU Spirit*, 68, (Dec., 2016), 103.
Sun, Pinghua, *P. C. Chang's Concept of Human Dignity for the Universal Declaration of Human Rights*, in *Journal of East Asia & International Law*, 12/1 (2019), 91.
Roosevelt, Eleanor, *On My Own* (New York, Harper & Brothers, 1958).
Schabas, William, *The Universal Declaration of Human Rights: The Travaux Préparatoires*, ed. Schabas, William (Cambridge: Cambridge University Press, 2013).