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Linguistic and Political Entanglements: Rethinking Mid-19th-Century China Through Missionary Translation of International Law

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Abstract

This article examines how missionary translations of international law shaped mid-19th-century China's interaction with the Western world. Drawing on primary historical archives, it reveals how missionaries intertwined with both American and Chinese political stakeholders through the lens of Religious Studies, Historical Semantics, and International Politics. Centering on Peter Parker's *Geguo-lüli* and Martin's *Wanguo-gongfa*, it traces their three overlapping roles as missionaries, translators and diplomatic intermediaries in the two Opium Wars. During the 19th-century balance of power, missionary translation endowed Western legal–political terminologies with universalist semantics, thereby facilitating their acceptance and localization by the Qing government. In this process, missionaries served as key mediators of knowledge and national interests. The article concludes that late modern China's interaction was not merely the product of Western "impact" but a non-linear process open to reinterpretation.

Keywords: missionary; translation; modern Chinese history; intellectual history; the natural law; the international law of Christendom

1. Introduction

The incorporation of Imperial China into the modern international order has long been understood through the lens of Western expansion and Chinese response. Orthodox Chinese historiography generally regards China's defeat in the First Opium War (1840–1842) as the beginning of its "century of humiliation" and the onset of its transformation into a "semi-colonial" society (Liu 2004, pp. 136–37). Mainstream Western International Relations scholarship has likewise drawn upon the "impact–response" model advanced by John K. Fairbank in the 1950s (Teng and Fairbank 1954), together with other subsequent variants. Mid-19th-century China is typically portrayed as a "peripheral" actor in the modern global order (Buzan and Lawson 2015; Acharya and Buzan 2019). It was incorporated into a Western-dominated "core" through processes of "socialization" (Suzuki 2009).

More recent scholarship, however, has challenged this understanding by demonstrating Qing's engagement as a complex, contingent, and non-linear process. Rather than explaining solely through macro-level changes, this scholarship has increasingly examined the intermediaries through whom foreign knowledge was encountered, translated, and interpreted. Christian missionaries were among the most important of these intermediaries (Qin 2026). They occupied a distinctive position at the intersection of religious, linguistic, and political activities: they were simultaneously missionaries; translators; and, in some

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circumstances, diplomatic agents. Missionary translation therefore provides a valuable roadmap to understand the entanglement between Qing officials and Westerners.

In Social Science and Humanities, existing literature has examined how China's two earliest translations of international law, *Geguo-lüli* (各国律例) and *Wanguo-gongfa* (万国公法), were rendered into Chinese. For instance, Liu (2004, p. 119) focuses on the linguistic framework, arguing that missionary translation involved establishing "hypothetical equivalence" between Western and Chinese terminologies. Lai (2015, pp. 66–124) examines more detailed historical and contextual reconstruction surrounding these translations. Wu (2022) provides a biographical background of the two American missionary translators, Peter Parker and W. A. P. Martin. Yin (2016, pp. 1005–23) further situates these translation activities within a broader geopolitical context between Europe, America, and East Asia.

Some studies focus more specifically on the accuracy of missionary-translated terms. Cheung and Fung, as well as Maruyama and Katō, have both examined the terminology used in Martin's translation. The former adopts the approach of "double reading", i.e., comparing the original text, the translated terms, and the literal meanings of translated terms in their original language (Cheung and Fung 2018). The latter examines selected translated terms, arguing that missionary translations resonated with terminologies in Confucian classics (Maruyama and Katō 1998, p. 119). Some comparative studies tend to conclude that missionary translations were "inaccurate" or "misreading": They are "heavily affected by traditional Chinese culture and Chinese ways of thinking," distorting the original meaning of Western international law (Cheung and Fung 2018, p. 316; see also Lai 2015, p. 125). Some studies further argue that these translations contributed to Qing's strategic misperceptions of Western states in subsequent wars (Liu 2004, pp. 108–39; Lai 2015, pp. 125–43).

Yet existing literature still lacks a sufficiently interdisciplinary and reflexive perspective, which this article aims to contribute. Primarily, from the perspective of Religious Studies, the spirit of Christianity provides a vital connection between language and politics in the above discussion. Modern international law was itself deeply influenced by the universalist natural-law tradition of antiquity and Christian doctrines since the medieval period (Steiger 1992). Meanwhile, Christianity and imperial China's classical political conception of *Tianxia* (天下, "All-under-Heaven") shared comparable universalist foundations, thereby providing an epistemological basis for establishing analogies. As this article illustrates, this shared foundation enabled international legal texts, missionary interpretations, and Qing officials' reception to form a structurally interactive trinity.

Secondly, from the lens of Historical Semantics, missionary translation should not be merely understood as "binary transactions" between original and translated text exemplified by Liu (Hill 2013, p. 143). Nor should it be evaluated by contemporary standards, anachronistically classifying it as "inaccurate". By contrast, this article seeks to recover the multiple time consciousness to avoid anachronism: the historical context in which international lawyers wrote their works, the missionaries' interpretations of international law, and contemporary interpretations of missionary translations. Against this interplay and disjuncture, what produced missionaries' linguistic choices? Were they shaped by long-term structural conditions or by historical contingencies? What role did religious beliefs and political position play in this process? These questions require more sufficient explanations.

Finally, from the perspective of International Politics, the story also reveals how closely religion was intertwined with political action. During the two Opium Wars, American missionaries enabled legal translation even without institutional conditions, such as formal established diplomatic relations, linguistic and legal expertise, and professional diplomatic translator systems. This demonstrates how missionaries gradually evolved from observers into active political participants, whose interventions actively shaped the course

of diplomatic activities between Americans and Qing policymakers. Therefore, missionary translation was not merely a background influence but a significant political toolkit through which China's perception of modern geopolitical perception has been shaped.

Considering this, the article re-examines American missionaries Parker's translation of Emer de Vattel and Martin's translation of Henry Wheaton during the late Qing's earliest crisis moments. The article treats religion not as an external context, but as one of the intellectual resources through which legal terminologies and national interests were reformulated. It helps reflect on China's historical transformation and modernization in *longue durée*. Meanwhile, it also shows that contingent historical settlements could be challenged, overturned, and reconstructed as linguistic meanings and underlying political relations changed over time (Liu 2004, pp. 119, 125).

The article draws on a combination of primary materials. For selections of legal text, it adopts the original French edition of Vattel's *Le droit des gens* (1758); Joseph Chitty's English translation (1853), the most accessible one to the author and a reprint of its 1803 version, which was probably consulted by missionary (W. Wang 1985, p. 63); and the Chinese translation compiled in *The Lin Zexu Volume* (林则徐卷, 2013), a modern reprint of 1839's original text. For Wheaton's *Elements of International Law*, the article uses the original edition (1836); the 1855 reprint, which is considered as consulted by Martin (Yongxin Zhang 2005, p. 77); the 1964 reprint including a chronological list of editions; and the original Chinese translation published by Peking Chongshi Publisher (京都崇实馆, 1864) with a Translator's Preface in English and two Chinese Prefaces.

This article also draws on a range of archival sources, including newspapers such as *The Chinese Repository* and *The Times*, which documented Parker and Lin's activities; compilation of Parker's letters by George Stevens. It also refers to Martin's manuscripts from Presbyterian Historical Society, as well as his published memoirs. Additionally, it adopts other relevant legal-diplomatic materials of 17–19th century. They make it possible to reconstruct not only the textual relationship but also the religious, historical and legal contexts where the translation took place.

The article is organized into three sections and a Conclusion. The first section traces the historical origins of missionaries as diplomatic translators in China from the 17th century onward, providing a broader geopolitical context. The second and third sections examine in detail the legal translations of Parker and Martin during the First and Second Opium Wars. They analyze their three intertwined roles as missionaries, translators, and political intermediaries. In sum, revisiting this history sheds light on China's century-long efforts to redefine its understanding of international law and global responsibility—an intellectual and political transformation that has been central to its engagement with today's global order.

2. When the East Encountered the West: Late Modern Geopolitics and Missionaries as the Mediators of Knowledge

The interaction between modern China and the West is not a heterogeneous historical issue but a process closely intertwined with global transformations, especially Europe's balance-of-power dynamics and colonial expansion.

From the mid-17th century to the early 19th century, the Qing Empire strove to achieve a sustainable balance between naval management and westward inland expansion before various kinds of Euro-American encroachments on China (Po 2022, pp. 551–54). Imperial China was equipped with its own knowledge of other countries' regimes. Throughout its political imagination and practice, it had a normative international vision which it called "*Hua-yi*" (华夷), a strict distinction between the "Chinese/domestic" and "foreigner/barbarian". China lay at both the center and the top of this hierarchy as what the Chinese considered the highest civilization. As both geographical and psychological distance from

the center increased, the perceived level of civilization decreased. When a part was so peripheral that it no longer belonged to the empire, it reached the category of "*yi*" (夷, foreigners/barbarians) (Watanabe and Shangguan 2018, p. 29). This idea has guided China's diplomatic practices until the late Qing Dynasty. It was not only a mode of diplomacy, but also shaped China's accumulation of geographical knowledge around its borders. In short, China's political status was neither "the international system" in a Western legal–political sense nor a rigid hierarchical order but a loose polycentric order among diverse communities (Watanabe and Shangguan 2018, p. 29).

By the 1830s, however, the British Empire had already established footholds in the Far East through colonial trade. Other major European powers, especially after the Crimean War (1853–1856), also began looking eastward through Anatolia. The Ottoman Empire's involvement in European affairs functioned as a big bang to Europe's Christian civilization mission. At the same time, Russia expanded eastward to the Pacific during the era of Alexander I, engaging in early border negotiations with Qing China. At the time, there was little effort to imagine a universal law to govern the world despite talk about the rule of law in the colonies and the open seas. Each dominant power saw no reason to share the privilege of ruling the waves (Koskenniemi 2021, p. 688).

Against this background, knowledge exchanges between China and the West were urgently needed. During the early stages of their diplomatic activities, language differences posed significant challenges. Before the mid-19th century, the Qing government had no qualified translators or interpreters to resolve professional diplomatic issues with Europeans (Wong 2017, p. 165). Most of the linguistic exchanges were established through fragmentary, unofficial, and individual channels, especially as seen in the adventures of missionaries.

On the one hand, missionaries who had come to China since the 17th century played a significant role by using their linguistic capabilities. These devoutly Christian apprentices (the Jesuits, the Augustinians, the Dominicans, the Franciscans, etc.) had always been peripatetic, conveying Latin under the management of the church. These apprentices had no national restrictions on their travel even during warfare until the Napoleonic Wars (Jones 2003, p. 113). Until the late 18th century, thousands of Jesuits had transformed the first substantive information between China and Europe, making an indispensable contribution to the emergence of Sinology as a discipline. They also introduced Western learning and science into China (Yongjin Zhang 2014, p. 58; Soto Artuñedo 2026, p. 6).

On the other hand, missionaries accommodated China's social customs and traditional Confucian values into Christianity. They were able to speak, read and write in their native languages and to compromise with local culture so that the mission was successful (Yongjin Zhang 2014, pp. 58, 62). Notably, missionaries specialized in learning the language used by Chinese officials and intellectuals, including *Wenyan* (文言, Literary Chinese), which absorbed much of the vocabulary and grammar from Ancient Chinese Classics (Lai 2015, p. 105). Considering the context of colonial expansion, these missionary activities implied political penetration and "civilizing missions" or at least served the needs of the West to expand trade in China. These activities sought ultimately to "change China into something acceptable to them, to make China partake of Western values" (Spence 1980, p. 5).

Two early instances exemplify the mutual construction of missionary translations and Chinese conceptions of the modern international society. The earliest instance was a notable interaction between China and Russia in signing their first modern-style international treaty—the Treaty of Nerchinsk (or the Treaty of Nibuchu) in 1689. The primary dispute between the two neighbors concerned boundary issues[1]. Considering neither Qing officials nor Russian representatives could speak the other's language, the success of this signing was primarily due to two European Jesuit priests. They undertook the work of translating the Manchu (the language of Qing's ruling class) into Latin for the Russian translator, which

he then translated into Russian (Hayton 2020, pp. 18–19). In the Latin version of the treaty, it was the first time that the term "*Sinicum*" (a nominative neuter singular form of "China" in Latin) was used to refer to Qing China in the written text as an equivalent appellation to "*Ruthēnicum*" (referring to Rus or the medieval East Slavic principalities) (Алексеевич 1889, p. 4). Not only did the Qing Empire gain international recognition by being the subject of a bilateral treaty, but the case of Nerchinsk was the epitome of 17th-century world politics because it demonstrated one of the earliest discourses in transcultural communication of modern territorial negotiation. The treaty was considered an "unusual one" by one of the Jesuit translators, Thomas Pereira (1645–1708), because he asserted that the spirit of *ius gentium* (the law of nations) was observed in both the negotiation and ratification processes (Sebes and Pereira 1962).

During shifts in the 18th century, diplomatic activities between China and Western Europe increased. Unlike traditional territorial-based negotiations between neighboring countries, encounters between China and the West were the result of increasing globalization and modernization (Harrison 2021, p. 4). During negotiations with Western powers, missionaries in Beijing became active as interpreters (Wong 2017, p. 167). The Macartney Mission from Britain to China in 1783 can be seen as one of the best examples to explain these relations. In the face of Britain's desire for further expansion across East Asia and to fund its colonial enterprise in India, the Qianlong Emperor refused Envoy George Macartney's (1737–1806) requests for a resident ambassador in Beijing and an island off the coast as a trading base after the audience (Harrison 2021, pp. 3–4).

More importantly, this reflects the collision of two different political systems behind diplomatic politesse. Around the start of the 19th century, the modern ideal of diplomacy between sovereign states was beginning to take hold in Europe; while China maintained a system of negotiation between princes and emperors whose social statuses were formally hierarchized (Harrison 2021, p. 7). The Chinese Empire was no longer seen as enlightened by the West but was increasingly demonized as uncivilized and barbaric. These linguistic, ideological, and institutional incommensurabilities consequently led to the outbreak of the Opium Wars over free trade in the 19th century, as well as China's initial introduction of international law. It was as German missionary and adventurer Karl Friedrich August Gützlaff anticipated, who travelled through China and wrote in the early 1830s, that:

> (The) lively hope of China's speedy deliverance from the thraldom of Satan by the hand of our great Lord, Jesus Christ—the King of kings, to whom all nations,[2] even China, are given as an inheritance ...
>
> I sincerely wish that something efficient might be done for opening a free intercourse with China, and would feel myself highly favoured, if I could be subservient, in a small degree, in hastening forward such an event. In the merciful providence of our God and Saviour, it may be confidently hoped, that the doors to China will be thrown open. By whom this will be done, or in what way, is of very little importance. (Gützlaff 1834, pp. 124, 151)

3. Peter Parker, the Natural Law, and the Translation of *Geguo-lüli*

As trade and social conflicts (especially missionary expulsion) between European countries and China intensified in the mid-19th century, an intermediary was increasingly needed to coordinate their efforts. The missionary-translated international law served as the *lingua franca*. The first translation of Chinese international law emerged in response to the conflict with Britain in the Opium War (1840), a conflict rooted in but not limited to trade issues. At the time, Britain was keen to establish a cotton product trade with China as British cotton textiles had gained a foothold in India in the early 19th century. Yet China had

no need for such products. To prevent silver outflows, Britain began forcibly selling opium, produced in India, to China in exchange for Chinese goods. It also hoped to establish further trade ports in China's southern provinces like Guangzhou (Canton) (Minamizuka 2018, p. 24). This was met with strong resistance from China. For China, this was not merely an issue of trade or of civil interactions with foreigners. More importantly, it considered the problem of proselytism, which had existed since the first two centuries. The behavior of the British potentially interfered with China's domestic judicial matters and undermined its national interests.

The Qing's Imperial Commissioner, Lin Zexu (林则徐, who, in later generations, was considered China's "national hero"), was appointed by the Qing government to deal with the matter and intended to apply rules consistent with international law. In 1839, Lin obtained Swiss jurist Emerici de Vattel's *Le Droit des Gens; ou, Principes de la Loi Naturelle Appliqués à la conduite et aux affaires des Nations et des Souverains* (*The Law of Nations* for short) from a senior hong-merchant (Parker 1840, pp. 634–35).[3] In July, Guangzhou, Lin required American medical missionary Peter Parker to translate several paragraphs of Vattel's work into Chinese (and later re-translated by Lin's Chinese colleague Yuan Dehui).

Peter Parker was sent to Guangzhou by the American Board of Commissioners for Foreign Missions (ABCFM) in 1834, having received training in both medicine and theology in America (Gulick 1973, pp. 9, 19, 24). He was also expected to familiarize himself with Chinese customs so that he could establish a new missionary station "at some favorable position within the limits of China," as well as provide medical services and distribute Christian books to the local population (Stevens 1972, pp. 82–83). In November 1835, Parker founded and worked in modern China's first ophthalmic hospital in Guangzhou, also one of China's earliest Western-style hospitals. Many of his clinical cases were subsequently documented in *The Chinese Repository* (中国丛报), founded by another American missionary, Elijah Coleman Bridgman. Parker indeed fulfilled the duties assigned by the Board: As suggested by the journal, these cases were chosen "in general, less from any interest attaching to them in a medical point of view, than from circumstances in them illustrative of Chinese character, customs, and habits of thought and action" (Parker 1840, p. 631).

Lin's requirement to Parker was recorded in a compilation of "Dr. Parker's tenth report of cases in the Ophthalmic Hospital" in *The Chinese Repository*. Although the doctor had not met this mysterious "patient" in person, the journal recorded how this exchange took place with someone "so distinguished a personage" (Parker 1840, pp. 634–35). Parker agreed to Lin's request for the translation, later entitled *Vattel's Geguo-lüli* (滑达尔各国律例). Literally, *geguo* (各国) referred to "every/each nation, "*lü*" (律) and "*li*" (例) meant "law" and "regulation". Additionally, Lin consulted Parker on an expose of views concerning opium and "a general prescription for the cure of those who had become victims to its use" (Parker 1840, pp. 634–35).

The edition Lin obtained was probably an English translation of Vattel published in the 1830s, with notes added by the editor, J. Chitty (W. Wang 1985, p. 63). This demonstrates that Vattel's work continued to be republished and disseminated for nearly a century. Originally written in French in 1758, *The Law of Nations* exerted a transformative influence on the development of European international law. Unlike earlier treatises composed in Latin, Vattel's work was directly accessible to princes and diplomats, allowing it to assist in decision-making more effectively. Through the course of his book, the word "*state*" came to obtain its modern double meaning—as the holder of supreme authority internally and an independent entity externally (Allott 2004, p. 416).

Nevertheless, relations among states remained a novel and largely unexplored field for European international lawyers in the mid-18th century. It was as Vattel stated at the very beginning of the preface: "The Law of Nations, though so noble and important a

subject, has not, hitherto, been treated of with all the care it deserves. The greater part of mankind have, therefore, only a vague, a very incomplete, and often even a false notion of it" (Vattel 1758, 1853, p. vii). His work retained a strong universalist orientation. As its title suggests, Vattel continued to regard "the natural law" (*la Loi Naturelle*) as the normative basis for governing relations among states (Vattel 1758). Originating from ancient Greece and developed in Roman law, natural law reflected an idea that human conduct ought to be governed by common human reason (Suganami 1978, p. 228). Yet considering the 18th century's situation, Vattel attempted to divide the law of nations into three types. The first two were related to natural law, while the last one had a different basis:

> The necessary and the voluntary laws of nations are therefore both established by nature ... The necessary law immediately proceeds from nature; and that common mother of mankind recommends the observance of the voluntary law of nations, in consideration of the state in which nations stand with respect to each other, and for the advantage of their affairs.
>
> There is another kind of law of nations, which authors call arbitrary, because it proceeds from the will or consent of nations. States, as well as individuals, may acquire rights and contract obligations, by express engagements, by compact and treaties; hence results a conventional law of nations. (Vattel 1853, Preface, p. xv)

In the mid-19th century, there was no authority above sovereign states capable of enforcing international law under the condition of international anarchy. The necessary and voluntary laws of nations were becoming inadequate for interstate competition. Meanwhile, the arbitrary law of nations had become more applicable, given its emphasis on states' *rights* and consensus among states. Parker's translation, however, failed to take account of or reflect this whole theoretical core and historical transformation. In fact, the translation only contained several sentences selected by Lin. They were strictly confined to the issues of "war, and its accompanying hostile measures, as blockades, embargoes, etc." (Parker 1840, p. 635). As Liu (2004, p. 119) suggests, Lin's selection of Vattel in conversations with the British was strategic. Lin treated international law as a mode of persuasion that enabled him to argue against the harmful effects of the opium trade in a way he thought would be understandable to the British.

Due to the lack of professional training as an international lawyer, Parker's translation was not literal but paraphrastic, conducted in a labored and unliterary style (Hsü 1960, p. 123). The most consequential examples concern the translations of the term "law" and "right" themselves. They bore directly on the nature of what states are (not) permitted to do within the international system—or, in other words, whether international law was enforceable and who had the authority to enforce it. These were what Lin urgently required. In Vattel's context, the concept of *right* merely reflected "the will or consent of nations" in international law. In Parker's translation, however, it was rendered as "*li*" (例). In Chinese legal contexts, "*li*" conveyed a sense of rules imposed by a higher authority (usually domestically) and requiring compulsory obedience. In turn, it implied that non-compliance would incur punishment. Consequently, Vattel's statement of "Every state has, consequently, a right to prohibit the entrance of foreign merchandises" was thus translated as "It is known that every state have prohibitory regulations on foreign merchandises..." (尝思各国皆有当禁外国货物之例...) (Vattel 1853, p. 107; Lin 2013, p. 253).[4] In later paragraphs, Parker even added a sentence specifically related to opium that could not be found in the original text. It indicated that if a foreign country brings opium into one country, the latter should prohibit its import

(“如外国带鸦片往省，流毒射利，该本国不准他进口，亦不能告诉一说之事，此是理也”) (Lin 2013, p. 254).

Yuan Dehui (袁德辉), Lin’s Chinese colleague and Catholic, adopted Parker’s idea to some extent, as seen in several technical details. Parker rendered “page” as “section” (条) and “footnote” as “chapter” (章), revealing his unfamiliarity with both the Chinese language and the structural conventions of international legal texts. In the English edition he consulted, the corresponding page numbers of the French original were printed along the right-hand side of the text. Parker mistook these for section numbers, while actual section numbers were in the same position preceded by the section symbol (§). For instance, the foreign merchandises paragraph (“尝思...之例”) appears on page 39 of the original, in Chapter VIII § 90. Parker did not indicate its location but rendered page references as “section” in subsequent translations. Yuan followed this convention, re-adding a subtitle to this paragraph as “Section No. 39” (第三十九条).

Collectively, the above translation formed a different, if not opposite, legal imagination for Lin: it appeared more like a compilation of Western countries’ domestic regulations that was capable of prompting enforcement by their governments—just like *The Ta-ching Lüli* (大清律例, *The Great Qing Legal Code*). The generally recognized origin of Western International Law, i.e., the Law of Nations (*ius gentium*), was indeed a compilation of domestic law from different tribes governed by the Roman Empire (Suganami 1978, pp. 228–29). Yet the reality of international anarchy and balance of power in the 19th century was no longer like in antiquity. Parker’s translation made Lin believe that opium, as an addictive narcotic that damages mental health, had been regarded as “contraband” in Western countries’ domestic government. Analogically, the Qing government should also prohibit it from being sold domestically; both sellers and consumers of opium faced criminal liability (Liu 2004, p. 119).

This had a decisive influence on Lin, as he soon followed the course of action discussed in this legal document. He wrote two strongly worded letters to Queen Victoria requesting her to order the stoppage of opium traffic. The second one was eventually published in English in *The Chinese Repository* in February 1840 (see Liu 2004, p. 229), then in *The Times* four months later. He condemned that:

> [Y]our foreign country ships come hither striving the one with the other for our trade, and for the simple reason of their strong desire to reap a profit ... By what principle of reason, then, should these foreigners send in return a poisonous drug, which involves in destruction those very natives of China? ... and such being the case, we should like to see what has become of that conscience which Heaven has implanted in the breasts of all men.
>
> We have heard that in your own country opium is prohibited with the utmost strictness and severity: this is a strong proof that you know full well how hurtful it is to mankind. Since, then, you do not permit it to injure your own country, you ought not to have the injurious drug transferred to another country, and above all others, how much less to the central land! (Lin 1840)

The letter foreshadowed an escalation of the situation: “Let your Highness immediately upon the receipt of this communication inform us promptly of the state of matters, and of the measure you are pursuing utterly to put a stop to the opium evil. Let your reply be speedy!” (Lin 1840). When legal and diplomatic measures failed to bring the desired results, Lin resorted to force, fully confident of both the moral and legal correctness of his action. The initial effect of international law in China was the strengthening of Lin’s determination to take a firm stand against the British (Hsü 1960, p. 125).

Arguably, the narrative of unprofessional missionaries eliminated the legal essence of the terminologies in translation and presented them in line with universality. Such framings influenced Lin's judgements, who later became more based on moral arguments than legal substance (Yin 2016, p. 1012). Soon, as Qing lost the war against the British fleet, Lin was banished to a frontier post in Xinjiang in 1841 (A. H. Li 2022, p. 254). China and Britain signed a series of unequal treaties starting with the Treaty of Nanking (1840), under which China was forced to allow British merchants free trade within its territory. These treaties also granted Britain extraterritorial rights in jurisprudence, unilateral most-favored-nation status and other privileges.

Throughout this process, the US government sought to balance its national interests from the position of a cautious mediator. On the one hand, it adhered to the principles of the Monroe Doctrine, avoiding direct participation in the scramble for colonial expansion with Europeans; on the other hand, it sought to secure for itself the commercial and diplomatic advantages obtained by the European powers in China. Missionaries became an important source of political intelligence for this strategy.

In 1841, Parker traveled to Washington, where he requested a meeting with Secretary of State Daniel Webster and submitted a letter outlining his views on Sino-American relations. The letter advanced several key observations. He proposed that America should assume the role of mediator between China and Britain and facilitate "the restoration of (China's) foreign commerce upon terms advantageous and honorable to all." It was because America "probably stands higher in the confidence of the Chinese than any other nation. American merchants have had but a limited traffic in the prohibited article ... America is known not to be a colonizing nation" (Stevens 1972, pp. 185, 187). Ironically, while Lin Zexu was sent into political exile, Parker embarked upon the path of a professional diplomat, becoming increasingly integrated into the American diplomatic mission in China. His influence was soon reflected in the negotiations leading to the 1844 Treaty of Wanghia, under which America secured virtually the same extraterritorial privileges in China as those previously obtained by Britain.

4. William Martin, the International Law of Christendom, and the Consolidation of *Wanguo-gongfa*

With Lin's removal and the cessation of hostilities in 1842, the Qing government's interest in international law subsided. The government, including Lin himself, became unconcerned with the integrity of the above international law work and its holistic values (Liu 2004, p. 119). It was not until twenty years later that William A. P. Martin rekindled it (Hsü 1960, p. 125). In 1856, the Second Opium War broke out. France, America, and Russia became involved alongside Britain. After China's second defeat, the five countries signed the Treaty of Tientsin in 1858. Additional ports were opened, and the British gained greater freedom of travel. The shortcomings in knowledge and language put the Qing government in a greatly disadvantageous position in its interaction with ever-encroaching Western powers (Wong 2017, p. 169). A series of unequal treaties had been extorted from the Qing government and ratified at gunpoint. They were now in need of being monitored and implemented faithfully by the imperial court according to the requirements of international law.

Two aspects distinguish this episode of legal translation from Parker's earlier experience. First, by the 1860s, China's institutionalization of legal translation and the translators' linguistic expertise had improved. The connection between the American envoy and the Qing court also became institutionalized. In 1861, China's newly established Foreign Affairs Office (*Zongli-yamen*, 总理衙门) started to import other works of Western international law. Coincidentally, another American missionary, William A. P. Martin, was translating

American lawyer Henry Wheaton's *Elements of International Law* (1836, *Elements* for short) into Chinese. Compared with Parker, Martin had a stronger command of Chinese (even including dialects) and was enthusiastic about translating Western knowledge to China. He was then discovered by the American minister and the Qing court (Wheaton 1864, p. 2).

Second, in terms of personal experience, Martin had established close channels with American officials while possessing a sophisticated understanding of both Chinese and Western cultural–political traditions. Martin was sent to China by the Foreign Mission Board of the Presbyterian Church in the US, arriving in Hong Kong in 1850. He occasionally served as an interpreter and translator for the American government in diplomatic negotiations ever since the Treaty of Tientsin (Covell 1978, p. 27). In Martin's observation of the Second Battle of Dagukou (1859), the American envoy John E. Ward regarded Britain and France (whose fleets were defeated by the Chinese) as allies "fighting in the common cause of Christendom" (Martin 1860, p. 23). Martin also demonstrated a keen awareness of the divergent positions within the Qing court. He recorded the criticisms from Qing's Hawkish officials of its government's weak diplomacy and vehemently opposed missionary activity, as the spread of Christianity would cause "the true doctrines of Confucius and Mencius will cease to be practiced and then the world will not be a world" (Martin 1860, p. 2). The entanglement of his political awareness and religious identity formed a holistic view that committed him to translating the whole text of *Elements* rather than paragraphs (Liu 2004, p. 119).

In 1862, Martin began his translation and finished with the help of his Chinese colleagues. In 1864, the work was published under the title of *Wanguo-gongfa* (万国公法). Martin asserted that his translation "was led to undertake it, without the suggestion of anyone" but only to "impart to them something of the Spirit of Christianity"; however, his choice of texts was inextricably linked to his role as an affiliate of the American government (Liu 2004, p. 116). Wheaton's work was welcomed as an American literature of "the international law of Christendom" (Janis 2010). In the mid-19th century, when positivist international law (based more on custom and practice rather than abstract morality) was flourishing, Wheaton adopted a mixed view of the law of nations and looked both to positive and to natural law (Janis 2010, p. 71). He wrote:

> The international law of Christendom began to be fixed about the time of Grotius ... This law does not merely consist of the principles of natural justice applied to the conduct of states considered as moral beings. It may, indeed, have a remote foundation of this sort; but the immediate visible basis on which the public law of Europe, and of the American nations which have spring from the European stock, has been erected, are the customs, usages, and conventions observed by that portion of the human race in their mutual intercourse. (Wheaton 1836, p. 51)

Compared with the early European Vattel, Wheaton's positivist stance manifested in his belief that international law lacks universal application. He aimed to demonstrate that any form of international law obliged only states of a similar cultural or religious persuasion. This was largely due to the way that Wheaton assigned morality to the Christian world (Janis 2010, pp. 64, 66): "Hence the international law of the civilized, Christian nations of Europe and America, is one thing; and that which governs the intercourse of the Mohammedan nations of the East with each other, and with Christians, is another and a very different thing" (Wheaton 1836, p. 51). He concluded that "[t]he law of nations, or international law, as understood among civilized, Christian nations, may be defined as consisting of those rules of conduct which reason deduces" (Wheaton 1836, p. 54).

This unique attribute pushed Martin to ultimately abandon translating Vattel. According to Martin's memoir, Wheaton was recommended to him since his work was "more

modern and equally authoritative" (Martin 1896, pp. 221–22). As a canon of American legal literature, *Elements* was read by and presumably influenced thousands of American lawyers at this time (Janis 2010, p. 70). It was reprinted in several editions after publication. Before his death in 1848, Wheaton incorporated additional material on the latest affairs and treaties, including the Sino–US relationship after the First Opium War (Wheaton 1855, pp. 166–67). All this material was retained in the edition consulted by Martin (Yongxin Zhang 2005, p. 77). On the contrary, Martin claimed in Translator's Preface that Vattel's work:

> appeared to me, that the work of that excellent and lucid writer, might as a practical guide be somewhat out of date; and that to introduce it to the Chinese would not be unlike teaching them the Ptolemaic system of the heavens. Mr. Wheaton's book, besides the advantage of bringing the subject down to a very recent day, is generally recognized as a full and impartial digest; and as such has found its way into all the cabinets of Europe. In England especially, it is employed as a text-book for the examination of candidates for the diplomatic service. (Wheaton 1864, p. 3)

Unlike Parker, Martin also made progress in translation skills. He referred more to Confucian terms that could be easily understood by Chinese officials. In Martin's title, for instance, the term "law" was more accurately rendered as "*fa*" (法) rather than "*lüli*." He also translated the significant term "international" as "*wanguo*" rather than "*geguo*" (literally corresponding to "every nation"). When Vattel published his original version, the term "international" had not been invented yet. It was not until the 1780s that "international" was coined by British theorist Jeremy Bentham (Z. Wang 2025, pp. 8–10). Therefore, Parker's translation did not indicate any latest Western conception of "international" that Martin did.

The expression of *wanguo* could also be found in ancient Chinese classics. It described an ideal situation in which all (Chinese) tribes/nations coexisted (Z. Wang 2026, p. 12). *Wanguo* indicated a universalist political vision subordinated to China's political tradition *Tianxia* (天下). *Tianxia* viewed the world as an institutional entity dealing with moral relations under the *tian* (天, "heaven") rather than as composed of individual units. Its political use was related to ideas of co-existence rather than of one single existence (Zhao 2006, pp. 30–33). The universal sense of *wanguo* thus established an affinity between traditional Chinese political thought and the Western spirit of natural law. It also resonated with the natural law element of Wheaton's writings.

Nevertheless, Martin's interpretation of *wanguo* (or, the "international") went even further. Geographically, the Chinese classical notion of *tianxia* or *wanguo* ended up being related to China's borders, and outsiders were broadly identified as *yi* (夷) (Nie 2013, p. 91). In contrast, Martin's interpretation was of the globe or the whole world, which spatially transcended China's territory. Unlike the Confucianist *tianxia*, his *wanguo* assumed a more equal world order with clearer national distinctions (Yin 2016, p. 1017). On the first page of *Wanguo-gongfa*, Martin added an atlas of two hemispheres which did not appear in Wheaton's original version. Interestingly, China occupied the central position in the Eastern Hemisphere, while America occupied the West. When Martin was popularizing geographical knowledge in China, he deliberately avoided referring to European cartography that commonly placed Europe at the center. As Nie (2013, p. 91) argues, this shows Martin's implicit intention to deconstruct China's traditional distinction between Chinese and *yi*, which constituted a prerequisite for China to abandon its old political order and accept the Western order of international public law. Hence, Martin's interpretation of *Wanguo-gongfa* formed a new linguistic and conceptual system, where existing Chinese concepts began to interact with the context of Western culture and nation-building (Yin 2016, p. 1017).

Compared with Parker's translation, *Wanguo-gongfa* had a greater intellectual impact on late modern China. Many of its translated terms have also gained long-lasting vitality in the

language more than Parker's. At the earliest stage, the Qing court's attitude toward *Wanguo-gongfa* was a cautious welcome. Firstly, it was because *Wanguo-gongfa* became significantly more accessible to Chinese readers with the improvement of language proficiency. Martin's translation employed a range of terms drawn from Chinese classics, making it not only a pragmatic legal manual but also a piece of literature. It featured abstract terms deeply rooted in Confucian philosophy—such as *tiandi* (天地, "heaven and earth"), *gong* (公, "public; common"), and *dao* (道, "norm; Tao")—alongside the titular *wanguo* (Maruyama and Katō 1998, p. 119). In brief, Martin chose a middle path, prioritizing cultural resonance and readability to make the work more acceptable to the Chinese governor.

Another more pragmatic reason strengthened its welcome: the Qing began to regard *Wanguo-gongfa* as a set of norms that Westerners could recognize and be held accountable to. Indeed, they managed to apply the principles of *Wanguo-gongfa* to resolve international disputes, which in turn strengthened their trust in its legal doctrines. In April 1864, Prussian Envoy Guido von Rehfues arrived at Tientsin's (Tianjin) port on a warship, ready to enter Beijing and speak to the Foreign Affairs Office. He spotted three Danish merchant ships outside the port and detained them, because the two countries were at war. Faced with this dispute unfolding in Chinese territorial waters, Prince Kung (奕䜣) of the Foreign Affairs Office swiftly invoked *Wanguo-gongfa*. According to it, belligerent states may, under certain conditions, seize enemy merchant vessels—but not within the territorial waters of a neutral state. Thus, the detention of Danish merchant ships in China's territorial sea constituted a clear violation of international law. Moreover, the Qing government recognized that if they did not defend their rights in territorial waters and oppose the detention, this case would set a precedent for other countries to use the waters around the port as a "common ocean surface for all countries" and "do anything as they please" (H. Zhang 2024, p. 361). Ultimately, Rehfues released the Danish ships, and the conflict was peacefully resolved. Regarding this episode, several Qing officials submitted a memorial to the Emperor in August, requesting 500 taels of silver to fund the publication of *Wanguo-gongfa*. A total of 300 copies were printed in Beijing and distributed by the Foreign Affairs Office to provincial governors for official reference (Q. Li 2014, p. 86).

Undoubtedly, Martin's translations confused positivist modern international law with natural law to some extent. Like Parker's, it also misled the Chinese about the legal validity of international law. Martin made the Chinese believe that international law is as universal as a covenant of nations. This can be seen in one of *Wanguo-gongfa*'s Chinese preface written by Zhang Sigui (张斯桂), a Qing diplomat. He indicated that such law had to be observed from generation to generation, and it would be punished by the divinity if it was violated ("世世守之，长享勿替，有渝此盟，神明殛之，即此万国律例一书耳") (Wheaton 1864, Preface).

It was precisely because of this culturally attuned translation approach that other international legal works and Martin himself were increasingly welcomed by the Qing government. Beginning in 1865, only one year after translating *Elements*, Martin was appointed as an instructor at the *Tongwen Guan* (同文馆, "School of Combined Learning"), a newly established translation and teaching institution by the Qing court. *Tongwen Guan* was the first Western-style school in China to train foreign language specialists, which later evolved into what is now known as Peking University, one of China's leading academic institutions. Under Martin's guidance, *Tongwen Guan* was responsible for translations of other Western international laws, most of which involved the term *Wanguo* or *Gongfa*. By the 1890s, Martin had risen to the position of international law advisor to the Qing government. He remained in China until his death in the early 20th century, spending over six decades in the country. Throughout his life, he devoted much of his time to his occupations: missionary work, translation, and diplomacy (Wong 2017, pp. 183–85).

Indeed, most of Martin's translations of international law and conception of "international" maintained an overly universalist approach, particularly influenced by his efforts to align the international law of Christendom with Confucian thought. This approach became increasingly out of step with the rise of positivist legal theory and competitions between the great powers in the late 19th century.

Yet at any rate, from the perspective of the American legal community, the fact that their legal work had been taken seriously by a distant government was a source of considerable pride and surprise. When *Elements* was reissued in a centennial edition in 1936, the general editor, George Grafton Wilson (American publicist and international lawyer at Harvard University), recorded this issue of Chinese translation with evident satisfaction:

> There was also given in 1864 a striking evidence of the influence of Wheaton's work in the translation into Chinese, under the general advice of Dr. W. A. P. Martin, assisted by a commission of scholars appointed by Prince Kung, of Wheaton's *Elements of International Law* in four volumes. The work when published was sent to a large number of Chinese officials for their general guidance ...
>
> An edition of this Chinese text reprinted and adapted for Japanese use was published in Kyoto, Japan, in 1865, and other editions were issued in the East. (Wheaton 1964, p. 16a)

In subsequent editions of *Elements*, in page-long tables of "Chronological List of Editions and Translations", one could always find W. A. P. Martin's name and the year of 1864 (Wheaton 1964, pp. 607–8).[5]

5. Conclusions

This article traces the making of modern China's interaction with the Western world through the mediation of missionary translation, focusing on Peter Parker's *Geguo-lüli* and William A. P. Martin's *Wanguo-gongfa*. These cases show that China's interaction was not merely the product of Western "impact" but of a non-linear process open to reinterpretation. Theologically, the translation practice imbued international law with a universalist and quasi-theological coloring, resonating with both Confucian thought and the missionaries' Christian convictions. Linguistically, missionaries established initial hypothetical equivalences between Western legal–political terminologies and pre-existing Chinese terms. These equivalences were never neutral or stable transcriptions but creative acts that imported semantic weight. Politically, this article has also shown that missionaries were not passive conduits of legal knowledge but active participants in diplomacy.

The consequence of this entanglement was double-edged. On one hand, by anchoring foreign concepts in familiar Confucian terms, missionary translation made international law legible and acceptable to the Qing government. On the other hand, this same strategy encouraged a misapprehension of international law as a set of universal, self-enforcing moral norms rather than as an empirical, positivist instrument of balance of great powers. This mismatch between idea and practice did not resolve quickly. It persisted until the reformist ferment of the 1898 Hundred Days' Reform, when a broader absorption of "Western learning" finally made the practical stakes of international law legible to Chinese elites, as well as until Japan's rise prompted the replacement of the missionary-derived Chinese vocabulary with new terms that later migrated back into Chinese usage (Z. Wang 2025, pp. 12–13).

More broadly, this article suggests that the missionary translator deserves a central place in the historiography of modern China's encounter with the West—not as a marginal cultural intermediary but as a figure whose linguistic choices had direct and lasting political

consequences. Revisiting this history of translation offers a way of understanding why China's early adoption of international law took the contingent and often self-reinforcing form. It also contributes to why China has adopted a "cautious welcome" in dealing with foreign knowledge and why China's efforts to arrive at a more accurate theoretical and practical grasp of international law and international relations would extend well into the following century—a legacy that continues to inform its engagement with the global order today.

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Notes

[1] It also resolved problems related to the defectors and those who committed crimes in the territory of both sides, as well as authorized mutual trade between subjects of Russia and Qing (Inspector General of Customs 1917, pp. 3–7). Nevertheless, some of its clauses left problems that were difficult to solve by technical means then. For instance, it exceptionally stated that the jurisdiction over some rivers lying between the Russian river Uda and some mountains under China's rule was "to remain open" (Алексеевич 1889, p. 4).

[2] Emphasised by the author.

[3] "*Hong*" (行) was a type of Chinese merchant establishment and its associated type of building. Hongs arose in Guangzhou (Canton) as intermediaries between Western and Chinese merchants from the 18th to the 19th century under the Canton System (Perdue 2009).

[4] Yuan Dehui produced an alternative translation of this paragraph. As this article focuses primarily on missionary translation, for analyses of Yuan's translation, see Lai (2015, p. 76); for a biographical account of Yuan, see W. Wang (1985, pp. 60–62).

[5] Its 1964 edition recorded that: "Wheaton's *International Law*. Translated into Chinese by W. A. P. Martin of the American Presbyterian Mission; assisted by a Commission appointed by Prince Kung. Published at Pekin at the expense of the Imperial Government, 1864." (Wheaton 1964, pp. 607–8).

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