

A Study of Chen Lanbin's Translation Patronage Behavior on the Chinese Translation of the US Federal Constitution

Rongliang Niu^{1,2,*}

¹Zhangjiang University of Science and Technology, 524088, Zhanjiang, Guangdong, P.R. China

²Universiti Sains Malaysia, 11800, Penang, Malaysia

Abstract: Chen Lanbin is China's first ambassador to the United States, honest and upright, using evidences to safeguard the human rights of Chinese workers in the Americas, and actively negotiating the Denver anti-Chinese incident. As a subordinate of Chen Lanbin, Cai Xiyong chose to translate the US Federal Constitution, which was due to not only his personal interest but also the influence of Chen Lanbin as a patron. Based on Lefevre's "patronage" theory, the reasons why Cai Xiyong chose to translate the US Federal Constitution, why there existed linguistic deviations and deformations between Cai's translation and the original text and why Cai's translation did not catch people's enough attention in modern China history, are examined from the three aspects of patronage: ideological, economic and status factors. On ideological factor, Both Chen Lanbin and Cai Xiyong adhered to the concept "Chinese learning as substance, western learning for application"; on economic factor, Cai Xiyong was appreciated by his leader and patron Chen Lanbin and got a salary from the Qing Dynasty government; on status factor, Cai Xiyong was recognized by his leader and patron Chen Lanbin and became an official through the Westernization Movement. Influenced by the patron Chen Lanbin, the purpose of Cai Xiyong translating the US federal Constitution is to handle the Denver anti-Chinese incident, and not to reform China's political and legal system, transform the superstructure and overthrow the feudal rule of the Qing Dynasty government.

1. Introduction

After experiencing the Opium War, the Taiping Rebellion, and Anglo-French Expedition to China, the Qing dynasty government was plagued by internal and external difficulties. With the development of Westernization Movement, the Qing Dynasty ushered in 30 years of peace and prosperity, and the Westernization Movement objectively promoted the third translation climax in Chinese history. The history of the late Qing Dynasty is full of twists and turns. There are countless historical celebrities, and most of them are well-known to the world, such as Empress Dowager Ci Xi, Emperor Kwang Hsu and the famous officials in the Westernization Movement. Many diplomatic and translation talents who created history have been submerged in the long river of history, and few people know about them, such as China's first ambassador to the US, Chen Lanbin, and the first translator of the US federal Constitution, Cai Xiyong. Influenced by the concept of "Chinese learning as substance, western learning for application", English-Chinese translation activities at this stage mainly focused on technological genres, with few political and legal genres. The E-C legal translation in the late Qing Dynasty mainly focused on the field of international law, such as *Elements of International Law*, *Manual Diplomatique* and *Introduction to the Study of International Law*, which were

translated by W. A. P. Martin^[1]. Cai Xiyong's translation text *Mei Guo He Bang Meng Yue* is the first Chinese translation version of US Federal Constitution and has significant historical significance. And his translation version had a huge impact on Chinese Confucianism and officials. In this paper, Chen Lanbin's translation patronage behavior on the translation of US Federal Constitution is examined from the perspective of Lefevre's patronage theory.

2. Cai Xiyong and the Chinese Translation Text *Mei Guo He Bang Meng Yue*

Cai Xiyong (1847-1898) was born in Longxi, Fujian. In 1864, he entered Canton Tungwen College. In 1867, Cai Xiyong was sent to study at Peking Tungwen College with excellent grades and under the supervision of W. A. P. Martin and Li Shanlan. In 1878, Chen Lanbin was officially appointed as the ambassador to the US, Spain and Peru by the Qing dynasty government, and Cai Xiyong was his English translator.

In 1881, after Cai Xiyong returned to China, the journal *Summary of Foreign Events* (Xi Guo Jin Shi Hui Bian) published a message: "Cai Xiyong, an attendant of the Chinese embassy in the United States, translated a law of America. During his three years in the United States, he

*corresponding author. E-mail: niurongliang@zjkju.edu.cn

made extensive acquaintance with scholars of astronomy and calendar and went to the public assembly hall and the lawyer's office to carefully inspect and translate the American laws into Chinese with detailed annotations. And this Chinese translation text was handed to Tsung-li Yamen (Chinese Foreign Office) by the ambassador and wanted to seek rewards"^[2]. In 1885, Cai's Chinese translation version of the US Constitution was added to Wang Quan's book *On Travelling Abroad (Lv Tan)* ^[3]. In February 1886, Zhang Yinhuan, who was renowned for his expertise in managing foreign affairs and being proficient in Western learning, was appointed as the ambassador of the Chinese embassy in the United States, Spain and Peru, and he found a Chinese translation text "*Mei Guo He Bang Meng Yue*". According to Hu Qizhu's research, it was translated by Cai Xiyong, which was the first Chinese translation text of the US Constitution. On November 5, 1897, a Chinese translation copy of the US Constitution was published on the journal *The Chinese Progress (Shi Wu Bao)* and the translator was Cai Xiyong from Amoy (Xiamen). Although Cai's Chinese translation version of US Federal Constitution was the first one, its popularity was not ideal. In June 1881, Young John Alle published an outline Chinese translation of the US Constitution on the journal *The Globe Magazine* ^[4]. Although Young John Alle's translation version is slightly later than Cai's version that was the first Chinese translation version of the US Federal Constitution, the former one had much greater influence than the latter one. Comparatively speaking, Cai Xiyong's translation version was relatively detailed and complete. More importantly, Cai Xiyong did not use inherent Chinese vocabulary for translation, as Young John Alle did, in order to facilitate Chinese understanding. On the contrary, Cai Xiyong chose many new words and expressions, such as "Yi Hui (parliament)", "Sheng Ming (life)" and "Jia Chan (property)" and some other expressions in the main body of US Federal Constitution such as "freedom", "president", "Senate" and the "House of Representatives".

The US Federal Constitution is a political declaration that is on the political principles and institutional arrangements of the United States. Such content was very rare in China before the late Qing Dynasty. From a linguistic perspective, Cai Xiyong translated "constitution" into "*He Bang Meng Yue* (treaty of nations)", failing to translate the meanings of "people", "supreme law", and "the autonomy of each state" in the original text. Note-worthily, the connotation of independent judicial trial power in each state in the original text was not reflected in Cai Xiyong's translation version. If placed in the historical context of the late Qing Dynasty, it is not difficult to understand that the system of prefectures and counties and centralization system have long been deeply rooted in Chinese people's hearts since the Qin Dynasty (221BC-207BC). Before Cai Xiyong, Wei Yuan, Xu Jishe, Feng Guifen, and Zheng Guanying imagined and judged western democracy was from the first three dynasties in China's history (2070BC-771BC). They believed that western democratic politics are just an external transmission of China's first three dynasties. Before the late Qing Dynasty, scholars and officials rarely thought about the design of national systems. After the Opium War,

Wei Yuan, Xu Jishe, Feng Guifen, and other scholars began to notice the western political systems. Cai Xiyong's translation version of the US Federal Constitution was the result of the continuous development of the above scholars' new pragmatism ideology. Despite the flaws in the design of the US federal constitution, its provisions on American political system and people's rights could still provide ideological inspiration or stimulation for Chinese Confucian scholars. There are many Chinese translation versions of the US Constitution, and although the influence of the Cai Xiyong's translation version was indistinctive among so many ones, as the first translation version, it had had an impact on officials of the Westernization Movement in the late Qing Dynasty, as well as later figures of the Reform movement.

3. Patronage and Patron Chen Lanbin

Based on the concepts of Russian Formalism, Itamar Even-Zohar's poly-system theory and reader response criticism, the concept of "patronage" was firstly used in translation studies in Lefevere's book *Translated Literature: Towards an Integrated Theory* (1981) ^[5]. In 1982, Lefevere ^[6] elaborated the refraction that played a very important role in the evolution of literature in her paper "*Mother Courage's Cucumbers: Text, Style and Refraction in a Theory of Literature*", and proposed that patronage had three factors: ideological, economic and status factors. She divided patronage into two categories: differentiated when different patrons represent conflicting ideologies, and in-differentiated when the patrons are individuals, groups, or institutions with the same ideology ^[7]. Literature needs to keep pace with other systems in society, patrons enable authors to maintain their livelihoods, and authors gain a certain social status through patronage. In 1985, in her paper "*Systems in Evolution: Historical Relativism and the Study of Genre*", Lefevere pointed out, "patrons, who by definition tend to belong to the upper, or at least the moneyed strata of society, also exert a conservative influence on the system, often stabilizing it for centuries" ^[8]. In the same year, in her paper "*Why Waste our Time on Rewrites? The Trouble with Interpretation and the Role of Rewriting in an Alternative Paradigm*", Lefevere provided an in-depth explanation of patronage ^[9]. In the viewpoint of Lefevere, literary system is constrained by two factors: firstly, it comes from within the system, with representative figures being interpreters, critics, critics, literary teachers, and translators; the second comes from outside the system, namely patronage. Patrons can be individuals, groups (such as religious institutions or political parties), social classes, royalty, publishing houses (regardless of whether they monopolize the book trading market or not), or media. In 1992, Lefevere published a book *Translation, Rewriting, and the Manipulation of Literary Frame* ^[10], she gave a clear definition of patronage in this book: "it will be understood to mean something like the powers (persons, institutions) that can further or hinder the reading, writing, and rewriting of literature". Patronage can be exerted by persons, such as Medici, Maecenas, or Louis XIV, and also by groups of persons, a religious body,

a political party, a social class, a royal court, publishers, and, last but not least, the media, both newspapers and magazines and larger televisions corporations. That is to say, patrons both can be individuals or institutions. Usually individual patronages refer to the individuals with higher social status. For example, the first Chinese translation version of Yung Wing's autobiography *My Life in China and America* was analyzed from the perspective of individual patron^[11], Su Yan found Zhang Zhidong's translation patronage behaviors through his memorials, archives and letters^[12], and Wu Rulun's individual translation patronage on Yan Fu's translation version of *Yuan Fu (the Wealth of Nations)* was analyzed by Ou Mengyue^[13]. Usually institution patrons involves in publishing companies and government. For example, the Blue Poppy Press was regarded as a patron to examine the patronage and category of TCM's English translation^[14], and a case study of Lijiang Publishing House was did to investigate publishing patrons in Zhang Jing's doctoral thesis^[15]. In the paper "Translating Chinese Culture into English: from Sole Patronage to Joint Patronage", Liping Bai investigated the advantages of joint patronage through a case study of "Culture and Civilization of China Series" (CCC project), a project jointly undertaken by the China International Publishing Group and Yale University Press^[16]. In Lefevre's book *Translation/History/Culture: A Source Book* (1992), she thought that patrons could play three roles: entrusting others to engage in translation activities, being responsible for publishing translations, or ensuring that translations could be widely circulated^[17].

As the patron of Cai Xiyong's Chinese translation of the US Federal Constitution, it is necessary to get to know Chen Lanbin and their relationships. Chen Lanbin was born at a scholar family in Wuchuan, Guangdong. Before going abroad, he handled a large number of accumulated cases, being fair, honest, and selfless. As China's first ambassador to the US, Chen Lanbin served as an official and Confucian scholar, using evidences to defend the human rights of Chinese workers in the Americas and actively negotiate anti Chinese incidents^[18]. As a subordinate of Chen Lanbin during his tenure as ambassador to the US, Cai Xiyong's translation practice was inevitably influenced by Chen Lanbin. In the preface of Cai Xiyong's shorthand work "Chuan Yin Kuai Zi", it was recalled that "I accompanied Chen Lanbin as the deputy official to the United States, Spain and Peru, stationed in Washington for four years. In my spare time for translation, I examined American political and religious customs. I once watched American political discussions, judgments, and lawsuits in public, each holding their own opinions, repeatedly debating, with different opinions. After the end of the matter, each one leaved." [19] From Cai Xiyong's recollection and description, it could be seen that he was very interested in legal litigation besides serving as a translator. Chen Lanbin's judicial practice of using evidences to defend the human rights of Chinese workers and actively negotiate the Denver anti-Chinese incident told us that he abandoned the traditional ideology of stubborn officials such as "the Heavenly Kingdom" and the concept "distinction between Chinese and Barbarians (cultural sinocentrism)", and used evidence to protect Chinese

works' human rights. Although there was no concept of international laws or human rights in China at that time, Chen Lanbin attached great importance to laws and rights. That is to say, he was one of the pioneers of knowing the principles of international laws and human rights in modern China history. In Chen Lanbin's book "A Brief Account of the United States" (*Shi Mei Ji Lve*), there were also some records of American politics and laws: "each state has one governor, several vice-governors and some secretaries, the specific number depending on the complexity of their affairs and varying degrees of authority, and the power of affairs belongs to the Senate and the House of Representatives. There are two members in each state in the Senate, totaling 76 people, and the number of members in each state in the House of Representatives, currently totaling 294 people, all of whom are elected by the people of each state to handle affairs in Washington. If there is any affairs, it is necessary to consult with each other, and if there are any different opinions, the majority number of signatures will be approved by the president."^[20] Why Cai Xiyong chose to translate the US Federal Constitution? Why there existed linguistic deviations and deformations between Cai's translation and the original text? And why Cai's translation did not catch people's enough attention in modern China history? In this paper, these above three questions are analyzed through examining Chen Lanbin's translation patronage behavior on Cai Xiyong's Chinese translation of US Federal Constitution.

4.Chen Lanbin's Translation Patronage Behavior on the US Federal Constitution

According to Lefevre's explanation of patronage as mentioned above, patronage has three factors: ideological factors, literature needs to keep pace with other systems in society; economic factors, patrons enable the authors to make a living; status factors, writers gain a certain social status through patronage. Specifically speaking, in translation activities, patrons also influence translators' selection on the source texts, translation text deformation, and translation circulation in terms of ideological, economic, and status factors. In this paper, Chen Lanbin's translation patronage on Cai Xiyong's translation of the US Federal Constitution from the perspectives of ideological factors, economic factors and status factors are examined.

4.1.Ideological Factor: the Concept of "Chinese Learning as Substance, Western Learning for Application"

Cai Xiyong was a representative of the Westernization Movement's pragmatists, and Chen Lanbin is not a traditional conservative and pedantic official. It could be said that two of them shared the same ideology and held the concept of "Chinese Learning as Substance, Western Learning for Application". And they are loyal to the monarch, patriotic, and dedicated. Protecting the human rights of Chinese workers in Americas and actively negotiating the Denver anti-Chinese incident reflected that

Chen Lanbin was of rectitude and integrity in the judiciary practice. Why Cai Xiyong chose to translate the US Federal Constitution into Chinese? Why there existed linguistic deviations and deformations between Cai's translation and the original text? Why Cai's translation did not catch people's enough attention in modern China history? In order to answer the above questions, it is necessary to investigate the concept of "Chinese Learning as Substance, Western Learning for Application".

The concept of "Chinese Learning as Substance, Western Learning for Application" originated from Shen Yugui's article "*Strategies of Redeeming China*" published in the journal *The Globe Magazine* in April 1895. However, this concept was appreciated by the Qing Dynasty government due to Zhang Zhidong's book "*The Only Hope of China*", thus gaining official orthodox authority in late Qing Dynasty [21]. For traditional Chinese scholars and officials, traditional Confucianism and Taoism had always been the spiritual support of their lives and the value source for all social activities they engaged in. The two visits to China by British George Lord Macartney diplomatic corps in 1793 and British William Pitt Amherst diplomatic corps in 1816 both ended in failure, which also laid a foundation for the passive foreign relations of the late Qing Dynasty. The subsequent wars, the first Opium War, the Taiping Rebellion and Anglo-French Expedition to China, made Qing Dynasty government be stuck in diplomatic difficulties. In January 1861, the liberal officials headed by Prince Gong Yi Xin submitted the written statement to the Qing Dynasty government to promote the Westernization Movement, which got recognized by the Empress Dowager Cixi. In fact, after experiencing two Opium Wars, liberal scholars and officials began to take a serious look at the world. The concept of "Chinese Learning as Substance, Western Learning for Application" played a major role in the formation of modern scholars' cultural personality in three aspects: firstly, it cultivated the open mentality of modern scholars; secondly, it established the self-confidence of modern scholars in Chinese national culture; the third is the formation of a diversified sense of value identification among modern scholars [22]. Although this concept had cross-generational values in methodological significance, it also had its historical limitations.

From the ideological perspective, although Chen Lanbin belonged to an enlightened literati and official, and directly experienced western economy, politics, culture, and law when staying abroad, he still had his conservative aspect, and the traditional Confucian and Taoist spirit remained his spiritual pillars. Cai Xiyong, as a subordinate of Chen Lanbin, his translation of the US Federal Constitution was inevitably influenced by the concept of "Chinese Learning as Substance, Western Learning for Application". Undoubtedly, the purpose of his was to just acquaint himself and his leaders with American politics and law to deal with, but it was definitely not to overthrow the feudal rule of the Qing Dynasty and establish a republic. In Li Wenjie's paper "*The First Chinese Version of the Constitution of the United States*", he conducted a in-depth research on relative historical materials, and he found the motivations of translating US Constitution that originated from the Denver anti-Chinese incident [23].

According to the principle "treaty supremacy" when handing the same cases in China, Chen Lanbin asked US Department of State to punish and compensate murders and honor the agreement "*The Treaty of Tianjin*". The US Department of State refused Chen Lanbin's request based on the reason that the power of US Federal government was limited by the US Federal Constitution, and told him that the Constitution prevailed over treaties. After experiencing the huge spiritual shock, Chen Lanbin thus ordered his translator to translate the US Federal Constitution into Chinese. Cai Xiyong's translation had a certain degree of deviation and deformation from the original text in terms of linguistic connotations, which was the result of ideological influence, believing that western democracy is nothing more than an external transmission of people-oriented concept in the first three dynasties in China's history (2070BC-771BC). After returning to China in 1881, Cai Xiyong's Chinese translation version of the US Federal Constitution also did not catch people's enough attention in modern China history. The reason for this was that the original purpose was to handle the Denver anti-Chinese incident. And after returning to China, it was used to seek rewards, after all, the translator was neither a reformist nor a radical revolutionary, but a representative in the Westernization Movement.

4.2.Economic Factor: Chen Lanbin's Recognition and Economic Patronage from the Qing Dynasty Government

Cai Xiyong translated the US Federal Constitution during his diplomatic journey in the US, and he served as a counsellor and translator abroad, was appreciated by his leader, Chen Lanbin, and received salaries from the Qing Dynasty government. In 1881, after Cai Xiyong returned to China, the journal *Summary of Foreign Events* published a message: "Cai Xiyong, an attendant of the Chinese embassy in the United States, translated a law of America. During his three years in the United States, he made extensive acquaintance with scholars of astronomy and calendar and went to the public assembly hall and the lawyer's office to carefully inspect and translate the American law into Chinese with detailed annotations. And this Chinese translation text was handed to Tsung-li Yamen (Chinese Foreign Office) by the ambassador and wanted to seek rewards". From the above information, it could be seen that, after returning to China, the first thing of Cai Xiyong was to seek rewards for his translation.

4.3.Status Factor: Being an Official Through the Westernization Movement

Before the imperial examinations (Keju) was abolished by the Qing dynasty government in 1905, ordinary people took it as the right way to read *the Four Books* and *Five Classics* to pass the imperial examinations and became an official. In fact, from the Sui Dynasty (581AD-618AD) to the Qing dynasty, there were only 26849 Jinshi (metropolitan graduates, administered in the capital every three years,), with a total of 114 Zhuangyuan (Jinshi who were ranked first), indicating the difficulty of the imperial

examinations and the slim probability of success. Cai Xiyong, who did not pass the imperial examination but became an official position in the Westernization Movement, was bound to be grateful to his leader Chen Lanbin who gave recognition to him. Stationing in the US was a precious period in Cai Xiyong's life, and he extensively learned western technology, politics, and culture, which laid a solid foundation for him to participate in the Westernization Movement in the future. Chen Lanbin was an honest and upright official who appreciated the talent of his subordinate Cai Xiyong and appointed him as a translator and counselor. As a subordinate, Cai Xiyong's translation was bound to dedicate himself to the Westernization Movement. The famous official Zhang Zhidong commented on Cai Xiyong: "He had a peaceful personality and did not compete with others for benefits [24]. The purpose of translating the US Federal Constitution was only to learn it to deal with the Denver anti-Chinese incident, and they did not aim to introduce western politics and legal systems into China and overthrow the feudal rule of the Qing dynasty.

5. Conclusion

The patron is the bond between the translation text and the readers expected by the translator. Cai Xiyong chose to translate the US Federal Constitution into Chinese, which was not only due to his personal interests, but also due to his leader and sponsor Chen Lanbin's influence. On ideological factor, Both Chen Lanbin and Cai Xiyong adhered to the concept "Chinese learning as substance, western learning for application"; on economic factor, Cai Xiyong was appreciated by his leader and patron Chen Lanbin and got a salary from the Qing dynasty government; on status factor, Cai Xiyong was recognized by his leader and patron Chen Lanbin and became an official in the Westernization Movement. The above three patronage factors well explain the reasons why Cai Xiyong translated the US Constitution into Chinese, and his purpose was just to learn it to deal with the Denver anti-Chinese incident, and they did not aim to introduce western politics and legal systems into China and overthrow the feudal rule of the Qing dynasty. After all, the translator was neither a reformist nor a radical revolutionary, but a representative in the Westernization Movement, who was influenced by his patron and leader, Chen Lanbin, and adhered to the concept "Chinese Learning as Substance, Western Learning for Application".

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