'Typically Chinese?' The influence of Confucian thought on P.C. Chang's Human Rights Philosophy

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MA Thesis

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1. Introduction

When discussing the validity of human rights as a concept, people often focus on the pretence of universality.[1] The criticism mainly stems from the claim that such universality is impossible, and that theories on human rights are in fact mostly based on Western values.[2] The West, they claim, have maintained a hegemonic position in the world for the last 200 years, which enabled them to push their supposedly universal ideals unto other countries. Different cultures cannot be held accountable to a biased international declaration, which does not represent their visions on rights, humanity and sovereignty.[3]

The question is whether these claims of western bias hold up from a historical and philosophical perspective. To answer this question, we have to look at the development of human rights in a global context. The Universal Declaration of Human Rights (UDHR henceforth) serves as the first great undertaking to formulate basic human rights. The drafting of this document took almost two years to complete, after which it was voted in unanimously by the member states of the UN in December 1948.[4]

In this thesis, I will discuss the influence of a non-Western philosophy, Confucianism, on the UDHR, through one central member of the committee, P.C. Chang. My research question is the following: "What influence did Confucianism have on the human rights philosophy of P.C. Chang?"

Regarding Western bias, it is true that both form and content of the document is inspired by earlier Enlightenment documents, such as the American Declaration of

[1] Liu, 2014, 396.
[2] Ibid.
[3] Twiss, 2011, 102.
[4] 48 voted in favour, 8 abstained, and 2 failed to vote.

Independence and the Code Napoleon.[5] We can without much doubt conclude that the UDHR finds its vocabulary from these modern Rights bills, which clearly reflect the 18th century European values of their time. These are not universal rights but meant for citizens bound to a state.[6] We don't find many cultural traditions with similar concepts of civil rights. This does not, however, make the ethics behind these rights completely Western, or incompatible with other traditions, argues Chung Shu-Lo.[7] The content of these rights, will be the focus of my research.

1.1 General Process and Committee

The Universal Declaration of Human Rights Drafting Committee was assigned to write an international Bill of Rights. This committee, a body of the UN, consisted of 18 representatives, all of which were chosen by their respective states.[8] Among them were law professors, diplomats, activists, politicians and the like.

Regarding the main contributors of the UDHR, scholars mainly point towards Eleanor Roosevelt (US), Charles Malik (Lebanon), René Cassin (France), John Humphrey (Canada) and lastly P.C. Chang (China)[9], the subject of this thesis. While Chang was not the only non-Western member (Hansa Mehta from India and Hernan Santa Cruz from Chile have also contributed significantly), he was the most prominent.[10] Moreover, his contributions are partially based on non-Western traditions, namely Confucianism. My aim is shortly to discover in which ways Chang contributed to the UDHR, and to compare his viewpoints with Confucian thought.

[5] Glendon, 2001, 62-64.
[6] Glendon, 2001, xvii.
[7] Sun, 2019, vii-viii.
[8] Will, 2007, 300.
[9] Mcfarland, 2017, 108.
[10] Roth, 2018, 4.

1.2 P.C Chang: Life & Career

P.C. Chang (1892- 1957) was a Chinese diplomat working for the Nationalist Government before the Communist takeover in 1949. Born in 1892, 19 years before the fall of the Qing Dynasty, he was brought up in Imperial China, and received classical education. His brother Poling founded Nankai School, an institution for modernization which Chang later on became involved with.[11] He studied abroad in the US for a considerable period, under supervision of the American philosopher John Dewey, who influenced him greatly. As a diplomat, he lived in Chile and Turkey in the '40s. Within the UDHR commission, he was regarded as an intellectual with a broad and profound understanding of different cultures.[12] Besides diplomat, he was also a renowned playwright, and a champion of modernizing education in China. His scholarly works are centred around the subjects of theatre and education.

Chang was patriotic, cherishing traditional culture as a result of his upbringing. In his eyes, China was still the Middle Kingdom.[13] His view on education and society differed from the New Culture movement, in that he saw the synthesis of Chinese tradition and American modernization (under influence of Dewey) as a possibility, while other intellectuals were eager to reject traditional China, which they saw as backwards and feudal.[14] This does not mean Chang clung to tradition; he consistently argued for modernization in both technology and thought.[15]

[11] Roth, 2018, 16.
[12] Ibid., 92.
[13] Ibid., 242.
[14] Twiss, 2011, 104.
[15] Sun, 2019, 374.

1.3 Politics

Critics see the UDHR as a political document, instead of a supposedly moral one. Major powers saw the Declaration as a strategy to extend their sphere of influence, to safeguard their internal and external policies, and to obtain valid reasons to criticize rivals.[16] The Soviet Union and the US, which emphasized socio-economic rights and civil liberties respectively, to accuse the other power of human rights abuses, exemplify the politicization of the discourse.[17]

I should therefore emphasize that Chang was not a politician, and politics played a trivial role in his ideologies.[18] China was suffering from a civil war during the drafting process. The Nationalists were still in power, and therefore represented in the UN. While Chang was a diplomat for the Nationalist Party KMT, records do not mention any direct instruction by his party to influence the UDHR one way or another. The sole direct political role in his career was to propagate anti-Japanese sentiments.[19] Indeed, he was barely bound by geopolitical considerations, unlike the US or the Soviet Union. The worsening political situation in China did have an impact on Chang's contributions at some points during the drafting, but that was personal rather than strategic.[20]

1.4 Methodology

While there are other aspects in which Chang can be said to have influenced the Declaration, this research will concern the four main themes that I deem to be the most relevant. Firstly, I will discuss Chang's pluralism, which helped in making a less biased document. Secondly, I will describe show how his insistence on pragmatism resulted in the UDHR's clarity and conciseness. Thirdly, I will assess his vision on the role of the people in a state, especially

[16] Glendon, 2001, 224.
[17] Ibid., 55.
[18] Krumbein, 2015, 336.
[19] Twiss, 2011, 103.
[20] Glendon, 2001, 112.

regarding socio-economic security. Lastly, I will talk about dignity of man, through the Confucian concept of *rén*. The chapters will all first deal with Chang's vision and his contribution to the UDHR, and then continue with a comparative analysis of Chang and two Confucian works, the *Analects* of Confucius and the *Mengzi*.

My decision to use the *Analects* and the *Mengzi* is primarily because of their great influence. The *Analects* have arguably been the most important text in Chinese philosophy. Confucianism has exerted influence on state matters for over two thousand years, and thus had a direct and profound influence on Chinese society. While not necessarily a major figure in early Confucianism, Mencius (372-289 BCE) has won popularity over the centuries, since the emergence of neo-confucianism in the Song-Dynasty.[21] Together with two shorter works, the *Zhongyong* and the *Daxue*, they were canonized by neo-confucianist Zhu Xi as being the Big Four classic works on Confucianism.

I have made the decision to limit myself to text rather than historical development because of multiple reasons. Firstly, these are the founding texts, and therefore make up one of the oldest well-preserved philosophies of China.[22] They are arguably fundamental to what we consider Chinese culture. Secondly, Chang himself found the written word to have the most authority, and advised people to learn about Confucianism by reading the *Analects*. His Confucianist worldview was mostly text-based. Thirdly, since philosophies are highly dynamic, texts serve as a more constant cornerstone. While interpretations change over time, we can still more or less have an understanding of the original tradition by looking at the source text. During Chang's life, Confucianism was often regarded as everything which was feudal in China.[23] We should therefore be wary of mistaking Confucianism for the entirety of Chinese traditional culture. I will not discuss the compatibility of Legalism, Daoism or Buddhism, other

[21] Bloom, 2009, xi.
[22] Goldin, 2014, 1.
[23] Roth, 2018, 207.

hugely influential thought traditions, whose values differ greatly. Reading the founding texts helps to clarify the specific features of Confucianism.

For Chang, I will first consider his contributions made to the UDHR. Sadly, unlike many of the others, Chang did not leave us with a memoire or similar documents. Fortunately, there is sufficient secondary literature to gain understanding of his views.[24] Moreover, his diplomatic speeches shine a light on his philosophy. Among the speeches I will discuss are two he gave in Baghdad while serving as the Chinese ambassador in the Turkish republic.

To reiterate, my goal is not to assert that Chang's philosophy follows the exact line of reasoning as early Confucianism. It does not. It is rather to assess their compatibility, and to discover which elements can be reasonably claimed to have influenced Chang.

Although Confucius (551-479 BCE) has not written down anything himself and therefore there is no definite proof that his own philosophy corresponds with the text, I will not make a distinction between the historical and the literary figure while analysing the text. As I have used both the original Classical Chinese text[25] as well as multiple translations,[26] I will refer to the source text directly, not to a translation.

Lastly, I find it necessary to note my own biases as a researcher. The issue of human rights is not a neutral one, and everyone will bring their own worldview into the matter. My personal background is a Christian one, with a universalist attitude towards human rights. While I have strived towards objectivity as much as possible, I cannot complete exclude any form of bias.

[24] For helpful quantitative data, see Krumbein, 2015, 333.
[25] Available online via ctext.org
[26] The main translations used are Lau for the *Analects* and Bloom for the *Mengzi*)

1.5 Relevance

My research ties in with currently relevant topics in multiple ways. First of all, human rights issues are featured heavily in the current (geo)political discourse surrounding China. Whether it is Hong Kong, Tibet or their foreign policy, the Chinese government has been criticized for neglecting human rights.[27] The Party's response is to question the universality of the UDHR, which led to the propagation of the "Asian Values" concept in the 1990s.[28] Research into Chinese justifications for human rights can provide a useful new insight in these discussions. This might be a constructive way to promote intercultural dialogue and understanding. As Chang himself said in one of his speeches: "A proper perspective and a comparative approach can make us more sympathetic to one another's attempts in the betterment of our estate."[29] More broadly, it will contribute to the discussion about the validity of the UDHR's universalist pretences.

Secondly, the acknowledgement of P.C. Chang as a central figure in the creation of the UDHR has grown, with most scholarship about him and his influence appearing in the last five years. This makes research into his philosophy relevant. While there have been studies discussing both the relationship between Confucianism and human rights,[30] as well as Chang's influence on the UDHR, there hasn't been a systematic comparative analysis between Chang and Confucian texts.[31] By close reading and comparing, we can discover the agreements and conflicts between the two, and see whether or not the claims commonly found in scholarship actually hold up.

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[27] Wasserstrom & Cunningham, 2018, 128-130.
[28] Twiss, 2011, 102.
[29] Sun, 2019, 380.
[30] See *Confucianism & Human Rights* by De Bary & Tu.
[31] Krumbein's article has a structural breakdown of Confucian influence, but does not reflect on primary texts that frequently.

2. Pluralism

Let me turn to the first theme of this thesis: Pluralism. I would like to expand on the term pluralism before relating it back to Chang and Confucianism. I define pluralism as an attitude of open-mindedness and tolerance towards other viewpoints. This definition does not reflect a culturally relativist vision upon absolute truth. That kind of scepticism would evidently go against the entire premise of the UDHR, which begins with the claim that all people should recognize the inherent dignity of man. Additionally, both P.C. Chang and the Confucian classics express a belief in objective virtue.[32] Rather, pluralism is the belief that wisdom can come from a variety of places, times and cultures.

2.1 P.C. Chang

2.1.1 The Process

Chang's most vital contribution, according to Krumbein, was enforcing the universality of the document.[33] To understand in what way Chang was helpful in creating a more pluralistic UDHR, it is worthwhile to discuss the religious and/or philosophical backgrounds of the other parties involved.

Apart from Chang, all central members of the committee had Judeo-Christian backgrounds. Eleanor Roosevelt was a devout believer, and while respecting the perspective of non-Christian representatives, clearly based her own human rights philosophy on her faith.[34] The same can be said for John Humphrey, the idealistic law professor from Canada. Cassin personally was not religious, and emphasized the need of a secular state greatly. However, he was influenced by his Jewish mother, and developed a profound appreciation for the Catholic

[32] Twiss, 2011, 106.
[33] Krumbein, 2015, 337.
[34] Glendon, 2001, 202.

faith in university.[35] Even the vital representative from the Middle East, Charles Malik, was Eastern Orthodox. This, according to him, did not diminish his solidarity with Arabian culture, but this left little place for Islamic input.[36]

All in all, the committee was predominantly Christian, with Chang being an outlier. The consequence was that Chang oftentimes needed to remind others of their biased perspectives. At their first meeting, he boldly recommended Humphrey to spend six months studying Chinese culture, before trying to prepare a draft.[37]

It would be too easy to claim that Chang brought diversity into the committee just by being Chinese himself. Zhao instead prefers the term 'Chinese universalist'.[38] As a diplomat and scholar who lived abroad for long periods of time, he was accustomed to other cultures, and being in a minority position. This enabled him to address the biases of others, advising them to reflect on their position and the greater aim of their undertaking. With his extensive knowledge of various cultural traditions, he often practised what Twiss calls 'constructive comparative philosophy'.[39] He frequently appealed to European Enlightenment values, to later on connect this with his own background.[40]

There are many known instances of P.C. Chang insisting on safeguarding the philosophical neutrality of the UDHR. During a discussion on whether it was nature or God that endowed man with reason and conscience, he stepped in and argued that there shouldn't be any justification. The reason why man supposedly possessed dignity would never be agreed upon, and choosing one over the other would result in a biased document.[41] He succeeded and

[35] Glendon, 2001, 61-63.
[36] Ibid., 69-70.
[37] Humphrey, 1984, 29.
[38] Zhao, 2015, 39.
[39] Twiss, 2011, 113.
[40] Morsik, 2009, 30-32.
[41] Morsink, 1999, 296.

the document gives no further explanation for the dignity and equality of man. It simply states it as a self-evident fact.

Chang's input as a neutral force above all is shown best in his cautionary attitude towards inserting specifically Chinese values in the UDHR. After Malik tried with great vigour to provide a Christian explanation for a rights-based system, Chang rebutted, stating his personal affinity with Chinese values like adherence to rites, but acknowledged immediately that these weren't applicable to other cultures. He suggested that everyone present ought to distinguish between their own culturally specific values, and those which they deemed to be universal.[42] Paradoxically, the lack of explicit Confucian values can therefore serve as a proof of Confucianist pluralism. In finding commonalities, he did not look for a specific system, since universality was something radically different from forcing uniformity, which he saw as a feature of colonialism.[43]

His pluralism was not only influential in the process, but also in the Declaration itself. Freedom of thought and religion were of the utmost importance for Chang, with him advocating for the inclusion of the right to convert in article 18 (and succeeding). We see his liberal, individualistic view on truth shine through, that men should decide for themselves what to believe.[44] He continuously showed a strong aversion to rigid dogmatism, since it allows to consider other ideologies contemptible, hindering cultural exchange and subsequently, moral development.

To emphasize, pluralism certainly does not mean relativism for Chang. He had unyielding faith in the dignity of the individual, and his quotes show a clear rejection of cultural

[42] Krumbein, 2015, 338.

[43] Zhao, 2015, 51.

[44] Krumbein, 2015, 343.

relativism.[45] His pluralism was dependent on the notion of fundamental commonality in worldview between different cultures. Open-mindedness requires a belief of a basic common ground with the cultural other. The goal of the UDHR to find "a core of principles so basic no nation would wish openly to disavow them"[46], is both universal as well as pluralist, and Chang exemplified this attitude.

2.1.2 Speeches

While diplomats are of course motivated to follow etiquette and praise other countries, Chang's speeches consist of more than just compliments. One of his speeches in Baghdad (1942) showcases his appreciative attitude towards intercultural dialogue. The structure of the speech is as follows:

Firstly, he dwells on the long and deep connection between China and the Arab world, mentioning the frequent economic and cultural contact. From his perspective, the result of this exchange was a mutual understanding between the two regions.[47] Both cultures have enriched the other, by sharing their technologies and ways of thinking. Chang's stance is explicitly liberal, as he proposes the cooperation of different cultures on the road to development. Within this line of thinking, he refers to 50 million Chinese Muslims, a hybrid group of two traditions. This is interesting, because it shows that Chang embraces the possibility for people to identify with multiple cultures simultaneously. In the same way, Chang was a hybrid between Chinese and American culture.

The speech continues with a short historic overview of the cultural exchange between China and the rest of the world. He emphasises the exchange of both material goods and spiritual matters that travel between countries, and warns against exoticization of other

[45] Krumbein, 2015, 338.
[46] Glendon, 2001, xviii.
[47] Sun, 2019, 366.

cultures, which suffers from monolithic and static essentialism that has shaped our studies of other areas.[48]

Moreover, he reclaims a form of cultural independency for non-Western countries, by remarking on the supposed influence of Chinese thought on European Enlightenment thinkers. This claim, provocative as it might be, is not meant as a suggestion to completely reverse the roles. It is an insistence on the value of cultural exchange for development of technology and ideas (while simultaneously also patriotically increasing the importance of China).[49]

In looking for a reason for China's demise in the 19th century and onwards, Chang brings up its obsessive self-sufficiency, which he sees as a negative characteristic.[50] It is because of this isolation that the country withdrew from intercultural dialogue. Without cultural exchange, there was a lack of new ideas and technologies in China, which led to stagnation and the loss of their previously held position of power. Cooperative effort between countries is vital. In saying "all peoples should aim at being distinctively national and creatively modern"[51], he does not show any cosmopolitan pretence, but a desire for national order based in an intercultural world.

All in all, Chang sees pluralism as a crucial catalyst for both individual and societal development. Cultures are dynamic, pluralistic and interdependent, and have to adapt in order to survive. He thereby unites the notion of national sovereignty and self-determination with an enthusiastic attitude towards cultural exchange.

[48] Sun, 2019, 378.
[49] Twiss, 2011, 106.
[50] Sun, 2019, 373.
[51] Ibid., 379.

2.2 Confucianism

This section investigates the link between Confucianism and the pluralist view Chang has expressed in the drafting of the UDHR. Henry Li regards Chang's role in the drafting process as pluralist rather than Confucianist,[52] but I argue against seeing them in opposition with each other. Instead, my goal is to see how they can be combined, or even, how pluralism can stem from Confucianism.

While Chang's occupational background played a role in his pluralistic attitude towards human rights philosophy, he considered Confucianism to be the underlying source of his thinking.[53] Its unitarian cause prescribed a tolerant attitude towards other worldviews.[54] Chinese history has indeed seen many instances of this syncretic attitude, with the combination of philosophies which at first glance might seem incompatible, such as Confucianism and Daoism.

In contrast, Western thought traditions are generally regarded to be less syncretic, which is sometimes ascribed to their monotheist backgrounds.[55] While it is true that religious and philosophic traditions in the West are also highly dynamic and prone to change because of cultural exchange, the fundamental core of the belief is less disputable, and therefore less open to accepting multiple visions of truth. This can serve as an explanation why the Western representatives of the UDHR neglected, often despite their good intentions, the fact that their claims on truth were only based on their own tradition. Chang's pluralism, on the other hand, is reminiscent of Chinese syncretism. This leads me to the question whether the primary texts of Confucianism support this attitude.

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[52] Li, 2016, 68.
[53] Krumbein, 2015, 347.
[54] Ibid.
[55] Crowder, 2014, 818-19.

2.2.3 Open-mindedness

Generally speaking, the *Analects* regard being open-minded towards other viewpoints as a virtue. While Confucianism is sometimes considered as a rigid philosophy of following strict rites and laws, it is important to understand that within Confucianism, the spirit of the law matters, and that this spirit is not based on a metaphysical claim to truth, but mostly on practical life and regard for others.

Analects 2.14 points toward an appreciation of being open-minded and a rejection of being partisan. This partiality could be interpreted as solely referring to desire for personal gain above justice, but I argue this extends to philosophical ideas as well. Being partisan in philosophical sense means being preoccupied with only your ways of thought, and not entertaining the possibility of the validity of other viewpoints. Relatedly, Confucius is praised as having no foregone conclusions, nor being inflexible with regard to other ideas.[56] For example, he tells one of his students that having "wide eyes and ears" (in other words, to look for wisdom in many different places) is a recipe for success.[57]

The *Analects* are not always clear with respect to open-mindedness. Paragraph 2.11 is an ambiguous paragraph for instance. One translation points towards Confucius rejecting new ideas in favour of refreshing old knowledge.[58] This is in line with Confucius's claim that his teachings were not new in any way, but instead simply repeating the ways of the old sage kings. However, another possible translation is "A man is worthy of being a teacher who gets to know what is new by keeping fresh in his mind what he is already familiar with".[59] This implies a fusion of the old and the new, with no explicit dislike of other viewpoints. Another paragraph that supports the claim that Confucianism and pluralism are compatible is 18.8.

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[56] Analects, 9.4
[57] Analects, 2.18
[58] De Vente, 2010.
[59] Lau, 1992.

Confucius makes quite a radical statement, contrasting himself with other wise men in terms of "free thinking". He has no preconceptions against anything, but judges freely, with an open mind. Pluralism is a virtue.

Lastly, Confucius's adherence to the importance of hierarchy does not contradict open-mindedness, as one might expect it to. In *Analects* 1.6, he says one should be obedient while travelling to another country. This implies acknowledging the hierarchy of that particular state. Extending this even further, this could be interpreted as an acknowledgement that rites and ideas differ dependent upon the region one's in, which would mean a pluralist view on truth. With regards to Chang, he did live up to this advice when working as a diplomat abroad.

2.2.4 Education

Another central aspect of Confucianism, which relates to pluralism, is the idea that everyone who is willing to study deserves education. This sentiment can be found in *Analects* 7.7, where Confucius says he'll accept any student for a small price. More importantly, one deserves education that caters to their own needs. This allows for a flexible system, where wisdom is available to all, albeit taught in different forms.

Furthermore, Confucius is not rigid in his teaching. We find proof of his eagerness to hear other people's opinions in *Analects* 11.4, where he says: "Hui is no help to me at all. He is pleased with everything I say." This quote underlines the importance of critical thinking within his teachings. His best students are always ready to ask questions. The practice of questioning and discussing will lead to more insight. While the truth might be universal, the way towards it is paved with negotiation and disagreement.

2.2.5 Geographical boundaries?

We have now arrived at the issue whether Confucius claims that wisdom can be found in all cultures. *Analects* 12.5 might support this statement, saying that "When a man acts wisely, all men within the four seas can be considered brothers." The land within the 'four seas' refers to

the known world for Chinese people, which did not extend much further than China. In any case, solidarity for Confucius crossed the borders of the many states within China itself.

In contrast, there are comments regarding other ethnic groups, which are decisively anti-pluralistic. Confucius makes clear his disdain for barbarian states in *Analects* 3.5, and does this without any reasonable argument. He does not condemn them for their lack of following proper rites or anything with regards to virtue. Instead, they are judged based on them being "*yídí*", which simply means they are from the North and West of the country, and do not belong to the (what would later be called) Han ethnicity. There is a strong racial divide, which makes Chinese states inherently better than other states.

Another passage which is potentially incompatible with pluralism, is *Analects* 15.40. Confucius asserts that people whose ways do not correspond, cannot give each other counsel. One can easily take this to mean that there can be no real discussion between people with different beliefs. Intercultural dialogue is impossible. However, we should bear in mind what is specifically meant with 'way'. The Chinese term is *Dào*, which is used both philosophically as well as practically, which then can be translated as 'method'. If we interpret it practically, this statement could mean that people who live their life with virtue cannot get help from people without virtue, and vice versa. This seems to be more in line with the rest of the *Analects*, where the big division between people is not necessarily made between their beliefs, but between their attitude towards others and subsequently, their deeds and attendance to the rites. Altogether, the *Analects* do not unambiguously support pluralism, as one passage expresses rejection of other people and ideas based on their ethnicity. Nevertheless, open-mindedness is explicitly praised.

2.2.6 The ubiquity of virtue in the Mengzi

Let us now turn to the *Mengzi*, in which we find many sentiments supporting a pluralistic attitude towards the truth. First of all, Mencius clearly asserts that virtue is not based on a

geographical location, but is present in different states and culture. In *Mengzi* 1.7, the ruler's kindness is promised to extend through all of the land, and inspire people everywhere.

In places where virtue is lacking, it still always has the potential to arrive. At the end of *Mengzi* 2.1, Mencius quotes Confucius with the saying that virtue travels faster than orders. With this citation he asserts that moral improvement is possible everywhere, and that virtue triumphs over political power, a sentiment that the UN committee would have agreed upon. It is not through force that a state (or for that matter, the international community) should act, but instead through morality. Additionally, the signs of the ethnic discrimination we see in a few passages of the *Analects* are not present in the *Mengzi*.

One could argue that this vision on wisdom is not pluralistic as much as it is a form of cultural imperialism. History counts numerous examples of powerful states extending their values to its colonies. This is not pluralism, but rather the opposite: a belief in the universal application of one's own faith in a culturally specific form.

This is not the case for the *Mengzi*. The Way travels via cultural exchange, not imperialism. Wise men are preoccupied with all knowledge, which can be found in all places.[60] The worth of knowledge is not based on the origin, but on whether it concerns fundamental questions (most importantly, ethics). This non-partisan attitude towards learning bears resemblance to Chang himself, who was eager to study several cultural traditions besides his own.

2.2.8 Democratized wisdom

Virtue, not being exclusive to a specific culture, is also not exclusive to the elite. Mencius has a decidedly positive vision on human potential. I will elaborate on the reasoning behind this sentiment in the third chapter, but the main point is that in Mencius's view, every person is

[60] Translations of paragraph 7.46 differ, but Bloom's translation is "There is nothing that the wise do not know."

capable of great virtue. In *Mengzi* 6.22, the masses are likened to the legendary rulers Yao and Shun. Whereas normal people do not have the same opportunities as kings, they are able to act like them. As Mencius says in 7.15, everyone is born capable of expressing love and respect. We don't even have to learn them, so lack of proper education (though very important) does not make man evil. One should not strive to obtain the power Yao and Shun had; one should strive to obtain their virtuous attitude. The Way is broad indeed, and the prerequisite for following the Way is simply seeking it.

In *Mengzi* 2.8, we see an even more extreme example of the idea that virtue is available to all. Firstly, Shun, from his modest upbringings until his reign onward, learned from others how to be good, hereby clearly distancing moral authority from political power. Secondly, in this passage acting virtuously is said to be regarded as a communal activity: "To learn from others how to be good is to be good together with them."[61] Virtue does not exist on its own in the individual, but is a social act of communication. We will return to the theme of man's sociality later on.

2.2.9 High Standards

The final issue I want to touch upon is how these notions of communal virtue interact with the more hierarchical vision of the *Analects*, which sees wisdom as only attainable to a small aristocracy. One would think they contradict each other. We see this tension play out well in *Mengzi* 7.41. Gongsun Chou enquires about the unbelievably high standards that Mencius sets for mankind, and asks whether or not he shouldn't make it a bit easier. Mencius admits the Way of virtue is a difficult one, hereby agreeing with Confucius, but likens ethics to archery. The standards for drawing the bow are high, so many will not be able to shoot correctly. Easing the rules of drawing however would only result in no one properly shooting an arrow, rendering the teachings pointless. High, perhaps even unattainable standards are necessary,

[61] Mengzi, 2A8.

and everyone should try their utmost to reach them. The similarity between this attitude and Chang's, who argued for a simple but high common standard for both man and state to measure oneself with, is striking.

2.3 Concluding Remarks

To sum up, the *Analects* do at moments show admirable acceptance towards other ideas, although this might not extend to people from other ethnicities. This tolerance of ideas is based on pragmatism; an individual's actions and attitude prove his wisdom, not his specific dogma's. This reinforces the notion that Confucius's teachings are an art of living. Moreover, the vision on education is one of open-mindedness and flexibility. These elements are also present when looking at historic Confucianism, which has shown great adaptability during the centuries, incorporating elements of various emic and foreign philosophies.

Mencius's attitude toward virtue is defiantly anti-aristocratic, democratizing wisdom to a surprising extent. Good ideas are not bound by civilization, but should extend to all under heaven. As with Confucius, practical standards are set high, but he possesses adamant faith in man's capacity to meet them, regardless of background. For a premodern text, both works are open-minded towards other cultures and ideas, and therefore can be honestly interpreted to support a modern pluralist viewpoint like Chang's.

3. Pragmatism

I would like to define pragmatism as an attitude that sees practical application as its utmost priority. This is not a rejection of theory, but it is only concerned with theory insofar it is compatible with practical reality. While not possessing any authority to coerce states into certain types of behaviour, the UDHR is a pragmatic document, preoccupied with improving living conditions for people around the world. The text does not venture into metaphysics or long-winded explanations of human behaviour, nor does it speak of judicial consequences of not following the articles. It is an ethical document, and all ethics are meant to be applied.

3.1 P.C. Chang

3.1.1 Process

The UDHR is meant for all to be readable, not just for law experts or diplomats. While I argue the writing is still quite difficult, especially for the less literate, the lack of jargon, brevity and relatively simple language shows commendable effort. More so, there is no proper argumentation to be found for the claims made. It simply states that a "common understanding of these rights is of the greatest importance".[62]

We hold these aspects to be self-evident nowadays, but they were discussed greatly in the process. As for Chang, 10% of his comments concerned the document's style.[63] His insistence on simplifying the language is well documented.[64] He even unsuccessfully proposed that a maximum of 20 articles was to be set, as to secure brevity.[65]

The text should not only be concise, but also clear in what it tried to achieve. Agreement to and recognition of human rights would amount to peace, the committee

[62] UDHR, preamble.
[63] Krumbein, 2015, 333.
[64] Sun, 2019, 197.
[65] Morsink, 1999, 34.

hoped.[66] It was not a claim to absolute truth, nor a scholarly debate; the UDHR was a form of intercultural dialogue to set a common standard, with the goal of protecting people against cruelty and securing their livelihoods.[67]

Chang emphasized time and again the pragmatic notion that their work was meant for the people.[68] He therefore pleaded for the avoidance of metaphysical arguments entirely, not since they were necessarily incorrect, but rather because of their irrelevance and potential for disagreement. To support his argument, he made reference to his cultural background, saying that Chinese thought started from a belief in a shared cause, which meant man's actions were valued more than metaphysics.[69] Most others agreed with his opinions regarding the relationship between style and function, and the final document indeed adheres to these principles of pragmatism.

3.1.2 Speeches

In Chang's own work, we find clear reference to his pragmatism, that he himself relates back to Chinese tradition. At one of his Baghdad speeches, he spoke extensively about Confucian ways of teaching.[70] He praises Confucius's 'teaching through living': he didn't write anything down but instead travelled across the land to teach whomever wanted to study.[71]

Chang sees Confucius's pragmatism not as an outright rejection of the metaphysical, since this would mean an incompatibility with most other religions and philosophies. In his view, Confucius simply acknowledged the fact that life itself is already too difficult to understand, let alone death. Chang even points out his religiosity, referring to his ritual of

[66] Glendon, 2001, 31.
[67] UDHR, preamble.
[68] Sun, 2019, 218.
[69] Twiss, 2011, 112.
[70] Sun, 2019, 371.
[71] Ibid., 372.

praying.[72] This harkens back to our discussion on pluralism. Adhering to a metaphysical belief does not forbid a pragmatic view on ethics. Other drafters in the commission did not need to abandon their own convictions in favour of embrace pragmatism; they just had to acknowledge that practical morality was the only matter which could reasonably be agreed upon.

After concluding his summary of Confucian thought, Chang touches upon on the potential value of cultural traditions, and does this from a decidedly modern perspective. Tradition, he proposes, should be combined with modern technology and thought in order to improve society. In short, knowledge and wisdom have pragmatic goals. "Whatever you may be studying—philosophy, literature, medicine, law—you must know the concrete needs of your own community at the present hour."[73] A culture has to evolve to improve its community. While the old should be respected, it will not help to relive the past, when the present asks for other solutions. Confucius is only useful insofar we can adapt him to our current situation.

3.2 Confucianism

3.2.1 Order amidst chaos

We should consider the environment in which Confucianism emerged, to better understand its function. While it might be strange in the modern Western tradition to speak of philosophy's function, I argue this is not the case here. Confucius lived during the Eastern Zhou dynasty, when the kings had lost power over the land and their people. He sought the way to order and harmony amidst the chaos that had emerged, and found it, according to himself, in the sage lives of the earlier rulers.

[72] Sun, 2019, 373.
[73] Ibid., 374.

Confucian thought is fundamentally pragmatic, as it is a philosophy based on the political context out of which it emerged. Its ethics, explained in the teachings, do not claim any ontological truth, nor are they based on a logical reasoning. Often the wisdoms are either justified by their outcome (this utilitarian way of thinking is found more frequently in the *Mengzi* than in the *Analects)*, or it is simply good in se. The noticeable absence of deductive argumentation is characteristic of classical Chinese thought,[74] and the *Analects* are the most exemplary.

To be precise, focusing on deeds rather than dogma does not make Confucianism a utilitarian philosophy, where people are judged by the results of their actions. The practices that are endorsed in his teachings often don't have material results; such is the case with rites, which do not serve any financial means. Here we see a clear contrast with the utilitarian philosopher Mozi, whose teachings rivalled early Confucianism.[75] It is the attitude of a nobleman, which he expresses in his conduct, that forms the basis of Confucian thought.[76] Within Confucius's argumentation, beneficial consequences serve as a proof of the value of a noble attitude. A ruler, for example, should act righteously and with reverence, and as a result, will receive his people's trust.

3.2.2 Wisdom through accomplishment

When looking at the *Analects*, we find various references to pragmatism, starting with the opening paragraph, in which Confucius revels in the joy of applying what one has learned. Studying is ideally immediately followed by action.

[74] Goldin, 2017, 41-43.
[75] Goldin, 2014, 38.
[76] Ibid., 29.

Moreover, what is good to discuss is also primarily action.[77] Confucius does not say anything about human nature or about the way of Heaven. His stance is not that they are not important at all, simply that we, as human beings, are not capable of saying anything meaningful about these matters. Confucius keeps quiet, and resorts to talking about deeds, specifically here his own accomplishments. His reluctance to speak about the divine also shows in 7.21 and 11.12. We do not even understand life, so we should not concern ourselves too much with death, is the main argument in these paragraphs. The wisdom of man is to be found not in his knowledge, but in his actions and attitude. Knowledge and action are certainly not contradictory, since knowledge is crucial for action, but knowledge is bound to an ethical standpoint.

This sentiment is continued throughout the entire *Analects*, like in 2.9, in which yes-men are condemned. At first, Confucius thinks lowly of his student, since he does not pose any questions, and thus seems to accept everything taught to him without being critical. Confucius later discovers that he actually does listen closely to his teachings, since he acts accordingly, even when his teacher is not around. This attitude is exceptionally praiseworthy, as it lays bare the desired relationship between words and actions. It is a relationship of harmony, with the words following the action.[78] On the other hand, men who find great pleasure in hearing righteous words, but fail to reform themselves accordingly, have no value at all.[79] Speaking instead of acting is condemned even more severely in *Analects* 14.27, in which Confucius says that the noble man is ashamed if his words exceed his actions.

Lastly, this appreciation of action over knowledge takes another form in 1.7, in which Confucius praises the one who did not have any formal education, but still follows the noble ways of the sage. The high valuation of education is put into perspective here, as virtue is

[77] Analects, 5.13
[78] Analects, 2.13.
[79] Analects, 9:24.

attainable to those without education. Theoretical frameworks of virtue may be valuable, but they are not a prerequisite for someone to be virtuous.

3.2.3 Attitude, not action

It would be a mistake to conclude that Confucianism is a complete orthopraxical tradition. Both ritual and action should, after all, be genuine ways of expressing one's beliefs. Confucius finds nothing praiseworthy in men performing rites without the proper attitude.[80] This adherence to the spirit of the law is emphasized in 15.37, in which Confucius says that a noble man should not be rigid in forms, but be loyal in his principles.

One's emotion should always be in accordance with one's action. Confucianism is centrally preoccupied with the attitude of a sage, which is based on sufficient knowledge and the correct emotion, and will result in proper action. In his argumentation, the good deed is not all-important in itself; it is more a proof of one's good attitude.

3.2.4 Tension between wisdom and action

There are a few instances in which Confucius departs from his message of harmony between knowledge and action. At one point, Confucius admits that his knowledge might rival the best, but that his conduct still leaves things to be desired.[81] While this shows his humility, it is difficult to rhyme this with his other teachings. If his own attitude is not comparable with that of other noble men, why should he be allowed the position of a teacher?

Furthermore, in 8.9 we see a strict distinction between action and wisdom. The commoners can be made to act righteously, according to Confucius, but they are not able to understand it. This sentiment is echoed in 15.4, stating that only few truly understand virtue. On the one hand, we can interpret this as an assertion that the people don't need to have a

[80] Analects, 3.26.
[81] Analects, 7.33.

good education to be able to act wisely. This democratizes virtue and can be directly related to the UDHR, where no long-winded explanation is given for any of the articles. On the other hand, this statement is easily read as a form of orthopraxy, since a lack of understanding could very well mean a lack of correct attitude. The question arises whether this is in line with his teachings about the wisdom of the unlearned man we read about back in 1.7.

Finally, we see a form of idealism in 18.7, that contrasts with strict utilitarianism as well. The end of the passage, Zilu admits that the Way will often fail when adapted to everyday life. A noble man is aware of this misfortune but should not let this discourage his seeking of the proper way. This reaching for the impossible seems decidedly non-pragmatic but is a clear example of the high moral standards of Confucianism. In a similar sense, it is advised to not be involved with politics, when the system is corrupt. They do not urge the noble man to change the injustices, but tell him to stay out of politics, since a corrupt system will corrupt everyone participating. This is obviously non-utilitarian and reinforces the idea that the actions of a wise man should always be based on his moral attitude.

3.2.5 Mencius as a political advisor

The *Mengzi* concerns itself for quite a significant part with concrete state matters. While the *Analects* contain a decent amount of passages about rulers and their conduct, the *Mengzi's* passages easily outnumber them. Whereas Confucius sought political harmony by improving the moral stature of everyone, and therefore teaching a large group of students, Mencius generally has a more top-down approach, acting as an advisor for various rulers. He adapts Confucius's more general teachings into an overtly political setting. His advice at points reminds the reader of policy making, resulting in a moral philosophy which is outspokenly pragmatic.

3.2.6 Deeds rather than words

Actions speak louder than words, it echoes throughout the entire *Mengzi*. This is not to say that Mencius does not find any worth in words, but rather, that words only maintain their worth if they inspire good deeds. On countless occasions, Mencius admonishes kings for not acting with reverence. The king often agrees with his teachings, but nevertheless fails to act accordingly. Mencius is highly critical of this attitude. In *Mengzi* 1B.5 for example, he asks the king explicitly why he does not do what he believes to be right. The king resorts to weakness as the reason for his failing, but this does not excuse him. According to Mencius, man has full responsibility over his fate, and should not blame his inherent faults for his lack of goodness. It is easy to distinguish "not wanting" and "not being able to", and rulers often try to explain the former with the latter.[82] For him, every person has the potential to virtue, and one should strive to cultivate this potential with complete attention. On the question what to do to become as virtuous as Yao and Shun, Mencius asks: "What is there to do but just to do it?"[83]

3.2.7 Application of attitude

The teachings in the *Mengzi* are more utilitarian than those in the *Analects*. Firstly, the value on rites is less pronounced. We don't see passages praising Mencius's correct conduct and adherence to tradition like we see in the *Analects*. More importantly, while attitude is still central in Mencius's moral philosophy,[84] virtue is mostly measured on the practical consequences of this attitude. Not only should a man feel reverence and respect towards others, he is also expected to let these feelings impact his actions through rational deliberation. This is best illustrated in *Mengzi* 1A.7, in which a king feels pity for an ox that is being dragged to the slaughterhouse. He orders to spare the animal, and instead lets the cooks

[82] Mengzi, 1A.7.
[83] Mengzi 6B.2.
[84] See 6B13, in which he regards the attitude 'love of the good' as the most important principle for governing.

slaughter a sheep. Mencius lauds king for his empathy, which proves his humaneness. But immediately afterwards, Mencius relates this back to the king's incompetent rule, and poses him the question whether or not he puts this humaneness into practice when dealing with matters of the state. It turns out that the king values the expansion of his power more than the wellbeing of his subjects, and thus has not extended the empathy he felt for the ox to the common people. The king's attitude, while praiseworthy in itself, is not enough; for him and his kingdom to blossom, his empathy should be rationally applied to a broader context, and subsequently inspire benevolent ruling.

3.2.8 Language

With regards to the language, one simple paragraph from the *Analects* resembles Chang's vision for how the UDHR should be written. In 15.41, Confucius argues for straightforward and easy language that "conveys the meaning". Here we can see that Confucius does not question the direct relation between word and meaning; he has a strong belief in the ability of words to reflect reality as it is. While we might ask questions about this, we cannot argue against its pragmatism, and we find this way of thinking frequently in our daily lives. We can continuously look critically at the formulation of laws to ascertain whether or not their assumed meaning is valid, but for simplicity's sake, we normally accept what it seems to be saying. The same holds for Confucius: clarity is the most crucial function of language.

Mencius similarly shows suspicion with regards to difficult language. It has the possibility to obscure or alter meanings, it can bring confusion to the many, it can corrupt both people and government.[85] It has the potential to be quite dangerous indeed. Clarity of language is of great importance, since it can defeat the threat of sophistry. Mencius himself is very clear about the function of language. It should be 'simple yet far-reaching, easy to

[85] Mengzi 2A.2.

understand but vast in its implications'.[86]

We do not understand reality when definitions are unclear or incorrect, and we are not able to act correctly. Confucianism sees the use of language as a moral matter. *Zhengming*, which can be translated as the rectification of names, is vital for good governance.[87] The creation of a text to better understand fundamental human rights can be argued to constitute a similar moral rectification.

Lastly, in the search for knowledge it is essential to focus on the fundamentals, according to Mencius.[88] A wise man should seek all wisdom, but there is a hierarchy. The (presumably ethical) fundament is to be valued the most. Seeing as metaphysical explanations themselves are omitted from the *Mengzi*, it apparently means that those are not essential to know. The UDHR, in its conciseness, clarity and pragmatism, follows a similar line of thinking.

3.3 Concluding Remarks

In short, Confucian teachings are a guide in the art of living, a highly pragmatic account on ethics, without a complex metaphysical system acting as a basis. The *Analects* continuously favour the good attitude above anything else. The *Mengzi* is a moral-political document, in which rulers are instructed on how to act. In the process of giving advice, Mencius frequently provides utilitarian argumentation. There is a direct moral link between language and reality, as well as between studying and acting, although there are a few tensions to be found in Confucius's sayings.

Chang, advocating clear and simple language without appealing to potentially controversial metaphysics, seems to fit in seamlessly. Although this way of thinking is of course

[86] Mengzi, 7B.32.
[87] Goldin, 2014, 26.
[88] Mengzi, 7A.46.

not exclusive to Confucian tradition, he has made direct reference to Chinese thought in his reasoning for a pragmatic attitude.

4. Hegemony of the people

With the label hegemony I might invoke the image of a Western liberal democracy, but this is not necessary. The UDHR does not prescribe democratic elections to be held, but allows every state its own form of government, provided it is capable of securing its citizens' rights. Every country ought to have the livelihood of their citizens as their utmost priority. The will of the people should be decisive, regardless of political system.

4.1 P.C. Chang

4.1.1 Process

Like most other drafters, Chang believed the UDHR was meant for the people, and he emphasized this throughout the process.[89] He proposed a democratic government, so that their voices would be adequately heard.[90] There is a continuity of this principle throughout history, he argued, referencing democratizing factors in premodern societies, such as the examination system in Song dynasty China.[91]

What is it the people want specifically? The Latin American and Communist representatives advocated a central focus on socio-economic rights, a position Chang agreed with.[92]For Chang, coming from war-torn China, safety and food were no certainties, and ought to be secured in the UDHR. Care for the common people, he liked to point out, was already valued highly in classical Chinese texts.[93] While Svensson disagrees with the notion that Chang

[89] Twiss, 2011, 113.
[90] Li, 2016, 71.
[91] Ibid.
[92] Sun, 2019, 170.
[93] Roth, 2018, 60-61.

prioritized socio-economic rights in the committee, insisting that he gave more attention to individual rights,[94] his speeches contradict her claim.

4.1.2 Speeches

Chang has made several talks at the Economic and Social council, emphasising these two aspects as essential elements of human rights. Welfare for the people acts as a prerequisite for the UN itself; without it, it would have no right to exist. His attention to economic development specifically extended to what he called "under-industrialized" and "low pressure" countries, which he argued, were in most need of economic help, much more so than developed countries.[95]

In his speech "A New Loyalty", he directly quotes Mencius, following his positive line of thinking, asking the audience "to subdue the people with goodness".[96] In this segment, Mencius's perspective clearly shows a fundamental belief that man can improve the world, which is very compatible with the modern idealism that made the UDHR a reality.

Secondly, in another speech, Chang paints a picture of a utopian society, in which everyone is cared for, by using a quote attributed to Confucius.[97] The happiness of this promised land is based on socio-economic security for all people. The marginalised in society are specifically mentioned as having more than enough resources to survive. More importantly, the division between the material and the spiritual is not strict. Socio-economic security is only possible in a morally upright world, where people do not just work for themselves.

[94] Svensson, 2002, 203.
[95] Sun, 2019, 381.
[96] Ibid., 379.
[97] Ibid., 380.

4.2 Confucianism

In my interpretation of the texts, I found Chang's opinions regarding the people to bear more resemblance to Mencius than to Confucius. The ideal ruler in the *Mengzi*, who equally distributes food and resources to the entirety of his citizens, and whose exemplary behaviour motivates everyone in the country to act beneficially to one another, is one who cares most about the well-being of his people.

In general, Confucius is less overtly political in his sayings, which make it more difficult to completely grasp his vision on the exact relationship between state and subject. However, there are some notable quotations to be found here, both in agreement and in contrast with Chang.

4.2.1 Trust

As I pointed out earlier, Confucian teaching is preoccupied with maintaining or bringing about order, on the scale of the individual, the family, society and the cosmos. Order is based upon hierarchies and everyone's adherence to it.[98] The patriarch has an exemplary function, whose correct conduct is sure to inspire others. For the state to become harmonious, it is thus necessary that the ruler himself and the rest of the noblemen are just. Many teachings of Confucius therefore do not speak to the people directly but speak of them (and of their importance) in relationship with the noble class.

This relationship should be one of trust. While ideally, this trust is mutual, the vital element of maintaining order is the citizens' trust in the ruler. This is directly referenced in 12.7, in which Confucius says that, of the three prerequisites for the state, trust is valued above military equipment and even food. In other words, the state is legitimate only when the people support it. Without the support of its subjects, a state has no way of avoiding rebellion

[98] Goldin, 2014, 34.

and chaos. The people are thus acknowledged to have a surprisingly powerful position in society.

How is this trust to be gained? This is done through the virtue of the ruler, by means of exemplification. *Analects* 12.19 puts it thusly: "Desire the good, then people will be good." It is not necessary to use violence, since the people will simply follow the king in his desire for the good. The relationship between the ruler and his subjects resembles the one between Confucius and his students, which relies on education through the means of action.

Furthermore, in 2.20 Confucius's stance on how the common people should be treated is elaborated upon. When a highly placed official asks him about how to rule, Confucius instructs him to treat the people with dignity, kindness and good education. This is very much in line with Chang, and as we will see, Mencius. However, one can question the motives of this advice. The official asks for advice on how to keep the people happy, in order to have them remain obedient. The wellbeing of the subjects is of instrumental value, not inherently important. We can therefore question Confucius's reasoning for the people's wellbeing.

4.2.2 Mencius and the people's happiness

According to Mencius, the people's happiness is the most pressing matter for a ruler, since his own happiness is dependent upon theirs, as explained in *Mengzi* 1A.2. Without his subjects, he would be unable to enjoy any of his riches. This sentiment is echoed in 1B.4 & 1B.5, in which sharing with the people is the prerequisite for being a true king and shaping a harmonious society. Living luxuriously with no regard for others will inspire distrust and anger. Furthermore, special care is to be given to the most marginalised, namely the orphans, childless, widows, and widowers.[99] Making them a priority is a sign of benevolence.

[99] Mengzi, 1B5.

4.2.3 Socio-economic righteousness

What does being good to the people and treating them with dignity entail more specifically? For Confucius and Mencius, a core aspect is socio-economic security. This means enough food, shelter, and a stable life in peace.

As said, Confucianism is not utilitarian; it is very much about maintaining rites, and both Confucius and Mencius disagree with Mozi, who proposes to do away with rites and to care for the poor instead. This anti-materialistic attitude is mainly due to Confucius's and his students' absence of poverty. Since they are secured in their economic situation, they do not need to pay any attention to it; for them to focus on it would mean to lose themselves to decadence and greed. For the common people, however, the situation is different, since they are subject to poverty. We don't hear about their hardship from their own perspective, nor do they get advice on how to solve it. When talking about the ways of the ruler, however, Confucius repeatedly emphasizes the importance of ensuring the people food and safety. We can conclude that socio-economic equality's importance is twofold: firstly, it ensures the poor a better life. Secondly, the powerful will not then falter to materialism and greed, but maintain the Way and the rites of a nobleman.

In comparison, generosity in relation to one's people is lauded in 5.16, in which Confucius regards it as one of the four principal virtues of a nobleman. The emphasis is even stronger in 6.30, when he replies to a student of his, saying that giving and helping common people is more than just benevolent; it is sage. This ties in well with the earlier discussed notions of pragmatism, since Confucius describes an act to contain wisdom.

But to give money and food to the common people is not the last step, as is made clear in 13.9. When a state has succeeded in enriching the population, it should strive towards teaching them. On the one hand, this shows the typically Confucian emphasis on education. For the people to learn about the Way is the last and most important step. On the other hand,

the chronology of this passage implies the necessity of wealth to be able to learn. To quote Bertold Brecht: "Erst kommt das Fressen, dann kommt die Moral."[100]

4.2.4 Aristocratic Sentiments in the *Analects*

While Confucius sticks to his hierarchical paradigm, he does regularly assert that in terms of virtue, the people sometimes triumph over the aristocrats, like in *Analects* 11.1. In this passage, the common people are praised for their eagerness to learn. They are more willing to listen to Confucius's teachings about rites and music than the aristocrats. However, to claim that the *Analects* are in favour of democratic governing is a bridge too far; the hierarchical nature of Confucianism even seems at odds with more modern conceptions of equality.

The greatest contrast with between Confucius's and Chang's view of the people is the former's suspicious attitude towards the masses. Although some commoners might be very virtuous indeed, they are an exception; in general, there is a strong, moral distinction between the small group of noblemen and the large population of common people. We can find an example of this in 15.28, in which Confucius warns us not to consider the opinions of the masses too much, since they are not trustworthy. Moreover, they are not the ones choosing the monarch, since that is ordained by Heaven.[101] As argued above, the trust of the people is crucial, but in the sense that their discontentment will wreak havoc, and their trust will lead to acceptance of the hierarchy. In short, I argue that Confucianism is democratic in the sense that its governing is bound by the will and needs of the people, while undemocratic in the sense that it does not think the common people deserve to have a say in governing. This directly contradicts Chang, who insisted that the voice of the people be heard.

[100] Brecht, 1928.
[101] Analects, 20.1.

4.2.5 Benevolence through socio-economic justice

We see clear parallels between Confucius and Mencius. For the latter, care for the people is twofold: cultivating them through kindness and education, and securing their livelihoods through peace and wealth. The rulers described in the *Mengzi* are almost all incapable of following these principles and receive harsh criticism.[102] An often-recurring theme is the king being too preoccupied with his own luxuries, thereby forgetting his state's poverty. Mencius constantly explains the importance socio-economic justice, both as an inherent virtue and as a way of securing the stability of the state. Care for the people and you will be king, he promises in *Mengzi* 1.7. In other words, benevolence is a goal in itself, but it will also lead to success.

Mencius's optimistic pragmatism shines through in these passages, as his claims that the king is undoubtedly capable of providing wealth for everyone are ubiquitous. Rulers blame famines on droughts, but they are directly responsible for their subjects' hunger and should be held accountable.[103] Furthermore, while the necessity of taxation for the protection of the people is emphasized, high taxation is a sign of corrupt government.[104]

Economic equality is so crucial, partly because it enables all people to become benevolent. In situations of scarcity, competition ensures, and it makes man egotistical. In 7.23 Mencius likens grain to water and fire. Although the latter two are vital for survival, people will not refuse someone who asks to have some, since they have plenty. If the same would be true for grain, generosity would spread across the land. When man does not have enough food, he is solely preoccupied with survival and fearing death. He has no time to practice the rites or to cultivate his mind.[105] This means that socio-economic security is not only a fundamental right in itself, but a prerequisite for other rights as well.

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[102] Mengzi, 1A.4.
[103] Ibid., 1A.3.
[104] Ibid., 6B10.
[105] Mengzi, 1A7.

4.2.6 Mencius conception of Heaven

In the *Mengzi,* we discover an inversion of the hierarchy in comparison with Confucius. The leader comes last according to Mencius, implying that leadership is not a position of power, but a position of servitude.[106] Most important are the common people (second, again to underline the vital role of economic stability, is grain). The will of the people is valued significantly more.

This brings us to the concept of Heaven, which remains relatively undefined with Confucius, but is explained in the *Mengzi* in a democratizing manner, its will sometimes completely overlapping with that of the people.

Mencius emphasises that a king's rule is justified only insofar he is capable of caring for the people. This does not mean that he is chosen by the people, but that they have the complete right to overthrow him, when a ruler is incompetent. Similar to Confucius, the authority of a king is based on the respect of his subjects, but the position of power is much more elaborated upon. In 1A.6, the people are likened to floods that no ruler can withstand, and we can find similar passages throughout the text.[107]

Furthermore, whereas Confucius does not seem interested in the voice of the people, Mencius shows more consideration, like in 1B.7, in which he deems their opinion as more important than those of feudal lords, and argues that kings should listen to the former instead of the latter. In *Mengzi* 5.5, Heaven and the people are claimed to be the two sole actors which are able to legitimize the ruler. Later on in the paragraph, Heaven is said to see and hear via the people, strengthening the connection between the two. This is explicitly democratic, as it assigns power to the people.

[106] Mengzi, 7B14.
[107] Ibid., 1B.8 & 2B.1.

4.3 Concluding Remarks

To sum up, the common people do not themselves play a central role in the *Analects*, but the relationship between them and the aristocracy does. Providing them socio-economic security and winning their trust are vital for a ruler to maintain order. They therefore possess great value, albeit sometimes more instrumental rather than inherent. This means that their wealth and wellbeing also function not necessarily as a goal *an sich*, but as a consequence of sage leadership. The existence of inferior men does challenge Western Enlightenment's notions of equality, but the focus on meritocracy does allow social mobility, even within the relatively rigid hierarchical structure.

Henry Li argues that Chang's insistence on hearing the will of the people is not a traditional sentiment of Confucianism.[108] While I agree this is the case for Confucius, Mencius shows more reverence towards them. The hierarchy is reversed, and the people are those who voice the disapproval of Heaven. P.C. Chang's attitude towards the common people bears much more resemblance to Mencius, in his advocating radical benevolence.

[108] Li, 2016, 71-72.

5. Dignity of man

The UDHR's first article acknowledges the inherent dignity of man, a statement showcasing a universalist attitude. While philosophically certainly not uncontroversial, there were no relativist challenges during the drafting, arguing against inherent humanity.[109] Conflict arose in discussing the explanation for this dignity. While with the absence of God or nature, the UDHR takes a neutral stance, the question remains: what constitutes a human?

5.1 P.C. Chang

5.1.1 Process

While Chang favoured pragmatism, he agreed that a universalist conception of humanity needed to contain some reasoning, which Roth calls 'thin metaphysics'.[110] This entails explicating inherent features of man without referencing greater metaphysical structures. The first article of the final document reads as follows: "They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."[111] Had Chang not been a member of the committee, the article would look quite different.

In an earlier draft, Cassin mentioned the 'family' of mankind, bound by each other through 'reason'.[112] This echoes 18th century bills, inspired by European Enlightenment.[113] Chang proposed to add another quality of man, to gain broader understanding of what connects humanity.[114] He brought forward the Confucian concept *rén (仁),* which he translated literally as two-man-mindedness. Other possible translations are 'benevolence',

[109] Morsink, 2009, 17.
[110] Roth, 2018, 165.
[111] UDHR, 1948.
[112] Glendon, 2001, 275-276.
[113] Morsink, 1999, 281.
[114] Liu, 2014, 411.

'humaneness' or 'reverence'. The Chinese character consists of two elements, one meaning 'human', the other meaning 'two'. We can understand the term as emphasizing the inherent sociality of man. Man can only exist in relation with others. This relation is one of respect, love, and duty. Man has inherent dignity, not because of his individual worth (which is a modern liberal standpoint), but in his relationship with others.

Chang appealed to the universal nature of this concept, convincing Cassin and Roosevelt of the necessity to alter the first article. But he had difficulty translating the term successfully, which resulted in the others opting for the rather vague term 'conscience', which obscured the original intent.[115] Chang, lacking a more competent translation, eventually agreed.[116] While maybe not fully realizing his original goal, his contribution to article one is undeniable.

Chang praised the structure of the final article, especially the fact that two-man-mindedness was followed immediately by its practical consequence, acting in a spirit of brotherhood. According to him, this exemplified the fundamental sociality of human rights, and was consistent with Chinese moral tradition.[117] The implication of brotherhood, an even balance of rights and duties, was something which he continuously argued for. While Morsink questions his role in increasing importance of duties vis-à-vis rights,[118] Chang saw the Declaration as a whole and article 1 in particular as a call for everyone to fulfil their duty towards the other.[119]

In Chang's view, man's self-cultivation was steeped in his sociality. In their consciousness of duties, an individual can attain a higher moral standard.[120] Helping others is

[115] Glendon, 2001, 67-68.
[116] Roth, 2018, 213.
[117] Krumbein, 2015, 343.
[118] Morsink, 1999, 245.
[119] Roth, 2018, 151.
[120] Twiss, 2011, 113.

therefore beneficial to both the helper and helped. We can see the UDHR in the same light; as Chang oftentimes pointed out, the text should not serve as a way to protect the selfish interests of the self, but to inspire everyone to increase their goodness.[121] We only become truly human through our improvement of social behaviour.[122] Svensson calls this sentiment typically Confucian.[123] On the other hand, Chang saw the existence of man's dignity as an argument for individual freedoms, like religion and speech. This liberal idea is Deweyan rather than Confucian.

5.1.2 Speeches

His speeches portray a similar perspective. As a diplomat, his manner of speaking is unsurprising: remarking on the similarities between cultures and stressing the brotherhood of all people. We can become conscious of this brotherhood through education.[124] His undertakings to modernize education were meant improve the morality of all. He therefore praises Confucius for his acceptance of students regardless their background, as it accommodates the potentiality for virtue in all of mankind.[125]

The sociality of man is reflected upon in his remarks about *Analects* 2.4, one of the book's most famous sayings. Confucius's saying that he "stood firmly at 30 years old" implies a successful relationship with others, based on mutual understanding and respect.[126] This again implies that man is not worthy as an individual, but fully dependent on the other to realize their humaneness. Chang extends the sentiment of sociality to his audience, namely those who

[121] Liu, 2014, 412.
[122] Krumbein, 2015, 343.
[123] Svensson, 2002, 204.
[124] Sun, 2019, 371.
[125] Ibid., 372.
[126] Ibid.

work in education. They have a responsibility in social and political affairs, so that they use their skills and capabilities in relationship with the world.[127]

Chang references the dignity of man directly in another speech, in the context of World War II. The allies' reason for fighting is to defend the freedom and dignity of every human being.[128] This is a worldwide battle, as everyone should be protected from cruelty. Here we see his philosophy reflected in concrete situations.

To summarise, Chang's humanist attitude shines through in his words and contributions, and is backed by his own understanding of Confucian philosophy, mainly through the concept of rén. Does his modern interpretation reflect the reality of the text, or does it provide challenges to human dignity?

5.2 Confucianism

Goldin states that "all Confucian morality emerges from social relations"[129], and this notion is exemplified by the concept of *rén*, which is the most direct influence Confucianism had on Chang's contributions to the UDHR. Before we go into *rén*, I have to acknowledge the intriguing statement in paragraph 5.13 of the *Analects*, in which human nature is deliberately left out of discussion, since we cannot know anything about it. Does this not make talking about man's dignity impossible?

Fortunately, this radical pragmatism is not completely consistently followed throughout the entire *Analects*, and I will discuss multiple instances of Confucius talking about mankind in general terms. We don't see as clear of a positive attitude towards human nature as in the *Mengzi*, but there are some passages that indicate that men are equal, especially in potential.

[127] Sun, 2019, 372.
[128] Ibid., 371.
[129] Goldin, 2014, 27.

5.2.1 Natural likeness

The commonality of men is a feat of nature, Confucius claims in 17.2. It is only through repeated practice, or *habitus*, that man is drawn apart. Culture, not nature, is what divides man. Contemporary readers might conclude that culture thus is a negative force, but I would interpret this as there being an opportunity for everyone to be cultivated. This reinforces the importance of education in Confucianism. But it is crucial to note that education is not the force that brings people together. Similar to the UDHR, the sameness of men is inherent for Confucius.

This natural egalitarianism shines through in Confucius's view on education. In arguably his most famous saying, *Analects* 15.39, he asserts that one's willingness to learn is the decisive factor for becoming his student, and that background does not matter. The idea that education shouldn't be based on class, since all men have the potential to learn, has resulted in a meritocratic and relatively egalitarian education system in China, which Chang appraisingly called "democratic".[130]

Moreover, Confucius showcases a decidedly positive notion on human nature in *Analects* 6.19. He argues that human life is dependent on virtue solely. People live precisely because they are upright. This claim is quite radical in comparison with the rest of the teachings, but immediately afterwards it is softened, acknowledging the fact bad people exist. They are, according to Confucius, fortunate enough to be spared by Heaven.

5.2.2 Unconditional brotherhood?

The closeness of humanity is likened to a brotherhood, a sentiment pertaining throughout both Chinese and other cultures, and repeated in the UDHR. *Analects* 12.5 expands on this notion of being brothers, narrowing the term in the process. While the proverb referenced in

[130] Krumbein, 2015, 344.

the beginning is “all men are brothers”, the passage contains certain prerequisites for this brotherhood. When one of the students is lamenting his loneliness, his friend both consoles and instructs him, by saying one will find universal brotherhood when one acts respectfully and wisely. In other words, the situation of commonality is dependent on an individual’s actions, and inferior people are excluded.

This exclusion of sinners from the brotherhood of man recurs in other passages as well. In 2.19, a ruler is told to reward the good common people, and to do away with the bad ones. Similarly, in 12.22 the inferior men are better to be kept at a distance. The focus in both these passages is indeed positive, emphasizing the possibility of lower-class people to cultivate themselves and get promoted, but it does also raise questions about how the less virtuous are regarded. The picture that emerges is one of lost causes that don’t deserve any rights or help. The great brotherhood of man is based not on ethnicity, nor on class, but on virtue.

And virtue is a scarce resource, we can read in 7.26. Sages are nowhere to be found, according to Confucius. Even when he lowers his standards and only searches for a gentleman, that too appears to be an arduous task. When looking from this angle, the brotherhood joyously described in 12.5 has now become a small elite circle. The text itself, however, is not all that consistent with regards to this topic, as we can see from 17.3 that the overwhelming majority of people are capable of change, and therefore that for them, wisdom is within their reach, provided that they are properly taught. This passage does directly contradict 17.2 though, since it suggests that nature produces great differences in people, namely between the wise and the foolish.

Generally, it remains unclear whether the inequalities between superior and inferior men found in the text are innate. Regardless the origin, there is a difference in how inferiors are to be treated, both by the state and by the individual. The sentiment of indifference for the fate and the value of the inferior men pervades the *Analects*. This challenges Chang’s

acceptance of all people. As I will discuss later on, the teachings of Mencius are more compatible, since they focus mainly on the universal human capability to cultivate oneself, which is possessed by everyone.

5.2.3 Equality in the *Mengzi*

Arguably the largest contrast between Confucius and Mencius, is on the topic of human nature, which is also the field that Mencius himself has exerted the largest influence upon. Whereas Confucius has shown constant hesitance to discuss what constitutes a human being, Mencius has a clear argument that he is enthusiastic to talk about.

First of all, during his appraisal of Confucius, he mentions that all men are of the same kind.[131] Eventually, through his wisdom, a sage will reach a higher level, but he remains human nonetheless. This combines the notion of the equality of man with a meritocratic view on self-cultivation. Moreover, as we have seen in 6.22, everyone is a Yao or a Shun, meaning they possess the prerequisites of doing good. There's an explicit equality in potentiality, something which directly contradicts the paragraph 17.3 of the *Analects*, discussed earlier.

Furthermore, equality is to be found in human relationships. While social hierarchies are still acknowledged and honoured in the *Mengzi*, not all social interaction is based on difference. Friendship, for instance, knows no discrimination on the basis of status or wealth, but depends on virtue. More broadly, respect is the correct attitude when dealing with others, regardless of their social position.[132] Paying respect is an acknowledgement of the inherent worth of an individual.

Respect for one another does not necessarily go against Confucian notions of hierarchy, since it shows the individual having reverence to the social structure. Being of a

[131] Mengzi, 2A.2.
[132] Mengzi, 5A.13.

higher class is no reason to feel contempt for the lower classes. Society flourishes when everyone treats each other fairly according to correct social hierarchies.

Lastly, one of the few statements that conflict with the egalitarian attitude of the text is found in 7.30, in which Mencius claims that Yao and Shun possessed natural virtue, while other people had to cultivate or even feign them. While an interesting contrast, this view is not representative of any other part of the text, which is why I will disregard it in my further discussion of Chang.

5.2.4 Rén

We find the same assertion with Mencius as with Chang: man is good because of *rén.*[133] It is the reason for man's dignity. That we are inherently good does not mean that we always do the right thing, or that we cannot be evil. Mencius claims that goodness is a natural ability of man, to be cultivated simply by seeking it.[134] The 'sprouts' of virtue are to be found in the emotional life of man, and can, through education, lead to righteousness.[135]

How does Mencius explicate the workings of *rén*? While natural to everyone, people should work hard to manifest it, and all relationships ought to be centred around it. If the king focuses on *rén*, harmony will come about, is Mencius's advice in 1A.1, and he gives similar advice to all the kings in the text. To possess *rén* but not to extend it is a grand mistake, as we see in 1.7. The king pities an ox being led to the slaughterhouse, but does not feel the same about the suffering of his own people. Rationalizing our empathy is key, a sentiment reinforced in 6.15. Mencius explains how people, while equal, can still end up great and small. This is because the great use their mind. Reason is the instrument through which the sprouts of virtue can be cultivated. Rationalization is a necessary process of applying one's emotions to practice.

[133] Ibid., 7B16.
[134] Ibid., 6A.6.
[135] Ibid., 2A.6.

While 'conscience' is the term that was added to the UDHR by Chang, and is regularly even typified as the Eastern opposition to Western 'reason',[136] the latter is also compatible with Mencius.

An even more idealized picture of human nature is given in *Mengzi* 7.1. If someone knows his own nature, he will know Heaven. This faith in the organic will of nature is reminiscent of both Daoism and Socrates. Everyone has a Heaven inside themselves, a *Daomonion* if you will, and they should seek to discover its will.

Not only benevolence, but also feelings of respect and righteousness are internally present in man.[137] The existence of these three sentiments serves as a legitimation for universal values. We feel sympathy and respect for the other, and have a desire to let justice prevail. Similar sentiments have been the cornerstone in the creation of the UDHR.

5.2.5 Are humans always Human?

Humanity is a qualitative term; it has certain ethical prerequisites. One who does not possess the attitudes supposedly inherent to man is not to be regarded as human.[138] Benevolent qualities, in their naturalness, are self-evident to Mencius. There are no children who do not love their parents, he asserts confidently.[139] Mencius's optimism towards human nature, while awe-inspiring, raises some complicated questions. In 5.3, Mencius describes the typically Confucian unrequited love of the benevolent man towards his family, specifically his brother, even if the brother is a horrendous individual. If man's prime distinguishing feature is benevolence, where does that leave the people who don't love their murderous family members?

[136] Huang, 2019.
[137] Mengzi, 6.A4.
[138] Ibid., 2A.6.
[139] Ibid., 7A.15.

This raises the question whether or not inhumane people exist, and what specific treatment they are entitled to. Mencius's attitude about the other is so positive that he does not really account for such persons. Are they, as Confucius argued, to be set aside, without any rights? Do they deserve benevolence? It seems that, in the case of inhumane kings, they deserve nothing. As is shown in *Mengzi* 2B.8, Mencius does not particularly care if they are put to death.[140] They do, however, have a certain degree of rights, as he explains further on in the passage. Only the chief officer is allowed to punish a murderer. Even a horrible criminal deserves the right to only be punished according to a law, through fair trial. He is advocating a judicial system that serves as a neutral upholder of the law.

5.3 Concluding Remarks

The dignity of man, according to Confucianism, lies in one's relation with other people. Confucius saw the sociality of man take form through hierarchical relationships, both in family and society. Man's brotherhood is a recurring theme *Analects*, as well as the insistence that all should be given the possibility to cultivate themselves through education. However, Confucius's sayings are ambiguous about the presence of virtue in all people. At times, it seems as if the brotherhood is only open to those who reach his high standards, with the inferior people undeserving of any rights. In contrast, Mencius seems more inclusive in his belief that all people are born with the inherent potential for virtue. He saw the existence of *rén* as proof of human dignity, a sentiment more in line with Chang.

Chang differs from both Confucian texts because of his individualism. Taking a liberal stance, the inherent dignity of man is his argument for the protection of individual freedom.[141] We don't find such claims in the *Analects* or the *Mengzi*. They are not incompatible *per se*, but

[140] Mengzi, 2B8.
[141] Krumbein, 2015, 348.

we can safely say that the origins of Chang's individualism do not deride from Confucianism, but probably from Deweyan philosophy.

6. Concluding Remarks

6.1 Question of Representativeness

I have systematically compared Chang's viewpoints on human rights with classical Confucian texts, and for the most part, they are reasonably compatible. Especially Mencius's teachings bear a lot of similarities with Chang's. They are certainly not the only influence (as a pluralist, he had many), and the classical texts are certainly open to other, possibly conflicting interpretations. Nevertheless, my conclusion remains that Confucianism has had significant influence on the UDHR, most explicitly in the concept of *rén*. In the broader context of the complex and multifaceted discussion done by the committee[142], the Afro-Asian calls for universality as described by Liu[143], as well as the unanimous agreement by all member states, I would say that it is ultimately unconvincing to claim that the Declaration shows considerable Western bias.

Furthermore, my research does not occupy itself with Chang because of his interesting life and accomplishments, but for his potential representativeness. He is not only an individual, but symbolic of a broader group, which can be called 'Chinese'. When Krumbein calls him the 'Chinese father of human rights', he is not simply stating a fact, but rather placing him in a tradition of Chinese thought. But, while we have spoken about classical Chinese texts and their compatibility with modernity at large, can we, on this basis, say anything worthwhile about Chang and his relationship with contemporary China? In other words, which "China's" does Chang represent?

[142] Svensson, 2002, 201.
[143] Liu, 2014, 396-397.

6.2 Chang the Ventriloquist Doll

Chinese scholar Sun Pinghua clearly sees a connection between Confucius, Chang and the Communist Party, as all are rooted in Chinese culture.[144] A sense of pride pervades the entirety of his work, as he proves China's influence on global human rights discourse. This coincides with the general revaluation of Confucianism by the CCP in recent years, with the aim of inspiring national pride and providing a clear identity.[145] Relatedly, Tom Zwart sees the 'Chinese-ness' of P.C. Chang as a possibility to start intercultural dialogue about human rights with the Chinese.[146] His approach is playing into this sense of pride, showing that human rights are Chinese, thereby creating more space for human rights in political discourse.

This leads me to the conclusion that the recently increasing interest in Chang is partly because of his strategic position. Whereas Chinese scholars use him to prove the Chinese-ness of the UDHR, Western universalist scholars use him to prove its 'Non-Western-ness'. Sceptics of universality, like Svensson and Will, question the claims to his Chinese-ness, and regard him in turn as a mostly Western individual. The result is that Chang has become a sort of ventriloquist doll, which different groups use to prove their own point.

6.3 Moral and Political Consequences

The scholarly discussion around Chang is both a moral and a political one. The claims made in human rights philosophy carry large consequences. If Chang's values are indeed representative of contemporary China, then Western scholars can rightfully argue that the Party has a clear incentive to realize the standards put forward by the UDHR, which would not be the case if they were solely Western values. From a Chinese perspective, the UDHR's Chinese origins can

[144] Sun, 2019, 88.
[145] Wasserstrom & Cunningham, 2018, 13-15.
[146] Zwart, 2020.

be used as a defence against human rights criticism from abroad, arguing that the Party's interpretation, emphasizing national sovereignty, is valid.[147]

But even if the political dimension of human rights is fairly large, we should not forget Chang's own view on the function of the Declaration. In his view, it was above all a document meant for self-cultivation. His hope was that in the future, it would serve as a moral standard all people strove towards, in brotherhood with their fellow human beings.

[147] Sun, 2019, 260-261.

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