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**P.C. Chang and Charles Malik – The Two Philosophers of the Universal Declaration of Human Rights <sup>1</sup> (forthcoming in Human Rights Quarterly, Fall 2023)**

**Abstract**

The Universal Declaration of Human Rights (the UDHR) was the result of several participants and organizations during almost two years work before its adoption in the United Nations on 10 December 1948. The declaration is one of the world's most famous and translated documents even though its principles and moral insights are far from realized around the world today. Even though it was a collaborative work with several authors involved, some writers played significant roles in a special way.

This article aims to present and analyze the contributions of two of the main drafters namely the philosopher and diplomat Charles Malik (1906-1987) from Lebanon and the philosopher and diplomat P.C. Chang (1892-1957) from the Republic of China. Malik and Chang were the only philosophers in the drafting team and they were allrounded intellectuals and educators. Several of the other participants, who were the writers of the UDHR, were in contrast to Chang and Malik lawyers or politicians. Chang and Malik came from different philosophical traditions. Chang had as his tutor at Columbia the pragmatist philosopher John Dewey in the beginning of the 1920s. Malik on the other hand had studied for the philosophers Alfred North Whitehead at Harvard and Martin Heidegger in Freiburg during the 1930s. The philosophical differences between Chang and Malik created fruitful dialogues between the two drafters. One main objective of this article is to explore how the educational backgrounds and the previous professions of Chang and Malik influenced the character of the UDHR.

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<sup>1</sup> Many thanks to Dr Habib Malik and the late Dr Stanley Chang for valuable remarks and comments on their fathers' lives and work. Many thanks also to John Hobbins from McGill University for interesting remarks concerning the drafting process of the UDHR.

## *Introduction*

The 75th anniversary of the Universal Declaration of Human Rights is approaching. On Tenth of December 1948 the General Assembly of the United Nations accepted the document after a voting in Palais de Chaillot in Paris. The document was the result of a work process that took almost two years. The main drafters came from all around the world and this fact contributed to the great legitimacy of the Declaration.

A more widespread view among human rights scholars around the world today is that especially two drafters of the Universal Declaration of Human Rights (UDHR) – P.C. Chang (1892-1957) and Charles Malik (1906-1987) - played crucial roles in the drafting process of the document. They were present through the whole drafting process of the UDHR, and they later on worked on the drafting of the human rights conventions in the 1950s. They also had previous experiences of the UN. Charles Malik attended the meeting in San Francisco 1945 when the United Nations was created, and P.C. Chang was at the very first General Assembly meeting in London and as ambassador for China at the first meeting of the Economic and Social Council during February 1946.<sup>2</sup> Chang also played an important role in initiating the International Health Conference in New York during the summer of 1946. That conference was crucial for the creation of the WHO (the World Health Organization) in 1948.

Malik and Chang were the only philosophers in the drafting team.<sup>3</sup> This educational and professional background was probably essential for the quality and the ethical insights of the document. Both were allrounded intellectuals who identified themselves strongly with specific universities in their home countries all through their lives, and they were engaged in educational activities in a broad way. In Chang's case it was his brother Poling's university Nankai in Tientsin and in Malik's case it was the American University

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<sup>2</sup> Roth 2018, chapter 5.

<sup>3</sup> Among the other drafters one can mention Eleanor Roosevelt from the US, René Cassin from France, Hernán Santa Cruz from Chile, Hansa Mehta from India, John P. Humphrey from Canada, Alexandre Bogomolov from USSR, Charles Dukes from UK and William Hodgson from Australia.

in Beirut. Both of them also worked at these universities as professors in philosophy for several years.

Chang's interests were not only confined to academic work as he also was active as a playwright and director, and staged many theatre plays such as Henrik Ibsen's plays in China and in the US. Chang and Malik had also been active in various student associations, such as debate clubs, during their undergraduate years. Both were also at an early stage exposed to the pedagogy of the American educator John Dewey, especially Dewey's ideas on individuality and critical thinking.<sup>4</sup>

These two philosophers contributed to some of the most pivotal characteristics of the UDHR. Chang contributed to characteristics such as the religious neutrality and the universality of the document. He endorsed religious ecumenism and intercultural dialogue in the writing process. Further, he emphasised duties in the UDHR in two central articles (Article 1 and Article 29) and he argued for the inclusion of the concept of human dignity in the Preamble.<sup>5</sup>

Malik also endorsed religious ecumenism, and he stressed the centrality of the individual human person. For Malik it was essential to underscore the importance of personal freedoms for the individual person, and to safeguard his and her interests *visavi* the state and various collectives.<sup>6</sup> One of the main purposes of human rights was to constrain state power, according to Malik. In other words, he brought a substantial dose of *anti-statism* to the UDHR as well as a dose of *anti-collectivism*. For example, he stressed that education should not be solely an instrument of state power. Instead it should be a prior right of families to determine the nature of education of their children, something that was later on included in Article 26:3 in the UDHR.<sup>7</sup> Malik was also pivotal in drafting Article 16 ("The Family Article") where he stressed the important role of families in society. This article recognizes the family as "the natural and fundamental group unit of society".

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<sup>4</sup> Mitoma 2010, p. 229 and Roth 2018, p.16.

<sup>5</sup> Roth 2018, chapter 6

<sup>6</sup> Malik 2000, p. 49

<sup>7</sup> Malik 2000 and Glendon 2001.

This article will focus upon some of the similarities and differences between Chang's and Malik's philosophical outlooks, and the relationship between Chang's and Malik's thoughts on human rights with a specific emphasis upon Chang's ideas about human dignity. As it is 75 years since the UDHR was adopted by the UN it is important to highlight the substantial contributions of Chang and Malik.

The essential roles that these two philosophers played in the Human Rights Commission also fit a recent interpretation of the history of the UDHR. It was not mainly delegates from established democracies that were pivotal in the writing process but instead delegates from new and more fragile democracies.<sup>8</sup>

#### *A Western or Eastern Document?*

It is interesting to note that Chang and Malik, who maybe were the most important and philosophically astute drafters of the UDHR, came from non-western parts of the world. In addition to Chang and Malik the Indian human rights activist Hansa Mehta also played a crucial role in the drafting group as she strived to include gender equality in the document through the notion of "all human beings".<sup>9</sup> Hence, it is not correct to describe the origin of the UDHR as purely Western as it had a much more multicultural origin.

The former view that the UDHR essentially was given a Western imprint was a common view for several decades among writers on the UDHR. The French delegate René Cassin, the chairman of the Human Rights Commission Eleanor Roosevelt, the British delegate Geoffrey Wilson and the Canadian law scholar John P. Humphrey were seen as the main drafters according to this Western perspective.<sup>10</sup> In recent years some scholars have also stressed that key drafters such as Chang and Malik had a Western education which implied that they gave the UDHR a Western orientation.<sup>11</sup>

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<sup>8</sup> O'Regan 2018, p. 271

<sup>9</sup> Morsink 1999, p.119

<sup>10</sup> Kanger 1984, p. 18 and Verdoodt 1963, p. 59 f.

<sup>11</sup> Mitoma 2010, p.222 f.

However, Chang and Malik came from countries and regions that were quite different in terms of populations, civilizations, cultural traditions and historical experiences. Chang came from one of the largest countries in the world with one dominating majority population (the Han Chinese) while Malik came from a Christian minority in a small multireligious and multiethnic country in the Middle East.<sup>12</sup>

Chang and Malik also belonged to different generations with quite different life experiences. Malik was the youngest delegate in the Human Rights Commission while Chang belonged to the same generation as Mao Zedong and Chiang Kai Shek. Chang had experienced the old Chinese imperial system as well as the Republic of China, and the colonial policies of Europe and Japan. Malik grew up in the end and in the aftermath of the Ottoman Empire and he experienced dramatic political changes of Lebanon as a multireligious state. Later on in his life he saw the initial visions of a peaceful pluralism in Lebanon become more and more threatened through the increasing conflicts between various religious and ethnic groups.

Chang became heavily involved in the anti-Japanese resistance after that his own university Nankai had been destroyed by the Japanese in 1937. Chang's opinion was that the Japanese aggression that started in the beginning of the 1930s in Manchuria was the main cause of the wildfire that later on spread to other parts of the world. The World Community did not react fiercely when Japan invaded China, and this opened up the door for several invasions around the world during the 1930s.<sup>13</sup>

However, both Chang's and Malik's personal biographies underscore that it is too simple to use categories as Western and non-Western perspectives when it comes to describe their personalities and their contributions to the UDHR. They managed to mix influences from many directions in a constructive way, and when they worked in the UN, they often acted as individuals with a new and unique task ahead. Even though they "represented" different civilizations – the Christian – Western, the Arabic-Middle Eastern and the Confucian-Chinese – they transcended these civilizations when it came to the concrete work in the UN and in their ethical writings. Chang was also eager to stress that labels

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<sup>12</sup> Malik 2000, p.16.

<sup>13</sup> Chang 1939.

such as Western and Eastern civilizations are too broad and very uninformative categories as they hide the internal heterogeneity and the similarities between "Eastern" and "Western". traditions. <sup>14</sup>

It can here be added that the home regions of Chang and Malik today present serious challenges to various human rights, such as freedom of expression and freedom of religion. These negative facts underscore the great relevance of the UDHR as a guiding light for human rights activists in China and in the Middle East.

### *What is a critical writer of the Universal Declaration of Human Rights?*

When it comes to being an important drafter or critical writer of the UDHR, one can distinguish between several dimensions, i.e., the writer's importance concerning: 1) the overall character of the document, 2) the formulation of key sections such as the Preamble and Article 1 - and - the introduction of pivotal concepts in various articles, 3) the structure of the document, 4) literary style or wording, 5) thoughts concerning the justification of the document (including criticism of the main objections such as cultural relativism), 6) thoughts concerning the implementation of the document and 7) an ability to solve stalemates in discussions through compromises, metaphors, humour and mediating positions. All these dimensions above summarize and categorize the key characteristics of the UDHR, its origin, its main content and its main functions.

With reference to all dimensions above, Chang was a *critical writer*. This characteristic of being a critical writer is something that Chang also shared with three other key drafters of the UDHR namely Charles Malik, René Cassin and John P. Humphrey. The UN diplomat, Brian Urquhart, who worked closely with the UN General Secretary, Dag Hammarskjöld, mentions that Chang was especially important with regard to point 1) cited above – the overall character of the UDHR - as he was the writer who especially emphasized the importance of the universality, ecumenism and the religious neutrality of the document. <sup>15</sup>

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<sup>14</sup> Roth 2018, p.188-189

<sup>15</sup> Urquhart 2001

Concerning point 2) above, Chang played a crucial role with reference to Article 1 ("the foundational article"), Article 26 ("the education article"), Article 25 (on social welfare) and Article 29 (on duties to one's community). Chang had also clear ideas about the justification of the UDHR – point 5) above. He stressed the importance of intercultural dialogues concerning fundamental ethical statements, and his theory was similar to the American philosopher John Rawls idea of an "overlapping consensus".<sup>16</sup> Respect for human dignity was also seen as a normative cornerstone for various human rights, a theme that we will discuss more thoroughly later on in this article.

The justificatory underpinnings of the UDHR was for Malik in comparison to Chang explicitly metaphysical as he endorsed theism and Natural Law Theory. However, traces of these underpinnings are not openly seen in the UDHR as Chang, Roosevelt, Cassin and some other delegates strived to make the document religiously neutral.

With reference to point 6) Chang argued (as well as Eleanor Roosevelt) that positive measures such as educational efforts in small scale settings such as the school and the neighbourhood were more important for the fulfillment of human rights than legislation, corrections and sanctions. He often characterized the Universal Declaration of Human Rights as a basis for a "school of living". Charles Malik also claimed in the same spirit that in the long run the morally disturbing or judging is far more important than the legally binding.<sup>17</sup>

The French representative in the Human Rights Commission, René Cassin, also praised Chang concerning point 4) cited above, in other words, his contributions to the phrasing and the literary style of the document. <sup>18</sup> John P. Humphrey, the Canadian Law professor and the secretary of the Commission, praised Chang with reference to point 7) cited above, his capacity to formulate mediating positions, and in particular, his ability to solve stalemates through metaphors, humour and compromises, something that also Eleanor Roosevelt praised.<sup>19</sup> Malik also expressed appreciation for Chang's

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<sup>16</sup> Bell 2015, p. 263

<sup>17</sup> Malik 2000

<sup>18</sup> Cassin 1972

<sup>19</sup> Humphrey 1984

contributions to the UDHR as he broadened the perspectives through references to Oriental philosophy.<sup>20</sup>

Malik's role as a critical writer of the UDHR - and - as a key person in different capacities in the UN has been widely recognized in recent years, especially through Mary Ann Glendon's book *A World Made New*.<sup>21</sup> Malik was a critical writer concerning the Preamble, Article 16 (on family matters), Article 18 (on freedom of religion) and Article 28 (on the right to a good international order). In summary, one could say that both Chang and Malik contributed to some of the most essential articles in the UDHR. Cassin, on the other hand, was especially important concerning point 3) - the structure of the document and he was also supporting the idea that the UDHR should be a religiously neutral document. Further, he endorsed that the document should include a broad range of human rights, something that Chang accepted as well.

#### *Fruitful and Less Fruitful Dialogues ?*

With reference to the list cited above (concerning the importance in the drafting process) one could add another dimension 8) that the writer was engaged in fruitful dialogues and disagreements with some of the other participants. This phenomenon was clearly visible in the case of Chang and Malik. They approached the drafting process from quite different philosophical vantage points, and these different perspectives contributed to the philosophical depth of the document. Chang combined Chinese philosophy with American pragmatism and European Enlightenment philosophy while Malik endorsed natural law theory, thomism and existentialism.<sup>22</sup> They also brought different educational, cultural and national experiences to the writing process. Malik's own experience of the education in Nazi Germany created an interest in educational issues and he stressed the importance of teaching and education in promoting human rights.<sup>23</sup>

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<sup>20</sup> Roth 2018, p.178.

<sup>21</sup> Glendon 2001.

<sup>22</sup> Roth 2018, chapter 7

<sup>23</sup> Mitoma 2019



Chang and Malik differed in terms of the concepts they used in their writings before, during and after their work in the UN. Chang was eager to use concepts from ethics and the social sciences while Malik often used metaphysical concepts such as "inherent", "inviolable", "innate" and "inalienable" when he referred to human rights and dignity in the UDHR. Chang stressed many times that Chinese philosophy was not focused upon metaphysics but instead on the art of living and how to live a virtuous life.<sup>24</sup> In his work on the UDHR Chang stressed virtues such as tolerance and benevolence as ethical underpinnings for the fulfillment of human rights. Chang was also focused upon concrete societal problems in China, such as famines, flood control and the lack of elementary education in different parts of the country. In other words, he was eager to formulate principles in the UDHR that took these concrete problems into account. For example, he was eager to refer to food, housing and healthcare when he talked about the right to a decent standard of living (in Article 25) as well as a basic education for older and younger people given that China had so many people without an elementary education (in Article 26).

Chang was also engaged in the economic reconstruction efforts of devastated areas after the Second World War in Europe and the Far East through his participation in the Economic and Social Council of the UN. In a speech for the UN in 1946 Chang claimed that "Words may be expressive, wise or inspiring but hunger is more eloquent. Millions have already died in starvation. It is sad but sure to predict that millions more will die in 1947. How many less will starve and suffer depends on the action that we shall take."<sup>25</sup> He underlined that if an Economic Commission for Europe should be established (in order to create relief, rehabilitation and reconstruction) there must also be an Economic Commission for Asia in the UN.<sup>26</sup>

Further, Chang was pivotal in the creation of the WHO. At a meeting at Hunter College in New York City 1946 Chang claimed that "Sickness in any part of the world is the concern

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<sup>24</sup> Roth 2018, chapter 7

<sup>25</sup> Chang 1947a, p.61

<sup>26</sup> Chang 1947b, p. 60

of every part of the world” as an argument for the creation of a World Health Organization.<sup>27</sup>

Chang also stressed that the overall purpose of the UDHR was a moral educational project. The main purpose of the document was *the humanization of man*, and he did not want to include controversial metaphysical and theological statements as these kind of statements could estrange people from the document.

It is interesting to note in this context that Chang actually changed life views in a radical way during his lifetime. As an undergraduate in the US Chang was active in Christian associations and Bible classes but he became more and more agnostic during the last years of his post-graduate studies in the beginning of the 1920s. One could also add that he seemed to be more and more interested in Confucianism during his time in China during the 1930s. (During the last years of his life in the 1950s he gravitated towards Taoism according to his son Stanley, a patten common for Chinese people who have started of with Confucianism during their younger days.)

Malik on the other hand clinged to Greek-Orthodoxy all through his life with a growing interest in Catholicism and Thomism. However, Malik changed directions radically concerning different philosophies and philosophical themes during his life. He was very engaged in the philosophy of science and the ontology of Alfred North Whitehead during his first years as a graduate student in the US. During the 1930s he become more and more interested in phenomenology and the philosophy of Martin Heidegger. Later on Malik focused upon the philosophy of Aristotles, Thomism and Natural Law Theory. Hence, both philosophers experienced the significance of freedom to change one’s beliefs or life-views in their own intellectual and spiritual development.<sup>28</sup>

However, both Chang and Malik were interested to formulate an *inter-cultural* foundation for the human rights in the UDHR and they focused upon fundamental philosophical question such as “What is the nature of the human person?”. Chang had been explicit about the importance of an inter-cultural perspective on ethics and

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<sup>27</sup> Head 1946, p.17

<sup>28</sup> Sweet 2018, p.77.

education even before his work on the UDHR.<sup>29</sup> Malik stressed also the importance of the diversity of views that the member states represented in their work on the UDHR. In other words, they had contributed to different things in the UDHR.<sup>30</sup>

In spite of their different philosophies they agreed upon that respect for human dignity was an essential concept in the human rights context. The reason for this view was that it is an ethical concept that one could find support for on the basis of different philosophies and religious traditions. The new and unique project to create an international bill of rights for the individual person demanded also an eclectic and ecumenical approach, as well as improvisations with reference to the specific problems at hand.

Chang and Cassin had on the other hand disagreements at completely different levels. They were both strong nationalists. Chang was very critical of Cassin's constant emphasis upon French intellectual traditions while Cassin criticized Chang for always referring to Chinese philosophy in the meetings of the drafting group.<sup>31</sup> In addition, Chang was in comparison to Cassin one of the most active anti-colonialists in the drafting committee, and he criticized Japan's and some of the European states' attitudes and actions towards the colonies and the non-independent territories, *i.e.*, the perspective that they were not mature enough to have a full blown application of the human rights in the UDHR.<sup>32</sup>

Chang and Cassin also had completely different educational backgrounds. Cassin was a lawyer and did not master the English language as well as Chang. Cassin also used prolix sentences while Chang always tried to be as concise as possible. In spite of these personal and national differences Cassin's and Chang's opinions on human rights often converged. Both Cassin and Chang had similar views on what kind of rights should be included in the UDHR, *i.e.* both civil/political and social/economic rights.<sup>33</sup>

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<sup>29</sup> Chang 1936.

<sup>30</sup> Malik 2000.

<sup>31</sup> Roth 2018, p.185

<sup>32</sup> Ibid, pp.182-183

<sup>33</sup> Roth 2018, chapter 7.

One could here add that both Chang's and Malik's writing styles were clear and succinct. They managed to formulate concise statements concerning very complex subject matters. This literary style was thus quite different from their tutors during their post-graduate years. Chang's tutor at Columbia - the educator and philosopher John Dewey from Columbia University - was well known for writing in a rather circumstantial way, and especially Malik's tutor in Freiburg - Martin Heidegger - wrote in a very complicated manner.

### *Some Agreements and Disagreements Between Malik and Chang*

What kind of agreements and disagreements can we recognize between Chang and Malik in their work on the UDHR? On one point especially there was an important agreement between Malik and Chang concerning the UDHR. Malik said that the future success of the UDHR will be determined whether a sufficient number of morally and political powerful countries will identify themselves with its doctrine, in all sincerity and truth, as to use it as a potent weapon in the ideological warfare which is the mark of the contemporary scene.

Chang also stressed with reference to the work on the UDHR that as long as we are not entangled in political excursions but instead focus on the real issue - *human rights* - we will be able to avoid destructive disagreements. One can assume that Chang also implied with these remarks that the future interpretation and implementation of human rights schemes could be positive if the real issue *human rights* was in focus for the attention of the politicians and the diplomats in the UN. Chang was also able to act quite independently in the Human Rights Commission. He could voice concerns about human rights issues in an autonomous way as his government was mainly focused upon the civil war in China. Hence, it is a reasonable hypothesis that most of Chang's interventions in the drafting team and the human rights commission were his own opinions. More generally, the contingency and the complexity of the historical

background of the UDHR also opened up windows of opportunities for several delegates to contribute in various ways to the document.<sup>34</sup>

Malik who was a leading Arab spokesman at the UN did not have any strict interference from his home country Lebanon either during the drafting process, much in the same way as Chang who's government was absorbed by the civil war in China. In the case of Malik, the birth of Israel also consumed Lebanon's interest a lot.

Regarding some of the other key drafters they also acted quite independently for various reasons. Cassin had enormous prestige in France as he had been de Gaulle's number 2 in London during the war. For this reason he was left alone by his government. Roosevelt had direct contact with president Harry S. Truman during the drafting process. Truman also trusted her in the working process. The secretary John P. Humphrey, who was Roosevelt's advisor, did not work for Canada and hence, did not receive any instructions from his home country. However, he was restricted by his role as an international civil servant. However, he had a lot of independence because of his great friendship with Henri Laugier who was his boss and Assistant Secretary General for Social Affairs. Laugier had lived in Montreal during the war and became a close friend of Humphrey during this time.<sup>35</sup> (After the end of the Second World War Laugier gave Humphrey his first honorary degree at the university in Algeria which Laugier was Rector of.)

Chang and Malik were not only in agreement about the overall objectives of the UDHR. They also had substantial agreements about the importance of several articles in the declaration, such as Article 18 on the right to religious freedom. Chang stated the urgency of protecting freedom of belief, thought and conscience. He underlined the inviolability of that profound part of human nature, which being largely emotional, was apt to lead mankind into unreasoned conflict.<sup>36</sup> However, Chang was less inclined than Malik to spell out the right to change one's beliefs in this article. Chang claimed that the right to freedoms such as freedom of thought, belief, conscience and religion already implied the right to change them otherwise it would not be any real freedom. Malik

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<sup>34</sup> O'Regan 2018, p. 267

<sup>35</sup> I owe these points concerning the drafting process to John Hobbins, McGill University.

<sup>36</sup> Schabas 2013, p. 2496

thought instead that it was urgent to express the right to change one's belief and religion explicitly not at least because the harsh punishment for apostasy in Islam.

Concerning Article 28 both Chang and Malik supported the right to a good international order. The article claims that « Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized. » However, Chang also wanted the article to include the duties of individuals' and states in the realization of this international order. On this matter Malik disagreed. He thought that Chang's idea would be a departure from the form given to the other articles in the UDHR. According to Malik, it was enough that the Preamble included references to the duties of the human person and other actors.<sup>37</sup>

Article 28 is a so-called *chapeau article* that encompasses the whole UDHR. This article neutralizes a very well known critique of the UDHR from the German-Jewish philosopher Hannah Arendt. Arendt stated in her critique of the Universal Declaration that the UDHR had neglected the most important human rights of all namely « the right to have rights ». This right implies « the right to a political community », a political community in which all rights in the declaration could be fulfilled for the individual.<sup>38</sup> But Article 28 states that « Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. » This statement makes Arendt's critical remarks of UDHR puzzling. In the Preamble of the declaration it is also mentioned that the rights are *inherent* and hence, that human beings never can lose them. The human rights for human beings are in other words « guaranteed » through their human nature. And hence, they are inalienable.<sup>39</sup>

One could also mention in this context the following Article 29 which claims that everyone has duties to the community in which alone the free and full development of his personality is possible. The formulation and the specific place in the declaration was something that Chang was very engaged with. Chang stressed that an article on duties should be stated after all the rights were mentioned. Otherwise the rights would not be seen as key in the declaration.

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<sup>37</sup> Schabas 2013, p.1836 f.

<sup>38</sup> Arendt 1951. See also Siegelberg 2020.

<sup>39</sup> I owe this last point to Habib Malik.

Malik and Chang seemed to have different attitudes towards group or minority rights. Chang was not eager to emphasize minority or group rights in the UDHR to the same extent as Malik, who regarded the presence of minority rights (or collective rights) as a necessary precondition for a peaceful co-existence between groups in a plural society such as Lebanon.<sup>40</sup>

Chang stressed on the other hand *pluralistic tolerance* as an essential virtue as it was a important for freedom, justice and peace. He was against standardized thinking and what he called "uncompromising dogmatism". He also meant that Article 26 in the UDHR already recognized the importance of the respect for minorities through the endorsement of understanding, tolerance and friendship among all nations, racial or religious groups.<sup>41</sup>

Chang had also introduced - before his work in the UN - a concept "*the creative margin approach*" that he explained in the following way: "I mean by that a certain sensitive analysis and appreciation of the wavering edges of the creative tendencies that look toward the future (and not only to the past or the present). When dogmas are challenged and when former formulations no longer work, cultures may mutually fertilize each other, and a mutually suggestive reference value of the cultural heritages of the various peoples ... may be appreciated. One modern problem is that of material expansion versus human adjustment; and if there is anything typical in the thought of China, it is a *humanistic* emphasis."<sup>42</sup>

Chang claimed in this context that the words "modernization" and "Westernization" did not fittingly describe the rapid process of change in China.<sup>43</sup> What Chang meant here was that a conservative self-sufficiency was not enough (or a "parrot-like imitation" of things imported from abroad). What was needed instead was a *re-orientation* on Chinese terms. Malik also emphasized the great importance of cultural literacy in his writings, and he was worried about an increased materialism around the world. So, concerning

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<sup>40</sup> Morsink 1999, chapter 7:4

<sup>41</sup> Roth 2018

<sup>42</sup> Chang 1933, p. 170

<sup>43</sup> Chang 1936, p. 283

this specific subject matter – giving recognition and respect to various groups and their cultural traditions - one could ask how different Chang’s and Malik’s views really were.

### *The Philosophy of Human Dignity*

Both Malik and Chang argued for the position that “respect for human dignity” should be a pivotal concept in the UDHR. In the final version of the Preamble Malik included the concept of human dignity. He said that a reference to the dignity of man ought to be made the basic woof of the Preamble.<sup>44</sup> Malik also wished to give greater meaning to the phrase “the dignity and worth of the human person” in the UDHR. According to Malik this would be a dead letter if the human person not had the right to choose in full liberty, that is, without being exposed to reprisals or persecutions.<sup>45</sup>

Chang and Malik also endorsed the view that that the individual human person has the priority over the state.<sup>46</sup> They argued against “liberal individualism” and “collectivism” and endorsed instead a so-called middle ground position - *personalism* - which expressed that the human person basically is a social being but that he or she should not be subordinated to any collective entity or the state. However, they differed on the urgency of “second-generation rights” (socio-economic rights). Chang was a strong advocate of socio-economic rights while Malik highlighted the importance of personal freedoms and hence, the so-called first-generation rights.

As we have seen the concept of human dignity was essential for Chang as a “master concept” in the UDHR. He referred to it several times in connection to various articles in the declaration but in a somewhat different sense than Malik. Malik said that the most sacred and inviolable things about human beings are their minds and consciences which enable them to see the truth.<sup>47</sup> One other key drafter – René Cassin – expressed in a similar way that freedom of conscience gave the human person his worth and dignity.<sup>48</sup> Chang on the other hand stressed the concept of conscience in a slightly different manner in the context of human dignity. What gave human beings a special dignified

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<sup>44</sup> Schabas 2013, p. 720

<sup>45</sup> Ibid, p.201

<sup>46</sup> Sweet 2018, p. 42 & Roth 2018, p. 218

<sup>47</sup> Malik 2000, p. 29

<sup>48</sup> Schabas 2013, p. 201



standing in the world was their capacity to identify themselves with other people and show benevolence or empathy in daily life. Chang referred here to the Chinese ethical concept "*ren*" which he translated as "two-man-mindedness".

### *Chang's Explicit References To Human Dignity*

In what ways did Chang contribute to a philosophy of human dignity in the Universal Declaration? One can first make a distinction between explicit and more implicit references to the concept. A further distinction in this context is the difference between descriptive accounts and accounts that could be interpreted as reasonable reconstructions on the basis of Chang's overall thoughts. Here one could ask in what ways Chang's thoughts become more comprehensible or reasonable if we phrase them through the concept of human dignity. One could further ask how successful Chang was in persuading the drafting committee and the Human Rights Commission to include references to human dignity in the UDHR.

Writers on human dignity often define the notion in a horizontal, egalitarian form. However, as many ethicists have stressed, one could find throughout history hierarchical as well as egalitarian notions of dignity in various ethical systems. In his personal life, it seems that Chang showed great respect for hierarchical notions of dignity as he was a believer of the traditional Confucian doctrine that every man is set in his status or station and must behave so.<sup>49</sup> This revealed itself in Chang's behaviour towards people around him whether he regarded them as being on the same level, above or below him in social status. According to his son Stanley Chang, his father sometimes kowtowed to people that he regarded as socially superior to him. Stanley thought it was clearly embarrassing to experience his father's uncritical admiration for famous people, such as his admiration for the distinguished American architect Frank Lloyd Wright, who they both met during the late 1940s. Chang did not react critically

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<sup>49</sup> Roth 2018, p. 75

when Wright talked condescending about philosophers, something that made his son feel ashamed of his father.<sup>50</sup>

Chang had – as we have seen before - some *explicit* references to horizontal dignity in the discussions of the Preamble and some of the articles in the Declaration. Chang stressed that if equality were to be included in the Preamble, one should also associate this word with dignity. This statement can be interpreted in different ways. On one hand one could say that if people are not treated equally in a fundamental way the treatment show disrespect for their common dignity as human beings. On the other hand one could say that even though people are treated equally they are not treated in a dignified way if they all are treated badly and not as human beings with dignity.

Chang supported a substantive Preamble which would include a basic principle elevating the concept of man's dignity in the UDHR. The Preamble should, in other words, state the philosophy of the Universal Declaration of Human Rights, which for Chang implied that the concept of dignity should play a pivotal role in the Declaration.

How reasonable are these references to human dignity in the Declaration? A common view in the literature on human rights is that arguments in support of human rights should not refer to human dignity as these references often coincide with contestable religious assumptions about "the sacredness" of the human being.<sup>51</sup> Hence, it is a bit peculiar that the concept of dignity played such a prominent role in Chang's thinking, not least in the UN context given his agnostic and pragmatic stance.

As we recall, Chang was one of the drafters who most eagerly emphasized that the UDHR should avoid contestable claims in religion, metaphysics or philosophical anthropology. Hence, he wanted to exclude all kinds of references to Natural Law Theory and theistic assumptions in order not to exclude people such as his own population in China from the document. He was explicitly against his colleague Charles Malik's attempts to include concepts such as "inherent" and "inalienable" in the Preamble and in some other parts

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<sup>50</sup> Ibid p.89

<sup>51</sup> Ignatieff 2001

of the Declaration. (However, concerning the Preamble Chang did not succeed in his attempts to exclude concepts such as inherent and inalienable.)

Chang's pragmatic and Confucian outlooks were clearly visible behind this particular stance as several philosophers in these traditions were more or less anti-metaphysical and "secular". Chang was also against Malik's attempt to refer to the Creator in "the family article" 16 in the UDHR. On this particular subject matter the so-called secular group of the Human Rights Commission managed to exclude the theistic concept of creation.<sup>52</sup>

For Chang, the function of the concept of human dignity was mainly ethical and through its introduction he wanted to highlight what made human beings special in terms of rationality, sympathy or empathy for others and moral responsibility. The idea that respect for human dignity implies that human beings should not be "instrumentalized", degraded or marginalized fits well with Chang's overall philosophical stance in this context.

If we summarize some of Chang's uses of the word "dignity" the following picture emerges. With reference to the article that stressed a respect for human life, Chang was of the opinion that the word 'dignity' should be used instead of the word 'life' so that the first sentence in the Article would read, "There shall be respect for human dignity". Chang was eager to talk about the goodness of life in this context and not just the physical existence of the human being. This idea harmonized well with the view that respect for human dignity implies respect for the potentiality among all human beings to experience the goodness of life.

Chang also thought that it was important to distinguish between the humane and the animal and more "brutish" aspects (or inclinations) of the human being. Chang was of the opinion that man was to a large extent an animal but that there also was a good, humane part that it was important to cultivate. According to Chang, this view of humans

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<sup>52</sup> Roth 2018, chapter 5.

was shared among Enlightenment philosophers in Europe and among ancient Chinese philosophers

Chang's proposal to replace the term 'life' with the term 'dignity' did not, however, find strong support and Article 3 in the UDHR reads, "Everyone has the right to life, liberty and security of the person".

### *Chang's Implicit References to Human Dignity*

What conclusions about human dignity can we draw from Chang's more *implicit* assumptions and suggestions to the UDHR? As was said before, Chang was eager to talk about the so-called *humane* aspect of the human being. The purpose of the Declaration was to raise the moral stature of man and combat the more animalistic element. Chang stated that the capacity to show empathy for others or show benevolence is a key characteristic of the human being. According to Chang, the classical concept of '*ren*' from Chinese philosophy (or 'two-man-mindedness' in his own terms) should be included in Article 1. However, the term 'conscience', which was included in the Declaration, did not match Chang's intentions perfectly as the word did not capture the stress upon mutual identification or what Chang described as "two man mindedness", i.e., a relational, social concept.<sup>53</sup>

More generally, Chang talked in terms of "*the human level*" when he addressed a rights-based ethic, and through this rethoric he wanted to convey the idea that human beings were centrepiece to the ethical discussion.

As was noted before, one might say that the notion of respect for human dignity was important to emphasize in light of all the talk about human beings having fundamental equality, something Chang had underscored in his discussions of the Preamble (4 February 1947, Commission for Human Rights) and Article 25. This equality should take into consideration all the independent choices which a person makes, while also recognizing the necessity of protecting human beings in difficult, involuntary and

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<sup>53</sup> Glendon 2011 and Roth 2018, p. 143

unforeseen circumstances (17 November 1948, Third Committee). Chang believed that it was important to include this latter phrase in order to encourage people's self-reliance and sense of responsibility. The Norwegian delegation sought to delete the phrase "unforeseen circumstances". In this regard, Chang's view resembled the American legal philosopher Ronald Dworkin's view on liberal equality.<sup>54</sup> Respect for human dignity could, in other words, be interpreted as the respect for the autonomy and moral responsibility of the individual human person. But, one should also be aware of unpredictable circumstances and conditions that could create a special need (and a need for special help and provisions).<sup>55</sup>

Chang was also interested in the notion of human dignity before his time in the UN. During his time as teacher at the Nankai School in China 1918 Chang also held a speech for the so-called moral education classes in the school that revealed an interest in the concepts of human dignity and moral responsibility. In his speech Chang stressed the ideal of self-knowledge, responsibility and self-governing. Chang claimed that "in our childhood we only know "want" and we learn "give" when we grow older. However, generally speaking, remarkable people tend to "give" more than "want". This is what the attitude of "I am willing to" leads to (in comparison to the phrases "I must" and "I should" in Chang's terms – my explanation.) Chang stated that all important matters in the world are founded on "I am willing to" .... There is no freedom without "I am willing to", there is no joy in life without freedom, without joy of life there is boredom and discontent. If we shoulder the responsibility of "I am willing to", then we will not tire from our work. Only those who take responsibility will know a life of joy and the happiness of freedom". Our responsibilities come to fore when we are trying to cope with the basic necessities of life. There are limits to what we can do in life given the constraints of time, competence etc. But there are more or less constructive ways of dealing with these necessities and constraints, according to Chang.<sup>56</sup>

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<sup>54</sup> Roth 2018, p. 243 f

<sup>55</sup> Chang was father of an intellectually disabled daughter – Ming Ming – and one can speculate how this life experience influenced his thoughts on Article 26. (Thanks to Nick Cull for discussions on this topic.)

<sup>56</sup> Chang 1918.

This was clearly a Confucian view concerning the role of moral responsibility in ethical life, something that reveals that Chang gravitated towards Chinese philosophy after his undergraduate years at Clark University.

Some other remarks in Chang's statements concerning the UDHR fits this conception of the responsible, autonomous person well. Chang (as well as the Russian delegate Alexis Pavlov and the French delegate René Cassin) claimed that the people who committed atrocities during the Second World War could not say that they were ignorant of what human rights were. However, they showed disregard or contempt for human rights through their violations of them. Hence, they could be ascribed a moral responsibility for this kind of disrespect.

Chang also struggled to include an article in the UDHR that referred to the right to participate in civic, public examinations that selected candidates for public office purely on the basis of merit. Through this proposal, Chang emphasized the importance of individual meritocracy instead of heritage or a group identity in the selection of candidates for government. In addition, Chang highlighted the importance of the *participatory* as well as the more *passive enjoyment* aspects of cultural rights. This supports the view that human beings should be encouraged in their creative, independent efforts in cultural and scientific affairs.<sup>57</sup>

Chang stressed, in the context of how to modernize China, that we should not primarily emphasize the import of the products of scientific and technological discoveries. Chang said instead that: "we don't want the debris on the shore, we want to pursue the scientific discovery ourselves". One should in other words not copy Western ideas in an uncritical, passive way. China is now beginning to examine Western ideas to determine what of Western civilization is good and should be copied and how it can be altered or improved when adopted to China. This stance also meant a reevaluation and reviving of old ideas in China, according to Chang.

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<sup>57</sup> Roth 2018, p. 137

He stated also early on in an article from 1930 that: First, there must be patient study and careful analysis of modern Western institutions and modes of thought in order to ascertain which can and which cannot be grafted upon Chinese stock rooted in the soil. And, secondly, the traditional cultural forms may receive their due appreciation as living cultural forms in the world today, not merely as museum specimens for archeological study, and that they may possibly contribute their due share in the creation of new world values and a new world culture. The Chinese student must be made creatively scientific, not merely passively scientific. He must not merely absorb Western text books and laboratory manuals.”<sup>58</sup>

Through these remarks Chang revealed his deep appreciation for his Chinese cultural heritage. At the same time he related to it in a critical and dynamic way, and saw it as something that could be altered in a progressive way given various cultural influences. Through these remarks Chang stressed the importance of a dignified stance towards one’s own cultural heritage.

Chang also stressed (as we mentioned before) the importance of encouragement and education rather than correction and punishment in the pursuit of respecting human rights. In other words, he criticized the so-called *negative* approach in drafting the measures of implementation, which only visualized complaints and corrections and that did not take into account the positive factors of education in the promotion of human rights.<sup>59</sup> Hence, this view was in tune with a view that conceived human beings as reflective, sensitive and morally responsible agents.

In some ways this view reminds us of the Indian philosopher Amartya Sen’s views that liberty-based rights (such as religious liberty) depends not only on legislation but also on public discussion, education and social monitoring. According to Sen, public exposure and condemnation can have a huge role in preventing violations of what are widely acknowledged to be moral rights of others. <sup>60</sup>

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<sup>58</sup> Chang 1930, p. 19

<sup>59</sup> *United Nations Bulletin*, Vol.9, 1951, p. 716

<sup>60</sup> Sen 2012

Respect for human individuality was a recurring theme in Chang's earlier writings before he started to work for the Human Rights Commission. Chang stated that it was unreasonable to make generalizations on the basis of culture and race concerning individuals with their unique attributes. Cultures and civilizations are also obviously heterogeneous and they host much internal diversity. This is also a view that later on would appear in Amartya Sen's writings.<sup>61</sup>

Further, in his statements in the UN-context, as we have seen before, Chang often expressed the importance of the concept of *pluralistic tolerance* which was in stark contrast with standardized thinking and uncompromising dogmatism. Chang stated that one should cherish individual and cultural diversity and not opt for assimilationist ideologies.

However, with all this said, Chang was not willing to downgrade the importance of cultural factors in explaining individual and group behaviour and the various events and processes in the histories of different countries. Chang said in 1930 that, "Cultural capacity is far more significant than racial features. The better informed anthropologists today are already questioning the oversimplified classification of races by "colour". This naive "colour" superstition bears the marks of the superiority complex of the 19th century so-called "whites".<sup>62</sup>

Chang was also eager to emphasize that "culture" and "literacy" are by no means synonyms. Rapid changes in society may make literacy a convenient tool. However, Chang asked whether the "literate" are assuredly cultured and the "illiterate" are necessarily uncultured?"<sup>63</sup> Chang also stated in this context, "Let us think distributively rather than racially: one will find likeable qualities in individuals of all nations."<sup>64</sup> To pay attention to the individual person and his and her unique characteristics in moral evaluations was also a view that Chang shared with Malik.

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<sup>61</sup> Sen 1997

<sup>62</sup> Chang 1930a, p.188 f

<sup>63</sup> Ibid

<sup>64</sup> *Proceedings of the Institute of International Relations*, Vol.6, 1930, p.118



Chang was generally against *reductionist* explanations in history that just stressed one factor among many. For example, he did not believe in "pure economic explanations" (a view that Malik also endorsed given his scepticism against Marxism and Communism.) The personality factor should also be considered, according to Chang. For instance, the cause of the British war with China in the 19th century is usually attributed to the opium trade. But the real cause, according to Chang, was that the British were treated as inferiors at the court of the Chinese emperor, i.e., they were not treated in a dignified way.<sup>65</sup>

Chang often stressed the importance of a multifaceted education in his work on the UDHR and that education should contribute to the full development of the personality, a view that he shared with Malik.<sup>66</sup> In earlier work, Chang also claimed in connection with his teaching experiences at the Nankai schools and Nankai University that idealization and humanism were at the full front of China today. Chang said in this context that we try to train our young teachers to say:

- 1) I come, not to teach subjects, but to teach students.;
- 2) Not to teach masses, but individuals.;
- and
- 3) Not to teach mathematical averages, but ever-changing youth. <sup>67</sup>

Hence, Chang often referred in his writings to his teaching experiences and the philosophy of education that permeated the Nankai schools. He also stressed that the educational model at Nankai had struck a good balance between a reverence for old domestic traditions and an appreciation for new impulses from abroad. Chang claimed in this context that: "The close personal contact of the teacher and the taught emphasized in the old system of instruction in China is being injected into a modern curriculum. The emphasis here is on the handing on of the torch of learning from one living personality to another. After all, the living fire of instruction is in this personal

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<sup>65</sup> *Proceedings of the Institute of International Relations*, Vol. 6, 1930, p.118

<sup>66</sup> Mitoma 2019

<sup>67</sup> Chang 1930b, p. 20

contact. An over-departmentalization of knowledge can produce only temporary and mechanical results.”<sup>68</sup>

Many of Chang’s thoughts concerning ethics and human rights could be interpreted as an endorsement of the respect for human dignity in the sense of paying respect to the rich diversity of life forms and all the expressions that human beings can harbour throughout their lives. Chang clearly stressed this ideal early on as an educator at Nankai. It was also an ideal that he presumably shared with Malik who expressed similar attitudes when he worked as a professor at the American University in Beirut.

### *Concluding Remarks*

P.C. Chang expressed initially an optimistic attitude concerning the future of human rights in his work in the UN. He recalled in this context the development of human rights during the last one hundred and fifty years and its “ups and downs”. Chang felt during the work with the UDHR that “there existed now a new humanism, as otherwise there would no incentive for the efforts that were made. Those ideals must be the ideals of human freedom and human dignity.”<sup>69</sup>

This was also a basic attitude that P.C. Chang shared with Charles Malik, and this important commonality between them obviously facilitated their communication in the drafting group. Hence, their philosophical disagreements proved to be fruitful given their shared commitment to the UN project and their work on an universal declaration of human rights. As was previously said, Malik and Chang also focused upon the real issue - *human rights* - and they were not distracted by any political or ideological excursions in their dialogues. This was key for their successful communication and cooperation.

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<sup>68</sup> Chang 1930c, p.313

<sup>69</sup> Schabas 2013, p. 66

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