## GENTIUM LAW

MULTILATERALISM FROM THE ZHOU TO QING **DYNASTIES:** 

LESSONS FOR THE INTERNATIONAL **COMMUNITY IN THE MODERN AGE** 

**Matthew Parish** 

To put the world right in order, we must first put the nation in order; to put the nation in order, we must first put the family in order; to put the family in order, we must first cultivate our personal life; we must first 其心。 set our hearts right.

- Confucius

The prevailing scholar of the Hundred Schools of Thought Era during the Spring and Autumn period of Chinese history brought in his writings an expression of the wisdom that the order of nations derives from the order of peoples and individuals. Confucius emphasised personal virtue, modesty and respect, rather than adherence to rules, as lying at the heart of comity and accord between nations. I am starting this essay with that observation because I believe that reflection upon so fundamental a principle might 合国(即世界上主要的国际外交机构)提供一些指 guide the United Nations, the world's principal organ of international diplomacy, in the profoundly troubled yet also cautiously optimistic transformations and confluences of the modern age.

The moderation observed in the diplomacy of the Zhou dynasty may be one reason why this was the longest-reigning dynasty of the Chinese continent and ruled over a period in excess of 800 years amidst some 37 emperors. Throughout this extended period, the spirit of the age embraced personal and political moderation and compromise. It took the inception of the Period of the Warring States, concluding in 221BC when Qin Shi Huang unified China, for this era to draw to a close. Thereafter the influence of legalistic diplomatic philosophers. amongst others the intellectual ideas of Shang Yang, emphasised the primacy of absolute rules of legal responsibility between citizen and ruler, and the importance of the organs of state focusing around the individual leader. All citizens became as one; hence it was observed as proper to punish a person who knew of a crime but failed to inform the government.

## 周朝至清朝的多边主义:

## 对当代国际社会的启示

**Matthew Parish** 

古之欲明明德于天下者,先治其国;欲治其国者,先 齐其家; 欲齐其家者, 先修其身; 欲修其身者, 先正

-- 孔子

中国历史上的春秋战国时期,诸子百家的主流学派著 作均提倡了一种思想——国家的秩序源自人民和个 人。 孔子强调: 国家之间礼让和谐的核心在于个人道 德、谦逊和尊重,而不仅是遵守规则。 我以此观点作 为这篇文章的开始,因为我相信在现今极度困扰但谨 慎地转变和交汇的年代,反思此基本原则也许会为联 引。

周朝外交的中庸之道或许可以解释为什么周朝是中国 大陆君主统治最长的朝代,有37位皇帝统治了800 多年。 在这个漫长的朝代里,个人和政治的中庸和妥 协是当时的主体精神。 这一时代始于战国时期,结束 于公元前 221 年秦始皇统一中国。 此后,深受法条主 义外交哲学家的影响,其中包括商鞅的知识思想,他 强调公民和统治者不得超越于法律之外,凌驾于法律 之上,以及国家机构重点围绕个人领袖的重要性。 所 有公民成为一体;因此惩罚一个知晓犯罪行为但未通 知政府的人被视为是正当的。



The Qin Dynasty was of relatively short duration in the context of the broad sweep of Chinese historical standards. After a brief war, the Han Dynasty, considered by many as the golden age of Chinese history, swept to power for some four centuries amidst propagation, for the most part, of a principle of government that involved sharing power between the Emperor as the principal of Han society and his ministers and nobles based upon the principles of modesty and personal self-order rather than imposition of external legalism. The proper concepts of harmonious division of governmental power between different sources of authority could be found by searching the soul and exercising the virtues of respect and restraint. Confucianism experienced a return to popularity during this period, and contemporary economic development entailed significant successes as evildoers towards the Dynasty were repelled and repulsed.

This was also a period in which China extended its diplomatic and commercial contacts with the rest of the modern world, through the transit route that had existed since time immemorial and would subsequently come to be called the Silk Road. This diplomatic tradition, that emphasised mutual respect for cultural and political difference, blossomed after the Roman conquest of Egypt in 30BC. Export of Chinese silk to the Roman Empire rendered Han coffers replete with precious metals, and diplomatic traditions flourished accordingly and in the normal way of things.

在中国浩瀚的历史长河中,秦朝的持续时间相对较 短。 短暂的战争后, 汉朝被视之为中国历史上的黄金 时代,在其持续的四个世纪的大部分时间里,汉朝社 会首领的皇帝及其大臣贵族之间分享权力均以谦逊和 个人自律原则为基础,而不是外部强加的法条主 义。 通过自我反省和实践尊重和克制的美德,灌输在 不同权力来源之间和谐分配政府权力的正确理念。 家思想在这一时期重归盛行,给当时的经济发展带来 了巨大成功,因为汉朝的敌人都被驱逐击退。

这也是中国通过远古的运输路线(后被称为丝绸之 路)向外扩大其外交和商业联系的年代。 相互尊重文化和政治差异的外交传统在公元前 30 年 罗马征服埃及之后盛行。 中国丝绸出口到罗马帝国, 为汉朝国库换回大量贵重金属,外交传统相应地以正 常的方式蓬勃发展。

Nevertheless ultimately Zihuan (in power from 220 to 226), the first Emperor of Cao Wei in the Three Kingdoms Period, overthrew the relative peace of the <sup>桓</sup>)(220 年-226 年在位)推翻了汉朝的安定,出现 Han Dynasty as three nations emerged competing for control over the Chinese continent. Zihuan had the wisdom to adopt Changwen's Nine-Rank System for the Civil Service, arguably the world's first-ever professionalisation of an administrative bureaucracy notwithstanding the commotions of the era. After the fall of Shu, Wei and Wu, and the end of the Three Kingdoms period, China became further fragmented as the period of the Six Dynasties continued. It was a period of disunity and warfare, where the philosophical principles of some Emperors' predecessors and the styles of government their enlightenment had embraced appeared to have been immersed in the gores of war.

As always in the history of a complex, sophisticated and civilised nation such as China, immersion did not entail loss; the values that had become obscured from view were destined to reemerge after some due 价值重新出现。 隋朝 (581 年-614 年 ) 是一个企图在 time in the passage of history's reflection. The Sui

然而最终三国时期曹魏第一任皇帝魏文帝曹丕 (字子 了三个国家竞相控制中国大陆的局面。 尽管处于喧嚣 的时代,曹丕明智地采纳了吏部尚书陈群的建议,制 定了九品中正制,这可以说是世界上第一个专业化的 行政官僚体制。 在魏、蜀、吴三国灭亡,三国时期结 束后,中国随着六朝时期的持续而进一步分裂。 这是 一个分裂和战争的时期,一些皇帝祖先的哲学原理和 他们的启示所包含的政府模式似乎沉沦在战争之中。

在中国文明古国的悠久历史上,沉沦并没有导致损 失;经过历史反思一定时间之后,那些被视为模糊的 一些不确定性的哲学原理下统一中国的短暂朝代。 结



Dynasty (581-614) was a short-lived attempt to reunify China but again under philosophical principles of some uncertainty. The result was more unfruitful conflict. Nevertheless Chinese history teaches us that sometimes turbulence is a necessary precursor to stability and prosperity, and this is what emerged in the subsequent Tang Dynasty that lasted 度,包括被论证的木版印刷首次大规模激增,进而促 some three hundred years thereafter. Preservation and reinvigoration of the prior system of civil service professionalism during the Tang Dynasty was reinforced by a period of cultural flourishing, including what is arguably the first major proliferation of woodblock printing and hence the consequent promotion of literacy that entailed. Where the civil servant learns the values with which he performs his social duties from his own sense of personal moderation and self-restraint, a society will surely find itself managed upon more benign and prosperous terms.

Ultimately however the Tang Dynasty, in parallels with certain prior events in Chinese history, dissolved into the perils of infighting and fragmentation. resulting in the period of the Five Dynasties and Ten Kingdoms. On this occasion disunity was a relatively short-lived affair, and Yuanlang reunified China as the first Emperor of the Song Dynasty in 960. The Song Dynasty was an era of unity during which China became a world leader in science and technology presided over by an ethos once again embodying personal moderation and balanced relations between the state and the individual who understood and respected his place in society which likewise respected him.

The Yuan Dynasty that followed was also a period of unity in Chinese history from the conquest by Kublai Khan of China completed in 1279, but for all its cultural developments it came to represent an uncharacteristic period of unease between the Han and Mongols and a source of regret for all civilised peoples of the region. Ultimately Mongol rule was overthrown through establishment of the rule of the Hongwu Emperor in 1368 that initiated the Ming Dynasty, during which the Forbidden City was established and China was run under a centralised and militarised system that one might characterise as a renaissance of the legalism of Shang Yang.

By the sixteenth century, the Ming Dynasty found itself compelled to engage with the perils of European trade and the not always benign intentions of those who would propagate it. This engendered economic pressures, including a slowdown in domestic production. Ultimately this resulted in the overthrow of the Ming Dynasty by rebel leader Li Zicheng in 1644 who in turn was ousted by the

果是更无益的冲突。 然而,中国的历史告诉我们,要 安定繁荣,有时动荡是必然的前兆。随后的唐朝持续 了大约三百年的盛世就是印证。 唐朝时期,受到文化 繁荣的影响,加强保留和振兴了之前的专业化行政制 进了文字文化的发展。 当公职人员从其个人节制和自 我约束意识中学习履行其社会责任的价值观时,社会 就处于更加安定繁荣的状态。

然而, 唐朝最终重蹈前辙, 发生类似的历史事件, 陷 入了内讧和分裂,形成了五代十国时期。这一次的分 裂持续时间相对较短,宋朝的第一位皇帝宋太祖赵匡 胤(字元朗)于960年再次统一中国。宋朝是一个统 一的王朝, 社会思潮如体现个人节制和个人与国家之 间的平衡关系再次盛行,个人理解,尊重社会责任则 会备受尊重,因而令中国成为世界科学技术的领导 者。

随后的元朝也是中国历史上一个统一的朝代,始于 1279年忽必烈征服了中国,但其所有的文化发展代表 了蒙汉两族之间的一个不安定的无典型特征的时期, 以及该地区所有文明人民遗憾的根源。 最终蒙古族的 统治被推翻,1368年,朱元璋称帝,建立明朝,年号 洪武。在此期间,兴建了紫禁城,中国在被描述为商 鞅法条主义复兴的中央集权和军事化的系统下运行。

到了十六世纪,明朝被逼冒险与欧洲进行贸易,当中 推动欧洲贸易的人总有些是不坏好意的。 这造成了经 济压力,包括国内生产的减缓。 最终这导致了 1644 年农民起义领袖李自成推翻明朝,而仅在一年后他就 被八旗军队赶走。 这标志着清朝的开端,一个始于顺



Eight-Banner Armies just one year later. This heralded the inception of the Qing Dynasty, initiated with the reign of the Shunzhi Emperor, and a period that lasted uninterrupted until 1912. This was an era of political continuity, expansion of territory, economic development yet also of economic crisis. It was also a period that found China in conflict with European powers, and facing fiscal and administrative reforms as the nation entered the contemporary era.

At this juncture we must leave incomplete our modest narrative journey through some three thousand years of Chinese history. This is necessarily a humble account of the political and cultural development of a great continent and sophisticated people. Yet one might consider it necessary to delineate the contours of one or more dimensions of Chinese history in so humble a way, precisely because there are many outside China who are not familiar even with these elementary outlines of so great and historical a continent. China hides within the folds of its rich history some of the most extraordinary lessons for international diplomacy, and the purpose of the short amount that remains of this paper is to outline, with inordinate respect both to the people and history of China and to those others about whom this essay might be an imperfect introduction to that subject, what some of those lessons might be.

Firstly, the Confucian emphasis upon moderation in the self and in the state is a cardinal principle of statesmanship and diplomacy. Where Chinese history has had regard to that principle, it has enjoyed periods of great flourishing and achievement. Where its leaders have bickered and have been exposed as divided, the Chinese continent has procured fewer of its rightful glories. The perpetuation of Chinese philosophy in the culture of its people and structures of governance, and the essential role this played in understanding the relationship between the citizen and the state, has been the key to the survival and prosperity, over millennia, of an extraordinary nation the achievements of which few if any others can match.

治皇帝的统治、不间断持续至 1912 年的时期。 这是一个政治延续、领土扩张、经济昌盛,但同时存在经济危机的时代。 这也是中欧列强冲突爆发、国家进入当代而面临财政和行政改革的时期。

此刻我们必须结束对中国三千多年历史的不完整的叙述。 这只是对一个伟大的国家和人民的政治文化发展的一个简要叙述。 简要描绘中国历史一个或多个方面的概述是必要的,因为许多中国之外的人,其实并不熟悉这伟大而历史悠久的国家。 中国丰富的历史中蕴含了一些对国际外交非常特别的启示,本文余下的简短描述的目的是带着对中国人民和历史的极度尊重,向可能认为这篇文章对该主题的介绍并不完美的人们概述这些启示。

首先,儒家强调个人和国家的节制是治理国家和外交的基本原则。 在中国历史上,运用这一原则的时期即是其处于蓬勃发展和取得伟大成就的时期。 在其领导者处于争斗和分裂的时期,中国未能获得其应有的荣耀。 千百年来,中国哲学对人民文化和治理结构中的延续,以及对理解人民与国家关系起了重要的作用,也是缔造这个非凡的国家存在和繁荣的关键,甚少国家的成就可与之相匹敌。



Secondly, it is my belief that where such as now an international community has become divided, it takes strong leaders, in the modes of generals rather than secretaries, to reunify any divided geopolitical divides and reinstall harmony amongst all people while doing so with due discretion and mutual courtesy essential to all proper and cordial diplomatic 友好的外交关系至关重要。 有了明智而坚定的领导方 relations. Such accomplishments have been achievable, even in the face of discord, with the direction of wise and firm leadership. Chinese history teaches us that sometimes conflict is necessary, but never for its own sake: it is a last resort amidst periods of the utmost strife, and more usually it is possible to achieve war's goals without war's methods. In the words of Sun Tzu, "the supreme art of war is to subdue the enemy without fighting".

其次,我认为,现在国际社会四分五裂,需要优秀的 领导人,以将领而不是秘书长的模式来统一任何分裂 的地缘政治分歧,并重新构建各国人民之间的和谐, 同时持有适当的酌处权及相互尊重,这对一切正当和 向,即使面对不和谐的问题,仍然可取得成功。中国 的历史告诉我们,有时冲突是难免的,但意不在此: 它是在冲突最激烈时的最后一个手段,而且通常是以 不战争的方式实现战争的目的。 用孙子的话说,即 "战争的最高艺术是不战而屈人之兵"。

Thirdly, Chinese history teaches us of the perils of engaging in new encounters or conquests without caution, reason and moderation. The aggression shown towards Chinese civilisation by European interposers caused nothing but damage for both sides, and engendered regression whereas at their height, economic cooperation between China and other nations could achieve such superlative goals for all sides.

第三,中国的历史告诉我们不谨慎、理智和稳健的对 决或征服是危险的。 欧洲列强对中国文明的侵略只是 造成了两败躯伤和衰退的局面,而中国和其他国家之 间的经济合作其实可以实现各方的最高目标。

Fourthly, the emphasis from so early an era upon the 第四,从远古时期在任何大国、大陆或领土重视运行 professionalisation of an administrative bureaucracy necessary to run any large nation, continent or collection of territories is something now taken for granted by all civilised nations and international institutions and it was a lesson we found first promulgated in the annals of Chinese history. The traditions of governance in China should teach us to recall that it is where the principles of professionalism are promoted most thoroughly as elements not just of discipline but likewise of philosophical adherence that sound public administration achieves the most; and in periods of abdication from those principles that governance might fall into the peril of achieving little of even precipitating harm. Nevertheless every civil servant can and must act in accordance with the standards of the utmost integrity, and those who carry the privilege of service for the public good are bound by the strictest of honesty and fealty, under compunction of due sanction should they fail to comply with the standards to which they have undertaken to be bound by virtue of the process of admission to the professional ranks to which they have subjected themselves.

的专业化行政官僚体制,现已被所有文明国家和国际 机构认为是理所当然的,我们发现其是由中国历史记 载首次宣扬的启示。 中国的治理传统启发我们回顾, 我们不仅要把专业精神原则作为纪律要素且彻底地推 行对哲学的坚持,这样,公共行政才是最健全的;不 遵守这些原则,治理可能会事倍功半甚至陷入危 机。 然而,每一位公职人员都可以/必须按照最高诚 信的标准行事,对为公益服务而享有特权的人实施最 严格的诚实和忠诚标准的约束,如果他们未能遵守入 职专业级别时所承诺和接受的准则,他们将受到应有 的处罚。



I make these observations because I care about the world's foremost organ of multilateralism, the United Nations Organisation, and I believe that Chinese history, and the contemporary Chinese nation, have so much to teach an international public administration such as the United Nations still in its relative infancy. All diplomacy and relations between 进行。 尽管难免,但是我们应该不惜一切代价避免战 nations should be undertaken within the exigencies of moderation and self-discipline in mind. War and division should be avoided at all costs, although not shirked from where strictly necessary. The United Nations must embrace a philosophy that populates the culture of all its civil servants, if it is to function with the restrained embrace that characterises all wise diplomacy.

The shadow of war is more than enough for those in the midst of potential confrontation generally to resolve their differences. Professionalism in the UN bureaucracy will assist that organisation in achieving 将帮助该组织实现其成员国共同的目标,这种专业精 the goals common to its member states, and the philosophy inherent in that professionalism should serve to defuse, not aggravate, crises when they arise. New security dilemmas should not be reacted to with the temper of passion or heat. Where chaos prevails, strong leaders are required; and then a return to moderation must be promptly subsequently embraced.

I believe that modern history lies at precisely such a juncture. Should we persist with the current inchoate temperament amidst a period of chaos, then it would be my view that we will surely need a global leader and diplomat of strength, who may serve to restore order amidst chaos. And he too has the wisdom to ensure that restoration of order is not a mere end in itself but also a precursor to the global harmony and the common cultural and economic development of which we all stand so much need in these complex times.

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我提出这些意见是因为我关心全球最重要的多边主义 机构——联合国组织。我认为,处于起步阶段的联合 国可以从中国历史和当代中华民族中获益良多。 所有 外交和国家之间的关系应在思想节制和自律的情况下 争和分裂。 联合国如果要以限制性包容这一所有明智 外交都具备的特点来发挥机能,就必须对其所有公职 人员提倡哲学文化。

战争对可能深受其害的的人们来说, 阴影极大, 足以 令他们愿意解决分歧。 联合国官僚机构中的专业精神 神固有的哲学应该有助于在危机出现时缓和危机,而 不是加剧危机。 新的安保局面不宜以盛怒或激动来作 出回应。 乱世时需要强有力的领导者;然后各方必须 立即回归克制状态。

我认为现时正处于这样的时刻。 我们不该在乱世时仍 坚持目前不成熟的做法,我们必定需要一个有实力的 全球领袖和外交家,才可以在混乱中恢复秩序。 他必 须才智过人,不仅仅要恢复秩序,且在这动荡时期带 动全球和谐,以及共同文化经济的发展。

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