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CHRISTIAN AND CONFUCIAN RAPPROCHEMENT IN THE UDHR DEBATE

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ABSTRACT

This article considers Christian and Confucian civilizational-philosophical perspectives and their encounter in 1947-48 when the Universal Declaration of Human Rights (UDHR) was drafted, debated, and adopted. I focus on the Third Committee's Christian and Confucian civilizational points of view through protagonists such as the Christian delegates of Brazil and the Netherlands, and the Confucian Chinese delegate Peng-chun Chang. This aspect of the debate invokes issues of ontology, epistemology, and ethics that are reflective of different civilizational views, but also includes similarities regarding the philosophical underpinnings of the UDHR—namely, a moral ontological basis for human rights, an epistemic moral dimension of reason and conscience (or heart-mind), a tight correlation of duties and rights, and a social conception of the person. These similarities create a normative moral bridge between two civilizational perspectives.

KEYWORDS

Christian Ethics; Confucian Ethics; P.C. Chang; Comparative Ethics; Universal Declaration of Human Rights; Human Rights and Duties; Moral Conscience; *Ren*

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1. INTRODUCTION

In this brief paper, I want to discuss two civilizational-philosophical perspectives—Christian and Confucian--and their encounter in 1947-48 when the Universal Declaration of Human Rights (UDHR) was drafted, debated, and adopted. Although I have published previously on these two perspectives, I have not explicitly and systematically compared and contrasted them.[1] Thus, I focus my attention here largely on those parts of the debate of the Third Committee explicitly involving the Christian and Confucian civilizational points of view.[2] The principal protagonists in this aspect of the debate were, on the Christian side, the delegates of Brazil and the Netherlands

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[1] See, for example, Sumner B. Twiss, "Theology, Tolerance, and Two Declarations of Human Rights: An Interrogative Comparison" in Frances S. Adeney and Arvind Sharma (eds.), Christianity and Human Rights: Influences and Issues (SUNY Press, 2007), 55; "Confucian Contributions to the Universal Declaration of Human Rights: A Historical and Philosophical Perspective," in Arvind Sharma (ed.), The World's Religions After September 11, Vol. 2: Religion and Human Rights (Praeger/Greenwood, 2009), 153.

[2] The "Third Committee" is shorthand for the Third Social and Humanitarian Committee of the United Nations General Assembly, which met and debated the UDHR draft, September-December 1948, in Paris. The record of its deliberations was published in Official Records of the Third Session of the General Assembly, Part I, Social, Humanitarian, and Cultural Questions, THIRD COMMITTEE, Summary Record of Meetings 21 September—8 December, 1948 with Annexes (United Nations, 1948). It should be noted that this record is a historical summary of the proceedings, not necessarily a precise word-for-word transcription of quotations from speakers. Prior to the debate, the declaration was drafted by a subcommittee of the Commission on Human Rights and then approved by that Commission for forwarding to the Third Committee's Commission on Human Rights and then approved by that Commission for forwarding to the Third Committee as a whole for discussion and action. After the latter's debate, emendation, and vote—article by article (including the preamble)—the draft declaration was then forwarded to the full UN General Assembly for its formal action.

(together with other Latin American countries and their delegates), and, on the Confucian side, the Chinese delegate Peng-chun Chang,[3] who was often supported by other delegates from countries as wide-ranging as India, Chile, the U.S.S.R., the U.K., and the U.S. What is interesting about this dimension of the debate is that it invokes issues of ontology, epistemology, and ethics that are clearly reflective of different civilizational-philosophical views, and yet, in the end, these views can be seen to agree on a number of points about the philosophical basis of the UDHR. In my previous publications on this general topic, I focused on specific articles of the declaration—article by article—but here, rather than focusing on the articles per se, I want to reconstruct the general positions—Christian and Confucian—that appear to be operative. In what follows, I will not cite the names of particular delegates but rather the countries they represent, except for Chang, who was the only Chinese delegate who actively took part in the debate, a fact clearly indicated in the historical summary record of the debate proceedings.

I might begin by noting that the delegates themselves were well aware of the civilizational-philosophical differences that they represented (and, indeed, in many cases, they specifically identified the dominant religious backgrounds of their respective countries). For example, the Saudi delegate "called attention to the fact [from his point of view] that the declaration was based largely on Western patterns of culture, which were frequently at variance with the patterns of culture of Eastern states. That did not mean, however, that the declaration went counter to the latter, even if it did not conform to them".[4] The Chilean delegate, after indicating that his delegation, "shared, in the main, the views of other Latin-American delegations, having been nurtured in the

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[3] P.C. Chang served as China's Chief Delegate at the initial organizational meetings of the UN in London and New York at the conclusion of the Second World War. He was appointed Resident Chief Delegate to the UN Social and Economic Council, serving in that role from 1945 to 1952. In 1947-48, he was a member and Vice-Chairman of the UN Commission on Human Rights, which was chaired by Eleanor Roosevelt, and during that period he also served as a member of the Commission's drafting subcommittee. In 1948, Chang also headed the Chinese delegation to the UN's Geneva Conference on Freedom of Information. For further information about Chang, see footnote 15 below.

[4] *Third Committee*, 49.

same traditions [e.g., Roman Catholicism]," went on to state that "in preparing a declaration… which would meet the frequently divergent views of fifty-eight states, [i]t had been necessary to reconcile the different ideologies… the differences between the economic and social rights recognized by Christian Western civilization and those recognized by the Oriental civilizations".[5] For his part, and strikingly, the Chinese delegate (Chang) introduced an additional moderating tone by claiming that "In the eighteenth century, when progressive ideas with respect to human rights had been first put forward in Europe, translations of Chinese philosophers had been known to and had inspired… thinkers… in their humanistic revolt against feudalistic conceptions" and that "Chinese ideas had been intermingled with European thought and sentiment on human rights at the time when that subject had been first speculated upon in modern Europe".[6]

2. CHRISTIAN PERSPECTIVE

2.1. Illustrative Passages

Having thus set the stage for our inquiry, what exactly was the Christian civilizational position, and how was it argued? Here we need to be aware of some representative claims and interventions in the debate if only to lend confidence that my reconstruction of the general position is plausibly accurate. Brazil, for example, claimed that "In order to safeguard the rights it proclaimed, the declaration… should include, in the preamble, a reference to God as the absolute origin of the rights of man," followed by its specific proposal to amend the second sentence of Article 1 so that it would read, "Created in the image and likeness of God, they [all human beings] are endowed with reason and conscience".[7] Argentina contended that "To say that men were created in the image and

[5] *Third Committee*, 49.

[6] *Third Committee*, 48.

[7] *Third Committee*, 55. This was (and is) the "foundational" article of the UDHR. The text of the article finally adopted reads as follows: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

likeness of God… gave man the inspiration he needed to follow in the paths of peace… guided in its pursuits by evangelical principles. It could properly be said that the Ten Commandments were the first declaration of human rights," and further that "the reference to God… would give to Article 1 [and the declaration as a whole] an element of universality, a breath of the divine".[8] For its part, Bolivia claimed that "the idea of God was not a debatable theological doctrine, but a positive reality… [and therefore] the most realistic basis…[for] the Declaration of Human Rights".[9] Columbia contended that "men were of spiritual origin" and that this irrefutable fact grounded "human equality… at a deeper level"; further, "Western thought would never break away from its high spiritual ideals and adhere to… principles which sought to demolish the soul and destroy idealism".[10]

The Netherlands "affirmed the relation existing between the Creator and man, stated the latter's origin and referred to his destiny"; and, moreover, "to fulfill his destiny, man must comply with the many obligations towards his Creator, his fellow human beings, society…It was precisely in order to enable him to fulfill his obligations that man possessed inherent and inalienable rights".[11] Brazil, in a further intervention, claimed that "The origin of the concept of rights and freedoms was to be found in the conscience" and that "from time immemorial, man had been attempting to set out his thoughts [about such matters] and that effort would not have been made had he not been of divine origin".[12] Furthermore, the Brazilian delegate contended, reference to being created in God's image "would have the effect of relating the declaration to the human conscience and…that was the element which bound people together".[13] And,

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[8] *Third Committee*, 109. In connection with these commandments, the Belgian delegate elsewhere observed that "In dealing with [the] subject [of duties towards his neighbor, his family, or himself], mankind had as yet been unable to improve upon the precept underlying the Ten Commandments: 'Thou shalt love thy neighbor as thyself'" *Third Committee*, 49.

[9] *Third Committee*, 773.

[10] *Third Committee*, 112.

[11] *Third Committee*, 755-757.

[12] *Third Committee*, 766.

[13] *Third Committee*, 766.

for a final example, the Belgian delegate claimed that he "was personally inclined to favor [the Netherlands' position] because it provided the idea of the equality of man with perhaps the only possible ultimate argument and would thus strengthen the declaration," not to mention giving it an appropriate "solemnity".[14] It should be noted that while he personally supported the theological views of the Netherlands delegation, this Belgian delegate did not officially support the inclusion of theological language within the draft declaration.

2.2. Reconstruction

Now, what exactly are we to make of these myriad claims? The first point to observe is that all of these claims are broadly theistic ones that attempt to ground human rights in one way or another in the notion of humans being created by God in his image. There is no reference to specifically Christological beliefs. The second point to observe is that these delegates appear to represent different sorts of Christian traditions; though most of the delegations appear to represent predominantly Catholic countries, it is certainly arguable that Protestant denominations are historically particularly important in the Netherlands. I think if we stand back from these claims—and I have cited only a representative sample—and reflect on them, we can discern a coherent argumentative position that goes somewhat as follows:

(1) Human rights, dignity, and equality require the strongest possible or ultimate grounding.

(2) That grounding is to be found in the notion that God created all persons in his image and likeness.

(3) Being thus created, all humankind equally has a moral nature that includes both inherent obligations (to the Creator, other persons, and society as a whole) and inherent and inalienable rights, which are needed to fulfill those obligations properly.

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[14] *Third Committee*, 760.

(4) These moral obligations and rights are epistemically discernible by means of human conscience and reason, with some of the obligations being specified in the biblical Ten Commandments and the rights being specified in the UDHR itself.

What is interesting about this position is that it has both moral-ontological and moral-epistemic components. What is also interesting about the position is that it coordinates both obligations and rights; indeed, more properly speaking, it claims that human rights are prerequisite for being able to fulfill one's moral obligations. Its advocates clearly think that human beings, universally and equally, have dignity in their ontological moral nature and that this truth can be known by natural means (human reason and conscience), which are part of their created endowment.

3. CONFUCIAN PERSPECTIVE

What might be the Confucian alternative—represented by P.C. Chang—to this position? In reconstructing this alternative perspective, we need to be ever alert to the facts that Chang was a consummate mediator of "difference" and that, although thoroughly steeped and raised in Confucian thought, he was also trained in the West for his higher education and was not beyond slipping into the debate Confucian ideas by employing Western idioms to communicate his points to the other delegates.[15] We have already

[15] Chang was born and raised in Tientsin, China, graduating from Nankai Middle School in 1906 and from Bao-Ding Deng School (high school) in 1910. Supported by the U.S. Boxer Rebellion Indemnity Fund, he attended Clark University (Worcester, Massachusetts), 1910-1913, graduating with a B.A. in just three years. Chang then pursued graduate studies at Columbia University, 1913-1915, taking two masters degrees in 1915, one in philosophy from the Graduate School and the other in education from the College of Education, and in 1922 he completed his Ph.D. in education. He then returned to China and up-graded Tsingshua School (Beijing) to a college in 1923, serving as its Dean until 1926. In 1926, he returned to Nankai, becoming the Principal of Nankai Middle School and simultaneously served as Professor of Philosophy at Nankai University, until 1937. During his career, Chang authored three books—one on Chinese education and two on Chinese history and culture—editing yet another on Chinese culture, writing a number of original plays, and directing numerous play productions in China, the U.S., and Soviet Russia. Chang's governmental and diplomatic career began in 1937, when he was appointed by the Chinese government to pursue anti-Japanese propaganda activities in Europe and America. He was a

seen some hint of this strategy in his claim that, in their early European origins, human rights were shaped by Chinese ideas. Let us now consider some of his other claims, indicating, where appropriate, their Confucian elements.

3.1. ILLUSTRATIVE PASSAGES

At the very outset of the Third Committee's debate, Chang emphasized what he called "the human aspect of human rights," which he elaborated as follows:

> "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… in the declaration; it was only when that stage had been achieved that those rights could be realized in practice…the declaration…[was]…to serve as a basis and a program for the humanization of man".[16]

It is difficult to miss the fact that this passage appears to recapitulate Confucius's idea of moral cultivation as involving "help[ing] others to take their stand in so far as [one] himself wishes to take his stand" and thus becoming humane or humanized.[17] Later, in supporting Article 1, Chang claimed that

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member of the People's Political Council, in 1938-39, and then served successively as an ambassador to Turkey, 1940-42, and Chile, 1942-45, prior to his posts at the UN. For further information about and analysis of Chang's background, including his propensity to use Confucian ideas and texts in other venues earlier to and concurrent with his membership on the Commission on Human Rights, see my article, "Confucian Contributions to the UDHR," cited above. See also Pinghua Sun, Historic Achievement of a Common Standard: Pengchun Chang and the Universal Declaration of Human Rights (Singapore: Springer, 2018), which discusses some of my work on Chang.

[16] *Third Committee*, 48.

[17] The edition of the Analects used is: Confucius, *The Analects.* D.C. Lau (trans.), (Penguin Books, 1979) VI.30.

> "A happy balance was struck by the broad statement of rights in the first sentence and the implication of duties ["acting in the spirit of brotherhood"] in the second…moreover, the various rights [throughout the declaration] would appear more selfish if they were not preceded by the reference to 'a spirit of brotherhood'…Statements of rights and duties should form an integral part of the declaration".[18]

In opposing the insertion of any theological ideas—either directly or by implication—Chang appealed to conscience in the sense of equity when he reminded the other more theologically minded delegates that the Chinese

> "population had ideals 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…[he]…would refrain from proposing that mention of them should be made in the declaration. He hoped that his colleagues would show equal consideration and withdraw some of the amendments…which raised metaphysical problems".[19]

Yet, subsequently, Chang could not help but observe, "to act towards one another in a spirit of brotherhood…was perfectly consistent with the Chinese attitude towards manners and the importance of kindly and considerate treatment of others. It was only when man's social behavior rose to that level that he was truly human".[20] Again, it is difficult to overlook the fact that in these passages Chang is speaking of classical Confucian virtues (e.g., humaneness, propriety), ritual forms (i.e., *li*), and self-cultivation in becoming truly human.

As the debate over the inclusion of theological references in the declaration continued, Chang made the extraordinary proposal that "the basic text of Article 1…would be acceptable if it were understood on the basis of eighteenth century [European] philosophy," and he elaborated as follows:

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[18] *Third Committee*, 98.

[19] *Third Committee*, 98.

[20] *Third Committee*, 99.

> "That philosophy was based on the innate goodness of man. Other schools of thought had said that man's nature was neutral and could be made good or bad, or again that his nature was all bad. The eighteenth century thinkers…had realized that although man was largely animal, there was a part of him which distinguished him from animals. That part was the real man and was good, and that part should therefore be given greater importance. There was no contradiction between the eighteenth century idea of the goodness of man's essential nature and the idea of a soul given to man by God, for the concept of God laid particular stress on the human as opposed to the animal, part of man's nature…[He therefore]…urged that the Committee should not debate the question of the nature of man again and should build on the work of the eighteenth century philosophers…using 'human beings' to refer to the non-animal part of man".[21]

Once again, though he is apparently invoking only the thought of European philosophers here, Chang is clearly referring to the Confucian thought of Mencius to make his case.

Consider, for example, with respect to the preceding passage about theories of human nature, a parallel passage from Mencius:

> "Kao Tzu said, 'There is neither good nor bad in human nature,' but others say, 'Human nature can become good or it can become bad.'…Then there are others who say, 'There are those who are good by nature and there are those who are bad by nature.'…Now you [Mencius] say human nature is good. Does this mean that all the others are mistaken?…[to which Mencius replies] As far as what is genuinely in him is concerned, a man is capable of becoming good…That is what I mean by good. As for his becoming bad, that is not the fault of his native endowment".[22]

Consider also, with respect to the "parts" of man, this illustrative passage from Mencius:

> "The parts of the person differ in value and importance. Never harm the parts of greater importance, for the sake of those of smaller importance…He who nurtures the parts of

[21] *Third Committee*, 113-114.

[22] The edition of Mencius used is: Mencius, *Mencius.* D.C. Lau (trans.), (Penguin Books, 1970) VI.A.6.

> smaller importance is a small man; he who nurtures the parts of greater importance is a great man…A man who cares only about food and drink is despised by others because he takes care of the parts of smaller importance to the detriment of the parts of greater importance".[23]

And, finally, with respect to failing to nurture one's greater or good parts (seeds of virtue and goodness), Mencius had earlier written,

> "If this dissipation happens repeatedly," then a person "will no longer be able to preserve what was originally in him, and when that happens, the man is not far removed from an animal…But can that be what a man is genuinely like? Hence, given the right nourishment there is nothing that will not grow…Confucius said, 'Hold on to it and it will remain'…It is perhaps to the [moral] heart this refers".[24]

I think that these parallel passages from Mencius make it clear that Chang was using the idiom of eighteenth-century European philosophy to articulate what were fundamentally Confucian concepts.

To see how Chang further developed this position, we need to consider his equally extraordinary intervention into the contentious debate over the meaning and implications of the freedom of conscience and religion.[25] My interest here is not in the specifics of the debate itself but rather what Chang said in his own intervention. First, he defended the necessity of protecting freedom of belief, thought, and conscience by

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[23] *Mencius*, VI.A.14.

[24] *Mencius*, VI.A.8.

[25] Here I am referring to the UDHR's Article 18 (numbered Article 16 at the time of the debate), the final text of which reads: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance." The controversy over this article was initiated by the Saudi delegate, who objected to the inclusion of the "freedom to change his religion or belief" for reasons of seeming to encourage activities of proselytism as well as being offensive to certain variants of Islamic belief and practice. This particular controversy eventually carried over to the floor of the UN General Assembly during its formal consideration and adoption of the UDHR.

claiming "the inviolability of that profound part" of human nature.[26] Second, he went on to inform the other delegates about "how the Chinese approached the religious problem".[27] In this approach, Chang claimed that Chinese philosophy "considered man's actions more important than metaphysics," that "the art of living" had priority over religious speculation, and that "the best way for man to testify to [his ultimate beliefs]…was to give proof of an exemplary attitude in this world," which included "pluralistic tolerance manifesting itself in every sphere of thought, conscience and religion" and which was properly based on "benevolence and justice".[28] The latter two values, of course, are the cardinal Confucian virtues of *ren* and *yi*, and it appears significant that Chang singles them out for mention.

3.2. Reconstruction

So, in summary, in his interventions, Chang views rights and obligations as intrinsically co-related in a proper program of humanization; invokes Confucian virtues and rites in counterpoise to theological concepts; uses the language of "man's innate goodness" to distinguish human nature from that of other animals; identifies the cardinal Confucian virtues of benevolence and justice as the basis for the art of living; and posits that conscience and religion constitute a normatively inviolable part of all human beings. It appears, therefore, that, so far, Chang's position can be appropriately formulated as follows:

(1) Inherent in humankind is the potential for moral goodness as represented by the roots or seeds of the virtues of humaneness, justice, propriety, and discernment.

(2) Developing this moral potential requires a sustained program of humanization involving constant awareness of others in one's thought and action.

(3) In order to actualize this program, people must recognize the integral relationship between rights and duties in the art of living.

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[26] *Third Committee*, 398.

[27] *Third Committee*, 398.

[28] *Third Committee*, 398.

The moral ontology of this position should be obvious: our human nature is inherently moral. In order to get at its epistemic aspect, however, I need to invoke another element of Chang's contribution to the UDHR not explicitly discussed in the Third Committee's debate. The historical fact is that Chang was intimately involved in the prior drafting phase of the UDHR, and, in that role, he recommended that the declaration's first article include reference to not only "reason" but also "two-men-mindedness" (his own English translation of *ren*), because in his view human rights and moral duties are discerned by reason in tandem with a basic human capacity for sympathy and compassion that motivates acting in the spirit of brotherhood.[29] At this point, one could plausibly argue that Chang's vision here represents the Mencian notion of the heart-mind, which is a complex moral capacity with affective, conative, and epistemic aspects all combined into one. At the suggestion of two other members of the drafting committee, the term "conscience" was substituted for "two-men-mindedness" (a cumbersome phrase), with the understanding that it represented a moral "knowing-with" (which need not exclude an affective and motivational dimension) common to all human beings. Thus, was the Mencian, or more broadly Confucian, heart-mind embodied in the formulation that "all human beings are endowed with reason and conscience." Although for Confucians, including Chang himself, the heart-mind is more than epistemic, it also performs that function. So, I propose to supplement Chang's position sketched above with:

(4) Humankind's moral potential and the requirements of humanization are known by "reason and conscience" (the heart-mind).

As a consequence of this addendum, then, Chang's full position has both moral ontological and epistemic dimensions.

[29] Although I have discussed this contribution in a number of places, the more extensive one is Sumner B. Twiss, "P. C. Chang, Freedom of Conscience and Religion, and the Declaration of Human Rights," in Arvind Sharma (ed.), The World's Religions after September 11, Vol. 3: The Interfaith Dimension (Praeger: Greenwood, 2009), 175. In this article, I point out that, for Mencius, the virtue of *ren* or humaneness taken alone often symbolized or stood in for the whole heart-mind.

It is likely that some commentators would dispute my reconstruction of Chang's position on the ground that his attempt to insert *ren* into Article 1 was severely undermined by being reinterpreted (even mistranslated) by the terms "conscience" and "spirit of brotherhood." Sinkwan Cheng, for example, pointedly claims that "*ren*…disappeared completely and was replaced by Western concepts" wholly inadequate to the task of true "humanization" (to use Chang's own phrase).[30] Cheng further claims that "the communal foundation of *ren* is immediately distorted by the solitary character of the 'inner voice of conscience' of the Western ethico-political subject" and that "the Western notions of 'conscience' and 'brotherhood' are simply too passive compared to the ethical duties enjoined by *ren*".[31] While I have sympathy for Cheng's contention that *ren* could have been more forcefully and straightforwardly featured by using the Chinese term or the language of "co-humanity," "humaneness," or "compassion," Cheng's views on this matter are apparently not shared by other commentators.

For example, as recently argued by Hans Roth, P. C. Chang was engaged in a project of *bricolage* in the effort to bring together different ethical traditions on a consensus for the humanization of the modern world.[32] And Roth further points out that "the spirit of brotherhood does connote an attitude of kindness and sympathy towards others," while also maintaining that "conscience" is used "to emphasize not merely human beings' cognitive capacity but also their socio-emotional skills and capacity to see things from other people's perspective".[33] Here I would add that the term "conscience" has had many nuances over the centuries, and one used in the 18th century (the Western philosophical period favored by Chang) was the idea of moral sentiment understood as the moral capacity to know the good and to be motivated by

[30] Sinkwan Cheng, "Translation, Power Hierarchy, and the Globalization of the Concept 'Human Rights': Potential Contributions From Confucianism Missed by the UDHR," The Age of Human Rights Journal 4 (June 2015):1; quotations from 9, 24.

[31] Cheng, 24.

[32] Hans Ingvar Roth, P. C. Chang and the Universal Declaration of Human Rights (Philadelphia: University of Pennsylvania Press, 2016; English translation, 2018), 217.

[33] Roth, 211-213.

fellow-feeling and compassion for others, not unlike Mencius's notion of heart-mind connoting a nexus of cognitive, affective, conative, and inclinational aspects. As argued by Roth, Chang therefore had some grounds for accepting the term "conscience"—namely that it "conveys the sense of having been brought up in a manner respectful of other people's welfare" and that "its opposite term is a person entirely lacking in empathy who has no feelings of obligation toward fellow human beings".[34] I think that these grounds apply equally to the language of "spirit of brotherhood" and that Chang's invocation of *ren* and acceptance of such alternative language may be the product of his effort to build normative bridges between moral traditions.

4. CONCLUSION

Clearly, the Christian-Western and the Confucian civilizational differences are profound— for example, there is a Creator God in the former but not in the latter. Nonetheless, it is also important to realize that there are equally profound similarities or at least parallels between the two positions; for example, (1) both propound a moral ontological basis for human rights; (2) both have an epistemic moral dimension of reason and conscience (or heart-mind); and (3) both tightly correlate duties and rights, seeing these categories as integrally related. And, as an implication of this latter point, (4) both appear to subscribe to a social conception of the person, quite unlike the radically autonomous, individualistic, exclusively self-interested, and asocial notion of the person commonly associated with neo-economic liberalism and often falsely ascribed to the UDHR. I need to discuss some of these points in a bit more detail, so as to be properly understood. For example, with reference to suggesting a parallel moral ontological basis for human rights in the two civilizational perspectives, I do not intend to claim that the entire Confucian tradition thus grounds human rights—or even that the concept of human rights is indigenous to it—but only that in Chang's interpretation of the tradition, the notion of human moral nature grounds such rights.

[34] Roth, 213.

With respect to the third and fourth points in particular, considerable clarification is called for. When I speak of the tight correlation of duties and rights, I am referring to something other than the notion that states have obligations to see to it that these rights are satisfied; that is, the delegates—on both civilizational sides—meant something more than this state-centric thesis when it came to discussing human duties and human rights, in light of humankind's moral nature.[35] To provide a sense of this "more," let me cite just two examples from delegates representing, so to speak, the two civilizational perspectives discussed in this paper.

After recalling that "it was especially important to defend the individual against the State"—by ensuring that states fulfill their correlative obligations to respect and defend human rights—the Cuban delegate went on to say,

> "the individual should also be reminded that he was a member of society, and that he must affirm his right to be deemed a human being by clearly recognizing the duties which were corollaries of his rights…the declaration ought to proclaim that idea…That solemn declaration of social solidarity would be a safeguard against…exaggerated individualism which had done so much ill".[36]

A "thick" sense of correlativity of rights and duties is clearly being invoked in order to make the point that persons are inherently social by nature and in that capacity have moral obligations to others within their communities.

For his part, Chang had earlier made a similar point when saying

> "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

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[35] I am indebted to my good colleague, Jonathan Chan (Hong Kong Baptist University), for goading me to clarify this point. I am also grateful to him for his critical comments on other aspects of this essay.

[36] *Third Committee*, 656.

> proclaim the duties of the individual for it was a consciousness of his duties, which enabled man to reach a high moral standard".[37]

Here Chang appears to be making a point similar to that of the Cuban delegate: namely, beyond those state obligations to ensure, protect, and advance human rights, all persons themselves in virtue of their social nature have moral obligations to others that they must fulfill in order to live up to their implicit moral destiny, and, as we have seen, he elsewhere claims that human rights are needed in order for people to fulfill this destiny.

The Third Committee expressly refused to adopt a theistically-grounded moral ontology for the UDHR on the grounds, for example, that doing so would be parochial and ethnocentric, unacceptable to many of the world's peoples and cultures, and border on religious intolerance of contrary views.[38] By the same token, however, in speaking of inherent human dignity, rights, and equality, and in acknowledging the sociality of the person, the Committee arguably came close to adopting a moral ontology, not unlike that of Chang.[39] Moreover, the epistemology of the declaration—contrary to the view that it was no more than a pragmatic agreement on certain norms—also involved a fundamental appeal to, or invocation of, conscientious moral discernment.[40] According to my reconstruction, then, the philosophical basis of the UDHR more closely approximates Chang's Confucian position than the Christian-inspired Western one. Or

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[37] *Third Committee*, 87. Interestingly, immediately after Chang's intervention, the historical record indicates that the Cuban delegate "thanked the Chinese representative for raising the level of the debate by his last intervention…related to the duties of the individual", *Third Committee*, 87.

[38] For further discussion of this refusal and the reason for it, see my "Theology, Tolerance, and Two Declaration," previously cited.

[39] This is my way of interpreting what Johannes Morsink has called the UDHR's "metaphysics of inherence"; see his Inherent Human Rights: Philosophical Roots of the Universal Declaration (University of Pennsylvania Press, 2009), ch. 1, and his earlier The Universal Declaration of Human Rights: Origins, Drafting, and Intent (University of Pennsylvania Press, 1999), ch. 8.

[40] Here I am fundamentally correcting the limited, myopic, and purely "pragmatic interpretation" that I once argued in Sumner B. Twiss, "A Constructive Framework for Discussing Confucianism and Human Rights," in Wm. Theodore de Mary and Tu Weiming (eds.), Confucianism and Human Rights (Columbia University Press, 1998), 27.