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BEING AND BECOMING: THE HUMAN PERSON AND HUMAN DIGNITY IN CHARLES MALIK'S CONTRIBUTION TO THE UDHR

By Peter Petkoff

In his role as a member of the drafting committee that produced the Universal Declaration of Human Rights (UDHR) in 1948, Charles Malik's enquiry into what it means to be human shaped profoundly the future trajectory of international human rights. Confronted by rigid perspectives reducing the debate to dichotomies such as the state and individual, citizens and colonial subjects, collective rights and individual rights, Malik disrupted the status quo, turned the table and got the other delegates involved in the drafting to go beyond their narrowly defined mandate and to accept that we cannot imagine what human rights might be without having a robust, dynamic concept of the human person aligned with a concept of human dignity.[1] With this seemingly small leap, Malik, a Greek Orthodox Lebanese Arab Christian, a UN diplomat representing a state which did not exist until 1943, a student of Heidegger and Whitehead, and a major figure of the international ecumenical movement, shaped the philosophical synthesis in the process of the making of modern human rights. His intellectual strategies could undoubtedly be considered to be an extension of the existentialist tradition now in the context of shaping the blueprint of the new international order (in a similar fashion to the work of Jaspers and Arendt)—but enriched by his devotion to a Chalcedonian Christology which imagines human persons as priests, prophets, and kings, empowered shield-bearers of truth through the act of Baptism, as well as by other theological influences from Augustine to Barth, Florovsky, and Maritain.

Abstract: Charles Malik's contribution to the drafting of the Universal Declaration of Human Rights (UDHR) introduced in the conversation a profound commitment to the Christian humanist tradition by challenging the drafting committee to imagine an idea of human rights moving beyond the triviality of the distinction between individual and society. Driven by his influences from Orthodox theology, existentialist philosophy, neo-scholastic tradition, and from his rich ecumenical networks, Malik produced a synthesis which gravitates around the notion of the human person and its inherent dignity, which defined in different ways the trajectory of the discussions of the UDHR committee and, ultimately, the trajectory of modern human rights.

Keywords: Heidegger, ecumenism, human rights, freedom of religion or belief, totalitarianism, existentialism, Chalcedon

This is a synthesis which quietly made history, with intellectual clarity and a firm conviction, so that we cannot imagine human rights without a serious and dynamic commitment to what it means to be human. His approach and intellectual networks, cross-referenced with his theological and philosophical writings, are an important reference point of just how instrumental religious voices and religious concepts were in the shaping of the agendas of the UDHR, even if such religious perspectives were never spelled out as such around the negotiating table.

Grounding the discussion about the scope of the UDHR around the human person was a central enterprise for the drafting committee, which introduced a range of ideas coming from a range of secular and religious philosophical perspectives. But it was the philosophical and theological witness of this one man which shaped the discussions, troubled his reluctant interlocuters, and ultimately persuaded them to embrace his appeal to think of concrete human rights which relate to a complex and universal humanity. And while the format of the UDHR remained inherently secular, the notion of the complexity of the human person embedded in it remained rich in philosophical and religious ideas, and in some way through these ideas retained a thick rather than a thin idea of the human person and human rights. Malik did not simply rely on ethical paradigms to craft human rights. In order to avoid the possibility of any philosophy of personhood being hijacked by totalitarian ideologies, he sought inspiration for the definitions of the human person in the language and paradigms of Chalcedonian Christology—so that a human person is recognized to have inherent complexity, beyond conventional definitions and political ideologies.

Human Dignity, Human Person, and the Centrality of Chalcedonian Christology in Malik's Approach to Human Rights

Malik approached the task with an intent to remember who we are as humans, rather than trying to construct a new version of ourselves. If one looks at his theological writings along with the discussions on the drafting committee, Malik does not make many references to religion within the Commission, as the document is purporting to be secular. Nonetheless, there is a clear link between his theology, the discussions Malik initiates, and the ideas these discussions generate and shape the final document.

Concerning the impact Malik had on UDHR, Lindkvist (2017) and other authors have tended to highlight Malik's background as a philosopher in terms of the impact he had on the Declaration. They have focused on the influence of modern Thomists such as Maritain and natural law theories in the conceptual framing of the Christian personalism of Malik. Without attempting to undermine the role of a range of authors from Heidegger, through Barth, Maritain and Jaspers, I will explore some additional intellectual trajectories which make Malik's overall holistic approach to theology and philosophy more robust and in a sense more interesting. A lot has been written about Malik's Greek Orthodox background in connection with his ecumenical work, but not enough has been made of the synthesis between Orthodox theology and his other philosophical and theological sources. This is not surprising. Malik did not reference heavily his theological texts and was very careful not to push in too much theology in the UDHR debates. And yet unpacking his focus on the human person goes beyond the obvious reference points which other authors have identified and annotated in great detail.

Where his Greek Orthodox background emerges very clearly is through an authentic approach to the human person which is driven by Christian dogmatics and Scripture rather than through a more technical systematic theology which one would expect to see in authors like Maritain and the prior proponents of the scholastic tradition. In this sense, the Greek Orthodox background is the one which sets the scene for an unfolding defense of the centrality of the human person mapped with his theological writings using scriptural, patristic, and dogmatic theological terms and strategies. In a vein not dissimilar from the work of another significant Orthodox thinker identified as a continuation of

the Heideggerian tradition, Christos Yannaras, Malik unpacks the dogmatic foundation of the commitment to the human person through a Chalcedonian Christological lens and then links it with Heidegger's models to look at the specific context of his philosophical points (Yannaras 1984). This narrative, dialogical theology linked with existentialist paradigms then makes possible the leap towards Thomist natural law theories, Barthian theology, and other modern philosophical takes on personalism well documented by other scholars.

Without taking into account this background we may be left with a less satisfactory assessment of Malik's intellectual formation, often described as eclectic or as "Orthodox by faith, Catholic by theology." Approached through the lens of Eastern Patristic and dogmatic theology, Malik's method, connecting with other philosophical traditions, is certainly holistic but not eclectic. It represents a different modus of setting off theological presuppositions and engagement with texts and systematic frameworks outside of one's own framework. This in a way also explains Malik's ability to deal with difficult counterparts who struggled to come out of their own conceptual comfort zone during the drafting process.

In order to understand the intellectual strategies which underpin Malik's work we need to consider his philosophical and theological writings and explore the ways they relate to the ideas he elaborated during the drafting of the Declaration.

Malik proposed that the world has reached its eschatological destination: "There is a world in crisis, and the crisis is simply the fact that Jesus Christ is the Lord and is judging" (Malik 1962, 1). Malik saw grand ideological narratives as being in the way of this act of judgment. At the same time, he saw human rights as one of the ways to liberate human persons from these grand narratives and enable them to choose to participate in their eschatological destiny. Malik identified the grand narratives as international communism, revolutions and post-colonialism (rising nations and peoples), internal challenges and problems in the West itself, and the formidable challenges of technological revolution (Malik 1962, 16). In some way, he saw these challenges as both political and eschatological—the ways in which we confront those challenges will shape and determine both our new emerging political cultures and at the same time will determine whether each one of us will be able to exercise the act of freedom to choose to stand before Christ's judgment.

> The rising people ask in effect four questions:
> 1. Who can help you best enjoy our basic human rights?
> 2. What measures and methods can enable us to progress far enough to meet our old as well as our rising needs?
> 3. Who can give us the warmth and security of his fellowship without exploiting us and without infringing upon our freedom and self-respect?
> 4. What is the place of our culture, our interpretation of things in relation to other cultures and other points of view? The rising peoples have every right to ask these questions and every right to expect to receive an answer to them. (Malik 1962, 17)

Just like another existentialist philosopher Karl Japers (Jaspers 1948), Malik believed that "the greatest weakness of Western strategy is its relative neglect of the intellectual and spiritual dimension" (Malik 1962, 22). And in order to overcome this spiritual deficit any undertaking which seeks to address any of the above challenges will have to start as developing a very robust understanding of humanity, which can only be translated into a political commitment (whatever this political commitment might be). Malik did this by putting the idea of the human person at the center of the conversation, specifically a notion of a human person inspired by Chalcedonian dogmatic theology:

> The crisis is certainly intellectual … What is at stake here is man: its nature, his origin, his destiny, his understanding of himself. Is he a machine? Is he an animal with blind natural impulses and nothing more? Is he a mere cog in the wheel of the state? Is he a mechanical product of his social conditions? Or is he created by God

> after his own likeness and image and therefore endowed with reason, with inherent dignity, and with immortal soul? (Malik 1962, 26)

As a professional philosopher Malik considered totalitarian ideologies (Communist in particular) to be one of the greatest threats to humanity. It is perhaps not accidental that in engaging with the question of what does it mean to be human he moved away from the reliance on ethics and moral philosophy as way to frame conceptually the human person. Instead, he deployed an idea of the human person which is to be found in Christian dogmatics and inspired by the Chalcedonian definition of the two natures of Christ. Kallistos Ware has unpacked very effectively the connection between Christology, authority, and personality stemming from the method of Orthodox theology anchored around the premises and the intellectual tools of dogmatic theology. Christ as a true God can possess all authority in heaven and on earth, and as a true man he transmits this authority directly and organically to the members of his body of Christ (Ware 1970; 1974, 945; 1982). Through Baptism all faithful are given Christ-like authority and are all priests, prophets, and kings. These are themes Malik related to on a regular basis as a Greek Orthodox Christian who lived through the liturgies and the sacraments of the Orthodox church to which he remained a devout follower until the end of his life.

Why would a professional philosopher be so dependent on his spiritual roots rather than on his philosophical tools? Concerned about the possibility that any philosophy could be monopolized for totalitarian purposes, Malik sought new ways of appropriating old forms of thinking about the human person outside of philosophical systems and in ways which would liberate the human person from being conditioned by conventional appropriation of philosophical systems and concepts. He chose to do this through Christology. In his view, the only way we can think of the human person in his fullness and complexity and beyond ideologies is by seeing him as an image and likeness of Christ, empowered through baptism to exercise Christ-like authority independent of political conditions and constraints.

> What is new (in history) is always two things: that there are always new men born in the world to whom the gospel must be preached; and the specific response by these men to it. Man is eternal; so is God; and so is the gospel. What is new in history is always the new man in Jesus Christ. (Malik 1962, 62)

While Malik pursued a Christian humanist view of the human person through implicit forms of Chalcedonian dogmatics, he neutralized any possibility of turning this Christian reaffirmation of the complexity of the mystery of the human person and the freedom and authority associated with it into a political theology and into a Christian concept of the political:

> A Christian thrown into the present world cannot subscribe to any international order just because it affords him a sense of peace and relieves him of the necessity of hard moral decisions.
>
> The Church remains faithful to Jesus Christ by not tying her fate to the fate of systems and governments and orders and cultures and civilizations. The church is neither Western nor Eastern; it is neither capitalist nor proletarian; she is neither white nor colors; she is neither European nor Asian, African, or American: she is the Church of Jesus Christ by whose spirit we are all baptized into one body, whether we be Jews or Gentiles, whether we are bond or free (1 Cor, 12:13).
>
> From the nations the Church expects three things. First she asks for the freedom to preach the gospel in every land and to every people and culture.
>
> Second she insists on natural principles of justice, common good, the dignity of man, and that man can never be treated as a means only.

> Third she insists that diverse nations, peoples and cultures … are entitled by nature to a life of dignity and independence, always under conditions of mutual respect and with due regard for the common good. (Malik 1962, 51)

In this remarkable series of statements, Malik outlined his intellectual manifesto. This perspective took center stage during the discussions and the implementation of the UDHR—Christian humanism has an important role to play in bearing witness for the complexity of human nature and human freedom, but Christianity cannot and must not depend on or try to penetrate and absorb any political or world order.

Human Dignity, Human Person, and Freedom of Conscience

The discussion over the notion of "The Human Person" within the UDHR is particularly key in determining the contribution of religious voices and—more importantly—in what ways religious voices made a difference. The Lebanese delegate rattled the preliminary discussions with an appeal to recognize the centrality of the ideal of the human person and of the need to reach beneath the surface in order to capture the complexity of such a notion in the text of the Declaration. It was this conviction which dominated these discussions and gradually inspired the reluctant drafting committee to come on board. It was this same conviction which was the likely reason that the idea of the "human person" underpinned most of the rights in the Declaration, making them more concrete and—ultimately—more universal. Malik was particularly concerned that not looking at the meaning of human person would undermine their task and the committee would be unable to set firm foundations for the document.

> When we say "human rights," we are raising the fundamental question: What is man? When we disagree about human rights, we are really disagreeing about the nature of the human person. Is he merely a social being, like a bee or an ant? Is he just an economic being, a rational calculator of self interest? (Malik 2000)

The most dominant theme in Malik's articles and talks on the topic is that matters of human rights cannot be isolated from questions of human nature (Lindkvist 2017). Malik argued that the West needed to be reawakened to a "radical moral responsibility," to an engagement with the world in which it did not compromise on ultimate and universal values, above all the integral dignity of the human person as "an end in himself," and the "ultimate freedoms of thought, conscience and decision" (Malik 1951).

> Man, you and I in person, is conceived as a purely material being, whose spiritual and inward experiences and achievements are nothing more than modifications attendant upon and reducible to the movement of the matter which he is. The dignity of man—which the Classical tradition saw as consisting of man's rational and creative powers, and the Christian traditions as emanating from man's status as the Image of God destined for eternal life—is replaced, in the Communist philosophy, by the status of man as a unit in a multitude, a part of a greater whole, determined in his worth, like that whole itself, by his contribution to the production of material goods. So engrossed are the Communists in the materialistic phenomena of capital and labor and sheer economic goods that man is conceived, to use the famous phrase of Stalin, as at best "the most precious capital." (Malik 1950, 19–20)

The imminent threat of materialism defined Malik's agenda to get the terminology in Article 1 and Article 18 right, and he saw its final version as a "faint echo, on the international plane, of a spiritual reaction against the modern dissolution of the human soul" (Malik 1949a, 404–405). Malik saw the rise of totalitarian regimes as a much deeper, positivist current in modern societies.

Malik saw the drafting of the UDHR as a complex philosophical project: "We are trying in effect, knowingly or unknowingly, to go back to the Platonic-Christian tradition which affirms man's original, integral dignity and immortality" (Malik 1949a, 404). He took this a stage further in his text for the famous Georgetown conference convened by John Courtney Murray several months before the promulgation of *Dignitatis Humanae* by Vatican II. He asserted that freedom of conscience is "grounded in the metaphysical fact that man must be able to rebel and reject the truth to be free" (Murray 1965). As part of this project the text of UDHR recognized man's natural ability for "reason and conscience," not simply driven by "his reflexes, impulses, desires, drives, instincts, dreams," or determined by "his sociological and national functionings, to his economic wants, to the dark forces of the nether world" (Malik 1949a, 404–406). Moreover, equating religious freedom with freedom of conscience was a way of recognizing that the individual person was entitled to a free choice without succumbing to indifference as to how this freedom was exercised. The right to freedom of thought and conscience was also a right to engage in critical evaluation of the workings of social and political life.

FOR MALIK IT WAS CRITICAL TO ARTICULATE THAT TRUE FREEDOM IS ALWAYS PERSONAL

It is clear that freedom in an ontological sense was very important to Malik, and this is exemplified with his focus on the human person. This characterization of ontological freedom as a "propensity" towards authenticity is clear in Malik wanting to return to the basics, to return to what it means to be human. Ontological freedom is distinguishable from a more narrow and abstract way of viewing freedom, and Malik took pains to distinguish this.

For Malik it was critical to articulate that true freedom is always personal. He considered all other conventional freedoms (freedom of opinion, of information, of the press, religious worship) as technical, if not seen in the context of personal freedom (2000). Malik's paradigm challenged the affirmation that society comes first and contrasted the pressure of groups to the human person and his own personality. "The deepest danger of the age is posed by collectivism which demands the extinction of the human person as such in his own individuality and ultimate inviolability" (Malik 2000). This was the reason why it was critical in Malik's view that the final text of the UDHR must use instead of "individual" the term of "human person." Malik believed that the UDHR terminology was an indication of what basic understanding of man the UN human rights project would ratify. He wanted language that could signal an acknowledgment that man was not just a species-being, but a creature with a unique and God-given capacity to acquire knowledge of "the truth: and to choose between different ends of life" (Lindkvist 2017, 21).

In this discourse, the human person is more important than any group, but with a clear differentiation of the view of the human person from the Anglo-American-style of individualism. On Malik's view, man is "uniquely invaluable in himself, but as constituted in part by and through his relationships with others—his family, his community, his nation, and his God" (Malik 2000). In challenging both the individualistic Western voices on the commission as well as the members of the Communist East, Malik liberated the UDHR from both radically collectivist or radically individualist Babylonian captivity, and the human person served as a thread to tie together all of the rights. This effort was represented by a trend summed-up in the words of Maritain: "With roots stretching back to the birth of Western civilization, human rights arose as a potential rallying cry for a united religious front against the ills of secular modernity" (Maritain 2012, 29; see also Moyn 2011, 70–72; and Moyn 2015).

Malik understood that modern human rights did not require simply a political consensus. They required a philosophical synthesis (Lindkvist 2017, 5). His Christian humanism—which was a further development from the Christian humanism of his friend Maritain, and

was profoundly shaped by Greek Orthodox theology and Existentialist philosophy—changed the conversation about human rights, made it intellectually coherent, shaped the UDHR, and related the human rights project to wider intellectual currents of renewal. Malik described the UDHR as a product of three revolutions—the French, the US, and the Soviet revolutions. It is more than that. It is a product of the Greco-Roman and Judeo-Christian revolution which Jaspers defines in his essay "The Spirit of Europe" as the unique ability to bring harmony from dissonance, synthesis from contradictions:

> The deepest formulation of the significance of the present international activity in the field of human rights is that it is a faint echo, on the international plane, of a spiritual reaction against the modern dissolution of the human soul. We are trying in effect, knowingly or unknowingly, to go back to the Platonic-Christian tradition which affirms man's original, integral dignity and immortality. (Malik 1949a, 1)

Human Dignity and the Right to Change Religion

Discussing the right to change religion embedded in Article 18 of the UDHR, Malik reflected that for him freedom of religion is not about *being* but about *becoming*. This dichotomy/antithesis, which Malik borrowed from his teacher Martin Heidegger, profoundly shaped the intellectual strategies which he deployed in the drafting of the UDHR and subsequently the International Covenant on Civil and Political Rights (ICCPR). It also reflects a perspective which is often overlooked in Malik's thought and in the core concept of the right to change religion centered around the concept of human dignity.

As Lindkvist points out, Malik's writings often indicate that the primary function of this right was not to protect individuals moving from one religion to another.

> In his texts, "change" was more of a vertical than a horizontal concept. The change that the individual would undergo in the process of "becoming" was one of acquiring more and more knowledge of the truth and adjusting his life on the basis of that knowledge. The right to change was, in other words, a right to progress more than a right to convert between different belief systems. As he made clear in his lectures at AUB, it was also a right that could not be perfectly exercised by anyone. The freedom of thought and conscience could only be mastered through rigorous training and continuous self-reflection. The ideal bearer of the right to change religion or belief was not, in other words, a vulnerable person leaving one religious affiliation for another, but the great thinker, prophet, or poet gradually rising to ever-greater acquaintance with the truth. (Lindkvist 2017)

Malik developed and unpacked elaborate arguments for why a United Nations framework of human rights would be incomplete and inadequate without the right to change religion. He fleshed out his initial point by tying the right to change religion or belief to an understanding of personal freedom as a process of becoming (Lindkvist 2017).

> 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 to be what you are. You must also be free to become what your conscience requires you to become in light of your best knowledge. It is therefore freedom of becoming, of change that we stress as much as freedom of being. (Malik 2000, 16–17)

When Malik translated the right to change religion or belief into freedom of becoming, he

also affirmed that it was more than a right protecting the individual's free choice. As Malik construed it, the freedom of becoming was also an imperative to change, a call to the individual subject to "become what your conscience requires you to become." By deploying these Heideggerian existentialist philosophy strategies Malik spelled out his central proposal that the human rights project is much more than a utilitarian means of liberating men from various forms of political oppression. In his vision UDHR goes further. In addition to providing conventional international legal tools, it promises to empower persons to "change in your belief from the good to the better and better as the truth progressively reveals itself to you" (Malik 1949b, 10–11).

Conclusion

In the UDHR *travaux preparatoire* the trajectories of the making of modern human rights are often forgotten, overlooked, or lost within what is considered to be a strictly (and often exclusively) secular format. Reclaiming this intellectual space and the notion that the complexity of the human person is systemically embedded in the UDHR is an important trajectory for giving due credit to the rich range of philosophical and religious ideas which calibrated a thick rather than a thin concept of human person and human rights. Malik built on these complex and often holistic philosophical foundations but developed their premises further. In order to avoid the possibility of any philosophy of personhood being hijacked by totalitarian ideologies he sought inspiration for the definitions of the human person in the language and paradigms of Chalcedonian Christology—a human person in his inherent complexity, beyond conventional definitions and political ideologies.

The discussions of the idea of the *human person* and human dignity within the UDHR are particularly key in determining the contribution of religious voices in the drafting of the Declaration. Malik contributed perspectives inspired by the existentialist philosophy of his teachers Heidegger and Whitehead and by the Christian humanism of his own Greek Orthodox theological tradition. The Lebanese delegate shook the preliminary discussions with an appeal to recognize the centrality of the ideal of the human person and of the need to reach beneath the surface in order to capture the complexity of such a notion. ❖

About the Author

Peter Petkoff is a Tutorial Law Fellow at Regent's Park College, Oxford University, where he leads the Religion, Law, and International Relations Program. He also edits the *Oxford Journal of Law and Religion* and writes on legal protection of sacred spaces, law and religion, legal history, and on the coexistence of religious and non-religious legal systems.

Note

1. Charles Habib Malik (1906–1987) was a Lebanese philosopher, diplomat, statesman and a major figure of the international ecumenical movement. Malik studied philosophy with Martin Heidegger in Freiburg during the war where he had a first-hand experience of the rise of Nazism and then with Whitehead in Harvard. He became the first Lebanese UN Ambassador and played a major part in the drafting of the UDHR, the ICCPR and other international instruments which defined the post-World War II international order. His links with international ecumenical movement created channels for a direct impact on the drafting of the UDHR. As a major ecumenical figure (he was a member of a WCC Committee together with Hans Kung, Karl Barth and Georges Florovsky) and a private advisor of Patriarch Athenagoras Malik brokered the first meeting between him and Pope Paul VI which was the first meeting of a Pope and an Ecumenical Patriarch since the Great Schism of 1054.Upon his return to his native Lebanon Malik served as a Foreign Minister and was one of the founders of the Lebanese Front for Freedom and Man founded in 1975. Among the key texts by Malik and on Malik are (Glendon 2011; Lindkvist 2017; Malik 1950, 1955, 1960, 1962, 1963, 1974, 1982, 1970, 1972; Malik 2000; Malik, Nasrallah, Dougherty, and Mu'assasat al-Fikr al-Lubnānī 2018; Nolde and Malik 1968; Glendon 2001). Further information about the Charles Malik archive which is divided between Lebanon and the Library of Congress could be found at the web site of Charles Malik Institute and the Philos Project https://charlesmalikinstitute.org

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