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Monroe's Shadow: League of Nations Covenant Article 21 and the Space of Asia in International Legal Order

Ryan Martínez Mitchell*

Abstract

The League of Nations Covenant included norms intended to formalize and protect the geopolitical interests of its Great Power architects. One such norm was the contentious Article 21, which provided legal recognition for 'regional understandings like the Monroe Doctrine.' Though originally included in the Covenant as a concession to the United States, Article 21 also raised the general possibility of a world divided into 'great spaces' with distinct internal orders. In doing so, it transposed the ambiguities of the Monroe Doctrine itself—norm against 'external' intrusions, or license for regional hegemony?—onto the global level. In Asia as elsewhere, this proved to be significant for the experience of the League by states and subjects that sought improvement of their international status. In particular, Japan's ongoing aspirations for a 'Monroe-ist' regional sphere shaped that country's, China's, and broader Asian experiences of the League. Meanwhile, frictions over Article 21 and regionalism also impacted rival visions of global legal organization, racial-civilizational space, and sovereignty in the post-League era.

Key Words

League of Nations, Monroe Doctrine, Pan-Asianism, Imperialism, Hegemony

* Assistant Professor, Chinese University of Hong Kong Faculty of Law. J.D., Harvard 2012. Ph.D., Yale 2017. The author would like to thank all of the conveners and participants in the 'League of Nations Decentred' conference held at Melbourne Law School, July 18-19, 2019. This work was supported by the author's Hong Kong Research Grants Council-funded project on 'The Development and Influence of Chinese Theories of Sovereignty,' Project 2191202, Reference No. 24603119.

1 Introduction

In a letter to the League of Nations Secretary-General of March 24th, 1921, China's leading diplomat at Geneva, Wellington Koo (Gu Weijun 顧維鈞), conveyed his country's formal submission of a proposed amendment to the League Covenant.¹ The amended text would read, in its entirety: 'The Monroe Doctrine is recognized as not incompatible with any of the provisions of this Covenant.'²

Neither the young rising star diplomat Koo nor the embattled Northern 'warlord' regime that he represented was, in fact, especially concerned with the legal or geopolitical organization of the Western hemisphere. That issue was also unrelated to the motives behind Chinese objections to Article 21 in its existing form. Rather, these stemmed from the implications of the Article as signed, which held that: 'Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings *like* the Monroe Doctrine, for securing the maintenance of peace.'³ Just what was an understanding 'like the Monroe Doctrine?'

In the context of the time, the rationale for Beijing's concerns went without saying. There had already been years of discussion regarding the possibility (or threat) of an 'Asian Monroe Doctrine.' Closely related were various contemporaneous discourses of pan-Asianism, which had an early center of gravity in late Meiji Japan but soon became a broader regional phenomenon. As Prasenjit Duara has noted, the notion of a distinct Asian 'civilization' as the foundation for regional geopolitical solidarity exhibited a tension with both nationalism and the form of the nation-state, itself still a recent and contested import.⁴ Although the idea that 'Asia is one'⁵ could be and was soon enough appropriated by Japanese military leaders, it also had some creative interpreters in civil society across jurisdictions.⁶ Indeed, even before large-scale Japanese proselytization of such ideas, pan-Asianism was invoked by various Late Qing reformist intellectuals, such as Liang Qichao 梁啟超, who saw Western colonial

¹ For an account of this proposed revision and its failure at the second meeting of the Assembly of the League of Nations, see Henri-A. Rolin, 'L'Oeuvre de Revision du Pacte de la Société des Nations' (1922) *Revue de Droit International et de Législation Comparée* 360; see also Tang Qihua 唐啓華, *Beijing Zhengfu yu Guoji Lianmeng* 北京政府與國際聯盟 [*The Beijing Government and the League of Nations*] 39-45 (Dongda Tushu Gongsi, 1998).

² *League of Nations Official Journal* 3, at 247-248 (May 1921).

³ Ibid (emphasis added). For the full text of the Covenant, see 'The Covenant of the League of Nations (Including Amendments adopted to December, 1924),' Avalon Project, Yale Law School.

⁴ See Prasenjit Duara, 'The Discourse of Civilization and Pan-Asianism' (2001) *Journal of World History*, 99.

⁵ Kakuzō Okakura, *The Ideals of the East with Special Reference to the Art of Japan*, 1 (J. Murray, 1903).

⁶ Duara (2001). See also Pankaj Mishra, *From the Ruins of Empire: The Intellectuals Who Remade Asia* (Farrar, Straus & Giroux, 2012).

rule as a shared disaster for Asian peoples, requiring a shared response.⁷ Later, even as the Japanese project of regional hegemony grew more blatant, there were still individuals and groups engaging with an increasingly surreal rhetoric of a pan-Asian *wangdao* 王道 (non-subordinating 'Kingly Way') versus the Western *badao* 霸道 (hegemony), premised on nation-state rivalries.⁸

Such promises were not borne out in reality, outside or inside the League. Indeed, attention to Article 21 and its historical context contributes to understanding the League's own primary function as a mediating body for unequal geopolitical relationships and (quasi-)institutionalized practices of domination. Erstwhile 19th century associations of international law with an intra-European balance of power did not immediately give way to a homogenous legal status for all states after 1919: Article 21 served as one key focal point for efforts by Great Powers, and sometimes their weaker neighbors, to articulate arguments about how interstate relations should be restructured. Meanwhile, with its pretensions to both legalize and justify regional hegemonies, Article 21 was also another chapter in the history of international law's uses to define political, economic, racial and 'civilizational' spaces—distinct but often intertwined ways of dividing up the world.⁹ Finally, debates over the Article's application stimulated criticisms of the League system from various angles—from proletarian internationalist to feudal-fascist to liberal capitalist to pan-Asian anticolonialist—informing contrasting ideas as to what should replace it, and what role regions should play in the next iteration of a global legal order.

2 'Monroe-ism' in Asia

In 1904, one of the successful candidates in the Qing Dynasty's last ever imperial examinations wrote an essay on the hypocrisy and deception of Western foreign policy, criticizing how Western states 'preserve territorial integrity in name, while in reality

⁷ Several other leaders of the ill-fated 1898 Qing constitutional reform movement explored pan-Asian ideas. The philosopher-activist Kang Youwei 康有為, for example, even made early positive references to an 'Asian Monroe Doctrine' following his escape to Japan. See Zhang Yongle 章永乐, 'Weierxunzhuyi de Tuichao yu Menluozhuyi de Zai Jieshi: Quyu Baquan yu Quanguo Baquan de Kongjian Guannian zhi Zheng 威尔逊主义的退潮与门罗主义的再解释: 区域霸权与全球霸权的观念之争' [The Ebb of Wilsonism and the Reinterpretation of [the] Monroe Doctrine—The Debate of Space Concepts between Regional Hegemony and Global Hegemony] (2019) *Tansuo yu Zhengming 探索与争鸣* [Exploration and Free Views] 3, 91-109, 105. By the following decade, the idea had also become familiar in Western commentary. See, e.g. 'No Japanese War on United States,' *New York Times*, July 19, 1908 ('Japan's Eye Is On China ... and the End of Her Policy Is an Asiatic Monroe Doctrine').

⁸ Prasenjit Duara, *Sovereignty and Authenticity: Manchukuo and the East Asian Modern* (Rowman & Littlefield Publishers, 2004).

⁹ For an account of international legal history from the standpoint of colonial exploitation and confrontation, see Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP, 2005); for a complementary history of international law focusing on the way logics of 'development' and 'biology' were used to include non-Western peoples as subordinated subjects in international legal order and capitalist political economy, see Ntina Tzouvala, *Capitalism as Civilisation: A History of International Law* (CUP, 2020).

satisfying their own interests,' to dominate territories while initially appearing to accord them independent status.¹⁰ Alongside examples such as the partitions of Poland, the British takeover of India, and the dismantling of the Ottoman Empire, the exam candidate pointed to the Monroe Doctrine as another such example. The United States had exerted diplomatic and economic hegemony over Cuba and its other neighboring states, and newly had even swallowed up the Philippines as a *de facto* colony. It was obvious that 'the so-called Monroe-ism [*Menglu zhuyi* 孟祿主義]¹¹ ... was something that began in righteousness and ended in self-interest [*shi yu yi zhong yu li* 始於義終於利].' Similar views were at times expressed by officials, e.g. the Qing chargé d'affaires in Berlin in 1907, who wrote to the court that 'America had always said that it has no designs on foreign territory, holding to its Monroe Doctrine, but then it opened hostilities against Spain. After that victory, it has continued day after day building up its ships of war.'¹²

In general, these realist appraisals of the Monroe Doctrine were typical of early 20th century Chinese discussions of the subject. By the late 19th century, it had become clear to observers in China that the 1823 declaration by President James Monroe and Secretary of State John Quincy Adams not only justified a unilateral policy refusing to accord legitimacy to European interventions into the Western Hemisphere, but also entailed a corresponding role as 'protector' for the United States itself with hegemonic implications. By the last years of the Qing Dynasty, this had been made newly apparent by the muscular regional policy of President Theodore Roosevelt, who in the same year issued his famous 'Roosevelt Corollary' to the Monroe Doctrine, in which he stated that the United States should exercise an 'international police power' in the case

¹⁰ Qing Dynasty Imperial Examinations Collection 清代科举硃卷集成, Guangxu Year 30 光緒三十年 (1904), Ancient Texts Database 古籍数据库, <https://guji.unihan.com.cn/>.

¹¹ There were several different terms in use to translate 'Monroe Doctrine' into Chinese and Japanese during the early 20th century. In Japanese, 'Monroe' was rendered via the Katakana syllabary as *Monrō* モンロー. In Chinese, it was most commonly transliterated either as *Menglu* 孟祿 or *Menluo* 門羅. In both languages, the word 'Doctrine' was converted into the two characters *zhuyi* / *shuyi* 主義, which is most often used to signify '-ism' in the sense of theories or ideologies. This is not a trivial semantic detail, for it indicates how the very act of translating the American term rendered it into something more closely resembling an abstract, generalized norm capable of being applied outside of its original concrete context. Only on rare occasions is 'Doctrine' rendered in a different manner, e.g. via the very Confucian-sounding variant *Menglu yixun* 孟祿遺訓, 'Monroe's Bequeathed Instruction'—a reference to posthumous commands left by imperial dynastic founders. Except where relevant to emphasize some nuance of meaning, the English form 'Monroe Doctrine' will be retained throughout this article.

¹² Wu Shouquan 吳壽全, 'Memorial Explaining German Parliamentary Debates Regarding the Hague Conference and Stabilizing the Value of Gold and Silver,' Academia Sinica 中央研究院, *Waijiaobu Dang'an* 外交部檔案 (hereafter WJBDA), 02-21-001-03-009 (June 5, 1907).

of any '[c]hronic wrongdoing, or [] impotence which results in a general loosening of the ties of civilized society' among states in the Western Hemisphere.¹³

The relations of the Doctrine to East Asia were more ambiguous, however. Unlike other Great Powers in the late 19th century, the United States had refrained from demanding territorial concessions in China, and had at times acted to preserve China's territorial integrity in the face of European attempts at annexation. In particular, the prominent US role during both the negotiations ending the First Sino-Japanese War of 1894-1895 and in the handling of the multi-nation Boxer Intervention of 1900-1901 deterred what could have been more severe territorial losses.¹⁴ Meanwhile, the United States, while actively pursuing a policy of expanding its 'sea power' across the Pacific (and annexations such as those of Hawaii and the Philippines),¹⁵ had also become closely associated with the increasing use of peaceful arbitration of disputes in place of war.

By the turn of the century the other Great Powers were in the habit of recognizing, at least in name, America's principles of maintaining China's (formal) territorial integrity as well as the 'Open Door' policy of equal market access to China that had been articulated by US Secretary of State John Hay in 1899.¹⁶ Bilateral treaties between powers with interests in China began to incorporate clauses entailing respect for its territorial integrity, even while failing to include China's own government as a party. The Anglo-German Yangtze Agreement of October 1900, for example, followed the American line in endorsing equal access to China's markets and a commitment not to divide China's territory into formal spheres of interest.¹⁷ At the same time, however, it was far from clear whether such arrangements would last in the long term. The Japanese victory against Russia in the war of 1904-1905 was seen by some commentators in Japan, China, and even in the West as a sign that it might come

¹³ Theodore Roosevelt, 'Annual Message of the President to Congress', in *Papers Relating to the Foreign Relations of the United States*. Vol. 1, XLVIII (1904).

¹⁴ For a representative Qing view emphasizing the United States' relative restraint in China as compared with the outright imperialist expansionism of European states and Japan, see, e.g., 'Memorial of Envoy to Austro-Hungary Shen Ruilin [沈瑞麟]' in *Qing Shilu* 清实录 [*Veritable Record of the Qing Dynasty*], Xuantong Year 3 宣統三年 (June, 1911) ('America has long held to its Monroe Doctrine, and the rights it has acquired in China are far less than those of England, Japan, Russia, and France. It is thus jealous of these four nation's gains, and will certainly be willing to lend us assistance.').

¹⁵ See, e.g., Alfred Thayer Mahan, *The Interest of America in Sea Power, Present and Future* (Ayer Company, 1918).

¹⁶ See Tyler Dennett, *Americans in Eastern Asia: A Critical Study of the Policy of the United States with Reference to China, Japan and Korea in the 19th Century* (Macmillan, 1922) vii ('In the 19th Century the issue in American policy in Asia was not the open door. That was never a question. The real issue was whether the United States should follow an isolated or a cooperative policy to make sure of the open door.').

¹⁷ 'Agreement relative to China.—October 16, 1900.' In *Treaties and Agreements with and Concerning China, 1894-1919*, Vol. 1, 263-264 (OUP, 1921).

to be a 'protector' of East Asia against European expansionism (notwithstanding its own conquests of ten year earlier).¹⁸

In fact, according to the reports of Japan's special envoy to the United States during the war, President Roosevelt himself was an advocate of this idea.¹⁹ Baron Kaneko Kentarō 金子堅太郎 noted Roosevelt's repeated suggestion to him that Japan should act as the protector of Asia 'east of the Suez Canal' against European invasions.²⁰ Although Roosevelt subsequently backed away from this idea, and did not officially endorse it in the peace agreement he brokered at the end of the conflict, it did become an increasingly prominent trope.²¹ When Japan excluded its 'protectorate' Korea from attendance at the 1907 Second Hague Conference, there was no protest from its fellow Great Powers, and very limited criticism at the official level over the subsequent formal annexation. The prospect of a Great Power consensus on Japan's regional role was cause for even greater anxiety in China. At the same time, even some of those most keenly aware of Japan as a threat explored ideas of pan-Asian solidarity—perhaps even an 'Asian faction' in geopolitics and international law—and lamented that cooperation on equal terms between China and Japan had not been pursued when it might still have been possible.²²

3 The 'Doctrine of the World'?

By the time the Qing Dynasty fell and the Republic of China was founded in 1912, Japanese attempts to achieve hegemony over China were open and multi-faceted. The new Yuan Shikai regime's accession to many of Japan's '21 Demands' in 1915 included wide-ranging economic and political influence in some respects akin to that enjoyed by Washington over its neighboring Latin American states.²³ Japanese military and

¹⁸ Various references to this idea are contained, for example, in the Chinese and Japanese commentaries on foreign affairs matters published in *Waijiaobao* 外交報 [*The Diplomatic Review*] between 1902-1911. See *Waijiaobao* Zhaiyi Huibian 外交报摘译汇编 (Commercial Press 商务印书馆, 1914). Cf. *New York Times* (1908) [supra note 7].

¹⁹ Japanese Foreign Ministry Archives 外務省外交史料館. 5-2-18-0-33_002. 1905/07/31 - 1905/09/11.

²⁰ Ibid. Given the location of British India, this phrasing in Kaneko's report seems rather suspect. It could have reflected either deliberate exaggeration on his part or, perhaps, characteristic bluster from Roosevelt.

²¹ See generally *Waijiaobao* (1914).

²² Lu Zhengxiang 陸徵祥, 'Memorial Describing the Koreans' Arrival at the Hague and their Treatment at the Conference as Recently Reported in the Various European Newspapers,' WJBDA 02-19-016-01-012 (September 13, 1907).

²³ The 21 Demands were a set of agreements that were conveyed by Japan to Yuan's government in January 1915, consisting of a wide variety of concessions including, *inter alia*, recognition of Japan's succession to German rights in Shandong Province, extraterritorial rights and special economic status for Japanese nationals and businesses in leased zones of Manchuria, the takeover of mining operations that had taken on significant Japanese debt, and a prohibition on future territorial concessions to foreign powers (i.e., aside from Japan). The above demands were

political leaders pursued a multivalent strategy involving both coercion of successive Chinese regimes and the attempted cooptation of political elites. Meanwhile, the outbreak of World War I provided a major catalyst for expanding this position of influence. Japan's occupation of Germany's Jiaozhou Bay concession in Shandong was paired with a general policy of seeking recognition for its 'special interests' in China, with an emphasis on maintaining a de facto hegemonic status over Manchuria.²⁴

Japan was making this case, above all, to its fellow Pacific power, the United States under President Woodrow Wilson. The latter country was at this time engaged in its own military intervention into revolutionary Mexico, while also contemplating the merits of involvement in the exploding European conflict.²⁵ Wilson, who would prove much less of an international 'legalist' than his usual historical depiction suggests,²⁶ was also willing to use the Monroe Doctrine as a loose political guideline for interventionism in America's own neighborhood.²⁷

The question of the Doctrine's status under international law was a widely discussed topic. The United States delegation at the First Hague Conference in 1899 had, notably, managed to include it as a reservation to the final agreements, with the acknowledgment of the other parties present. By that time, however, a generation of Latin American lawyers and scholars had already sought to challenge the hegemonic aspects of the Monroe Doctrine. The future Argentine President Roque Sáenz Peña, for example, referred to the Doctrine in the 1890s as a 'dilatable and elastic substance' that could not serve as a true international legal principle due to its unilateralism.²⁸ Such views were later buttressed by ongoing examples of US discretionary power in the region such as the Venezuelan blockade matter of 1902-1903, the Second Occupation of Cuba between 1906-1909, and, of course, the intervention into Mexico

mostly accepted by Yuan's government, albeit under coercion, while an additional set related to territorial concessions in Fujian Province and embedding of Japanese 'advisors' in the central government were retracted.

²⁴ The background of Japan's efforts at dominating Manchuria, and their eventual culmination in the establishment of the 'Manchukuo' puppet regime, are explored in Duara (2004).

²⁵ See, e.g. Mark T. Gilderhus, 'Pan-American Initiatives: The Wilson Presidency and "Regional Integration," 1914-17' (1980) 4:4 *Diplomatic History* 409.

²⁶ See, e.g. Stephen Wertheim, 'The League that Wasn't: American Designs for a Legalist-Sanctionist League of Nations and the Intellectual Origins of International Organization, 1914-1920,' 35 *Diplomatic History* 5, 797-836 (2011); Stephen Wertheim, 'The League of Nations: A Retreat from International Law?' (2012) 7:2 *Journal of Global History* 210.

²⁷ Cf. George W. Baker, 'Ideals and Realities in the Wilson Administration's Relations with Honduras,' 21 *The Americas* 1, 3-19 (1964) ('The second ingredient in Wilson's Latin American policy was his growing realization that the United States would be forced [*sic*] to employ the very power policies he had repudiated to prevent the internal disorder of many of his neighbors from inviting foreign intervention.').

²⁸ Juan Pablo Scarfi, 'Denaturalizing the Monroe Doctrine: The rise of Latin American legal anti-imperialism in the face of the modern US and hemispheric redefinition of the Monroe Doctrine' (2020) 33:2 *Leiden Journal of International Law* 5.

in 1914.²⁹ During this period, some Latin American legal scholars like Alejandro Álvarez sought to mitigate the unilateralism of the Doctrine by promoting a 'solidarist and friendly' reinterpretation that would try to reconcile the United States regional policy with genuine autonomy for its neighbors. Others, such as the Mexican lawyer and historian Carlos Pereyra argued that such efforts were quixotic and unlikely to succeed given the practical realities of US dominance.³⁰

Similar debates occurred among Continental European scholars, who expressed varying opinions about the hegemonic power that the United States had attained in 'its' hemisphere. Writing in 1915, the German pacifist international lawyer Hans Wehberg stated summarily that 'The Monroe Doctrine is not a rule of international law.'³¹ On the other hand, he noted, that still left the question as to whether the Doctrine as then applied was in substantial part *unlawful* under international law, or whether it was compatible. Some European international lawyers, such as Herbert Kraus, argued for the former position, given that the United States tended to invoke the Doctrine to justify offensive military interventions rather than merely defense of its actual legally-protected interests.³² Prominent voices such as Lassa Oppenheim, however, advocated the view that the Doctrine, although 'of a political, not of a legal character,' was both of 'the greatest political importance' and was 'not ... in any way inconsistent with the Law of Nations.'³³ This was so because 'every State must decide for itself whether and where vital interests of its own are at stake and whether the balance of power is endangered to its disadvantage'—military interventions were, therefore, 'a matter of policy,' rather than of international legal regulation.³⁴ The Doctrine would remain relevant as a political factor shaping international affairs until Latin American states 'become Great Powers themselves [and so] will no longer submit to the political hegemony of the United States.'³⁵ At that point the Doctrine would, in theory, 'gradually disappear.'³⁶

As of 1917, however, Oppenheim's prophesied disappearance of the Doctrine hardly seemed imminent. In January of that year, Wilson explained to the Senate his vision for an international legal organization, which he defined as follows:

²⁹ Ibid.

³⁰ Ibid.

³¹ Hans Wehberg, *Die Monroedoktrin*, 29 (Volksvereins-Verlag, 1915).

³² Herbert Kraus, *Die Monroedoktrin in ihren Beziehungen zur Amerikanischen Diplomatie und zum Völkerrecht*, 384, 400 (J. Guttentag, 1913).

³³ Lassa Oppenheim, *International Law: A Treatise, Vol. I: Peace* (2nd ed.), 190-191 (Longmans, Green & Co., 1905).

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

I am proposing, as it were, that the nations should, with one accord, adopt the doctrine of President Monroe as the doctrine of the world: that no nation should seek to extend its policy over any other nation or people, but that every people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.³⁷

Already at this early stage, however, opposition figures in the Republican Party were criticizing these proto-League ideas precisely as supposedly contradicting the Monroe Doctrine by imperiling the United States' special role in the Americas.³⁸ Would Wilson's new 'doctrine of the world' mean abandoning mastery of the hemisphere?

The ambiguous relationship of the Doctrine to law, and its potential use to justify interventionism in a world still dominated by balance of power ideas was on display later that year, when former Japanese Ambassador to Washington and recent Minister of Foreign Affairs Viscount Ishii Kikujirō 石井菊次郎 made an important visit to the United States. This mission was intended, like Kaneko's the previous decade, to reach a *modus vivendi* regarding Japanese aspirations for East Asia and the 'common highway' of the Pacific.³⁹ In both bilateral talks with Secretary of State Robert Lansing and a series of high profile public engagements, Ishii provided arguments for Japan's necessary role in assuring 'good government [] peace, security, and development of opportunity in China,' which was so close, and so important to the region, that 'the slightest disturbance in China immediately reacts upon Japan.'⁴⁰

In his talks with Lansing, Ishii made clear the Japanese view that, '[j]ust as the Monroe Doctrine does not require recognition by other powers, neither is the factual situation [of Japan's position in China] made valid by virtue of foreign states' recognition.'⁴¹ Japan's 'special interests' were due to a 'factual situation based on natural principles [*tenpu* 天賦] and geography.'⁴² At the same time, however, Ishii tried to quell fears that Japan sought regional dominance. In subsequent appearances which gathered extensive media coverage, Ishii continued to bring up the idea of an 'Asian Monroe Doctrine [*Ajia Monrōshugi* 亜細亜モンロー主義],⁴³ but was attentive to the

³⁷ U.S. Congress. Senate. *Congressional Record*, 64th Congress, 2nd Session 54: 1743.

³⁸ Ibid, 892-896; 2367.

³⁹ 'Mitchel Cheered 6 Minutes, Hughes and Taft Leading,' *New York Times*, 30 September 1917.

⁴⁰ Ibid.

⁴¹ Ishii Kikujirō 石井菊次郎, *Gaiko Yoroku* 外交余録 [*Diplomatic Memoirs*], 142 (Iwanami Shoten 岩波書店, 1930). An abridged English translation of Ishii's memoirs is also available in William R. Langdon (trans.), *Diplomatic Commentaries* (Johns Hopkins Press, 1936). Quotations used here are for the most part newly translated from Ishii's original text.

⁴² Ibid.

⁴³ Ishii (1930) 144.

'obvious need to do so in a tactful manner so as to avoid the misunderstandings of the American public.'⁴⁴

Despite this proviso, Ishii's tact was evidently somewhat lacking. In the attempt to quell fears over the analogy between Japan's place in Asia and the United States in the Americas, he argued that his country, unlike the United States, had 'engage[d] not to violate the political or territorial integrity of her neighbor[s]'.⁴⁵ Of course, Ishii said, America would treat its protected neighboring states in a 'fair' and just manner—but Japan, with its explicit promises, would be even more sure to do so. As he argued, summing up pithily the logic of regional interventionism by a 'protecting' hegemonic power:

We wish to be and always to continue to be the sincere friend and helper of our neighbor, for we are more interested than anyone else, except China, in good government there, only we must at all times, for self-protection, prevent other nations from doing what we [ourselves] have no right to do.⁴⁶

With such statements, in this case made before an audience of prominent Republican figures including recent former President William Howard Taft, former Secretary of State Elihu Root, and former Supreme Court Justice Charles Evans Hughes, Ishii hoped to influence both Washington and public opinion in the United States towards acceptance of Japan's leadership of East Asia. Others were undertaking similar ventures at the same time. Australian Prime Minister William Morris Hughes, for example, would the following year give a talk just a few blocks away from where Ishii's was held, and before a similarly elite audience, in which he associated Australia's need for control over New Guinea with its own 'Monroe Doctrine in the South Pacific.' In making this call, he said, 'we do not desire empire, but only security.'⁴⁷ A year and a half before the Paris Peace Conference, the idea that the international order could be reshaped to accommodate new regional hegemonies after the Monroe-ist mold was already ascendant.

4 A Legal Recognition of 'Regional Understandings'

Ishii achieved only limited formal acknowledgment by the Wilson administration of his government's policies vis-à-vis the East Asian region. However he did secure, on the 2nd November 1917, the so-called 'Lansing-Ishii Agreement,' an exchange of

⁴⁴ Ibid.

⁴⁵ 'Denies Japan Has Monroe Doctrine,' *New York Times*, 2 October 1917.

⁴⁶ 'Mitchel Cheered 6 Minutes, Hughes and Taft Leading,' *New York Times*, 30 September 1917.

⁴⁷ 'Australia to Have a Monroe Doctrine,' *New York Times*, 1 June 1918.

diplomatic notes affirming American 'recogni[tion] that Japan has special interests in China, particularly in the part to which her possessions are contiguous,' but also reiterating that both countries 'deny that they have any purpose to infringe in any way the independence or territorial integrity of China.' The principles of the Open Door and territorial integrity were both to be maintained, and, despite the fact that this agreement like those of the previous decade also failed to include China as a party, the affirmation was made that '[t]he territorial sovereignty of China ... remains unimpaired'.⁴⁸

At the important level of bilateral US-Japanese ties, then, there was a substantial degree of commonality as regards the idea of some kind of special Japanese role in East Asia. This was soon to be reaffirmed at the Paris Peace Conference following the end of the war. Wellington Koo, as China's ambassador to the United States, had already met with Wilson before the Conference seeking a commitment to Chinese independence and, in particular, the restoration of the Japanese-occupied areas of Shandong Province.⁴⁹ In 1919, he would become his country's leading diplomatic voice on this issue as well as most others, including the looming possibility of a formalized Japanese Monroe Doctrine.

Chinese delegates came to the conference from both the Beijing-based internationally recognized Republic of China government as well as the Guomindang government based in Guangdong. Though competing for political legitimacy, both sides stood united on issues such as the demand that the former German territorial concessions occupied by Japan in Shandong should be returned to China.⁵⁰ This was also the first time that China was represented in a major international conference by young diplomats with elite Western education and expertise in international law. Koo—who had excelled in his doctoral studies at Columbia under the international lawyer John Bassett Moore—was the most prominent representative of this new generation.⁵¹

Before, during, and after the Conference, China's diplomats made impassioned pleas for the return of Shandong and equal treatment as an allied power. However, the outcome of the negotiations at Paris regarding issues of territorial integrity was highly ambiguous. This was particularly the case with respect to the design of the League of Nations and its relationship to regional geopolitical and legal norms. In Wilson's influential Fourteen Points speech of January 8, 1918, he had called for:

⁴⁸ 'Mutual Interests in China (Lansing-Ishii Agreement).' November 2, 1917. Treaty Series 630.

⁴⁹ Some of these discussions are summarized in Thomas F. Millard, *The Shantung Question at the Conference* (2nd ed., Millard's Review of the Far East, 1921).

⁵⁰ Ibid.

⁵¹ Ibid, 5.

A general association of nations [to] be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.⁵²

However, subsequent early plans had considered different ways of incorporating the realities of geopolitical hierarchy into the new legal organization. The early 1918 draft of US diplomat 'Colonel' Edward House, for example, was composed while contemplating the possibility of 'hav[ing] a League limited to the Great Powers'—but to which smaller states would nonetheless have to compulsorily submit any interstate disputes.⁵³ When Wilson subsequently finalized his own first draft of the League Covenant, incorporating many of House's suggested elements, he reemphasized the universal character of the organization. This continued to be the case as Wilson included new elements derived from the proposals of Jan Smuts, such as the Mandates system, as well as the settling of disputes by the League Council as well as via obligatory arbitration.⁵⁴ Wilson's Second Draft (First Paris Draft) of January 10 included these features as well as sweeping provision seeking to facilitate 'territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships.'⁵⁵

Such vague provisions reflected Wilson's general tendency to favor a looser, less legally formalized organization of the League, which could theoretically reflect the ever-changing situation of nations and races rather than constraining them with overly strict norms or institutions. Smuts, too, held similar views about the elastic and 'organic' character of world order.⁵⁶ In presenting his 10th January draft, Wilson argued in relation to Article III that it would allow the League to 'do for the rest of the world [what] the Monroe Doctrine had' in the Western Hemisphere, balancing 'both elasticity and security' in promoting development under the world's 'changing conditions.'⁵⁷

The question of how to incorporate the principles of political independence and territorial integrity was a matter of considerable debate, including among the members of the League of Nations Commission working on drafting the Covenant. These issues in fact dominated the important final meetings of April 10 and 11 in

⁵² 'President Woodrow Wilson's 14 Points, January 8, 1918,' <https://iowaculture.gov/sites/default/files/history-education-pss-war-14points-transcription.pdf>.

⁵³ David Hunter Miller, *The Drafting of the Covenant: Vol. I* (Johnson Reprint Corporation, 1969) (1928) 12-14.

⁵⁴ Ibid, 40.

⁵⁵ Draft Covenant. Article III. (January 10, 1919), in Miller Vol. I (1969) 70.

⁵⁶ Jan Christiaan Smuts, *Holism and Evolution* (The Macmillan Company, 1926).

⁵⁷ Miller Vol. I (1969) 42.

which the final draft was produced for subsequent submission to prospective member states. At the former session, Wilson suggested an addition stipulating that:

Nothing in this Covenant shall be deemed to affect the validity of international engagements such as Treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.⁵⁸

This was the first explicit introduction of the Monroe Doctrine into the Covenant text, though as mentioned it had already been associated by Wilson with the vague Article III of his January draft; the United States delegation had also already made it widely known that they sought the introduction of such an amendment into the draft.⁵⁹ Here, too, it seemed to stand for a balance of 'elasticity and security' that would relativize norms such as respect for territorial integrity. At home, Wilson was already facing opposition from prominent Republican figures such as Idaho Senator William Borah, who were challenging his League plans as potentially endangering the Monroe Doctrine and America's 'defense' of its hemisphere.⁶⁰

To this proposition, Wellington Koo expressed Chinese support while suggesting 'that the Monroe Doctrine should be named specifically and alone in this Article, and not made one of a class of regional understandings.'⁶¹ This is the same proposed amendment that China would eventually make again to the finalized Covenant in 1921. In 1919, Koo was not alone in expressing such concerns. Others on the Commission went further by calling the Monroe Doctrine itself into question. The French delegate Ferdinand Larnaude, Dean of the Faculty of Law of the University of Paris, noted that the Monroe Doctrine prevented Europeans from intervening in the Americas but seemed to allow the United States free discretion to intervene in Europe, or not, as it saw fit.⁶² Officially recognizing any such one-sided limitation of intervention, Larnaude argued, would not only be unequal in its effects, but would also cast into doubt the League's function as an agent of collective security. In the ensuing debate, Wilson and the British delegate Lord Robert Cecil countered Larnaude, who insisted on the need for more formal legal rules.⁶³

Rather than following this approach of outright confrontation, Koo sought to stay a middle course, continuing to endorse the inclusion of the Monroe Doctrine but seeking to have it included in isolation, without reference to any additional 'regional

⁵⁸ Ibid. at 369.

⁵⁹ 'Monroe Change Halted,' *New York Times*, 27 March 1919.

⁶⁰ Ibid.

⁶¹ Miller Vol. I (1969) 442-443.

⁶² Ibid, 443-448.

⁶³ David Hunter Miller, *The Drafting of the Covenant: Vol. II* (Johnson Reprint Corporation, 1969) (1928) 372.

understandings.' Cecil overruled him on this point, and when pressed as to whether he had any other such 'understandings' in mind, replied that there was, for example, the situation of 'the tribes of Arabia [which] carried out their negotiations with the outside world through Great Britain only.'⁶⁴ Cecil's comments were being made at a time when British policymakers actively sought to extend control over the Middle East, as reflected, for example, in the plans for a 'Mandate for Mesopotamia' that eventually turned into a looser form of protectorate due to local resistance.⁶⁵ It is notable that Cecil took for granted the association of Monroe-like arrangements with such imperial ventures.

Meanwhile, the discussion between Larnaude and Wilson grew heated. As recorded by the American delegate David Hunter Miller, around midnight Wilson sat listening to Larnaude's criticisms in such agitation that 'his lower lip commenced to quiver.'⁶⁶ He then commenced on a defense of the Doctrine as the linchpin of the past century of US foreign policy, which had saved the Western Hemisphere from absolutism and 'was the first international charter of human liberty.'⁶⁷ Both Koo's and Larnaude's objections failed to get the Monroe Doctrine provision removed or substantively altered. Privately, US delegates tried to assure Koo that they did not think the new Article would justify any 'Asiatic Monroe Doctrine,' but this was not especially convincing.⁶⁸ During the officially recorded debates, Koo never directly pointed to Japan's aims as the basis for his concerns, nor did the Japanese delegates get directly involved in the discussion.

The Monroe Doctrine was also discussed the next month at a meeting in Paris of the *Institut de Droit International*, whose members noted it was a matter of 'much debate' at the League Commission. At this meeting, Toulouse law professor Alexandre Mérignhac argued that the Monroe Doctrine had 'above all a juridical character,' and that it would be desirable to appoint a special commission of the *Institut* to study the Doctrine. The Chilean jurist Alejandro Álvarez, meanwhile, articulated the subtly distinct view that it was indeed as yet only 'a political doctrine,' which would have to be 'given' a genuinely juridical character by such a study. Both supported, nonetheless, essentially the same course of action. However, Nicolas Politis, and others opposed

⁶⁴ Ibid.

⁶⁵ Discussed in, e.g., Kristian Coates Ulrichsen, 'The British occupation of Mesopotamia, 1914–1922' (2007) 30:2 *Journal of Strategic Studies* 349.

⁶⁶ Miller Vol. I (1969) 450.

⁶⁷ Ibid.

⁶⁸ Ibid, 453.

the idea of conducting a study, seizing upon the admitted point that the Doctrine was 'political' and not 'juridical' in nature. The research proposal was thus dropped.⁶⁹ Given Wilson's insistence, the firm support from Britain, and the French government's limited interest in pressing the matter, the prospects for any challenge to the 'regional understandings' provisions were never good. For their part, Japan's delegates on the Commission, Baron Makino Nobuaki 牧野伸顕 and Viscount Chinda Sutemi 珍田捨巳, had remained pointedly uninvolved in the discussions of the Monroe Doctrine amendment both before and during the discussions in April, choosing instead to focus on Japan's unsuccessful racial equality proposal.⁷⁰ The United States joined the UK in opposing racial equality, while the Chinese delegates, despite extreme Sino-Japanese tensions, supported the proposal as one 'in the collective interest of Asia.'⁷¹

The failure of this amendment was considered a profound blow to Japan's prestige as well as the engagement-oriented administration of Prime Minister Hara Takashi 原敬. For some Western officials contemplating their states' interests in Asia, even outside the Great Powers, this regional tension seemed a desirable state of affairs. As the Swiss ambassador to Japan noted: 'It is certainly in Europe's interest if the two neighbors [China and Japan] do not progress towards mutual understanding.'⁷² Meanwhile, an immediate outcome of Japan's failure over racial equality was the even more resolute insistence that it have its way on matters that were 'purely Asiatic [and which should be] settled entirely by Asiatics themselves,' including the Shandong Question.⁷³

Though Makino and China had not gotten directly involved in the discussions of 'regional understandings' at the Commission, less than two weeks later they explicitly invoked the successfully incorporated draft provision—which, as Article 21, would subsequently be voted into effect in July along with the rest of the Covenant—in conversations with Wilson over Japan's rights in China, including its occupation of Shandong. Along with the secret agreements in which the UK, France, and Italy had

⁶⁹ *Annuaire de l'Institut de droit international* 330-331 (1919).

⁷⁰ In response to early opposition behind the scenes of the Commission, the Japanese delegation had changed their language from 'racial' to 'national equality.' This was not enough however to save the proposal, which was especially opposed by the Hughes' Australian government over its desire to limit all non-white immigration, and Lord Cecil resolutely opposed it on behalf of Britain. Meanwhile, opposition to Asian immigration was also a red-line political issue in the American West. When the amendment was proposed, Colonel House passed a note warning Wilson that it would 'raise the race issue throughout the world.' Miller Vol. I (1969) 462.

⁷¹ As described by Tang (1998) 50.

⁷² 'Le Ministre de Suisse à Tokyo, F. de Salis, au Chef du Département politique, F. Calonder,' (April 17, 1919), in Jacques Freymond, Oscar Gauye (ed.), *Diplomatic Documents of Switzerland*, vol. 7-I, doc. 340, dodis.ch/44085, Bern 1979.

⁷³ 'Japan Stands on Secret Treaties,' *New York Times*, 22 April 1919.

already pledged to recognize Japan's rights in Shandong, the delegates called upon the 'doctrine of Asiatic regional interests, which [] is as worthy in principle as the Monroe Doctrine, and as essential to Japan as the American doctrine is to the United States.'⁷⁴

5 Writing Asia's Rules in Washington

The month after the League Covenant was signed, on August 11, 1919, Robert Lansing appeared before the Senate Foreign Relations Committee to explain the continued relevance, if any, of the 1917 Lansing-Ishii Agreement and its recognition of Japan's special interests in China. He denied that the term had any 'political' significance, but did not clearly assert any other meaning that it might possess. In his own notes at the time, Ishii criticized Lansing's attempt to retroactively negate the recognition that had been accorded to Japan's special interests in 1917, writing:

Whether it be civil war, or epidemics, or evil teachings which afflict China, the contagion will spread to Japan and the Japanese will suffer as well. These considerations are what lie at the bottom of Japan's extraordinary interest in China and make China of such vital concern to her ... Whether Japan likes this situation or not, it is one which is the result of geography and relations based on natural principles [*chiri ue yori kuru tenpu no kankei* 地理上より来る天賦の関係] and from which she cannot escape.⁷⁵

The 'evil teachings' that Ishii mentions in this case refer to Bolshevism.⁷⁶ This was already a major focus for Japanese geopolitical anxiety in the aftermath of the 1917 Russian Revolution; over the next two decades anti-Communism would become a growing factor in Japanese attempts to justify internal repression as well as the extension of control over China.

Following the impasse over the Shandong Question, both rival Chinese delegations refused to sign the Treaty of Versailles, which in Article 156 assigned 'in favour of Japan, all [German] rights, title and privileges particularly those concerning the territory of Kiaochow ... and [] all other arrangements relative to the Province of Shantung.'⁷⁷ While the delegations' particular move was broadly applauded, widespread protests in Chinese society over Beijing's failure to attain equality on the

⁷⁴ Ibid.

⁷⁵ Ishii (1930) 158.

⁷⁶ *Jakyo* / *xiejiao* 邪教 is a term traditionally associated in East Asia with insurgent religious movements and millenarian secret societies. On the use of this term in 20th century China, and its connections with imperial labels for heterodox groups, see David A. Palmer, 'Heretical Doctrines, Reactionary Secret Societies, Evil Cults: Labeling Heterodoxy in 'Twentieth-Century China'', in Mayfair Yang (ed.), *Chinese Religiosities: Afflictions of Modernity and State Formation* (University of California Press, 2008) 113-134.

⁷⁷ Treaty of Versailles. Art. 156. (1919).

world stage had by this point already prompted the 'May Fourth' movement that would act as a major catalyst for China's subsequent political transformations.⁷⁸ Indeed, soon after the signing of the Treaty of Versailles and Covenant in July 1919, a 25-year-old Mao Zedong 毛澤東, who had not yet embraced Marxism, wrote in his short-lived news journal that the League had failed to deliver anything like true 'self-determination' for the subjugated peoples of the world. Certainly, it had not done so for Koreans or Jews, for example.⁷⁹ It was, he thought, justified that many who were excluded by the present world order—such as the Muslims rising up in Afghanistan against British rule, or the anarchists planting bombs in major US cities in the name of class warfare—were taking action into their own hands.⁸⁰ Mao also took special note of the 'warrior' Jan Smuts's criticisms of the League for having failed to take concrete steps towards disarmament except vis-à-vis the defeated Germany. He was certain that Great Power leaders, like British Prime Minister David Lloyd George, must already be planning new acts of aggression against the weaker peoples of the world.⁸¹

Even as China joined the League in 1920, the new 'patriotic diplomacy' that Koo had displayed in Paris, which aimed at recapturing territorial integrity and ending consular jurisdiction, was being elevated as the core principle of Chinese foreign affairs. The attempt in 1921 to have Article 21 revised was another early move in this direction. This initiative failed, however, both due to the continued lack of US or UK interest in explicitly ruling out Japanese ambitions for regional hegemony as well as the fact that, at the same time, recently-independent Czechoslovakia submitted its own proposal seeking to reinforce and elaborate the principle of 'regional understandings'—having in mind guarantees of its own precarious existence at the frontier of German and Russian territorial ambitions.⁸²

At the League Assembly meetings of late 1921 considering the issue, Chinese delegate and later PCIJ deputy judge Wang Chonghui 王寵惠 sought in vain to raise the objection that 'there might be regional understandings which were contrary to the

⁷⁸ See, e.g., Kuo Ya-Pei, 'A Century Later: New Readings of May Fourth' (2019) 44:2 *Twentieth-Century China* 135.

⁷⁹ Mao Zedong 毛澤東, 'Hao Ge Mingzu [sic] Zijue 好個名族自決 [Quite Some National Self-Determination!]' (1919) 1:1 *The Shian Kian Weekly Review* 湘江評論.

⁸⁰ Zedong 澤東, 'Afuhan Zhi Ge Er Qi 阿富汗執戈而起 [Armed Insurrection in Afghanistan]' (1919) 1:1 *The Shian Kian Weekly Review* 湘江評論; Zedong 澤東, 'Zhadan Baoju 炸彈暴舉 [Violent Bombings]' (1919) 1:1 *The Shian Kian Weekly Review* 湘江評論.

⁸¹ Zedong 澤東, 'Zhengzhijia 政治家 [Politician]' (1919) 1:3 *The Shian Kian Weekly Review* 湘江評論.

⁸² For an account of the Czech proposal, see Rolin (1922). For background on its diplomatic and geopolitical context, see Piotr Stefan Wandycz, *France and Her Eastern Allies, 1919-1925: French-Czechoslovak-Polish Relations from the Paris Peace Conference to Locarno* (University of Minnesota Press, 1962).

letter and spirit of the Covenant,' and so there should at least be added a limitation along the lines of 'provided such engagements or understandings do not prejudice the rights or interests of the Members of the League not parties to them.'⁸³ However, even this reference to the *pacta tertiis* principle was unpalatable to the Great Powers, and was not included. The Assembly eventually reaffirmed the existing language of the Covenant, albeit paired with a non-binding resolution combining the Czechoslovakian and Chinese proposals into a milquetoast assertion that the League should promote those regional understandings 'tending to the maintenance of peace.'⁸⁴

Amidst these setbacks, Koo and Wang were more successful in proposing another norm, regarding a 'continentalist' (*fenzhouzhuyi* 分洲主义) representative system in allocating non-permanent seats in the League of Nations Council.⁸⁵ Though this arrangement, too, failed to achieve formal adoption by the Assembly, it would be continuously advocated by the Republic of China during the League years, and became an unofficial norm of Council elections (helping to ensure China's own ongoing membership). Ironically, this 'continentalist' rule thus greatly aided in China's efforts to counter Japanese claims to a spatially-justified regional hegemony. The potential meaning of Article 21, meanwhile, remained an open question in 1921. So too was the fate of Shandong, as well as any concrete plans for disarmament aside from the unilateral obligations placed upon Germany.⁸⁶ These unresolved issues going to the heart of the League's structure and purpose would all be joined together outside of its ambit, at the Washington Naval Conference of 1921-1922.

Wilson's failure to get the Republican-majority Senate to ratify the Covenant and his party's subsequent loss of the White House in the 1920 election, set the stage for another major shift in US foreign policy. The Harding administration saw the return to government service of leading Republican statesman Charles Evans Hughes as Secretary of State. Along with Senator William Borah, and Elihu Root, Hughes organized the Washington Naval Conference as a kind of alternative to the League under Republican auspices. This also marked a return to the format of an explicit, Vienna-style Great Power club. Agreements on arms reduction were reached among Britain, France, Japan, Italy and the United States; in addition to this 'Five Power Treaty,' there was a 'Four Power Treaty' by these states minus Italy on mutual recognition of the territorial status quo in Asia, and a 'Nine Power Treaty' that also

⁸³ Discussed in Alison Adcock Kaufman, 'In Pursuit of Equality and Respect: China's Diplomacy and the League of Nations' (2014) 40:6 *Modern China* 605, at 620.

⁸⁴ Henry Wilson Harris, *An Account of the Second Assembly of the League of Nations* (Daily News, 1921) 10.

⁸⁵ For discussion of the 'continentalism' initiative, see Tang (1998) 42-43, 49-51.

⁸⁶ See *ibid.*, 14-15 for an account of the limited progress of the League on issues of disarmament through 1921.

included Belgium, the Netherlands, Portugal and China, and a separate 'Shandong Treaty' between Japan and China.⁸⁷

The upshot of these agreements would be the establishment of a detailed scheme for naval disarmament, setting a '5 - 5 - 3' ratio between Britain, the United States, and Japan. It also entailed a return of territorial sovereignty over Shandong to China in exchange for a payment to Japan and a loan for the construction of a railroad in Shandong to be run under Japanese auspices with token local participation. This development of major new infrastructure, under effective Japanese control, would thus potentially bring about a situation in Shandong similar to that in Manchuria, where the South Manchuria Railway Company (*Mantetsu* 滿鐵) already functioned as a quasi-governmental authority as well as the dominant economic actor in the region.⁸⁸ Root was active in seeking to ensure the inclusion of provisions favorable to Japan, hoping to reconcile Chinese concerns over their state's autonomy with the need for Japanese acceptance of the new plans.⁸⁹ While the 'Open Door' policy of combining preservation of China's territorial integrity with open access to its markets was reaffirmed, the arrangements of the Conference also formalized its hierarchically subordinated relationship vis-à-vis the two great Pacific powers, Japan and the United States. This was especially brought to the fore over the question of extraterritorial jurisdiction, which, despite Koo's and the other delegates' best efforts, was left in place per the near unanimous position of the Great Powers, who had a solidarity of interests in the matter.

China would thus not be accorded full sovereignty over its own territory at this US-led meeting. However, it was supposedly to be placed on the trajectory of development towards that goal. Charles Evans Hughes announced that the Conference was intended to serve as a 'Magna Charta for China,' that would open a 'new era of good feeling in the Far East.'⁹⁰ On the one hand, the Conference would serve as a legal framework to ensure the political independence and territorial and administrative integrity of China while imposing upon it obligations to ensure the interests of the Great Powers and their citizens. It would also, however, serve to help

⁸⁷ 'Limitation of naval armament (Five-Power Treaty or Washington Treaty).' Treaty signed at Washington February 6, 1922. <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0351.pdf>; 'Insular Possessions and Dominions in the Pacific (Four-Power Treaty).' Treaty and declaration signed at Washington December 13, 1921. <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0332.pdf>; 'Principles and policies concerning China (Nine-Power Treaty).' Treaty signed at Washington February 6, 1922. <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0375.pdf>.

⁸⁸ See, e.g., Prasenjit Duara, *Culture, Power, and the State: Rural North China, 1900-1942* (Stanford University Press, 1991).

⁸⁹ Quincy Wright, 'The Washington Conference' (1922) 16:2 *American Political Science Review* 285.

⁹⁰ Charles E. Hughes, et al., 'Conference on the Limitation of Armament' (1922) 16:2 *American Journal of International Law* 159, at 200.

China itself progress towards modernity: Hughes noted with regret that '[i]t is perhaps one of the tragedies of human evolution that the fine civilization which had developed in China and which had spread to other lands of eastern Asia was of necessity withered by contact with our more material western system of living[,] causing China to require international guidance in order to develop in step with the rest of the world.⁹¹

The discussions at Washington yet again sought to balance American 'preservation' of China's territory and independence with a recognition of Japan's 'special' role in the region. This emerged in particular with respect to Article I of the Nine-Power Treaty, which stipulated the following obligations of the eight signatories other than China:

- (1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;
- (2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;
- (3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;
- (4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.⁹²

Particularly significant was the last of these clauses, which combined a disavowal of 'seek[ing] special rights' with a multilateral security pledge. The mention of security was in fact introduced by Elihu Root. It was based on the model of negotiations the previous year to establish the so-called 'four-power financial consortium' among the banking groups of the United States, France, England, and Japan. There, too, a security guarantee had been provided to Japan in exchange for commitment to maintaining commercial access to the East Asian region, albeit, again, with the important exceptions of its rail interests and some other related enterprises.⁹³ The chief Japanese negotiator at Washington, Shidehara Kijūrō 幣原喜重郎, argued to the Ministry of Foreign Affairs that the security guarantee would *de facto* replicate under a different name the principle of recognizing Japan's special interests in Manchuria, Mongolia, and (given the new infrastructural and economic plans) likely Shandong as well.⁹⁴

⁹¹ Ibid, 190.

⁹² 'Nine-Power Treaty' (1922).

⁹³ Warren I. Cohen, 'America's New Order in East Asia: The Four Power Financial Consortium and China, 1919–1946,' in Kwan Wai So & Warren I. Cohen (eds.), *Essays in the History of China and Chinese-American Relations* (Asian Studies Center, Michigan State University, 1982).

⁹⁴ Sadao Asada, 'Japan's 'Special Interests' and the Washington Conference' (1961) 67:1 *The American Historical Review* 62.

Meanwhile, the current status of the 1917 Lansing-Ishii agreement, with its explicit recognition of Japan's special interests, remained an open question. A Senate Resolution in early 1922 asked President Harding to clarify this issue, in response to which he stated that the original agreement had 'not [been] a treaty,' but rather a mere exchange of notes stating 'Executive policy,' and in any case had been superseded by the new treaty regime.⁹⁵ Subsequently, Hughes sought confirmation that Japan was willing to acknowledge the cancellation of the 1917 agreement. Shidehara expressed willingness to make such a declaration, but sought an official recognition by the United States that the 1917 Agreement, though it might have been superseded, nonetheless was 'not inconsistent with' the new treaty regime of 1922.⁹⁶

Hughes avoided officially committing the United States to such a view, but did not press the issue when, at the end of that year, the Japanese government agreed to the cancellation with the addition of its view that the Lansing-Ishii Agreement had 'contain[ed] nothing which is at variance, either in letter or in spirit' with the new treaties.⁹⁷ The cancellation of the earlier agreement was thus 'not to be taken as an indication of a change in the position of Japan relating to China.'⁹⁸ Indeed, Japan expressed the view that '[its] special interests in China in the sense above described exist and will continue to exist, with or without express recognition embodied in diplomatic instruments.'⁹⁹ This was in keeping with the view that Ishii had articulated ever since 1917, seeing Japan's position in China as 'based on natural principles.'¹⁰⁰

Hughes sought to prevent any conflation of the previous agreement with the new multilateral treaty regime, which he argued would 'create another ambiguity at a time when the two Governments were trying to dispose of the former ambiguity.'¹⁰¹ However, this was after all essentially the same approach that Wilson had taken at Paris, when he insisted on the full compatibility of the (never explicitly defined) Monroe Doctrine with the Covenant system during the Commission—even calling the League an extension of the Monroe Doctrine to the entire world.¹⁰² In just the same manner, the Japanese government sought to assert full compatibility between its

⁹⁵ Papers Relating to the Foreign Relations of the United States, 1922, Volume II. Message of President Harding to the Senate, March 8, 1922.

⁹⁶ Papers Relating to the Foreign Relations of the United States, 1922, Volume II. 793.94/1325½. Memorandum by the Secretary of State of a Conversation with the Japanese Ambassador (Shidehara), March 23, 1922.

⁹⁷ Papers Relating to the Foreign Relations of the United States, 1922, Volume II. 793.94/1403. The Japanese Embassy to the Department of State.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ishii (1930).

¹⁰¹ Cited in Asada (1961) 69.

¹⁰² Miller Vol. I (1969) 52.

preexisting unique position relative to China and the norms created at the conference in Washington. Even if Article I(4) did ban all signatories from 'seek[ing] special rights or privileges' in China, after all, Japan would not be 'seeking' such rights if it had *already* long since come to possess them through a process of political and economic interpermeation with its neighbor—they would just be a 'natural' outgrowth of the region's geopolitical conditions, and destiny.

6 Global Order and 'Great Spaces'

Far from acting as a 'Magna Charta for China,' the position of uncertainty and dependency created by the hierarchically-ordered League and the parallel arrangements at Washington made radical critique of the existing world order still more compelling. In Paris, a young Zhou Enlai 周恩來 in the early stages of his involvement with China's new Communist movement argued that 'The United States at the Washington Conference broke through the decades-long pattern of foreign states' carving out spheres of influence in China, to successfully forge a new path of collective invasion and joint-sharing of profits.'¹⁰³ Zhou and other League critics around the globe saw in regional geopolitics both the visible effects of an unjust, unequal order and a space for their possible revision.

Globally, the League era never saw any genuine effort of the Great Powers (including the United States, which never joined the League, as well as Germany and the Soviet Union, which only joined in 1926 and 1934, respectively) to use the new organization effectively as a means of demarcating stable 'regional understandings.' Article 21 itself was never to be clearly defined, despite the fact that numerous American states repeated this demand in formal proposals to the League Assembly, just as Larnaude had to Wilson in April 1919.¹⁰⁴ Reflecting on ongoing US practices of intervention and occupation throughout the League years, even scholars who continued seeking to articulate a formal and binding legal character of the Doctrine were willing to admit that it had at times turned into a 'policy of imperialism and hegemony.'¹⁰⁵

The German legal scholar and self-described enemy of the 'Geneva League,' Carl Schmitt, articulated a more vehement critique with arguments that the lack of

¹⁰³ Zhou Enlai 周恩來, 'Huafu Huiyi Hou de Meiguo Diguoizhuyizhe 华府会议后的美国帝国主义者 [The American Imperialists After the Washington Conference]' *Chiguang* 赤光, February 15, 1924.

¹⁰⁴ See, e.g., 9:10 *League of Nations Official Journal*, 1505-1640 (October 1928) (discussing Costa Rica's request 'to know the interpretation placed by the League of Nations on the Monroe doctrine, and the scope given to that doctrine when it was included in Article 21 of the Covenant of the League.').

¹⁰⁵ Alejandro Álvarez, *The Monroe Doctrine: Its Importance in the International Life of the States of the New World* (OUP, 1924).

specific rules either allowing or prohibiting regional interventions had actually facilitated discretionary interventions by the United States in Haiti, Panama, Nicaragua, and elsewhere. The United States had preserved for itself rights to intervene that it sought to systematically deny to other powers, and this strategy had already been manifest at the very genesis of the League when Wilson had paid no heed to the 'very understandable juridical objections of the French jurist Larnaude.'¹⁰⁶ The United States had then, of course, not joined the League. But eighteen Western Hemisphere states, a third of the League members, continued to take part in its affairs, and the United States had also continued to exercise influence over European matters via diplomatic arrangements, such as plans for reparations repayment. No European state, nor the League itself, could effectively interfere in any 'American' matter. Yet the United States could and did take part, at times dispositively, in the most crucial political and legal matters of Europe.¹⁰⁷

A League in which the United States was 'officially absent, but effectively present,' functioned as a kind of new mutation of Monroe-ism at the global level. Ironically, that was in a sense just what Wilson had promised when he unveiled his first Covenant draft. Not only was the meaning of Article 21 open to (re)interpretation at the discretion of the United States, but so too was the whole mechanism of the League and the scope of its remit. This was on display, for example, in the way that the League had initially been envisioned as a forum for developing global disarmament norms—but that this instead occurred 'not in Geneva, but in Washington,' via the Naval Conference of 1921-1922.¹⁰⁸

Europe's spatial order was hardly any more legalized. For example, the 1921 resolution of the Åland Islands dispute by the League Council is often considered one of the organization's few real successes. It is true that this affair helped to establish precedents for an international norm against the forced assimilation of minority populations. However, in denying the existence of a right to *political* self-determination for Finland's Swedish minority, the Council representatives hearing the dispute (including both Ishii and Wellington Koo) endorsed the view, articulated by a committee of jurists under Ferdinand Larnaude, that 'all the arguments militate in favour of the status quo,' in part because of '[t]he services which Finland rendered to

¹⁰⁶ Carl Schmitt, 'Völkerrechtliche Formen des Modernen Imperialismus' (1932) in *Positionen und Begriffe im Kampf mit Weimar – Genf – Versailles 1923-1939* (Duncker & Humblot 1988) (1940).

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

others as well as to herself in repelling the attacks of Bolshevik Communism after a bloody struggle'.¹⁰⁹ Western Europe, it seemed, had to defend its own great space.

Meanwhile, what Czechoslovakia and other 'Little Entente' powers had hoped for—an Article 21 'regional understanding' that would help to cement their own fragile status as independent sovereigns vis-à-vis expansionist or revanchist neighbors, did not materialize.¹¹⁰ In general, the leading League powers were willing to promote an Åland-style vague, case-by-case approach to dispute resolution in order to help deter threats of 'revolutionary expansion' and Soviet influence. This was also the case with respect to the Locarno Treaties of 1925, which helped bring Germany into the League by strictly regulating the management of its Western borders while leaving the space of Eastern Europe open for future 'revision.' In response, the Soviet Fourteenth Party Congress issued a resolution at the end of the year decrying 'the relative stabilization and so-called pacification of Europe under the hegemony of Anglo-American capital [which] has led to a whole system of economic and political blocs.'¹¹¹

After 1924, Locarno joined Article 21 as a byword for Japanese regional aspirations in East Asia. Ishii and other policymakers saw in the 1924 compromise over Germany's desire for spatial reordering a model that could be replicated in East Asia: indeed, it would be best 'to confine the task of the League of Nations for the moment to the establishment of regional agreements[, and] to extend these regional agreements, as far as circumstances permitted, to other parts of the world.'¹¹² What Eastern Europe was in 1925—a space whose status was pointedly left undefined by formal norms, and thus open for new projects of informal control—Ishii and other prominent Japanese statesmen hoped China, or at least the parts under Japan's direct sway, would be for a future 'Locarno Pact for the Far East' that might go further than had the Washington Conference towards formally recognizing Japanese hegemony in East Asia.¹¹³ Throughout the coming years, such calls for multilateral acknowledgment of Japan's regional role would only grow in frequency and importance, culminating in the Manchukuo crisis and Japan's decision to leave the League in 1933.¹¹⁴ By the time Matsuoka Yōsuke 松岡洋右 took over from Ishii as Japan's lead representative at

¹⁰⁹ 'Report of the International Committee of Jurists entrusted by the Council of the League of Nations with the task of giving an advisory opinion upon the legal aspects of the Åland Islands question,' League of Nations Official Journal, Special Supplement No. 3 (October 1920).

¹¹⁰ See, e.g. Wandycz (1962) 294.

¹¹¹ Jon Jacobson, *When the Soviet Union Entered World Politics* (University of California Press, 1994) 174.

¹¹² Thomas W. Burkman, *Japan and the League of Nations: Empire and World Order, 1914-1938* (University of Hawaii Press, 2008) 122.

¹¹³ Ibid, 198.

¹¹⁴ In the dispute over Manchukuo, the Japanese delegation formally invoked Article 21 in the attempt to assert Japan's prerogatives for regional intervention, albeit to no avail.

Geneva, the idea of a 'Monroe Doctrine for Asia' was the explicit framework for regional expansionism and, later, a justification for establishing the Greater East Asia Co-Prosperity Sphere.¹¹⁵

For Schmitt, writing to justify his own country's policies of imperial expansion to the east, Japan's efforts to exert hegemony in its region were a worthy model reflecting the 'original, genuine Monroe Principle [*Monroeprinzip*]' as opposed to the 'falsified' degeneration into 'an imperialistic world-trade principle' that it had become in American foreign policy.¹¹⁶ The United States insistence on the Open Door in China and refusal to accommodate Japanese political claims embodied the 'domination of world markets by Anglo-Saxon capital,' and sought to establish a 'spaceless general intervention-system [*raumlos allgemeines Einmischungssystem*]' for China, just like other regions of the world.¹¹⁷

The 'officially absent' yet ubiquitous American influence at the League had simultaneously helped the United States to preserve the Western Hemisphere as its own hegemonic space, and also (via the Washington arrangements) to formally extend its norms of intervention to cover East Asia as well. While 19th century Great Powers had had to make use of suzerainty or formal 'protectorate' status, and other such tools for the indirect control of foreign territories, the pattern of intervention established by the United States in its region was perhaps an even more effective towards these ends. For example, '[a] concept such as 'defense of foreign interests' is, due to its indeterminacy, especially suitable to give any right of intervention based upon it the character of de facto rulership.'¹¹⁸ Japan's efforts to supplant the 'spaceless' Anglo-American world dominance with its own 'Asia Monroe-shugi' proved a major inspiration to Schmitt and other German theorists of regional hegemony.¹¹⁹ They, in turn, would exercise a great deal of influence in Japan and its occupied zones during the coming era of global conflict.

Indeed, already in 1931 Ishii had expressed much the same views of the Doctrine that Schmitt would a few years later: 'There is probably no one who can clearly define the so-called Monroe Doctrine. Its definition varies according to who

¹¹⁵ Jeremy A. Yellen, *The Greater East Asia Co-Prosperity Sphere: When Total Empire Met Total War*, 62-63 (Cornell University Press, 2019); Burkman (2008) 189-190.

¹¹⁶ Carl Schmitt, 'Großraum gegen Universalismus' (1939) in *Positionen und Begriffe im Kampf mit Weimar – Genf – Versailles 1923-1939* (Duncker & Humblot 1988) (1940).

¹¹⁷ Ibid.

¹¹⁸ Carl Schmitt, 'Die Rheinlande als Objekt internationaler Politik' (1925) in *Positionen und Begriffe im Kampf mit Weimar – Genf – Versailles 1923-1939* (Duncker & Humblot 1988) (1940).

¹¹⁹ Schmitt (1939) (transliterated Japanese in the original). See also Heinrich Triepel *Die Hegemonie: Ein Buch von Führenden Staaten* (W. Kohlhammer, 1938); Mark Mazower, *Governing the World: The History of an Idea* (Penguin, 2012); Rudolf Walther, 'Imperialismus' in Brunner, Otto, Werner Conze & Reinhart Koselleck, *Geschichtliche Grundbegriffe* (Klett-Cotta, 1982) 229.

defines it and when.' America's commitments to peaceful resolution of disputes, when given such a vast set of exceptions, effectively meant that 'only disputes pertaining to the Eastern hemisphere are to be submitted to arbitration,' and thus supposedly pacifist initiatives such as the Kellogg-Briand Pact outlawing war seemed a 'decidedly one-sided affair.'¹²⁰ In Japan and Germany, the idea increasingly took hold that only a regional hegemony, in the country's own 'great space' (*Großraum*), would lead to a proper 'Great Power' status.

7 Pan-Asianism as Aporia?

Although pan-Asian ideas were increasingly instrumentalized by Japanese advocates of imperial expansion, they continued throughout the interwar era to have alternative readings and creative appropriations throughout the region. Some of the figures who had played the leading roles in forming the post-Qing political consciousness engaged with such notions throughout the 1920s. In the last major public address before his death, for example, Sun Yat-sen gave a 1924 speech in Kobe, Japan invoking *fanyaxiyazhuyi*, 'pan-Asianism,' as a shared project of anticolonial liberation. At the same time, Sun also characterized the Soviet Union as having been 'expelled from the Family of Nations by the White races,' and thus 'joining with the Orient and separating from the West.'¹²¹ The same year, the Indian poet and philosopher Rabindranath Tagore made an influential tour of China in which he was received by leading intellectuals, including Liang Qichao, and initiated a flurry of discourse around ideas of Asian solidarity.¹²² A few years later, at the 1927 International Congress against Colonial Oppression and Imperialism held in Brussels, Jawaharlal Nehru represented the Indian National Congress to begin pursuing practical cooperation with China's Guomindang, itself then in the last stages of an ill-fated partnership with the Chinese Communist Party.¹²³

Ideas of a pan-Asian resistance to colonialism that bridged ideological and national divides were soon stymied, however. A capitalist and increasingly militarist Japan paired regional hegemony with ever more vigorous anti-Marxist policies, identifying the Soviet Union as its greatest threat. Meanwhile, on the eve of its consolidation of power, the Guomindang under Chiang Kai-shek launched a brutal suppression of its former Communist allies and an internal purge of leftists, partly in order to secure recognition from Western governments. In its own promotion of

¹²⁰ Ishii (1930) 289.

¹²¹ Sun Yat Sen, *China and Japan: Natural Friends, Unnatural Enemies* (Shanghai: 1941).

¹²² See, e.g. Mishra (2012).

¹²³ Sarvepalli Gopa, *Jawaharlal Nehru: A Biography, Volume 1: 1889-1947* (OUP, 1976) 103-105.

revolutionary movements in the region, the Soviet Union pursued a doctrinaire and hierarchical approach that alienated potential allies. The *fanyaxiyazhuyi* Sun had called for before his death was decisively overshadowed by geopolitical and ideological rifts.

Initiatives elsewhere showed what might have been in Asia. In particular, the insurgent regionalism of American states who used the language of the Monroe Doctrine to assert a development of regional norms favoring territorial integrity and non-interventionism against the United States as well as European powers. The Inter-American Conferences of 1928, 1933, 1936, and 1938, in particular, formed a trajectory by which Latin American states developed an increasingly united front in opposition to United States practices of intervention and, eventually, successfully managed to induce Washington's endorsement of a more restrained version of the Doctrine, at least in principle.¹²⁴ Aristide Briand's proposed 'European Union' in 1929 displayed a similar notion of regional consolidation under more clearly-defined legal standards.¹²⁵ The idea of a reorganization of the international system premised on peaceful cooperation within geographic regions was very much alive in these various contexts. Meanwhile, Koo and Wang's related norm of 'continentalism,' though never a formally adopted League rule, was maintained on the level of Council practice throughout its lifespan. It would eventually become a formal feature of the United Nations Security Council.¹²⁶

When the Soviet Union engaged with the League from 1934, however, it took a decisive stance against the shift towards regional ordering, which too closely fit the aims of its foes in Berlin and Tokyo. The diplomat Boris M. Shtein, for example, submitted a 1937 report on Soviet views of the Covenant and its principles. In it, he noted that:

The idea of continentalism-regionalism itself is not incompatible with the fundamental principles of the League of Nations unless it is regarded as the idea of replacing the present League of Nations, which comprises the vast majority of the States of the world, by the federation of continental leagues. This latter conception is *in direct contradiction with the fundamental principles of the League of Nations*.¹²⁷

¹²⁴ Juan Pablo Scarfi, 'In the Name of the Americas: The Pan-American Redefinition of the Monroe Doctrine and the Emerging Language of American International Law in the Western Hemisphere, 1898-1933' (2016) 40:2 *Diplomatic History* 189.

¹²⁵ 'Mémorandum sur l'Organisation d'un Régime d'Union Fédérale Européenne' in E.L. Woodward and Rohan Butler (eds.), *Documents on British Foreign Policy 1919-1939*, 2nd Series, Vol. I, 314-21 (Her Majesty's Stationery Office, 1947).

¹²⁶ See, e.g., Ingo Winkelman, 'Regional Groups in the UN' in Helmut Volger (ed.) *A Concise Encyclopedia of the United Nations*, 2nd ed., 592-96 (Martinus Nijhoff Publishers, 2010); cf. *supra* notes 85-87 and accompanying text.

¹²⁷ 'Application of the Principles of the Covenant: Regional or Continental Organisation of the League of Nations: Report by M. Boris Stein,' League of Nations Document: C-364-M-246-1937-VII. (September 10, 1937) (emphasis in original).

Naturally, Japan's escalating encroachments ostensibly in the name of pan-Asian ideals also led to intense backlash in China. From the de facto annexation of Manchuria in 1931 onward, pan-Asian rhetoric was increasingly burdened with collaborationist implications in Chinese political discourse. The future high-level diplomat Jiang Tingfu 蔣廷黻, then the head of Tsinghua University's History Department, voiced the increasingly dominant view in a 1933 essay: 'This [Asian Monroe] doctrine is not an Asian doctrine, it's a Japanese doctrine.' For Jiang, the appeal of cooperation with Japan had to be recognized, given that both countries 'had tasted oppression by the white race....[to whom] almost the entire world belongs today.' Nonetheless, although China did not 'want to be the second India or the second Philippines, we also don't want to be the second Korea.'¹²⁸ The identification of the collective 'Chinese' subject with the nation-state was fully articulated in mainstream discourse in non-occupied zones of the 1930s, while Japan's puppet regimes put relatively greater emphasis on Asian solidarity.¹²⁹ When Nehru visited Guomindang-controlled China in 1939 and argued in favor of an 'eastern federation,' he found eager interlocutors, but made limited practical headway.¹³⁰

Commenting on the failure and discrediting of pan-Asian ideals during the period of Japanese imperial conquests Prasenjit Duara has argued that 'territorial nations are [by definition] lesser than the civilizations from which they [claim to] emanate,' and this rhetorically self-subordinating aspect of transnational ordering ideas is intrinsic, even constituting a 'structural ambiguity, or [] aporia[.]'¹³¹ In other words, the very act of defining a collective political subject, like a 'nation,' raises questions both as to the origins of such a subject and what forms of communal relations it has with other similar subjects. These aporic dimensions were highly significant throughout the Asian region during the period of increasingly global and total conflict from the mid-1930s through mid-1940s. Japanese imperial projects, for example, were experienced as deeply oppressive by many occupied peoples but also helped to promulgate or reinforce anticolonial movements in Burma, Indonesia, and Vietnam, inter alia. Meanwhile, Chinese leaders precariously balanced crucial wartime support from the West with aspirations to self-determination for China and its regional

¹²⁸ Jiang Tingfu 蔣廷黻, 'Yazhou de Menluozhuyi 亞洲的門羅主義 [The Asian Monroe Doctrine],' in Jiang Tingfu Xuanji 蔣廷黻選集 [*Selected Works of Tingfu F. Tsiang*] vol 2. (Book World Co., 1965) 325-329.

¹²⁹ See Duara (2004). See also, e.g., Hu Yingzhou 胡瀛洲, 'Shijie Xin Zhixulun 世界新秩序论 [The Theory of the New World Order]' (1944) 1:5 *Chu Sheng* 楚声 (in this article Hu, a Beijing scholar of politics and ideology official for the collaborationist regime, cites Carl Schmitt's *Großraum* theory in support of Japan's Greater East Asia Co-Prosperty Sphere).

¹³⁰ Gopa (1976) 249.

¹³¹ Duara (2001) 106-107, 112.

neighbors. When Chiang Kai-shek met Nehru and Gandhi in India in 1942, shortly before their arrest following Congress's passage of the 'Quit India' resolution, the growing rhetoric of solidarity had only very limited practical dimensions.

However the idea of a new regional order remained compelling. Chinese officials in the Guomindang regime even carefully considered the notion of establishing a new regional organization, describing it at times as a 'United Nations of the Pacific.'¹³² This sort of formal legal organization, like the soon-to-be founded Organization of American States, might provide a basis for regional solidarity and coordination—though it might also aid China in exercising regional 'rights of leadership,'¹³³ as well as promote decolonization in Vietnam, Indonesia, et al. These ideas fell by the wayside, however, as plans for the United Nations itself came into focus. The joint Chinese delegation at San Francisco in 1945, with members from the Guomindang, Communist Party, and third parties, ultimately emphasized consolidating territorial integrity and prohibiting aggression on a universalized basis, rather than the pursuit of intra-regional aspirations.

After the war, the opposition to regionalism would continue to be articulated by Soviet diplomats and international lawyers, exerting great early influence on the Chinese Communist Party.¹³⁴ For both Soviet and Chinese leaders in the early years of the Cold War, NATO and the Marshall Plan looked much like a new way to extend American dominance over Western Europe—and perhaps like another 'attempt by a regional hegemony to establish a global hegemony.'¹³⁵ If Japan's attempt to create its own Monroe-ist sphere in Asia had been an existential threat, so too was the 'Truman-ist' move to turn the entire world into a zone free for US intervention, akin to Latin America. During the renewed 1945-1949 Chinese Civil War, anxieties over US hegemony in Asia on these lines were expressed not only by officials and outlets of the Communist Party, but also by independent intellectuals, notably international lawyers, who had previously worked in various capacities for the United States-allied

¹³² 'Zhou Gengsheng Lun Taipingyang Yongjiu Zhixu; Bixu Wanquan Jiechu Riben Wuzhuang; Zhuzhang Chengli Taipingyang Lianheguo 周鯁生論太平洋永久秩序必須完全解除日本武裝主張成立太平洋聯合國 [Zhou Gengsheng Writes about a Permanent Order for the Pacific; : Japan Must be Completely Disarmed; Advocates Setting Up a United Nations of the Pacific], 中央日報掃蕩報聯合版 *Zhongyang Ribao Saodang Bao Lianhe Ban* January 8, 1943.

¹³³ Guoshiguan 國史館: 002-020300-00047-043; Song Ziwen to Jiang Jieshi, July 1944.

¹³⁴ Liu Shaoqi 劉少奇 et. al., '*Guojizhuyi yu Minzuzhuyi* 國際主義與民族主義 [*Internationalism and Nationalism*]' (Xin Zhongguo Shuju 新中國書局 [New China Press], 1949).

¹³⁵ On early Soviet and PRC views of the Western Cold War security institutions, see generally *ibid*. On the definition of the 'Wilsonian moment' as an 'attempt by a regional hegemony to establish a global hegemony,' see Zhang (2019) 109.

Chiang Kai-shek regime.¹³⁶ Though Article 21 itself would be forgotten, the problem of excluding 'external' interventions into regional order continued to feature in discussions of sovereignty and international law, and were central to the Korean War and its aftermath.¹³⁷

Subsequent Chinese approaches to international law, notably the premise of a multilateral commitment to state sovereignty and non-intervention articulated in the PRC's Five Principles of Peaceful Coexistence, were also explicitly aimed at delineating a new regional order excluding intrusions. The considerable overlap of these agendas was on display at the Bandung Conference of 1955, where Zhou Enlai represented China and dropped appeals to proletarian revolution in favor of a stable sphere of 'peaceful cooperation,' while stopping short of any aspirations for a 'regional bloc,' with neighbouring non-Communist regimes.¹³⁸ While Nehru explicitly described mutual support among the region's decolonizing or postcolonial states as an Asian Monroe Doctrine,¹³⁹ the term by now had too many negative connotations in China for it to be embraced there. The inherent, aporic tension between a strict focus on each state's own territorial sovereignty and the necessity of a cooperative and 'secure' regional environment was, of course, not overcome in 1955. It would continue to be a core problematic of Cold War geopolitics, and remains even today central to ongoing disputes such as those over the legal status of the South China Sea.¹⁴⁰

8 Conclusion

The experience of 'regional understandings' in Asia demonstrated the incompatibility of traditional Monroe-style arrangements with robust guarantees of territorial integrity or the equality of states. That experience began with the United States' attempts by the turn of the century to determine the order of East Asia in a manner akin to that of the Americas—sometimes to China's benefit, but never with China as an equal party—

¹³⁶ See, e.g. Wang Tieya 王铁崖, 'Dulumentzhuyi yu Menluozhuyi 杜鲁门主义与门罗主义 [Trumanism and Monroe-ism]' (1947) 1:8 民主论坛 [Democratic Forum].

¹³⁷ See, e.g., Chen Tiqiang, 'Shei Shi Guojifa de Pohuaizhe? 谁是国际法的破坏者 [Who Is Undermining International Law]?' (1950) 1950:8 世界知识 [World Affairs].

¹³⁸ Final Communiqué of the Asian-African conference of Bandung (24 April 1955).

¹³⁹ Jawaharlal Nehru, 'A Monroe Doctrine for Asia,' speech delivered on August 9, 1947, in *Selected Works of Jawaharlal Nehru*, Second Series, Vol. III (OUP, 1985) 133-135 ('[F]oreign armies have no business to stay on the soil of an Asian country.').

¹⁴⁰ Looking back at Monroe-ism's legacies, the political theorist Liu Xiaofeng writes in Schmittian terms that 'the new China has to this day not yet fully realized an autonomous great spatial order "with a ban on intervention for spatially foreign powers[.]"' Liu Xiaofeng 刘小枫, "Menluozhuyi' yu 'Quanqiuhua Jiyuan' '门罗主义'与全球化纪元 ['Monroe-ism' and the Age of Globalization]," 人民论坛·学术前沿 [Frontiers] 3 (2020).

and then mutated into a submerged contest among regional 'protectors' which, for decades, raised the possibility of a Japanese hegemony over the entire Asian region.

The role of Article 21 in the geopolitical and international law discourse of the interwar period demonstrates the extent to which, in general, international legal norms often lack any preexisting content sufficient to determine their concrete applications. The Article was simply one part of the 'argumentative toolbox' of the League, and as such was available for a variety of actors to 'freely draw' upon it for different, indeed inconsistent projects.¹⁴¹ Meanwhile, both the conceptual history of 'Monroe-ism' in Asia and the today still-unresolved disputes over organizational structures for inter-Asian economic and security relations reflect the fact that space itself is 'historicizable'.¹⁴²

Certainly, Covenant Article 21, with its applications to justify intra-regional and perhaps intra-'civilizational' hegemonies, was in key respects a continuation of earlier logics of rule underlying international law.¹⁴³ At the same time, in its Asian invocations, the Article also raised the question of a separate, autonomous non-Western civilizational space, in opposition to the pretensions to a universal 'civilization' that had undergirded European expansion. Both cooperative anticolonial networks and even explicitly hegemonic projects like Japan's relied on similar notions of innate solidarity, though these could clearly be instrumentalized as apologia for subordination. Duara's identification of the 'aporia' in national identity vis-à-vis ideas of shared civilization helps to explain the persistent appeal and aporic qualities of regionalist visions as well.¹⁴⁴

As state-oriented politics confronted new ideas of regional and civilizational solidarity in the early 20th century, both the state and the 'nation' it was thought to embody were relativized, while different principles of spatial order were asserted and tested. The history of Monroe Doctrine discourse in Asia suggests that struggles over equality, subordination, liberation, and hypocrisy remain possible within the frame of such alternate principles, as well as within the similarly contingent and contested discourses of (global) civilizational unity underlying international law itself.

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¹⁴¹ Martti Koskenniemi, 'What Should International Legal History Become?' in Stefan Kadelbach, Thomas Kleinlein & David Roth-Isigkeit (eds.), *System, Order, and International Law: The Early History of International Legal Thought from Machiavelli to Hegel* (OUP, 2017) 381-397, at 387.

¹⁴² Reinhart Koselleck, 'Space and History' in Sean Franzel and Stefan-Ludwig Hoffmann (trans. and eds.), *Sediments of Time: On Possible Histories* (Stanford University Press, 2018) 24-40, 27.

¹⁴³ Cf. Anghie (2005); Tzouvala (2020).

¹⁴⁴ Duara (2001) 106-107, 112.



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