

Pengchun Chang's Contributions to the Drafting of the UDHR

Sun Pinghua^{1,2*}

¹University of Exeter, Exeter, UK

²China University of Political Science and Law, Beijing, China

Abstract

The Universal Declaration of human rights (UDHR) has turned out to be a truly remarkable instrument, serving as a landmark in the history of mankind. P.C. Chang, the Chinese representative, participated in the leadership and the drafting work, and made an outstanding contribution in the drafting process: He defined the nature of the declaration accurately, successfully integrated Confucianism into the declaration, solved many disputes relevant to human rights origins, made the declaration a rigorous structure, creatively broke the deadlocks and resolved conflicts, dominated the drafting process of the right to speak in the proposed mutual tolerance and harmonious social philosophy, and expounded China's views on human rights to the world. These contributions were marked down in history, and his contributions were also the contributions of Chinese civilization, national intelligence, and traditional culture.

Keywords: Human rights; Declaration; Drafting process; Confucianism; Chinese; Human rights

Introduction

Universal Declaration of Human Rights had gone through two years' discussions on drafting process. During the process, the United Nations Commission on Human Rights¹ held a total of 78 meetings specifically to discuss the relevant issues on the Declaration, including 19 meetings of the first session (from the 1st to the 19th meeting), 23 meetings of the second session (from the 20th to the 42nd meeting) and 36 meetings of the third session (from the 46th to the 81st meeting); while the Drafting Committee held 44 meetings to have consultations and discussions surrounding the drafting of the Declaration, including 19 meetings of the first session (from the 1st to the 19th meeting) and 25 meetings of the second session (from the 20th to the 44th meeting). Later, after submission of the draft to the Third Committee of the General Assembly for discussions by the Economic and Social Council, after repeated discussions about the specific content of the Declaration (from the 88th to the 105th meeting, from the 107th to the 116th meeting, from the 119th to the 134th meeting, from the 137th to the 167th meeting, from the 174th to the 179th meeting), putting forward 168 formal draft resolutions. Finally, the United Nations General Assembly had the states' final comments from its 180th to 183rd meeting. More than 200 meetings, discussing, negotiating and debating have been experienced by drafting of the Declaration.

Pengchun Chang (also P. C. Chang or Zhang Pengchun) the representative of China, was elected as Vice-Chairman at the 1st meeting of the 1st session of the UN Commission on Human Rights, participating in the leadership of the drafting of the Declaration and making outstanding contributions in the drafting process for the subsequent two years. As the chief drafter of the Declaration, the representative of China, P. C. Chang, enjoys a high prestige in the field of international human rights. He became the core figure of human rights experts being praised eagerly by many human rights and legal scholars of the international community, and he was indeed the leader

¹Human Rights Commission of the United Nations was initially established in February 1946, when there were 18 member states. In 1979, the number of member states increased to 43. From the 42nd session of the Commission in 1992, its number of member states increased to 53. The Commission is one of the major bodies to examine human rights issues within the system of the United Nations. This Commission played an important historical part in the drafting process of the Universal Declaration of Human Rights. This Commission was dismissed on June 6, 2006, when Human Rights Council was established within the framework of the United Nations.

of the international human rights movement, his contributions and achievements marked the annals of the history of human beings.

It was because of his profound knowledge and personal charisma that P. C. Chang was able to make such contributions that have attracted worldwide attention. He was not only knowledgeable, educated, more sophisticated and talented. He had been receiving higher education in the United States, studying for nearly 10 years in the Clark University, Columbia University, and received a doctorate degree in Columbia University. And later he taught at the University of Chicago, Art Institute of Chicago, University of Hawaii, and Columbia University. Despite his Western experience, P. C. Chang was very loyal to the inherent values of Asian cultures, traditions and philosophy in mental activities. He not only made an important contribution in founding Nankai University and Tsinghua University, but also played an important role in the foreign affairs. His achievements in theater arts have always been praised by relevant scholars. Moreover, it was because of his many years of living in the United States, his fluency in spoken English and his good command of the Western way of thinking that he could more effectively represent the views of China and Asia. He was not only an outstanding representative of China, but also gave out a strong voice of Asia. The important role he played was appreciated by the world, and his contributions were larger than what anyone could imagine. Combined with records of the United Nations and related scholars' studies, this paper will discuss P. C. Chang's outstanding contributions in the process of drafting of the Declaration from the following different areas.

Putting Forth the Overall Drafting Plan and Defining the Declaration Accurately

The Economic and Social Council authorized the Commission on

***Corresponding author:** Sun Pinghua, Visiting Scholar to the University of Exeter (the U. K.), PhD in Human Rights Law, Professor at China University of Political Science and Law, Beijing, Tel: +8685226662; E-mail: fadaphsun@aliyun.com

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Human Rights to draft the International Bill of Human Rights with provisions of United Nations Charter. But none of them clarified the nature of this instrument to be presented by the International Bill of Rights. Therefore, the primary problem in the drafting process was to define this document. Taking account of the different nature of the declarations and conventions: the declaration can be used as the proposal submitted to the Member States by the General Assembly, and it only has moral force rather than binding force of law to the Member States. Declaration merely established standards and clear goals rather than setting the exact obligations for the countries. In addition, the universality is an important principle in drafting the International Bill of Human Rights, the purpose of drawing up the instrument is for all countries to accept it. Therefore, the declaration is easier for all the countries to accept, compared to the Convention. However, the Convention has a legal binding force for the Member States, but the application of the Convention will also be limited within the Member State. And the contents of the provisions of the Convention will require more strictness, and it is extremely difficult to achieve the goal that all countries will accept.

At that time, delegates had wide divergence of views. "The delegates from Australia, India and the United Kingdom were the strongest advocates of a binding convention. The British, while favouring a binding convention, wanted to exclude economic and social rights; most of the other delegations wanted to include them"². Although these countries did not entirely oppose a declaration, they hoped to formulate a convention first, insisting on the claim of "a convention first, a declaration later". In contrast, "the representatives of China, the USSR, the United States and Yugoslavia were the most vocal supporters of a human rights document in the form of a declaration, which was not formally binding"³. "The representatives of Chile, Egypt, France and Uruguay took an intermediate position. They wanted to combine a declaration with a convention, and appreciated a declaration more than the most zealous supporters of a convention"⁴.

According to Humphrey's memoirs, P. C. Chang made an important contribution to the working procedures of drafting the International Bill of Human Rights at the initial stage of the drafting. Mrs. Roosevelt hoped that the Commission on Human Rights would discuss the two of the Secretariat's suggestions, a declaration or a convention, while some delegates proposed amendments to the Charter. Mrs. Roosevelt was anxious to have the Drafting Committee start to work immediately, while her colleagues hoped to have a general discussion first. When nobody knew the working procedures, "P. C. Chang, who was nearly always ready with a practical solution, then suggested that the Commission should not vote on the matter but should proceed on the assumption that the Bill would be drafted as a resolution for adoption by the General Assembly, i.e., as a declaration [1]." Because P. C. Chang's proposal was feasible, he got everyone's unanimous endorsement. It was on P. C. Chang's assumption that Humphrey prepared his draft later.

Humphrey recalled:

"Much of the discussion still turned on the form of the Bill.

²Afredsson, G. and A. Eide (eds.) 1999. *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague/Boston/London: Martinus Nijhoff Publishers. P.10.

³Afredsson, G. and A. Eide (eds.) 1999. *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague/Boston/London: Martinus Nijhoff Publishers. P.10.

⁴Afredsson, G. and A. Eide (eds.) 1999. *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague/Boston/London: Martinus Nijhoff Publishers. P.10.

Mrs. Roosevelt said that, since it was to be adopted by the General Assembly, it should be a declaration. This could be followed by treaties on particular subjects which would be binding on the states which ratified them, or there might be a convention containing the substance of the Declaration. In that case both instruments might be presented to the General Assembly at the same time. P. C. Chang envisaged three instruments: a declaration 'drafted in simple phrases,' a commentary on each of its articles, and proposals for its implementation. Later he suggested the formula for a tripartite bill—declaration, a convention, and measures of implementation—which was finally adopted" [1].

The Bill of Rights claim contained the three-part proposition finally reached a consensus. P. C. Chang gave more practical declaration, adhering to the principle "a declaration first, a convention later". P. C. Chang at initial stage was the first person to have the clear idea about the nature of the Declaration. We cannot imagine the current system of the international human rights protection without his contribution because his assumption served as a solid foundation for the development of the UN human rights system.

Adherence to Chinese Traditional Culture and Successful Integration of Confucianism

Regarding the decision-making about who would draft the Declaration, Humphrey described in his memoirs: "It was typical of Mrs. Roosevelt that she should want the drafting committee to begin work at once and she invited her two colleagues and me to meet her in her Washington Square apartment on the Sunday following the adjournment [1]". But "Chang and Malik were too far apart in their philosophical approaches to be able to work together on a text [1]". Even though they talked a lot, but they could not get anywhere. Finally, P. C. Chang suggested that Humphrey should put his other duties aside and spend six months studying Chinese philosophy before he might be able to prepare a text for the Committee. Mrs. Roosevelt's memoirs also had a similar record⁵. P. C. Chang gave suggestions to Humphrey, but in fact they were for Malik to listen to. P. C. Chang further suggested that the Secretariat take a few months to study the basic idea of Confucianism⁶. Here, P. C. Chang employed frequently-used circuitous and subtle language skills in order to express that Western influence might be too great and not forgetting other philosophical basis. This was foreshadowed to get Confucian thoughts included in the Universal Declaration of Human Rights.

According to Tian Canghai's introduction, "P. C. Chang (Zhang Pengchun) challenged the European representatives in the first debate of the Commission on Human Rights. Chang stressed that the Chinese philosophy of Confucianism, has long been admired by European philosophers. In the 19th century, the people of Europe were on the narrow road and became self-centered, but after World War II, human beings should view big issues worldwide with a broad vision. Therefore, P. C. Chang advocated that the Declaration of Human Rights should include Chinese Confucianism and doctrines." He insisted that

⁵Roosevelt, E. 1958. *On My Own*. New York: Happer. P.77.

⁶Roosevelt, E. 1958. *On My Own*. London: Hutchinson & CO. (Publishers) LTD. P.95. The following passages are cited from Eleanor Roosevelt's memoirs: "Dr. P. C. Chang, who was a great joy to all of us because of his sense of humour, his philosophical observations and his ability to quote some apt Chinese proverb to fit almost any occasion." (P.95) "Dr. Chang was a pluralist and held forth in charming fashion on the proposition that there is more than one kind of ultimate reality. The Declaration, he said, should reflect more than simply Western ideas and Dr. Humphrey would have to be eclectic in his approach. His remark, though addressed to Dr. Humphrey, was really directed at Dr. Malik, from whom it drew a prompt retort as he expounded at some length the philosophy of Thomas Aquinas." (P.95) "I remember that at one point Dr. Chang suggested that the Secretariat might well spend a few months studying the fundamentals of Confucianism!" (P.95).

the Universal Declaration of Human Rights should need not only something of the West, but also the ideas of China. According to the quotation from Lash by Tian Canghai, "P. C. Chang was often smiling to remind the members of the Commission on Human Rights that the Declaration of Human Rights must include non-Western point of view [2]". Some scholars gave the evaluation to P. C. Chang's work in the Commission on Human Rights like this: "He not only looked at human rights issues from a unique Asian perspective but also made the representatives from other countries to accept Chinese views on human rights and introduced the concept of Chinese Confucian culture into the provisions of the Universal Declaration of Human Rights [3]".

P. C. Chang formally put forward the Confucian *ren* (仁)—"benevolence" at the 8th meeting of the first session of the Drafting Committee (in the afternoon of June 17, 1947). Before the establishment of the Drafting Committee, P. C. Chang also suggested that Humphrey of the Secretariat spend half of a year learning Confucianism and Chinese culture. According to Humphrey's memoirs, P. C. Chang just suggested it in general terms, not mentioning the specific content. Humphrey did not really travel to China to study Confucianism and Chinese culture. At previous meetings, the Drafting Committee had discussed the draft outline of the Secretariat. Cassin, the temporary work group member, redrafted the draft declaration based on the human rights outline of the Secretariat and the results of discussion. This draft was usually considered to be first draft of the Universal Declaration of Human Rights, and this draft was put in front of the members of the Drafting Committee for further discussion and considerations. It was at the 8th meeting of the first session of the Drafting Committee that P. C. Chang made it clear that the declaration should reflect the Confucian thought "*ren*". He continued to give an explanation of "*ren*" and translated it into "two-man-mindedness" in English according to the literal meaning (that is, two people can feel each other's existence), it more directly means "feeling or sympathy for others" in English. He believed that this new thinking, as one of the most basic characteristics of human beings, should be included in the Declaration and should add after the word "reason". In later discussion and debate process, P. C. Chang once again related to this issue. Finally, he got Confucianism, concept of "benevolence" (i.e., P. C. Chang's colleagues translated "*ren*" into English word "conscience") successfully integrated into the Universal Declaration.

However, this is not simply the inclusion of a term, it would regard the core concept of Confucianism as the essential attribute of human beings, and this core concept would become the philosophical foundation of human rights and fundamental freedoms in the Declaration. It was extremely significant just because it made the Declaration cover the non-Western concept of human rights, it enhanced the universality of the Declaration, having universal value. This has been appreciated by a number of renowned scholars of the international community including Humphrey [1], the first director of the Human Rights Division of the Secretariat, Nordic well-known scholars, including Eide (from Norway) and Alfredsson [4] (from Swede), Professor Glendon [5] from Harvard University and Distinguished Professor Twiss⁷ from Florida State University, etc. This inclusion became a window opened for the Western to understand Chinese traditional culture, and therefore it has attracted attention

⁷Twiss, S. B. 2007. Confucian ethics, concept-clusters, and human rights. In M. Chandler and R. Littlejohn (eds.), *Polishing the Chinese Mirror: Essays in Honor of Henry Rosemont, Jr.* New York: Global Scholarly Publications. P.50-67. / Twiss, S. B. 2009. Confucian contributions to the Universal Declaration of Human Rights: A historical and philosophical perspective. In A. Sharma (ed.), *The World's Religions after September 11: Volume 2 Religion and human rights.* Westport, Connecticut and London: Praeger. Chapter 14. P.153-173.

of the Western world to the Chinese Confucianism and traditional culture. In this case, Chinese traditional culture got further recognized and respected by the Western world.

It was not accidental that P. C. Chang was able to get the core concept of Confucianism "benevolence" into the instruments successfully, which developed a landmark of human rights for all mankind community. We can find evidence from P. C. Chang's understanding of Confucianism and his loyalty to Confucianism. Although P. C. Chang learned in the Western world, but he was good at thinking in Oriental philosophy, including the traditional Chinese Confucian thought and culture. The classic statements of Confucius and Mencius on behalf of the Confucianism often became the content quoted by P. C. Chang in his speech and writing. Even the Chairman of the Commission on Human Rights, the representative of the United States, Eleanor Roosevelt thought that P. C. Chang had a series of Confucian doctrines, and could be able to use freely at any time. Here are just a few examples to illustrate: According to Number 95 of the Nankai "Ethnics" (April 1918), P. C. Chang ever gave detailed statements about Confucian "benevolence" when he talked about "morality and individuals" and "morality and society". At the whole school meeting of Tsinghua P. C. Chang quoted Confucius views on morality in his speech on May 15, 1924 as well.

In 1936, as an exchange professor, P. C. Chang visited the University of Cambridge and published a book entitled *China at the Crossroads*, which specifically discussed the philosophy of Confucius and Mencius, such as the discourse of Confucius "learning", "morality" and "governance". While speaking of the "morality", he said: "Confucius taught that the man of virtue is the man who can extend his sympathy and understanding to others; the man who is conscious not only of himself but of others; the virtuous man is, every moment, really more than himself"⁸. On January 23, 1946, the United Nations held the opening meeting of the First Session of the Economic and Social Council, General Assembly, in London. As the Chinese chief representative to the Economic and Social Council P. C. Chang gave an important speech entitled "A new loyalty" which quoted the famous words of Mencius: "Subdue people with goodness, people can never be subdued. Nourish people with goodness, the whole world can be subdued"⁹. From the examples cited above, it is not difficult for us to see that P. C. Chang was well versed in traditional Chinese culture and philosophy, and had a profound understanding of the Confucian classics. Combined with his superb control of English language, he was able to give the strong voice of China effectively and integrate Chinese traditional culture into the "Declaration", which in turn made Confucianism adopted in the Declaration produce a profound and lasting impact on the West, the world and the entire human community.

Persisting on the Universality of Human Rights and Solved the Disputes about the Origins of Human Rights

P. C. Chang with regard to the origin of human rights suggested a persuasive solution. As a result, an endless debate was successfully avoided about the origin of human rights from between God and the nature or between Deity and Creator. Humphrey's memoirs described clearly these debates as follows: "The most controversial issue to which the article gave rise was whether it should contain some reference to the Deity. At the second session of the Human Rights Commission,

⁸Chang, Peng-chun. 1936. *China at the Crossroads*. London: Evans Brothers Ltd. Montague House. P.46.

⁹Chang, Pengchun. 1946. A new loyalty. In Ruth, H. C. and Sze-Chuh, Cheng (eds.). 1995. *Peng Chun Chang 1892—1957: Biography & Collected Works*. Privately published. P.150.

and again at the second session of the Drafting Committee, Malik had unsuccessfully tried to bring a reference to the Creator into the article on the family. Now it was the Brazilian delegation which wanted Article 1 to say that human beings are created in the image of God¹⁰.

However, the representative of Belgium believed "Brazil's contestation of the phrase was evidence that it might be ambiguous and thus lead to long philosophical arguments and amendments of a particularly delicate character"¹¹. Deletion of the wording was proposed by representative of Belgium "by nature". The representative of China P. C. Chang agreed to the views of the representative of Belgium, and gave his points of views: "That measure would obviate any theological question, which could not and should not be raised in a declaration designed to be universally applicable"¹². He further pointed out: "While the declaration would no doubt be accepted by a majority vote of Member States, in the field of human rights popular majority should not be forgotten. "The Chinese representative recalled that the population of his country comprised a large segment of humanity. That population had ideas and traditions different from those of the Christian West. Those ideals included good manners, decorum, propriety and consideration for others. Yet although Chinese culture attached the greatest importance to manners as a part of ethics, the Chinese representative would refrain from proposing that mention of them should be made in the declaration"¹³. He hoped that "his colleagues would show equal consideration and withdraw some of the amendments to article 1 which raised metaphysical problems. For Western civilization, too, the time for religious intolerance was over"¹⁴.

Theological amendment was withdrawn at last by the Brazilian representative. In the whole process, it was not difficult for us to see that the Chinese representative P. C. Chang made an outstanding contribution to the solution of the controversies about the origins of human rights by using his eloquence, a deep understanding of Chinese traditional culture and a good command of westerners' thinking styles. To proceed the drafting of the Declaration smoothly P. C. Chang was always ready to have a set of his own solutions to problems.

Advocating the Principle to be Brief and Readily Understandable with Rigorous Structure

P. C. Chang regarding the drafting of the Declaration put forward the principle to be followed that UDHR should be brief and easy for people to understand. He said: "A declaration of human rights should be brief and readily understandable by all. It should be a document for all men everywhere, not merely for lawyers and scholars"¹⁵. At the fifth meeting of the first session of the Drafting Committee, the outline of human rights from the Secretariat was discussed. P. C. Chang adopted the strategy of not limiting the number of the articles. "He emphasized that the number of articles should not be limited at this stage, and that the Committee might, at the first stage, allow itself to err on the side of too many articles rather than too few"¹⁶. While discussing the French representative Cassin's draft at the 8th meeting of this session, P. C.

Chang "felt that there should be not more than twenty articles in the Declaration"¹⁷. Although Professor Cassin agreed with P. C. Chang, he "declared that in his opinion it was incorrect to start with the idea that the Declaration should contain a certain number of Articles it should contain a certain number of ideas and these ideas should determine the number of Articles"¹⁸. However, the Australian representative felt that P. C. Chang's proposal was a practical one. From the whole drafting process, we can see clearly that P. C. Chang consistently insisted on the standard: brief and readily understandable. Just because of his consistency, he emphasized at the 103rd meeting of the Third Committee that "it would be best if the declaration were limited to ten articles, but, if that were not possible, it should at least be limited to the twenty-eight articles which composed the draft under consideration"¹⁹.

At Third Committee 103rd meeting, P. C. Chang gave a brief review of the process of drafting of the Declaration, and gave the overall evaluation of the text. Then he studied and analyzed the logic structure of the Declaration as a whole, expressing views of a strategically advantageous position with an authoritative and persuasive theoretical framework. He believed the first three articles of the Universal Declaration of Human Rights "expressed the three main ideas of 18th century philosophy; article 1 expressed the idea of fraternity, article 2 that of equality, and article 3 that of liberty. ... Article 3 set forth a basic principle, which was then defined and clarified in the nine following articles. ... In that series of articles the idea of liberty was gradually and progressively enlarged; it was applied first to the individual, then to the family, and finally to the country. That series of articles therefore served to develop and clarify the idea of liberty. Article 13 to 20 dealt individually with the various social institutions. ... Article 20 set forth the idea of social security and that idea was defined and developed in articles 21 to 25. The structure of the draft declaration was, therefore, perfectly clear and logical"²⁰.

On the basis of the analysis of the logic structure as a whole, P. C. Chang thought "that the draft declaration should be left as it was, since it possessed the qualities of logic, clarity and brevity, qualities which were indispensable if the declaration was to prove effective"²¹. P. C. Chang was the only one member in the Drafting Committee who gave the overall analysis of the logical structure of the Declaration. His analysis of the first three articles of the Declaration made the French representative Cassin inspired greatly.

Many delegates (including representatives from Cuba, Guatemala, Netherlands, Venezuela, New Zealand and other countries) had advocated transfer of Article 1 to the preamble. The representative of Belgium was the first to speak against transfer. P. C. Chang "felt that article 1 of the declaration should remain where it was, and that the two sentences which made up that article should not be separated. A happy balance was struck by the broad statement of rights in the first sentence and the implication of duties in the second"²².

The representatives from Norway, Australia, Bolivia, Mexico, and even the French representative Cassin thought that article 1 should not be transferred to the preamble, so as not to undermine the overall conception of the Declaration. The proposal of transferring article 1 to the preamble was rejected by roll-call vote, 26 votes against and 10

¹⁰Humphrey, J. P. 1983. The Memoirs of John P. Humphrey, the First Director of the United Nations Division of Human Rights. *Human Rights Quarterly* 5/4: 387-439. (P.427-428).

¹¹Lindholm, T. Article 1. In Alfredsson, G and A. Eide (eds.), *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague / Boston / London: Martinus Nijhoff Publishers. P.56.

¹²UN Document: GAOR C.3 at page 98.

¹³UN Document: GAOR C.3 at page 98.

¹⁴UN Document: GAOR C.3 at page 98.

¹⁵UN Document: GAOR C.3 at page 48.

¹⁶UN Document: E/CN.4/AC.1/SR.5 at page 4.

¹⁷UN Document: E/CN.4/AC.1/SR.8 at page 6.

¹⁸UN Document: E/CN.4/AC.1/SR.8 at page 7.

¹⁹UN Document: GAOR C.3 at pages 153-154.

²⁰UN Document: GAOR C.3 at page 154.

²¹UN Document: GAOR C.3 at page 154.

²²UN Document: GAOR C.3 at page 98.

abstentions. In addition, while discussing the link between Article 2 and Article 7 (Article 6 then), the representative of Cuba proposed that these two articles should be grouped to avoid useless repetition. This proposal was opposed by P. C. Chang because he believed that Article 2 aimed "at ensuring that everyone, without distinction of any kind, should enjoy all the rights and freedoms set forth in the Declaration"²³, while latter article "aimed at translating that principle into a practical reality by granting everyone protection of the law against discrimination in violation of that Declaration"²⁴. Cassin agreed with what P. C. Chang said. Finally, these two articles were retained, while the Cuban proposal was withdrawn.

In the logic arrangements of all the articles an important role was played by P. C. Chang. He was able to make this contribution, because he, as master of language arts, not only had extraordinary wisdom, but also had run the course of logic at Nankai University²⁵. In fact, he had shown his talent for languages as early as when he attended Clark University. According to the book entitled *Peng Chun Chang 1892—1957: Biography & Collected Works*, when he was only 20 years old P. C. Chang "engaged in many extracurricular activities including serving as the captain of the school's debating team (they won many debates). This experience gave him the skill to choose the proper language in later days"²⁶. In the following years, P. C. Chang wrote, translated, and directed many plays, which made him well-known as a playwright in China, completely showing his great expertise in English language. As recalled by some scholars, "At its third session, the Commission decided, at the request of Chang (China), to move draft article 2 from the position of second article to next to last one, because it was not logical to foresee limitations before mentioning rights"²⁷.

Extraordinary Wisdom and Creatively Breaking Deadlocks and Resolving Conflicts

In the process of drafting the Declaration a great part had been played by P. C. Chang. His presence was very important as he was effectively representative of Asian views from the high-level leaders of the Human Rights Commission. In many conflicts of different ideologies, he played an important role in making the ideological conflicts reach a compromise. He often quoted the humors and common sense to promote dialogue, using a lot of convincing Chinese proverbs. For example, he would caution against mutual blaming between representatives, adding: "Sweep the snow in front of one's door; overlook the frost on others' roof tiles"²⁸.

P. C. Chang was very loyal to the inherent values of Asian cultures, traditions and philosophy in mental activities. Moreover, it was because of his living in the United States for many years, he was fluent in spoken English and proficient in the West way of thinking so that he could more effectively represent the views of China and Asia. Therefore, he was not only an outstanding representative of China, but also let out

a strong voice of Asia among the representatives of the Commission on Human Rights. Lu Jianhua, Wang Jian and Zhao Jun commented: "During the discussion, P. C. Chang always used humorous language to break the deadlocks, promote dialogue, and cite the Chinese sayings to express Chinese understanding of human rights in a timely manner, which formed a mutual interactive relationship between China's views on human rights and the views of that from the representatives of other countries. P. C. Chang made an extremely significant contribution to the final adoption of the Declaration"²⁹.

The principles play a central role in the Declaration as Article 2 of the Declaration is a particularly important one, which embodies the principles of equality and non-discrimination, also expressing the important terms of the principles of human rights in the Declaration. "The non-discrimination clauses throughout the body of human rights law are based on the belief that differential treatment, due to the special features of a person or of the group to which a person belongs, is not in accordance with the principle of equality in rights. Non-discrimination clauses can be general or specific to individual rights, and are seen by some as the single most important provisions in international human rights law"³⁰. This will be equivalent to the Russian word: "sosloviye", but it has no direct English translation, and it is referring to privileges of the feudal classes and usually determined more by birth than property³¹. In the drafting process of the clauses, there was a heated debate about listing the grounds of discrimination, especially when discussing the concept of "status", "property", "birth", there caused serious differences between the representative of Soviet Union and the representative of the United Kingdom. The Soviet member wished to add "social status" after "property". The UK representative wished to delete "property", only leaving the "status", because that would cover everything. Soviet representative opposed the British proposal and insisted on retaining the "property", believing that "rich and poor, should have the same rights".

P. C. Chang, the representative of China who proposed a compromise acceptable to both sides, namely to include "or other" between "property" and "status"³². Therefore, the final draft reads "property, birth or other status". As we have discussed above based on the historical record, the compromising measures proposed by P. C. Chang had not only solved the dispute and resolved different opinions, but also made non-discrimination principle suitable for any situation, which embodied the universal applicability of the principle of equality and non-discrimination. This proposal was opposed by the U. S. delegation because the representative of China, P. C. Chang's proposal to insert "or other" already contained the meaning of this term. Finally, an agreement by the editing committee, which consisted of Prof. Cassin, Mrs. Roosevelt and Mr. Pavlov, that was to include "birth" after "property".

Dominating the Right to Speak in the Drafting Process with Profound Knowledge

John P Humphrey, the first director of the United Nations Division of Human Rights, when he recalled the first session of the Commission

²³UN Document: GAOR C.3 at page128.

²⁴UN Document: GAOR C.3 at page128.

²⁵According to Chen Shengshen's Preface to *Zhang Pengchun's Comments on Education and Dramatics*, "He (Zhang Pengchun) had profound knowledge, running many different courses. One year, he ran a course of logic, I was eager to select the course, but no one knows why it didn't come true, I still feel regretful now." (Chen Shengshen was studying at Nankai University then).

²⁶Ruth, H. C. and Sze-Chuh, Cheng (eds.). 1995. *Peng Chun Chang 1892—1957: Biography & Collected Works*. Privately published. P.23.

²⁷Opsahl, T. and V. Dimitrijevic. Articles 29 and 30. In Alfredsson, G and A. Eide (eds.), *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague / Boston / London: Martinus Nijhoff Publishers. P.635.

²⁸UN Document: GAOR C.3 at page 173.

²⁹Lu Jianping, Wang Jian and Zhao Jun. 2003. Chinese representative P. C. Chang and the Universal Declaration of Human Rights. *Human Rights* 6: 18-24.

³⁰Skogly, S. Article 2. In Alfredsson, G and A. Eide (eds.), *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague / Boston / London: Martinus Nijhoff Publishers. P.75.

³¹Skogly, S. Article 2. In Alfredsson, G and A. Eide (eds.), *The Universal Declaration of Human Rights: A common standard of achievement*. The Hague / Boston / London: Martinus Nijhoff Publishers. P.79.

³²UN Document: E/CN.4/52.

on Human Rights (1947), he commented on P. C. Chang: "He was a master of the art of compromise and, under cover of a quotation from Confucius, would often provide the formula which made it possible for the Commission to escape from some impasse"³³. In addition, in the diary of December 4, 1948, Humphrey commented on P. C. Chang: "In intellectual stature he towers above any other member of the committee"³⁴. From what we have discussed above, P. C. Chang played a very important role in the process of drafting the Declaration.

As early as the, P. C. Chang has proposed a clear idea of the work, which laid a foundation for the preliminary work of the drafting through 2nd meeting of the first session of the Drafting Committee. He maintained that "the discussion should proceed from the concrete to the abstract, that it should start with articles in the Secretariat draft on which all members of the Committee could agree and then go on to consider other articles appearing either in the United Kingdom draft or in a proposal by one of the other members"³⁵. P. C. Chang asked the Committee to keep in mind the historical context of formulating this International Bill of Rights and attain as wide a perspective as possible. In particular, he emphasized that the declaration was not allowed to become "a stale duplication of previous Bills of Rights"³⁶. The last release of the Declaration was considered to be innovative in many ways, such as in the field of morality, political and legal spheres³⁷. Its drafting and successful publication is regarded as the greatest step in the process of world civilization, which is inseparable from the representative of China, P. C. Chang's proposal of the explicit requirements above in the initial drafting stage so that at later general debate of the General Assembly's Third Committee, the representative of Cuba was also particularly grateful to the representative of China because P. C. Chang "had been the first one to give the Committee a clear explanation of the intention which the Commission on Human Rights had had in preparing the draft declaration"³⁸.

Mary Glendon, a famous Professor from Harvard University, specially demonstrated the dominant and leading role played by P. C. Chang and Malik in the general discussion in the Third Committee. And she compares the dominance of the drafting process by P. C. Chang and Malik figuratively to navigation of the shoals, adding: "By most accounts, the two philosopher-diplomats were the intellectual leaders of the Human Rights Commission"³⁹. She not only vividly portrays the important role played by the two main drafters, but also describes the difficult process of all the countries trying to impose influence on the Declaration in the discussion. Besides the eight major countries involved in the specific drafting, there are 10 other member countries of the Human Rights Commission which were less involved in the drafting work. In addition to the 18 countries mentioned above, there were other 40 countries involved in providing advice and participating in the final discussion. Because every country wants to exert influence in the final discussion, the whole discussion progressed slowly at the beginning. Even Eleanor Roosevelt felt impatient, because almost every sentence and every word had to be discussed repeatedly.

³³Humphrey, J. P. 1983. The Memoirs of John P. Humphrey, the First Director of the United Nations Division of Human Rights. *Human Rights Quarterly* 5/4: 387-439.

³⁴Cited in Hobbins, A. J. (ed.). 1994. *On the Edge of Greatness: The Diaries of John Humphrey, First Director of the United Nations Division of Human Rights*. Volume 1. 1948-1949. Montreal: McGill University Libraries. P.88.

³⁵UN Document: E/CN.4/AC.1/SR.2 at page 4.

³⁶UN Document: E/CN.4/AC.1/SR.2 at page 4.

³⁷Eide, A. and G. Alfredsson. 1992. Introduction. In A. Eide et al (eds.), *The Universal Declaration of Human Rights: A commentary*. Scandinavian University Press. P.xxv-xxxv.

³⁸UN Document: GAOR.C.3 at page 163.

³⁹Glendon, M. A. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House. P.145.

P. C. Chang had a broad vision, quick thinking and strong ability to control English language, therefore he had always been ready to give suggestions and proposals for improvements. If comparing many of his proposals with the Declaration finally released, it would be not difficult to see that his proposals were extremely close to the final provisions released, and even some of the terms of the wording had only a one-word difference. Again, at its 178th meeting, the representatives of 33 countries participated in the discussion. There were 55 speeches in total number at this meeting, and the representative of each country had less than two opportunities to speak at average. However, P. C. Chang spoke for five times, occupying 1/11 of all the opportunities to speak, which was 3 times than the average opportunity (1/33). This data once again illustrated that the representative of China, P. C. Chang dominated the discourse in the discussion at that time. This fully demonstrated the Chinese people's wisdom, illustrating the outstanding contributions to the drafting of the Declaration made by the representative of China.

Economic, Social and Cultural Rights Emphasizing and Proposing the Concept of Mutual Tolerance and Harmonious Society

P. C. Chang ever quoted Confucius' thoughts of Great Harmony 2,500 years earlier in the second session of the UN Economic and Social Council on June 4, 1946: "When the Ta Tao or Grand Way prevails, the world is for the welfare of all. Officers are selected because of their virtue and competence. Mutual confidence is promoted and peaceful relations are maintained. People regard not only their own parents as parents, not only their own children as children. Provisions are made for the aged, employment is provided for the able-bodied, and education is afforded to the young. Widows and widowers, orphans and the childless, the deformed and the diseased, are all cared for"⁴⁰. He believed that Confucius even expressed the universal dream of mankind today. He exhorted the President of the Council: "People all over the world are longing for a rising standard of living and, for some of them, a rising standard of living means at present a stay from starvation. The conscience of the world cannot be set at ease unless action is taken towards that goal"⁴¹.

P. C. Chang first brought forward his proposal on the right to education at the 15th meeting of the first session of the Drafting Committee⁴²; later at the 67th meeting⁴³ and the 69th meeting⁴⁴ of the

⁴⁰Peng-chun Chang, "World Significance of Economically 'Low Pressure' Areas," Speech at the Second Session of the Economic and Social Council, June 4, 1946, reprinted in *Peng Chun Chang 1892—1957: Biography and Collected Works*, Ruth H. C and Sze-Chuh Cheng, eds. (privately printed, 1995), 153.

⁴¹Peng-chun Chang, "World Significance of Economically 'Low Pressure' Areas," Speech at the Second Session of the Economic and Social Council, June 4, 1946, reprinted in *Peng Chun Chang 1892—1957: Biography and Collected Works*, Ruth H. C and Sze-Chuh Cheng, eds. (privately printed, 1995), 153. / Glendon, M. A. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House. P.185.

⁴²UN Document: E/CN.4/AC.1/SR.15 at page 4. (P. C. Chang's proposal: "Every one has the right to education. Primary education shall be obligatory and shall be provided by the State or community in which he lives. There shall be equal access to technical, culture and higher education as can be provided by the State or community on the basis of merit and without distinction as to race, sex, language or religion").

⁴³UN Document: E/CN.4/SR.67 at page 16. (P. C. Chang's proposal: 1. Everyone has the right to education, including free fundamental education and equal access on the basis of merit to higher education. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms).

⁴⁴UN Document: E/CN.4/SR.69 at page 9. (P. C. Chang's proposal: Education shall be directed to the full development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the promotion of international goodwill.

third session of the Human Rights Commission P. C. Chang brought up two proposals concerning the wordings of the content; he also gave the proposal concerning Item 2 of the educational right at the 131st meeting⁴⁵ of the great debate of the General Assembly's Third Committee; and giving suggestions on the third sentence of Item 1 at the 177th meeting. Because of P. C. Chang's profound understanding and appreciation of education, his proposed changes to the right to education had been adopted and accepted with which the final version is almost identical⁴⁶. The right to education lies in the core of social and cultural rights and remains the focus of the national protection of human rights, thus having a considerable importance to the prescriptive meaning of the article. The clarity and comprehensiveness of the article is incomparable by others, which is inseparable from the outstanding contribution of the Chinese representative, P. C. Chang as an educator.

When discussing the implementation of the Bill of Rights at the 11th meeting of the first session of the Drafting Committee, P. C. Chang thought that the work of the Commission on Human Rights should not be confined to the punishment for violation of the Bill of Rights, but take a step further. He believed that if the Commission on Human Rights only functioned as a dispute settlement Council or a court of the General Assembly it would be deviated, for it would reduce the Commission in charge of the legal issues on human rights. In illustration of his point of view, P. C. Chang quoted two Chinese proverbs which he translated as follows: "Good intentions alone are not sufficient for political order," and "Laws alone are not sufficient to bring about results by themselves"⁴⁷. He further explained these famous Chinese proverbs: "The intention and goal should be to build up better human beings, and not merely to punish those who violate human rights, he maintained. Rights must be protected by law, but laws are necessary also to promote the best in men. They should emphasize the promotion of the extension and refinement of human rights through education and moral means. Implementation does not only mean punishment, but also measures for the full development of man"⁴⁸. This is in line with tolerance, patience and the spirit of compromise that P. C. Chang repeatedly advocated during the discussion—that is, human beings, as a member of a large family, should adopt a broad mind, and there will be no peace in the whole world without tolerance. As the moral principle, it not only possesses a remarkable historical significance, but even for today, this proposal serves a behavioral guideline for social relations, national governance and international interactions.

Through comparative study, it is found that P. C. Chang's employing Mencius' philosophy in the discussion of implementation of the Bill of Rights depended on his mastery and grasp of Confucianism. The Mencius' famous words were quoted in the report [6] by P. C. Chang at Tsinghua School as early as on November 15, 1923. At that period of time, he fused the philosophy into Tsinghua's new curriculum. In fact, the thoughts of Mencius contains a wealth of human rights ideas, such as his "The people are the most important element in a nation; the spirits of the land and grain are the next; the sovereign is the lightest [7]". In the late 19th century, highly recommended by Western scholars, Mencius concepts had been translated into English and published in Oxford⁴⁹. At

the 91st meeting of the Third Committee of the General Assembly, he pointed out that when the progressive ideas concerning human rights had been first brought forward in Europe in the 18th century while humanism was used as a weapon to revolt against feudalism by French philosophers, which was inspired by Chinese philosophy⁵⁰. Just on the day before the *Declaration* was released, P. C. Chang again stressed at the 182nd meeting of the UN General Assembly that "Chinese thought had not been without influence on the evolution of those ideas in the western world"⁵¹.

In addition, the concept of "harmonious society" had been included in the speech made by P. C. Chang at the 182nd meeting of the General Assembly on December 10, 1948 when he said: "If harmony was to be maintained in the human community and humanity itself was to be saved, everyone had to accept, in a spirit of sincere tolerance, the different view and beliefs of his fellow men"⁵². In his point of view, there is a deep bond between harmony of human society and the protection of human rights, which originated from Confucius' concept—"In carrying out the rites it is harmony that is prized"⁵³. Confucianism regards "harmony is prized" as a basic principle guiding in social relations and national governance in Chinese traditional culture.

P. C. Chang's concept provided a strong historical voice on international human rights protection, which will promote the core values of "harmonious society" today, and at the same time it will help reinforce a "harmonious world" proposed by China as a norm of international exchanges, as well as a moral force. P. C. Chang considered and discussed human rights protection from the perspective of a harmonious society, and advocated the tolerance spirit when encountering with different views and beliefs, which showed again his in-depth insight and foresight into human rights and social issues. Thus, the "harmonious world" concept has not only become China's major voice and its moral value in foreign relations and exchanges but also contributed theoretically to the protection of human rights worldwide.

Philosophical Perspective and Expounding Chinese Views on Human Rights to the World

In the 100th meeting of the Third Committee, General Assembly, the Cuban representative suggested that the two articles be combined into one, for the fusion of the two articles could avoid unnecessary repetition which was strongly opposed by Chinese representative P. C. Chang who believed that "Article 2 did, in fact, aim at ensuring that everyone, without distinction of any kind, should enjoy all the rights and freedoms set forth in the declaration"⁵⁴. But "Article 6 aimed at translating that principle into a practical reality by granting everyone's protection of the law against discrimination in violation of that declaration"⁵⁵. He further pointed out: "The Chinese delegation could not, however, stress too much the importance which the fight against discrimination of any kind had for vast sections of the world's population. It was essential for those peoples that they should not only be protected within their national legislation against discrimination, but that the principle of equality in respect of all the fundamental

⁴⁵UN Document: GAOR C.3 at page 462. (2. Everyone has the right of free and equal access to public service of their country).

⁴⁶UN Document: GAOR C.3 at page 868. (P. C. Chang's proposal: Elementary education shall be compulsory; technical and professional education shall be made generally available; and higher education shall be equally accessible to all on the basis of merit.

⁴⁷UN Document: E/CN.4/AC.1/SR.11 at pages 10-11.

⁴⁸UN Document: E/CN.4/AC.1/SR.11 at pages 10-11.

⁴⁹"The Works of Mencius, Tsin-sin". *The Four Books*. Trans. James Legge. Oxford. 1892. P.483.

⁵⁰UN Document: GAOR C.3 at page 48.

⁵¹UN Document: GAOR C.3 at page 890.

⁵²UN Document: GAOR C.3 at page 895.

⁵³Li, Tianchen. (trans.). 1991. *The Analects of Confucius*. Jinan: Shandong University Press. P.7.

⁵⁴UN Document: GAOR C.3 at page 128.

⁵⁵UN Document: GAOR C.3 at page 128.

freedoms and rights of mankind should be solemnly proclaimed"⁵⁶. Much more discussion about this issue, then P. C. Chang requested the Cuban representative to withdraw his amendment. Both articles remained in the final version as Cuban representative withdrew his amendment.

In 2008, specially-edited memorial articles in American Electronic Journals for the 60th anniversary of the *Declaration* recognize the outstanding contribution of Chinese representatives, taking P. C. Chang, American representative, Chairman of Commission on Human Rights Mrs. Roosevelt, Secretariat Humphrey, Lebanon Representative Malik and French Representative Cassin as the most important drafters and writing biographies for them. The biography for Zhang Pengchun (P. C. Chang) tells outstanding contributions that he made while drafting the *Declaration*. It reads: "Zhang Pengchun (P. C. Chang) was a master of compromise. Relying on his extensive knowledge of Confucian philosophy, the Chinese diplomat facilitated deals at critical moments during the drafting process for the Universal Declaration of Human Rights. Many times, his advice kept the document alive"⁵⁷.

For example, at the 91st meeting of the Third Committee, P. C. Chang pointed out: "Stress should be laid upon the human aspect of human rights. A human being had to be constantly conscious of other men, in whose society he lived. A lengthy process of education was required before men and women realized the full value and obligations of the rights granted to them in the declaration; it was only when that stage had been achieved that those rights could be realized in practice. It was therefore necessary that the declaration should be approved as soon as possible, to serve as a basis and a programme for the humanization of man"⁵⁸. This reflects the idea of *Ren* (仁) — "benevolence" and the function of *Jiao Hua* (教化) — "enlightenment" in Chinese traditional culture. In addition, at the 92nd meeting, P. C. Chang stressed that: "The Chinese representative felt that ethical considerations should play a greater part in the discussion. The question was not purely political. The aim of the United Nations was not to ensure the selfish gains of the individual but to try and increase man's moral stature. It was necessary to proclaim the duties of the individual for it was a consciousness of his duties which enabled man to reach a high moral standard"⁵⁹. This also manifests the concept of *De* (德) — morality in Chinese traditional culture.

Man finds himself fundamentally different from the animal because of the reason and conscience endowed. P. C. Chang also associated Rousseau's understanding of human nature with Mencius' thought, viewing the kindness in human nature, which drives human to care for others, not only for their own interests, but others' as well, as the fundamental characteristics of human is different from the animal. Human rights originate from human dignity, which generates from man's reason and conscience. Human, as being of reason and conscience, thus becomes an integrate part of society, not only pursuing his own interests but also taking responsibilities and obligations. While entitled to respect for and protecting his rights, man shall take responsibilities and obligations. This also showed that the East and West and different cultural traditions shared common understanding on the relationship between rights and obligations—that was, man in nature should be entitled to the natural rights; man in society should share responsibilities and obligations. In the drafting process, P. C.

Chang's explanations on the relationship between human rights and obligations were agreed by the vast majority of other delegates, which could be proofed in the meeting record. Only by realizing this can the mankind shed selfishness and the society beget civilization. Therefore, rights and responsibilities in society will be checked and balanced if and only if adherence to the "benevolence for people" and advocating supreme good to ensure that everyone has reason and conscience.

Conclusion

As we have discussed above, P. C. Chang made many contributions to the drafting of the *Declaration*. "What a giant he seems in contrast with the time-servers [8]". "He never failed to broaden our perspective by his frequent references to the wisdom and philosophy of the Orient and, by a special drafting gift, was able happily to rectify many of our terms [9]". In the drafting process, he sometimes put forward suggestions and proposals to be adopted, and from time to time he asked questions for further discussion or clarification; in the process of resolving controversies, he sometimes gave kind dissuasion and sometimes stated his own philosophical ideas. However, his contributions were not accidental, which were not only due to his own ingenuity, being educated and more sophisticated, and his broad vision, but also depended on his mastery of Chinese and Western ways of thinking, the extraordinary ability to control the English language, especially the Chinese traditional culture with which he was nourished and nurtured.

His style of propensity to use Confucian thought just illustrated his deep understanding of Chinese traditional culture, and also reflected the great influences made by the Chinese traditional culture. "He did not live to see the adoption of subsequent International Covenants on Human Rights, which made the UDHR binding and were part of his solution for enforcing human rights around the world"⁶⁰. However, in the drafting process he had fully demonstrated the kind of attitude and a strategically advantageous position and the ability to ease the work, which played a dominant role in the drafting process, and the great efforts he made were marked down in history, which cannot be denied. It was P. C. Chang's far-sighted vision throughout the drafting process that drew a blueprint and laid a solid foundation for the establishment of the international human rights protection regime. In some sense, what he contributed was the outstanding contribution made by the Chinese civilization, national intelligence and excellent traditional culture.

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⁵⁶UN Document: GAOR C.3 at page 130.

⁵⁷U. S. Department of State. 2008. The Universal Declaration of Human Rights. *eJournal USA* 13/11. (<http://www.america.gov/publications/ejournals.html>)

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