This seminar attempts to construct a dialogue between the Western and Chinese standard of civilization for the humanitarian intervention and the responsibility to protect (R2P) discourse. From The Hague Conventions, Kellogg-Briand Pact to Article 5:2 of The Rome Statute of International Criminal Court and the ICC Resolution RC/Res.6 on crimes of aggression, the legality of the use of force—as well as international human rights law—is by nature a Western construct. The question now is with the diffusion of power in a pluralistic world, the democratization of global rule of law could emerge as a cultural/civilizational issue rather than just ‘the retreat of the state.’ With the rise of China as a global superpower, its increasingly frequent application of veto votes at the UN Security Council and its chronic distrust of and reluctance to engage with the international legal system, the conceptual divergence between China and actors supportive to post-Westphalian values has led to diplomatic deadlocks in responding to humanitarian crises and gross violations of human rights. One exit, I argue, is to revisit the Pre-Qin era (770-221 B.C.) of China, where historians recorded and philosophers discussed vividly about military intervention and humanistic values. The findings from The Chronicle of Zuo and some other writings shed light on the legality problematique, in the sense that close parallels and overlaps between indigenous Chinese conceptions and modern Western norms are found. These are potentially useful materials which appear more acceptable than what the PRC regime regarded as ‘Western-imposed standards’ but still compatible with Western norms. The seminar will address the problem of comparative jurisprudence by critically discussing the gongfa Zhongyuan (origins of public international law in ancient China) phenomenon that existed from 1884 till the early 20th century.

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