Selected Writings by Charles Malik

(Chronological Order)

What are Human Rights?

Statesmen at lake success have pondered that question and now offer their answer. The first step in one of the most important tasks the United Nations has undertaken has been completed. It is the drafting of a Declaration on Human Rights. Its Preamble and 28 Articles may eventuate into mankind's greatest human document, for it seeks to expand as well as to make secure the rights of man.

This urge in mankind is neither new nor novel. The Babylonians, nearly 4,000 years ago, had their Code of Hammurabi, which established freedom within that law. Later the Greeks and the Romans contributed patterns for human conduct exemplified in the Justinian Code. Then after a few centuries, in A.D. 1215, England promulgated new liberties in the Magna Carta and toward the end of the 17th Century expanded them in the Bill of Rights. France contributed the Napoleonic Code to the world and the "unalienable rights" of man, eloquently charted in the Declaration of Independence of the United States, gave new hope to people everywhere.

It is only since the advent of the 20th Century, however, that the peoples of the world really began to act and think collectively, perhaps as a result of cataclysmic wars, and to look beyond national or regional frontiers and take stock of their collective well being. The League of Nations Covenant marked a beginning, followed by the Atlantic Charter and the United Nations Charter, which fathered the present Commission on Human Rights.

Negotiations in the United Nations, by which international agreements are forged, are at best complicated processes. Yet it would seem to be not too difficult to reach agreement upon matters of non-political or moral nature, such as human rights. But it took 18 months of debate and nearly 100 meetings to bring forth this draft.

It probably covers a wider range of human activity than any other similar document in history. Beginning Article 1 with the declaration that "all human beings are born free and equal in dignity and

rights..." it proceeds with several Articles generally resembling the guaranties contained in the United States Constitution. Among them are the right to life and liberty, freedom from arbitrary arrest and involuntary servitude, the right to own property, the freedom of thought, conscience, and religion.

Other Articles deal with economic, social, and cultural rights, including the right to work and protection from unemployment; the right to an adequate standard of living, including food, clothing, housing, medical care, and provisions against sickness, disability, and old age; the right to an education, to rest, and to leisure; and the right to participate in the cultural life of the community.

The meeting of the Commission on Human Rights, ably presided over by Mrs. Franklin D. Roosevelt, was devoted for the most part to the detailed considerations of human rights drawn from national constitutions, from national institutes, and from texts furnished by certain delegations. The final draft that emerged will be submitted to the Economic and Social Council, then to the United Nations General Assembly, meeting at Paris in September, before it can become a part of the final Covenant on Human Rights, or specific law, which nations may incorporate in their own legislation.

This intricate, lengthy process of consideration and reconsideration, of submission and resubmission by one Principal Organ of the United Nations to another is inviolable because the principle of the sovereign equality of States, large and small, is enshrined in the Charter of San Francisco. Moreover, the 58 sovereign States in the United Nations have a bewildering variety of cultures, histories, racial origins, religions, systems of government, and legal practices.

It was in such a setting that the Commission on Human Rights went to work on its task as outlined in the Preamble of the U. N. Charter. This, it will be recalled, declared that "We the peoples of the United Nations" are determined, first, "to save succeeding generations from the scourge of war" and, secondly, "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." Only the question of war precedes the mandate to declare human rights.

Supplying content and meaning for the phrase "the dignity and worth of the human person" quite naturally brought into relief the differences in ideologies of the nations represented. For this is an age of ideologies, of passionate fundamental beliefs about the nature of things, and especially the nature of man and of society. It is no exaggeration to say that there is no fundamental question shaking the world to its depths today which was not somehow, directly or indirectly, reflected in the deliberations and decisions

of the Commission on Human Rights. Agreement had to be reached on four basic issues concerning the nature of man.

The first was whether man is simply an animal, so that his rights are just those of an animal. All those who stress the elemental economic rights and needs of man are for the most part impressed by his sheer animal existence. This is materialism, whatever else it may be called. Materialism is a popular philosophy of our times, making it difficult to champion the cause of the spirit and mind of man; and to impress on the international community the point that even after man is fully secure in his so-called "economic rights" he may still be not-man. 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.

The second question is to determine the place of the individual human person in modern society. This is the great problem of personal freedom. How is my personal freedom limited by society? 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 of spreading socialism it is difficult to champion the cause of freedom; it is difficult to shout from the housetops that man cannot be absorbed by society, that he is by nature free to think, free to choose, free to rebel against his own society, or indeed against the whole world, if it is in the wrong. 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 worth.

The third fundamental question raised in the relationship between man and the State, between the individual and law. This is the great problem of statism. The question here is not whether man ought to obey the law, or whether he ought to be subject to his State. The question rather is this: Which is more ultimate, which is prior to the other, which is for the sake of the other--the individual human person or the State?

And as regards the law, the question is whether it is arbitrary, accidental, imposed on me by force, coming from the outside, merely pragmatic, ungrounded, and blind; or whether it is grounded in the nature of things and above all in my own rational nature, so that it is the best external guaranty for the development of my freedom.

In this age of advancing governmental control, of national consciousness and sovereignty, it is difficult to convince man that he is not meant to be the slave of his Government; it is difficult to establish in his mind the right scale of values whereby he can see clearly that the State exists ultimately for his sake and in his service and not conversely. But unless we reject 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, the battle for the fundamental rights and freedoms will have been virtually lost.

The fourth ultimate issue is the question of man's ultimate loyalties. Does man have by nature other loyalties than his loyalty to the State?

Is his loyalty to the State all-embracing, absolute, unconditional, intolerant of every other loyalty and attachment? Or is he allowed to develop loyalties at least side by side with his loyalty to the State? Is it in harmony with his natural rights as a man to allow the State to determine for him all his beliefs and ideas and even hopes, all the material basis of his existence, all the patterns of his life?

What about the family, the church, the intimate circle of friends, the independent pursuit of science and truth, the sustaining folk songs and folkways which are utterly independent in their origin of any Government and any State? What about this whole plenum of intermediate institutions spanning the entire chasm between the individual and the State?

We speak of fundamental freedoms and of human rights; but, actually, where and when are we really free and human? Is it in the street, is it in our direct relations to our State? Is it not rather the case that we 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, I am convinced, the real sources of our freedom and our rights. The tragedy of the modern world is that these real grounds of freedom are in danger of decay. The family is subject to terrible strains, the church is on the defensive, modern man has no friends, truth has become a matter of pragmatic convenience. But unless the proposed Bill of Rights can create conditions which will allow man to develop ultimate loyalties with respect to these intermediate sources of freedom, over and above his loyalty to the State, we shall have legislated not for man's freedom but for his virtual enslavement.

Thus, to recapitulate, the Commission faced and wrestled with these four basic issues: (1) the nature of man; (2) the place of the individual in society; (3) the relation of man and State; (4) man's ultimate loyalties. It is, I believe, noteworthy as grounds for great hope that by majority vote we should have been able to agree on conclusions now stated in the draft Declaration on Human Rights. It is a document which should be read with profound thought by all who envisage the reign of a just peace on this earth.

The need is above everything else for courageous and sustained moral leadership. It is for some one nation so to put its own house in order and so to be fired by a genuine sense of mission as to have its words on fundamental human rights ring with authority.

There is everything in the background and fundamental outlook of certain nations to entitle them to take a bold lead concerning the ultimate emancipation of man; and yet such a lead has not always been forthcoming. Fatigued by the stupendous exertions of the war; preoccupied with self-interest and sheer politics; distracted by the sheer multiplicity and pressure of events in this rapidly shrinking world; undermined by friction and disorder from within; blunted by the prevalent international fear and suspicion: some nations royally destined in themselves to sound the clarion call, present yet an unconvincing and faltering style.

Nor do the ordinary processes of the emergence of responsible leadership in the democratic world seem to be tossing up at present leaders of the requisite moral stature. By the time a man reaches the top he has usually expended his soul in compromise and appeasement. The result of all this is divided and enfeebled counsel.

The Commission has endeavored to fulfill the expectations of the Charter. But something has happened in the international situation which has somehow weakened the original hold of the Charter on the member nations. One must face this tragic fact in all honesty. The distressing impression is often gained that really only lip service is paid the cause of human rights. It is as though the provisions of the Charter on this question were not meant seriously. Despite the solemn enshrinement of human rights as one of the fundamental reasons for the existence of the United Nations itself, despite the fact that the member nations, by signing the Charter, are legally bound to all its provisions including the promotion and observance of human rights and consequently and necessarily their precise definition, I have observed a certain degree of inordinate caution, nay perhaps even of cynicism, with regard to the carrying out of the mandate. It is as though the real will to achieve and ensure human rights were lacking.

We need endless rational debate and discussion; we need the bracing touch of moral leadership; but without the real political will to discover and promulgate and enforce these rights, debate and leadership will avail nothing. The will is the agency of realization. A man may know all the truth and may know it even with passion, but unless he also wills it, it is not likely to pass into actuality.

But if peoples are patient with one another in full debate until agreement is reached, or at least until the issues have become perfectly clear; if nations are granted the boon of a vigorous, understanding, and moral leadership; if the genuine will to achieve human rights is restored and enhanced; if the nations which signed the Charter and are therefore legally and morally bound by it are willing not to retreat from but to advance beyond its terms; if in this advance necessary safeguards are introduced against the excesses of materialism, nationalism, and statism in favor of the real freedom and dignity of man; and if the intermediate soil of freedom is watered with care and protection and love: if we are wise enough, and courageous enough, and true enough, and free enough to do all this, then, I am confident, the dawn of a new day will come upon us.

Charles Malik,

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The Meaning of Philosophy

The man-in-the-street is the symbol of commonsense. Like him, we live our lives for the most part in a superficial and false state of being. Rarely, if ever, do we come back to ourselves and face reality. Think how we, as being in commonsense, spend most of our lives comparing ourselves with others. ‘We are not as bad as they’. ‘What will others say to this?’ ‘Do as others do.’ In such ways we, as in commonsense, have the others on our mind all the time. In this mode of being, we never are ourselves. We do what the others do; we enjoy ourselves as one enjoys oneself; we read and judge literature, art, politics and even ‘truth’, as one judges these things; we find revolting what one finds revolting. Our total mode of being in our daily existence is prescribed for us by this strange ‘one’, this ‘one’ who is everybody and yet nobody, and who therefore levels down all distinction, all difference, all exception, all value, all excellence, to a state in which every-thing is as good as everything else.

And that is not all that there is to the ordinary mode of existence of commonsense, that is to say of the man-in-the-street. He is marked by a superficial, external, accidental attitude towards things. He never penetrates beneath the surface of things, seeing them in terms of color and size. He suspects no hidden meaning to what he comes across. Things are exactly as they seem. He flees reality and himself and his truth, never wanting to have anything to do with these things. He begins his day by reading the morning newspaper, only to put himself in a state of complete confusion about the world. He enjoys remaining in this distracted, dispersed state of con-fusion, because if he snaps out of it, he may begin to come back to himself, and that he will never do. And thus the morning newspaper is a God-sent institution whereby he begins his day by conveniently not being himself. Confused, disturbed and not himself, he talks and talks in-definitely. And what does he say? Nothing! And yet he 'knows' everything, from the latest piece of gossip to the hidden meaning of the recent events in Europe. Deliciously enjoying gossip, and always adding his original little bit to it, he is full of curiosity. He never stops tenderly by a thing to absorb its meaning, but he jumps from one thing to another, from one book to another, from one subject to another, from one place to another, always seeking something new and never finding it. And the more he seeks to satisfy his curiosity in this way, the more it becomes insatiable. Ask him what he is after, or what he means by what he says, and you will find that his answer is shot through and through with ambiguity. He doesn't really know what he means, nor what he is after. Beaten upon by waves of opinion from all directions, he reduces to a state of flux in which nothing is true or important. Ambiguous in his meaning, curious in his attitude, gossippy in his talk, he becomes unauthentic and ungenuine in his being and indecisive in his existence. The hardest thing in the world for him to do is to make a decision, to make up his mind. He has no mind to make up, and consequently when you mention the word `soul' in his presence, he says, but do I have a soul, and isn't the soul an antiquated concept? Indecisive and uncertain in his mind, he waits and waits for the great explosion to occur in Europe, in the self-relieving hope that the burden of existence will thereby `somehow' become lighter. Never stopping to examine himself and to get to know *who* he is, he is completely unhistorical. He refuses to believe that he is the child of history, and that he answers to a certain nation and race and tradition and culture and destiny. Thus self-forgetful, unhistorical, indecisive and ungenuine, he drifts along beautifully until he meets his death, a mistake in the bosom of existence.

This is the picture of the man-in-the-street. And this man-in-the-street is you and I in one mode of our existence. Every day we fall in this mode of existence, and we maintain ourselves in it the

greater part of the day. The man-in-the-street, and we as partaking of his kind of existence, daily slip very smoothly into this commonsense point of view. We daily lose ourselves in things, compare ourselves with others, take life as it comes without asking any fundamental questions about it, forget ourselves, flee from reality, disperse ourselves all over the place, and never pause to become decisively historical. And if you and I ever snap out of this commonsense self-lostness, if we ever come back to ourselves and become ourselves, if we ever gain real perspective on the world, if we ever disclose to ourselves our true authentic being with its real possibilities, then we do all this always by violently putting aside all our own concealments, and smashing our own illusions with which we have bolted our souls up inside our own confused prison.

Philosophy is the critic of commonsense. From the very beginning it was a revolt against commonsense. It is to this spiritual revolt that the sciences owe their existence and whatever culture there is in the world today its origin. Socrates went about exposing the fallacies and falsities and ambiguities and self-lostness of commonsense. He brought a new illumination to the mind of men wholly foreign to the false complacency of commonsense. Commonsense bore him for seventy years, and then it put him to death. For commonsense prefers falsehood to truth, and will always fight and kill any man who dares proclaim the truth, especially if this truth is its truth. Commonsense can face some truth, but never its truth. Thus philosophy poses to commonsense 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 is truth, and is it relative or absolute? What is beauty? Does beauty belong to the object of beauty, or only to the appreciating subject, so that only a beautiful soul can appreciate beauty? What is falsehood, and why is it that commonsense and the man-in-the-street are for the most part in falsehood? What is science, and the scientific method? How does science arise? What truthful phenomena does it report on? What is meant by a scientific theory? What is meant by saying that a molecule is a scientific fiction? Why is it that the world has progressed in science but not in ethics and morality? What does it mean to come back to yourself and face 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? Why is there this universal unrest in the world—life and love renewing themselves every spring, scientists working day and night to see deeper into reality, nations mobilizing and straining every effort to have the better of other nations individuals ever dissatisfied, ever profoundly unhappy? Why this universal phenomenon of unrest and dissatisfaction? What is the soul, and what does ambiguous commonsense really mean when it says,

there is no soul? What is religion, and why have all Western religions arisen in this part of the world? Why are most of us these days atheists, believing not in God, but in cleverness and diplomacy and bank-accounts? What does it mean to love, and to love even those who hate and scheme against you? 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. […].

Charles Malik,

Lecture delivered at a meeting of the International Club of the American Junior College for Women, Beirut, Lebanon, on February 24th, 1938, at 8:00 p.m.

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The limitations of Natural Science

If by `non-scientist' is meant one who never had direct first-hand acquaintance with science and the laboratory, then I do not strictly qualify. My undergraduate studies I did in physics and mathematics and for two years after I graduated from college I taught advanced courses in these subjects. After that, I spent two years collecting, identifying, crushing and examining under the microscope tens of thousands of snails from all along the Nile in Egypt and the Sudan under Dr. C. H. Barlow, who was leading an expedition sent by the Rockefeller Foundation for the study of bilharzia. This disease, whose vector passes part of its life-cycle in the snail, and trachoma have been the principal plagues of the fellaheen of the Nile Valley for millennia.

My deepest interests, however, were always in the ultimate things, and so I moved on to the study of philosophy first under Whitehead at Harvard and then under Heidegger in Freiburg.

Science and mathematics-as Plato and Aristotle taught, as Descartes and Leibniz later concurred, and as is indeed quite evident from the nature of the case-are excellent preparations for philosophy. And genuine philosophy for the infinitely thirsty soul must lead on to God.

My subsequent diplomatic, political and international activity afforded me a perfect laboratory for testing, refining and applying my ideas and concerns: this was the public arena of the world (as my country's

representative at the United Nations), where nations and cultures were clashing sharply and where the destinies of whole peoples were often at stake. An armchair philosopher, a Hegel or even an Augustine, for example, no matter how much and how penetratingly he philosophizes on history, unless he personally assumes direct political-historical responsibility, has no idea of what responsible historical decision really means and only a vague idea of what the stuff of history itself consists of.

I approach science therefore, not from the outside, not wholly as a 'non-scientist' but with an inner personal appreciation of the great scientific disciplines at all levels. The mind seeking truth, all truth, the deepest truth, welcomes and rejoices in every bit of certainty and knowledge however it comes by it, and unless it starts with some invincible bias it remains ever open to the infinite realm of being in all its wonderful manifold varieties.

The Broad Meaning of Science

Originally *scientia* meant knowledge in general, and it is at once obvious that certain kinds of knowledge I cannot teach or convey to others, such as the peculiar taste of sugar or the sense of the brown or red colour, or what it feels to be spiteful or resentful. I know this taste or sense or feeling with the utmost certainty but I cannot communicate it to others, nor am I sure that others' taste or sense or feeling of what we call by the same name are exactly the same as mine. This statement may not be wholly true of the class of things to which `feeling resentful or spiteful' belongs, for we have a strange capacity of `catching' these things from or `feeling' them in one another. But a thing can certainly be called knowledge even though it be wholly private.

Science, however, is that kind of knowledge which can be taught or communicated. And here again we must discriminate at once between the two senses in which the word `science' can be taken, a general sense and a more special one.

Plato and Aristotle would certainly call philosophy `science', in fact the highest science, and Aquinas would certainly call theology `science', in fact the queen of the sciences. Philosophy and theology both yield communicable knowledge. To the ancients and mediaevals, then, there was no arbitrary limitation to the use of the term `science', no matter how uncertain or tentative or difficult and complex certain sciences might be. In the general sense, then, whenever an intellectual discipline with a clearly defined subject-matter enjoys the two characteristics of (a) yielding knowledge, with (b) the knowledge being communicable, it is a science.

From this perspective it is obvious that the classification of the sciences and the establishment of any order

or hierarchy that may exist among them are primordial tasks. It is also basic that there is no `one method' for all the sciences, but that each science must elaborate its own proper method in accordance with the nature of its own subject-matter.

It was the spectacular development of the physical, and later the biological, sciences just before, during and after the Renaissance, especially after Galileo, Newton and the two Bacons, that led to a more restricted sense being assigned to the term `science'. Today it is not at all common to call history a science, let alone ethics or philosophy or theology; even the term `political science' is used disparagingly by the physicists and biologists, and even the political scientists themselves do not utter it with much conviction; yet each of these disciplines has a distinct subject-matter and a distinct method of handling or dealing with that subject matter, and all of them yield important information which can be passed on from mind to mind and generation to generation.

The physical and biological sciences are the paradigms of science today, and the physical even more than the biological. This is an unfortunate bias, no matter how much it may be explained historically and culturally. Of course, it cannot be justified philosophically. Its existential explanation is the fact that man has behaved as a child, fascinated by the progress of the physical and biological sciences and spell-bound by the sense of power over the world about him. But if he succeeds in rising above this childish fascination and seduction and going behind them-in returning, namely, to his original sense of wonder, which is the existential source of all truth and all discovery-he will see that history, the social disciplines, ethics, philosophy and theology, each yields communicable know, ledge of its own kind, according to its own peculiar method and subject-matter, and that the dignity of the term `science' should not be denied them.

Yet, to avoid confusion, I shall here in this paper use the terms `science' and `scientist' in their narrow sense, referring to the natural sciences.

Science and the Knowledge of Man

It must be observed that there are different degrees of accuracy and precision in observations and conclusions, again varying according to the subject-matter of a discipline, and that often our deepest concerns, as in the decisions which affect destiny and history, both personal and national, are not privileged with the degree of accuracy enjoyed by the physical sciences. Moreover, the phenomenologists, who have led-in my opinion with conclusive success, in the fight against the narrow sense of science-have demonstrated that there are not only degrees but also types of accuracy. An ethicist describing magnanimity can be as unerring and as certain as a physicist measuring the charge of the electron, nay more so: the description of magnanimity will be understood and recognized a thousand years from now, just as we

recognize today such descriptions by the master describer, Aristotle, whereas many a scientifically ascertained fact in the narrower sense might be discarded by then, as we actually discard today many such facts ascertained by Aristotle.

The position that verifiability, the principle of scientific truth, should be confined to the sense preception of the individual investigator is a biased and dogmatic position. There is no inherent reason why this should be the case. There is a knowledge-certain, communicable, and, if properly understood, universal-which only the fellowhip of trust and love can yield, and man really craves this kind of knowledge even more than power or success, and when he seeks the latter it is because he has been denied this knowledge.

Let us call this knowledge `knowledge of man and the spirit'. Physics, chemistry and biology do not yield this kind of knowledge, although their articulations are certainly science. Only the living-loving active participation in an existing tradition yields such knowledge. Just as the perfection of competence in physics, for example, necessitates years of training in laboratories and higher centres of learning under recognized masters in that field, so the perfection of one's knowledge of man and the spirit necessitates a lifetime, perhaps, of humble self-submission to existing fellow-ships of love, whether or not masters exist in them. But there are always masters, there are always wise men.

The human-existential-moral prerequisites for the one kind of knowledge are not the same as those for the other. If you feel that it is unfair that for some reason you are excluded from this latter fellowship and the knowledge it yields, then remember that this is no more unfair than for the non-physicist who did not pay the necessary price, in terms of rigorous training and discipline, to be excluded from the fraternity of physicists.

It is obvious, then, that a fellowship must exist which is open to all and for which everybody can pay the price. This alone will do away with all possible unfairness. The community of the nation with its common laws, customs and *mores* is such a fellowship, but it is not universal enough nor indeed deep enough. Not only is there unfairness between nation and nation, but the most perfect national fellowship leaves whole areas in the life of man wholly unmet and wholly unsatisfied. Only the full community of man, on the deepest level and on all levels of his existence, is such a fellowship.

The knowledge of man and the spirit gained in the living-Ioving existing traditions is, as knowledge, every bit as respec-table and true and communicable as that obtained in physics or chemistry, or philosophy for that matter. Man is much more than his scientific propensity, in the narrow sense of the term. Behind every scientist lurks the man-living, dying, suffering, scheming, petty, worrying, heir to every possibility of

smallness or greatness. To avoid hopeless confusion, and the repetition of the tritest banalities about the importance and success and greatness and usefulness of science and technology, and about the pace of scientific progress, etc., it is essential, then, to fix our gaze on the tragic figure who is ontologically prior to and who lies at the base of every scientist and all science : man in desperate need of peace, harmony, love, happiness, the joy and certainty of the spirit, and the salvation of God. […].

Charles Malik,

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