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CHINA: TRADITION, NATIONALISM AND JUST WAR

BY

TED E. GONG

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USAWC STRATEGY RESEARCH PROJECT

China: Tradition, Nationalism and Just War
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ABSTRACT

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TITLE: China: Tradition, Nationalism and Just War

FORMAT: Strategy Research Project

DATE: 17 January 1999 PAGES: 36 CLASSIFICATION: Unclassified

This paper examines Chinese culture and traditions to determine if there are concepts within the tradition corresponding to ideas of restraint as expounded in Western just war theories. In regards to *jus ad bellum*, Western ideas of sovereignty among equal states form a legalistic paradigm that was apparent only in China's formative period. As a result, the tradition after imperial unification in 221 BC sharply contrasts with the Western legalistic ideas. However, the Chinese traditions of tributary relationships between states and of civilian domination over military (*wen over wu*) restrain authorities from resorting to war. Moreover, the tradition continues to influence modern China.

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INTRODUCTION

Our usual perspective of just war filters through the point of view of Western ethics and Christian and Greco-Roman ideas. Authors and editors imply or assert that the fundamental concepts are universal. But the examples are unsatisfying. For one thing, they rarely go beyond the religions and cultures derived from the Patriarch Abraham. Thus, in addition to familiar discussions anchored in Christianity, there are examinations of Hebrew thoughts and, increasingly, there are studies of Islamic traditions. However, despite greater attention to cross-cultural studies, John Kelsay's lament in Islam and War remains fairly true. "...There is no comparable body of work on non-European, non North American traditions"¹ that discusses ethics in war to the extent that the issue is discussed in Christian and Western literature. To rephrase Kelsay's central question, is there a "non-Western Just War Tradition" or not?

The answer to the question is important. It shapes our perceptions of effective national policy toward non-Western nations. It also indicates whether a just world order can be fashioned from international agreements that largely remain based on Western assumptions of the value of individuals, their relationship to society and the nature of war and peace.

That said, we would add a second question to Kelsay's original question: if a particular non-Western society does not have an organic tradition of just war, does it really matter in today's international setting? This paper looks at the example of China.

APPARENT CHINESE EXAMPLES OF JUST WAR

A number of authors have cited Chinese sources to bolster their assertions that the fundamentals of just war are universal.² Paul Christopher, for example, in The Ethics of War and Peace opened with references to Lao Tzu and Sun Tzu. Both called for restraints. According to Lao Tzu:

A good general effects his purpose and stops... Effects his purpose and does not take pride in it. Effects his purpose as a regrettable necessity. Effects his purpose but does not love violence.³

Lao Tzu's ideas develop into Taoism. Although never politically dominant, its ideas of ebb and flow, of the orthodox and unorthodox, permeate the writings of military commentators even to the present time. However, the ideas mostly relate to strategy and tactics. Less appreciated are Lao Tzu's admonitions against the use of force and his belief that the natural state of affairs avoids war altogether:

The Sage King does not take any pleasure in using the army. He mobilizes it to execute the violently perverse and to rectify the rebellious. The army is an inauspicious implement, and the Tao of Heaven

abhors it. However, when its use is unavoidable it accords with the Tao of Heaven.⁴

Obviously, Lao Tzu was not a pacifist. He clearly permitted the use of force when conditions required; but, clearly, Lao Tzu also saw that war and conflict were aberrations. This view--essentially one of social harmony--was shared by all mainstream Chinese intellectuals. It was certainly the view of Confucians who dominated China's political and social institutions to the extent that Confucianism and Chinese tradition are virtually synonymous.

This is not say that China did not have its realists. For example, the writings of Sun Pin, building on Sun Tzu's legacy contained ideas that war was inherent in society. War was "the Tao of Heaven and it cannot be stopped."⁵ But, even this school of thought called for restraint. Christopher provided this quotation from Sun Tzu to illustrate the point:

Treat the captives well, and care for them. This is called "winning the battle and becoming stronger. Hence what is essential in war is victory, not prolonged operations. And therefore the general who understands war is the Minister of the people's Fate and arbiter of the nation's destiny."⁶

But, commentaries further explained: "All soldiers taken must be cared for with magnanimity and sincerity so that they may be used by us."⁷

Restraint, it seemed, was a matter of tactics and Sun Tzu apparently was less concerned about the humanitarian aspect of

sparing lives than he was about using captives for the final victory. As Sun Tzu stated more explicitly elsewhere, the purpose of avoiding prolonged war was for avoiding financial ruin to the state.⁸ While obviously a restraint, there is little to indicate that policy makers and theoreticians fretted over war's deadly consequence to individual lives as being worthwhile in their own right, which is what gives moral strength to Western just war theories.

Herein, lies a difference between Chinese calls for restraint and Western just war theories. The Chinese saw the stability of the state and its prosperity to be critical. Individuals were less important, or at least they were unspoken for. Consequently, the essential value of individual rights that underlie "moral truths"⁹ in Western just war theory is not evident in Sun Tzu's and his contemporaries' discussions of war. For the Chinese, Confucius probably provided the first and last word about individuals: "If I am not to be a man among men, then what am I to be?" In other words, individuals had no significance except in relationship to others. And, therefore, the focus of intellectuals and government was on society.¹⁰ This focus leads to Michael Walzer's discussion on the role of community in just war theory.

Like Christopher, Walzer assumed that the fundamental assumptions of just war applied to all traditions whether

Chinese or Western. He further explained that, "...war is a social creation. The rules actually observed or violated in this or that time and place are necessarily a complex product, mediated by cultural and religious norms, social structures, formal and informal bargaining between belligerent powers, and so on."¹¹ In other words, the rules vary from culture to culture.

But Walzer also observed that the all cultures protected lives by forming political communities in which their collective will could be expressed. As a result, community distinctions and eventually their national boundaries became critical and the crossing of boundaries to impose the will of another community triggers judgement of the action being "just" or "unjust."

The concept of sovereignty, therefore, is essential. It forms the legalistic paradigm with which Westerners view the morality of war.¹² Therefore it is not surprising that examples of China's adherence to just war concepts are drawn largely from the Spring and Autumn (770-476 BC) and Warring States (475-221 BC) periods. The geopolitical conditions then had "astonishing parallels" to the international setting from which Western just war theorists derived their ideas.¹³

Activities at the time in China included protecting envoys, respecting neutrality and requiring permission to enter the territory of other states. Treaties of commerce and assistance

were formalized during this period and military alliances shifted continuously as kings maneuvered diplomatically to prevent any single power from becoming a hegemon. In summary, the period prior to 221 BC featured competitive states that were both sovereign and politically equal.

However, in 221 BC the separate states were forcibly unified into a single empire under a social and political system that remained intact basically until the modern century. Although there were periods of political disunity such as during the Three Kingdoms (220-280AD) and the Southern Sung (1127-1279AD), the competitors were neither sovereign nor equal states but were either warlords or weak governments trying to reestablish the unified empire. As a consequence, since 221 BC, the Chinese tradition no longer had any reason to develop the international codes of behavior apparent during the Warring States Period (475-221BC).¹⁴ Essentially, the "legalistic paradigm" Walzer described to distinguish just and unjust war, and to judge the morality of violence during wars, was no longer germane. This situation prevailed until China's confrontation with the West in the 1800's and the rise of nationalism.

In summary, two assumptions in Western just war theory are not apparent in the Chinese tradition: 1) The value of the individual is not dominant over the value of society; and 2) The legalistic paradigm is not relevant. However, restraints may

have still existed in another form. As Walzer said, the rules on the use of violence may vary from culture to culture and from time to time. The following section explores that thought.

THE CHINESE TRADITIONAL RESTRAINTS

The traditional Chinese view of international relationships was one of concentric circles. At the center was China, the "Central Kingdom."¹⁵ At each progression beyond the center, the political communities were considered less civilized and its people, in the Chinese world order, more barbaric. Rulers within this world order acknowledged China's central position by paying tribute and kowtowing to the Chinese Emperor. In exchange, the emperor returned gifts (usually of greater value than the tribute)¹⁶ to the tribute-bearing rulers. The emperor also conferred patents and official titles to the tributary leaders and occasionally intervened in disputes among them.

In this world order, neither sovereignty nor national borders were issues. There was no need to justify violations of sovereignty because relationships between China and her tributaries were never considered equal and boundaries between them were never firmly fixed. Unlike the Western world order, territorial limitations in the Chinese world "...were imprecise and the purpose of interaction was the transformation of lesser societies along the lines of the Chinese model."¹⁷

This attitude, however, did not manifest itself into any evangelical or imperialist endeavors. The Chinese did not embark on religious crusades and the great naval expeditions of the Ming Dynasty were neither motivated nor sustained by economic imperatives. Instead, China historically saw little value beyond its gates. Secure from peer powers within its core region and smugly confident of its economic and political superiority, China expected the barbarians to come (*lai hua*¹⁸) and assume Chinese attitudes for the benefits that China could bestow.¹⁹ This was true even when the barbarians came as successful military conquerors, as illustrated by the Mongol and Manchu transformation respectively into the Yuan (1271-1368 AD) and Ch'ing (1644-1911 AD) dynasties. Thus, within the concept of the tributary system, there was an element of restraint because the impulse to expand militarily was not justified politically or culturally.

The tradition further restrained the military by integrating its coercive force (*wu*) with the organization skills and morality of the civil (*wen*) bureaucracy. It did not matter that the military power was foreign (such as provided by the Mongol and Manchu people), but it was essential that the two forces, *wu* and *wen*, be combined. The military and its force of arms brought internal order and security from external threats. The civilian institutions and its intellectual underpinnings

allowed the government to govern a vast territory and diverse population.

The partnership between *wu* and *wen*, however, was never conceptually equal. While military force was critical, generals disbanded armies as soon as enemies were conquered and sought to merge their military roles with civilian positions to legitimate their authority. China's social stability, therefore, was not a matter of institutional checks and balance. Rather, stability relied on the complete cultural domination of the military by civilian authority. This domination was manifested in disesteem for the military, a theme that ran consistently throughout Chinese history. Thus, the military might periodically raise the importance of martial values during times of instability, but government's inevitable adoption of civilian authority to rule the land meant a corresponding denigration of military methods. It is revealing that Chinese historians never glorified war and battles. Warrior heroes in Chinese history and culture are rare to nonexistent.²⁰

Consequently, the military established dynasties but its ultimate purpose (and its legitimacy) was limited to clarifying the identity of the ruler whose role it was to bring society into harmony. And for social harmony, the Confucians proscribed education, not the force of arms.²¹

The emperor established social harmony by cultivating propriety within himself, within his court and by extension to the country at large. His and his government's efforts should be to educate superior men and ministers. For the masses there was suasion and the threat of force. For others there was war; but in the Confucian context, war indicated the Emperor's moral weakness and the beginning of his political illegitimacy. War should not occur at all because it indicated the ruler's failure to maintain social harmony.

For the emperor to resort to violence was an admission that he had failed in his own conduct as a sage pursuing the art of government. The resort to warfare (wu) was an admission of bankruptcy in the pursuit of wen. Consequently it should be a last resort, and it required justification both at the time and in the record.

Herein lies the pacifist bias of the Chinese tradition. War is not easy to glorify because ideally it should never have occurred. The moral absolute is all on the side of peace.²²

As in Western perceptions of just war, war was to be a last resort. Although the conceptual restraints on the use of force were not based on the assumptions described by Walzer et al, and legal boundaries were not determinative, the bottom line on the issue of *jus ad bellum* was morally the same--war should be avoided. The issue of *jus in bello*, however, is another topic. Before exploring that issue, the question is whether the

traditional Chinese restraints on starting wars remained relevant to modern China.

MODERN CHINA: RESTRAINTS BY ANY OTHER NAME

The Vice President of PLA's Academy of Military Science, Lieutenant General Li Jijun, stressed three elements of Chinese military thought: 1) pursuit of peace, 2) national unity, and 3) emphasis on defense rather than offense. He also cited Sun Tzu's formulation that the highest excellence in the conduct of war was to subdue the enemy without fighting. General Li observed that the legacy of China's pacific traditions was very much a living part of modern China.²³

John Garver in Foreign Relations of the People's Republic of China would probably agree. He mentioned scholars such as Mark Mancall and C.P. Fitzgerald who contend that traditional ideas continue to influence modern China.²⁴ Garver included one quotation from a post-1949 Chinese public statement that he believed reflects traditional Chinese ideals of world order:

The Chinese people have elevated their nation to its rightful place as one of the leaders of the world... We have set a new standard for the people of Asia and the Pacific. We have given them a new outlook on their own problems. (Beijing) serves as the birthplace of the new unity of the Asian and Pacific peoples in their struggle for harmony among nations.²⁵

The idea of harmony and the central influence of China in the world order are reminiscent of China's traditional concepts,

but there are significant differences of course. For example, the reference to the "people" of China establishing a model to be emulated by others contrasts with the idea that social harmony derived from an emperor fulfilling a prescribed Confucian role. The "people" in traditional thought were passive benefactors of the emperor's moral propriety and the resultant social order, a perception of passivity that is anathema to Chinese communism.

Nevertheless, the intertwining of tradition and communist ideologies apparently is not problematic for modern Chinese. For example, General Li blended them in his statement that current national strategic interests and military strategy conform *both* to "ancient Chinese traditions as well as the socialist political system of modern China."²⁶ Others would agree that Chinese military policy is defensive and, moreover, that this is due as much to the continued influence of China's non-expansionist tradition as it is a consequence of modern geopolitical realities.²⁷

How much of that tradition survived is a question. For example, in a study of the cultural determinants of war, John Keegan described a "Chinese way of warfare":

The Confucian ideal of rationality, continuity and maintenance of institutions led them to seek means of subordinating the warrior impulse to the constraints of law and custom. ...the most persistent feature of Chinese military life was moderation, designed to

preserve cultural forms rather than serve imperatives of foreign conquest or internal revolution...²⁸

He then observed that it was no match to a Western style of war that combined moral, intellectual and technological elements into an all-conquering force.

Once that culture encountered the full force of another, which recognized none of the constraints the oriental tradition had imposed upon itself, it succumbed to a ruthlessness it was not prepared or able to mobilize even in self-defense.²⁹

Thus, the Chinese way of warfare was inadequate to protect Ch'ing China against Western imperialism from the 1840's forward, but Keegan also posits that it provides lessons for today and thereby intimates that Chinese warfare continues to be influential. Of importance, the Chinese way included perceptions that deadly technology must be controlled and that political solutions were superior to military methods,³⁰ a view easily shared by today's economically-challenged and politically-correct communists.

On the other hand, whereas Keegan suggested that China's way of warfare continued to be relevant even if it was useless in the defense of 19th century China, Gerald Segal, in Defending China, argued that traditional restraints became irrelevant in the 20th century with the advent of nationalism and communism.³¹ In his evaluation of nine deployments³² of the PLA since 1949, Segal concluded that history exerted no significant influence on

the Chinese decisions to launch war and the manner in which war was conducted. He also concluded that the Chinese did not hesitate from using the military if it was strategically expedient to do so and to adjust objectives because of internal, external or battlefield changes. The military was also not restricted to defense. It could be used to probe intentions as in the Taiwan crisis and, even if used in a defensive effort initially, the Chinese were not restrained from taking advantage of situations and using it offensively as Korea illustrated.³³

Far from being restrained by history and tradition, China's use of the military was pragmatic and calculated to suit the crisis of the moment although China's ability to achieve objectives was not uniformly confirmed.³⁴ Tradition, in Segal's analysis, was no longer significant in twentieth century China. But before leaving this discussion about tradition's continuity, three modern constraints are worth examining: 1) civilian controls over the military; 2) population and People's War; and 3) the myth of national humiliation and geography.

Civilian Over Military, Wen over Wu -- In the twentieth century, power grows out of the barrel of guns but modern technology has not changed the traditional requirement that *wen* control *wu*, for which Mao's formulation of the Party's control of the military clearly satisfies. In the nine cases examined by Segal, the

Party was clearly in control and Segal further observes: "The most crucial institutional divide is of course that between party and military. As has already been suggested, there is little question that party control has been retained on foreign policy issues."³⁵

Thus, the concept of *wen* over *wu* continues; but the question of whether the military is disesteemed as per tradition raises other questions. Although purely military heroes remain rare,³⁶ popular regard for the PLA could be seen as social esteem for the military contrary to the tradition.

However, also in contrast to the tradition, the PLA conceives itself to be a unique military--a militia--and its connection to the people is both a source of pride and critical to the continued political and military relevancy of People's War. The problem for civilian control is that the modernization of equipment and doctrine tends to set the PLA apart from its militia origins and to create an institutionally and intellectually independent PLA that eventually makes it more competitive with civilian institutions. There then needs to be a system of institutional checks and balance that is foreign to the traditional methods of restraint. As the PLA becomes independent and as economic affluence expand career opportunities for Chinese youth, it will be interesting to see how high the PLA stays in the hierarchy of social regard and

whether this particular aspect of cultural restraint over military impulses retains any influence in modern China.

Population and People's War -- The size of China's population is both an asset and a liability. A government that must feed and clothe over a billion persons cannot expend limited resources on military endeavors for long and expect to remain in power. Consequently, the needs of China's population restrain China from developing and maintaining a military capable of being projected beyond the essential needs of its defense.³⁷ Moreover, the situation requires China to rely on strategy and tactics that de-emphasize technology and expensive equipment. Conversely, it must emphasize people. The concept of People's War is a natural outgrowth of this situation.

Large populations, in People's War, are an asset because the essential strategy of People's War is to draw an enemy into the people's fold, surround it and wear the enemy out. Unless foreign force against China is used for clearly limited objectives, quickly obtained, an enemy must consider that China's conquest requires the virtually impossible task of occupying Chinese territory and subduing a billion people. Moreover, in terms of Western just war theory, war against China can never be justified because the invading power must wage war against the entire population. Such a war would violate the

principle of sovereignty that is defined as the expression of the people's collective will. As long as People's War remains a relevant keystone to Chinese defense (which requires the PLA to remain connected to the people), it is not possible to attack justly the Chinese State.

But the reverse is also true. People's War can not be used to wage war justly against other nations. As Chalmers Johnson, in Autopsy on People's War, pointed out, the ability of People's War to shape the international setting to China's liking was limited from its inception. Conditions were not conducive to Chinese style revolutions in most places outside China.³⁸ But, in addition, from an intellectual evaluation of just and unjust war, China's promotion of People's War abroad had moral flaws. Its successful export required converting the established loyalties of populations by creating incidents that would force target governments to resort to repressive counter-measures that would anger the people into accepting political positions supportive of insurgents aligned to China. The unjust aggression is apparent because the success of such foreign policies requires compelling people to a foreign-introduced will by violent methods whether the people wanted them or not. Moreover, the theory of People's War provides a revolutionary rationale for all rebellions and makes any struggle "just" regardless of how far on the fringe or how unrepresentative is

the insurgent group. One principle of Western just war--proper authority--becomes meaningless in People's War used as foreign policy.

Fortunately, China's export of the theory of People's War has been recognized as a failed aspect of its foreign policy. China no longer actively promotes People's War abroad according to Johnson. The irony is that as long as People's War remains engrained in Chinese military theory, it will above all restrict China to defense. Intellectually, this type of war is difficult to justify for purposes of foreign expansion, and in practice it did not work well for China in the sixties when Lin Piao promoted it. In that regard, China's continued adherence to People's War as a theory of how war should be conducted is actually a form of restraint.

China is now modernizing the PLA. However, to the extent that authorities must portray the modernization as linked to People's War (seen in the slogan "People's War with modern characteristics"), the military's ability to use modern methods to project power remains restrained by the force of an idea consistent with China's tradition of defense.

The Myth of National Humiliation and Core China -- The "myth of national humiliation" was a phrase John Garver used in his study of China's foreign relations. "Myth" was purposely selected to

capture the emotional imperative of China reclaiming a preeminent position in international affairs.³⁹ The phrase does not deny the historical reality that foreign powers had forcibly occupied China and humiliated it with dismemberment and, some would say, with annihilation. Thus, when General Li in his statements above listed "national unity" as one of three elements in PLA thought, he was echoing the calls of legions of Chinese adhering to this "myth."

The emotional endurance of the myth can be explained as nationalism, but the strength of the emotion goes deeper.⁴⁰ Chinese pride came from confidence in a civilization for which the concept of the Central Kingdom and the tribute system confirmed to be superior to all others. When the assumptions of that civilization and its institutions were destroyed, nationalism arose as an alternative for Chinese emotions and energy. Not surprisingly, the national expression was strong because it drew upon values and traditions that had existed continuously for over 2,000 years. Moreover, since fixed borders defined nations, territory became critically important to modern Chinese in ways not perceived to be important in the former tributary setting. Consequently, the restoration of national status and cultural pride meant also the restoration of physical territory, issues over which China would resort to war. Such wars now would be justified in terms of sovereignty and the

equal rights of states (concepts alien to the tradition) but wars fought on these modern terms would be satisfying traditional psyches as well.

The question then is what territory. Depending on the dynasty, China's borders can be as expansive as to include virtually all of Asia or as restrictive as the Southern Sung and the areas between the Yangtze River and the borders of Vietnam. Conveniently, the borders of the last dynasty, the Ch'ing, established a standard for national China; but such claims can be patently ludicrous (see fig. 1) in today's setting.

Although China continues to cite the "myth" in its territorial disputes with neighbors, the nations that now fix China's borders were at the periphery of the tributary system. Their embrace of their own sovereignty and China's acceptance (even reluctantly) could have been predicted. There is, therefore, a distinction between the peripheral territories that were influenced by China (such as Burma and Korea) and those areas that were effectively governed, or "civilized" according to the Chinese tradition (such as Guangxi, Sichuan and Yunnan). The difference allows territories on the periphery to become independent or to unite with others, but core territory—those within the first ring of China's former tributary system—can never spin away. Nationalism will cause China to claim

peripheral lands, but such claims are secondary to claims on territory within China's core.

Tradition at this point comes into play to define the core. As discussed above, land borders were unimportant but the ultimate purpose of the imperial system was to protect a certain civilization and culture. While physical borders did not define it, the civilization was in fact synonymous with territory supported by sedentary agriculture and an economic/political infrastructure that both established a way of life and gave China its completeness. Protecting this physical core was, in fact, protecting Chinese civilization for which the traditional system was devised at the formation of the first dynasty. Conversely, to the extent that peripheral territories, including those in the maritime areas, did not contribute to the cultural and economic coherence of the Chinese civilization, they were not part of the core and therefore could spin away.

The centrality of a core China has not changed. Ninety-five percent of China's population, its major industries and key resources are within the area.⁴¹ Strategically its protection is essential for modern China. But there is also an emotional requirement to protect the core that derives as much from the traditional legacy as from modern nationalism and strategic concerns. This was true for Southern Sung during the 13th century and its preoccupation with restoring the northern

territory and it is true for Taipei's need to return to the Mainland today. Moreover, for China, protection has historically included projecting force beyond the gates if core China were threatened. The Han (206 BC-220 AD) and Ming (1368-1644 AD) campaigns north of the Great Wall could be seen in this light as can the Chinese intervention in Korea when MacArthur approached the Yalu River.⁴²

Consequently, there is no question for Chinese military and political leaders that Hong Kong and Macao had to be restored to China and that Taiwan must follow the same fate. The traditional legacy, nationalism and the myth of humiliation, as well as current international politics all coincide. But it is useful to examine why China was so forceful about the Xisha (Paracel) Islands. The islands are not within China's traditional core,⁴³ it was not integrated into China's economy and polity,⁴⁴ there was no sustained Chinese naval tradition, and the use of force to acquire territory for obtaining resources is inconsistent with China's historical use of the military. But extensive oil resources thought to be in the Gulf of Tonkin is an often-stated reason for China's aggressive stance and perhaps the Xisha case signals a modern change.

The intellectual incongruity of the Xisha case compared to Hong Kong and Taiwan suggests how tradition and nationalism, and whether they coincide, indicate policy options on current

issues. A show of diplomatic and military force to protect peripheral areas (such as the Xisha and Spratly Islands) would cause China to reconsider military options and settle for negotiated settlements. But a show of force in any core area (such as Taiwan) would certainly raise deep-seeded resentment and strengthen China's resolve to match forces to the "threat." Although pragmatic China may pause in the face of sufficient power, final solutions to problems involving core territory are non-negotiable. And this is true not just because of practical calculations but also because of the moral imperatives of tradition and history.

The practical conclusion is that China will perceive a war to be "just" if fought to restore or protect national territory or to maintain national prestige. If the conflict involves core territory, the legacy of China's tradition strengthens its resolve and gives greater impetus for military solutions. But traditionally China did not support extended wars in its periphery or expansive wars for resources. In these conflicts, the key to dealing with China is to properly manage China's perception of prestige while making it obvious that exercising its military option will not be inexpensive.

DOES IT REALLY MATTER?

Returning to our original question, was there a just war tradition in China? And, does it really matter whether there was one or not?

The military and its inherent violence were integral aspects of China's civilization as they were to the West. Both civilizations sought to establish controls on the military and its use of violence. The West, basically, applied Christian ideals and legal concepts of sovereignty. The Chinese developed other conceptual restraints. The tributary system, for example, did not promote the expansion of China's rule by force of arms but sought to create within the inner circle a cultural (and some would say economic) superiority that would attract states into its orbit. As a consequence, after the first dynasty, the force of arms was never a legitimate method of holding the empire together and the military could be used legitimately only for constabulary purposes.⁴⁵ One manifestation of this was the consistent theme throughout Chinese history and culture of denigrating the military component of national power.

Of course, military force was never discounted. Rather, civilian control was so thoroughly engrained intellectually and culturally that the control was internalized. In tradition, the formula was *wen* over *wu*. In modern times, the Party controlled the gun, making the PLA an extension of the Party.

The defense of core China (which in the modern context became the defense of Chinese national boundaries and its consolidation) was another consistent traditional theme. To the extent that the borders were never fixed, China could justifiably exert itself militarily in theory. But, here again, military force could not go far beyond core areas without suffering Confucian criticism. Han Wuti (141-87 BC) suffered this fate in his excursions beyond the Great Wall.⁴⁶

In summary, the fundamental basis of just war, as we understand it legalistically and morally, was not apparent in the Chinese tradition. But traditional Chinese perspectives on the nature of government, the place of the military and the role of war in society serve the same purpose of restraint. Moreover, the tradition continues to have some relevancy today, even if the ideas are embedded in the modern terms of Party control, nationalism and perhaps in People's war.

In the end, Dorothy Jones, in Code of Peace, provides the final word. Regardless of the cynicism of realists or of the differing ethics of non-Western traditions, the fact is that nation-states and their boundaries define actors in the world arena today and that they have accepted generally a code of behavior in their various relationships including in their conduct of war.⁴⁷ China is no exception. Its intellectuals may not have accepted the international system when the Ch'ing

government tried to maintain the relevancy of China's tribute system, but national boundaries have become fundamental. And China's accession to treaties based on principles of sovereignty and on certain rights and duties of states indicate acceptance of particular international standards of behavior. The Bandung communiqué, largely drafted at China's lead, can not be seen as empty political rhetoric. If nothing more, China's leadership at that conference obligated it to behave according to standards it helped to establish. And, recently, its Defense White Paper reaffirmed the five principles offered by China at Bandung in 1954, which included the principles of territorial integrity and sovereignty as well as of the equality of states.⁴⁸

Therefore, the reality of China's subscription to international codes makes China a party to Western just war behaviors, whether China believes in the religious and moral concepts that underlay them. However, China's acceptance is not based only on prudent strategy. There are Chinese historical and cultural predilections that make China's acceptance of just war and the ideas of restraint more than merely superficially expedient.

A REMAINING QUESTION

Another aspect of just war and culture is worth exploring. Western thought evaluates just war in terms of *ad bellum* and *in*

bello. Once wars have started (*jus ad bellum*), restraints on the use of force (*jus in bello*) seek primarily to distinguish combatants and non-combatants. In the Western context, the value that underlies such restraint is ultimately the value of the individual. If individuals are less important relative to societies (as seen in the current Asian Values debates), can it be concluded that Asian, including Chinese, war fighting is less restrained than our normative views of proper combat?

It would be interesting to review debate by Chinese military and ethical historians on the conduct of its soldiers in war situations. Mao's famous Eight Principles on the treatment of peasants by the PLA come to mind but a case can be made that Mao's rules were established merely for strategic reasons rather than for humanitarian concerns, very much as was the case for Sun Tzu's instructions on the care of captives.

From another view, perspectives could be drawn from the Japanese Rape of Nanking in December 1937. The incident illustrates standards of behavior by their violation. It would, I think, be insightful to contrast Chinese anger over the Japanese outrages in Nanking with the Chinese decision to destroy the dikes holding the Yangtze River to stall the Japanese advance. In that incident, thousands of Chinese were killed and the decision to sacrifice civilians of the same

nationality may say something about Chinese morality in war situations.

This is not to imply that the Chinese devalued individuals, or that they saw life to be cheap. As Irwin Isenberg explained in his introduction to a collection of essays on life in China:

The subordination of the individual to the welfare of family, however, did not mean that an individual counted for nothing in old China. Rather, the Chinese tended to regard each person as a valuable element of the group and judged individual conduct and achievement a thing reflected in the group as a whole.⁴⁹

For the purposes of understanding ethics in war, however, if individuals are indistinguishable from the group (whether the group is defined as family, clan or state) it really does not matter that the rules of engagement clearly distinguish who they are. It follows that Chinese ethics in war would ignore distinctions between combatants and non-combatants. And, in fact, this perspective is displayed in China's most famous contribution to modern warfare--the theory of People's War--which makes everyone, whether they like it or not, a combatant.

Does history support the idea that *jus en bello* is weak in the Chinese tradition? The question⁵⁰ is worth exploring but cannot be done within the limits of this paper.

ENDNOTES

¹ Kelsay, John, Islam and War: A Study of Comparative Ethics, Westminster/John Knox Press, Louisville, KY, 1993, p.2.

² In addition to Paul Christopher, cited below, see Michael Walzer.

³ Christopher, Paul, The Ethics of War and Peace: An Introduction to Legal and Moral Issues, Prentice-Hall Inc., Simon and Shuster, NJ, p. 8.

⁴ Sawyer, Ralph D., The Complete Art of War, Westview Press, 1996, p. 178.

⁵ Ibid., pp. 178-179

⁶ Quoted in Christopher, p. 9.

⁷ Griffith, Samuel B., Sun Tzu: The Art of War, Oxford University Press, 1971, p. 76.

⁸ The opening of Sun Tzu is: "War is a matter of vital importance to the State..." Ibid., p. 62., and one can construe the following statements on "life and death" and "survival and ruin" relate also to the state and not to the population. "When the army engages in protracted campaigns the resources of state will not suffice," Ibid., p. 73.

⁹ Christopher posits that moralists are concerned about war's consequences on lives of individuals. Their question is whether the priority is on avoiding intentional harm to innocents (moral truth 1) or on affirmatively protecting them (moral truth 2). In both, there is an assumption that the preservation of individuals is fundamentally important, as opposed to another view that sees social existence to be more important to the extent that neither harming nor protecting individuals is an issue, let alone a matter of moral truths.

¹⁰ See "Individualism, Chinese Style" in John K. Fairbank, The United States and China, Harvard University Press, Cambridge, Massachusetts, 1983, pp. 71-74, also see "What is Man" in Robert Elegant, The Center of the World: Communism and The Mind of China, Funk and Wagnalls, New York, 1963, pp. 175-198.

¹¹ Walzer, Michael, Just and Unjust Wars, Basic Books, 1977, p. 43.

¹² Ibid., p. 61.

¹³ Walker, Richard, The Multi-state System of Ancient China, Greenwood Press, p. xi.

¹⁴ See for example, Herrlee Creel, The Birth of China; A study of the Formative Period of Chinese Civilization, Frederick Ungar, New York, 1972. Similarities between the geopolitical situation of the Warring States and the international setting today were observed as early as 1881 in a presentation by W.A.P.

Martin, which was published in an article, "Traces of International Law in Ancient China," International Review, XIV (1883), pp. 63-67.

¹⁵ The concept of the Central Kingdom, from which China derived its name according to most scholars, is not new or unfamiliar. It is a concept best articulated by John K. Fairbank in many of his many studies on China.

¹⁶ The tributary system may actually have been for functional purposes and the intellectual regime supporting it may have been real only for the Chinese. From the point of view of tributary rulers, payment of tribute and kowtowing did not indicate acceptance of inferior status but was payment for a license to conduct trade and commerce using the politically correct terms of the day (ie., a treaty in all but name). See Samuel S. Kim, China, the United Nations and World Order, Princeton University Press, Princeton, New Jersey, 1979, p. 26.

¹⁷ Graver, John, Foreign Relations of the People's Republic of China, Prentice Hall, New Jersey, p. 13.

¹⁸ In addition to Garver, see Samuel Kim, China, the United Nations, and World Order, Princeton University Press, New Jersey, 1979, p. 32.

¹⁹ This brings to mind Samuel Huntington's distinction between hard and soft powers in The Clash of Civilizations and The Remaking of World Order, Simon & Schuster, 1996, p 92. "Hard power" is power to command based on economic and military strength, and "soft power" is "ability to get other countries to want what it wants through the appeal of culture and ideology."

²⁰ John K. Fairbank flatly states in Chinese Ways in Warfare, p.7, and The United States and China, pp. 68-70, that there are no warrior heroes in Chinese history with the possible exception of "Robin Hood-types" such as Chu-ko Liang in the Three Kingdoms Period (AD 222-289). However, the historical figure Yueh Fei of the Southern Sung (1127-1279) seems to me to be another exception. On the other hand, his recall from the midst of a military campaign and his eventual death/suicide illustrates how much the Confucian bureaucracy dominated the military impulses of the warrior segment of society. See Wilhelm Hellmut, "From Myth to Myth: The One of Yueh Fei's Biography," in Arthur Wright, edit., Confucianism and Chinese Civilization, Stanford U. Press., Stanford, CA, 1964, pp. 211-226.

²¹ See such works as Fairbank, deBarry, etc.

²² Kierman, Frank and John K. Fairbank, Chinese Ways in Warfare, Harvard University Press, MA, 1974, p. 7. This, of course, is the famous concept of the "Mandate of Heaven."

²³ Li Jijun, "Traditional Military Thinking and the Defensive Strategy of China, The Letort Papers, US Army War College, PA, pp. 1-2.

²⁴ Garver, p. 14.

²⁵ Ibid.

²⁶ Li Jijun, p. 6.

²⁷ For example, F.F. Liu, A Military History of Modern China: 1924-1949, Kennikat Press, NY, 1972, p. 281, states: "An obstinate defensive mentality is a notable characteristic of Chinese Strategy...attributed to: traditional concepts and, in the modern period, ...China's material and technological weaknesses."

²⁸ Keegan, John, A History of Warfare, Alfred S. Knopf, NY, 1993, pp. 388-389.

²⁹ Ibid.

³⁰ See Keegan's discussion, ibid., that Chinese warfare had an ideological and intellectual dimension that restrained the use of war for anything but preserving "cultural forms." There was also a predilection, according to Keegan, to avoid technological improvements in weapons, pp. 390-391, so as to keep the lethality of arms under control. However, Keegan may have overstated the consciousness of social institutions to implement arms control policies. China's inability to adapt technology to beef up its armies and firepower was more complicated than accounted for by cultural/social avoidance of modernity for the specific purposes of restraining the military.

³¹ Segal, Gerald, Defending China, Oxford University Press, NY, 1995, p. 35. Segal actually goes further than to conclude that tradition was negated by modern ideas. He believes (and other scholars would support) that the concept of the Central Kingdom and the tribute system was not fully accepted by non-Chinese neighbors. For that matter, the system was not fully accepted by the Chinese who expanded their borders militarily as they perceived the strengths and weaknesses of the border communities. There were also several traditions in Chinese history, not just the single "great tradition" described by Fairbank and others. Within these smaller traditions, war and warriors were not so disesteemed. Moreover, a sense of cultural superiority is not unique to the Chinese civilization and therefore would not have prevented China from military expansions as other civilizations have done. Finally, if Chinese traditions did inhibit the use of military force, nationalism and communism negated their influence in the twentieth century.

³² The nine deployments were Tibet (1950-1), Korea (1950-3), Taiwan (1954-5, 1958), India (1962), Vietnam (1964-5), Xisha (1974), and Vietnam (1979).

³³ Ibid., p. 240.

³⁴ Ibid. Segal evaluated each conflict and concluded that some objectives were achieved, others were not.

³⁵ Ibid., p. 238.

³⁶ Zhude is probably closest to a military hero in modern China. Mao and Zhou Enlai, for the most part, are political leaders. On the other side of the straits, Chiang Kai-shek is foremost a military leader but he is hardly a hero.

³⁷ Current government policy in China clearly subsumes the military to the higher priority of economic construction. See White Paper on China's National Defense, transcribed by FIBIS, Beijing, July 27, 1998, Xinhua, ref: OW2707045198.

³⁸ Johnson, pp. 71-75.

³⁹ Garver, p. 4.

⁴⁰ Ibid., p. 9. "To capture the full psychological depth and intensity of Chinese bitterness over this realization of its humiliation and inferiority, one must go back...and...probe...the memory of China's ancient and medieval grandeur." See also, F.F. Liu, A Military History of Modern China: 1924-1949, Kennikat Press, NY, 1972, p. 281, "...the ideal of recovering the *lost and restoring the vanquished* is deeply imbedded in the Chinese mind."

⁴¹ Segal, p. 14.

⁴² It is revealing that both the Han (206 BC-220 AD) and Ming (1368-1644) expeditions were not designed to capture territory for resources but to deprive the northern tribes of access to China. These were essentially defensive wars. There are interesting echoes to China's modern conflicts characterized by sallying forth, inflicting damage and then retreating behind national borders as was done in India, Vietnam and Korea.

⁴³ China's claims based on fishermen presence and shards of old pottery are as specious as such claims would be for making Penang in Malaysia a core part of China. However, the longer China garrisons troops on the islands and the more it stakes its national prestige on owning them, the more the islands actually do become a part of core China. The time to take a stand on the Xisha has passed even though the issue here is nationalism, not traditionalism. But the problem of the Spratly Islands, an even remoter territorial claim, remains.

⁴⁴ The Ch'ing government at one time even had laws against maritime travel and sought to withdraw populations from coastal areas. They would hardly be sending navy to support common

fisher folk living on obscure island rocks, assuming there were any significant settlements there during that era. China's conquest and occupation of Taiwan was another matter. Here, there were the remnants of Ming troops and settled agriculturists.

⁴⁵ The concept of *Tien Hsia*, All Under Heaven, meant that everything was included. There were no boundaries to either judge others when they intruded into Chinese space or to limit China from expanding forcefully whenever times and conditions suited it to do so. But, these expansions were condemned severely by Confucians at the time or at least in dynastic retrospect. Like Western just war, the fact that the idea of restraining war often did not actually prevent war did not lessen the overall historical and social influence of the idea.

⁴⁶ The campaigns fought against the Hsiung-nu between 141-87 BC were severely criticized then and later because they exhausted the state treasury and were conducted for the personal ambition of the emperor. See Michael Loewe, "The Campaigns of Han Wu-ti," in Fairbank, pp. 67-122.

⁴⁷ Jones, Dorothy, Code of Peace, The university of Chicago Press, Chicago, pp. xi-xiii, and pp.162-166.

⁴⁸ The Five Principles of Peaceful Coexistence are: mutual respect for territorial integrity and sovereignty, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence.

⁴⁹ Isenberg, Irwin, edit., China: New Force in World Affairs, Vol 44, No. 5, The H.WW. Wilson Company, New York, 1972, p. 29.

⁵⁰ The issue relates mostly to *jus en bello* because if individuals are less important, the distinction between combatants and non-combatants is less important. Consequently, the rules of engagement need not be so discriminating because who cares if people get in the way of wars between states? But, the issue also affects *jus ad bellum*, because social situations can motivate alien states to intervene for humanitarian or peacekeeping reasons.

Without a value of human rights or concern for individuals, China would not likely see any compelling reason or justification to intervene for humanitarian reasons. And, historically it did not. However, conceptually, the Chinese tradition could allow for such interventions. The logic is that the occupier of the throne of the Central Kingdom was responsible for maintaining harmony of *tien hsia*, All Under Heaven, which encompassed the entire world or, at least, the acknowledged tributary states within China's world order. To the extent that social harmony was disrupted by civil wars,

local riots or rebellions caused by political oppression or ineptness within those states, the Chinese tradition allowed the Emperor to become involved because it was his responsibility to maintain social order. Of course, he would do so along lines of his definition of correct cultural (meaning "political") behavior by the erring state.

The invasion of Vietnam in 1979 could be understood today as China asserting its regional power in a desired sphere of influence. However, it was justified in terms ("for teaching Vietnam a lesson") that both modern Chinese leaders and imperial ministers could understand.

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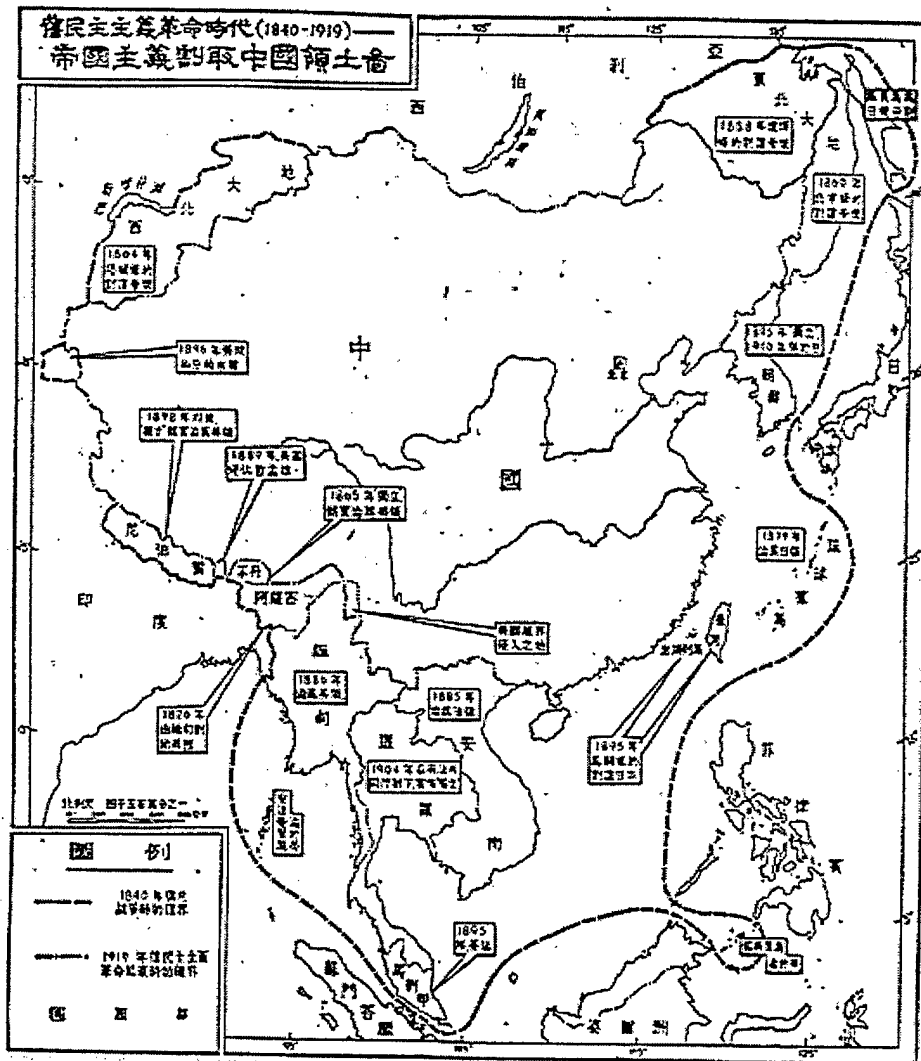


Figure 1. A PRC Image of China's Territorial Losses, illustrated in Samuel S. Kim, China, the United Nations, and World Order, Princeton University Press, New Jersey, pp. 42-43.

The map was published by PRC in 1954. It was "perhaps designed merely to convey the PRC's sense of historical grievance vis-à-vis the imperialist West and Japan." Under the title "Chinese Territories Taken by Imperialism," the map includes Korea, Nepal, former Sikkim, Bhutan, Burma, Malaysia, Thailand, the Sulu Archipelago and the Ryukyu Islands. Interestingly, it does not identify Hong Kong or Macao.