

The Chinese Contribution to the Universal Declaration of Human Rights, 1947-48: A Re-examination*

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For those who are aware of my usual topics of research and publication, it may seem surprising that I should propose a paper on the Universal Declaration of Human Rights and the circumstances of its composition. As a matter of fact, not so long ago I was not only totally ignorant of the subject, but also not particularly interested in it, at least not in a scholarly sense. What made me embark on a fairly thorough research of it was a two-year seminar at Collège de France (in 2002 and 2003) that was devoted to an historical and contemporary investigation of the question of whether or not democracy and the so-called "Chinese tradition" are antithetical notions—a question that had puzzled me for a long time and on which many ignorant things have been and are still being said.¹

Human rights, in the most general sense, were obviously relevant to the discussion. However, such was not necessarily the case with the text of the Universal Declaration itself, and how it came to be.

There my interest was kindled by Mary Ann Glendon's fine book on the commission presided over by Eleanor Roosevelt, the widow of President Roosevelt, which had been in charge of drafting an International Bill of Human Rights in 1947-48 and eventually produced the text of the Universal Declaration that was passed by the General Assembly of the United Nations on December

Will and Mireille Delmas-Marty (eds.), *La Chine et la démocratie : tradition, droit, institutions*, Paris: Fayard, 2007. (Mireille Delmas-Marty, my colleague at Collège de France, is a specialist of the internationalization of law with a long-standing interest in the Chinese situation.) For a much fuller presentation of the topic discussed in the present essay, see chapter 10, "La contribution chinoise à la Déclaration universelle des droits de l'homme," pp. 297-366.

1 The seminar eventually produced a somewhat massive book: Pierre-Étienne

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10, 1948.² According to Glendon, one of the most influential members of the Roosevelt commission had been its vice-president, a Chinese by the name of P.C. Chang. As this seemed of relevance to the seminar on "democracy and tradition in China" just mentioned, I decided to seek more information about Chang (whose complete name is Zhang Pengchun 張彭春), his background, and what he might actually have contributed to the Roosevelt commission. In particular, I wanted to know whether his input had indeed been a "Confucian" one, as Glendon claimed. In the end my investigations led me to the UN archives in New York City and to the archives of the Ministry of Foreign Affairs in Taipei, and also made me read a good

deal of literature on the Human Rights Commission and on the UN itself, on the human rights movement in China in the 1930s and 40s, and on other related topics which were mostly new to me.

From all this, I arrived at the following conclusions: First, that the Chinese participation in the Roosevelt Commission was indeed quite significant, and that it involved several other persons in addition to Zhang Pengchun. Then, that if their contribution was in some respects a specifically "Chinese" one (if not necessarily "Confucian"), this was to a much lesser extent than has been suggested by Glendon and other authors. Lastly, that despite the fact that the Chinese on the Roosevelt Commission were representing a country that was a major member of the UN and one of the victors in the recent war against fascism, back home their government was waging a civil war in which its very survival was in balance and therefore not particularly concerned about human rights.

2 Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York: Random House, 2001. Glendon is a law professor at Harvard and currently the US ambassador to the Vatican. Not uninterestingly, two important participants in the 1947-48 debates on human rights who will be mentioned below—John C.H. Wu and Jacques Maritain—likewise were devout Catholics and, at one point in their careers, ambassadors to the Holy See.

In what follows, I organize my remarks into four sections: First, I will briefly summarize the history of the Roosevelt Commission up to the vote of the Universal Declaration in December 1948, a history that covers two years and went through several twists and turns. Second, I will introduce three of the more important Chinese who were involved in the drafting of the Universal Declaration. Third, I will describe how the Chinese government back home was monitoring the process. And finally, I will try to analyze the substance of some of the Chinese contributions to the text of the Universal Declaration.

1.

To study the Chinese involvement in the Human Rights Commission one actually needs to go back to the very origins of the UN. The Republic of China, which had already been an extremely active member of the League of Nations during the 1920s and 30s, was an important participant in the preparatory

meetings of Dumbarton Oaks (in late 1944) and San Francisco (in 1945) that laid the foundations of the new United Nations Organization. After all, China was one of the four allied powers which at that moment were still at war with Germany and Japan—a war whose rationale was, among other things, to protect and promote democracy in the world. Human rights featured prominently in the UN Charter that was prepared in San Francisco. In fact, article 68 of the Charter allowed for the setting up of a Commission for the Promotion of Human Rights whose first task would be to draft an International bill of human rights—as it was called at that stage: only later would the project be temporarily limited to a general declaration; and the word "universal" instead of "international" was not adopted until the Third Committee of the General Assembly, shortly before the final vote.

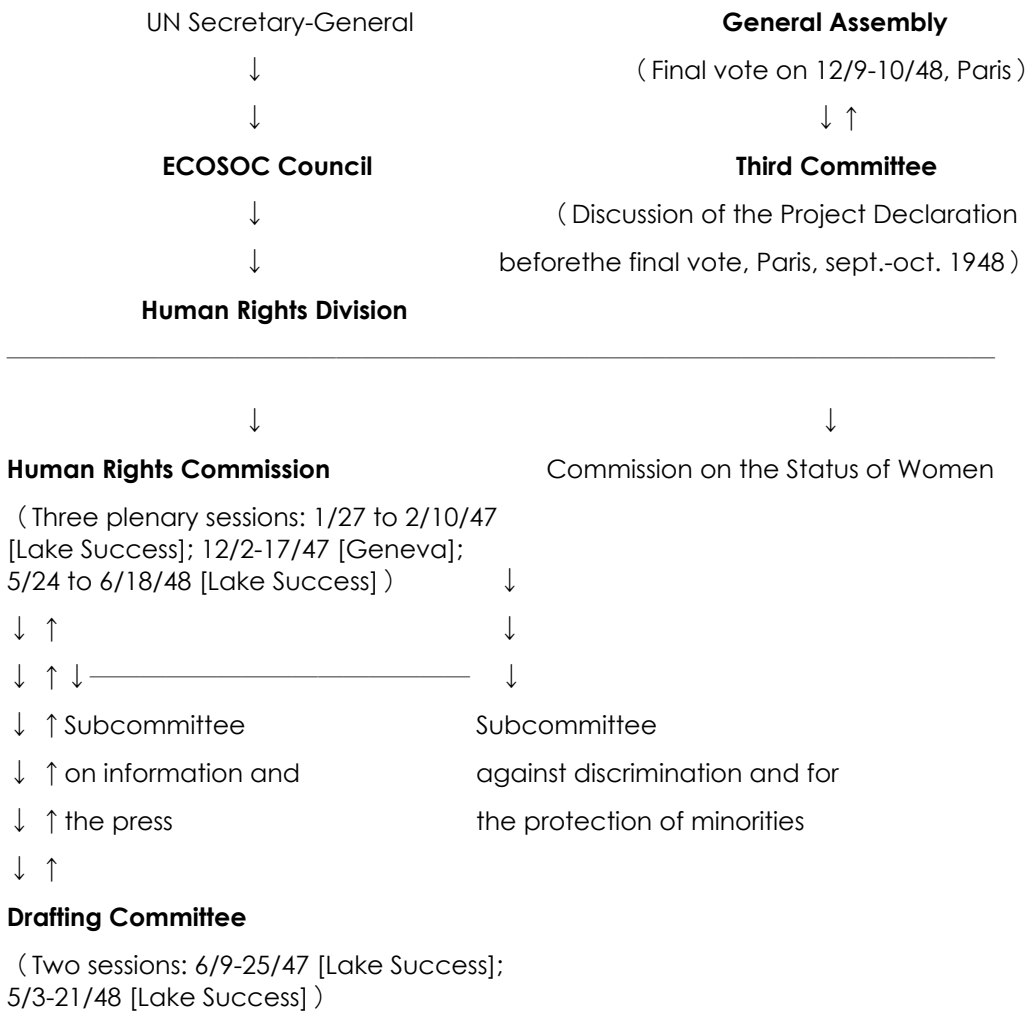
One of the founding fathers of the UN was President Franklin

Roosevelt; however, and regrettably, this was in absentia because he was no longer alive when the San Francisco conference convened. But his famous speech of January 1941 on the "Four freedoms" (freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear), in which he insisted that these freedoms would have to be implemented "everywhere in the world", had a considerable effect internationally, including in China, and it was widely influential in defining the goals of the UN. It was therefore not surprising that the new US President, Harry Truman, should ask Roosevelt's widow Eleanor—who was herself well-known for her liberal and feminist inclinations and for her humanitarian activities—to be part of the US delegation to the first session of the UN that convened in London in early 1946. And because of her prestige, and also her efficiency and authority, it was only natural that a little later she should be made a member

and soon the chairperson of the so-called "Nuclear Committee" in charge of planning the organization and work of the future Human Rights Commission — and then the chairperson of the commission itself.

At this point, and to make things clearer, it may be useful to explain where the Roosevelt Commission stood in the general structure of the UN, and to give a rough chronology of its activities through the final vote of the Declaration. This information is abstracted in the diagram below.

演講



As we can see, the Human Rights Commission was subordinate to the Economic and Social Council (ECOSOC) , which in effect made many important decisions regarding the activities and organization of the

Commission. (The Human Rights Commission has been recently replaced by the Human Rights Council, which is directly dependent on the UN General Assembly.)

For our purpose, the Human

Rights Commission held three formal sessions (each two to three weeks long) in 1947 and 1948—two at Lake Success, a town near New York City that was the seat of the UN until 1951, one in Geneva—before it was able to submit a Draft Declaration of Human Rights to the ECOSOC Council. In between these formal sessions were important sessions held by the Commission's "Drafting Committee", which prepared the texts that would be discussed by the delegates in the plenary sessions.

This was not all. Many important last-minute changes to the final Declaration were introduced during the numerous meetings, extending over about two months, of the so-called Third Committee of the UN General Assembly in charge of humanitarian, social and cultural questions, just before the session of the General Assembly in Paris that eventually passed the text after two days of high-sounding speeches by the main drafters. This Third Committee session was considered

an important step because for the first time all the nations represented at the UN were able to discuss the text, whereas only a few had taken part in the work of the Human Rights Commission.

Without entering into details, I should also recall that the initial task of the Human Rights Commission was to draft a full "Bill of Human Rights" that was to comprise three parts: (1) a general declaration, (2) a covenant, and (3) a set of measures of implementation. The drafting of the covenant and the discussion of the measures of implementation were dropped along the way, for two reasons: first, because time was too short; and then, because several countries, first among them the US and the USSR, actually did not want any international treaty or body that might interfere with their domestic policies. These countries were only too happy to content themselves with a general declaration of principles which would not commit

them to anything—or so they thought, although in the end they were proven wrong. Indeed, it is generally considered that, had not the Commission wisely decided to submit only the general declaration at the end of 1948—that is, independently of the covenant—probably nothing at all would have ever been adopted, not even a general declaration. The reason for this is that from 1949 onwards the international situation had worsened to such an extent that the two opposite sides in the cold war could have agreed on nothing. (In the 1948 vote, the Soviets and their allies were content with abstaining—at least they did not vote against the Declaration.)

1949, of course, is the year when the government of the Republic of China ended up being swept away by the Communists and forced to take refuge on Taiwan. From then on, although the Republic of China retained its seat on the Security Council for quite some

years, the pretense of being a major power could no longer be sustained. But before its final defeat on the mainland the Republican government, however difficult its situation and with much of its territory occupied by the so-called "red bandits", remained the legal representative of one of the largest nations in the world.

The Chinese representatives at the Human Rights Commission, to come back to them, were active from beginning to end, and, as I already said, they played a fairly important role. Already at the Nuclear Committee China was represented by Xia Jinlin 夏晉麟 (or C.L. Hsia), a jurist and diplomat who had founded and brilliantly developed the official Chinese News Service in New York from 1941 and who was very well connected in government circles—he wrote in English to the Ministry of Foreign Affairs, Wang Shijie 王世杰 (1891-1981), addressing him as

"My dear Minister"³.

However, when the Human Rights Commission itself started its work Xia was no longer involved: the person appointed to represent China was Zhang Pengchun, whom we have already met. Zhang was elected vice-president at the beginning of the first session, and proved to be a committed, efficient and highly respected Commission member over the next two years. The bureau of the Commission also included Eleanor Roosevelt as president, and a Lebanese Catholic philosopher, Charles Malik, as rapporteur. Zhang and Malik, whose intellectual backgrounds and philosophical orientations were quite different, were both

rather opinionated and seem to have engaged in a lot of verbal sparring during the meetings. In any case, the studies reporting on the different sessions confirm that Zhang was one of the Commission's most active participants—as illustrated for example by his cabled report to Nanjing after the first session of the drafting Committee, saying that "China [that is, himself] has intervened on each paragraph". And indeed, Zhang made several important points throughout the entire process, which I will mention in due course.⁴

3 See Xia's interesting remembrances: Ching-lin Hsia, *My Five Incursions into Diplomacy and Some Personal Reminiscences* (New York, 1977), also published in Chinese as *Wo wudu canjia waijiao gongzuo de huigu, yu zaonian huigu* 我五度參加外交工作的回顧, 與早年回顧 (Taipei: Zhuanji wenxue chubanshe, 1978). At the time Xia was also alternate Chinese representative on the Security Council; he pursued a distinguished career at the UN through 1956.

4 Concerning the sources on which all of this is based, let me recall that the detailed accounts of every single session—summarizing in indirect style most of the interventions of the delegates—are kept in the Dag Hammarskjöld Library at the UN; they have been made use of in great detail in several published studies devoted to the Commission. Besides Glendon's book already mentioned, I should mention in particular Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, Philadelphia: University of Pennsylvania Press, 1999; and Éric Pateyron, *La contribution française à la rédaction de la Déclaration universelle des droits de l'homme. René Cassin et la Commission consultative des droits de l'homme*, Paris: La documentation française, 1998, whose content covers much more than is

2.

I turn now to discuss in more detail some of the Chinese who were involved in the work of the Roosevelt Commission. As we saw, there were several of them. We do not have information on all their backgrounds or careers, but it happens that the more important among them are fairly well-known personalities, about whom it is therefore possible to speak in some depth. I will discuss three of them, each in his own way a good example of the cosmopolitan and Western-educated intellectuals who were to be found everywhere in the Chinese diplomatic service and in international organizations. (Foreign Minister Wang Shijie, mentioned earlier, who had

suggested by its title and which usefully corrects the Anglo-Saxon orientation of much of the published literature. To this must be added an extremely thorough and systematic account commissioned by the UN Secretary General, which was never published and can be found in manuscript form (in English and Spanish) at the UN archives: Book on the Universal Declaration, edited by Luis Recasens-Siches, dated 1950-53 on the labels. None of the authors cited above seems to have noticed its existence.

graduated in political economy in London and in law in Paris, is another example.) The first of the three, and the most important, if only because of his position at the Commission, is Zhang Pengchun; the second is Wu Jingxiong 吳經熊 (or John C.H. Wu), who deputized for Zhang at the second session of the Commission in Geneva; the third, Luo Zhongshu 羅忠恕 (Chung-shu Lo), was actually not part of the Roosevelt Commission—and he is not particularly well-known—but he intervened in another way, as one of the so-called "philosophers" who were asked by UNESCO to explain the meaning of human rights in the various cultures. I will discuss Luo, on whom I was able to trace information in somewhat unlikely places, because he represents an interesting type of Republican Chinese academic who was well connected abroad, and because his essay for UNESCO is quite interesting.

Zhang Pengchun is the only one among the three to be discussed in

any detail in the published literature on the history of the Roosevelt Commission. It is always said that he was a "Confucian philosopher", a diplomat, and an educator. The last two descriptions are correct, but the first, I think, is not, in the sense that even though Zhang was a learned academic, his knowledge of the Chinese philosophical tradition does not appear to have gone much farther than what any well-educated Chinese knew about Confucius or Mencius (although that is always enough to impress a Western crowd). Zhang's real specialty, and even passion, was not philosophy, but the theater, and what is more, it was the Western-style sort of "new theater" (xinju 新劇) introduced to China at the beginning of the 20th century.

The first thing to say about Zhang Pengchun, perhaps, is that in China he is much less known than his elder brother Zhang Boling 張伯苓 (1876-1951) —a famous educator, a Christian convert, and the founder

of Nankai University—who was 20 years older than Pengchun and actually raised him after the death of their parents. The second thing is that Zhang Pengchun, who had been excellently trained in American universities, was absolutely at ease in an English-speaking environment and was at least as conversant with the Enlightenment philosophers of Europe (whom he sometimes quoted in front of his colleagues at the Human rights commission) as with the Lunyu or the Laozi. He went to America on a Boxer scholarship in 1910; among his classmates were Hu Shi 胡適 (who needs no introduction), Qian Chongshu 錢崇樹 (the literary critic), Zhu Kezhen 竺可楨 (the climatologist), and Zhao Yuanren 趙元任 (the musicologist) —so, a rather starry selection of students, several of whom would become famous scholars at Academia Sinica. In 1913 he entered Columbia University, where, like so many other Chinese students, he studied with

John Dewey. He earned a Ph.D. in education at Columbia in 1922. During much of the 1920s and 1930s he taught at Nankai, principally on the theater. He also wrote and produced plays, translated a number of Western theatrical works (including Molière's *L'Avare*, which he put into Chinese in 1935 together with the famous playwright Cao Yu 曹禺, his disciple at the time), and acted as a guide and interpreter for the Beijing opera superstar, Mei Lanfang 梅蘭芳, when the latter toured America and the USSR in the 1930s.

It was after Nankai had been destroyed by Japanese bombs in 1937 that Zhang Pengchun entered the diplomatic service, first as a messenger to various capitals to plead the cause of China, and later as an ambassador to Turkey and Chile. From the San Francisco conference on he was an influential member of the ECOSOC Council at the UN, which he left in 1952 due to illness. He also was one of

the initiators of the World Health Organization. In sum, Zhang Pengchun, who according to all testimonies was a very strong personality, had the competence, knowledge and talent of a cultural transmitter between China and the West; and in this respect he was certainly the ideal Chinese representative to the Roosevelt commission, of which as we have seen he was the respected, if occasionally difficult, vice-president.⁵

For his part Wu Jingxiong (John C.H. Wu), whose place in the intellectual history of modern China is certainly more important than that of Zhang Pengchun, participated in the Roosevelt Commission only as a deputy, during one session, where in fact he does not seem to have made much of an impact. Still, he had joined the San Francisco

5 Almost no writings of Zhang Pengchun have been preserved. See, however, the few essays and speeches reproduced in the miscellanea privately published by his daughter and son-in-law: Ruth H.C. & Sze-Chuh Cheng, *Peng Chun Chang, 1897-1957: Biography and Collected Works*, n.l., 1995.

Conference, and when the Human Rights Commission was formed he was actually the first name mentioned as a likely Chinese representative there. But he resided in China at the time and I suspect that, as in other instances, the Chinese Foreign Ministry preferred to save money by appointing someone who was already living in New York—Zhang Pengchun, who represented China at the ECOSOC Council.⁶ Yet Wu Jingxiong would have had serious credentials to represent China at the Human Rights Commission. He was a famous law scholar, had studied in America, France and Germany, and had published important works

on natural law and international law, both in English and in Chinese. He also had been, it appears, the main drafter of the 1936 constitution of the Chinese Republic (which was not promulgated until 1947). To be sure, both the 1936 draft constitution and the final 1947 constitution contain many restrictions on rights in the name of the interests of the state: in fact, Wu Jingxiong justified this stance at the time, in an article where he made reference to Sun Yat-sen's notion of *minquan* 民權 and claimed that rights are conferred upon the individual by society, and can therefore be limited if such is the interest of society.⁷ (Although I have not studied Wu Jingxiong in any detail, my impression is that his life and works were not devoid of contradictory statements and ideas.)

Another interesting and important

6 In his above-mentioned remembrances Xia Jinlin curiously claims (pp. 71-72) that he was appointed Chinese representative at the Human Rights Commission "when Dr. John C.H. Wu was unable to make the trip from Nanking", and that "a few months later [he] gave [his] seat to Dr. P.C. Chang". It would seem that in his account he is conflating the "Nuclear Committee", on which he did sit as a replacement for Wu Jingxiong, and the Commission proper, whose meetings started several months later and of which he was not a participant. In his letter to Wang Shijie cited above he referred to Wu as the most likely incumbent for the full Commission.

7 For an English translation of Wu's defense of his draft constitution, see Stephen C. Angle and Marina Svensson (eds.), *The Chinese Human Rights Reader: Documents and Commentary 1900-2000*, Armonk, Sharpe, 2001, p. 163.

aspect of Wu Jingxiong is his Christianity. First a Methodist convert and later a Roman Catholic, Wu Jingxiong translated the Psalms under the sponsorship of Chiang Kai-shek during the war. Later he served as the first Chinese ambassador to the Vatican. We shall see that in his report on his work at the Human rights Commission he insisted on recalling certain Christian notions, and more generally he was convinced of the existence of a natural law created by God, with universal value.⁸

Our third personality, Luo Zhongshu, seems to have been quite a different sort of person. Although like the two others he was a well-connected cosmopolitan. In 1948, Luo, at the time a professor of philosophy at West China Union University in Chengdu, was appointed a member of the international committee of

philosophers entrusted by UNESCO with the task of developing a concept of human rights that would be truly universal. The ensuing collection of essays, which features many famous names, does not seem to have been much used by the members of the Roosevelt Commission, who probably considered that their own debates had already discussed the matter well enough.⁹ Yet Luo's essay is extremely interesting, if only in the way he manages to discuss, first, some ancient Chinese concepts and institutions, and then, his own ideas on human rights, and because in his argument the two seem largely unconnected. In any case, if Luo Zhongshu was selected as a member of the UNESCO group of

8 His views are explained, among other places, in his book *Fountain of Justice: A Study in the Natural Law* (New York: Sheed and Ward, 1955).

9 The essays were published in 1949 in English as *Human Rights, Comments and Interpretations, prepared by UNESCO* (London: A. Wingate), and in French as *Autour de la nouvelle déclaration universelle des droits de l'homme. Textes réunis par l'U.N.E.S.C.O.* (Paris: Sagittaire), both with an introduction by Jacques Maritain. It is clear, however, that the draft was circulated among the members of the Human Rights Commission in 1948.

philosophers alongside such famous thinkers as Teilhard de Chardin, Benedetto Croce and Aldous Huxley, it was obviously a result of all the networking he had done since the late 1930s. At the time he had spent the "best two years of his life" (he says somewhere) in Oxford and had made contact with a large number of renowned European intellectuals to consult them about his projects of academic cooperation between China and Europe—especially England: for him Oxford was the ultimate model of humanistic education and in his view it was very close to the traditional Chinese academies. I have been able to reconstruct Luo Zhongshu's networking in Europe in the 1930s and again, after 1945, in Nanking and back in England, through some of his writings—in English—that I found, in particular, in the archives of Albert Einstein, who was among Luo's contacts and whom Luo appears to have visited at Princeton

in 1947 or 1948.¹⁰ In brief, Luo, who professionally seems to have specialized in Greek philosophy, can be described as yet another cultural transmitter. Regrettably I have found no information on him before his stay at Oxford in 1937-1939 and after his contribution to the UNESCO commission; obviously more research in Chinese sources would be needed.¹¹

3.

Both Zhang Pengchun and Wu Jingxiong (as opposed to Luo Zhongshu) were members of the

10 For Luo's cooperation projects see his *Suggestions and Discussions on a Project for Co-operation Between British and Chinese Universities and Cultural Relations Between the East and the West*, a typewritten collection of essays with an introduction dated May 1940 held at the University of Chicago Library, as well as his two 1946 texts enclosed in a letter to Albert Einstein dated 22 February 1947: "International Cultural Co-operation and World Peace", and "International Education and World Peace."

11 The only publications in Chinese by Luo Zhongshu I have been able to locate so far are a translation of a history of Greek philosophy by Frank Thilly (1865-1934), published in Chongqing in 1943, and a 1946 article published in the opposition journal, *Guancha* 觀察.

Roosevelt Commission—the latter only for one session, as we saw. As such, they needed to stay in touch with their Ministry in Nanking, and it is well worth wondering what sort of control or authority the Chinese government exerted on their activity, and whether it had indeed a serious influence upon its representatives at the Commission, as some authors have suggested.

One thing that seems rather clear, and which is largely confirmed by what I have been able to see in the archives of the Chinese Foreign Ministry in Taipei, is that in reality China's delegates in New York, Geneva or Paris enjoyed a comparatively large freedom to maneuver and were rather unconstrained in their statements or declarations. The contrast is striking with the delegations of the USSR and the countries of the Eastern bloc, which were obliged constantly to consult with their governments and had to find arguments to defend publicly the line that was dictated

to them, however unpalatable to the rest of the Commission it might be. Even Eleanor Roosevelt, who thought that now that she was no longer the first lady she would be free at long last to say whatever she wished, was escorted and—to an extent at least—controlled by professional diplomats and she kept close contact with President Truman. Likewise, it can be seen in the French archives studied by Pateyron that the French government was carefully preparing the various sessions of the Commission and closely involving itself with the work of its delegates.

Why, then, were the Chinese delegates comparatively free to act and talk? The obvious answer, it seems to me, is that their government back home had enormous problems to deal with and was not terribly interested in the details of discussions about human rights. Actually, the Nationalist government, which had always been authoritarian and was so more than ever now that it was in the middle of a civil war

with its old enemy the Communist Party, was famously indifferent to and routinely flouted human rights in its practice at home. Still, it was essential to maintain appearances: after all China was a major partner in the resistance of the free world to communist expansion; nominally at least it was a democracy, with a constitution that guaranteed all the basic human rights; and it was of the utmost importance that it reinforce its legitimacy with the Western powers, especially with the United States, which at the time was considered a leader in the human rights movement and which was the only power capable of saving China, should it so choose. Indeed, looking good in the eyes of the United States was all the more urgent because since the Pacific war there had been more and more people in the American diplomatic service and even in the military who considered Chiang Kai-shek's regime as hopeless and were prone to contrast its messiness and corruption with the

idealism and discipline displayed by the Communists.

For all these reasons, the Nationalist government, and more specifically its Ministry of Foreign Affairs, insisted on an active participation in the Human Rights Commission. However, what we see in the archives suggests that for the Ministry's officials this meant a bureaucratic obligation and an exercise in diplomacy, rather than fulfilling the sacred task of advertising the humanistic ideals of the government of Free China. For example, the many calls for information or comment that the Foreign Ministry received from either the UN Secretary General or the Chinese delegation in New York were routinely passed to other ministries or organizations, which usually did not bother to answer until they had been pestered again. One is tempted to say that the Chinese government's contribution—as opposed to its representatives' at the UN—to the work of elaborating a Bill

of Rights or a Universal Declaration was close to nothing. As it happens, the only really interesting comment on one of the Declaration drafts received by the Ministry that I have found in the archives came not from some ministerial bureau in Nanjing, but from a private body, the China Law Society (Zhongguo faxue hui 中國法學會), to which the draft had been referred for comments (I will come back to this).

Indeed, while many non-governmental organizations from a number of countries sent advices, draft declarations, or whatever contributions to the Human Rights Commission they thought might help or influence its work, there are no Chinese contributions mentioned in the UN archives. This is in a sense puzzling, since there had been an extremely active and sophisticated human rights movement in China since the 1930s, of which most participants were still alive and active—people like Hu Shi (now an ambassador to the US, to be sure),

Luo Longji 羅隆基 (1896-1965), and many others, who courageously resisted the political authoritarianism and the human rights abuses of the Nationalist government before, during and after the Pacific war. As far as I can ascertain, though, none of these people appear in the materials related to the Human Rights Commission's history.

Whatever the case may have been, the result of the situation at home was, again, that the Chinese representatives at the UN were more or less given free rein to take initiatives and make statements—which they did, and sometimes with considerable talent. And it seems that even when they were sent directives, they might very well, not ignore them, but do some improvisation on their own account, which after all was inevitable since nobody could anticipate what the twists and turns of the discussion in the Commission would be. There is in fact, at least in the archival record, only one example where

the delegates' insistent demands for instructions were answered by the Ministry of Foreign affairs; but then these instructions were only more or less followed by the person who had asked for them.

This person was Wu Jingxiong, who was appointed to represent China at the second session of the Commission—eventually held in Geneva after much discussion and maneuvering. Very simply, the European members of the Commission, especially one of its leading participants, the French René Cassin (1887-1976), wanted to have at least one Session held in the symbolic city of Geneva—of course the former site of the League of Nations, where Cassin himself had been a French representative for many years before the war—on European soil and in a European environment, which they found more friendly to their positions and ideas. There was much resistance in other quarters, especially on the part of Eleanor Roosevelt, who

was initially in favor, and of Zhang Pengchun, who in the end did not go to Geneva, saying that he had to attend a meeting of the ECOSOC Council on the same date. So, Wu Jingxiong was sent instead, and for the Chinese Ministry of Foreign Affairs, which obviously was living on a shoestring, this was a boon since Wu Jingxiong was ambassador at the Vatican at the time, and a trip from Rome to Geneva would cost much less than one from New York. In Geneva Wu would be helped by the Chinese ambassador in Bern, a certain Wu Nanru 吳南如—an added advantage. Even so, Wu Jingxiong had to insist on having at least his actual expenses reimbursed during his stay in Geneva. Another problem was that he had to serve as deputy in two commissions—namely, the Human Rights Commission proper, and the Subcommittee against discrimination and for the protection of minorities (or Fangzhi qishi baozhang shaoshu minzu weiyuanhui 防止歧視保障少

數民族委員會), whose meetings partly overlapped with those of the Commission.

The archives contain quite a number of telegrams and draft answers discussing these logistical arrangements; but, interestingly, they also contain some substantive instructions sent in response to Wu Jingxiong's urgent demands for advice (which he addressed not only to his Ministry but also to several diplomats, including Zhang Pengchun), as well as a final, informal report drafted by Wu on stationery from his Vatican embassy. So, ironically, the only instance where this sort of exchange is documented in the Foreign Ministry archives concerns a session of the Human Rights Commission that the incumbent representative of China did not attend, and where, if we are to believe the standard sources, China does not seem to have made any crucial contribution.

Still, the directives from Nanjing to Wu Jingxiong are far from

uninteresting. Concerning the subcommittee on discrimination and minorities, China—like not a few other countries, beginning with the US—was somewhat nervous lest it be attacked on its own record. Therefore, the instructions from the Ministry started by insisting that it goes without saying that the Republic of China is used to combating discrimination and protecting minorities. They went on to specify that if the question of the shaoshu minzu 少數民族 in China or in Xinjiang was raised during one of the meetings, then the representative of China would have to mention the recent initiatives of the government in Xinjiang, notably that at present the local authorities were all local people democratically elected by their fellow Xinjiangese, all of this "with a view to promote local self-government and to guarantee equality between the nationalities". The Ministry was evidently referring to the policies initiated in Xinjiang since late 1945 under General Zhang Zhizhong 張治中 in the face

of powerful separatist movements—policies inspired by the Soviet model, which indeed allowed a lot of space to the Uyghur local leaders.

In any case, in his report Wu Jingxiong was able to say that, fortunately, China had not been attacked on its shaoshu minzu record. As for the instructions that concerned the session of the main Human Rights Commission he was to attend, they are of some interest, if only because of their very banality (or so it seems to me). The draft answer to Wu's demands found in the archives of the Ministry suggested that he might emphasize the following five points: (1) He might recall all the articles in the Constitution of the Republic of China which protect human rights (and in fact all the rights are duly mentioned in the constitution); (2) he might mention the importance of the "natural rights of man" (tianfu renquan 天賦人權) in Chinese social customs and ethics; (3) he should stress the

Chinese "political ideal" embodied in the saying "Within the four seas all men are brothers" (四海之內皆兄弟); (4) he should mention the major Chinese contribution that was the examination system "for more than 2,000 years", which ensures the equality of opportunity; (5) and finally, he should insist that China is willing and able to steer a middle course in the modern world between the extremisms, both of the right and of the left—and, it should be noted, to say "strike a middle course" the Ministry officials used the phrase shou zhongyong zhuchang 守中庸主場, where the word zhongyong certainly has a venerable pedigree in Chinese civilization.

These suggestions are interesting, it seems to me, inasmuch as they attempt to connect modern notions like the Constitution, rightist or leftist extremism, or even the very notion of "human rights", with a sort of vague Chinese egalitarianism supposed to be characteristic of Chinese tradition. In fact, referring to

the ideal of universal brotherhood or to the examination system to demonstrate China's credentials for joining the international movement for democracy and human rights was rather commonplace at the time—everybody did it, including Zhang Pengchun. (And I should add that the idea of universal brotherhood, which found its way in Article 1 of the Universal Declaration, was first introduced there by the French representative, René Cassin, who was borrowing it from the 1789 French Declaration of the Rights of Man and Citizen.) Still, I am struck in this document by the very notion of "natural rights" (tianfu, meaning "endowed by nature"), because, as we shall see, there was much discussion and even conflict within the Commission about the exact nature and origin of human rights.

In his report of the meetings of the anti-discrimination subcommittee, Wu Jingxiong stated that he had insisted not only that "all men are brothers", but also that

"all brothers are men" (xiongdi jie ren 兄弟皆人)—a puzzling proposition, even taking account of Wu's additional comment that this is the source of "humanitarianism" (rendao zhuyi 人道主義). Another interesting detail is that, according to the official record (but not to Wu's own report), Wu's main intervention in Geneva seems to have taken place while an article on the "right to renounce one's nationality" was being discussed. Apparently, Wu could not conceive of considering the notion of emigrating and renouncing one's own nationality as a "right". Perhaps we should see in that a specifically Chinese attachment to one's minzu 民族, a notion which after all means more than just hold a passport from this or that country.

Finally, in his preliminary report forwarded from Rome to his Ministry Wu Jingxiong mentions that during a press conference at the end of the Geneva session he made a declaration in which he claimed

that the Commission seemed to have well understood the Confucian injunction "not to do to others what one doesn't want to be done to oneself" (己所不欲, 勿施于人), but not—to his regret—the Christian principle "To love others like oneself" (愛人如己). Wu Jingxiong, as I said, was an ardent Christian.

To summarize, in this instance at least we do have frequent exchange (including several telegrams I did not mention here) between the Chinese representative to the Human Rights Commission and his Ministry in Nanjing, with some discussion of points of substance. But we can also see that the ideas conveyed in these exchanges, at least on the side of the Ministry, were either politically motivated (e.g., to prevent attacks on minority policies at home), or mere platitudes. Wu Jingxiong's contribution, whatever it may have been in the end, was largely on his own initiative, and based on his own, rather idiosyncratic, ideas. The same could probably be said

of Zhang Pengchun, except that Zhang seems to have been a more effective debater than John Wu and obviously had much more charisma, and therefore a greater impact.

In any event, during the second year of the Human Rights Commission's work on what would eventually be called the Universal Declaration of Human Rights—that is to say, during 1948—we do not find much of substance in the Foreign Affairs Ministry archives—except for the afore-mentioned comments (typed in English) of the China Law Society. As noted earlier, these comments are quite valuable, but since they are mostly about technicalities this is not the place to enter into details. It deserves to be mentioned, however, that the Chinese jurists insisted very much on the importance of the human rights implementation measures being discussed at the time, but which were in the end postponed pending a more favorable political climate. More than that, they were

in favor of some sort of international "special court" entitled to arbitrate and pass sentences independently of the national states—and this was something to which countries like the US or the USSR were absolutely opposed, as I have already mentioned.

Another possible contribution of the Chinese legal specialists, to whom the draft declaration of human rights prepared in Geneva, comprising something like 35 articles, had been forwarded by the Ministry for comment, was their insistence on achieving something much shorter and much simpler. Since their comments were passed on to the Chinese representatives in New York, it seems quite plausible that it was their influence that prompted Zhang Pengchun's deputy at the second session of the Drafting Committee, a certain T.Y. Wu (about whom I know no details), to make exactly the same points and to present the Committee with a sort of mini-declaration of human rights in 10

articles, taking up only one page, and quite elegantly crafted. This short declaration was not retained by the drafting committee, of course—the final Declaration has 30 articles—but it clearly inspired a number of Zhang Pengchun's interventions during subsequent meetings, where he proposed shorter and more general formulations; and indeed some of his proposals were adopted and are now found in the final text of the Universal Declaration.

But apart from that, the impression left by the Foreign Affairs Ministry archives after the Wu Jingxiong episode is mainly one of bureaucratic foot-dragging, using as a frequent excuse the fact that the ministry could not muster the linguistic skills required to examine and comment on the many documents in English or French coming in from New York, and asking for Chinese translations. The only (and rather short) comment by the Ministry that I found, which concerned the draft declaration

prepared by the third session of the Human Rights Commission, is in the form of a handwritten draft written on ordinary stationery. It was sent too late (if it was ever sent) to be of any use. This comment raised some issues regarding problems of national defense (again, it criticized the right of freely leaving one's country); but in general it approved the text of the draft because, it said, the rights which were enumerated were basically "abstract" (抽象) and "normative" (規範), not "absolute" (絕對). Then, we find nothing concerning the UN Human Rights Commission in the Taipei archives until 1955.

4.

The Chinese delegates at the Human Rights Commission were not just representing an important country and one of the major allies of the Western powers during the recent war, they were also the ambassadors of a prestigious non-Western civilization; and in this capacity they were in a position

not only to impress their Commission colleagues, but also to wake them up, as it were, to the existence of the non-Western world, at a time when the UN was, like it or not, dominated by European and American interests and by the Western discourse

It seems clear that Zhang Pengchun, in particular, was very good at reminding his colleagues that the discourse in question spoke directly to only a minority of humankind; and obviously this was perfectly sincere, and deeply felt, on his part. But Zhang was also much too smart, and too much of a cosmopolitan, to act as the "ambassador of Confucianism" at the Roosevelt Commission that some recent authors have been eager to see in him. What seems to me interesting, in fact, is how he was able to use three approaches at the same time.

As I see it, the first approach is in evidence in some important and crucial interventions that he made in order to prevent the

declaration from being a document in which the citizens of non-Western nations would not be able to see themselves—in other words, from not being a truly "universal" document. In such cases Zhang would usually insist on formulations that should be as general, neutral and encompassing as possible, so that everyone might put in them whatever concrete meaning he wished, and no one would feel that the content of the article had been preempted by this or that culture. Indeed, this approach is reminiscent of the ingenious remark made by the French Catholic philosopher Jacques Maritain in his preface to the UNESCO collection of essays I mentioned, to the effect that "everybody can agree between themselves, but only on the condition of not asking why".

Zhang Pengchun's conservative and, in a sense, discreet attitude is remarkably well illustrated in a declaration he made during the heated debate about the foundation of the human qualities of

reason and conscience mentioned in Article 1 of the Declaration. The debate was heated because some delegations insisted on mentioning the divine origin of such qualities. The final agreement was that God would not be mentioned, but that in exchange "nature" would not either, because of its possible materialistic connotation. In its present formulation this article reads: "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." Zhang Pengchun was one of the main proponents of suppressing either "by God" or "by nature" after the words "are endowed". According to the record he made the following declaration to support his stance:

Zhang reminded his colleagues that China "represented a large part of humankind", and that "its population maintained ideals and traditions different from those of the

Christian West. Those ideals included good manners, decorum, propriety, and consideration for others. Yet, the Chinese representative (Zhang) would abstain from proposing that a mention of those ideals be made in the Declaration. He hoped that his colleagues would demonstrate a similar consideration, and would withdraw some of the amendments to Article 1 which raised metaphysical problems. For Western Civilization too, the time of religious intolerance was over."

This was eloquently put, and typical of an approach that was extremely careful of any sort of ideological partisanship and of any "negative" implication that might limit the expression of fundamental rights, like for example (and in this case) the right to believe or not believe in God.

Another approach of Zhang's was more positive, or substantive, in that he would insist on introducing in a particular article an element that was Chinese, but that he believed

would actually enhance the universal value of the declaration. His main contribution in this respect was to introduce the notion of "conscience", alongside that of "reason", in Article 1. In fact, as he explained during the debates, Zhang was at that time thinking of the notion of ren 仁, the written character for which he duly explained for his colleagues: "man" plus "duality". In other words, what he wanted to introduce as an addition to reason was the sense of "sympathy" towards one's fellow men. Now, the word eventually retained was not "sympathy", but "conscience", which in English or French does not correspond very closely to ren. This suggestion, too, was from Zhang, who was thinking of the Chinese liangxin 良心—which is in fact found in the Chinese version of the Declaration; and indeed liangxin, in its Mencian use, means more than "moral conscience," for it refers to the natural goodness of man, and implies sympathy.

Finally, a third approach of Zhang's consisted in using some Chinese notion, or saying, as a pleasant and clever means to convey a point or to work out a compromise. Such interventions always impressed his colleagues. According to the remembrances of John Humphrey, a Canadian scholar who was the secretary general of the UN's Human Rights Division, "Zhang was a master in the art of compromise, and under the pretext of some quotation from Confucius he would often succeed in providing the Commission with a formula that would help it get out of a deadlock".

A detailed inventory of all of Zhang Pengchun and his colleagues' inputs during the lengthy process of drafting the Universal Declaration of Human Rights—not just their more significant contributions, which I have mentioned along the way—would be much too long for this essay. It would involve, among other things, trying to sort out what was of a purely technical nature—such as problems of style and consistency—

and what was more about substance. And concerning what was more about substance it would involve sorting out what can or cannot be considered a specifically Chinese input, and also what was in fact politically motivated.

As I suggested above, it was of utmost importance for Zhang and his colleagues not to antagonize the Americans, and this may explain why in some circumstances Zhang voted, as some commentators have said, "against his roots"¹². Such was the case, in particular, at the end of the process, when decisions had to be made about how to deal with the question of duties (as opposed to rights) —that is to say, of an individual's duties toward his community. The inseparability of rights and duties was an article of faith for many delegations, especially (but not exclusively) among Asian countries. In his UNESCO essay, for example, Luo Zhongshu insisted

12 See in particular Johannes Morsink, *The Universal Declaration of Human Rights*, op. cit., pp. 245-248.

strongly on it, referring to traditional Chinese values, even though in the end his propositions rested upon the primacy of the individual in the modern world. Zhang Pengchun also proclaimed from the start that "the rights of individuals could only exist in correlation to their duties". Yet he was the initiator of a decision to move the article discussing the duties towards one's community from the beginning to the end of the Declaration, which definitely diminished its impact and visibility; and he voted against a motion, eventually adopted, that emphasized the pre-eminence of the community by having (in the same article) the statement: "Everyone has duties to the community in which alone the free and full development of his personality is possible." Only 5 delegates, out of 42, voted against the inclusion of the word "alone"—among them Zhang Pengchun and Eleanor Roosevelt.

It has been argued that Zhang behaved that way to please the

American side. This is a possibility. But it has also been argued that, despite his Chinese roots, Zhang's philosophic leanings were closer to the eighteenth-century European enlightenment with its strong emphasis on the individual. Indeed, one should perhaps emphasize, in conclusion, the non-Chinese aspects of Zhang Pengchun's contribution, his deep understanding of the non-universal implications of anything particularistic or communitarian that might be introduced in the Declaration—and as the records of the debates attests, many delegates attempted to introduce such elements. In this sense, one might at least say that Zhang and his colleagues—all of them men educated impeccably in Anglo-Saxon universities—were as far as it is possible to be from the cultural discourse on "Asian values" and the so-called Confucian human rights that has recently intruded into the debate on democracy and human rights in China.

The Shift of Colonial Discourse of Academia Historica, 1957 to the present*

Man-houng Lin**

Academia Historica is the English translation for Guoshiguan 國史館, it refers to an academic institution that studies history. From the available database, this English translation has been used since Mr. Chu Hui-sen 朱匯森 became its president since June 1984 (to September 1990). From the literal meaning of Guoshiguan, it may be more appropriate to translate it as "State History Academy." Since Zhou Dynasty (1134-256B.C.), China has had official historians responsible for the recording of major events of the State, but the term of guoshiguan has not been coined. When Zhou Dynasty was divided into numerous small States, those small States had their respective official historians; Confucius' Annals of the Spring and Autumn is the history of the State of Lu. In the Southern and Northern Dynasties (220-581), the term guoshiguan was used sometimes,



Official Documents concerning the foundation of Academia Historica

* Keynote Speech for "Workshop on Divided Memories and Reconciliation: History Textbooks and War in Asia", Center for Asia-Pacific Area Studies (CAPAS), RCHSS, Academia Sinica, Taiwan, Republic of China, September 3, 2008.

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but not continuously. Since the Tang Dynasty (618-907), historical institutions named as Guoshiguan are set up officially in each dynasty, and contestants who excelled in the State exams were made responsible for collecting and collating files for writing the history of the reigning dynasty.

Prior to the Tang Dynasty, private historians might independently write the state history such as Confucius. Since Tang, the officials assembled the efforts to record the history, which is an important milestone for establishing the Guoshiguan.

Since the Republic of China (ROC) was established in 1912, Guoshiguan was established in Beijing, but not continuously. In 1947 Academia Historica was established at the current location of the Second Historical Archives of China in Nanjing, the residence of the Taiping leader Hong Xiuquan in the late Qing period. After the government of ROC relocated to Taiwan in 1949, the responsibility of the Academia



Academia Historica at the Peiping Rd., 1950s - 1970s



Academia Historica at the Bei Yi Rd., Xindian, 1970s - present day

Historica was first taken over by the Chinese Nationalist Party (KMT) History Committee, and only until 1957 was the Academia restored. Since its restoration it had undergone the following transitional stages of colonial discourse:

I. KMT Era

Even though the main task of guoshiguan throughout Chinese dynasties have been the collection of historical materials in preparation for writing the history of the reigning dynasty, the new ensuing dynasty

often leaves records in the old dynasty's history that is unacceptable by the new dynasty; hence other than recording the history of its dynasty, relevant personnel of the Guoshiguan often set up a separate committee to revise the history of its preceding dynasty. For example, Sun Yat-sen, the National Father of the Republic of China was seen as a rebel in the *Qing History Draft* left by the Qing dynasty, the Academia Historica of ROC therefore had to revise it. Revising the *Qing History Draft* therefore



Future Taipei Headquarter of Academia Historica (originally the Communication Bureau, Government-General's office during Japan's rule of Taiwan)



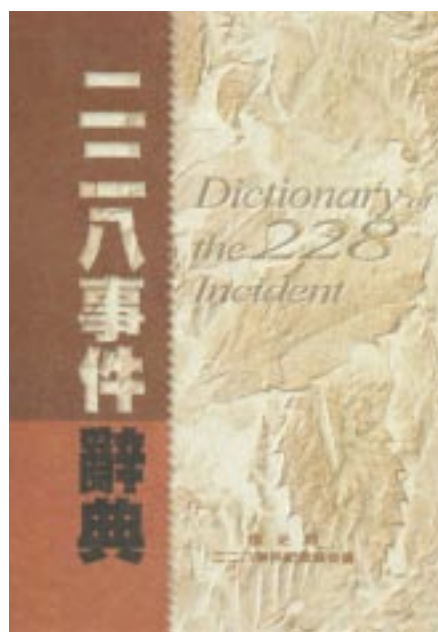
Revising the Qing History Draft, 1957-1991



became an important task since Guoshiguan's restoration in 1957 until 1991. Sixteen volumes of the Edited *Qing History Draft* were thereby published. Though this edition has its pure academic tributes, in fact it has more or less allowed Academia Historica to proceed with the first stage colonial discourse. Because for the ROC, Sun Yat-sen was not only not a bandit, but was the revolution mentor that "expelled the Tartars and restored the Chinese World"; from which it was deduced: Manchu was an alien race to Chinese.

After the Academia Historica was restored in 1957, other than

focusing on the study of the ROC's history in Chinese mainland, with the relocation of the ROC government to Taiwan, the ROC history it was compiling also consists of the history of ROC government governing Taiwan. Some colleagues' studies were concerned with the period of Taiwan under Japanese ruling, and the transition into ROC ruling. Early discussion of the topic often used "Japanese occupation period (riju 日據)" to refer to the period when Taiwan was under Japanese rule, and "Post-Retrocession" to refer to the period of ROC government's governing Taiwan. The nature



Archives Materials and Dictionary of the 228 Incident

of such discourse is in essence incongruent with the denial of Qing Dynasty. Because the word "retrocession" refers to the restoration of Chinese ruling, and that during Japan's rule of Taiwan, Taiwan was unjustly occupied by Japanese; this would deduce that the Manchu that ruled Taiwan prior to Japanese rule were Chinese and not an alien race. In contrast to the terms of "Dutch Occupation (heju 荷據)" or "Japanese Occupation", the vocabularies used to describe this period of Taiwan history such as, "Zheng led" or "Ming Zheng (明鄭)", "Qing Led (Qingling 清領)

" or "Qing Period (Qingdai 清代)", seem to regard these period of the Manchus ruling during Qing Dynasty and Zheng Family's ruling as the Chinese ruling Taiwan. Using the term "occupation" to refer to Dutch and Japanese ruling period conveys the Chinese perspective of the history: Chinese' ruling of Taiwan is justified, non-Chinese ruling Taiwan is not justified.

II. DPP Era

In 2000, the Democratic Progressive Party (DPP) replaced the KMT to lead the ROC of Taiwan, Penghu, Jinmen and Mazu, and the

colonial discourse of the Academia Historica varied along with the change of the ruling party. The Ordinances of Academia Historica promulgated by the President after it was passed by the Legislative Yuan in 2001 stipulates that: to strengthen the study and research of Taiwan History, Taiwan Historica is established under the supervision of Academia Historica. Hence, Academia Historica has legal basis to include Taiwan history as part of its responsibility. During this period, the Taiwan history study at the Academia had quite a substantial progress, some interesting work such as "Coalition of the government and private — the formation of 'Grass Prawn Kingdom' "〈政府與民間聯手——1980年代臺灣「草蝦王國」的形成〉 was published. At the same time, although the study of ROC history in Chinese mainland continues, the little introductory book of Academia Historica published during this time did not mention a word of its establishment in Chinese mainland,

let alone its deep-rooted tradition in Chinese history, and therefore reveals how the ROC history in mainland China during this period was neglected. In contrast, work with respect to the KMT's persecution of a large number of Taiwanese people in the February 28 Incident or the white terror during its rule boomed. Intentionally or not, this made KMT's rule of Taiwan be seen as colonial rule from foreign power. But from a historical perspective, the description of KMT's high-pressure ruling is actually quite similar to Japan's high-pressure ruling of Taiwan as was emphasized during KMT's ruling era.

However, in contrast to KMT's ruling era, in the works published by the Academia Historica during the DPP's era, "Dutch Occupation" and "Japanese Occupation" gradually became "Dutch rule" or "Japanese rule", which inherently accepts the facts of Dutch and Japan governing Taiwan. The word "retrocession" was gradually replaced by "postwar" —



Treaty of Peace between the Republic of China and Japan, 1952

which term is derived from Japan's "shusen (the end of the war)" and evidently departing from pro-Chinese terms.

III. Present Stage

After May 20, 2008, there has been both inheritance of and divergence from previous development.

Research focus on the ROC and Taiwan histories: The Treaty of Peace between the ROC and Japan in 1952

(the Taipei Treaty) elucidates that the ROC at Taiwan, Penghu, Jinmen and Mazu is a continuation of the ROC that was established in 1912, hence it is not a new State. Due to the war between the ROC in Chinese mainland and Japan, there was the necessity to sign a peace treaty to formally terminate the war. Though the ROC government that executed this Treaty with Japan in Taipei in 1952 limited the Treaty's applicable scope to its effective governing

territory, it was still the State that was formed in 1912. Hence the history of the State naturally consists of the periods of ROC in Chinese mainland and in Taiwan. The Chinese origin in ROC's history or its influence to China afterwards will also be covered in the Academia's research scope. Further, since the laws of the State have listed the history of Taiwan as an enhanced study focus of the Academia, the history of ROC and history of Taiwan therefore has become the scope of study of the Academia.

Changing the names of the various governing periods in Taiwan

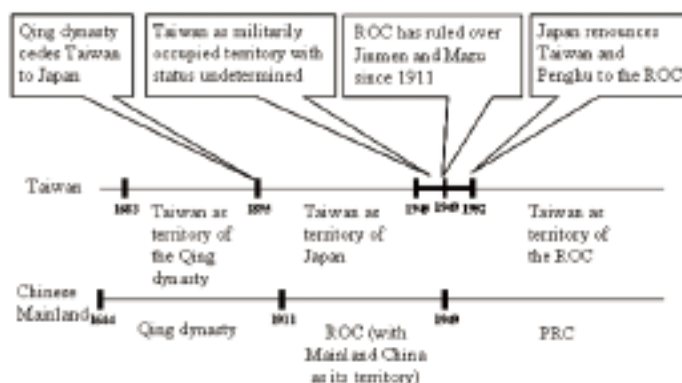
history: Using "Dutch rule (Hezhi 荷治)", "Zheng rule (Zhengzhi 鄭治)", "Qing rule (Qingzhi 清治)", "Japanese rule (Rizhi 日治)" and "Republican rule (Minzhi 民治)" respectively to break away from the subjective perspective of the historian and move to the objective perspective of respecting the historical fact. Since each of the aforementioned periods are

divided on the basis of the ruler in fact, the term "retrocession" or "postwar" will no longer be used and the term "ROC rule" will be used to represent the period of governance by the ROC. In addition, since the Treaty of Peace between the ROC and Japan is an international Treaty that deals with the sovereignty of Taiwan in furtherance of the Treaty of Shimonoseki, in which Qing had "ceded in perpetuity the full sovereignty" of Taiwan, there was not legal provision for returning to China upon expiration as with Hong Kong's 99 year-lease. KMT's so-called Taiwan Retrocession Day on October 25, 1945 is the day on which the ROC began its de facto governance over Taiwan. But only until August 5, 1952 the date on which the Treaty of peace between the Republic of China and Japan became effective did the ROC formally assumed the sovereignty over Taiwan and Penghu Group de jure pursuant to international treaty upon which all natural and legal persons within its

governance became citizens of the ROC. Though the war between the ROC and Japan consolidated the foundation for the Treaty, the United States' Cold War structure against Communist forces was the main ingredient. The term "Postwar" causes confusion because there have been too many wars in history, and there is no indication as to which war. Many people still have the habit of referring to the period of the ROC government ruling Taiwan as the period of the "Nationalist government" (guomin zhengfu 國民政府). In fact between 1928 and 1948 the head institution of the ROC was the Nationalist government,

which was replaced by the president after the constitutionalization in 1948. The term Nationalist government, is also easily mistaken to mean KMT-ruling, in fact ROC is no longer a one-Party government pursuant to its current Constitution.

Emphasize the multiple connections between the world history and the history of the ROC or of Taiwan: The term "colonial discourse" more or less emphasizes the domination and exploitation of a foreign force to the native. In the past though the foreign forces described by the Academia Historica's colonial discourses at different stages transforms with



The Sovereignty changes of Taiwan and Chinese Mainland

the passage of time, but each emphasized the foreign forces' domination and exploitation of the native; but the multiple connections between the world history and the history of the ROC or of Taiwan can be seen. For example, on the basis of the Korean War and the Cold War, in 1952, the Treaty signed between Japan and the ROC at Taiwan, Penghu, Jinmen, and Mazu made the ROC a buffer State between the anti-communist powers of US, Japan and others and Communist forces; this fact was however never seen in the high school textbook of Taiwan. The ROC at Taiwan, Penghu, Jinmen, and Mazu was allowed to represent the whole of China prior to 1971 because of the boycott against the People's Republic of China in the United Nations by the US camp, and it has never been pointed out in the high school textbooks that the Treaty of peace between the Republic of China and Japan that reduced the size of the ROC government's

effective territory to the current size, has completed the transfer of Taiwan sovereignty. Hence the Cold War not only brought Taiwan fortune, but also misfortune. The Academia will not so much emphasize colonial discourses of the foreign powers' domination and exploitation, but will instead emphasize the history of the State in relation to the greater world. And hence though the intra-governmental document of the Academia is still dated in terms of the Republic's years, all historical works or the exhibitions of the artifacts of the Presidents or Vice Presidents which is also a legal obligation of Academia Historica are dated mainly in A.D. and then followed by bracketed Chinese or Japanese years and others, such as 1936 (Showa 11th year) . This would facilitate readers of the world in understanding the year of the historical event being discussed, as well as reminding any research and discourses of the state history to be minded of some world history at play.