

**TRANSLATION, POWER HIERARCHY, AND THE
GLOBALIZATION OF THE CONCEPT “HUMAN RIGHTS”:
POTENTIAL CONTRIBUTIONS FROM CONFUCIANISM
MISSED BY THE UDHR¹**

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Abstract: This essay strikes new paths for investigating the politics of translation and the (non-) universality of the concept of “human rights” by engaging them in a critical dialogue. Part I of my essay argues that a truly universal concept would have available linguistic equivalents in all languages. On this basis, I develop translation into a tool for disproving the claim that the concept *human rights* is universal. An inaccurate claim to universality could be made to look valid, however, if one culture dominates over others, and manages to impose its own concepts and exclude competitors. Part II explores how *human rights*, initially a modern Western concept, became more and more universalized as a result of the global reach of Western political and economic power. I attempt to shed new light on the subject by investigating the role of translation in bringing about the global hegemony of Western legal and political languages and concepts. Since translation always involves a choice of foregrounding one of the two languages and cultures involved, the translator is a power broker who can promote one voice at the expense of the other. My examples for conducting this investigation are the key contributions made by China and the West to the drafting of the UDHR: with *ren* and *rights* representing respectively the West and China’s proposed solutions to crimes against humanity in the immediate aftermath of World War II. While the concept *rights* became increasingly assimilated into the Chinese language along with her repeated defeats by colonial powers (and was already firmly established in the Chinese vocabulary by the time of the drafting of the UDHR), *ren* by contrast has never been included by any Western language and culture.

Keywords: Translation, human rights, UDHR, Confucianism, *ren*, P.C. Chang, Vattel, international law, Opium Wars, Voltaire

Summary: INTRODUCTION; PART I. LINGUISTIC RESISTANCE FROM A NUMBER OF LANGUAGES TO THE MODERN WESTERN CONCEPT “RIGHTS” - TRANSLATION AS A TOOL FOR DISPROVING THE UNIVERSAL CLAIM OF “HUMAN RIGHTS”; PART II. *TRANSLATIO IMPERII* AND *TRANSLATIO STUDII*: COLONIALISM AND THE UNIVERSALIZATION OF “HUMAN RIGHTS” VIA THE POLITICS OF TRANSLATION; CONCLUSION.

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INTRODUCTION

This essay strikes new paths for investigating the politics of translation and the (non-) universality of the concept of “human rights” by engaging them in a critical dialogue. The essay is divided into two parts. Part I begins with my argument that a truly universal concept would have available linguistic equivalents in all languages. On this basis, I develop translation into a tool for disproving the claim that the concept “human rights” is universal. Part II turns from contesting the “*universality*” of “human rights” to analyzing the *universalization* of this concept. An inaccurate claim to universality could be made to look valid if one culture dominates over others, and manages to impose its own concepts and exclude competitors. This section of my paper investigates how “human rights,” initially a modern Western concept, *became* more and more universalized as a result of the global reach of Western political and economic power. I attempt to shed new light on the subject by investigating the role of translation in bringing about the global hegemony of Western legal and political languages and concepts. Since translation always involves a choice of foregrounding one of the two languages and cultures involved, the translator is a power broker who can promote one voice at the expense of the other. My examples for conducting this investigation are the key contributions made by China and the West to the drafting of the UDHR: with “rights” and *ren* representing respectively the West and China’s proposed solutions to crimes against humanity in the immediate aftermath of World War II. While the concept “rights” became increasingly assimilated into the Chinese language along with her repeated defeats by colonial powers -- and was already firmly established in the Chinese vocabulary by the time of the drafting of the UDHR -- *ren* by contrast has never been included by any Western language and culture. My essay contrasts the assimilation of “rights” into Confucian cultures to the continuing resistance of Western languages to *ren*. That contrast allows me to trace the power differentials between the East and the West from the late nineteenth to the twentieth century.

PART I. LINGUISTIC RESISTANCE FROM A NUMBER OF LANGUAGES TO THE MODERN WESTERN CONCEPT “RIGHTS” - TRANSLATION AS A TOOL FOR DISPROVING THE UNIVERSAL CLAIM OF “HUMAN RIGHTS”

The more universal a concept, the more readily one should be able to find linguistic equivalents in all languages. A concept which is truly universal would have a corresponding term available in every language. The concept of “rights” could not be universal because a number of Chinese and Japanese scholars encountered tremendous difficulties translating “rights” into their national languages in the nineteenth century. Nor could linguistic equivalents for the liberal notion of “rights” be found in a variety of classical languages – from classical Greek, Latin, Hebrew, and Arabic to Old English. The claim that “human rights” is universal does not seem to be able to survive the test of its

translatability into a number of pre-modern languages – that is, languages before the global reach of capitalism and imperialism. As I will demonstrate in Part II, the ubiquitousness of the concept of human rights in the global age is more the product of *translatio imperii* than an indication that the concept is “intrinsic to human imagination and understanding.”³

As late as 1948, “rights” came across to the Chinese as a selfish concept, grounded as “rights” are in the protection of the self(-interest) and the sense of “what others owe me.”⁴ Although P.C. Chang – the Chinese representative in the drafting of the UDHR – was too polite to voice this explicitly, his speeches from time to time suggest such a non-Western unease with “rights.” In the discussion of the UDHR on October 6, 1948, he publicly stated that “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” (Chang 208; my italics). On October 7, he again observed that “The various rights would appear more *selfish* if they were not preceded by the reference to ‘a spirit of brotherhood.’ Similar reasoning applied to article 27 [the present article 29], which contained a statement of duties” (Chang 209; my italics).

To prove that “rights” did not exist within the Chinese social imaginary prior to the late 19th century, and that the concept entered the Chinese *Weltanschauung* only as a result of Western colonialism, let me analyze two key Chinese translations of “rights” and their reception history.

I.1. Chinese Reception History of “Rights”: The Two Key Chinese Translations

There are two key Chinese translations of “rights”: Yuan Dehui’s *li* (理) and W.P.A. Martin’s *quanli* (權利).

I.1.1. The First Key Chinese Translation

Among the many translations of Emer de Vattel’s *Le droit des gens*, the one with the most profound historical consequence for China and the world is perhaps the version by

³ See Sinkwan Cheng, “Confucius, Aristotle, and a New ‘Right’ to Connect China to Europe.”

⁴ “Rights” has no universal acceptance even in the modern West. The self-regardedness of “rights” certainly does not find a very sympathetic audience among the communitarians. Charles Taylor, for example, refers to “a long tradition in the West warning against pure rights talk outside a context in which the political community has a strong positive value. This ‘communitarian’ theorizing has taken on a new urgency today because of the experience of conflict and alienation and the fraying of solidarity in many Western democracies” (106).

Yuan Dehui (袁德輝) which he produced when serving as assistant to Lin Zexu (林則徐), the Viceroy of Guangdong and Guangxi who ordered British contraband opium to be burned in 1839.⁵ Prior to the final military confrontations, Lin Zexu studied Peter Parker and Yuan Dehui’s translations of *Le droit des gens* by Vattel. Parker’s translation being quite incomprehensible, Lin turned to Yuan for another rendition. Yuan translated “rights” as 理 (“the reasonable”).⁶ The resistance of the traditional Chinese language and culture to recognizing the protection of self-interest as a political virtue, combined with Yuan’s attempts to preserve the positive connotations assigned by the West to the concept, resulted in Yuan’s rendition of the Western concept “rights” as “reasonable” and his downplaying “rights” as referring to individual entitlements.

The lack of a Chinese equivalent for “rights” in the nineteenth century and before resulted in a translation that led China decide to take a strong stance against the British regarding opium – convinced as the country was during this period that her position would be supported even by Europe’s “international law.” It would not be an exaggeration to *trace the First Opium War back to the clashes between two civilizations’ understanding of the notion of “rights” – more accurately put, the clashes between the Western notion of rights and the struggle of China to understand that foreign concept – materialized as the clashes between the British perception of its “right” to free trade,⁷ versus the Chinese understanding of what ought to be “the code of reasonable conduct” governing operations in the international community.*

Peter Parker,⁸ the first person commissioned by Lin to translate Vattel, had likewise ill success with finding a Chinese equivalent for “rights.” He was compelled to reformulate “right” as “desire” or “wish to” (欲). The expression “*nature gives men a right to employ force*” was translated by Parker as “*all human beings by nature desire to fight* (人人皆欲

⁵ Yuan Dehui worked for several years as an imperial interpreter and translator of Western languages for the Court of Tributary Affairs (理藩院). He studied Latin at the Roman Catholic School in Penang and at the Anglo-Chinese College (英華書院) in Malacca. In 1839, Yuan became Lin Zexu’s assistant in charge of foreign affairs.

⁶ “The reasonable” is far from being an adequate translation for *li*. *Li* infuses the universe and governs all beings in the cosmos (not just human beings). As such, it is associated with the cosmic order (*dao*). This sense is especially strong in literary Chinese—that is, the kind of Chinese writing in use up till the early twentieth century. A closer but more clumsy rendition of *li* would be “the cosmic principle of rightness” or “the cosmic principle of moral reason.” For the important role of *li vis-à-vis* philosophical and political discussions of reasonableness and legitimacy in Chinese history, see Jin Guantao and Liu Qinfeng, 11-69. See also Stephen Angle’s “Neo-Confucianism” for an annotated bibliography of several scholarly examinations and various English translations of this concept.

⁷ See Sinkwan Cheng, “Confucius, Aristotle, and a New ‘Right’ to Connect China to Europe.”

⁸ Peter Parker (1804-1888) was the first full-time Protestant medical missionary to China.

戰),”⁹ “for the preservation of their rights” as “wishing to secure themselves and protect their property (欲自保其身自護其地).” It is significant that Parker felt pressured to translate “rights” as “desire” or “wish”, because rights is always tied to self-assertion which ultimately is associated with the instinct for self-preservation, before which all other concerns have to give way, as was already made evident by the arguments of Hobbes and Locke.

I.1.2. The Second Key Translation

If Yuan’s translation was key in the impact it made on Chinese and world history, the translation produced by the American Presbyterian missionary W. A. P. Martin was key in that it eventually became embraced as the standard rendition for “rights” in both Chinese and Japanese. In his translation of Henry Wheaton’s *Elements of International Law* – published as *Wanguo gongfa* 萬國公法) in 1864 – Martin consistently used *quanli* (權利) or its abbreviation *quan* (權) to translate “rights.”

Quanli (權利) in Chinese means “power and profit/interest.” What’s worth noting is that both Peter Parker and W. A. P. Martin – missionaries from America – did not find anything wrong with the self-regardedness of “rights,” evident in how this self-orientation is well preserved in Parker’s translation of “rights” as *yu* (desire) and Martin’s rendition *quanli* (power and profit/interest). This did not just have to do with individual rights being enshrined as part of the founding spirit of America. The association of rights (in the sense of entitlement)¹⁰ with power and profit could also be traced back to discussions among medieval theologians and jurists of property (*dominia*) and a range of related concepts such as *facultas* and *potestas* – an association that must have been familiar to both missionaries.¹¹ Furthermore, ever since the subjective meaning of “rights” started to gain momentum around the time of the Spanish expansions of trade and territories in the 16th century, the protection of self-interest became increasingly sanctified and even moralized.¹²

⁹ All translations from Chinese texts are mine.

¹⁰ “Right as entitlement” is known as “subjective right,” in contrast to “right as rectitude” or “objective right.” The terms “subjective right” and “objective right” have become especially popular since the late 1970s scholarship on the medieval natural law tradition. See Martti Koskenniemi’s “Rights, History, Critique,” Annabel Brett’s *Liberty, Right and Nature*, Richard Tuck’s *Natural Rights Theories*, Brian Tierney’s *The Idea of Natural Rights*, and Sinkwan Cheng’s “Confucius, Aristotle, and a New ‘Right’ to Connect China to Europe.”

¹¹ The original semantics of subjective right has been missed by existing scholarship on Martin’s rendition. *Quanli* has been repeatedly taken to be a “mistranslation” by all publications I have read in East Asian Studies, Law, Politics, and Philosophy.

¹² François Suarez, for example, declares *ius* as “a kind of moral power [*facultas*] which every man has, either over his own property or with respect to that which is due to him” (*De legibus*, I, ii, 5).

By contrast, self-interest was anything but a virtue according to pre-modern Chinese ethics and politics. In contrast to *duty which concerns what I owe others, rights pertain to what others owe me*. Confucian ethics and politics center on duty and not rights, and Yuan had to empty his rendition of connotations of self-regardness in order to preserve the positive overtone of “rights” in the West. Lin Zexu himself adopted the term *li* in his letter to Queen Victoria urging her to help stop the British contraband opium trade in China. However, the Opium Wars proved the British’s “right to free trade” to be anything but *li* – that is, anything but “reasonable.” Not surprisingly then, neither the concept “right” nor Yuan’s Confucianized translation caught on in the Chinese imagination.

It took about six decades after Yuan’s translation for the term “rights” to make an appearance in Chinese dictionaries, and when it finally did, it was Martin’s rather than Yuan’s rendition that got adopted by the Chinese. That the Chinese should understand the Western notion of “right” as Martin’s “power and interest” rather than Yuan’s “reasonable” was perhaps no accident, given that the West blasted its way into China with its “right to free trade.” The Chinese’s understanding of Western right as might was further reinforced by the introduction of social Darwinism into China and influences from Japan that embraced Martin’s translation more readily than China. China eventually adopted the concept “right” not because it was regarded as a universal moral truth like *li*, but because it was seen as an instrument to defend China’s “power and interest” in the age of high imperialism where only the strong seemed to stand a chance to “survive.”

Martin’s translation of Wheaton was first published in 1864. But only a few dictionaries of the Chinese language published before 1903 include entries on “rights”/*quanli*. By contrast, “all dictionaries published after 1908 include the ‘rights’ lexicon” (Svarverud 141-42).¹³ The sudden popularity of the term no doubt had to do with the Chinese’s fascination with Japan’s victory in the Russo-Japanese War (1904-05). This was the first major Asian military victory over a European power in the modern era – all the more inspiring for the Chinese was that Japan, which was forced into signing different unequal treaties with Western powers as late as the 1850s, could emerge as the victor after its aggressive Westernization programs – that is, after Japan’s adoption of Western law and politics in addition to Western technologies.¹⁴ China and Japan having both suffered under

¹³ Svarverud points out one exception -- the *Vocabulary and Handbook of the Chinese Language*, edited by Justus Doolittle and published in two volumes in 1872–1873: “Doolittle had the translator W. A. P. Martin write a section on political and legal terms in Chinese, and Martin naturally included his own terminological innovations on ‘rights’ which were apparently still not current in the Chinese common language” (142).

¹⁴ China’s enthusiastic embrace of the Japanese model of modernization in this period was part and parcel of the particular stage in the evolution in China’s attitude toward Westernization. China’s modernization did not begin by embracing both Western political ideas and Western technologies. During the *Self-Strengthening Movement* (洋務運動 or 自強運動, 1861–1895), scholars and government officials such as Feng Guifen (馮桂芬), Xue Fucheng (薛福成), and Zhang Zidong (張之洞) advocated adopting Western

Western imperialism, it is not surprising that the Chinese upheld Japan's modernization program as the model to emulate. Following Japan, China began to adopt not just Western technologies but also Western social and political ideas. It was in such cultural and political climates that China opened up to *quanli* – Martin's Chinese translation having already been adopted by Japan before its triumph in "the first great war of the 20th century."

It is worth noting, however, that when the concept "rights" was finally embraced by the Chinese, it was not associated with civil liberties, nor was it understood as a universal principle with moral overtones as projected by the modern West. Rather, the concept was grasped primarily as an instrument to save China from subjugation. As Wang Gungwu, Nie Jiangqiang, and a number of scholars have pointed out, the term "rights" was mainly comprehended by the Chinese at this time in the collective sense – as first and foremost the rights of the Chinese nation rather than individual rights.¹⁵ Wang remarks that "in the use of *ch'üan* [*quan*] in *min-ch'üan* [*minquan*] (people's rights), this generation of writers gave emphasis to the political power due to the people, their share in determining the destiny of China, their role, in fact, in *saving China*. Thus, although they used *min-ch'üan* [*minquan*] to translate democracy, there was little hint of civil liberties in the word that would link people's rights with the idea of natural or legal rights so prominent in Western usage" (180; my italics).

That the Chinese did not perceive "right" as a universal moral principle is evident from their gravitating toward *quanli* (power and interest) rather than *li* (the reasonable/in accordance with the cosmic principle of moral reason) as the Chinese rendition for "rights." It is well-known that *quan* was used by the Chinese legalists to refer to "the standards fixed by the ruler alone" (*Shang* 24; *Duyvendak* 260). Far from being universally available, the power associated with *quan* "has to be grasped." As Wang Gungwu correctly points out,

technologies while maintaining traditional Chinese social and political structures. This principle, first proposed by Feng in 1861, was most famously summed up by Zhang's 1898 formula "Chinese learning as the guiding principle (*ti*); Western learning for practical utility (*yong*) (中學為體, 西學為用)" ("On the Necessity to Study Hard (勸學篇)"). Ever since China's defeat by France in Indo-China in 1885, more and more literati realized that changes more fundamental than those of the Self-Strengthening Movement would be necessary to save China, and that China needed to adopt Western infrastructures -- such as a new governmental structure, educational system, and improved commerce -- in order to support scientific and technological development. This was the Westernization program championed during the Hundred-Day Reform which lasted from June 11 to September 21, 1898. The failure of this reform was soon to be succeeded by the New Culture Movement (1915-1921) which called for a wholesale rejection of traditional values and the regeneration of China through adopting practices associated with Western civilization, especially democracy and science. The assimilation of *quanli* into the Chinese vocabulary started around China's transition from the Hundred-Day Reform to the New Culture Movement. See Sinkwan Cheng, "Translatio Temporis and Translatio Imperii: From 'Wenming versus Civilization' to 'Wenming as Civilization.'"

¹⁵ Wang Gungwu points out that other concepts of group rights also emerged, such as the rights of scholar literati, merchant guilds, local organizations, and extended families (180).

“rights” was embraced in two ways by the Chinese literati at the end of the 19th century. Both, however, converged in eyeing rights as an instrument to help rescue China from subjugation:

There were those like K'ang Yu-wei [Kang Youwei], Liang Ch'i-ch'ao [Liang Qichao] among the reformers in 1898, and Sun Yat-sen and Chang Ping-lin among the revolutionaries before 1911 who were primarily concerned with *China's power to recover its sovereign rights*; and there were many conservative mandarins of the Ch'ing court who shared that concern in their own way. There were others, more philosophically inclined, like Yen Fu [Yan Fu] and T'an Ssu-t'ung [Tan Sitong], who understood something about the importance of individual rights but saw them *ultimately in terms of their contribution towards strengthening China*. Yen Fu, in particular, admired the energy that individualism could generate and wanted to see it harnessed towards collective ends. In other words, for both groups, *rights represented the kind of power and energy China needed*. And because of this, it was easy to see such rights not as universal principles, but as *instruments, as means to a higher end, this end being the regeneration of China*. (179; my italics)

I.2. Japanese Reception of “Rights”

Because “rights” is not compatible with Confucian understanding of virtue, the difficulties of finding a positive linguistic equivalent for “rights” plagued not only the early Chinese but also the early Japanese translators. Although the Japanese adopted Western legal and political ideas much sooner than the Chinese, the reception of the concept was not without resistance even in Japan.

In Japan as it was in China, the translation by Martin rather than the rendition by Yuan eventually won out. “Rights” was first introduced to Japan via Nishi Amane (西周) ’s 1868 Japanese translation of Martin’s *Wan guo gong fa* – that is, Martin’s Chinese translation of Henry Wheaton’s *Elements of International Law*. Nishi also adopted Martin’s 權利 as the Japanese equivalent for “rights.”¹⁶ Nishi’s adoption was put to use in the same year by Dr. M. Tsuda in his *Western Public Law Theory*.

It would, however, take some time before Martin’s coinage would gain wide acceptance in Japan. In fact, Yuan Dehui’s translation of “rights” as “the reasonable” (理), rather than Martin’s rendition, was adopted by influential publications such as Fukuzawa Yukichi 福澤諭吉’s *Conditions in the West* (*Seiyō jijō* 西洋事情; published in 1870). James Hepburn’s *A Japanese and English Dictionary* (first published in 1867) did not

¹⁶ 權利 which has been accepted as the standard translation for “rights” in both China and Japan is pronounced differently in the two languages: as *quanli* in Chinese and *kenri* in Japanese.

include the term *kenri* for 'rights' until its third edition in 1886. Also, early Meiji texts rendered *ri* in *kenri* in two different ways, sometimes as Martin's 權利 and at others as Yuan's 理.

The difficulties of finding linguistic equivalents in pre-modern Chinese and Japanese for “rights” reveal an incommensurability between “rights” and Confucian values. In other words, the concept of “rights” cannot be claimed to be universal.

PART II. *TRANSLATIO IMPERII* AND *TRANSLATIO STUDII*: COLONIALISM AND THE UNIVERSALIZATION OF “HUMAN RIGHTS” VIA THE POLITICS OF TRANSLATION

The resistances encountered by translators when attempting to render “rights” into classical languages both East and West – including classical Greek, Latin, Hebrew, Arabic, Old English, Chinese, and Japanese – prove hasty the claims that “human rights” is universal and that the UDHR has welcomed within its embrace a variety of cultural traditions including Confucianism.

While “rights” had no Eastern counterpart before the second half of the 19th century, the Confucian concept *ren* has no counterpart in Western languages. It is worth noting, however, that a significant divergence started to emerge between the predicaments of “right” and of *ren* on the world stage along with the triumph of Western colonialism. The linguistic resistances of pre-modern Chinese and Japanese to modern Western “rights” broke down after the two countries got defeated by Western colonial powers. By contrast, the Confucian *ren* remains as much an “outsider” to Western languages today as it was in previous centuries, and this despite the claim of the UDHR to be a “Universal Declaration” and its professing to have “included Confucian perspectives” by virtue of the membership of a Chinese representative on its drafting committee.

Translation provides one key to uncovering why *ren* never got accepted into Western languages and cultures despite the aspiration of the UDHR to be universal. *Ren* as proposed by the Chinese representative on the UDHR drafting committee was glossed by his colleagues as “conscience” and “brotherhood”; and when the Declaration was translated into Chinese, *ren* even disappeared completely and was replaced by Western concepts. This part of my essay will begin with the mistranslation by the UDHR committee of the concept *ren* contributed by the Chinese representative. It will highlight the inaccurate claim of the UDHR to universality by revealing *the incommensurability between Chinese and Western ethics and politics at the very founding moment of the Declaration*. It will also uncover the power differential impacting both the drafting and the dissemination of the UDHR, such that in the translation processes, the Chinese voice was drowned out and the Western voice reigned supreme – and this continued even in the Chinese translation of the Declaration targeting Chinese readers. Translation, as an activity of transferring messages from one

culture to another, always involves a choice of allowing which of the two voices to dominate; as such, translation choices are both constituted by, and constitutive of, the power relations between two cultures. Chang’s futile campaign for the inclusion of *ren* in the UDHR is just the tip of an iceberg, but is nonetheless revealing of how translation has been one of the tools contributing to the “globalization” of Western legal languages and concepts in the aftermath of colonialism.

II.1. P.C. Chang’s Proposal of Including *Ren* in the UDHR and the Eventual Exclusion of that Concept through Translation

The Commission of Human Rights held its first session in the UN’s temporary quarters at Lake Success, New York in January, 1947. Eleanor Roosevelt was elected chair, with P.C. Chang (張彭春) – head of the Chinese UN delegation – elected vice chair. Charles Malik representing Lebanon was the rapporteur responsible for summarizing and preparing official reports on the committee’s work. Out of the 58 Member States of the United Nations in 1948, only the following assumed a major role in the drafting of the UDHR: Eleanor Roosevelt (U.S.), Peng Chun Chang (Chinese), René Cassin (French), John Humphrey (Canadian), and Charles Malik (a Western-minded Lebanese).¹⁷ Jacques Maritain, a Frenchman, also played a conspicuous role in the drafting from time to time. Chang, the real minority among the framers,¹⁸ had to repeatedly remind the committee that

¹⁷ I respectfully disagree with Glendon’s description of Malik as the “chief spokesman for the Arab League” (Glendon xx). Despite Malik’s ethnic origin, he constantly upheld Western rather than Arab values, and his arguments were always drawn from the Western tradition, such as his insistence on grounding human rights in Thomism. In a footnote to the entry for October 11, 1948, for example, the editor John Hobbins reports that at a four-person meeting of the officers of the Commission on Human Rights held in February 1947, “[Charles] Malik (Lebanese philosopher and diplomat) believed that the question of rights should be approached through Christian precepts, especially the teachings of St. Thomas Aquinas. Chang argued the necessity of a more universal approach” (Hobbins, vol. 1: 55-56, 58, and 88). John P. Humphrey also noted Malik’s rigid belief in natural law: “Malik ... ‘believed in natural law.’ He thought that ‘his chosen philosophy provided the answers to most, if not all, questions, and his thinking was apt to carry him to rigid conclusions” (23).

Malik was a Greek Orthodox Christian educated at the American Mission School for Boys and the American University of Beirut before studying at Harvard under Alfred North Whitehead and in Freiburg under Martin Heidegger.

¹⁸ Like Malik, P.C. Chang was thoroughly conversant in the Western intellectual tradition, and obtained his doctorate under John Dewey at Columbia University. Unlike Malik, however, Chang had an in-depth knowledge of traditional Chinese music and literature while being very well-versed in Western and Islamic cultures. He was a playwright, musician, educator, and seasoned diplomat. Glendon reports Chang’s openness and willingness to learn from different cultures:

When Chang was called to full-time diplomatic service in the 1940s, he brought to his first ambassadorial posts in Turkey and Chile a genuine curiosity about other societies and an almost missionary zeal to promote understanding of Chinese culture abroad. In 1942, for example, while serving in Turkey, Chang accepted an invitation to Baghdad, Iraq, where he delivered two lectures:

the Declaration was designed to be universally applicable (Glendon 146); as such, other cultural perspectives ought to be respected (Chang 210).

On June 16, 1947, René Cassin presented his draft of Article 1 as “All men, being members of one family are free, possess equal dignity and rights, and shall regard each other as brothers.” It was then revised by the working group to “All men are brothers. Being endowed with reason, they are members of one family. They are free and possess equal dignity and rights.” The insertion “endowed with reason” was the brainchild of Malik, to which Chang proposed adding the Confucian concept of *ren* (which Chang translated as “two-man-mindedness”)¹⁹ to complete Malik’s idea of humanity and to “increase man’s moral stature” (Chang 208) rather than merely protecting the interests of the disengaged individual. “Others approved of Chang’s idea,” noted Angle and Svenssen (208). But the UK representative and the Western-minded Malik insisted on rendering *ren* as “conscience.” The term “brother” already in Cassin’s draft was also referred to as the “equivalent” of *ren*. This way, *ren* got translated away and was replaced by two Western concepts instead.

That Chang should feel increasingly disappointed with the drafting of the UDHR should not come as a surprise. Despite the fact that Chang was praised by many (including Eleanor Roosevelt and John Humphrey) as the “towering intellectual” on the UDHR drafting committee, the most important contribution from Chinese culture on the subject

the first on reciprocal influences and common ground between Chinese and Arabic cultures; the second on the relation between Confucianism and Islam. (133)

Glendon further elaborates on Chang’s true respect for cultures around the world as well as his enthusiasm for encouraging international dialogue and cultural exchange:

Chang played a mediating role time and again throughout the third committee debates in the fall of 1948. The Chinese ambassador to the UN was uniquely suited for his role as explainer of the Declaration to the committee’s diverse membership. Then in his fifties, he had spent much of his adult life trying to make China better understood in the West and familiarizing his own countrymen with ideas from other traditions. As ambassador to Turkey from 1940 to 1942 and to Chile from 1942 to 1945, Chang had developed an interest in Islam and a sympathetic appreciation for the problems of South American countries. A lover of Chinese high culture, he had pioneered in making the riches of Chinese literature and theater accessible to Western audiences. It was scholarly P. C. Chang, not the Disney Corporation, who first introduced Americans to the story of Mu Lan, the brave girl who dressed as a boy, took her aged father’s place in the army, and rose to the highest rank. His English dramatization of the Chinese folk tale, performed at the Cort Theatre on Broadway in 1921 to raise money for famine relief in China, was well reviewed by the *Christian Science Monitor* and *The New York Times*. (147)

¹⁹ Human Rights Commission, Drafting Committee, First Session (E/CN.4/AC.1/SR.8, p.2).

“Two-man-mindedness” is the best English translation I have seen so far for the Confucian concept of *ren*. Note that *ren* is never gendered. But Chang used “man” in accordance with idiomatic English usage of the time in order to avoid clumsy constructions such as “two-human-being-mindedness.”

which Chang tried to introduce was not taken seriously.²⁰ Chang’s proposal of the incorporation of the Confucius concept of *ren* (仁) – the core Chinese idea of humanity and the code governing human interactions – was compromised as “conscience” and “brotherhood” in the Universal Declaration of Human Rights. In fact, even “compromise” is too weak a word. All the Western scholars I have read say that “Chang’s suggestion was accepted” (Glendon 67) when in reality it was trivialized. *Ren* was “translated” (better put, “transformed”) into the Western political concept “conscience” at Malik’s suggestion – a suggestion which Chang had no choice but to accept. Even then, Chang had to negotiate with great efforts before the committee would eventually approve of adding the already compromised expression “and conscience” after Malik’s thoroughly Western formulation “endowed with reason.” The entire Article 1 reads as follows in English: “*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.*” The rejection of Chang’s proposal became even more glaring when the UDHR was translated into Chang’s own language, with *ren* totally displaced by the Western concepts of “conscience” and “brotherhood”: “人人生而自由，在尊嚴和權利上一律平等。他們賦有理性 and 良心，並應以兄弟關係的精神相對待。”

Note that “conscience” and “brotherhood” in both the English and the Chinese versions of the UDHR convey Western rather than Confucian concepts, predicated as these

²⁰ Note that the drafting of the UDHR took place during the Chinese Civil War. P. C. Chang who strongly recommended the Confucian concept of *ren* at the drafting stage of the UDHR was a representative of the Republic of China. A determined opponent of the Communist ideology at the time, Chang was a major ally of the Western liberal world. His political mission was to help accomplish a universal bill of human rights rather than to challenge the idea with a readied mind like the socialist bloc. Nonetheless, as the discussions unfolded, Chang felt increasingly alienated by the process. Glendon repeatedly attributes this to Chang’s failing health and his disappointment with the U.S.’s indifference to the fall of China to Communism, without attending to the frustrations behind Chang’s many disagreements with the committee’s Eurocentric position.

While using Mary Ann Glendon as one of his primary sources, Chu Xiao presents in his dissertation the deeper causes for Chang’s frustrations. Note also that Glendon misses the cultural meanings of some of Chang’s quotations of Chinese classics. For example, she thinks that a certain proverb used by Chang was “addressed” to no one in particular” (151), when it was in fact a criticism directed by Chang at the hegemonic voices of the major powers at the expense of those of the weak. The proverb in question is “Sweep the snow in front of your own door. Overlook the frost on another’s roof tiles.” Chu correctly grasps the negative tone of this proverb and points out the following:

[...] there were usually some hot debates when touching social and economic articles, like the one between western system of social security and the very different ‘Zeka’ system in some Muslim countries. Usually debates of this kind ended without any results. The weak voice of disagreement would soon be neglected by the majority during the voting. This kind of situation was once protested in vain by a representative from a small country that the major powers were reducing “countries of lesser importance” to the role of “worried and helpless spectators to their verbal duels.” *Chang offered some ancient wisdom about this situation of big powers pursuing their own benefit by sacrificing those of the smaller: “Sweep the snow in front of your own door. Overlook the frost on another’s roof tiles.”* (19; my italics)

words are upon *individuals* being “born free and equal” like all others. Cassin even explicitly explained that his text alluded to the three fundamental questions of liberty, equality, and fraternity (Lindholm 44) – that is, the three questions considered fundamental by the French Revolution. As Tore Lindholm concludes, “The addition of ‘and conscience’ is, admittedly, a heavily westernized addition of a fundamental normative notion in Confucian ethics...” Glendon herself felt uneasy about “conscience” and found it to be an “unhappy word choice” (Glendon 67).

II.1.1. Contributions to the Drafting of the UDHR by the Chinese Representative

Chang repeatedly argued for the “humanization of man”²¹ rather than “rights” as the foremost mission of the Declaration. Not surprising. In the concept “human rights,” it is “the human” that is truly universal, unlike “rights” which has no linguistic equivalents in a range of languages. Furthermore, as a country which had lost 10,000,000 to 20,000,000 lives during World War II, the Chinese deeply felt that crimes against humanity were committed not because of the absence of the concept of “rights” in the world, but because the aggressors had lost their humanity (泯沒人性) and their capacity to feel for their victims as human beings.

Chang’s eagerness to draw his colleagues’ attention to the Confucius concept *ren* was not motivated by a desire to impose Chinese values on the world.²² Rather, the first and foremost referent of *ren* is “humanity” *per se* – the truly universal element in “human rights” discourse. Furthermore, from the Chinese experience, all talk about “rights” would be empty and meaningless if people were not “humanized” enough and if they could not

²¹ Chang made this proposal during the discussion of the UDHR at the General Assembly on October 2, 1948. As I will elaborate, Chang took this notion directly from the Confucian idea of *ren* (仁). As explained in n. 19, *ren* (人) is not gendered in Chinese. Chang used “man” to avoid the awkward repetition in favor of idiomatic English usage of the time.

²² In fact, Chang even refrained from imposing upon his colleagues’ attention any idea or practice in Chinese culture that were without particularly universal relevance. He made this clear in his address to the General Assembly on October 7, 1948:

While the declaration would no doubt be accepted by a majority vote of the Member States, in the field of human rights the 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 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, the Chinese representative 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 to article 1 which raised metaphysical problems. For Western civilization, too, the time for religious intolerance was over. (Angle and Svensson 210).

respect each other as human in the first place.²³ In other words, *ren* precedes rights not only *de jure* but also *de facto*. The major powers of the West, by contrast, had tended to abstract away the human which is the truly universal part, in its hypostatization of “rights” – a Western value – as the be-all and end-all of discussions about oppressions or crimes against humanity. Above all, Chang was concerned that, by replacing discussions about the human with rights discourse, the committee missed out on alternative or perhaps even better solutions that other cultures might have to offer concerning issues prompting the drafting of the UDHR. Chang’s pleading was trivialized and compromised by the mistranslation of *ren* by Malik and the British representative — a mistranslation that in reality imposes an alien meaning.²⁴

II.1.2. Confucianism and the Philosophes’ Formulations of Rights Discourse

It is not surprising that in calling for humanizing humanity, P.C. Chang drew extensively from Confucius whose humanism had greatly impressed the philosophes in the Enlightenment, including important founding fathers of rights discourse such as Montesquieu, Voltaire, Rousseau, and Quesnay.²⁵

The Enlightenment philosophes are widely credited for their important contributions to discourse about human and citizen rights. Yet hardly anyone writing on human rights has mentioned how such *important Enlightenment thinkers drew inspiration from Confucianism to formulate their ideas of “rights”* in their struggles against various forms of tyranny — including the tyranny of the church and the tyranny of absolutism. P.C. Chang, the “towering intellectual” on the UDHR drafting committee, tried to highlight this link and the many contributions Confucianism could make to an international document seeking to prevent atrocities against humanity. In the discussion on the UDHR at the General Assembly all October 2, 1948, for instance, Chang pointed out the following:

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

²³ This is the position animating my book manuscript *Translation, Concepts of ‘Right,’ and the Opium Wars: A New Historical Method and a New World History*. I argue for *the primacy of the “human” in “human rights”*: “rights” ought to be at the service of the “human” and not the reverse. I draw attention to *the living human being which has been increasingly trumped by abstract discussions of rights in the modern West*. From the Vietnam War to Iraq, “rights” have been set above the “human” and hence the trivialization of *human lives in defence of “human” rights*. From colonialism to the wars on terror, liberal countries have their shares of human rights violations, not because of their lack of belief in *rights*, but because of their inability to feel for the Other as human. The Other is abstracted away as an idea or an aggregate of stereotypes.

²⁴ I wish to thank Joan Scott for this suggestion.

²⁵ All of these thinkers had paid tribute to Confucius in their writings.

known to and had inspired such thinkers as Voltaire, Quesnay, and Diderot in their humanistic revolt against feudalistic conceptions. 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. (Chang 207)

Due to space limitations, I will only be able to briefly point out Confucius's influence on Voltaire's development of "rights." Voltaire was widely known for his admiration for the rationalistic meritocratic foundation of Confucian politics in contrast to royal absolutism and Christian dogmatism. Take, for instance, Voltaire's fascination with Confucius's "revolutionary"²⁶ substitution of noble character for noble blood as the foundation of authority. *Junzi* (君子), the expression literally meaning "the child of a lord" and was reserved in Zhou Dynasty for aristocrats, was used by Confucius to designate a person of noble character regardless of his birth origin. No less "revolutionary" were Confucius's efforts to champion education for all regardless of birth origin (*Analects* XV, 39).

In *The Orphan of China* and elsewhere, Voltaire expressed admiration for Confucian ethics and discussed his vision of an open-minded Confucian monarch who would guarantee social equality and harmony. Under Voltaire's tutelage, Frederick the Great wrote *Anti-Machiavel*, a point-by-point refutation of *The Prince* based on Confucian ideas of rational and benevolent statesmanship. Frederick's ideal monarch charged with maintaining the well-being of his people was in many ways reminiscent of Confucius's virtuous ruler. The strong Confucian color of the text might have been further reinforced by Voltaire's extensive revision when he took over the manuscript in 1740.²⁷

Confucius's inspirations on Voltaire's development of ideas of "rights" is also evident from the following:

Confucius has no interest in falsehood; he *did not pretend to be prophet*; he claimed no inspiration; *he taught no new religion; he used no delusions*; flattered not the emperor under whom he lived: *he did not even mention him*. (*Philosophical Dictionary*; my italics)

An enlightened rational thinker, Voltaire admired Confucius's secular politics and, above

²⁶ I put "revolutionary" in parenthesis because, while these Confucian ideas and practices might look "revolutionary" to feudal Europe, they were deemed by pre-modern Chinese society to be in keeping with "cosmic reason" even though they went against previous feudal structures. In pre-modern Chinese thoughts, "cosmic reason" prevailed over human law (including the government), which allowed more room than the West at that time for social reform and even for resisting tyranny. For example, as early as Mencius (403-221 B.C.), tyrannicide was regarded as a righteous act serving the well-being of the general populace.

²⁷ A combined edition is available with Voltaire's emendations printed as footnotes.

all, Confucius’s argument for meting out respect and granting offices on the basis of people’s merits rather than superstitions of either a religious or a social-political kind (an example of the latter being the worship of royalties). Confucius did not just bracket religion from politics. He “did not even mention [the emperor],” because for him, authority originates from one’s virtue (德) and abilities (能), and not from raw power. Confucianism sets authority (威望) above power (權力) – one articulation of which being its advocacy of kingly rule²⁸ (*wangdao* 王道) and strong criticism of tyrannical rule (*badao* 霸道). Confucius and his followers contrasted ruling by authority to ruling by power, ruling by right to doing so by might, or – in the language of the Confucians – ruling by kindness and benevolence rather than practising coercion and intimidation.²⁹ Confucius’s idea of *ren*-rule (仁政) enjoined prioritizing the interest of the people rather than that of the ruler, in contrast to ruling by power or ruling in one’s self-interest. Mencius, one of Confucius’s distinguished devotees, famously advocated that “The people matter the most, the ruler little; the country weighs even less (民爲貴，君爲輕，國家次之)” (“On Full Commitment II,” Mencius 《孟子·盡心章句下》). *Confucianism, in other words, emphasizes the well-being of the people as the first duty of their ruler. Putting to good use Confucius’s ideas in his formulation of “rights,” Voltaire argued that the primary duty of a government is to recognize and secure the rights of its people.*

No less important for Voltaire’s formulations of “rights” was Confucius’s idea of ruling with the support and approval of the people. Confucius believed that virtuous rule (rule by authority) would be the only successful way to rule, because in order to stay in power, the ruler depends on the support of his/her own people. Authority, unlike power, has the consent and the recognition of the people who *look up to*³⁰ their leader and follow him/her of their own accord. Coercion would only induce hatred and rebellion, whereas ruling by authority means that one has the support of one’s own people. Mencius further explains the importance of ruling with authority or ruling with the consent of the people: “Subduing others by force goes against their heart and could succeed only when they do not have sufficient strength to resist. Ruling with virtues, by contrast, induce joyful and sincere consent from people’s hearts, an example being Confucius’s seventy disciples who followed him wholeheartedly (以力服人者，非心服也，力不贍也；以德服人者，中心

²⁸ I have also rendered *wangdao* as “magnanimous statesmanship.”

²⁹ Confucianism’s prioritization of authority above power explains why the Chinese are eager to trace their ancestry not to royalties, but to Confucius and other virtuous figures who, through their concrete contributions to society, have truly earned people’s respect.

³⁰ Connotations of “looking toward” and “looking up to” can be easily found in Chinese expressions describing the voluntary following which authority inspires, such as 衆望所歸 (literally meaning “the one whom everybody looks up to”) and 威望 (comprised of two characters, signifying respectively “charismatic” and “the focal point of everyone’s regard”).

悅而誠服也，如七十子之服孔子也)” (“Gongsun Chou I,” *Mencius* 《孟子·公孫丑上》).

II.1.3 What *Ren* Could Have Contributed to the UDHR

“The human” is the central concern of Confucianism. It is not surprising that P.C. Chang repeatedly drew from Confucianism to argue for a UDHR that would truly be of the human, for the human, by the human. Chang firmly believed that a better world for humanity could be achieved not by insisting on rights, but by cultivating *ren* (仁) – by *kindness and compassion arising from an existential and emotional connectedness to other human beings and an understanding of one’s co-humanity*³¹ with one’s fellow human beings. The word *ren* (仁) features a combination of the characters “human being” (人) and *two* (二). The number “two” is figurative rather than literal, suggesting that human beings can become truly human and humane only by cultivating their co-humanity (*ren*) with fellow human beings, and by treating each other with kindness and benevolence.

The existential and emotional connectedness between human beings which blossoms forth as *ren* finds one of its powerful expressions in compassion – one of the many meanings of *ren* – a meaning that is also borne out in the etymology of roughly equivalent Western terms such as “compassion” or *Mitleid* – that is, “suffering together” or suffering the Other’s suffering.³² *The Other’s (well-)being is at stake for my being*,³³ as

³¹ “Co-humanity” is Peter Boodberg’s suggested rendition for *ren* which is also regularly translated as “humanity.”

³² The *Oxford English Dictionary* defines “compassion” as “suffering together with another, participation in suffering; fellow-feeling, sympathy,” evident in its etymology: the conjoining of *com-* (“together with”) with *pati* (“to suffer”).

³³ The key spirit of *ren* – crystallized in the sentiment that “the Other’s (well-)being is at stake for my being” – highlights human beings as existentially and emotionally connected to each other. Note that existentialism does not have to depend on individualism. Existentialist Marxism provides one good example; Catholic existentialism provides another.

A close reading of *ren* – what I undertake to do in this essay – helps to make clear that the real foundation of existentialism is not individualism but “passionate inwardness.” *Ren* carries with it a strong existential impetus, not the least because of Confucianism’s groundedness in *inner feelings, sincerity, honesty, conviction, and commitment* — that is, groundedness in the *heart* (心) and its *commitment to the (well-)being of other human beings as at stake for one’s own being*. Passion has an intentional structure. To be passionate about something requires opening oneself to being moved by another and toward another. Interestingly, Aristotle describes virtues as dependent on cultivating not just the right kind of actions but also the right kind (and degree) of passions. The existentialist subject does not passively await being impressed upon by the world. Rather, through care, the subject actively relates to the world as “that which is *at stake* for me.” The existentialist subject thus *actively* assumes the suffering of the Other as duties emanating from his/her own existence in the world, by experiencing the Other’s pain as at stake for his/her own moral and emotional being.

Mencius admonishes of rulers by reminding them of the practices of some of their virtuous predecessors: “For Yu, his people’s drowning is his own drowning; for Zhi, his people’s hunger is his own hunger. Hence their anguish and desperation.” This Confucian sentiment finds kindred spirit in the Jewish proverb: “The other’s material need is my spiritual need.” The other’s material need concerns my spirituality because, in between choosing my starvation or the Other’s starvation, in between choosing my self-preservation and the preservation of the Other, my moral freedom and my being (as a human being) is at stake. The Other’s material need is thus infinite – not necessarily because the Other’s material need is endless, but that my concern for the Other’s physical need is infinite, as infinite as my spirituality (or, in Confucian terms, the Other’s physical need is as infinite as my humanity).

Of particular importance is how, in contrast to “rights,” *ren* appeals to human sentiment such as compassion. Being connected to each other creates a society in which helping others means helping oneself, and harming others means harming oneself. People who feel *emotionally connected* to each other – who understand their co-humanity with one another – would thus wish to bring others good rather than harm. On this point, Hegel makes the same observation as Confucius and P.C. Chang: where there is love, there is no need for law/rights – the latter a clumsy and ineffective attempt at “damage control” in the absence of love.³⁴ This is the reason why Chang suggested adding *ren* after the phrase “endowed with reason” promoted by Malik as central to the UDHR’s opening declaration about humanity. “Reason” (one popular translation for 理) existed in traditional Chinese thoughts also. But *ren* – that is, kindness, compassion, humaneness – is much more dependent on human sentiment and feelings than reason. Contrary to dominant modern political thoughts in the West, *ren* seeks to move people toward the right by compassion for the sufferings of the concrete Other, instead of relying on abstract reasoning and arguments against infringing on other people’s rights.³⁵

The subjective passion of the existentialist subject, in other words, opens him/her to the world and makes that world concrete and meaningful for his/her existence. Far from cutting the subject off from the world, the existentialist passion makes the world available to the subject in its full concreteness. As I explain in my essay “The Novel and the Burger,” it is this subjective opening to the outside world that allows one to see, and be connected to, the concreteness of the pain of the Other, and to hold fast to it with a subjective certainty and passionate inwardness. Rethinking Kierkegaard via Confucianism, “passionate inwardness” is achieved – one’s own being is authenticated -- when the Other’s suffering and well-being are actively assumed as one’s own. *Ren* is an embedded humanism, not least because of its nature as an (inter-) subjectively swayed sense of morality.

In sum, existentialism can be intersubjective as much as it can be subjective. See my essay “The Novel and the Burger” for a related analysis of how the existential can be fruitfully combined with the social and the political.

³⁴ See Hegel’s *Early Theological Writings*.

³⁵ Note that rights discourse reduces not just the Other but also the “right-bearing subject” to an abstract individual.

While *ren* (仁) is often translated as “humanity” or “benevolence,” note the differences between Confucianian and liberal understanding of “humanity.” Contrary to the liberals, Confucian understanding of humanity is grounded not in the inviolable rights of the individual, but in human beings as always already in relation to others – *existentially and emotionally*. From this arises the Confucian emphasis on duties rather than rights. Confucius ethics and politics speaks only of duties and not rights. *Duty pertains to what I owe others; right concerns what others owe me*. However, the Confucius sense of duty arises from one’s *emotional connections* to others; as such, *one becomes autonomous rather than heteronomous in the performance of duties*. I have duties toward my children, parents, and fellow human beings, because I feel *emotionally connected to* – even identify with – the sufferings of my parents, children, and fellow human beings. The Other’s hunger is my hunger; I would rather I starve than let the Other starve. I sacrifice myself for others not because I am coerced to, but because *I feel for them and so I want to*.³⁶ In a *ren*-based society, duty is not coerced; rather, it comes of one’s own will and love; as such, *the realization of one’s duties is also the realization of one’s own will and one’s own authentic*

Henry Rosemont Jr. explains how in Confucianism “an abstract individual I am not, but rather a particular son, husband, father, grandfather, teacher, student, colleague, neighbor, friend, and more. In all of these roles I am defined in large measure by the other(s) with whom I interact, highly specific personages related to me in one way or another; they are not abstract autonomous individuals either.”

What I wish to add to Rosemont’s observation is that *the concreteness of both oneself and the Other in Confucianism arises not merely from their familial and social relations. Relations externally imposed have no meaning and concreteness*. Confucianism had the power to *move* so many people into ethical actions – incidents easily found in Chinese historical records and the reports of the missionaries -- *first and foremost because of the Confucian emphasis on the heart (心) and the genuine feelings animating such relations – feelings which allows human beings to experience the living human reality of each other*. This is the reason why familial relations are foundational in Confucianism. In love, the Other appears to me in his/her full concreteness -- as a living human being with human feelings and vulnerabilities. Familial affection is thus an effective first step taking one outside oneself to care for another. On that basis, Confucius encourages extending one’s care beyond the family to wider and wider circles, beyond one’s community also, until one loves and cares for the entire humanity as oneself. This final stage — described by Confucius as *Datong* (大同, meaning “the Grand Togetherness of Humanity”) -- is the ultimate manifestation of the true spirit of *ren*, and the true nature and *end (telos)* of humanity. See my “Confucius, Aristotle, and a New ‘Right’ to Connect China to Europe” for a more detailed discussion.

This difference between Rosemont and myself partly explains my insistence on the necessity of taking into account the existentialist dimension of *ren* in order to get at the true spirit and power of Confucianism. See n. 32.

³⁶ In contrast to liberalism, *duty for Confucianism is existential rather than contractual*. One does not “play” one’s roles; one *lives* them (Rosemont). One commits oneself to one’s duties as an emperor, a minister, a parent, a child, . . . , not out of a desire to trade the fulfilment of one’s duties in return for others’, but because if one does not fully commit oneself to one’s duties as an emperor, one is no longer an emperor (君不君); likewise with all other roles one assumes as a human being (“Yan Yuan” XII, *Analec*s 《論語·顏淵第十二》). *Confucian roles and identities, in other words, are not essentialized private properties. They are instead existential, defined by one’s commitments and actions*.

being.³⁷

In societies based on liberal rights that configure people as separated individuals, duty is externally imposed as a necessary evil to which one submits in exchange for the respect of one's rights from others. *Duty in a right-based society thus has a negative and heteronomous ring.* As a result, *people in liberal societies tend to demand rights and shun duties*, as Gandhi and feminists such as Gilligan have elaborate.³⁸ By contrast, in a *ren*-based society, the fulfillment of duty is also the fulfillment of one's emotional inclinations, even the full flowering of one's inner being because duty arises from, and returns to, love.

The *emotional and existential togetherness of two human beings* as designated by *ren* (仁) can be very suggestive for rethinking human rights, including:

- *Ren* teaches that we attain full humanity only in being emotionally and existentially related to other human beings:

Hence in traditional Chinese, a villain – someone unkind to others – is referred to as a “human being in a diminutive form” (小人), meaning that s/he has not realized his/her human capacity (including emotional capacity) and as a result is not quite capable of being kind and humane to others. *Human rights, in other words, rely on our reaching our real human capacity (ren 仁) in the first place –in the sense of being capable of connecting to other human beings existentially and emotionally.*³⁹

On this basis, *ren* could also serve as a preemptive reminder that *unilateral action could easily degenerate into violation of rights because it violates what makes us “human” in the first place.*

³⁷ *Ren* was the backbone of Chinese political philosophy until the mid-twentieth century. Even in the period when China was facing the threat of subjugation, major intellectuals urging reforms and revolutions of Chinese politics by assimilating Western ideas nonetheless insisted on the political merits of *ren* and most continued to make it central to their political thoughts while adopting Western ideas. The political thoughts of Kang Youwei, Tan Sitong, Liang Qichao, and Sun Yat-sen provide just some of the many good examples.

³⁸ Gandhi, for example, observed that in liberal democracy, people "discuss political obligation as if it were a kind of moral tax extracted from us by a coercive government, rather than as an expression of our commitment to uphold and improve the quality of the shared life" (Parekh 19).

³⁹ The drafting process of the Universal Declaration of *Human Rights* could have been more smooth if Chang's colleagues had taken his recommendation of *ren* more seriously. The co-humanity enjoined by *ren* should draw attention to the fact that the protection of human rights itself could only be achieved if different people and countries could *work together in human fellowship* instead of *each insisting on its own right to its own opinion and action.*

In sum, “rights” must be guided by the “human” — not the other way round -- if human rights are to be protected.

- Both parties in *ren* are human beings insofar as they really exist as fully human for each other – insofar as both are recognized by the other as alive with human feelings and vulnerabilities, with neither one side being instrumentalized, objectified, abused, or dehumanized by the other:

Ren does not merely make clear that humanity is possible only when there is more than one human being. By enjoining the co-presence of (at least) two human beings, *ren* teaches that we attain full humanity only in being related to another human being as human. In *ren*, the Other is a living presence and not an abstract idea, least of all an instrument. The “two human beings” in *ren* requires that the relationship is between an “I/Thou” rather than an “I/It.”⁴⁰ For one party to slight,⁴¹ trivialize, or objectify the other (not to mention abusing or dehumanizing the other) would thus necessarily be anti-*ren* or anti-humanity (不仁).⁴² *Ren*, in other words, already includes within it Kant’s injunction that we treat other human beings as an end rather than a means, but with the major difference that the ethical impetus of the former originates from the heart rather than the head, from human beings’ interrelated selves rather than an autonomous self.

Ren depicts human beings as existing in the full living presence of other selves, and that the self acquires reality only insofar as it is genuinely relational. In *ren*, human beings exist for each other, in each other, and through each other not as abstract conceptions, but as ontological realities with an overwhelmingly meaningful presence. As such, *ren* can be regarded as “a human home built from relations of mutual confirmation.”⁴³ Understanding the nature of being human as being

⁴⁰ The full presence of the Other to my being and even in my being in Confucian thought can be fruitfully compared to Martin Buber.

⁴¹ This is the reason for traditional Chinese culture’s strong emphasis on being concerned toward others’ feelings and refraining from causing anyone to “lose face.” To deprive the other’s self-esteem is to deprive the person of his/her humanity (which includes his/her human dignity). And since humanity (仁) is by default a co-humanity (仁), to dehumanize the Other is to dehumanize oneself; as such, it is an act of anti-humanity (不仁).

⁴² It is because of this injunction for us to recognize other human beings as human beings, the coexistence of two human beings (仁) must necessarily mean being compassionate, benevolent, and humane. Otherwise, the coexistence of two people could also produce a Hobbesian scenario of the “war of all against all” — a scenario based on a view of a world befouled by original sin.

⁴³ The co-presencing of two human beings in Buber’s “I/Thou” relationship resonates beautifully the spirit of co-humanity in the Confucian *ren*. The formulation here is appropriated from Sarah Scott’s description of Buber’s philosophy.

interrelated necessarily precludes instrumentalization – all the more so because *ren* requires both sides to be human, so that when one party dehumanizes or objectifies the other, the aggressor automatically becomes dehumanized or objectified also. This explains *ren*'s efficaciousness for preventing aggressions. It is by construing humanity as *two* (rather than *one*) human beings (仁) that *ren* necessarily precludes *destroying another human being – because without the other, one is not human*.

Ren in this way could provide the foundation for realizing a number of aspirations of the UDHR which the latter has failed to accomplish by relying on the many elaborations of abstract notions of “rights.” By “rehumanizing human beings” – by teaching them to treat each other *as human beings* – people would of their own accord refrain from “barbarous acts which have outraged the conscience of mankind” (Preamble), support “rebellion against tyranny and oppression” (Preamble), “promote the development of friendly relations between nations” (Preamble), and “promote social progress and better standards of life in larger freedom” (Preamble), thereby establishing the real “foundation for freedom, justice and peace in the world” (Preamble). *Ren* includes and even goes beyond acting in accordance with “conscience” and “spirit of brotherhood” (Article 1). People abiding by the principle of *ren* would of course respect others’ “life, liberty and security” (Article 3), would not subject others to slavery (Article 4), nor “to torture or to cruel, inhuman or degrading treatment or punishment” (Article 5). A state operating on the principle of *ren* would not subject its people to “arbitrary arrest, detention or exile” (Article 9), and would make sure that they are well provided for (Articles 22 and 25). It would also promote education and provide such opportunities for its citizenry (Article 26). A *ren* society would by default be built on the belief that “everyone has duties to the community in which alone the free and full development of his personality is possible” (Article 29).

- *From the mutual recognition of each other as beings alive with human feelings, human dispositions, and human vulnerabilities arises a human way of existing as concerned beings toward each other – the other’s (well-) being is at stake for my being. Hence the association of ren with compassion, benevolence, etc.*

Given that *ren* arises from human beings’ relations to each other as flesh-and-blood living *human* beings, the attunement to each other as human in his/her full capacity for feelings and vulnerabilities gives rise to compassion and kindness. *Com-compassion*, literally meaning “suffering together,” is the true meaning of human co-existence – that is, the ability to suffer the suffering of the Other. Existence is existence as concerned being toward one another – a *Fürsorge* to the extent that the Other’s (well-)being is at stake for my being. It is *ad alterum* in a radical sense, a real *altruism* that takes one outside oneself toward a *full commitment* to the Other. This commitment Confucius calls *zhong* (忠; a very inadequate translation being

“loyalty”) – a commitment that Confucius urges to be applied not only in one’s relations to the ruler but to all human beings – that is, to the Other.⁴⁴ From this arises the associations of *ren* with compassion, kindness, and benevolence –all of which are necessary but inadequate characterizations of the deeper significance of *ren* that gives Confucian culture the reputation for its humane, nurturing, and wholesome sentiment (富人情味).

II.1.4. The Disappearance of *Ren* from the UDHR via the Politics of Translation

The very essence of *ren* – that human beings can be truly human and humane only in their emotional and existential togetherness – is compromised right from the opening of Article 1. Both the human condition being described by *ren* and its efficaciousness for neutralizing aggressions are being undermined by the liberal assertions of human beings as “born free” with “rights.” According to Confucianism, the moment human beings are born, they owe their existence – both their arrivals on earth and their upbringing – to their parents; as such they owe their family ethical duties. Human beings are born into duties, and not rights – in that their own survival from their inception would have been impossible without the continuous help and support of others. Deeply indebted as they are to others, they are never regarded as in the modern West to be “free” from ties and duties – a “freedom” that makes possible the modern Western move of grounding the individual in “rights.” Far from insisting on one’s rights, the *Analects* advocates “overcoming self-interest to restore civility” (克己復禮).

Ren’s efficaciousness for preventing aggressions is also neutralized by Article 1’s construction of human beings as disengaged individuals “born free” with rights. It is by construing humanity as *two* human beings rather than *one* (仁) that *ren* necessarily precludes destroying another human being – because without the other, one is not human. Needless to say, the injunction of “overcoming self-interest to restore civility” (克己復禮) also helps to displace conflicts over self-interests and rights with peace and civility. In contrast to *ren* which begins with the human *duties two inter-dependent people owe each other*, rights begins with the *independent right-bearing subject*. Rights pertain to what others owe me, and as such easily gives rise to conflicts. By contrast, duty pertains to what I owe others, and its focus is on compassion and benevolence.

Ren’s emphasis on human inter-dependence rather than in-dependence is further twisted by its (mis-)translation as “conscience” and its place in relation to “rights” in

⁴⁴ *Zhong* and *shu* are so central to the realization of *ren* that Confucius’s disciple Zengzhi (曾子) even observes that “The Master’s way can be summed up as *zhong* and *shu*” (夫子之道，忠恕而已矣) (“Residing in *Ren*,” *The Analects* 《論語·里仁》). According to Zhu Xi’s *Annotations* (《朱熹集注》), “*Zhong* refers to a full commitment to others’ well-being, and *shu* the ability to ‘put oneself in another’s place’ (盡己之謂忠，推己之謂恕).”

Article 1. The communal foundation of *ren* is immediately distorted by the solitary character of the “inner voice of conscience” of the Western ethico-political subject. It is telling that, instead of being grounded in duty the way *ren* is, “conscience” is grounded in rights, as is clear from Article 18: “Everyone has the *right* to freedom of thought, *conscience* and religion” (my italics).⁴⁵ Although the “conscience” in Article 1 is not the same as the “conscience” in Article 18, the two are intimately connected in Western political thoughts.

Significant also is that “conscience” and “brotherhood” (the two terms meant to render *ren*) *are being accorded merely secondary importance to humanity in Article 1 by being placed in the second sentence – almost as an afterthought – following the declaration about rights in the first sentence.* In other words, the least self-regarding concepts in the article are subsumed under the premise of the protection of self-interest against possible infringements by others. The predication of duty on rights is further made explicit in #2 of Article 29, which reads: “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

Moreover, the Western notions of “conscience” and “brotherhood” are simply too *passive* compared to the ethical duties enjoined by *ren*. The prioritization of the Other above the self enjoined by *ren* – a principle that sets duty toward others before consideration for oneself – is distorted as “equality” (“equal in dignity and rights”). In particular, the term “brotherhood” is an ill-fit for *ren*, the latter being an ethical duty irrespective of any sense of solidarity, between the parties concerned. *Ren* is based neither on reciprocity nor solidarity and is simply a duty that one owes others *qua* being human. And at any rate, “brotherhood” is too big a compromise even for *xiongdi* (兄弟) in classical Chinese, not to mention for *ren*. The strong emotional overtone denoting life-and-death

⁴⁵ The grounding of conscience in rights and in the solitary subject is also evident from the “four basic principles” proposed by Malik to guide the work of the Commission. Malik practically refers to the “suprem[acy]” of the “individual’s freedom of conscience” to argue for the priority of the individual to the collective in his definition of “man” and “human rights:

First, the human person is more important than any national or cultural group to which he may belong. Second, a person’s mind, conscience, and inherent dignity are his most sacred and inviolable possessions. Third, any pressure from the state, church, or any other group aimed at coercing consent is unacceptable. Fourth, since groups as well as individuals may be right or wrong, the individual’s freedom of conscience must be supreme. (H. Malik 27)

Not surprisingly, Malik’s position was endorsed by Eleanor Roosevelt: “I think we do have to make sure, in writing a bill of rights, that we safeguard the fundamental freedoms of the individual” (Charles Malik, 38-39). Cassin likewise agreed with Malik on the overriding importance of “an individual’s freedom of conscience” which “gives man his value and dignity” (*Ibid.*, 42-43).

mutual commitment in the classical Chinese *xiongdi* relationship is missing in the UDHR—based as “brotherhood” in the Declaration is on legal rather than ethical language.⁴⁶

Last, but not least, despite the efforts of Chang to highlight the importance of duty, and despite the demand of different states from Latin America to include a list of the duties of individuals (Angle and Svensson 208), the drafters “explicitly ruled out producing a catalogue of individual duties or constructing a framework in which individuals forfeited their rights if they failed in their responsibilities” (Klug). In contrast to the detailed layout of a list of rights, the UDHR merely states in general terms in Article 29 the duties owed by individuals to the community. Other than that, duty is enjoined in purely *negative* and *passive* terms: as the limitation on individual rights by the *rights* of others and by the overarching authority of the United Nations. The positive connections of duty to love, compassion, and humanity so strong in *ren* evaporate into thin air in the UDHR:

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. (Article 29)

The hegemony of Western legal concepts is further facilitated by each round of the translation of the UDHR. *Ren*, which was greatly distorted when being translated into English, was not restored to its original when the UDHR was translated into Chinese. Quite the contrary, *ren* totally disappeared when the document was translated into Chang’s own language. *With each round of translation, Western legal concepts gained further hegemony. It should by no means be surprising that rights discourse has drowned out other voices and other traditions of organizing social and political relations: the close knitting of translatio studii and translatio imperii have brought about a global hegemony of Western legal concepts.*

⁴⁶ The separation of ethics and politics is a liberal Western thought, tied as it is to modern European history. This is not a separation commonly subscribed to outside the modern West. Socrates, Plato, and Aristotle, no less than Gandhi and Confucius, detect the danger of politics’ easy alliance with brute power and corruption once it is separated from ethics.

II.1.5. The Total Eclipse of *Ren* in the Chinese Translation of the UDHR, and the Eclipse of “the Human” in Human Rights Discourse

As it was, when the UDHR got translated into an official Chinese version, Western legal concepts and terminologies reigned supreme. Contributions from Chinese culture and political thoughts as Chang proposed, so misrepresented by the original English version of the Declaration, even vanished entirely in the Chinese translation. Take, for example, the Chinese translation of Article 1: “人人生而自由，在尊嚴和權利上一律平等。他們賦有理性和良心，並應以兄弟關係的精神相對待。”

Little wonder that the bourgeoning of rights discourse since the UDHR has not been able to bring about the peaceful *co*-existence of *humanity*. *Along with the eclipse of ren was the eclipse of “the living human” by abstract ideas of “rights” in the UDHR, and the drowning out of co-humanity by the inevitable, mutually conflictual assertions of self-interest in the age of rights.* Martin Buber connects the “Eclipse of God” to the “Eclipse of Man.” In Confucianism’s entirely humanistic language, the “Eclipse of Co-Humanity” results in the “Eclipse of Humanity” -- including the possessive individual’s own humanity.

As Tore Linholm also notices, “in June 1947 *ren* was not included in the official Chinese text of Article 1. The English word conscience (and similar words in French and Spanish) was retranslated (probably by the Secretariat) as *liangxin*, which is not a classical but modern Chinese term used as translation for ‘western notion of conscience’” (Linholm 43-44 n. 13). The same with “兄弟關係” – a modern Chinese rendition of the Western political notion of “brotherhood” with no emotional ring of the classical Chinese *yiqi* (義氣) which committed *xiongdís* to stand fast by each other even unto death. What is at issue with both *ren* and *yiqi* in classical Chinese is an emotional and existential bonding that would *incline* people toward selfless actions toward each other, in contrast to the legal and contractual language of “rights” and “brotherhood” which have to compel obligations externally through impersonal legal or social force. In the realm of liberal notions of law and social contract, duties take on a negative ring because they are externally compelled (by law and society) and do not arise from the subject’s own will and emotional inclinations. To the extent that legal obligations are not based on love and do not arise from the subject’s own will, the imposition of such obligations would only provoke rebellion, resulting in attempts to evade or violate them, as Hegel points out in *Early Theological Writings*. Which explains Chang’s emphasis that the foremost mission of the UDHR should be the “humanization of man” rather than endless elaborations on abstract notions of “rights.”

Repeatedly, the core spirit of *ren* – the emotional and existential togetherness of human beings – is compromised away by translations in the drafting and the dissemination of the UDHR. Chang sees the efficaciousness of *ren* in preventing humanly engineered brutalities and atrocities by emotional induction of people into good conduct through

appealing to emotions such as compassion for the concrete sufferings of the Other, instead of counting on human beings' abstract reasoning about the wrongfulness of infringing on other people's rights.⁴⁷ However hard Chang tried to get his colleagues to see the important contributions that *ren* could make to world peace and the well-being of humanity, his points were repeatedly trivialized. Despite Chang's good-will efforts to work with his colleagues by compromising with Malik and the British representative's distorted translation of *ren* as "conscience," his attempts to cooperate with his colleagues were not appreciated. Quite the contrary. Malik further bent *ren* into Western modes of thinking by insisting that "his intention was for the words "reason" and "conscience" to be seen "as a function on the level of knowing"' (Morsink, 299). Malik pointed out in particular that "nature, conscience and reason [...] had originally appeared in both the French and United Kingdom texts" (Morsinck, 298). No wonder that during the discussion of the final version of Article 1, Chang proposed eliminating that "controversial" clause claiming that human beings "are endowed by nature with reason and conscience" (Glendon 112).

Glendon attributes Chang's final proposal to his dark mood about America's passivity in the face of the impending fall of his government to the Communists (Glendon 112), without realizing the real source of P.C. Chang's frustrations. While she does note the following speech given by Chang addressed to the General Assembly on December 10, 1948, she does not reckon with Chang's disappointment with Western obliviousness to possible contributions from other cultures -- especially on the importance that duty, rather than rights, might be the key to world peace and the prevention of further human engineered atrocities:

The effort of the Chinese delegation, he [Chang] said, had been to promote a spirit of sincere tolerance of the different views and beliefs of one's fellow men. He blamed "*uncompromising dogmatism*" for accentuating disputes, saying that there was at the present time "*a tendency to impose a standardized way of thinking and a single way of life.*" *With that attitude, he concluded, "equilibrium could be reached only at the cost of moving away from the truth, and employing force. But however violent the methods employed, equilibrium achieved in that way could never last."* (Glendon 166 -change; my italics)

Significantly, Chang was not the only one frustrated with the hegemony of rights at the expense of duty (what Chang called "a standardized way of thinking and a single way of life"). Glendon herself notes that, immediately after Chang's speech, "Mrs. Lakshmi Menon made a plea for tolerance, too, and took the occasion to recall Mahatma Gandhi's

⁴⁷ Martin Buber comes very close to Confucianism on this point also: that is, his emphasis on conversion (a change of heart) rather than winning rational arguments. Buber's account of his refutation of the argument of an atheist worker can help illuminate why rights discourse has been inefficacious in preventing human rights violation. Just as Buber won the argument but not the conversion, human rights discourse may succeed in proving an idea but still fails to convince the aggressor through its inability to evoke the living presence of the humanity of the victims.

insistence that all rights are born of obligations. From the very fact that it proclaimed rights, she said, the Declaration should be understood as a ‘declaration of obligations’” (Glendon 166). World history since the adoption of the UDHR by the General Assembly of the United Nations on 10 December 1948 seems to have vindicated the positions of Chang (and of Gandhi). Despite the burgeoning of rights discourse ever since the UDHR, crimes against humanity have continued. It is time to reexamine whether rights really provide the best protection of the well-being of humanity, and whether the imposition of “a standardized way of thinking and a single way of life” has not itself contributed to anger boiling over from time to time against forced equilibrium.

As a Confucian constantly mindful of the priority of harmony and of the collective project over individual differences, Chang joined others in voting to adopt the Declaration on December 10, 1948 – albeit with the qualifying statement quoted immediately beforehand. Nothing is more obfuscating of the power structure that Chang was criticizing about the drafting of the UDHR than Marina Svenssen’s bad-faith conclusion that, just because China voted to adopt the Declaration, it “indicat[ed] that they did not have any further theoretical reservations against the idea of human rights”:

It was furthermore emphasized that there was nothing incompatible between Chinese traditional philosophy and human rights. A Chinese diplomat, P.C. Chang (張彭春), played a central role as a vice-chair of the committee responsible for drafting the Universal Declaration of Human Rights (UDHR). On Dec. 10, 1948, the then KMT-led Chinese government voted in favor of the Declaration, apparently indicating that they did not have any further theoretical reservations against the idea of human rights. (Svensson 3)

Could “voting in favor” really be so easily glossed over as being “without further theoretical observations”? – That would be possible only for those who fetishize Western legal structures as the equivalent of justice, however manipulated and contaminated those structures could be by existing power hierarchies. As a scholar of rights and Chinese politics, Svensson ought to have been aware how, in the period of history immediately preceding the UDHR, China had been repeatedly coerced into signing a number of unequal treaties at the gunpoint of various imperial powers. Did the signing of all these unequal treaties “prove” that China gave up her territories “out of her own will”?

Nor was Chang’s frustration caused by a jilted attempt to impose on other countries “the Chinese way” – far from it. As a champion of Confucian *ren* – the *co*-existence of human beings and the priority of the collective above the individual – Chang was not only a team-player but also the grand mediator who helped everybody work together. Habib Malik, the son of Charles Malik, for example, compliments Chang for “facilitate[ing] consensus with his talent for ‘translating’ concepts from one culture to another” (2). Glendon reports that Chang “would often provide the formula which made it possible for the commission to

escape from some impasse." John P. Humphrey calls Chang a "master of the art of compromise" (17, 23-24, 37).

Yet despite compliments from colleagues about Chang being both the "towering intellectual" on the drafting committee and his repeated good-will attempts to create harmony in the midst of dissonance, the outcome was one in which the Chinese voice was very much compromised and Chang's suggestions either greatly distorted or ignored altogether.

What the above history tells us is: *translation goes hand-in-glove with power. The glaring contrast between the eclipse of the Chinese voice in the English translation of Chinese political thoughts, and the domination of Western ideas in Chinese translations of Western political thoughts, betray a Western hegemony that no doubt has contributed to the globalization of Western legal and political concepts, as well as to many people's subsequent impression of the universal legitimacy of Western legal and political concepts.*

As a result of the loss of the Chinese voice in the English translation of Chinese political thoughts and the further domination of Western ideas in the Chinese translation of the UDHR, Confucian ethics and politics became gradually lost even in Chinese societies, to the extent that all kinds of efforts from both the state and the civil society have to be made in different parts of the pan-China region to try to resuscitate whatever they could of Confucian *ren* in the face of the onslaught of the selfishness and greed of global capitalism. The Chinese translation of Article 1 uproots from Chinese society its traditional duty- and collective-oriented ethics and social consciousness by planting in their places the "free individual" as the primary unit of social and political thoughts. The complete displacement of *ren* by "freedom" and "rights" in the Chinese translation of the UDHR paved the way for the erosion of duty-oriented Confucian ethics by Western individualism in Chinese societies – an erosion which has been taking on momentum since the second half of the twentieth century, and reaches its peak with the globalization of different Chinese regions. Through the globalization of Western legal concepts and language (especially through the venue of translation), individual rights rather than duties toward others have become THE criteria to evaluate how "civilized" a country is, and to condemn nations resisting the adoption of "rights" as their primary values.⁴⁸

⁴⁸ In "The End of Civilization and the Rise of Human Rights," Mark Mazower points out how, in the wake of the end of European global dominance, "human rights" rhetoric gradually replaced the explicitly imperialistic term "civilization." Given that the League of Nations distinguished between more and less civilized nations, and placed the "less civilized" under the protection and guidance of their "more civilized" counterparts, human rights can be understood as a reinvention rather than a rupture with the discourse of "civilization".

CONCLUSION

Despite the difficulties of finding a linguistic equivalent for “rights” in Chinese and Japanese in the nineteenth century, there was no longer a gap between “rights” and *quanli* (權利) by the late twentieth century, and *quanli* certainly no longer bears the negative ring the two words (*quan* and *li*) used to carry for centuries in Confucian culture. As Chinese values got eroded by Western liberalism, *quanli* which was previously associated with a lust for power and selfish gain is now regarded as individuals’ rightful entitlements. By contrast, *ren* never makes it into Western vocabulary.

While translation has successfully bent the Chinese language into expressing Western sentiments and Western ways of organizing human society and politics, it has at the same time neutralized P.C. Chang’s efforts to introduce *ren* to his Western(-minded) colleagues. *The Western term has by now thoroughly occupied the Chinese consciousness (in the sense that the term “rights” has been successfully assimilated into the Chinese culture, and the Chinese understanding of the expression quanli has become thoroughly Westernized).* By contrast, *the Chinese ren remains as unassimilated into English as ever. It remains as difficult to express ren in English in the global age as it was in P.C. Chang’s times.* While East Asian political traditions that had come under the influence of Confucianism for centuries have thus given way to Western individualism, the co-humanity of *ren* never makes it beyond East Asia. The social, legal, and political concepts that get globalized in the global age remains those from the West — and they are globalized in a way that drowns out the voices of other cultural traditions.⁴⁹ The history of the translation of “rights” into Chinese and *ren* into Western languages reveal the entwinement of *translation studii* with *translatio imperii*.

This essay opens new venues for scrutinizing both the universal claim and the universalization of the modern Western concept of “human rights” via translation. On the one hand, I use linguistic resistances in translation to demystify claims about the universality of certain concepts such as human rights. On the other hand, I use the breakdown (versus the maintenance) of such linguistic resistances in the target culture to scrutinize the power relations between the source culture and the target culture. Typically, if the target culture is in a weak position, it would easily give way to the semantic and conceptual conquest of the source culture, as in the case of the dramatic change in the semantics of the classical Chinese expression *quanli* after China’s repeated defeats by the West – semantic changes which facilitated the displacement of Confucian values by modern Western “rights” in Chinese culture. By contrast, a strong target culture tends to remain immune to influences from the source culture, as in the case of English (mis-)translations of *ren* in the drafting of the UDHR, and the failure of *ren* to get integrated into Western languages and cultures.

⁴⁹ Oftentimes, non-Western concepts that would interest the West pertain to either trivialities (food and popular culture) or international finance and trading.

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