

# The Tianxia System and the Search for a Common Ground in the Comparative Ethics of War

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This paper explores the conclusions of recent research on the ethics of war in Chinese traditional political thought, asking how they have been shaped by understandings of the nature, meaning and significance of global ethical diversity. After outlining the major contours of Chinese traditional ethics of war, we propose that the significance of this material has been understood within the terms of both liberal and communitarian meta-ethical assumptions. These assumptions have shaped how the relationship between Chinese and Western traditions has been understood, limiting this research in unhelpful ways. While liberal assumptions lead to authors discounting the distinctiveness of Chinese traditions, communitarian approaches seek to find common ground between traditions to mitigate the danger of intercultural conflict. The common ground solution is ultimately undermined by the communitarian assumptions that made it seem urgent. In response to these problems, we propose that a more radically communitarian mode of engagement should guide the comparative dimension of research into non-Western ethics of war.

Key Words: Comparative ethics of war, Just war, Tianxia, Chinese political thought, Post-Western IR

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While much of the revival of interest in the ethics of war has focused on predominantly Western traditions of thought – realism, pacifism, and just war theory – an increasing number of scholars are turning their attention to non-Western ethical traditions and asking how, and to what extent, they influence the use of force and what, if anything, they might have in common with Western traditions and with each other (for a survey, see Johnson 2008). There is a growing body of work describing discourses of legitimate force in Muslim (Johnson and Kelsay 1991; Milton-Edwards 1992; Kelsay 1993; Johnson 1997; Bonney 2004; Cook 2005; Heck 2005; Abou El Fadl 2006; Bonner 2006), Buddhist (Bartholomeusz 1999; 2002; Gombrich 2006; Premasiri 2006; Jerryson 2009; Jayasuriya 2009; Jerryson and Juergensmeyer 2010), and Hindu traditions (Brekke 2005; 2006).

This interest has been driven in part by an increasing sensitivity to the cultural and historical contexts of political discourse, and attention to the role of non-Western and non-secular voices and discourses in political life, but a particularly important context has been the globalization of ethics (Sullivan and Kymlicka 2007). Ethical debate is increasingly transnational and global, both in the problems it identifies, and the nature of the communities and networks in which it takes place, and in some cases in the ethical frameworks aspired to. Attention to non-Western ethics of war has in many cases involved a comparative dimension, relating the traditions in question to the Western just war tradition in particular. This can to some extent be understood as an aid to understanding, translating unfamiliar thought forms into the more familiar categories of the just war tradition to orient readers new to the topic. But there is also strong practical concern that animates much of this research, about the challenges of ethical diversity. The great range of religious and cultural traditions from which people around the world draw moral guidance can make discussion of shared concerns difficult, and promote conflict as well as cooperation. Finding points of contact and avenues for communication between traditions is likely to be an important dimension of future research in this area. However, the terms and goals of intercultural ethical encounter are not self-evident, and how it is understood can affect not only the terms of the encounter, but also what is seen as significant in the traditions themselves.

This paper explores these issues through recent work on Chinese traditional ethics of war, asking specifically how the relationship between Chinese and Western traditions has been understood in this literature, and how these understandings have shaped research in this area. We argue that the relationships between Chinese and Western ethics of war has been mediated in this literature by both liberal and communitarian meta-ethical understandings.

The former risks, in theory and practice, discounting genuine ethical diversity, while the latter has involved a search for common ethical themes and principles that is likely to obscure more than it illuminates. The weakness of communitarian approaches in this literature is explained as a failure to fully develop the implications of the communitarian position; this in turn points the way to a more viable understanding of what it might mean to study Chinese ethics of war with a comparative dimension.

The paper begins with a summary of recent research in the Chinese ethics of war. The next two sections contextualize approaches to ethical diversity in this literature against the background of liberal and communitarian understandings of ethics and cultural diversity in the ethics of war literature more broadly. The final two sections develop two criticisms of how communitarian approaches have encouraged a search for ethical common ground.

## CHINESE ETHICS OF WAR: THREE TRADITIONS

A growing body of research since the turn of the century has provided ample evidence that Chinese traditional political thought developed a sophisticated body of ethical thought on war (Ching 2004; Ivanhoe 2004; Bell 2006; Lewis 2006; Lo 2015; Liu 2014; Lo 2012; Twiss and Chan 2012a; 2012b; Stalnaker 2012). At least three different paradigms in Chinese moral thinking on war can be identified according to these studies: Confucian, Mohist, and Taoist ethics of war. While these three traditions each have apparent points of contact with Western traditions, they are sufficiently different to raise difficult questions about the potential for a shared global standard in the use of force that can be equally endorsed from Chinese and Western cultural standpoints.

The most prominent and influential paradigm in the Chinese ethics of war is the Confucian (Bell 2006; Liu 2014; Twiss and Chan 2012a; 2012b). It can be summarized as follows. First, Confucianism urges caution in waging war and condemns aggressive wars for territorial expansion or for material gain. Mencius famously states that “there is no just war during the Spring and Autumn Period” in the Eastern Zhou dynasty, a period marked by the collapse of the feudal system of the Zhou dynasty, a time in which royal authority was ebbing away, and regional warlords annexed smaller states around them to expand their territories and consolidate their power. This period is commonly understood as a situation analogous to a Hobbesian realist world of international relations, and Mencius’ work in this context is regarded as a criticism of positions analogous to political realism in the contemporary sense.

However, as Twiss and Chan (2012) remind us, Confucianism does not involve pacifism or a commitment to nonviolence. Confucius and his followers, especially Mencius and Xunzi, do not deny the permissibility of war in all situations; they accept the idea that waging a war for a noble cause is possible. Specifically, they permit the legitimate use of military force for the sake of self-defense against invasion, and encourage the rightful authority to punish criminal behavior and stop aggressors who unjustly attack smaller states. Confucian rhetoric on war and ethics stresses how important it is that the acts of those who disrupt peace and harmony should be sanctioned, and that war should be righteous, fought for the sake of maintaining order.

The right to wage war lies only with the true king who has received the heavenly mandate – the Son of Heaven. It is wrong for dukes or princes to wage war. As Liu (2014) quotes Confucius' remark that "If it accords the *Tao* (rules) of the world, the rites, music and war should be dominated by the emperor" (quoted in Liu 2014, 560-561). However, the true king is considered legitimate only if he reigns over his people through the power of his moral authority, and takes the welfare of his people as his primary responsibility. Therefore, when state rule devolves into tyranny, the ruler loses his heavenly mandate and there is no ethical warrant prohibiting his overthrow. According to Mencius, such a king could be removed by force by a new legitimate ruler wielding the Mandate of Heaven. Twiss and Chan (2012a) argue that this classical Confucian understanding of a punitive expedition against a tyrant is akin to and can be compared to the modern idea of humanitarian intervention. On this basis, they conclude that there is some overlap between the Confucian and Western models of just war.

The Mohist school – the first major intellectual rival to Confucius and his followers at that time – provides the earliest text in the Chinese tradition that systematically and comprehensively addresses the ethical conditions under which warfare can be justified. Mozi – the founder of the school who was active from the late 5th to the early 4th centuries B.C.E – is renowned for his pacifist stance, opposing offensive warfare. As noted by Chris Fraser (2016), Mohism adopts a consequentialist argument in which acts are ultimately judged by the states of affairs they bring about. Accordingly, whether a war can be justified is determined by what "promotes the benefit of all under heaven and eliminates harm to all under heaven" (cited in Fraser 2016, 142). It is importantly noted that the term "the benefit of all under heaven" implies an "impartial love" – or *jian ai* 兼愛 – that is, one ought to be concerned for the welfare of people without making distinctions between self and other, between friends and enemies, and between associates and strangers.

The term *ai* 愛, as Loy elaborates (2013, 489), “take a sense that ranges from ‘to love,’ to ‘have concerned for,’ to ‘to care for,’ even ‘to be sparing with.’” Within the Mozi, *ai* is closely associated with *li* 利 (to benefit): the two terms are sometimes conjoined.” The term *jian* 兼 means “to combine or unite,” which is opposed to the term *bie* 別 – partiality, or “to separate and divide...in particular, to separate out a part from a whole or to divide a whole into parts, and by extension ‘to distinguish,’ or to ‘discriminate’” (*ibid*). To Mozi, the partiality is the cause of all social and political ills. The term “impartial love” therefore refers to inclusively and in indiscriminately care for the benefit of the cosmos – heaven, ghosts, and people, and can serve as the panacea for all social and political problems including the problem of war. As Mozi notes, “if men were to regard the countries of others as they regard their own, then who would raise up his country to attack the country of another?” (16/9–10, cited in Wong and Loy 2004, 343). As consequences, in considering the justification of warfare we must consider the benefits and harms to everyone affected, not only ourselves or our compatriots. We should weight these harms for both sides, and Mozi argued that by this measure war is nearly always wrong, as the waste in lives and resources and disruption social order is rarely balanced by sufficiently good effects.

Although war is nearly always wrong, to Mozi, it is obvious that some wars are justifiable. Mozi himself was actively involved in several military adventures. He gathered an army of idealistic warriors, traveling from one crisis zone to another to aid small states under attack by larger powers. There is a story that he once walked for ten days and night to the powerful southern state of Chu in time to forestall an attack on the small central state of Song. Mozi differentiates three types of wars in his writings, namely: aggressive wars (*gong* 攻), defensive wars (*shou* 守), punitive wars (*zhu* 誅). According to Mozi, aggressive wars against innocent states are not justifiable because they are harmful to humankind as a whole. Defensive wars can however be morally justified since they promote benefit or reduce harm to humanity. Self-defence isn’t an unconditional right or duty though; as Fraser notes (2016, 143), Mohist ethical theory enjoins surrendering one’s state without resistance if the costs of defensive warfare are too high. However, these costs had to be weighed against the often-horrifying consequences of invasion in Mozi’s time, which often involved the pillaging or destruction of the defeated state’s resources, and the enslavement or murder of its people (*ibid.*). It should also be noted that in Mozi’s writing, defensive war includes the defense of other small states which are targeted by aggressive larger states. The virtuous ruler undertakes military action to defend other states from aggression (Wong and Loy 2004, 343), a notion in some ways is akin to the contemporary idea of collective punishment of aggressors mandated by a UN

Security Council resolution. Some forms of non-defensive war can therefore also be morally justifiable, an argument which is linked to the third type of war, the punitive war.

According to Mozi, war can be justifiable under the following three scenarios, that correspond roughly to the Western category of just cause: (1) a state falling into great disorder, (2) a state attacking other states, and (3) a state inflicting atrocities on its people. Mozi explains this latter type of warfare by citing the examples of the sage-kings Yu, Tang, and Wu, and in doing so criticizes the princes and kings of his time who used the example of these figures to justify military aggression. Mozi admired these figures as moral paragons who also embarked on military campaigns. As Wong and Loy (2004, 346) point out, Mozi was able to square his respect for the sage-kings as models of ideal conduct with their offensive military campaigns by making a distinction between wars of aggression and punitive missions. The sage-kings' wars were punitive missions, and thus no stain on their righteousness (*ibid.*).

By what criteria can these two kinds of war can be distinguished? According to Fraser, a punitive war was waged with the intention to promote the benefit of all rather than in pursuit of self-interest (2016, 153). More important was that the war should be initiated by a proper authority (2016, 152):

The first and most prominent condition justifying these punitive wars is that all were purportedly conducted with divine sanction. According to legend, Heaven (*tian* 天) expressed its condemnation of the targets of the punitive missions through miraculous portents, including freak weather, crop failure, midnight sun, rains of blood and flesh, screeching ghosts and animals, and fantastic creatures, such as a giant bird with a human head.

Authority to sanction war lay not with kings or princes, but with Heaven itself, whose judgement would be plain to all in its very public manifestations. Similar auguries and omens in messages carries by spirits would announce the certain success of the military campaign. Fraser (2016) argues that these elements of Mozi's thought "overlap significantly with mainstream views today of the conditions for *ius ad bellum*," and specifically with contemporary criteria of just cause, right intention, proper authority, and reasonable chance of success (152, 154).

Taoism is another influential school that has shaped ethical thinking on war in China. Many Chinese readings of the *Tao-te Ching* 道德經 – the first and most important classical work of Taoism containing teachings attributed to Laozi – take it as a military text, or at least a military-oriented text. It has had a

huge influence on the Military School's ethical thinking in China. Cleary (2000) argues that one of the most influential military texts, the *Sunzi Bingfa*, can only be understood by reading it side by side with texts like the *Tao-te Ching* and the *I Ching* 易經. He states that

[T]he importance of understanding the Taoist element of *The Art of War* can hardly be exaggerated. Not only is this classic of strategy permeated with the ideas of great Taoist works such as the *I Ching* (The Book of Changes) and the *Tao-te Ching* (The Way and Its Power), but it reveals the fundamentals of Taoism as the ultimate source of all the traditional Chinese martial arts. (Cleary 2000, 3)

Cleary interprets the text of Sun Tzu as defensive Taoist in character (Johnston 1999, 4), and suggests that *Sunzi Bingfa* is “permeated with the philosophical and political thought of the *Tao-te Ching*” (Cleary 2000, 20).

Just as Confucianism is very cautious about waging war, Taoism similarly opposes aggressive actions or “intentional” expansion by state rulers. From a Taoist perspective, warfare is essentially bad because it violates the fundamental principle of the Tao. The primary concern of Taoism is “to preserve life and avoid harm and danger in the human world” (Fung 1966, 99, quoted in Zhang 2012). War is therefore a deviation from the natural state of peace and harmony.

Taoism is well known for its critique of human desires, and it is skeptical about any kind of offensive action. As Ellen Zhang noted, aggressive behaviors like war are normally caused by three kinds of desires: (1) the desire to possess more (wealth); (2) the desire to be recognized by others (name); and (3) the desire to control others (power) (Zhang 2012, 483). In order to keep human behavior in accordance with nature, Daoism proposes an idea of “no-contentiousness” (*buzheng* 不爭) and “no-action” (*wuwei* 無為), as a way of approaching the alternating cycles of nature and the possibility of harmony and peace. Zhang notes that

No-contentiousness, like many other negations in the *Tao-te Ching* such as non-action, non-desire, non-name, non-knowledge, no-thing, no-mind, no-authority, no-contentiousness, no-martial action, no-anger, and so on, marks a fundamental moral vision that centers on a conscious critique of societal competitions and the heroic ideal of being the strongest through an employment of extreme means.

Hence, Zhang concludes that the *Tao-te Ching* deals directly with anti-war themes which can be summarized in the following three basic arguments:

(1) The onto-cosmological argument: War poses a disruption of the natural pattern of things in the world. (2) The moral argument: Preserving life is morally right and killing is morally wrong. (3) The political argument: It is wrong to employ war as a means to political gain since warfare will inflict great sorrow upon the state and its people, as well as the ruler. (Zhang 2012, 481)

While Taoism is firmly committed to peace and harmony, it recognizes the need to use force when there is no other choice (last resort). According to Zhang, the *Tao-te Ching* also speaks of ethical considerations in the conduct of war, taking measures to avoid unwanted violence and its inevitable repercussions. It is in this sense that Zhang contends that Taoism is not pacifism. It accepts the fact that war is sometimes inevitable in certain circumstances, even though it also insists that war always involves loss and should be undertaken only as a last resort, with the objective of restoring “the primordial naturalness” (Zhang 2012, 486). The only legitimate warfare Taoism accepts is war in self-defense.

In contrast to the Confucian paradigm, then, Taoism rejects any idea analogous to the contemporary theory and practice of humanitarian intervention or responsibility to protect (R2P). This rejection, according to Zhang, is closely linked to Taoism’s “philosophical distrust of the very notion of ‘righteousness’” (Zhang 2012, 488). As noted by Zhang,

The *Tao-te Ching* does not present the idea of “righteous war” since the very notion entails the idea that such a war is good and the *Tao-te Ching* seems to reject such a judgment. That is why the *Tao-te Ching* insists on “getting rid of righteousness.” (Zhang 2012, 488)

In summary, Taoism insists that warfare has negative impacts even if the war is well intentioned at the beginning, and the rhetoric of rightness is often little more than a rhetorical device to serve the person who uses it.

The growing literature on Chinese ethics of war has made a valuable contribution to our understanding of the cultural regulation of war. It has demonstrated the existence of a sophisticated and influential body of thought that predates the Western just war tradition, and differs significantly in emphasis at times even if it has intriguing parallels. None of the research summarized above is offered by its authors as being of merely historical interest though; all of it is in one way or another concerned with the contemporary significance of

Chinese ethical traditions for thinking about war in the twenty-first century. The comparative element in much of this work, in which the content of Chinese traditions is coordinated with key themes and categories of Western ethics of war, suggests that for many scholars, the contemporary significance of this work must be understood in the context of the globalization of ethics. This is a very reasonable assumption. The critique of Western ideas and practices as the achievements of one civilization among others rather than universal inheritance of humankind, combined with the increasingly transnational and cross-cultural nature of debates about the rights and wrongs of war, suggest that those engaged in systematic exploration of the ethical dimensions of war must reckon not only with the internal grammar of particular traditions, but also with the meaning and significance of ethical diversity at the global level and what it might mean to reflect on and apply particular traditions in light of this global ethical diversity.

The emergent research on Chinese ethics of war already presupposes certain positions on these meta-ethical questions. In the remainder of this paper, we locate these positions against the background of liberal and communitarian approaches to pluralism in the ethics of war more generally, and suggest that the limits of these approaches may also be constraining further development of this field.

## LIBERAL APPROACHES TO CULTURAL DIVERSITY IN THE ETHICS OF WAR

A notable feature of the post-1970s revival in ethical reflection on war in the West has been the reworking of the just war tradition in the idioms and emphases of a liberal, post-Enlightenment moral philosophy (Rengger 2002; O'Driscoll 2013). Characteristic of this tradition is the notion of autonomous human reason as the final arbiter in moral questions, unconstrained by the arbitrary prejudices of religion, tradition, and culture. Uwe Steinhoff (2007, 1-2) leaves us in no doubt about where he stands on this issue: "When it comes to ethical questions of some importance—and war and terrorism probably are phenomena of some importance—one is well advised to advance philosophical analysis against common points of view and to question pre-existing, socially established frameworks of discussion and prejudices, instead of docilely accepting them." To take one's moral ideas from common sense is irresponsible; to take them from a religious tradition displays the "perverted and ignorant" attitude of the pre-Enlightenment age (*ibid.*).

Ethical diversity may be anthropologically significant from this perspective. One might trace how ethical principles were developed in response to

technological advances and political change within particular societies, or reflected the emphases of a particular religious tradition, or how they directed and constrained the actual practice of war. Cultural and religious diversity, and its associated ethical diversity, is a contingent rather than necessary feature of world politics though. It is contingent on those in thrall to common sense and religious tradition remaining so, rather than setting aside such prejudices and adopting reliable standards of ethical judgment.

Whatever historical and anthropological significance these norms may have, they should not be confused with our ethical obligations in relation to war. These obligations are accessible to reason and universally binding on all rational beings. They may have first been articulated in a specific time or place, but they bear no trace of their origins, express no particular culture or interest. The task of the ethicist, as opposed to the anthropologist, is to abstract away from both the local circumstances that provided the original occasion for the development of ethical constraints on war, and the particular traditions of belief and practice in whose language they were articulated and justified, to discover universally valid and generalizable principles.

This general way of relating reason and tradition has sustained a number of different approaches to ethical diversity, some of which have informed recent work on Chinese ethics of war. One such response has been to treat cultural and religious traditions as a set of “resources” to be drawn on to address practical problems in the resort to and conduct of war. Thus Twiss and Chan ask what the Confucian tradition might have to contribute to contemporary discussions of humanitarian intervention. Exploring this tradition and its points of contact with Western thinking could

help current Chinese leadership to appreciate the rich intellectual resources within its history that could be put to use in thinking about how to respond to tyrannous situations in the contemporary world. By the same token, those in the modern West might (again, we stress ‘might’) find some of the ancient Confucian ideas associated with punitive expeditions useful in thinking about humanitarian intervention now and for the future. (Twiss and Chan 2012a, 82)

The Confucian tradition is approached here as a body of insights that can be detached from the broader network of social relationships, narratives, beliefs and practices in which they originally became meaningful, with no obstacle to their adoption by moral agents in quite different cultural contexts. The kind of moral subject that can assemble an ethical system from resources taken from a variety of cultural contexts is a moral subject whose judgement not constrained

by a “thick” context of interrelated narratives, beliefs and shared practices: an autonomous liberal subject for whom the only criteria for what is useful are subjective preference and impartial, universal reason. Daniel Bell’s endorsement of Mencius’ views as “more attractive” than contemporary Western versions of just war, over which it has “several advantages” rests on the same assumptions (2006).

A second approach to ethical diversity is influenced by John Rawls’ idea of an “overlapping consensus” (Rawls 2005). For Rawls, the challenge of stable political cooperation among citizens divided by incommensurable philosophical, cultural and religious worldviews could be met by coming to a consensus on the basic political values that should govern society, a consensus that would then be embedded in the more comprehensive schemes of values and beliefs that shape other aspects of citizens’ lives. The consensus on political values would be arrived at through the exercise of reason alone: through a consideration of the principles rational and reasonable people would arrive at when they impartially reflect on fair terms of cooperation with their fellow citizens. It would then be down to individual citizens to relate this political conception of justice with their broader worldviews.

Rawls’ conception of an overlapping consensus has been a discernible influence in the literature comparing Western and Chinese ethics of war. While Rawls’ own version of the procedures through which the political conception of justice is arrived at have not been adopted, the more general notion of a “thin” morality arrived at through reason and then endorsed from within the terms of “thick” cultural traditions has. Daniel Bell, for example, suggests there is “rough agreement on the aims of a theory of just war – that it should prohibit wars of conquest and justify certain kinds of wars of self-defence and humanitarian interventions” (2006, 244). This shared consensus on basic just war principles is not dependent on any one set of political and philosophical justifications, but can be backed up with a variety of theories. Given this fact, “one should invoke the theory that is most psychologically compelling to the people being addressed” (*ibid.*), and “if Mencius’s theory leads to the same judgements regarding the justice of particular wars as theories of wartime morality founded on human rights, then why not deploy his theory in the Chinese context?” (2006, 240). From this perspective, the ethical principles regulating war are principles that all reasonable people would endorse; the conventional cultural and religious traditions are merely a colourful overlay that make the more abstract basic principles of just war psychologically persuasive. In a similar fashion, Ted Gong argues that China has signed up to Western just war standards through its international legal obligations, but there are ample resources in Chinese

political and cultural traditions that can underwrite these principles from an authentically Chinese standpoint (Gong 1999).

The criticisms of liberal models of ethics are well known. The communitarian critique charges that the rational “view from nowhere” aspired to by these kind of analytical approaches is impossible; we are always to a greater or lesser extent embedded in the language, beliefs and values of a particular culture or society, and while we can foreground our presuppositions and prejudices, we can never escape our historical situation entirely. As Gadamer (2004) argued, it is only through the pre-understandings shaped by culture and experience that we can project a meaning – moral or otherwise – for situations and events we encounter. Conceptions of justice are always embedded in forms of life, and derive their plausibility to some extent from the formation of subjects in a society structured by these conceptions of justice. Rather than achieving greater universality, then, the quest for more rational and tradition-free grounds for the ethics of war has often simply described the morality of modern Western liberal subjects and then taken this as the model for human morality in general. In spite of its hostility to tradition and pretensions to universality, Enlightenment liberalism is itself a particular tradition of moral inquiry (MacIntyre 1985; 1988). The Rawlsian idea of an overlapping consensus doesn’t escape these problems, because, in Rawls’ formulation at least, the overlapping consensus requires its participants to accept certain “thick” liberal understandings of the self (Barnhart 2004).

If Chinese ethics of war are approached from within the liberal framework, either as resources to be adopted or traditions to be mobilized in support of a supposedly universal overlapping consensus, the outcome is likely to involve one of two outcomes. Either it will result in the assimilation of Chinese traditions within the terms of Western liberal modernity, in which the categories of Chinese discourse are superficially present but the content has been transformed through its cooption, or elements of Chinese traditions will be selectively drawn on to support a “universal” ethics of war. In this scenario, Chinese traditions are stripped of their claims to embody distinctive modes of universality, as any elements that depart from Western moral knowledge are coded, in effect, as irrational local attachments or arbitrary customs. This critique of liberal approaches suggests that research on the Chinese ethics of war that adopts them risks distorting its subject matter and preventing a genuine, mutually challenging encounter between West and East by deciding its outcome before it has begun.

## COMMUNITARIAN APPROACHES TO CULTURAL DIVERSITY IN THE ETHICS OF WAR

More promising are communitarian approaches. James Turner Johnson, one of the most prominent historians of the just war tradition, regards the cultural context of its emergence as crucial in shaping its content and form (Johnson 1991; Johnson 2014, 41-84).

The deep roots of the just war tradition are in the customs, attitudes, and practices of the cultures that have principally fed it: those of the Hebraic world and the world of classical antiquity and, later, those of the Germanic societies of northern Europe. Even after the coalescence of just war ideas and practices into a coherent tradition (a phenomenon of the Middle Ages), much of the development of just war ideas and practices took place insularly within Western culture. (Johnson 1991, 6)

Johnson and other scholars interested in historical approaches share the belief that rules governing the use of force are always shaped within and mediated by culture, and only have meaning and authority for those who share them because they exist in a web of the broader web of inter-subjective meanings, narratives and self-understandings that constitute that culture. Johnson (1979, 98) has written that

In religious communities existing over time, values are encountered in history, given forms dependent on the historical experience of the believing community, and recalled by the individual moral agent through memory in the context of participation in that community.

Johnson and John Kelsay's comparative work on just war and Islam was the earliest effort to engage in depth with non-Western ethics of war, predating the post-9/11 explosion of interest in the concept of jihad by more than a decade (Johnson and Kelsay 1991; see also Johnson 1997; Kelsay 2007). It is unsurprising that Western interest in non-Western ethics of war has come primarily from scholars who have a strong sense of ethical reasoning as culturally and historically embedded, dependent on the narratives and self-understandings of particular communities, because they recognize the potential of cultural diversity to generate ethical diversity. This awareness can be seen in a brief, chapter length summary of the development of the just war tradition that Johnson wrote as part of this comparative work (Johnson 1991).

Johnson relates what has become a standard history of the tradition. It takes in the Hebraic and Greco-Roman legacy, the influence of Augustine and the medieval development of a more self-conscious and systematic tradition, the debates around the Spanish conquest of America, and the influence of the tradition on modern international law. Throughout the chapter, he emphasizes the Western cultural sources of the just war tradition, and the largely insular Western context in which it developed. He concludes by reflecting on whether the apparent worldwide acceptance of international law on war, substantially shaped by just war ideas, signifies an underlying global consensus on justice in war, or reflects a continuing Western hegemony.

Johnson's assumptions about the moral world make him skeptical of claims that the ethics of war can be grounded in "a common law of nature equally accessible to all of humankind and equally binding on all," because past claims to have discovered universal principles of natural law turned out to be "historically derived from the customary practices of European societies" (1991, 26). His answer to the question about international law therefore leans towards the judgment that Western hegemony continues, but he has to conclude that we just don't know whether and how far there is a cross-cultural overlapping consensus on the ethics of war, because little of the necessary comparative work has been done (see also Johnson 2008).

Johnson's primary concern in his comparative research has not been with the ethnocentrism of international law; rather, it has been the implications of communitarian morality in a world in which religious and civilizational differences are important influences in international politics. The inseparability of ethical discourse from particular, historically constituted traditions tends towards "a conception of the world as discretely compartmentalized, with only superficial communication possible across the borders between compartments – a conception similar to Huntington's description of competing civilizations, though with a good many more fault lines" (Johnson 1997, 8). With these divisions comes the potential for conflict, and Johnson approvingly quotes Huntington's argument that taking civilizational differences seriously will "require the West to develop a more profound understanding of the basic religious and philosophical assumptions underlying other civilizations and the ways in which people in those civilizations see their interests. It will require an effort to identify elements of commonality between Western and other civilizations" (quoted in Johnson 1997, 6).

If the danger of liberal approaches lies in the temptation to exclude meaningful difference through assumptions of a universal ethical rationality, communitarian approaches seem to point to a world of incommensurable

cultures with no substantive shared principles. It might be questioned whether inter-cultural conflict is the inevitable result of such a world: after all, if we take seriously the idea that human life is first and foremost shaped by the narratives, beliefs and practices of particular communities, then the content of those moral communities is likely to be more significant in determining patterns of conflict than the mere sociological fact of cultural diversity. But if we allow that a greater degree of intercultural cooperation and consensus in the rules regulating the use of force would be a good thing, it makes intuitive sense to identify elements of commonality in points of contact or overlaps between particular, lived traditions (rather than an artificial construction of what people, as rational beings, would rationally agree to). This is the spirit that animates much work on the Chinese ethics of war that has sought to identify points of contact with the Western just war tradition (see, for example, Lo 2012a). In spite of the intuitively appealing nature of this project, however, there are some significant difficulties with the search for a neutral common ground that are rooted in the very assumptions of the communitarian approach that seems to make it necessary. In the next sections, we highlight two of these. The first is the problem that the abstract nature of an apparent common ground can obscure very significant practical divergences in the interpretation of its key principles.

## PROBLEMS WITH THE COMMON GROUND I: THE LEGITIMATE USE OF MILITARY FORCE IN THE TIANXIA SYSTEM

The “common ground” identified inevitably involves picking out principles that are abstract enough to have analogues in more than one tradition. There is an immediate motivational difficulty here. If the goal of finding a cross-cultural ethical consensus is to reform the way war is conducted, bringing it into line with common moral rules identified, then a very thin, abstract morality is unlikely to be effective in accomplishing this, because it needs to be fleshed out in more substantive ways to make it meaningful to particular people in particular places. Or more accurately, abstract principles will inevitably be fleshed out in more substantive ways as they are interpreted against the background of existing individual and socially-shared assumptions and commitments – and this process is likely to generate very different practical orientations. There may be aspects of non-Western paradigms overlap with Western norms, but this does not mean that the policy outcomes in non-Western traditions would automatically be identical to the policies of Western leaders.

In the case of China's traditional political thought, there was a hierarchical order of ethical significance in accordance with the Sinocentric order, or the imperial tributary system. What constituted "just cause" differed, depending on not only the geographical distance of violence to the political center, but more importantly, on the hierarchy of social relations between the center and its periphery. The "Middle Kingdom" might be passive if the objects of the uses of forces are socially significantly far from the center. The Sinocentric order refers to the philosophical and institutional framework legitimizing the exercise of political power in China before the encroachment of Western powers in East Asia in the 19th century (Fairbank 1968). It recognized and reinforced China's East Asian hegemony by conceptualizing China as the "Middle Kingdom." Tributary relations were performed through a set of rituals and ceremonies, wherein tributary states were required to acknowledge China's superiority by paying tribute to the emperor and adopting Chinese diplomatic etiquette and practices. In return, tributary states were able to trade with China through the legalization of controlled trade economically, and received validation of their political power from the Chinese emperor politically. In this Sinocentric system, the hierarchy of social relations is determined by the acceptance of China's hegemony, the acknowledgement of the superiority of the Chinese culture, and the geographical distance to the center. It forms several concentric circles. During the Qing dynasty for instance, at the center stood the core of China proper. The nearest and most culturally similar tributary states such as Korea, Annam (Vietnam) and the Ryukyu Islands were located next. Tibet and Central Asia were in the next circles. At a further distance were "uncivilized people."

In this hierarchy of social relations of international society of East Asia, each role has clearly defined duties, which was extended from the domestic social order within the Chinese imperial system. The Chinese emperor is understood to be the Son of Heaven, who possess the moral uprightness and behaves as a father-figure. The tributary states needed to perform a virtue of filial piety, or devotion of the child to his parents. As such, this tributary system has its model in the family, as the family unit is the primary social unit in Confucian political thoughts. It comprised three of the "five relationships" including: sovereign-subject, husband-wife, parent-child, elder brother-younger brother, and friend-friend. According to Zhang Chi-hsiung (2014), this China-centered hierarchical order formed a pattern of interdependence, co-existence and co-prosperity of the international society of East Asia wherein the center protected the periphery and the periphery was subordinated to the center. This sense of relatedness to others, with different roles played out in different relationships, is illustrated in Qin Yaqing's theory of relationality.

According to Qin (2016, 36), the IR world is “a web of interrelatedness,” wherein “[things], persons, and events coexist in the complex relational context, without which none of them would exist at all.” Accordingly, actors in this web of interrelatedness, “are and can only be ‘actors-in-relations.’” “[Identities] and roles of social actors are shaped by social relations. No absolute, independent identity of the self exists: It is constructed and reconstructed in relations with others and with the relational totality as a whole” (2016, 36). Therefore, this web of interrelatedness is not static but fluid. Based on these underlying assumptions, Qin argues that there are two logics of relationality: Firstly, social actors are always embedded in “relational circles,” which conduct and constrain the ways in which social actors might behave. Secondly, social actors also actively make use of the relational circles for instrumental purposes. They act “to achieve self-interest, utilizing relational circles to facilitate the achievements of instrumental objectives” in terms of both immediate tangible and material gains, as well as the long term intangible and nonmaterial, and above all, to maintain a social order in which every individually different actors live in harmony (Qin 2016, 38).

Therefore, from a perspective of relational theory, power – both soft and hard power – is not being possessed by the actors, as most Western IR theorists usually presume, but it “comes from relations.” Relations are power. As noted by Qin, “it is a process of constantly manipulating and managing one’s relational circles to one’s advantage. An actor is more powerful because she has larger relational circles, more intimate and important others in these circles, and more social prestige because of these circles” (Qin 2016, 42). The relational power is then closely connected to the term of *mianzi* 面子 (face or reputation) in Chinese tradition. If one has *mianzi* then one is powerful in changing the attitude and behavior of others to conform to one’s will. Accordingly, “the favor giver does not expect a symmetrical or reciprocal transaction in terms of material payoffs; rather she seeks social capital such as face/reputation or merely desires reinforcement of the ties over long terms” (Qin 2016, 42). Governance, in this respect, is “a process of negotiating sociopolitical arrangements that manage complex relationships in a community to produce order so that members behave in a reciprocal and cooperative manner with mutual trust evolved over a shared understanding of social norms and human morality” (Qin 2016, 43). From the relational theory’s perspective, China’s rhetoric on the legitimate use of force is more concerned with its relational circles, incorporating more intimate and important actors in these circles and gain more social prestige – or a “relational power” – in order to (re)shape the attitude and behavior of other states to conform to its will.

This is an elemental difference between Western and Chinese ethical thinking on the legitimate use of force. While recent versions of the Western tradition seek to abstract from specific cases principles that notionally valid across time and space and applicable to all analogous cases, the Chinese tradition analyses specific cases in relation to the complex logics and decision-making rules entrenched in the social relations of the Sinocentric order. It is the imperial tributary system at the center of Chinese ethical thought, not the abstract individual subject as an isolated decision-maker, as in the modern Western liberal tradition. The mix of paradigms in Chinese rhetoric of ethics of war often leads to policy outcomes different from those of the West that determine the questions of what kind of use of military force is morally acceptable, when to wage war and under what conditions, who is authorized to employ it, how to fight it and what are limits, and how to restore peace after the use of military force, etc.

## PROBLEMS WITH THE COMMON GROUND II: 'INTERCIVILIZATIONAL PEACE' AND THE TIANXIA SYSTEM

As shown in the previous section, although there are aspects in which the non-Western paradigm overlaps with Western norms, this does not mean that the policy outcomes in non-Western traditions would automatically be identical to the policies of Western leaders. Even more seriously though, the project of searching for a common ground may undermine the authority of the substantive ethical traditions it is abstracting principles from. If the common ground identified is to be authoritative, the principles identified must either carry significant weight in the included traditions, or they must have extra or overriding authority on the grounds that they are shared in common. However, every tradition must weigh the relative importance of different values and principles that may generate competing moral demands in particular circumstances, and give priority to some over others. These decisions are made differently in different traditions, depending on their ultimate presuppositions about the final goals of ethical action. Moreover, analogous principles may be present in different traditions, but they may be central in one tradition yet marginal in others. How are these tensions to be negotiated?

One possible resolution is to treat the substantive commonalities as having an authority independent of their standing and authority in the traditions they have been taken from, simply on the basis that they are shared, or that they are more universal than other principles that may be given priority in the

substantive traditions they have been taken from. It might then be claimed that where the emphases of the common ground conflict with specific emphases on more established traditions, the common ground should have priority. This, however, amounts to a new version of the ethics of war that has its own grounds; in the encounter between traditions, they are relativized as less universal than the morality assembled from the overlaps between them, and we are back with something like Rawls' overlapping consensus. But why should an proponent of the just war tradition, or someone persuaded by, say Confucian conceptions of war, prefer this new ethics? For many communitarians who work on non-Western ethics of war, one possible response might be to claim that the common ground is a step towards inter-civilizational peace, and arguments can be found in each tradition that support this goal. But this returns us to the problem that "intercivilizational peace" might look and be organized very differently from the perspective of different traditions, with their own ultimate commitments and presuppositions.

In the case of China for instance, "intercivilizational peace" could potentially refer to a return to the *Tianxia* system. In the 1960s or 1970s, considerations about the *Tianxia* system and its influence upon the international system were discussed mainly from a historical standpoint. Today's discussion is however more on the contemporary relevance of the *Tianxia* system accompany to China's rising (Zhao 2006). Zhao Yingyan (2005), the most prominent Chinese scholar today in discussing how China would change the world order through the application of *Tianxia*, argues that the *Tianxia* should replace the Westphalian system, which he argues is a source of contemporary international conflicts. Contrary to the Western vision of international relations, the Sinocentric world order recognizes the factual inequality of power among states. Order is therefore maintained through the administration of a benign hegemonic power personified by the emperor as the Son of Heaven, and for the benefit of "all under heaven," or the oneness of the universe. This political principle of 'inclusion of all' in the world implies the acceptance of the diversities in the world where no one is treated as an outsider. The emphasis of *Tianxia* is accordingly not on military power but on the voluntarily acceptance of the system by other states, according to Zhao. The concept of *Tianxia* is therefore the Chinese ideal of perpetual peace.

The idea of *Tianxia* as form of perpetual peace is supported empirically by David Kang's (2010) historical studies of the period between the founding of the Ming dynasty in 1368 and the outbreak of the Opium Wars in 1841. Kang argues that China's traditional hierarchical order was much more peaceful than Europe's egalitarian Westphalian system. According to Kang, the major countries in East Asia including Korea, Vietnam and Japan during this time have long-lasting

peaceful relationships with one another. There are only two large-scale conflicts in the region between these four countries. Kang (2007; 2010) attributes this peace to the *Tianxia* system, wherein it maintained stability in East Asia by fostering diplomatic and commercial exchange through the tributary system.

Coherent with this desire to reinvigorate the concept of *Tianxia* in a contemporary light, some Chinese scholars such as Guo Sanzhuan or Wei Zhijiang argue for its compatibility and its potential role within the international rule of law and security system. As shown in the previous section, scholars refer to different schools of thought in pre-Qin era such as Confucianism, Mosim, and Taoism, which are all very cautious to wage wars based on material self-interests. Likewise, Qin Yaqin (2016) also develops his conception of relationality from a Chinese perspective with a focus of the *zhongyong* 中庸 and *yin/yang* 陰陽 dialectics. According to Qin, both the Western and Chinese political thought conceptualize the universe in a polar way. However, the Western traditions see the two opposite poles as independent categories structured in a dichotomous and conflictual way – i.e. thesis versus antithesis. In the Chinese tradition on the contrary, the two opposite poles are structured in an immanent and mutually inclusive way (Qin 2016, 39). Accordingly, in *zhongyong* dialectics “the two opposites interacting in an immanently inclusive way, depending and complementing each other for full expression and for life, and co-evolving into a new synthesis through dynamic processes which keep on maintaining, adjusting, and managing complex and fluid human relations so as to reach the ideal state of harmony” (Qin 2016, 41). Consequently, the desire of the aforementioned Chinese scholars is therefore to go beyond the current principle of nation-states in order to form a “new understanding of international legal order and rule of law at the international level” (Guo 2015). The key belief of *Tianxia*’s sympathizers contend that the Chinese world order was more peaceful and civil because of its the inclusiveness of the concept and righteousness aspect of the order it would bring to the world.

Nevertheless, Chinese scholars’ attempts to reinvigorate the concept of *Tianxia* have not been widely shared in the West. Those critics have questioned the extent to which China is placing its own imprint on the global stage (Callahan 2008; Johnston and Ross 2006; Shambaugh 2006; Shirk 2007; Jonhston 2008). They argue that Chinese centrality in history was maintained mostly by military conquests (Johnston 1995; Perdue 2010; Westad 2012). Today, behind the “benign” world order and the promotion of peace under the *Tianxia* system lie issues such as the creation of a new hegemony; that is: China virtually leading the world the way in which the United States is doing within the current international order. Callahan, for instance, contended that China

would originally remain a “status quo power that is unlikely to challenge the international system” (Callahan 2011). However, the re-emergence of *Tianxia* concept as an idealized version of China’s imperial past has inspired a range of Chinese scholars and policymakers in formulating ambitious, if not aggressive plans for China’s future. Therefore, to Callahan, a selective reading of the past by intellectuals like Zhao and others extolls the Chinese world order while voluntarily disregarding what did not work and ignoring the flaws of the system. For Callahan, this is the basis of Beijing’s desire to promote a so-called post-hegemonic international system, based on “universally desirable Chinese values” (Callahan 2011). This is, of course, the central problem: any project of intercivilizational peace will inevitably be a particular project launched from a specific standpoint. There is no neutral way to justify such a project, and because it is therefore a substantive ethical project in itself, it is a participant in global ethical diversity rather than a neutral mediator.

## CONCLUSION

The communitarian search for points of contact and common ground between traditions that can create the basis for shared global standards in the ethics of war cannot succeed, as any common ground it identifies will always be fleshed out in more substantive terms from within the “thick” moral cultures it tries to unite. But if the thick moral cultures that create the need for a common ground ultimately undermine it, they also point the way to an alternative angle of approach to the comparative ethics of war. Communitarian approaches emphasise the inescapably embedded situation of individual ethical subjects in particular moral communities and traditions. If we follow through with this logic, it should be clear that those engaged in the comparative ethics of war are also embedded in specific moral traditions. This raises the question of what the comparative ethics of war might look like from within the moral traditions that have shaped Western and Chinese applied ethics of war.

Of course, we already have a partial answer to this question in the shape of liberal approaches, which define the agenda, goals and terms of encounter. The problem here is not with the fact that liberal theorists have an ontology and epistemology through which the meaning, nature and significance of ethical pluralism is implicitly understood, and through which the comparative encounter is organized. The problem is rather with the claim to be standing outside traditions and cultures, charting and evaluating their contents and contacts, when in reality there is no view from nowhere. The communitarian

work described above falls into the same trap insofar as the context, purpose and goals of the comparative work itself are not defined from the standpoint of a particular tradition. In a sense, it sets aside its communitarianism and adopts the context-free rationality of liberalism, creating an awkward tension with the communitarian premises that guide the understanding of the traditions being studied. An approach to the Chinese ethics of war that took seriously its communitarian premises would either engage with Chinese traditions from within the terms of another tradition, or engage with other traditions from a standpoint informed by Confucian or Taoist ontological and epistemological traditions. Such an approach of course has its own dangers, not least the risk that intercultural engagement in the ethics of war will succumb to the temptation to claim “victory” by positioning others entirely within the terms of one’s own tradition, a strategy that precludes meaningful dialogue. It seems less dangerous than refusing to acknowledge that all work in the ethics of war is conditioned by a certain cultural standpoint, though, and would promote a more honest recognition of what is involved in cross-cultural discussion in the ethics of war.

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