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Some observations on the concept of Tianxia from a comparative, historical and legal perspective

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Distinguished professors, Ladies and Gentlemen,

Today I would like to make a few comments on two books: this book, which is a conversation between Zhao Tingyang, who we have the privilege to have with us, and the French philosopher Régis Debray. And more importantly, this book which focuses on the concept of Tianxia.
But let me start with a few quotations:

"Behind the lack of world order, we find States, with their desire for independence, their responsibility for domestic interests, and the rivalries dividing them. This is why what is currently called international law is simply a set of rules without any consistency or guiding principle, except States' interests. However, the technical conditions that are necessary to the emergence of a truly universal society are not far from being met. Today, complementarities exert more pressure than tensions. Economic complementarities but also cultural and technical complementarities. As a result, if a specific civilization were to grow from the amazing scientific development of our time, it could only be a civilization without borders".
"It would be childish to believe it is mere coincidence. [On the contrary] it is the result of material solidarity that unites people still politically divided (...). [But] frontiers are an anachronism from an economic, social and cultural point of view. (...) The whole world seems to be mad [but] it is in a process of organization. [People could regain confidence] by building this [new world order]. But there is a primary condition to this ambition: they have to develop an [interest in a common world order] and to choose a formula to realize this world".
A formula like the Tianxia.

Apart from the last sentence, these quotations are *not* taken from Zhao Tingyang's famous books on the concept of Tianxia, but from the books of two French lawyers, whom I call the two Georges: Georges Burdeau in 1966 and Georges Scelle in 1942.

The similarities between their discourses and Zaho Tingyang's narrative struck me and help me to realize two facts:

1) first, the fact that at various times thinkers have believed that an entirely interconnected world is emerging, and a new political form is emerging, because of technological developments. This fact makes us **cautious** about these assertions, and **about the hypothesis that technological powers directly and mechanically determine the size and nature of political entities**. Technics may certainly have an influence, but such influence seems not to be at all clear. It does not seem to have an immediate impact on the size of political entities. For instance, France and many other States have existed for centuries, while technics have changed a lot during this time.

2) The second fact my reading of the book, and its similarities with other books help me to understand that **the emergence of cosmopolitan projects generally come from thinkers of great powers, or former or emerging great powers, and that they often precedes or are contemporary of imperialistic and colonial projects**, regardless of the content of the cosmopolitan theory or the intention of their inventor. This leads us to be *suspicious* about the practical effect of very abstract and general projects. And while examining them, prudence, classical or Aristotelian prudence requires us to fulfill **two tasks:**

a) First, this leads us to ***ask the decisive questions*** of classical political philosophy about a cosmopolitan project or concept, and
b) Second this leads us to try to anticipate the ***political exploitation*** of these theories and to ask ourselves what ***elements of the theories*** could easily be ***exploited*** by powers pursuing imperialistic and colonialist aims, and what elements could be ***opposed*** to them.

These form **the two parts** of my presentation.

I. The decisive questions of classical political philosophy

According to Zhao Tingyang, who relies on both Chinese history and Chinese thinking, the concept of Tianxia is the correct or the **best** ***political world*** order. It implies

a) that the whole **world should be politically organized** and,
b) in a way, united under the banner of only one political power.

Under this banner, no one should be considered as a **foreigner** or an **enemy**, but only as a **citizen of a vassal State** and potentially as a **criminal**.

The **three classical questions that come to mind** about this Tianxia are:

1. **Who**? Who will be in charge? Who will command? Is it a State? A person? Everyone? Randomly chosen citizens of all States in a Democracy? Or representatives in a representative regime? Or States' representatives in an international organization? Or one or a few people that imposed their power by force, in a tyranny?
   If we do not answer this question precisely, a judgment or even an analysis of the project is premature and maybe even pointless.
2. Then: **How** will this political power be exercised? Through which channel? Which institutions? Applying which procedure? And who will take the benefits of the most probable application of this procedure, at the end of the day?
3. Finally, **how** can this project be **achieved**? Will it be through a universal and rational discussion?

We have to express our doubts about this hypothesis, because who really wants to have this discussion? States' representatives? No. Citizens? I don't think so.
Then, who? Philosophers? Elites? Investment funds and CEOs of social media? It may seems funny but is a fact that it is this kind of person who usually favors cosmopolitan projects.
And would their project, imposed to others, really be for the better?
If a world political society should not be established this way, then how? Through a war, a new World war or a great destruction?

Well, the most probable hypothesis is that an entity willing to promote the Tianxia or to establish the corresponding world power **will encounter the opposition of most States** of the world and **launch a war or at least a great confrontation.**

These questions have been asked many times to cosmopolitan thinkers. But when the great thinkers of cosmopolitanism were asked to address these objections, they usually ignored them and refused to answer. They simply systematically set these questions aside.

For instance,
Kant did not answer Rousseau's objections in the 18th Century,
Hans Kelsen did not answer Leo Strauss' objections in the middle of the 20th Century,
And Norberto Bobbio did not answer Danilo Zolo's objections at the end of the 20th Century.

Of course, I was eager to know what Zhao Tingyang answers to these questions.
During my reading of his books, I thought he did not notice them. However, he did… at the end of this book, in the last five pages.

Nevertheless – I may be wrong, tell me if I am – Zhao Tingyang says that these questions are very important, but in both books, he omitted to answer them, or says he does not know how to answer them.
The only part of the answer I found in the Tianxia book is that the world power of the Tianxia may be exercised by a **collective organization bringing together all States of the world.**
This proposal for the political organization of the world is understandable – I approve – but it is also rather surprising.

It is surprising because Zhao's answer could be translated into legal language as *"It should be an international organization, based on international treaties"*.
Yet the book is full of assertions such as *"treaties are not trustworthy, they are not reliable"*, or an "*international organization such as the UN is without political power"*, or *"international economic organizations are the expression of United States imperialism"*.
I think **these assertions on treaties and international organizations**, which are very common in the US by the way, are **not sufficiently persuasive** from my viewpoint: for instance, many small States support the World Trade Organization, want to joint it, ask for an extension of the application of trade rules, etc. while the US criticizes this organization and rules all the time. If these organizations and rules were the pure transcription of US interests or imperialism, these criticisms would not be understandable. And the defense of the Organization by China would not be understandable either.
More importantly, **Zhao Tingyang explains repeatedly**, as did Georges Burdeau and (to a lesser extent) Georges Scelle, **that a World political organization cannot come from a discussion and agreement of States, of classical political international Law**, because conflicting States' interests prevent a truly global interest emerging and being expressed in global rules and institutions.

But if a true world organization cannot be established by States or by other political representatives, who or what might do it? **How could this organization emerge?**
As I said, there is no clear answer to these questions in Zhao's book.
However, there are **four elements in the book** that may help to provide an answer:

1. according to the first page of the introduction, "*globalization sweeps everything along, and does it everywhere, and nothing exists outside this phenomenon henceforth."*

Even if we accept this assertion, which I do not, no one can affirm that globalization emerged spontaneously from private persons. Globalization – namely growing economic interdependence, technological development and the weakening of the State in relation to transnational corporations – is the **direct result of foreign policies of hegemonic Western States between (roughly) 1989 and 2009.** The European States, the United States and other States concluded thousands of treaties, trade and investment treaties, they established international organizations and international courts, **precisely** in order to achieve this. This means: great powers **have made this happen**, and they can make it **disappear** as they did before World War I. The *Huawei case* is currently an illustration of this. Globalization is not an autonomous power and still less an homogeneous power which can pursue projects. Globalization itself has no project, it is no one.

This was the first element: globalization. But great powers are **behind** globalization. And according to Zhao, States cannot establish the Tianxia through treaties and classical international Law.
If it is not globalization that will impose the Tianxia, who could it be?

The **last three elements point in the same direction:**

Indeed, the second element is a set of assertions made by Zhao Tingyang about Tianxia:

2. he asserts that there is **no political society without hierarchy**, that it is **necessary to the good functioning of societies** (p. 81).
   Consequently, the Tianxia will be dominated by the **greatest political power that exists**. Historically, the origin of Tianxia is a specific situation of a small tribe having beaten a big one, but it is a reality that, **at that moment in time**, the small tribe had more power than the other and was **thus the strongest**. It may be similar in other cases of application of Tianxia.
3. The third element is the set of peculiarities of the Tianxia system **in Chinese history**, that are outlined in the book. For instance, during the Tianxia system, there were *"vassal States"* (p. 82), there was a *"world sovereign"* exercising *"world sovereignty"* (p. 147), he was the owner of the Tianxia territory (p. 84) and he reigned over other countries like a parent over his child (p. 92). **There was a center, China, which thought it was developed, and there was a periphery that the center usually considered to be retarded (p. 89) or like a child (p. 92).**

I could continue in this vein for a very long time but I think that this is sufficient to agree with Anthony Carty's assertion that the Tianxia system was **Sino-centric and hierarchical**. It is in fact not very far from a **colonial** logic, which is not based on the recognition of alterity, but on the will to **include** everyone and to treat other people as **children**, under the pretext of taking good care of them and helping them to develop themselves as they want, but **within the protection of the civilized family.**

4. The **fourth** and last element is Zhao Tingyang's choice **not to answer** to **another decisive question**. This question is: *"What will happen to two countries that may refuse to enter the political organization of the Tianxia, or what will happen if, more probably, only half of the world or a third or quarter of the world accept to unite but not the rest?"*.
   The right answer is clear: **the ideal of Tianxia might be exploited by political power in order to impose its own power on others**.

At this point, the **risk** of political **manipulation** of the theory by great powers is **obvious**.

However, **elements** of the theory **that resist** political manipulation are also obvious.

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II. The risk of manipulation of the theory for an imperialistic purpose

Zhao's claim concerning the universal application of the concept of Tianxia raises the same questions and problems as did and still do similar claims and concepts coming from the West. Most of these questions and problems can be **reduced to only two:**
1. the claim to apply an **inevitably particular** concept on a **universal scale**, and
2. the **use of power or violence to universally** impose the practical implication of the concept.

As regards the first point, **the particularity of the concept of Tianxia is extreme**: it not only **comes** from ancient China, but **it has been applied in China for a very long time, Chinese thinkers have huge respect for the concept**. As Zhao writes it, **China is the State that has the Tianxia gene, the State that is implicitly organized in accordance with the Tianxia structure, and China is a scale model of the Tianxia**.
In other words, although this concept is **completely unknown in most of the world**, it is **very important in China**, and many Chinese people have a **strong feeling** about it.
In this context, **it is difficult to recognize that, as Zhao wrote in the book on Tianxia, the Tianxia does not establish a cultural frontier**. As long as China is **in the middle** of the Tianxia and determines the global culture, China will surely admit that there is **no limit to the Tianxia**. But if Saudi Arabia was in the middle of the Tianxia, or if the global culture was **determined by the United States, or by the West**, or even by the **rest of the World**, I am pretty sure that China would **ask for a cultural frontier**.
From a European perspective, it is also striking that **the whole book on Tianxia** values the concept of Tianxia and ***values Chinese* history, culture and religiosity, *and criticizes Western* history, culture and religion**. I have to express doubts about this manner of demonstrating that the promotion of Tianxia does not relate to **the promotion of China itself,** and that **universal application** of Tianxia would **not launch a new clash of civilizations** but would be a way of reconciling different civilizations.
And for instance, when the author asserts that the difference between monotheism and Chinese religiosity leads to respect for religious minorities in China and to intolerance towards such minorities in the West (!), I think this analysis may convince Chinese people, but – to say the least – not Western people.

The **second question** is **the question of violence, or domination**. And it strikes me that this question is not addressed at length in the book.
This question is central because, as I said, **we have to face the hypothesis in which many countries do not want to be part of a political structure, but are forced to join this structure, by a greater political or economic power.**
But the question of violence and domination is also central because political powers exist in order to promote their interests and that great political powers will always exploit theories about the international community in order to do so, to promote their interests.
Have we, in the case of Tianxia theory, the resources to criticize manipulation? Zhao gives several examples of these resources and I assume they exist.

But they also exist in the case of liberalism, human rights and Christianity. **Liberalism, human rights and Christianity have been enormously mobilized to fight imperialism and colonialism – and much more than Tianxia against Chinese foreign policy for instance. But that did not prevented liberalism, human rights and Christianity to be used to justify imperialism and colonialism.**
Therefore, the problem is not only the resources but also the **identity of the interpreter. In the Tianxia system, who will have the power to decide that a certain use of the concept is abusive or unfair**?
In practice, I have no doubt that political powers will find **slavish and well-paid "lawyers" and "intellectuals" to explain that their abuses are the perfect illustration of what the Tianxia implies.**

Conclusion:

In conclusion, I want to take a step back, and say that **my reticence about Tianxia may come from my knowledge of European history**, of the Westphalian system which permitted peace and self-determination in Europe; and **Zhao's reticence about sovereign equality and international law might come from his knowledge of a completely different history**, in which the plurality of political entities was synonymous with war, and the Tianxia system with peace and harmony.
These differences in sensibility may be enshrined in the history of our countries and in our education.

This difference may be the expression of the plurality of civilizations, countries, and people – a plurality that is outlined in the book. But **this plurality is not a problem at all. It is a wealth that international politics should always preserve**, at least because it enables each and every one to have a dialogue with people who have other opinions and make us think harder, and better.

Thank you very much for your attention.