

# AMBASSADOR CHARLES MALIK AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

*Primarily a compilation of selected quotes from Dr. Malik  
during the creation of the Universal Declaration*

*Thomas W. Jacobson (28 August 2008)*

Dr. Charles Habib Malik, Lebanese Ambassador to the United Nations and the United States, was the right man at the right place at the right time to promote, facilitate and ensure the successful drafting and passage of the 1948 *Universal Declaration of Human Rights*. Mrs. Eleanor Roosevelt of the United States utilized her extraordinary diplomatic skills as the first Chairman of the United Nations' Commission on Human Rights (CHR), which was charged with drafting an "International Bill of Rights." Ambassador P. C. Chang of China, Vice Chairman, and Dr. Malik, Rapporteur, were recognized as the intellectual leaders of the CHR, and Ambassador René Cassin of France had the remarkable ability of integrating various ideas into a clear and unified structure. All were critical in the successful drafting of what became the *Universal Declaration*. Yet without Dr. Malik's leadership, diplomatic skills and perseverance, as well as his sensitivity, understanding, and respect for the input of all 58 Member Nations and their differing legal and cultural traditions, there may not have been a *Universal Declaration*. Further, Dr. Malik insisted that the task of creating the United Nations Charter was not complete without a formal guarantee of inherent human rights.

Through his constant defense of the philosophical understanding of universal truth and inalienable human rights, Dr. Malik persuaded other ambassadors of the higher importance of protecting the human rights and fundamental freedoms of each individual (e.g., freedoms of conscience, belief, religion, press), arguing that a person who has food, housing, work and other needs met is not free if he cannot freely express or change his opinions, beliefs or religion.

The following pages contain excerpts from a compilation of Dr. Charles H. Malik's speeches and writings, edited by his son, Professor Habib C. Malik, Ph.D. The title of the book is: THE CHALLENGE OF HUMAN RIGHTS: CHARLES MALIK AND THE UNIVERSAL DECLARATION.

## **Introduction by Ambassador Mary Ann Glendon**

(Dr. Glendon was Professor of Law at Harvard University, and then served as United States Ambassador to the Vatican. She is the author of the book, A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.)

Regarding Dr. Malik, Dr. Glendon wrote, "(N)o individual played a greater role in shaping and securing consensus for the UN's 1948 Universal Declaration of Human Rights, and ... none of the framers reflected in greater depth on the dilemmas of human rights" (p. 1).

"In the 1950s, the Lebanese ambassador to the United States and the United Nations was one of the best-known men on the international stage. At one time or another, Malik held nearly all the major posts in the UN" (p. 1).

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Mr. Jacobson originally wrote this paper in 2008 when he was serving as Representative to the United Nations for Focus on the Family (U.S.A.), from 2001 to 2010.

“Charles Malik the philosopher ... more than any other framer, helped to reinforce the declaration’s claim to be universal. And it was Charles Malik the master diplomat who, more than any other individual, helped to assure its adoption without a single dissenting vote ... (p. 2).

“Malik saw man as uniquely valuable in himself, but as constituted in part by and through his relationships with others – his family, his community, his nation, and his God” (p. 3).

### **Selected Quotes from Ambassador Malik’s Speeches and Writings**

“The peace, which man believes in and will spontaneously rise up to defend, is only that which is grounded in his ultimate rights and freedoms, and in the reality of justice” (p. 14; representing Lebanon in San Francisco, 28 April 1945).

“If we [Lebanon] have any contribution to make, it is in the field of fundamental freedom, namely, freedom of thought, freedom of conscience and freedom of being” (p. 16; Commission on Human Rights [CHR], 31 May 1946).

“We believe that there can be no real peace anywhere in the world so long as the truth in any of its forms is withheld or artificially controlled” (p. 22; CHR, 27 January 1947).

“I would suggest that we must emphatically state that a man has the right not only to his mind, but also to change his mind and his fundamental convictions of conscience whenever his mind and conscience so dictate to him in the best light he knows” (p. 23; CHR, 1 Feb. 1947).

“(T)he very phrase ‘human rights’ obviously refers to man and that by ‘rights’ you can only mean that which belongs to the essence of man” (p. 23; CHR, 1 February 1947).

“The Charter speaks in the preamble of the worth and dignity of man ... That is what we are called upon to promote and protect. ... We here in this Commission represent and defend the individual man in his conscience and in his individual freedom, and there is no other body in the United Nations to do that. We must defend him against tyranny, against tyranny of the state and the tyranny of systems, because man has other loyalties than his loyalty to the state. He has loyalty to his family, to his religion, to his profession; he has his loyalty to science and to truth. These loyalties are as exacting on him as his loyalty to the state. And, in my opinion, the fight for freedom today consists primarily in asserting the rights of these intermediate institutions” (p. 26; CHR, 1 February 1947).

“What interests me most concerning this question of the Bill of Rights is the whole problem of personal liberty. ... (I)f we fail in the formulation of our International Bill of Rights, it is not going to be on the grounds of failing to state explicitly the rights of the individual for food, housing, work, migration .... Rather, it will be on the grounds of failing to allow sufficiently for the all-fundamental problem of personal liberty” (p. 27; CHR, 4 February 1947).

“(T)he Bill of Human Rights ... will elaborate what are called human rights, or rights of man. Obviously, the very phrase means that man in his own essence has certain rights; that therefore, what we are going to elaborate must answer to the nature and essence of man.

Therefore, it must not be accidental. It certainly must not be changing with time and place. The Bill of Rights 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. It will, in short, give meaning to the phrase, 'worth and dignity of man', which is found in the preamble of the Charter" (p. 58; CHR, 14 March 1947).

"(I)t is often mentioned that freedom must be coupled with responsibility or else it will lend itself to a good deal of abuse. I grant that. Freedom must be sobered by responsibility. If, in the name of freedom, conditions such as confusion, irresponsibility, commercialism and catering to the lower instincts of mankind have flourished, so also in the name of responsibility [likely means government control] have conditions such as propaganda, willful bias, and rigid imposition from above equally vitiated the free spread of truth. Everything is capable of abuse, including truth itself ..." (p. 80; CHR, 25 July 1947).

"The UN Charter's preamble says: 'We, the peoples of the United Nations *determined* (1) to save succeeding generations from the scourge of war ... and (2) to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.' I beg you to notice that the determination concerning human rights comes in the second place only. Only the question of war and security precedes it.

"In the first article of the first chapter, one of the United Nations' purposes is stated to be 'to achieve international cooperation ... in the promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.' One of the fundamental purposes of this whole organization relates directly to the question of human rights.

"Article 13 states that 'the General Assembly shall initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all ....'

"(I)n Article 55 ... we are told that 'the United Nations shall promote ... universal respect for, and observance of, human rights and fundamental freedoms ....'

"Among the Economic and Social Council's possible functions and powers, according to Article 62, is making 'recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all'.

"Article 68 reads ... [ECOSOC] shall set up commissions in economic and social fields for the promotion of human rights ....'

"Finally, the trusteeship system in Chapter XII is based, among other things, on encouraging 'respect for human rights and fundamental freedoms for all ....'

"... The question of human rights is second only to the question of the maintenance of peace and security. In fact the violation of human rights is one of the causes of war, so that to achieve the first aim of the United Nations, namely the maintenance of international peace and security, you must first guarantee the observance of human rights" (pp. 89-91; speech 26 February 1948).

"(S)ince you cannot promote what remains vague and undefined, the preliminary function of the Commission must be the precise definition of these rights" (p. 91; *ibid.*).

"The Bill of Rights is nothing other than a continuation, a completion, of the Charter itself. Many of us who were in San Francisco three years ago urged that human rights must be elaborated in precise terms. We were told at the time that if this question were raised, the conference would not end for several more weeks. So, we accepted the compromise of mentioning the Commission on Human Rights by name and leaving it to this Commission to

fill in the gaps that were intentionally left out of the Charter. The Commission on Human Rights is therefore virtually the prolongation of the Conference of San Francisco” (p. 92; *ibid.*).

“The first of these questions is whether man is simply an animal, so that his rights are just those of an animal. ... But unless man’s proper nature, unless his mind and spirit are brought out, set apart, protected and promoted, the struggle for human rights is a sham and a mockery. ... But unless we succeed in preserving and promoting in the Bill of Rights man’s inalienable freedom, we will have traded away his dignity, we will have destroyed his worth. ... But unless we maintain ... the natural order of things by rejecting the total subordination of man to the state, unless, that is, we succeed not only in limiting the claims of the state on man but also in ensuring the state’s recognition of his claims on it, believe me the battle for fundamental rights and freedoms of man will have been virtually lost” (pp. 93-4; *ibid.*).

“(W)here and when are we really free and human? ... Do we not rather enjoy our deepest and truest freedom and humanity in our family, in the Church, in our intimate circle of friends, when we are immersed in the joyful ways of life of our own people, when we seek, find, see and acknowledge the truth? These intermediate institutions between the state and the individual are the real sources of our freedom and our rights” (p. 95; *ibid.*).

“(T)he question of the nature and origin of these rights. *By what title* does man possess them? Are they *conferred* upon him by the state, or by society, or by the United Nations? Or do they belong to his nature so that apart from them he simply ceases to be man? Now if they simply originate in the state or society or the United Nations, it is clear that what the state now *grants*, it might one day *withdraw* without thereby violating any higher law. But if these rights and freedoms belong to man as man, then the state or the United Nations, far from conferring them upon him, must *recognize* and respect them, or else it would be violating the higher law of his being. This is the question of whether the state is subject to higher law, the law of nature, or whether it is a sufficient law unto itself. If it is the latter, then nothing judges it: it is the judge of everything. But if there is something above it, which it can discover and to which it can conform, then any positive law that contradicts that transcendent norm is *by nature* null and void” (p. 105; 1 July 1948).

“The merest suggestion that there is nature, reality, truth, peace and rest, an unchanging order of things which it is our supreme destiny to know and conform to, is anathema to modern man. He seeks his rights not in and from that order, but from his government, from the United Nations ... and ‘the last stage of evolution’. Destitute and desolate, he goes about begging for his rights at the feet of the world ... Having lost his hold on God, or more accurately, having blinded himself to God’s constant hold on him, he seeks for his rights elsewhere in vain. The spectacle of a human being having lost his proper being – can there be anything more tragic” (p. 106; *ibid.*)?

“(T)he Commission faced and wrestled with these four basic issues:

- the nature of man;
- the place of the individual in society;
- the relation of man and state; and
- man’s ultimate loyalties” (p. 110-11; August 1948).

**Dr. Malik, as President of ECOSOC, presented the draft Declaration to the General Assembly, 27 September 1948:**

“The Economic and Social Council is transmitting to the General Assembly ... a draft Declaration of Human Rights ....

“The problem of human rights certainly belongs to the heart of our compact as members of this organization. The last war was fought in part because Nazi Germany contemptuously trampled on fundamental human rights. ... Nothing could be more tragic than if this partial cause of the war were now forgotten, for then indeed the war would have been fought in vain. We can therefore say that the United Nations is itself the outcome of a war whose whole moral climate was saturated with the issue of human rights.

“Now human rights are mentioned seven times in the UN Charter ....

“But it is patent that the Charter in this respect is incomplete. For nowhere does it define human rights and fundamental freedoms. It ‘reaffirms’ our ‘faith in fundamental human rights’; it pledges us to ‘promote’ and ‘encourage’ ‘respect for ...’. But what are these rights and freedoms ...? On this crucial question the UN Charter is completely silent.

“Under the inspiring leadership of Mrs. Roosevelt ... the Commission has laboured for two years now on its assignment. The first fruit of its laborers is the draft Declaration of Human Rights now before the General Assembly.

... “Finally, there is the question of their [human rights] origin. Where do they come from? Are they conferred upon me by some external visible power such as the state or the United Nations, so that what is now granted me may some day be conceivably withdrawn from me? Or do they belong to my essence so that if they are violated in any way I cease to be a human being at all? If they did belong to my essence, should they not also be grounded in a Supreme Being who, by being the Lord of history, could guarantee their meaning and stability?

... “Everybody by now knows that the ultimate issues of today are all ideological. ... Superficial people ... ridiculed the classical ages of faith; they are now paying the price of their faithless superficiality .... It is dangerous to neglect the mind and spirit of man; it is dangerous to poke fun at logos. ...

“The most important issue in the order of truth today is what constitutes the proper worth and dignity of man. This will be the central theme of the debate in the Declaration of Human Rights. Unless this issue is rightly settled, there is no meaning to any other settlement. Do not tell me you are going to settle Korea, and Germany, and Palestine, and atomic energy, and leave *this* central issue unsettled! For what is the use of peace and a settlement in which man is left ambiguous, estranged from himself and from the truth” (pp. 113-16)?

**Dr. Malik explained key parts of the draft Declaration:**

“The opening article of the declaration reads as follows: ‘All human beings are born free and equal in dignity and rights. They are endowed by nature with reason and conscience, and should act towards one another in a spirit of brotherhood.’ There is asserted in this article the essential original freedom and equality as to the dignity and rights of all human beings. But what interests me most is the fact that after interminable discussion and in the face of determined opposition we were able to retain the three invaluable words, ‘nature’, ‘reason’ and ‘conscience’. These words are offensive to a modern ear that hates anything natural and immutable ....

“The second article to which I would like to call your attention is the one that deals with the family [Article 16 in the final]. There is asserted in this article the right to marry and to the equality of rights to marriage between men and women. But what interests me most is

again the definition of the family. The second paragraph of this article reads: ‘The family is the natural and fundamental group unit of society and shall be entitled to protection’. This proposition was again vigorously combated but finally stood its ground. We are here affirming that between the individual and the state there is a ‘natural and fundamental group unit of society’. This group unit of society is the family. Thus the natural dignity and fundamental importance of the family are enshrined in our declaration.

“The next article ... is the one on religious liberty [Article 18 in the final]. This article reads as follows: ‘everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.’ We are here affirming the freedom of the intellect, the freedom of the will and man’s ultimate freedom with respect to God. The phrase ‘freedom to change his religion or belief has been a stumbling block to those who deny this freedom to man on the grounds that religion is not a question of free choice but of birth and tradition. But again this phrase won in the end. The fourfold manifestation of religion ‘in teaching, practice, worship and observance’ is of the utmost importance. A close examination of the concrete total religious situation in the world will reveal that all four terms are necessary for the safeguarding of true religious liberty” (pp. 100-01; speech, 16 June 1948).

### **Ambassador Charles Habib Malik, Ph.D. (1906-1987)**

- Signer of the United Nations Charter for Lebanon (24 October 1945)
- Ambassador of Lebanon to the United Nations (1945-1955)
- Ambassador of Lebanon to the United States (1945-1955)
- Member, Rapporteur and Chairman (1951-53), Commission on Human Rights (1946-1953)
- Member and officer, Drafting Committee of the *Universal Declaration* (1946-48)
- Member and President (1947-48), United Nations Economic and Social Council (1946-49)
- Chairman, Third Committee of the United Nations General Assembly (1948)
- Non-Permanent Member, United Nations Security Council (1953-54)
- Lebanon Minister of Foreign Affairs (1956-58)
- Lebanon Minister of Education and Fine Arts (1956-57)
- Member of the Lebanese National Assembly (1957-59)
- President, United Nations General Assembly, 13<sup>th</sup> Session (1958)
- Professor of Philosophy: Harvard, American (Wash., DC), Dartmouth, Notre Dame (1960-)
- Professor of Philosophy, American University of Beirut (1962-76)
- President, World Council on Christian Education (1967-71)
- Vice President, United Bible Societies (1966-72)
- Jacques Maritain Prof. of Moral Political Philosophy, Catholic Univ. of America (1981-83)