

Eastphalia, a system developed under Pax Pacifica

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The theme of the article proposes an insight into the institutional geography of East and Southeast Asia, with the main objective of revealing the basic pillars of what may become Pax Pacifica¹. Eastphalia² has the role of describing a regional-international system based on the emerging ferment that brought Asia and the states of the region, China, Japan or South Korea to the attention of the international scene. The main question this article is trying to answer is the following: Can east and south-east Asian countries develop a similar system with the one developed by European states since 1648³? Can China, on the basis of Taoist or Confucianist⁴ legalist doctrines, build a regional-international society to rival society on 8 January 1918⁵?

Naturally, there are also a few precursor questions to the assumed hypothesis, launched in academic space for over a

¹ <http://asiasociety.org/rudd-asia-needs-pax-pacifica-china-rises>

² Emilian Kavalski, *Encounters with Eastphalia: Post-Western World Affairs in Asia*, Routledge, 2017

³ Douglas Howland, Luise White, *The State of Sovereignty: Territories, Laws, Populations*, Indiana University Press, 2009, p.3-10

⁴ Dingxin Zhao, *The Confucian-Legalist State: A New Theory of Chinese History*, Oxford University Press, 2015

⁵ Herbert Hoover, *The Ordeal of Woodrow Wilson*, Woodrow Wilson Center Press, 1992

decade, the mystery of China's rise on the international scene, and the changes made with this development of the Asian world are still topics of debate.

The moment dedicated to the Westphalian Peace is often called the corner stone of the international system, the precursor of the international liberal world, 1.0⁶ which shaped the modern international system. The uniqueness of the system is due to the emergence of the concept of universal sovereignty of states which although existed even back then, the environment was described by feudal principles⁷.

Following the 1648 treaty, states became sovereign in all their territorial spheres, but also in relation to other states in subjects of direct interest, thus linking sovereignty of territoriality. Moreover, beyond the recognition of sovereignty within a given territory, the peace treaty brings other new issues concerning equality between sovereign monarchs, thus placing the church in the second place, still giving governors, kings and emperors the right to rule and rule without external interference. Peace of 1648 laid down several principles that underpinned the development of the international system and which, moreover, managed to bring peace and stability to the international system.

The set of norms, customs and international practices among states, which make up and define the international system effectively, was institutionalized in 1648 when, with the Peace of Westphalia, the idea of international governance was determined. Concepts as legality, human rights, domestic and inter-state rights, principles according to which all states are equal, state sovereignty or the principle of non-interference have been consecrated in 1648⁸. The Westphalian Peace Ideas will last until the Congress of the League of Nations and

⁶ Alan S. Alexandroff, Andrew F. Cooper, *Rising States, Rising Institutions: Challenges for Global Governance*, Brookings Institution Press, 2010, p.22

⁷ Richard A. Falk, Robert C. Johansen, Samuel S. Kim, *The Constitutional Foundations of World Peace: Logic and Tinkering*, SUNY Press, 1993

⁸ Michael Cox, Tim Dunne, Ken Booth, *Empires, Systems and States: Great Transformations in International Politics*, Cambridge University Press, 2001

afterwards with the United Nations, going through the more advanced form of Wilson's 14 points⁹.

On the other side of the Asian continent, 1648 as a historical temporal link coincides with the conquest of China by the Manchu empire¹⁰, the fall of the Ming pre-modern dynasty¹¹, the successor of the occupation of the Mongol Empire, and the arrival of the Qing Dynasty, which was practically the precursor of modern China which lasted from 1800 to 2000)¹². The regional-administrative borough actually describes a period in which the principles of the legalist school consecrated more than 1400 years ago (the period known under the leadership of Shen Buhai 400-337 BC) were revived when the public examination system was developed, but also the first political theories¹³.

Shang Yang (390-338 BC), particularly bent on administrative and socio-political innovation, which was for the first time included in a collection of texts known as Han Feizi (written in 240 BC). Its legacy of Fa-Jia has been centered on the development of a traditional Chinese bureaucratic system built around the central authority with accents on order, security and stability. China is known throughout its history as the longest autocracy and the most successful¹⁴, and Fa Jia was practical for China, which meant for Europe the idea of Realpolitik. Although the Qing emperors adopted the system and bureaucratic structures inherited from Ming, they preferred to share power between the Han Chinese natives, the Manchu conquerors, and the Mongols¹⁵. Even under such

⁹ Ian G. Cook, Geoffrey Murray, *China's Third Revolution: Tensions in the Transition Towards a Post-communist China*, Psychology Press, 2001, p.133-139

¹⁰ Herbert Henry Gowen, *An Outline History of China: From the Manchu Conquest to the Recognition of the Republic*, A. D. 1913, Biblio Life, 2015

¹¹ Daniel R. Faust, *The Rise and Fall of the Ming Dynasty*, Rosen Publishing Group, 2016

¹² James Z. Gao, *The A to Z of Modern China (1800-1949)*, Scarecrow Press, 2010

¹³ Yang Shang, *The Book of Lord Shang: A Classic of the Chinese School of Law*, The Lawbook Exchange, Ltd., 1928

¹⁴ Anita M. Andrew, John A. Rapp, *Autocracy and China's Rebel Founding Emperors: Comparing Chairman Mao and Ming Taizu*, Rowman & Littlefield, 2000

¹⁵ Ruth W. Dunnell, Mark C. Elliott, Philippe Foret, James A Millward, *New Qing Imperial History: The Making of Inner Asian Empire at Qing Chengde*, Routledge, 2004

conditions, the power was held by the Emperor, being considered to be the Son of Heaven, therefore with divine authority, as were the European emperors. The tributary system in East and Southeast Asia was based on several principles that underlined China's cultural predominance, which was considered the cultural center of the world, foreigners being considered barbarians or civilized backers in response to China's position, the states in the tributary system were thus obliged to recognize this position and behave as such¹⁶. After this form of recognition, a relationship of suzerainty, and tributary, on the basis of which states could begin trade with the Middle Empire was established¹⁷.

So, the Asian tributary system, which in fact was inherited from the Han empire (206-220 BC), was based on a clear hierarchy, under subordination relations, concepts such as sovereignty or independence were as inexistent as unrelated to within tributary states¹⁸. At the internal organization level, the Qing period of about three centuries has consolidated the Imperial Examination System that has been preserved until 1905¹⁹, positions in the public system have been divided between military and civilian ones, including the positions of secretary general of the forbidden city, tax collector at the Prefecture, deputy prisoner, police commissioner, etc²⁰. Beyond the Chinese tributary system developed so far, the reference period has brought a decline for this system because European powers have been in the region in colonizing missions since the XV century. Confucian thought and the Chinese doctrine of heaven's mandate were the basis of the tributary regional system.

¹⁶ Yong Wook Lee, Key-young Son, *China's Rise and Regional Integration in East Asia: Hegemony or Community?*, Routledge, 2014, p.140-150

¹⁷ Yu Bin, *The Government of China*, Simon and Schuster, 2014

¹⁸ Seo-Hyun Park, *Sovereignty and Status in East Asian International Relations*, Cambridge University Press, 2017

¹⁹ Benjamin A. Elman, *Civil Examinations and Meritocracy in Late Imperial China*, Harvard University Press, 2013, p.145-150

²⁰ Robert J. Antony, Jane Kate Leonard, *Dragons, tigers, and dogs: Qing crisis management and the boundaries of state power in late imperial China*, East Asia Program, Cornell University, 2002

Confucianism or Ruism, is the traditional philosophical, religious, Chinese thought that underpinned the formation of Chinese government precepts. Confucianism greatly emphasizes the importance of family and of social harmony, so that the main source is humanism²¹. Developed around the unity of the personal and heavenly self, or the relationship of the ego with the sky. The principle of heaven described the order of creation and divine authority²². The mandate of heaven revealed the natural order and desire of heaven or the universe to characterize a ruler as the Son of Heaven.

This mandate of the Son of Heaven was a symbolic one that made a quicker appeal to faith, because unlike the royal European families, the leader with such a mandate and such a title, wasn't from a noble vine (such example is given by the Han dynasty which was founded by simple people²³). The mandate of heaven has no time constraints, being roughly similar to the divine right of the kings on the European continent, we say about the same, because in some aspects it is differentiated, as was the unconditional right to lead, which in East Asia south east does not exist.

If in Asia the tributary system underlying state interaction was based on customary customs and habits, and direct relations were carried out according to the protocols²⁴ on the European continent, the international law that governed the principles of inter-state interaction and which effectively set bellicious practices of contact between them such as the long wars (the 30-year war in the Holy Roman Empire, or the 80-year war between Spain and the Netherlands²⁵) brings with it

²¹ Robert Eno, *The Confucian Creation of Heaven: Philosophy and the Defense of Ritual Mastery*, SUNY Press, 1990

²² Xinzhong Yao, *An Introduction to Confucianism*, Cambridge University Press, 2000

²³ Denis Twitchett, John King Fairbank, Michael Loewe, *The Cambridge History of China: Volume 1, The Ch'in and Han Empires, 221 BC-AD 220*, Cambridge University Press, 1986

²⁴ Thanh-Dam Truong, Karim Knio, *The South China Sea and Asian Regionalism: A Critical Realist Perspective*, Springer, 2016

²⁵ W.J. Streeter, *The Silver Mania: An Exposé of the Causes of High Price Volatility of Silver* Springer Science & Business Media, 2012

the main instrument that will guarantee systemic stability, namely treaties that had the role of recording international legal provisions.

Equality between states, the legal personality of states, their sovereignty, are the products of peace since 1648. South and Southeast Asia is characterized by a distinct form of independence, autonomy and isolation in relation with the European and Western states. The period ending in the fourteenth and fifteenth centuries describes a China-based tributary regional system with similar regional similar systems developed either in the southern area to the Middle East or the south-eastern arch area to Japan or on the high seas descending to Australia, but they were centered on Chinese cultural supremacy²⁶.

Facing the arrival of the European powers, Spain, the Netherlands, Britain and France, the changes have directly affected the way of organizing both inside and outside the region. It is noticed that after the colonizing period, the principles of 1648 will be difficult to negotiate, for states such as Vietnam, South Korea or China, sovereignty means more than any European power, as human rights for an autocratic state it is a sensitive aspect that makes Asia's society retain its immutable features even in the face of an international world 3.0²⁷.

As a consequence, evidence of a gap between the two hemispheres in the reference period is unquestionable. The question regarding the lack of interest of the Asian states towards the old continent will be a hypothesis in a future analytical approach. Until then, history records the influx of European powers in Asia since the fifteenth century, which has brought water and sea trade beyond the backdrop of the Asian

²⁶ Yingshi Yu, *Trade and Expansion in Han China: A Study in the Structure of Sino-barbarian Economic Relations*, University of California Press, 1967

²⁷ Charles A. Kupchan, *No One's World: The West, the Rising Rest, and the Coming Global Turn*, Oxford University Press, 2012

mercantile economy, culture, principles, organization, political systems or visions.

Certainly, this gap, which has allowed Europe to export models of local governance, will tend to recovery with the end of the Second World War, when the world will have already developed a new form of globalization and global governance.

Before any form of post-World War II globalization, Wilson's 14 points were at the heart of the modern international system as it would later be known. The most advanced form to date of the normative system included regulations that concerned: freedom of navigation and the right of the seas, equality of trade conditions, reduction of national armaments, fair and equitable adjustment of colonial claims, the right to self-determination of peoples, development the first international organization to be the pillar of the international system and to ensure the correct application of all the above principles²⁸.

January 8, 1918, was a new beginning for the international system, a beginning that captured East and South East Asia, into a genuine war theater for the German naval forces. This moment brings with it the imperialist period that has kept Asia under foreign domination and dependence, a period of revival, both at the state level and at the regional-institutional level.

The evolution of the international system led with the completion of the Second World War, the development of new norms and institutions. Thus, the United Nations, the Breton Woods system with its World Bank, the International Monetary Fund, and the General Agreement on Tariffs and Trade were born. The horrors of the war constituted the need to develop institutions to prevent and punish actions, resulting in the creation of the International Court of Justice in 1946 and the proclamation of the Universal Declaration of Human Rights of 1948. The same period is important for states from South Asia,

²⁸ Lloyd E. Ambrosius, *Woodrow Wilson and American Internationalism*, Cambridge University Press, 2017

which, with Britain's withdrawal, gain independence, Myanmar (Burma), Sri Lanka, and Malaysia, as well as India and Indonesia.

Institutional evolution brings with itself the birth of the oldest alliance that currently exists, NATO, not very late, in 1949, 18 April, in Paris was signed the Treaty establishing the Coal and Precursor Steel of the European Union, which was consecrated by the Treaty of Rome of 25 March 1957. The response period was 1957, 1992 or 2007, by ASEAN 08.08.1967 (ten years after Rome), AFTA 28.01.1992 (the same year as Maastricht), or EAS 2011. It should be emphasized that the development of these institutions was possible after the colonizing period, and after the Second World War.

So, the comparison requires aligning similar periods in terms of building times, whether we will analyze Europe or Asia. Moreover, the international system 1.0 has allowed the spread of imperialism in Asia to the extent that Asia was not part of the ratification of international norms developed at the time of Westphalia. As a result, naturally, among host states, there has been an aversion to the European principles that have shaped the current international system, and more than it is obvious that there is a desire to impose a system based on Asian principles.

In the end, it is likely that it is only a matter of understanding, but until that moment China's rise to the international scene, together with the system it proposes, is a true competitor for the Western world, especially after launching the belt and road program²⁹.

The existence of institutions and fora such as the Asian Bank for Infrastructure Investments (AIIB), the New Development Bank (NDB), the Shanghai Cooperation Organization (SCO), the Asia-Pacific Free Trade Zone (FTAAP) or the Conference for developing the measures for Interaction and Confidence in Asia (CICA), is in fact the development of a

²⁹ B K Sharma, Dr. Nivedita Das Kundu, China's One Belt One Road: Initiative, Challenges and Prospects, Vij Books India Pvt Ltd, 2016

regional Asian Network which, after its confirmation, can be extended to an international level.

The Asia-Pacific Free Trade Area, although not rivaling the Transatlantic Partnership, can be seen as a solution, as can be seen in the Asian Bank for Investment and Infrastructure³⁰. Beyond building regional institutions and organizations, China is also working hard to develop cooperative relations across the region. ASEAN policy, ASEAN +3 (APT), EAS, forums and organizations to strengthen South-East cooperation in Asia. Often, the ingredients that have made a significant contribution to these initiatives have been common Asian trade and values.

History, the common past, and the experience of colonialism in the case of ASEAN founding states (Indonesia, Malaysia, Philippines, Singapore, Thailand) have catalysed the effort for institutional development, as the experience of the East India Company has been the basis for regional collaboration. The novelty represented by ASEAN at the time of its founding was described as an alternative for the states in the region to the post-colonizing experience, and especially to the current international free world, which was highlighted by the promotion of Asian values with the 1993 Bangkok Declaration³¹. The Asian regional order, whether during the Asian tributary period or the post-colonial period, seeks to highlight the basic principles on which Asian societies were founded, principles such as order and hierarchy, which were situated before freedom, as the group and society were placed before the individual, or economic development before economic freedoms³².

³⁰ M. Wan, *The Asian Infrastructure Investment Bank: The Construction of Power and the Struggle for the East Asian International Order*, Springer, 2016

³¹ Ann Kent, *China, the United Nations, and Human Rights: The Limits of Compliance*, University of Pennsylvania Press, 2013

³² Ramon Pacheco Pardo, Jeffrey Reeves, *Non-Traditional Security in East Asia: A Regime Approach*, World Scientific, 2015

As a consequence, any analytical approach we try to undertake, we must start from the Asian conservative vision of society, the state, and the role of the individual within the state, on its liberties, on the economy, and last but not least on sovereignty. Practically filtering this vision, the results will describe the Asian vision, as it was transmitted with the decolonization, through the five principles of peaceful coexistence originally launched by China, India and Burma in 1954³³.

³³ Sophie Richardson, *China, Cambodia, and the Five Principles of Peaceful Coexistence*, Columbia University Press, 2010