

IS ZHAO'S TIANXIA SYSTEM MISUNDERSTOOD?

XU Bijun*

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* Ph.D. Candidate, University of Hong Kong, Faculty of Law.

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Zhao Tingyang's Tianxia System has become a hot topic of discussion since he first introduced it during the 2005 Culture of Knowledge conference in Goa, India.¹ Some commentators have spoken highly of this system as a worldview that can address problems in global development.² Others have lodged criticisms against it.³ However, many critical commentators have an inaccurate understanding of Zhao's theories. This paper aims to show the ways in which Zhao's Tianxia System has been misunderstood and responds to misinterpretations of his theories. I will begin by briefly introducing the Chinese term Tianxia, the core points of Zhao's Tianxia System, and the current debates surrounding it. I will then respond to the main misunderstandings of Zhao's System. Finally, I will present my own thoughts on Zhao's Tianxia System and its potential impact on international law and relations.

I. INTRODUCTION TO TIANXIA

Although Zhao's Tianxia theory is not equal to the ancient Chinese cultural concept of Tianxia (天下, literally All-under-Heaven), Zhao borrowed this ancient Chinese cultural concept and its core meanings as a basis for his own ideas. Therefore, one must understand the traditional concept of Tianxia before exploring Zhao's theory.

Tianxia forms the basis for the worldview of the Chinese people not only in the past but also in the present. Although Chinese people are familiar with the concept of Tianxia, clearly defining it has been difficult. In 1981, this topic was discussed in a nation-wide conference organized by the Chinese Association of Sociology of Ethnicity and the Chinese Academy of Social Sciences. Various

¹ Zhao first introduced his Tianxia system in a paper delivered at the international conference "International Conference on Universal Knowledge and Language" in Goa, India, on 22 November 2005.

² See Sunndeeep Waslekar, *Women Shidai de Da Wenti: Cong Minzu Guojia Dao Quanjie Gongtong* (我们时代的大问题：从民族国家到全球共同体) [*The Big Problem of Our Time: From Nations to the Global World*] in Zhao Tingyang (赵汀阳), *Tianxia Tixi—Shijie Zhidu Zhexue Daolun* (天下体系—世界制度哲学导论) [*The Tianxia System—An Introduction to the Philosophy of a World Institution*] 111 (2005) (A function of Tianxia System) [hereinafter Waslekar]; Francesco Sisci, *Under the Same Sky: A New World-view from China*, 56 *DIOGENES* 74–82 (2009).

³ See William A. Callahan, *Chinese Visions of World Order: Post-Hegemonic or a New Hegemony*, 10 *INT'L STUD. REV.* 749 (2008); Chang Chishen, *Tianxia System on a Snail's Horns*, 12 *INTER-ASIA CULTURAL STUD.*, 1 (2011).

scholars expressed their individual understandings, but in the end, the assembly could not reach a consensus on the definition.⁴

While there is no universal definition, it is still possible to identify some key elements of Tianxia. Professor Luo Zhitian noted that in the past “the concept of Tianxia had both a broad and a narrow meaning in traditional China, corresponding respectively to ‘the world’ and China”.⁵ Professor Li Xiantang summarizes the core meanings of Tianxia in the following four ways:

1) The entire geographical world (round sky and square earth).

2) The universal principles of order between Tian (天, Heaven) and the people. Heaven denotes the lands or spaces of the Emperor and the Emperor represents the communication link between the people and Heaven. The hearts of the people (民心) are the will of Heaven. Therefore, there is a Chinese proverb which says, “He who gains the heart of the people has the right to rule Tianxia (得民心者得天下).”

3) There is a center in this world and it goes concentrically outward to other places and people.

4) Tianxia was associated with a certain civilization.⁶

Mou Fasong holds the opinion that besides the geographic aspects, Tianxia also represents:

1) The heart of all people, a concept which can be found in major works of classical literature such as Lao Tzu, Chuang Tzu, the Book of Changes, Xun Tzu and Mencius.

2) Righteousness and civilization. Tianxia needs to have common rites, culture, language, and life style.⁷

All in all, Tianxia is a traditional concept which denotes the entire geographical world, the metaphysical realm of mortals and also political sovereignty.

The understanding of Tianxia has changed over time. As Zhao explains:

⁴ Chen Yuping (陈玉屏), *Lüe Lun Zhongguo Gudai “Tianxia”, “Guojia” he “Zhongguo” Guan* (略论中国古代“天下”、“国家”和“中国”观) [*The Idea of “Tianxia,” “Guojia” and “Zhongguo” in Ancient China*], 1 MINZU YANJIU (民族研究) [ETHNO-NATIONAL STUD.] 67 (2005) (no consensus on Tianxia’s definition).

⁵ Luo Zhitian (罗志田), *Tianxia yu Shijie: Qingmo Shiren guanyu Renlei Shehui Renzhi de Zhuanbian* (天下与世界：清末士人关于人类社会认知的转变) [*From Tianxia to the World: Changes in Late Qing Intellectuals’ Conceptions of Human Society*], 5 ZHANGGUO SHEHUI KEXUE (中国社会科学) [SOC. SCI. CHINA] 191(2008).

⁶ Li Xiantang (李宪堂), *Tianxiaguan de Luoji Qidian yu Lishi Shengcheng* (“天下观”的逻辑起点与历史生成) [*The Logical Starting Point and Historical Formation of the Tianxia View*], 44 XUESHU YUEKAN (学术月刊) [ACAD. MONTHLY] 127 (2012).

⁷ Mou Fasong (牟发松), *Tianxia Lun—Yi Tianxia de Shehui Hanyi Wei Zhongxin* (天下论——以天下的社会涵义为中心) [*Tianxia—From the Perspective of Its Social Meanings*], 6 JIANGHAN LUNTAN (江汉论坛) [JIANGHAN TRIBUNE] 114, 115, 119–20 (2011) (other representations of Tianxia).

The concept of Tianxia was a political concept in the Shang and Zhou Dynasties (B.C. 1600-B.C. 256). Then, in the Spring and Autumn Period (B.C. 770-B.C. 221), Confucianism began to emphasize its moral significance, though Tianxia still remained a political concept. From the Qin Dynasty onwards (B.C. 221), the morally-orientated concept began to divorce itself from its political origin, turning into a pure symbol and vision of morality.⁸

And today, like many other scholars, Zhao has provided his own interpretation of Tianxia to establish and explain his own ideas.

II. ZHAO'S TIANXIA SYSTEM IN HIS OWN WORDS

In order to give an accurate rendering of the most important elements of Zhao's Tianxia System, this section cites Zhao's words in verbatim.⁹

In Zhao's view, the world is still a non-world or a failed world. It has not yet become a world of oneness, but remains in a Hobbesian chaos.¹⁰ The modern age is an age of nations, for which Zhao's Tianxia theory can only be regarded as an international theory, not a world theory.¹¹ Zhao uses the United Nations as an example of the most significant international relations organization in modern history. He then draws on the inability of the UN to effectively deal with international conflicts. As no global political philosophy exists to serve as a foundation for a worldwide institution, Zhao argues that the Chinese theory of Tianxia is the best philosophy for world governance.¹²

Zhao explains his view of Tianxia as follows:

The term 'All-under-Heaven' (Tian-xia) ... means firstly the earth, or the whole world under heaven. Its second meaning

⁸ Zhao Tingyang (赵汀阳), *Tianxia Tixi de Yige Jianyao Biaoshu* (天下体系的一个简要表述) [An Introduction to the All-under-Heaven System], 10 *SHIJIE JINGJI YU ZHENGZHI* (世界经济与政治) [WORLD ECON. & POL.] 57 (2008).

⁹ See Zhao Tingyang (赵汀阳), *Tianxia Tixi—Shijie Zhidu Zhexue Daolun* (天下体系—世界制度哲学导论) [The Tianxia System—An Introduction to the Philosophy of a World Institution] (2011) [hereinafter Zhao, *The Tianxia System*]; Zhao Tingyang, *Investigations of the Bad World: Political Philosophy as the First Philosophy* (2009) [hereinafter Zhao, *Bad World*]; Zhao Tingyang, *A Political World Philosophy in Terms of All-under-heaven*, 221 *DIOGENES* 5–18 (2009) [hereinafter Zhao, *Political World Philosophy*]; Zhao Tingyang, *Rethinking Empire from a Chinese Concept "All-under-heaven"*, 12 *SOC. IDENTITIES* 29 (2006) [hereinafter Zhao, *Rethinking Empire*]; Zhao also gave an interview to Jean-Marc Coicaud about the Tianxia System, which was documented in *World Philosophy* 6 (2011).

¹⁰ Zhao, *Political World Philosophy*, *supra* note 9, at 1.

¹¹ Zhao, *Rethinking Empire*, *supra* note 9, at 29.

¹² *Id.* at 29–41.

is the “hearts of all peoples” (民心), or the “general will of the people”. An emperor does not really enjoy his empire of All-under-Heaven, even if he conquers an extraordinary vastness of land, unless he receives the sincere and true support from the people on the land. *Its third meaning, the ethical and/or political meaning, is a world institution, or a universal system for the world, a utopia of the world-as-one-family.*¹³ [emphasis added]

Zhao emphasizes some unique characteristics of his system, one of which is its methodology. Zhao argues that the largest political unit in Western political theory is the nation-state, while in Chinese theory the largest is the framework of the world or society.¹⁴ Based on this methodology, “the conceptually defined Empire of All-under-Heaven does not mean a country at all but an institutional world instead.”¹⁵ And All-under-Heaven is an extendedly-defined world with harmony, communication and cooperation between all nations, guaranteed by their commonly agreed-upon institutions.¹⁶ Without this thought, “we are talking nonsense about the world, for the world has not yet been fulfilled with its world-ness.”¹⁷ On this basis, nothing and nobody can be excluded or pushed aside because of their incompatibility with others, since nothing is considered as foreign.¹⁸

Zhao also points out that Chinese politics aims at a good society of peaceful order that requires political and ethical consistency and transitivity.¹⁹ This means that the effective political order progresses from Tianxia to states and then to families, so as to ensure the uniformity of society. Conversely, an ethical order progresses the other way around to ensure the uniformity of ethics.²⁰ In the perspective of ethics, the virtue of Tianxia can be understood as a family-ship (家庭方式/家庭性), meaning that Tianxia is nothing but the greatest family. This indicates wholeness and harmony, and anything against wholeness and harmony is politically unacceptable.²¹ In addition, this system needs to have ethical legitimacy and must reflect the general will of all people.²²

¹³ *Id.* at 30–31.

¹⁴ *Id.* at 31.

¹⁵ *Id.* at 30.

¹⁶ *Id.* at 36.

¹⁷ *Id.* at 30.

¹⁸ Zhao, *Political World Philosophy*, supra note 9, at 10.

¹⁹ *Id.* at 33.

²⁰ *Id.*

²¹ *Id.*

²² Zhao, *The Tianxia System*, supra note 9, at 101.

In order to help readers understand his system more thoroughly, Zhao explains some closely related concepts, like the “Son of Heaven” (天子),²³ the “general will of the people” (民意) or “the heart of all peoples” (as opposed to Western democracy),²⁴ and family-ship,²⁵ since these concepts have different meanings in Western culture. Zhao also emphasizes that his Tianxia System is only a philosophical framework and that questions of how this system can be put into practice go beyond the scope of his theory.²⁶

III. COMMENTARY AND CRITICISM OF ZHAO’S TIANXIA SYSTEM

Some commentators on Zhao’s Tianxia System view it quite positively. Sundeep Waslekar points out that Zhao’s theory urges us to realize the need for all people to transfer their loyalties from nation-states to a world-society.²⁷ He claims that critics of Zhao know only how to criticize, but have no idea of how to create a better world.²⁸ Alain LePichor also supports Zhao’s theoretical attempt, arguing that, since our world is still a non-world, Zhao’s theory offers an opportunity to explore different models and systems for a better world. LePichor believes that paying careful attention to the contributions of Chinese culture will bring fresh thoughts and new hope.²⁹ Lastly, Peter J. Katzenstein regards Zhao’s Tianxia System as different from all past forms of empire, calling it “the temptation of human imagination” and praising it as a system that takes responsibility for the whole world, not only nation-states.³⁰

The criticisms of Zhao’s theory can be divided into several categories. The first main line of criticism finds defects in Zhao’s philosophical demonstrations and arguments. Zhang Shuguang criticizes Zhao for applying double standards when analyzing Chinese and Western cultures. He points out that, when discussing his Tianxia System, Zhao distinguishes between theory and practice, logic and history. However, when talking about Western culture, Zhao mixes up the categories and uses practices and history to deny theory and logic.³¹ Zhang notes a further contradiction within Zhao’s

²³ *Id.* at 3.

²⁴ *Id.* at 3–4.

²⁵ *Id.* at 4–5.

²⁶ *Id.* at 107.

²⁷ Waslekar, *supra* note 2.

²⁸ *Id.* at 114.

²⁹ See Alain LePichor, Cunzai Zhe Jipo Xifang Xianxing Fazhan Moshi de Mouzhong Qiji, (存在着击破西方线性发展模式的某种契机) [The Existing Opportunities to Break the Western Linear Model of Development] (2011).

³⁰ See Peter J. Katzenstein, *Tianxia Shi Renlei Xiangxiangli de Youhuo* (天下是人类想象力的诱惑) [Tianxia Is the Temptation of Human Imagination], in Zhao, *The Tianxia System*, *supra* note 9.

³¹ See Zhang Shuguang (张曙光), *Tianxia Lilun he Shijie Zhidu—Jiu Tianxia Tixi Wenxue yu Zhao Tingyang Xiansheng* (天下理论和世界制度—就天下体系问学于赵汀阳先生) [Tianxia Theory and a

theory. On one hand, Zhao claims that the Tianxia System is inclusive and an extendedly-defined world. On the other, he notes that either by accident or on purpose it puts Chinese culture in opposition to Western culture.³² Zhou Fangyin shares Zhang's opinion regarding the issue of double standards. He argues that, when dealing with Western theory, Zhao uses the theory's current, problematic results to prove its failure. Yet he applies standards of consistency and transitivity to prove his Chinese theory's success without mentioning its application in actual practice.³³

Other criticisms focus on Zhao's alleged misunderstanding and misinterpretation of Chinese classical literature and Chinese culture. Zhang states that Zhao's references to historical documents and classics are neither accurate nor complete. Zhao chooses to highlight only sources that favor his arguments, but seldom mentions other sources which are not aligned with his perspective.³⁴ Callahan also pointed out that, "Quoting Lao zi to support a world institution also goes against the general tenor of the *Daode Jing*, where utopia is presented as suspicious of grand ordering projects and even thinking beyond one's village (see chapters 60, 80)."³⁵

Another line of criticism seeks to expose what is considered the dark side of Chinese philosophy and culture, contending that it is not as ideal and wonderful as Zhao depicts it. For example, with regard to the term family-ship, Zhao asserts that "the virtue of the-world-as-All-under-Heaven is always understood and interpreted in terms of family-ship"³⁶ and that "family-ship is thought to be the naturally given ground and resource for love, harmony and obligations, and thus a full argument that 'exhausts the essence of humanity.'"³⁷ However, Zhang appeals to Chinese history to claim that a system based on the family-ship model and satisfying the standards of consistency and transitivity does not necessarily bring harmony, as evidenced by the tense and often confrontational relationship between the Tianzi (the Emperor) and Zhuhou (the feudal princes).³⁸ Zhang also reminds us that the Tianxia theory is

World System—Discussing the Tianxia System with Zhao Tingyang, in Zhao, *The Tianxia System*, *supra* note 9, at 244–257.

³² *Id.* at 6.

³³ Zhou Fangyin (周方银), *Tianxia Tixi Shi Zuihao de Shijie Zhidu Ma?* (天下体系是最好的世界制度吗?) [*Is the Tianxia System the Best World System?*], 2 *GUOJI ZHENGZHI KEXUE* (国际政治科学) [Q. J. INT'L POL.] 98, 100–01 (2008) (questioning the usage of Zhao's approach in practice).

³⁴ Zhang, *supra* note 31.

³⁵ William A. Callahan, *Tianxia, Empire and the World: Soft Power and China's Foreign Policy Discourse in the 21st Century*, (Working Paper 2007), <http://www.bicc.ac.uk/files/2012/06/01-Callahan.pdf>.

³⁶ Zhao, *Rethinking Empire*, *supra* note 9, at 33.

³⁷ *Id.*

³⁸ Zhou, *supra* note 33, at 239.

full of praise for Chinese culture and thinking but virtually silent about its defects and flaws. Zhang points out that, compared to Western thinking, one of the most serious problems with Chinese thought is its lack of practicality and maneuverability.³⁹ Without solving this problem, Chinese thought will be impossible to implement and will remain a matter of empty talk forever.⁴⁰

Yet another category of criticism looks for the underlying motivation beneath Zhao's theory. According to Callahan, "Tianxia is an example of how some in China are working to re-center Chinese understandings of world order as a patriotic activity."⁴¹ Chang Chishen insists that "[a]lthough Zhao claims that he proposes Tianxia for the sake of the world, his statements suggest that he does so for the sake of China."⁴²

Besides these comments and criticisms, Zhao's theory has also provoked other related comments and thoughts. Banyan states that even though the current international system is based on Western thinking, China has been a supporter and one of the biggest beneficiaries of this system.⁴³ Additionally, Francesco Sisci believes that even though more than 100 years of Westernization have significantly changed China, Zhao's Tianxia System suggests that China is still China and will never become a truly Western country.⁴⁴

IV. MISUNDERSTANDINGS OF ZHAO'S TIANXIA SYSTEM

Many of the criticisms previously mentioned (and also some of the articles offering praise) appear to rest on misunderstandings of Zhao's theory. In trying to identify those misunderstandings, I am not seeking to defend Zhao, but to make Zhao's theory more clearly and accurately understood.

First, some critics and some supporters have misinterpreted Zhao's Tianxia System as a Chinese system or one that implies a Chinese responsibility to lead the world. Tong Shijun extends Zhao's theory and mentions China's responsibility in the last part of his commentary:

If the Tianxia system is applied to China's situation, China's rise is indeed a new type of rise. This country is neither a

³⁹ Zhang, *supra* note 31, at 248.

⁴⁰ *Id.*

⁴¹ Callahan, *supra* note 35, at 2.

⁴² Chang, *supra* note 3, at 37.

⁴³ See Banyan, *Tianxia Wushi Ke Yue Xin* (天下无事可曰新) [*Nothing Is New under Tianxia*], in Zhao, *The Tianxia System*, *supra* note 9, at 128.

⁴⁴ See Francesco Sisci, *Tong Yipian Tiankong Xia, Zhongguo de Xin Shijieguan* (同一片天空下, 中国的新世界观) [*China's New View of the World under the Same Sky*], in Zhao, *The Tianxia System*, *supra* note 9, at 15.

power only for its own interests, nor a power which is self-reclusive. This country is pleased to shoulder the responsibility of the world.⁴⁵

Callahan, critiquing Zhao, states directly that “according to classical and modern dictionaries, Tianxia also means ‘China’”⁴⁶ and “hence Zhao’s book is part of the broader discussion of how China will be a world power.”⁴⁷ Callahan conclusively states:

Here the notion of a “responsible China” shifts dramatically from that of a conservative state that is responsible to the present world order to Zhao’s Tianxia that is responsible for creating a totally new world order. Rather than the China problem being a world problem, the “world problem” is now “China’s problem”.⁴⁸

In fact, Zhao has addressed this issue several times in his papers and interviews. He makes it clear that “the reign of All-under-Heaven is open to any qualified candidates who best know the Way (Tao, 道) to improve the happiness of all peoples universally.”⁴⁹ Moreover, in his preamble to *The Tianxia System: An Introduction to the Philosophy of World Institution*, Zhao responds specifically to Callahan’s concern. Zhao observes that one reason behind this mistaken viewpoint is that he is presenting his theory at a time when China is rising in world significance, whilst the level of communication between China and the West is still insufficient. He also claims that Callahan is using Western concepts of empire to interpret his Tianxia System.⁵⁰ “All-under-Heaven is meant to be of all and for all, and never of and for anybody in particular,”⁵¹ Zhao states—certainly not of and for China in particular.

From the author’s point of view, Zhao sees Tianxia as not a Chinese system but an attempt to introduce Chinese culture and philosophy into the international system, just as the West did before and is doing now. People from all over the world can make useful contributions to the world. If China can play an important role in the current (largely Western-based) international system, why cannot Western countries incorporate a system that involves some Chinese elements? In an interview, Zhao stated that his use of the concept of

⁴⁵ *Id.* at 159.

⁴⁶ Callahan, *supra* note 35, at 16.

⁴⁷ *Id.* at 17.

⁴⁸ *Id.* at 18.

⁴⁹ Zhao, *Rethinking Empire*, *supra* note 9, at 4.

⁵⁰ Zhao, *The Tianxia System*, *supra* note 9, at 3.

⁵¹ See Zhao, *Political World Philosophy*, *supra* note 9, at 10.

Tianxia from ancient Chinese philosophy is not intended to belittle Western philosophy. Rather, what approach to choose depends on what problem one is dealing with.⁵²

Until a century ago, China's foreign relations were suzerain-vassal relations conducted through the ancient forms of the tributary system.⁵³ China received tribute from neighboring states under the influence of Confucianism, and those states were offered Chinese products in return. It became an integral part of Confucian philosophy and was seen by the Chinese in terms of familial relations, much like the duties owed by younger sons to devote part of their wealth to sustain the welfare of their parents. Because Zhao's theory is based on traditional Chinese thought, which historically created the tributary system, Zhao is therefore sometimes seen as trying to reestablish that system. Therefore, another misinterpretation of Zhao's theory is to equate his Tianxia System with the ancient Chinese tributary system. Chang claims that the Tianxia system is definitely not a "world government," since *siyi*⁵⁴ (四夷) are not included in any institutionalized way and have to accept an inferior and subordinate status.⁵⁵ From this observation, we can see that Chang seems to interpret Tianxia in terms of the Chinese tributary system, which Zhao mentions as a guiding model of the empire of All-under-Heaven⁵⁶ but is not equivalent to his Tianxia System. Zhao also notes that there no longer existed a system similar to Tianxia after the Spring and Autumn Periods (770–476 BCE).⁵⁷ He emphasizes that although his Tianxia System originates from Chinese theory, it is not equivalent to the ancient Chinese foreign-policy practice.⁵⁸ Zhao even acknowledges the existence of counterexamples to Tianxia in Chinese history, such as the policy of "Fen Shu Keng Ru"⁵⁹ (焚书坑儒) implemented by Qin Shi Huang (first emperor of Qin from 247–210 BCE) and "Du Zun Ru Shu"⁶⁰ (独尊儒术) in the Han Dynasty, both of which sought to unify Chinese ideology and culture.⁶¹

From these references it is obvious that to equate Tianxia with the Chinese tributary system is a misunderstanding of Zhao's theory.

⁵² Jean-Marc Coicaud, *An Interview with Professor Zhao Tingyang—UNU Conversation Series on Global Justice*, 6 WORLD PHIL. 122–9 (2011).

⁵³ J. K. Fairbank, *Tributary Trade and China's Relations with the West*, 1:2 FAR EASTERN QUARTERLY 129 (1942).

⁵⁴ *Siyi* means minorities which were regarded as barbarians by the central government.

⁵⁵ Chang, *supra* note 3, at 35.

⁵⁶ Zhao, *Rethinking Empire*, *supra* note 9, at 34.

⁵⁷ Zhao, *The Tianxia System*, *supra* note 9, at 34.

⁵⁸ *Id.* at 71.

⁵⁹ That is, burning of books and burying of scholars.

⁶⁰ That is, solely venerating Confucianism.

⁶¹ Zhao, *The Tianxia System*, *supra* note 9, at 59.

Zhao himself identifies ancient practices in Zhou and the Spring and Autumn Period, when the tributary system had not yet been completely established, as those closest to Tianxia.⁶² It is true that, several times, he refers to the Chinese tributary system when explaining his version of Tianxia.⁶³ This is probably because, even though the two are not identical, the tributary system does reflect some aspects of Chinese philosophy and culture. Consequently, describing some of the tributary system's elements can help to make Zhao's vision of Tianxia more easily understood. For example, Zhao uses the voluntary nature of the tributary system as an illustration and also explains the important role that Li (礼, propriety or etiquette)⁶⁴ played in this system.⁶⁵

The third misunderstanding is to regard Tianxia as a system based mainly on a single philosophy or on certain schools of philosophy. Confucianism is usually regarded as the foundation of Zhao's theory, as can be seen from the words chosen by scholars to describe the system. For example, Daniel Bell refers to Zhao's theories as Confucian Tianxia.⁶⁶ Due to this misinterpretation, some have tried to understand Zhao's Tianxia System from the perspective of a certain school of philosophy, while others criticize his system by arguing that it contradicts the original meaning of certain Chinese philosophies. Bell states that Tianxia is "radically inconsistent with key Confucian values." He quotes Joseph Chan's opinion that "the Confucian view that it is natural and right for a person to show more concern for people close to him or her than to strangers would lead one to accept at least some kind of territorial boundary that distributes more resources to citizens of a community than to outsiders."⁶⁷ Bell then uses this perspective to prove that applying Confucian thought to foreign policy will "promote international peace while allowing for legitimate national self-interest that can sometimes outweigh cosmopolitan ideals",⁶⁸ an approach that undermines Zhao's theory of the ideal world.

⁶² Zhao, *Political World Philosophy*, *supra* note 9, at 9 (Zhao says, "the Zhou invention 'all-under-heaven' meant that its Chinese counterpart began with a world perspective" and, later on, describes the major political ideas of Zhou leaders); Zhao, *The Tianxia System*, *supra* note 9, at 100 (Zhao mentions *Chunqiu*).

⁶³ Zhao, *The Tianxia System*, *supra* note 9, at 34–35.

⁶⁴ *Li* is a Chinese word used in Confucian philosophy. It is an abstract idea that can be understood in different ways, such as rites, ritual propriety, customs, morals and so on.

⁶⁵ Zhao, *Rethinking Empire*, *supra* note 9, at 54.

⁶⁶ Daniel A. Bell, *War, Peace, and China's Soft Power: A Confucian Approach*, 56 *DIAGENES* 31 (2009).

⁶⁷ Joseph Chan, *Territorial Boundaries and Confucianism*, in *CONFUCIAN POL. ETHICS* 66, 81 (David A. Bell ed., 2008).

⁶⁸ Bell, *supra* note 66, at 31.

Indeed, Zhao borrowed his concept of Tianxia from ancient Chinese philosophy and has cited several philosophical schools in defense of his theory. However, it is meaningless to criticize his system by saying that it contradicts ancient Chinese philosophies, because those philosophies are not the entire basis of his system. Zhao has never referred to his system as “Confucian Tianxia” or “Daoist Tianxia” because he does not regard Tianxia as a system based on those philosophies. Rather, he has interacted systematically with various philosophies—from both the West and China—while constructing his own new theory. Zhao explains:

In terms of the framework of the theory, both Chinese and Western philosophies are considered, and between these, Chinese philosophy dominates; in terms of the analytical approach, I also make full use of both Western and Chinese philosophy, and especially of Western philosophy’s logical argumentation. The Tianxia system is an intelligent creation from ancient Chinese philosophers; however, as the world changes and things change, this theory also needs to be updated according to the current situation.⁶⁹

This statement shows that Zhao did not conform closely to any particular philosophy when establishing his own theory. Rather, he learned from different philosophies and treated them systematically. Thus, the Tianxia System presented by Zhao cannot be interpreted in exactly the same way as the ancient concept of Tianxia and merely pointing out the differences between them does not invalidate his theories. Even Bell himself, when stating that Zhao’s Tianxia is inconsistent with key Confucian values, specifies in a footnote that, to be more precise, Tianxia is inconsistent with key values of the early (original) Confucians, because “the neo-Confucians were deeply influenced by Daoism and Buddhism, which altered or made problematic some core Confucian values.”⁷⁰ One cannot use the argument of inconsistency between Tianxia and Confucianism against Zhao, since Zhao has never propounded that his system is based entirely on the Confucians.

Even though Zhao cites numerous concepts and values drawn from Confucianism, he also points out that to regard Chinese culture as Confucian culture is too narrow, and that it is impossible to grasp the core thoughts of Chinese culture if we study Confucianism alone or separately from other Chinese philosophies. He further states that the most prominent and distinguishing characteristic of Chinese

⁶⁹ Zhao, *The Tianxia System*, *supra* note 9, at preface.

⁷⁰ Bell, *supra* note 66, at 38.

philosophy is its integrated nature, meaning that each school of Chinese philosophy is only one piece of the whole picture. The various schools learn from each other and become valuable only when interpreted with integrity as part of the whole range of Chinese thought.⁷¹ This is why not only Confucian classics appear in his theory, but also classical Mohist ideas from Mozi⁷² and Daoist ones from Laozi.⁷³ Zhao skillfully draws on multiple streams of Chinese philosophy in developing and defending his theory. In doing so he demonstrates the openness and harmonious coexistence of different schools of philosophy in Chinese culture, reinforcing his argument that Chinese philosophy offers the best foundation for a philosophy for world governance.

V. THE VALUE OF THE TIANXIA SYSTEM

Like every theory, Zhao's Tianxia System has flaws, some of them serious. For example, the accusation of double standards appears justifiable. There are strong arguments that Zhao used the failure of Western practice to reject Western philosophy, while presenting Chinese philosophy separately from practice. Nevertheless, Zhao's Tianxia System represents a significant theoretical success. Numerous scholars have pointed out that Zhao has offered new ideas to the current international system.

The current international legal system, which developed mainly from Western philosophy, has made a great contribution to world peace. However, ongoing controversies concerning the South China Sea, Diaoyu Islands and Dokdo are still unresolved under the current international legal system. From a critical legal studies perspective, existing international law is unable to resolve any of these disputes. It is a consensual system and where regional consent is absent, there is little prospect of legal resolution. Professor Tony Carty even argues that "it is intellectually more honest to accept that we find ourselves in the absence of any international legal order."⁷⁴ Is it possible to find an alternative normative vision to solve these problems? Zhao's Tianxia System is a valuable attempt to rethink international legal theory from the perspective of a new philosophy, instead of only focusing on the problems and existing rules themselves. Might not Zhao's Tianxia System provide fresh ideas and new philosophical foundations for the further development of our current international law? Though Zhao's Tianxia System may

⁷¹ Zhao, *The Tianxia System*, *supra* note 9, at 5–6.

⁷² Zhao, *Political World Philosophy*, *supra* note 9, at 13.

⁷³ Zhao, *Rethinking Empire*, *supra* note 9, at 32.

⁷⁴ Tony Carty, *Israel's Legal Right to Exist and the Principle of the Self-determination of the Palestinian People?*, 76 MOD. L. REV. 158 (2013).

not be a perfect philosophy, it might encourage scholars to rethink the international legal system from a new philosophical perspective.

In addition, despite having its dissenters, Zhao's Tianxia System has attracted attention from around the world. Whether in support or in opposition, scholars in the fields of international relations and international law have been forced to attempt to understand Zhao's theories and respond to them. As Callahan states, "Zhao does not mind that his book generated much criticism," since "feeding off of critical commentary is actually the secret of his success."⁷⁵ Even if many interpreters still misunderstand Zhao's theory, they have had to become familiar with Chinese philosophy and culture in order to argue with him. Thus, though Zhao's contribution to the current international system may be arguable, his contribution in promoting Chinese culture is indisputable. Some scholars have hinted at this purpose, but most of them impute a nationalist perspective to Zhao and express fear regarding China's rise on the world scene.⁷⁶ In contrast, I regard Zhao's promotion of Chinese culture as a very positive and progressive step. In modern times, Chinese culture has lost its opportunity to communicate with Western culture on equal terms and has been significantly Westernized. Zhao seeks to change that situation and put Chinese culture back on an equal footing with other cultures, countering the trend toward universalization⁷⁷ of the dominant Western ideology, even though he repeatedly has said that his Tianxia System is only a theoretical and philosophical framework. More ingeniously, Zhao combined his interpretation of Chinese culture with a global theory about the international political system that affects everyone. Compared with other scholars who talk only about Chinese culture, Zhao's theory has inevitably drawn much more attention, even though there may be some defects in his interpretation of Chinese culture.

The debates over Zhao's Tianxia System will continue. They will be more fruitful if the participants understand his theories more accurately. Regardless, these debates could well become a starting point leading to new ideas and breakthroughs in international law and relations.

⁷⁵ Callahan, *supra* note 3, at 753.

⁷⁶ *E.g.* Callahan, *supra* note 35, at 3.

⁷⁷ Zhao, *The Tianxia System*, *supra* note 9, at 59. (Zhao explained "universalization" as imposing one's own ideology and thoughts on others and aiming to deprive others of their own culture).