

ISSN 2079-3952



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香港中文大學政治與行政學系  
Department of Government and Public Administration  
The Chinese University of Hong Kong



# QUINCY UNIVERSITY 2014 Summer Volume 6

第 6 卷 2014 年夏季

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*A Hong Kong Student Journal  
of Political Science*  
香港政治科學學生期刊

# *Civilitas*

# 政學

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## **Civil Society or Politicized Organizations?**

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*Xu Tuoqian*

## **Executive-Legislature Disunity and Political Calculations Behind in Hong Kong's Political System**

*Choi Ling Chee Matthew*

## **Is the Just War Tradition Relevant to Environmental Destruction in War?**

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## **Sino-Japanese Relations in East Asia Peaceful:**

Interdependence or Great Power Rivalry?

*Chan Chun Man Kelvin*

## **To What Extent is the Concept of 'International Relations' a Western Construct?**

*Chan Chun Man Kelvin*



# Civilitas 政學

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**Acknowledgement** The Editorial Board would like to thank the **Roundtable Community** for sponsoring this volume.

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# Civil Society or Politicized Organizations? The Nature of Homeowners' Committees in China Revisited

XU Tuoqian

*The Chinese University of Hong Kong*

**Abstract** Homeowners' committee is a remarkable phenomenon emerging in the market-oriented housing reform in urban China. In previous literature, many scholars held the point of view that the development of homeowners' committees, as a kind of civil society organization, would perform a profound positive impact on China's grassroots political reform and social progress. Utilizing logical reasoning and evidence obtained from the field research in S. City, this article criticizes the civil society model by arguing that the homeowners' committee is no more than a collective effort of particular social actors to protect their economic rights. Politicizing the existence of homeowners' committees will impede the healthy development of it.

## I. Introduction

As a by-product of the housing reform in urban China since 1990s, the emergence of homeowners' committees (*yezhu weiyuanhui*) in the new commercial housing communities and new neighborhoods have drawn great attentions to scholars in the academia, the observers concerning the grassroots political reform, and the policy makers in the party-state. Like other forms of self-organizations that lie outside the immediate managerial authority and direct control of the state, these committees have aroused controversies. On one hand, they are doubted by some officials because of their activism and strength. On the other hand, they have also received explicit authorization by the national policy since 1994. The Ministry of Construction has encouraged the establishment of homeowners' committees in order to regularize the market relationships in the realm of property ownership. Firstly, there are so many cases of frauds created by the real estate developers in the immature housing market. Secondly, the rights of homeowners have been

infringed frequently by the property management companies, which are in charge of the maintenance, security, and utilities in the commercial housing communities.

The homeowners' committee seems to be a powerful protector and weapon for the homeowners, who are comparatively less powerful than the organized corporations, to prevent infringement of property rights, from the infringement of property rights, which cost the saving of tens of years for an ordinary citizen in contemporary China. As a researcher who focuses on the economic reform and its social impacts in urban China, I would to utilize this opportunity to analyse this phenomenon. In this article, I will examine the natures and characteristics of the committees by conduct of qualitative research in S. City. An academic dialogue with the so-called civil society model of homeowners' committees will be proposed. After reviewing the related literature, I will turn to the empirical evidences obtained from the field of S. City, and present my own understanding about this kind of organizations. I argue, in contrast to the civil society model, that the homeowners' committees have been politicized by the social actors on the grassroots level of urban China.

## II. Background

China has experienced a great economic transition from planned economy to market economy with Chinese characteristics since the end of 1970s.<sup>1</sup> Urban housing reform is considered as an important part of these series of transitions. At the time of planned economy, the main providers of housing in urban China were state-owned enterprises and other branches within the party-state. The property management was provided by the logistics department of the enterprises seemed to be administration rather than service, because the occupants of these houses were just someone like tenants rather than owners.<sup>2</sup>

The housing distribution system built after 1949 had always faced

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1. See Victor Nee, "A Theory of Market Transition: From Redistribution to Markets in State Socialism," *American Sociological Review* 54 (1989);

Victor Nee, "The Emergence of Market Society: Changing Mechanism of Stratification in China," *American Journal of Sociology* 101 (1996).

2. Benjamin Read, "Democratizing the Neighbourhood? New Private Housing and Home-Owner Self-Organization in Urban China," *The China Journal* 49 (2003): 38;

Bing-geow Chow, "Civil Society with Chinese Characteristics? An Examination of China's Urban Homeowners' Committees and Movements," *Problem of Post-Communism* 59 (2012): 52.



the problems of shortage and unequal distribution of the real estate resources.<sup>3</sup> Hence, housing reform was implemented, which was trying to reduce the financial burden of the state enterprises and utilize the market mechanism to increase the supply of the real estate resources. The reform could be basically divided into three components. Firstly, the housing administration bureaus returned some real estates to their original owners; Secondly, the bureaus sold the apartments in buildings that were built and owned by the city administrations or the public workplaces to the occupants directly; Lastly, the most significant approach is the creation of new commercially built housing neighborhoods.<sup>4</sup> Thus the main allocation mode of the real estate resources in urban China has been transformed from administrative distribution to market transaction. In 1998, the Chinese government cancelled the disturbing of welfare housing and fully implemented the commercialization of residential areas. Various reform measures related to housing have been introduced. Since then, the privatization of the public real estate has accelerated, and the supply of commercialized real estates has also increased significantly.

Accompanied by the redevelopment of the old urban areas and the rapid urbanization through the passing more than twenty years, the pattern of the grassroots urban China has shifted dramatically, forming a structure named “three gharries” (*sanjia mache*) on the grassroots level, including the residents’ committees (*jumin weiyuanhui*), the property management companies, and the homeowners’ committees.<sup>5</sup> Among the three, the residents’ committee, although said to be a self-governed grassroots organization, is the “nerve tips” of the state because of its resource dependence and personnel control from the street offices.<sup>6</sup> The property management companies are the representatives of the market power on the grassroots, and the leading cause of the property right

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3. See Yingshun Zhao and Steven Bourassa, “China’s Urban Housing Reform: Recent Achievements and New Inequities,” *Housing Studies* 18 (2003);

James Lee, “From Welfare Housing to Home Ownership: the Dilemma of China’s Housing Reform,” *Housing Studies* 15 (2000).

4. Read, “Democratizing the Neighbourhood?” 39;

Ngeow, “Civil Society with Chinese Characteristics?” 52.

5. Youmei Li, “*Jiceng shequ zuzhi de shiji shenghuo fangshi* [The Real Life Style in Grassroots Community Organizations],” *Sociological Studies* 4 (2002): 16.

6. Chunrong Liu, “The Political Construction of Community Power: a Comparative Case Study of Neighborhood Governance Formations in Shanghai (1996-2003),” (PhD diss., City University of Hong Kong, 2005).

infringements and frauds in the communities as well. This is the reason why many scholars recognise homeowners' committees as a social self-organizational power which opposes the state and market in the urban residential committee.

The market oriented reform of the real estate and other related conflicts have contributed to the emergence and development of the homeowners' committees. This kind of homeowners' organization is established based on the "condominium ownership", and it is the executive body of the homeowners' assembly according to the Property Law. In fact, the homeowners' committees are increasingly regarded as joint organizations for homeowners to safeguard their common interests. The right-defense (*weiquan*) actions launched by the homeowners individually and the homeowners' committees collectively are both considered to form "Right-defense Movements of Homeowners".<sup>7</sup>

In recent years, the right-defense actions related to the housing property have become national-wide social movement in some metropolises, such as Beijing, Shanghai, Guangzhou, and Shenzhen.<sup>8</sup> These headlines raised the concern among a large number of researchers. The homeowners' protests and the homeowners' committees have become important research issues.

### III. Civil Society Model

In the eyes of some researchers, the development of homeowners' committees is a significant breakthrough for China's grassroots political reform and even the path towards democratization. The homeowners' committees are regarded as the experimental sites for China's democratic practices, and will have a profound impact on China's political reform. The characteristics manifested by the homeowners' committees, such as community involvement, civic culture, civil society, and the community

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7. Lei Zhang, "Yezhu weiquan yundong: chansheng yuanyin ji dongyuan jizhi [Homeowners' Right-Defense Actions: Reason of Breakout and Mobilization Mechanism]," *Sociological Studies* 6 (2005).

8. Shubin Zou, "Chengshi yezhu weiquan yundong de tedian jiqi yingxiang [The Characteristics and Influences of Urban Homeowners' Right-Defense Movement]," *Journal of Shenzhen University (Humanity and Social Science Edition)* 5 (2005): 44.

self-governance, all deserve positive evaluation.<sup>9</sup>

This article summarises the above comments and arguments as the civil society model. Zhang analyzes the nature of the homeowners' self-organizations and the relationship between the homeowners and their organizations. She points out that the emergence of the homeowners' organizations will change the basic social relation infrastructure among the urban residents and the creation of a "new public sphere".<sup>10</sup> Fei takes the opinion that the homeowners' committees in Shanghai is a rudimentary form of civil society organizations because they were non-governmental, nonprofit, public-interest-oriented, self-regulated, and voluntary, which are the characters of civil society organizations.<sup>11</sup> Xia argues that the emergence and rise of homeowners' committees is the "first signs" of the rise of civil society in China. According to his field research in Beijing, he believed that the homeowners' committees have revealed the main attributes of civil society as real autonomous organizations of inhabitants based on democratic self-administration in the neighborhoods, and helped to construct the public sphere for discussion on public affairs of the community.<sup>12</sup>

Lin and his colleagues conducted an exploratory research to approach the status, development, and troubles of the homeowners' committees. Based on the focused study of power relation, social capital, and private economic consciousness in three new housing neighborhoods in Guangdong Provinces, they believe that the homeowner's committees supply a more comprehensive prospectus for the rise of civil society in

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9. See Yuan Shen, "Zouxiang gongminquan: yezhu weiquan zuowei yizhong gongmin yundong [Towards the Civic Rights: Homeowners' Right-Defense Action as Civic Movement]," in *Market, Class, and Society*, ed. Yuan Shen (Beijing: Social Science Academic Press, 2007);

Meng Wei, *The Political Logic in Everyday Life* (Beijing: Chinese Social Science Press, 2007);

Peng Chen, "Cong chanquan zouxiang gongminquan: dangdai Zhongguo chengshi yezhu weiquan yanjiu [From Property Rights to Civic Rights: Study on Homeowners' Right-Defense Actions in Contemporary Urban China]," *Open Times* 2 (2009);

Deborah Davis, "Urban Chinese Homeowners as Citizen-Consumers," in *The Ambivalent Consumer*, ed. Sheldon Garon and Patricia Maclachlan (New York: Cornell University Press, 2006).

10. Jing Zhang, "Fazhan zhong de gonggong kongjian de shehui jichu [The Evolving Social Basis of Public Sphere]," in *Community Theories and Community Development* (Shanghai: Shanghai Social Science Association, 2001).

11. Meiping Fei, "Yezhu weiyuanhui yu Zhongguo de shimin shehui [Homeowners' Committees and the Civil Society in China]," *Journal of Eastern China University of Science and Technology (Social Science Edition)* 2 (2001): 62–63.

12. Jianzhong Xia, "Zhongguo gongmin shehui de xiansheng [The First Sign of Civil Society in China]," *Journal of Humanitas* 3 (2003): 117–18.

China.<sup>13</sup> Ngeow examines the homeowners' committees and their right-defense movements. He thinks that the development of the homeowners' right-defense movement and homeowners' committees signify emerging capabilities for self-organization among members of the more affluent Chinese strata and their willingness to engage in collective actions. There are signs that homeowners' movements are not just a phenomenon of noncritical civil society, as some right-conscious homeowners are beginning to use political channels to articulate their interests. In general, it is "civil society with Chinese characteristics".<sup>14</sup>

#### IV. What is overrated?

Basically, researches above are relatively weak in providing empirical evidence. For example, Fei and Xia just did some simple surveys using questionnaires in non-randomly sampled communities. It could not provide useful and confident information in the context of urban China. Besides, all the materials used by Ngeow were second-hand, and Lin utilized the quantitative logic to do inference using qualitative data. All these researches are not convincing for those citizens who have abundant experiences in the community life. Interestingly, we can see a more complex scene in the researches by those scholars who have conducted solid case studies in the urban grassroots communities. This kind of studies provides relatively opposite views and empirical evidence against the civil society model. Their conclusions could prove that the nature of homeowners' committees does not satisfy the basic elements of civil society organizations in the western sense.

For example, Zhang utilizes the interest group theory to describe what happened in the grassroots politics. His paper analyzes six cases of civil right movement (*weiquan movement*) in Beijing and finds that a new real estate interest group has formed in urban China. In order to strive for rights successfully, the core members and elite homeowners within the homeowners' committees have established another kind of interest group. The result of the right-defense movements depends on the

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13. Qiang Fu et al., "*Zhongguo chengshi de yezhu weiyuanhui: shichang zhuanxing zhong de gongmin shehui* [Homeowners' Committees in Urban China: The Civil Society in Market Transition]" (paper presented at 7th Workshop of Empirical Researches in Organizational Sociology, Shanghai, 2010).

14. Ngeow, "Civil Society with Chinese Characteristics?" 61.

comparative level of resource mobilization and tactics. It is the interest group model, rather than civil society model, helps us to understand the community politics in urban area of China, and negates the “voluntary cooperation” feature that a so-called civil society organization should have expressed.<sup>15</sup>

Zhang and Zhuang borrow the term “informal politics” to overstep the debate between civil society and corporatism. Their research focuses on the developmental process of a cross neighborhoods grassroots organization called the Preparatory Committee of Guangzhou Proprietor Committees’ Friendship Association, describing the intricate cooperation, opposition, and interaction in this organization, governments at all levels, and bureaus and departments within the governments.<sup>16</sup> The study brings us a complete sense of social reality, and denies the “distance from the public authority” assumption of the civil society model. In another paper, Zhuang also argues that the activities of the homeowners’ committees are not beyond the state-conferred rights at all. The autonomy demand proposed by the homeowners relies on the authority with higher level in the governmental hierarchy, requiring the local authority to honor the rights conferred by the state. Their collective actions never pose any challenge to the affiliation contract between the state and citizens.<sup>17</sup>

Shi even proposes the term “quasi-factional politics” to describe the situation of the homeowners’ committees that experienced a series of successful right-defense protests. Although these committees were established due to the formal institutional change initiated by the state, her finds out that their actual operation is affected by the local social networks. Internally, however, the extensive deployment of informal networks within the committee may lead to the oligarchy of a few privileged citizens, the exclusion of the other citizens and the formation of factional politics, undermining grassroots self-governance and

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15. Lei Zhang, “*Yezhu weiquan yundong* [Homeowners’ Right-Defense Actions],” 5–7.

16. Jingen Zhang and Wenjia Zhuang, “*Feizhengshi zhengzhi: yige caogen NGO de xingdong celue* [Informal Politics: Acting Tactics of a Grassroots NGO],” *Sociological Studies* 2 (2008): 133–50.

17. Zhuang Wenjia, “*Kuayue guojia fuyu de quanli? Dui Guangzhoushi yezhu kangzheng de gean yanjiu* [Beyond the State-Conferred Right? A Case Study on Homeowners’ Resistance in Guangzhou],” *Chinese Journal of Sociology* 3 (2011): 88–113.

internal democracy.<sup>18</sup>

Read finds that the homeowners' committees in urban China are similar to their counterparts in American housing complexes, tending to be dominated by a small "oligarchy" of enthusiasts who do little to encourage political activity on the part of ordinary residents. Concerning the relation with the public authority, Read also finds that many activists rejected the idea that autonomous homeowners' groups should entirely replace the state-managed residents' committees, despite the potential conflicts between the two. Some other activists interviewed by Read held the view that the homeowners' committees embodied no new "way of thinking" at all, just a new "channel" or "medium of communication". Some rejected the idea, saying that the homeowners' committees should only work on the homeowners' behalf. These committees are just instruments for the homeowners to protect their economic rights. Some even refused to organize collective activities in their leisure time.<sup>19</sup>

Now, we can understand the complexity of the social reality in China. Obviously, it is very difficult, even impossible to determine what the real overall situation is. In order to reach reliable conclusions, it is necessary that we start reasoning from the contemporary China's macro structural facts that widely recognized.

## **V. What is the reality?**

It is easy to understand that homeowner is an economic identity based on the property rights, not civil rights. Accordingly, homeowners' organizations, assembly and its committee, are economic organizations based on the common property rights, not the collective civil rights, either. In accurate legal language, homeowner is also a legal identity based on the "condominium ownership". To be specific, the "condominium ownership" comprises of three components: the ownership of the exclusive part, the ownership of the common part, and the collective member right. The first two categories from above are the most commonly infringed rights of the homeowners, while the second category has become increasingly important in recent years. Furthermore, the real estate developers

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18. Fayong Shi, "Yezhu weiyuanhui, zhunpaixi zhengzhi yu jiceng zhili: yi yige Shanghai jiequ weili [Homeowners' Committees, Factional Politics and Local Governance: A Study in a Shanghai Neighborhood]," *Sociological Studies* 3 (2010): 136–58.

19. Read, "Democratizing the Neighbourhood?" 53.

and property management companies are all the civil subject of the economic realm. Thus, we can conclude that, the homeowners and their organizations have two essential features. Firstly, they are associated with the private interests rather than the public interests; secondly, they are associated with the economic interests rather than the political interests.

However, the organizations established base on the legal rights and economic interests are covered with a coat of politics in urban China now. In some cities where the right-defense activities of homeowners happened frequently, “homeowners” has become the synonym of “trouble makers”.<sup>20</sup> Chinese governments and Communist Party affiliations at all levels begin to treat the right-defense actions of homeowners and the governance of the homeowners’ organizations as political issues, which are thought to be factors affecting the political stability. The state delineates the political boundaries to these activities and has taken some political means to dispel such protest activities in order to address the problem from the root. At the same time, the homeowners’ committees and their protests has also gradually become important public topics. Some political terms, such as “grassroots democracy” and “community self-governance”, appear in the mass media more frequently. To some extent, we can say that the right-defense protests aiming at the economic interests have been politicized inappropriately due to the unwise treatment of the party-state.

A case study focuses on S. city is conducted in order to get a more in-depth understanding of the current situation. S. City is a big and developed one in China, and it is also one of the cities which first introduce the property management service and homeowners’ organizations in China. It is a good site to conduct qualitative field research. In order to collect useful empirical materials as many as possible to evaluate the nature of the homeowners’ committees in S. City, I first went to some scholars, whose research interests are grassroots governance and social change in urban China, to listen to their views concerning the development of homeowners’ committees in S. City. Then I carried out extensive research on the internet focusing on the homeowners’ activities

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20. Youhong Chen, “*Yezhu weiquan yu shehui wending* [Homeowners’ Right-Defense Actions and Social Stability]” (paper presented at the meeting Theories and Practices in Modern Community Governance, Shanghai, December 8–9, 2007).

and organizations in S. City. Furthermore, it is necessary to be familiar with the national and provincial policies, written laws, and regulations about the property management. A wealth of Chinese newspapers and newsmagazine accounts provided insights to me as well.

Generally speaking, there is not enough evidence from S. City to support the civil society model of homeowners' committees. Firstly, establishing homeowners' committee is only a trend in the minority of the commercialized housing communities in S. City:

There are about 2800 homeowners' committees in S. City, and the total number of commercial residential communities is more than 5000. Hence, the proportion of communities that have established homeowners' committees will be 50% at the most.<sup>21</sup>

From the above data, we can conclude that homeowners' committees are not extremely common. Also, on the contrary to the definitions in the civil society model, most homeowners committee were actually established by the authority.

The majority of the committees established are all promoted by the street offices, the residents' committees, the real estate developers, the property management companies, or some kinds of hybrid form of these actors.<sup>22</sup>

In another word, the majority of the committees in S. City are not so-called self-organized, but are established by top-down governance and supervision. The reasons for these related social actors in grassroots urban China to promote the establishment of the committees are easy to understand.

Firstly, the central government has encouraged and authorized the establishment of the homeowners' committees via promulgating the various versions of The Property Management Ordinance of People's Republic of China since 1994. Accordingly, some provincial and municipal governments in the coastal areas has introduced the supporting regulations with the same attitude on the committees. Thus, it will be

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21. See interview note No. 1. The interviewee is a famous scholar whose research interests are grassroots governance and property management in S. City.

22. See interview note No. 1.



appropriate for agencies and officials in the district governments and street offices to show the consistency with the party-state by promoting the development of the committees in their jurisdictional areas.<sup>23</sup>

Secondly, the pressure also comes from the political competition among the cadres. Promoting the development of the homeowners' committees will be a good way for these ambitious cadres to earn political credit (*zhengji*) in order to stand out in the tournament of promotion in the hierarchy.<sup>24</sup>

Last but not least, it is a critical step for them to hide the frauds and corruption in the process of the construction and everyday management of the commercial residential communities. The local governments involve into the economic development deeply. It is well known that there exists an interest coalition center on the real estate industry in urban area, including the developers, property management companies, street offices, housing administration bureaus, residents' committees, and district governments. In the study of the street offices in Guangzhou, He found that the description of local corporatism arrangement in rural China could be applied to the urban grassroots as well.<sup>25</sup> In this process, corruption becomes a serious problem. Since the Property Law has conferred the homeowners' committees the right to censor the accounts of the real estate developers and the property management companies in their communities, the local governments can cover up their crimes of corruption by promoting the establishment of the homeowners' committees that are controlled by themselves directly.

Due to the above reasons, the local governments have got strong motivations to boost the development of this kind of homeowners' organization. Actually, they do have controlled most of the committees successfully. I have visited about ten communities in S. City, and tried to talk with the residents I came across. I discovered that most of the residents did not know whether there existed a homeowners' committee

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23. A more interesting and important question is, I think, why the central government encourages to establish this new kind of grassroots organizations which were proved later to be a threat to the status and authority of the residents' committees in the urban neighborhoods.

24. Feizhou Zhou, "Jingbiaosai tizhi [The Tournament System]," *Sociological Studies* 3 (2009): 54–77.

25. Yanling He, *State and Society in Urban Neighborhood* (Beijing: Social Science Academic Press, 2007).

in their communities while the security guards said yes. Some were familiar with the condition concerning the homeowners' committee but all expressed discontent and disappointment.

“The homeowners' committee is furnishing and decoration of our community. I don't know what those people are doing every day. They cannot function as an authority to supervise the property management company. When the company wants to increase the management fee, the committee always approves the plan without any question. They absolutely have set up partnership with the company, and got benefit from it.<sup>26</sup>”

An old man talked about the election and re-election of the committee in his community:

“I have been living in this community for more than fifteen years, and I'm familiar with the condition. In around 2006, we were told that the homeowners' committee had been established, but we didn't have election for it. Most of the committee members are civil servants (*Gongwuyuan*) and businessmen. About three years ago, I noticed a poster on the bulletin board saying that the second session of the committee was set up. It's funny! I don't know who have voted for them.<sup>27</sup>”

Professor M., a famous specialist and scholar on the property management in S. City, told me a similar story:

“Generally speaking, when the term of office of the homeowners' committee is going to expire, the local government, such as the street offices and the housing administration bureaus will inform those homeowners to conduct the re-election, under the supervision of those authorities.<sup>28</sup>”

Mr. Li, who has lived in S. City for about twelve years, expressed his anger over the homeowners' committee:

“I will stop paying for the management fee unless the company makes its true financial statements public. I will call for a new election of the homeowners' committee as well. I've heard that the committee members don't have to pay for the fee. It's obvious that the management company has bought the committee members over.<sup>29</sup>”

The situation that Mr. Li encountered is not unusual. According to my investigation, ordinary homeowners in urban China do not care about the establishment of the homeowners' committee as long as their

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26. See interview note No. 9.

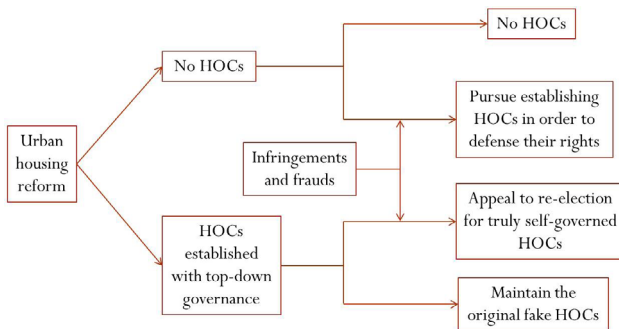
27. See interview note No. 7.

28. See interview note No. 1.

29. See interview note No. 4.

property rights are not being violated. This condition provides a good opportunity for the local government and related corporate actors to implement their local corporatism plan. The indifferent attitude of the residents will change only if the issues related to infringement of their rights or frauds are being exposed. Most news stories and academic articles have captured some occasional events as “signs of rising civil society”, but most right-defense movements are just temporary outrages of the residents. Self-governance of the homeowners’ committee is not a sustainable norm in most of the time in the year. Figure 1 may help us to understand the situation better.

**Figure 1. The pattern and typology of HOCs**



Therefore, the homeowners only launch the right-defense movements when they have no way out. The appearance of civil society resistance is just an incidental, and is not in a process of continuous emergence. The homeowners’ movements are reactive, not proactive. Using the discourse of “grassroots democracy” and “self-governance” in order to protect

their economic rights is just a method of frame alignment.<sup>30</sup> According to my observations, not a lot of communities belong to the type 2 “pursue establishing HOCs in order to defense their rights” and type 3 “appeal to re-election for truly self-governed HOCs” as shown in Figure 1. Indeed, the situation of S. City supports this statement, and no more than fifteen communities belong to these two types, according to my visits and internet research.<sup>31</sup>

## VI. The Homeowners’ Leaders

In order to obtain more useful information and details about homeowners’ committees. I attended a regular meeting of the right-defense activists which was named “Homeowners Forum in S. City”. The forum started on June 24<sup>th</sup> 2012 and has been held almost every month since then.<sup>32</sup> I conducted a participant observation on the eighth meeting in March 2013, and interviewed some organizers and committee directors. The forum is said to be initiated by 12 scholars and specialists in the field of property management. However, I found out that they are all marginalized in the forum nowadays. The homeowners only had invited six of those initiators, and only two of them did come. The agenda and process of the forum had been controlled by two members. One of them is Mr. Zhang, a chief editor and the vice chairman of the staff of a magazine about the housing and property management; the another person is Mr. Fan, a famous former leader of homeowners’ right-defense protest in S. City.

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30. David A. Snow et al., “Frame Alignment Processes, Micromobilization, and Movement Participation,” *American Sociological Review* 51 (1986): 464–81;

Xing Ying and Jin Jun, “*Jiti shangfang zhong de ‘wentihua’ guocheng* [The Problemization Process in Collective Petitions],” in *Tsinghua Sociological Review* (Xiamen: Lujiang Press, 2000).

Pye takes the opinion that, in traditional Chinese culture, people fighting for their own interests publicly and pragmatically will be condemned and seen as selfish.

Lucian Pye, “Tiananmen and Chinese Political Culture,” *Asian Survey* 30 (1990): 334–38.

31. The situation of Guangzhou is similar to that of S. City. The number of communities struggling to set up truly self-governed homeowners’ committees is so small, that researchers from different backgrounds have to select the same case to study. For instance, Cai and Read both chose the Lijiang Garden (*lijiang huayuan*) as their fields coincidentally. For such a big city as Guangzhou, this situation is very impressive.

Yongshun Cai, “China’s Moderate Middle Class: the Case of Homeowners’ Resistance,” *Asian Survey* 45 (2005);

Benjamin Read, “Assessing Variation in Civil Society Organizations: China’s Homeowner Associations in Comparative Perspective,” *Comparative Political Studies* 41 (2008).

32. The frequency is too high comparing with that of the other big cities in China. For example, the similar meeting in Shanghai has been convoked in every January.

At some points during the forum, I fell into an illusion that the forum was a press conference of Mr. Zhang. He and his magazine staff took charge of the materials distribution, passing the microphones, and controlling speech timing, etc. Mr. Zhang's speech almost accounted for one-third of the meeting. The materials distributed to every participant included the newest issue of his magazine. No one can deny that there existed something commercial in this behavior. Mr. Fan, the 76-years-old and 1.9-meter tall man, has a higher prestige, obviously. All the participants in that meeting called him "Director Fan" warmly and expressed their respect to him. He could also remember everyone's name and identity, which made his figure more charismatic. Mr. Fan was the host of the meeting. He stressed the rules of speech repeatedly and limited the time strictly. The only exception is Mr. Zhang, who could speak as long as he wanted without any interruption from Mr. Fan.

Besides, the communications among the participants were poor. They all expected to get help and suggestions about the problems they faced in their communities, and did not have patience to listen to the other people. Finally, there was no interaction and conversation among the participants, just left a few isolated words and fragmented phrases. That is why I always felt that the meeting could not be considered as a real "forum".

Another finding makes me cogitate more. After comparing what I observed that day with the online news reports about the previous meetings, I realized that the participants of the forum have never been changed. There were always the same faces, around fifteen participants, appearing in the meeting and saying similar words. The most reasonable explanation is, I guess, there are only very few communities protesting or protested for their economic and property rights against the real estate developers or the property management companies in S. City. Hence, the homeowners' forum is just an internal gathering for a small group of people. More specifically, it is for a small group of directors of the homeowners' committees. To some extent, the active roles on the stage of homeowners' right-defense movements are the directors as individual persons, not the committees as organizations.

Since they could not really obtain useful suggestions and advices from the other participants, why do they still join continually? My

explanation is that the forum can help improve their visibility in the mass media and mobilize more resources. The forum was a representative of the exhibition economy. There were too many commercial activities and advertisements in the surrounding of the forum. A lot of journalists came to the meeting to look for clues for their news reports and advertise for their publishing companies. Some participants, not homeowners but lawyers and accountants, tried to take this opportunity to conduct propaganda for their own business. There were even advertising posters of some smart phone applications at the door of the meeting room. In a word, the so-called “Homeowners Forum” is just a business.

I made contact with Mr. Fan and interviewed him in a week. From his description, I cannot see the roles of the other ordinary members in the homeowners’ committee. It seems that all the meritorious service the committee performed to the community was actually the contribution of his own. It is the same as what I saw in the other cases. Minority elite homeowners often determine the success or failure of the right-defense actions in a community. And this kind of elite homeowners contribute all the credits on themselves accordingly after the success of protest realized.

Even so, the elite homeowners almost never take actions initially. Generally speaking, right-defense actions take place under compulsion in severe situation, not voluntarily and actively:

“In fact, I did not want to get involved into this mess. I’m not the kind of people who love to appear in public.... I’m not radical.... Although I’m not satisfied with the situation either, I don’t know what to do. It’s in China, and you can do nothing but endure at most of the time. The “blasting fuse” event starting the protest happened in 2000. In that year, the company intended to further build another complex on the green land occupied. During that time, some homeowners moved out of our community disappointed because of the burglary. I was so angry about what the company had done, that I wrote a letter report to the municipal government.<sup>33</sup>”

They spent about eight years to approach the success of right-defense. However, he had been the director of the homeowners’ committee for 4 terms, which is about 12 years. He told me that now he is the head of residents’ committee in his community! I further explored

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33. See interview note No. 8.

the transformation of his title, so I conducted some internet search on this. It is said that the community that Mr. Fan lives in has become the first one in S. City integrating the homeowners' committee and the residents' committee, which surprised me a lot. I have two kinds of interpretations on this phenomenon. On the one hand, we can consider that Mr. Fan is still the director of the homeowners' committee, but with much more power and resource from the official hierarchy. On the other hand, we can say that the famous homeowners' committee led by a hero homeowner has been absorbed into the party-state. These conclusions have strengthened my distrust of the civil society model.

## VII. The Case of J. Mansion

According to my original study plan, my field research should stop here. However, an emergency that happened in S. City changed my ideas. J Mansion is a famous housing complex in S. City because of the protest of the residents there against a construction project next to the mansion. The distance between J. Mansion and the construction project was less than ten meters, which was considered to be dangerous to the foundation of J. Mansion. The residents believed that the project is a product of collusion and corruption between the developer and the local government. At one rainy night in late March 2013, the earth between the project location and J. Mansion collapsed suddenly and formed a huge hole about fourteen meters deep. One young security guard fell into the hole and died unfortunately.

The homeowners' anger broke out. The second night after the tragedy happened, they launched a large-scale demonstration in the downtown of S. City requesting the government come forward to stop the construction project immediately, arrange the funeral ceremony of the dead young man, and compensate his relatives. Their demands did not get reasonable and satisfactory response from the government, so they launched another demonstration seven days later.<sup>34</sup> This time they chose to march during the daytime carrying large floral wreaths and long banners in order to cause greater impact to the society. Their actions attracted the attention from the mass media and formed a discussion craze on the microblog (*Weibo*) online.

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34. Seven days after someone's death is a special time in Chinese traditional culture.

For the purpose of this study, I focus more about the decision making process within the homeowners. Obviously, the collective actions by the residents were not spontaneous because their actions were organized systematically. After a period of investigation, I noticed that all the actions are organized under Mr. Zou's control. Same as Mr. Fan, Mr. Zou is the director of the homeowners' committee in J. Mansion, who is also a regular participant of the Homeowners Forum and a "hero" in the right-defense area. In the process of protest, he was the only person who could accept the interviews with the journalists and scholars. I found that he hold the meeting to discuss about the tactics and strategies of collective actions in the name of homeowners' assembly, not the committee. Furthermore, he has the right to make the final decision in the name of executive secretary of the assembly, not the director of the committee. In the meantime, he is another person that can win all the elections of the committee director for more than twelve years. To some extent, the homeowners of J. Mansion are under the oligarchical leadership by Mr. Zou. No one said "No" to this status quo now because this style of leadership seems to be efficient and successful.

### **VIII. Conclusions and Discussion**

This study is not without limitations. Due to the limited resources for the research, it is difficult to generate a general statement which applies to all commercial residential communities in China. The representativeness of S. City will also be a problem. I am clearly aware of the impact of these issues on the quality of research. As an exploratory study, we still can have a try to summarize some preliminary conclusions. According to my investigation and field study in S. City, most homeowners' committees there are established by top-down governance and supervision, and are utilized as a tool for governmental agencies and individual officials to earn political credit, or to hide the frauds and corruptions in the process of the construction and everyday management of the commercial communities. The homeowners' right-defense movements are reactive actions motivated by the infringement on their economic rights, not proactive actions fighting for internal democracy and grassroots self-governance as some scholars have concluded. What is even worse, in the course of protest, some activists and elite homeowners will seize the leaderships of the movements and dominate the dynamics of the actions.



Several remarkable cases reflect that, after the successful right-defense protests, the maintenance of the committee may lead to the oligarchy of the privileged citizens and elite homeowners emerged in the right-defense actions. To some extent, the homeowners' committees become an instrument of these people to gain individual reputation, interest, and power.

To be honest, I don't think the situation is the result that the "heroes" deliberately create. On the one hand, the oligarchical structure may be an isomorphism based on some institutional social factors, such as the political culture lasts for thousands of years in Chinese history.<sup>35</sup> Chinese people always want someone to lead them rather than resolving problems by self-governance means. On the other hand, although China has experienced a large-scale economic and social transformation for more than thirty years, the "strong state - weak society" structure remains. Under this type of state-society relationship, the homeowners have to find an efficient way instead of democratic but inefficient one in order to adapt to the complicated and changeable environment. It will be a good choice to follow the leadership of some elite homeowners who have strong personal ability, rich life experience, and abundant social capital, such as the political network resource.

The phenomenon of homeowners' committees has been politicized by various social actors disproportionately. As I mentioned above, the party-state adopted an unwise method to control the resistance of the rising new middle class.<sup>36</sup> This approach by the state sends a wrong signal to the other social groups. For example, some Chinese scholars, who believe in the democratic institution and self-governance tradition existing in western world, will consider the rise of homeowners' committee as a new power to threaten the rule of Communist Party. The

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35. John Meyer and Brian Rowan, "Institutionalized Organizations: Formal Structure as Myth and Ceremony," *American Journal of Sociology* 83 (1977): 340–63;

Paul DiMaggio and Walter Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields," *American Sociological Review* 48 (1983): 147–60.

36. It can be conceived as an initiative and rational response of the current authoritarian system to political challenges.

Dali Yang, "Economic Transformation and Its Political Discontents in China: Authoritarianism, Unequal Growth, and the Dilemmas of Political Development," *Annual Review of Political Science* 9 (2006);

Dingxin Zhao, "Authoritarian State and Contentious Politics," in *Handbook of Politics: State and Society in Global Perspective*, ed. Kevin Leicht and J. Jenkins (New York: Springer, 2010).

truth is, however, the base of this new kind of grassroots organizations are property rights and legal status. They almost have nothing to do with politics. The tactics and strategies used by the homeowners are prudent and not beyond the state-conferred rights at all. For example, the participants of the Homeowners Forum always tried to legitimize their points of view by declaring the inherent consistent with the “Spirit of 18th National Congress of Communist Party” (Dang de Shibada Jingshen). Mr. Fan also confessed to me that the anger was not the only reason motivating him to write the letter report to the higher level of the governmental hierarchy. A more significant reason is the political opportunity created by a policy of the municipal government. In the case of J. Mansion, the homeowners utilized the official discourse, too. Some traditional scenes, such as the funeral ceremony and commemorating the dead person, appeared in the process of launching the demonstration, which will absolutely make the protest safer.

As pointed out by Shi and Cai, the key to winning the battle of right-defense relies on the formation of the connection with the government and its agencies, especially with the higher level in the hierarchy and the official media as the derivative of governmental authority.<sup>37</sup> It does not matter whether to act in the organizational way of the homeowners’ committee or protest bypassing it. We researchers should not confuse the civil society as an empirical analytic tool and the civil society as a normative theory. It will harm the development of the new homeowners’ organizations if we overly politicize them.

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37. Fayong Shi and Yongshun Cai, “Disaggregating the State: Networks and Collective Resistance in Shanghai,” *The China Quarterly* 186 (2006): 331–32.

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# Executive-Legislature Disunity and Political Calculations Behind in Hong Kong's Political System

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**Abstract** Hong Kong is a special and unique place, and even the special and unique example of political reform of a semi-autonomous unit of governance within a larger one-party authoritarian regime. A serious defect in Hong Kong's political system is that the non-partisan chief executive is permanently deprived of stable legislative support which is crucial for effective governance. Hong Kong's political reform thus provides an opportunity for institutional reform to correct this defect and facilitate better governance. This essay suggests that the Beijing factor heavily influences, if not dictates, both the initial institutional design of Hong Kong's political system and its future reform. While executive-legislature disunity is an undesirable consequence of the design of Hong Kong's political system which was driven by political calculations, options for reform are severely limited by political constraints.

## I. Executive-Legislature Disunity in Hong Kong's Political System

Currently, Hong Kong has a quasi-presidential system, with a non-partisan chief executive ("CE") as the head of the executive, and a weak legislature, the Legislative Council ("LegCo") with a fragmented multi-party system. The rule that the CE must not have any political affiliation is not expressly stipulated in the Basic Law, but stated in section 31 of the Chief Executive Elections Ordinance. The multi-party system is the result of a voting system of an extreme form of proportional representation, or "largest remainder method", in geographical constituencies' elections which return half of the seats in the LegCo.

From a comparative perspective, studies show that Hong Kong's quasi-presidential political system combines some of the worst institutional attributes that almost guarantee political instability. Firstly, the presidential system itself is not an optimal institutional choice from a pure governance perspective, since a presidential system cultivates a winner-takes-all political culture, and discourages power-sharing

and coordination. Institutional gridlocks between the legislature and the president without majority legislative support result in frequent policymaking paralysis, which is evident in the frequent polarized political conflicts in Taiwan.<sup>1</sup>

Secondly, a fragmented and un-institutionalized multi-party system further hinders a presidential system's capability to deliver effective governance. In order for a presidential system to be at least workable, on one hand, the president must be a "party-man" who receives support from the legislature and has the necessary political experience to coordinate effectively with different political parties, and on the other hand, a two-party system should be in place so that the chance for the president to receive majority support in the legislature would increase.<sup>2</sup> Hong Kong's political system lacks both attributes, and the study by Scott Mainwaring of democracies in Latin America confirms with empirical evidence that a fragmented and un-institutionalized multi-party system almost guarantees the failure of a presidential system.<sup>3</sup>

It is submitted that the defective design of the political system is not the sole cause of disabled governance in Hong Kong, nor can any problems inhibiting effective governance be attributed only to defective institutions, but not also to Hong Kong's political culture and the tensions inherent in the "One Country Two Systems" constitutional order. For example, Beijing's dislike and distrust of party politics contributed to the slow or even impeded development of political parties. A weak political society, in turn, fails to effectively channel the demands from a vibrant and emerging civil society. Even from a pure institutional perspective, there are other defects aside from the disunity between the executive and the legislature which adversely affect governance, such as the tension between the civil service and the political appointees, especially after the introduction of the Principal Officials Accountability System and the positions of undersecretaries and political assistants.

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1. Juan J. Linz, "The Perils of Presidentialism," *Journal of Democracy* 1 (1990), 51–69;  
Baohui Zhang, "Political Paralysis of the Basic Law Regime and the Politics of Institutional Reform in Hong Kong," *Asian Survey* 49 (2009): 321.

2. Zhang, "Political Paralysis and Politics of Institutional Reform," 320.

3. Scott Mainwaring, "Multipartyism, Robust Federalism, and Presidentialism in Brazil," in *Presidentialism and Democracy in Latin America*, ed. Scott Mainwaring and Matthew S. Shugart (New York: Cambridge University Press, 1997), 55–109.

However, I argue that defects in institutional design in Hong Kong's political system is at least a major cause of governance problems, not least because it explains why the CE and the executive have such a low capacity for effective governance even when they already possess enormous power in a supposedly "executive-led" system. Executive-legislative disunity, aggravated by other factors, resulted in "disabled governance" in Hong Kong's political system.<sup>4</sup> Ian Scott, only three years after the handover, observed that the relationship between the executive and the LegCo in Hong Kong's "disarticulated" political system is "uncoordinated, poorly developed, fractious and sometimes dysfunctional", and the executive and the LegCo (and the civil service) "each pursues their own agendas, punctuated by occasional skirmishes on the boundaries of their domains and by subterranean campaigns to extend their jurisdictions".<sup>5</sup>

Disunity between the executive and the legislature, which seriously limits the CE's ability to pursue legislative agendas and promote policy and political reforms, is clearly manifested in the Hong Kong government's low legislative success rate, even though the LegCo is already dominated by legislators from the pro-establishment camp, the business sector and professional groups whose majority are supposed to be the government's allies. However, according to SynergyNet, the post-handover legislative success rate is low, with only 57.9% of government bills passed by the LegCo between 1998 and 2012, while the other 31.8% were either shelved or postponed.<sup>6</sup> The most important finding is that government bills faced considerable resistance in the LegCo not only from the pro-democracy camp, but also from legislators from the functional constituencies and pro-establishment parties.

For example, the Waste Disposal (Amendment) Bill had been included in the legislative programme submitted to the House Committee of the LegCo for four consecutive years in 1998-1999, 1999-2000, 2000-2001 and 2001-2002, but was only formally introduced to the LegCo

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4. Anthony B.L. Cheung, "The Changing Political System: Executive-led Government or "Disabled" Governance?," in *The First Tung Chee-hwa Administration: the First Five Years of the Hong Kong Special Administration Region*, ed. Lau Siu-kai (Hong Kong: Chinese University Press, 2002), 57.

5. Ian Scott, "The Disarticulation of Hong Kong's Post-handover Political System," *China Journal* 43 (2000): 29.

6. "Review of the Governance Performance of the HKSAR Government 2012," SynergyNet, June 2012, accessed November 2, 2014, [http://www.synergynet.org.hk/pdf/201206102789\\_en.pdf](http://www.synergynet.org.hk/pdf/201206102789_en.pdf).



in 2005, and was passed in 2006, 8 years after it was formulated. The Residential Properties (First-hand Sales) Bill was shelved in 2001 under strong opposition from property developers, and was only re-introduced and passed by the LegCo in 2012, 14 years after the bill was first included in the legislative programme. Other bills have even been shelved indefinitely, including the Hong Kong International Airport Bill, which aims to partially privatize the Airport Authority but was opposed by the business sector. The Employment (Amendment) Bill, which provides protection to employees who are unreasonably and unlawfully dismissed, has still not yet been formally introduced to the LegCo, 13 years after it was included in the legislative programme because of opposition from the business sector.

More recently, in June 2013, proposals to expand landfills in Tseung Kwan O were withdrawn because of opposition from the LegCo. (Information Services Department, 6/11/2013). The Democratic Alliance for the Betterment and Progress of Hong Kong (“DAB”) voted against the government proposal even though Starry Lee (member of the LegCo) and Cheung Hok-ming, who are DAB members, are concurrently ex-official members of the Executive Council.<sup>7</sup> Some of the government’s proposals that were rejected by the LegCo were aimed at solving some of Hong Kong’s socioeconomic problems. An example would be the now withdrawn Goods and Service Tax reform, aimed at widening the government’s revenue base and stabilizing funding for social services.<sup>8</sup>

A result of the government’s failure to deliver public goods is the increasingly acute social inequality in Hong Kong. Hong Kong’s Gini coefficient in 2011 reached 0.537, which is the highest among all

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7. Ibid.;

“2012 nian du xiang gang te qu zheng fu guan zhi ping gu bao gao [Report on the governance performance of the HKSAR in 2012],” SynergyNet, June 2012, accessed November 2, 2014, [http://www.synergynet.org.hk/pdf/201206102789\\_b5.pdf](http://www.synergynet.org.hk/pdf/201206102789_b5.pdf);

Democratic Alliance for the Betterment and Progress of Hong Kong, “Min Jian Lian dui kuo jian Jiang Jun Ao, Tun Men ji Bei Qu dui tian qu de li chang [DAB position on the enlargement of landfill sites in Tseung Kwan O, Tun Mun and Nothern District],” July 7, 2013, accessed November 2, 2013, <http://www.dab.org.hk/?t=22&mmode=da&m=1&n=1627>;

“LCQ5: Landfill Extension,” Hong Kong’s Information Services Department, November 6, 2013, accessed November 8, 2013, <http://www.info.gov.hk/gia/general/201311/06/P201311060487.htm>.

8. Zhang, “Political Paralysis and Politics of Institutional Reform,” 312–32.

developed economies.<sup>9</sup> The Public Opinion Programme of the University of Hong Kong (“HKUPOP”) consistently showed low popularity of CEs. The approval rates of C.H. Tung and Donald Tsang both fell below 50.0 in the last year of their administration, interpreted by HKUPOP as indicating negative popularity. The support rating of C. Y. Leung, the current CE, has been even lower and has steadily decreased since he assumed office in July 2012, and dropped to 40.0 points in November 2013, while the HKUPOP considered approval ratings below 45.0 as indicating a credibility crisis. The interviewees who opposed C.Y. Leung outnumbered his supporters by almost 280%. In November 2013, 50.5% of interviewees were also dissatisfied with the performance of the government, while only 13.2% were satisfied.<sup>10</sup> Mass demonstrations involving tens of thousands of citizens, including the yearly July First Rally and protests against Moral and National Education in 2012, have become the norm in post-handover Hong Kong. The above indicates that the public has lost confidence in the political system which, due to paralysis between the executive and the legislature, fails to deliver public goods and coordinate conflicting interests.

## **II. The Political Logic behind the Design of Hong Kong’s Political System**

It is suggested that the fundamental cause of the defective design of Hong Kong’s political system is that Hong Kong’s political system under the Basic Law framework was not carefully designed from a pure governance perspective. Rather, the institutional choices reflected the political calculations of Beijing and its allies in Hong Kong, especially the will of Beijing, as well as that of the conservative members of the Basic Law Drafting Committee who were either pro-Beijing, or had strong ties with the business sector.<sup>11</sup>

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9. Fox Hu and Michelle Yun, “Hong Kong Poverty Line Shows Wealth Gap with One in Five Poor,” *Bloomberg News*, September 30, 2013, accessed November 2, 2013, <http://www.bloomberg.com/news/2013-09-29/hong-kong-poverty-line-shows-wealth-gap-with-one-in-five-poor.html>.

10. Public Opinion Programme, University of Hong Kong, “HKU POP releases popularity figures of CE and the Government,” November 16, 2013, accessed November 8, 2013, <http://hkupop.hku.hk/chinese/release/release1083.html>;

Ming Pao Daily News, “Bu man zheng fu shou du yu ban Te shou lin zheng ping fen xin di [Over half dissatisfied with the government, ranking of the Chief Executive and Chief Secretary strike the lowest],” November 26, 2013, A12.

11. Zhang, “Political Paralysis and Politics of Institutional Reform,” 314.

The CE was designated to be non-partisan, as Beijing intended to discourage the development of party politics, as well-developed and institutionalized party politics may result in a strong momentum for further democratization that cannot be controlled by Beijing.<sup>12</sup> By retaining the power to appoint the CE and principal officials, Beijing maintains control of the CE. Careful reading of Article 43 of the Basic Law, which stipulates that the CE is accountable to both the Central People's Government and Hong Kong Special Administrative Region, reveals that while the former is clear enough, the latter is ambiguous and ill-defined. This implies that the CE should be solely accountable to Beijing, and removing the ban on political affiliation of the CE would defeat this purpose.

The voting method for LegCo elections in geographical constituencies was also altered out of political considerations. In the 1995 election in which the simple plurality voting system was still in place, the pro-democracy camp which received the majority of the votes was benefited from the system, while the pro-Beijing DAB only received two out of twenty directly elected seats. After 1997, the voting system was changed to proportional representation with the largest remainder method. As a result, while pro-Beijing parties such as DAB won more seats in geographical constituencies, the pro-democracy camp became fragmented, divided, and is unable to unify its political forces to form a strong opposition.<sup>13</sup>

The study by Donald Horowitz of constitutional choices in new democracies shows that political actors were surprisingly ignorant of the consequences of institutional designs which they adopted.<sup>14</sup> Both Beijing and the business elites favoured the retention of the colonial "executive-led" administrative state to prevent full democratization of Hong Kong, but they failed to realize that the "executive-led" system had been based on political conditions that no longer exist, such as the absence of party

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12. Ibid, 316.

13. Ngok Ma and Chi-keung Choy, "The Evolution of the Electoral System and Party Politics in Hong Kong," *Issues and Studies* 35 (1999): 167–94;

Ngok Ma, *Political Development in Hong Kong: State, Political Society, and Civil Society* (Hong Kong: Hong Kong University Press, 2007): 120–21.

14. Donald L. Horowitz, "Constitutional Design: An Oxymoron?," in *Designing Democratic Institutions*, ed. Ian Shapiro and Stephen Macedo (New York and London: New York University Press, 2000): 253–84.

politics, and the governor (who concurrently served as the President of the LegCo)'s personal control of the LegCo. The rise of political parties fundamentally undermined the CE's ability to govern in an "executive-led" manner, and as discussed above, the non-partisan chief executives are permanently deprived of a workable majority in the LegCo to pursue major political and policy goals. It is one issue whether the CE possesses enormous power vis-à-vis the LegCo, but it is another issue whether the CE can effectively coordinate with the LegCo. After all, government bills still require approval by a simple majority of legislators, and as discussed above, in many occasions proposals by the government were opposed even by legislators from the pro-establishment camp.<sup>15</sup>

### III. Model for Reform and Political Constraints

In light of the above findings, there is a pressing need for Hong Kong to carry out institutional reform to facilitate coordination and cooperation between the CE and the LegCo in the policymaking process. Anthony Cheung proposed the model of "governing alliance", which requires the CE to form an informal alliance with certain political parties in the LegCo.<sup>16</sup> However, Zhang points out that this option is "at best a limited solution" as the "governing alliance", although to a certain extent practiced during C.H. Tung and Donald Tsang's administration, proved to be unstable, as the policy preferences of the government and the parties, as well as between different parties in the alliance, may not necessarily coincide.<sup>17</sup> For example, DAB supported minimum wage legislation, while the Liberal Party did not. The recent opposition to the government's proposal to expand landfills in Tseung Kwan O by even the DAB is another example of the limitation of an informal governing alliance.

A variant of this option is "coalition government" recommended by SynergyNet.<sup>18</sup> Unlike the informal and fragile "governing alliance", this proposal requires the CE and the pro-government parties to reach a formal and binding agreement after every LegCo election. In the coalition

15. The Basic Law Website, Hong Kong Special Administrative Region Government, accessed November 8, 2013, <http://www.basiclaw.gov.hk/en/index/index.html>.

16. Cheung, "The Change Political System," 59.

17. Zhang, "Political Paralysis and Politics of Institutional Reform," 329.

18. SynergyNet, "Review of the Governance Performance of the HKSAR Government"; SynergyNet, "2012 nian du xiang gang te qu zheng fu guan zhi ping gu bao gao".

agreement, the CE has to formally agree to incorporate systematically the policy programmes of the political parties into his administration, and appoint representatives of the parties as ex-officio members of the Executive Council. In return, the political parties in the coalition are bound to support the legislative proposals of the government. The agreement would also include a mutually-agreed “code of conduct” for both the CE and the political parties, and the political parties may opt not to stand in line with the government regarding specific policy issues through the addition of an “agree-to-disagree provision”.

The advantage of the “coalition government” is that while the CE would have a more stable support base for steering policy changes in LegCo, this change which provides political parties access to policymaking also provides a major momentum for the development of political parties, thus the nurturing of political talents. While this proposal does not require amendments to the Basic Law, and would be a significant move towards greater unity between the CE and the LegCo to facilitate truly “executive-led” governance, it is unclear whether Beijing would approve this change. Beijing may fear that the change would boost the development of party politics in Hong Kong so that (even the pro-Beijing) political parties become too strong, which provides momentum for further democratization that can no longer be controlled.

The second model, proposed by Ma Ngok, is to lift the ban on party affiliation of the CE, and to transform Hong Kong’s system towards a genuine presidential system.<sup>19</sup> This option does not require amendments to the Basic Law, and was supported by James Tien from the pro-business Liberal Party, as well as Audrey Eu, from the pro-democracy Civic Party in 2006.<sup>20</sup> In September 2013, Jasper Tsang, a founding member of DAB, also expressed his support for this reform precisely to allow effective governance.<sup>21</sup> However, similar to Beijing’s possible concerns of the “governing coalition” model, Beijing may fear that the presidential system would facilitate the development of party politics, and generate pressure for further democratization which undermines Beijing’s control

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19. Ngok Ma, *Political Development in Hong Kong*, 230.

20. Zhang, “Political Paralysis and Politics of Institutional Reform,” 323.

21. Ming Pao Daily News, “Ceng Yu Cheng: Te shou xu you zheng dang bei jing[Tsang Yuk Shing: CE should have political party background],” October 1, 2013, accessed November 2, 2013, <http://inews.mingpao.com/htm/INews/20131001/gb21751w.htm>.

of Hong Kong. As already discussed above, a presidential system is also not the optimal choice from a pure governance perspective.

A parliamentary model seems to be the optimal reform option from a pure governance perspective, as it allows the fusion of executive and legislative power, and genuinely allows effective “executive-led” governance. In his campaign in the 2007 CE election, Alan Leong from the Civic Party in the pro-democracy camp proposed a quasi-parliamentary model, that the CE would govern through a cabinet selected from members of the LegCo.<sup>22</sup> The drawback of this proposal is that it would require major amendments to the Basic Law.

According to Zhang, Leong’s proposal received quick and unfavourable responses from Beijing. Qiao Xiaoyang, the Deputy Secretary-General of National People’s Congress Standing Committee (“NPCSC”), commented that the Basic Law should not be modified for political purposes, and Wang Zhenmin, a mainland member of the Basic Law Committee under NPCSC, commented that political reform in Hong Kong must not require significant changes to the Basic Law which redefine the relationship between the CE and the LegCo.<sup>23</sup>

Leong’s proposal even triggered the response from the top leadership in Beijing. Wu Bangguo, the President of the National People’s Congress and a member of the Communist Party’s Politburo Standing Committee, the party’s top-level political organ, stressed that Hong Kong’s autonomy is delegated by the Central People’s Government which has veto power over any political changes, and Beijing insisted on maintaining the “executive-led system”, with the chief executive playing a leading role in the political and policymaking processes. Most importantly, Wu declared that Beijing opposed the implementation of both presidential and parliamentary system in Hong Kong.

Wu’s response is in line with Zhang’s observation that Beijing tends to see any changes to the Basic Law regime as efforts to undermine

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22. China Review News, “Wen Hui Bao: Liang jia jie de zheng zhi zheng gang tiao zhan ji ben fa [Wen Hui Bao : Leung Ka Kit’s political platform challenge the Basic Law],” February 12, 2007, accessed November 2, 2013, <http://hk.crntt.com/doc/1003/0/7/4/100307475.html?coluid=7&kindid=0&docid=100307475>.

23. Zhang, “Political Paralysis and Politics of Institutional Reform,” 312–32.

its sovereignty over Hong Kong.<sup>24</sup> The editorials of both *Wenweipo* and *Takungpao*, two pro-Beijing newspapers in Hong Kong, criticized Leong's proposal as an attempt to undermine "One Country, Two Systems" and challenge Beijing's sovereignty.<sup>25</sup> One may speculate that the real reason behind Beijing's rejection of the parliamentary or quasi-parliamentary model is that after universal suffrage is implemented, if the pro-democracy camp received the majority of votes, it may control both the executive and the LegCo.

Wu's message indicated that significant changes to the Basic Law framework would be politically difficult. It must be recognized that Beijing possesses unchecked constitutional veto power over any proposals for institutional reform, especially after NPCSC's Interpretation of the Basic Law in 2004 which essentially changed the rules of the game in Beijing's favour. According to NPCSC's 2004 Interpretation, the NPCSC has the sole power to determine, based on a report by the CE, whether there is a need of political reform in Hong Kong in light of Hong Kong's "actual circumstances" and according to the principle of "gradual and orderly process". Even after a proposal for political reform is passed by the LegCo, it is not effective unless NPCSC approves the plan.<sup>26</sup> Larry Diamond, a scholar of democratization, commented that Hong Kong's political reform, hence institutional reform, can be indefinitely blocked by Beijing if it claims that Hong Kong is still "not yet ready for full democracy", views "gradual and orderly process" as whatever pace of very incremental reform it would allow, and interprets "in light of the actual situation" as it frames it.<sup>27</sup> Amendment to the Basic Law is also a non-option without Beijing's approval, as Article 159 of the Basic Law stipulates that the power of amendment to the Law is vested in the National People's Congress.

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24. *Ibid.*, 315.

25. China Review News, "Da Gong Bao: Liang Jia Jie can xuan zheng gang wei fan ji ben fa You qi zong zui[Da Gong Bao: The Seven Sins of Leung ka Kit election platform which violating the Basic Law]," February 13, 2007, accessed November 2, 2013, <http://hk.crnrt.com/doc/1003/0/8/2/100308247.html?coluid=7&kindid=0&docid=100308247>.

26. The Basic Law Website, Hong Kong Special Administrative Region Government, accessed November 8, 2013, <http://www.basiclaw.gov.hk/en/index/index.html>.

27. Larry Diamond, "A Comparative Perspective on Hong Kong," in *China's Hong Kong Transformed: Retrospect and Prospects beyond the First Decade*, ed. Ming K. Chan (Hong Kong: City University of Hong Kong Press, 2008): 323.

Recent speeches in Hong Kong in November 2013 by Li Fei, Deputy Secretary-General of NPCSC cum Chairman of the Basic Law Committee under NPCSC, and Zhang Rongshun, Vice-Chairperson of the Legislative Affairs Commission of NPCSC cum Vice-Chairperson of the Basic Law Committee, reaffirmed Beijing's ultimate control of Hong Kong's political reform. Li emphasized that political reform in Hong Kong must proceed in accordance with the Basic Law framework, and Zhang reportedly commented that party politics is "not suitable for" Hong Kong, and questioned whether the lifting of the ban on CE's political affiliation would be conducive to the solving of governance problems.<sup>28</sup> Zhang commented that if the CE is a member of a certain political party, members of other parties may not support the CE's administration, although he did not expressly rule out the possibility of lifting the ban.<sup>29</sup>

#### IV. Conclusion

This essay argues that the disunity between the CE and the LegCo in Hong Kong's political system is the product of political calculations by Beijing and its allies when designing Hong Kong's political system. The same set of political considerations, at present, severely limits the options for institutional reform to correct the defects of the political system. Ironically, the parliamentary model, which is optimal from a pure governance perspective, turns out to be the least politically feasible option. The "governing coalition" option stands out as the most practical option amidst political constraints, but it remains to be seen whether Beijing would approve this model. It is perhaps unfortunate that in the ongoing discussions and debates concerning the mode of CE election in 2017, little attention has been paid to the impact of each proposal on the executive-legislative relationship, even though political reform presents an opportunity to review and reform Hong Kong's political institutions to facilitate more effective governance.

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28. Ming Pao Daily News, "Li Fei: Ai guo ai gang Fa lu yao qiu [Li Fei: Love China and Hong Kong is a legal requirement]," November 23, 2013, A2.

29. Ming Pao Daily News, "Lu shi hui yin shu zhang rong shun Gang bu yi zheng dang zheng zhi[Quote by the Law Society: Party Politics does not suit Hong Kong now]," November 23, 2013, A4.



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## Comment

### **Prof. H.C. Kuan, *The Chinese University of Hong Kong***

The major fault with this manuscript is that the author is too ambitious and wanted to cover three topics in one go – an explanation of why the constitutional design has led to executive-legislature disunity and poor governance, a description of political calculations behind the drafting of the Basic Law, and a discussion of reform proposals together with the major constraints to any reform. The result of breadth of coverage is the lack of depth in analyses.

The author seems in agreement with the mainstream argument in the literature (as cited in page 1) that “the major cause of governance problems in Hong Kong is the defective design of Hong Kong’s political system, which leads to disunity between the chief executive and the Legislative Council.” Is this cause really the major one? No, the argument is too sweeping! There has hardly been any design of political system in human history that is not defective one way or another. The Weimar republican constitution was not a bad design, except arguably the non-confidence vote design, yet it did not prevent the rise of Hitler. One more immediate cause of governance problems – executive-legislative disunity – is not unique to Hong Kong. “Divided government” as a result of presidential system is quite a frequent occasion in the U.S., where the normal politics has been characterized by a two party system. Yet, governance problem there has never been as crisis prone as in Hong Kong. In the counterfactual case of Weimar Republic, the contexts of post-world war I humiliation experienced by defeated Germany and of political leadership from both government and opposition camp matter. In the case of U.S. as the flagship presidentialism, the roles of bi-partisanship or inter-party bargaining and of general public opinions have provided the remedy from time to time.

If we go down the ladder of theoretical abstraction, and descend from constitution design through executive-legislative disunity to the question of whether the executive enjoys the stable support of the legislature (no matter on what grounds), it is instructive to learn that in parliamentary systems of government with multi-party system, a form of constitutional design that is supposed to be inferior to presidentialism, it is often time necessary to form coalition government for effective governance (On

rarer occasions, even minority government can still govern) in the first place. Admittedly, in such systems, there is also a need for more frequent general elections and reshuffle of the cabinet or even realignment of the governing coalition. It is even remarkable that changes in the governing coalition do not necessarily bring about changes in major public policies.

To cut short our discussion, it is imperative to recognize the multifaceted conditions that underlie governance effectiveness/efficiency in any system. In the Hong Kong case, there are causes not mentioned in this paper that are equally if not more important. On top of the list must stand the issue of two governance centres, i.e. the domestic one and the zhongyang/zhonglianban of our motherland. Next comes the multidimensional issue of the lack of political leadership (dimension one: the want of leadership in the political pool as a historical legacy, the continued absence of systemic training grounds for budding politicians, the functional constituency with no provision for acquisition of political experience as an easy route to political power). Then come many other conditions, such as the structural divorce between the elections and the formation of the government (unlike general elections in Western democracies), the weak socio-political linkage between political parties and their social bases (so even our chief executive is partisan he/she will be not assured of social support via his/her party), the decline in morale of the senior civil servants whose role in effective governance is critical, and so on.

I could have comments in the same vein on how to deepen the analyses for the other two parts of the manuscript. They are functionally not necessary since it is already publishable as it is.

It would also be too demanding in both theoretical and empirical terms for the author to focus on just one theme, for instance the governance problem, and revise the paper using a multivariate analysis. Instead, the author may wish to so revise his/her paper afterwards for the sake of having it published in an established international academic journal.

This is a good piece of work.

# Is the Just War Tradition Relevant to Environmental Destruction in War?

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**Abstract** This essay first argues that in the present day world, where famine and environmental degradation persist in many war-torn countries, and environmental problems may themselves be sources of insecurity, the just war criteria must pay significant regard to environmental considerations. Secondly, this essay takes into account the notion of just stewardship from the Judeo-Christian tradition, and suggests how the criteria of right intention, just cause, legitimate authority, discrimination and proportionality can be applied to assess whether a particular military action is justified.

## I. Introduction

The just war tradition outlines a number of criteria which determine whether a military action is in the first place justified (*ius ad bellum*), and the manner by which a war should be conducted (*ius in bello*). The entrance into a war is justified only when, *inter alia*, it is initiated by a legitimate authority, for a just cause and with a right intention. Moreover, a military action is justified only when it is proportionate, and when combatants or the non-innocent are the only targets of deliberate attacks.

## II. Environmental Destruction in War: Why It Deserves More Attention

The reason why the discourse on just war theory focuses on inter-human relationships is that it is inherently wrong to take the lives of other human beings, and murder is a serious crime in domestic law, and thus killing requires more compelling justifications. However, I argue that even from an anthropocentric point of view, as opposed to the view that the environment has inherent worth, environmental damage in war is no less morally significant than killing, since it affects the livelihood and even survival of many civilians, including future generations.

First, *modern weapons can cause greater harm to the environment*. Nuclear warheads, chemical weapons and cluster bombs may cause large-scale and irreparable damage to the environment, but there is so far no reliable international regime to control their use.

Second, *environmental damage in war has wide impacts to civilians*. Herbicides sprayed by the US Army during the Vietnam War (1965-75) diffused to a huge area and indiscriminately destroyed fruit trees and crops, which caused acute food shortage.<sup>1</sup>

Third, *environmental damage in war has long term consequences, and inhibits sustainable development*. Nearly a century after the Battle of Somme (1916), the land remains unsuitable for cultivation.<sup>2</sup> After the Second World War, since the fields in Libya were sown with 5 million mines, years of non-production caused an estimated loss of 1 million tons of grain. Moreover, more than 450 wells could not be used owing to the presence of unexploded ammunitions, which further limited agricultural activities.<sup>3</sup> As the *Rio Declaration on the Environment* points out, “warfare is inherently destructive of sustainable development”.<sup>4</sup>

Fourth, *environmental destruction in war often leads to unforeseeable consequences*, since human beings have limited understanding of the nature’s complex processes. Many babies in Vietnam died prematurely or were deformed, but at that time little was known about the processes by which dioxins from defoliants accumulated up the food chain.<sup>5</sup> Widespread deforestation in Vietnam also disrupted the water cycle and caused water shortage during dry seasons, which was unforeseeable in a country with a high annual

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1. William Thomas, *Scorched Earth: The Military's Assault on the Environment* (Philadelphia: New Society Publishers, 1995), 112.

2. Dorothee Brantz, “Environments of Death: Trench Warfare on the Western Front 1914-1918,” in *War and the Environment: Military Destruction in the Modern Age*, ed. Charles E. Closmann (College Station: Texas A&M University Press, 2009), 82.

3. Thomas, *Scorched Earth*, 110.

4. Principle 24, “Report of the United Nations Conference on Environment and Development,” UN Doc A/CONF.151/26/Rev. 1 (Vol. I), 31 ILM 874;

Onita Das, “The Impact of Armed Conflict on Sustainable Development: A Holistic Approach,” in *International Law and Armed Conflict: Challenges in the 21st Century*, ed. Noëlle Quéniwet and Shilan Shah-Davis (The Hague: T.M.C. Asser Press, 2010), 123.

5. Thomas, *Scorched Earth*, 112.

rainfall.<sup>6</sup>

Fifth, *food shortages and famines have been increasingly frequent and acute in a world with a booming population*. The destruction of farmland and the displacement of farmers cause a fall in productivity, and thus exacerbate the already acute food shortage in many war-torn countries.

Sixth, *environmental destruction is itself a source of instability*. The interrelationship between environmental problems and security, or “environmental security”, has become a hot topic of study in international relations, and was the focus of *The Economist* in the issue in April 2008.<sup>7</sup>

### III. Just Stewardship and Environmental Impacts of War

Throughout history, war has been a major cause of environmental destruction. According to Thucydides, Athenian crops were repeatedly destroyed by the Spartans in the Peloponnesian War (431-404 B.C.).<sup>8</sup> In the recent Second Ivorian Civil War (March – April 2011), the president ordered that all trees within 1 kilometre of the presidential residence must be cut off, so that they could not provide cover for the advancing rebels.<sup>9</sup>

However, environmental ethics in war remains an underexplored topic, and so far no international treaty regulating environmental destruction in war is binding, or seeks to assign liability (a rare exception would be that some U.S. veterans in the Vietnam War were successful in suing producers of chemical weapons for physical injuries in U.S. courts).<sup>10</sup> Therefore, it is of paramount importance that environmental impacts of war attract greater attention, especially in

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6. *Ibid.*, 114.

7. Mark Woods, “The Nature of War and Peace: Just War Thinking, Environmental Ethics, and Environmental Justice,” in *Rethinking the Just War Tradition*, ed. Michael W. Brough, John W. Lango and Harry van der Linden (Albany: State University of New York Press, 2007), 20;

see “The Silent Tsunami,” *The Economist*, April 19, 2008, accessed April 20, 2008, <http://www.economist.com/printedition/2008-04-19>.

8. Arthur H. Westing, “Warfare in a Fragile World: Military Impact on the Human Environment,” *Environmental Conservation* 8 (1981): 335.

9. Andrew Harding, “Ivory Coast: Gbagbo held after assault on residence,” *BBC News*, April 11, 2011, accessed April 12, 2011, <http://www.bbc.co.uk/news/world-africa-13039825>.

10. See Thomas, *Scorched Earth*, 112.



the discourse on the just war theory, so that domestic and international laws can be reformulated, and most importantly, the discussion about environmental ethics also serves an *educational* purpose, so that both military personnel and the public can be more aware of the problem.

The starting point of my attempt to apply the just war theory is to turn to the Judeo-Christian tradition, the context in which the just war tradition developed. Interestingly, the *Torah*, the Jewish sacred text which originated in 1,500 B.C., contained detailed instructions as to how wars should be conducted morally. In particular, it was written: “When you besiege a city a long time, to make war against it in order to capture it, you shall not destroy its trees by swinging an axe against them; for you may eat from them, and you shall not cut them down. For is the tree of the field a man, that it should be besieged by you? *Only the trees which you know are not fruit trees you shall destroy and cut down*, that you may construct siege works against the city that is making war with you until it falls.”<sup>11</sup>

Thomas Aquinas, one of the most influential philosophers in the just war tradition, did not explicitly write on environmental ethics in war. However, Aquinas argued that human beings, with a privileged status in the order of the universe, have a duty to protect the environment, and should act as just stewards of the nature.<sup>12</sup> I suggest that the notion of *just stewardship* implies that human beings should be responsible to each other whose livelihood depends upon the environment, including the future generations, and enriches our understanding of how the just war criteria can be applied to the environmental impacts of war and sustainable development.

Aquinas’ idea of the relationship between human beings and the nature is also consistent with the ruling by the International Court of Justice in the *Nuclear Weapons* case, which states that “the environment

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11. Deu. 20:19–20, *Bible*.

12. The basis for the theory of just stewardship suggested by Thomas Aquinas is in the *Bible*, Genesis 1:28, which states the command from God to human beings to “go out and subdue the Earth” (*New American Standard Bible*). Some interprets this command as authorizing human beings to treat the natural environment in any manner as they please, but this way of interpretation is rightly rejected by Reichberg and Syse, since just stewardship implies responsible behaviour, both to the environment and to other human beings, including future generations.

see Gregory Reichberg, and Henrik Syse, “Protecting the Natural Environment in Wartime: Ethical Considerations from the Just War Tradition,” *Journal of Peace Research* 37 (2000): 455.

is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn”.<sup>13</sup>

It might be objected that Aquinas’ ideas is of no relevance to environmental problems in the present-day world, since firstly, Aquinas lived in medieval Europe, different from the globalizing and pluralistic world today, and secondly, as a Christian theologian, his ideas were based on premises that not every person would accept. However, Reichberg and Syse suggest that his ideas deserve more attention, and his theory of just stewardship constitutes one (albeit not the only) possible way to apply the just war principles to the environment.<sup>14</sup>

Firstly, the just war tradition is indebted to Aquinas, and therefore looking at his wider philosophical view of nature and the place of human beings in it is highly relevant.

Secondly, Aquinas’s approach to the morality of war was developed at a time when the concept of nation-states, which emerged after the Peace of Westphalia (1648), was still absent. Therefore his approach offers guidance for articulating an *international common good*, which is highly relevant to tackling global environmental problems in a globalizing world.

Thirdly, *medieval philosophers were not unfamiliar with ethnic and cultural diversity*. Aquinas himself was fond of studying the works by Islamic and Jewish scholars.<sup>15</sup> Therefore his approach sheds light on how we should engage in dialogues on environmental ethics in war in a pluralistic world, in order to reach common grounds when dealing with global issues.

Fourthly, his theory of just stewardship offers a middle ground between a non-anthropocentric approach and an extreme anthropocentric approach, that at one extreme ascribes inherent rights to non-human entities, and at the other extreme, sees the environment simply as raw materials to be manipulated by human beings for their satisfaction.

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13. International Court of Justice, “Legality of the Threat or Use of Nuclear Weapons,” *Advisory Opinion* 95 (1996): 29.

14. Reichberg and Syse, “Protecting the Natural Environment in Wartime,” 451–52.

15. *Ibid.*, 452.

There are so far only two major attempts by modern philosophers to apply the just war criteria to environmental considerations.<sup>16</sup> Merrit Drucker (1989) argues that the environment itself should be treated as a non-combatant, since it does not pose a threat to combatants, does not choose to be involved in fighting, and heals and nurtures people like medical personnel.<sup>17</sup> However, his theory relies on the non-anthropocentric premise that species have inherent worth, and is therefore controversial.

On the other hand, Gregory Reichberg and Henrik Syse differentiate acts in war causing environmental destruction into those which are deliberate, and those which are collateral, and suggest that deliberate acts of environmental destruction must meet the requirement of *jus ad bellum*.<sup>18</sup> And even when these acts of deliberate or collateral environmental destruction are justified in the first place, they should be conducted in a manner compatible with the criteria of *jus in bello*.<sup>19</sup>

#### **IV. Application of the Just War Criteria to Environmental Destruction in War**

The work by Reichberg and Syse is more in line with the just war tradition, and thus I shall adopt their analytical framework, and apply the just war criteria to evaluate conducts in modern warfare which damage the environment.

#### **V. Right Intention**

A military action is justified in the first place when it is for a just cause, such as to re-establish peace, but not for domination or revenge. Therefore, acts that intend to break down the enemies' morale or vent hatred through attacking the environment, such as natural reserves, and sites of religious significance (such as Temple Mount in Jerusalem) would be wholly impermissible. Moreover, scorched-earth tactics, such as the burning of Kuwaiti oil fields by Iraqi troops in the Gulf War

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16. Woods, "The Nature of War and Peace," 23.

17. Merrit Drucker, "The Military Commander's Responsibility for the Environment," *Environmental Ethics* 11 (1989): 135–52;

see Woods, "The Nature of War and Peace," 23.

18. Reichberg and Syse, "Protecting the Natural Environment in Wartime," 459.

19. *Ibid.*

(1990-1991), is also incompatible with this criterion.

Alternatively, when vital natural resources are seized or wantonly destroyed, the enemies are deprived of their only means of subsistence. This in turn fuels the cycle of violence and bad intentions, and reduces the prospect of reaching a just and peaceful settlement, thus defeating the very aim that a just war seeks to achieve.

Aquinas suggested a distinction between just and unjust vengeance, which differentiates acts motivated by a sense of justice, from those by hatred and the lust for revenge<sup>20</sup>, and the *Geneva Conventions* (accepted by virtually every country) to a certain extent reflects his ideas. It expressly prohibits attacks in the form of reprisals against “the natural environment” (Article 55.2), and against “certain agricultural areas” (Article 54.4).<sup>21</sup> “Extensive destruction and appropriation of property, not justified by military necessity and carried out wantonly” are also prohibited (Article 147).

## VI. Just Cause

Similarly, the criterion of just cause can be applied to evaluate military actions. Since an act is legitimate only when it serves a just cause, such as self-defence and protection of civilians, attacks on the environment which aim to prevent civilians from giving food and supplies to soldiers, to provoke terror among civilians, or to force them to vacate their homes, are not justified.

## VII. Legitimate Authority

The criterion of legitimate authority may also be relevant, since it is suggested by Reichberg and Syse that *an authority is legitimate only if it is competent to assess the risks of a particular warfare*.<sup>22</sup> I argue that this has wide implications for the military’s decision-making

20. *Summa Theologiae*, II a-II ae, q. 108, a. 1;

see Reichberg and Syse, “Protecting the Natural Environment in Wartime,” 460.

21. Suggested by Adam Roberts, “The Law of War and Environmental Damage”, see Reichberg and Syse, “Protecting the Natural Environment in Wartime,” 460. (For the original text of the Convention, see “The Geneva Conventions of 1949 and their Additional Protocols,” International Committee of the Red Cross, last modified May 15, 2014, <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp>.)

22. Reichberg and Syse, “Protecting the Natural Environment in Wartime,” 462.

process, and thus decisions which affect environmentally sensitive areas, such as habitats of endangered species, should not be taken by commanders in the field, but should be referred to a higher instance to a competent authority. An example is that the use of nuclear weapons must only be ordered by the commander-in-chief.

I suggest that compliance with the criterion can be achieved by re-designing the military's decision-making process, by educating military personnel, and through improvements in information systems, so that military manuals can specify actions which should be avoided, and locations of high ecological value that deserve special attention. It was recommended in the 1991 Munich Conference on War and Environment that there should be an authoritative list of the world's ecologically sensitive areas<sup>23</sup>, but so far no international legal document in this area has come into force, presumably because many states worry that other states may misrepresent strategic areas as natural reserves to avoid being attacked, or to use natural reserves as "environmental shields".<sup>24</sup> This shows that the just war criteria is problematic when it comes to application in the real world.

The *Geneva Conventions* also prohibit acts that "attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population" (Article 54 (2) of the 1977 Protocol I), which suggest that in order to comply with this article, an authority is legitimate to make a decision only if it is competent to assess the risks posed by a military action. I further suggest that both domestic and international laws should specify on what military or political level decisions of different degrees of importance should be made.

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23. Michael N. Schmitt, "Green War: An Assessment of the Environmental Law of International Armed Conflict," *Yale Journal of International Law* 22 (1997): 24;

see Reichberg and Syse, "Protecting the Natural Environment in Wartime," 462.

24. Karen Hulme, "A Darker Shade of Green: Is it Time to Ecocentrise the Laws of War?" in *International Law and Armed Conflict: Challenges in the 21st Century*, ed. Noëlle Quénivet and Shilan Shah-Davis (The Hague: T.M.C. Asser Press, 2010), 159.

## VIII. Discrimination

Now we turn to the manner by which a just war should be conducted. There is a convention in international law that attacks should only be directed at combatants. I argue that the deliberate destruction of the environment upon which civilians depend for the satisfaction of their basic needs is itself a violation of the civilians' non-combatant status, and the use of biological, chemical or nuclear weapons, which have an indiscriminate effect on human beings and the environment, violates the criterion of discrimination. This is reflected in the *UN Convention on Certain Conventional Weapons*, which prohibits the attack of "forests or other kinds of plant cover", except when "such natural elements are used to cover, conceal or camouflage combatants or other military objectives"(Article 2, paragraph 4 of Protocol III annexed to the *UN Convention on Certain Conventional Weapons*).

Alternatively, according to the Christian natural law tradition, on which the just war tradition is based, the environment is a common property of all human beings, including future generations, so it is immoral for human beings, as just stewards of nature, to spoil land which can be useful to their fellow human beings, including both the present and future generations. Hence, the large-scale use of landmines and defoliants which indiscriminately renders land unusable for housing and agriculture cannot be justified. The *Hague Regulations*<sup>25</sup> and *Geneva Conventions*, which prohibits extensive destruction and appropriation of properties "not justified by military necessity and carried out unlawfully and wantonly" (Article 147, Convention IV, *Geneva Conventions*) arguably also cover public environmental goods, such as land and water resources.

## IX. Proportionality

Even when a particular military operation only brings collateral damage to the environment, it is morally justified only when it is

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25. "Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907," International Committee of the Red Cross, accessed April 15, 2011, <http://www.icrc.org/ihl/intro/195?OpenDocument>.

proportional.<sup>26</sup> Therefore, the destruction of crops by the US Army during the Vietnam War was disproportionate, since statistics revealed that they deprived more than 100 civilians of food, for every single enemy personnel denied of food supply.<sup>27</sup>

However, proportionality is a vague concept, and reasonable people may disagree on its precise meaning. The problem is even more complicated with respect to environmental destruction in war, since it seems to require comparisons among incomparable values, such as between the number of casualties, and the area of forest preserved. One solution suggested by Reichberg and Syse is to combine the criteria of proportionality and discrimination, and weigh the benefits of a military action against the harm to the environment suffered by civilians, including both the present and future generations.<sup>28</sup>

I suggest that the “proportionality test” in human rights law also provides helpful guidance. In particular, proportionality is the standard test in the European Union to assess whether a government action which infringes on individual rights is justified. The court enquires into whether the government acts for a legitimate purpose (such as to protect the safety of citizens), whether there is a rational connection between that aim and the means, and whether the infringement of individual rights is *no more than necessary*. The court also looks into whether there is an alternative which can achieve that purpose but brings less harm, and whether the social benefits gained outweigh the losses suffered by the individual.<sup>29</sup>

I argue that this more *structured* approach in the European Union human rights law sheds light on how domestic and international legal

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26. Hence, the “doctrine of double effect” should not be invoked as a blanket excuse, so that all military actions that do not intentionally cause harm to the natural environment, but merely damage the environment as a side-effect could all be morally justified. Military actions resulting in collateral damage to the environment must also satisfy the criterion of proportionality.

27. Thomas, *Scorched Earth*, 112.

28. Reichberg and Syse, “Protecting the Natural Environment in Wartime,” 464; see Woods, “The Nature of War and Peace,” 24.

29. See Paul Craig, *EU Administrative Law* (Oxford: Oxford University Press, 2006), Chapter 17–18.

For a suggestion to a structured approach of the proportionality test, see Mark Elliot, “Proportionality and Deference: The Importance of a Structured Approach,” in *Effective Judicial Review: A Cornerstone of Good Governance*, ed. Christopher Forsyth et al. (Oxford: Oxford University Press, 2010).

instruments can be formulated to evaluate whether a military action is proportionate. This is in line with the ruling by the International Court of Justice in *Nuclear Weapons* case, which suggests that “states must take environmental considerations into account when assessing what is *necessary* and *proportionate* in the pursuit of legitimate military aims”.<sup>30</sup> Moreover, this approach also provides a higher standard of scrutiny, which is necessary given the gravity of the consequences of environmental degradation, such as famine, poisoning of food and water sources, and cancer and disabilities caused by chemical and nuclear weapons.

## X. Conclusion

The impact of science and technological advancements has not been unequivocally positive, and has not brought the human race closer to a utopia. In particular, the two world wars produced unprecedented calamities, not only with respect to the huge number of deaths, but also to the devastation of the environment.<sup>31</sup> It is argued that due regard should be paid to the environmental impacts of wars in the current discourse of the just war tradition, so that more can be articulated as to how wars should be conducted in a responsible manner, responsible not only to those living on the land and their future generations, but also to every human being in this globalizing world.<sup>32</sup>

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30. At para. 30.

31. For a discussion on the modern and postmodern world views and their relationship with science and technological advancements, see Arthur F. Holmes, *Contours of a World View* (Grand Rapids: IFACS, 1983).

32. For a discussion on how environmental destruction by war may have global implications, see Brauer, *War and Nature*.



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## **Sino-Japanese relations in East Asia: peaceful interdependence or great power rivalry?**

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**Abstract** Since the 1990s, Sino-Japanese relations have significantly worsened with the rise of China. Economic, political, and security conflicts used to be avoided because of strong bilateral economic interdependence. This supports the commercial liberalism’s “capitalist peace” argument that stronger bilateral economic interdependence makes interstate conflicts less likely.

However, China’s rise shows that state preference is dynamic as suggested by the theory of structural liberalism. Changing asymmetrical interdependence causes Chinese leaders to become more active in regional affairs and assertive in territorial disputes. The relative decline of Japan causes Japanese leaders to fear being marginalised at the regional and global levels. The fear causes them to compete with China for regional leadership, initiate protectionist measures against China, and take a firmer stand in territorial disputes. These create a perception of political rivalry between these two states.

The tension of bilateral conflicts can be eased by increasing frequency of meetings between Chinese and Japanese leaders, and exchanges among Chinese and Japanese peoples. However, the frequent changes of government of Japan and negative public perception towards each other due to past conflicts hinder the possibility of a better understanding.

## 中日關係：和平互賴或是強國競爭

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自九十年代以來，中國的崛起令中日關係急速惡化。以往兩國的經濟互相依賴避免兩國政治、經濟及軍事衝突，這支持商業自由主義的「資本主義和平」論，認為加強經濟互相依賴能減少衝突。

但中國崛起令兩國如結構自由主義者所料，向中國傾斜互賴關係令中國政要在地區事務上更活躍，在領土糾紛上轉趨強硬。另一方面，日本相對衰落令日本政要擔心日本在地區及國際事務的影響力減少，從而跟中國競爭地區領導地位、對中國採取經濟保護措施及在領土糾紛上不作退讓。這令外界覺得兩個東亞大國存在競爭關係。

要緩和兩國之間的衝突，可增加政要及人民交流，加強雙方理解。但日本近年內閣更換頻繁及過往的衝突已令兩地人民相互有負面評價，令兩國之間在短期內難以取得互信。

## I. Introduction

Sino-Japanese relations used to be an example of commercial liberalism's "capitalist peace" argument, which suggests that increasing economic interdependence decreases the potential of interstate conflicts.<sup>1</sup> Until the mid-1990s, the historical memories of the Sino-Japanese Wars seemed to have limited impact on the relations, where bilateral trade continued to grow. However, since the mid-1990s, political, economic, and security tensions have emerged although trade continues to grow even at a higher rate. While neither state abandons the doctrine of "separation of economics and politics" (*seikei bunri* in Japanese), which means bad political relations do not have any spillover effect on good economic relations, the emergence of conflicts generates a contradictory image of "hot economies, cold politics", which indicates the coexistence of economic interdependency and political rivalry.<sup>2</sup>

This paper uses structural liberalism to explain although economic interdependence remains robust, the relations worsened because China's rise changes state preference, that the newer generation of leaders is less willing to suppress bilateral conflicts to safeguard economic relations. It is because China's economic and political rises shift the balance of bilateral relations and regional power to China's favour.<sup>3</sup> The shift causes conflicts as Chinese leaders want to increase China's influence,

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1. John R. Oneal and Bruce M. Russett, "Rule of Three, Let It Be. When More Really is Better," *Conflict Management and Peace Science* 22 (2005): 301;

Erich Weede, "The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence," *International Interactions: Empirical and Theoretical Research in International Relations* 36 (2010): 206.

2. Glenn D. Hook, Hugo Dobson and Christopher W. Hughes, *Japan's International Relations: Politics, Economics and Security* (New York: Routledge, 2012), 75;

*Ibid.*, 177;

David Shambaugh, "International Relations in Asia: The Two-Level Game," in *International Relations of Asia*, ed. David Shambaugh and Michael Yahuda (Lanham, Md.: Rowman & Littlefield Publishers, 2008), 14.

3. *Ibid.*, 1;

Glenn D. Hook et al., "Japan and the East Asian Financial Crisis: Patterns, Motivations and Instrumentalisation of Japanese Regional Economic Diplomacy," *European Journal of East Asian Studies* 1 (2002): 177.

while Japanese leaders want to safeguard Japan's interests.<sup>4</sup> These refute the "capitalist peace" argument which considers increasing economic interdependence as solely sufficient to bring peace, and neglects states' concern of relative gain. Nevertheless, since interdependence remains strong, both states avoid escalating conflicts.

In order to resolve these conflicts, using the rationale of liberal constructivism, though economic interdependence causes both states' leaders to seek peaceful compromise, increasing interactions between Chinese and Japanese leaders (Track I) and among peoples (Track II) are needed to rebuild understanding to reduce the frequency and impact of conflicts. However, improvement is unlikely in the short run as successive Japanese governments have short term of office and negative public perception cannot be easily changed.

The paper is organised as follows. The second section discusses how commercial liberalism, structural liberalism, and liberal constructivism interpret the relations between economic interdependence and interstate relations. The next few sections are the empirical analyses, discussing how commercial liberalism successfully explains Sino-Japanese relations before the mid-1990s, when increasing trade led to better relations, and how changing state preference due to generation change of leadership has worsened the relations in economic, political, and security aspects respectively since mid-1990s. The last section analyses to what extent relations can be improved through increasing bilateral interactions between leaders and among peoples.

## **II. Literature review**

The relationship between economic interdependence and interstate relations is not a novel topic in liberalism. Within the variants of liberal theories, commercial liberalists are the most vocal supporters for the "capitalist peace" argument, suggesting capitalist states are less likely to

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4. Hook, *Japan's International Relations*, 181–84;

Phillip C. Saunders, "China's Role in Asia," in *International Relations of Asia*, ed. David Shambaugh and Michael Yahuda (Lanham, Md.: Rowman & Littlefield Publishers, 2008), 138–41;

Shaun Breslin, "Understanding China's Regional Rise: Interpretations, Identities and Implications," *International Affairs* 85 (2009): 821–23.

have interstate conflicts than non-capitalist states.<sup>5</sup> This argument were proposed by philosophers such as Montesquieu and John Stuart Mill to support the liberal peace thesis, suggesting market interests reduce the incentive for any state to start a war.<sup>6</sup> This normative argument was further developed by Norman Angell, who suggested that the argument can be proved empirically as a result of industrialisation, which makes trade cheaper than war to obtain industrial input, and starting a war hurts own economy because national economies become interdependent.<sup>7</sup> Subsequently, Erik Gartzke, John R. Oneal, and Bruce M. Russett have conducted quantitative research to prove the “capitalist peace” argument.<sup>8</sup>

Nevertheless, structural liberalists dispute whether increasing interdependence is sufficient to lead to better interstate relations. Andrew Moravcsik and Michael M. Doyle argue that state is not a unitary actor; state preference is merely a representation of majority view.<sup>9</sup> State preference is dynamic to reflect changing majority view. Interdependence means state preference is simultaneously affected by domestic and international situations.<sup>10</sup> Unlike commercial liberalists, structural liberalists accept that relative gain may also affect state preference. For example, increasing interdependence may worsen relations as sectors which are not competitive in the bilateral trade are likely to press their domestic government to block further exchange.<sup>11</sup> While this argument does not completely refute the “capitalist peace” argument, the potential of inverse consequence which increasing interdependence increases conflicts is also considered as a possibility. Also, in the cases of asymmetrical interdependence, conflicts arise as

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5. Erik Gartzke, “The Capitalist Peace,” *American Journal of Political Science* 51 (2007): 166; Oneal and Russett, “Rule of Three,” 301; Weede, “The Capitalist,” 206.

6. Gartzke, “The Capitalist Peace,” 170.

7. Norman Angell, *The Great Illusion* (New York: Putnam, 1933), 103–107.

8. Gartzke, “The Capitalist Peace”;

Erik Gartzke and J. Joseph Hewitt, “International Crises and the Capitalist Peace,” *International Interactions* 36 (2010);

Oneal and Russett, “Rule of Three”.

9. Andrew Moravcsik, “Taking Preferences Seriously: A Liberal Theory of International Politics,” *International Organization* 51(1997): 518;

Michael Doyle, *Ways of War and Peace* (New York: Norton, 1997), 251–300.

10. Anne-Marie Slaughter, “A Liberal Theory of International Law,” *ASIL Proceedings* (2000): 241.

11. Moravcsik, “Taking Preferences Seriously,” 528.

the dominant power continues to press others in order to extract more benefits, and less powerful states are difficult to resist as they are more dependent in the relations.<sup>12</sup> Robert O. Keohane and Joseph S. Nye argue that larger asymmetry between United States and Australia than between United States and Canada makes Australia more difficult than Canada to resist American pressure.<sup>13</sup> Katherine Barbieri's research quantitatively shows increasing asymmetry increases the probability of conflicts.<sup>14</sup>

While structural liberals argue that state preference changes over time, however, they do not question what causes the change.<sup>15</sup> Liberal constructivists argue that preference may not solely depend on rational cost-benefit analysis; it can also be ideationally-based.<sup>16</sup> From a normative aspect, the "capitalist peace" argument becomes an economic norm. Michael Mousseau argues that capitalist states are less likely engage in conflict since economic benefits from past exchanges create a political culture to prefer stable economic market, and a strong support of legalism causes capitalist states to respect sovereignty of other states.<sup>17</sup> After this leading component, Alexander Wendt argues that state preference is further affected by mutual understanding, which affects what action a state takes, and how it interprets the action of the others.<sup>18</sup> Thomas Risse's research on the EMU shows that in the case which economic benefits are indeterminate and ambiguous, the degree of European collective identity affects states' decisions to adopt Euro.<sup>19</sup>

Sino-Japanese relations both proves and shows limits of these

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12. Albert Hirschman, *National Power and the Structure of Foreign Trade* (Los Angeles, CA: University of California Press, 1945);

Robert Keohane and Joseph Nye, *Power and Interdependence: World Politics in Transition* (Boston, MA: Little Brown, 1977).

13. *Ibid.*, 202–209.

14. Katherine Barbieri, "Economic Interdependence: A Path to Peace or a Source to Interstate Conflict?" *Journal of Peace Research* 33 (1996).

15. Andrew Moravcsik, "Liberal International Relations Theory: A Social Scientific Assessment," *Weatherhead Center Working Paper* 01–02 (2001): 11.

16. *Ibid.*

17. Michael Mousseau, "The Nexus of Market Society, Liberal Preferences, and Democratic Peace: Interdisciplinary Theory and Evidence," *International Studies Quarterly* 47 (2003);

Michael Mousseau, "The Social Market Roots of Democratic Peace," *International Security* 33 (2009).

18. Alexander Wendt, "Anarchy is What States Make of It: the Social Construction of Power Politics," *International Organization* 46 (1992): 406.

19. Thomas Risse et al., "To Euro or Not to Euro? The EMU and Identity Politics in the European Union," *European Journal of International Relations* 5 (1999): 147–187.



theories. The peaceful relations before the mid-1990s supported the “capitalist peace” argument. However, commercial liberalism cannot explain the worsening relations since the mid-1990s in spite of increasing interdependence. The emergence of bilateral conflicts shows the “capitalist peace” argument is not as straightforward as commercial liberals suggest, as no military conflict does not necessarily mean the bilateral relations are peaceful.

Structural liberalism’s arguments that changing state preference and asymmetry interdependence increases conflicts provide reasons to understand the worsening relations. Changing preference explains how reserved asymmetrical bilateral economic interdependence due to China’s rise changes the cost-and-benefit analysis of both Chinese and Japanese leaders, where the symmetry of interdependence is generally neglected in large-N research by commercial liberals.<sup>20</sup>

Liberal constructivism further provides insight to analyse the importance of mutual understanding in bilateral relations, even though Mousseau argues that state which becomes more capitalistic like China should develop stronger economic norms to avoid bilateral conflicts with other capitalistic states like Japan.<sup>21</sup>

### **III. Sino-Japanese Relations before the mid-1990s**

The development of Sino-Japanese relations can be divided into three phrases. The first cooperation phrase lasted from the normalisation of Sino-Japanese relations from 1972 to the end of Cold War, when bilateral conflicts were rare and both Chinese and Japanese leaders took action to limit the conflicts’ damage to relations. The second post-Cold War phrase ended when Junichiro Koizumi became the Prime Minister of Japan in 2001, when political and security conflicts began to emerge, causing Sino-Japanese relations a bit rocky occasionally. The third poor relations phrase began after 2001. Sino-Japanese relations have become significantly worse since. Bilateral conflicts become more intense and frequent. This section reviews the first phrase.

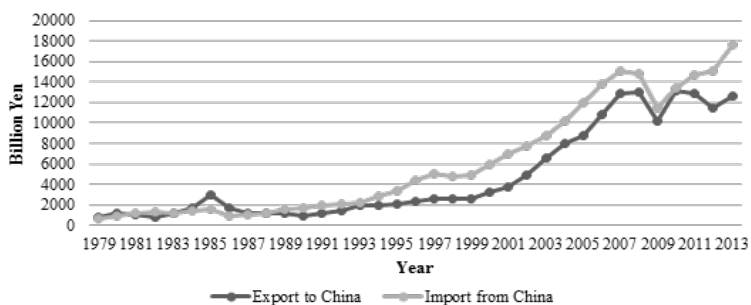
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20. Gartzke, “The Capitalist Peace,”; Gartzke and Hewitt, “International Crises and the Capitalist Peace,”; Oneal and Russett, “Rule of Three,”

21. Mousseau, “The Social Market Roots,” 82–83.

The cause of Sino-Japanese normalisation can be explained by economic interests. In the decade before normalisation, China maintained semi-official ties with Japan by establishing bilateral trade liaison office in 1962 to offset the withdrawal of Soviet economic support due to Sino-Soviet split.<sup>22</sup> Japan also refused to commit to militarily protecting Taiwan in future armed conflict to avoid angering the Communist China, even though the “Yoshida doctrine” meant Japan following the United States politically to recognise the Republic of China. The normalisation materialised in 1972 after the Richard Nixon announced to visit the PRC in 1971.<sup>23</sup> Japan started to give aid (Official Development Assistance, ODA) to China in 1979. In the subsequent decades, the bilateral trade grew steadily (See Figure 1).

**Figure 1: Sino-Japanese Trade**



Source: Trade Statistics of Japan Ministry of Finance

Sino-Japanese relations in this phrase support the “capitalist peace” argument. First, despite the trade relations was asymmetric, in which Japan enjoyed a trade surplus in the mid-1980s (see Figure 1), and was China’s largest trading partner (20.8% in 1986), both states prioritised absolute gain in the trade relations. China became a production base of Japanese goods and major energy exporter to Japan, and Japan transferred technologies in different manufacturing sectors to China.<sup>24</sup>

22. Michael Green, “Japan in Asia,” in *International Relations of Asia*, ed. David Shambaugh and Michael Yahuda (Lanham, Md.: Rowman & Littlefield Publishers, 2008), 174.

23. Hook, *Japan’s International Relations*, 29;

Green, “Japan in Asia,” 174;

Kenneth B. Pyle, *Japan Rising: the Resurgence of Japanese Power and Purpose* (New York: Public Affairs, 2007), 317–18.

24. Data reported by Ministry of Finance of Japan and the IMF.

Although China was in an inferior position, the relations were symbiotic rather than exploitative. China became one of the following geese in the Japan-led flying geese model, and generally welcomed the cooperation as Japanese technology stimulated the economic growth of China. For example, 52.4% of “whole plants and technology” contracts between 1978 and 1984 were won by Japanese companies.<sup>25</sup> The relations were against dependency school argument that China, the less powerful state, would be improved rather than more prosperous.<sup>26</sup>

Second, both Chinese and Japanese leaders limited the damage to political conflicts, as they understood that escalating conflicts would harm bilateral economic relations, and economic interdependence meant both states’ economies would suffer.<sup>27</sup> For example, when textbook controversies broke out in 1982 and 1986, after the Ministry of Education of Japan approved textbooks which downplay Japan’s WWII crimes, the Chinese government did not protest immediately. In fact, the government-controlled media only reported the controversy one month after news reported in Japan in 1982 and People’s Daily even downplayed the significance in 1986 by suggesting the textbook was only one of the approved ones and most Japanese people did not share such controversial view.<sup>28</sup> The controversies were resolved three (1982) and two months (1986) later after Japan agreed to review the books again after China’s official protest.<sup>29</sup> Yasuhiro Nakasone’s official visit to the Yasukuni Shrine in 1985, where enshrines 14 Class-A War Criminals in the WWII that causes Chinese government to consider the Shrine is a symbol honouring the aggressors of the WWII, sparked anti-Japanese student protests in China. However, the conflict was resolved quickly

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25. Allen S. Whiting, *China Eyes Japan* (Berkeley: University of California Press, 1989), 75–78.

26. Barbieri, “Economic Interdependence,” 32.

27. Amitav Acharya, “Theoretical Perspectives on International Relations in Asia,” in *International Relations of Asia*, ed. David Shambaugh and Michael Yahuda (Lanham, Md.: Rowman & Littlefield Publishers, 2008), 66;

Tim Dunne, “Liberalism,” in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith and Patricia Owens (Oxford: Oxford University Press, 2008), 115.

28. Whiting, *China Eyes Japan*, 97;  
Wan, *Sino-Japanese Relations*, 46–51;  
*Ibid.*, 55–65;  
*Ibid.*

29. Whiting, *China Eyes Japan*, 50–51;  
*Ibid.*, 57.

as Nakasone promised not to visit the Shrine again shortly after the protests.<sup>30</sup> The subtle response of Chinese government and quick U-turn of Japanese government showed both sides wished to avoid further damaging relations.

Last, trade enhances mutual understanding by improving communication, which generates national interests to safeguard relations.<sup>31</sup> In Sino-Japanese relations, business interest groups emerged to lobby for better ties.<sup>32</sup> Political relations also improved. The visit of the Emperor of Japan in 1992 to commemorate the 20<sup>th</sup> anniversary of the normalisation, and Morihiro Hosokawa's (then-Prime Minister of Japan) apology for Japan's war of aggression against China in 1994 indicated the WWII legacies were mutually respected and Sino-Japanese relations destined to peaceful cooperation.<sup>33</sup>

#### **IV. Worsening Sino-Japanese relations since the mid-1990s**

However, in the second and third phrases, although Figure 1 in section III and Figure 2 below show the continuous growths of bilateral trade and Japanese's foreign direct investment (FDI) to China, which indicate bilateral economic relations become more interdependent, Sino-Japanese relations have gradually worsened since the mid-1990s as economic conflicts over regional leadership, political conflicts over the legacy of the Sino-Japanese Wars, and security conflicts over territorial disputes have become more often. The worsening trend is against commercial liberalism's prediction as it argues that increasing complex commercial ties should further reduce political and economic conflicts.<sup>34</sup> Paradoxically, despite both trade volume (from 10790 billion yen in 2001 to 24578 billion yen in 2006 (See Figure 1) and Japan's outward FDI to China (from 2158 US\$ million in 2001 to 6169 US\$ million in 2006 (See Figure 2) doubled during the Koizumi Administration, the relations were at historic low.

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30. Ibid., 67–70.

31. Dunne, "Liberalism," 114;

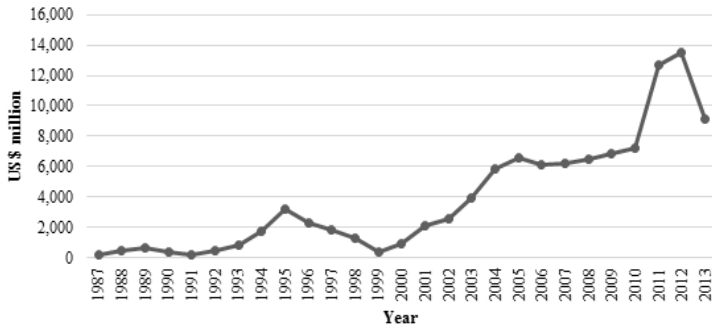
Bruce Russett, "Liberalism," in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne, Milja Kurki and Steve Smith (New York: Oxford University Press, 2009), 103.

32. Saunders, "China's Role in Asia," 135.

33. Hook, *Japan's International Relations*, 173.

34. Moravcsik, "Taking Preferences Seriously," 530.

Figure 2: Japan's Outward FDI to China



Source: Japan External Trade Organization

The worsening trend can be explained by changing state preference. Because both China and Japan experience a rise of nationalism in recent years, which Keohane and Nye argue that increases the intensity of bargaining positions, the newer generation of leaders is less willing to concede in conflicts to reflect the majority view of the citizens as Moravcsik and Doyle argue.<sup>35</sup>

Rising nationalism causes Chinese leaders to be more frequent to use the “history card” to force Japan to apologise for WWII crimes in meetings, because the Jiang Zemin administration used nationalism against Japan to legitimise rule after the fall of communism at the end of the Cold War.<sup>36</sup> The height of politicising nationalism was Jiang’s visit to Japan in 1998. After Keizo Obuchi refused to give a written apology for WWII invasion, Jiang became confrontational throughout the visit. He kept to press the historical issues in public speeches, arguing Chinese were not ready to forgive the past.<sup>37</sup> This only irritated the Japanese

35. Keohane and Nye, *Power and Interdependence*, 203; Moravcsik, “Taking Preferences Seriously,” 518; Doyle, *Ways of War and Peace*, 251–300.

36. Hook, *Japan’s International Relations*, 176;

Mike M. Mochizuki, “China-Japan Relations: Downward Spiral or a New Equilibrium?” in *Power Shift: China and Asia’s New Dynamics*, ed. David Shambaugh (Berkeley: University of California Press, 2005), 137.

37. Pyle, *Japan Rising*, 331.

people and turned the visit into a disaster, and forced China to drop the historical issues temporarily when then-Premier Zhu Rongji visited in 2000, as Zhu stated he was not going to discuss history to the Japanese journalists.<sup>38</sup> However, in 2001, after the textbook controversy resurfaced again, and Japan granted visa to Lee Teng-hui, former President of the Republic of China for medical reasons, Chinese government decided to delay the visit of Li Peng, then-Chairman of the National People's Congress, a stark contrast with the past practice to resolve the conflicts before the meeting.<sup>39</sup> During Hu Jintao administration, the economic rise gave Chinese leaders confidence to press harder for national and territorial integrity.<sup>40</sup> After Koizumi visited the Yasukuni Shrine repeatedly, the Chinese government suspended leader summit from 2002 and severed all meetings with Koizumi in international organisations from 2005. The boldness to break down contacts between leaders shows that China became more confident to take measures which may harm economic relations.

Also, there was a generation change in Japan in the 1990s from pragmatic leaders to revisionist leaders, who put less emphasis on economic interests and are more nationalistic, so China lost reliable political partners in Japan to suppress conservative views.<sup>41</sup> It is because of the decline of pragmatic factions within the Liberal Democratic Party (LDP), and the more conservative Democratic Party replaced the pro-China Japan Socialist Party as the major opposition party.<sup>42</sup> This gradually broke down the post-normalisation consensus which marginalised national criticisms of China to avoid damaging bilateral relations, and did not tolerate any comments from ministers which justify WWII invasion.<sup>43</sup> As the newer generation of leaders is more

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38. Ming Wan, *Sino-Japanese Relations: Interaction, Logic, and Transformation* (Washington, D.C.: Woodrow Wilson Center Press, 2006), 26.

39. *Ibid.*

40. Wan, *Sino-Japanese Relations*, 150; Green, "Japan in Asia," 174.

41. Hook, *Japan's International Relations*, 181–84;

Green, "Japan in Asia," 137;

Ryosei Kokubun, "Changing Japanese Strategic Thinking toward China," in *Japanese Strategic Thought toward Asia*, ed. Gilbert Rozman, Kazuhiko Togo and Joseph P. Ferguson, (New York: Palgrave Macmillan, 2007), 157.

42. *Ibid.*

43. Kokubun, "Changing Japanese Strategic Thinking," 142–43;

Whiting, *China Eyes Japan*, 57.

supportive to Western values, these leaders have a less favourable view of authoritarian China.<sup>44</sup> Criticising China is no longer considered as a taboo, it generates public support, as shown by the popularity of Koizumi despite worsening Sino-Japanese relations.<sup>45</sup> The newer generation also believes Japan has made enough apologies over WWII crimes, so they resist China's demand to resolve historical controversies. These make conflicts more difficult to resolve since compromise becomes more difficult to reach.

Apart from changing leadership generation, the structural change of economic relations to China's favour also reverses the asymmetry of the interdependence. This causes Chinese leaders to pursue more proactive economic, political, and security policies, and reduces Japan's capacity to utilise its economic power to achieve political and security goals. These result in increasing conflicts. Nevertheless, as bilateral trade continues to bring economic benefits to both states and particular China does not want to risk reallocation of Japanese FDI, and as Keohane and Nye said, "there is no guarantee that military means will be more effective than economic ones to achieve a given purpose", therefore, neither state has incentive to engage in open hostilities in order to maintain a sense of harmony.<sup>46</sup> In Sino-Japanese relations, although Japan balances against China in security issues (security cooperation with the US and expansion of own defensive capabilities), Japan also pursues engagement strategy in political and economic issues.<sup>47</sup> The relative strength between strategies depends on leader's preference.<sup>48</sup> The next few subsections analyse the changes of Sino-Japanese relations in economic, political and security aspects respectively.

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44. Mochizuki, "China-Japan Relations," 136–37; Pyle, *Japan Rising*, 331.

45. Green, "Japan in Asia," 174.

46. Keohane and Nye, *Power and Interdependence*, 17; *Ibid.*, 251–52.

Barbieri, "Economic Interdependence," 32.

47. Shambaugh, "International Relations in Asia," 14.

48. Pro-China Prime Ministers such as Yasuo Fukuda (2007-08), Yukio Hatoyama (2009-10) and Naoto Kan (2010-11) were pro-engagement while conservative Shinzo Abe (2006-07, 2012-) and Taro Aso (2008-09) were pro-balancing. See Hook, *Japan's International Relations*, 181–84.

## **1. Emergence of economic conflicts despite robust economic interdependence**

China's rise means economic interdependence benefits China more nowadays, as China enjoys bilateral trade surplus (see Figure 1) and China's market matters more to Japan rather than the opposite (Japan's percentage of China's total trade decreases from 20.8% in 1986 to 10% in 2010, while China's percentage of Japan's increases from 4.7% to 20.7%).<sup>49</sup> This makes China less worried about Japan's reaction to China's growing economic influence, as the impact of Japanese actions to Chinese economy decreases. This makes Japan more vulnerable to Chinese economic pressure. As the result of reverse asymmetry, economic conflicts emerge as China wants to increase influence while Japan resists the decline, although theoretically China's rise deepens the bilateral economic interdependence as the growing China's middle class becomes major consumers on Japanese goods, and Chinese labour-intensive factories produce large amount of cheap products such as textile (79.8% of total textile import in 2011) to Japan.<sup>50</sup>

From China's point of view, the economic rise indicates that China needs to be active in securing energy sources to meet increasing domestic demands and FTA agreements with other states to deepen economic ties and facilitate trade diversion, in order to use trade and investment to recreate a Sinocentric regional order.<sup>51</sup> These moves lead to competition with Japan. First, in energy competition, China was the most important oil and gas exporter to Japan until the mid-1990s.<sup>52</sup> The increasing energy consumption of China brings two used-to-be traders to be direct competitors. This refutes the commercial liberalists' argument that resources can be easier to come through commerce, since

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49. Data reported by Ministry of Finance of Japan and the IMF.

50. Saunders, "China's Role in Asia," 133.

Data reported by the Ministry of Finance of Japan.

See Lampton, *The Three Faces of Chinese Power*, 199.

51. Breslin, "Understanding China's Regional Rise," 831.

52. Wan, *Sino-Japanese Relations*, 230-31;

*Ibid.*, 368;

Elizabeth Wishnick, "Competition and Cooperative Practices in Sino-Japanese Energy and Environmental Relations: towards and Energy Security 'Risk Community?'" *The Pacific Review* 22 (2009): 412.



neither state has sufficient energy supply. In 2004, Japan successfully convinced Russia to build one more Siberian oil pipeline to supply oil to Japan rather than only supplying China.<sup>53</sup> Second, in free trade agreement competition, China concluded a FTA with the ASEAN states quickly after just one-year negotiation in 2002, and unilaterally agreed to remove trade barrier earlier.<sup>54</sup> The surprise move forced Japan to propose the Japan-ASEAN FTA two months after China's proposal, and the ASEAN-Japan Comprehensive Economic Partnership Agreement was concluded in 2003, to avoid Southeast Asian trade diversion to China.<sup>55</sup>

From Japan's point of view, the trade deficit with China leads to growing fear of Chinese economic invasion. Since Japan's post-war national identity is based on economic superpower, the prospect of *Pax Nipponica* in the 1980s predicted that Japan would replace the United States as the leading economic, the loss of national pride as the leading Asian economic power causes Japan to become sensitive in trading with China.<sup>56</sup> First, due to the influx of cheap Chinese goods, Japanese people worry about the safety of Chinese import. In January 2008, when 10 Japanese became ill after eating imported Chinese *gyōza* (dumplings) which contained traces of banned pesticide, all Chinese imported food sales plunged.<sup>57</sup> Though conflicts initially escalated as both states denied contamination took place in their territory, both states agreed to cooperate the investigation four months later.<sup>58</sup> Second, Japanese government restricted Chinese import. In 2001, Japan imposed quota and restriction on Chinese textile and agricultural imports, which were more competitive than domestic products, generating pressure on Japanese government to block further economic exchange. Chinese government retaliated by imposing restriction on Japan-made automobiles, mobile phones and air conditioners. Nevertheless, the trade dispute was resolved quickly in

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53. Gartzke, "The Capitalist Peace," 171;  
Wan, *Sino-Japanese Relations*, 230–31.

54. Saunders, "China's Role in Asia," 133.

55. Takashi Terada, "Forming an East Asian Community: A Site for Japan-China Power Struggles," *Japanese Studies* 26 (2006): 10–11.

56. Hook, *Japan's International Relations*, 3;  
Ibid., 176.

57. Ibid., 180.

58. "China and Japan Seek 'Warm Spring'," *BBC News*, May 5, 2008, accessed April 17, 2013, <http://news.bbc.co.uk/2/hi/asia-pacific/7384179.stm>.

2002, after China agreed to impose voluntary export restraints.<sup>59</sup>

China's economic growth also led Japan to argue that Japan's aid to China should stop as China becomes rich enough to aid other states. Political and security conflicts also cause Japanese people to think that Chinese people do not appreciate Japan's aid enough.<sup>60</sup> This eventually led to Japan's decision to stop all loan aids to China in 2008.<sup>61</sup> Japanese government argues that Chinese rapid economic development means China has the capacity to handle the development of its poorer inland provinces.<sup>62</sup> This change of Japan's aid policy eliminates a strategy to ease political and security conflicts. First, China loses its largest aid donor to finance the infrastructure constructions, who used to contribute twice of the second largest donor.<sup>63</sup> Second, Japan cannot use aid as a political tool to ease political conflicts. For example, Japan pledged new loan aids packages in 1982 and 1986 after textbook controversies in the 1980s.<sup>64</sup>

## **2. Increasing political conflicts**

Structural liberals argue that the resulting order of international institutions is affected by the domestic state preference and interstate bargaining.<sup>65</sup> The bargaining outcome depends on the preference of states. Asymmetrical interdependence means more powerful state has the advantage to influence the outcome.<sup>66</sup> Until the early 2000s, the interests of China and Japan were congruent. While Japan led the regional economy, as Japan was anointed to be the leader of East Asia

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59. Mochizuki, "China-Japan Relations," 143.

Ibid.

60. Wishnick, "Sino-Japanese Energy and Environmental Relations," 147.

61. Hook, *Japan's International Relations*, 176.

62. "Koizumi: Japan ready to stop China aid," *China Daily*, November 29, 2004, accessed April 17, 2013, [http://www.chinadaily.com.cn/english/doc/2004-11/29/content\\_395668.htm](http://www.chinadaily.com.cn/english/doc/2004-11/29/content_395668.htm);

Kanako Takahara, "Time has come to end ODA to China, Yachi says," *The JapanTime*, January 6, 2005, accessed April 17, 2013, <http://www.japantimes.co.jp/news/2005/01/06/national/time-has-come-to-end-oda-to-china-yachi-says>.

63. Marie Söderberg, "The Role of ODA in the Relationship," in *Chinese-Japanese Relations in the Twenty-first Century*, ed. Marie Söderberg (New York: Routledge, 2002), 120.

64. Whiting, *China Eyes Japan*, 46–51.

65. Andrew Moravcsik and Frank Schimmelfennig, "Liberal Intergovernmentalism," in *European Integration Theory*, ed. Antje Wiener and Thomas Diez (Oxford: Oxford University Press, 2009).

66. Keohane and Nye, *Power and Interdependence*, 11;

Moravcsik, "Taking Preferences Seriously," 523.

Economic Caucus (EAEC) in the 1990s by Malaysia, China implicitly accepted Japan's regional economic leadership.<sup>67</sup> The prime example is that China took a backseat to support the East Asian neighbours in the aftermath of the Asian Financial Crisis.<sup>68</sup> The aborted Asian Monetary Fund (AMF) (the regional loan fund), the Miyazawa Initiative (the comprehensive proposal to guarantee sovereign bonds and financial assistance to East Asian states, which was considered as a move to resurrect the flying geese model headed by Japan), and the Chiang Mai Initiative (the regional currency swap agreement), were all proposed or facilitated by Japan.<sup>69</sup> On the other hand, Japan supported China's membership in regional institution (APEC) in the 1990s and global institution (WTO) in the 2000s. These helped China to reintegrate into the international society after the Tiananmen Massacre in 1989.<sup>70</sup> These successful admissions helped China to build up a better global image.<sup>71</sup> All these made the prospect of political conflicts unlikely.

However, since the 2000s, the interests between these two states have become incongruent, as both states prefer confrontation to limit the other's influence rather than cooperation.<sup>72</sup> This change creates political conflicts. China's rise causes Chinese leaders to want to re-establish its regional leadership, which is considered by Chinese nationalists to be their entitled role based on the historical regional order before the 20<sup>th</sup> century.<sup>73</sup> This preference change is expected as structural liberals argue that powerful state seeks to shape international institution to suit

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67. Higgott and Stubbs, "Competing Conceptions," 522;

Terada, "Japan and the Evolution of Asian regionalism," 15.

68. Christopher W. Hughes, "Japan's Response to China's Rise: Regional Engagement, Global Containment, Dangers of Collision," *International Affairs* 85 (2009): 846.

69. China opposed the AMF as Japan did not communicate with China beforehand.

See Hook, "Japan and the East Asian Financial Crisis," 183;

Hook, *Japan's International Relations*, 224–25;

M. G. Koo, "Same Bed, Different Dreams: Prospects and Challenges for ASEAN+'X' Forums," *Journal of International and Area Studies* 19 (2012): 84.

70. Hook, *Japan's International Relations*, 73;

Mochizuki, "China-Japan Relations," 135.

71. Randall L. Schweller and Xiaoyu Pu, "After Unipolarity: China's Visions of International Order in an Era of U.S. Decline," *International Security* 36 (2011): 54.

72. Green, "Japan in Asia," 177–78;

Gilbert Rozman, *Chinese Strategic Thought toward Asia* (New York: Palgrave Macmillan, 2010), 170.

73. Breslin, "Understanding China's Regional Rise," 821–26.

their interests.<sup>74</sup> For example, Hu Jintao, then-President of China, first suggested that China is a veto player of East Asian economic growth, and stated in 2002 that “China cannot develop without Asia, and Asia cannot prosper without China. History has already proved and will continue to prove that China is the driving force for Asian development.”<sup>75</sup> The leadership aspiration became more explicit in recent years. For example, Wen Jiabo, then-Premier of China, argued that China is the leader of regional economic cooperation in 2010, after suggesting China can lead a year earlier.<sup>76</sup> The increasing economic influence of China can be manifested by the growing consensus among East Asian states that China becomes increasingly dominant in ASEAN+3.<sup>77</sup> As China wants to protect its dominance, when the idea of East Asia Summit (EAS) was discussed in the mid-2000s, China insisted that East Asian Community should be based on ASEAN+3.<sup>78</sup> It is because an Asian-state-only grouping is easier to be dominated by China.

Also, China does not entertain any prospect which Japan can pose threat to China’s leadership. China was a staunch supporter to oppose Japan’s bid to be a permanent member of the United Nations Security Council in 2005 because Japan “failed to atone” for WWII crimes.<sup>79</sup> Since China did not openly oppose other states’ bids for a permanent seat in the Security Council, such as India, a potential competing rising power, this shows the number of veto players is not the top of Chinese leaders’ concern. However, China does not entertain the prospect to have

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74. Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (New Jersey: Princeton University Press, 1984), 136–141.

75. Ying Fu, “China and Asia in a New Era,” *China: An International Journal* 1 (2003): 309.

76. Jiabao Wen, “Speech by Premier Wen Jiabo at the Thirteen ASEAN+3 Leadership Meeting.” Ministry of Foreign Affairs of China, *Zhongguo waijiao 2010* [China’s Foreign Affairs 2010] (Beijing: World Affairs Press, 2010), 256.

77. Markus Hund, “ASEAN Plus Three: Towards a New Age of Pan-East Asian Regionalism? A Skeptic’s Appraisal,” *The Pacific Review* 16 (2003): 400.

78. Ministry of Foreign Affairs of China, *Zhongguo waijiao 2003* [China’s Foreign Affairs 2003] (Beijing: World Affairs Press, 2003), 69;

Ministry of Foreign Affairs of China, *Zhongguo waijiao 2004* [China’s Foreign Affairs 2004] (Beijing: World Affairs Press, 2004), 7;

Ministry of Foreign Affairs of China, *Zhongguo waijiao 2006* [China’s Foreign Affairs 2006] (Beijing: World Affairs Press, 2010), 44;

Ministry of Foreign Affairs of China, *Zhongguo waijiao 2011* [China’s Foreign Affairs 2011] (Beijing: World Affairs Press, 2011), 278.

79. Green, “Japan in Asia,” 175.

one more East Asian permanent member in the Council.<sup>80</sup>

From Japan's point of view, the fear of ceding regional leadership to China causes Japan to oppose China's regional leadership inspiration.<sup>81</sup> The opposition can be shown again by the development of the EAS in the 2000s. Japan insisted that ASEAN+5, which includes Australia and New Zealand, fellow American allies, rather than ASEAN+3, should be the basic membership of any new regional institution, in order to dilute the influence of China.<sup>82</sup> Koizumi first sparked the membership question of East Asian regionalism by suggesting to include Australia and New Zealand into the East Asian regionalism framework during visit to Singapore in January 2002.<sup>83</sup> Japan also continued to press for the United States' participation in East Asian regional institutions throughout the 2000s. Koizumi suggested that the United States is indispensable in East Asia in 2005.<sup>84</sup> Moreover, since 2003, Japanese leaders have argued that East Asian regionalism should be a rule-based society to uphold democracy, governance and rule of law, rather than a platform to express non-binding political will.<sup>85</sup> This "principled multilateralism" norm directly challenges China's desire to build a value-neutral architecture.<sup>86</sup> Apart from the EAS development, Japan improves bilateral relations with other democratic states in the region, arguing that all democracies share common "universal" values. The strategy of the "Arc of Freedom and Prosperity" was used by Shinzo Abe and Taro Aso, and the value-based diplomacy was revived by Yoshihiko Noda to

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80. Ananth Krishnan, "China ready to support Indian bid for UNSC," *The Hindu*, July 17, 2011, accessed April 17, 2013, <http://www.thehindu.com/news/international/article2233806.ece>.

81. Hook, "Japan and the East Asian Financial Crisis," 177.

82. Hund, "ASEAN Plus Three," 401.

83. Junichiro Koizumi, "Speech by Prime Minister of Japan Junichiro Koizumi: Japan and ASEAN in East Asia: A Sincere and Open Partnership," *Ministry of Foreign Affairs of Japan*, January 14, 2002, accessed August 11, 2013, <http://www.mofa.go.jp/region/asia-paci/pmv0201/speech.html>.

84. Koizumi, "Japan and ASEAN in East Asia";

"ASEAN+3 Foreign Ministers Meeting (Summary)," *Ministry of Foreign Affairs of Japan*, July 28, 2005, accessed August 11, 2013, <http://www.mofa.go.jp/region/asia-paci/asean/conference/asean3/summary0507.html>.

85. Ministry of Foreign Affairs of Japan, "Diplomatic Bluebook 2005," 58;

Ministry of Foreign Affairs of Japan, "Diplomatic Bluebook 2005," 61;

Ministry of Foreign Affairs of Japan, "Diplomatic Bluebook 2003: Chapter 2: Regional Diplomacy," accessed August 11, 2013, <http://www.mofa.go.jp/policy/other/bluebook/2003/chap2-a.pdf>, 55.

86. Green, "Japan in Asia," 184;

Hughes, "Japan's Response to China's Rise," 847.

foster closer cooperation with the Philippines and Indonesia.<sup>87</sup> While this strategy may not succeed as other developing democratic states do not want to explicitly balance against China, the attempt is an explicit Japanese attempt to encircle China.<sup>88</sup>

At the domestic level, Koizumi's visits to the Yasukuni Shrine (2001-06) created controversies as these visits renewed Chinese fear of Japan's historical revisionism of the WWII. The Japanese people's positive portrayal of Koizumi's visits as symbols against China's "never-ending" demand for apology for WWII crimes (Conservative *Yomiuri Shimbun* poll showed 51% of Japanese people felt offended by China's "interference" in 2005) reflected the changing majority view.<sup>89</sup> Nevertheless, the increasing criticisms by media and business groups that these visits were unnecessary provocations against China, which would worsen economic ties, show economic interdependence can check Japan's rise of nationalism.<sup>90</sup> The conflict only temporarily eased after Shinzo Abe replaced Koizumi as the Prime Minister in 2006. He surprisingly broke the precedent to visit China first rather than the United States after just twelve days in office, signalling he highly valued the importance of Sino-Japanese relations in spite of his conservative credentials.<sup>91</sup>

### **3. Increasing security conflicts**

Structural liberalists argue that security conflicts emerge because of changing preference of leaders to alter and understand the status quo.<sup>92</sup> The development of Sino-Japanese relations supports the case. Traditional security was not a heated topic in Sino-Japanese relations until the mid-1990s. It is because during the Cold War, China perceived the US-Japan security alliance positively as a guarantee against Japanese remilitarisation, while Japan was under imminent Soviet military threat, so China's military threat simply was not on the agenda.<sup>93</sup> The major

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87. Kyodo News, "Yetian zhengfu yu zai yatai diqu tuixing jiazhi guan waijiao (Noda Government wants to promote Value-based Diplomacy in Asia-Pacific)", October 2011, accessed April 17, 2013, <http://tchina.kyodonews.jp/news/2011/10/17717.html>.

88. Hook, *Japan's International Relations*, 181.

89. Green, "Japan in Asia," 190.

90. Hook, *Japan's International Relations*, 179.

91. *Ibid.*

92. Moravcsik, "Taking Preferences Seriously," 521.

93. Pyle, *Japan Rising*, 321;

Wan, *Sino-Japanese Relations*, 158.

issues in Sino-Japanese security relations in the Cold War era were China's occasional concern about Japan's military build-up, especially after Japan's military expenditure exceeded the 1% (1.004%) self-imposed GNP ceiling in fiscal 1987, and Japan's discomfort of China's nuclear weapons development due to strong anti-nuclear norm.<sup>94</sup>

However, since the mid-1990s, both China and Japan have become increasingly worried about the each other's military posture. China becomes increasingly sceptical towards US-Japan security alliance, especially after the revision of the Guidelines for US-Japan Defense Cooperation in 1996, which expanded the cooperation area to undefined "areas surrounding Japan", and Japanese government made contradictory comments one whether Taiwan was covered.<sup>95</sup> Chinese leaders start to view Japan uses the alliance to balance attempt China by siding closer with the United States and an opportunity for Japanese military to further enhance its military capabilities.<sup>96</sup>

On the other hand, Japan is concerned about China's military modernisation, as most of the military spending increase were spent on upgrading navy and air forces.<sup>97</sup> The increase alarmed Japan particularly after the trespassing of a Chinese nuclear submarine in Okinawan water in November 2004 due to "technological reasons".<sup>98</sup> The concern caused Japan to decide that China's maritime activities have to be closely monitored in Japan Defence White Paper 2005.<sup>99</sup> Also, the anti-militarism norm, which argues state policy should not be pursued by military forces, erodes as economic stagnation causes Japanese leaders to think that Japan is no longer powerful to use economic pressure to bring peace, and increasing fear of U.S.' abandonment in helping Japan

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94. Ibid., 35;

Hook, *Japan's International Relations*, 64;

Ibid., 338.

95. Wan, *Sino-Japanese Relations*, 36–37;

Hook, *Japan's International Relations*, 141–42.

96. Ibid.

97. Saunders, "China's Role in Asia," 135.

98. Kokubun, "Changing Japanese Strategic Thinking," 145.

99. Ministry of Defense of Japan, "Security Environment Surrounding Japan," Defense of Japan 2005, accessed on April 17, 2013, [http://www.mod.go.jp/e/publ/w\\_paper/pdf/2005/1.pdf](http://www.mod.go.jp/e/publ/w_paper/pdf/2005/1.pdf).

to defend Senkaku/ Diaoyu Islands.<sup>100</sup> These cause Japan to pursue qualitative military build-up since 1995 to maintain its technological edge.<sup>101</sup> Mutual understanding with China is low, as only eight Defence Ministers' bilateral visits had been held since 1984.<sup>102</sup> Nevertheless, both states acknowledge better communication is necessary, the visits become more frequent in the last decade, four visits had been held since 2003.

From China's point of view, first, China feels threatened by Japan's increasing *de facto* control over the Diaoyu/ Senkaku Islands since the 2000s. This convinces China that tougher responses are necessary.<sup>103</sup> In 2005, Chinese government merely protested and criticised the Japanese counterpart after Japan increased patrols in the area and took control of the lighthouse built by a right-wing group in 1996. However, in 2010, when a Chinese trawler captain was detained by Japan Coast Guard, Chinese government thought Japan broke unwritten norm to quickly release fisherman.<sup>104</sup> Therefore, assertively demanded the release by putting economic pressure on Japan by discontinuing rare earth exports to Japan for two months, and refusing to meet Naoto Kan, then-Prime Minister of Japan, to symbolise China did not recognise Japan's jurisdiction over the disputed islands.<sup>105</sup> Japan eventually released the captain two weeks later. The release shows that Japanese leaders were unwilling to escalate the conflict.<sup>106</sup> The islands row escalated again in August 2012, as the Japanese government decided to nationalise the islands by buying them from the islands' "owners" This move led to huge anti-Japanese riots in

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100. Hook, *Japan's International Relations*, 67;

Rozman, *Chinese Strategic Thought*, 157;

Sarah Serizawa, "China's Military Modernization and Implications for Northeast Asia," *The National Bureau of Asian Research*, accessed April 17, 2013, [http://www.nbr.org/downloads/pdfs/PSA/Hughes\\_interview\\_08022012.pdf](http://www.nbr.org/downloads/pdfs/PSA/Hughes_interview_08022012.pdf).

101. Christopher W. Hughes, *Japan's Re-emergence as a 'Normal' Military Power* (Oxford: Oxford University Press for the International Institute for Strategic Studies, 2004), 56.

102. 1984 (visit to China), 1987 (visit to Japan), 1998 (return visits), 2003 (visit to China), 2007 (visit to Japan), 2009 (visit to Japan), and 2010 (visit to China). Data extracted from Wan, *Sino-Japanese Relations*, 37 and reported by Ministry of Defence of Japan website.

103. Hook, *Japan's International Relations*, 183.

104. Alastair I. Johnston, "How New and Assertive Is China's New Assertiveness?" *International Security* 37 (2013): 22.

105. Linus Hagström, "Power Shift' in East Asia? A Critical Reappraisal of Narratives on the Diaoyu/Senkaku Islands Incident in 2010," *The Chinese Journal of International Politics* 5 (2012): 173;

Hook, *Japan's International Relations*, 183.

106. "China frees Last Japanese Man held in 'Military Zone,'" *BBC News*, October 9, 2010, accessed April 17, 2013, <http://www.bbc.co.uk/news/world-asia-pacific-11508119>.



China.<sup>107</sup> In response, Chinese government decided for the first time to keep a presence in the area by regularly sending maritime surveillance ships to patrol the water around islands three days after the purchase.<sup>108</sup> The “provocations” by Japan are considered as attempts to force the United States to explicitly acknowledge these islands are covered in the US-Japan Defence Treaty.<sup>109</sup> Nevertheless, Chinese government decided to clamp down anti-Japanese riots in September, showing Chinese leaders did not want the riots to have long-lasting impact on economic relations.<sup>110</sup> As Japanese companies’ joint-venture factories in China were closed down due to attacks, prolonged riots might lead to the withdrawal of Japanese FDI to China; this would hit Chinese economy as well.<sup>111</sup>

Second, China increasingly perceives Japan strategically containing China. In the case of Taiwan, Chinese government protested after US-Japan joint statement to declare Taiwan as “common security interests” in 2005.<sup>112</sup> China considers that Japan broke past precedents to restrain from engaging in the Taiwan Problem, which is sensitive to Chinese nationalists who remember Japan’s past colonisation of Taiwan.<sup>113</sup> In the case of ASEAN states, China views Japan’s security cooperation with ASEAN states cautiously, such as anti-piracy, due to fear of Japan’s naval presence in the South China Sea.<sup>114</sup> Also, China is alarmed by Japan’s initiative to establish “bilateral maritime dialogues” with the Philippines,

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107. “Viewpoints: How Serious are China-Japan Tensions?” *BBC News*, February 8, 2013, accessed April 17, 2013, <http://www.bbc.co.uk/news/world-asia-21290349>.

108. “Chinese Surveillance Ships patrol around Diaoyu Islands,” *Xinhua News Agency*, September 14, 2012, accessed April 17, 2013, [http://news.xinhuanet.com/english/photo/2012-09/14/c\\_131850550.htm](http://news.xinhuanet.com/english/photo/2012-09/14/c_131850550.htm);

“Chinese Marine Surveillance Ship patrols around Diaoyu islands,” *Xinhua News Agency*, March 24, 2013, accessed April 17, 2013, [http://news.xinhuanet.com/english/video/2013-03/24/c\\_132257749.htm](http://news.xinhuanet.com/english/video/2013-03/24/c_132257749.htm).

109. “Viewpoints.”

110. Teddy Ng and Ada Lee, “Beijing threatens to clamp down on Anti-Japan Protests,” *South China Morning Post*, September 18, 2012, accessed April 17, 2013, <http://www.scmp.com/news/china/article/1039384/beijing-threatens-clamp-down-anti-japan-protests>.

111. “Major Japanese Companies Temporarily Shut Down Across China,” *International Business Times*, September 18, 2012, accessed April 17, 2013, <http://www.ibtimes.com/major-japanese-companies-temporarily-shut-down-across-china-792752>.

112. Wan, *Sino-Japanese Relations*, 115.

113. David M. Lampton, *The Three Faces of Chinese Power: Might, Money and Minds* (Berkeley: University of California Press, 2008), 199.

114. Hook, *Japan’s International Relations*, 241.

Indonesia and Vietnam and gift patrol ships to the Philippines.<sup>115</sup> These actions are considered as offensive acts to intervene in the South China Sea disputes and coordinate with the United States to internationalise the disputes.<sup>116</sup>

From Japan's point of view, Japan increasingly worries about Chinese activities in the East China Sea.<sup>117</sup> When China started operation in Chunxiao gas field in 2004, which is in the undisputed waters and 5 km away from the median, Japan protested as Japan feared the operation would tap gas from the disputed zone claimed by Japan.<sup>118</sup> Japan demanded China cease operations and release all survey data, however, China refused. Both states were willing to negotiate. However, they found it was difficult to reach a compromise. While China agreed to joint development in the disputed zone, even though China did not recognise the median line boundary drawn by Japan, Japan demanded a share of gas on the China's side of the median line.<sup>119</sup> The offensive perception of China's activities further increased after China established a "reserve vessel squadron" which claimed to have "fighting capacity" to patrol the area in 2005.<sup>120</sup> Japan fears China attempting to establish *de facto* control of the area.

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115. "Ribei yu yinni jiu goujian nanhai duobian kuangjia decheng gongshi [Japan and Indonesia reach Consensus to establish Multilateral Institution for South China Sea Disputes]," *Kyodo News*, October 2011, accessed April 17, 2013, <http://tchina.kyodonews.jp/news/2011/10/18092.html>;

"Rifei juxxing fujuji cuoshang queren qianghua haiyang anquan hezuo [Japan and the Philippines had Vice-ministerial Meeting to deepen Cooperation in Maritime Security]," *Kyodo News*, February 2013, accessed April 17, 2013, <http://tchina.kyodonews.jp/news/2013/02/47263.html>;

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116. "Ribei niyu mei lianshou jiang naihao wenti guojihua [Japan may join the U.S. to internationalize the South China Sea Disputes]," *Kyodo News*, July 2011, accessed April 17, 2013, <http://tchina.kyodonews.jp/news/2011/07/12462.html>.

117. Kent E. Calder, "China and Japan's Simmering Rivalry," *Foreign Affairs* 85 (2007), 130; Mark J. Valencia, "The East China Sea Dispute: Context, Claims, Issues and Possible Solutions," *Asian Perspective* 31 (2007): 147.

118. Valencia, "The East China Sea Dispute," 128; Reinhard Drifte, "Japanese-Chinese Territorial Disputes in the East," *Asia Research Centre Working Paper* 24 (2008).

119. *Ibid.*, 158;

Drifte, "Japanese-Chinese Territorial Disputes"

120. *Ibid.*, 131.

## V. Limitations of Track I and II diplomacies

Structural liberalists argue that state preference can be changed through political interactions.<sup>121</sup> Nevertheless, they do not analyse how the preferences are changed in the process.<sup>122</sup> Using the rationale of liberal constructivism, economic interdependence creates norms to avoid using force to seek compromise in conflicts.<sup>123</sup> The process of socialisation through persuasion and negotiation will be more successful if state leaders interact with each other more often to improve the understanding.<sup>124</sup> In Sino-Japanese relations, if the interactions between China and Japan increase, it will be more likely for both sides to understand each other's interests and concerns better.

Interactions can be enhanced both through Track I (government) and Track II (people) diplomacies. In Track I diplomacy, Figure 3 shows that despite increasing political and security conflicts, there is an increasing trend of bilateral visits between Chinese and Japanese leaders, apart from a small decrease from 2001 to 2006, which can be explained by China's refusal to meet Koizumi after his repeated Yasukuni visits. The graph does not include leader summits which are held in other East Asian regional institutions. Due to the ASEAN+3 Summit (since 1997), the East Asia Summit (since 2005) and the China- Japan-ROK Trilateral Summit (since 2008), there are more opportunities for the leaders to meet. However, the increase of leader summits does not translate into better relations in recent years. It is because since Koizumi stepped down in 2006, Japan's politics have become unstable. There are six Prime Ministers, nine Foreign Ministers and twelve Defence Ministers in seven years after Abe returned to power in 2012. The short tenure of each government makes Japanese leaders have to focus on domestic issues and difficult to foster close personal relationships with Chinese leaders.

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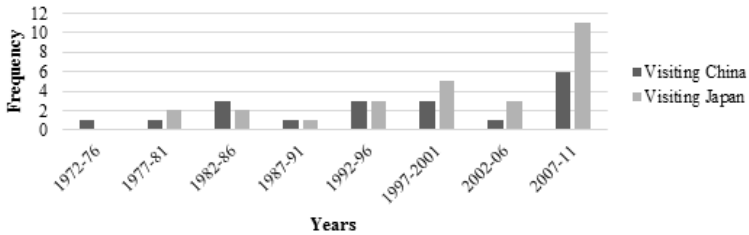
121. Moravcsik, "Taking Preferences Seriously," 519; *Ibid.*, 539.

122. Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory," *World Politic*, 50 (1998): 334.

123. Checkel, "The Constructivist Turn," 334; Moravcsik, "Taking Preferences Seriously," 540; Mousseau, "The Social Market Roots of Democratic Peace," 62.

124. Wendt, "Anarchy is What States Make of It," 406.

**Figure 3: Number of Chinese and Japanese leaders' bilateral visits**

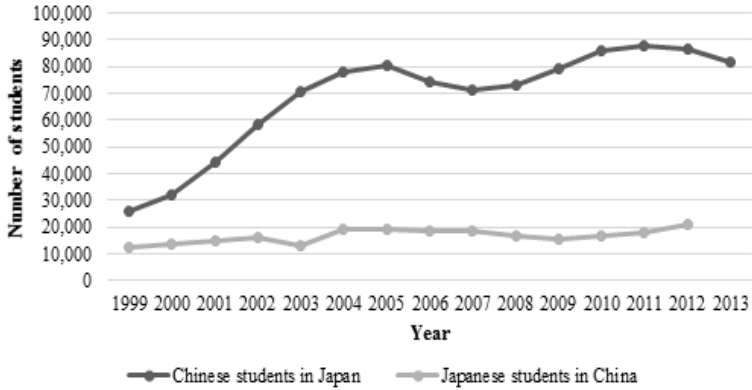


Source: Ministry of Foreign Affairs of Japan

In Track II diplomacy, although Figures 4 and 5 show the numbers of exchange students and tourists increase (apart from the number of Japanese students in China), the increases do not result in improving public perception of Chinese and Japanese toward each other (Figures 6 and 7). It is because the political and security conflicts in the past decade have caused serious damage to public perception of each other. For example, the large decreases of Japanese's favourable view on China in 2004, 2005 and 2012 can be attributed to the anti-Japanese riots, and the decrease cannot recover in the years afterwards, the percentage only decreases more whenever there is a new conflict, such as after the detention of Chinese trawler captain in 2010. Similarly, although the poll on Chinese views in April 2012 (before Japan's nationalisation of the disputed islands) shows small improvement of favourable view of Japan than 2011's percentage, as Japan's image was slightly improved due to the maintenance of public order after the 3.11 Earthquake, past conflicts reminded many Chinese that historical issues and territorial disputes have not resolved, these causes the percentage of favourable view in 2012 to be still lower than 2010's.<sup>125</sup> This shows that although Track II diplomacy theoretically improves bilateral relations in the long run, frequent conflicts make negative public perception difficult to be changed in the short run.

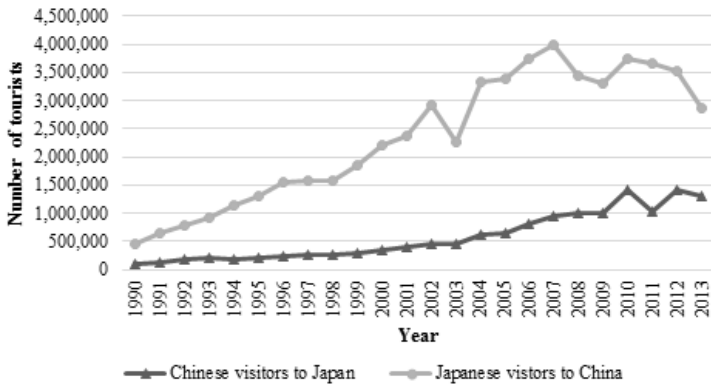
125. "Zhongri guanxi yulun diaocha baogao [Public Opinion on China-Japan Relations 2012 Survey Report]," *China Daily*, accessed April 17, 2013, [http://www.chinadaily.com.cn/hqzx/2012-06/19/content\\_15512904.htm](http://www.chinadaily.com.cn/hqzx/2012-06/19/content_15512904.htm).

**Figure 4: Number of international students**



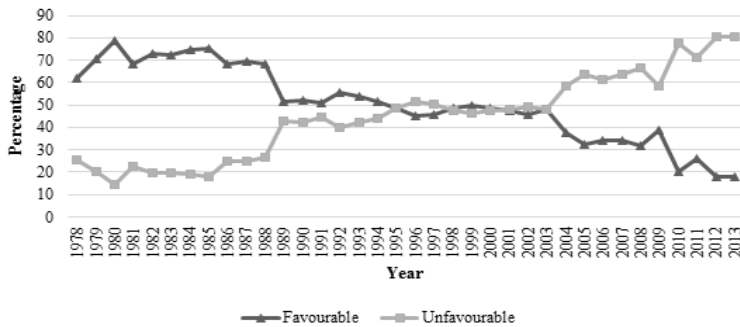
Source: Japan Student Services Organization and China Association for International Education

**Figure 5: Number of tourists**



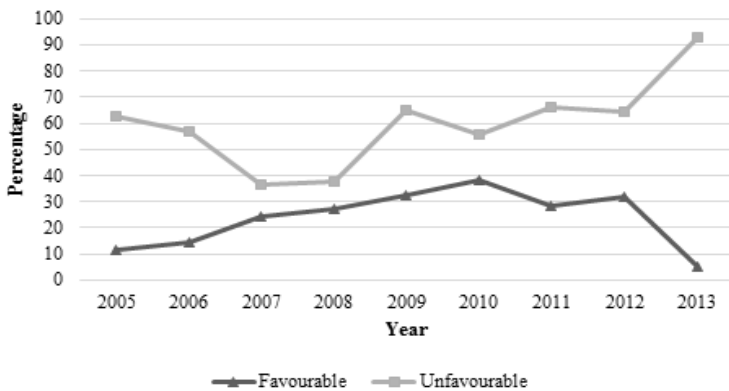
Source: Japan National Tourism Organisation

**Figure 6: Japanese impression of China**



Source: Cabinet Office of Japan

**Figure 7: Chinese impression of Japan**



Source: Joint Survey of China Daily and Genron-NPO

## VI. Conclusion

This paper argues that though continuous growths of bilateral trade and FDI suggest economic interdependence remains strong, however, commercial liberalism’s “capitalist peace” argument has failed since the mid-1990s, as the changing symmetry of interdependence from Japan to China creates economic, political and security conflicts. This is because China’s rise causes Chinese leaders to seek more political

influence and less afraid to pressure Japan economically for concessions in political and security conflicts. Also, Japanese leaders increasingly resist China's advances in order to resist the decline of its power. This results in Japan to take protectionist measures against Chinese import, and increasing competitions for energy and free trade agreements. These generate economic conflicts. Moreover, both states become less willing to concede in historical issues and territorial disputes. These generate political and security conflicts. Still, as bilateral economic interdependence remains important; both states show willingness to negotiate compromises. Although increasing interactions among leaders and peoples should relieve some of these conflicts, the frequent change of Japanese government and the existing damaged public perception on the other make the poor Sino-Japanese relations unlikely to have significant improvement in the short run.

Nationalism continues to rise in China which riots in 2005 and 2012 show the sentiments are beyond the control of the Chinese government. Also, China also established the Air Defence Identification Zone which covers the East China Sea in 2013. The establishment shows Xi Jinping, the President of China, wants to increase Chinese control over disputed territories.<sup>126</sup> Changes also happened in Japan, with the conservative LDP returning to power in 2012, and Shinzo Abe, the Prime Minister of Japan, becoming the first serving prime minister to visit the Yasukuni Shrine in 2013 since Koizumi stepped down in 2006.<sup>127</sup> These may result in both states to involve heavier in competition in regional influence and stand firmer in territorial disputes. While conflicts may not lead to an armed conflict as both states acknowledge maintaining economic cooperation is their national interests, as the structural sources of conflicts, which Japan determines to limit China's influence while China wants to increase because of China's rise, remained unresolved, Sino-Japanese relations are unlikely to improve in the short run.

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# To what extent is the concept of 'International Relations' a Western construct?

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**Abstract** The discipline of International Relations is often criticised by postcolonialists and area specialists to be biased towards Western discourse of interstate relations. This paper discusses the extent of the validity of these criticisms. While I acknowledge the discipline is biased, however, I argue that the failure to apply the biased theories in non-West cases, the changing meaning of biased concepts in the non-West, and the emergence of middle-range theories to explain regional phenomenon show non-West ideas can still influence the discipline.

## 論西方論述在國際關係學的主導程度

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**撮要** 國際關係學常受到後殖民主義及地區研究學者批評只反映西方社會對國與國之間關係的論述。本文探討這些批評是否成立。雖然西方思想在國際關係學中有主導地位，但本文指出因受西方思想影響的理論不能在非西方社會驗證、西方概念在非西方社會有不同的詮釋，及非西方社會湧現各種中層理論去解釋不同地區的獨特情況，顯示非西方思想在國際關係學中有一定的影響力。

After nearly a century of development, multiple International Relations (IR) theories have been developed to explain interstate relations. However, the emergence of these simplifying lenses certainly is not the end of finding the truth. On the contrary, as Robert Cox famously said, “Theory is always for someone and for some purpose”, these theories are often criticised to favour Western discourse although they pose themselves universalistic.<sup>1</sup> Postcolonialists and non-West area specialists are the most vocal critics of the discipline of IR. They argue that existing theories in the discipline just manifest how the West (Europe and the United States) views interstate relations, as the philosophical origin, derived concepts and hypotheses of these theories, and the foundations of the grand theories in the discipline, are dominated by Western discourse. In this paper, while I acknowledge the IR discipline is biased towards Western discourse, however, the influence of non-West ideas is underestimated. Analysing the criticisms in three dimensions, origin-development, adoption-localisation, grand theory-middle-range theory, I argue that comparative research on the non-West refutes established Western-biased assumption in the theories (development), meaning of Western-biased concepts are altered when they are applied to non-West cases (localisation), and the non-West developed its own middle-range theory to explain regional phenomena (middle-range theory). These show despite the discipline remains dominated by the West, non-West ideas also plays an important role in affecting how scholars understand interstate relations.

This paper is organised as follow. The next section explains how the postcolonialists and non-West area specialists criticise the IR. The third section focuses on the first dimension, arguing how the rises of China and Japan have shaken realism’s expectation that rising powers must become militaristic and pose threat to the existing international order, and the development of ASEAN affects regional integration theories, which the first supranationalism theory was formulated based on the development of the European Union. The fourth section focuses on the second dimension. First, it argues that nationalism has a positive meaning in Southeast Asia to promote regional solidarity rather than a

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1. Robert W. Cox, “Social Forces, States and World Orders: Beyond International Relations Theory,” in *Neorealism and Its Critics*, ed. Robert O. Keohane (New York: Columbia University Press, 1986), 204–54.

negative meaning in Europe to create conflicts. Second, although South Korea democratised in the 1980s, mutual support of democratic values does not lead to better Japanese-Korean relations as the democratic peace theory suggests. Third, when the norm of “responsibility to protect” was internationalised, non-West states played an important role in narrowing the concept to uphold sovereignty. The last section focuses on the last dimension, analysing how Chinese scholars use Confucian ideas to explain China’s rise, and how Japanese and Latin American scholars developed the flying geese model and resonated import substitution industrialisation to explain the regional development of East Asia and Latin America respectively.

## I. Literature Review

There are two sources of Western-biased criticism on IR. First, postcolonialists take a theoretical approach. As critical theorists, they disagree that knowledge can be neutral and objective, because knowledge is shaped by power, and Western discourse enjoys dominance in the discipline. Therefore, western discourse determines what issues and values are at stake in theories, and how theories should interpret non-Western cases.<sup>2</sup> They argue that as the biased discipline portrays itself to be universalistic, this indicate the non-West is expected to accept Western discourse on interstate relations.<sup>3</sup> Area specialists, whose research interest is the non-West, take an empirical approach. As regional characteristics are often omitted in IR theories, they find the established biased arguments unsatisfactory to explain regional phenomena.<sup>4</sup> They criticise the discipline of IR disproportionally studies the West, and ignores non-West characteristics in qualitative research, and considers non-West cases as outliers in quantitative research if they do not fit with the biased model.<sup>5</sup>

2. Siba N. Grovogui, “Postcolonialism,” in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne, Milja Kurki and Steve Smith (New York : Oxford University Press, 2009), 239.

3. Philip Darby, “Pursuing the Political: A Postcolonial Rethinking of Relations International,” *Millennium: Journal of International Studies* 33 (2004): 1–32.

4. Alastair I. Johnston, “What (If Anything) Does East Asia Tell Us About International Relations Theory?” *Annual Review of Political Science* 15 (2012): 57–58;

David C. Kang, “Getting Asia Wrong: The Need for New Analytical Frameworks,” *International Security* 27 (2003): 58.

5. Lucian W. Pye, “Asia Studies and the Discipline,” *PS: Political Science and Politics* 34 (2001): 805.



These two groups of critics differ on whether universal IR can be found. Postcolonialists think it will be possible if the discipline includes more non-West ideas. However, area specialists emphasise that the regional difference cannot be completely solved.<sup>6</sup> Nevertheless, both groups suggest there is a Western supremacy in the IR discipline.

Postcolonialists argue that there is an explicit, if not latent, Western supremacy in IR discipline, portraying the West as more superior than the non-West. For example, Western international orders such as *pax Britannica* and *pax Americana* positively symbolises stability, progress, and modernity, while the non-West is negatively labelled as inferior, backward, and chaotic.<sup>7</sup> Therefore, the non-West must accept Western values to become civilised. The discriminating label of the non-West originates from the legacy of colonialism. The West's colonisers considered themselves more superior than the colonised, and thus their colonisation policies in the non-West were perceived as sacrifices to bring the "global good".<sup>8</sup> The label remains after decolonisation as the West firmly controls the power of intellectual knowledge.<sup>9</sup>

Area specialists argue that the dominance of Western discourse leads to the neglect in studying the non-West. They criticise the Western-centric view of IR scholars, such as Kenneth Waltz, who suggests IR is a study of great powers only.<sup>10</sup> They also criticise IR research overemphasises the impact of turning point in Western history on global politics. The collapse of the Soviet Union is treated as the end of the bipolar era, ignoring the legacy of the Cold War remaining in some parts of the non-West, such as the divided Korean Peninsula.<sup>11</sup> The neglect of the non-West in IR discipline causes "universal" findings in IR research and fails to explain regional situation in the non-West.

Whether these criticisms are valid depends on how IR discipline

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6. Darby, "Pursuing the Political," 5;

Johnston, "What (If Anything) Does East Asia Tell Us," 56–58.

7. John M. Hobson, "Is Critical Theory always for the White West and for Western Imperialism? Beyond Westphalian towards a postracist critical IR," *Review of International Studies* 33 (2007): 95.

8. Ibid.

9. Rita Abrahamsen, "African Studies and the Postcolonial Challenge," *African Affairs* 102 (2003): 195.

10. Kang, "Getting Asia Wrong," 57.

11. Kimie Hara, "Rethinking the "Cold War" in the Asia-Pacific," *The Pacific Review* 12 (1999): 515–16.

is understood. While it is difficult to argue that the West dominates the philosophical origin of IR theories, formation of IR concepts, and development of grand theories, IR discipline evolves over time, and research on the non-West shows the limitation of biased theories. IR concepts can have different meanings between the West and the non-West, and middle-range theories are developed to explain particularistic regional phenomenon. In the next few sections, the validity is tested by both how the critics identify the biases in IR theories, and how an alternative conclusion can be reached if the discipline is analysed from a different perspective.

## **II. Discipline's origin is biased towards Western discourse, but not necessarily the development**

IR theories are under scrutiny as they are developed from Western philosophy. The role of Western philosophy leads to two criticism. First, as the theories are developed from Western philosophy, matter whether it is Hobbes or Thucydides in realism, or Immanuel Kant in liberalism, these thinkers' understanding of the world is limited to the situation in the West. Therefore, postcolonialists argue that these theories' bias towards the West is inevitable. For example, they criticise Kant for praising universal humanity value, but ignored the hardship of African slaves, and Hedley Bull for justifying the current international society merely as the result of history.<sup>12</sup>

Second, because of thinkers' limited understanding of the world, these derived theories' assumptions and hypotheses are based on Western experiences only, and thus area specialists criticise the logic of the IR theories for being biased and selective. Therefore, cannot explain the situation in the non-West, although mainstream realism and liberalism theories claim themselves to be universalistic.<sup>13</sup> For example, the realists are accused of selecting only Western cases, such as the ancient Greek history and the rise of revisionist Germany in the

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12. Grovogui, "Postcolonialism," 242–43;

Barry Buzan and Richard Little, "World History and the Development of non-Western International Relations Theory," in *Non-Western International Relations Theory*, ed. Amitav Acharya and Barry Buzan (New York: Routledge, 2010), 207.

13. Amitav Acharya and Barry Buzan, "Why is there no Non-Western International Relations Theory?" in *Non-Western International Relations Theory*, ed. Amitav Acharya and Barry Buzan (New York: Routledge, 2010), 7.

early 20<sup>th</sup> century, to prove that conflict are inevitable if a rising power challenges the status quo, as anarchic international system indicates states prefer to increase military power to ensure their own survival.<sup>14</sup> Also, the liberalists are accused of selectively using the development of the West to suggest free trade is mutually beneficial, and democracies at the national and international levels are better as undemocratic empires and non-transparent diplomacy in the West before the WWII were the sources of the conflicts.<sup>15</sup> The progress of the Western world shows free trade and democracies benefit national states' economy and security. Therefore, these values should be promoted to the non-West, and Western intervention is justifiable.<sup>16</sup>

Although it is true that as the early development of IR theories are heavily influenced by Western ideas and experiences, the rise of critical theories in the 1980s led to more research on the non-West.<sup>17</sup> As IR scholars understand the situation of the non-West better, they realise that many assumptions and hypotheses in IR theories need to be revised in order to apply them in non-West cases.<sup>18</sup> Therefore, even though the IR theories originate from the West, subsequent application of IR theories takes into account the characteristics of the non-West. Below I use the rises of China and Japan, and the development of ASEAN to show how "Western-biased" theories are modified.

Both China's and Japan's rise show the realist logics that a rising power must be balanced by the others, and national power depends on its military strength are not applicable in the non-West. In the case of China's rise since the late 1990s, neo-realism assumes that China will be balanced by an alliance of weaker states (Southeast Asia), declining states (Japan), and the regional power (the United States), based on the West's historical alliances against France and Germany in the 19<sup>th</sup> and

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14. John J. Mearsheimer, "Structural Realism," in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne, Milja Kurki and Steve Smith (New York : Oxford University Press, 2009), 87–89.

15. Tim Dunne, "Liberalism," in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith and Patricia Owens (Oxford: Oxford University Press, 2008), 110–11.

16. Darby, "Pursuing the Political," 11.

17. Tickner, "Hearing Latin American Voices," 325.

18. Johnston, "What (If Anything) Does East Asia Tell Us," 53–78;

Acharya and Buzan, "Why is there no Non-Western International Relations Theory?" 1–25.

20<sup>th</sup> century.<sup>19</sup> In fact, David Kang argued that this expectation was common in research which was not conducted by area specialists.<sup>20</sup> The absence of regional alliance to explicitly balance against China shows security concern is not necessarily is the top agenda of national foreign policies as realists suggest. While it is true that many neighbouring states increase security cooperation with the United States as they worry about Chinese military modernisation, they continue to expand bilateral trade with China.<sup>21</sup> This shows state behaviour is not dichotomous, either balancing or declining. Moreover, China's activism in participating in international organisations is also against neo-realist's assumption that a rising power must disturb the existing international order. In fact, joining organizations such as the WTO helps China to create a favourable environment for economic growth.<sup>22</sup> As the benefits to join the existing international order are clear, and outweigh the cost of being balanced against as a revisionist power, China has little interest to challenge the order as the Nazi Germany did.

In the case of Japan's rise in the 1970s, although neo-realists suggest that Japan will eventually develop its military capacity as national power depends on the military strength, Japan prefers to maximise its economic influence by distributing bilateral aids to neighbouring states rather than becoming a military power. The reason for the preference is the defeat of the WWII causes Japan to accept military protection from the United States, and keep its military expenditure at around 1% of its GDP.<sup>23</sup> The "abnormal" behaviour to use chequebook rather than missile to secure national interests causes researchers to reconsider the importance of economic security in foreign policy.<sup>24</sup> The prospect of pax Nipponica in the 1980s, in which many commentators suggested Japan would overtake the United States as the leading global power in the future,<sup>25</sup> explicitly shows that the economic success has refuted the neo-realism's assumption that military capacity is a prerequisite for a powerful state.

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19. Mearsheimer, "Structural Realism," 81.

20. Kang, "Getting Asia Wrong," 58.

21. Johnston, "What (If Anything) Does East Asia Tell Us," 53–78.

22. *Ibid.*, 59.

23. Kang, "Getting Asia Wrong," 73–79.

24. Peter J. Schraeder, Steven W. Hook and Bruce Taylor, "Clarifying the Foreign Aid Puzzle: A Comparison of American, Japanese, French, and Swedish Aid Flows," *World Politics* 50 (1998): 300.

25. Glenn D. Hook, Hugo Dobson and Christopher W. Hughes, *Japan's International Relations: Politics, Economics and Security* (New York : Routledge, 2005), 4.

The development of ASEAN shows that not every regional integration project follows the footpath of the European Union to develop a legalistic regional community. Although the level of institutionalization is low, ASEAN successfully promotes regional harmony and development. Because of increasing comparative research, IR scholars acknowledge the importance of regional characteristics, such as the role of leadership, in their analysis.<sup>26</sup> Even Ernst B. Haas, who formulates the first supranationalism integration theory based on early EEC development, admitted that because different regions' level of interdependence, political centralization, and scope of integration are not the same, the development of the European regional integration may not necessarily be generalisable.<sup>27</sup> The acknowledgement shows IR scholars acknowledge that it is not necessary that IR theories are universalistic. In the case of integration theories, the research of non-West causes some scholars to suggest that the European integration is a sui genesis.<sup>28</sup>

These cases show that although IR theories are developed from Western philosophy, IR scholars acknowledge the Western's bounded knowledge cannot explain the development in the non-West. Therefore, assumptions of IR theories are revised to make take them into account of regional differences. The revision makes the theories less biased towards Western discourse.

### **III. Discipline's concepts are biased towards Western discourse, but not necessarily the localisation**

As the discipline of IR originates from the West, many IR concepts which are used to explain interstate relations in the West are also adopted in non-West research. The adoption is controversial, as many IR concepts have associated normative meaning in the West, adopting them in non-West research may not take into account of regional differences.<sup>29</sup> This

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26. Amitav Acharya and Alastair I. Johnston, *Crafting Cooperation: Regional International Institutions in Comparative Perspective* (Cambridge: Cambridge University Press, 2007).

27. Ernst B. Haas, "The Study of Regional Integration: Reflections on the Joy and Anguish of Pretheorizing," *International Organization* 24 (1970): 614–16.

28. William Phelan, "What Is Sui Generis About the European Union? Costly International Cooperation in a Self-Contained Regime," *International Studies Review* 14 (2012): 367–85.

29. David Capie, "Localization as Resistance: The Contested Diffusion of Small Arms Norms in Southeast Asia," *Security Dialogue* 39 (2008): 653–54;

Johnston, "What (If Anything) Does East Asia Tell Us," 56–57.

criticism also challenges constructivism. Both postcolonialists and area specialists criticise constructivists who view norm diffusion as a unilateral process, assuming the non-West passively adopt new norm promoted by the West.<sup>30</sup> As norm localisation is not considered in the theoretical framework, the top-down norm diffusion implicitly assumes the West's ideas and values are more superior.

It is true that both IR scholars from the West and non-West use similar concepts in conducting research. Since the discipline originates from the West, the West acquires a Gramscian hegemonic status to define concepts in IR. Western definition of these concepts are considered as orthodox, and therefore, they are also taught in non-West universities, and scholars from the non-West think it is difficult to create new non-West concept to describe the non-West situation, as new indigenous concept may not be accepted in the discipline which is dominated by the West.<sup>31</sup> Even though some non-West scholars acknowledge that these Western concepts are not applicable in the non-West, they realise that it is difficult to propose an alternative.<sup>32</sup> For example, even though the democracy indexes designed by Western think tanks are criticised to operationalise Western narrative of democracy, it is difficult for non-West scholars to propose an alternative as dataset for non-West cases is not available.

However, although the same concepts are used, research on the non-West has shown these concepts' Western implication on interstate relations does not necessarily translate in the non-West. These findings show that although the IR concepts are originated in the West, their meaning to interstate relations is constantly challenged by non-West cases. The promotion of regional solidarity in Southeast Asia because of the rise of nationalism, and that the democratisation of South Korea does not lead to better bilateral relations with Japan are good counterexamples to challenge Western negative view of nationalism, and idealistic view of democratic peace respectively. Also, research on the non-West has shown

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30. Hobson, "Is Critical Theory always for the White West," 92–93;

Capie, "Localization as Resistance," 653–54.

31. Acharya and Buzan, "Why is there no Non-Western International Relations Theory?" 17;

Tickner, "Hearing Latin American Voices," 326;

Navnita C. Behera, "Re-imagining IR in India," in *Non-Western International Relations Theory*, ed. Amitav Acharya and Barry Buzan (New York: Routledge, 2010), 96.

32. William A. Callahan, "Chinese Visions of World Order: Post-hegemonic or a New Hegemony?" *International Studies Review* 10 (2008): 752.

norm localisation occurs. Although the non-West imports norm from the West, the non-West constantly reinterprets imported norm's meaning to suit their own discourse. The debate over the scope of responsibility to protect is a good example to illustrate that the resistance of the non-West to reduce loss of sovereignty successfully alters the meaning when the norm is accepted in both the West and non-West.

Nationalism is an imported from the West to Southeast Asia. Although the rise of nationalism is portrayed negatively in the West to promote extreme ideology such as Nazism and regional conflict,<sup>33</sup> and hinder regional integration, the rise is perceived positively in Southeast Asia to promote regional solidarity.<sup>34</sup> Although the definition of regionalism, which an imagined community based on cultural roots can be applied to both regions, the nature of nationalist sentiment is different.<sup>35</sup> The sentiment is against neighbouring states in the West, but it is against colonial power in Southeast Asia. Therefore, the rise of nationalism after decolonisation promoted regional leaders to advocate regional cooperation to prevent future domination by external power.

Similarly, although democratic peace theory suggests shared democratic values are important to promote bilateral relations as the values cause national states to use peaceful means to resolve conflict at the international level, South Korea relations with Japan do not improve after South Korea democratised in the 1980s.<sup>36</sup> Nowadays, South Koreans perceive undemocratic China as a lesser threat than democratic Japan.<sup>37</sup> It is because of the historical memory of Japanese occupation in the early 20<sup>th</sup> century. The poor relations can be shown by the developments in 2011. First, South Korean President Lee Myung-bak visited the Liancourt Rocks, disputed islands with Japan. The visit was strongly condemned by Japan. Second, that anti-Japanese sentiment in South Korea caused

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33. Richard K. Herrmann, Thomas Risse and Marilynn B. Brewer, *Transnational Identities: becoming European in the EU* (Lanham, MD: Rowman & Littlefield, 2004), vii.

34. Laura Cram, "Identity and European integration: diversity as a source of integration?" *Nations and Nationalism* 15 (2009): 111;

Amitav Acharya, *The Quest for Identity: International Relations of Southeast Asia* (Singapore: Oxford University Press, 2000), 45.

35. Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London and New York: Verso, 1991), 8.

36. Dunne, "Liberalism," 102.

37. Johnston, "What (If Anything) Does East Asia Tell Us," 69.

the government to suspend signing a military intelligence pact with Japan to share classified information.<sup>38</sup> Although there are quantitatively studies to prove the positive relationship between democracy and peace, they are criticised to be biased towards Western discourse since most of the democracies after the WWII are allies of the United States in Western Europe.<sup>39</sup> The South Korean case shows historical memory can have a stronger impact than shared democratic values in foreign policy. Therefore, while democracy promotes peace in the West, the finding may not be applied in the non-West.

These two cases show although IR concepts which originate from the West are used in the analyses, their meaning and implication are different in the non-West. Therefore, although indigenous non-West concept is not formulated, using the same concept may not necessary translate Western values to the non-West.

The debate on the scope of responsibility to protect shows the non-West can play an important role in developing emerging norm. The norm argues that sovereignty is not a right, which provides a basis for potential intervention. The norm is resisted by many non-Western states as it infringes upon national sovereignty. Although the concept of sovereignty is also from the West, which emphasizes states mutually respect each other to have supreme legal and political authorities over its territory, non-Western states also adopt the concept after they were decolonised.<sup>40</sup> Therefore, many non-Western states argue that sovereignty norm indicates non-interference in domestic affairs.<sup>41</sup> The West began to promote the norm in the early 2000s, arguing other states should intervene if any state fails to protect its citizens from crimes

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38. K.J. Kwon, "South Korea and Japan put military intelligence pact on hold after outcry," *CNN*, June 29, 2012, accessed December 26, 2013, <http://edition.cnn.com/2012/06/29/world/asia/south-korea-japan-pact/index.html>.

39. Stuart A. Bremer, "Democracy and militarized interstate conflict, 1816–1965," *International Interactions: Empirical and Theoretical Research in International Relations* 18 (1993): 231–49;

Sebastian Rosato, "The Flawed Logic of Democratic Peace Theory," *The American Political Science Review* 97 (2003): 600.

40. Antony McGrew, "Globalization and Global Politics," in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith, and Patricia Owens (Oxford: Oxford University Press, 2008), 24.

41. *Ibid.*, 48;

Amitav Acharya and Barry Buzan, "Why is there no Non-Western International Relations Theory?" in *Non-Western International Relations Theory*, ed. Amitav Acharya and Barry Buzan. (New York: Routledge, 2010), 18.



against humanity. The promotion leads to be a divide between West and non-West states. In response, the non-Western states successfully limit the scope of the norm by using precise language to justify intervention, and insisting all intervention need the approval of the United Nations Security Council in the UN's 2005 World Summit.<sup>42</sup> The success shows the non-West can dilute emerging Western norm in the diffusion process, which changes the norm to fit the interests of the non-West.

#### **IV. Discipline's grand theories are biased towards Western discourse, but not necessarily the middle-range theories**

As the grand IR theories originate from the West, postcolonialists and area specialists criticise the discipline for being biased towards Western discourse. Area specialists particularly call for developing new IR theories which have no link with Western values.<sup>43</sup> The criticism on the theories is not limited only to traditional theories like realism and liberalism, but also the critical theories. John Hobson argued that the critical theorists have a latent message of Western supremacy.<sup>44</sup> For example, neo-Gramscians consider hegemonic change only happens in the West, and globalisation is studied from the United States' perspective rather than the result of decolonisation which expanded the trade zone.<sup>45</sup> Also, feminists differentiate women in the First and Third Worlds, labelling those in the former as free and in the latter as victims. Their view on Islamic dress code also shows their disregard of non-West cultures, ignoring the fact that many Islamic women are voluntary to wear headscarves although the West claims it is a form of discrimination.<sup>46</sup>

Although it is true that Western discourse dominates the grand IR theories, the non-West is not a mere consumer of Western knowledge.<sup>47</sup> It is because many scholars from the non-West have developed various middle-range theories to explain regional phenomenon.<sup>48</sup> For example, in recent years, Chinese scholars begin to use the Confucianism's

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42. *Ibid.*, 207.

43. Acharya and Buzan, "Why is there no Non-Western International Relations Theory?" 1–25.

44. Hobson, "Is Critical Theory always for the White West," 98.

45. *Ibid.*, 97.

46. *Ibid.*, 100.

47. Andrei P. Tsygankov, "Self and Other in International Relations Theory: Learning from Russian Civilizational Debates," *International Studies Perspectives* 10 (2008): 764.

48. Acharya and Buzan, "Why is there no Non-Western International Relations Theory?" 1–25.

interpretation of the World Order to explain how China views about regional power and order in East Asia. In the subfield of regional development, Japanese scholars introduced the “flying geese pattern” economic integration theory to explain the development of East Asia, and Raúl Prebisch’s works on import substitution industrialisation in Latin America refine the mechanisms of regional economic cooperation in liberalism and the world-system theory in Marxism.

In contrast to Western realists’ view that powerful states dominate over the weaker ones in an anarchic international order, Confucianists think harmony is the ultimate regulating norm in the world, which discourages confrontation among states.<sup>49</sup> However, unlike liberals who suggest states are free and equal, Confucianists argue that the relations among states are hierarchical. The inequality is portrayed positively in Confucianism, as the dominance of the powerful states is legitimate as it is based on morality principle rather than coercive force. Therefore, weaker states voluntarily submit to the international order. The hierarchical regional order indicates that a powerful China is a constructive force to bring stability to East Asia.<sup>50</sup> A weak China indicates the hierarchical order is disrupted. Introducing Confucian thought into the IR discipline explains why Chinese people perceive their own country’s recent political and economic rises as peaceful, and any move to balance against China as unjustifiable.

Japanese scholars developed the flying geese pattern theory to explain the economic success in East Asia in the recent decades, filling the theoretical gap to explain how an underdeveloped region can industrialise quickly. Based on the regional economic path, the theory suggests that economic cooperation and trade between the core state (Japan) and the periphery states can be mutually beneficial, dismissing the Marxist view that periphery states are exploited by the core states in bilateral trade. It is because after Japan industrialised in the 1960s, Japan phrased out the sunset manufacturing industries to the neighbouring states, and concentrated on developing industries which require higher technological level. In the process, Japan continued to develop as the

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49. Yaqing Qin, “Why is there no Chinese International Relations Theory?” in *Non-Western International Relations Theory*, ed. Amitav Acharya and Barry Buzan (New York: Routledge, 2010), 41–43.

50. Kang, “Getting Asia Wrong,” 67.

leading regional economic power, while the neighbouring East Asian states benefited from Japanese investment and technological transfer. After a few repeated cycles, both Japan and the neighbouring states can industrialise.<sup>51</sup> As the initial production capacity is not the same in different regions, the theory does not present its development path is universalistic.<sup>52</sup>

The promotion of import substitution industrialisation in Latin America shows different regions have different developmental paths. The Economic Commission for Latin America (ECLA) under Raúl Prebisch refines the Marxist world-system theory by suggesting why periphery states cannot catch up with the core in the long run. The ECLA argues that since periphery states export primary goods to the core, and import manufacturing goods from the core, the economic gap between the core and periphery states will only widen as the profit margin of manufacturing goods is larger. Therefore, the trade relations are not as positive as liberals suggest, as promoting trade only consolidates periphery states' dependency on the core. The periphery states can only reduce the dependency if they produce the manufacturing goods themselves rather than importing them from the core states. The introduction of import substitution in Latin American states led to a quick regional economic development in the 1970s, showing that both East Asia and Latin America can achieve industrialisation by employing different economic policies.

These three cases show despite the absence of non-West grand IR theories, non-West scholars have developed different systematic middle-range theories to explain the development in the non-West. Although these theories' argument may not be generalisable in other cases, they are better suited to understand specific regional phenomenon since their development is based on empirical observation which regional characteristics are embedded.

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51. Pekka Korhonen, "The Theory of the Flying Geese Pattern of Development and Its Interpretations," *Journal of Peace Research* 31 (1994): 93.

52. *Ibid.*, 100.

## V. Conclusion

This paper argues that despite postcolonialists and non-West area specialists criticise the discipline of IR is a Western construct, as the philosophical origin, definition of concepts, and the foundation of grand theories are dominated by Western discourse, the level of bias towards the West has been reduced because research on the non-West refutes assumptions in the biased theory, provides alternative meaning of the concepts, and scholars from the non-West develop middle-range theories to understand regional phenomenon better.

As the non-West's political influence and economic development rise, the discipline of IR increasingly focuses more on the interstate relations in the non-West. Therefore, the discipline is likely to become even less biased towards Western discourse in the future. However, it is unlikely that Western discourse will lose its dominance, since although non-West ideas become more accepted in the discipline, most of the IR scholars are found in the West. Therefore, Western discourse still enjoys heavy influence.<sup>53</sup> In fact, the overwhelming presence of IR scholars in the West may actually counter the effects of the disciplines' increasing attention on the non-West, as area specialists argue that only scholars who study the non-West can generate knowledge which does not contain any bias towards Western discourse as they are more sensitive to the regional differences which are absent in the grand theories.<sup>54</sup>

Also, from postcolonialists' point of view, the increasing focus may not generate significant impact, as the discipline is still understood from a Western discourse only, therefore, only non-Western cases which deviate from Western concepts can attract the attention of the discipline. The selective focus indicates the discipline of IR cannot be understood without understanding Western discourse first.

From area specialists' point of view, though the shift has made IR more pluralistic than ever, the emphasis on stressing the differences between the West and non-West may be counterproductive, as too much emphasis on differences may mask the universality.<sup>55</sup>

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53. Johnston, "What (If Anything) Does East Asia Tell Us," 53–78.

54. *Ibid.*

55. Acharya and Buzan, "Why is there no Non-Western International Relations Theory?" 1–25.

Moreover, although this paper treats the non-West as the opposite of the West, the non-West, which includes Africa, Latin America, Middle East and East Asia, certainly does not have the same internal values and understanding of the world. Even as the trend of increasing focus on the non-West continues, it does not mean that all the regions in the non-West will receive the same level of interest. For example, East Asia may receive more interest than the others since more IR scholars recognise the need to understand East Asia better because of China's rise.<sup>56</sup> The uneven interest towards different non-West regions may result in reconstruction of IR discipline not being universal either as postcolonialists hope. It is more likely to be a mixture between a Western construct with moderate inclusion of East Asian discourse only.

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56. Johnston, "What (If Anything) Does East Asia Tell Us," 53–55.

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### **Comment**

**Professor ZHAN, Jing Vivian, *The Chinese University of Hong Kong***

This is a very thoughtful and clearly written piece that critically reviews the so-called Western bias in the discipline of international relations. It demonstrates the author's mastery of IR studies and good analytical skills. The author's rebuttal of the criticism of Western bias in three aspects is largely convincing and well supported by relevant studies in the IR fields, although I would not call the Western origin of IR theories and concepts a "bias" (as the author does in the titles of the subsections). I'd suggest the author to make it clear that the Western origin does not necessarily translate into the bias towards the West, which he obviously agrees. There are some typos and grammatical problems that need to be fixed. Other than that, I think the article is very well done.

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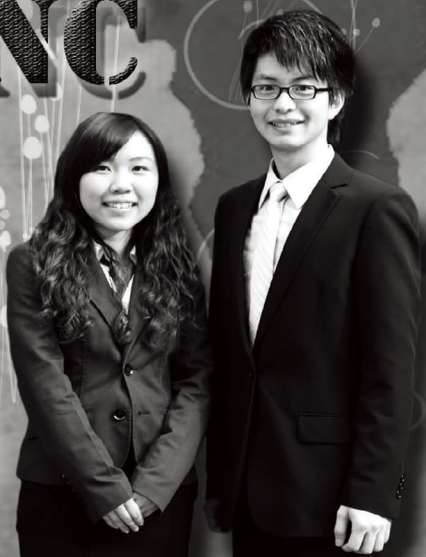
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