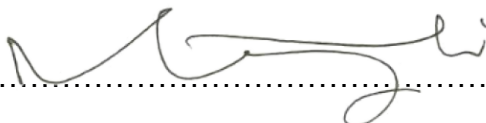# China, Pariah Status and International Society

Submitted by Meiting Li to the University of Exeter

as a thesis for the degree of

Doctor of Philosophy in Politics

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China, Pariah Status and International Society

Abstract

Pariah status in international society denotes an international social hierarchy and differentiation of states caused by power differentials between state groups along the material and normative spectrums. From the late Qing era to the present day, China's engagement with international society has largely been marked by a sharp fall from the 'Middle Kingdom' to a pariah, followed by a recent rise to great power status. This thesis traces and analyses China's experience as a pariah in international society since 1839, and explains China's responses to the normative boundaries and behavioural standards set by members of international society. To this end, this thesis addresses two themes.

Theme One (Chapter 1, 2, 3, 4) provides an account of the sociological history of pariah state, on which basis it conducts an empirical study on China's pariah past. Theme Two (Chapter 5) brings in a sociological account of status to understand the fall and rise of states (particularly that of China), and to explain state responses to the normative boundaries alongside their status change in international society. Moreover, it challenges the material-power based power transition theory on China's rise and destiny, and argues for an alternative status-led account. In general, this thesis resonates greatly with English School theorists and social constructivists in terms of the understanding of and approach towards international relations. In a broad sense, it adopts a combined sociological and historical approach towards the study of the international, specifically that of pariah and status.

The main contentions of this thesis are: first, pariah is a social, relational and historically contingent term. Pariah states are socially made through a process of rule making, rule-application, and behaviour-judging, with the rule-makers being those who are positioned at the higher ends of both material and normative power spectrums. The criteria for pariah are not fixed, but subject to change as they are conditioned by the changing international normative/material structures and dynamics among actors. Second, state status has both material and social implications in international society. It derives from the internal/domestic attributes of the state as well as the external/international. The attainment of status hinges upon material power capacity, state identity, behavioural legitimacy, and international perception thereof. Third, empirically, the fall and rise of China in international society is not merely a process of China's material power decline and elevation relative to others, but was also accompanied by its social mobility downward and upward. China's responses to the international normative boundaries are not purely determined by material power incentives. Instead, it is the complex interplay between the material and the social that accounts for China's constant struggle between compliance with the standardised behavioural codes prescribed in the standard of civilisation, and attempts to contest them by inserting its own civilisational values.

Acknowledgements

This PhD study has been a long, bumpy, and yet exciting journey. I am glad to have embarked upon this journey and stuck to this route till the very end. However, the completion of this thesis was by no means a sole effort of mine. By this I mean that I would not have been able to finish it without the help and support, which has been lent to me by the so many amazing people that surround me.

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I would also like to thank Mrs Sarmi Ghosh for helping me solve all sorts of administrative problems, and for the many visa supporting letters she has written for me throughout the years. Special thanks must also be extended to the staff and researchers in the Asia-Pacific Centre of Responsibility to Protect in University of Queensland, Australia, for their friendliness, help, and support during the three months of my research there. I also thank Kelly Wade-Johnson for her excellent proofreading, especially for bearing the pain of reading and editing my Chinglish writing.

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Meiting Li
Exeter, January 2012

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AI	Amnesty International
CCP	Chinese Communist Party
CPC	Communist Party of China
CRHRP	US Country Report on Human Rights Practice
FRUS	Papers Relating to the Foreign Relations of the United States
HRiC	Human Rights in China
HRW	Human Rights Watch
ICISS	International Commission on Intervention and State Sovereignty
ILO	International Labour Organisation
KMT	Kuomintang, aka Nationalist Party
NHRAP	National Human Rights Action Plan
OHCHR	Office of the United Nations High Commissioner for Human Rights
PRC	People's Republic of China
R2P	Responsibility to Protect
UDHR	Universal Declaration of Human Rights

UN Human Rights Bodies

CAT	Committee against Torture
CCPR	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CPD	Commission on Population and Development
CRC	Committee on the Rights of the Child
HRC	Human Rights Council
UPR	Universal Periodic Review

International Human Rights Law

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to the International Covenant on Civil and Political Rights
ICCPR-OP2	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

OP-CRC-SC   Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

OP-CRC-AC   Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Introduction

Power is the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate.[1]

- Michael Barnett and Raymond Duvall

Power has been an enduring and central theme to the study of the past and present of international relations. This is not surprising given the extent to which international life has been centred round and affected by international power configuration, and the acquisition and practice of power on the part of state actors. Generally speaking, on the one hand, power has a profound impact upon both international agents and structure. Power distribution in international relations conditions international structure and the relative power relations among state actors. Moreover, it is also attributed to the international differentiation of states on the basis of power differential.[2] The acquisition and practice of power, as a form of state behaviour and activity, not only touches upon critical questions concerning international legitimacy, but also questions of international peace and security as a matter of the means and ends of power-seeking and exercise. On the other hand, inter-state interactions and the co-constitution of states actors (agent) and international structure also lead to international power re-configuration, and affect the means and ends of power-seeking and power practice.[3]

It is indisputable that power is essential to the organisation of international social relations, and global governance in general. Although the existing IR literature on power has been abundant, it is difficult and unnecessary to avoid power study when conducting research in international relations. Yet it is important to clarify what is meant by power. In the discipline of International Relations (IR), the concept of power remains largely a realist version that defines power on a material basis – that of territory, natural resources, economic development, and military might. States interests are defined as power; and states are considered to be constantly seeking power, either because of inner drive – states being self-interested units in nature and have the political will to seek dominance, or outer structural reasons – the anarchical international

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[1] Michael Barnett and Raymond Duvall, 'Power in International Relations', *International Organization*, 59 (Winter 2005), p. 39.
[2] As will be displayed in later text, power differential is an essential factor to the main body of discussion in this thesis, both theoretically and empirically. It is also worth mentioning that Kenneth Waltz has even claimed "The most important events in international politics are explained by differences in the capabilities of states." See, Kenneth N. Waltz, 'Globalization and American Power', *National Interest*, Issue 59, 2000, p. 52.
[3] On the co-constitution of agent and structure, please refer to Alexander Wendt, 'The Agent-Structure Problems in International Relations Theory', *International Organization*, 41, 3 (Summer 1987), pp. 335-370.

environment.[4] In other words, state behaviours are determined by power calculations. Despite the dominance of the realist account of material-based power, there is no universal conception of power in the field of IR.[5] Nor is there general acceptance of the realist material power-determinacy in light of state interest and behaviour, particularly for the social constructivists and English School scholars who have paid great attributes to the impact of social and normative elements on shaping state preferences and restraining state conduct.

It should be acknowledged that the material dimension of power has always played a crucial role in international relations, especially given that international history has been, to a great extent, created by historical powers possessing material preponderance over the less powerful, or weak, states. However, power has more than one facet. This thesis does not attempt to dispute the importance of material power. Rather, it seeks to complement the existing material power conception by exploring the normative/social aspect of it. Power is initially a social term that hinges upon interactive social relations. The production, acquisition, and practice of power are initiated and continuously carried out by social actors in a social milieu, within which actors interact and meanings of the material and action are produced. Power works through social relations.[6] Moreover, the meanings of power and power practice are produced and reproduced as a result of social interactions. The meaning/significance of power is thus intersubjective, socially constructed, and conditioned by context. For example, the significance of an actor's power differs between actors, especially in the eyes of its friends versus enemies. According to Wendt,

> U.S. military power has a different significance for Canada than for Cuba, despite their similar "structural" positions, just as British missiles have a different significance for the United States than do Soviet missiles. The distribution of power may always affect states' calculations, but how it does so depends on the intersubjective understandings and expectations, on the "distribution of knowledge," that constitute their conceptions of self and other.[7]

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[4] Classical realists stress the determining role of human/state nature, while structural realists stress of the power of the anarchical structure. For reference to the classical approach, see typically, Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Alfred A. Knopf, 1955). For reference to the structural approach, see, Kenneth Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979); also see, John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton, 2001).

[5] For example, Joseph Nye has famously argued for a concept of soft power as against that of hard power. See Joseph Nye, *Soft Power* (New York: Public Affairs, 2004). And Barnett and Duvall identify four concepts of power: compulsory, institutional, structural and productive power.

[6] Barnett and Duvall, 'Power in International Relations'.

[7] Alexander Wendt, 'Anarchy is What States make of it: the Social Construction of Power Politics', *International Organization*, Vol. 46, No. 2 (Spring, 1992), p. 397.

In a literal sense, material power refers to the significance and effect of the capacity vested in an actor's material attributes. Likewise, normative/social power can be regarded as the significance and effect of the capacity vested in an actor's social attributes – behavioural patterns and identity attributes. Chapter Five regards the combined significance exerted by both material and normative/social power as status, and develops the idea of international status further, to explain the rise and fall of states in international society as well as state response to the normative boundaries alongside its status change.

As a specific phenomenon of inquiry of this thesis, pariah, a term originally used to describe a lower social caste in the Indian society, denotes a social hierarchy caused by power differentials. It should be noted that the making of a pariah is not simply a matter of material power differential, but also a matter of normative power including discursive power – the power to create, shape, and enforce social rules and norms. As will be displayed in the opening theoretical chapter, the existence of the pariah state phenomenon in international society indicates an international social differentiation among states, which was caused by material and normative power differentials among the 'civilised' great powers and the underprivileged pariahs. The process of pariah making is a process of creating and applying a particular set of rules and norms whose infraction constitutes pariah behaviour. In this regard, normative power is essential when it comes to the creation and application of behavioural standards and membership criteria in international society.

The right to participate in the international rule-making process is an indicator of state membership in international society, whilst the power to shape this process demonstrates a privileged status of states, both materially and normatively. The international exclusion of states is displayed as much in restricted enjoyment of, and access to, material resources as in the limited right to or deprivation of participation in the international social life, especially in the light of participation in the rule-making process. China's historical engagement with international society has shown how exclusions have taken place within the post-1648 system – and it is not straight forwardly a story about material power. It also involves continuous imposition (at times by forcible means) of normative constraints by the western powers in favour of their interests. As China's international status elevates from that of a pariah to a great power, it is observed to have been striving for greater normative power in international society to match its material power capacity. The overall rise of China's status has also seen

China's growing influence on the international rule-making process and the international normative architecture at large.

In addition to the exploration of the normative aspect of power, this thesis also strives for an alternative perspective of international history. The post-1648 international history has primarily been featured as inter-state stories of power, particularly stories of the great powers told from the elites' perspective and reflecting their interests. It is undeniable that interactions among great powers have been setting the agenda for the international system, and shaping its development and directions. However, what this thesis is interested in is not merely the perspective from the great powers, but also that from the less powerful states. It wishes to study how the relations between the less powerful (particularly pariah states) and the great powers have affected the former's perception of the international environment, their international behavioural patterns, identity (re)construction, and overall status change for a duration of time.

Although China is considered as a great power in contemporary international society, it was largely treated as a pariah during its historical encounters with international society from the 1840s. Whilst China's historical experience as a pariah was portrayed by the western powers as part of the European civilising process, it has been considered by the Chinese as a history of western invasion and a century of humiliation. This thesis thus looks beyond the perspective of the historical powers on this specific part of history and tries to provide an alternative view from China – a historical pariah rather than great power during the said time. The empirical study on China's experience of international exclusion is an attempt to provide such an alternative perspective from a historical outsider. Through the study on China's fall and rise – status change – in international society, it will also demonstrate that the social/normative boundaries in international society are not fixed, but fluid, and subject to change.

Research Questions

This thesis attempts to look beyond the dominant power-based interpretations of international history by incorporating a perspective from the less powerful, and opens up social conceptions of power and status. The research questions raised in this thesis are broadly associated with the essential areas of inquiry of English School, namely membership, state inclusion/exclusion, and legitimacy in a dynamic international society. Under the umbrella of these broad theoretical issues, this thesis conducts an

empirical study on China to demonstrate and explain 1) the long historical process of China's struggle to shed its pariah image and gain international membership; 2) China's response to the normative boundaries and behavioural standards; and 3) its status change from a pariah to a great power in international society. To this end, this thesis briefly examines China's historical engagement with international society, particularly with the western powers. More specifically, it looks at: i) China's experience of exclusion and inclusion during its historical engagement with international society since mid-19th century; ii) China's drastic social/material mobility downward and upward in international society during this historical process; iii) its continuous struggle to accommodate international normative requirements and behavioural standards.

Theoretically, the research questions of this thesis are formulated to address two themes: the first on pariah phenomenon/status as an example of international social exclusion, and the second on an international sociological inquiry of state status and status change. To be more specific, the questions for the first theme seek to explore the sociological history of pariah phenomenon, with the intent to explain and understand the creation of inclusion/exclusion boundary in international society. How was/is a state's pariah identity constructed in the past and present respectively? According to what standards? How are/were the standards created? By whom and for what reasons? Questions for the second theme are designed to provide a sociological account of status to explain the change of state behaviours towards the normative arrangements of international society by looking at the attributes of identity, material power, and behavioural patterns. If a realist material power-based account is not sufficient in explaining state international mobility and state responses to the normative constraints of international society, then can a status-led account provide an alternative interpretation?

The empirical part of this thesis is designed to address the above two themes in the context of China's engagement with international society. Having fallen from a 'Middle Kingdom' to a pariah and then gradually raised to a great power after a 'century of humiliation', China's drastic social mobility downward and upward in international society has presented major difficulties for its accommodation of the international rules and norms primarily established by the West. China's response to the normative arrangements and behavioural standards of international society has continuously been characterised by both compliance and contestation. To understand China's status and change thereof in international society, including changes in its international social/material position and its response to such changes, this thesis asks

the following questions: First, was China viewed and treated as a pariah state? If so, how had such pariah identity been constructed, and how can we explain China's transition from a pariah to a great power? If not, how can we understand China's experience of exclusion from international society? Second, how can we explain China's response to the international behavioural standards and normative boundaries alongside the change in its power, status, and identity in international society?

In other words, this thesis is also an enquiry into China's experience of exclusion/inclusion and status change during its engagement with international society. China had largely been an outsider of the West-oriented international society from late Qing Dynasty to 1970s – when China was granted membership into the United Nations and became the one of the Permanent Five on the UN Security Council, thereafter a member of the international society. Nevertheless, China is still regarded by certain international actors as a pariah state in international society due to its one-party political rule, poor performance in human rights protection, and close ties with the conventionally recognised pariah states; such as North Korea and Burma that are still considered as threats to international peace and security. However, on the other hand, with the rapid economic development and its growing capacity to provide international collective goods, China has undoubtedly become one of the most significant players in world politics. Its overall status (social and material) in international society has been continually rising despite international criticisms.

Research Approach and Method

John J. Mearsheimer clearly contends, "Structural realist theories ignore cultural differences among state as well as differences in regime type, mainly because the international system creates the same basic incentives for all great powers."[8] The 'basic incentive' Mearsheimer refers to is power-seeking – balance of power for the defensive realists, and maximisation of power for the offensive realists. Structural realists claim that the anarchical nature of international system provides no guarantee for security and survival, which compels states to pursue power to ensure self-protection in the case of external attack. "For structural realists, […] it is the structure or architecture of the international system that forces states to pursue power. […] In essence, great powers are

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[8] John J. Mearsheimer, 'Structural Realism', in Tim Dunne, Milja Kurki, and Steve Smith (eds.), *International Relations Theories: Discipline and Diversity* (Oxford: Oxford University Press, 2006), p. 72.

trapped in an iron cage where they have little choice but to compete with each other for power if they hope to survive."[9]

This thesis challenges the structural realist account of power-driven behaviour analysis. State behaviours are constructed and calculated social actions. First, the differences in cultures and regime types do matter in shaping state preferences and goals which guide state international behaviour. Social factors such as culture and regimes convey messages on the values, beliefs, practice, and behavioural patterns adopted and accepted by states. It is on this basis that states form perceptions of their own during international interactions regarding the international context (i.e. amicable or hostile) and self-other relations (i.e. amity or enmity), which in turn affects the process of decision-making and the formulation of foreign policies on the part of states.

Second, material power is, indeed, an essential incentive, yet it is not the only one that determines state behaviour and foreign policies. To take a step back, assuming states are purely driven by material power incentives, why do they agree to have their behaviours bound by the behavioural standards and normative constraints which inevitably put a check on the process of material power seeking? Why do certain states, especially the great powers, consume their material power to provide international collective goods and carry out international moral responsibilities such as humanitarian relief? It is difficult to detect any immediate material interest in the rule-following, standard-abiding, and international reasonability fulfilment. Yet such international behaviours invite social rewards in terms of international legitimacy, credibility, recognition, membership, etc. Such international social rewards are beneficial to the accumulation of the normative power of states, especially for the great powers. International social rewards/benefits add normative leverage to states in the form of elevating state influence on the processes of international rule making and enforcement, as well as in enabling states to assume more important international social roles.

If we simply rely on a realist toolkit, our analysis of international relations, state status and behaviours would be trapped in the loop of material power determinacy. Neither would we be able to explain the international expectation from China to take up more international responsibility during its rise to great power status, given that the narratives of responsibility in the realist literature are restricted to the national level. It is with such concerns in mind that this thesis turns to other approaches that place greater weight on the social and the ideational.

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[9] Mearsheimer, 'Structural Realism'.

Principally, this thesis is research conducted under the framework of English School. It predicates upon a relational and social international context and inquires into inter-state relations, state identity, behaviour, status, and changes thereof. To a great extent, it seeks to complement the prevailing material power-based claims upon international relations by exploring the social and normative links among states within the society of states. The phenomenon of pariah status, though having appeared under different names across time and space, has existed from the early expansion of international society as a particular form of international social exclusion. It is not purely caused by material power difference, but also suggests a social/normative hierarchy in terms of discursive power, state privileges, access to collective goods, behavioural constraints, etc. The material and normative power differentials have not only been attributed to a hierarchy of overall state status in international society, but they have also constructed different sets of collective identities as such. However, the pariah phenomenon, same as the normative boundaries, is contingent and context-specific in the dynamic international environment. It is thus important to situate this area of inquiry in a progressive, social and historical setting. Martin Wight had famously argued,

> International society […] can be properly described only in historical and sociological depth. […] It is manifest in the diplomatic system; in the conscious maintenance of the balance of power to preserve the independence of the member-communities; in the regular operations of international law, whose binding force is accepted over a wide though politically unimportant range of subjects; in economic, social and technical interdependence and the functional international institutions established later to regulate it. All these presuppose an international social consciousness, a world-wide community-sentiment.[10]

This thesis rests with the existing English School literature on the historical and sociological inquiries into the origins and development of international society, international membership, institutions, and legitimacy, etc. But this thesis seeks to go further, sociologically, by drawing an international-domestic analogy and dig deeper into the formulation of social rules concerning social exclusion, deviance making and status hierarchy at the international level. By doing so, it seeks to reveal the process and ownership of rule-making and standard-prescribing pertaining to the inclusion and exclusion of states in international society.

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[10] Martin Wight, 'Western Values in International Relations', in Herbert Butterfield and Martin Wight (eds.), *Diplomatic Investigations* (London: George Allen & Unwin Ltd, 1966), pp. 96-97.

Moreover, with the attempt to understand the different sets of collective state identity constructed as a result of social and material hierarchy, this thesis draws on the social constructivist theory on identity construction. The construction of China's pariah identity at different stages of its encounters with international society has exemplified and reinforced the social constructivist claim that identity is not exogenously given but constructed through a social process of interactions with 'others'. In order to properly address the said areas of study, this thesis thus draws on the English School and social constructivist theoretical arguments as well as sociological insights. The chapter outline section will also touch on these theories mentioned above.

Having situated this research in the English School and constructivism framework, this thesis employs interpretive methods to track the importance of social/normative power, identity attributes, and legitimacy. An interpretive approach essentially distinguishes itself from that of positivist in terms of the conceptualisation of human consciousness.[11] "Consciousness implies not only self-consciousness but also consciousness of others."[12] Whilst the positivists rely on naturalism which originates from the material world, the interpretivists focus on the impact of both human subjectivity individually and intersubjectivity collectively, in the formation of social action and meanings/significance of the social world.[13] Both the English school and social constructivist approaches employ interpretive methods, which is consistent with their ontological claims regarding the material and social worlds. The following quotes introduce their respective accounts regarding the employment of interpretive approach:

> Constructivism is an approach to social analysis that deals with the role of human consciousness in social life. It asserts that human interaction is shaped primarily by ideational factors, not simply material ones; that the most important ideational factors are widely shared or "intersubjective" beliefs, which are not reducible to individuals; and that these shared beliefs construct the interests of purposive actors.[14]

> For the English School, however, consciousness is definitional of society, and consciousness of society is central to there being a society. The states that make

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[11] Mark Neufeld, 'Interpretation and the 'Science' of International Relations', *Review of International Studies*, Vol. 19, No. 1 (Jan., 1993), p. 39.

[12] Cornelia Navari, 'What the Classical English School was Trying to Explain, and Why its Members Were not Interested in Causal Explanation', in Cornelia Navari (ed.), *Theorising International Society: English School Methods* (Basingstoke: Palgrave MacMillan, 2009), p. 41.

[13] Ibid., p. 41. Also see Audie Klotz, 'Introduction', in Audie Klotz and Deepa Prakash (eds.), *Qualitative Methods in International Relations: a Pluralist Guide* (Basingstoke: Palgrave Macmillan, 2008), p 3.

[14] Martha Finnemore and Kathryn Sikkink, 'Taking Stock: the Constructivist Research Program in International Relations and Comparative Politics', *Annual Review of Political Science*, Vol. 4, 2001, p. 391.

up international society recognize one another and share some common values. It is their recognition of one another and their sharing of common values that make it a society.[15]

Moreover, by giving great importance to the role history plays in international relations, the English school approach has also placed emphasis on the progressivity of the impact of human consciousness upon social action, as well as the meanings of the material and the social in general. In this sense, the English school complements the constructivist approach in a way that it achieves what is neglected by constructivists – addressing the continuity in addition to specificity of the social by linking the past, the present and the future.[16] In Cornelia Navari's words,

> English School analyses are directed towards analysing the historical consciousness of specific historical periods, as that historical consciousness relates to the international society of the time. The historical consciousness of the particular period is presented as the explanator (and indeed the sufficient explanator) that 'explains' the shape of the international society at any given time.[17]

On the interpretive premise, this thesis primarily employs two methods, namely case study and process tracing. The method of case study is obvious and principal for this thesis. As has been previously mentioned, this thesis is not only a theoretical inquiry into pariah status, but also an independent empirical study on China's pariah experience, its status change and its approach towards the normative constraints in international society. To a great extent, this empirical inquiry on China has also functioned as a case that demonstrates the life cycle of a pariah state – from the formation to the breakdown of pariah identity, and the transition of state international status – from pariah to great power status. The study on China also reveals that pariah status is contingent and subject to change due to the evolution of international normative/structural contexts as well as the changes of the internal attributes of the states concerned.

The method of process tracing is commonly applied to areas of historical inquiry to provide detailed narratives of how historical outcomes were brought about – how one historical event led to a subsequent other, so on and so forth. Yet process tracing is not simply restricted to the descriptions of sequences of events. According to Alexander L.

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[15] Cornelia Navari, 'What the Classical English School was Trying to Explain', p. 50
[16] Christian Reus-Smit, 'Constructivism and the English School', in *Theorising International Society*, p. 67. Richard Little, 'History, Theory and Methodological Pluralism', in *Theorising International Society*, p. 94.
[17] Cornelia Navari, 'What the Classical English School was Trying to Explain', p. 50

George and Andrew Bennett, process tracing also takes more analytical/theoretical forms in terms of hypothesising, generalisation, analytic explanation and general explanation based on the observations generated though the tracing of the causal processes.[18] Moreover, given its important role in the identification of causal mechanisms, theory testing and theory development, process tracing is also a research method widely adopted by researchers conducting qualitative studies in political sciences.

> Process-tracing provides a common middle ground for historians interested in historical explanation and political scientists and other social scientists who are sensitive to the complexities of historical events but are more interested in theorizing about categories of cases as well as explaining individual cases.[19]

Single-case study benefits from process tracing, since such a method facilitates reasonably comprehensive observations of and in-depth theoretical investigations into a particular phenomenon for a duration of time. By analysing the links, or lack of links, among the events and outcomes, we will then be able to identify the determinants, or exclude the non-causal variables of a particular phenomenon. A single historical case entails a relatively holistic look to the extent that it invites considerations of the link between the past and present. This means that in addition to examining the occurrence of historical events and outcomes, we – researchers who employ a process-tracing method towards analysing historical cases – also have the chance to examine the reoccurrence (if any) or changes (if any) thereof between the past and present in order to identify the regularity or/and particularity of the causal mechanisms. In the case where the regularity between the past and present can be established, a process-tracing approach towards a historical case study will allow us to establish significant theoretical and empirical implications, which are informed by the past thereby providing a context for the present. As David Laitin contended, "The importance of theoretically oriented narratives and process-tracing […] [lies in the] fundamental contribution in finding regularities through juxtaposition of historical cases."[20]

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[18] Alenxander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Massachusetts: MIT Press, 2005), pp. 210-211. See specifically Chapter 10 of the book on 'Process-Tracing and Historical Explanation', pp. 205-232.

[19] Ibid,, p. 223.

[20] David D. Laitin, 'Comparative Politics: The State of the Subdiscipline', paper presented at the Annual Meeting of the American Political Science Association (Washington, D.C., September 2000). The quote first appeared in Helen V Milner and Ira Katznelson (eds.), *Political Science: The State of the Discipline* (New York: Norton, 2002) pp. 2-5; This quote reappeared in George and Bennett, *Case Study and Theory Development in the Social Sciences*, p. 205.

Specifically in this thesis, it enquires into the phenomenon of pariah state status and China's historical representation as a pariah in international society from 1839 to the present time. To this end, this thesis first traces the origin and development of the pariah state phenomenon by examining and establishing the links between violations of international behavioural standards (standard of civilisation) and state behaviours (particularly those marginalised states). Empirically, to reveal China's (historical) representation as a pariah, Chapters Two, Three, and Four, measure China's international behaviour from the 1840s to the present against the (dynamic) exclusionary mechanism of standard of civilisation. Secondly, this thesis seeks to understand the fall and rise of China's international position – from a pariah to a great power – in international society by bringing in a sociological account of status to the international level. In addition, it wishes to explain China's complex responses to the normative boundaries – behavioural standards – alongside its status change. A process tracing method functions as a useful tool in mapping and explaining the changes in China's international status and responses to the normative boundaries. Perhaps more importantly, to a great extent, process tracing will also allow us to test the explanatory power of such a status-led account.

Thesis Outline

As has been set out in the research questions section, this thesis aims to address two themes. The first being a sociological history of the pariah phenomenon in international society, with an empirical inquiry into China's historical representation as a pariah and its responses to such status. The second being a sociological account of status at the international level to explain state responses to the normative boundaries and behavioural standards during their status formation and transition; with an empirical study on China's compliance with and contestation of the normative standards alongside its transition from a pariah to a great power. Chapters One, Two, Three, and Four are designed to address the first theme, whilst Chapter Five addresses the second theme with an attempt to introduce a status-led account on the rise of China.

In general, this thesis is arranged thematically. However, under the broad thematic framework, this thesis is also organised in time sequence because: 1) it involves a great extent of historical inquiry into the construction of pariah identity and changing criteria for the inclusion/exclusion boundary at different times; 2) The empirical study on China traces China's historical engagement with international society and studies China's pariah past and status change on that basis.

Chapter One introduces the framework underpinning the theoretical inquiry and empirical study for the first theme, by identifying pariah states and investigating its social and historical roots in international society. In order to unravel conceptual confusion, this chapter starts by distinguishing the concept of pariah state from other similar terms used in relevant IR literature, including barbarians (barbarous states), rogue state, deviants, outsiders, outlaws, and backlash states. It argues that pariah state is an important subcategory of deviant states that is vested with particular social meanings (i.e. social hierarchy, status differential) and thus invites sociological and historical investigations. Based upon Howard Becker's labelling theory – a specific sociological theory on deviance, this chapter regards the making of pariah state as a process of making and applying rules and norms whose infraction constitutes as a pariah. An essential characteristic of a pariah state is that it is usually left out of the production process of the social rules and norms against which its conduct is judged. The critical questions in this concern thus are: What are the rules? Who are the rule-makers and enforcers? How are the rules created and applied?

The second section of Chapter One examines these questions in order to explain the phenomenon of pariah status and the construction of pariah identity in international society – both in the past and at present. Despite its contested nature, a standard of civilisation, as such a set of rules and norms, has been functioning as a legal mechanism in determining legitimate state behaviour and membership criteria in international society. By so doing, it then sets legal and social boundaries between the insiders and the outsiders, and contributes to the construction of two contrasted sets of collective identities – the civilised versus the pariahs. That being said, this chapter has also pointed out that the meaning and function of standard of civilisation have been changing as a result of the dynamic international context. Therefore, the membership criteria, behavioural standards and social boundaries it creates are also subject to change. This has meant that pariah status/identity is not static, but rather, dynamic and contingent upon specific social and historical contexts.

Chapters Two and Three go on to evaluate the theoretical arguments and findings by applying them to China, in its late Qing period and republican era respectively, in order to analyse whether China was regarded/treated as a pariah state during the said times. The classic standard of civilisation, as the prevailing rules and norms determining pariah identity, served as a diplomatic tool created and used by the western powers during the expansion of Europe-centred international society to East Asia. It contributed to the creation of two separate orders of international system – an

order of toleration for members of international society, which promoted tolerance, cooperation and equality, versus an order of civilisation for those outside international society, which subjected the so-defined outsiders to the civilising mission of the western powers. Hence, the creation and application of classic standard of civilisation can also be attributed to the construction of two sets of contrasted identity: the civilised West (particularly the European powers) versus the barbarous rest.

Chapter Two tracks down the elements of the classic standard of civilisation by observing Qing China's major encounters with the European/western powers since after the First Opium War. War and the unequal treaty system were two of the most dominant features during such a period of East-West encounters. Or more specifically, these two institutions were means of forcible imposition of the will of western power on China and vehicles of wilful exportation of western ideas to China – particularly that of classic standard of civilisation. To unveil Qing China's pariah identity/treatment, this chapter investigates three major wars fought between China and the West as well as the ramifications of these wars – the unequal treaties. The consequences of the wars and the unequal treaty network had further caused enlargement of both normative and material power differentials between China and the western powers, with the former at the lower end and the latter at the higher end along the power spectrum. China's historical encounters with the major powers of international society during late Qing period (from 1839 to 1911) had also resulted in its status transition from a 'Middle Kingdom' in East Asia to a pariah in international society.

Chapter Three carries on to examine China's pariah status during its republican era from 1912 to 1949. As a direct result of inheritance of the historical legacies from Qing dynasty by the republican governments, the extensive foreign presence and unequal treaty system lingered and remained the dominant features of republican China's pariah status. The fundamental question underneath republican China's pariah status – a sovereign state by international law – lies in its severely encroached internal and external sovereignty. Although the western powers had granted diplomatic recognition to republican China, they had also attached strict conditions that the western privileges and special rights in China be retained and protected. In other words, republican China was granted *de jure* sovereignty whilst blatantly denied *de facto* sovereignty by the West-oriented international society. To demonstrate the encroachment of China's sovereignty, this chapter pays particular attention to certain historical events surrounding Sino-Japanese relations that was one of the most

important meeting points of foreign interests in China at that time, including the Shandong question and the Manchurian Incident.

In this thesis, I do not consider PR China (between 1949 and 1971) as a relevant case for this particular research. There are three reasons for such a programmatic choice. Firstly, this is not a PhD project in History, and I have not sought to write a narrative history on China to the present. Secondly, this thesis is designated to the study of (China's) pariah status and state (China's) response to behavioural standards and membership boundary in international society. Pariah state status is a relational and social phenomenon at the international level. But the social and relational links were either not present or not in stable existence, given China's self-ostracisation from international society during this particular period of time, which led to a lack of meaningful encounters with members of international society, and engagement with the associated prevailing behavioural standards. In other words, China was not bound by the behavioural codes or related to the membership boundary as a result of its self-distancing from international society during this specific period of time. Although China did heavily engage with the Third World countries during this period of time, it is not within the area of research in this thesis. Thirdly, unlike earlier periods, the specific period of PR China represented more of a choice about how to engage with the rest of international society, compared to the previous Qing and republican era when there was not much room for choice. I regard PR China between 1949 and 1971 as a self-ostracised outsider rather than a socially made pariah.

This thesis considers the eventual collapse of the unequal treaty system and republican China's entry to the UN after World War Two as the end of China's pariah status, measured against the classic standard of civilisation in international society. Nevertheless, alongside the development and restructuring of international society, standard of civilisation has taken on new meanings compared to the classic Europe-centred version. Although the exclusionary nature of standard of civilisation remains functioning at the international level, the meaning of standard of civilisation has been extended to incorporate a certain degree of international consensus on legitimate state membership and behavioural patterns. Standards of human rights, as a significant dimension of the new standard of civilisation, has taken on great normative weight in determining state legitimacy and authority, as well as demarcating the boundary between civilised conduct and pariah behaviours.

Chapter Four looks into the standard of human rights and China in international society to examine whether China is a human rights pariah, as certain human rights

activist groups have argued. China has been observed to negatively react to the normative boundary for the majority of its engagement with international society. Through the inquiry on China's human rights practice and policy after 1989, this chapter also seeks to 'test' the degree of China's normative integration in international society today. To this end, this chapter investigates China's approaches towards human rights at institutional, practical, and principle aspects on the one hand, and studies the normative and structural constraints that human rights regimes have imposed on China on the other.

In the past two decades, China's human rights policies and approaches have been characterised by both compliance with, and contestation of, the prevailing international prescription of universal human rights norms. Although China's certain behaviours and policies pertaining to human rights are still perceived as deviating from the standard of human rights, China is no longer treated as a pariah state in the sense of human rights. Its material and normative power has grown to such an extent that it is powerful enough to defy international criticisms in this concern. In other words, China has started to challenge certain existing behavioural standards and is becoming an emerging power in shaping international normative structure. Such a change to a more affirmative approach is, of course, attributed to by the continual rise of its material power at a great degree. Nevertheless, China's compliance with, and contestation of, the standard of human rights or normative constraints at large cannot be purely explained on a material power basis, the same as its rise in international society.

Chapter Five proposes a status-led approach toward explaining China's rise in international society as an alternative perspective to the material power-based power transition theory. The rise and fall of states in international society is not merely a matter of elevation or decline of material power, but is also a matter of social status. This chapter considers the issue of status in international society as being constituted by both material and social dimensions, with the former referring to material power, and the latter to social attributes – the identity attribute and behavioural patterns.

To bring in a status-led account is not only an attempt to offer an alternative thinking to China's fall and rise – status change – in international society. Rather, it also wishes to explain and understand China's behavioural change alongside such a status change, or more specifically, China's responses towards the behavioural standards and the normative constraints of international society. For example, external actors and institutions may pressure China to conform to certain norms, or the other way round, provoke China to contest certain rules and norms. Nevertheless, such conformance or

contestation cannot only be explained on a basis of convergence or conflict of power interests since the deep-rooted social attributes also affect state behaviour profoundly. To give an example, the identity attribute (both self-identification and other social identities) indicates an expectation of a certain behavioural pattern from both the state self and the international others, which propels the state concerned to behave in certain ways – to bring its behaviour in line with the expectation.

Structure-wise, as has been mentioned, this thesis is designed according to the two interdependent themes that it aims to address. The first theme provides sociological and historical investigations into the phenomenon of pariah state in international society, with an empirical study on China's pariah experience. I have chosen to conduct the empirical study in Chapters Two, Three and Four, immediately after the theoretical discussion on pariah statehood. The empirical study on China helps to provide an immediate case to test and exemplify the theoretical arguments/assumptions regarding pariah state made in Chapter One. This is important since there has not been any specific definition of pariah state or any systemic study on the origins, the formation, and the roles of pariah states in international society in the existing IR literature. Chapter One also serves as a guiding theoretical framework for the unfolding of the story – historical analyses – of China's pariah past in the subsequent three chapters.

If the first theme were to be considered as interpretive and even descriptive given its focus on history, the second theme (Chapter Five) has surely served a more explanatory purpose. To a great extent, the first theme has paved way for the development and unfolding of the second theme given all the essential theoretical and empirical elements that the former has readily pointed out for the latter. With the historical analysis and empirical evidence (provided in the previous four chapters) as it pretext, the theoretical discussion on status in Chapter Five has a solid ground to operate on, which eventually enables this last chapter to effectively explain the fall and rise of states, and state behavioural change. Empirically, it not only provides a status-led account towards explaining China's rise, alternative to the prevailing power-transition account, but also concludes the entire empirical study by tracing China's status change and explaining its responses towards the international normative boundaries from 1839 to the present.

In many respects, the enquiries of this thesis feature both sociological and historical investigations of social relations in international society. The analysis and theoretical approach employed in this thesis also have a clear trace of historical sociology. The conclusion briefly brings together the sociological and historical threads

dispersed in the chapters, and concludes with a discussion on the relations among the social, the historical, and the international.

Chapter 1: Identifying Pariah States in International Society

Exclusion is a social and relational term. It is social in the sense that the concept and practice of exclusion cannot be understood or explained out of the context of a social milieu. It is relational because it does not exist without the phenomenon of inclusion (such as a social group that is inclusive to some actors), in the same way that the identity of a 'self' cannot be constructed in the absence of an 'other'. Whilst inclusion implies a shared collective identity, exclusion – as the other partition of the inclusion/exclusion dichotomy – indicates the deconstruction of a collective identity for certain groups or individuals; or the deprivation/elimination of the possibility to become a part of a larger aggregated identity than they are. Exclusion has many other social implications, such as social differentiation; hierarchical social status; limitation of choices; and restricted access to certain public goods, just to name a few. The exclusion of states is a relational and social phenomenon that exists alongside the expansion of international society. Unlike the sociological term of exclusion that focuses on the exclusion of certain domestic social groups or individuals, the 'exclusion' being discussed in this chapter refers specifically to the exclusion of state actors.

In the existing English School literature on the exclusion of states in international society, many similar terms are sometimes used interchangeably to describe the excluded states. These terms include: barbarous state, pariah state, rogue state, outlaw state, deviant state, backlash state, axis of evil, and outsider state. Whilst the implications of these terms all overlap to a certain extent, these terms are all slightly different from each other, either in range or context. Admittedly, some of the above labels might have served certain political purposes within varied social contexts, and applied incoherently in international social intercourses. However, in this thesis, I argue that the problems of politicisation and stigmatisation should not render these terms as invalid subjects of study in international relations. Nor is it necessary for them to be replaced by other neutral terms. Rather, the fact that such terms are politicised, biased or selectively applied constitutes an interesting phenomenon of inquiry. Such are political languages used in formulating foreign policy that convey the values and viewpoints from their creators and users.

Foreign policy is in itself a value-based subject of analysis as suggested by Anne-Marie Slaughter. The values of foreign policy are not 'abstract concepts'.[21] Rather, they are beliefs and principles formed in the process of state formation, domestic practice and international interactions. Commenting on values vested in American foreign policy, Slaughter contended, "These values […] have taken on specific meanings through the stories that make up American history, stories of struggle and persistence against all odds".[22] It is not possible to forsake values in foreign policy altogether. There is no need either to avoid using politicised languages given the norms and values vested in them. Moreover, in most cases, such politicised languages send important political messages to international society, implying or explicitly stating a country's political stance, expressing its national interests, or indicating a certain hidden agenda in some cases. Nevertheless, political languages are always subject to interpretation, which could cause distortion of the intended meanings either in research or foreign policy due to readers' different stances and contexts. This is one of the major reasons for the conceptual confusion of labels mentioned in the beginning.

The term pariah was originally used to describe a social caste in India that was largely excluded from the society and accorded very low social status.[23] Although the term pariah state, in the IR literature, is not as popular as terms such as rogue or outlaw states, the phenomenon of pariah statehood/status has existed in international history since the beginning of international society. This chapter thus wishes to justify both its choice and the importance of the term pariah state in international relations by distinguishing pariah state from other similar terms in the first section. It then goes on to demonstrate and explain the pariah phenomenon, as well as the construction of pariah identity in the second section.

1.1 Conceptual Clarification: Pariah State and the Other Terms of Excluded States

As has been pointed out, the terms of rogue, pariah, outlaw, deviant, outsider and barbarous states are quite often used overlappingly and confusingly in the IR literature. Despite the different interpretations of such terms and the fluid boundary among them, they are often associated with a certain degree of state violations of settled international rules and norms. Nevertheless, the meanings of international rules and norms are not all

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[21] Ann Marie-Slaughter, 'Value-Based Foreign Policy', *International Herald Tribune,* May 17th 2007. See, http://www.iht.com/articles/2007/05/17/opinion/edslaughter.php?page=1 (last accessed Feb 2009)
[22] Ibid.
[23] Tim Niblock, *"Pariah States" & Sanctions in the Middle East* (London: Lynne Rienner Publishers, 2001). Also see the entry of pariah definition in Oxford English Dictionary online: http://oxforddictionaries.com/view/entry/m_en_gb0605680#m_en_gb0605680 (last accessed : Feb 2011).

fixed, but subject to interpretation and recreation by actors of international relations. Moreover, due to the cultural and civilisational diversity, certain norms which are regarded as essential to some states may not be of much importance to others. This uncertainty has also added to conceptual difficulties, which in turn causes conceptual confusion. Thus, it is essential that this chapter start with a brief overview of past attempts to define the excluded states in the relevant literature before going into further discussion in order to clarify such conceptual vagueness.

1.1.1 Pariah State: a Cold War conception

Robert Harkavy's article on pariah states, published in 1981, was one of the early literature that explicitly applied the term 'pariah state' to international studies. Harkavy's conception of pariah state was very much restricted to the Cold War context. He approached the term by looking at state external behaviour towards international society and the international response thus evoked. Pariah state was then defined as, "a small power with only marginal and tenuous control over its own fate, whose security dilemma cannot easily be solved by neutrality, nonalignment, or appeasement, and lacking dependable big-power support".[24] The pariah states were characterised by their precarious diplomatic isolation, lack of big power support, especially in terms of security; and being the "targets of obsessive and unrelenting opprobrium and censure within international forums such as the United Nations".[25]

Under the social conditions of the Cold War, as Harkavy revealed, pariah statehood inevitably involved the estrangement from the dominant Soviet Union and Third World blocs, in conjunction with weak support from the reluctant western powers. Due to the lack of power support, especially military-wise, the pariah states would seek means of self-protection to ensure survival in the international community. Thus, they would be more likely to build up their military capacity through state pursuit of weapons of mass destruction or nuclear power, which in turn caused security concerns from the powerful and consequent control, or containment, from the international institutions. Harkavy's Cold War conception of pariah state thus also included an essential attribute of military build-up, especially in terms of nuclear power and weapons of mass destruction. For this reason, pariah states were regarded as unwelcoming actors that posed threats to international security and stability.

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[24] Robert E. Harkavy, 'Pariah States and Nuclear Proliferation', *International Organization,* 35/1 (1981), p. 135.
[25] Ibid.

Taking Israel, Taiwan, South Africa and South Korea as case studies, Harkavy examined and compared these countries based on the criteria of diplomatic isolation, military threat, international censure and nuclear pursuit. He concluded that Israel, Taiwan, and South Africa featured most prominently as pariah states, while South Korea was less so. However, it is obvious that nowadays these four countries are no longer viewed as 'pariah states'. Moreover, according to more recent conceptions of the term 'pariah', Israel, Taiwan, and South Korea would not have constituted as pariah states even in the Cold War era. South Africa used to be a commonly recognised pariah state in international history, but with the end of apartheid and the adoption of democracy in 1994, it got rid of its pariah image in the international community. Israel is no longer facing military threat from any major power, and is still backed by America – the only superpower in the world, and is thus rarely recognised as a pariah state. Nevertheless, given the continuous and increasingly intense conflicts with Palestine, its un-humanitarian behaviour is subject to growing international censure. Despite the superpower support, Israel may fall into the category of pariah or rogue state again if it continues its violation of human rights; since human rights protection is becoming an important criterion for good citizenship in current international community. The changes in Harkavy's cases have revealed that pariah status is dynamic rather than static, and that the criteria for pariah do not always stay the same.

To elaborate, the change in pariah status is not only a result of the changing state behaviour, but also (and perhaps more importantly) depend on change in the international structural and normative environments, which severely affect the formation and application of international standards of good/legitimate behaviour, as well as that of pariah criteria. Some pariah criteria, which Harkavy listed, are no longer sustained in the current context, i.e. small power status, lack of big power support, and ideological conviction. But some others linger. For example, pariah states are still closely associated with the pursuit of nuclear power and weapons of mass destruction nowadays. This is because the rules of nuclear and WMD non-proliferation remain paramount concerns to the maintenance of international peace and security. The criterion of diplomatic isolation is more controversial. Although it is still regarded by Geldenhuys as a criterion of pariah states, since it still functions as an effective means of international control over and punishment of the ill-behaved states, it is no longer an essential characteristic of a pariah state in an intensely interactive world.[26]

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[26] An extreme case would be that of the US, which was regarded as a rogue superpower by Noam Chomsky and Samuel Huntington, since the US has now and then acted unilaterally for the pursuit of self-interest. The

1.1.2 *Rogue State*

Rogue state is largely an American term, which is approached from two perspectives, namely American foreign policy and general study of international relations. 'Rogue' is firstly a foreign policy doctrine of the US government developed in the late 1980s. Such doctrine was elaborated in Anthony Lake's article in 1994, although he replaced the term rogue state with backlash state.[27] According to Lake, in the post-Cold War era, the US had the responsibility to nurture and promote the core values of the democratic family of nations – democracy, free market, collective security, and peaceful settlement. However, the American policy must "face the reality of recalcitrant and outlaw states that not only choose to remain outside the family but also assault its basic value."[28]

This band of so-defined recalcitrant/outlaw/backlash states referred specifically to Cuba, North Korea, Iran, Iraq, and Libya. Their common characteristics, as demonstrated by Lake, were authoritarian rule, human rights suppression, promotion of radical ideology, and an inability to constructively engage with the international community. They are also defensive and militarily ambitious since they attempt to pursue nuclear power or weapons of mass destruction, which is regarded as being driven by self-protection or a siege mentality. Rogue states or backlash states thus were first and foremost terms used by the US to refer to such a group of states that posed as threats to itself, its neighbours, and the international community at large. In Lake's own words,

> As the sole superpower, the United States has a special responsibility for developing a strategy to neutralize, contain and, through selective pressure, perhaps eventually transform these backlash states into constructive members of the international community. [...] We seek to contain the influence of these states, sometimes by isolation, sometimes through pressure, sometimes by diplomatic and economic measures. We encourage the rest of the international community to join us in a concerted effort.[29]

Lake's article explicitly expressed the US government's foreign policy towards the so-defined backlash states in a post-Cold War context, and evoked a wave of discussion on the US doctrine of rogue states in the 1990s. Besides, what is also

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consequence is a grave breach of the international rules and norms originally created or promoted by the US, from which it was supposed to be exempt. See Noam Chomsky, *Rogue States: The Rule of Force in World Affairs* (London: Pluto Press, 2000). Samuel P. Huntington, 'The Lonely Superpower', *Foreign Affairs*, 78 (1999), pp. 41-42.

[27] Anthony Lake, 'Confronting Backlash States', *Foreign Affairs,* 73/2 (1994), pp. 45-55. Anthony Lake was the the then assistant to American President (Bill Clinton) for National Security Affairs.

[28] Ibid., p. 45.

[29] Ibid., p. 46.

obvious is the US self-identification as the only superpower and sole regulator of the post-Cold War international relations. In other words, the post-Cold War international environment was not perceived as one of shared values, working institutions, and common humanity, but rather a US-dominating political arena on the account of US power primacy.

However, whilst claiming to be acting on behalf of the international community, the US was observed to have been applying realist logic to its foreign policy – pursuing national interest through unilateralism. Samuel Huntington points out that, on issue after issue, the US has been acting out of its own self-interest other than concerns for the international community as it had claimed to. Through issues such as UN dues, global warming, sanctions against the so defined backlash states, and War on Iraq, the US is observed to have become increasingly alone in the international community, due to its continuous unilateral behaviour. Huntington has even gone so far as to define the US as a rogue superpower. His words are as follows:

> While the United States regularly denounces various countries as *rogue states* [emphasis in original text], in the eyes of many countries it is becoming the rogue superpower. […] The United States is unlikely to become an isolationist country, withdrawing from the world. But it could become an isolated country, out of step with much of the world.[30]

Despite the claim of the US being a rogue superpower, the rogue discourse remains primarily associated with the US foreign policy in the post-Cold War era. As a matter of the structural and normative changes in the dynamic international environment, the US government has avoided from using the term rogue in its official discourse in recent years, and replaced it by other terms such as axis of evil or states of concern in its foreign policy language. Nonetheless, the core doctrine vested in the term rogue state has been passed down to the successive terms to apply to assorted US enemies.

Due to its Americanised nature, the term rogue has been applied selectively and inconsistently at the will of the US through unilateral behaviour. This term is helpful for research on US foreign policy, but not quite widely applicable when it comes to international relations at large. Politicisation, inconsistency, and conceptual vagueness have added confusion and difficulty to academic research on rogue state phenomenon. That said, in international studies, rogue states are seen to be used to refer to a group of states (also usually defined by the US) associated with the violations of international behavioural rules and norms – particularly on those related with the prohibition of state

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[30] Samuel P. Huntington, 'The Lonely Superpower'.

sponsorship of terrorism, and the proliferation of weapons of mass destruction. As Capriole and Trumbore summarise,

> [The term of rogue state] has been used to characterize states whose external behaviour runs afoul of the standards of the international community, typically through actions such as developing weapons of mass destruction or sponsoring terrorism […], or through conspicuous flouting of international law […] [and has] been used to label states that oppose the dominant powers in the international system; […] often characterized as despotic dictatorships […] and are perceived as being undeterrable and unpredictable […] or 'crazy'.[31]

It has been revealed so far that the rogue criteria enjoy similarity with the pariah criteria, since they are both broadly associated with violations of certain internationally accepted rules and norms. Both terms of rogue state and pariah state are formed on the basis of certain state ill behaviours and international (American) responses thus evoked; including both the internal and the external dimensions whilst stressing on the latter dimension. However, Capriole and Trumbore propose a more restricted conception of rogue state, also known as human rights rogue, by focusing solely on one aspect of the state ill behaviours at the internal level – domestic violations of human rights. More specifically, the term refers to the kind of state whose brutality is directed against its own citizens, which subsequently constitutes as a breach of the international rules and norms, particularly those of universal human rights.

1.1.3 Human Rights Rogues

Indeed, although power still plays an essential role, the contemporary international community has been increasingly concerned about human security, and is thus characterised by the prevalence of human rights norms. States that fail to provide a satisfactory level of human security are most likely to be put under international spotlight, undergo international censure or even evoke international sanctions and other forms of punishment. Human rights norms have played an increasingly important role in determining good and bad international citizenship/behaviour. For Caprioli and Trumbore, the protection of human rights, particularly in terms of gender and ethic equality, has become the threshold standard for good state behaviour and legitimate

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[31] Mary Caprioli and Peter F. Trumbore, 'Identifying `Rogue' States and Testing Their Interstate Conflict Behavior', *European Journal of International Relations,* 9(3), 2003, pp. 377-378.

statehood. A state will be downgraded to a 'human rights rogue' when it fails to meet such a threshold requirement.[32]

Caprioli and Trumbore argue against the external behaviour based approach towards the definition of rogue state. They have argued for an internal approach that focuses on state domestic behaviours – how states treat their own citizens at a domestic level, rather than state international behaviour – how states behave externally when interacting with other actors at the international level. The major problem with the external-oriented approach, according to Caprioli and Trumbore, lies in the conceptual confusion and the Americanised nature, with the latter problem leading to politicisation, selective application, and pejorative use of the term. Hence, these problems cause a principle limitation for the term to function as a definitive and objective category of analysis.

Caprioli and Trumbore recognise that the rogue or pariah states are more inclined to act violently, initiate conflicts and present themselves as international outlaws. However, by demonstrating a plausible causal political links between domestic and international norms, they claim that a state's aggressive international behaviours are simply reflections of its internal repression and domestic inequality – the monadic phenomenon where external aggressiveness derives. In other words, the rooted cause for state malignant behaviours at the international lies within states themselves. "Rogue state status derives not from external actions that challenge the systemic status quo or violate international norms of non-proliferation or support for terrorism, but rather form a regime's domestic behaviour, how it treats its citizen."[33]

According to such conception, the rogue states are those states that do not uphold the 'settled norm' of universal human rights in principle, and fail to fulfil the obligation of protecting the individual rights of their citizens in practice.[34] More specifically, rogue states are defined as "any states that systematically allow domestic discrimination and inequality on the basis of ethnicity and gender, and perpetrate systematic repression against their own citizens."[35] Such a rogue criterion echoes the idea of the new standard of civilisation – or the standard of human rights, which adheres greatly to liberal democracy and human rights norms.[36]

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[32] Caprioli and Trumbore, 'Identifying `Rogue' States and Testing Their Interstate Conflict Behavior'.
[33] Ibid., p. 378.
[34] Ibid.
[35] Ibid.
[36] The idea of new standard of civilization and the standard of human rights will be further discussed in the second section of this chapter, as well as in Chapter Four.

However, such a conception is questionable in two ways. The first question concerns the proposed causal political link between state domestic and international behaviours. Indeed, state domestic political culture and norms can be reflected in its international behaviour and be applied to guide its interactions with international actors, as Caprioli and Trumbore have claimed. Their contention has gone so far that they have entirely wiped off the blurry, yet existing, boundary between the domestic and the international. In their own words,

> This domestic-international political link is based on the premise that states duplicate patterns of domestic politics in the international arena, applying the same political norms in both their domestic and international affairs. In other words, states that typically exhibit discrimination and violence in their domestic relations, will, theoretically, exhibit similar behaviours in the international arena, and vice versa.[37]

Such a claim has misinterpreted the origins and formation of international norms; ignored the domestic-international difference; neglected the mutual-constitution between international and domestic norms; and denied the structural and normative constraints imposed by the international institutions. Hence, the argument regarding the causal link is reductive.

"Rogue states were characterized by their egregious violations of recognized international norms of human rights."[38] This is Caprioli and Trumbore's second major claim, and the most conspicuous feature that presents a sharp difference from the early conceptions of pariah and rogue state, which also leads to the second problem with such conception. The authors conceptualise the term, rogue state, under the human rights umbrella, but only narrowly confine its range to ethnic and gender inequality within state boundary.

It is not surprising that the authors stressed on gender equality, given that Mary Caprioli is a feminist scholar. However, it is debatable that gender and ethnic equality can represent the entire core of human rights. Human rights in itself is an exceptionally complicated and contested area of inquiry, which has generated hot debates in academia and diplomatic practice. In the everyday practice of states, a certain level of human rights violation is extremely difficult to avoid within and beyond states considering the complex and extensive nature of human rights. To what extent should human rights violation be counted as 'systemic' or 'severe' enough for a state to be defined as a rogue

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[37] Caprioli and Trumbore, 'Identifying `Rogue' States and Testing Their Interstate Conflict Behavior', p. 379.
[38] Ibid, p. 384.

is a contested issue. What criteria should be adopted to distinguish the different levels of violations? Should it go as far as extreme humanitarian crisis that 'shock the conscience of humanity' as in the case of humanitarian intervention? [39]

With regard to the lack of a definitive standard for systemic violation of human rights, it is likely the 'human rights rogues' conception will become a product of politicisation and conceptual vagueness, which the authors set out to avoid. Moreover, the general acceptance of universal human rights remains a major question given the existing cultural, political, and social diversity on the one hand, and the enlarging power disparity across the world on the other. Or to take the question even further: is it possible to justify solidarity over plurality, and justice over order?

Indeed, the conception of rogue states as human rights rogues touches upon one critical aspect of state ill behaviours – the internal human rights violations pertaining to gender and ethnic equality – which significantly affect state identity in international relations. Yet it is reductive to solely emphasise on such an aspect as Trumbore and Caprioli do. Whether a state is a rogue does not simply rely on its domestic behaviour but also its international behaviour. Moreover, the identity as a rogue or a human rights rogue is not self-deriving, but depends on international perception as well as the structural and normative arrangements concerning legitimate state conduct.

1.1.4 The Outlaw/Outsider/Pariah States

Whereas Caprioli and Trumbore failed to answer the questions essential to the settled rules and norms in contemporary international society, Gerry Simpson provides an answer by introducing anti-pluralism into the study of international society. On this basis, he identifies a group of outsider/outlaw/pariah states as opposed to a solidarist society. Note that Simpson has used the terms of pariah state, outsider state, and outlaw state interchangeably. Simpson claimed that such states constitute a separate group as against states of good standing in international society. He identifies the pariah/outsider/outlaw states through a re-examination of international order.

Simpson contended that "the present international order can best be understood as a struggle between these two conceptions of international society", namely pluralism and anti-pluralism. [40] The pluralist conception is universalist and egalitarian in nature. It embodies the prevailing norms of non-intervention, sovereign equality and self-determination; recognises and tolerates the political and social diversity among different

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[39] Nicolas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2002), p. 34.
[40] Gerry Simpson, *Great Powers and Outlaw States* (Cambridge: Cambridge University Press, 2004), p. 231.

states. Pluralism is where the sovereign equality (as defined in the UN Charter) resides. It allows different political forms and recognises equal sovereigns as long as sovereign status has been achieved. However, Simpson points out that the pluralistic/procedural Charter-based conception of international order is challenged and threatened by a more judgemental and substantive anti-pluralist conception, given the increasing concern over international humanitarian norms and the spread of democratic values.

> [The anti-pluralist approach] incorporates political and behavioural criteria into the conditions of membership for the international community. […] The core norms of the old egalitarian liberalism based on sovereign equality […] no longer capture the reality of the new transnational order.[41]

Contrary to pluralism, the anti-pluralist account divides states actors into two sharply different spheres – a solidarist international society versus a group of outlaw/outsider/pariah states. The former is composed of liberal states or states of good standing with shared common cultural background, beliefs, values, and norms in international society. The latter refers to a group of states that are denied admission into international society or are subject to international punishment due to their outlaw behaviours (constituting criminal states) or undemocratic nature (constituting undemocratic states).

Liberal anti-pluralism is similar to solidarism – a major tradition of international society as opposed to pluralism – in that both of them greatly emphasise the significance of universal human rights and are more inclined to promote humanitarian intervention. However, the major difference between them is that anti-pluralism makes an explicit distinction between the solidarist society and the outlaw group, based on state behaviour concerning the protection and promotion of human rights and democratic values. On this basis, anti-pluralism promotes the distinction between these two spheres and "denies certain states [the pariah/outsider states] the rights to participate fully in international legal life because of some moral or political incapacity such as lack of civilisation, absence of democracy or aggressive tendencies".[42] The outlaw/outsider/pariah states are thus identified as a separate group, which are treated differently, if not derogatorily, from members of international society since they are regarded as having undermined international laws, democratic values, and human rights norms as embraced by liberal states. This suggests that even when a state acquires sovereign status, it may not be accepted as a member of international society or granted

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[41] Gerry Simpson, *Great Powers and Outlaw States*, pp. 282-283.
[42] Ibid., p. 232.

full participation in the international community. Not all sovereigns are treated equally in an anti-pluralist international society.[43]

According to Simpson, there are two regimes of anti-pluralism, which contribute to the construction of a separate identity for the outsider/pariah states, namely criminal law regime and undemocratic regime.[44] The characteristics of each regime thus provide us with criteria to identify pariah states. Criminal states are those states that grossly breach international laws, violate basic principles of international society, and undermine the foundation of international order. To be more specific, criminal states fail to play by the international rules and norms, exemplified either by their illiberal external behaviour or pathological domestic behaviour, with the most extreme case being gross violations of human rights such as genocide or ethnic cleansing. A second category of pariah/outsider states refer to undemocratic states that are constitutionally illiberal or undemocratic. These are characterised by denial of human rights to their citizens, and the lack of political contestation and popular participation in domestic political activities.

Simpson observes that exclusion and intervention are the two major means of control exercised by the international community over the pariah/outsider states. As a less contentious and usually non-forcible form of control, exclusion takes two forms – denial of admission to membership to international society or expulsion from international society or regional state society. "The hope […] is that a spell in the wilderness will make the pariah state come to its senses and re-enter international society as a reformed character."[45] Exclusion is a milder means compared to military intervention aiming at a forcible makeover of the pariah states. Its ultimate goal is neither to reconstruct the pariah/outsider states nor completely isolate the outlaws from international society, but to have the so-labelled pariah states conform to the standards of behaviour; ultimately becoming good citizens of international society, which in turn helps to maintain international peace and stability.

On the treatment of pariah/outsider states, anti-pluralist theorists still have different views on the extent of exclusion or intervention imposed on the pariahs. This is largely due to the existing conceptual confusion on pariah/outsider state, the complexity and extensity of human rights norms, as well as the contentious nature of military intervention. As a different theoretical position against pluralism, anti-pluralists,

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[43] Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (New York: Cambridge University Press, 1990).
[44] Gerry Simpson, *Great Powers and Outlaw States*, pp. 280-316.
[45] Ibid., p. 284.

nevertheless, do not deny the existence of diversity and disparity in international society. Even strong anti-pluralists (i.e. Fernando Tesón) also share some common understandings with milder relativists who promote tolerance of cultural, political and social diversity at the international level.

As Tesón claimed, "we must accord respect to different customs, ways of life, and institutional arrangements as long as they consistently do not impinge upon basic human rights."[46] However, against the relativist contention that human rights concerns are local moralities, great emphasis has been given to universal human rights, particularly in the light of basic human rights. Arguing against Walzer's claim that we cannot impose our notions of human rights and wrongs on others, Tesón asserted that the morality of human rights should transcend national boundaries.

> We do make moral judgements across boundaries. […] If human rights have any meaning at all, then they have a universal meaning. […] Cultural differences are not sufficient grounds for prohibiting humanitarian intervention.[47]

Siding with Tesón, Simpson also gave great emphasis to universal human rights, contending "outlaw states that do not observe human rights become vulnerable to exclusion and intervention."[48]

In this chapter, I have found Simpson's anti-pluralist analysis helpful in explaining the phenomenon of excluded states as a separate group from members of international society. Nevertheless, different from Simpson's argument that states within a solidarist sphere are well bound by liberal values, this thesis argues for a thin conception of solidarity; which generally rests upon common humanity, or the shared civilisational values upheld across cultures and geographic space. Though it is still unclear whether the pariah states have formed an organic group, it is obvious there are similarities among them. In comparison, the link among the insider states has long been established alongside the expansion of international society. The formation of a group of states of good standings as against the pariah states is a process of constructing the solidarist 'self' by 'othering' the latter.

> The basic value of the notion of the Other is to remind us that this is not only a positive, but also a negative process; a thing is perceived as much in terms of

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[46] Fernando Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (3rd edn.; New York: Transnational Publishers, 2005), p. 55.
[47] Ibid., p. 54.
[48] Gerry Simpson, *Great Powers and Outlaw States*, p. 295.

what it is not as in terms of what it is. […] The perception of another person contributes to the constitution of the self.[49]

Likewise, to understand and explain pariah identity as well as the role of the pariah in and outside international society, there is need to examine the standards of good behaviours, the criteria for legitimate and good citizenship, as well as the relevant international norms and rules.

With its emphasis on liberal values of democracy and human rights, and the identification of a group of pariah/outsider states against solidarist society of states, the anti-pluralist arguments coincide with the discourse of standard of civilisation dating from the early Europe-centred international society in the 19th century. "The concept of civilisation, thought to have disappeared from international law, […] has now become an integral part of the rhetorical armoury of the Western statesman."[50] Even more than that, the standard of civilisation has made its return to the study of international society, acquiring a new interpretation sharply different from that of the 19th century classic standard of civilisation.

Collingwood points out that the process of civilization involves bringing others, including foreigners, into one's community, which is a sphere of human relations governed by the civilities and the rule of law.[51]

The contemporary standard of civilisation is an important set of rules and norms, which help to understand the expansion (or contraction) of contemporary international society. It denies access to full membership of international society to those who fail to meet the standard of civilisation. In this sense, it helps us to understand the construction of a pariah identity, as well as the role of pariahs in international society. However, before proceeding to further analysis of the new standard of civilisation or pariah identity, some important questions need to be raised. How are the social rules determining good/bad international citizenship created? Who are the rule makers and enforcers? If international society can only be properly described and understood in historical and sociological depth as Martin Wight suggested, a sociological perspective needs to be taken into consideration in order to answer the above questions. The following part thus looks at Geldenhuys's sociological account of deviant states in world politics, of which pariah state is an important subcategory.

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[49] Iver B. Neumann and Jennifer M. Welsh, 'The Other in European Self-Definition: An Addendum to the Literature on International Society', *Review of International Studies,* 17(4), 1991, pp. 331-332.
[50] Gerry Simpson, *Great Powers and Outlaw States*, p. 280.
[51] Robert Jackson, *Quasi-states*, p. 142.

1.1.5 The Deviant/Pariah States: a Sociological Conception

Geldenhuys shares Harkavy's view that pariah state is largely a Cold War concept. The Cold War pariahs were "few in number; modest in power and firm in ideological conviction."[52] As comprehensively depicted by Geldenhuys, their shared characteristics are small power status; anti-communist ideology; authoritarian government; systematic abuse of human rights; the possible possession of or pursuit for nuclear weapons; and in general, outsiders of the western society of states despite their desire for western recognition.[53] However, the reason why this thesis is interested in Geldenhuys's work is not for his inheritance of the pariah label from Harkavy, but the sociological approach of labelling theory that he has taken to explain deviant behaviours within the society of states, including an important subset of pariah states. This helps greatly to explore the process of pariah identity construction, the pariah-power relationship, as well as the role of pariah states in international society.

In comparison with Harkavy, Geldenhuys approaches the definition of pariah state from an external approach by looking at state external relations with the international community. However, his conception differs from Harkavy on the focus of the subject of analysis. Harkavy's focus was placed on the delinquent/outlaw nature of the errant behaviour in the part of the state, and less on how such behaviour evoked international response, which consequently affected the errant state's status. Geldenhuys does not deny the importance of state behaviour, but he mainly stresses and studies the international responses evoked by state behaviour. His claim is that whether states are pariahs (or deviants) or not depends on how the international community labels them and their behaviours. Whilst the international response depends primarily on the prevailing international rules and norms, the question of who the rule-makers are in the international community is an essential one for the identification of pariah states.

Social rules, interpreted in a broad sense, prescribe and proscribe behaviours in social contexts. As stated in modern deviance theory, social rules are made and enforced by specific social groups to "define situations and the kinds of behaviour appropriate to them, specifying some actions as 'right' and forbidding others as 'wrong'."[54] The general acceptance and enforcement of these social rules and norms thus form the basis of a social boundary, functioning as a means to regulate behaviours and punish those rule-breakers within such socially defined boundary.

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[52] Deon Geldenhuys, *Deviant Conduct in World Politics* (New York: Palgrave Macmillan, 2004), p. 2.
[53] Ibid.
[54] Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press of Glencoe, 1963), p. 1.

In Becker's words, a person who is regarded as having broken an enforced rule may then cease to be regarded as a normal member of the social group he previously belonged to, and instead become "an *outsider* […] [or] the deviant from group rules."[55] But 'just how far "outside" one [person or state] is, […] varies from case to case', depending on the rules violated; acceptance of the rules; level of rule-violation; and also on perspectives; or more generally, on how much 'they' are 'like us'.[56] A central fact about deviance is that it is created by the rule-makers.

> Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders. […] Deviance is not a quality of the act that person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied.[57]

John Kitsuse also shares Becker's view. He explicitly claims that

> The forms of behaviour *per se* do not activate the processes of societal reaction which sociologically differentiate deviants from non-deviants. […] Deviance may be conceived as a process by which the members of a group, community, or society (1) interpret behaviour as deviant, (2) define persons who so behave as a certain kind of deviant, and (3) accord them the treatment considered appropriate to such deviants.[58]

Thus, deviants are man-made in the first place. Deviance is not a static social phenomenon, but a social process of rule making and application. As the labelling theorists suggest, the deviants should be defined according to the external responses instead of the behaviour invoking the responses.

Geldenhuys also agrees with Becker's contention that "deviance is created by the responses of people to particular kinds of behaviour".[59] He introduces such a view to the international relations to explain the deviant acts in international community – whether states are pariahs (or deviants) or not depends on how the international community labels them. However, different from Becker's sole focus on power differentials, Geldenhuys contends that not all the rules are created by the powers in international community. There are also prevailing settled norms functioning to regulate the behaviours of actors in international relations. He claims that rule-breakers,

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[55] Howard S. Becker, *Outsiders*, pp. 1-4.
[56] Ibid., p. 3.
[57] Ibid., pp. 8-9.
[58] John I. Kitsuese, 'Deviance and the Response of Others', in Howard S. Becker (ed.), *The Other Side* (New York: The Free Press, 1964), p. 88.
[59] Howard S. Becker, *Outsiders*, p. 18.

including states and non-state actors, having acted against the standardised behavioural codes, become the so-defined deviants and subject to international censure or punishment in international society. A typology of deviants (including state and non-state actors) was then developed according to different levels of international responses to rule-breaking behaviours.

According to Geldenhuys' categorisation, the first-order or global deviants refer to those whose delinquent behaviour goes against internationally accepted norms (or settled norms), particularly those established by the UN, and thus invokes international disapproval or punishment. The second-order deviants are those behaving at odds with others at a regional level. And the third-order deviants are more case-specific and are referred to as "a country [countries] finding itself [themselves] in serious conflict with only a handful of other states – with a great power among them – over the former's conduct at home or abroad." [60] Compared to these real deviants subject to real external punishment, Geldenhuys also identifies another category of deviants – the nominal deviants that refer to those who breach international rules and norms but escape the censure or punishment. Reasons for the lack of international punishment are various, i.e. power, disinterestedness, negligence, etc.

"Like all human societies, the community of states has always had its non-conformists. By challenging commonly accepted standards of behaviour, these countries place themselves at odds with others (supposedly) playing by the rules. Being ostracized from the society of respectable or rule-abiding states was often the penalty for dissident behaviour."[61] But only when rule-breaking evokes disapproval, anger, or indignation by the others in the society would it be regarded as deviance. "A political deviant is likely to be characterised as someone who is irresponsible, unwilling to 'play the game' by the established rules, stigmatized, and dishonoured, and may be labelled a 'pariah'."[62] To better understand this, nevertheless, there is need to ask the following questions: whose rules? Who are/is entitled to make and enforce rules for others?

According to Becker, this is a question of economic and political power. For example, in many respects within a society, men make rules for women; the elders make the rules for the youngsters; middle class for lower class, etc.

> Differences in the ability to make rules and apply them to other people are essentially power differentials (either legal or extra legal). Those groups whose

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[60] Geldenhuys, *Deviant Conduct in World Politics*, p. 46.
[61] Ibid., p. 1.
[62] Ibid., p. 46.

social position gives them weapons and power are best able to enforce their rules. Distinctions of age, sex, ethnicity, and class are all related to differences in power, which accounts for differences in the degree to which groups so distinguished can make rules for others.[63]

However, given the man-made nature of rules and the diversity of social groups, rules vary from one group to another. It is thus important to point out that there are hardly universally accepted rules for the labelling of deviants.[64] Rule conflicts among different social groups are therefore deemed to be inevitable; hence, disagreement about the kind of proper behaviour in different social contexts.

I agree with Becker that power differential is essential to the production and enforcement of social rules as well as the creation of deviance. Created and developed in a context of power disparity, it is not surprising that social rules are forced upon the less powerful groups or enforced selectively in favour of the powers when disagreement occurs. However, it is insufficient to resolve solely to political and economic power as Becker did. Firstly, power can no longer be narrowly interpreted in political and economic terms in contemporary international society. This thesis suggests that power has acquired a more comprehensive meaning that gives increasing emphasis to state responsibility to the international community and state ability to provide international public goods. A possible notion of comprehensive power could be social power – a term closely associated with international social status.[65] Secondly, specific social groups usually create rules to maintain the stability of social order. The enforcement and institutionalisation of social rules need to build upon a certain level of general acceptance or social consensus so that the established rules acquire a certain degree of validity and propriety, which in turn improve the consistency of rule enforcement and authority of the rule-enforcers.[66]

Geldenhuys has applied the labelling theory – a theory of deviance created to explain deviant acts in domestic society – directly to international relations. International responses, as one of the determinant of deviant identity, depend greatly on the existing international rules and norms, particularly in terms of human rights as Geldenhuys has argued. This is where Geldenhuys departs from Becker's labelling theory. Though he still agrees with Becker that power differential is essential to social

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[63] Becker, *Outsiders*, pp. 17-18.
[64] Ibid., p. 18.
[65] Anthony King and Tim Dunne, 'Bringing Status Back into International Society', paper presented at the 50th Annual Convention held by the International Studies Association (15 Feb, 2009, New York).
[66] Albert K. Cohen, *Deviance and Control* (New Jersey: Prentice-Hall, inc., Englewood Cliffs, 1966), pp. 16-19.

rule making and enforcement and to the definition of pariah state, Geldenhuys complements Becker's labelling theory by incorporating international rules and norms. Geldenhuys argues that the international settled rules and norms are equally important in guiding actors' behaviour and determining the deviants in contemporary international community, which leads us to the current debate on the new standard of civilisation. This is also the position this thesis is taking.

Nevertheless, it should be noted that although the labelling theory approach highlights the power of rhetoric and political discourse from the eyes of the powerful, it is not ideas all the way down. State behaviour exists in the first place, but does not constitute as deviance unless it is labelled or interpreted as such. The process of labelling a pariah state is a process of the application of rules, norms, and beliefs in a given social context, and is thus a product of social construction. Moreover, the process of labelling is not restricted to the discursive level. Most importantly, it is the act of practice that completes the labelling process, meaning an actor does not necessarily have to be discursively labelled as a pariah for it to acquire pariah status. Rather, as long as the actor is treated as a pariah in practice, it becomes a factual pariah in the society.

To examine the construction of pariah state identity in contemporary international society, it is also important to study the current international social context, which essentially includes unravelling the international rules and norms critical to the construction and stability of current international society. International norms are often subject to interpretation due to the diverse and anarchical international environment, which could lead to the danger of relativism. Nonetheless, the international order is one of hierarchy under anarchy.[67] Power differential at an international level is a social reality, which contributes to the creation and application of international rules and norms, as well as the stability of international society in general. However, it should be noted that power is no longer restricted to material power or soft power, but a more comprehensive social power that also incorporates international mores. In addition, it has become increasingly difficult for the powerful states to act unilaterally in creating and enforcing the international rules and norms without constraint from the other actors of international society. The powers are therefore restricted by the international rules and norms, which are at times interpreted as the new standard of civilisation.

Although the term 'civilization' is controversial, the concept is necessary in international studies if we are to understand issues involved in the protection of

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[67] Alexander Wendt and Daniel Fredheim, 'Hierarchy under Anarchy: Informal Empire and the East German State', *International Organization,* 49(4), 1995, p. 698.

human rights, […] particular rules, institutions, practices, and customs of which societies consist vary enormously from one time or place to the next.[68]

To briefly conclude, the past studies on the excluded group of states have all more or less touched upon the questions of membership, state behaviour and identity, which are largely associated with inclusion and exclusion in international relations. Despite the difference in the usage of terms, focus of research and perspective of analysis, the studies have offered us an alternative view of international relations by researching into the group of states at the periphery – a switch of viewpoint from the powers to the underdogs of international society. Eventually, I choose to use the label pariah since inherent in this label is a hierarchical social relationship between the superior and inferior social groups due to significant power differential. When applied to international relations, 'pariah state' is conceptualised based on the analogy drawn between human society and international society. As in human society, actors in international community do not enjoy equal social status or social treatment due to power differentials in both material and normative senses. The term of 'pariah' state allows investigation into the reasons causing significant difference of international social status and the consequence of it. The application of this term is not restricted by any specific context since it is primarily and broadly social.

For the above reasons, deviance theory is adopted by this thesis to explain pariah phenomenon in international relations. The next section proceeds to answer the questions raised previously in this part regarding international rules and norms, their making and application, as well as the rule makers and enforcers. This is because state identity and behaviour in international society are measured and constructed against the international standards of good behaviour and citizenship. With the unraveling of these standards, the next section attempts to explain and understand pariah states in a historical and sociological depth.

1.2 Pariah States and the Standard of Civilisation

South Africa was considered the first pariah state of the 20th century due to the apartheid practiced by the South African government from 1948 to 1994. However, pariah statehood is not a contemporary phenomenon that emerged in the 20th century. It can be traced back to as early as 16th century in the early stage of Europe-centred international society. The outsiders of international society were regarded by the European powers as barbarians that failed to meet the European standard of civilisation.

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[68] Robert Jackson, *Quasi-States*, p. 142.

The creation/existence of the barbarians, so defined, is regarded as an early example of pariah phenomenon in this chapter given the great resemblance in terms of their social meanings, social contexts, and process of formation. The notion of standard of civilisation has evolved across centuries and has been functioning at different times as a benchmark for entry into international society.[69] To demonstrate the significance of standard of civilisation in our understanding of pariah phenomenon in international society, this section asks the following questions: first, what do civilisation and standard of civilisation mean? Second, how does standard of civilisation contribute to the explanation and understanding of pariah phenomenon in international society?

1.2.1 Civilisation

As social constructivist theory demonstrates, identity is socially constructed through a process of social interaction among actors. The identity of me or us as a 'self' is constructed when there exists a representation of significant other.[70] The identity of a civilised group of states does not derive from themselves, but simultaneously forms against the formation of a contrast group – a group that is not civilised. In international relations, civilisation indicates a collective identity, which displays common qualities among like-minded states, separating them from those outside the established civilised circle.

As Neumann and Welsh have claimed, the boundary between the civilised European states and the barbarous or savage rest was essential to the European conception of self and other in the 19th century.[71] For the core of civilised Europe, civilisation was a 'civilising mission' to extend civility beyond Europe, or to incorporate the uncivilised 'them' into one of 'us' by means that may not be acceptable to 'them'.[72] Whilst for most states in the periphery of the 'civilised' Europe, the process of civilisation was a struggle to fit in the international order created and dominated by Europe. As Collingwood puts it, to civilise is to socialise.[73]

In the 19th century, the process of civilisation was primarily a process of socialisation (willingly or unwillingly) into the Europe-centred international society, or simply Europeanisation. Disregarding the will of the states involved, in either situation,

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[69] The standard of civilisation has evolved and acquired new meanings in the contemporary international context. To distinguish the 19th century interpretation from the contemporary one, the rest of this essay will refer the former as the classic standard of civilisation and the latter as the contemporary standard of civilisation.

[70] Alexander Wendt, *Social Theory of International Politics* (New York: Cambridge University Press, 1999).

[71] Neumann and Welsh, 'The Other in European Self-Definition: An Addendum to the Literature on International Society'.

[72] Mark B. Salter, *Barbarians & Civilization in International Relations* (London: Pluto Press, 2002), p. 15.

[73] R. G. Collingwood, *The New Leviathan* (Oxford: The Clarendon Press, 1942), p. 309.

states were brought closer together. The so-defined civilising process has contributed to greater international integration and the expansion of international society. Key to this process is the establishment of classic standard of civilisation – a standard of European civilisation that was supposedly superior to the rest civilisations in the international community. Despite the controversy on European centricity, such standard of European civilisation based on European/international law and technological advancement had become the template of the order of the early international society. It also contributed to the creation of a separate yet dominant European identity from the rest – the so-labelled barbarous states. In this thesis, these 'barbarous states' are regarded as the predecessors of pariah states given their social resemblance.

1.2.2 Classic Standard of Civilisation

Generally speaking, a standard of civilisation is "an expression of the assumptions, tacit and explicit, used to distinguish those that belong to a particular society from those that do not".[74] A standard of civilisation affects the international system of states in two ways. Firstly, it contributes to the construction of different collective identities in the international community by demarcating the boundary between 'civilised' and 'uncivilised' groups of states; secondly, it functions as organising principles guiding state behaviour and interactions, thus defining international order in varied contexts and at different times.

In the first instance, the classic standard of civilisation was essential to the constitution of European identity. It originated in the nineteenth century when the expansion of European international society was confronted by different civilisations from the rest of the international community, predominantly the East. In the encounters with civilisations from non-European world, the identity of Europe was developed to represent a "universalizing and unifying worldview [which] postulated the universality of European values and the identification of civilization with European identity".[75] "Underlying this was a strategy by which Europe succeeded in foisting an identity on the non-European world identified with its perceived negative aspects. […] Europe did not derive its identity from itself but from the formation of a set of global contrasts."[76] By constructing the dichotomy of a civilised 'self' versus the barbarous 'others', Europe succeeded in defining the order of early international society as one based on European

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[74] Gerrit W. Gong, 'Standards of Civilization Today', in Mehdi Mozaffari (ed.), *Globalization and Civilizations* (London and New York: Routledge, 2002), p. 79.
[75] Gerard Delanty, *Inventing Europe: Idea, Identity, Reality* (Basingstoke: Macmillan, 1995), p. 85.
[76] Ibid., pp. 84-85.

civilisational values.[77] Hence, the social power to organise international society in favour of Europe's continual dominance.

The classic standard of civilisation was established on the basis of European material dominance in the nineteenth century, especially in the light of technological advancement and industrial development. From a sociological perspective, such material dominance laid the foundation for Europe's position at the higher end of power differential spectrum in the international system, hence power leverage in the hands of the 'civilised' European states. Moreover, the invention and application of international legal and diplomatic mechanisms to regulate state interactions added normative leverage to Europe, which helped to further European dominance and to create a Europe central and superior (albeit self-claimed to a certain extent) in the international community. The combination of both material power and normative leverage reflected and reinforced the status of Europe as the rule maker and enforcer in international society.

Labelling theory explicitly demonstrates that rule makers create the concept of deviance in a particular society. By applying the rules whose infraction constitutes deviance, rule-makers define the boundary between 'us' and 'them' and label 'them' – the rule breakers – as outsiders or deviants from group rules. In the early stage of international society, the prevailing rules and guiding principles were defined as the standard of civilisation representing a set of European civilisational values. This standard not only constructed a superior European identity but also a unique collective identity of subordinate states that were labelled as 'uncivilised' deviants, of which pariah state is an important subcategory.

As shown by Gerrit Gong, the classic standard of civilisation specifically referred to five legal requirements that guided state interactions in the nineteenth century.[78] First, respect for basic rights, especially to foreign nationals – a principle designed to protect European nationals in foreign countries only; second, organised political bureaucracy; third, acceptance of international law created by Europe; fourth, diplomatic mechanisms that ensured diplomatic exchange and communication with Europe; and fifth, conformity to the accepted norms and practices of the 'civilised' international society – Europe. These criteria were designed to legitimise European colonial and imperial practice against the non-European world and to justify its uncivil treatment of the 'inferior' non-European world. As a result, non-European countries

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[77] Gerard Delanty, *Inventing Europe: Idea, Identity, Reality*, p. 84.
[78] Gong, 'Standards of Civilization Today', p. 80.

were accorded with very low social and political status or no status at all in international society.

The construction of an 'uncivilised' non-European identity with low social status is the process of creating an identity of pariah state in the nineteenth century – a process of Europe's creation and application of standardised behavioural rules to the subordinate non-European world. China's historical engagement with Europe in the nineteenth century demonstrates how pariah identity was created. On the basis of material and technological dominance, a group of leading European countries destroyed the political and institutional foundations of Chinese ancient civilisation through political, economic, military, and religious means, which were considered as uncivil, unequal, and humiliating by the Chinese government and people. The result was Chinese subjection to European dominance and an inferior status of Chinese civilisation in the international community, hence the formation of China's pariah identity.[79]

The classic standard of civilisation not only constituted two unique contrasting collective identities but also established the nineteenth century international order. It came to represent European countries as a group, creating a hierarchical relationship of civilised 'us' superior to the barbarous or savage 'them'.[80] The standard of civilisation is an important benchmark that demarcates the boundary between the outsiders and the members of international society. In Gong's words, "a clear definition of the role played by the standard of 'civilization' highlights the important distinction between 'international systems' and 'international societies'. […] The standard of 'civilization' demarcated countries which were full members of the 'civilized' international society from those which were merely part of the European international system."[81] As Bull argued, an international society presupposes an international system, but the international system does not necessarily denote an international society. International society only exists when a group of states consciously form as a society on the basis of common interests, common values, common behavioural rules and common institutions - standard of civilisation in this case.[82]

Early literature on the standard of civilisation featured the dominance of nineteenth century international legal positivist argument that international law was the product and unique characteristics of European civilisation. Within 'civilised' European

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[79] The construction of China's pariah identity will be further discussed in Chapters 2, 3, and 4.
[80] Salter, *Barbarians & Civilization in International Relations*, p. 15.
[81] Gerrit W. Gong, *The Standard of 'Civilization' in International Society* (Oxford: Clarendon Press, 1984), p. 10.
[82] Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (3rd edn.: Palgrave, 2002), p. 13.

society, state behaviour and interactions were guided and regulated by the mechanism of international law.[83] As Edward Keene observed, many nineteenth century orthodox theorists insisted that "international law only applied to a 'family of civilised nations', and that the uncivilized world was simply beyond the scope of international law properly conceived, not so much because it was unregulated by legal rules, but because it belonged to the sphere of the *constitutional* [italic in original text] law of whichever state was recognized by its civilized counterparts as holding the decisive measure of international personality".[84] The orthodox approach emphasised the European centricity that resulted in deepened exclusion of non-European countries from international society.

For example, James Lorimer claimed that humanity divided itself into three concentric spheres according to their levels of civility, namely the civilised, barbarous and savage spheres.[85] The European society was centrally situated within the civilised sphere with its members receiving plenary recognition from international society, hence higher or superior international status. States such as Turkey, China, and Japan in the barbarous sphere were granted partial political recognition; however, the majority of non-European world belonged to the savage sphere and received no political recognition but mere human recognition, hence an inferior status in international law.[86] On a geographical and legal basis, it stressed on the difference in international political status among states by dividing them into different civilisational categories and according different treatment. However, it is contentious whether civilisations could have a clear-cut boundary since the composition and connotation of civilisations are subject to change as states redefine their identities in the dynamic international environment.[87]

Compared to the international legal positivists, theorists of natural law provided a broader conception of international society. The Grotian tradition suggested that international society should be conceptualised as one of dual system, constituted by an outer circle guided by natural law or law of humanity and an inner circle guided by regional or civilisational systems of law – divine law as argued by Grotius.[88] Nevertheless, like many other theorists of natural law in the sixteenth century, Grotius's

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[83] W. E. Hall, appeared in Martin Wight, *Systems of States* (New Jersey: Leicester University Press, 1977), p. 115.
[84] Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge: Cambridge University Press, 2002), p. 99.
[85] Martin Wight, *Systems of States* (New Jersey: Leicester University Press, 1977), p. 115.
[86] Gong, *The Standard of 'Civilization' in International Society*, p. 6.
[87] Samuel P. Huntington, *The Clash of Civilizations* (Simon & Schuster, 1997), p. 43.
[88] See, Martin Wight, *International Theory: The Three Traditions*, ed. Gabriele Wight and Brian Porter (Leicester and London: Leicester University Press, 1991) pp. 72-73.

conception of civilisational/divine law was restricted to traditional Christian history. As Wight argued, a proper conception of international system should extend beyond both the nineteenth century positivist international law approach and the sixteen century natural law approach, respectively emphasising the centricity of European law and that of Christendom. A contemporary understanding of international order and standard of civilisation should also incorporate the non-European world, so as to develop a complex picture of the multi-cultural and multi-civilisational international society.[89]

1.2.3 The Issue of International Context

Edward Keene describes the nineteenth century international social order as constituted by two separate forms. Within Europe, order of toleration promoted tolerance of political diversity among states based on legal principles of equal sovereignty and self-determination – two essential elements of classis standard of civilisation. Whilst beyond Europe, relations between Europe and non-European world were regulated by order of civilisation, which served the purpose of promoting and exporting European civilisation through Europe's colonial and imperial practice in non-European countries.[90] Nonetheless, Keene points out that the boundary between these two forms of international order is fluid and could not be precisely defined.[91] In fact, the boundary between civilised and uncivilised worlds has been gradually breaking down as the world undergoes drastic social changes and enters the age of globalisation. International society has changed drastically since after the nineteenth century. To properly understand the standard of civilisation in a dynamic international environment, this part starts with a brief look into the changing international context where civilisation resides and behavioural standard derives.

The world is witnessing a deepening and quickening globalizing process, an increasing number of international institutions dedicated to effective global governance, and growing impact of international norms and rules on regulating international relations. States are brought into closer interaction and cooperation than ever before. Along this process, a growing number of states are allowed into the membership club of international society. As Gong argued, standard of civilisation by definition pertains to the inclusion of new members, meaning states are brought into the 'civilised' group if they fulfil the standard.[92] The old boundary between 'civilised' Europe and the

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[89] Wight, *Systems of States*, p. 127.
[90] Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*, pp. 98-99.
[91] Ibid., p. 114. This idea is also shared by Huntington and Gong.
[92] Gong, 'Standards of Civilization Today', p. 79.

'barbarous' non-European world has been gradually wiped out. The question is whether there remains a distinction between a 'civilised' group of states as being superior to a 'barbarous' group. If the answer is yes, then who is drawing that line and on what basis?

As previously shown, the classic standard of civilisation was a unique European product. Its essential element was the existence of a power-based status differential in favour of Europe so significant that European civilisational values were able to overpower the entire non-European world. Despite the seeming prevalence of liberal and democratic values in Western countries, contemporary international community is characterised as multicultural and multi-civilisational. There is no single civilisation from a specific country or region so prevailing and overpowering that could represent itself as universal and unifying worldview. Respect for and coexistence of different cultures, political forms, and civilisations at large are critical to the maintenance of international peace and security. However, this is not to indicate that the members of international society tolerate state behaviour in all forms.

States from both inside and outside international society are bound by a set of behavioural codes, which take the form of international laws and normative values. Tolerance for diversity is not to undermine the importance of standard of civilisation in contemporary international society either. The standard of civilisation, as a set of rules and norms regulating state conduct, has enjoyed enduring importance. It is a catalyst of change in international society. States, in the process of changing, adapting and adjusting to standardised international behavioural codes, simultaneously undergo essential legal, social, political, and institutional changes in domestic governance and foreign policy. As threshold criteria for entry into international society, standard of civilisation initiates changes that are essential aspects of global transformation.[93]

In the age of globalisation, our subject of study has shifted from a Europe-centred international society to a "global society of states to which all other societies and cultures are connected, directly or indirectly, by means of sovereignty".[94] According to Keene, "The contemporary pattern of international order embodies two distinct normative principles: that the sovereign independence of states should be respected, so as to encourage the toleration of political and cultural differences; and that their sovereignty should be divided, so as to facilitate the promotion of civilization."[95] Whilst the order of civilisation provides standardised behavioural codes to regulate

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[93] Gong, *The Standard of 'Civilization' in International Society*, pp. 3-7.
[94] Jackson, *Quasi-States: Sovereignty, International Relations and the Third World*, p. 141.
[95] Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*, p. 121.

interactions among all actors in world politics, the order of toleration promotes tolerance of political and cultural diversity among actors within international society. However, these two forms of international order are not necessarily contradictory to each other.

The contemporary order of civilisation no longer prioritises the superiority of any single civilisation as in the nineteenth century. Neither does it seek to impose unequal terms on non-European countries. Rather, current international order is characterised by its two-way movement. Whilst states that have met standard of civilisation are brought into international society and are guided by order of toleration, states in grave violations of the standard – particularly that of defined principles – are most likely to remain excluded or be expelled from international society. In the latter case, states forfeit benefits and opportunities that accompany membership of international society, and most importantly, also international recognition and access to international collective goods – two essential rewards for positive international status. Thus, states that fail to meet the standard of civilisation are more likely to be associated with non-conformity to defined international laws and norms. Nevertheless, due to the limitation of international legal enforcement and the ambiguity of normative values, there has been heated debate as to what rules and norms should be embedded in standard of civilisation, as well as the eligibility and authority of rule makers and enforcers.

1.2.4 Contemporary Standard of Civilisation

In the context of globalisation, civilisation has become the biggest aggregate of identity.[96] The concept of civilisation has acquired a much broader interpretation compared to that of the nineteenth century. It has come to represent mankind as a whole that exceeds geographical limits. Contemporary standard of civilisation thus should express itself through rules and norms rooted from respect for humanity, for the purpose of maintaining international order, which builds upon essential civilisational values generated through human history.

As a collective identity of states within international society, civilisation is constructed on the basic elements of international society – common interests, shared values, cultural unity, common behavioural codes, and common working institutions. As Gong argued,

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[96] Robert W. Cox, 'Civilisations and the Twenty-First Century: Some Theoretical Considerations', in Mehdi Mozaffari (ed.), *Globalization and Civilizations* (London and New York: Routledge: Taylor & Francis Group, 2002), p. 1.

The processes by which an international system established standard to define and codify its operating interests, rules, values and institutions are continuing ones. Yet, […] changes within an international system […] frequently produce new working standards. Thus, continuity of process can produce a change of standard, although elements of the nineteenth- and early twentieth-century standard of civilisation remain deeply embedded in international standards of civilization today.[97]

The major function of the classic standard of civilisation as a discriminatory and exclusive mechanism separating European and non-European worlds no longer sustains. However, some of its basic elements, particularly international laws and respect for individual rights have evolved and become fundamental principles, which constitute the essence of contemporary standard of civilisation.[98]

First, international law is extensively understood as "a core international institution, a set of norms, rules, and practices created by states and other actors to facilitate diverse social goals, from order and coexistence to justice and human development".[99] With a deep historical roots dating back to Treaty of Westphalia, international legal treaties and regimes have profound impact on the development of international society in many ways.[100] International law has conditioned the nature and scope of international society and defined behavioural codes for rightful state action. For example, the UN Charter has reconfirmed the principles of equal sovereignty, self-determination, non-use of force, etc.

To meet the need of global governance, various international regimes have also been designed to regulate international actors' behaviour in specific issue areas so as to maintain international order. International legal regimes function as a primarily stabilising factor in the maintenance of contemporary international order, particularly those in the fields of arm control, environmental protection, and human rights protection, all of which are critical to world peace and security, i.e. Nuclear Non-Proliferation Treaty, the Framework Convention on Global Climate Change, and the International Covenant on Civil and Political Rights. Fundamental international legal principles set legal constraints on legitimate statehood and rightful state behaviour, thus lay legal

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[97] Gong, 'Standards of Civilization Today', pp. 80-81.
[98] Note that the new standard of civilization is not restricted to international laws and human rights norms. However, this chapter/thesis only focuses on these two as a matter of their significant impact on state identity and behavioral legitimacy, which severely affects the process of pariah-making. For more details on the new standard of civilization, please refer to Chapter Four of this thesis.
[99] Christian Reus-Smit, 'International Law', in Baylis & Smith (ed.), *The Globalization of World Politics* (Oxford: Oxford University Press, 2005), p. 351.
[100] Ibid., pp. 349-368.

foundation for international order and constitute as essential elements of contemporary standard of civilisation.

States that fail to abide by the fundamental international laws, particularly laws of war, are more likely to evoke fierce international responses in the forms of international censure, sanctions, and, in the worst scenario, intervention. Nevertheless, modern international law is largely consent-based. Despite the existence of various international legal regimes and organisations, modern international law still lacks a supreme and effective enforcement mechanism. International legal constraint, essential as it is, is not sufficient to maintain the international order or represent the contemporary standard of civilisation that seeks to protect humanity by prescribing standardised behavioural codes. This leads to the second essential aspect of contemporary standard of civilisation – human rights norms.

Second, on human rights. As stated previously, Grotius suggested there was an outer circle of international society guided by natural law, which is inherently different from laws of nations. It is worth noting that to refer back to the sixteenth century natural law is not to suggest a total return to it. Instead, the purposes for drawing on Grotian natural law are: firstly, to reaffirm the importance of concerns for humanity; secondly, to go beyond natural law and explore human rights regimes in promoting moral responsibility and ethical principles – or humanitarian norms at large – in contemporary standard of civilisation.

Natural law concerns the fundamental principles of human social life, not animal life.[101] It is associated with human sociality and reason in the first place. According to Wight's interpretation of Grotius's natural law theory, humans have an inherent desire for organised and peaceful social life, for which purpose essential social rules and principles are developed, i.e. property rights, distributive justice, keeping promises, etc. Moreover, natural law not only concerns social justice and its enforcement, but also with actions exemplifying other virtues such as self-mastery, bravery, and prudence, which are not merely honourable, but even obligatory when constrained by regard for others.[102] Norbert Elias argues that humans' self-restraint from using violence in social interaction is an essential element to the civilising process.[103] Such change in humans' conscious behaviour cannot be planned, but can only be generated through dense and

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[101] Martin Wight, *Four Seminal Thinkers in International Theory: Machiavelli, Grotius, Kant, and Mazzini* (Oxford: Oxford University Press, 2004), p. 39.
[102] Ibid., pp. 36-37.
[103] Norbert Elias, *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*, ed. Johan Goudsblom Eric Dunning, and Stephen Mennell, trans. Edmund Jephcott (revised edn.; Oxford: Blackwell Publishers Ltd, 2000).

complex social interaction within human society. This is how Elias describes such social change:

> It is simple enough: plans and actions, the emotional and rational impulses of individual people, constantly interweave in a friendly or hostile way. *This basic tissue resulting from many single plans and actions of people can give rise to changes and patterns that no individual person has planned or created. From this interdependence of people arises an order sui generis, an order more compelling and stronger than the will and reason of the individual people composing it.* [Italic in original text] It is this order of interweaving human impulses and strivings, this social order, which determines the course of historical change; it underlies the civilizing process.[104]

An analogy can be drawn between human society and international society to explain international social change given the global transformation mankind are witnessing in current context. Contemporary international society differs drastically from the sixteenth century international society, in terms of international social structure, political culture, variety of actors, means of communication, etc. Modern states are primarily organised on the legal principles of sovereignty and self-determination; nevertheless, the thickening web of interaction among states and non-state actors has transformed the majority of the world into a more interdependent society composed of increasingly borderless states.

Along with the intensification of international interactions, various mechanisms of integration in different social fields come into formation and provide broader stages for actors to interact. Human beings from different societies and cultures have come to identify themselves more with each other on the sentiment of shared humanity and living space. The concept of sovereignty has become more divided, and the principles of self-determination and non-intervention are declining in the case of gross violations of human rights. These social changes and transformation are not designed by any specific nation or region. They are brought about by the dynamic process of intensive social interactions among various actors of world politics, to which standard of civilisation is an essential element.

Moreover, the contemporary political culture is witnessing the rise of a human rights culture as against the dominant sate system culture. Whilst the former stresses on the universal rights of individuals, the latter stresses on the principle of non-intervention

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[104] Nobert Elias, *The Civilising Process*, p. 444.

and the supreme authority of states within bounded territory. Starting from South African government's apartheid in 1948 to 1990s, when various severe humanitarian crises broke out, i.e. in Somalia, Rwanda, Sudan, and Kosovo, the brutality and extensiveness of gross human suffering due to violation of human rights has attracted worldwide attention. The case of the 1994 Rwandan Genocide garnered particular attention, not simply because of the scale and intensity of human suffering but also because international society decided to turn a blind eye to it, which has invoked intensive international debate on humanitarian intervention and the relationship between human rights and sovereignty.

The International Commission on Intervention and State Sovereignty (ICISS for short) put forward the idea of responsibility to protect (R2P) in 2001.[105] The ICISS argues that state sovereignty not only functions as means of control but also implies a 'responsibility to protect' its citizens. If a state is unable or unwilling to fulfil such responsibility in the case of humanitarian emergency or is itself the perpetrator, the privilege of state sovereignty is forfeited and the responsibility to protect is transferred to international community. Only under such circumstances can humanitarian intervention be legitimised. The purpose of R2P is to switch the subject of humanitarian intervention from states – the intervener – to citizens – the victim of human rights violation.

Besides the idea of R2P, there have been complex international legal regimes as well as advocacy network dedicating to the promotion and protection of universal human rights, i.e. International Bill of Human Rights.[106] Despite the different levels of acceptance of universal human rights caused by social diversity, the goal is to ensure that all humans at least have access to minimum protection of human rights – rights that are granted to all on the basis of humanity. After all, human rights are the very foundation of our civilisational identity. The new standard of civilisation thus incorporates an essential aspect of precluding state behaviours that would lead to gross violations of human rights.

The contemporary standard of civilisation largely rests upon humanity and advocates a more inclusive international society based on human rights.[107] It prescribes

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[105] ICISS, *The Responsibility to Protect,* (International Commission on Intervention and State Sovereignty, 2001). Also available online, see, http://responsibilitytoprotect.org/ICISS%20Report.pdf (last accessed: July 2011).
[106] Including Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966).
[107] Jack Donnelly, 'Human Rights: A New Standard of Civilization?', *International Affairs,* 74(1), 1998, pp. 1-23.

standardised behavioural codes in the forms of established international legal and humanitarian principles, which function as minimum standard of entry into international society. The standard of civilisation provides a normative social milieu, within which the process of labelling takes place. International responses to state behaviour are evoked on the basis of fundamental principles that guide and regulate state interaction in international society. According to labelling theory, the role of rule maker and enforcer is played by a social group that enjoys superior social status. Due to the lack of a central government in international society, the responsibility/privilege rests upon leading international organisations (particularly the UN) and great powers, which are positioned very high on the spectrum of social status.

Howard Becker defined social status as economic and political power, thus power differential is essential to the creation and application of social rules, including the making of pariahs. Material power differential is indeed critical, but it is not sufficient to determine social status in contemporary context. Social status is also severely affected by the external responses and international normative arrangements. Whether and to what extent is a state perceived as by the members of international society largely depends on two elements, namely state behaviour (behavioural legitimacy) and provision of collective goods (power capacity and power exercise). Both elements require states to play by the rules as well as shoulder international responsibility. Great powers tend to actively involve in the making of international order and have more resources to provide collective goods. Thus, they are better equipped to play alongside the UN as rule-makers and enforcers of legal and normative principles fundamental to the civilisation of mankind. Nevertheless, it should be noted that great powers are not necessarily non-pariahs. Great powers can also fall into the pariah category if their behaviour gravely violates defined principles and evokes fierce international responses against it.

1.3 Conclusion

This chapter first sought to provide a conceptual clarification of the term pariah state by focusing on sociological thinking as imported into IR, including outlaw, deviant, outsider and self-other. The existing labels of 'rogue state', 'outlaw state', 'outsider state', 'deviant state', and 'pariah state' have overlapped with each other in meaning at a certain degree. 'Rogue' state conception stresses upon the laws of war and human rights just as the 'pariah state' label does, but rogue state remains largely a post-Cold War concept stamped with US unilateralism and American foreign policy values.

'Outlaw' state only stresses the legal aspect of state behaviour in international community, which is too narrow and insufficient since this thesis seeks to explore the issues of membership and social status from a broader historical and sociological perspective. The 'outsider state' label helps to explain membership in international society, but it fails to address the difference of state social status. The 'deviant state' label helps to address both issues from historical and sociological perspectives, but deviance is too broadly conceptualised to incorporate violations of international rules and norms in a general sense.

Pariah is primarily a social term that was first used to describe a lower social caste in the Indian society. It indicates a hierarchical social relations in the society within which different social classes/groups are treated differently, as a matter of material and normative power differentials among them. The social meanings vested in the term pariah help to explain the many questions, which this thesis sets out to ask, associated with social membership, inclusion/exclusion, identity, and hierarchical international social relations. Pariah state is an important subcategory of deviant state, and its definition is based on a sociological deviance theory in this thesis. According to Becker's labelling theory, the construction of deviant identity is a process of creating and applying social rules whose infraction constitutes deviance. The successful application of such rules to a particular social group leads to the creation of a 'deviant' identity. This approach requires inquiry into the following questions: what are these social rules? How are they created? And who are the rule makers and enforcers?

Second, in order to identify the pariah states in international society, this chapter has also looked into the diplomatic and legal narratives (specifically the standard of civilisation) that converge with the question of moral and sociological boundaries. The standard of civilisation has been functioning throughout the history of international society as a mechanism that sets standardised behavioural codes for the state during international interactions. It has a profound impact on international society in two respects. Firstly, it constructs separate collective identities by demarcating the boundary between a civilised 'self' versus an uncivilised 'other', on which basis international actors are granted different social status and treatment. In this process, a pariah identity is created. Secondly, the standard of civilisation depicts and defines international order, as well as maintains the hierarchical relations between civilised members and pariah states in international society.

The classic standard of civilisation was essential to the construction of a superior European identity, as well as the construction of a subordinate identity of non-European

world in the nineteenth century – early pariah states. The then international order was characterised as two separate forms of order. Civilised Europe – members of international society – was guided by an order of toleration that promoted tolerance of political and cultural diversity. In contrast, the non-European world – early pariah states or outsiders of 'the family of civilised nations'– were subject to an order of civilisation, which promoted and exported European civilisational values to non-European world through unjust means that sought to destroy the political and institutional foundations of non-European civilisations, for the purpose of European colonial and imperial pursuit.

In the contemporary context, the dense web of social interactions among actors has brought about a drastic change to the social structure, as well as the fundamental principles, underlying civilisation and international order. Civilisation has become the biggest aggregate of identity and has come to represent humanity as a whole. The contemporary standard of civilisation has acquired new meanings, especially in terms of market civilisation and the standard of human rights. However, its primary function remains the same – setting standardised behavioural codes to regulate state behaviour, which essentially takes the form of international rules, laws, and moral principles. Together with the UN and leading international organisations, great powers continue to play a leading role in the process of rulemaking and application; on the premise that they have achieved a higher social status. Nonetheless, powerful states are not necessarily excluded from 'pariah' category. States whose behaviours grossly violate fundamental international laws and moral principles (particularly laws of war and basic human rights) risk being labelled or treated as pariahs.

Although the pariah label no longer directly relates to international inferiority, pariah states are more likely to be positioned at the lower end of social status spectrum due to their law-breaching behaviour. Status can be achieved through the provision of collective goods and conformity to international rules and norms. In this sense, pariah states are more likely to be accorded a lower social status compared to those who abide by the rules, and thus have limited access to collective goods and other benefits granted by membership of international society. Chapter Five will provide more detailed discussion on international status and how it affects state identity and behaviour.

The approach of deviance-labelling has situated pariah inquiry in an interactive and progressive socio-historical context, and allows investigation into the theoretical construction of pariah; and the historical and social development of pariah making. It highlights the significance of power differential as well as the normative boundaries/behavioural standards in the making of pariahs. This approach works well,

especially in relation to the study on China. As will be demonstrated in the next two chapters, China's historical encounters with the members of international society were characterised by its significant power disadvantage compared to the western powers materially and normatively, and a continuous struggle to meet the international behavioural standards. China's fall and rise in international society is a process of status change from a pariah to a great power. The study on China will also show that criteria for pariah are contingent and subject to change, so is the case with pariah status.

Chapter 2: Qing China's Pariah Status and its Response to Western Exclusion

This chapter is designed to discuss whether China – in its late Qing period – was treated as a pariah state during its major encounters with the western powers, as well as its response to western exclusion. It starts with a detailed discussion of the rationales for choosing China as a case study, followed by an examination of the means and experience of exclusion China had suffered during its interactions with the powers of the then international society. Although Qing China had initially viewed the West as barbarians outside its sinic civilisational circle, during its engagement with the members of Europe-centred international society it was eventually forced to accept and adopt the western institutions that carried the idea of a classic standard of civilisation.

Given the longevity and complexity of Chinese history from late Qing Dynasty, it is important to note that this chapter, and the thesis at large, will not be able to do justice to two centuries of Chinese international relations. Some historical episodes warrant greater attention than others. Therefore, when discussing the history of exclusion and China's response as such, this thesis will be particularly focused on some significant historical events and treaties, which were commonly viewed as turning points in the history of Chinese international relations. These include three wars – the two opium wars, and the war between the allied forces of eight nations and China, and the subsequent treaties that followed each war respectively, i.e. the Treaty of Nanjing, Treaty of Tianjin, Convention of Peking, etc.

2.1 Why China?

The early history of international society was largely Europe-centred or West-oriented and has been well told from the European side in the early English School literature on international society. However, in recent years, a number of IR scholars have emerged, from both within and beyond Europe, to recognise the need to incorporate the perspectives of non-European countries and to tell the story of international society from different civilisational or regional contexts.[108] This is not only out of the practical concern of the growing international integration and movement of ideas across geographical distance, cultures and disciplines, but also out of the necessity to enrich and further develop the theory of international society. The increasing English School

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[108] Predominantly, but not limited to, English School theorists, i.e., Barry Buzan; Yongjin Zhang; David Kang; Shogo Suzuki, etc.

literature on China's engagement with international society since late 20th century is a reflection upon and an example of such a trend.

John Fairbank is one of the most noted scholars/historians to tell the story of China's encounter with the West. He has produced several influential works on China's historical engagement with international society.[109] From an IR perspective, Gerrit Gong, one of the 'first wave' of English School scholars, has incorporated China as an important case study in his exploration of the standard of civilisation during the expansion of international society.[110] David Armstrong regards China as an important constituent of the third world's revolt against the West in the post-war international society. He argues that China has not only constructed its own sets of diplomatic rhetoric and patterns of international behaviour but also managed to accommodate itself to the prevailing Westphalian norms.

Yongjin Zhang, using the analytical framework of the English School, has sought to systematically interpret and analyse China's history and engagement with international society. Zhang's works have covered the period from 1840s to the present, and have provided insightful historical and theoretical analysis using rich archival sources.[111] Most recently, Shogo Suzuki has undertaken a comparative study on China and Japan's different perspectives of, and responses to, the expansion of European international society.[112] Similar to these scholars, this chapter adopts an English School framework and looks at China's historical engagement with international society, to a certain extent. However, it also draws on the sociological insights discussed in the previous chapter and, in so doing, helps to re-evaluate the basis of China's exclusion and inclusion in international society.

China's engagement with international society enjoys a long history. But its early engagement is generally considered to be a painful experience by the China. A term popularly used in the Chinese media and by the general public to describe this past

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[109] For example, Ssu-yü Teng and John K. Fairbank, *China's Response to the West: a documentary survey, 1839–1923* (Cambridge, Mass.: Harvard University Press, 1954); John K Fairbank (ed.), *The Cambridge History of China: Vol. 10, Late Ch'ing 1800-1911, Part 1* (Cambridge: Cambridge University Press, 1978). John K. Fairbank and Kwang-Chiu Liu (eds.), *The Cambridge History of China: Vol. 11, Late Ch'ing 1800-1911, Part 2* (Cambridge: Cambridge University Press, 1980).
[110] Barry Buzan, 'The English School as a Research Program: an overview and a proposal for reconvening', paper for the panel 'A Reconsideration of the English school: close or reconvene?' at BISA Conference (Manchester, December 1999). Available online, http://people.cas.sc.edu/coate/Readings/Buzan.pdf (last accessed: Feb 2011)
[111] To name just a few, Yongjin Zhang's Books include: *China in International System 1918-1920* (Basingstoke: Palgrave Macmillan, 1991); *China in International Society since 1949: Alienation and Beyond* (New York: St Martin's Press, 1998); Yongjin Zhang and Greg Austin (eds.), *Power and Responsibility in Chinese Foreign Policy* (Asia Pacific Press, 2001); and so on.
[112] Shogo Suzuki, *Civilisation and Empire: China and Japan's Encounter with European International Society* (London and New York: Routledge, 2009).

is 'a century of humiliation'. From the 1840s to the 1940s, China was largely treated as a pariah located at the periphery of the Europe-centric international system. For more than a century, China was marginalised from the evolving international society, and was subject to western control and domination for a significant length of time. The East Asian hierarchical order, established and maintained by ancient China, collapsed, as China's doors were forced open by western canons, industry, and modern technology.

China not only lost its superior status as a 'Middle Kingdom', but also its *de facto* sovereignty, including independent control over its territory and tariff. From a material power perspective, China experienced a sharp drop from being at the top of the power differential spectrum to the very bottom of it, which in turn led to a sharp decline in its international social status. China was no longer the rule-maker and enforcer positioned at the apex of an international order defined by China. Instead, it was excluded from the civilised circle of states, as defined by the European powers. Moreover, it was forced to enter an 'unequal' treaty system and follow the rules and institutions created by the European powers. This was destructive to the development and structure of both the then China's domestic politics and external relations.[113] The century of humiliation saw an unstable China struggling to pacify social turmoil internally and to counteract the increasing penetration by western powers externally.

Even with the end of the one-hundred-year humiliation, as the People's Republic of China was established in 1949, China still struggled with its position in international society. As Yongjin Zhang observes, China's engagement with international society was characterised by anomaly and alienation in the 1950s and 1960s, mutual legitimation in the 1970s, and active participation in the 1980s.[114] China shed its pariah image as it entered the UN in 1972 and became a permanent member of the UN Security Council. This made it a member not only of international society but also the 'great power club', which has traditionally managed and ordered the system.

China was considered by some to have lapsed back into pariah status as a result of the bloodshed in Tiananmen Square in 1989.[115] In spite of its poor human rights record and domestic political constraints, the interaction between China and the outside world continued to intensify. China has been gradually weaved into the western capitalist network and has become the world's biggest market, hence one of the most

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[113] It should be noted that this is only considered as unequal for the Chinese, not for the European powers, who saw it as a necessary process of civilisation.

[114] Yongjin Zhang, *China* in *International Society Since* 1949*: Alienation and Beyond* (New York: St. Martin's Press, 1998).

[115] Ibid.

important determinants of world economy. Twenty years from 1989, China's overall development continues to be impressive; its role in global governance has become more significant and its status in international society enhanced. Ironically, the international and domestic discourses on China's rise to a 'great responsible' has been accompanied by the international criticism of China being a human rights pariah and the ruling Communist Party being an undemocratic one-party dictatorship.[116] Criticism comes not only from human rights activists and international civil societies, but also from the concert of democracies led by the United States. Nevertheless, in spite of such criticism, China is rarely labelled as a 'pariah' in contemporary international context, let alone being treated as one.

This chapter/thesis argues that China is an important historical case study in the sociology of exclusion in international society. I identify the following rationale in support of this claim:

1. A rapid fall from the role of regional hegemon and global power in the 19th century. Qing China fell sharply from the apex of the East Asian international system to the bottom of Europe-centred international system. The China case witnessed the clash between two great civilisations, or two 'families of nations' as Zhang has described, and displayed how the failed party confronted and responded to the overpowering side.

2. Drastic shocks to the Chinese political order, both internal and external. During the century of humiliation, "the rate of social change in modern China has exceeded anything we can imagine for it has included the collapse of old ways and the growth of new ways on a scale and at a tempo unprecedented in history".[117] For example, succession of governments, policy changes and social movements.

3. The unparalleled severity and duration of the exclusion from international society. China had been treated as a pariah inferior to the West and subject to western control/intervention for about a century, and remained an outsider of mainstream international society after the establishment of PRC.

4. The complexity and ambiguity in China's response to the western exclusion and China's socialisation in to international society.

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[116] For the idea of 'great responsible', see Hedley Bull, 'The Great Irresponsibles? The United States, the Soviet Union and the World Order', *International Journal*, Volume 35, No. 3 (Summer 1980), pp. 437-447.
[117] Teng and Fairbank, *China's Response to the West*, p. 2.

5. The experience of having been an outsider in the past and an insider in the current international society. The China case serves as the pre-eminent example of the sociological transition from pariah status to a widely recognised great power, which also aspires to become a great responsible power.

China's response to the West was largely determined by three factors. The first is the international social environment, including power relations, the prevailing international institutions, regional environment, and western policies towards China, etc. The second element is China's perception of the international environment. The last but also the most important factor is China's self-identification or its perception of its position in the international system. China's response to western exclusion was by no means a simple one-faceted story. Instead, it was a complex combination of learning, adjustment and adaption, accompanied by rejection, resistance, and revolution. Though it varies as to which response took the dominant role at different stages of the Chinese society, a mixing of the above responses was observed from both the elite groups and the grassroots across the history of China's exclusion. China's response to the West is a dynamic process of intensifying interactions between China and the West, as well as a process of China's construction and reconstruction of its identity in the changing international context.

2.2 To What Extent Was Qing China a Pariah State?

As has been discussed previously, pariah states display similar features with deviants, outlaws, and rogues states. However, the major feature distinguishing pariah states from the rest is that pariah statehood has deeper social implications. Firstly, pariah states are made by states through a social process of rule-making, rule-applying, and behaviour judging. Pariah states are those judged, labelled, or treated as second-class citizens in international society. Secondly, pariahs are located at a lower if not the lowest end of power differential spectrum in international society materially and normatively, meaning they are usually weak in material power and low in international influence; lastly, and most importantly, pariahs are not rule-makers but rule-followers. Pariahs have to abide by the rules created for them while being mostly left out of the rule-making process. It is important to note that emphasising pariahs as rule-followers is not to claim that all rule-followers are pariahs, but to stress that pariahs are deprived of the rights to participation during the rule-making process.

The construction of pariah statehood in the past differs significantly from how social exclusion operates on contemporary international society; given the changing

international context, including international power configuration, normative structure and the prevailing international institutions. This chapter discusses the question of whether, and how, China was represented as a pariah state in the West-oriented international system by looking at: first, the power differential between China and the western powers; second, the means of exclusion imposed on China by the West; and third, China's response to the western exclusion.

This chapter covers the period of late Qing Dynasty from 1839 to 1911. The year 1839, saw the breakout of the First Opium War between Britain and China, which resulted in the conclusion of the first major set of unequal treaties in Chinese history, signifying the start of China's exclusion in international society. The year 1911 saw the collapse of Qing Dynasty as well as the end of Sino-centred East Asian international order. Analysis of the major historical events concerning China's interactions with the West, particularly the wars and major treaties, will also provide an overview of the status transition of China from being a 'Middle Kingdom' in East Asia to a pariah in international society.

2.3 Who Were the Barbarians?

Social constructivists suggest that identity is neither simply exogenously given nor self-deriving, and that the formation of identity requires an essential context where a 'self' interacts with an 'other'. As has been discussed in the first chapter, the identity of a 'civilised' European 'self' was constructed against a number of barbarous non-European 'others'. For the civilised European society, Qing China was such a barbarous 'other' that the European powers were seeking to civilise through the imposition of classic standard of civilisation – the line demarcating the boundary between the 'civilised' international society and the 'barbarous' rest. Governing the 'civilised' side of this boundary was the 'order of toleration' that promoted tolerance, equality and cooperation among members of international society, whilst 'order of civilisation' governed the 'barbarous' rest and functioned as a systemic means of control by the 'civilised' European powers.[118] However, if we shift our attention from Europe to China, we would observe a surprising similarity, as the Qing government also perceived the European powers as barbarians outside the 'civilised' Confucian East Asian international system. Both the European powers and Qing China were engaging in mirroring behaviour, as both contrasted 'barbarous other' with the 'civilised self'.

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[118] Edward Keene, *Beyond the Anarchical Society*.

As Martin Wight observed, both culture and geography matter during the expansion of European international society – the civilising process conducted by the European powers.[119] It was those countries with the same cultural roots and close proximity to the European powers that could be first incorporated into the European international society. The semi-civilised countries that originated from different cultures but were geographically close then followed. The third category of countries, labelled as barbarians, were the last and most difficult group to be civilised since they were not only rooted in a different culture but were also geographically distant from Europe. Qing China belonged to the last category. Although China was an important part of the European imperial expansion, as well as the European international system, it has remained excluded from the Europe-centred international society for a very long time.

Wight's argument can also be applied to explain China's perception of the West and its response to the western exclusion in the Qing period. Similar to the European family of nations, it was observed that Qing China also divided its known world into three different groups. The first was the civilised centre famously known as the 'Middle Kingdom' – Qing China – which ruled the East Asian international system. The second was the semi-civilised group, referring to China's suzerains with the same cultural/civilisational roots as China and/or those included in the influence zone of Chinese civilisation, i.e. Japan, Korea and Southeast Asian countries that had been tamed by the Qing authorities. From its initial limited engagement with the West to after the loss of the two opium wars, Qing China still overpowered most of the semi-civilised and suzerain countries in East and Southeast Asia (except Japan) and managed to keep them reasonably pacified under its reign. Archives have shown that Qing China and Korea had kept frequent contacts, trade, and suzerain relationship until the breakout of Sino-Japanese war in 1894.[120] The same was also true in terms of China's relations with the small states in Southeast Asia.[121] The third group were referred to as barbarians, which had different cultural/civilisational roots and/or were not tamed by China (such as Siberia and Central Asia). Western countries, having come from an entirely different civilisation and from afar across the oceans, had fallen into the barbarian category in the Qing Court's Confucian international order.

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[119] Martin Wight, *Systems of States*.

[120] Zhongguo Diyi Lishi Dang'an Guan (First Historical Archives of China) (complied), *Qingdai Zhong Chao Guanxi Dang'an Shiliao Hui Bian* (*Compiled Historical Materials on the Foreign Relations between Korea and China during Qing Dynasty*) (Beijing: Guoji Wenhua Press Inc, 1996).

[121] Such as Vietnam in the 1870s, during the French-Vietnam War.

As shown in the archives on Qing Court's management of 'barbarian' and foreign affairs, the word 'yi' (meaning barbarian in English) had been generally applied to describe the West, particularly those countries that had 'intruded' into the Chinese soil either by force or through commerce, i.e. Portugal, Holland, the UK, France, Italy, and the U.S. People from such countries were referred to as 'yi' or 'yi ren' (barbarous people), and the western ships referred to as 'yi chuan' (the barbarian's ships) and so on. Such usage of the word 'yi' or barbarian not only existed widely among the officials' correspondence with each other, and their official documents to the Qing Court, but also in the works of influential thinkers during the late Qing dynasty.[122] The discriminatory character 'yi' was officially prohibited from being applied to the British government and its people in the Tianjin Treaty (or Treaty of Tientsin) in June 1858.

> It is agreed that, henceforward, the character 'I' [yi], shall not be applied to the Government or subjects of Her Britannic Majesty in any Chinese official document issued by the Chinese Authorities either in the Capital or in the Provinces.

> - Article LI. (51), Treaty of Tianjin, 1858 [123]

The restriction of such usage of 'yi' was soon extended to other countries in the ramifications of Treaty of Tianjin, according to the unilateral Most Favoured Nation (MFN) Clause originated in the Treaty of Bogue in 1848, which stipulated that any MFN western countries were entitled to the same privileges and immunities granted to other western countries in China.[124] From after Treaty of Tianjin, other neutral terms were used to refer to the West and western people, among which the character 'yang', meaning ocean or oceanic, was most widely used as a substitute of 'yi' in the official documents. For example, the word 'yang wu' (literal meaning: oceanic affairs) referred to foreign affairs in general, whilst 'yang ren' (oceanic people) or 'xi yang ren' (people from western oceans) referred to foreigners.

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[122] For example, Wei Yuan, Lin Zhexu, Yi Xin, Princess Gong, Li Hongzhang, to name just a few.

[123] Treaty of Tientsin (Tianjin), in Wang Tieya (ed.), *Zhongwai Jiu Yuezhang Huibian (Compilation of the Old Treaties and Agreements regarding China's External Relations)*, Volume 1 (Beijing: Shanlian Bookstore, 1957), p. 102.

[124] The Article VIII in Treaty of Bogue 1848 reads, "The Emperor of China having been graciously pleased to grant to all foreign Countries whose Subjects, or Citizens, have hitherto traded at Canton the privilege of resorting for purposes of Trade to the other four Ports of Fuchow, Amoy, Ningpo, and Shanghai, on the same terms as the English, it is further agreed, that should the Emperor hereafter, for any cause whatever, be pleased to grant additional |Privileges or immunities to any of the subjects or Citizens of such Foreign Countries, the same privileges and immunities will be extended to and enjoyed by British Subjects; but is to be understood that demands or requests are not, on this plea, to be unnecessarily brought forward." Treaty of Bogue, or Supplementary Treaty of Hoomun Chai, was singed between Britain and China by Sir Henry Pottinger and Ki Ying as respective representatives at the Bogue on 8th October, 1843.

Nonetheless, the term 'barbarian' did not entirely disappear from all official documents immediately after Tianjin Treaty. It was still occasionally seen among the conservatives' correspondence or in their reports to the Qing Court. For example, Bao Jian, an educational officer in the Qing Court, compiled the official documents regarding foreign affairs during Emperor Tongzhi's reign under the title of 'Chouban Yiwu Shimuo', meaning the Planning and Management of Barbarian Matters.[125] In an official paper to Emperor Tongzhi advising on whether to send residential diplomatic personnel abroad, official Lin Quanchu from Fujian province wrote in 1867, "While they [the western powers and religious missionaries] manipulated our people with heterodoxy, we might as well [send diplomatic missionary abroad] to convert the barbarians with our sacred Confucius orthodoxy."[126]

What these statements demonstrate is that Qing China had its own language of exclusion and discourse of 'barbarians'. Qing China and the European powers were respectively the 'barbarous other' in each other's eyes during their early engagement. Nevertheless, it is argued in this thesis that China's 'barbarous' status, rather than the West's, constitutes a pariah phenomenon during the early expansion of international society. The 'barbarous China' displayed the pariah features while the 'barbarous West' did not. As will be further evaluated in this chapter, the West created the diplomatic institutions and colonial rules – a process which China had no real say in – and successfully applied them to constrain Qing China's behaviour, resulting in China's inclusion in the western order of civilisation, or reversely exclusion from the order of toleration. At the same time, although Qing China also labelled the West as 'barbarians', it failed to successfully apply its Confucian rules and values to judge the West's behaviour as deviance, or enact effective punishment. Besides, manifested in the wars and unequal treaty system, history has shown us that there were both material and normative power differentials in favour of the West, which directly caused China's failure and the West's success in constructing each other as pariahs.[127]

Pariah states can be made by 'others' by means of either rhetoric or practice, and, at most times, by a combination of both. During the early engagement between China and the West, a fragile balance of power could be maintained, due to the two civilisations' relatively limited knowledge of and interaction with each other. Yet at a

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[125] Bao Jian (ed.), *Chouban Yiwu Shimuo (Emperor Tongzhi)* (*Planning and Management of Barbarian Matters during Emporor Tongzhi*), 10 Volumes (Zhonghua Shujv, 2008).
[126] Lin Quanchu's Suggestion to Emperor Tongzhi on sending diplomatic personnel abroad, in Bao Jian (ed.), *Chouban Yiwu Shimuo*, Roll 53, No. 1829, p. 2211.
[127] Materially, the level of industrialisation; military strength, etc; Normatively, Westphalian principles prevail against Hua Yi Zhi Bian – the Traditional Confucius ethical and political values.

much later stage in the 19th century, as the interaction between Qing China and the West intensified, the former was overpowered by the latter in both material and normative senses and remained at the periphery of international society for over a century.

The following looks at the means of exclusion Qing China suffered from during its engagement with international society. Such exclusion and China's pariah status were mutually reinforcing. Whilst various means of western exclusion demonstrated the successful application of western rules to China and reinforced China's pariah image, the continuous Chinese pariah status also helped create a conductive social environment to convey western institutions, paving way for further exclusion conducted by the West towards China.

2.4 China's Historical Experience of Exclusion from International Society

As has been previously demonstrated, one of the key features of a pariah state is that it is usually left out of the rule-making process in international society, but it is still required to abide by these rules and have its behaviour regulated and judged by such rules. Thus, to reveal whether Qing China was treated as a pariah state, one has to ask these questions: what were the international rules that Qing China had to abide by and be judged by? Who were the rule-makers? From 1839 to 1911, Qing China's external relations with the western society was primarily guided by two institutions – war and the classic standard of civilisation, both of which were means taken by the powers of the Europe-centred international society to pursue their imperial expansion to the non-European world.

China's experience of exclusion from international society started with the breakout and loss of the First Opium War to Britain in 1839. From then, until the collapse of Qing Dynasty, the institution of war had been functioning as a predominant means of control over the Qing government by the West, as well as a convenient means to expand and fulfil western interests in China. During this period of time, each major war and battle launched by the West against China had caused a gradual breakdown of both the economic structure and superstructure of the Qing society, which ultimately led to the demise of Qing Dynasty. Despite its significant effects, war, nevertheless, was no more than an effective means to a not so novel end. This contention can be proved by the history of western exploitation of Chinese resources and market, which contributed to the establishment of an order of civilisation in East Asia, of which China was a crucial part**.**

China's defeat in the wars had enlarged the material power differential between China and the industrialised West, whilst the unequal treaty system established by the West, following China's defeat, deepened the normative power differential between them. Through the terms of the unequal treaties, the West established themselves as rule-makers and enforcers in the 'Middle Kingdom' and East Asia at large. From 1839 to 1911, with the power of rule-making in East Asia shifting from Qing China to the West, Qing China's regional influence and status had severely declined. The following investigates three major wars fought between the West and Qing China, and seeks to demonstrate how the ramifications of these wars had led to China's exclusion from international society, or inclusion in the order of civilisation. [128]

2.4.1 The First Opium War and Treaty of Nanjing

When exploring China's historical engagement with early international society, Gerrit Gong highlighted two turning points during this process, namely the 1842 Nanking Treaty (or Treaty of Nanjing) and the date 11 January 1942. The former time was considered by Gong to have signified China's subjection to European standard of civilisation, whilst the latter represented the start of the breakdown of western extraterritoriality in China.[129] In this part, the focus of the discussion is on the first turning point – the Treaty of Nanjing.

Prior to the First Opium War, China's external relations were featured by its cultural superiority to the Confucian Family of Nations and self-isolation from the West.[130] Such a situation was overturned by the breakout of the First Opium War between the Qing government and the UK in 1839, with the Qing's military and marine seriously defeated by Britain's advanced and well-organised forces. This loss led to the signing of Treaty of Nanjing in 1842 – the first unequal political treaty in China's history, which had far more devastating and long-lasting effect on China's destiny than the direct damages of the defeat. The signing of Treaty of Nanjing, other than its actual and immediate damages to the Qing society, set a template for the West to manage their relations and settle disputes with the Qing Court, and became the starting point of China's century of humiliation and subordination to the West.

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[128] Excluding battles fought between China and the European powers including the US, or major wars between China and non-European countries, such as Russia and Japan.

[129] The system of Extraterritoriality did not officially start to break down untill the US and UK signed the treaties on 11th January1943 on the abrogation of extraterritoriality with Chinese government.

[130] Gerrit W. Gong, 'China's Entry into International Society', in Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford: Clarendon Press, 1984), p. 172.

The Treaty of Nanjing was followed in rapid succession by the signing of Treaty of Bogue (1843), Treaty of Wanghia (1844) and Treaty of Whampoa (1844). As Gong commented, this set of treaties became "the basis of a unified western approach to relations with China."[131] It also formed the "foundation on which has been erected the superstructure of the diplomatic and commercial relations between China and upwards of a score of foreign nations which has entered into common treaty relations".[132] From the Treaty of Nanjing onwards to 1942, China had entered a phrase characterised as the treaty port system or treaty diplomacy.[133] In accordance with the terms of these treaties, China was forced to open its doors further, to meet the needs of foreign interests in China. It had taken the forms of extraterritoriality, concession, cession of territory, permitting religious missions and diplomatic venues, reduction of tariffs on foreign goods, and opening more ports (both inland and coastal) for foreign trade, etc.

The clauses of the treaties represented international rules created by the West to regulate and judge China's behaviour towards the West. The making of the treaties was a process of international rule-making dominated by the West. As has been shown in the archives, although Chinese representatives were allowed to participate in the negotiation process of the treaties, they were also expected to accept all the requirements made by the West without any modifications. On the one hand, this is a result of the Qing government's appeasement policy, and the West's power prevalence (materially and normatively) on the other. Disregarding Qing China's reluctance, it became an important object of European international society's 'civilising process'. The enforcement of these rules had led to the establishment and adoption of western diplomatic institutions and practice in Qing China – the successful application and enforcement of the standard of civilisation. Hence, it can be concluded that Qing China had been treated as a pariah starting from the First Opium War.

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[131] Gong, 'China's Entry into International Society', p. 176.

[132] Hosea B. Morse, quoted in Gerrit Gong, 'China's Entry into International Society', p. 176.

[133] There are no official statistics on the exact number of unequal treaties signed between different Chinese governments and other countries. According to scholars researching in this field, about 1175 treaties were signed between the years 1839 to 1945. However, there were two different opinions on the number of 'unequal' treaties, with one saying 1/3 out of 1175 and the other saying about 745. These treaties were mainly signed with the western powers and their affiliates such as Britain, France, Italy, US, Germany, Portugal, Holland, Spain, Belgium, Austria, Luxemburg, Denmark, Norway, Sweden, Switzerland, as well as Russia and Japan. For reference, please see Wang Tieya (ed.), *Zhongwai Jiu Yuezhang Huibian (Compilation of the Old Treaties and Agreements regarding China's External Relations)*.
Also see, Gao Fang, 'Jinxiandai Zhongguo Bupingdeng Tiaoyue de LaiLongQuMai'(Tracing the Origins of the Unequal Treaties in Modern and Contemporary China), *Nanjing Social Sciences*, 2, Feb 1999.
Also see, Zhang Zhenkun, 'Run Bupingdeng Tiaoyue – jian xi *Zhongwai Jiu Yuezhang Huibian*' (On the Unequal Treaties: Analysing *Zhongwai Jiu Yuezhang Huibian*), *Jindaishi Yanjiu (Studies of Modern History)*, Issue 5, 1993, pp. 18-19.

Following the Nanjing Treaties until the collapse of Qing China in 1911, there had been two other major sets of unequal treaties signed between China and the western powers. These followed the Second Opium War (Anglo-French War with China) in 1857, and the Allied Forces of Eight Nations' war with China in 1900. Both wars and their ramifications led Qing China to deeper social turmoil internally and further penetration from the foreign powers. China was further weaved into the order of civilisation designed by the West-oriented international society.

2.4.2 The Second Opium War, Treaty of Tianjin and Convention of Peking

The Second Opium War was launched against Qing China by the allied forces of France and Britain in 1857 to revise the first set of treaties. The aim was to stretch foreign influence beyond China's coastal area, as well as expanding commercial interests and diplomatic privilege in Qing China. Prior to the war, Britain submitted a formal paper on the revision of Treaty of Nanjing and its supplements, and listed eighteen articles in total in favour of Britain's interests. The articles had listed new requirements on issues of diplomatic residence in the capital Beijing, reduction of tariffs and tax, larger trade freedom, free inland travel, and free inner river navigation, etc. France and the U.S. also sent envoys to negotiate with the Qing Court on similar terms.[134] Nevertheless, negotiations failed as the terms [except for on tariff and taxation] were considered as 'ridiculous', 'greedy', 'invasive', 'unscrupulous', and also threatening to the Qing Court's suzerain structure and close-door policy.[135]

Sending residential diplomatic personnel to the capitals is a widely accepted practice in the European international society. However, it was a particularly sensitive and offensive issue for the Qing Court. China feared that such a practice would be destructive to the fundamental principle organising China's external relations – principle of 'Hua Yi Zhi Bian' (distinguishing China from the barbarians).[136] However, Qing China's defeat in the Second Opium War led to the signing of another two major sets of unequal treaties, namely Treaty of Tianjin in 1858, and the Convention of Peking in 1860.

The Treaty of Tianjin and its supplements had allowed the winning parties to achieve what it set out to gain, including economic/political privileges and immunities.

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[134] 'Yingguo Jiuyue Shuitie' (British Persuasion Letter on the Revision of Treaties), in Jiang Tingfu (ed.), *Jindai Zhongguo Waijiaoshi Ziliao Jiyao* (*A Compilation of the Major Historical Materials of Modern Chinese Foreign Relations*), (Changsha: Hunan Education Press, 2008), pp. 184-185.

[135] Cong Run, 'Yu Junji Dachen' (A Decree from the Chief Tariff Officer Cong Run to the Minister of Privy Council), Nov 5th, 1854, in Bao Jian, *Chouban Yiwu Shimuo*, Vol. 9, pp. 40-41.

[136] Yen-P'ing Hao and Erh-min Wang, 'Changing Chinese Views of Western Relations, 1840–95', in Fairbank and Liu (eds.), *The Cambridge History of China: Vol. 11*, p. 179.

However, for China, this set of treaties had caused unprecedented and profound damages to the already shaky economic structure, and also brought about political consequences that shook Qing China's suzerain system. In November 1858, an additional agreement containing the rules of trade was signed between Britain and China as a supplement to the Treaty of Tianjin with Britain. According to this agreement, the opium trade was legalised, and British nationals were allowed to take charge of the administration of China's Custom Revenue. In fact, from 1861 onwards, the position of Inspector General of Qing China's Imperial Maritime Custom Service had been occupied by British nationals – H. N. Lay and Robert Hart.

What was more unacceptable for the Qing elites was the article that granted admission of foreign diplomatic residences in the Capital, as it had accelerated the breakdown of the traditional Kowtow formality, which was deemed as the most important ceremony upholding the principle of 'Hua Yi Zhi Bian'. The Treaty reads,

> His Majesty the Emperor of China hereby agrees that the Ambassador, Minister, or other Diplomatic Agent, so appointed by Her Majesty the Queen of Great Britain, may **reside**, with his Family and Establishment, **permanently at the Capital**, or may visit it occasionally, at the option of the British Government. He **shall not** be called upon to **perform any ceremony derogatory to him** as representing the Sovereign of an independent nation, on **a footing of equality** with that of China. […]
>
> - Article III. Treaty of Tianjin (Britain-China), 1858[137]

As agreed by the treaty parities in Article LVI (56), the Treaty of Tianjin would take effect a year later when ratifications of treaties were to be exchanged in Beijing.[138] However, the ratification process was hindered by the continuing dispute over the issue of diplomatic residence, and disagreement on how the ratification of treaties should be conducted in Beijing – whether the foreign envoys were allowed to enter the Capital and if so, the formalities they were required to perform. The Qing Court displayed strong reluctance and repudiation on the issue of letting foreign representative into the Capital for either ratification or residence purposes. It conceded on more terms and pushed hard for negotiations with Britain and France on these issues, with the hope of preserving its fundamental political value of 'Hua Yi Zhi Bian' and the Kowtow formality by keeping foreign countries as far away from the Capital as possible.

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[137] Treaty of Tianjin, Article III, in Wang Tieya (ed.), *Zhongwai Jiu Yuezhang Huibian*, p. 296.
[138] Treaty of Tianjin: Great Britain, Article LVI, in Wang Tieya (ed.), *Zhongwai Jiu Yuezhang Huibian*, p. 311.

The clause on the diplomatic residence in the Capital is the biggest concern given the endless trouble it would cause. It is absolutely impossible that this should be allowed. On the issue of entering the Capital to exchange ratifications of the Treaty, it would be better that you do your best to stop it from happening. Should the barbarians [Britain and France] insist, do convey to them clearly about the rules. Their representatives should not exceed 10 people and should not bring any arms with them. On their arrival in the Capital, they should follow the formalities as the previous foreign envoys [from the suzerain countries] did. They should return by sea immediately after the exchange of ratifications finishes, and should not stay for long in the Capital.

- Emperor Xianfeng

Edict to the Minister of Privy Council et al, 1859[139]

[The requirement to present credentials to the Emperor in person when exchanging ratifications] is not possible to be allowed since it would affect the basis of the system of the nation [Qing]. […] Should they wish to present the credentials in person to the emperor, they will have to follow the Chinese formalities and perform the ceremony of Kowtow.

- Emperor Xianfeng, exact date unknown[140]

Despite the Qing Court's efforts to push for negotiations on the above terms, the Anglo-French allied forces responded with force. The war broke out in June 1859 and ended in October 1860 when the allied forces took over Beijing. Emperor Xianfeng fled to Rehe, leaving Prince Gong (aka Yixin) as the imperial envoy to negotiate terms for peace with Britain and France. On 24th and 25th October 1859, Prince Gong exchanged ratifications of the Treaty of Tianjin and signed the Convention of Peking with Britain and France respectively. According to the Convention, the Chinese labour forces were, for the first time in history, allowed to be exported to the industrialised West. Tianjin – the biggest city closest to the Capital was opened as another port to trade, and was competent to foreign residence. The rights of foreign missionaries were expanded and better protected, which permitted further foreign cultural penetration into the Confucian society. Moreover, Qing China's sovereign integrity was further damaged as Cowloon (aka Kowloon) was ceded to Britain as part of the colony of Hong Kong.[141]

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[139] Emperor Xianfeng, 'Yu Junji Dachen' (An Edict to the Minister of Privy Council), 1859, in Jiang Tingfu, *Jindai Zhongguo Waijiaoshi Ziliao Jiyao*, pp. 239-240.
[140] Jiang Tingfu, *Jindai Zhongguo Waijiaoshi Ziliao Jiyao*, p. 271.
[141] Convention of Peking with Britain, Oct 24th, 1860, in Wang Tieya, *Zhongwai Jiu Yuezhang Huibian*, pp. 424-428; Convention of Peking with France, Oct 25th, 1860, in Ibid., pp. 429-433.

It can be concluded that by the end of the Second Opium War, the West had firmly established its status as a dominant rule-maker, creating and enforcing rules whose incompliance constituted deviance in international society. China, as the other treaty party, was, however, treated as a reluctant rule-follower who did not have a voice in the rule-making process. The fact that China's reluctance to observe the treaty terms had brought about punishment from the West had further demonstrated that Qing China was treated as a pariah.

The Anglo-French wars with China and the subsequent negotiated peace were a shock to both the ruling class and the Qing society as a whole. China's doors were forced open by the West. The western political, economic, military and religious influence had been spread more widely to the inland areas of China and began to penetrate into all fields of Qing society, shaking the basis of Qing's political, economic and social structures. The takeover of Beijing by the Anglo-French allied forces and the signing of Peking Convention sent a clear signal to the Qing's ruling class that the West was far too powerful to be treated as inferiors by the Qing Court. Even the Qing ruling class – notably Li Hongzhang – admitted that this was the most unexpected change that had happened to the 'Tian Xia' (meaning All under Heaven) suzerain system for thousands of years.[142] The core of the Confucian East Asian international order was thus severely weakened.

The West did not directly cause the ultimate breakdown of the Confucian order. It was the first Sino-Japanese war in 1894, which finally buried the old order. The first Sino-Japanese war is not a subject directly relevant to the topic of this chapter, yet it is worthy of note given its importance in China's history. This war had the most profound and detrimental impact on China's destiny. In East Asia, The ramifications of this war had led to China's cession of Taiwan and its affiliated island Penghu Wan to Japan, and put an end to China's suzerain control over Korean Peninsula, signifying the collapse of its hegemonic control over the East Asian regional order.[143]

Domestically, Qing China's surrendering policy towards Japan in this war had deepened the image of China as a materially and politically weak state, and thus evoked

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[142] The idea of Tianxia (All under Heaven) primarily refers to the principles of an order that ancient Chinese emperors were seeking to erect, as well as the order itself – that 'all under heaven belongs to the Middle Kingdom'. For a detailed discussion on Tianxia, please see Chen Shangsheng, *Rujia Wenming yu Zhongguo Chuantong Duiwai Guanxi* (*The Confucian Culture and Traditional Chinese Foreign Relations*), (1st edn.: Shandong University Press, 2008) pp. 2-6. Also see Violetta Ravagnoli, 'Zhongguo de Shijie Zhixuguan: "Tianxia" Guannian yu Xifang de Shijieguan' (Chinese View of World Order: the Concept of Tianxia and Western View of World Order), in Chen Shangsheng, *Rujia Wenming yu Zhongguo Chuantong Duiwai Guanxi*, pp. 225-236.
 Li Honzhag, in *Chouban Yiwu Shimuo (Tongzhi)* Roll 99, p. 14, p. 32, p. 34, and p. 52.
[143] Treaty of Shimonoseki, in Wang Tieya, *Zhongwai Jiu Yuezhang Huibian*, pp. 1214-1223.

a wave of western imperial expansion in China. Fiscally, Qing China was heavily indebted; given the large amount of war indemnity it had built up since after the First Opium War, and had to borrow from the western powers at very high rates of interest, making Britain, Germany, France and Russia the biggest lenders to China.[144] Moreover, the rights to major railroad construction were acquired by Russia and the West, including France, Britain, Germany, America, etc. This had posed greater obstacles to the development of China's national industry and, in turn, enlarged the gap of material power differential between China and the West. What was more destructive than the western economic exploitation in China was that a group of concessions – territories annexed by western powers - particularly the big cities and trade ports, were occupied and governed by western powers and Japan.[145] This was a result of a wider competition between Russia, Japan, and the major western powers, all of who sought to carve out their respective spheres of influence in China.[146]

In view of the 'open door' policy advocated by America in 1899, China had avoided being divided into separate parts, which were subjected to the administration of the alien powers. Qing government had lost its *de facto* sovereignty over the concessions and spheres of influence, and even legal sovereignty over the concessions and ceded territories. Qing China had sunk to the lowest rung on the ladder of international society and was in no way treated as an equal to the western powers. There was no alternative for the Qing Court but to follow whatever the powers had designed for it. As I will show below, it was in such a social environment that the Boxers emerged. The Boxers were also known as the Society of Righteous and Harmonious Fists, which existed between 1898 and 1901, in opposition to western imperial expansion and cultural/religious penetration in China. Yet the Boxer movement did not rescue the government, rather, it accelerated the demise of the Qing Dynasty.

2.4.3 The War between the Allied Forces of Eight Nations and China, 1900

Though the Qing government cruelly suppressed the Boxer movement in the beginning, the two sides came to terms with each other in 1898 to confront their common enemy –

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[144] From 1895 to 1900, the loan of the Qing Court from Western powers added up to 451 million Silver Liang without loan interest, or 700 million with loan interest. For more detailed information, please refer to Xiong Zhiyong and Su Hao, *Zhongguo Jinxiandai Waijiaoshi* (*The History of Modern and Contemporary Chinese Foreign Relations*) (Beijing: World Knowledge Press, 2005), pp. 176-177.
[145] Germany-Jiaozhouwan; Russia – Lushun and Dalian; Britain – New Territory (as part of Hongkong) and Weihaiwei; France – Guangzhou Bay; Japan – Taiwan and Penghu Island. For reference, see, Xiong and Su, *Zhongguo Jinxiandai Waijiaoshi*, pp. 172-176.
[146] Germany – Shandong; Russia: Xinjiang and North to the Great Wall; France – Guangdong, Guangxi and Yunan; Britain – Yangzi River; Japan – Fujian. For reference, see, ibid.

the intruding foreign powers. Under the slogan of 'Supporting the Qing and Eliminating the Foreign', the Boxers started a series of weakly organised attacks against foreign banks, churches, missionaries, and railroads from 1898 to 1900. To suppress the Boxer movement and the growing nationalism and hatred against the foreign countries in China, the Eight Nations (Britain, France, Italy, Germany, Austria, America, Japan, and Russia) formed an imperial coalition of the willing and started the war against Qing government and the Boxers in mid-June 1900. On 14th August 1900, the allied forces seized Beijing, and raided the city. Empress Dowager Cixi and her son Guangxu fled to Xi'an.

Li Hongzhang and Prince Qing (aka Yi Kuang) were designated as Qing's envoys to negotiate peace with the Allied Forces of Eight Nations. Yet as the Chinese historian Huang Fengzhi has observed, the negotiations this time were mainly conducted among the alliances rather than between the alliances and the Qing representatives. During a year of negotiations, most of the negotiation sessions were conducted without the presence of Chinese envoys. "Each power was making an adjustment according to their respective interests in order to create a more favourable environment for their further invasion in China."[147]

The foreign alliances outlined twelve terms after their negotiations and declared that not a single term should be changed. Empress Dowager Cixi, the *de facto* ruler of the then Qing China, accepted all twelve terms and ordered the Qing envoy Li Hongzhang to "satisfy the negotiating parties with what China had to offer".[148] On 7th November 1901, the Qing envoys and the representatives from the Eight Nations (plus Belgium, Spain, and the Netherlands) signed the International Protocol and its nineteen annexes. The main clauses included[149]

- Article 6. Pay the Eight Nations the war indemnity of 450 million taels of silver [Qing currency] over the cause of 39 years, or up to 982 million with loan interests. This had deteriorated the existing fiscal problem in Qing society and strengthened the powers' economic control over the Qing society.

- Article 7. Reserve Legation Quarters in Beijing which were to be occupied and exclusively ruled by the Powers. Chinese residence was not allowed in these special areas. Further harm was done to the already damaged sovereign and territorial integrity of Qing China.

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[147] Huang Fengzhi (ed.), *Zhongguo Waijiaoshi 1840-1949* (*History of Chinese Foreign Relations 1840-1949*), (Changchun: Jilin University Press, 2005), p. 207.
[148] Ibid.
[149] International Protocol, 1901, signed at Peking on 7th September 1901, in Wang Tieya, pp. 1356-1394.

- Article 8 and 9. Destroy all the batteries from Beijing to the sea way. Allow the Powers to have their military forces positioned at twelve strategic points stretching from Beijing to Shanhaiguan.

- Article 10. Punish the culprits in the Boxer movement, which was directed against the Powers. The Qing government should forever prohibit membership to any societies established to fight against the foreign countries under capital punishment. The Qing government had thus lost its ability to protect its own nationals, and was reduced to a puppet administration manipulated by the foreign powers to suppress any anti-foreign persons or societies in China.

- Article 12. Establish a Foreign Office to replace Zongli Yamen to deal with foreign affairs. The new Foreign Office would rank the highest among all the other boards of the Qing Court. This Article signifies a push towards the modernisation of China's diplomatic institutions.

It can be concluded that the wars, unequal treaties, and their consequences had revealed the reality that there were significant power differentials existing between Qing China and the West, both materially and normatively. Foreign diplomatic practice and (unequal) rules were imposed upon Qing China while China was largely left out of the rule-making process, especially nearer the end of Qing's rule. However, such rules were those that led China to a subordinate position in international society, and eventually caused the collapse of Sino-centred East Asian order as well as the demise of Qing Empire.

The unequal treaties and their supplements were generally recognised to have surrendered, or at least severely compromised, China's sovereign rights under humiliating terms. The unequal treaty system had put immediate pressure on China and forced it to conform to the European standard of civilisation. In summary, the Qing government was made to do the following as the rules applied: first, to offer protection to European nationals and ensure their trade and religious freedom in China; second, to establish diplomatic mechanisms at home and abroad to ensure diplomatic exchange and communication with Europe; third, to accept and conform to European norms and diplomatic practice; and fourth, to adopt rules and laws established by the West.[150]

All of the above aspects were the standardised behavioural codes set by the European powers as the criteria of entry into international society and constituents of the classic European standard of civilisation. The unequal treaty system was a vehicle of

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[150] Gong, 'China's Entry into International Society', p. 173.

western impact and domination in China, yet it also served as a catalyst for China's transition from an ancient empire to a modern sovereign state. The unequal treaties had injected western modern political and economic cultures into decadent Qing China and pressured it to make essential social changes to conform to the western standard of civilisation or – as some Chinese modernising elites believed - to grow stronger so as to resist western penetration.

2.5 Qing China's Response to Western Exclusion

It may appear ironic that the self-claimed 'Middle Kingdom', once a centre of sinic civilisation, would later be defeated so badly by what it deemed to be a land of 'barbarians'. There were several reasons for its defeat. For example, the Qing Court's foreign policy of appeasement; its ignorance of the outside world and arrogance to learn about it; corruption in the ruling class; internal social turmoil; ill-trained military force and out-dated military equipment, etc. But more importantly, it was the low level of industrialisation and modernization, together with the Qing political structure built firmly upon the traditional Confucian value system, which had the most destructive impact on the collapse of the Qing Dynasty. From 1842 until the fall of Qing Dynasty, the power differential between Qing China and the industrialised West continued to enlarge.

As will be discussed in later text of this chapter, there were social activists and the liberals in the Qing Court who advocated and conducted reforms and institutional changes, with the intention to catch up with or overpower the West. However, in practice, China was reluctantly dragged further into the international system designed and dominated by the West. Moreover, even after the Qing Court had made the according institutional changes to meet the standard of civilisation, it was still treated as a subordinate to the West and kept outside the membership club of Europe-centred international society. Particularly after the first Sino-Japanese War, with the devastation of Qing China and the collapse of the Qing-centred East Asian order, China had been drawn into the European order of civilisation rather than order of toleration. Hence, it remained being treated as a pariah locating at the periphery of the international system defined by European dominance. Such a history had revealed the true nature of classic standard of civilisation as a means of western exclusion instead of inclusion. The fulfilment of the required standardised behavioural codes did not necessarily entitle the outsiders to membership in the exclusive club of the West-oriented international society.

As has been previously stated, China's response to western exclusion was by no means a simple one-faceted story, given the complexity of the domestic and international social environments. Yet throughout Qing China's engagement with the penetrating western powers, there were two dominating themes intertwined in China's strategic response to the West, namely appeasement and reform.

2.5.1 Policy of Appeasement

The policy of appeasement or conciliation was a traditional approach taken by China towards its relations with the suzerains or barbarians.[151] The Qing Court also applied it to the West, since the Qing Court viewed the western countries as barbarians, with the attempt to tame the 'barbarous' foreign countries, during their early engagement. As Teng and Fairbank observed, the conciliatory policy conducted by the Qing Court took the mild forms of negotiations instead of coercion. "[I]t did not involve any borrowing from the West or reform of Chinese ways."[152] Emperor Daoguang had specifically issued an edict to his envoys in charge of 'barbarian' affairs that they should "pacify the 'barbarian' situation to avoid wars and conflicts [...] [and to] unify the Qing nationals with honesty and sincerity while managing the 'barbarian' (foreign countries) affairs with appeasement".[153]

Against the conservatives, there were a few open-minded officials within the Qing Court, who took a more active approach and realised the need to learn from the West, among whom Lin Zexu and Wei Yuan were two of the earliest and most influential. Lin had advocated that China should open its eyes to see the outside world, and that China should learn from the West to build its military might and train its military personnel. Wei Yuan's thoughts were condensed in the famous slogan of learning from the barbarians (the foreign countries) to control the barbarians (the foreign countries).

The influence of this relatively liberal group of officials and activists did not grow stronger until after 1860s. Conciliatory policies had dominated the Qing government's relations with the foreign powers in China until 1861. The Anglo-French wars with China brought about drastic damages to Qing's 'Tian Xia' suzerain order and brought China to acknowledge the western powers as equals, if not as superiors. Yet the policy of appeasement was not entirely abandoned by the ruling class, especially for

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[151] Teng and Fairbank, *China's Response to the West*.
[152] Ibid, pp. 36-37,
[153] Emperor Daoguang, 'Yu Liangguang Zongdu Xu Guangjin' (Edict to Xu Guangjin the imperial envoy and viceroy of Guangdong and Guangxi), 1848, in Jiang Tingfu (ed.), *Jindai Zhongguo Waijiaoshi Ziliao Jiyao*, p. 166.

those conservatives. As revealed by events happened at a later stage (i.e. the surrender policy during the first Sino-Japanese War; the compromising negotiations with the Eight Nation alliances in 1901), the conciliatory policy still played an important role in Qing's approach towards the foreign powers. With the narrow-minded hope of preserving its traditional ethical standard of Confucianism and the related superficial formalities, Qing's ruling class had traded with the West its sovereignty, territorial integrity, rights to protect its nationals, and independent control over tariff and taxation, etc. As the respected Chinese historian Jiang Tingfu points out, the Qing government had given up what it should have held on to and had fought for what was not worthwhile. [154]

2.5.2 Reforms and the Self-strengthening Movement

Yongjin Zhang has argued that in parallel to Qing China's subjection to the western powers in world politics was "the transformation of the Empire's institutions and statecraft in dealing with its foreign relations."[155] After two opium wars and the signing of three major sets of unequal treaties, China was forcibly and gradually drawn further into the Europe-led international system. Contact and communication with the foreign powers in China had increased greatly, given the free travelling of foreigners and missionaries around most parts of China, as well as the broadened economic, political and diplomatic privileges and immunities granted to the foreign powers in China. With foreign diplomatic agents entering and residing in Beijing after the signing of Convention of Peking, there was a pressing need for the Qing government to establish institutions and train professional personnel to manage its foreign relations in the western way. During this period of time, China had undergone social and institutional changes as a result of various reforms and the self-strengthening movement.

Prince Gong together with a group of like-minded officials established Zongli Yamen guided by liberal thinking in 1861.[156] It was the first professional modern mechanism to manage China's foreign relations – a product of the first major institutional reform conducted by the government to bring its foreign relations practice into conformity with the West. An Institute of Linguistics and Sciences were also established under Zongli Yamen to teach foreign languages and translate foreign books and newspapers. The responsibilities of Zongli Yamen covered all the affairs related to foreign nations in addition to regular diplomatic activities.

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[154] See, Jiang Tingfu, *Jindai Zhongguo Waijiaoshi Ziliao Jiyao*, pp. 176-177.
[155] Yongjin Zhang, *China in International Society since 1949*, p. 9.
[156] For example, Wen Xiang, Zuo Zongtan, Zeng Guofan.

The Qing Court had also started to send residential diplomatic personnel abroad. Ambassador Guo Songtao led the first Chinese residential diplomatic mission in London in 1876, followed by Ambassador Zeng Jize in 1879, and Ambassador Xue Fucheng in 1890. However, it is worthy of note that there were two rounds of serious debates in the 1860s over whether to send residential diplomatic missions abroad, as there were fears from the ruling class that such practice might do harm to the Confucian ethical basis of Qing society.[157] Yet these ambassadors, after their return to China, had made special contributions to the society, particularly in the fields of international law and reforms of diplomatic formalities. [158]

In 1901, Zongli Yamen was replaced by a more specialised and modern Foreign Office as stipulated in the International Protocol. Nevertheless, the role of Zongli Yamen is significant in China's engagement with international society. It served as the starting point of China's adoption of western diplomatic institutions and practice, and also signified the start of Qing China's diplomatic engagement with the West on a large scale. But on the other hand, it also showed that China was further weaved into the civilising process designed by the western powers.

With the legacies inherited from the early open-minded thinkers and institutional changes, the self-strengthening movement was carried out by the political elites with the aim to enrich the country and enhance the military might. It was an attempt to promote the progress of industrialisation in China in order to narrow the gap of material and military power differentials between China and the West. The idea that the development of military industry should take priority was shared among the supporters of self-strengthening movement. Prince Gong, the head of Zongli Yamen, claimed that "training soldiers is the priority of self-strengthening, yet the production of arms should take precedence over the training of soldiers." [159] Li Hongzhang, the leader of self-strengthening movement, suggested that "The best way to achieve China's self-strengthening is via the learning of advanced arms from foreign countries. And the best way to achieve such learning is by learning their technology of producing advanced arms".[160]

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[157] Bao Jian, *Chouban Yiwu Shimou: Emperor Tong Zhi*, Vol. 6.
[158] Liu Xiaoli, *WanQing Zhaoqi ZhuYing Gongshi Yanjiu* (*A Study on Chinese Ambassadors in Britain in Late Qing Dynasty*), (Zhengzhou: Henan Renmin Press, 2008).
[159] Wen Qing, et al (eds.), *Chouban Yiwu Shimou: Tongzhi* (*Planning and Management of Barbarian Matters during Emporor Tongzhi*) (Beijing: Zhong Hua Shu Jv, 1964), p. 1.
[160] Ibid., p 10.

From 1863 to 1867, five major government-owned factories were set up in Anqing, Shanghai, Nanjing, Fuzhou, and Tianjin[161] respectively to produce military ships, arms and gunpowder, etc. Besides military industry, there was also some limited development in the civil industries from 1870s to 1890s. Yet the self-strengthening movement failed eventually in the 1890s, due to the problem that the movement was guided by the principle of Chinese learning for the fundamental principles and western learning for practical application. Chinese learning refers to the Confucian ethics of 'three bonds' and 'five virtues', and western learning refers to western technology. The 'three bonds' and 'five virtues' were the main pillars of Confucian values that supported the hierarchical social structure and tribute system in imperial China.

As Fairbank observed, these values are essentially against the western institutions of democracy, constitutional monarchy, personal liberty, and equal rights. Institutions are important social environments.[162] The development of modern industries in western societies was deeply embedded in a social environment featuring western liberal values. It could not be simply transplanted to another soil, especially for a state like Qing China, whose prevailing institutions were anti-West in essence. This had shown that the institutions of the Qing society were not in compatibility with the development of modern industries. The only way to success would require China to undergo a complete transformation of political and economic structure to the western style, as Japan had done in the 1870s.

2.6 Conclusion

During Qing China's engagement with the foreign powers, its ruling class had seldom actively approached the foreign diplomatic practices, or the classic standard of civilisation at large. Through wars and the unequal treaty system, China was forced to adopt these practices and rules, which were projected onto the clauses of the unequal treaties and conventions. During this process, Qing China was reluctantly but gradually drawn into the European order of civilisation, or in other words, excluded from the order of toleration, which was applied to members of international society. Qing China's historical encounter with the western powers since the First Opium War had seen the fall of Qing China from a regional dominant to a pariah at the periphery of Europe-led international system.

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[161] Huang Fengzhi (ed.), *Zhongguo Waijiaoshi 1840-1949*, p. 94
[162] Alastair Iain Johnston, 'Treating International Institutions as Social Environments', *International Studies Quarterly*, Vol. 45, Issue 4, Dec 2001, pp. 487-515.

Material power differential was a crucial reason for China's defeat in the many wars and its ultimate fall to a subordinate status in the international system. Yet what was equally detrimental was the lack of political will from the Qing's ruling class to actively interact with other states and to engage in the construction of international normative structure, as it held on too dearly to its Confucian legacy. Evidence could be found in both the rhetoric and practice of the Qing Court, i.e. the conservatives' reluctance to stop using the character 'yi' (barbarian) on foreign countries; the resistance to allow foreign diplomats into Beijing; the hesitation to send diplomatic missions abroad; and the Qing Court's persistence to maintain the Kowtow ceremony even at a time of national crisis, etc.

Material strength is not the only determinants of power differential between China and the western powers. Normative power, or the power to shape discourse, plays an equally important role. In addition to its relative power deficiency, Qing's passive response to the West has presented as an enormous obstacle for its engagement in the production of international material and normative structures, which deepened western penetration in China as well as its pariah status. Were the international system regarded as a chessboard, Qing China was merely one of the chess pieces, rather than a chess player, during its interactions with the West, especially after the war with the Anglo-French allied forces. This, as will be shown in the next chapter, had great lingering effects on republican China's foreign policy and international interactions with the West.

By far, this chapter has shown that despite Qing China's reluctance, it was forced to accept and abide by the criteria set out in the classic standard of civilisation by the powers of the West-Oriented international society. The acceptance of the terms of the unequal treaties did not grant China membership in international society. Worse still, both of China's material and normative powers were severely weakened and its international social status declined further. In the case of China, the classic standard of civilisation had functioned as an international legal mechanism through which the European imperial expansion was extended to East Asia. Qing China's reluctance and struggle to meet these behavioural standards was not only a result of its power deficiency, but also a matter of Qing's incapability to reidentify and reposition itself in a sharply different international context dominated by the western powers.

Chapter 3: Republican China: An Incomplete State with Pariah Status

As I have shown, Qing China's pariah status was primarily caused by its reluctance and inability to participate in the rule-making process of international institutions. The revolution in 1910 put the Qing's rule to an end. However, as Fairbank stated, the Qing government decayed, yet the physical empire stayed.[163] Despite the establishment of a new republican government and political structure, foreign presence and compromised sovereignty remained unchanged in the early years of republican China. As an essential condition for international recognition, republican China inherited historical debts from Qing China. This included all the war indemnity and the foreign privileges granted by the unequal treaties signed between Qing government and the West before 1911. The foreign presence and the lingering effects of the unequal treaty system therefore remained the characteristics of republican China's pariah status in international society.

However, it should be noted that underneath the unequal system lay the fundamental problem of impaired and incomplete sovereignty. Republican China was caught in such a dilemma that it had gained *de jure* sovereignty through international recognition but it was denied equal international social status. Thus it had failed to protect its national security and interests, as a result of foreign encroachment upon its internal and external sovereignty. It was such lack of *de facto* sovereignty that defined republican China's pariah status.

During the republican period, the unequal treaty system had started to break down as a result of the republican government's increasingly active diplomacy, and the rising Chinese nationalism aroused by continuing foreign penetration and Japan's invasion. Republican China's response to international exclusion had taken a positive turn as compared to the Qing government. Nevertheless, the complexity of both international and domestic social environments had kept Republican China from functioning as an independent sovereign state in the international system.

Historians and IR scholars have concluded that the republican era was one of the most troubled and chaotic periods in China's history.[164] Republican China largely

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[163]The territory of Qing Empire was also carefully preserved by the regimes of Republican China, as well as the P.R. China. For reference, please see Albert Feuerwerker, 'The Foreign Presence in China', in John K. Fairbank and Denis Twitchett (eds.), *The Cambridge History of China, Vol. 12, Part 1: Republican China 1912-1949, Part 1* (Cambridge: Cambridge University Press, 1983), pp. 128-208.

[164] Yongjin Zhang, *China in International System 1918-1920*; Fairbank and Twitchett (eds.), *The Cambridge History of China, Vol. 12, Part 1*; John K. Fairbank and Albert Feuerwerker (eds.), *The Cambridge History of China, Vol. 13, Part 2: Republican China 1912-1949 Part 2* (Cambridge: Cambridge University Press, 1986); Yang Danwei and Chen Yiping, 'Guojihua Jincheng Zhong de Minguo Waijiao' (The Diplomacy of the Republic of China in the Process of Internationalization), in *Jiangsu Social Sciences*, Issue 3, 2004, pp. 168-175.

experienced a divided state for the majority of its duration.[165] Its divided status was immediately caused by the complexity of both domestic and international environments. Internally, although an interim government was established immediately after the revolution, the country remained divided and unsettled. There had been several warlords fighting continuously for leadership of the country until 1928, when the Nationalist Party (aka Kuomintang, or KMT) nominally unified China.[166] The foreign control over leased territories, concessions and spheres of influence continued to impair China's territorial sovereignty. From the late 1920s to the 1940s, the split of Communist and Nationalist Party had plunged China into prolonged political conflicts and civil wars. Externally, Republican China's international status was severely affected by the contradictions and conflicts among the foreign treaty powers over their interests in China.[167] Moreover, as Shinkichi Etō observed, "modern China's fate has been intricately intertwined with the foreign policies of the powers, in particular Japan".[168] Japan's imperial expansion into, and aggressive policies towards China had affected republican China profoundly and eventually dragged it into the Second World War.

The political strategy of republican China during this period can be formulated according to the following three goals: first, nation-building and unification; second, renegotiating and abolishing the unequal treaties inherited from the Qing government; and third, pursuing national independence and equal sovereignty in the international system. This period had also seen a tremendous development of Chinese nationalism, which was both a result of - and stimulant for - China's fight for national independence and sovereign equality. Nationalism in China had risen to a historical height and functioned as a powerful driving force in the republican government's endeavour to fulfil the tasks.

To reveal republican China's pariah status and its response to such status, this chapter is designed to provide an analysis of the presence and the influence of foreign network in republican China. This is followed by an examination into how the foreign network had impaired China's sovereignty and led to the construction of China's pariah status. Additionally, it pays close attention to Japan's invasion of North-eastern China

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[165] Most parts of China (with the exception of Manchuria and Hong Kong) were briefly unified by Kuomintung, aka KMT, from 1928 to 1943. The pre-1928 republican era saw rapid government succession and conflicts among warlords and fractions, whilst the period post 1943 saw the major breakout of Chinese civil war between Chinese Communist Party (aka CCP or CPC) and KMT.
[166] The country was merely nominally unified in the sense that there were still territories occupied by foreign treaty powers, such as Manchuria and Taiwan (occupied by Japan).
[167] For example, The Shandong question during the Paris Peace Conference 1919 and Washington Disarmament Conference 1921-1922. Also see Shinkichi Etō, 'China's International Relations 1911-1931', in Fairbank and Feuerwerker, (eds.) *The Cambridge History of China, Vol. 13, Part 2,* pp. 74-115.
[168] Shinkichi Etō, 'China's International Relations 1911-1931', p. 74.

and the responses from the great powers, particularly over Shandong question and Manchuria problem. Whilst Japanese invasion was an obvious encroachment upon China's sovereignty, the powers' pacifying policy towards Japan, and the failure of the League to provide protection to China had also caused the deepening of China's pariah status in international society.

3.1 Foreign Presence

As has been pointed out, the republican government inherited the unequal treaty system from the Qing government as an essential condition for international recognition. This was due to internal and external pressure. While the newly established republican government was in pressing need of international help in order to ease domestic tension, the treaty powers were also using the issue of recognition as leverage to protect and expand their interests in China. To give an example, the British Foreign Office raised three conditions on recognising the republican government: first, that the opium problem should be left out of the diplomatic negotiation; [169] second, the Chinese government (central and provincial) must supply evidence to prove that it is capable of providing full protection to Britain's treaties rights in China; and third, the republican government should curb Chinese anti-foreignism in order to protect foreign nationals and trade, especially within Britain's spheres of interest and major trade areas in China.[170] Etō describes these conditions as follows:

> [The] powers required a central government to pay China's debts, negotiate new foreign privileges and deal with various matters under international law. Without one main conduit through which to channel their interests, the powers would have had to negotiate individually with numerous territorial warlords. Thus, the Peking government was a mockery as a central government – no more, really, than a fiction, - but it was kept in being by the powers.[171]

At this early stage, the republican authorities took a mild diplomatic approach towards the treaty powers and international relations at large. In order to gain international recognition, the republican governments agreed to inherit the historical debts and unequal treaties from the Qing government.

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[169] The opium trade was legitimised by the Qing government in Peking Convention in 1911.
[170] 'Yingguo Waijiaobu Guanyu Chengren Zhongguo Xinzhengfu Qian xu Jiejue de Ruogan Wenti Zhi Zhongguo ZhuYing Gaongshi Liu Yulin Shuitie' (A Persuasion Letter on the Preconditions for Diplomatic Recognition of Republican China, from the British Foreign Office to Liu Yulin - Chinese Ambassador in Britain), July 5th, 1912, in Zhongguo Di'er Dang'an Guan (The Second Historical Archives of China) (compiled), *Zhonghua Minguoshi Dang'an Ziliao Huibian* (*The Compiled Archives of the History of Republican China*), *Vol. 3:Waijiao* (*Diplomacy*), p. 41.
[171] Shinkichi Etō, 'China's International Relations 1911-1931', p. 107.

The archives show that the pursuit of international recognition served two purposes. The first was for China to enter international society and enjoy equal status as a 'civilised country'. Sun Yat-sen stated in the Presidential Declaration in 1912:

> The interim government will shoulder and fulfil the duties of a civilised country, in the hope of enjoying the rights of a civilised country. The Qing government's humiliating and anti-foreign behaviour will be wiped out. The republican government worships peace and friendship, and wishes to re-enter international society with the hope to contribute to world universality.[172]

The second purpose was out of practical concerns for post-revolution nation-building and social stability. It was revealed later, in a report produced by the republican government's Diplomatic Treaty Committee, that the country was in desperate need of international loans in order to consolidate the new government and stabilise the society. Additionally, international loans would only be made possible with the recognition from other countries, especially the treaty powers.[173] It is useful to quote from two historical documents that evidence the new government's obligation to pre-existing sovereign commitments:

> [We] hereby list the terms [we agree to] in order to establish friendship with all the friendly states. First, the republican government recognises the validity of any treaties the Qing government signed with the treaty parties before the revolution until the expiration of the treaties. The treaties signed after the revolution excluded. Second, the republican government recognises and will pay back the Qing government's foreign debts and indemnities without changing the treaties terms. Those occurred after the revolution are excluded, so were the treaties whose requirements have been met. Third, the republican government respects any national or personal rights promised by the Qing government to the foreign countries and nationals. Those occurred after the revolution are excluded. Fourth, the republican government respects and protects the life and property of people from all nations who are within the republican government's jurisdiction.
>
> - Sun Yat-sen (interim government)

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[172] Sun Yat-sen, 'Linshi Zhengfu Wenjian Jiyao: Dazongtong Xuanyan shu' (The Major Files of the Interim Government: The Presidential Statement), in Zhongguo Shixuehui (Chinese History Association) (ed.), *Xinhai Geming* (Xinhai Revolution), (Shanghai: Shanghai Renmin Press, 2000), pp. 16-20.

[173] 'Waijiaobu Tiaoyue Yanjiuhui Zhengqu Ge Guo Chengren Zhonghua Minguo de Baogao' (The Chinese Foreign Office Treaty Centre's Report on Promoting the International Recognition of Republican China), in The Second Historical Archives of China (compiled), *The Compiled Archives of the History of Republican China*, *Vol. 3:Waijiao* (*Diplomacy*), pp. 26-30.

The international recognition of republican China before Yuan Shikai Beiyang government (6 Oct, 1913) were granted by Brazil, Peru, US, Mexico, Cuba; After Yuan Shikai took presidency: Japan, Britain, Russia, France, German, and 8 other countries also gave diplomatic recognition to the republican government.

To all the Friendly States, 1912[174]

[The Beiyang government] inherits all the treaties, protocols and conventions that are entered into by the Qing government and the interim government with all foreign countries and nationals. It recognises all the rights, privileges and immunities enjoyed by the foreign nationals in China that are granted by international contracts [treaties], Chinese laws, and customary cases.

- Yuan Shikai (Beijing government)

Presidential Inaugural Address, 10/10/1913[175]

Despite Sun Yat-sen's idea to establish republican China as a 'civilised' country and equal member of international society, the reality fell short of his expectation. By inheriting the unequal treaty system, the early republican governments literally accepted a diplomatic framework principally similar to that of the Qing government, and, to a great extent, forfeited its *de facto* sovereignty. Consequently, the defining characteristics of Qing China's pariah status largely remained the same. The presence and influence of a foreign network in China continued to hinder China's nation-building and profoundly affected its foreign policy and international status throughout the entire republican era.

Despite the growing nationalism in Chinese society, the foreign powers continued to retain legal authority as a result of the republican government's agreement to inherit the unequal treaties. Albert Feuerwerker has provided a thorough investigation into the foreign presence in republican China. As he observed, "The foreign establishment in early republican China had many facets: territory, people, rights established by treaty or unilaterally asserted, armed force, diplomacy, religion, commerce, journalism, freebooting adventure, racial attitudes."[176] The treaty powers and their nationals enjoyed extensive special rights in China, including the right to residency, free travelling, trade, religious missionaries, and, most importantly, extraterritoriality. Foreign banking, postal, publication and transportation networks were established in the international settlements, concessions, treaty ports, leased territories, and spheres of influence.[177] Moreover, the rights to administration within the leased

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[174] Sun Yat-sen, 'Linshi Dazongtong Gao Ge Youbang Shu' (The Interim President To All the Friendly Nations), in *Xinhai Geming* (*Xinhai Revolution*), Vol. 8, pp. 20-23.

[175] Zhu Hanguo and Yang Qun, (eds.) *Zhonghua Minguoshi* (*The History of Republican China*), Vol. 4 (3), (Chengdu: Sichuan Press and Sichuan Renmin Press, 2006), p. 268.

[176] Albert Feuerwerker, 'The Foreign Presence in China', p. 128.

[177] According to Albert Feuerwerker's investigation, there were sixteen settlements and concessions established in the treaties, with most prominently ones being Shanghai and Tianjian where the treaty powers shared authorities. There were five leased territories, namely Kiaochow Bay in Shandong and surrounding territory leased to Germany for 99 years in March 1898; Liaotung peninsula including Port Arthur to Russia;

territories and settlements were at the hands of the foreign powers, including the rights to levy taxes and exercise policing power. The Legation Quarters in Beijing remained under exclusive use and control by the foreign treaties powers, where foreign military troops were allowed to station and no Chinese were allowed to reside in. This made the Legation Quarters practically countries within a country. This phenomenon, as Feuerwerker described, was "an anomaly of international law".[178]

The map of foreign presence stayed largely the same as that of Qing China after the war with the allied forces of Eight Nations. Yet, unlike the imperial and feudal Qing government, in theory, republican China was recognised as a state in a modern sense, which was built upon the Westphalian principles of sovereignty and self-determination. Nevertheless, in practice, republican China was an incomplete, or even more, a failed state due to the complexity of social environments it faced both internally and externally.

3.2 An Incomplete State with Impaired Sovereignty

Sovereign encroachment was not an issue for Qing China, as it was not a state in a modern sense, but rather an imperial country with a social and political structure built upon Confucian values. It can be said that Qing China had acquired pariah status, but it was not a pariah state. Republican China differs greatly from Qing China in terms of social structure, political structure and culture, organising principles, and diplomatic institutions, etc. Yet it was still questionable whether republican China had been a modern state throughout the entire republican era given the complexity of its post-revolution social environment and its inheritance of the historical debts from Qing government. Thus, before proceeding to the discussion on republican government's impaired sovereignty, it is necessary to briefly examine whether republican China was a state in a modern sense.

Alexander Wendt argues that an 'essential state' has five properties: "(1) an institutional-legal order, (2) an organization claiming a monopoly on the legitimate use of organised violence, (3) an organization with sovereignty, (4) a society, and (5) territory". [179] By applying Wendt's analysis of the 'essential state' to the case of republican China, it is easy to conclude that republican China was not yet a state in a modern sense as not all of the five properties were fully acquired. It was only fair to

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Kwanchow-wan to France; new territories to Britain in March 1898, and Weihaiwei to Britain in July 1898. Spheres of influence included the leased territories and their surrounding areas where the powers' influence extended to.

[178] Albert Feuerwerker, 'The Foreign Presence in China', p. 157.

[179] Alexander Wendt, *Social Theory of International Politics* (New York: Cambridge University Press, 1999), pp. 201-202.

label it as a state-in-the-making, or an incomplete state before the Northern Expedition in 1928, after which the country was nominally unified by Chiang Kai-shek. Other than (4), the rest of the properties constituting an essential state were one or the other represented in republican China at varied stages since the country was severely burdened by its divided state status, the unequal treaties, and the foreign presence. Other than such an incomplete state status, it was the encroached sovereignty in particular that demonstrated and deepened the pariah image of republican China.

A state, as a structure of political authorities, "distributes ownership and control of three material bases of power to state and societal actors: the means of production, the means of destruction, and the means of (biological) reproduction".[180] These forms of distribution should be institutionalised in domestic rules and laws, in order to provide social stability and public security. However, in the case of republican China, the ownership and control over these three material bases of power had to be shared with the treaty powers in accordance with the treaty clauses and agreements. In addition, the institutional-legal order that was applied within the European society of states was not generally applicable to China as a whole due to its divided state status, which was primarily caused by warlordism, foreign presence, and political party conflicts.

Wendt has pointed out that the ownership and control of means of destruction, or the power to the arbitrary use of violence, is the "ultimate and distinctive basis of state power, and [...] essential to stateness".[181] The institutional-legal order and the social order at large cannot be guaranteed without state monopoly on the legitimate use of organised violence. Yet, before the Northern Expedition, the warlords also had their military forces present in their respective areas of control. In addition, Manchuria was seized by Japan in the 1930s and alienated from republican China as an independent state – Manchukuo, which was not recovered by China until after the Second World War.[182] Moreover, the treaty powers retained the rights to station military forces in the Legation Quarters and to exercise policing power in the settlements, all of which were protected by the unequal treaties. In other words, the foreign treaty powers also had the authority and legitimacy to use organised violence within some parts of China.

The unequal treaty system started to break down when Britain and the US agreed to abrogate extraterritoriality and relinquish their special rights in 1943. Nevertheless, it was not until the end of the Second World War that all the unequal

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[180] Wendt, *Social Theory of International Politics*, p. 202.
[181] Ibid., p. 204.
[182] Manchuria, aka the Northern Three Provinces or the North-eastern Three Provinces, including the provinces of Helongjian, Jilin and Liaoning.

treaties were fully abrogated and later republican regimes were then entitled to maintain a monopoly on the possession and control of the organised means of violence. Yet in practice, even after the Second World War, such a state monopoly remained impractical given the political conflicts between Kuomintang and the Communist Party of China (aka CPC), which eventually led to civil war and put an end to the republican era in 1949.

China's divided state status, territorial disintegrity, the lack of a unitary institutional-legal order, and an impaired state monopoly on the legitimate use of force had all contributed to its incomplete state status internally. The incapability of the republican government was, nevertheless, not only a result of domestic problems but also external foreign encroachment. Perhaps more importantly, it was the severe foreign impairment of China's sovereign integrity that had the most damaging effect on republican China's foreign policy and international status. The rest of this section approaches the question of China's sovereign disintegrity from two perspectives: the internal and external. Some significant historical events will also be included as evidences to display the level of impairment, as well as to explain the reasons causing such damages.

3.2.1 Sovereignty

Westphalian sovereignty, as one of the prevailing norms in the first half of the twentieth century, has placed great emphasis upon the complete and absolute state autonomy.[183] The principle of self-determination, which is deeply embedded in the concept of sovereignty, provides legal legitimacy for a state to exercise exclusive authority in all domains of life within its territory without the interference of any foreign authorities. Sovereign integrity, self-determination and non-intervention are the fundamental principles constituting the legal basis of standard of civilisation, hence are the most distinctive features of a civilised state in the Westphalian state system. However, as will be displayed in the following, all of the three essential principles that constitute Westphalian sovereign stateness were severely encroached upon with regards to the case of republican China.

Republican China, having received international recognition from the main state actors, should, in theory, be invested with exclusive authority to exercise power over its population and other subjects within its territorial boundary. Yet in practice, the

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[183] Jack Donnelly, 'State Sovereignty and Human Rights', see,
http://www.du.edu/~jdonnell/papers/hrsov%20v4a.htm, (latest accessed January 2011).

situation turned out to be paradoxical. As has been mentioned, the treaty powers did not grant diplomatic recognition to the new republican government unconditionally, but on the terms that the unequal treaties remained effective. However, the intrusive nature of the unequal treaties and the associated foreign privileges were fundamentally against China's absolute control and autonomy over its territory. In this light, China's sovereign integrity – a crucial element of China's stateness – was denied. In other words, the treaty powers had recognised republican China as a state in theory, while at the same time denying it as a state in practice. Albeit having been granted *de jure* sovereignty, the republican regimes' function and foreign policies were restrained to a great extent due to the lack of *de facto* sovereignty, both internally and externally, throughout the entire republican era. Despite its nominal national independence and sovereign status, it was treated as a subordinate power in international society.

3.2.2 Encroached Internal Sovereignty

Sovereignty has two implications: internal and external sovereignty. Internal sovereignty deals with the relations between the sovereigns and their subjects within territorial boundaries, usually understood as "state's hegemony, dominance or authority over all citizens, associations and groups within a given bounded territory".[184] As has been repeatedly mentioned, republican China was granted *de jure* sovereignty in the international system as an immediate result of the international recognition of the new republican regime. Yet its *de facto* sovereignty remained impaired both internally and externally.

Republican China was deprived of the rights to and lacking the capability of fully exercising sovereign autonomy internally. Most distinctively, it had failed to both protect its territorial integrity and its nationals within its bounded territory. Due to foreign extraterritorial rights in China, the republican government had no legal authority or legitimacy to oversee matters occurring within the foreign settlements and leased territories, even when Chinese nationals were involved. From mid 1920s to early 1930s, as a matter of the growing Chinese nationalism, there was a rise of conflicts between Chinese and foreign nationals within the areas of heavy foreign presence and influence. Among the many conflicts, the May 30th Incident and Shaji Incident in 1925 were the most distinctive ones arousing strong anti-foreign feelings nationwide.[185] In both incidents, there were Chinese protesters shot dead or injured by the foreign forces. But

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[184] Andrew Vincent, *Nationalism and Particularity*, (Cambridge: Cambridge University Press, 2002), p. 18.
[185] These two incidents were also known respectively as the Tragedy of May 30th (May 30th, 1925, Shanghai) and the Tragedy of Shaji (June 21st, 1925, Guangzhou).

the Chinese government could only make protests to the foreign authority instead of taking actions against the foreign personnel involved, due to the extraterritorial rights and privileges enjoyed by foreign nationals. As Albert Feuerwerker has also observed,

> Chinese sovereignty was theoretically intact, but in practice the concessions and settlements were self-governing foreign enclaves. Within them, in addition to the extraterritorial rights and privileges extended to foreigners, the International settlement authorities exercised *de facto* jurisdiction over Chinese residents who constituted the overwhelming majority of the population but who were not accorded the right of participation in the municipal government. Chinese living in the concessions or settlements could be arrested by Chinese authorities only with the approval of the appropriate foreign consul. […]
>
> - Albert Feuerwerker[186]

As has been demonstrated previously, the republican regimes were not able to build a unitary institutional-legal order or function as an independent executive and judicial body as a result of its divided status and foreign presence. More importantly, it also lacked the capability to resist further foreign penetration and invasion. Immediately after the establishment of the republican regime, there had been continual encroachment upon republican China's territorial integrity besides the existing foreign concessions, settlements, and spheres of influence. For example, Outer Mongolia was separated from China in 1911, with the support of Russia, and the Tibetan 'independence movement' was backed by Britain. Even after the Northern Expedition when China had achieved a great degree of unification, this country continued to suffer from foreign penetration and territorial loss, which were primarily caused by the Japanese invasion from September 1931 onwards.

As an immediate result of the Japanese military action against republican China, China's three Northeastern provinces (aka Manchuria) were alienated from the control of republican government. Manchukuo were thereafter claimed as an independent regime by Japan in 1932, serving as a base for Japanese forces in China, which opened up the possibility of wider Japanese invasion in China.[187] Zhu Hanguo, a Chinese historian specialised in republican history, described Manchukuo as a Japanese colony considering that Japan had taken full control of Manchukuo, including national defence, policing, rail, river, ports, air, and education.[188] The Japanese High Command in

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[186] Albert Feuerwerker, 'The Foreign Presence in China', p. 132.
[187] Zhu Hanguo and Yang Qun, *Zhonghua Minguoshi* (*The History of Republican China*), pp. 407-423.
[188] Ibid., pp. 411-412.

Manchuria was established to exercise general administration of Manchuria. Japan was entitled to exclusive special rights within Manchuria and entrusted with Manchukuo's national defence. Taxation and the currency system were reformed under Japan's guidance. Economic development was carried out with Japanese capital and assistance. Banditry was suppressed by Japanese troops. As stated in a cabinet memorandum of the British Foreign Office, "While officially, of course, Japan, except in matters of defence, has no say in the affairs of Manchukuo, she in practice controls every branch of the Administration."[189]

On the one hand, the encroachment upon China's territorial integrity had shown the republican government's inability to safeguard its national security and exercise absolute autonomy over its territory internally. On the other, it revealed the severe foreign encroachment upon China's internal and external sovereignty. External sovereignty denotes states as sovereign actors that recognise no higher authority in the international system, and hereby suggests an equal international social status among state actors. [190] Yet, as will be further demonstrated in the rest of this section, although republican China was allowed international participation and was even admitted into League of Nations, it was not entirely entitled to equal status in, or protection from, international society. Through nationalist movements and the efforts of the intellectuals and political elites, republican China had made progress in terms of adopting modern political principles and utilising international institutions to protect its national interest to a certain extent. Nevertheless, in practice, republican China mostly remained treated as an inferior rather than an equal in the international system.

3.2.3 Impaired External Sovereignty

Having outlined the impact of foreign encroachment upon China's internal sovereignty, the following proceeds to elaborate how republican China's *de facto* external sovereignty was impaired. In addition to the existing foreign presence, the infringement upon republican China's external sovereignty took many forms, particularly Japan's invasion in China and the western powers' liberal and pacifying policy towards Japan's intrusive policies towards China. Republican China, despite its nominal membership in the League, was not granted consistent or substantive protection from the League due to the weakness of the League and reluctance in the powers to mediate the Sino-Japanese

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[189] UK Foreign Office, *Memoranda of Situation in the Far East, 1933-34* (March 21, 1934), Memorandum No. 6, Catalogue reference: CAB/24/248, p. 111.
[190] Jack Donnelly, 'State Sovereignty and Human Rights'.

tension. Republican China, in practice, remained excluded from the then international society, which featured thin international solidarity and great power politics.

The international exclusion of republican China was demonstrated in many critical occasions centring on Sino-Japanese relations, particularly the Shangdong (aka Shantung) question and Manchurian Incident. The intercourses of different international actors concerning these two issues had revealed the complexity and entanglement of major foreign interests in China, especially that of Japan, the UK, and the US. This section takes a closer look at these two issues and the international response generated from them. It also explores how they had contributed to republican China's pariah status in international society.

3.2.3.1 The Shandong Question

The Shandong question had its origins in 1914, when Japan waged war against Germany in Shandong and seized the Qingdao and Jiao'ao railways from the hands of Germany during the First World War.[191] Japan subsequently took over the German sphere of influence in Shandong and sought to consolidate such control via negotiations with the republican government. In 1915, Japan raised Twenty-One Demands on the Yuan Shikai government. These included the confirmation of Japan's acquisition of Shandong from the hands of Germany, the expansion of Japanese spheres of influence to Southern Manchuria and Inner Mongolia, as well as special rights concerning mining, trade, and railways in these areas.[192] Although not all the Twenty-One Demands were satisfied, China was forced by Japan – under a military ultimatum – to sign two alternative agreements, allowing Japan to expand into Inner Mongolia and Southern Manchuria, as well as to secure the reversion of German rights in Shandong.[193]

The Shandong question was brought to the Paris Peace Conference in 1919 by the republican representatives among many other issues, with the hope to recover the

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[191] 'Zhonghua Minguo Quanquan Daibiao Zai Bali Hehui Guanyu Shandong Wenti de Shuitie' (The Persuasion Statement on the Shandong Question presented by the Representatives of Republican China in Paris Peace Conference), April 1919, in The Second Historical Archives of China (compiled), *The Compiled Archives of the History of Republican China, Vol. 3:Waijiao* (*Diplomacy*), pp. 404-414.

[192] For details of the Twenty Demands, see Etō, 'China's International Relations 1911-1931', pp. 98-99.

[193] Known as Min Si Xie Ding, (meaning The Protocol of the Fourth Republican Year), also see UK Foreign Office Cabinet Papers, December 13, 1918, p. 3, from National Archives, Catalogue Reference: CAB/24/72. Also see 'The Minister in China (Reinsch) to the Acting Secretary of State, January 6, 1919, 763.72119/3309: Telegram', in United States Department of State, *Papers Relating to the Foreign Relations of the United States* [FRUS hereafter]*, 1919: The Paris Peace Conference*, Volume II (U.S. Government Printing Office, 1919), pp. 520-525, also available online, http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1919Parisv02 (last accessed: Feb 2011)

territorial and sovereign integrity of China.[194] China sought to claim the sovereign rights over Shandong, on the contention that it gave up neutrality and joined the Allied powers in the war to preserve peace in the Far East. However, its legal basis was severely weakened by the 1915 agreements, which China was forced into with Japan. Disregarding the coercive nature of the 1915 agreements, the Treaty of Versailles concluded that the special rights of Germany in Jiaozhou Bay (aka. Kiaochau or Kiaochow Bay) Shangdong should be entirely transferred to Japan rather than returned to China, which ignited unprecedented nationalistic movements in China.[195] Republican China, under the pressure of nationalistic movements at home, had refused to sign the Versailles Treaty as a protest to the Conference decision, leaving the Shandong question unresolved and the international order in the Far East unsettled. [196]

Despite China's diplomatic protest, the rights and interests of Germany in Shandong were passed into the hands of Japan as the Versailles Treaty came into effect. With the support of the US, the Nine Power Treaty – one of the treaties concluding the Washington Disarmament Conference 1921-1922, eventually brought the Shandong question to an end. [197] The treaty restored China's sovereignty over Shandong and affirmed China's territorial integrity, hence primarily nullifying the effects of Twenty-One Demands. The agreement reached upon in this treaty had also functioned as the guiding principles for the Sino-Japanese relationship from 1922 to 1931. In addition, it had set the basic tone for the Far Eastern order. The signatory states to the treaty had agreed to implement the Open Door policy in China, which allowed equal opportunity for all the foreign powers in China. However, it should be noted that although the Open Door policy had help bring foreign investment in to China, it had also subjected China to the joint economic and political control of the powers as a matter of the special rights enjoyed by the foreign powers. The following are some terms selected from the Nine Power Treaty, which demonstrate its primary principles:

The Contracting Powers, other than China, agree:

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[194] The Second Historical Archives of China (compiled), *The Compiled Archives of the History of Republican China*, *Vol. 3: Diplomacy*, pp. 404-427.

[195] *The Treaty of Peace between the Allied and Associated Powers and Germany* (signed at Versailles on June 28 1919), aka *The Treaty of Versailles*, Articles 156-158. See,
http://www.firstworldwar.com/source/versailles118-158.htm (last accessed: Feb 2011).
A typical and significant example of nationalist movement is the May Fourth Movement in 1919. It started with student protests and worker strikes ranging from the field of education to industry, and quickly grew into a nationwide nationalistic movement.

[196] The Second Historical Archives of China (compiled), *The Compiled Archives of the History of Republican China*, *Vol. 3: Diplomacy*, pp. 424-425.

[197] Treaty between the United States of America, Belgium, the British Empire, China, France, etc., relating to Principles and Policies to be followed in matters concerning China (aka Nine-Power Treaty, signed at Washington, 6 Feb, 1922). Also available online: http://www.ibiblio.org/pha/policy/pre-war/9_power.html (last accessed: Feb 2011).

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China; […]; (3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

- Article I, Nine Power Treaty[198]

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article I.

- Article II, Nine Power Treaty[199]

Archives have revealed that the international response to the Shandong question and to Japan's intrusive policy towards China was determined by the powers' pursuit and preservation of their respective interests in China. As the European powers were dragged into the First World War with Germany, their attention was diverted from China to the European continent. The European powers had taken a liberal and pacifying policy towards Japan's expansion in China and agreed to support the transfer of Shandong from Germany to Japan, with the purpose to protect their interests in China, and elsewhere, from being eroded by Japan. For example, the British Foreign Office revealed in one of its cabinet papers,

[…]till early in 1917, when His Majesty's Government, owing to the necessity of obtaining further naval assistance from Japan in the Mediterranean and South Atlantic, were compelled to modify their attitude, and […] gave the Japanese disposal of Germany's rights in Shantung and possessions in the islands north of the Equator, on the occasion of the Peace Conference, it being understood that the Japanese Government would, in the eventual peace settlement, treat in the same spirit Great Britain's claims to the German islands south of the Equator.

- UK Foreign Office, December 13, 1918[200]

Whilst the European attention in China were diverted as a result of their war at home, the US was playing a more active role in managing Sino-Japanese relations, which was driven by both the US's pursuit of the Open Door policy in China and the Wilsonian ideal to create a league of peace under Anglo-American auspices. [201] Former

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[198] http://www.ibiblio.org/pha/policy/pre-war/9_power.html (last accessed: Feb 2011).
[199] Ibid.
[200] UK Foreign Office, War Cabinet: Memoranda, 'The Far East and Non-African Colonies', Catalogue Reference: CAB/24/72, Dec 13, 1918.
[201] 'The Secretary of States [Stimson] to the Consul General at Shanghai (Cunningham), Washington, Feb 24, 1932, 793.94/4291: Telegram', in *Foreign Relations of the United States Diplomatic Papers, 1932: The Far*

US Secretary of State John Hay enunciated the Open Door policy in 1899. It was designed to allow the US to enjoy the same equal opportunity to trade and industrial rights in China as the other European powers. Unlike the European powers that had entered China early and acquired territorial, political and economic privileges since 1840s, the US entered China much later, toward the end of 1890s, due to its civil war at home. It was eager to expand its interests in China, especially given the resources and wealth it had generated during the First World War.

In the meantime, Wilson's vision of an international league of peace was devoted to control militarism in the Far East and "secure that the resources of China are developed for the common benefit [of the powers] and not for the aggrandisement of any particular nation."[202] To these ends, the US had suggested an end to the system of foreign spheres of influence in China, which it regarded as a 'dangerous system of localized preferences' as well as a hindrance to the development and to the free exercise of China's sovereignty.[203] As the American Minister in China – Reinsch had said,

> The great peril of China lies in the localized preferences or spheres of influence which divide foreign action and policy in China and which threaten to develop rapidly into causes of the most serious friction. […] The total abolition of the policy of localized preferences is as essential to the peace of the world as it is to the freedom of national development in China.[204]

On the basis of the Wilsonian principles, the US had actively advocated for a just solution of China's situation. It had shown its support of China's claims for sovereign rights over Shandong during the Paris Peace Conference and for China's territorial integrity all the way through the Washington Disarmament Conference, which eventually contributed to the restoration of Shandong.[205] The American approach was in sharp contrast to that of Japan's aggressive policy and the British government's appeasing policy. During the negotiation process of the Peace Conference, the US Acting Secretary of State, Polk, reported to the Commission to Negotiate Peace after

East, Volume III (U.S. Government Printing Office, 1932), pp. 83-87. See,
http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1932v03 (last accessed: Feb 2011)
In this telegram, Stimson stressed the importance of keeping the Open Door Policy in China from the threat of Japanese aggression and military action in China.
[202] UK Foreign Office, 'The Far East and Non-African Colonies'.
[203] 'The Minister in China (Reinsch) to the Secretary of State' (Nov 23, 1918), D. No. 2342, in *FRUS 1919, Volume II*, p. 494.
[204] Ibid., p. 493.
[205] Including advising and supporting China on its petition for sovereign and territorial integrity to the Council of the Peace Conference, reserving the terms concerning the transfer of German rights in Shandong to Japan in the Versailles Treaty, and discussed with the UK to seek a just solution to China's condition, etc. see *FRUS 1919*, Volume II, pp. 491-529. On its discussion with UK, see particularly pp. 517-518.

having learned of the 'unsympathetic indifference' of Britain toward the situation in China.[206] Polk said,

> I am very anxious […] about the whole Far Eastern situation, feeling that if matters are left to their course, the doctrines of equal opportunity for all will disappear as the Japanese political and commercial program extends and that herein lies an actual danger of future complications between the powers concerned in the Far East.[207]

There is no doubt that the US had played a constructive role in resolving Shandong question, and in maintaining a delicate balance of power among the powers in China since after the Washington Conference. Yet it is questionable as to whether its efforts were entirely 'altruistic' as the British Foreign Office had described.[208] To give an example, in exchange for Japan's support of its Open Door policy, the US admitted that Japan enjoyed special interests in China, due to its geographical position through the Lansing-Ishii Agreement in 1917[209] indicating its recognition of Japan's acquisition of Shandong and Japan's intrusive policy in China.

Prior to the post-war Peace Conference, the US claimed that the intention of the Lansing-Ishii notes was to express a friendly attitude towards Japan's legitimate aspirations in China, while at the same time safeguarding the rights of China. "[But such intention] was perverted by the Japanese into an acknowledgement of their privileged position in China."[210] Evidence could be found in Lansing's several exchanges of notes with Ishii, in which he had emphasised, in writing, the non-interference with the sovereignty and territorial integrity of China. Nevertheless, despite its discreet wording, the Lansing-Ishii agreement itself suggested an erosion of Chinese sovereignty; in the sense that it was an agreement negotiated by two interested powers to preserve their mutual and respective interests in China, most of which were acquired by unjust or even forcible means. The agreement had extended legitimacy to the special

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[206] 'The Acting Secretary of State to the Commission to Negotiate Peace', Dec 21, 1918, in *FRUS 1919*, Volume II, pp. 517-518.
[207] Ibid., p. 517.
[208] UK Foreign Office, 'The Far East and Non-African Colonies'.
[209] The Lansing-Ishii Agreement, officially exchanged between the then US Secretary of State Robert Lansing to the Japanese Ambassador on Special Mission Kyōtei Ishii on Nov 2, 1917, ended in 1923. It is also known as Agreement Effected by Exchanges of Notes between the United States and Japan. For details, see *Papers relating to the foreign relations of the United States with the address of the president to Congress December 4, 1917* (U.S. Government Printing Office, 1917), pp. 264-270. Available online: http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1917 (last accessed Feb 2011);
Also see, *Papers relating to the Foreign Relations of the United States. The Lansing papers, 1914-1920*, Volume II (U.S. Government Printing Office, 1914-1920), pp. 432-435. Available online: http://digital.library.wisc.edu/1711.dl/FRUS.FRUS19141920v2 (last accessed Feb 2011);
[210] *FRUS 1919*, Volume II p. 523.

rights and privileges acquired by both Japan and the US, which was by every means against the principle of non-interference the US had advocated.

To what extent was the US's efforts dedicated to protecting its interest from Japanese imperial expansion at the expense of the other foreign interests in China? Furthermore, to what extent was it out of altruistic and moral concerns to help out the weak and subordinate China by upholding the principle of non-interference? As important as these questions are, it is difficult to give a definite answer due to the complexity of both state intention and international environment. Though the post-War international system was an anarchical one dominated by the logic of balance of power among the western powers, it had also begun to develop rules and procedures for moderating anarchy and reaching agreements where there were common interests.[211] Although states remained self-interested actors, a certain degree of international solidarity was developed particularly in relation to the common cause of avoiding a system-threatening war among the great powers. Moreover, international society also started to acquire new meanings beyond Europe, especially after Japan's entry into international society. The common interests to preserve world peace (rather than peace in Europe) and common anti-militaristic values were expressed and institutionalised in the Paris Peace Conference, as well as in the consequent establishment of the League of Nations.

The decline of European influence and attention in the Far East after the First World War had put the US in an advantageous position of expanding its national interests to the Far East. The US, as the main advocator of the League, had to thus find a balance between the pursuit of its national interest and advancing the purposes of the League of Nations. Archives have shown that the US played a more supporting role compared to Britain's indifferent and unsympathetic attitude towards China's situation since the end of the First World War. Its change of position, from recognising the Japanese special interests to supporting China, had much to do with Japan's increasingly exclusive and selfish policy towards all foreign competition in their spheres of interest, which posed an obstacle to the American Open Door policy.[212] Equally important was the republican China's firm belief in and strong support of Wilson's Fourteen Points. China's desperate call for national independence and international equality had coincided with the US's interest to curb Japanese militarism in the Far East

[211] Also refer to Hedley Bull's discussion on the maintenance of order in his book *The Anarchical Society*, particularly pp. 62-71.
[212] UK Foreign Office, 'The Far East and Non-African Colonies'.

as well as Woodrow Wilson's vision of an international league of peace. As the American Minister to China Reinsch had said prior to the Paris Peace Conference,

> Never before has an opportunity for leadership toward the welfare of humanity presented itself equal to that which invites America in China in present time. […] The eager attention which has been paid to your [Wilson] words, the trust and confidence which the Chinese in your [Wilson] policies and aims, are evidence of a spontaneous desire to follow along the path of American action and aspiration which you [Wilson] have made so clear to the world. If China should be disappointed in her confidence at the present time the consequence of such disillusionment on her moral and political development would be disastrous, and we, instead of looking across the Pacific towards a Chinese nation sympathetic with our ideals, would be confronted with a vast materialistic military organization under ruthless control.[213]
>
> - The American Minister to China, Reinsch, 1919

3.2.3.2 The Manchurian Incident and the Failure of the League

China, as a nominally sovereign state, was not granted full *de facto* sovereign status or national independence. Its national security and interest, or its destiny remained at the mercy of the powers. The Japanese invasion and the failure of the League from 1930s to 1940s had caused the breakdown of the Far Eastern order, which was built upon the principles created in the Nine-Power Treaty.[214] China's national independence and sovereign integrity was further eroded, and its pariah status deepened till after the end of Second World War when foreign privileges and extraterritoriality were fully abrogated. This part briefly looks at the Manchurian Incident which signified the start of grave Japanese invasion in China in the 1930s, and well into 1940s. International responses, especially the response from the League of Nations, towards the Manchurian situation and the Japanese invasion of China will also be examined to give an idea of the West's policy towards China at this period of time.

The Manchurian Incident (aka Mukden Incident or 9.18 Incident) refers to the explosion on a section of the South Manchurian railway owned by Japan just north of Mukden (now Shenyang City). The Japanese troops immediately launched a systematic

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[213] The Minister in China (Reinsch) to the Acting Secretary of State, January 6, 1919, in *FRUS 1919*, Volume 2, p. 525.
[214] Etō, 'China's International Relations 1911-1931', p. 115.

military raid on southern and central Manchuria after the explosion.[215] On 19th September, the Japanese Kwantung army had occupied the major cities of southern and central Manchuria including Mukden.[216] By February 1932, all the three North Eastern Provinces had fallen to the Japanese army, and subsequently Manchukuo (aka Manchu State) was proclaimed and severed from China by Japan. The true cause of the Manchurian Incident is uncertain due to the Chinese and Japanese government's mutual accusation of each other being the plotter. However, it was a prevailing interpretation by historians (particularly Chinese) that Japan deliberately plotted the explosion to provide a pretext for its invasion of China.[217] This was also indicated in the Lytton Report produced by the League's Commission of Enquiry in Manchurian Crisis in October 1932.

This is how A. Lawrence Lower described the Mukden Incident, which implies Japan was implementing a carefully worked out plan of invasion:

> The injury [caused by the explosion] could not have been very great, for the trains were soon running again; but the Japanese acted quickly and systematically. By about six o'clock the next morning their troops attacked Mukden, and, there being no serious resistance, soon occupied the city. In twenty-four hours they had occupied every important place within the region where their chief interest lay, a country roughly as large as New York or Pennsylvania; turned out the local governments, and began quickly to replace them by Chinese under Japanese supervision. It was a very effective piece of work, amazingly so if unpremeditated.[218]

The Japanese invasion encountered modest resistance from China's North Eastern Army led by Zhang Xueliang (aka Chang Shue-Liang). The Chiang Kai-shek administration decided not to directly confront the Japanese army, but instead brought the case to the League and relied on the League for a just solution.[219] Nevertheless, as will be elaborated later, such 'non-resistance policy' and sole reliance upon the League

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[215] See A. Lawrence Lowell, 'Manchuria, the League and the United States', *Foreign Affairs*, Vol. 10, No. 3 (April, 1932), p. 354.
[216] For example, the cities of Benxi, Fengcheng, Andong, Liaoyang, Haicheng, Yingkou, Fushun, Kaiyuan, Siping, Changchun, etc.
[217] See, Xiong Zhiyong and Su Hao, *Zhongguo Jinxiandai Waijiaoshi* (*The History of Modern and Contemporary Chinese Foreign Relations*); Zhu Hanguo and Yang Qun, pp. 282-287; Shinkichi Etō, 'China's International Relations 1911-1931', p115; A. Lawrence Lowell, 'Manchuria, the League and the United States', p. 354.
[218] A. Lawrence Lowell, 'Manchuria, the League and the United States', p. 354.
[219] Xiong and Su, *Zhongguo Jinxiandai Waijiaoshi*, p. 346.

had yielded bitter fruit for republican China as a matter of the failure of the League to mediate.[220]

The Manchurian case was presented to the League Council by republican representative Shi Zhaoji on 19th September 1931. Shi had asked the Council to apply general principles of the League Covenant in addition to Article 11, which declared that "any war or threat of war, whether immediately affecting any of the members of the League or not […] is a matter of concern to the whole League."[221] However, Japanese representatives presented the case in the opposite way, accusing the Chinese soldiers of sabotaging the railway and proposing to enter into direct negotiations with China outside the League. But the republican Chinese government was determined to get the League involved to avoid a bilateral confrontation with Japan. It had claimed that it "could not enter into direct negotiations with a nation in military occupation of part of its territory, and demanded a return to the *status quo ante*".[222]

On the 30th September, the League produced a draft resolution (usually referred to as an agreement), which urged Japan to withdraw its troops as soon as possible, and requested that both China and Japan avoided aggravating the Manchurian situation. However, no definite timeline was set for Japan's military withdrawal since Japan, as a member of the League, had voted against the motions to do so. This was caused by one of the biggest weaknesses of the League of Nations that any decision could be made only with the consent from all the members.[223] This is known as the principle of unanimity by which each League members enjoyed veto power. As a result, the draft resolution on 30th September had in fact imposed no restraint upon Japan, as it gave Japan great leeway to withdraw (whilst in fact expand) its forces from China at its convenience.

A Commission of Enquiry, led by Lord Lytton, was appointed by the League Council on 10th December 1931 to provide a neutral examination of the Manchurian crisis. Disregarding the Commission's investigation, Japan continued with its military aggression in greater China. For example, on January 3rd 1932, it blatantly broke the September 30th agreement by advancing its military forces southwards, and occupied

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[220] Xiong and Su, *Zhongguo Jinxiandai Waijiaoshi*, pp. 346-347.
[221] The Covenant of the League of Nations, Article 11, in *The Treaty of Versailles*, see, http://www.firstworldwar.com/source/versailles1-30.htm (last accessed Feb 2011).
[222] Statements made by Shi Zhaoji in the League of Nations, Sept 1931, quotation from A Lawrence Lowell, p. 355.
[223] Article 5 of the League Covenant reads, "Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting." See, http://www.firstworldwar.com/source/versailles1-30.htm (last accessed Feb 2011).

the city of Jinzhou (aka Chinchow) by force. On January 28th, 1932, it intervened in Shanghai militarily, which lasted until 14th March. The report of the Commission of Enquiry (aka The Lytton Report) was released on October 2nd, 1932 and adopted by the League Assembly on February 24th, 1933. The report had expressively declared China's *de jure* sovereignty over Manchuria and implicitly denied the legitimacy of Japanese military action in Mukden Incident, as well as the legality of Manchukuo. The report also pointed out that the so-called 'Independence Movement' of Manchuria was an organised work of Japan, which presented as violations to the independence, administrative and territorial integrity of China. [224] The following are some extracts from the Lytton Report,

> Japan had a carefully prepared plan to meet case of possible hostilities between China and themselves. […] On September 18-19, this plan was put into operation with swiftness and precision. […] [But] China had no plan of attacking Japan. […] The military operation of Japan […] cannot be regarded as measures of legitimate self-defence.[225]
>
> It is a fact that, without declaration of war, a large area of what was indisputably Chinese territory has been forcibly seized and occupied by the armed forces of Japan and has, in consequence of this operation, been separated from and declared in dependent of the rest of China. The steps by which this was accomplished are claimed by Japan to have been consistent with the obligations of the Covenant of the League of Nations, the Kellogg Pact and the Nine-Power Treaty of Washington, all of which were designed to prevent action of this kind.[226]
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> It is clear that the Independence Movement, which had never been heard of in Manchuria before September 1931, was only made possible by the presence of the Japanese troops. […] A group of Japanese civil and military officials, both active and retired, […], conceived, organized and carried through this movement, as a solution to the situation in Manchuria as it existed after the events of September 18th. […] For this reason, the present regime cannot be considered to

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[224] For reference, please see *Extracts from the Lytton Report*, (Geneva: Chinese Delegation to the League of Nations, 1932), pp. 26-28. Also see Arthur K. Kuhn, 'The Lytton Report on the Manchurian Crisis', *American Journal of International Law*, Vol. 27, No. 1, pp. 96-100.
[225] *Extracts from the Lytton Report*.
[226] V. K. Wellington Koo, *A Statement of the Views of the Chinese Government on the Report of the Commission of Enquiry of the League of Nations*, (Geneva: Chinese Delegation to the League of Nations, 1932), p. 34.

have been called in existence by a genuine and spontaneous independence movement.[227]

A study on the Japanese reaction to the Report revealed that Japan was determined to proceed with its intrusive imperial expansion in East Asia disregards of the League.[228] Against the League's findings, the general opinions of the Japanese political elites and media generated in this study demonstrated Japan's stance as follows: First, Manchukuo was an independent state as a result of Japanese formal recognition. Second, it was impossible to return the status of Manchuria and the rest of China to *status quo ante* as no third nation can alter Japanese policy. Third, the Lytton report should never be taken as anything more than a gesture at effecting a compromise between China and Japan due to its lack of binding legal power. Fourth, China's sovereignty was merely nominal sovereignty, which was not enough to secure its territorial or administrative integrity.[229] This had pointed out the fact that republican China could not have functioned as an independent sovereign state, despite the nominal international recognition and its League membership. The protection that was promised by the League through the Covenant remained empty diplomatic rhetoric rather than offering practical security to China. Finally, Japan had required the League, and the foreign powers at large, to incorporate other values and civilisations into international society in addition to the predominant western civilisation.[230] Such a claim was largely tailored to satisfy Japan's imperial interest in East Asia. However, it is worth mentioning that this claim had demonstrated the reality of a changing international environment (particularly in East Asia) and the necessity to incorporate multi-civilisational norms and principles alongside the expansion of international society. In other words, the international norms and behavioural codes should be updated and brought in line with the change in the international context.

Subsequent to the League's adoption of the Lytton Report, the League had again ordered Japan to withdraw its troops from the Southern Manchurian Railway. Nevertheless, rather than withdrawing its military forces, the Japanese government decided to pull out of the League instead. This had marked the failure of the League to

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[227] V. K. Wellington Koo, *A Statement*.

[228] *Lytton Report and Japanese Reaction*, official publication, (Tokyo: Herald Press, 1932).

[229] Ibid.

[230] Ibid., p. 2. The original text reads, "The Japanese nation has been wholly taken up with the imitation and emulation of western thoughts and culture since the restoration, and has been most uncritical in absorption of foreign civilization. But the time has come that they should honour and espouse the culture that is a product of Eastern soil and mind."

mediate international tension, and exposed Japan's blatant military ambition and imperial expansion in greater China.

Ian Nish has argued that the Manchurian Incident had to be seen in two dimensions: "the regional dimension of the military campaign in Manchuria and the Chinese response in boycotting Japanese goods and factories; and the international dimension involving the world powers which tried to restore peace through international agencies."[231] Whilst the incident had made heavy weather on the League, the League was unable to provide any substantive solution, other than placing implicit moral condemnation on Japan due to its innate weaknesses. The principle of unanimity, the lack of an independent armed force, and more importantly, the sole reliance on the powers' commitments to intervention of any kind had all rendered the League powerless. Nish called the League's appointment of an Enquiry Commission 'an admission' that the League "had been unable to resolve the crisis to its satisfaction".[232]

The Manchurian Incident might have been a confusing situation, given Japan's treaty rights in Southern Manchurian Railways and the fluid border between China and Japan in the said area. Therefore, it could have provided certain reasons for the League to proceed cautiously on this matter. Nonetheless, the League had obviously proved its inability to mediate after the Japanese troops advanced southwards since Jinzhou attack (3rd January 1932) which was considered as a resort to war under Article 13 and 17 of the League Covenant.[233] As Lowell observed, no action was taken, not even a Council meeting was further called by the League. "[If] world opinion is ineffective against a determined nation, and the members of the League cannot be relied upon to carry out its sanctions, the prospect of preventing wars by means of the League is much reduced. […] as a force for removing the scourge of war, and giving the world a sense of security, it will achieve less than its founders hoped."[234]

From the US's perspective, it was not a member of the League but was signatory to the Nine Power Treaty and Pact of Paris;[235] it had rigorously urged Japan to abide by principles established in the said treaty and pact. The US State Sectary Stimson had, on

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[231] Ian Nish, 'An Overview of Relations between China and Japan 1895-1945', *The China Quarterly*, No. 124: *China and Japan: History, Trends and Prospects* (Dec 1990), pp. 601-623.
[232] Ibid., p. 616.
[233] Article 13 of the League Covenant requires the League members to settle disputes among them by diplomacy or to submit disputed subject matters to the League Council for arbitration. Article 17 deems the members' resort to war as an act of war against all the rest of the League members. See, http://www.firstworldwar.com/source/versailles1-30.htm (last accessed Feb 2011).
[234] A. Lawrence Lowell, 'Manchuria, the League and the United States', p. 365.
[235] Pact of Paris, aka The Kellogg-Briand Pact, was signed in Paris in August 1928 to provide for the renunciation of war as an instrument of national policy in order to preserve world peace and security. The signatories included the US, Britain, France, Germany, Italy Japan, etc.

many occasions, reaffirmed the importance of Open Door policy and of preserving China's sovereignty, independence, and its territorial and administrative integrity.[236] The US's position at the Manchurian situation was set out by Stimson as follows: 1) that the US government did not admit the legality of the *de facto* situation in Manchuria, nor recognise any treaty or acknowledgement entered into between China and Japan, which may impair US interests in China or China's sovereignty and integrity; 2) that it refused to recognise any situation, treaty or agreement which were brought about by means contrary to the Pact of Paris to which Japan, China and the US were parities. Such a clear denial of the legitimacy of Manchukuo and Japanese aggression, as set out by Stimson, was famously known as Stimson doctrine of 'non-recognition'.[237] However, the US's support for China was largely restricted to a rhetorical level. No substantive actions – not even economic sanctions – were put in place with a view to containing Japanese imperial expansion in China. Although some loans were made to help relieve the severe economic situation in China in 1934, the US government soon stopped assistance of any kind to China and declared neutrality in July 1937 as the Sino-Japanese conflicts escalated to a larger-scale war.[238]

In such an international context where the League was unable to act and the powers were unwilling, Japan continued to develop its exclusive ambition in greater China from 1933 to 1937. The Eiji Amau statement in April 1934, and Hirota's Three Points, as set out in August 1935, had revealed Japan's unconcealed scheme. The former claimed that Japan had special rights and responsibility in China and East Asia; that it would act alone to preserve peace in East Asia if needed; and that it opposed to any kind of foreign assistance to China. The following is an extract of the original statement,

> We oppose, therefore, any attempt on the part of China to avail herself of the influence of any other country in order to resist Japan. We also oppose any action taken by China calculated to play one Power against another. Any joint operations undertaken by foreign Powers, even in the name of technical and

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[236] 'The Secretary of State to the Consul General at Nanking (Peck), on January 7, 1932, 793.94/3437b: Telegram', in *FRUS 1932: The Far East*, Volume III, pp. 7-9. Also see Lowell, 'Manchuria, the League and the United States', p. 362.
[237] For example, see UK Foreign Office, 'Situation in the Far East, 1933-34', note by the Secretary of State for Foreign Affairs, March 21, 1934, Memorandum No.7.
[238] 'Statement by the Secretary of State', July 16, 1937, in *Foreign Relations of the United States Diplomatic Papers, 1937: General*, Volume I (U.S. Government Printing Office, 1937), pp. 699-700. Available online: http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1937v01 (last accessed: Feb 2011).

financial assistance, at this particular moment after the Manchurian and Shanghai incidents, are bound to acquire political significance.[239]

Shortly after the release of Amau statement, interpretations and explanations were made from Japanese authorities to veil its imperial ambition.[240] However, such intrusive and exclusive policy were reinforced by Hirota's Three Points program, which had required China to (1) abandon the policy of playing one foreign country off against another and cooperate with Japan; (2) recognise the existence of Manchukuo; (3) form a Japan-China-Manchukuo economic bloc as well as a common front against Chinese communism.[241] Japanese imperial expansion eventually led to the breakout of the Sino-Japanese War (aka the War of Chinese Resistance against Japan). On July 7th, 1937, troops from the two countries confronted directly and exchanged fire on Luguoqiao Bridge. The League's subcommittee later defined Japan's military action in China as a breach of international laws and agreements. The original words were as follows,

> […] the action taken (military operations carried on) by Japan (against China by land, sea, and air) has been (are) out of all proportion to the incident that occasioned the conflict; […] that these actions (it) can be justified neither on the basis of existing legal instruments nor on that of the right of self-defence, and that they are (it is) in contravention of Japan's obligations under the Washing (Nine Power) Treaty of February 6, 1922, and of (under) the Pact of Paris of August 27, 1928.[242]

That said, the Sino-Japanese war lasted and later became a part of the Second World War, with China becoming one of the most important battlefields in the Pacific.

3.3 Conclusion: Republican China and the Classic Standard of Civilisation

By far, this chapter has considered the complex question of Chinese sovereignty in the republican period prior to World War Two. We saw how many factors and actors, both internal and external, caused China's pariah status. Although it was established by a republican government upon prevailing Westphalian principles, its essential stateness was incomplete due to its divided state status and foreign presence. Despite

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[239] A translation of the Statement of Mr. Eiji Amau - the official spokesman of the Japanese Foreign Office, from Charles Cheney Hyde, 'Legal Aspects of the Japanese Pronouncement in Relation to China', *The American Journal of International Law*, Vol. 28, No. 3 (July 1934), p. 431.

[240] Hyde, 'Legal Aspects', p. 432.

[241] Edgar Snow, 'Mr Hirota's Third Point', *Foreign Affairs*, Vol. 14, No. 4 (July 1936), pp. 598-605.

[242] 'The Minister in Switzerland (Harrison) to the Secretary of State', October 5, 1937, in *Foreign Relations of the United States Diplomatic Papers, 1937: The Far East*, Volume VI (U.S. Government Printing Office, 1937), pp. 54-58. Available online: http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1937v04 (last accessed: Feb 2011).

international recognition of its nominal sovereignty and independence, its internal and external sovereignty were severely damaged.

Gerrit Gong pointed out that the standard of civilisation in pre-1939 international society was evident in the international legal principles established by the powers and embedded in international institutions. To this end, the Nine Power Treaty, the Pact of Paris and the Covenant of the League of Nations set fundamental legal principles for the perseverance of Far Eastern order and world peace after First World War. In spite of their importance, they eventually failed to contain Sino-Japanese tension or preserve peace in the Far East. With Japanese military action and imperial expansion in China, there was no doubt that Japan became a blatant violator of international laws and agreements. Moreover, the failure of the League and the reluctance of the powers to observe or act actively in accordance with the international laws and treaties also revealed the malfunction and selective applicability of international laws.

As Charles Cheney Hyde argued, "[t]he practice of treaty-making through multipartite arrangements of large import serves no good purpose when a single contracting Power may with impunity treat lightly carefully devised undertakings for the commonwealth. The well-being of the international society is not promoted when such a Power is not called to account for action which, in the judgment of the other parties to the arrangement, is inconsistent with what it forbids."[243] Japan's grave violations of international laws, the League's inability and the Powers' reluctance to enforce international laws had attributed to the failure of international law as a means of protection and regulation in international society. Hence, the shared values that were institutionalised in the treaties and laws were undermined, the authority of the common working institutions weakened, and the solidarity of the wider 'collective' international society was damaged.

It has been shown that, just as was in the case of Qing China, prior to the Second World War, Republican China resembled a matrix where the interests of the powers of international society converged and at times collided in the Far East. The policy of the foreign powers towards China to a great extent represented the interested powers' cautious calculation of their relative gains and losses in China. The failure of the League, especially the reluctance of the powers to intervene in the Sino-Japanese conflict revealed that their fear of Japan outweighed their willingness to protect China and uphold the rule of law.

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[243] Hyde, 'Legal Aspects', p. 442.

The classic standard of civilisation had developed to incorporate broader international laws and diplomatic institutions through the first half of the 20th century. This was primarily a result of the increasing and deepening engagement between European powers and the US on the one side, and the non-European world on the other. Despite problems of inaction and selectivity, the newly established international institutions, in this period of time, had started to reflect a more diverse international reality that urged for greater tolerance of difference. For example, the Wilsonian ideal of an international league of peace and the subsequent establishment of the League, despite its eventual failure, was an important touchstone in the history of international society. It had revealed the necessity to create a multi-civilisational and multi-lateral international institution beyond Europe or the West in order to regulate the intensifying international interactions among state actors on an equal footing.

War, which used to be a legitimate means of European imperial expansion, had been officially banned after the First World War. Nevertheless, diplomacy, capitalism, and extraterritoriality – the essential features of the classic standard of civilisation – remained fundamental in determining membership in international society, as well as the associated international status. These institutions had not only served as instruments of the exportation of European and American political, economic and cultural systems, but also as a test of the level of civilisation for the pariah states. In the case of republican China, the western requirements for diplomatic relations, trade opportunities, and extraterritorial rights were conveyed in the lingering system of unequal treaties – also known as the system of Capitulation – that was passed down from Qing to republican China. Moreover, as has been demonstrated, the West's pacifying policies towards Japanese invasion in China were also directed by their interest in the said areas. The continued existence of capitulation had reflected the hegemonic power of the West in implementing the standardised behavioural codes as they so defined.[244]

The lingering system of capitulation and its consequential damage to China's sovereign integrity were the determining characteristics of republican China's pariah status. Both features resembled that of the Qing Dynasty to a great extent. Nevertheless, republican China's responses to western exclusion and the classic standard of civilisation had taken a positive turn given the drastically different internal and external social environments it faced. Contrary to the Qing Court's reluctance to interact with

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[244] David P. Fidler, 'Kinder, Gentler System of Capitulations? International Law, Structural Adjustment Policies, and the Standard of Liberal, Globalized Civilization', *Texas International Law Journal*, Vol. 35, no. 3 (2000), pp. 387-413.

the West and to conform to the western standardised rules of behaviour, the republican governments had shown eagerness in complying with the western prescription of civilised behaviours, in order to gain international recognition. That said, in the meantime, it has fought continuously for its national independence and sovereignty by exploring diplomatic and legal means to renegotiate and abrogate the unequal treaties.

The unequal treaties were categorised in terms of the associated rights China had ceded, namely, tariff rights, extraterritoriality, leased territory, inner river navigation, and military stations in Legation Quarters. The former two were considered as 'life-threatening' and 'sovereignty-damaging' to China's national survival and foreign relations, the abrogation of which were thus accorded top priority by Nanking Government.[245] Tariff independence was basically restored in early 1929, initiated by the US's agreement to revise its treaties with China by relinquishing its special tariff rights in July 1928.[246] However, the question of extraterritoriality was far more complicated as it was the supporting pillar of the system of capitulation, functioning as the legal basis for foreign special rights in China. The system of extraterritoriality (as well as the entire unequal treaty system) had only started to break down in 1943, when Britain and the US renounced their special rights in China. However, the system did not completely come to an end until April 1947, when the last foreign power – Portugal – singed new treaties in place of the old ones with the republican government, and relinquished its extraterritorial and special rights in China.[247]

Unlike the imperial Qing Court, republican China had pursued a policy of compliance as well as active engagement during its encounter with the West. Whilst complying with international laws and institutions, it has also sought to engage in bilateral dialogues with the foreign powers to renegotiate and abrogate the unequal terms and clauses. To a great extent, this has shown republican China's political will and diplomatic practice in participating in the process of rule making, particularly for the rules concerning its destiny. The previous chapters have argued that the power of and right to participate in the rule-making or discourse-making process is a defining feature of membership in international society. As such, the end of the unequal treaty

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[245] Wang Zhenting (Foreign Minister of Nanking Government), 'Waijiaobu Banli Feichu Bu Pingdeng Tiaoyue Jiaoshe Qingxing de Chengwen' (The Foreign Office Report on the Negotiation Situations of the Abrogation of Unequal Treaties), in Zhongguo Di'er Dang'an Guan (The Second Historical Archives of China) (compiled), *Zhongguo Minguoshi Dang'an Ziliao Huibian* (*The Compiled Archives of the History of Republican China*) (Jiangshu Guji Press, 2000), *Vol.5 (1): Waijiao* (Diplomacy) (1), p. 47.
[246] Ibid., p. 92.
[247] 'Waijiaobu Ni Ti Guomin Canzhenghui Shizheng Baogao' (Foreign Office Draft Policy Report to National Political Participation Convention), in Zhongguo Di'er Dang'an Guan (The Second Historical Archives of China) (compiled), *Zhongguo Minguoshi Dang'an Ziliao Huibian* (*The Compiled Archives of the History of Republican China*), *Vol. 5 (3): Waijiao* (Diplomacy), p. 7.

system together with republican China's entry into the United Nations was symbolic in terms of the termination of republican China's pariah status and treatment. However, whether this can be regarded as a point of status transition from a pariah to a civilised member in post-war international society remains essentially questionable. In other words, it is difficult to evaluate whether republican China has since been treated as a truly civilised member in international society, given the disruptions of its international participation caused by the on-going civil war against the CCP and the subsequent rapid regime change in 1949.

Chapter 4: China and the Standard of Human Rights

In Chapter One, great emphasis was placed on the standard of civilisation, given its role as a primary determinant of legitimate state behaviour and 'civilised' state identity. Moreover, Chapter One also touched upon Gong and Donnelly's claims that human rights would become a new standard of civilisation. The reappearance of standard of civilisation in this chapter is, to a great extent, to do with its normative weight in contemporary international society. Before proceeding into further discussion on human rights, it should be noted that human rights do not constitute a new standard of civilisation on its own, but merely an essential component. In fact, Brett Bowden has convincingly argued that market civilisation is also critical to the formation of a new standard of civilisation in an age of globalisation.[248]

Though this chapter places its focus on the standard of human rights, it has no intention whatsoever to discredit the importance of some other institutions, i.e. trade, international law, and diplomacy, in constituting a new standard of civilisation. The standard of human rights, as a normative dimension of the new standard of civilisation, compliments the material power and legal dimensions in explaining the sources of state legitimacy and authority, as well as political boundaries and membership criteria in international society. It thus helps to facilitate the enquiry into two areas: how China reacts to international normative boundaries, and how human rights function as a critical 'test' for the degree of normative integration of China in international society today.

The existing IR literature on China's human rights has provided valuable archival information and analytical investigations into the human rights principles adopted and practice conducted by the People's Republic of China between 1949 and 2000. Ann Kent, Rosemary Foot, and Marina Svensson have all conducted detailed and comprehensive research into this area of inquiry.[249] Yongjin Zhang has also touched upon the issue of China's human rights principles and practice up to 1990.[250] The above named scholars have all acknowledged the efforts and improvement China had made

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[248] Brett Bowden and Leonard Seabrooke (eds.), *Global Standards of Market Civilisation* (Oxford: Routledge, 2006). See particularly, Chapter 1: Bowden and Seabrooke, 'Civilizing Markets through Global Standards', pp. 3-16. Chapter 2: Bowden, 'Civilization, Standards, and Markets', pp. 19-33.
[249] Ann Kent, *China, the United Nations, and Human rights: The Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999).
Ann Kent, *Beyond Compliance: China, International Organizations, and Global Security* (Standford: Standford University Press, 2007).
Rosemary Foot, *Rights Beyond Borders* (Oxford: Oxford University Press, 2000).
Marina Svensson, *Debating Human Rights in China: A Conceptual and Political History* (Oxford: Rowman and Littlefield Publishers, Inc., 2002).
[250] Yongjin Zhang, *China in International Society since 1949*, pp. 177-193.

towards improving human rights conditions. For example, improvement can be found in China's domestic legal reforms concerning human rights, its adoption of international human rights legal documents, and increasing participation in international human rights mechanisms, especially within the UN. In the meantime, they have also unanimously pointed out the gap between China's compliance with international human rights institutions in rhetoric and its continuing violations of human rights in reality.

Based on the existing studies on the standard of human rights and on China's human rights conditions, this chapter starts with an inquiry into the standard of human rights to reveal the normative power of human rights. This will be followed by an empirical investigation into China's account of standard of human rights and its human rights practices. The empirical section asks the following two questions:

1. Has China's approach towards human rights helped to elevate China's status in international society, or simply exposed China's human wrongs and in turn invited international scrutiny and pressure? In other words, is China regarded and treated as a human rights pariah albeit its rising material power and its efforts in human rights protection?

2. What human rights policies, if any, has China pursued?

4.1 Why the Standard of Human Rights: Human Rights and International Order?

Human rights are one of the most important western normative inventions, which were exported to the world in the 20th century. It has gradually grown to incorporate greater concerns and values beyond the West since the Universal Declaration of Human Rights and has thus received broader attention and acceptance at a global scale. Nevertheless, in the post-1945 international society, the language and values of the western version of human rights were rather frequently criticised for being utilised as diplomatic tools of western control over developing countries. For example, the Chinese government has been consistently accusing the West (especially the US) for using human rights and democracy, to discredit and impose political pressure on China. It is true that human rights has been conventionally associated with western democracy, and has helped contribute to western dominance of the global order. However, here is not the place to reason whether or not it is morally right for the West to export their languages to or impose their rules and norms on the world. The purpose is to demonstrate that the rise of human rights as a standard of legitimate state conduct is not a random historical phenomenon, but rather, a result of the evolution of international society up until present time.

To discuss the standard of human rights in the current international society requires, to a great extent, thinking through the long-standing question of the relationship between order and justice. As mentioned in Chapter One, the classic standard of civilisation not only functioned as a legal mechanism regulating relations between the 'civilised self' and the 'barbarous other', but also reflected and legitimised a hierarchical international order defined in terms of western superiority. Limited justice and equality were enjoyed by the western powers and only extended to states outside the power club upon conditions created by the West. The classic standard of civilisation served as an order-maintaining mechanism, which sustained the rules and norms created by and for the powerful members of the Europe-centred international society. The emergence of human rights as one of the standardised behavioural codes indicates and meets the needs of an international environment increasingly oriented by concerns about common humanity – the security and equal rights of human beings.[251] It has demonstrated a tendency in the development of the ultimate goals of international society from order maintaining towards justice enhancing. It should also be noted that the justice mentioned here is not narrowly defined in terms of justice among states, but broadly as justice for the 'great society of all mankind'.[252]

The protection of human rights has become an important indicator of the thickening of norms and values in international relations.[253] Scholarly findings have revealed that it has increasingly become a challenging force to current international order, typically exemplified by its threat to and erosion of the Westphalian territorial sovereignty. The growing concern over the rights and security of mankind has led to the reinterpretation of sovereignty beyond the strong non-interventionist conception, challenging the state's role as the absolute sovereign. Kofi Annan famously proposed 'two concepts of sovereignty' arguing that sovereignty should incorporate a dimension of 'individual sovereignty' in addition to conventional state sovereignty so as to protect the fundamental freedom of individuals.[254] The International Commission on Intervention and State Sovereignty (ICISS) has even gone further, arguing that sovereignty should be understood in terms of 'responsibility to protect' rather than a

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[251] G. John Ikenberry, 'Liberalism 3.0: America and the Dilemmas of Liberal World Order', *Perspectives of Politics*, March 2009, Vol.7, No. 1, pp. 71-87.
[252] Bull termed it as cosmopolitan or world justice, see Bull, *The Anarchical Society*, p. 23 and pp. 84-86.
[253] Barry Buzan, *From International Society to World Society* (Cambridge: Cambridge University Press, 2004), pp. 154-157.
[254] Kofi Annan, 'Two Concepts of Sovereignty', *The Economist*, 18th Sept, 1999. Also available online http://www.kentlaw.iit.edu/faculty/bbrown/classes/HumanrsemFall2008/CourseDocs/12Twoconceptsofsoverei gnty-Kofi%20Annan.pdf (last accessed: July 2011).

means of state control over its citizens, with the aim to prohibit human rights violations by limiting state sovereignty.[255]

The adoption of R2P by the General Assembly in the 2005 World Summit Outcome document (paragraphs 138 and 139) illustrate that international society is increasingly concerned about the absolute sovereign power of states, since the arbitrary use of which threatens human rights and security. It can be argued that the international community has also become more intrusive in states' internal affairs, as international interdependence deepens and the common areas of concern broaden, particularly that of humanitarian concerns (i.e. caused by environmental issues, extreme poverty, collapse of social order, gross human rights violations, etc). In 1986, R.J. Vincent had already pointed out that international society had developed to such a stage where state domestic conduct concerning human rights could not avoid being placed under international scrutiny. In Vincent's words,

> There is now an area of domestic conduct in regard to human rights, which we have assimilated to the tradition of the *ius gentium intra se*, that is under the scrutiny of international law. This does not issue a general licence for intervention. International society is not yet as solidarist as that. But it does expose the internal regimes of all the members of international society to the legitimate appraisal of their peers. This may turn out not to have been a negligible change in international society.[256]

International order and normative structure has always been placed in the centre of English School theories. The historiography of international society has shown that international society is a dynamic environment characterised by the emergence of new actors, structural changes and normative evolution.[257] The three factors are intertwined, with the change in one affecting another. International norms and commonly held understandings are significant elements in international political life, which affect the establishment of standards of conduct, legitimacy of state behaviours, and sources of political authority. The evolution of the normative requirement of human rights protection, thus, is compatible with the current international structure and power configuration. It is not clear whether international society is developing towards a Kantian world society at this stage. However, it has displayed thicker solidarity compared to the early and mid-20th century international society, as a result of

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[255] ICISS, *The Responsibility to Protect.*
[256] R.J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), p. 152.
[257] Martha Finnemore, *National interests in international Society* (Ithaca: Cornell University Press, 1996).

intensifying state interactions and deepened interdependence. Current international society is increasingly characterised by transnational actors and networks, cultural convergence/exchanges, normative expansion, as well as the diminishing significance of borders in international social life.[258]

For example, Martha Finnemore has claimed that:

Over time, some normative claims become less powerful or have disappeared entirely, […], other claims appear to be increasingly powerful, notably claims about human rights, which now challenge assertions about sovereignty and self-determination that were the trump cards of international normative discourse thirty years ago.[259]

Moreover, Robert Jackson maintains that states (particularly the great powers) have broader international responsibilities (and even global responsibilities) in international society in addition to national responsibilities. In other words, states are, and should be, held responsible not only to their own nationals but also to those of other countries.

An order-maintaining international society is dedicated to fulfil the elementary goals of maintaining the stability of structural arrangements and is sustained by relevant supporting institutions designed as such. A justice-enhancing notion switches the subject of common interest from state actors to mankind, denoting a thick solidarist international society or even a world society. The idea of universal human rights is a step towards a world society, but we are not there yet. Despite the emphasis placed upon the importance of human rights norms, it is not the intention of this thesis to argue for a transition to a Kantian evolutionary world society.[260] Likewise, as stated in Chapter One, although it has stressed the value of common concern for humanity in natural law, this thesis reserves to a great extent on the scope of natural law and the universality of human rights in current international context.

4.2 The Power of Human Rights Standards

As a standard of state behaviour, it prescribes certain behaviours (especially protection) as right or righteous whist proscribes some other behaviours (usually the reverse, i.e. not inflicting harm on human rights) in order to promote and protect human rights. By placing the principles and implementation of human rights protection as criteria of

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[258] Barry Buzan, *From International to World Society*; Andrew Linklater, *The Transformation of Political Community* (Columbia: University of South Carolina Press, 1998).
[259] Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (New York: Cornell University Press, 2003), p. 6.
[260] For Barry Buzan's opinion on human rights in world society, see, *From International to World Society*, p. 11. For Buzan on the fluid boundary between solidarist international society and world society, see the same book, p. 21.

legitimate state conduct, it creates a boundary between insiders and outsiders in international society on that basis. Therefore, the power of the standard of human rights is two-fold. It is not only a source of legitimacy and authority, but also a constraining power that inflicts restrictions on states. Moreover, the right to shape the standard of human rights reflects and reinforces the status of the rule-makers as the architects of international normative structure.

Power disparity, both normatively and materially, has always existed in international social life, and had been the most important determinant in making and shaping international discourse and social rules in general. China used to play the leading role of norm/rule maker and shaper in East Asian regional society in its ancient times until after its defeat by the European powers in the 19th century. As argued in Chapters Two and Three, the West has gradually taken over the role of creating and enforcing international rules and norms for East Asia and the world since then, backed by their military and material power preponderance. The world has since started to speak in the languages created by the West and abide by their rules (forcibly or willingly), i.e. international law, free trade, and diplomacy when they interact with each other. It is fair to claim that the post-war international normative structure is primarily established by the great powers through the media of the UN considering the great powers' provision of international public goods. This special role played by the great powers can be seen as a critical element of great power rights and responsibility.

According to Hedley Bull, great powers have 'certain special rights and responsibilities' compared to other members of international society given the pivotal role they have been playing in managing international peace and security as well as in shaping their guiding principles. [261] Bull maintained that great powers enjoyed order-based rights, but not the right to set the standard of civilisation. Nevertheless, in effect, history has shown that the great powers had assumed both rights. The previous three chapters have repeatedly demonstrated this point. In other words, the great powers have self-employed as the architects of international normative structure. Moreover, the current international norms and rules are reinforcing the power and authority of the great powers.

Human rights may be a western invention and is typically associated with western liberal democracy; however, the underlying question was a moral concern for common humanity. Whether it can be used as a political tool or not should not undermine such a normative value it fundamentally upholds. The new standard of

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[261] Hedley Bull, 'The Great Irresponsibles'; Hedley Bull, *The Anarchical Society*.

human rights has placed human rights protection and humanitarian norms as important indicators of legitimate state behaviour, which in turn determines the social status/profile of state in international society. Conformation to the human rights standard, therefore, is an important source of state legitimacy and soft power. More specifically, the adoption of the standard of human rights entails the conformity of human rights norms and compliance with legal instruments and mechanisms pertaining to human rights protection. The benefit thereafter derived is international recognition conferred by states that uphold the same sets of values and rules, or simply speaking, legitimacy of state behaviour in the regard of human rights. As will be shown in the case study section, China's active participation in the international human rights regimes and dialogues after the democratic crackdown in Tiananmen Square (1989) is an example of China's aspiration to gain such international recognition and legitimacy.[262]

As discussed in Chapter One, the classic standard of civilisation was a mechanism created by the western powers during their initial encounter with states outside European international society. It demarcated a boundary between insiders and outsiders in international society through the construction of two clusters of identities – the superior West versus the subordinate rest, or the civilised self versus the barbarous others. China's historical engagement with the West had shown that the classic standard of civilisation was institutionalised through unequal treaties, which pragmatically functioned as a coercive means of advancing the western 'civilising process' (or imperial expansion). The new standard of human rights differs significantly from the classic one in the purposes it serves and the means by which it can be achieved. Yet it functions similarly to the classic standard of civilisation in a way that it also defines a boundary between the states according to their (il)legitimate behaviour towards human rights.

Just as any other rights languages, human rights can be interpreted positively or negatively. Whilst the benchmarks for positive human rights protection are hard to set due to the complex and extensive nature of human rights, a threshold criterion for negative protection of human rights has nevertheless been more or less agreed upon in the past two decades. Heated political and scholarly debates over humanitarian intervention generated by the Rwanda and Kosovo humanitarian crises had contributed to the formation of an international consensus about minimum protection of human

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Rosemary Foot, *Rights Beyond Borders,* pp. 113-149.

rights.[263] States have the negative responsibility to refrain from inflicting extreme harm on civilians (nationals or foreigners) that could cause severe humanitarian crisis, i.e. ethnic cleansing, genocide, crimes against humanity, or collapse of social order. When a state becomes the perpetrator of grave violations of basic human rights, it automatically falls into the category of pariah states and becomes vulnerable to external intervention in the name of human rights.[264] The means of international punishment (in terms of verbal condemn, sanctions, and even military forces) through which the international community intervenes to enact human rights protection show the possible coercive power of human rights in the extreme cases of humanitarian emergency.[265]

The case of human rights in China is a typical example, which displays both the positive and negative impact of the human rights standards. Whilst the China government makes many verbal promises to promote human rights protection in China, it has also failed in many ways to fulfil all of its promises in reality, which has at a certain degree downgraded China's international profile. But does this necessarily make China a pariah in contemporary international context? China might have been viewed and criticised as being a human rights pariah by the major human rights activist groups and NGOs (i.e. Amnesty International, Human Rights Watch), it is certainly not being treated as one particularly given its increasing participation and influence in creating and implementing international norms. The following section takes a closer look at China's human rights discourse and practice in order to explore China's account of human rights standard, and also seeks answers to the questions this chapter set out.

4.3 China and the Standard of Human Rights: Compliance and Contestation

Human rights, despite its complex nature, have developed in the past 60 odd years its unique sets of languages, principles, international legal/institutional instruments, as well as various punishment mechanisms. When a state voluntarily accedes to international laws of human rights or joins in the international human rights institutions, it automatically commits itself to having its domestic conduct constrained by the relevant human rights laws and norms and invites international scrutiny. China's major discursive and institutional engagement with human rights regimes started in the late

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[263] See Nicolas Wheeler, *Saving Strangers*; Fernando Téson, *Humanitarian Intervention*; Michael Walzer, 'The Moral Standing of States: A Response to Four Critics', *Philosophy and Public Affairs*, Vol. 9, No. 3, (spring, 1980), p. 212.

[264] For a more detailed discussion on human rights and pariah statehood, please refer to Chapter One of this thesis.

[265] Barry Buzan points out that coercion is one of the features of human rights in international society. See Buzan, *From International Society to World Society*?, pp. 152-154. Humanitarian emergency is Nicolas Wheeler's term from his book *Saving Strangers*.

1980s as it entered the Commission of Human Rights and had taken a positive turn in the 90s and continues to develop in the 21st century.

Ann Kent has observed that at the end of 1998, China started to pursue an increasingly assertive human rights policy as a result of its rising economic power and its continuing reiteration of sovereignty.[266] In 2000, China released a report on *Fifty Years of Human Rights Development in China*, in which the government clearly stated that realisation of human rights be established as the basic goal (jiben mubiao) of China's cross-century development.[267] According to the report, the constitutional reform in 1999, which established the country's primary organising principle as 'rule by law', also functioned as a legal foundation for human rights guarantee.[268] In March 2000, the then spokesperson of China's Foreign Ministry Zhu Bangzhao even claimed that the human rights condition in China was at its historical best. [269] The turn of the century is thus regarded in this section as an important turning point in China's approach towards a more assertive and proactive human rights policy. Also, given the extensive and systemic research already carried out by scholars on human rights in China, this section builds upon their findings whilst focusing on the empirical materials in the past decade (2000-2010) with the attempt to provide a more recent examination of China's account of human rights standard and practice.

This section starts with a brief inquiry into the June Fourth Incident given its historical weight in China's human rights history and its significance in constructing China's identity as a human rights pariah in the past. To answer the questions set out in the beginning of this chapter, this section investigates broadly into China's compliance with and divergence from the western account of human rights by looking at the institutional and the normative aspects. The former refers to the institutional cooperation or conflicts between China and human rights regimes and actors domestically and internationally. The latter concerns the Chinese government's perception of human rights as a standard of legitimate state behaviour. China has become more receptive of the languages of human rights, but how has it viewed and approached the deeper normative values underlying these languages?

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[266] Ann Kent, *China, the United Nations, and Human Rights: The limits of compliance*, p. 248.
[267] Information Office of the State Council of the People's Republic of China, *Fifty Years of Progress in China's Human Rights*, released in June 2000. See, http://www.chinahumanrights.org/Whitepapers/Whitepapers/t20070620_255810.htm (last accessed: July 2011)
[268] Ibid.
[269] See diplomatic statement made by Zhu Bangzhao, the then spokesperson of Chinese Foreign Ministry, on 2nd March, 2000, from Dashiji (Big Events) section of the official Chinese human rights website www.humanrights.cn (Any source from this section of this website will be refer to as Dashiji hereafter). See, http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/2000dsj/t20060921_152595.htm (in Chinese, last accessed: July 2011).

In Rosemary Foot's influential book on *Rights beyond Borders* published in 2000, she argued that China's conception of sovereignty had been softening as a result of China's increasing and intensifying engagement with human rights regimes.[270] Moreover, Foot has also predicted that China would grow to fully embrace the liberal conception of human rights. By taking into account China's behaviours towards human rights in the past decade, this section will also reflect upon Foot's claims and explore whether they have a solid standing ten years after they were made.

4.3.1 The June Fourth Incident 1989

> Twenty years have passed, but the ghosts of June Fourth have not yet been laid to rest.
>
> - Liu Xiaobo, Nobel Peace Prize Winner 2010 [271]

According to Ann Kent's systemic research on China's (non)compliance with the UN human rights regimes, the standard of human rights had been weakly applied to China by the UN prior to 1989. However, the incurrence of June Fourth Incident in 1989 marked a turning point of international response towards human rights situation in China. As Kent pointed out, the period of 1989-1990 was characterised by 'strong and sudden application of the multilateral regime through tough international economic sanctions', which was met by Chinese resistance and noncompliance.[272] The June Fourth Incident in 1989, aka the democratic crackdown in Tiananmen Square, was regarded as one of the most notorious human rights violations in P.R. China's history.[273] A peaceful domestic demonstration was suppressed by the government's military forces, and had thus invoked intensive international responses in terms of verbal condemn and practical sanctions against Chinese government. To date, the memory of this Incident is still haunting the Chinese government, as its survivors and proponents are still drawing international attention to the fundamental human rights problems in China and urging the government to face up to its notorious past.[274]

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[270] Rosemary Foot, *Rights Beyond Borders*, pp. 1-26.

[271] Liu Xiaobo, 'I Have No Enemies: My Final Statement', December 23, 2009, read by Liv Ullmann, Oslo, on December 10, 2010. See, http://nobelpeaceprize.org/en_GB/laureates/laureates-2010/statement-2010/ (last accessed: July 2011)

[272] Ann Kent, *China, the United National and Human Rights*, p. 248.

[273] Rosemary Foot, *Rights Beyond Borders*; Yongjin Zhang, *China in International Society since 1949*, etc.

[274] Articles from the news media and Amnesty International:
'Tiananmen student leader vows to try again to return to China', 4th June, 2009. See, http://www.chinapost.com.tw/taiwan/china-taiwanrelations/2009/06/04/210899/Tiananmen-student.htm (last accessed: July 2011);
'China: Amnesty appeals for justice for victims of Tiananmen Square as over 10,000 roses are laid at embassy demo on 4 June', 4th June, 2008. See, http://www.amnesty.org.uk/news_details.asp?NewsID=17769 (last accessed: July 2011);

For example, Liu Xiaobo, a human rights activist as well as one of the main architects of Charter 08, was awarded Nobel Peace Prize in 2010 for his 'long and non-violent struggle for fundamental human rights in China'.[275] Liu dedicated the Peace Prize to the 'lost souls from the 4th of June'.[276] The Norwegian Nobel Committee's decision was regarded by Amnesty International as 'undoubtedly a tribute to the memory of the 1989 pro-democracy movement that the Chinese government has been consistently trying to erase over the last two decades'.[277] On the contrary, the Chinese government has strongly protested against the Nobel Committee on giving such award to Liu and the western countries and NGOs for supporting Liu, claiming it is an act of gross interference of China's internal affairs and disrespect of its judicial sovereignty. To date, Liu remains imprisoned in China for 'inciting state subversion'.[278]

It is impossible to leave out the June Fourth Incident when conducting research in this area given its historical weight and its lasting impact on China's human rights policy as well as on the western perception of China's human rights conditions ever since. In retrospect, the June Fourth Incident was perhaps the closest China has gotten to be recognised, or treated, as a human rights pariah in the history of P.R. China given the state being the perpetrator and the concerted international responses it had thus evoked. As Chapter One has argued, the construction of pariah identity requires at least the presence of three elements – state behaviour, international responses to state behaviour, and a social milieu consisting of the prevailing laws and norms on which basis state behaviour is judged.

In the June Fourth Incident, the Chinese government had acted as the perpetrator, inflicting grave harm on its own civilians, and had thus violated the norm of human rights codified in the UN Charter, UDHR and other international human rights instruments. Its illegitimate behaviour had, in turn, evoked fierce multilateral responses including coordinated action from the US – leading western democracies; the UN;

'China: Tiananmen anniversary – looking forward means facing up to the past', 4th June, 2007. See, http://www.amnesty.org.uk/news_details.asp?NewsID=17364 (last accessed: July 2011).

[275] Charter 08: a document released on 1st Oct 2008 by a group of Chinese political and human rights activists, designed to promote political reforms in China so as to build a democratic political, legal, and administrative structure in China, and to ensure protection of political freedom and fundamental human rights.
'Presentation speech: speech given by the Chairman of the Norwegian Nobel Committee Thorbjørn Jagland (Oslo, December 10, 2010)'. See, http://nobelpeaceprize.org/en_GB/laureates/laureates-2010/presentation-2010/ (last accessed: July 2011).

[276] Thorbjørn Jagland, 'Presentation Speech'.

[277] Article from Amnesty International, 'Liu Xiaobo: Living in truth and paying the price', 9th December, 2010. See, http://www.amnesty.org/en/news-and-updates/liu-xiaobo-living-truth-and-paying-price-2010-12-10 (last accessed: July 2011).

[278] Jiang Yu – spokesperson of the Press Office of Chinese Foreign Ministry, diplomatic statements made in regular press conferences held on 2nd, 7th and 9th, December, 2010. See, http://www.china-embassy.org/eng/fyrth/t774326.htm; and, http://www.china-embassy.org/eng/fyrth/t775546.htm (last accessed: July 2011).

World Bank and Asian Development Bank; human rights NGOs, etc. Verbal condemnations, economic sanctions, suspension of interstate cooperation, and postponement of international loans were some of the means through which international community expressed its disapproval. More importantly, these had also functioned as means of punishing China for its human rights abuses and pressurising it to correct the human wrongs. It was the first time in PR China's history that the Chinese government had suffered in terms of both material power and soft power for violating the norm of human rights.

Judging from the nature of the Incident and the extent of international responses thus evoked, it could be concluded that China was viewed and treated as a human rights pariah. Human rights, as established international norms prescribing legitimate state behaviour created by the powers (through the UN), were applied to judge China's behaviour whose breach of norms constituted deviance in international society. China, as a 'late comer' to the human rights regimes, was required to abide by the human rights normative framework that had been largely established before China could actively participate in the formation process. [279] The June Fourth Incident, and its aftermath, was not only a case of China's pariah status as seen through the lens of the human rights community, but also showed China's first taste of the coercive power of the standard of human rights.

However, China's current social conditions and status differ greatly from that of 1989. Observably, China has been making efforts in embracing the standard of human rights at both international and domestic levels. This chapter maintains that China is no longer treated as a pariah state, although some of its behaviours still deviate from the existing standard of human rights and thus still be viewed as a pariah by some human rights activist groups. China is no longer completely excluded from the rule-making process of international normative structure. In fact, China is becoming a crucial part of international human rights discourse and practice. This can find evidence in its participation in and cooperation with international human rights regimes, its engagement in bilateral and multilateral human rights dialogues, its proactive responses to international criticisms, and more importantly, its challenges to existing human rights standard primarily associated with western liberal democracy. The rest of this section develops this argument further in order to explore China's account of standard of human rights by observing both its compliance with and divergence from international human rights practice and principles.

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[279]Rosemary Foot, *Rights Beyond Borders*, p. 14.

4.3.2 China's Institutional Compliance with the Standard of Human Rights

Since the June Fourth Incident, China has been pursuing an increasingly active human rights policy, especially in terms of adopting international human rights laws and carrying out domestic reforms to provide for better human rights protection. This process has been ongoing since early 1990s, and deepening in the first decade of 21st century. China's human rights approach can be described as primarily responsive and reactive in a sense that its human rights discourse and practice were mainly guided by the need to meet international requirements, as well as to defy criticisms from international human rights regimes, NGOs, and democratic states.

However, certain actions taken by the Chinese in the past decade (2000-2010) has indicated that it is becoming more proactive and spontaneous in terms of catering for better human rights protection. This is not only demonstrated in its increasing cooperation with international human rights regimes, its legal reforms, but also in the light of taking the initiative to set new human rights agenda for itself (i.e. Human Rights Action Plan 2009). Moreover, it has, at a certain degree, committed itself to a new role of monitoring the international human rights condition in the US since 1999. In this section, China's institutional compliance with the UN human rights regimes is observed mainly in two areas, namely the ratification of international human rights documents and cooperation with human rights treaty bodies and special procedures (including the Universal Periodic Review, UPR for short).

In current international context, the spirit and principles of human rights were engrained in the Preambles of the UN Charter (1945) and the Universal Declaration of Human Rights (UDHR, 1948), which also marked the emergence of human rights as one of the behavioural standards for state actors in post-war international society. The standard of human rights is codified in international laws, treaties, and protocols, etc, regarding legitimate state behaviour towards human rights. Ratification of these core international human rights documents is thus, first and foremost, an indicator to assess a state's engagement with international human rights regimes.

International legal documents on human rights have encompassed extensive aspects of human rights, including civil, political, economic, social, cultural, and environmental rights. Various instruments have also been established to fight human rights violations and address specific humanitarian concerns, i.e. the rights of women, children, labours, and civilians in warring and conflicting area. To give a few examples, the International Bill of Human Rights consists of five documents, including UDHR, ICCPR (1966), ICESCR (1966), ICCPR-OP1 (1966); ICCPR-OP2 aiming at the

abolition of the death penalty (1989). There are nine core international human rights documents, two of which are ICCPR and ICESCR. The rest includes ICERD (1965), CEDAW (1979), CAT (1984), CRC (1984), ICRMW (1990), CPED (2006), and CRPD (2006). In addition, there are many other human rights instruments designed and in action to promote and protect human rights. They can be widely found in the outcomes of world and regional conferences on human rights protection.[280]

P.R. China embraced the spirit of human rights in the outcome of the Asian-African Conference in 1955, and later further incorporated such spirit into its foreign policies, when it replaced the Taiwan authority as a permanent member of the UN Security Council in 1971.[281] It entered the UN Commission on Human Rights (succeeded by Human Rights Council in 2006) in 1981 and has been a member ever since. By 2010, it has ratified 25 major human rights legal documents under the UN framework, seven of which were ratified between 2000 and 2010.[282] To name just a few, CEDAW (1980); ICERD (1981); CAT (1988); CRC (1992);ICESCR (2001); OP-CRC-SC (2002); OP-CRC-AC (2008); CPD (2008); and ILO fundamental conventions (4 out of 9).[283] China has also acceded to some other international human rights instruments designated to prevent crime of genocide and the protection of refugees, etc. Nonetheless, it should be mentioned that although China signed ICCPR in 1998, it has not yet ratified

[280] For a full list of key UN legal documents on human rights protection, please refer to the OHCHR website: http://www2.ohchr.org/english/law/ (last accessed: July 2011). For the abbreviation of legal documents, see the List of Abbreviations.

[281] The outcome of the Bangdung conference was that China adoptedthe some of the principles enshrined in the UN Charter, including the respect for human rights, to which China has agreed. For Big Events of China's Human Rights in 1955, see, http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060920_152350.htm (last accessed: July 2011).

[282] China ratified the four treaties of the Geneva Convention in 1956, and its first two protocols in 1983. For details, refer to http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060920_152352.htm, and http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060920_152404.htm (last accessed: July 2011).
By the end of 2000, 18 of them were ratified (progress white paper 2000). By the end of 2004, 21 of them were ratified. For details, refer to Information Office of the State Council of the People's Republic of China, *China's Progress in Human Rights in 2004*, released in April 2005. See, http://www.china.org.cn/e-white/20050418/index.htm (last accessed: July 2011).
For the entire list of legal documents adopted by China, please refer to the *National Report submitted in accordance with paragraph 15(A) of the annex to human rights council resolution 5/1*, 10th November, 2008, p. 31. See, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CN/A_HRC_WG6_4_CHN_1_E.pdf (last accessed: July 2011).

[283] For China's ratification status of the core international human rights instruments, refer to UDR Review document, *Compilation prepared by the Office of the High Commissioner for human rights, in accordance with paragraph 15(C) of the annex to human rights council resolution 5/1*, 5th January, 2009, pp. 2-5. See, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CN/A_HRC_WG6_4_CHN_3_E.pdf (last accessed: July 2011).
For China's ratification of ILO fundamental conventions, see information provided by ILO online: http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN (last accessed: July 2011).

it (except for Macau and Hong Kong autonomous regions) despite the pressure from human rights regimes and activist groups.[284]

China's ratification of the above core human rights treaties and instruments has meant that it voluntarily commits itself to having its behaviours bound by the written laws concerning human rights. Its domestic conduct, regarding human rights in the obligated areas, is thus exposed to intense international scrutiny and appraisal. As a requirement of being a party of the major human rights documents, China's cooperation with international human rights treaty bodies and special procedures has been gradually increasing and expanding. The following provides a brief overview considering four aspects:

1) China's participation in UN human rights sessions and conferences.

As it entered the CHR (HRC since 2006) and acceded to various human rights covenants, China has been involved in human rights discussions and conferences under the UN umbrella.[285] It has widely participated in both procedural and substantive issues, i.e. on the reform of CHR; functions of human rights mechanisms; drafting and formation of human rights documents; discussing specific items relating to human rights protection in certain areas and cases of human rights violations; cooperation with the UPR working groups on the review process, etc.[286] Moreover, China has even led a Like Minded Group of developing countries within the UN to express their collective opinions on human rights issues (2005).[287]

2) Regular submission of reports of implementation to the treaty bodies.

By the end of 2010, China had submitted 27 reports to the core international treaty bodies on its implementation of human rights in specific areas, including CAT, CEDAW, CERD, CESCR, CPD, CRC, CRC-OP-AC and

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[284] Please refer to *Compilation prepared by the Office of the High Commissioner for Human Rights*, p. 3; also see, *summary prepared by the office of the high commissioner for human rights, in accordance with paragraph 15(C) of the annex to human rights council resolution 5/1*.

[285] The sources of material partly come from the website of China's Permanent Mission to the UN in Geneva, http://www.china-un.ch/eng/rqrd/.
Also see Foreign Ministry of People's Republic of China, *China and Human Rights Organisations*, 19th September, 2003. See, http://www.mfa.gov.cn/eng/wjb/zzjg/gjs/gjzzyhy/2594/2596/t15150.htm (last accessed: July 2011).

[286] Ibid.

[287] The Like Minded Group includes Algeria, Bangladesh, Belarus, Bhutan, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Sudan, Syria, Vietnam, Zimbabwe, and China. Appeared in 'Statement by H.E. Ambassador SHA Zukang, on behalf on the Like Minded Group, at the meeting between the President of the General Assembly and the Commission on Human Rights, 25 Nov 2005'. See, http://www.fmprc.gov.cn/eng/wjb/zwjg/zwbd/t223170.htm (last accessed: July 2011).

CRC-OP-SC. Among the reports, twelve were submitted between 2000 and 2010.[288]

3) Receiving visits from Special Rapporteurs and working groups from the OHCHR.

Special procedures assess specific areas of human rights conditions generally, including domestic structural support and their implementation on the ground. Reports are produced based on the mission experts' observations as well as their meetings with relevant authorities, persons or organisations of the country under investigation. A press conference is also given at the end of the investigation. Special procedures thus function as monitoring mechanisms aiming at increasing the transparency of human rights conditions.[289]

From 1997, China started to extend invitations to visiting requests from OHCHR working groups and Special Rapporteurs on conducting special inquiries into certain areas of human rights conditions in China. By far, China has received five visits, four of which happened between 2000 and end of 2010. More specifically, they include two working group visits on arbitrary detention (1997 and 2005), three Special Rapporteurs respectively on the right to education (2003), torture (2005), and the rights to food (2010).[290] Nevertheless, nine more visiting requests made between 2002 and 2010 remain awaiting for China's permission.[291]

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[288] Refer to List of Abbreviations for the meaning of the short-hand.

[289] 'Country and other visits by Special Procedures Mandate Holders since 1998', information provided by OHCHR online, see, http://www2.ohchr.org/english/bodies/chr/special/visits.htm (last accessed: July 2011).

[290] http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm#china (last accessed: July 2011). The Special Rapporteur on the 'right to food' has commented on the 'high level of cooperation' on China's part. Refer to *Mandate of the Special Rapporteur on the Rights to Food: Mission to the People's Republic of China from 15 to 23 December 2010*. See, http://www2.ohchr.org/english/issues/food/docs/CHINA_food_preliminary_conclusions.doc (last accessed: July 2011).

The Special Rapporteur on Torture commented on China's full cooperation during the investigation process in 2005.

See the report on Torture online: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/117/50/PDF/G0611750.pdf (last accessed: July 2011).

[291] The nine pending visiting requests are:
 (Requested in 2002) SR on the right to freedom of opinion and expression
(R in 2005) SR on toxic waste
(R in 2006) SR on health
(R in 2005) (Reminder in 2008) SR on extrajudicial, summary or arbitrary executions
(R in 2005) IE on extreme poverty
(R in 2008) SR on human rights defenders
(R in 2008) SR on housing
(R on 30 July 2009) IE on minority issues
(R in March 2010) IE on access to safe drinking water and sanitation
See online: http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm#china (last accessed: July 2011).

China's agreement to be assessed by the special procedures in certain areas has demonstrated that it is gradually taking up the responsibilities entailed in the treaties it committed to, and becoming more open to international monitoring and scrutiny. However, it remains reserved on certain touchy areas such as religious freedom, political freedom and environmental issues. China's delay in ratifying ICCPR is also an example of China's preference to keep its domestic conducts in certain political, legal and social areas from international spotlight or external interference of any kind.

4) Cooperation with the HRC on the Universal Periodic Review (UPR) on its human rights condition (2009).

The UPR is a monitoring mechanism under the HRC, created in 2006, alongside the HRC, to help review human rights conditions of all the UN member states in a four-year rotate, with the first cycle of review having finished in 2011. It is not a linear process as it does not simply rely on the Council to review or monitor, but depends heavily on state cooperation and the feedback generated from the participating delegations of UN member states during the process of interactive dialogues with the state under review. It also requires state self-assessment and takes into account the information provided by relevant stakeholders. It creates a free flow of human rights information and a feedback loop among its participants. UPR is not a conventional monitoring mechanism. It does not only increase transparency but also provides a platform for direct and multilateral dialogues on human rights. The UN Secretary-General Ban Ki-Moon regards it as '[having] the potential to promote and protect human rights in the darkest corners of the world'.[292]

The review on China was conducted in Feb 2009 during the 4th session of UPR. The outcome report covered both the improvement and problems of human rights in China as well as suggestions to better its human rights protection from participating state delegations. It is also worthwhile mentioning that China's cooperation was highly spoken of by the delegations as revealed in the outcome report. The national report China submitted to the working group and delegations was regarded as

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[292] The Universal Periodic Review web page: http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx (last accessed: July 2011).

'informative and comprehensive', its presentation as 'open', and its overall participation as 'constructive and cooperative'.[293]

4.3.3 Human Rights Dialogues

In addition to China's increasing cooperation with the human rights regimes under the UN, it has also been engaging in bilateral and multilateral human rights dialogues. China's major human rights dialogues with other states started in 1997 amid the Asian Financial Crisis, from which China's economic and financial strength gradually rose to the surface and was noticed by international society. In 1997, the Sino-French joint statement reached between Jacques Chirac and Jiang Zemin after Chirac's visit to China, had emphasized the respect for the universality and particularity of human rights. It also provided a starting point for the establishment of a dialogic mechanism between China and the European Community.[294] This joint statement was the first intergovernmental paper of this kind that had ever written into the principle of human rights. In addition, China had also built a regular bilateral human rights dialogic mechanism with the US in 1998 subsequent to the establishment of Sino-US strategic partnership in 1997.[295]

Prior to 2000, China's human rights dialogues in the international community were limited in number as well as in geographical areas (primarily with European and North American countries). Nonetheless, the past decade has seen a surge in the number, forms and issue areas of China's bilateral and multilateral dialogues with peer states from different continents. For example, in 2000, China held two human rights dialogues with the EU, two with the UK, and one dialogue with each of these countries: Australia, Canada, LAOS, Cuba; a roundtable conference with Norway; a human rights seminar held jointly with Norway and Canada; and a ministerial meeting in the Forum of China-African Cooperation which included discussion on human rights.

Over the years, China has been continuing dialogues with these countries and beyond to include developing countries such as Zimbabwe, Sierra Leone, Eritrea, etc. The forms of dialogue have also extended to include human rights forums; regional conferences; formal and informal meetings; seminars on specific human rights

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[293] *Report of the Working Group on the Universal Periodic Review: China*, See, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/99/PDF/G0916299.pdf (last accessed: July 2011).
[294] Dashiji, 17th January, 1997. See,
http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060921_152529.htm (last accessed: July 2011).
Also see, Information Office of People's Republic of China, Progress in China's Human Rights Cause in 1998, released in April, 1999. See,
http://www.chinahumanrights.org/Whitepapers/Whitepapers/t20070620_255762.htm (last accessed: July 2011).
[295] Dashiji, 1st February,1998. See,
http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060921_152536.htm (last accessed: July 2011).

documents and specific areas of human rights concerns (i.e. detention; rights of Australian aboriginals; women rights, etc.). Indeed, there had been continuous Sino-US conflict over human rights issue, which usually took the forms of diplomatic rhetoric and governmental reports on each other's human rights conditions.[296] Yet, it is worthy of note that the US and China have successfully held bilateral dialogues on human rights for fifteen times by the end of 2010.

As has been argued, human rights standard inflicts constraints and coercion on state behaviours. It requires states to behave in certain ways that are deemed acceptable and legitimate by international society. Any breach of the behavioural codes that a state has voluntarily committed to promises to incur international punishment at different degrees and in different ways depending upon the nature of violations. However, China is no longer shying away from human rights standard despite its coercive power. In fact, China's institutional compliance with UN human rights regimes has arguably strengthened significantly over the past decade. The international community, according to the UPR review in 2009, has welcomed China's increasingly cooperative approach towards human rights. Its institutional cooperation with international human rights regimes has also been echoed and supported by its domestic structural reforms.

4.3.4 Domestic Reforms Pertaining to Human Rights Protection

According to Risse and Sikkink, "[S]table improvements in human rights conditions usually require some measure of political transformation and can be regarded as one aspect of liberalization processes. Enduring human rights changes, therefore, go hand in hand with domestic structural changes." [297] The improvement in China's human rights in the past decade can also find supporting evidence at the domestic level. China has also been conducting legal reforms at home to bring its domestic legal structure in line with the framework of the UN human rights documents it has acceded to, which contributes to the emergence of a favourable domestic environment for human rights promotion and protection. Besides, its human rights action plan initiated in 2009 has also suggested that China is assuming responsibilities beyond the requirements of the UN treaties.

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[296] *Licheng: Zhongmei Renquan Duihua Ershi Duo Nian Huigu* (*The Journey: an Overview of Sino-US Human Rights Dialogues in the Past Twenty Odd Years*), 4th May, 2011. See, http://www.humanrights.cn/cn/zt/xwgzrd/2011/24/t20110504_739828.htm (last accessed: July 2011).
[297] Thomas Risse and Kathryn Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction', in Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), pp. 3-4.

As has been previously mentioned, the constitutional reform in 1999 established 'rule of law' as the organising principle for China, which was regarded by the government as having provided legal guarantee for human rights protection. In 2004, the Constitution was amended again and for the first time provided constitutional protection for human rights. It clearly stated that "[t]he State respects and safeguards human rights".[298] Also for the first time, the amended Constitution had enshrined the principle of inviolability of private property, which provides solid legal ground for the protection of the right to property. Alongside the constitutional reform, the Standing Committee of the National People's Congress has also been working on revising and reforming the related legal frameworks to bring them into conformity with the provisions of the Constitution over the past few years. According to the state report China submitted to the UPR working group in 2008, China had established a 'fairly comprehensive legal system to safeguard human rights'.[299]

It can be argued that the decade of 2000-2010 has seen the establishment of China's general legal infrastructure for human rights protection, which has the amended Constitution at its core. As a result of the legal and constitutional reforms, the power of legislation is separated from the CCP (party branch) and concentrated at the hands of the National People's Congress (governmental branch); the reforms of the criminal laws promise to regulate judicial procedures and protect the basic rights of the detainees, etc; the lawyers are allowed access to more information and meetings with their clients; the judicial and legislative branches of the government are further regulated and their power restricted by law; and the rights for certain disadvantaged groups are provided with legal protection, etc. However, an independent governmental institution to monitor or oversee the implementation of human rights protection is still lacking, which has damaged the ability of human rights protection on the ground and in turn the credibility of relevant laws.[300]

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[298] China's Constitution (the 2004 version), Chapter 2: http://www.gov.cn/english/2005-08/05/content_20813.htm (last accessed: July 2011).

[299] China, *State Report* to UPR, p. 6. In China's own words, 'Over the past three decades of reform and opening up, the National People's Congress and its Standing Committee have enacted nearly 250 laws relating to the protection of human rights. China has developed a fairly comprehensive legal system to safeguard human rights: This system has the Constitution as its core and encompasses a number of other essential laws, such as the Law on Legislation, the Criminal Law, the Criminal Procedure Law, the Administrative Procedure Law, the Law on Administrative Review, the Judges Law, the Public Prosecutors Law, the People's Police Law, the Lawyers Law, the Law on State Compensation, the Law on Regional Ethnic Autonomy, the Law on the Protection of Rights and Interests of Women, the Law on the Protection of Persons with Disabilities, the Law on the Protection of Minors, the Compulsory Education Law, the Property Rights Law, the Labour Law, and the Work Safety Law.'

[300] During the UPR review process on China (Feb 2009), Australia raised the question of the lack of an independent human rights institution in China and recommended China establish such an institution, in accordance with Paris Principles. Yet, this recommendation was rejected by China in the outcome of the review.

In addition to domestic legal reforms, China has also shown evidence that it is taking the initiative to set new goals and agenda for the enhancement of human rights protection. In 2009, China initiated its first-ever national plan on human rights protection entitled 'National Human Rights Action Plan (2009-2010)' (NHRAP), designed to promote and protect human rights for a two-year-period of 2009-2010. The NHRAP set out various objectives of human rights protection broadly, including economic, social, cultural, political, and civil rights, as well as human rights education and further compliance and cooperation at the international level.[301] In the government white paper on its human rights progress released in 2010, the Chinese government celebrated the 'effective' implementation of the NHRAP, claiming that "[the] Chinese people's consciousness of human rights has been enhanced, and the overall cause of human rights has been promoted in an all-round way." [302]

On the contrary, there were doubts and criticisms regarding the functionality of the NHRAP from international human rights activist groups such as Amnesty International (AI) and Human Rights Watch (HRW), with the latter strongly criticising the Chinese government for its failure to deliver what it had promised.[303] In the report issued by HRW in 2011 entitled 'Promises Unfulfilled: Assessment of China's National Human Rights Action Plan', HRW pointed out that the key goals of the NHRAP was undermined by the government's tightened restrictions on political freedom. The report has listed details of the omissions and unmet objectives of the NHRAP. It argued that the NHRAP was 'more of a public relations exercise than a meaningful tool for protecting and promoting human rights for the people of China'.[304] Sophie Richardson, the Asia Advocacy Director at HRW, commented that "The Chinese government's failure to meaningfully deliver on the National Human Rights Action Plan's key

The power to oversee human rights implementation remains one of the many responsibilities of the Supreme Court. See, *Report of the Working Group on the Universal Periodic Review: China*, p. 30.
[301] *Information Office of the State Council of the People's Republic of China, National Human Rights Action Plan of China (2009-2010), released on April 13, 2009. See,*
 http://news.xinhuanet.com/english/2009-04-13/content_11177126.htm (last accessed: July 2011).
[302] *Progress in China's Human Rights in 2009*, release in September, 2010, Beijing. See,
http://www.chinahumanrights.org/Whitepapers/Whitepapers/t20100926_654071.htm (last accessed: July 2011).
[303] For Amnesty International's response, see New York Times report, 'China Releases Human Rights Plan', 4th April, 2009. See, http://www.nytimes.com/2009/04/14/world/asia/14china.html.
For HRW, refer to, 'China: Human Rights Action Plan Fails to Deliver', 1st November, 2011. See,
http://www.hrw.org/en/news/2011/01/11/china-human-rights-action-plan-fails-deliver;
'Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan', 1st November, 2011.
See, http://www.hrw.org/en/reports/2011/01/11/promises-unfulfilled-0;
HRW, 'World Report 2011: China', http://www.hrw.org/en/world-report-2011/china.
Freedom House, 'Freedom in the World 2010: China', see,
http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7801
(last accessed for the above online materials: July 2011).
[304] 'Promises Unfulfilled'.

objectives will only deepen doubts about its willingness to respect international standards as its global influence grows."[305]

In hindsight, China was overly ambitious by setting the objectives for the NHRAP so broadly within a two-year-period. Many of the human rights problems in China have deep-rooted structural reasons. Changes in these areas can only be brought about gradually alongside the overall development of the society rather than over a short period of time. I agree with HRW and AI's diagnosis of the NHRAP, to the extent that there were omissions of certain important rights and that the credibility of the NHRAP was undermined by the government's continuous restrictions on political and civil rights. These problems in NHRAP have yet again exposed the fundamental normative conflict over the particularity and universality of human rights between China and the democratic West. If China were ever to fully embrace the liberal democratic version of human rights, a political transformation or at least a major political adjustment would have to take place in the suprastructure of Chinese society first.

That being said, it is not reasonable to reduce the importance of the NHRAP to 'more of a public relations exercise' or to regard the failure to deliver some of its objectives as to 'only deepen doubts', as Sophie Richardson claimed. In fact, during the two-year period, some important objectives were realised, such as the legal reforms aiming at increasing transparency of trials, empowering the lawyers and protecting the rights of the detainees; protection of economic and social rights of the disadvantaged groups (child, the disabled, etc). Despite its partial failure in implementation, the NHRAP is the first policy paper in which the Chinese government spontaneously sets out an agenda for domestic human rights protection subsequently to a series of legal reforms in the human rights area. It points out a possible direction in which the Chinese government is going in terms of creating a favourable domestic environment for better human rights protection, and lays the foundation for further human rights development in China. It thus serves as an important indicator for China's transition to a proactive human rights policy at domestic level in the past decade.

4.4 Implementation on the Ground and China's Responses to International Criticisms

Each year, the US Country Reports on Human Rights Practice (CRHRP report) systemically assess the overall human rights in China in seven sections, namely: respect for the integrity of the persons; respect for civil liberties; respect for political rights;

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[305] HRW, 'China: Human Rights Action Plan Fails to Deliver'.

official corruption and government transparency; governmental attitude regarding international and nongovernmental investigation of alleged violations of human rights; discrimination, societal abuses and trafficking in persons; and worker rights. Although the US has acknowledged China's improvement in some of these areas, its general diagnosis of China's human rights conditions during the past decade has been either 'remained poor' or 'worsened' as the Chinese government 'continue[d] to commit numerous and serious abuses' in the above areas.[306] The US diagnosis has also been echoed by major human rights NGOs such as HRW and Freedom House in their annual reports on the conditions of human rights and freedom of the world.[307] However, most of their criticisms have been consistently and fiercely refuted and protested against by the Chinese government on the ground of sovereign integrity and non-intervention.

Due to the pervasive nature of human rights violations and the limited scope of this chapter, the inquiry of this part is limited to the areas in which China has been most heavily criticised about – political and civil rights violations. It will also briefly look at some of the most recent cases of human rights violations in China that have attracted broad international attention. Besides, it offers a special general investigation into the continuous Sino-US conflict over the issue of human rights. The length of time of this conflict and the power in play has made it a good case of investigation into the change in China's response to the existing standard of human rights supported by the world's most powerful democracy – the US.

This part mainly relies on the following resources: *Freedom of the World* (China section) by Freedom House; the annual reports of HRW (China section); the annual Country Reports of Human Rights Practices by the US (China section); and the 4th session of UPR on China. This part will also look at China's general responses to international criticisms in said areas to further reveal China's approach towards human rights. It contends that the past decade has seen China's transition to a proactive human rights policy, not only in the light of increasing international engagement and cooperation, but also in its increasingly action-oriented rather than rhetoric-based

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[306] For example, *Country Reports on Human Rights Practice (China, including Hong Kong and Macau)* (CRHRP-China for short hereafter) in 2000: http://www.state.gov/g/drl/rls/hrrpt/2000/eap/684.htm; CRHRP-China, 2004: http://www.state.gov/g/drl/rls/hrrpt/2004/41640.htm; CRHRP-China 2007: http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm; CRHRP-China 2009: http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm (last accessed to the above: July 2011). For a full list since 1999, see http://www.state.gov/g/drl/rls/hrrpt/.

[307] For example, HRW, *World Report 2011* (China section), see, http://www.hrw.org/en/world-report-2011/china; Freedom House Annual Reports webpage: http://www.freedomhouse.org/template.cfm?page=290 (last accessed: July 2011).

responses to human rights criticisms (i.e. the diplomatic counteraction against the US on human rights issue).

4.4.1 Violations of Political and Civil Rights

It has been more or less touched upon previously in this chapter that there have been intense international criticisms upon the Chinese government's violations of, and reservations on, certain sensitive areas of rights, particularly those concerning political and civil liberties. Such criticisms have mainly come from international human rights NGOs and the democratic West led by the US. China's failure to meet the criteria of political and civil rights protection prescribed by current standard of human rights can easily find evidence at both international and domestic levels. To name just a few, China's postponement on ratifying ICCPR; its rejections of some of the UPR suggestions regarding civil and political rights; the omissions and unmet objectives of NHRAP; its continuous control of the information on June Fourth Incident and close monitoring of human rights activists, etc. The status of freedom in China has consistently been marked as 'not free' according to statistics published by Freedom House since 1972, although the percentage of 'not free' countries in the world has declined significantly from 46% to 24% during this period of time. [308]

According to the data in Table 1 (see p. 152), between 1972 and 1977, China scored a seven at political rights and a seven at its civil and social rights – indicating the highest degree of restriction and control on freedom and rights. The situation slightly improved as the Cultural Revolution was put to an end and the Chinese government started its economic reforms and opening up. As a result, China was rated a six at both areas of rights between 1978 and 1988. However, since after the June Fourth Incident, the Chinese government had strengthened overall social control, causing the deterioration of freedom in China. Therefore, between 1989 and 1997, the rating of China's freedom returned to its historical height – seven at both rights areas. Stringent government control over political rights is observed to have continued, but the social and civil rights have seen some improvement alongside China's economic development and legal reforms in late 1990s. Freedom House has rated a seven for China's political rights and a six for its social and civil rights from 1998 to 2010.

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[308] Refer to Table 1 at p. 152, or Freedom House, 'Freedom in the World Country Ratings', see, http://www.freedomhouse.org/images/File/fiw/historical/CountryStatusRatingsOverview1973-2011.pdf(last accessed: July 2011); Freedom House, 'Country Ratings and Status, Freedom in the World, 1973-2011', see, http://www.freedomhouse.org/images/File/fiw/historical/FIWAllScoresCountries1973-2011.xls (last accessed: July 2011).

According to the HRW annual reports and the US CRHRP reports' assessment of China's civil and political rights, although Chinese laws provide legal protection in principle, the Chinese government is found to have continuously inflicted harms on the civil and political liberties of its citizens. In term of civil rights, as cases listed in the reports have revealed, the Chinese government has been imposing restrictions upon the freedom of speech and press in academic, internet, and cultural areas; freedom of peaceful assembly and association; freedom of religion (i.e. Falun Gong); and freedom of movement (i.e. Hukou system). In terms of political rights, criticisms have been placed upon Chinese government's infringement on its people's rights to change the government, elections and political participation. Abuses are usually observed to peak around high-profile events. Some of the most recent cases are the 2008 Olympics in Beijing (including the Tibetan Uprising 2008), sensitive anniversaries (i.e. the 60th anniversary of UDHR in 2009, 20th anniversary of June Fourth Incident in 2009); and the Nobel Peace Prize Award to Liu Xiaobo in 2010.

It should be noted that even only limited within civil and political rights areas, criticisms and cases listed in the reports upon China's violations in said areas are immense in number and pervasive in nature, thus are impossible to be all included in this part. The following gives a few examples to reveal a tip of the iceberg of criticisms upon China's failure to meet the standard of human rights as well as China's responses to these criticisms.

Access (print and internet) to the information of sensitive issues such as human rights violations, corruption and critical voices of the CCP has been highly restricted. Foreign websites that may contain sensitive information of these kinds such as YouTube, Facebook, and Tiananmen Mothers remain blocked by the Chinese Internet police. Media and academic activities and publications in these areas are also under heavy monitoring and strict censorship by the government. For example, so far there has not been any systemic inquiry into the June Fourth Incident by either academics or mass media due to governmental control. Prior to the 20th anniversary of the Incident in 2009, a book believed to be composed based on the secret journal of Zhao Ziyang was released in Hong Kong where the control of central government was considerably weaker due to its autonomous status.[309] Zhao Ziyang – the late former head of CCP and Premier of PRC, eyewitness and victim of June Fourth Incident – revealed the true

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[309] Zhao Ziyang, *Prisoner of the State: a secret journal of Zhao Ziyang* (New York: Simon and Schuster, 2009).

history of the June Fourth Incident. The book, however, has been banned in mainland China to date.[310]

During the UPR process in 2009, the Chinese government rejected the Australian delegation's suggestion for China to lift censorship at home, claiming that "there is no censorship in the country".[311] In response to the criticisms on its limited access to certain internet information and punishment of certain persons for making sensitive comments, the Chinese government said, "[n]o individual or press has been penalized for voicing their opinions or views. [...] Chinese law prohibits the use of the Internet or other mass media for creating rumours or instigating the subversion of Government, splitting national territory, or instigating hatred amongst ethnic groups and religious discrimination. These legal provisions are in conformity with the ICCPR."[312]

Liu Xiaobo's imprisonment for drafting 08 Charter is a typical case of Chinese government's version of a person who 'incited state subversion'. The Chinese government has consistently argued that Liu Xiaobo is imprisoned for committing crime in China, thus it strongly protested against the Norwegian Nobel Committee's decision to award the Nobel Peace Prize to Liu in 2010. China have consistently and strongly protested that such conduct showed the attempt of the democratic West to politicise the issue of human rights against China; and that it was an open challenge of China's judicial sovereignty and grave interference of China's internal affairs. The Norwegian government has even suffered economic consequences as the Sino-Norwegian trading relationship deteriorated as an immediate result of Norway's support of the Committee's decision. The Chinese spokeswoman of the Press Office explicitly stated that, "[t]he Norwegian Nobel Prize Committee awarded the Peace Prize to a criminal who is imprisoned for having committed crimes. However, the Norwegian government has decided to support such decision. I think it is difficult for the Sino-Norwegian relationship to maintain its status as before. I think it is reasonable and

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[310] Nevertheless, in commemoration of the 20th anniversary of June Fourth Incident, an academic seminar was allowed to be held in Beijing to discuss this historical incident. The June Fourth protest was defined as a pro-democracy movement in the seminar. Participation was limited to 19 scholars, including the signatories of 08 Charter, eyewitnesses of the June Fourth Incident, and scholars from CASS and renowned universities across disciplines. None of the conference papers were published, but five of them were made available online. Opinions and criticisms contained in these available materials have touched upon the causes of the incident, but the language used was reasonably mild. See, '2009 Beijing LiuSiYunDong Yantaohui Jianbao' (Briefing for the Seminar on June Fourth Movement, Beijing, 2009). See, http://www.chinainperspective.org/ArtShow.aspx?AID=1403 (last accessed: July 2011).
[311] *Report of the Working Group on the Universal Periodic Review: China*, p. 17.
[312] Ibid, p. 17.

understandable for some Chinese divisions to have doubts about bilateral exchanges and cooperation with Norway."[313]

Another case, which has attracted international attention on Chin's suppression of human rights activists and political dissidents, is the arrest of Ai Weiwei in April 2011 by the Chinese government. The arrest of Ai Weiwei has aroused opposition from international civil societies as well as foreign governments against the Chinese government due to Ai's prominent status as a world-renowned artist and human rights activist. There were protests held worldwide at Chinese embassies to demand the release of Ai.[314] The Ai case was considered by some news media as another high profile case of China's new crackdown of political activists subsequently to that of Liu Xiaobo.[315] In response, the Chinese government has repeatedly made statements in many occasions that the Ai case is not a matter of human rights or a question of freedom of speech, but rather, an issue of upholding the practice of the rule of law.[316] China argues that Ai was arrested not due to his critical voices upon human rights and the government, but due to the economic crime – tax evasion that his company has committed. The Chinese government considers the 'unwarranted criticisms' on the Ai case as 'interference with China's judicial independence' and 'disrespect for China's judicial sovereignty'.[317]

Both cases, despite intensive international criticisms, were strongly refuted by the Chinese government on legal ground. China's laws have functioned as a protective mechanism for human rights, but at the same time also provided shields for the Chinese government's infringement upon human rights. For example, the amended Law of State Secrets in 2010 has provided a clearer definition of the concept and scope of 'state secret'.[318] As such, it prevents judicial bodies from wilful interpretations. But on the other hand, it also lends legal justification to the Chinese government's action against

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[313] Jiang Yu, statements made at the press conference held on 2nd December 2010.

[314] The Guardian, 'Ai Weiwei arrest protests at China's embassies worldwide', 17 April 2011: http://www.guardian.co.uk/artanddesign/2011/apr/17/ai-weiwei-protests-1001-chairs (last accessed: July 2011).

[315] The Economist, 'China's Repressive New Rulers: China's new crackdown', 14th April, 2011. See, http://www.economist.com/node/18560351 (last accessed: July 2011).
The Guardian, 'Ai Weiwei's arrest is part of China's new crackdown', 5th April, 2011. See, http://www.guardian.co.uk/commentisfree/libertycentral/2011/apr/05/ai-weiwei-china-eu-dialogue (last accessed: July 2011).

[316] Chinese Embassy in London, 'The Daily Telegraph Carries a Letter from Chinese Embassy Refuting Negative Reports about the Ai Weiwei Case', 27th April, 2011. See, http://www.chinese-embassy.org.uk/eng/EmbassyNews/t818491.htm (last accessed: July 2011).
Dai Qingli – Counselor and Director of Press and Public Affairs Section of Chinese Embassy in London, 'Criticising China', in the Reader's Letters section of *The Economist*, 5th May, 2011. See, http://www.economist.com/node/18648715?story_id=18648715 (last accessed: July 2011).

[317] Chinese Embassy in London 'The Daily Telegraph'.

[318] Human Rights in China (HRiC), *State Secrets: China's Legal Labyrinth*, see, http://www.hrichina.org/sites/default/files/oldsite/PDFs/State-Secrets-Report/HRIC_StateSecrets-Report.pdf (last accessed: July 2011).

political dissidents and activists, which adds legal leverage to the government's protest against certain international criticisms on the basis of judicial sovereignty (as in the Liu and Ai cases).

4.4.2 Sino-US Conflict over Human Rights and China's Responses

The tendency in China's action-oriented responses to international criticisms of its human rights condition is perhaps best demonstrated in its conflicts with the US on the human rights front. As has been mentioned, the Sino-US bilateral human rights dialogues have been successfully held for fifteen times by the end of 2010. However, there remains sharp difference between China and the US upon the fundamental principles and practice of human rights, which easily finds evidence in the continuous Sino-US conflict over the issue of human rights triggered by the June Fourth Incident in 1989.[319] The issue of human rights has since become a regular element in the Sino-US diplomatic relations, as it has been consistently brought up on an annual basis in the US annual CRHRP reports since 1979, and at various times brought to Council of Human Rights (CHR) for investigation by the US-led western democracies.[320] Between 1990 and the end of 2004, the US had tabled eleven draft resolutions to the CHR concerning human rights in China, but all of these attempts were turned down by the CHR due to China's efforts to push for no vote or 'no-action' motion.

At times, the issue of human rights was explicitly used as a diplomatic bargaining mechanism in the Sino-US relationship by both countries. For example, in 1993, former US president Bill Clinton announced an executive decision to add seven terms on human rights protection as preconditions of extending Most Favoured Nation status to China, linking the MFN status with human rights conditions to strength pressure on China. This had aroused fierce protest from the Chinese government, claiming that such action was a gross interference of China's internal affairs.[321] In 1999,

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[319]Qi Zhou, 'Conflicts over Human Rights between China and the US', *Human Rights Quarterly*, Vol. 27, No. 1, Feb 2005, pp. 105-124.
[320] For example, March 6th, 1990, 46th session of CHR meeting, the first US-led resolution on China's human rights condition denied; March 4th, 1992, 48th CHR meeting, resolution denied; March 10th 1993, 49th CHR meeting, denied; March 1994, 50th, CHR meeting, 4th attempt denied; 1995, 51th CHR, denied; 1996, 52nd CHR, denied in the deliberation process; 1997, 53rd CHR, denied during deliberation; 1998, 54th, CHR, no resolution suggested by either the US or EU; 1999, 55th CHR, no resolution suggestion from the EU. The US's 8th attempt was denied based upon China's motion of 'NO ACTION'; 2000, 56th CHR, turned down; 2001, 57th CHR, turned down; 2004, 60th CHR, 11th attempt turned down. References for the above are available on: http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/2000dsj/index.htm.
Also see 'China foils US anti-China human rights motion', April 16th 2004, http://houston.china-consulate.org/eng/zt/zmgx/t85444.htm (last accessed: July 2011).
[321] Decision passed by the US Congress in July 1991, officially announced by Clinton in 1993, see Dashiji, 11th July,1991: http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060921_152493.htm; and 28th May, 1993: http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/1949dsj/t20060921_152506.htm (last accessed: July 2011).

as a protest against the US-led NATO's bombing of China's embassy in Yugoslavia, China put on hold the Sino-US bilateral dialogue on human rights, as well as high level exchanges and cooperation in certain security areas. The dialogic mechanism was yet again been suspended by China between 2004 and the end of 2007, as a protest against the US 'anti-China' draft resolution in CHR, and was not resumed until 2008, after the US high level visit to China led by the former US State Secretary Condoleezza Rice.[322]

The ongoing conflict can be divided into two phases based on China's responses to the US criticisms (see Table 2 at p. 153). The first phase covers the period of 1990-1998, characterised by China's passive and defensive responses to the US's reports on China's human rights violations and active diplomatic action against China in the Commission of Human Rights. Archives have shown that the Chinese officials had been rigorously and routinely refuting the US criticisms and protesting against the US's practice of producing reports on the human rights conditions of other countries, especially the sections concerning China. The US's self-appointment as a human rights defender of the world has always been considered by China as an act of interference of the internal affairs of other countries, and is thus a gross violation of the sanctity of territorial sovereignty that China upholds dearly. Moreover, China maintained that the US had been applying double standards on human rights; that the US was distorting facts and vilifying China in order to deceive world opinion; and that the US was seeking hegemony in the pretext of human rights, etc. Between 1990 and 1998, China had released two official documents to systemically refute US criticisms and four official papers on the progress of human rights in China in addition to official rhetorical responses.[323]

The second phase covers the period from 1999 to date, featured by China's active (verbally aggressive) counteraction to US 'accusations' of its human rights conditions. Rather than passively responding to US criticisms of and diplomatic pressure on its human rights conditions, China has performed a strategic move by releasing annual reports on the human rights record in the US starting from 1999, as a diplomatic counteraction against the US. The purposes, according to the Chinese government, are to reveal to the world the true human rights conditions in the US and to urge the US government to face its 'blunt' violations of human rights at home and

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[322] Dashiji, Feb 26th 2008, http://www.humanrights.cn/cn/jbyfz/rqlc/fzlc/2000dsj/t20080319_330466.htm (last accessed: July 2011).
[323] Refer to Table 2 at p. 153.

abroad.[324] The counteractive reports cover broadly the US's violations of human rights in political, economic, social, civil and cultural rights, as well as its 'frequently and rampant' infringement upon human rights of other countries.[325] By May 2011, the Chinese government has produced twelve reports on the human rights record of the US.[326] In the meantime, China has continued to release five governmental papers showing the progress in China's overall human rights conditions, as well as various white papers in specific areas of human rights protection.[327]

How may we understand such an assertive (and even aggressive) tendency in China's human rights policy against the US? Is it China's diplomatic strategy to counterbalance the US power, or merely an angry diplomatic retaliation against the US? Is China assuming the responsibility of monitoring the human rights conditions in the US as a result of its rising power and status? It is impossible to give a clear-cut answer. The reasons for a change in China's attitude towards the US on human rights issue are complex and contingent upon the changing international and domestic contexts as well as China's identity in international society. So is the case with China's general approach towards human rights standards. Beyond the Sino-US context, perhaps the most important question that needs to be raised is: how may we explain China's increasing compliance with the standard of human rights on the one hand and persistent contestation on the other? This question will be touched upon in the following part whilst be further explored in the next chapter.

Nevertheless, China has been further dragged into the discourse and practice of international human rights. China is no longer simply responding to international requirements and criticisms of human rights. Rather, it is increasingly taking actions in terms of active cooperation and counteraction, as well as taking the initiative to set agenda for itself in order to promote and protect human rights in China. Both its compliance with and contestation of the existing standard of human rights has demonstrated that China is becoming an active participant in the construction of international normative structure pertaining to human rights.

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[324] The Press Office of the Council of State, *Human Rights Record of the US 2008*, released on 26th February, 2009. See, http://www.humanrights.cn/en/Whitepapers/Reports/t20090302_421971.htm (last accessed: July 2011).

[325] US *Human Rights Record in 2000*, released on 27th February, 2000. See, http://www.humanrights.cn/en/Whitepapers/Reports/txt/t20070621_256850.htm (last accessed: July 2011).

[326]For the list of China's report on US human rights record from 1999 to 2010, see, http://www.chinahumanrights.org/Whitepapers/Reports/index.htm (last accessed: July 2011).

[327] In 1999, 2000, 2003, 2004, 2009 – Progress in China's Human Rights. See, http://www.chinahumanrights.org/Whitepapers/Whitepapers/index.htm (last accessed: July 2011).

4.5 Normative Convergence and Contestation

Beyond institutional engagement and practical implementation, this part briefly discusses China's normative convergence and contestation of the standard of human rights. As scholars of normative analysis have readily pointed out, norms are contingent and dynamic. They are thus subject to change according to social and historical contexts. Moreover, normative changes can also be brought about by great powers, which play an important role in enforcing, reinforcing and challenging existing international norms, resulting in the evolution or demise of norms. The prevailing account of standard of human rights, as an essential constituent of the new standard of civilisation, is a result of normative evolution in international society. It is primarily associated with liberal democracy, post-Westphalian sovereignty, and the universality of human rights.

China does speak in the same human rights languages as the western democracies do, and has accepted the underlying principles and values at varied degree in various areas of rights. Yet, some of the languages are interpreted differently in the Chinese context. Just as the western countries associate human rights with liberal democracy, China also injects its own civilisational values into the concept of human rights and international norms at large. The question of China's convergence and contestation is thus not simply a matter of the universality of liberal norms versus Westphalian sovereignty, but it is also intertwined with China's unique identity and cultural legacy. There are three main areas in which China's normative engagement of human rights standard has been observed, namely particularity versus universality; selective enforcement of human rights – prioritising economic rights over political rights and collective rights over individual rights – or the 'hierarchy of human rights' as termed by Ann Kent;[328] and lastly, human rights versus Westphalian sovereignty.

The Chinese government has consistently defended its human rights policy against international criticisms upon particularity claims. It maintains that human rights and democracy in China are interpreted and implemented differently from the West due to the particular social conditions in China in terms of demography, culture, political structure, unique history, and the level of overall social development, etc. Despite the great emphasis placed upon particularity by the Chinese government, it would be reductive to simply equate China's claims of particularity with cultural relativism. Cultural relativists rule out the possibility of universal morality whilst asserting the utmost significance of cultural plurality. They have even gone so far to consider

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[328] See Rosemary Foot, *Rights Beyond Borders*; Kent's two books on China; and Jack Donnelly, 'Human Rights: a New Standard of Civilization?'.

universality as a 'more or less well-disguised version of the imperial routine of trying to make the values of a particular cultural general'.[329] Compared to cultural relativists, China does not entirely deny the universality of human rights. Rather, the Chinese government has made explicit, on various occasions, that it endorses the universal possession of human rights. China's divergence from the West in terms of universality lies in the universal implementation of human rights through identical means (democracy) and at the same pace. Its national circumstances, especially structural constraints, have prevented it from going down the same path as the West, which largely leads to the hierarchy of human rights in China.

The right to subsistence and development has also been endorsed as the most basic human rights by China, with economic development placed as China's top priority since the reform and opening-up in 1978. The steady development of China's economy over the past few decades has been accompanied by the improvement of China's protection of the economic and social rights of its population, as well as the elevation of China's overall social power and status in international society. During the UPR review process in 2009, many of the participating state delegations acknowledged and complemented on the progress China had made regarding human rights protection in terms of alleviating poverty and improving the living conditions of its population. Supporting empirical evidence of the enhancement of living standards in China can also be found in China's achievement of the Millennium Development Goals. [330]

Despite international recognition of China's compliance with human rights standards in the economic area, there are immense criticisms upon China's violations of political and civil rights at home as has been revealed in previous discussion. Indeed, the right to subsistence is, and should be, treated as one of the preconditions of the protection of the right to life – the most fundamental human rights. China's preference to prioritise the economic rights over political and civil rights could be argued as a practical consideration due to the social conditions it had faced prior to the 1990s - the explosion of population since 1950s, accompanied by lasting economic and political problems. However, the social context is drastically different now. The distribution of social wealth and resources are encountering problems due to the structural conflicts between China's capitalised market economy and its one-party rule. Corruption, lack of

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[329] Refer to R.J. Vincent's analysis of cultural relativism, *Human Rights and International Relations*, pp. 37-38.
[330] UN Development Program, 'MDGs in China', see,
http://www.undp.org.cn/modules.php?op=modload&name=News&file=article&catid=32&sid=6 (last accessed: July 2011).

transparency, limited contestation, and participation are all becoming hindrances to the fulfilment and enjoyment of overall human rights in China.

Against the international pressure on its political and civil rights conditions, the Chinese government has consistently asserted the determination of the pace of human rights progress and the 'scope of external oversight' to be strictly a matter of sovereignty.[331] Sovereignty, as a legal principle in international society, denotes non-intervention and self-determination in order to preserve the independence of state actors and regulate inter-state relations. Nevertheless, as a normative principle, the scope of sovereignty is expanding beyond the confinement of international laws to incorporate international justice and state morality – protection of universal human rights in this chapter. The broadened conception of sovereignty has empowered the international community in terms of imposing intense scrutiny upon states' domestic conduct and taking intrusive measures against states for their breach of commonly accepted behavioural codes. Against such a post-Westphalian trend, China has shown great resistance to the new conception of sovereignty and a more intrusive international community by sticking to the classic Westphalian notion.

As the Liu and Ai cases have revealed, the Chinese government had enacted the inviolability of judicial sovereignty against the expanding external oversight and pressure upon its domestic conduct pertaining to human rights. China's protest against international support of the Tibetan uprising in 2008 has also reaffirmed China's persistence to territorial sovereignty. China's notion of sovereignty has only softened at a rhetorical level. For example, it has accepted the language of sovereignty as a responsibility to protect (R2P) but insisted that R2P is not a mature concept and should be approached with great caution to avoid arbitrary interference of the internal affairs of other states. China's vehement adherence to Westphalian sovereignty cannot be explained solely on account of pursuit of brute power interest. Rather, it is also a matter of China's perception of its identity and status in international society, which fundamentally affects its definition of national interest, state responsibility and foreign relations with other states. Therefore, China's experience of international exclusion (the century of humiliation), its war time memory, its cultural and normative legacy, and its overall status transition should all be taken into consideration in an attempt to

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[331] Jeremy Paltiel, 'To Whom Must We Answer? Exploring the relationship between sovereignty, the rule of law and human rights in Chinese and Canadian Practice', in Errol P. Mendes and Anik Lalonde-Roussy (eds.), *Bridging the Global Divide on Human Rights: A Canada-China Dialogue* (Bodmin: Ashgate, 2003), pp. 53-76.

understand China's behavioural and normative compliance and contestation. This argument will be further developed in the next chapter.

4.6 Conclusion

At the beginning of this chapter, I asked two questions pertaining to China's status and human rights policy. Answers to these two questions have been provided in this chapter.

Question 1. Is China regarded and treated as a human rights pariah albeit its rising material power and its efforts in human rights protection?

Answer: China was viewed and treated as a human rights pariah immediately after the June Fourth Incident due to the gross violations of human rights inflicted by the government, and the intense and coordinated international responses that were thus evoked. However, China is not a pariah state in current international context provided the increasing legitimacy it has earned through cooperation with international human rights regimes. Although some of its behaviours are still considered as deviating from the current standard of human rights by western democracies and human rights NGOs, China's material and normative power has reached such a stage that it is powerful enough to defy criticisms as such, and challenge some of the existing standards. In a sense, it is becoming one of the rule-makers of the international normative structure.

Question 2. What human rights policies, if any, has China pursued?

Answer: It has been repeatedly stated that China is developing towards an action-oriented (proactive) human rights policy rather than a response-prompting (reactive) one. However, this is not to argue that China has become completely voluntary and spontaneous in meeting the standard of human rights, or to deny the role that international pressure and practical considerations of national interest have always played in bringing about behavioural changes. In fact, the standard of human rights has demonstrated significant normative power in influencing China's behaviours towards human rights protection.

On the one hand, the standard of human rights has imposed constraining and even coercive power on China by means of restraining China's domestic behaviours through the UN human rights regimes, western democracies, and human rights NGOs. These actors are observed to have been closely monitoring China's human rights conditions and pressurising it to correct domestic human wrongs. On the other hand, the standard of human rights has lent legitimacy and recognition to China for its compliance with certain human rights laws and mechanisms, as can be evidenced from the 4th UPR review on China. The normative power of human rights standards offers an

explanation to China's increasing compliance, but not necessarily China's divergence. China has accepted the languages of human rights and many human rights principles and values, and has complied with the practical requirements to a certain extent. Nevertheless, the existing standard of human rights has not been completely embraced by the Chinese government because of limited domestic structural adjustments and the government's stringent overall control, particularly over civil societies concerning human rights.

In addition to persistent adherence to the sanctity of sovereign integrity, the Chinese government has also consistently defended its human rights practice and policy against western criticisms upon particularity claim. Nonetheless, what underlies China's defence cannot be reduced to simply cultural relativism. Rather, the reasons for China's contestation of the standard of human rights are deep-rooted in China's identity, status, and its unique historical encounter with international society.

Table 1: Freedom of the World – China's historical status and ratings (1972 – 2010)*

Year Under Review	China's PR-rating	China's CL-rating	China's Status	Number of not free countries	% of not free countries
2010	7	6	Not Free	47	24
2009				47	24
2008				42	22
2007				43	22
2006				45	23
2005				45	24
2004				49	26
2003				49	25
2002				48	25
2001				48	25
2000				48	25
1999				47	25
1998				50	26
1997	7	7		53	28
1996				53	28
1995				53	28
1994				54	28
1993				55	29
1992				38	21
1991				42	23
1990				50	30
1989				62	37
1988	6	6		68	41
1987				51	30
1986				53	32
1985				55	33
1984				55	33
Aug. 2, 1982-Nov. 1983				58	35
Jan. 1, 1981-Aug. 1, 1982				64	39
1980				60	37
1979				56	35
1978				55	35
1977	7	7		64	41
1976				68	43
1975				65	41
1974				63	41
1973				65	43
1972				69	46

(Note: This table is formulated based upon the information from *Freedom in the World*)[332]

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[332] Freedom House, 'Country Ratings and Status, Freedom in the World, 1973-2011' see, http://www.freedomhouse.org/images/File/fiw/historical/FIWAllScoresCountries1973-2011.xls (last accessed: July 2011). Until 2003, countries whose combined average ratings for Political Rights and for Civil Liberties fell between 1.0 and 2.5 were designated "Free"; between 3.0 and 5.5 "Partly Free," and between 5.5 and 7.0 "Not Free." See. Freedom House, 'Freedom in the World Country Ratings', see,

Table 2. Government Reports concerning Sino-US Diplomatic Conflict over Human Rights[333]

Year covered*	US		China			
	Country Reports on Human Rights Practices	Bring to the Commission of Human Rights for resolution	Diplomatic verbal responses/protests (press office of the Foreign Ministry)	Official documents in refutation to the US	White paper – Progress of Human Rights in China	Human Rights Record of the US
1990	√	√	√			
1991	√		√		√	
1992	√	√	√		√ (1 report published in 1995, covering the past 4 years)	
1993	√	√	√			
1994	√	√	√	√		
1995	√	√	√			
1996	√	√	√	√	√	
1997	√	√	√			
1998	√		√		√	
1999	√	√	√		√	√
2000	√	√	√		√	√
2001	√	√	√			√
2002	√		√			√
2003	√		√		√	√
2004	√	√	√		√	√
2005	√		√			√
2006	√		√			√
2007	√		√			√
2008	√		√			√
2009	√		√		√	√
2010	√		√			√
In total	21	11	21	2	9	13

*The year info of the reports refers to the year covered by the report, not the year of publication.

http://www.freedomhouse.org/images/File/fiw/historical/CountryStatusRatingsOverview1973-2011.pdf (last accessed: July 2011).

The methodology and criteria used by Freedom House in 2011:

http://freedomhouse.org/images/File/fop/2011/FOTP2011Methodology.pdf (last accessed: July 2011).

[333] Note: The US has been publishing Country Reports on Human Rights Practices since 1976. P.R. China started to be included in such annual reports since 1979 when Sino-US diplomatic relationship was normalised. (Sources: 'Country Reports on Human Rights Practices', *Annual Human Rights Reports Submitted to Congress by the U.S. Department of State*, HeinOnline Coverage: Vols. 1-31b, 1-5, 1-40 (1976-2007), Publisher: Washington: United States, Department of State.

Also see online resources from the US governmental website:

1993 – 1999: http://www.state.gov/www/global/human_rights/drl_reports.html (last accessed: July 2011).

1999 – 2010: http://www.state.gov/g/drl/rls/hrrpt/ (last accessed: July 2011).

Chapter 5: Status and China in International Society

> States rise and fall in their international status. Some emerge as premier powers and even hegemons of their day, while others drop out of the ranks of leading states and even suffer a loss of their statehood. […] Naturally, the processes and consequences of changes at the top of the international hierarchy are a matter of significant interest to officials and scholars alike.[334]

The rise of China, given the speed and scope of its development, and more importantly its impact on the international structure, has been under heavy study by practitioners and scholars in international relations. However, the literature is predominated by the power transition theory.[335] "This is not surprising given the theory's emphasis on international hierarchies, differential rates of economic development, power shifts, the transformation of the international order, and the violent or peaceful means through which such transformations occur."[336] Despite the explaining power of the power transition theory on China's change of position along the international power spectrum, it is the argument of this chapter that such a power-centred approach is restrictive in many ways. This chapter highlights and discusses the following two problems: First, state change in international society cannot be explained solely from a power perspective; Second, state behavioural change is not simply determined by its power change, or the state's (dis)satisfaction towards the dominant power.

The elevation of power is an essential trait and determinant of China's rise. But the rise of China needs to be situated in a broader historical and social context since this is not purely a process of power accumulation. Rather, it is also accompanied by a social process that involves dynamic international social changes regarding identity and social status, reflected in China's social mobility upwards and downwards, as well as its changing responses to the international normative boundaries. Beyond the power transition theory, this chapter tries to bring in a social dimension – social status – to compliment the power perspective in the discussion of China's rise in international society. Moreover, it attempts to extend the discussion to include the change in China's international behaviour alongside its rise to a (responsible) great power in international society on the basis of status. To this end, this chapter starts with a brief look into the

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[334] Steven Chan, *China, the U.S., and the Power-Transition Theory: a critique* (Oxford: Routledge, 2008), p. 1.
[335] Jack S. Levy, 'Power Transition Theory and the Rise of China', in Robert Ross and Zhu Feng (eds.), *China's Ascent: Power, security, and the Future of International Politics* (Ithaca, New York: Cornell University Press, 2008), p. 11. Aaron L. Friedberg, 'The Future of U.S.-China Relations: Is conflict inevitable?', *International Security*, 30 (fall, 2005), pp. 7-45.
[336] Levy, 'Power Transition Theory and the Rise of China', p. 11.

assumptions that power transition theory makes about China, followed by an inquiry of status in international society. It concludes with a brief analysis of China's approach towards the normative international arrangements as it rises to the top tier of the international hierarchy of status.

5.1 Power Transition Theory and China's Rise

Power dynamics and the idea of status quo are at the centre of power transition theory, with the former operate through as well as determine the latter. Power transition theory posits that the combination of power parity, dissatisfaction, and power-overtaking would cause the rising great powers (revisionist states) to challenge and redesign the status quo – a stable international order defined by the dominant power.[337] This would inevitably lead to conflicts (or wars) between the dissatisfied rising powers and the declining dominant power (status quo power).[338] In the case of China, the mainstream power transition theorists predict that if China's rise continues, China's power will reach parity with, and eventually overtake, that of the US.[339] As a result, the future of international order hinges upon the degree of China's (dis)satisfaction of the status quo designed by the US, which will decide whether China would adhere to or challenge and reorganise the existing international arrangements in its favour.[340] This will inevitably lead to a war between China and the US, as well as a drastic reconfiguration of the existing international structure.[341] The following looks further into the status quo and power dynamics posited by the power transition theory to reveal its account on China's rise.

Firstly, on the notion of status quo. The status quo is described as an international order designed by and for the dominant power of the international system, which is established, sustained or reverted by power but also reinforces power.

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[337] Douglas Lemke, 'The Continuation of History: Power Transition Theory and the End of the Cold War', *Journal of Peace Research*, Vol. 34, No. 1 (Feb., 1977), p. 24. In this article, Lemke argues that "The status quo is a useful abbreviation for the general pattern of diplomatic, economic, and military interactions of members of the international system." Also see A. F. K. Organski, *World Politics* (1st edn.: Alfred A. Knopf, 1958), pp. 315-316.

[338] For example, in the works of Organski; Douglas Lemke, DiCicco and Levy, etc. To name a few: Jonathan M. DiCicco and Jack S. Levy, 'The Power Transition Research Program: A Lakatosian Analysis', in Colin Elman and Miriam Fendius (eds.), *Progress in International Relations Theory: Appraising the Field* (Cambridge: MIT Press, 2003), pp. 109-157.
Jonathan M. DiCicco and Jack S. Levy, 'Power Shifts and Problem Shifts: The Evolution of the Power Transition Research Program', *The Journal of Conflict Resolution*, Vol. 43, No. 6. (Dec., 1999), pp. 675-704.
A. F. K. Organski and Jacek Kugler, *The War Ledger* (Chicago: The University of Chicago Press, 1981).

[339] Levy, 'Power Transition Theory and the Rise of China', p. 17.
Douglas Lemke and Ronald L. Tammen, 'Power Transition Theory and the Rise of China', *International Interactions*, 29 (4), 2003, p. 270.

[340] Levy, 'Power Transition and the Rise of China'; Douglas Lemke, 'The Continuation of History', p. 30.

[341] Lemke and Tammen, 'Power Transition Theory and the Rise of China'.

According to Lemke, "The status quo is a useful abbreviation for the general pattern of diplomatic, economic, and military interactions of members of the international system. [...] The status quo codifies how the dominant country would like the other states in the world to behave. The rules it creates towards this end provide it (and some other states) with benefits, and are thus defended."[342] The idea of status quo thus presupposes an international hierarchy with the dominant power at the apex and the 'rules of games' it subsequently creates to maintain such a dominant status and hierarchical relationship.[343]

According to power transition theory, the international hierarchy is a pyramidal one, constituted by five categories of states defined in terms of power strength, namely one dominant power, some great powers, a majority of middle and small powers, and dependencies. Two sets of identities are created according to state satisfaction/dissatisfaction or states' attitudes towards the status quo, namely the revisionist state and the status quo state. The former is regarded as dissatisfied with the international order and seeks restructuration to recover/establish a fit between state preference and the structural arrangements, whilst the latter refers to the contrary. The dominant power automatically falls into the category of the latter.

Lemke labelled China as a dissatisfied power (thus non status quo power) given that it is not democratic or market-oriented.[344] "The general tenor of structured international relations at the global level does not reflect the ways in which China structures its own domestic relations. This incongruity is synonymous with dissatisfaction because if China preferred democracy and market-oriented interactions it could so organize its domestic affairs."[345] Lemke further argues that if China does not change its evaluation of the existing status quo along its continuous rise, a war between China and the US cannot be avoided.[346]

There are a few issues deriving from status quo that need attending to here: 1) It is questionable whether the international order can be regarded as being solely defined and controlled by the so-called dominant power, especially given the emergence of international actors and deepening international interactions and interference. 2) State identities are multi-layered, social, and relational. Identities are constructed and reconstructed as a result of the intensifying international interactions rather than simply given (i.e. the dominant power's identity as a status quo power). Nor can identity be

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[342] Lemke, 'The Continuation of History', p. 24.
[343] Ibid.
[344] Ibid., p. 34.
[345] Ibid.
[346] Ibid., p. 30.

entirely defined by power in the absence of domestic and international social attributes. 3) The assumption that China's rise and dissatisfaction towards status quo would lead to wars contradicts with the Chinese aspiration of peaceful rise whilst adhering to pluralist principles. Power transition theory provides a structural account of state conformation to international rules and norms under the condition that they suit state preferences. However, it does not offer an explanation as to how and why states (especially the dissatisfied emerging great powers) choose to voluntarily conform to international rules and norms even when such existing arrangements pose hindrance to state pursuit of national interests.

Secondly, on the issue of power dynamics. Power, according to power transition theory, is constituted by three elements, namely population, economic development, and political capability to mobilise social resources and transform them into national power. [347] It is at the core of power transition theory and is the basis upon which the theoretical assumptions are made.[348] Power transition theory, as a variant of realism, resonates with the realist assumption of power as the primary determinant in international relations. The power transition theory denies the realist assumption that states' national goals can be reduced to the maximisation of power. However, it has placed great weight on the determining role of power on the maintenance of intentional order, the dominant status, state identity, and the regulation of international relations, which in turn reinforces the necessity and importance of power pursuit. To a great extent, international relations are defined as power relations; and the behaviours of those seeking ascendance in the international system are guided by power calculations. Moreover, the theory posits that the extreme concentration of power is a stabilising factor of international relations.[349] Logically, it is in the fundamental interest of the dominant power to maximise its power in order to maintain its status and the stability of the international order. To a certain extent, the plausible but self-contradictory claim on power maximisation is a pitfall for power transition theory.

Whilst the power transition theory predicates upon an international power relations, implying a certain degree of zero sum game, the proposed status-led approach suggests otherwise, that there is another dimension to the state's pursuit of interests, which is defined as enhancement of international social status. Against the power transition theory, which interprets China's rise purely from a material power perspective,

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[347] Levy, 'Power Transition and the Rise of China', p. 18.
[348] DiCicco and Levy, 'Power shifts and Problem shifts', p. 679.
[349] Ibid., pp. 679-680.

this chapter argues that China's rise in international society is a matter of status improvement that includes struggle for the elevation of position at both power and social status spectrums. Moreover, the status-led account does not necessarily implicate a zero sum game since social status is predicated upon international recognition conferred by other states in international society, rather than exhaustible power resources. A state's rise in social status does not necessarily lead to the decline of social status in another state. Peaceful change in international society is thus possible.

Power transition, in a literal sense, refers to the shift of power happening at the top of the international hierarchy. It suggests a hierarchical international system featuring the dominance of a dominant power. But the proposed status-led account nests within an international order featuring two tiers of hierarchy (social and material) under anarchy. Above all, there is an international anarchy that features no absolute dominance of a particular state in making all the international arrangements given the non-exclusive social hierarchy. Status denotes the existence of an international society of shared values, interests and common working institutions. It implies a certain degree of consensus on how the society should be organised; how the social relations should be regulated; what behaviours are appropriate and who is entitled to what.[350] More generally, a status-led approach provides us with certain social lens through which state behaviours can be explained in addition to the power incentive, i.e. behavioural standards, social rewards, and identity. The next section thus starts with an attempt to reveal the meaning of status, and its essential attributes, before continuing to examine how the proposed status-led approach contributes to the understanding and explanation of state transition and behavioural changes in international society.

5.2 Status in International Relations

Status is initially a sociological concept. With the attempt to understand status in international relations, this chapter starts with a brief look into the conceptions provided by Weber and Giddens, who had contributed enormously to the development and enrichment of status study. Max Weber's book on *Economy and Society* has laid a systemic theoretical foundation for study into status as well as social stratification in social environments.[351] The following is how he defined status,

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[350] Tim Dunne, 'Sociological Investigations: Instrumental, Legitimist and Coercive Interpretations of International Society', *Millennium*, 2001, 30, pp. 67-91.
[351] Edward Keene, 'Hierarchy and Stratification in International Society: a Comparison of the Old and New Diplomacies', available online:
http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/7/9/3/1/pages179311/p179311-1.php (last accessed: Oct 2011)

"Status" (*ständische lage*) shall mean an effective claim to social esteem in terms of positive or negative privileges; it is typically founded on a) style of life, hence b) formal education [...], c) hereditary or occupational prestige. [352]

Weber's conception of status tells us that the acquisition of status relies greatly on the endogenous attributes of the status holders, which are referred to as the style of life (patterns of behaviour), education, and hereditary or occupational prestige. Although the attribute of prestige – a source of status – implies the social recognition granted by the other social actors, Weber was not specific about the process of recognition conferring.

The trace of Weber's ideas on status is obvious in Anthony Giddens' definition of status. However, Giddens' version goes beyond that of Weber by introducing the interactions between status-holders and the rest of the social members, bringing in a social constructivist dimension to the concept of status. Giddens was clear about the impact of 'other' social members on the attainment of status of the status-holders (the self). Such a conception situates the question of status in an interactive social environment and is broadly nested within Giddens' Structuration theory, which gives weight to the mutual effects between structure and action (agency) in the society.[353] He defines status as follows,

[Status is the] social honour or prestige accorded to a person or a particular group by other members of a society. Status groups normally involve distinct styles of life – patterns of behavior, which the members of a group follow. Status privilege may be positive or negative. 'Pariah' status groups are regarded with disdain, or treated as outcasts, by the majority of the population.[354]

Status, as demonstrated by Weber and Giddens, is primarily social. However, this chapter argues that it is not enough to see status merely in social terms. But rather, a material power dimension should be included into the notion of status due to the interrelations between power and social status, be it at the level of domestic society or international society. Yong Deng, in his work on *China's Struggle for Status,* has also vigorously argued for such an incorporation of power into the concept of status.[355] Prior to further discussion, the terms to be used need clarification in order to avoid confusion of their usage. Throughout the entire chapter, I will use the term *social status* to refer to Weber and Giddens' account of status – the social dimension of status (social

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[352] Max Weber, *Economy and Society*, Volume 1 (University of California Press, 1978), pp. 305-307.
[353] Anthony Giddens, *Sociology*, (4th edn.: Cambridge: Polity, 2001).
[354] Andrew Giddens, *Sociology*, p. 1037.
[355] Yong Deng, *China's Struggle for Status: The Realignment of International Relations* (New York: Cambridge University Press, 2008).

privileges), the term *power* to refer to the material dimension of status (the power transition theory version), and the term *status* to refer to a combination of social status and material power. The social status – power nexus will be further displayed in next section.

It can also be derived from Weber and Giddens that social status is measured and displayed by the attainment of positive and negative attributes of social privileges, with the former contributes to positive social status and the latter to negative status (i.e. pariah status). This chapter draws on the English School theory of International Society, which entails a domestic-international analogy, and applies the sociological framework of domestic social status to international society on that basis. King and Dunne have considered international society as "a social group constituted by states who created a 'status lifestyle' depending upon access to and benefits of collective goods".[356] Nevertheless, it is important to clarify that the criteria for positive and negative social privileges at two levels of society are not identical, due to their fundamental structural difference and the configuration of actors. That being said, some similarity can be detected since the sources of status in domestic and international societies enjoy resemblance in their traits. Nonetheless, the extent of resemblance varies.

Generally speaking, the degree of resemblance is lower in the social dimension given the difference between the domestic and the international in terms of organisational structure and institutions; and higher in the material dimension provided the relative stability in material structures. Whereas the equivalents to the primarily social attributes (i.e. education, inheritance) appear to be more implicit in international society, the equivalents to the primarily material (money, property, etc) and behavioural dimensions are relatively explicit. For example, the social attribute of domestic education have to be extended as international socialisation (or internalisation of international norms) in part of the state rather than a two-way education given to, and received by, a person (the domestic level) since there is a lack of systemic educational mechanisms at the international level. To the contrary, the material attributes of money and property can be directly adopted as sources of state power since their fundamental traits remain stable regardless the level of social relations.

With an attempt to understand status, this chapter considers both the material and the social constituents of status. Whilst the material dimension is referred to as power attributes, the social dimension consists of two types of attributes associated with

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[356] Anthony King and Tim Dunne, 'Bringing Status Back into International Society', conference paper presented at the 50th Annual Convention held by International Studies Association (February, 2009, New York).

state behaviour and identity respectively. Both behavioural and identity attributes indicate the endogenous property of state actors, but also imply the impact of exogenous elements (i.e. perception from other social actors) upon their formation. The attributes of status thus come from within and beyond the status-holders/seekers. The acquisition of positive attributes leads to the accumulation of positive status whilst the accordance of negative attributes leads to that of negative status. Nonetheless, some sources of positive/negative attributes weigh more than the other in determining status. The status of a state thus cannot be measured simply on the grounds of either material power or social privileges, given the complexity and the extensiveness of its sources.

To understand the meaning of status and the means of its acquisition also requires taking into account the organisational framework of the society (social contexts), the interrelations among different social groups, and perhaps most importantly the criteria for positive and negative privileges, which determine the nature and level of status. Moreover, the formation of different status groups indicates the construction of collective identities demonstrated in their respective collective goals and patterns of behaviour. It also raises the question of membership in the society as a matter of social stratification, which establishes the boundaries among different status groups. The connotation of status is, thus, extensive. As a result, prior to the discussion on the impact of status change on state behaviour, the meaning of status in international society needs to be clarified so as to unravel the different attributes of status. To this end, the rest of this section takes a brief look into the relations between status and power (the material dimension), status and behavioural standards (the social dimension), and status and identity (the social dimension).

5.2.1 Status and Material Power

Unlike the sociological account of status, the concept of status proposed in this thesis incorporates a dimension of material power, in addition to the existing dimension of social status. This is because social status cannot be separated from material power in international society. A state does not have to be great in material power in order to enjoy social status. Yet it is required to obtain a certain level of material power to maintain its social stability and normal functionality since the failure to maintain a minimum standard of social order can also lead to negative status. For example, the failed states have a bigger chance of being treated as pariahs and thus denied the social benefits of international society. To understand the meaning of status thus requires a look into the close interrelations between social status and material power, which are

displayed in this chapter in two aspects. Firstly, social status predicates upon a material power structure at both domestic and international levels. Social status cannot exist, or be acquired, in a material power vacuum since social relations are established and maintained in a material world. This, to a certain degree, goes back to the basic question raised by social constructivists on the relations between the material and the social (and ideational) worlds.

Wendt argues that ideas matter, but international relations are not "ideas all the way down".[357] The ideational does not exist independent of the material because the ideational can only be institutionalised in a material structure supported by power, and that social structure is largely shaped by the distribution of material power. Moreover, social status is acquired through an interactive process in which material power has always played a crucial role, displayed either in terms of direct interplay of power among social actors (states) or indirect power considerations in the actors (states). Conversely, power distribution matters, but it is not all that matter in social (international) relations. Although a social actor's endogenous power attribute matters significantly to its status attainment, its social status is not purely self-deriving since social status also hinges upon the normative arrangements of the society as well as external perception/judgment formulated on that basis, i.e. (international) recognition or nonrecognition conferred by the other social members (states). The discussion of status thus has to be situated within such an interactive social environment featuring the interplay between the ideational and the material.

Secondly, social status and power are mutually constitutive and the attributes of both can be overlapping in certain circumstances. Though the Weberian account of status is largely restricted to the social level, Weber did not entirely rule out the impact of the material power dimension on the acquisition and accumulation of social status. In fact, he argued that former could lead to the latter and that the latter impacted on the former. In Weber's discussion on the co-relations between status and class, he clearly stated,

> Status may rest on class position of a distinct or an ambiguous kind. However, it is not solely determined by it: Money and an entrepreneurial position are not in themselves status qualifications, although they may lead to them; and the lack of property is not in itself a status disqualification, although this may be a reason for it. Conversely, status may influence, if not completely determine, a class

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[357] Alexander Wendt, *Social Theory of International Politics*, pp. 92-138.

position without being identical with it. [For example,] upbringing and education create a common style of life.[358]

Weber's status-class analysis captures the mutually constitutive dynamics between the material power dimension and the social status dimension in society. On the one hand, the accumulation of material power provides sources for the acquisition of positive privileges and consequently the enhancement of social status, and *vice versa*. On the other hand, the lack in material power decreases the chance of gaining positive privileges. But this does not necessarily disqualify a social actor from the enjoyment of positive status since the positive social privileges can also be attained through other means, i.e. social attributes and behavioural legitimacy. The possession of power is not the only element associating power with social status. The means of power acquisition and the exercise of power also affect the social status of social actors (states) since they raise questions on the (non)provision of collective goods and (il)legitimacy of the patterns of behaviour, both of which are essential attributes to social status.

In international relations, power is a crucial institution in international society given its impact on international order and justice. Whether international society is order or justice oriented depends on its primary goals – the collective interests shared by the members of international society.[359] Power can work for or against the realisation of these common international goals, depending on how power is exercised, which in turn affects international order and justice as well the status of the power-holder. Contributions to the achievement of these common interests, or the provision of international public goods, stimulate international recognition and in turn improve the chance of positive status attainment.[360] On the contrary, posing obstacles to the realisation of such common goals, or the reluctance to provide certain essential international public goods (i.e. international security) would put a state's positive status at stake.

To elaborate, the stronger a state is in power, the more resources it possesses, and the more collective goods it is capable of providing to international society. Yet, this is not to presume that states are willing to provide such goods in an absolute sense, either altruistically or self-beneficially. State behaviours in this regard – the exercise of power – determine whether power is an order/justice maintaining or threatening institution, and eventually determine whether power enhances or reduces the

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[358] Weber, *Economy and Society*, Volume 1, p. 306.
[359] Hedley Bull, *The Anarchical Society*, see particularly Chapter 4, 'Order versus Justice in World Politics', pp. 74-94.
[360] King and Dunne, 'Bringing Status Back into International Society'.

international social status of states. To give a straightforward example, in the case where power is exercised to provide international public goods such as economic security and political stability, power functions as a source of positive status since it meets collective interest and is thus more likely to generate positive international responses in terms of support and recognition. Conversely, in the case where power is sought or implemented to maximise self-interest at the expense of the others or even international peace and security, i.e. power-seeking through forcible means, power becomes a source of negative status since it will most likely evoke negative international responses by means of dissatisfaction and even punishment, etc.

The possession or lack of power is regarded as the material source of positive or negative status respectively. Power transition theorists have heavily studied the measurement of state possession of power. [361] This chapter has no intention to propose an alternative method of measurement. Regarding power practice, it should be pointed out that the acquisition (the means) and exercise of material power (the practice) falls into the category of the social rather than the material dimension of status. Whether state behaviour in this regard leads to positive or negative status depends on state compliance with or contestation of commonly accepted behavioural standards in international society. The following thus goes on to explore the behavioural attribute of status.

5.2.2 Status and Behavioural Standards/Legitimacy (social attribute)

The power attribute impacts significantly on the attainment and accumulation of social status in international society. So does the acquisition and exercise of power, which lead to the matter of state conduct. Concerns over a state's power seeking and practice and the power relations among states generate considerations for the relationship between status and the legitimacy of state behaviours. Weber and Giddens have considered the patterns of behaviour (the style of life) as an important source for social status as well as indicators for different status groups.[362]

This part rests with Weber and Giddens on the role of behavioural patterns in constituting social status, and takes it to the level of international society. It suggests that behavioural legitimacy serves as the second determining attribute of status in addition to material power in international society. The higher level of state behavioural legitimacy, the more positive attributes of social status can be accumulated, and *vice*

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[361] For the literature of power transition theory on the measurement of power, refer to footnotes 337 and 338.
[362] See the works of Weber and Giddens.

versa. It is also worthy of note that there are exceptional cases where states fall into the category of pariahs when they fail to meet a minimum standard of legitimate behaviour set by members of international society. However, as has been repeatedly brought up in the previous chapters, the threshold criteria separating member states and pariah states are constrained by social and historical contexts. To reveal the relations between behavioural legitimacy and status, this part considers both the issue of context and behavioural legitimacy in international society.

First, on the issue of social context. According to Tim Dunne, "the structure [of international society] embodies rules for identifying who gets to count as a member, what conduct is appropriate, and what (if any) consequences follow from acts of deviancy."[363] The behavioural standards, as a set of rules/norms regulating state conduct, are embedded in the international social structure, displaying as an essential attribute of the normal functioning of international society. The (in)appropriateness of state conduct, or state's behavioural (il)legitimacy, is the product of a process of the successful application of commonly accepted behavioural standards to state conduct by the majority of international society.

The standards of legitimate state behaviour can only be understood properly within a certain international social and historical context since such standards are created and implemented to regulate contingent international relations by international actors. Standards for legitimate state conduct do not stand apart from time or space.[364] As normative requirements on state conduct, the meanings and practice of behavioural standards are not fixed. Rather, these meanings and practice are subject to change (evolve or demise) in the dynamic international environment. Moreover, the legitimacy or illegitimacy accorded to a state is constructed by external perception of and response to state conduct (legitimation process), thus hinges upon contingent social relations.

It should be clarified that to argue state behaviour as an essential determinant of its status, is not to suggest that international society has become a Weberian '[social] status society' in which considerations for social status (social esteem) have become the primary importance for states.[365] International society can only be viewed as a status society under the circumstance that status is interpreted as a combination of power and social privileges, as proposed in this chapter. In other words, this chapter is not arguing that states pursue purely social status independent of power considerations, but rather, a

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[363] Tim Dunne, 'Sociological Investigations', p. 89.
[364] Ian Clark, *Legitimacy in international Society* (Oxford: Oxford University Press, 2005), p. 13.
[365] Edward Keene, 'Hierarchy and Stratification in International Society' p. 5; Max Weber, *Economy and Society*, Volume 1, pp. 306-307.

combination of both. That being said, social status is not entirely interest-free. With the enhancement of status come social rewards (i.e. in the forms of authority, access to certain privileged collective goods, etc), which in turn add normative leverage to states for their power pursuit and practice.

The social attributes of status have gained increasing attention in contemporary international society as a result of the thickening international solidarity and the expansion of the criteria for good international citizenship.[366] A typical case is that of China, which has been observed to be competing and struggling for international status rather than purely brute power.[367] Chapter Four has demonstrated that the primary goals of contemporary international society are no longer merely about order-maintenance, but have gradually expanded to incorporate some universal and (perhaps) just values and practice. This tendency towards a more 'merit-based' international society has put considerable weight on the impact of behavioural legitimacy on the attainment and accumulation of status in current international context.[368]

Secondly, on issue of behavioural legitimacy. Legitimacy is an important area of research, particularly for the English School theorists. The importance and practice of legitimacy in international society are frequently attached to studies on state behaviour and good international/world citizenship.[369] Ian Clark has thoroughly inquired into this research area in his two books: *Legitimacy in International Society*, and *International Legitimacy and World Society*.[370] According to Clark,

> Legitimacy has been fundamental to the conduct of international relations, [...]. The core principles of legitimacy express rudimentary social agreement about who is entitled to participate in international relations, and also about appropriate forms in their conduct. [...] *legitimacy thus denotes the existence of international society* (italicised in original text).[371]

To elaborate, in international relations, the standards of legitimate behaviour are created to regulate state conduct during their interactions with each other, or international social

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[366] For example, Robert Jackson, *The Global Covenant* (New York: Oxford University Press, 2000); Andrew Linklater, *The Transformation of Political Community* (Columbia: University of South Carolina Press, 1998); Christian Reus-Smit, *The Moral Purpose of the State* (Princeton: Princeton University Press, 1999); Andrew Linklater and Hidemi Suganami, *The English School of International Relations: a Contemporary Reassessment*, (New York: Cambridge University Press, 2006), see particularly Chapter 7, pp. 223-258.

[367] Yong Deng, *China's Struggle for Status*; Li Xiaojun, 'Social Rewards and Socialization Effects: An Alternative Explanation for the Motivation Behind China's Participation in International Institutions', *The Chinese Journal of International Politics*, Vol. 3, 2010, pp. 347-377.

[368] Keene, 'Hierarchy and Stratification in International Society', p. 11.

[369] Examples can be found in Jackson's *The Global Covenant*; A Linklater's *The Transformation of Political Community*; Ian Clark's two books on legitimacy; Tim Dunne and Nicholas Wheeler, *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999); etc.

[370] Ian Clark, *International Legitimacy in World Society* (Oxford: Oxford University Press, 2007).

[371] Ian Clark, *Legitimacy in International Society*, p. 2.

relations at large. In other words, such means of regulation are enforced to ensure the normal functionality of the society since they prescribe the right, the appropriate, and even the just forms of state conduct. Through regulation, they have served to maintain a certain kind of international order and even achieve a certain extent of international justice at a particular period of historical time. For example, the classic standard of civilisation, despite its exclusionary nature, had functioned to maintain an international order featuring western predominance from late 19th to early 20th century. In comparison, the new standard of human rights is designed to serve the purpose of protecting and promoting the most basic human rights, which can be recognised as a means of enhancing world justice.

To acquire behavioural legitimacy, to a great extent, requires states to bring their behaviours in line with the standards of legitimate behaviour, meaning state compliance with international rules and norms pertaining to behaviour. But it should be noted that hidden behind such compliance is a process of the application of such behavioural standards to state conduct. As Ian Clark maintains, the principles of legitimacy predicate upon a certain degree of international consensus.[372] The accordance of legitimacy to state behaviour thus implies an external perception of the behaviour in discussion as right and appropriate and even just. As such, it is an attribute formulated on the basis of behavioural standards by the majority of international society. In contrast, deviance from or severe violation of the set standards risks being considered as wrong, inappropriate or even unjust/evil.

It can be claimed that, in contemporary international society, behavioural legitimacy indicates positive international recognition and eventually contributes to the attainment and enhancement of international status. On the contrary, behavioural illegitimacy suggests the reverse. However, as has been stated previously, the meanings and enforcement of legitimate behavioural standards are not static, but rather, are dependent upon the social and historical contexts. What are/were the standards? What is/was it meant by legitimacy? Who are/were the makers and enforcers of these standards? For whom and what purposes do/did these standards serve? These are all important questions that need to be addressed when conducting empirical studies.[373]

Clark argues that legitimacy in international relations can only be understood in a dual fashion of rightful membership and rightful conduct. This is consistent with what

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[372] Ian Clark, *Legitimacy in International Society*, pp. 191-206.
[373] The previous few chapters have touched upon these questions in the discussion of standard of civilisation and standard of human rights.

Dunne has claimed on the different functions of rules in international society – that some rules serve to determine membership in international society and some others prescribe appropriate state conduct whilst ascribing consequences for deviance.[374] These two faces of legitimacy have overlapped with the two attributes of social status to a great extent, with the former overlapping with the identity attribute and the latter with behavioural legitimacy. Having demonstrated the behavioural aspect, I continue to unfold the role of the identity attribute in constituting status in international society.

5.2.3 Status and Identity (social attribute)

The identity of a state, in a literal sense, refers to what a state is and what it is perceived to be. It is neither simply exogenously given nor endogenously derived, but socially constructed through a dynamic process of international interactions in a social environment, and thus predicates upon both exogenous and endogenous elements.[375] A state's physical existence, material power and action can be regarded as material realities, which only acquire meanings in international relations when the state enters into the social milieu and interacts with the other international actors.[376] As such, the formation of state identity is accompanied by a continuous process of formulation and attachment of social meanings to the state's properties and behaviours by the state self and international others.[377]

Moreover, "each identity is an inherently social definition of the actor grounded in the theories which actors collectively hold about themselves and one another and which constitute the structure of the social world."[378] These social meanings are thus not randomly given in international society, but formulated through the application of certain sets of commonly held standards (about behaviour or membership) on to the state actor.[379] State identity and social status can be viewed as two overlapping products of the calculation of the social meanings attached to a state. They are mutually constitutive and reflective, to a certain extent. However, this is not to say that identity and status can be equated, but that their formation shares certain essential constituents and a similar social process. The relationship between status and identity is not simply

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[374] Tim Dunne, 'Sociological Investigations'.
[375] Alexander Wendt, 'Anarchy is What States Make of It: The Social Construction of Power Politics' *International Organization*, Vol. 41, Issue 3, pp. 335-370.
[376] Martha Finnemore also discusses the relations between social realities and material realities in international society in her book *National Interest in International Society* (Ithaca: Cornell University Press, 1996), p. 128.
[377] Wendt, 'Anarchy is What States Make of It', p. 406.
[378] Ibid., p. 398.
[379] Finnemore argues that social meanings given to material realities are formulated through international norms and rules (the social realities).

one-dimensional, nor is it one-directional due to the complexities of status and identity. This part demonstrates their relationship in three points.

Firstly, state identity provides the basis for status attainment and accumulation through the medium of state interest and behaviour.[380] The identity (especially the self-identification) of the state reflects and defines what the state wants (interest). The rules and norms – essential constituents of state identity – provide guidance for state behaviours towards the realisation of its interest. Wendt argues, "[I]dentities are the basis of interests."[381] "Identities refer to who or what actors are. They designate social kinds or states of being. Interests refer to what actors want. They designate motivations that help explain behaviour. [...] Interests presuppose identities because an actor cannot know what it wants until it knows who it is [...]."[382] To put it simply, state identity reflects and determines what state interests are and the means through which interests are pursued (behaviour). For example, when state interests are compatible with those of common international goals, states will be driven to promote the realisation of such goals. In contrast, states would be less motivated to cooperate, or even act violently against, the fulfilment of common goals when there is a collision of interests. This would eventually affect the status of states in international society. China's approach towards universal human rights standard serves as an example (Chapter Four).

It should also be noted that state identity and interest are contingent and progressive social elements in international society. So is social status. The definition and redefinition of state identity shapes state interest, which in turn helps to determine whether state pursues merely brute power or also social status in different historical contexts.[383] Besides, the changing rules and norms on what is right and appropriate also play an essential role in constructing a good or deviant state identity since they shape state preferences and function as standards of state behaviours. For example, during the early expansion of international society characterised by great power exclusiveness and thin solidarity, the status of a state was determined by its material power attribute, since both identity and interest were defined primarily by, and as, material power. In comparison, the pursuit of social status is becoming an important constituent of the primary interest for states in contemporary international society that is featured by

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[380] The behavioural aspect has been elaborated in previous text, and thus will only be briefly touched upon in this part.
[381] Wendt, 'Anarchy is What States Make of It', p. 398.
[382] Wendt, *Social Theory of International Politics*, p. 231.
[383] Please note that this is not to argue that identity is the sole determinant of state interest. For example, Finnemore has famously argued that international normative structures and international institutions in general shape and redefine state interests.

growing inclusiveness and thickening solidarity, which in turn poses more normative and structural constraints on state behaviours.

Against the neorealist assumption that identity and interest are fixed and given, Finnemore argues otherwise, in her research on the impact of international normative arrangements on shaping state identity and interest. In her words,

> States do not always know what they want. They and the people in them develop perceptions of interest and understandings of desirable behavior from social interactions with others in the world they inhabit. States are socialized to accept certain preferences and expectations by the international society in which they and the people who compose them live. [...]

> The fact that we live in an international society means that what we want and, in some ways, who we are are shaped by the social norms, rules, understandings, and relationships we have with others. [384]

Secondly, the endogenous and exogenous dimensions of state identity serve as negative or positive attributes for its status. The endogenous dimension refers to a state's inherent property, including the material properties (territory, demography, economic strength, military might, etc) and the social properties (political structure, historical and cultural practice, etc). The exogenous dimension associates broadly with state behaviour and the guiding principles thereof. Both elements derive from inside the state, but are webbed in to a complex network of international social interactions and thus associated with external perception, expectation and responses from the other international actors.[385] The causal effects of inherent material property and behavioural legitimacy on status acquisition and enhancement respectively have been discussed in the previous text of this chapter. The question here thus is how the inherent social and non-behavioural dimension of state identity relates to status.[386]

Social status, as revealed in the previous discussion on Weber, is founded on 'formal education' and 'hereditary or occupational prestige' in addition to the 'style of life' (patterns of behaviour). [387] Although the former two elements are hard to specify and measure for states in international relations, they can find equivalents that enjoy resemblance in the inherent social properties of a state. The 'education' of a state can find its equivalent in the internalisation of norms or adoption of international good

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[384] Finnemore, *National Interest in International Society*, p. 128.
[385] Wendt, 'Anarchy is What States Make of It', p. 405.
[386] Such dimension laps over with what Ian Clark termed as 'rightful membership' – the second face of legitimacy in international society. See Clark, *Legitimacy in International Society*, pp. 173-189.
[387] Weber, *Economy and Society*, Volume 1, pp. 305-307.

practice at the national level, be it voluntary learning by the state self or forcible teaching by the others. The 'hereditary or occupational prestige' can be understood as the inheritance of good practice or principles from the preceding governments or regimes of the state. During the historical process of education and inheritance, some of the social properties are inherited with variation (i.e. sovereignty, diplomatic practice), some are abolished or prohibited (i.e. war as a legitimate institution), and some are internalised as a matter of state socialisation into international society (i.e. universal human rights).[388]

As guiding principles and practice for state behaviour, the inherent social properties are products of the interplay between the domestic and the international on determining the right and appropriate. They lay the normative basis for the formation of a collective belief and international expectation on the consistency of the state's patterns of behaviour, i.e. in terms of the formulation and implementation of domestic and foreign policies. The anticipation that a state (with a history of good behaviour) will consistently perform good practice and promote commonly accepted principles contributes to positive international responses, hence the acquisition or enhancement of status. On the contrary, the anticipation of deviant behaviour or inconsistency is more likely to lead to the reversed result. In short, the widely recognised good inherent social properties (i.e. good education and the inheritance of good practice) function as a source of positive status, whilst the perceived bad/deviant properties lead to negative status. A typical case is that of democratic peace theory, which proposes that democracies do not go to war with each other. This hinges upon the collective belief that democracy, as a form of good governance and sound political organisation, indicates a stable pattern of state behaviour towards the avoidance of use of force among democratic countries.

On the one hand, the attainment of state status is affected, and largely determined, by its identity. On the other hand, state identity is also reflected, reinforced, shaped or redefined by the status conferred to it. Whilst state identity can be stabilised and strengthened, it is also subject to change as a matter of external expectations/responses and self-reidentification during the process of status seeking as well as the eventual status attainment. Status not only reflects the identity of a state, but also contributes to the construction of new identities for a state or a group of states as a matter of international social stratification. The differentiation of status leads to the

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[388] Note that there is no clear boundary between the domestic and the international norms, since they have come to affect the formation of each other due to the intertwinement of the domestic and the international caused by the intensification of international interactions.

formation of different status groups in international society, hence different sets of collective identities and the formation of social boundaries in international society.

A "status group" means a plurality of persons who, within a large group, successfully claim: a) a special social esteem, and possible also b) status monopolies. [...]

Status groups may come into being: a) [...], by virtue of the style of life, b) [...], through hereditary charisma [...], or, c) monopolistic appropriation of political or hierocratic powers [...].[389]

If international society as a whole is viewed as a status group, its historical development has shown, so far, that: First, status groups denote certain social boundaries separating insiders of the group from outsiders, and creating sets of identities accordingly. For example, the early international society was featured as a group of western powers claiming a special social esteem – rule makers and enforcers – as well as a superior identity as 'civilised self' against the 'barbarous others' based upon the standard of civilisation so created by them. This has been revealed in Chapters One, Two, and Three. Second, the boundary set by a status group is not necessarily fixed, but rather, fluid (i.e. in the case when the boundary requirements are met). This has allowed the membership of a status group to grow or reduce, meaning the collective identity as a group member is transferable and perishable. More specifically, alongside the process of boundary crossing, the identity as a member of a certain status group is terminated for those leaving the group whilst given to those entering the group.

Third, several status groups can come into formation within a big status group, in which case a secondary collective identity is created in addition to the primary collective identity, and so on and so forth. It is thus possible to create multiple layers of collective identities.[390] For example, within international society – the primary status group, a few states may form a small group based on their common traits (i.e. power, function, organising principles, etc.), which distinguish them from the rest of international society. The Permanent Five within the UN serves as a typical example. Whilst sharing the identity as a UN member with the other member countries, the Permanent Five share a particular collective identity as the leading decision-makers within the Security Council as well as enjoy a privileged power to veto, thus claiming a special social esteem and status monopoly.

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[389] Max Weber, *Economy and Society*, Volume 1, pp. 305-307.
[390] According to Wendt, identity is role-specific and defined by different situations and thus is multi-layered as a result of the different roles states play. See Wendt, *Social Theory of International Politics*, pp. 397-398.

To put it simply, status and identity are mutually reflective and constitutive. Both concepts involve the endogenous properties of the actor and the endogenous environment and international actors. They are thus interrelational and contingent upon the historical and social contexts. But status and identity cannot be equated. The status of a state refers to the overall social meanings of a state's power (material capacity and international social mobility) and its behaviour in international society. Identity, as an essential social attribute of status, is only one of its many important faces.

The three attributes of status – material power, behavioural legitimacy, and identity attribute – enjoy different weights in determining the status of a state as a matter of the dynamic historical context and international social environment. The history of international society has revealed that material power, as the predominant attribute of status in the early phrase, had overpowered the social attributes in ways that state identity and interest were defined by power; and the criteria of legitimacy were also determined by the powerful. In comparison, the thickening solidarity in our contemporary time has contributed to an increase in the impact of the social attributes on status attainment. Moreover, the social attributes are no longer simply determined by power but rest upon a certain degree of international consensus. The social attributes also directly affect power by means of regulating power acquisition and exercise. The interplay between the material and social attributes thus helps to explain the social mobility/change of states in international society, including state behaviour during such a societal process.

5.3. China's Status and Behavioural Change in International Society

Whilst the power transition theory reveals the change of state's international position in the power dimension and explains state behaviour on that basis, the status-led approach goes beyond the power determinant to include the social dimension of behavioural legitimacy and identity attribute. The rise and fall of a state in international relations is not simply about the elevation and decline of state power. Rather, it is also an issue of social mobility upward and downward in international society, or a change in the social meanings of its presence, ability and conduct. In general, the fall and rise of a state is a matter of status change in international society, which involves complex changes in both the internal properties of the state (i.e. self-identification, internalisation of norms, state behaviour, etc.) and the external environment/actors (i.e. international institutions, behavioural standards, etc.).

Moreover, state behaviour is not solely determined by a calculation of power interest or satisfaction/dissatisfaction towards a dominant power (if there is any). State behaviour, as a form of social activity, is also significantly affected by the external normative arrangements as well as external expectation vested in state identity. In general, the proposed status-led approach towards the explanation and understanding of status change in international society incorporates and invites considerations on state power, identity, and behaviour as well as external perception thereof.

As has been repeatedly argued, the case of China is not simply about the movement of China's position along the material power spectrum, but also the social status spectrum. More specifically, the fall and rise of China is a matter of China's status change in international society. It should also be understood as an issue of the change in the international social meanings of China's presence (identity), ability (power), and behaviour; meaning the influence that the above elements have exerted upon the other actors and the social/structural arrangements in international society. Accordingly, China's behavioural changes alongside its status transition cannot be simply explained on the basis of power change. Rather, China's behaviour, particularly those associated with the normative boundaries, is affected by, and reflected in, China's approach towards the changes in its identity, the international environment, and the prevailing behavioural standards.

Moreover, status is also determined by the social context in which state conduct is shaped and state identity is constructed. China's fall and rise is thus not solely about China either. The issue of power aside, China's status change since 1840 has been accompanied by a series of structural and social changes in international society, which were widely associated with order and justice, and membership and behavioural legitimacy. The international rules and norms in this regard have been composed of dynamic social contexts and according constraints, to which states need to accommodate. The previous four chapters have displayed changes in this regard through the discussion on the classic and new standard of civilisation. The rest of this section simply looks at China's status change from the 1840s to the present, with a brief explanation of its responses to the normative standards at different points of history by taking into account the attributes of status − material power, identity and behavioural (il)legitimacy.

China fell from the 'Middle Kingdom' in the East Asian regional society to a factual pariah in the Europe-centred international society during their major encounters in the 1840s. China's pariah status was displayed in its relatively weak material power,

errant state behaviour as measured against the standard of civilisation, and a subordinate identity as a barbarian that needed to be civilised. Such *de facto* pariah status and according international treatment had largely lasted until 1949, when China regained its independent sovereignty and started to establish/recover its diplomatic relations with other international actors on a systemic scale. The formation of China's pariah status was very much caused by China's weak material power relative to the European powers at a time when material power attribute was the primary determinant of status. In such a social and historical context, the powerful members of international society largely prescribed the standards for legitimate membership and behaviours.

The endurance of China's pariah status has been characterised by China's constant struggle to accommodate to the prescribed standard of civilisation; to mediate the conflict between a superior 'Middle Kingdom' mentality and a pariah status in reality (especially in the late Qing period); and a continuous attempt to raise its power capacity against the European/western powers (particularly in the republican era). Such a prolonged struggle between fitting in and defying against the western idea of international society was one of the most important reasons why China was caught between compliance with and contestation of the behavioural standards designed by the powers of international society.

The change of context from a Sino-centric East Asian regional society to a Europe-centred international society had meant a different behavioural pattern, and a new set of normative requirements for China. It also came with changes in 1) the relative power capacity – from being positioned at the higher end of power spectrum in the East Asian regional context to the lower end in international society, compared to the European powers; 2) identity – from the decision maker and rule-maker/enforcer of East Asian society to a peripheral/barbarous state subject to civilisation – the civilising process; 3) the pattern of behaviour – from one created by and for it to one forced on it; 4) an overall repositioning – from the higher end to the lower end of international status, or from the centre to the periphery of international/regional order. All of the above were the most significant challenges faced by China in accommodating to the western idea of international society. The entire duration of China's pariah status thus also saw a continuous process of China's reconstruction of identity, recreation of behavioural patterns and repositioning along the social and power spectrums in international society. China's response to the normative standards of international society thus was also a historical and social product of such processes of reidentification, recreation and repositioning.

Well into the second half of the 20th century, as has been argued, due to the reconfiguration and evolution of international society, the social attributes of identity and behavioural legitimacy have gradually taken up an increasingly significant role in determining state status, in addition to material power. The behavioural standards have also evolved and come to reflect a greater degree of international consensus and common humanity, compared to the condescending and exclusive Europe/West-centred classic standard of civilisation. In such an international context, the standard of human rights has come to represent as an essential aspect of the new standard of civilisation and has functioned as a set of normative requirements in determining legitimacy and regulating state conduct.

China, albeit having risen to the top of the international power hierarchy, is observed, yet again, to have been complying with certain human rights norms whilst contesting some significant others, hence invoking heavy international criticisms in this area of concern. In other words, the speed and scope of China's rise in the material power dimension is not paired with the similar level of enhancement in its social status, which is partly caused by its behavioural illegitimacy in the human rights field. The case of China has reinforced the view that material power attribute is no longer the sole determinant of state status in international society. However, the important question is: what is stopping China from fully complying with the international behavioural standards? Here is where the identity attribute kicks in.

Chapter Four has readily pointed out that China's rise came at a time when the international normative arrangements have been largely established for it. This has meant that, although China has been granted the role as one of the decision makers and rule makers/enforcers together with other great powers, it is not able to easily redefine the established behavioural patterns designed by the major democracies or to shape the existing structure in its way. The identity difference between China and the democracies has also led to a difference in their behavioural patterns, guiding principles, and perception and pursuit of national interests in general. For example, the fundamental difference in the definition of government-people relation and the domestic-international boundary has caused sharply different views of and approaches to the organisation of social life and the protection of human rights (especially in terms of humanitarian intervention). Moreover, as China has pledged to a peaceful rise and to become a responsible power, it has also raised the international expectation for China to utilise its power capacity to provide more international public goods as well as to bring its behaviour in line with international behavioural requirements. On the one hand,

China's contestation of, and compliance with, the existing normative arrangements reveals China's struggle to mediate the problems lying underneath the identity difference. On the other hand, it has also demonstrated China's attempt and struggle to meet the rising international expectation of a responsible power in which China's aspiration resides.

5.4 Conclusion

Status is originally an area of sociological inquiry into the social attributes of individuals and groups as well as the hierarchical relations among them at the domestic level. Yet, this chapter argues that the question of status is not confined within the limit of domestic society, but can, and should, be applied to explain state changes and inter-state relations in international society. The concept of international society denotes a certain degree of social consensus (or power consensus at certain historical times) on what is appropriate and legitimate; grants social rewards or punishment accordingly; and also creates rules, norms and mechanisms as such to institutionalise such system of regulation. In the international social life, power relations remain crucial in many aspects. Nevertheless, when states come into interaction with one another, they also automatically enter into a relational and social milieu, which imposes certain social and structural constraints upon states to regulate their interactions. The status-led approach touches upon such a social dimension in this chapter, in its attempt to explain the change of state position and behaviour in international society.

Different from the power transition theorists' power-based notion of international hierarchy, this chapter argues that the international order is one of hierarchy under anarchy, within which the hierarchy refers to a hierarchy of status. The rise and fall of state in international society is thus not simply a matter of power change, but also a question of social status. The status change of a state can be caused by the ascendance and declination of state power, but also hinges upon the change in state behaviour, identity and the international normative environment. As has been mentioned, the accumulation of positive status in international society requires a certain degree of power possession, which functions as a source of domestic stability and security as well as international public goods. Yet the means through which power is acquired and exercised also matter significantly to the accumulation of behavioural legitimacy of states, hence affecting state status. What is equally important is how such state capacity and practice are perceived and responded to by the other international actors as international recognition reinforces state legitimacy and authority, hence

enhances status. Moreover, state identity partly reflects and defines the pattern of good/bad state practice, which also affects international perception and expectation. The status of a state is thus determined by both material and social attributes, and is contingent upon social and historical contexts.

Status is measured as the social privileges a state enjoys as much as the responsibility it shoulders in international society. Whom the state identifies itself with, what it is capable of, how it utilises its capacity, what impact it produces and to what ends it aspires to achieve are all important questions affecting state status in an interdependent international society. As international society evolves to a stage where power attribute is no longer the sole determinant of status, the role of identity attribute and behavioural legitimacy will gradually become more significant in influencing and regulating state behaviour and foreign policy. The contemporary international society is displaying such a trend in many aspects (i.e. in human rights protection, environment security, humanitarian intervention, etc.). China's aspiration to be a responsible great power and its pledge to a peaceful rise has also given an example of impact of the combined material and social attributes of status on shaping state behaviour and preferences.

Conclusion: The Social, the Historical and the International

As has been highlighted in the Introduction, this thesis serves two purposes and addresses two themes accordingly. First of all, it has made an attempt to study the phenomenon of pariah statehood as a subcategory of international exclusion of states, as well as the development of a standard of civilisation that forms the normative boundary of international inclusion/exclusion. On this basis, it has also mapped out China's historical representation as a pariah and China's responses to the behavioural standards at various phases of its engagement with international society from late Qing to present.

During the process of exploring the reasons for, and consequences of, pariah state status and the inclusion/exclusion boundary, this thesis goes back to the fundamental sociological questions regarding social relations, rule making, and rule application in international society. Pariah, as a term that denotes power differential and social hierarchy, is only relatively speaking. In other words, pariah is a social and relational term. There is no such thing as a pariah without the existence of a significant other that is considered as materially and socially more civilised, according to the standard of civilisation; in much the same way as exclusion is only relatively speaking as opposed to a state of inclusion. Such relative social relations are reflected in the ownership and processes of production and application of rules and norms, as well as the eventual institutionalisation thereof. It is thus of utmost importance to investigate the social meanings vested in the rules and norms themselves, and the social processes of their production/reproduction, application, and institutionalisation. Hence, to understand the making and unmaking of pariahs, it is critical that this thesis studies the social meanings vested in the standard of civilisation – a set of behavioural standards prescribing legitimacy and a mechanism of international social inclusion/exclusion.

To briefly summarise the first theme addressed in this thesis; Chapter One identifies pariah states through a conceptual clarification of the meaning of pariah state, followed by an investigation into the historical and social construction of pariah state identity in international society. On the theoretical foundation of Chapter One, the next three chapters – Chapters Two, Three, and Four – venture into an empirical study on China to uncover whether China was/is treated as a pariah during its major encounters with international society. Chapters Two and Three briefly trace the international sociological history of China's pariah experience, and its responses to the exclusionary standard of civilisation during the late Qing period and republican era respectively.

Chapter Four evaluates whether China is a pariah state, in regards to human rights, against the standard of human rights from the late 1980s onwards.

The second purpose of this thesis is to provide a status-led approach towards explaining the change of state positions alongside the spectrums of material power and social status in international society. More importantly, it also explains state responses to the behavioural standards – the normative boundary of international inclusion/exclusion – alongside the state's movement up and down the overall status spectrum. Specifically, it seeks an explanation of China's constant struggle to accommodate to the standardised behavioural codes during its fall and rise in international society.

To this end, this thesis again goes back to the sociological realm, reaches for a status theory, and takes it to the level of international society. Whilst the conventional sociological investigations of status in domestic society rest mainly with the social attributes (social privileges and esteems) of actors, the IR literature in this concern remains dominated by realist incentives of material power. This thesis suggests otherwise, that both the social and material attributes of a state are determinants and indicators of a state's status relative to that of other states in international society. Moreover, state behaviour is not purely determined by material power incentives, but also by social considerations, such as international expectation and social rewards (i.e. membership, international recognition). In many respects, state behaviour can only be properly understood and explained when taking into account the interplay between the material and the social, as they shape state interest and identity. It is particularly so in the contemporary international society featuring increasing solidarity and development in the direction of a world society.

With regard to the second purpose of this thesis, Chapter Five makes an attempt to bring in an international sociology of state status by looking into three essential determinants/indicators of status, namely material power, behavioural legitimacy, and identity. Whilst the material dimension has been heavily explored in existing IR literature, Chapter Five focuses on the impact of the social attributes on determining state status, affecting status change, and impacting state responses to the normative boundaries. It goes on to take a status-led approach towards China's historical engagement with international society, China's rise, and China's seemingly contradictory responses to the behavioural standards featuring both contestation and compliance at the same time.

The fall and rise of China in international society, in the past and in the present, cannot be simply interpreted as a decline and rise of material power, although material power does matter. Rather, there was/is also a continual process of China's social mobility downwards and upwards alongside the spectrum of international social status, reflecting its international recognition, membership, discursive power, identity, authority, and behavioural legitimacy. China's complicated response to the behavioural standards is not merely a matter of the relative power differential between itself and the international powers. Rather, it is more a result of the conflicts invoked by its self-identification and self-definition of legitimacy on the one hand, and the reality of its actual international status and international expectation of legitimate behavioural patterns on the other.

Empirically, it can be said that the study on China in this thesis is an attempt to provide a historical-sociological account of China's pariah past and status change since its major encounters with early international society. To briefly summarise the empirical aspect of this study, Chapter One provides the theoretical foundation for the empirical analysis in Chapters Two, Three, and Four, which inquire into: 1) the construction of China's pariah identity; 2) the change of China's international position and identity relative to the members of international society; and 3) China's responses to the behavioural standards and normative boundaries prescribing legitimate conduct and membership in international society. The empirical study is completed in Chapter Five, which proposes a sociological account of status to briefly map out and explain China's status change – from a pariah to a great power still on the rise – in international society from the late Qing period until the present day.

Theoretically, the research questions proposed by this thesis are broadly associated with historical and sociological investigations of international society, such as normative boundaries, international exclusion, international social status, and state behavioural patterns, as well as changes thereof across different historical times. In other words, this thesis has looked into the epochal changes of certain social aspects associating with agent and structure in international society, as well as the impact of such epochal changes on shaping international structure and agents. Despite the emphasis placed upon the social, this thesis has not ignored the importance of the material. For example, Chapter Five has pointed out the interrelations of material and social considerations, which help shape the international common goals and expectation of legitimate statehood and conduct across time. Moreover, it also examines the

interplay of social and material attributes of state actors, and how the changes of such attributes across time have impacted upon state preferences and behavioural patterns.

In both theoretical and empirical senses, this thesis has gone into a certain historical and sociological depth during its study of the international. Yet, more importantly, it also touches upon, and benefits from, an integrated approach of historical sociology towards international relations. This is not the place to discuss international historical sociology in detail, but it is important to mention it because the historical and sociological threads are embedded in, and essential to, the inquiries of this thesis.

This thesis has been predicated upon a relational and interactive international context, in which the actors – both individual and collective – are inherently social, and the social meanings attached to, and created by, actors are contingent upon historical contexts. States exist and interact in an international social milieu, in which state practice and its material capacity acquire social meanings through the continuous interactions with other actors. International rules and norms are the products of international actors (especially states), and function as means of regulating state interactions and general social relations in international society. Such rules and norms also carry social connotations, such as the purposes and interests of the rule-makers, the common social goals for a given time, an international consensus of legitimacy, etc.

The social meanings attached to state actors (practice and material capability) and vested in international rules and norms are not fixed. On the one hand, these social meanings are subject to change as a matter of the continuous reconfiguration of international material and normative structures across time. To give a few examples, the rise and demise of states actors; the material power (re)configuration; the enlargement or narrowing of power differential; and the different prevailing common goals of the time, all have significant effects on both international actors and structure. Such effects are demonstrated in shaping essential elements of international life, such as state preferences, practice, and identity, as well as international expectations and requirements of legitimate statehood and conduct. Henceforth, affecting the general social context and the social meanings attached.

On the other hand, these social meanings also enjoy a certain degree of stability for a certain temporal duration. This is because the regulating rules and norms are formulated upon a certain degree of international social consensus among the members of international society. Thus they have enjoyed a certain degree of validity when being applied to international social life as regulative institutions. This is especially so in the

case of settled international norms and rules that have been widely accepted by members of international society.

The formation of such a normative structure and the application of rules and norms in international society are social processes propelled by principal social needs and concerns at a given time, especially that of a reasonably orderly social environment defined within the specific historical context. In other words, international rules and norms provide means for actors to organise international social life, with the ends being the achievement of a certain degree of international order and/or justice. Yet in international society, the essential social rules and norms associated with these primary goals, including order, justice, and legitimacy, are all confined to, and defined by, a certain period of time.

In this sense, the social of the international is temporal, and thus can only be properly understood when situated in a historical setting. Yet again, this is not to deny that certain institutions (i.e. sovereignty), norms (i.e. human rights), and practices (i.e. use of force) have lasted, or can last, for centuries or more. But it is highly debatable whether there is anything that can be regarded as timeless, be it in the domestic or international social world. In fact, the above examples provided in brackets are among the most typical examples of the contingent nature of international social institution/norm/practice. Sovereignty, which originally denoted absolute sovereignty within solid territorial boundary, has been giving way to popular sovereignty and increasingly fluid boundary as a matter of growing integration and intensifying international interactions. The concept of 'human' as in human rights is no longer restricted to the ruling class, but has been expanded to include all humans thanks to enlightenment and global-scale social movements such as emancipation and revolution; and heavy restrictions have been imposed upon the use of force directed against either states or individuals, in both international and domestic settings.

To properly understand the specificity and continuity of the rules and norms regulating actors in international social life, history thus needs to be brought back in. As John Hobson contends,

> [W]hile international relations is currently undergoing a 'sociological turn',
> often equated with the rise of constructivism, […] the 'sociological turn' can
> only be fully realised by bringing 'history' back in. [391]

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[391] John M. Hobson, 'What's at stake in 'bringing historical sociology back into international relations'? Transcending 'chronofetishism' and 'tempocentrism' in international relations', in Stephen Hobden and John M. Hobson (eds.), *Historical Sociology of International Relations* (Cambridge: Cambridge University Press, 2002), p. 4.

This is also why this thesis finds it of paramount importance to trace the historical development of behavioural standards (standard of civilisation) – a specific set of international rules and norms; and their impact on the definition of pariah state and in determining China's identity and status in different international historical contexts.

On the one hand, history is essential to the understanding of the social of the international. On the other hand, historical investigations of the international do not stand apart from the social. As Hobson and Lawson has argued,

> [H]istory is a *social process*, one in which contingent historical events, dramas and processes are part of broader interrelations, sequences, plots and concatenations which provide a shape – however difficult to discern – within historical development.[392]

Perhaps more importantly, histories are created by social actors in order to record social phenomenon, practice and social relations that happened in the past. The production and interpretation of history are social processes confined to certain social and historical contexts. In other words, history is heavily conditioned by the social and cultural contexts of its creators and interpreters. Therefore, it is important to clarify 'what history' and 'whose history' when conducting historical studies in international society.

Historical analyses of the international provide researchers of international relations with important tools in primarily two respects. First, in a literal sense, it allows researchers to trace the origins and development of international phenomena, mechanisms and theories. The proceeding occurrence usually provides significant indications or explanatory evidence for the subsequent reoccurrence if there is any, thus providing a progressive view along the temporal spectrum. In both theoretical and empirical senses, this thesis has, to a great extent, conducted historical analyses in this regard. This thesis has traced the historical development of the pariah phenomenon, the theoretical construction of pariah identity, the historical representation of China's pariah status, China's responses to the normative boundaries, and China's international status, all from 1839 to the present. Historical analyses in this thesis have provided empirically-rich descriptions of how each of the above was presented across different historical times. However, it should be noted that whilst tracing the historical, the chapters also discuss the social implications vested in the said phenomena and processes.

Secondly, historical analyses of the international also allow researchers to look beyond the narratives and conduct comparative studies. This can be achieved by

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[392] John M. Hobson and George Lawson, 'What is History in International Relations?', *Millennium: journal of International Studies*, Vol.37, No. 2, p. 428.

comparing the development and social meanings of the international phenomenon located at one time and context to those locating at other times and contexts.[393] Yet again, it is worth pointing out that comparative studies in this regard, require an examination of the roles that agency and context (social and historical) play in shaping historical development, and conditioning history-making and interpretations. Albeit implicit, in this thesis, Chapter One includes an analysis of the different behavioural standards ascribing pariah identity/status between the past and present by comparing the classic and new standard of civilisation. Chapter Five compares and explains China's responses toward the normative boundaries at different historical stages when China was accorded with different levels of international status.

It can be argued that the historical is just as important to the international as the social. Moreover, in so much as social analysis of the international requires a historical perspective; historical analysis of the international is also significantly complemented by the social. By incorporating both the historical and the social, the international is generally enriched and broadened. Discussions of this thesis have benefited from such a historical-sociological approach towards the international, particularly for the study of China's rise and status change in Chapter Five.

To briefly demonstrate, a historical-sociological approach diverts the central focus of analysis from the material (evident in the dominant neorealist thinking) to one that places emphasis upon the interplay among the material, social and the ideational. The rise of China is understood as a historical and social process of accumulation of both material power and social status, rather than purely the elevation of the material as claimed by the power transition theorists. To this end, it rejects the conventional dichotomy between the material and social/ideational.

Moreover, having embedded the sociological investigations of China's behaviour alongside its rise in a historical context, this thesis is able to draw implications from China's historical engagement with international society in the past which provide explanatory power for the present. For example, Chapters Two, Three and Four provide explanations of China's responses towards the international normative boundaries in the past. On this basis, Chapter Five detects regularity in China's constant struggle, both in the past and the present, between accommodating the international behavioural standards largely prescribed by the West on the one hand, and injecting its

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[393] This claim draws reference from Charles Tilly's definition of 'historical' – meaning locating the phenomenon meaningfully in time and place relative to other times and places. See, Charles Tilly, 'Why and How History Matters', in Charles Tilly and Robert E. Goodwin (eds.), *Oxford Handbook of Contextual Political Analysis* (Oxford, New York: Oxford University Press, 2006), p. 420.

own cultural values and beliefs on the other. China's international behaviour, thus, cannot be simply explained through the material power-based lens, but should also take into considerations China's own social and cultural contexts.

Lastly, a historical-sociological approach situates the rise of China in a dynamic international socio-historical context, within which both structure (material and normative) and agency are taken into account. The rise (or status change) of China is a story about the change in China's material capability and social status; as well as in the social meanings attached to China's presence, material capability, and behaviours in international society. Yet, more than that, as argued in Chapter Five, the rise (or status change) of China is also accompanied by a process of the configuration and reconfiguration of international material and normative structures, in which China plays a significant part.

The historical-sociological approach is perhaps best presented by the account of status and status change in international society proposed in Chapter Five. Status is neither self-deriving nor exogenously given. It is not purely social, ideational or material. It is not only affected by a state's international behaviour, but also its domestic behaviour. It hinges upon both the internal attributes of the state 'self', as well as the external attributes projected by 'other' international actors and structural forces. Status is not one-dimensional, or one faceted. It rejects the conventional dichotomies between the agent and structure; domestic and international; material and social; material and ideational; and the past and the present. The account of status and status change has been developed on the grounds featuring the interplay of the two factors locating at separate ends of these dichotomies. This largely applies to, and sets the preconditions for, a historical-sociological approach towards the international.

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This thesis has not addressed, in its entirety, the intricate relations between the social, the historical, and the international all round. However, I think it has touched upon some of the productive possibilities of sociological analyses of China's fall and rise. It goes without saying that this research project is limited in many ways for reasons of time, space, access, but I hope to have achieved what I set out to do. There is always room for further research in areas of inquiry similar to those pursued in this thesis. I

look forward to undertaking further work on China and international society. Yet, for now, this is where my PhD research ends.

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Useful Websites

China's Permanent Mission to the UN in Geneva: http://www.china-un.ch/eng/rqrd/

China's reports on US human rights record from 1999 to 2010 are available on: http://www.chinahumanrights.org/Whitepapers/Reports/index.htm (last accessed: July 2011).

China's human rights white papers, including reports on its human rights progress, can be found on: http://www.chinahumanrights.org/Whitepapers/Whitepapers/index.htm (last accessed: July 2011).

Universal Periodic Review: http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx

US CRHRP 1993 – 1999: http://www.state.gov/www/global/human_rights/drl_reports.html (last accessed: July 2011)

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The OHCHR webpage on key UN legal documents regarding protection of human rights: http://www2.ohchr.org/english/law/ (last accessed: July 2011).