

On the Source, Essence of “Yellow Peril” Doctrine and Its Latest Hegemony “Variant” – the “China Threat” Doctrine: From the Perspective of Historical Mainstream of Sino-Foreign Economic Interactions and Their Inherent Jurisprudential Principles

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Abstract

For the past decade, confronting the reality of China's peaceful rising, certain American politicians, army-men and scholars have been vigorously preaching the “China Threat Doctrine”. Through the historical mirrors, it is not hard to discern that such doctrine is nothing but a current “variant” under contemporary situations of the once clamorous “Yellow Peril Doctrine” fabricated and preached by Russian Tsar and German Emperor in 19th century. Both the past and the current version of such doctrines *share the same DNA* in distorting the historical mainstream of Sino-foreign interactions for the past thousands of years, as well as in playing certain political legerdemain. They are endeavoring to spiritually and publicly mobilize people for invasive activities and aggressions against China. Thus, they are essentially slogans of traditional colonialism and imperialism. Based on the historical facts of Sino-foreign economic interactions and the jurisprudential principles therein, this Article discloses that such Doctrines have severely deviated from historical truth. Furthermore, this Article reminds all decent people not to take a casual attitude on the practical outcome of “Yellow Peril Doctrine” and “China Threat Doctrine”. On the contrary, people shall be aware of and prepare for the danger in times of peace, and shall not act as cat's paws for American hegemonists.

Keywords

“Yellow Peril Doctrine”; Its Latest Hegemony “Variant”; “China Threat Doctrine”; Mainstream of Sino-Foreign Economic Interactions; Their Jurisprudential Principles

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I Introduction: Is “China Threat Doctrine” History or Reality, Fabrication or Truth?

The contemporary “China Threat Doctrine” is the lineal descendent of the historically notorious “Yellow Peril Doctrine”; or it could be asserted that the historically notorious “Yellow Peril Doctrine” is the direct ancestor of “China Threat Doctrine”. Are these doctrines indeed an objective reflection of facts, or are they mere rumors fabricated out of nothing?

These questions have been quarreled for over at least 140 years. They are not only historical issues, but also *important reality problems*. One recent relating example is as follows: for the past few years, the dispute between China and various South Asian countries as Vietnam and Philippine on the matter of territorial entitlement of numerous islands in China’s South Sea has been gradually heating up. On the one hand, Chinese Government emphasizes that huge amount of historical recordings demonstrate the irrefutable fact that such disputed islands as Xisha (Paracel Islands) and Nansha (Spratly Islands) are entitled to China from ancient times to the present; and it is one of the core interests of China to safeguard its sovereignty and territorial integrity. On the other hand, China also insists on a peaceful and good-neighborly policy, proposing to “shelve disputes and seek joint development”; and it is endeavoring to resolve the disputes separately through bilateral consultation between disputing parties on an equal footing.¹ However, in order to maintain and expand its vested hegemonic interests in Asia, the U.S., although lying as far as across the Pacific Ocean, spares no effort in the interference into above disputes. It drives a wedge in-between China and its contending parties as Vietnam and Philippine by instigating and supporting the latter to act as its “cat’s paws” and adopt various extreme unilateral measures vis-à-vis China’s peaceful and reasonable proposals, so that it could gain profits therefrom. In fact, the conducts of America have posed a severe threat to the regional stability of Southeastern Asia, as well as to a possible friendly cooperation among the countries therein. Yet again and again, the U.S. plays the trick of a thief crying “Stop thief!” by wantonly preaching “China Threat Doctrine”. Recently, many high-ranking American officials and various American Medias made an issue on the trial voyage of China’s first aircraft carrier, claiming that:

China’s aircraft carrier has posed not only a political and military threat to its neighboring countries, but also a long-term potential threat to the interests of America in Asia-Pacific region.

¹ See: Chairman HU Jintao Meets President of Philippine, Emphasizing to Turn China’s South Sea Into a Sea of Cooperation (in Chinese), available at: http://www.chinadaily.com.cn/hqzx/2011-08/31/content_13411364.htm (Last accessed on November 10, 2011)

China's aircraft carrier could and might be used to threaten its neighboring countries, as well as allies and friends of America. Together with China's other military facilities, the Carrier could be used to endanger interests of America in Asia-Pacific region.²

Following in succession, U.S. Department of Defense once again preached "China Threat" in its *Annual Report to Congress on Military and Security Developments Involving the People's Republic of China 2011*, released on August 24, 2011.³

Accordingly, reaction from China's public opinion vis-à-vis such preaches reads as follows:

Presently, there are certain people who get themselves involved in issues of South Sea and East Sea of China, intensifying dispute of maritime rights and interests therein. China always adopts the policy of friendship and partnership with neighboring countries, and seeks for peaceful development and common prosperity. China will not take the lead, nor will it be content with a subordinated position. China will not pose a provocation, nor will it be afraid of anyone. China will not benefit itself at others' costs, nor will it swallow the bitterness of detriment to its fundamental interests. The so-called "China Threat Doctrine", to some groups' preferences, is in its essence a "Threatening China Doctrine". The fabricated "China Threat Doctrine" can never deceive the whole world, and the ulterior "Threatening China Doctrine" can never intimidate China.⁴

China's Ministry of Foreign Affairs claims that:

In its yearly Report on China's Military Power, Pentagon interferes with China's rightful and normal national defense construction, within which there lacks not of contents exaggerating on China's military power and disseminating "China Threat". This is an irresponsible behavior, which does no good to the enhancement of strategic mutual trust between China and U.S., and to which China resolutely opposes... China has been pursuing unswervingly the path of peaceful development, and adopting a national defense policy of a defensive nature, and devoting to the maintenance and promotion of peace, stability and prosperity in Asia-Pacific region, even around the world. It is China's sole aim to maintain national independence, its sovereignty and territorial integrity by developing limited military power, which poses no threat to any country, and should not raise doubt or fear thereon.⁵

²) See: What might be the influence of China's aircraft carrier towards the U.S.? (in Chinese), available at: <http://www.voanews.com/chinese/news/20110814-CHINA-AIRCRAFT-CARRIER-IMPACT-ON-US-127687308.html> (Last accessed on November 10, 2011); see also: China's New Aircraft Carrier Bolsters Its Regional Reach – Military benchmark illustrates the status of China's armed forces, available at: <http://www.usnews.com/news/articles/2011/08/15/chinas-new-aircraft-carrier-bolsters-its-regional-reach> (Last accessed on November 10, 2011)

³) See: Annual Report to Congress on Military and Security Developments Involving the People's Republic of China 2011, the U.S. Department of Defense, August 24, 2011.

⁴) See: Awakening of China's Sense of Ocean – Trial Voyage of Aircraft Carrier, Deep Diving of the Dragon (in Chinese), on People's Daily (Overseas Edition), August 11, 2011, p. 1.

⁵) See: Ministry of Foreign Affairs – China Resolutely Opposes the Releasing of Report on Military and Security Developments Involving the People's Republic of China 2011 by Pentagon (in Chinese), available at: http://www.chinadaily.com.cn/micro-reading/dzh/2011-08-27/content_3618436.html (Last accessed on November 10, 2011)

China's Ministry of National Defense responds that:

It is China's sole aim to maintain its sovereignty and territorial integrity and thus to ensure the economic and social development by enhancing its national defense and military construction, and standing not against any particular country. The development of China's military force and the updating of some weapons and equipments are normal in the modernizing construction of military power all over the world. China's military force carries out active communication and cooperation with foreign troops, enhancing ceaselessly its transparency, and has been devoting to the maintenance of world peace and regional stability. This 2011 Report by the U.S. severely distorts these facts, and cannot be justified by any means.⁶

To its close succession, China's State Council released a volume of white book as lengthy as 13,000 words, entitled *The Peaceful Development of China*. This book has made comprehensive elaborations on the inevitability and steadiness of China's pursuing the path of peaceful development, as well as comprehensive refutation against the absurdness of "China Threat Doctrine".⁷

The merit of above-mentioned recent advocacy of "China Threat Doctrine" by certain Americans is of course a very serious reality problem. However, it would be difficult to clearly understand the origin and development of this reality problem, if one merely stays at the level of talking about reality. Without profound knowledge of the source and essence of this reality problem, one's understanding could not avoid being superficial and partial. On the contrary, in order to know from points to facets, from outward appearance to inner essence, thus to keep a sober mind and to deal with it calmly, one should carry out *synthetic research by tracing to the very root of the matter and closely combining the reality problem to its historical sources*. Moreover, one should further carry out synthetic dissection by *returning from the history to the reality problem*. This Article is trying, through such approach, to carry out synthetic discussion and comprehensive dissection on the past and present, the points and facets, as well as the appearance and essence of "China Threat Doctrine."

As known to all, from late 20th century to early 21st century, confronting the reality of China's gradual and peaceful rising, certain American politicians, army-men and scholars have been vigorously and repeatedly preaching "China Threat Doctrine" under various occasions and in various forms. Such preaches are due to their habitual hegemonic practice and inopportune Cold War mentality; or for meeting certain special demands and pursuing some ugly

⁶) See: Ministry of National Defense – Pentagon's Report involving China's Military Power Severely Distorts the Fact (in Chinese), available at: http://www.chinadaily.com.cn/hqjs/jssx/2011-08-26/content_3613429.html (Last accessed on November 10, 2011)

⁷) See: The Peaceful Development of China (in Chinese), available at: http://news.xinhuanet.com/politics/2011-09/06/c_121982445.htm (Last accessed on November 10, 2011)

interests; or out of their ignorance to the world and Chinese history. This Doctrine, with its seeming “certainty” and “innovation”, is not hard to be seen through as vaguely similar as historical “Yellow Peril Doctrine”⁸ preached by Russian Tsar and German Emperor, which once caused a temporary clamor in the 19th century. In other words, the contemporary version of “China Threat Doctrine” by American Hegemonism is in essence no more than the newest recension and “variant” of the “Yellow Peril Doctrine” by Russian Tsar and German Emperor. Their DNAs come down in one continuous line in distorting the mainstream history of Sino-foreign interactions for the past thousands of years, as well as in conducting the political legerdemain with exaggerated and fabricated statements in order to create a sensation and seduce the people, who would be thus spiritually mobilized and publicly prepared for invasive activities and aggressions against China.

II Origin and Essence of “Yellow Peril Doctrine”

“Yellow Peril Doctrine” is a doctrine originated since 19th century, aiming mainly to invade and exploit China. Extensively speaking, it is also a stigmatization as well as a racism fallacy against numerous weak nonwhite nations in Asia. On the basis of his deep-going study and textual research, Heinz Gollwitzer, a renowned German historian and an expert in political intellectual history, defined “Yellow Peril” as “an imperial slogan”. He confirmed that it had been, in the process of invading China by European and American big powers,

⁸) See: Heinz Gollwitzer (a famous German historian and scholar of political thought history), *Die Gelbe Gefahr: Geschichte eines Schlagworts; Studien zum imperialistischen Denken*. Heinz held the following opinions: “Yellow Peril Doctrine” was an imperialist slogan which began to prevail in Europe and America in 1870s; it was a political legerdemain utilized by European and American imperialism to deceive and mobilize domestic and foreign public so as to gain people’s support during the period of their colonial expansion to the East, especially to China. Based on his intensive study in a large amount of first-hand materials collected from various countries as UK, US, Russia, France and Germany, Heinz penetratingly and keenly pointed out that the emergence, dissemination and differentiation of “Yellow Peril” slogan “indistinctly revealed *certain basic characteristics of imperialist thoughts*”: “a slogan must be hard-and-fast and incisively energetic; it could, when necessary, be summarized and become rough and distorting. A slogan could calm the people, or as in most circumstances, could pose an instigation to rouse or deepen people’s hope and faith, while at the same time to bring forth or intensify their anxiety and fear.” “Generally, a slogan is to arouse political interest of people, and to draw their attention onto a new direction. However, *it is more often an instrument to fool and agitate the people, means to instigate people into evil business, or excuse to defend themselves.* (Emphasis added, *infra ibid.*)”

Gollwitzer’s judgment could be said as piercing to the truth with a single pertinent remark, laying bare the essence and core of “Yellow Peril Doctrine”. See: Preamble of Hein’s book, published by Vandenhoeck & Ruprecht in 1962, pp. 8–9; or Preamble of its Chinese edition, Huang Huo Lun (《黄祸论》, Yellow Peril Doctrine), Commercial Press of China, April 1964, pp. 6–7.

the frequently adopted “*instrument to fool and agitate the people, means to instigate people into evil business, or excuse to defend themselves*”⁹.

In early 19th century, even before the 1840 “Opium War”, tourists, missionaries and colonialists from Europe had been to China. They had produced some written-works depicting the society, religion, economy, politics, culture and races of then China. There was no lack of positive evaluations and expectations therein; however, a lot more part was of negative defaming and attacking. In those works, the Mongolian Westward March¹⁰ was referred to as

⁹) *Ibid.*

¹⁰) In the year of A.D 1206, Genghis Khan, as military and political leader of Mongolian Nation, united all tribes in Mongolian region, and established The Great Mongol Empire, with himself as the Lord Dread. In A.D 1219, the authorities of Khorazm (a powerful country to the west of Mongolia) slaughtered four hundred people of a Mongolian trade caravan, and robbed off all their belongings. The emissary sent by Mongolian authorities to negotiate on this issue was also killed later on, which set Genghis Khan on such a furor that he led out an army of 200,000 marching to the west. The army penetrated into Central Asia unchecked, and captured Samarkand, capital city of Khorazm, whose king fled westwards. This Mongolian army pursued after the king across Caucasia between Caspian Sea and the Black Sea, penetrating right into Russ (Russia), and defeated the allied force of Kipchak and Russ. In 1225, Genghis Khan returned back to the east with his victory.

After Genghis Khan died in 1226, his third son Ogodei inherited the crown in 1229. In A.D 1235, Ogodei dispatched his nephew Batu to command an army westwards. Khorazm was annihilated completely. After it invaded into Russ and seized various cities as Moscow and Kiev, this army divided into several forces and pushed forward vital parts of Europe. Northern division of this army defeated the allied force of Poland and Germany in Southwestern Poland in 1241, while the central division, as its main force, penetrated through Hungary. Before long, Batu led the Mongolian army back to east when Ogodei demised in 1242. Owing to their shock, European Caucasians referred to this invasive incident of short duration by yellow-raced Asian Mongolians as “Yellow Peril”. This became a sharp contrast against “White Peril”, a phrase used to refer to European Caucasians who launched a colonial invasion into the East by the 19th century Asians nearly 600 years later. See: Bai Shouyi (editor-in-chief), *Comprehensive History of China* (in Chinese), Revised Edition, People’s Press of Shanghai, 2004, Vol. VIII – “first half of Yuan Period”, pp. 355–356, 372–376, 385–386. See also: Han Rulin (ed.), *History of Yuan Dynasty* (in Chinese), (designated as teaching material for postgraduates majoring in History by a number of universities in China), People’s Press (China), 1986, Vol. I, pp. 83–84, 141–156, 157–162, 263–265, 290–293. See also: Song Lian *et al.* (of Ming Dynasty), *History of Yuan* (collated edition), Publishing House of China, 1978, Vol. I, pp. 12–13, 20–22, 34, 63–65.

As to these two occasions of Westward March, are they attributed to early hording Mongolians or civilized Chinese? There is no agreement among various opinions of historians from China and abroad. Yet the following points are beyond doubt. Firstly, the Great Mongol Empire was established by Genghis Khan in 1206, and Mongolians had not entered and hosted Central Plains and the southern region of China while Genghis Khan led his army for the first Westward March during 1219 to 1225. Secondly, Mongolians had not yet entered and hosted Central Plains and the vast southern region of China while Batu, grandson of Genghis Khan, launched the second Westward March during 1235–1242. Thirdly, it was 46 years after Genghis Khan’s First Westward March and about 30 years after Batu’s Second Westward March, when Kublai—the other grandson of Genghis Khan, led another branch of Mongolians southwards to seize and capture China’s Central Plains and its southern vast areas, and then established China’s Yuan Dynasty in 1271. In other words, Yuan Dynasty of China had not at all been established until 1271. Fourthly, as leader of that branch of Mongolians, Kublai adopted the

“the biggest Yellow Peril in Middle Ages”. A new wave of “Yellow Peril” was also preached that, once these yellow non-Christian Chinese awakened and regained their strength, they would inevitably bring forth a new disaster to white Europeans and Americans.¹¹

It is commonly believed in academic circles that Michael Bakunin took the lead to set the fabricated precedent of “Yellow Peril”. As one of the originators of Anarchism in the reign of Tsar Russia, Bakunin conducted preliminary verification and advocacy on “Yellow Peril”, and began to preach this Doctrine in his 1873-published *Statism and Anarchy*¹². After that, English colonialist Pearson made further development on this theme in his 1893-published *National*

institutional system of Han Nationality in Central Plain (“to carry out Han customs”) after the formal establishment of China’s Yuan Dynasty. Confucianism was held in esteem and Mongolians were allowed to intermarry with Han Chinese. In this way, these two nationalities gradually merged into one. It was not until 1638 when Zhu Yuanzhang of Han Nationality led a peasant revolting force and defeated the ruling class of Mongolians, that these Mongolians retreated back to MoBei (漠北 MoBei, literally meaning “north of deserts”, refers to the northern regions to HanHai 瀚海, i.e. a group of vast deserts in the north center of China, around what is now Mongolian plateau and Lake Baikal of Russia. MoBei was the heart and ganglion of Mongolians, and was the base for northern nomads of Huns and Mongolians to launch invasions against Han Nationality in Central Plains of China.). These retreated Mongolians then stood in the north of Ming Dynasty, and changed its national title into Tatar(鞑靼) later. In other words, Yuan Dynasty of China had never sent a single soldier to invade Europe during its 98 years of existence. It could therefore be inferred that, fifthly, the popular yet vague statements such as that “Yuan Dynasty of China sent a large army to invade Europe and caused Yellow Peril” did not accord to historical facts.

With regard to this phase of history and contentions therein, Mr. Lu Xun (a worldwide renowned Chinese writer) once wrote with his specific humorous and pungent tone that:

... In my childhood, I already knew that after Pan Gu [creator of universe in Chinese mythology] created heaven and earth, there existed in line Three Emperors and Five Sovereigns and ... Song Dynasty, Yuan Dynasty, Ming Dynasty and “Our Great Qing Dynasty”. And at the age of 20, I heard that it was “our” most glorious time when “our” Genghis Khan conquered Europe. It was not until I reached the age of 25, did I realize that the so-called “our”-most-glorious-time was in fact a period when Mongolians conquered China, and turned us into slaves. And it was till August of this year [i.e. 1934] when I browsed three copies of Mongolian history in search for some information, did I realize the fact that Mongolians’ conquest of Russia and their invasion of Hungary and Austria were even before Mongolian’s conquest of whole China. Genghis Khan was not yet “our” Khan at that time. So it could be fair to say that Russians were convenient and senior slaves compared to Chinese. It should be Russians to say that it was “our” most glorious time when “our” Genghis Khan conquered China.

See: Lu Xun, Leaf Through Casually, in Complete Works of Lu Xun (in Chinese), People’s Literature Publishing House, Vol. VI, p. 142.

¹¹⁾ In his 1862 little manual, A. B. Stout, a famous preacher of “Yellow Peril” in America, claimed to have consulted and quoted writings of the above-mentioned “senior authoritative sources”. See: Lv Pu *et al.*, “Yellow Peril” – Selected Compilation of Historical Recordings (in Chinese), Social Sciences Press of China, 1979, pp. 7–8.

¹²⁾ Bakunin had a notorious reputation in history, and his Statism and Anarchy had been thoroughly criticized by Karl Marx. See: Complete Works of Marx and Engels (in Chinese), Vol. XVIII, People’s Press of China, 1964, pp. 655–708.

Life and Character,¹³ making this Doctrine roughly established. However, these primitive discussions regarding “Yellow Peril” with its later variants, although being racism fallacies in a direct line of succession, reflect different “epochal characteristics”.

1. 1870s Version of “Yellow Peril” and “China Threat” by Tsar Russia

As is well known, China is one of the five ancient civilizations in the world. It had experienced periods of great prosperity, and had made prominent contributions to whole human kind for a long time. Since 19th century, global economy gradually developed into a phase when western capitalistic powers had occupied a dominant status and began to intensify their external expansions. Meanwhile at the Far-East of Asia, the fatuous and corrupted rulers of China’s Qing Dynasty still stubbornly insisted on feudalistic regime and self-isolation policies regardless of then historical conditions. This resulted in severe lagging of social productivity and gradual decline of national power. Under the historical law of jungle, China became the main target which western capitalistic powers vied with each other to covet, invade, plunder and divide up. After 1840 when UK waged aggressing “Opium War” against China and defeated Qing government, colonialist and imperialist powers had successively launched wars or posed military threats to force the weak and incompetent Qing Government into a series of unequal treaties and agreements. Under terms such as ceding territory, paying reparations, establishing leased areas, and delimiting “spheres of influence”, etc., China was stuck into a colonial or semi-colonial state. Tsar Russia, a strong neighboring country north to China, behaved extraordinarily greedily in this process. Tsar Russian Government took advantage of China’s defeat in “Opium War” and threatened with its military force, successively coercing Qing Government to sign the 1858 *Sino-Russia Treaty of Aigun*, the 1860 *Sino-Russia Treaty of Peking* and so on, devouring vast areas of territory and long-stretching coastlines of China.¹⁴

“Yellow Peril Doctrine”, initially advocated by Bakunin the Russian, emerged exactly out from the above-described historical background. In order to

¹³) See: Charles H. Pearson, *National Life and Character, A Forecast*, Macmillan & Co., London and New York, 1893. For Chinese version of parts of its contents, see Lv Pu *et al.*, *supra* note 11, pp. 82–104.

¹⁴) Chinese territory that had been captured by Tsar Russian Government through these unequal treaties could be listed as: 600,000 square kilometers from north of Heilong River all the way to south of Outer Xing’an Ridge; 400,000 square kilometers from east to the Wusuli River; 440,000 square kilometers around Lake Balkhash, Lake Zhaisang (斋桑湖) and Lake Yisaike (伊赛克湖) in the west of China. These three regions, which were once entitled to China and later engulfed by Tsar Russia, can add up to approximately 1,440,000 square kilometers. See: Bai Shouyi (editor-in-chief), *Comprehensive History of China* (in Chinese), Revised Edition, People’s Press of Shanghai, 2004, Vol. XI – “first half of Modern History”, pp. 173–175.

embellish and justify the aggressing act by Tsar Russia's Government, in his above-mentioned 1873 book, Bakunin fabricated out of nothing and made irresponsible remarks. He claimed that China was "the danger all but inevitably facing us [Russia] from the East". Being well aware of the consistent ambition to expand Russian territory harbored by Tsar, who had been insatiably invading and conquering his neighboring countries, Bakunin made no secret of suggesting to him that:

If it is a matter of conquests, why not begin with China? China is very rich and in every respect more accessible to us than India, since there is nothing and nobody between China and Russia. Go take it, if you can.

Indeed, *by taking advantage of the disorders and civil wars which are the chronic malady of China one could extend one's conquests very far into the country*, and the Russian government seems to be venturing something along these lines. It is making manifest efforts to *detach Mongolia and Manchuria...*

In China alone there are, by some estimates, 400 million inhabitants, by others 600 million, who evidently have become too crowded within the boundaries of the empire and in an inexorable flow are emigrating on a mass scale, some to Australia, some across the Pacific to California. Others may ultimately move to the north and the northwest. And then? Then, in the twinkling of an eye, Siberia, the whole region from the Tatar Strait to the Urals and the Caspian Sea, will cease to be Russian.

Consider that... [W]ill there be any possibility of stopping an *invasion by the Chinese masses, who will not only inundate the whole of Siberia, including our new possessions in Central Asia, but will pour across the Urals right up to the Volga River?*

That is the danger all but inevitably facing us from the East. It is a mistake to scorn the Chinese masses. They are a threat by virtue of their numbers alone... Within China live masses much less debased by Chinese civilization, incomparably more energetic, certainly warlike, and habituated to military ways by their endless civil wars in which tens and hundreds of thousands of people perish. It should be noted too that of late *they have begun to familiarize themselves with the use of modern weapons and with European training* – the flower and last official word of Europe's state civilization. Combine that training, and that familiarity with new weapons and tactics, with the primitive barbarism of the Chinese masses, their lack of any conception of human protest or instinct for liberty, and with their habit of servile obedience... [t]ake into consideration, too, the monstrous size of the population, which has to find an outlet, and *you will understand the magnitude of the danger threatening us from the East.* (Emphasis Added, *infra ibid.*)¹⁵

In short, main points imbedded in the above fallacious advices from Bakunin can be listed as: Firstly, China was a huge danger that would inevitably "threaten" Russia from East. But secondly, China was confronting continuous domestic troubles, thus its national power was so weakened that it could be bullied. Invading into China would be easily achieved, which could help not

¹⁵⁾ See: Bakunin, *Statism and Anarchy*, translated and edited by Marshall S. Shatz, Cambridge Press, 1990, pp. 99–100; and its Chinese edition, translated by Ma Xiangcong *et al.*, Commercial Press of China, 1982, pp. 108–109. See also: Lv Pu *et al.*, *supra* note 11, pp. 1–4.

only eliminate the “threat”, but also expand Russian territory – so what was there against it now that two birds could be shot with one stone? So thirdly, Russia should “catch the ball before the bound”, and seize the chance to launch an all-out war of aggression to “extend one’s [Russians’] conquests very far into the country” – China.

Praising himself as a “civilized European” though, Bakunin’s gangster logic was so “frank” and so shameless, that it served not only as a pioneer of later “Yellow Peril Doctrine”, but also as an eye-opener.

Under the dense fog and smoke screen of “Yellow Peril Doctrine” and “China Threat Doctrine” advocated by Bakunin and his like, the greedy Russian Tsar furthered his invasion into China as expected, besides the engulfing of approximately 1,440,000 square kilometers of China’s territory as mentioned above. During 1881 to 1884, Qing Government was forced into *Sino-Russia Treaty of Ili* and five other *Protocols on Boundary Settlement*; and more than 70,000 square kilometers of territory (including regions northeast of Tuscaloosa (塔城东北) and west to Ili and Kashgar) were ceded. In 1892, Tsar Russia sent out military force and seized about 20,000 square kilometers of China’s territory to the west of Sarykol Range. In 1914, Tsar Russia again took about 170,000 square kilometers of China’s territory in Tannu Uriankhai Region¹⁶ (唐努乌梁海地区). By way of engulfing and encroaching, Tsar Russia successively occupied more than 1,710,000 square kilometers of China’s territory. The area of these vast captured regions is roughly 3 times that of France, or 5 times of Germany, or 15 times of Fujian Province of China.

History seems to begin proving that “*Yellow Peril Doctrine*” and “*China Threat Doctrine*” serve as the theoretical precursor of public invasion into China, which would always turn out to be the practical end-result of such invasion.

2 1890s Version of “Yellow Peril” and “China Threat” by German Empire

In the 1890s, in order to mould a public opinion to justify their invasion into China, colonialists and imperialists from Europe and America further concocted a revised version of “Yellow Peril Doctrine”, namely the German version of “China Threat Doctrine”.

As compared to U.K, U.S.A, France and Russia, Germany was a relatively later capitalist and imperialist country. Vividly speaking, at the grand banquet held by big powers in which the fat and meat of colonial people were served as cuisine, Germany was a late comer. So it seemed extraordinarily greedy and unscrupulous. As the then Foreign Minister of Germany, Bulow’s (Bernhard

¹⁶) See: Bai Shouyi (editor-in-chief), *supra* note 14, p. 221.

Heinrich Karl Martin von Bulow) well-known saying accurately expressed the determination and norms of conduct of Kaiser Wilhelm II, then German Emperor. Bulow publicly alleged that “[T]he ages have passed when other nations are busy dividing continents and oceans while we Germans are content in the blue sky – we will also strive for the land under the sunshine.”¹⁷ Besides African regions, China in the Far-East Asia, with its vast territory and abundant resources yet weak national power, of course became a target for the German Emperor to invade. In order to gain the support from public opinion, “Yellow Peril Doctrine” which preached that “invading into China is justifiable” was proposed by Germany in a revised form, causing a temporary clamor. Wilhelm II mobilized newspapers and magazines all over Germany to wantonly advertise the soon arrival of new “Yellow Peril”. Moreover, in 1895, this Emperor even personally conceived and created a sketch entitled “*The Yellow Peril*” (*Die Gelbe Gefahr*). Hermann Knackfuß the painter was ordered to produce an oil painting according to the sketch. This painting was later sent to Russian Tsar with whom the Emperor acted evilly in collusion, as a token to encourage and urge each other.

Meanwhile, engraving copies were massively printed and circulated in Germany and Russia, and had caused a great sensation. This further mobilized spiritually and readied public opinion for an open invasion into China.¹⁸ The official name of this painting was “*Völker Europas, wahrt eure heiligsten Güter*” (European nations, defend your faith and homeland), entitled by Wilhelm II himself. In the middle of this painting, there stands the arcangel Saint Michael, holding a sword in his hand. Together with other armed people, Saint Michael represents European Christians; while the Buddha and Dragon opposite to the cliff in the right stand mainly for yellow Chinese. It is fair to say that the picture and its accompanying title are “both excellent”. Taking advantage of the religious prejudice and racial discrimination of European Caucasians, this painting has a clear aim to call upon all Europeans to defeat Buddha and Dragon from the east and to defend their faith and land under the lead of the arcangel Saint Michael.

Under the advocacy, encouragement, support and “secret transaction”¹⁹ of German Emperor and Russian Tsar, a number of articles and treaties

¹⁷) See: CCTV, The Rise of Powers – Germany (in Chinese), available at: http://www.bookbao.com/view/200911/12/id_XNDQ1NDc=.html (Last accessed on November 10, 2011)

¹⁸) See: Lv Pu et al., *supra* note 11, a variety of explications at pp. 114, 131, 135–139, 218, 388.

¹⁹) According to secret documentations revealed to the public after the October Revolution of Russia, there was a secret letter sent from German Emperor William II to Russian Tsar Nicholas II, in which they conspired to undergo dirty transactions and agree to share the booty by granting mutual support in seizing different parts of Chinese land, allegedly under “*that call of God*”. It reads:

regarding “Yellow Peril” had emerged. These works preached that yellow race as Chinese had posed a threat to Western Caucasians, and even blethered that “once millions of Chinese realized their strength, disaster and destruction would be brought forth to Western civilization.”

Not long after the above-mentioned mobilizations and preparations, this ambitious German Emperor took the excuse of Juye Christian Case²⁰ in which two German missionaries were killed, and publicly launched a military invasion into China. In November 1897, the Emperor commanded his admiral of the Far-East region to lead an army to storm and capture Kiaochow Bay (including Tsingtao) of Shandong, an important portal in North China. In March 1898, Qing Government was compelled to surrender China’s sovereign rights under humiliating terms and sign the *Sino-Germany Lease Treaty concerning Kiaochow and Tsingtao*. This Treaty permitted Germany to *directly rule* the northern portal region of Kiaochow Bay as its colony for 99 years. And the whole Shandong Province was designated as “*sphere of influence*” solely dominated by Germany.²¹

You have well understood *that call of God*, and have seized the opportunity swiftly... as I would be glad in assisting you to solve certain issues regarding the engulfing of China’s territory [i.e. Lvshun Port of China], you would be kind enough to see Germany acquiring a port somewhere not impedimentary to you [i.e. Kiaochow Bay of China].

See: Issac Don Levine, Letters from the Kaiser to the Czar, 1920, quoted from “Yellow Peril” – Selected Compilation of Historical Recordings (in Chinese), *supra* note 11, p. 113.

²⁰⁾ See: Juye Christian Case and Germany’s Occupying of Kiaochow Bay (in Chinese), available at: http://www.infobase.gov.cn/history/lateqing/200708/article_10942.html (Last accessed on November 10, 2011)

²¹⁾ Germany is a relatively later capitalist country. Before it got united, the Prussia – Northern Germany Ally had already tried to expand its influence eastwards, and was plotting to acquire a base in China. The renowned German geologist Richthofen traveled to China for a third time in 1869, and offered suggestions to German authorities after his survey that “Kiaochow Bay is the most important portal of China”, and that “Kiaochow Bay must be occupied if Germany intends to intensify its far-east influence.” During the First Sino-Japanese War, German policy aiming at engulfing China’s territory became more publicized. During 1895 to 1897, German had repeatedly raised claim to Qing Government to cede Kiaochow Bay for its establishing a naval base, and had repeatedly been declined with entreaties by Qing Government. Consequently, Germany speeded up its preparation for military invasions.

According to the documentation on foreign affairs of Germany, on November 6, 1897, 5 days after the incident of Juye Christian Case, German Emperor immediately telegraphed Admiral Tirpitz, the German commander of Far-East region, to lead a fleet to attack and seize Kiaochow Bay. In the following day, the Emperor instructed German Foreign Minister Brough that “I received the official report concerning the sudden assault to German church in Juye County, Shandong Province, together with the slaughter and plunder of missionaries therein. *Chinese eventually provided for us ... the excuse and incident that we have been expecting for long. I have decided to react immediately.*” The “frankness” and shamelessness stand so vividly revealed in the recordings, and the truth has been brought to daylight decades later. See: Juye Christian Case and Germany’s Occupying of Kiaochow Bay (in Chinese), available at: http://www.infobase.gov.cn/history/lateqing/200708/article_10942.html (Last accessed on November 10, 2011)

Two years later in 1900, it was again this ambitious and greedy German Emperor who took the lead to organize the notorious Eight-Power Allied Force, and waged a war of aggression against China at an unprecedented scale. The Ally recklessly burned and slaughtered and plundered and raped, and forced China into the *Treaty of 1901*²², causing more severe humiliation and damage to its sovereign. Through this Treaty, an enormous amount of indemnity was extorted, and China was forced to demolish fort barbettes for defense, and to agree upon big powers' stationing troops in its Capital and a number of other strategic locations. Qing Government was fully controlled, and became agency for the powers, while Chinese people suffered from this unprecedented catastrophe. This ancient eastern country, which had existed for thousands of years and had made prominent contributions to human civilization, had been completely transformed into a semi-colony with neither independence nor sovereignty, and was right on the verge of perdition.

This is the connotation as well as the practical outcome of the late 19th century version of "China Threat" advocated by Germany. To the people with basic historical knowledge, including all decent European and American Caucasians, the connotation and outcome would still be very much alive in their memories; especially to those who had suffered therefrom, the pain has been and will still be passed down from generation to generation.

Again, history seems to have proved that "*Yellow Peril Doctrine*" and "*China Threat Doctrine*" serve as the theoretical precursor of public invasion into China, which would always turn out to be the practical end-result of such invasion.

It will not be forgotten that it was exactly this notorious German Emperor, as the "Yellow Peril Doctrine" preacher, who was later the Chief Culprit to launch World War I. It will neither be forgotten that it was exactly this "Yellow Peril Doctrine" and the "Superiority of White People" advocated by this German Emperor that, under the incubation of traditional German militarism, further developed into the fallacy of "Superiority of German Races" and "Inferiority of Jews" by Adolf Hitler, who was later the Chief Culprit to launch World War II.

3 Primitive Version of "Yellow Peril" and "China Threat" by American Hegemonism from Middle 19th Century to Late 20th Century

Russians and Germans were not the only ones that fished in China's trouble times after its defeat in 1840 "Opium War". The then American Government was not only unwilling to lag behind in this common business of aggression

²²) See: The Treaty of 1901 (in Chinese), available at: <http://baike.baidu.com/view/32139.htm> (Last accessed on November 10, 2011)

against China, it also carried out new styles of invasion, with conspicuous examples as follows:

a. In 1844, China was compelled to sign *Treaty of Peace, Amity and Commerce, Between the United States of America and the Chinese Empire* (commonly known as the *Treaty of Wangxia*) under military threat. The independent tariff sovereignty was completely striped off from Chinese Government according to Article 2 of this Treaty, which reads:

If the Chinese Government desire to modify, in any respect, the said Tariff, such modification shall be made only in consultation with consuls or other functionaries thereto duly authorized in behalf of the United States, and *with consent thereof*. (Emphasis Added, *infra ibid.*)²³

It actually means any such modification must be consulted with the U.S. and acquire the “approval” from the U.S. in advance. Afterwards, other invading powers knowingly follow this precedent one after another, compelled Chinese Government into similar treaty obligation. According to this sort of stipulations, the enacting and amending activities concerning tariff regulations of Chinese Government must not be carried out unless the benefits of foreign invaders have been met and their permissions have been granted in advance. As a result, China’s decision making power regarding the tariff has been devastated, and this ancient country was forced to thoroughly open wide. Financial revenue of China’s national treasury thus had no insurance, and China’s national industries were seriously damaged.

b. In 1899, John Hay, then U.S. Secretary of State, delivered notes to UK, France, Russia, Japan, Italy and Germany respectively, and for the first time issued the “Open Door Notes” and the policy of “co-sharing interests”. He advocated that the powers interchanged and shared each other’s benefits from the invasion into China, so as to coordinate the pace in further and thoroughly dividing the whole China. On the one hand, U.S. would recognize the already acquired leased regions and “spheres of influence” of other powers in China; on the other hand, U.S. would in turn enjoy the freedom of trade in these places, as well as other rights and interests like low tariffs enjoyed by other powers. The advance of the policy signaled that the U.S. invasion into China had entered a new phase, and indicated the gradual maturity of its all-out expanding policy. Henceforth, in its aggression against China, U.S. would no longer be simply satisfied with following other powers as UK; on the contrary, it had “caught up and exceeded” and “kept inventing”, to intensify and

²³) See: online edition of the U.S. Statutes at Large, volume 8, page 592, available at: <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=008/llsloo8.db&recNum=605> (Last accessed on November 10, 2011)

accelerate its invading steps. The implementation of the above policy had fostered the formation of an invading ally by imperialist powers, and had expedited the aggression of the Eight-Power Allied Force in the following year (i.e. 1900). Thereafter, with further strengthening of U.S. national power, this policy was reaffirmed, acknowledged and emphasized in *Nine Power Treaty*²⁴ at the 1922 Washington Conference, and had thus become an effective method by U.S. to share or even supplant the vested benefits of other powers in China.²⁵

c. In 1900, the Eight-Power Allied Force launched an aggressing war against China at an unprecedented level. The U.S. Government, which was ever famous as the democratic model and the guardian of human rights, closely colluded with the ruthless and tyrannical Russian Tsar and German Emperor. It sent forth a large army to participate in the killing and robbing, extorting an indemnity, dividing China and forcing China to perish. This has left America with a rather disgraceful historical record.

d. At the end of World War II in 1945, Germany, Italy and Japan were defeated and severely weakened. Although as “victorious nations”, UK and France were seriously crippled; while U.S. uniquely outshined over other powers with no serious damage caused by the War. On the contrary, it had made staggering windfalls out of the War, and its national power had skyrocketed. Not long after the victory of the Chinese War of Resistance against Japan, during the Chinese people’s War of Liberation from 1946 to 1949, the U.S. Government directly interfered with the domestic affairs of China in order to maintain and expand its vested benefits. By offering money, weapons or even army to support reactionary government of Chiang Kai-Shek, the U.S. Government helped to attack liberated areas of China, and spared no effort to thwart revolutionary cause of the Chinese people. In October 1949, through over a hundred years of bitter struggle, Chinese people finally broke loose the colonial chains, and a new China was established. However, against this new born country, U.S. not only led a complete economic blockade, but also launched a war of aggression into Korea, with an attempt to penetrate through the border of this new-born country and strangle it in the cradle. At the same time, U.S. deployed its forceful Seventh Fleet into Taiwan Strait in China, endeavoring to thwart the great cause of China’s reunification. In its act of splitting China’s territory that leads to serious contradictions between Chinese people

²⁴) It is a treaty affirming the sovereignty and territorial integrity of China as per the Open Door Policy, signed by all of the attendees to the Washington Naval Conference on 6 February 1922, namely US, UK, France, Italy, Japan, Netherland, Belgium, Portugal and China. See: http://en.wikipedia.org/wiki/Nine-Power_Treaty (Last accessed on November 10, 2011)

²⁵) See: Qing Ruji, History of Invasion into China by the U.S. (in Chinese), Vol. II, Chapter 6, San Lian Publishing Company of China, 1956, pp. 391–450.

on both sides of the Strait, the U.S. has been fishing benefits therefrom till today.²⁶

During the hundred years of aggression against China, in order to meet the needs of invasion and to justify this evil behavior, high ranked politicians, army men and scholars of the U.S. had been playing the trick of a thief crying “Stop thief!”, and endeavoring to preach the American version of “Yellow Peril” and “China Threat”. The following, *inter alia*, serve as typical examples:

a. In the Middle and Late 19th century, under the invasion and plundering by western powers, Chinese people lived on the edge of starvation. A lot of American mining companies and railway companies took advantage of this situation to recruit large amount of cheap Chinese labors to exploit mines and build the Central Pacific Railroad from the west to east of the American continent. Chinese labors had made so huge contributions to the rapid development of the American economy, that in 1851 John McDougall, then Governor of California, publicly praised the hardworking, law-abiding and low-paid Chinese labors to be “the most valuable immigrants” that California had ever accepted. However, as circumstances changed with the passage of time, with Californian economy facing a depression and the number of unemployed Caucasians rising, the resent of Caucasians against Chinese in the competition for the post was politicized by John Bigler, Governor of California in succession to McDougall. Bigler showed no sense of gratitude to Chinese labors after they had been used up, and took the lead to write articles in 1853, in which the misfortune of low level Caucasians was attributed to Chinese labors, and new “Yellow Peril” was advocated.²⁷ In the following 1860s to 1870s, under the delusion and instigation of this kind of anti-China “Yellow Peril” doctrine, sanguinary conflicts frequently happened in California and other western regions, in which Caucasian workers collectively humiliated, robbed or even slaughtered Chinese workers. Under the connivance of local authorities, some Caucasian racists even committed public attack against Chinatown, the residential area of Chinese people.

During this process, the American politicians and “scholars” successively wagged their tongues to publicly defend those evil crimes of Caucasian mobs. From various perspectives such as ethnology, theology, politics, economics and sociology, they carried out some seemingly scientific but rather ridiculous reasoning as follows: “Caucasians are the best race that God created”, while Yellow Chinese are the worst; Caucasians were doomed to be masters

²⁶) There is a Chinese saying reads as follows: “A snipe and a clam locked in combat, while the fisherman got the benefit.” (鹬蚌相争, 渔人得利)

²⁷) See: Rodman Paul, *The Origins of the Chinese Issue in California*, Mississippi Valley Historical Review, 1938, Vol. 35, pp. 181–196. See also: http://en.wikipedia.org/wiki/John_Bigler#Anti-Chinese_laws (Last accessed on November 10, 2011)

while Chinese to be slaves; Caucasians should be granted comprehensive attentions, while Chinese should be strictly restricted, eliminated and expelled. In 1876, a special committee whose members were designated by U.S. Congress was sent to San Francisco, California to investigate the problem of Chinese immigrants. After several “hearings”, this Committee compiled the testimony of over a hundred people into a Report lengthy of 1,200 pages, within which there were lots of groundless statements defaming and despising Chinese labors. Needless to say, these racist discriminations and religious prejudice went right against the basic founding principles recognized in the U.S. Constitution and the spirit therein.²⁸

²⁸) Take several paragraphs of ridiculous “wise opinions” by A. B. Stout that had been complied into the Report as an example. He wrote that:

Over the world is fast extending what is termed the great Caucasian race of men... One great division of this race, the Anglo-Saxon, is now occupying America... *To the Caucasian race, with its varied types, has been assigned the supremacy in elevation of mind and beauty of form over all mankind.* High over the rest it surveys the field of life. *Appointed by the Creator to wield all human destinies, He has endowed it with the power, above all others, to study, to admire, and rule such of his Almighty works as enter within the sphere of man.* No new combination of distinct existing races can improve this Divine excellence. Whatever enters it tends to destroy it... To permit the ingress of an inferior race is to strike at self-destruction. A government, to protect its people, should strive to preserve the purity of the race; and, irrespective of political theories, *should guard it from every amalgamation with inferior types...* By the adoption of bad blood we voluntarily introduce the deadliest foe to our existence... Every permanent settlement of a Chinaman on our soil creates a *depreciation of the blood of our own.* (Emphasis Added)

This civilized American Caucasian, with his “supremacy in elevation of mind and beauty of form” and so-called “divine excellence”, impudently used disgusting words such as “crow” and “locusts” to describe the numerous Chinese “coolies” in California. He claimed that these Chinese coolies were “exactly the part of the crow in an unguarded corn-field to seize the grain”, and that “as the locusts of California overrun the fields of the husbandman, will these swarms of beings degenerate our land”. See: Report of the Joint Special Committee to Investigate Chinese Immigration, Government Printing House, Washington, 1877, pp. 864–869. See also: Lv Pu *et al.*, *supra* note 11, pp. 9–14.

Having read and deliberated on the above ridiculous “wise opinions”, one could not help but to pose the following doubts. Firstly, is there any essential difference between Stout’s “born inferiority of Chinese” and Hitler’s “born inferiority of Jews”? Hitler deceived his fellow Germans with his doctrine of “born inferiority of Jews”, and stimulated them to exclude or even slaughter Jews at a massive scale. If, however, Stout had become the sole dictator of America and had organized his own Gestapo, would he also turn from vigorously preaching the exclusion of Chinese into massively slaughtering the Chinese? Secondly, Stout had claimed that Anglo-Saxons tended to be the most superior race that God had ever created, and were thus designated by God to dominate and rule other races. However, Hitler had also claimed that Germans tended to be the most superior race that God had ever created, and were thus designated by God to dominate and rule other races – so which opinion would prevail? Being both the most superior divisions of “the great Caucasian race” though, Anglo-Saxons and Germans were engaged in fierce battle during the two World Wars. Is this also designated and authorized by the God himself? Thirdly, the U.S. and Japan have formed a military ally nowadays, and together they conduct dirty anti-China business. How come Anglo-Saxons, as the most superior race,

It was right under this circumstance when the U.S. Congress accepted the *Act of Exclusion of Chinese*²⁹ sponsored by Republican Congressman John F. Miller. The main reasons that Miller and his companions relied on to advocate the exclusion of Chinese were as follows: “it is recognized by the U.S. Government that Chinese labors in America have *threatened good order* of certain districts in this country”(Preamble of this Act, **Emphasis Added**). It was alleged impossible for Chinese to assimilate into the American culture, or to accept the moral standards established on the basis of Christianity. And with a large number of Chinese flooding into America, a tension on the employment rate of American workers was created. Although several decent Congressmen had criticized that this Act was completely contrary to the spirit of “liberty and equality” – the founding principles of the United States of America, this ridiculous and racial Act with an obvious discriminating nature was eventually supported by a majority vote from the Congress and had passed.

According to this notorious *Act of Exclusion*, Chinese were forbidden to enter into America for a long period. Chinese residents in America were forbidden to acquire American nationality, so that their fundamental civil rights were severely restricted and impaired. As a result, it was impossible for Chinese to possess a house property in America, or to intermarry with Caucasians, or to get reunion with their wives and children who were forbidden to immigrate into America, or to take up a position in American government. This racist Act, with updated version of “Yellow Peril Doctrine” as its soul, had been implemented for as long as 61 years, and was not abolished until 1943 when China became an ally to America in World War II. During its implementation, the U.S. Congress had played deaf and dumb, and had never confessed that this Act was completely contrary to the founding principles and Constitutional provisions of America, on which Americans extremely indulged in elaborating.

b. At the inception of New China’s establishment, U.S. had already propagated “China Threat”, which posed the possibility that the victory of China’s revolution might lead to a Domino Effect in Southeast Asia, and thus a “Red Threat” against U.S. When the Korean War broke out in 1950, the U.S. proposed a slogan to “suppress the expansion of Communism in Asia”, and also propagated “the threat of China against its neighboring countries” in the United

gang up with these inferior yellow races? Won’t the descendants of the most superior Anglo-Saxons be afraid of amalgamating with or assimilating into the most inferior yellow races? ...*Oh, Merciful God! How so many crimes in human world were committed in your holy name?!*

²⁹) See: 1882 Chinese Exclusion Act, Forty-Seventh Congress, Session I, 1882, available at: http://www.civics-online.org/library/formatted/texts/chinese_act.html (Last accessed on November 10, 2011)

Nations. MacArthur, Chief Commander of the invading American army, wantonly calumniated new China as “*communist Yellow Peril*”.³⁰

c. In middle 1960s, under the hostility, suppression, blockade and containment of two super powers at that time, New China got a firm foothold through persevere and hard working. For the sole sake of self-defense, China researched and acquired primitive technology for nuclear weapons, thus broke the nuclear monopoly and extortion of the U.S. As a result, the American version of “China Threat” brought forth a clamor once again. David Dean Rusk, then American Secretary of State, and Robert Strange McNamara, then American Secretary of Defense, pitched into the argument against China, while William P. Bundy, then Assistant Secretary for Far Eastern Affairs, went a step further. In his triple identities as “historian”, “expert on CPC” and “incumbent official”, Bundy published a long address entitled *The United States and Communist China*,³¹ in which he talked recklessly and endeavored to provide a systematic demonstration on “China Threat Doctrine”. In a tone of “Cop of the World” and “Savior for Asia”, he tried to prove that China aimed to conquer Asia by exporting its revolution, and was therefore “the most serious and perplexing problem that confronts our [Americans’] foreign policy today”. More comments regarding this representative speech of Bundy will be provided in the following sections of this Article.

d. G. F. Kennan, the famous Father of Cold War Mentality and think tanker for U.S. foreign policy, was full aware of the American style of thinking. Based on his decades of experiences as American diplomat, Kennan had frankly confessed in as early as 1984 that,

There seems to be a curious American tendency to search, at all times, for a single external center of evil, to which all our troubles can be attributed...

We have been obliged to habituate ourselves to the expenditure annually of a great portion of our national income on the production and export of armaments, and the maintenance of a vast armed force establishment... We have, in other words, created immense vested interests in the maintenance of a huge armed establishment in time of peace and in the export of great quantities of arms to other peoples – great vested interests, in other words, in the cold war. We have made ourselves dependent on this invidious national practice – so much so that it may fairly be said that if we did not have the Russians, and their alleged iniquities, to serve as a rationalization for it, we would have to invent some adversary to take their place... So great a military economy requires constant justification, and this... leads to an almost automatic and systematic overrepresentation of the military potential of the supposed adversary, thereby heightening the suspicion of that adversary, and

³⁰⁾ See: Term “China Threat Doctrine” under “Concepts of Sociology” (in Chinese), available at: <http://www.chinavalue.net/wiki/showcontent.aspx?TitleID=195143> (Last accessed on November 10, 2011)

³¹⁾ See: William P. Bundy, *The United States and Communist China*, U.S. Department of State Bulletin (DSB), February 28, 1966, pp. 310–318. Electronic copy available at: <http://hdl.handle.net/2027/uc1.b2931899?urlappend=%3Bseq=199> (Last accessed on November 10, 2011)

the fear and antagonism addressed to him, in our [American] population. (Emphasis Added, *infra ibid.*)³²

Much to the wishes of then “curious” Americans, they found such a “center of evil”, i.e. Soviet Union, as a common target to spiritually mobilize within U.S. and to win blind supports from American people for all evil activities committed by the U.S.

After the disintegration of Soviet Union in 1990 and 1991, “curious” Americans who tended “to search, at all times, for a single external center of evil” were eager to find a new “center of evil” to fill the vacancy. Again, much to their wishes, an innocent substitute as their imaginary adversary was found, namely the People’s Republic of China who had just stepped on its way of rapid development. During 1992 to 1997, high-level “civilized Americans” endeavored in the specific verification of “China Threat” from perspectives of ideology, social institutions and even cultural characteristics, as follows:

In 1992, Ross H. Munro, director of Asian Project of the Foreign Policy Institute in Philadelphia, published an article entitled *Awakening Dragon – The Real Danger in Asia is from China*³³, advertising that a Sino-U.S. military conflict was inevitable.

In 1995, James Hackett, an American Scholar, talked more ungrounded statements in his article entitled *Between Dragon and Wrath* that “Four years after the collapse of the Soviet Union a new evil empire is emerging. Its name: China. (Emphasis Added)”³⁴

In 1996, Samuel Huntington, Professor in Harvard University, published his book entitled *The Clash of Civilizations and The Remaking of World*³⁵, in which he asserted that the combination of Islamic civilization and civilization of Confucianism would be *a natural enemy against Western civilization*.

In 1997, Professor Huntington wrote another article entitled *The Erosion of National Interests*³⁶, reiterating that the disintegration of Soviet Union and the termination of Cold War caused U.S. to *lose a definite enemy*, so that domestic politics of the U.S. saw a disorder and national identity could not be shaped out. He posed the question saying, “If being an American means being

³² See: George. F. Kennan, *American Diplomacy* (Expanded Edition), The University of Chicago Press, 1985, pp. 164, 172–173.

³³ See: Ross H. Munro, *Awakening Dragon – The Real Danger in Asia is from China*, Policy Review, Issue 62, Fall 1992, pp. 10–16.

³⁴ See: James Hackett, *Between Dragon and Wrath*, Washington Times, Aug 4, 1995, {PUBLICATION2}.

³⁵ See: Samuel Huntington, *The Clash of Civilizations and The Remaking of World* (Chinese Edition), translated by Zhou Qi *et al.*, Xinhua Publishing House, 1998.

³⁶ See: Samuel Huntington, *The Erosion of National Interests*, Foreign Affairs, Sept/Oct, 1997, 76, 5. pp. 28–49.

committed to the principles of liberty, democracy, individualism, and private property, and if there is *no evil empire* out there threatening those principles, what indeed does it mean to be an American, and what becomes of American national interests?” Following this question, the Professor told kindhearted Americans that it was to their fortune that there was a “prophet” as himself who had already found “Conceivably *China could become a new enemy*” in time. Obviously, he was offering a self-deception that this “specific medicine” could cure the political chaos within the U.S., and could shape and intensify the national identity of American people, so that these once spirit-hollow “civilized Americans” could regain their spirit and live a more “meaningful” life.

Again and again, anti-China clamors kept being raised for the last decade of 20th century, causing so dense a mist that some Americans unaware of the truth misinterpreted that there was indeed a wave of new “Yellow Peril” coming.

Historical facts listed out in the above three subsections (1, 2 and 3) could represent a brief “family tree” of various “Yellow Peril Doctrines” in over 130 years from middle 19th century till the end of 20th century. They are in fact several generations of freaks and oafs that cultivated after the hybridization of “Caucasian-Centrism” racist discrimination, religious prejudice and Cold War mentality by the ruling class of western powers with their hired scholars. These various “Yellow Peril Doctrines” had often recurred as a shadow following China time and again in different periods: during the struggling century of old China, at the inception of new China’s establishment, before new China could stand firm, as well as at the time of Chinese national rejuvenation. These Doctrines deceived global people on and on, causing continuous troubles and damages to China. Their specific appearances were not exactly the same though; the *déjà vu* feelings were there, and their *inner DNA remained unchanged* for generations.

For people with basic historical common sense, including all decent European and American Caucasians, the intentions and practical outcomes of these doctrines are very clear. Peeling and tearing off their beautiful skins, the essence and core of various “Yellow Perils Doctrines” in all ages lie at the justification of invading into China, excluding yellow Chinese, opposing against China and containing China. *The exclusion, opposition and containment always come before and lead to a final invasion.*

Although contemporary human beings have entered a brand new 21st century, yet under the drive by ignorance to world historical common sense or by their narrow personal interests, certain politicians and army men currently in authorities still intentionally or unintentionally choose to forget the aforesaid historical facts, reviving the *notorious* Doctrines of “Yellow Peril” and “China Threat” born more than a century ago. Among other things, the most recent example is the revised hegemonism version of “China Threat” by the U.S.

4 Revised Version of “Yellow Peril” and “China Threat” by American Hegemonism since 21st Century, with the Inheritance from and Development to Its Predecessors

With the entering into 21st century, the revised version of “Yellow Peril” and “China Threat” by American hegemonism mainly took the form of the *Annual Report to Congress: Military Power of the People’s Republic of China* released by U.S. Department of Defense and the annual report released by the *United States-China Economic and Security Review Commission*³⁷. They could be fairly deemed as the official American versions of “Yellow Peril” and “China Threat” on the highest level, at the highest frequency and with the biggest influence for the past 11 years. They are the outcome of the following triple sources: American Congress, the U.S. Department of Defense and various high-ranked think tanks.³⁸

As is well known, there long existed a group of *hawkish anti-China Congressmen* in American Congress, who, from perspectives of extreme ideology, narrow interests of their constituencies and their personal interests, always proposed various unfriendly or even hostile policies against China. With their decision-making power on budgetary allocations, they also often thrust their personal preferences into budgetary bills and authorization acts. Report regarding Military Power of PRC is right according to the *National Defense Authorization Act for Fiscal Year 2000*³⁹ adopted by American Congress. Under this Act, American Department of Defense is therefore under a “legal responsibility” to annually synthesize and compile all military intelligences regarding PRC collected through all kinds of methods (including various vile spying measures) into a comprehensive report to American Congress. It is after the review by Congressmen that the Department of Defense could receive budget for military expenditures from the Department of Treasury.

The departmental interests of American Department of Defense could be easily discerned in this regard. As is mentioned above, after the Cold War was over, it was always the inertial thinking of “curious” Americans – and certainly a major task for American Department of Defense – to find a definite and powerful new “threat”. And China is the new “serious threat” on security that Americans have been endeavoring to establish.⁴⁰ As compared to other

³⁷ See: 22 U.S.C. §7002 – United States-China Economic and Security Review Commission, available at: <http://www.uscc.gov/about/charter.php> (Last accessed on November 10, 2011)

³⁸ See: Lu Gang & Guo Xuetang, Who does China threaten? – An Interpretation on “China Threat” (in Chinese), Xuelin Press, 2004, pp. 30–33.

³⁹ See: Sec. 1202, National Defense Authorization Act for Fiscal Year 2000, pp. 271–272, electronic copy available at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d106:SNo1059:TOM:/bss/d106query.html> (Last accessed on November 10, 2011)

⁴⁰ It would be helpful for people to deepen their understanding of the essence of and “reasons” for fabricating and advocating the current version of “Yellow Peril” and “China Threat”, by

departments of U.S. Government, officials of Department of Defense always stress more on the “threat” posed by PRC, and sometimes their Defense Secretary is himself the major figure to preach “China Threat” (as was the former Secretary Donald Rumsfeld).

The most intolerable thing to China is that for every year, in a flagrant yet rude way, there are descriptions on specific points and of wide coverage with regard to China’s Taiwan district in this Report, which irresponsibly criticize and interfere with China’s domestic affairs, rampantly support the splitting forces in Taiwan, spare no effort to thwart the great course of China’s reunification, and cause damage to China’s core interests.⁴¹

The main reason that Report of China’s Military Power could rouse high attentions from various parties rests with its political influence. From a

reviewing the sharp disclosure of famous German historian H. Gollwitzer, as well as the frank confession of senior American diplomat G. F. Kennan. As is mentioned above, “Yellow Peril” slogan “indistinctly revealed certain basic characteristics of *imperialist thoughts*”: “*It is more often an instrument to fool and agitate the people, means to instigate people into evil business, or excuse to defend themselves.*” “[Americas] have created immense vested interests in the maintenance of a huge armed establishment in time of peace and in the exportation of great quantities of arms to other peoples – great vested interests, in other worlds, in the cold war.” “So great a military economy requires constant justification, and this... leads to an almost automatic and systematic overrepresentation of the military potential of the supposed adversary, thereby heightening the suspicion of that adversary, and the fear and antagonism addressed to him, in our [American] population.” See: *supra* notes 8, 32 and their relating texts.

⁴¹ In light of Sec. 1202 of National Defense Authorization Act for Fiscal Year 2000, the annual Report of China’s Military Power shall analyze and predict on the following 8 specific projects:

- (1) The goals of Chinese grand strategy, security strategy, and military strategy.
- (2) Trends in Chinese strategy that would be designed to establish the People’s Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.
- (3) The security situation in the Taiwan Strait.
- (4) Chinese strategy regarding Taiwan.
- (5) The size, location, and capabilities of Chinese strategic, land, sea, and air forces, including detailed analysis of those forces facing Taiwan.
- (6) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.
- (7) Efforts, including technology transfers and espionage, by the People’s Republic of China to develop, acquire, or gain access to information, communication, space and other advanced technologies that would enhance military capabilities.
- (8) An assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

As is known to all, Taiwan is an inalienable part of Chinese territory. In 1950, the U.S sent out its powerful Seventh Fleet for a direct invasion into Taiwan Strait of China, seriously threatening and thwarting the great cause of China’s reunification. When it established diplomatic relations with PRC in 1979, America played as a double-dealer “with two faces”. On the one hand, it officially recognized Government of PRC as the sole legal government of China (“*One-China Principle*” for short) in the *Communiqué on the Establishment of Sino-U.S. Diplomatic Relations*.

theoretical or legal perspective, this Report is just an explication of military power of PRC by American Department of Defense to American Congress, and is by no means bounding on any departments of U.S. Government regarding the enactment of policies to China. However, it would be a huge mistake to assert that the Report is of little actual significance based merely on this superficial phenomenon. For most Americans and international communities, this Report has established an inertial impression of being “objective and authoritative”. It has already become *main grounds* for personages of all circles in the U.S. and even some pro-American countries to judge the military power and intentions of PRC. This is right the original idea for the American Congress to promote such Report. 11 years of experiences indicate that after such Report is released each year, scholars, congressmen and government officials of the U.S. often quote contents from the Report to support their own opinions while discussing foreign policy vis-à-vis China. Then the annual chorus and clamor of “China Threat” ensue. It is thus evident that the Report can, through its provision of “materials”, mistakenly affect popular feeling and seriously misdirect all personages of America in their judgment towards China, although it has no direct bounding effect on foreign policy vis-à-vis China.

In coordination with and in addition to the Military Power Report by the American Department of Defense in fabricating “China Threat”, the Congress-affiliated *United States-China Economic and Security Review Commission* is also under a “legal responsibility” to report to the Congress on an annual base. This trans-parties Commission is established in light of *National Defense Authorization Act for Fiscal Year 2001*⁴², which comprises of 6 brainpowers from commercial circles, labor circles, governmental institutions and academic

On the other hand, it acted perfidiously in *Taiwan Relations Act*, publicly betrayed “*One-China Principle*” and wantonly interfered with China’s internal affairs. The Act claims that “It is the policy of the United States to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a *threat* to the peace and security of the Western Pacific area and of grave concern to the United States” [U.S.Code, Chapt.48, Section 3301 (b) (4), available at www.taiwandocuments.org/trao2.htm]. By shielding and supporting certain forces in Taiwan endeavoring to split China, the U.S. continuously threatened and thwarted the great course of China’s reunification. Moreover, American Department of Defense was obliged to provide an Annual Report on Military Power of the PRC to the Congress according to the above-mentioned National Defense Authorization Act for Fiscal Year 2000, in which the (3), (4), (5) and (8) points of Section 1202(b) are specifically on the internal affairs of China regarding Taiwan region. All these could boil down to the following remark: To judge by the common sense of contemporary international law, isn’t it quite obvious that *who is the actual threatener, while who is actually the one being threatened?*

⁴² See: Sec. 1238, National Defense Authorization Act for Fiscal Year 2001, pp. 336–338, electronic copy available at:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d106:HR04205:TOM:/bss/d106query.html> (Last accessed on November 10, 2011)

fields, designated by Republican leader and Democratic leader respectively. The purpose of this Commission is “to monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People’s Republic of China”. The Congress demands this Commission to review the national security implications of economic policies vis-à-vis China, and, based on such review, to provide recommendations for legislative and administrative actions that could promote America’s national interests and “securities”. Accordingly, the conclusion of this Report is self-evident.⁴³ Similar to the Military Power Report of China by American Department of Defense, the Report by *United States-China Economic and Security Review Commission* is not legally binding either, yet its implications on foreign policies of the U.S. Government vis-à-vis China, together with its actual possibility of seducing and misdirecting people, cannot be underestimated.

As is mentioned above that peeling off the covering, it could be found that the essence and core of various “Yellow Peril Doctrines” lie at the preaching and justification of invading into China, excluding Chinese, opposing against China and containing China; and *such exclusion, opposition and containment always come before and lead to a final invasion*. Consequently, *it could be held a same view, assessment and prediction* towards the 21st century versions of “Yellow Peril” and “China Threat”, which have been repeatedly advocated by American hawkish anti-China Congressmen, by the annual Report of China’s Military Power and annual Report of U.S.-China Economic and Security, as well as by the echoing of various Medias along with them.

Never lose your vigilance, decent people!

In brief, historical facts of the last over 140 years have again and again indicated that various versions of “Yellow Peril Doctrines” have been playing their customary trick of a thief crying “Stop thief”. Or we shall say that, it is indeed the actual threatener claims himself being threatened, and the actual infringer disguises as victim. These claims and fabrications are completely contrary to historical truth. It can be more easily discerned that the updated versions of “Yellow Peril” and “China Threat” by contemporary American hegemonism

In light of this Section, the Annual Report issued by the U.S – China Security Review Commission shall include, at a minimum, a full discussion of 9 specific aspects. The following points are extremely emphasized: the portion of trade in goods and services with the United States that the People’s Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes; the effects on the national security interests of the United States of the use by the People’s Republic of China of financial transactions and capital flow and currency manipulations; etc.

⁴³ See: Lu Gang & Guo Xuetang, *supra* note 38, pp. 30–33.

are particularly against historical truth, if one carefully looks into Sino-foreign economic interactions in the past *thousands years* of China's history and the embedded jurisprudence therein.

III Back to Historical Truth – the Long Standing Mainstream of Sino-Foreign Economic Interactions and Their Inherent Jurisprudential Principles

1 China's Present National Policy of Opening-up is the Flourish and Development of Its Fine Traditions in History

Today's world is an open world. The co-operation, interdependence and competition in terms of economics among worldwide countries have been strengthening with each passing day. To comply with this trend, China has been firmly implementing the basic national policy of opening-up in economy since December 1978, and has achieved remarkable and significant success.

In March 1993, the Constitution of People's Republic of China implemented a new provision: "The state practices socialist market economy", which, in the form of a nation's fundamental charter, solemnly established the general objective for the reform of economic system in China. In November of that same year, the Central Committee of the Communist Party of China (hereinafter CPC) adopted *The Resolution of Certain Issues on Establishing the Socialist Market Economy System*, appealing all the nationals to make a united effort to "practice the opening-up policy firmly and unswervingly"; to "fully utilize the international and domestic markets with their respective resources, thus to optimize the configuration of resources"; to "actively participate in the international competition and economic cooperation"; to "bring into play the comparative advantages of China's economy"; to "develop an open economy, so as to make the domestic and the international economy meet and complement with each other".

Since December 2001 when China joined in the World Trade Organization (hereinafter WTO), it has been making further efforts to expand the range and depth of the opening-up process. With a more courageous gesture, China stepped on to the stage of world economy, where, in a more active manner, China carried out its external economic interaction, developed its external economic cooperation, and launched its external economic competition.

In China, there are not only abundant practical bases, but also a long historical origin to adopt the opening-up as its basic national policy.

As an ancient civilization and a great power in the East, it can be fairly said that for China to practice external economic interaction and develop international economic cooperation, there is a distant source and a long

stream. During the endless years of history, the fine tradition of China's actively carrying out external economic interaction was once twisted and damaged severely, causing varieties of misunderstandings. However, the vitality embedded in the tradition drives itself steadily to break through hardships and dangers, and makes it burst out again a flow of youthful energy under new epochal conditions. In this sense, *China's current opening-up national policy is right the flourish and development of its fine tradition in history*. Consequently, to briefly retrospect the fine historical tradition of China's actively developing external economic interaction, to probe into the jurisprudential principles therein, and to understand the experience and lessons therein,⁴⁴ will be of great help not only for deepening the understanding of the origin and development of China's current opening-up national policy, but also for refuting current version of "China Threat Doctrine" by American hegemonism.

The history of Sino-foreign economic interactions could be roughly divided into three stages. The First Stage is the period of ancient China, namely the later period of its slave society and the period of feudal society (approximately from B.C. 500 or B.C. 400 to A.D. 1840). The Second Stage is the period of semicolonial and semifeudal China (approximately from A.D. 1840 to 1949). The Third Stage is the period of socialist People's Republic of China (namely after A.D. 1949). These three stages are sketched and analyzed respectively as follows.

2 Ancient China's External Economic Interaction and Its Jurisprudential Principles

Based on his thorough investigation into the development history of human society, Engels pointed out that,

With the production being divided into two main departments, namely agriculture and manufacture, thus arose commodity production, which directly took exchange as its goal. Along with it came the trade – not only trade inside the tribe or on the tribe borders, but also overseas trade.⁴⁵

Such regular phenomena emerged not only in ancient foreign countries, but also in ancient China.

⁴⁴) Chairman Mao always advocates that Chinese shall, in the meantime of paying attention to learn advanced experience from outside, seriously study China's own history, and to take beneficial experience and lessons therefrom. He also reminds that Chinese must not know nothing about their own country's history, being entirely ignorant in mind; and further that Chinese must not connect everything to Ancient Greece, while on the other hand, as to our own ancestors, can we simply say "Sorry, we forget!" See: "To Remould Our Study", Selections of Mao Zedong – One Volume Edition (in Chinese), People's Press, 1967, p. 755; or Selections of Mao Zedong (in Chinese), People's Press, 1991, Vol. III, pp. 795–803.

⁴⁵) See: Engels, *The Origin of Family, Private Ownership and State*, in Selections of Marx and Engels (in Chinese), People's Press, 1995, Vol. IV, pp. 163–164.

(1) *Basic Facts of Ancient China's External Economic Interaction*

According to textual research of historians, in as early as China's first slavery dynasty, namely Xia Dynasty (approximately from B.C. 21st century to B.C. 16th century), various tribe alliances had already carried out frequent trans-border trade with each other.

During the period of Shang Dynasty (approximately from B.C. 16th century to B.C. 11th century), this kind of trans-alliance-border and long-distance relationship of commodity exchange acquired further development, beginning to take jade pieces from Xinjiang and shells from coastal regions as means of exchange, i.e. primitive forms of currencies. From the different sources of these primitive currencies, it could be inferred the vastness and remoteness of the districts which trade activities had crossed at that time.

When it came along to Zhou Dynasty (established in approximately B.C. 11th century), tens of feudal vassal states were enfeoffed, all of whom must regularly go on a pilgrimage to the royal court of Zhou Dynasty in order to "offer tributes", while the royal court "granted rewards" in reply. Although to "offer tributes" connotes "submission", while to "grant rewards" connotes "bestowment"; there objectively exists a relationship of equivalent exchange between "tributes" and "rewards". In other words, this is essentially a kind of cross-border and long-distance exchange of various commodities. This tributes-rewards-form of trade also applied between remote western regions and the royal court of Zhou Dynasty. As to the commercial intercourse among various feudal states of Zhou, they were a lot more common.

During the "Spring & Autumn and the Warring States Periods" (approximately from B.C. 8th century to the middle of B.C. 3rd century), the economic interactions among various feudal vassal states were getting more and more frequent, and trade with overseas European countries emerged. One obvious sign was that in between as early as B.C. 5th and B.C. 4th century, the silk of China had already passed through many places and were sold in countries as remote as Greece. There also emerged maritime trading activities between Aegean Sea and South Sea of China.

Of course, during the period of Xia, Shang, Zhou, the Spring & Autumn and the Warring States, those various adjacent tribe alliances or feudal vassal states on the land of China were in fact various local regimes that were gradually getting unified. Consequently, the trade contact between the then central court and the local regimes, as well as that among those local regimes themselves, were not international trade in the recent and modern scientific sense.

In B.C. 221, First Emperor of Qin ended the situation when feudal princes set up separatist regimes, establishing a great unified and centralized empire, whose frontier reached as far as the Lelang County in the north of Korean Peninsula, and Xiang County in the northeast of Indian Peninsula. As a result, economic trading relationships between China and vast areas of the above

two peninsulas were quite intimate. The silk, the lacquerware and the ironware of China were exported across the borderline to those regions, whose local specialties were continuously traded into China. However, Qin Dynasty did not last long. First Emperor of Qin was on the throne for only 11 years, and the society lacked stability. Second Emperor of Qin was so fatuous that the domestic affairs were corrupted, leading to the soon termination of itself and the succession of Han Dynasty. Under this kind of historical conditions, China's external economic interaction had not acquired significant development.

Han Dynasty (B.C. 202–A.D. 220) was built upon the chaos caused by years of war, so that the authorities adopted the rehabilitation and revitalization policy for a very long time. Consequently, the society became stable, the production got developed, all business was thriving, and the external economic interactions became increasingly flourishing. As diplomatic officials, Zhang Qian and Ban Chao successively made in touch and communicated with the Western Regions (a Han Dynasty term for the area west to Yumenguan 玉门关, including what is now Xinjiang Province of China and parts of Central Asia), and they pioneered in breaking a fresh international commercial route famous in history – the Silk Road. Later on, this route stretched more and more to the west, contributing remarkably to the promotion of economic and cultural intercourse between China and various countries in Central Asia, Western Asia, South Asia, Europe and Africa. Besides this land-borne route, seaborne market was also established. Panyu (near Guangzhou) in South China became an important port metropolis of foreign trade. At that time, the commodity exchange of China with Japan and South India was carried out right by the oceangoing merchant ships from North and South respectively. According to historical records, during the Two Han Dynasties, there were over 50 foreign countries that had developed tributes-rewards-form of trade (namely governmental commodity exchange) with China. And during as early as West Han Period, the capital city of Chang'an had already established special hotels – namely the so-called “Official Mansion for Barbarians” – for catering foreign diplomatic corps of trade, some of whom were from so remote a region that their language must be interpreted through two or more steps of translation – namely the so-called double (or multiple) translation,⁴⁶ before they could communicate with a Chinese speaker. Thus it could be roughly inferred the wide-range of China's external economic interaction at that time.

After Han Dynasty, during periods of “Three Kingdoms”, Wei, Jin, and the Northern & Southern Dynasties, China took on a situation of long-term

⁴⁶) See: Book of Eastern Han Dynasty – Biography of the Western Regions (in Chinese), Publishing House of China, 1982, Vol. X, p. 2910.

domestic separation and fighting. Thus the external economic interaction of China through Northern land-borne route was seriously affected, while the seaborne route in the South was still unblocked, leading to a great leap on maritime trade. The merchant ships went as far as Java, Sumatra and Sri Lanka lying in between today's South Pacific and Indian Ocean.

Through Sui Dynasty (A.D. 581–618) to Tang Dynasty (A.D. 618–907), China regained its unity and stability, and leaders in authority made great efforts to prosper the country. With its economy and culture developing quickly and taking the lead in the globe, China became one of the most powerful and flourishing countries all over the world at that time. Correspondingly, its external economic and cultural intercourse boomed unprecedentedly. In addition to continuously extending and stretching land-borne route of international trade, and expanding range of trading districts, maritime trade also developed vigorously. Guangzhou, Jiaozhou, Chaozhou, Quanzhou, Mingzhou (Ningbo of Zhejiang Province) and Chuzhou (Huai'an of Jiangsu Province) were all established as ports for foreign trade. Oceangoing ships of China could reach as east as Japan, as south as the archipelagoes in Indian Ocean, and as west as the Arabian countries in Persian Gulf. The authorities in governance conferred loose and preferential treatments to foreign traders, "the authorities shall not levy other taxes except in the name of cast anchor, purchase and dedication, letting them [foreign traders] freely move around and conduct business".⁴⁷ "The authorities also communicate with foreign merchants frequently, in order to show their concerns".⁴⁸ As a result, merchants from various countries gathered in China, propelling the commercial intercourse and commodity exchange between China and foreign countries into full feather. With the development of maritime trade, official posts in special charge of issues regarding the control and supervision on maritime trading business as well as import and export tariffs were, one after another, set up in important commercial ports, of which officials were directly appointed by the central authorities.⁴⁸ This kind of management system which lasted for as long as 1000 years in the history of China, was initiative and was considered to be the very first rudiments of government institutions for foreign trade and customs in later ages.

The level of agriculture, manufacture and culture of China in Tang Dynasty were all taking the lead in the world; moreover, the rulers adopted a positive and promoting policy with regard to external economic and cultural contacts. Consequently, foreigners came to China in a continuous stream to do business

⁴⁷) See: Complete Compilation of Tang Dynasty – Gospel of Emperor Tang Wenzong After His Recovery in A.D. 834 (in Chinese), Publishing House of China, 1982, Vol. LXXV, p. 785.

⁴⁸) See: New Book of Tang Dynasty – Biography of Liuzi (in Chinese), Publishing House of China, 1975, Vol. XIII, p. 4176. See also: Old Book of Tang Dynasty – Biography of Emperor Tang Daizong (in Chinese), Publishing House of China, 1975, Vol. II, p. 274.

or to pursue advanced studies, making the number of long-term residents here in China reach as high as hundreds of thousands. Some foreign students stayed in China for so long that they were awarded Tang citizenship, and were even recruited by Tang government as officials, which would be taken as a special honor. To this day, there are still some places (such as Japan) where Chinese are referred to as Tang People, commodity from China as Tang Ware, and Chinese culture as Tang Culture. From such a phenomenon, it can be imagined how profound and lasting a significance could it impose on nowadays China, that Tang people actively carried out external economic and cultural contact, propelling China to gain resounding glory and fame. This, as accepted by the whole world, is a pride that belongs to Chinese nation.

During the period of Song Dynasty (A.D. 960–1279), the political situation was not stable in the north, where land-borne cross-border commercial routes were frequently cut off as a matter of war. So the government put particular emphasis on the development of international trade through seas in the South. At the inception of Song Dynasty, the Bureau for Discussion of Trading Business was established in the capital city, as the earliest central institution of China regarding foreign trade control. And in coastal ports of Jiangsu, Zhejiang, Fujian and Guangdong provinces, Department of Customs and Foreign Trade was established, which enjoyed multiple competences such as import and export control, tax levying, and foreign commodity purchasing. *Ordinances Regarding Customs and Foreign Trade* were promulgated in A.D. 1080, which could be taken as one of the earliest foreign-related economic legislations of China, and was one of the earliest statute laws regarding import and export in world history. After the royal court of Song Dynasty was forced to move south, half of its original territory was lost. This stimulated the authorities to be keen on the development of maritime trade as one of its core economic pillars supporting both the resistance against enemies and the survival of the court itself. There were several reasons, *inter alia*, as described as follows: “Benefits collected through taxations on foreign trade were rather sufficient to cover all the expenses of the whole country”; “Benefits collected through taxations on foreign trade were the thickest, which, if managed in an appropriate way, could easily reach millions. Wasn’t this kind of taxation better than that levied from the common people?”⁴⁹ It is estimated that, the yearly income through foreign trade in merely Quanzhou and Guangzhou was as much as two million strings, taking up as roughly 20% of the whole country’s financial income. The heavy reliance on foreign trade of the government at that time is thus very obvious.

⁴⁹ See: Compliments to the Compilation of the Imperial Edicts and Memorials to the Throne of Song Dynasty – Customs and Foreign Trade (in Chinese 《宋会要辑稿补编·市舶》), Micro-copying Centre of National Library, 1988 (photo-offset copy), p. 647.

With some later amendments and complements, the above-mentioned *Ordinances* of Song Dynasty stipulated in the 11th century had been implemented for almost 200 years until the end of Song, making it of obvious value as pioneering in the legislative history regarding world trade. Although its original full text has been lost, it is still possible to infer the outline and gist of this legislation from the recordings of related historical literatures,⁵⁰ such as follows:

- a. Foreign trade began to be normalized. The authorities and responsibility of the Bureau of Customs and Foreign Trade were set out in the *Ordinances*, mixing together various above-mentioned functions. This form of legislation became the model and synthesis for the later institutions of custom and foreign trade, and propelled ancient China's external trade towards normalization and institutionalization.
- b. Transactions were encouraged and managements were classified. Foreign merchants with their ocean-going ships were encouraged to enter China and do business, so as to promote the mutual exchange of needed goods. Detailed catalogue concerning contraband goods, monopolized commodities by government (government market) and commodities for free nongovernment trade was term by term listed and posted for both domestic and foreign businessmen to comply with.
- c. Low-Taxation policy was adopted. Once the foreign merchant ships anchored in a Chinese port, local staffs from the Bureau of Customs and Foreign Trade should go on board to carry out some examination and levy corresponding taxation according to statutory tariff rate, in which: a small number of precious foreign commodities such as pearl, rhinoceros horn, ivory, agate, and frankincense were listed as high-grade goods, and were usually levied at a ratio of about 10%; while a large number of other foreign commodities such as varieties of native products, medicinal materials, spice, timber, cotton and other articles for daily use were listed as low-grade goods, whose tariff ratio was usually set at about one-fifteenth (approximately 6.66%). According to relating rules, these goods could, after corresponding taxation, enter government market or nongovernment market respectively to be traded. This could be referred to as low-tax preference.

⁵⁰) See: Officials of the Bureau of Customs and Foreign Trade, in History of Song Dynasty – Positions and Officials (VII, 《宋史·职官七》, “提举市舶司”), Publishing House of China, 1977, Vol. XII, p. 3971. See also: Regulations Regarding Customs and Mutual Trade, in History of Song Dynasty – Foods and Commodities (VIII 2, 《宋史·食货下八》, “互市舶法”), Publishing House of China, 1977, Vol. XIII, pp. 4558–4566. And also: Compilation of the Imperial Edicts and Memorials to the Throne of Song Dynasty – Positions and Officials (XLIV), Great East Publishing House of Shanghai, 1936 (photo-offset copy), Vol. LXXXVI, pp. 1–34.

- d. Export licensing system was rigorously enforced. Merchant ships should, if they set out to the sea from a port in China, declare to local Bureau of Customs and Foreign Trade various items such as the names, amounts and destination of the freight they carried. It was only after these declarations had been checked and verified, and after corresponding warranty had been issued by local wealthy family (family with sufficient material resources), that the merchant ships could be let pass according to “Governmental Proof” (namely the license) conferred by the Bureau. When these ships returned, the original “Governmental Proof” should be handed back to corresponding Bureau. And the commodities they purchased from foreign countries could enter into market only after they were declared and levied statutory tax.
- e. Various activities of smuggling and tax evasion (such as “to sail secretly to escape official examination and taxation”, “to evade taxes”, and “to take bribes and play favoritism, leading to loss of taxation”) were strictly prohibited. Lawbreakers were punished, with ships and cargoes involved being confiscated, while informers and reporters were amply rewarded with “half of the total value of relating ships and cargoes”.
- f. Lawful rights and interests of foreign merchants were earnestly protected. It was strictly prohibited that government officials or despotic gentries took advantage of their influence and power to demand a very low price of the foreign merchants’ commodities and force the transaction. All this kind of forced transactions, which caused extra loss to foreign merchants, was seriously treated, with relating law-breakers being severely punished (to be dealt with severely according to law).
- g. Foreign merchants were treated courteously, and people were encouraged to carry out salvages in marine perils. Hotels for foreign merchants were established (“Stations for Those from Far Away are set”), and rules for reception and gifts were made. “Each year, at the time of repatriation and set-out of foreign ships, the imperial court would organize special banquets for foreign merchants, in order to show its intention to solicit foreign people”. With regard to foreign ship that was caught in storms and drifted to coastal areas of China, “if it was damaged and no ship-owners could be identified, the government should carry out the rescue and repair, and should register the freight on board, which the ship-owners’ relatives were allowed to claim with corresponding warranty”.

From the above outlines, it can be inferred that: this volume of *Ordinances Regarding Customs and Foreign Trade*, which was formulated nearly 900 years ago, is undoubtedly the forerunner of Custom Law, Foreign Trade Law and Foreign-Related Tax Law in later ages, with most of its basic provisions being inherited and developed by these later legislations within the same category.

During Yuan Dynasty (1271–1368), northern areas of China were enormous.⁵¹ The land-borne international commercial route was unblocked, while the maritime trade acquired new development. Based on corresponding legislations of Song Dynasty, the government of Yuan enacted *Regulations on the Management of Customs and Foreign Trade* with 22 Articles in the year of 1293,⁵² systematizing and normalizing the management on foreign trade and regulations relating to tax. At the same time, with the funding and ships prepared by government, a number of capable merchants and sailors were selected and appointed to “sail to foreign countries to trade”, profits of which should be divided at a ratio in which 70% went to government, while 30% was left to staffs engaged. Besides this kind of government-sponsored trade, private trade was also permitted, and special protection was provided to ship merchants and sailors occupied in external trade. This had, for a large extent, changed the monopoly policy of Song Dynasty which granted exclusive rights for government to sell the imported commodities. With the adoption of a series of measures such as low-tax, solicitation, protection and bonus, foreign traders came thick and fast, including not only the traditional Arabian merchants as in Tang Dynasty and Song Dynasty, but also merchants from as far as Europe and North Africa. Marco Polo the Italian, who came to China as a merchant and tourist at the inception of Yuan Dynasty, once placed Port Quanzhou of China in the same category with Port Alexander, the international trade center in Mediterranean regions, and considered them as the two biggest ports for foreign trade at that time throughout the world.

⁵¹ In 1206, Mongolian aristocracy crowned Temujin as Lord Dread at the source of Onon River, with an esteemed title as Genghis Khan, thus The Great Mongol Empire (Yeke Mongghol Ulus) was established. After the demise of Mongke Khan in 1259, his forth brother Kublai and seventh brother Arik-buga were dragged into a war for the throne, and The Great Mongol Empire was split into “Khan’s Country” and four other Khanates, namely the Kipchak Khanate, the Ogodei Khanate, the Yili Khanate and the Chagatai Khanate. Arik-buga was defeated in 1264 while Kublai acquired the highest reigning power and became the king of Mongol Empire. After he seized and captured the vast areas of Central China, Kublai established Yuan Dynasty of China in 1271 and claimed himself as the Emperor of China in the capital city Peking. Although the already separated four other Khanates nominally admitted the suzerainty of China’s Yuan Court, they were in fact all independent and were not directly affiliated to Yuan Emperor. Territory of China’s Yuan Dynasty reached as north as Siberia, as south as South Sea of China. Its southwestern region included Tibet and Yunnan of today, and its northwest reached Central Asia of today, while its northeast reached Outer Xing’an Ridge and the Sea of Okhotsk. See: Bai Shouyi (editor-in-chief), *supra* note 10, pp. 355–356, 551–584. See also: Han Rulin (ed.), *supra* note 10, pp. 201–207, 263–265, 290–293, and the illustration on p. 298. See also: Song Lian *et al.* (of Ming Dynasty), *supra* note 10, pp. 12–13, 20–22, 34, 63–65.

⁵² See: Officials of the Department of Customs and Foreign Trade, in *History of Yuan Dynasty – Officials* (VII), Publishing House of China, 1976, Vol. VIII, p. 2315. See also: Customs and Foreign Trade, in *History of Yuan Dynasty – Foods and Commodities* (II), Publishing House of China, 1976, Vol. VIII, pp. 2401–2403. See also: Customs and Foreign Trade, in *Decrees and Regulations of Yuan Dynasty – The Ministry of Revenue* (VIII), the emendated edition of 1908, Vol. VIII, pp. 71–79.

At the beginning of Ming Dynasty (1368–1644), vis-à-vis the external trading system and relating measures which had been adopted for over 700 years through three dynasties of Tang, Song and Yuan, which proved to be effective and beneficial, a lot part was inherited, while some major developments were made. In order to further solicit foreign merchants, two generations of government (namely Hongwu and Yongle) conferred different preferential treatments to tribute ships and commercial ships from foreign countries. As to the former which conveyed commodities for governmental exchange, an exceptional reward was bestowed; while as to the latter that conveyed merchandise for folk exchange, no tax was levied. This resulted in the mad rush into China of merchant ships from various countries, boosting international trade to prosper. On the other hand, during the year A.D. 1405 to 1433, the government of Ming Dynasty successively organized and dispatched ocean fleets of huge scale. Under the command of Zheng He, these fleets took seven times of ocean-going voyage one after another, reaching as far as nowadays Indonesia, Sri Lanka, Thailand, west coast of India, Persian Gulf, countries on the Arabian Peninsula, Somalia in East Africa and Kenya, largely promoting the political cordial relations and economic trade relations between China and over 30 other countries in Asia and Africa at that time. The gigantic scale of these fleets (with as many as 27,000 first-voyage crews), the vast areas those trading activities covered, the enormous sailing range accumulated, and the time these voyages lasted, were all unprecedented.⁵³ The heroic undertaking and outstanding

⁵³ See: History of Ming Dynasty – Eunuch – Zheng He (in Chinese), Publishing House of China, 1974, Vol. XXIV, pp. 7765–7768. An American scholar, who is famous for his research on Zheng He, once carried out an interesting comparison of Zheng He and Columbus, which is very though-provoking. It reads,

Between 1405 and 1433, Zheng He led seven major expeditions, commanding the largest armada the world would see for the next five centuries. Not until World War I did the West mount anything comparable. Zheng He's fleet included 28,000 sailors on 300 ships, the longest of which were 400 feet. By comparison, Columbus in 1492 had 90 sailors on three ships, the biggest of which was 85 feet long. Zheng He's ships also had advanced design elements that would not be introduced in Europe for another 350 years, including balanced rudders and watertight bulwark compartments.

The sophistication of Zheng He's fleet underscores just how far ahead of the West the East once was. Indeed, except for the period of the Roman Empire, China had been wealthier, more advanced and more cosmopolitan than any place in Europe for several thousand years....A half-century before Columbus, Zheng He had reached East Africa and learned about Europe from Arab traders. The Chinese could easily have continued around the Cape of Good Hope and established direct trade with Europe....

Asia's retreat into relative isolation after the expeditions of Zheng He amounted to a catastrophic missed opportunity, one that laid the groundwork for the rise of Europe and, eventually, America. Westerners often attribute their economic advantage today to the intelligence, democratic habits or hard work of their forebears, but a more important reason may well have been the folly of 15th-century Chinese rulers.

achievements of Zheng He with his followers on developing external contact have always been shining both in Chinese and foreign history, and fully incarnate the spirit of Chinese nations as having the courage to be enterprising, daring to bring forth innovations and being adept in opening up new areas.⁵⁴

It can thus be concluded from the above description that, from Han through Tang and till to the inception of Ming Dynasty, Chinese people's opening-up, their external economic and cultural contact as well as their creative and enterprising spirit, had clearly played a part in the promotion of the development of their economy and science, as well as the enhancement of international prestige of ancient China. At the same time, through their long-term external economic interactions of an equal and reciprocal nature, Chinese had made significant contributions towards the continuous improvement, common prosperity and colorful enrichment of global economics and culture.

Regretfully, for a very long period in later history, this fine tradition with its enterprising spirit had been suppressed and destroyed, instead of being carried forward. After the middle of Ming Dynasty, the fatuous and corrupted feudal rulers were so imbecile and careless that they went so far as to order to implement the policy of *Ban on Maritime Intercourse and Closing the Country*, shutting down ports, stopping external trade, all for the reason that Japanese pirates might cause damages to coastal areas.⁵⁵ Later on, the banning policy was repeatedly lax and strict, so that the external economic interaction was not able to be bestirred and stimulated until the collapse of Ming Dynasty.

At the inception of Qing Dynasty (1636–1911), for fear of that the anti-Qing force organized abroad by overseas Chinese of Han nationality might fight back, rulers of the royal court therefore went even further in adopting the policy of *Ban on Maritime Intercourse*. For as long as thirty or forty years, no pulling-boat was permitted to put out to sea, and no sailing vessel was permitted to enter a port, with those who dared to violate being executed with lawful authorities. As a result, the external economic interaction of China went downhill, and was unable to recover. After the year 1684, this banning policy was once abandoned and ports were reopened, as four foreign trade ports were established respectively in Jiangsu, Zhejiang, Fujian, and

See: Nicholas D. Kristof, 1492: The Prequel, on The New York Times, June 6th, 1999. Available at: <http://www.nytimes.com/1999/06/06/magazine/1492-the-prequel.html?scp=1&sq=Nicholas+D.+Kristof+The+Prequel&st=nyt> (Last accessed on November 10, 2011)

Its Chinese version was published in installments on Reference News in China, from June 15th to 19th, 1999.

⁵⁴) See: Liu Hanjun, A Long March of a Nation's Fleet – Written at the Occasion of the 600th Anniversary of Zheng He's Voyages Down the Western Seas (in Chinese), on People's Daily, July 11th, 2005, p. 10. See also: Huang Ju, Speech on Conference of the 600th Anniversary of Zheng He's Voyages Down the Western Seas (in Chinese), on People's Daily, July 12th, 2005, p. 1.

⁵⁵) See: Customs and Foreign Trade, in History of Ming Dynasty – Foods and Commodities (V), Publishing House of China, 1974, Vol. VII, p. 1981.

Guangdong Province. However, strict restrictions were imposed on foreign merchants regardless of the distinction between proper trading and unlawful activities. Three trading ports were rescinded once again in 1757. At that time, as a great country in the East, the territory of China far exceeded that of the whole European continent, with its coastal lines stretching for as long as over 20,000 kilometers.⁵⁶ In European continent, coastal ports had already spread out, prospering its external economic intercourse. On the contrary, in the vast region of mainland China, Guangzhou was the only port that was permitted to open up to outside world. This was one of the main reasons that counted for the long-term decline of China's external economic interactions. This kind of absurd situation lasted for as long as more than 80 years, till the door of "Celestial Empire" was bombarded open by artilleries in the Opium War of 1840.

(2) *Jurisprudential Connotations of Ancient China's External Economic Interaction*

The general sequence of the rise and fall of external economic intercourse in ancient China's history is roughly as described above. A few historical trails and jurisprudential principles therein could be indistinctly recognized, from which it is worthy for later generations to draw some lessons.

Firstly, it is the consequence of the development of domestic productivity, as well as the need for its further development, for ancient China to launch external economic interaction. In the history of China, sagacious leaders could comply with the need of historical development, and actively promote external economic intercourse, incarnating the vision, confidence, courage and vigor of the strong; while on the contrary, fatuous rulers usually took actions against historical tide, and attempted to forbid external economic intercourse, reflecting the short sight, stupidity, timidity and incapability of the weak. Of such two opposite external economic policies, the former brings benefit to society, while the latter causes injury to country. The merits and faults contained therein have long been disclosed and fairly assessed by history.

Secondly, ancient China's external economic interaction had strong vitality so long as its main agent rooted in the development of social productivity. If this process was tried to be forbidden foolishly, rather than guided in the light of general trend, the attempt could be made but would not succeed. During two thousand years' history of ancient China's external economic intercourse since Qin and Han Dynasty, there had been a lot of ups and downs, including

⁵⁶) Based on the threat of its military force, the government of tsarist Russia took advantage of the occasion when China was defeated in Opium Wars, and compelled the Qing Government of China to successively conclude and sign a series of unequal treaties such as 1858 *Sino-Russia Treaty of Aigun*, the 1860 *Sino-Russia Treaty of Peking* and so on, devouring vast areas and coastal lines originally belonged to China. See *supra* note 14.

even closing the border for twice. Generally speaking, however, it was still the mainstream in the endless flow of history that external economic intercourse was actively carried out. Correspondingly, the vigorous and enterprising spirit in the external economic intercourse had always been one of the most important fine traditions of Chinese nations. It surely is a misunderstanding or ignorance or distortion of Chinese history to take the negligent and foolish activity of closing the border as its dominant tradition.

Thirdly, jurisprudential principles of autonomy, free will, equality and reciprocity, were basically incarnated in ancient China's external economic interaction. Governments and common people in all previous dynasties always treated visitors and merchants from foreign countries with due respect. Special treatments were given to the foreigners, enabling them to obtain profit. Traditional bulk commodities for exportation from China were such as silk, lacquerware, porcelain and teas, while imported commodities were various local goods from foreign lands which China was short of. These exchanges of material progress between China and foreign countries were conducted in a way that was completely voluntary and civilized, and was able to meet both sides' needs. This kind of economic relationship was *entirely different from those evil deals that prevailed in the external trading history of Western powers such as merchant and pirate merging, killing-and-robbing, slaves-hunting and slaves-trading*.

These Sino-foreign exchanges of material progress effectively propelled the blend and up-grading of human civilization as a whole. Technologies invented in China such as silkworm breeding, silk reeling, porcelain manufacturing, papermaking, printing, powder and compass, were widely spread all over the world through external economic intercourse, making distinguished contribution to the advance of mankind. The expansion of external output, in turn, continuously enhanced China's nautical technologies such as shipbuilding, metallurgy, compass, astronomy, and geometry, and continuously raised the productive level of various professions relating to exported commodities. Meanwhile, foreign products which were formerly lacked or even not seen in China such as fleet horses of Western Regions, Arabian kerosene, and crops like sesame, broad bean, spinach, garlic, sugarcane, sweet potato, maize, peanut and tobacco, were successively spread into China from various places throughout the world, promoting the development of stock farming, agriculture and manufacture of China. Interestingly, the indispensable cotton in daily life for nowadays Chinese had been rare imported goods before Song Dynasty. It was during Song and Yuan Dynasty that cotton seeds began to be introduced from exotic areas. In Yuan and Ming Dynasty, cotton was widely planted and massively produced, making cotton manufacturing rapidly rise to one of the main manufactures vitally interrelated to national welfare and the people's livelihood. It not only enormously changed the clothing tradition of past dynasties in China when silk and linen were taken as main textile, benefiting

numerous common people (for whom silk was too expensive and linen was too coarse while cotton was cheap and fine). With gradual development, cotton also became one of the main products for China to export, whose profits constituted one of main sources for national treasury since Ming Dynasty. The process of cotton from exotic lands to settle down and take root in China is in fact a successful example of a new product and new technology to be: imported → digested → developed → exported.⁵⁷

Once there was a wide-spread traditional thinking which opined that, ancient China's external economic interaction was mainly a tributes-rewards-form of trade with the purpose of fulfilling the feudal rulers' needs on luxuries, which had little positive affections on economic development of society and economic life of common people; or even brought more detriment than advantage. As a matter of fact, this opinion was also a misunderstanding or prejudice of history which did not accord with historical facts, as was shown in the example of above-mentioned cotton's bringing welfare to China. Thus it can be seen that, in ancient China's external economic intercourse, equality and reciprocity is a set of just norms of conduct, as well as the normal social consequence. *Endeavoring to realize equality and mutual benefit in external economic interaction is obviously another important content within numerous fine traditions of Chinese nations.*

Fourthly, ancient China's external economic intercourse was long standing and well established, and had experienced considerably prosperous periods. Due to the confinements of history and social class, however, its scale and significance can hardly be mentioned in the same breath with that of modern times. Its existence and development mainly correlated to the feudal mode of

⁵⁷ According to textual research of Qiu Rui, a learned scholar and historian of Ming Dynasty,

There are only four materials that are used to make clothes in China since ancient times, namely the silk, the linen, the kudzu and the crash. At the time of Han and Tang Dynasty, although cotton was paid as tributes to royal court, it was not planted in China, and was not used to make clothes by people; nor was it levied tax by government. It was not until in-between Song and Yuan Dynasty that cotton seeds were spread into China. Benefits were firstly acquired by Gansu, Shanxi, Fujian and Guangdong Province, as the latter two provinces had maritime trading ports and the former two provinces were adjacent to the Western Regions. At that time, however, cotton planting and manufacturing were still not taxed, so that no relating notes were recorded in the Annals of Foods and Goods in the History Book of Song and Yuan. Until to our dynasty [i.e. Ming Dynasty], cotton has been widely spread all over China. It is fit to all climates regardless of south and north, and is relied on by all people regardless of rich and poor. The profits cotton brings are hundreds times as those of silk and linen.

See: Qiu Rui (of Ming Dynasty), Norms for Tributes and Taxations, in Complementary to Derivative Meanings of the Great Learning (in Chinese), Vol. XXII, included in Complete Library in the Four Branches of Literature (photographic copy), Commercial Printing House (Taiwan), 1986, Vol. DCCXII, p. 307. See also: Heng Kuan (of Han Dynasty), On Salt and Iron (in Chinese), Publishing House of China, 1984, p. 224.

production which had stretched long and unbroken for nearly two thousand years. As a result, its scale, level and social influence were, for a large extent, restricted and constrained by domestic feudal style of natural economy. In later ages of feudal society, as the vitality of this mode of production continuously declined, the foreign economic intercourse was correspondingly caught in stagnation, or even moved towards extinction.

As for the feudal rulers and their literati regarding themselves as, during the secular external contacts, “Celestial Empire”, while regarding the foreigners’ coming forward to foster cordial relations and commercial intercourse as “barbarians’ pilgrimage”; and in the occasion of governmental barter trade, deliberately calling the foreign goods as “tributes”, while referring our own goods as “rewards”; as well as naming the hotels for the reception of foreign merchants and diplomatic corps as “mansions for barbarians” – these practical examples manifest, in all respect, the arrogance and vanity of feudal rulers and their literati. This kind of “A Q mentality”⁵⁸ shall certainly be distinguished from the self-esteem of a nation, and should not be taken as a good thing. Of course, such self-boosting and self-satisfying mentality shall be criticized and abandoned.

3 *Semicolonial and Semifeudal China’s External Economic Interaction and Its “Jurisprudential” Principles*

After the door of China was bombarded open by the gigantic artillery in the Opium War, China’s external economic intercourse experienced a significant transition and sharp transformation, namely turning from acting independently into being at others’ mercy, from mutual benefit on an equal footing into being trampled upon at others’ will.

(1) *Basic Facts of Semicolonial and Semifeudal China’s External Economic Interaction*⁵⁹

Followed by the Opium War in 1840 of Britain’s invading China, big powers of colonialism and imperialism launched several other military aggressions against China, such as the War in 1857 initiated by the alliance of Britain and France, Sino-France War in 1884, Sino-Japan War in 1894, and the war invading China in 1900 launched by the Eight-Power Allied Forces (namely the invading troops sent by Germany, Britain, the United States, France, tsarist Russia, Japan, Italy and Austria). After they defeated China by military forces, and the fatuous and incompetent Chinese rulers were compelled to surrender,

⁵⁸) “A Q” is the main character in Lu Xun’s novel: *The True Story of A Q* (in Chinese). “A Q” is described as a backward peasant who always interprets his defeats as mental victories.

⁵⁹) See: *Revolution of China and the Communist Party of China*, in *Selections of Mao Zedong* (in Chinese), People’s Press, 1991, Vol. II, pp. 626–631.

big powers not only occupied numerous adjacent countries originally protected by China, but also seized or “rented” parts of China’s territory. For example, Japan seized Taiwan and the Penghu Islands, and “rented” Lushun, while Britain seized Hong Kong, and France “rented” the Bay of Guangzhou. Besides ceding territory, a huge amount of reparations was extorted. From 1931 to 1945, Japan launched full-scaled aggression against China from a partial war. For as long as 14 years, numerous parts of China’s territory were successively transformed into colonies of Japan, leading to the plunder and pillage of unprecedented brutality of China’s land and various kinds of its natural resources.

Big powers forced China to conclude and sign a series of unequal treaties, from which they grabbed varieties of political and economic privileges, seriously damaging the political and economic sovereignty of China. According to these unequal treaties, big powers further divided China into different “spheres of influence”, besides enjoying the privilege to station military troops and extraterritorial jurisdiction. In other words, in accordance with their respective strength, big powers negotiated and designated different regions of China for each of them as their exclusive zone where they conducted political manipulation and economic pillage, thus carved up China in disguised form. For example, provinces alongside middle stream and downstream of Yangtze River were categorized as “sphere of influence” of Britain, with Yunnan, Guangdong and Guangxi provinces as that of France, Shandong Province as that of German, and Fujian Province as that of Japan. Northeast provinces were originally partitioned as “sphere of influence” of Russia, of which the southern part was, however, transformed into the “sphere of influence” of Japan after Japan-Russia War in 1905.

According to these unequal treaties, big powers took control of all important trading ports in China, in many of which they seized a certain area as “concession” where they could directly conduct colonial domination. The big powers took control over China’s customs and foreign trade, along with China’s transportation through water, land and air (including the vital inland navigation rights). It was thus convenient for them to dump large quantities of commodities into the enormous market of China, making huge amounts of profits. Meanwhile, China’s agriculture was forced to serve for western powers and fulfill their economic demands, providing them with large quantities of cheap raw materials and consumption goods.

According to these unequal treaties, big powers seized and monopolized rights to exploit mines, to build and manage railways, to operate various kinds of industrial and mining enterprises, so that they could arbitrarily plunder the natural resources of China. They also took direct advantage of cheap raw materials and labor forces of China to squeeze out excess profits, and moreover, to use this opportunity against China’s national industries by creating direct economic constrictions, or even by directly smothering.

According to these unequal treaties, big powers provided a loan to Chinese government on harsh conditions. By establishing banks in China, they monopolized the banking and finance of China, clutching at China's throat in financial sense.

On their economic intercourse with China, big powers relied on their superior status in political and military affairs, as well as their absolute dominance in economics and technology, to compel China to accept various harsh conditions of unequal exchanges. Years of accumulation and continuous expansion of these unequal exchanges caused severe trade deficit of international balance of payments of China, as well as the outflow of huge amounts of national wealth, leading to the situation that common people were stuck in poverty while state in bankruptcy. In order to offset severe trade deficit of international balance of payments, China had to borrow a lot of external loans, deepening its dependence and yieldance on big powers, which in turn, made the range of the unequal exchanges even wider, forming a vicious circle in China's external economic intercourse.

(2) *"Jurisprudence" Imposed on the Process of Semicolonial and Semifeudal China's External Economic Interaction*

In its semicolonial and semifeudal period, lifelines of China's national economy were totally controlled by big powers of colonialism and imperialism with their agents in China. During that time, because its political and economic sovereignty were severely damaged, two main threads or two kinds of pains ran through China's external economic intercourse from whichever aspects such as international trade, international investment, international finance or international taxation, and within whichever domains such as international production, international exchange or international distribution. Firstly, the side of China had no right to stand on its own, or to choose freely, or to take control and management. In its external economic intercourse, China was always in an involuntary and coerced condition, under others' control, at others' service. Secondly, for the side of China, its people were inferior, and its commodities were downgraded. In its external economic intercourse, China always suffered from humiliation of inequality, and it had to undergo unequal exchange and exploitation.

These two kinds of pains did not isolatedly exist. On the contrary, they connoted and reflected basic "jurisprudence" prevailing in international society at that time: it was as a matter of course and protected by the "international law" that the weak should serve as a prey to the strong. In other words, the principle of jungle justice was not only held in esteem by big powers as "proper norm of conduct" for "civilized" nations; it also, through the conclusion of unequal international treaties, acquired a "legitimate status and binding force" in the sense of so-called "international law".

Mr. Sun Yat-sen (孙中山先生), a pioneer in China's democratic revolution, devoted his whole life into the career of overthrowing the feudal ruling by Qing Dynasty and establishing democratic republic. He resisted big powers to invade China and endeavored to abolish unequal treaties forced upon China. In as early as 1904, Sun had already forcefully criticized the "Yellow Peril Doctrine" as justifying the Western powers' evilness in their invasion into China. He pointed out that once Chinese acquired independent and autonomous position in their interactions with foreign countries, "Yellow Peril" would turn out to be "Yellow Blessing", which would do great good not only to Chinese alone but also to the world in general.⁶⁰ Regretfully, due to the restraint of history and the obstruction from reactionary forces in and out of China, the above profound insight of Mr. Sun, with his kind wishes, had not been fully realized.

The historical agonies mentioned above had lasted for over a hundred years in China since the Opium War, and were finally terminated with the establishment of a new socialist China through Chinese people's striving and contending

⁶⁰) Mr. Sun Yat-sen wrote:

Certain people often speaks with a seemingly reasonable tone that, with its massive scale of population and resources, China will become a threat to the world if it awakens and takes western approach and ideas. It would be the harvest of their own misdeeds if foreign countries help to enlighten Chinese people. So the wisest policy for all foreign countries to follow is to oppress and obstruct Chinese people as much as they can. In one word, this tone is in its essence the so-called "Yellow Peril Doctrine". This tone sounds pleasant and persuasive. With some serious research, however, it would turn out to be groundless from whichever perspective. Besides the moral aspect, i.e. whether one country should hold a wish that another country should decline, this problem also has a political aspect. Chinese people are, in their own nature, a hardworking, peace-loving and law-abiding nation, and are in no way an aggressive nation. The sole aim of their participation in war, if they indeed participate, is for self-defense... If Chinese people could become their own master, they would prove to be the most peace-loving country around the world. Furthermore, from an economic point of view, the rise of China and the establishment of an enlightened government will do great good not only to Chinese people in particular but to the world in general. Thus, the whole China could open to and trade with foreign countries, railways could be built, natural resources could be exploited, and Chinese people could get wealthy. With the living standards gradually enhancing, the demand for foreign commodities could be raised, and the scale of international business could be enlarged for a hundred times. Could this all be termed as "Peril"? The relationship between countries is as that between persons – economically speaking, would an impoverished and benighted neighbor do more good than a wealthy and smart neighbor? By this token, the above view becomes broken immediately. It could be confidently said that "*Yellow Peril*" could after all turn out to be great "*Yellow Blessing*".

See: The Real Solution to China's Problems, in Selected Writings of Sun Yat-sen (in Chinese), People's Press, 1956, Vol. I, pp. 61–62.

The above wise prediction posed by Mr. Sun over a hundred years ago is now being gradually realized by the independent, autonomous and peacefully rising China. On a mutual-beneficial, reciprocal and win-win basis, China is bringing great "Yellow Blessing" for the common prosperity of global economy. This is a fact that cannot be denied by any people without taking hegemonic tainted glasses on their eyes.

over a long period. It is not long since their termination, and these agonies are still very much alive in Chinese people's memory. It could be said that, the reason for contemporary China's so much stressing on independence, autonomy, equality and reciprocity, is precisely the conscientious introspection and scientific summary of the above historical agonies. Together with the third world nations, China loudly appeals to reform old international economic order, demanding to abolish the outmoded "jurisprudential" principle of jungle justice in international economic intercourse, so as to establish new jurisprudential principles of equality and reciprocity. Their common objective is to terminate this kind of historical agonies throughout the world as early as possible.

4 Socialist China's External Economic Interaction and Its Jurisprudential Principles

With the victory of Chinese People's War of Liberation and the establishment of PRC, China freed itself from the reactionary ruling of the imperialism with its Chinese agents, and from the disgraceful status as semi-colony, and became a socialist sovereign state with complete political independence. This created the chief prerequisite for China to strive for further economic independence, including that in its external economic intercourse.

(1) Persistence of Independence and Autonomy as well as Implementation of Equality and Reciprocity

Chinese people know quite well that, without economic independence, including that in the external economic intercourse, the already-acquired political independence would be neither complete nor solid. Consequently, to thoroughly wipe out the imperialistic power with its Chinese agents who had monopolized and controlled the lifelines of China's national economy, and to thoroughly change the situation in which the imperialistic power with its Chinese agents manipulated China's external economic intercourse, became the task of top priority for the newly established PRC.

The government of PRC annihilated various privileges of imperialistic powers seized through unequal treaties, and established completely independent new institutions of Custom, retrieving the administrative power which had been in the hand of imperialistic powers for a long period. Some enormous foreign trade enterprises which were previously monopolized and managed by bureaucrat-comprador bourgeoisies (as the agents for imperialism in China) were nationalized; and foreign trade was transformed to be completely controlled and managed by national government. As to foreign trade enterprises operated by national bourgeoisies, a combined policy of utilizing, restricting and reforming was adopted. A series of effective measures were taken with regard to national banking and finance, in order to get rid of the

monopoly, manipulation and management of imperialism. In the meantime, powerful socialist state-owned enterprises were progressively established in the field of domestic production. Thus, China eventually extricated itself from the dependence on imperialism in its external economic intercourse, and went onto a track of total independence and autonomy.

In the course of its external economic interaction, PRC consistently adheres to the principles of equality and reciprocity, and actively carries out international economic cooperation. PRC pays full respect to the national interests of other countries, and protects the lawful rights and interests of foreign merchants in China. During this process, the socialistic economic construction of PRC itself has also been effectively promoted.

It can be said that, independence and autonomy, together with equality and reciprocity, are the most fundamental jurisprudential principles or norms of conduct persistently upheld by China in its external economic intercourse, and are the two cornerstones for the healthy development of China's external economic interaction. The basic spirit therein was proclaimed in writing in *Common Program of the Chinese People's Political Consultative Conference*, in as early as the eve before PRC was founded,⁶¹ and was repeatedly and solemnly reiterated in the fundamental charter (namely the Constitution of PRC) soon afterwards.⁶² In the long history before it became a semi-colony, China could basically practice according to its freewill and the principle of equality and reciprocity in its external economic intercourse. Yet this was still a spontaneous and plain traditional convention. After PRC was founded, its persistence in the principle of independence and autonomy as well as equality and reciprocity began to enter a conscientious and mature stage. This, not only is the development and flourishes of the fine traditions in the history of ancient China's external economic intercourse; but has also ascended, through the

⁶¹) The Common Program of the Chinese People's Political Consultative Conference, adopted on September 29th, 1949, is the basic norms of conduct for the national government and people during a certain period after PRC founded, acting as provisional constitution. It is stipulated in its Articles 54 and 56 that, PRC implements foreign policy of independence and self-reliance. The government of PRC shall establish foreign relations with governments of foreign nations on the basis of equality and reciprocity, and mutual respect for territory and sovereignty. Article 57 further stipulates that, the government of PRC shall, on the basis of equality and reciprocity, resume or develop commercial intercourse with governments and people of foreign nations.

⁶²) In its Preamble, the Constitution of PRC (adopted in 1982) stipulated explicitly that: "China perseveres in a foreign policy of independence and autonomy, and in the following five principles, namely the mutual respect to each other's sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in each other's domestic affairs, equality and reciprocity, and peaceful coexistence, on the basis of which China shall develop diplomatic relations as well as economic and cultural contact with various countries." Later on, in the four amendments of the Constitution of PRC respectively in 1988, 1993, 1999 and 2004, the provision set in above preamble was reiterated repeatedly.

affirmation and regularization by the national fundamental charter, up to basic norms of conduct with legally binding force.

(2) *Termination of the Self-Seclusion Consciousness and Updating of the Outward Opening-up Idea*

It is never a smooth path to carry out foreign economic intercourse according to the principles of independence, autonomy, equality and reciprocity. Since its establishment, PRC has encountered a lot of severe disruptions, hardships and dangers on this path.

At the inception of PRC's establishment, in the lead of the U.S. government who was extremely hostile against PRC, economic blockades and embargoes against China were implemented for more than 20 years, with the attempt to strangle the newly appeared socialist regime to death by economic manner. Under the instigation of the U.S., the *Coordinating Committee for Export Control* (hereinafter COCOM) was founded by a dozen of principal developed capitalist countries in Paris, so as to coordinate and pursue the embargo policy against socialist countries by strictly restricting its member countries' external trade with socialist countries. The specially founded Commission for PRC (中国委员会) within COCOM was the executive body of embargo against China, in which an especially wide range of embargo list was drawn up, namely the "Embargo List against China" (中国禁单). After the year 1969, although U.S. president Nixon proclaimed to relax the embargo against China on many occasions, COCOM was still playing its role until March 1994.⁶³ Henceforth, despite of its dissolution, bad effects of COCOM's long-term embargo against China has not been completely eliminated until now.

During 1950s to early 1960s, due to the organization and implementation of the economic blockade policy against China advocated by the U.S., China's trading partners were restricted to the Soviet Union and other socialist countries in Eastern Europe. After the middle 1950s, however, the Soviet Union often acted in a chauvinistic and egoistic way in its economic intercourse and cooperation with China. Furthermore, it objected China to develop economy on the basis of independence and autonomy in the name of "international division of labor within socialism", striving to transform China into a supply base of raw materials and a sales market of its surplus products. Since 1960, leaders of Communist Party of the Soviet Union expanded the ideological divergence with the CPC up to national level, trying to compel China to submit by imposing immense political, economic and military pressure thereon. In July 1960, the Soviet Government unexpectedly announced a unilateral decision that the 1390 Soviet experts, who were helping China in its economic

⁶³ See: Various Problems Facing the Alternative Institution of COCOM (in Chinese), on Reference News, December 28th, 1993. See also: Export Control Still Exists despite of COCOM's Dissolution (in Chinese), on International Commercial News, April 26th, 1994.

construction at that time, should be entirely withdrawn within a month. Soon afterwards, 343 main and supplementary contracts regarding experts were torn up unilaterally by Soviet Union, with 257 significant scientific and technological cooperative projects being abolished. Meanwhile, restrictive and discriminative policies with regard to Sino-Soviet international trade were implemented by the Soviet Government. These unexpected grievous steps which deteriorated international relationships, severely damaged China's foreign economic intercourse and cooperation at that time, and had been causing serious chaos and loss to the socialist economic construction of China for a very long period.

For Chinese people, the consciousness of independence, autonomy and striving to be strong has been stimulated and strengthened by the long-term historical humiliation for semicolonial China, by the economic blockade imposed on China by U.S. imperialism in 1950s and 1960s, and by the economic damage caused by perfidious acts of Soviet hegemonism. History repeatedly teaches Chinese people that policy regarding revolution and construction shall only be based on their own strength and power. Especially for such a large country as China, to develop revolution or construction, Chinese must mainly rely on themselves. Although the economy and culture of China are still relatively backward, and although Chinese are in especially urgent need to seek for external assistance and to learn advanced experiences that will do them good, however, China must persist in its own national esteem and confidence vis-à-vis any other big, strong or wealthy countries in its foreign economic intercourse. No obsequious and servile performance shall be permitted. The consciousness of independence and autonomy as well as the policy of taking fate in their own hands are for sure extremely necessary and completely correct.

Yet a fine inclination would often conceal a bad one. Under specific historical conditions in China, there once rose one-sided comprehension and incorrect understanding as regards independence and autonomy.

China had experienced a very long feudal society, when self-supporting and self-sufficient natural economy dominated. Therefore, the conventional power and the traditional conception formed through thousands of years would invariably impel people to understand the socialist economic construction in a narrow, self-supporting and self-sufficient sense.

After the economic construction acquired certain achievements at the inception of PRC, a conceited and self-complacent mood was developed, causing the long existed "Left" deviation, which advocated a rush for quick results, ignoring objective economic rules while exaggerating the function of subjective will. Under the affection of "Left" deviation, people began to look down upon the objective requisite of participating in necessary international division of labor, as well as the need to utilize foreign resources and open up foreign markets. On the contrary, they thought that socialist countries could

rely themselves on everything, and could carry out socialist economic construction according to their own wills with the doors closed. As a result, independence and autonomy were unconsciously and mechanically isolated from, or even counterposed against actively developing external economic intercourse and vigorously striving for foreign assistance. The long-term historical humiliation for semicolonial China, the economic blockade imposed on China by U.S. imperialism in 1950s and 1960s, and the economic damage caused by perfidious acts of Soviet hegemonism – these repeated and painful historical experiences impelled people to harbor deep vigilance and consistent apprehensions against developing external economic intercourse, from which the mood of self-seclusion and blind xenophobia was derived.

During the 10-year catastrophe of the so-called “Cultural Revolution”, actuated by their evil motives to usurp Party leadership and seize state power, two counterrevolutionary groups of Lin Biao and Jiang Qing blended the aforesaid wrong ideas together and pushed it to extreme. A lot of proper and necessary foreign economic intercourse (especially the learning of foreign advanced experience, the importing of advanced technology and the developing of foreign trade) were calumniated as fawning upon foreign things, or national betrayal, or slavish comprador philosophy, causing unprecedented confusion of thoughts.

Under the interactions of the above-mentioned historical factors and misleading thoughts, the external economic intercourse of PRC could not escape from negative affections, thus making its socialist economic construction once and again lose good opportunities of bringing foreign positive factors into play. A lot of meaningless losses were caused, and the gap with advanced countries in terms of economic development level was enlarged.

On the Third Plenary Session of the 11th Central Committee of the Chinese Communist Party held in December 1978, the misleading “Left” deviation appeared in the “Cultural Revolution” and before was redressed completely and seriously, and new and correct strategic decisions were made and were seriously implemented through national institutions, that the focus of national work should be shifted to the *modern socialist economic construction*. This was a great turn of profound historical significance since PRC was founded.

Under the new occasion that order was brought out of chaos, and that the national focus of work was shifted onto economic construction, CPC made a correct assessment of the situation and promptly posed the opening-up in economy as its basic national policy. This made the long standing mainstream of Sino-Foreign economic interactions and their inherent jurisprudential principles entering into a brand new, a more conscientious and a more mature historical phase.

In 1993, on the basis of systematical sum of the 15 years’ experience, the Constitution of PRC formally stipulated that, “The state practices socialist market economy”. Against problems in the construction of socialist market

economy, the Third Plenary Session of the 14th Central Committee of CPC put forward documents as guiding principles, largely accelerating the opening-up pace while enhancing its extent, breadth along with its depth.

It has been sufficiently illustrated by historical facts that China's development cannot be separated with the world, and that a close-door-and-construct policy will not lead to success. To practice opening-up totally accord with the characteristics of modern times and the rule for the development of world economy and technology. It is also the inevitable choice for China to speed up its modern construction, and the essential national policy that China must stick to for a long period. On the one hand, China shall, from the beginning to the end, take independence and autonomy as fundamentals for its development; on the other hand, it shall also open the door and carry out constructions, and boldly enroll and utilize foreign capitals, advanced technologies and management methods.

The persistence in promoting fine traditional culture of Chinese nation shall be combined together with the active learning of all civilized achievements of human society. Utilizing domestic resources and market shall be combined with utilizing foreign resources and market. And, enlivening the domestic economy shall be combined together with opening up to the outside world. In this way, powerful impetus can be ceaselessly provided to modern socialist construction of China. Meanwhile, in the opening-up process, China must constantly pay attention to the maintenance of national sovereignty and economic security, and to the surveillance and feasible countermeasures against possible assault of international risk. Based on such recognition, the Central Committee of CPC further emphasized that China shall go on to the world arena at a more active gesture, continuously enriching the forms and contents of opening-up, successively enhancing the quality and level of opening-up, and improving an omnibearing, multilayer and broad pattern of opening-up.⁶⁴

After the entry into 21st century, international circumstances keep on experiencing profound and complicated changes. The trend of world multipolarization as well as economic globalization moves ahead through ups and downs. Scientific progress flourishes with each passing day. Significant chances for development and multivariant serious challenges coexist. Although in contemporary world various kinds of contradictions and conflicts still exist with uncertain and instable factors increasing to some extent, yet peace and development are still the main theme of modern times. It is the irresistible

⁶⁴) See: Jiang Zemin, Holding High the Great Flag of Deng Xiaoping Theory, to Comprehensively Push the Construction of Socialism with Chinese Characteristic into 21st Century – Speech at the 15th National Representative Conference of CPC, on September 12th, 1997; and also: Speech at the 20th Annual Memorial of the Third Plenary Session of the 11th Central Committee of CPC, on December 18th, 1998.

historical tide that the world needs peace, countries need development, and people need cooperation.

For China, as it has been unswervingly promoting reform and openness for over 30 years, the socialist market economy system is preliminarily established, and open economy has already been formed. Its social productivity and synthetic national power keep enhancing, and various social businesses have acquired comprehensive development, and a historical stride has generally realized that people's life has basically transformed from subsistence level to comparatively well-off level.⁶⁵

To sum up the past and look into the future, with appropriate amount of national esteem and pride, Chinese people proclaim to the world without being humble or pushy that, "Today's China is a great, reforming and open country at its peaceful rise."⁶⁶

At present, Chinese people are right in the process of utterly terminating the consciousness of self-seclusion, updating further the idea of outward opening-up, and trying hard to establish a perfect socialist market economy system. They are right in the process of rapid and peaceful rise in world spotlight. According to the newest strategic decision, the process of China's rapid and peaceful rise is entering a new phase, in which outward opening-up and economic reforms are correlated more intimately. During 2011 to 2015, China will push forward a profound reformation in economic and social fields, in order to accelerate the transition of patterns of economic development with the reforming and opening-up policy as its persistent and powerful impetus. China will actively participate in the governance of global economy and regional cooperation, taking advantage of opening-up to promote development, reformation and innovation, so as to actively create new advantages in participating in international economic cooperation and competition. In the meantime, China shall hold high the flag of peace, development and cooperation, and adopt peaceful foreign policy of independence and autonomy, persistently moving along the path of peaceful development, maintaining its national sovereignty, security and interests. China shall continue to push forward, together with other countries in the world, the construction of a harmonious world that is of permanent peace and common prosperity.⁶⁷

⁶⁵) See: Hu Jintao, China's Development, Asia's Opportunity, speech at the opening ceremony of the annual meeting of Bo'ao Asian Forum in 2004 (including Round-table Conference Regarding China's Peaceful Rise and Economic Globalization), on People's Daily, on February 24th, 2004, p. 1.

⁶⁶) See: Wen Jiabao, Cast Eyesight to China, speech addressed at Harvard University on December 10th, 2003, People's Net, available at: <http://www.people.com.cn/GB/paper39/10860/986284.html> (Last accessed on November 10, 2011)

⁶⁷) See: Communiqué for the Fifth Plenary Session of the 17th Central Committee of CPC (in Chinese), on October 18th, 2010, available at: http://news.xinhuanet.com/video/2010-10/18/c_12673249.htm (Last accessed on November 10, 2011)

It is the great mission of contemporary Chinese endowed by history that they shall conscientiously impel the above-described process to accomplish soon and to continuously develop, so as to further promote the socialist construction of China itself and to enhance the due role that China shall play in prospering the world economy.

5 *China's Peaceful Rising and its Long-term Peaceful Foreign Policy are Historically Inevitable*

From the brief retrospection described above, a number of historical trails are not hard to be discerned:

Firstly, in the historical river as long as thousands of years, China once evolved a fine tradition of actively developing external economic intercourse. Its inherent jurisprudential connotations are spontaneous and plain principles of *independence, autonomy, equality and reciprocity*. This is the historical mainstream beyond doubt.

The whys and wherefores are closely related to Confucianism and mainstream social consciousness inherited and developed within China for thousands of years. It has been constantly advocated by Confucianists that “people all around the world are all brothers”⁶⁸, “in the usages of justifiable norms of conduct (礼), the most prized is harmony (和)”⁶⁹, and “never do to others what you would not like them to do to you”⁷⁰. These Confucian ideas had been broadly accepted by Chinese people, and thus formed the mainstream consciousness of society. They had become basic moral disciplines and norms of conduct for generations of Chinese people in dealing with each other. For past

⁶⁸) See: Confucius, The Analects – Book XII – Yan Yuan (in Chinese). The present Article's author holds the following opinion that, this Confucian principle is one of the ideological sources and significant connotations of *Chinese patriotism*. It is also well connected and accorded with core ideas of *Marxian internationalism*. See: An CHEN & Dong CHEN, What Should be China's Strategic Positions in the Establishment of the New International Economic Order? The Journal of World Investment & Trade, Vol. 10, No. 3, pp. 364–365.

⁶⁹) See: Confucius, The Analects – Book I – Xue Er (in Chinese). This sentence means that: to deal with things according to common admitted justifiable norms of conduct, is to adjust all kinds of interpersonal relationships into a harmonious mode. Confucius believes that the most important talent of former saint kings in their adjusting interpersonal relationships is that they can attune the relationships into a state of common harmony according to common admitted justifiable norms of conduct – “Li” (礼).

⁷⁰) See: Confucius, The Analects – Book XV – Wei Ling Gong (in Chinese). This sentence means that all decent people shall treat others as if they were treating themselves, and shall respect each other. Otherwise, if whatever you dislike be imposed on others, the peaceful and friendly relationship between them will certainly be destroyed. What you would not like others to do to you shall be avoided being done to them by yourself. Chinese people have repeatedly suffered from the invasion by various foreign countries, and have thus a deep-seated hatred thereto. Consequently, according to the said traditional principle and idea, Chinese people shall not play the bully and invade into other neighboring countries, both during and after China's peaceful rising.

generations, Chinese people were accustomed to “unite the family, promote friendly relations with neighbors and treat others kindly under the spirit of harmony. Harmonious culture has cultivated the national character of Chinese people to love peace. The world-famous Silk Road is a road of trade, a road of culture and a road of peace. On this road, historical footprints of ancient Chinese to pursue a friendly communication and reciprocal cooperation with foreign people have been engraved. In the seven sails to the West by Zheng He, the renowned Chinese navigator, what have been displayed are the splendid civilization and advanced technology of China, and what have been remained are peace and friendship.”⁷¹

As to the two “Westward Marches” by Genghis Khan during 1219 to 1225 and by Batu during 1235 to 1242 respectively, they should be counted on the Mongolian hordes in Mobei region, and are decades before Kublai established Yuan Dynasty of China in 1271. With the establishment of Yuan Dynasty, Mongolians began to accept the cultivation of Confucianism, and were gradually merged into the Chinese nation during the following century. Consequently, to vaguely claim that “China’s Yuan Dynasty sent a large troop to invade Europe and caused ‘Yellow Peril’” and so on disaccords with the historical fact,⁷² or even turns out to be ill-intentioned.⁷³

During the period of late feudal society of China, due to the fatuity of the feudal rulers and the implementation of policies as locking down the county and banning maritime trade, the above fine traditions were severely distorted. However, in the long historical river of Sino-Foreign economic interactions, this was only a branch that lasted only temporarily, and could never hold the mainstream from flowing ahead.

Secondly, in the century after Opium War, the external economic intercourse of the semicolonial and semifeudal China was carried out under the high pressure, coercion and manipulation of colonialism and imperialism. The originally spontaneous and plain principles of independence, autonomy, equality and reciprocity were thoroughly destroyed and no longer existed. The alternative “jurisprudential principles” were the “conventionalization” of humiliating a country and forfeiting its sovereignty, as well as the “legitimization” of jungle justice.

During this historical phase, China was world-admittedly the country which was threatened and invaded, while the colonial and imperial powers including the U.S. were undoubtedly the threateners and invaders.

Thirdly, after socialist PRC was founded, China began to actively carry out external economic intercourse on a new basis, promoting the spontaneous

⁷¹) See *supra* note 7, Section IV.

⁷²) See *supra* notes 10, 51.

⁷³) See *supra* notes 2–16, 20–29.

and plain principles of independence, autonomy, equality and reciprocity in China's historical tradition into a self-conscious and mature phase. However, under the synthetic influence of various passive factors domestic and abroad, this developing process had once encountered a variety of hardships and dangers as well as severe disruptions.

During this historical phase, new China had been blocked, threatened and bullied by various countries led by then two superpowers. China was still the country which was threatened and invaded, while the big powers including the U.S., who insisted on their colonial and imperial vested interests, were still the undoubtedly threateners and injurers.

After nearly 30 years of Chinese people's striving to eliminate the control of foreign powers and to bring order out of chaos domestically since 1949, and during the period of more than 30 years since the end of 1978, the fine tradition of China to actively develop external economic intercourse has been regenerated and carried forward in a splendid manner under the direction of more self-conscious and really mature jurisprudential principles of independence, autonomy, equality and reciprocity.

In one word, with their civilized history for almost 5,000 years, Chinese people have inherited the fine traditions of Chinese culture, and have endowed this culture with new epochal significance. Contemporary China adopts a peaceful foreign policy guided by jurisprudential principles of independence, autonomy, equality and reciprocity. It is not only the inheritance and development of Chinese historical traditions for thousands of years, but also one of the main causes for China's peaceful rising in the past 30 years. Without a peaceful international environment in East Asia for the past 30 years, it would be impossible for China to undergo a peaceful rise for the past 30 years. Similarly, for a continuous peaceful rise in future, China will definitely need a long-term peaceful international environment guided by jurisprudential principles of independence, autonomy, equality and reciprocity for all countries. This is the common expectation of Chinese people, Asian people and all human being around the world; and is also the most self-evident political common sense.⁷⁴

Yet, as the saying goes, "The trees may prefer calm but the wind will not subside" – things often don't occur as people wish. History could seemingly fall back, and has indeed fallen back into a phase almost 27 years ago, when G. F. Kennan, "Father of Cold War Mentality", confessed in as early as 1984 that certain Americans had a "curious tendency" to search, at all times, for a single external center of evil, to which all American troubles can be attributed. It always lead to an systematic overrepresentation of the military potential of the supposed adversary, thereby heightening the suspicion of that adversary, and

⁷⁴) See *supra* note 7.

the fear and antagonism addressed to him, among American population.⁷⁵ Now such “curious American tendency” breaks out again, and much to those Americans’ wish, they have eventually found a new “center of evil”, namely China, to mobilize the morale in the United States against this common enemy, and to blind American people thus acquiring their support in the war-like policy and all hegemonic behaviors by the U.S. authorities. As a result, various updated versions of “Yellow Peril” and “China Threat” all swarmed out. Besides the abovementioned “China Threat” of its military and “China Threat” of its economy annually released by American authorities as the most high-ranked versions, there emerges an endless stream of “China Threat” of its environment, “China Threat” of its technology, “China Threat” of its developing model, “China Threat” of its ideology, “China Threat” of its foods consumption, “China Threat” of its exportation, “China Threat” of its stocks, “China Threat” of its immigrants, “China Threat” of its spies and even “China Threat” of its students abroad. It seems that “all problems confronting American and Western people can attribute to China, such as: Taxation rate is high because their governments must enlarge armaments to balance the continuously modernizing Chinese troops. Global warming is due to the increase of discharging of greenhouse gases caused by the development of China’s industries. High rate of unemployment is because that the dumping of cheap Chinese commodities defeated their domestic manufacturing businesses. Foods are not safe because there are pesticide residuals in Chinese exported eatings. Even the sickness of their dogs is blamed to be caused by the toxic elements contained in pet’s foods exported from China... their vigorous imaginations are hard to be not ‘admired’.”⁷⁶

It is also hard not to recall that nearly 45 years ago, William P. Bundy, then Assistant Secretary for Far Eastern Affairs, published a long address entitled *The United States and Communist China*, systemically elaborating on “China Threat”. He claimed that:

Communist China is without doubt the most serious and perplexing problem that confronts our foreign policy today. Peking’s foreign policy objectives, and the tactics it employs to achieve these objectives, sharply focus for us [Americans] the issues of war and peace in Asia and the freedom and lives of millions of people, not only in Asia but throughout the world.⁷⁷

With the tone of a “World cop” and “Savior for Asia”, he tried to demonstrate that China aimed to conquer Asia by exporting its revolution, while “What we

⁷⁵ See *supra* note 32 with its relating texts.

⁷⁶ See: Sun Lizhou, Gleanings of History – “China Threat” was refuted by People’s Daily 40 Years Ago (in Chinese), China’s Youth Daily, June 3, 2008. Available at: http://news.xinhuanet.com/mil/2008-07/28/content_8819082.htm (Last accessed on November 10, 2011)

⁷⁷ See *supra* note 31, p. 1.

[Americans] seek is a situation where small as well as large nations are able to develop as free and independent countries ...” As a result, “We [Americans] have little alternative but to stand up to Peiping’s [*sic!*] grandiose demands.”⁷⁸

Bundy’s fallacy faced an immediate blow by an “Observer” in People’s Daily of China, who wrote:

For each and every person with basic knowledge, the following questions are self-evident: with America situating to the east of Pacific and China to the west of it, the distance between these two countries is extremely long and not less than several thousand miles; so how come that America has little alternative but to fight against China, especially while China has no single soldier on American territory, and no single military base in American neighborhood? ... While Bundy was talking with eloquence in a college of California, which country’s bombers is it to pour thousand tons of bombs on Vietnamese land, and which country is it to launch a massive war of aggression against Vietnam with its hundred thousands of troops and various modern weapons? Wouldn’t that be too difficult for those American imperialist invaders to change suddenly from executioners with their hands stained by blood of people in Vietnam and Asia into the “Savior” of people in Asia?⁷⁹

Even nowadays after 45 years, the absurd logic of Bundy was still employed by high-ranked American officials and scholars.⁸⁰ Accordingly, the sharp refutations by the “Observer” back at that time are still sounding strong in voice, only need to replace the word “Vietnam” with “Iraq”, “Afghanistan” and “Pakistan”. People could not help but ask, which more countries, especially Asian countries, will be threatened under the fabricated “China Threat”, and will “enjoy” the crazy bombard and massive invasion bestowed by America?

Recently, the trial voyage of China’s unique aircraft carrier had invoked hysteric clamor of “China Threat” by certain American politicians, army-men, scholars and Medias.⁸¹ All people with basic common sense around the globe could not help but pose the following queries.

Firstly, America has 12 aircraft carriers, making more than half the number of total aircraft carriers in the world.⁸² In various occasions, these 12

⁷⁸) *Ibid*, pp. 1, 5.

⁷⁹) See: Observer, To Refute Bundy (in Chinese), on People’s Daily, February 20, 1966, p. 4.

⁸⁰) See *supra* notes 2, 31 and their relating texts.

⁸¹) See first section of this Article.

⁸²) Aircraft carriers currently in service of global navies are reported as follows:

Brazil (1), NAE São Paulo (A12): 32,800 ton ex-French carrier FS Foch (launched 1960), purchased in 2000.

France (1), Charles de Gaulle (R 91): 42,000 ton nuclear-powered aircraft carrier, commissioned in 2001.

India (1), INS Viraat: 28,700 ton ex-British carrier HMS Hermes (launched 1953), purchased in 1986 and commissioned in 1987, scheduled to be decommissioned in 2019.[9]

Italy (2), Giuseppe Garibaldi (551): 14,000 ton Italian STOVL carrier, commissioned in 1985.

Cavour (550): 27,000 ton Italian STOVL carrier, commissioned in 2008.

Russia (1), Admiral Flota Sovetskovo Soyuza Kuznetsov: 67,500 ton Kuznetsov class STOBAR aircraft carrier. Launched in 1985 as Tbilisi, renamed and operational from 1995.

“Leviathans”⁸³ with their shipboard aircrafts have rampaged around world-wide oceans, and have invaded into territorial waters and skies of other countries to bomb savagely and to slaughter the innocents. In various occasion, they have intruded into the borderlines of other countries to show their muscles and intimidate through military force, in order to interfere with the domestic affairs of these countries and to infringe their sovereignty independence and territorial integrity. As a country that has suffered therefrom and been threatened thereby for more than one century, China has just owned its first aircraft carrier to maintain its sovereign independence and territorial integrity. This, however, has invoked calumny and threat by America. Should China continue to tolerate the injustice of that “the governors are allowed to arson and burn down common people’s houses, while the common people are forbidden to use fire for lighting lamps”?

Secondly, China has the most population of the world, as well as a vast area of land and a long-stretching coastline. It is self-evident that so many Chinese people, so vast territory as well as so long-stretching coastline must be guarded by modern weapons and equipments including aircraft carrier. Is it obliged for China to follow the American instruction, explaining “why need an aircraft carrier”?⁸⁴ For the 12 aircraft carriers it owns, has America issued any explanation on “why it needs aircraft carriers or why it needs so many carriers”?

Spain (2), Principe de Asturias (R11): 17,200 ton STOVL carrier, commissioned in 1988.

Juan Carlos I (L61): 27,000 ton, launched in 2008, commissioned 30 September 2010.

Thailand (1), HTMS Chakri Naruebet: 11,400 ton carrier based on Spanish Principe De Asturias design. Commissioned in 1997.

United Kingdom (1), HMS Illustrious: 22,000 ton STOVL carrier, commissioned in 1982. Originally there were three of her class but the other two have since been retired.

United States (11), USS Enterprise (CVN-65): 93,500 ton nuclear-powered supercarrier commissioned in 1961. First nuclear-powered aircraft carrier. Scheduled for decommissioning in 2013, [10] may be extended to 2014–2015. Nimitz class: ten 101,000 ton nuclear-powered supercarriers, the first of which was commissioned in 1975. A Nimitz class carrier is powered by two nuclear reactors and four steam turbines and is 1,092 feet (333 m) long. The United States Navy has the world’s largest carrier fleet with eleven supercarriers in service, one under construction and two more planned.

Available at: http://en.wikipedia.org/wiki/Aircraft_carrier#Aircraft_carriers_in_service (Last accessed on November 10, 2011)

⁸³ In the Bible, “Leviathan” refers to a kind of huge sea monster symbolizing evilness. It looks like a hybrid of giant crocodiles and dinosaurs, and has hard shells and sharp teeth. Fire is emitted out of its mouth and nose, and there are pointed jags under its belly. This creature is of a ferocious disposition by nature, and can devour huge amounts of living persons. In Christian creed “Leviathan” becomes a demon that is endeavoring to destroy the whole world.

⁸⁴ On the regular press conference of August 10, 2011, Newland, the Spokesperson of American Department of State, expressed the continuous concern of the U.S. towards Chinese developing aircraft carrier, and demanded China to explain why it needed and endeavored to own such a carrier. See: The U.S. Demands of Explanation from China Regarding the Development of Aircraft Carrier Been Interrogated by Journalist of People’s Daily (in Chinese), People’s Daily, August 12, 2011, p. 3.

Thirdly, as one of the five permanent members of the Security Council of United Nations, China has inescapable responsibility towards world peace and stability. And China was still the only country among the five members that had no aircraft carrier not long ago. Why does the mere first trial voyage of China's new-born carrier suffice to invoke the hysteric clamor of "threat" by those Americans with 12 carriers behind them? Does this not demonstrate that those Americans, who are accustomed to threaten other weak countries and cause damage to peace and stability, begin to feel scrupled and can no longer act whimsically? Is this not a good thing for all people around the world who genuinely desire for peace and stability?

IV Concluding Remarks: Respecting Historical Truth and Reaching Consensus

It can be fairly said that the above contents have described *basic facts of the developing vention, the lineage of consanguinity* as well as *the practical outcomes* of various versions of "Yellow Peril" and "China Threat" for over 140 years since 1870s. If only large amounts of historical facts of China's external economic intercourse for the past three thousand years have been taken into account, it would not be hard for all decent and wise people around the world to reach the following common views.

Firstly, "Yellow Peril Doctrine" is obviously one of the racist fallacies. Most preachers and practitioners of various "Yellow Peril Doctrines" and other racist fallacies are notorious and have left disgraceful historical recordings. Among them, Nicholas II the last generation of Russian Tsars, William II the last generation of German Emperors, and Hitler the globally most ambitious figure of Germany, have all been agreed to a final judgment, and have all been nailed onto the historical pillar of shame.

Secondly, the essence and core of various "Yellow Peril Doctrines" all rest with the justification of aggression against China. They are often prior to and always lead to a final invasion into China. Before reaching this final end, the contemporary version of "Yellow Peril" and "China Threat" of American hegemonism is utilized by the U.S. to intimidate China's neighboring countries in order to expand its own influence in the *international* political sphere, as well as to divert the dissatisfaction of American people towards their government in the *domestic* political sphere. In one word, American authorities vainly endeavor to "shoot down three birds with one arrow".

Thirdly, various versions of "Yellow Peril Doctrines" have been accustomed at playing the trick of a thief crying "Stop thief". Or people shall say, the threatener claims himself being threatened, and the infringer disguises as victim. Such severe distortions of facts are completely deviating from and thoroughly against historical truth.

Fourthly, it is only through *taking the history as teachers and as mirrors*, can people keep sharp brain and incisive eyesight, and thus can they avoid being blinded and utilized by American hegemonic version of “China threat”, i.e. by the newest “variant” of “Yellow Peril Doctrine” in the 21st century. Through careful reflection on the past, people could *avoid ignoring the probable danger even in times of peace, and avoid becoming cat’s paw for American hegemonists!*