

'My Order, My Rules': China and the American Rules-Based Order in Historical Perspective

Written by William M. Zolinger Fujii

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WILLIAM M. ZOLINGER FUJII, DEC 28 2021

Much has been written about the crisis of the liberal international order, with International Relations (IR) scholars, policy experts, politicians, and the press expressing a growing interest in the topic over the past years. The causes of the perceived retreat of the system are seen to come from domestic and external sources, in particular, the deepening contradictions generated by neoliberal capitalist globalisation in the core liberal democracies and a shifting global distribution of material power, respectively. The international dimension of the crisis is being chiefly manifested by the rise of China and the emergence of a development model that rejects liberal democracy and market capitalism, which had been widely seen as important requirements for development in the post-1989 era – in fact, political liberalisation in parts of East Asia, Latin America, and countries of the former Eastern bloc in Europe was partially driven by the belief in the premise that economic development and democratisation were two sides of the same coin. In the light of China's increasing material capabilities and diplomatic assertiveness, observers have warned against Beijing's revisionist intentions that are seen to represent challenges to the liberal international order (Ikenberry and Funabashi, 2020; Jan and Melnick, 2020; Lee et al., 2020; Mearsheimer, 2019; Söderbaum et al., 2021).

Considering that most states in East Asia – used here in its broad sense that includes Northeast and Southeast Asia – are not liberal democracies, and given the fact that the effects of China's ascension are having their greatest impact in the region (Weiss and Wallace, 2021), the use of the term 'rules-based order' seems to be more appropriate for being less politically charged. After all, only Japan, South Korea, and Taiwan – regardless of how its sovereignty is viewed – are liberal democracies (V-Dem, 2020), while Mongolia and Timor-Leste are considered electoral democracies under free regimes (Freedom House, 2021). This seems to be the perception of the US and its key allies, which have shifted their emphasis from the liberal international order to a rules-based order when defending the maintenance of the status quo vis-à-vis, though not always directly, China (G7, 2021).

However, unlike international law, which has clearly defined sources and comes into force after formal processes of signature and ratification of treaties by states that are at least nominally sovereign, rules-based is a rather ambiguous concept that raises some questions. Who decides which rules constitute the gold standard according to which the order should operate? When and how is the degree of compliance measured? What is the geographical applicability of those rules? While these questions demand specific enquiries in their own right, this article examines China's current challenge to the US' dominant position in East Asia in light of Washington's contestations of European pre-eminence in Latin America in the nineteenth century, and defence of its hegemonic position in the twentieth.

China and East Asia, the United States and the Americas

The similarities between the process through which the US established its hemispheric dominance and the Chinese quest to become a regional hegemon in East Asia must not be exaggerated; not only are the two regions and historical contexts vastly different, but also China's path towards that goal is in its very early stages, rendering it impossible to be meaningfully compared to that of the United States. This notwithstanding, the patterns of Beijing's contestations of Washington's position in East Asia find certain parallels with the US' challenges to European ambitions in a region it regarded as its natural 'sphere of influence' in the nineteenth century. If the US leadership

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believed their country had the divine right to establish itself as a hemispheric hegemon, the Chinese can be seen as regarding China's regional leadership as some sort of a historical right (Bandeira, 2005; Zhao, 2016)

After 'hiding its capabilities and biding its time' for more than three decades, China has increasingly shown clearer intentions to reshape the current order at least partially (Feng and He, 2017; Tang, 2018). While the 2008 global financial crisis had demonstrated the weakness of US-led neoliberal capitalism, the 2016 Brexit and Donald Trump's election were seen in Beijing as signs of retraction of the Anglo-American core from the liberal internationalism on which the US-led rules-based order had been built (Doshi, 2021). But what exactly is the rules-based international order? Although its usage has become widespread only in recent years, the term was first coined in the 1990s (Scott, 2021), when the United States enjoyed unchallenged economic, military, and techno-scientific supremacy, and exercised unrivalled ideological attraction worldwide. At its ideational core, the concept reflects the values embedded in the twin sisters of liberal democracy and neoliberal capitalism, the pillars of the liberal hegemony that had heralded the 'end of history' in the late 1980s-early 1990s period. In more practical terms, economically, these translated into liberalising policy prescriptions conceived under the Washington Consensus umbrella, while politically one expression was electoral democratic regimes consistent with the strategic interests of the United States and its OECD-Development Assistance Committee's allies (Bridoux and Kurki, 2014; Markakis, 2016; Robinson, 1996).

The United States' rise to hemispheric dominance

Despite the substantial academic and political attention that the crisis of the liberal international order has attracted over the past decade, Latin America and the Caribbean have been largely ignored by mainstream IR literature in the English language (Long, 2018). In part, this is due to the region's relatively low geopolitical relevance – itself resulting from the absence of a potential regional rival to the US as well as of an external power with significant influence in the region – and Washington's hemispheric hegemony. The fact that the effects of the rise of China and the relative resurgence of Russia are negligible in a nuclear-free Latin America further reduces its relevance in the debate on the crisis of the liberal international order, although Chinese economic and political influence in the region has grown enormously in the past two decades (Chen, 2021; Noesselt and Soliz-Landivar, 2013; Pini, 2015; Vadell, 2011) At the same time, as John Mearsheimer (2010) notes, the Western Hemisphere is the most important region for the US due to its geographical proximity, having thus greater potential strategic relevance than any other area on the globe.

Indeed, the very historical process of the United States' emergence as a great world power is indissociable from its quest to become a dominant state in its region first, which is a necessary, though insufficient, condition for a country to become a global power. Seen in this way, China's intentions to replace the US as East Asia's hegemon are not particularly abnormal, but rather in line with patterns of behaviour of rising world powers. As the 'strategic backwater' of the very superpower in whose image the current order was made, and with that status appearing secure for the foreseeable future, there seems to be little reason for the current debate on contestations of the US-led global order to pay greater attention to the region. Such a tendency, however, may overestimate the extent to which Latin American states accept the current order (Long, 2018), while simultaneously obscuring important intraregional contestations of and contributions to that system, such as the principle of non-intervention, which was largely the result of the region's jurists' reaction to US and European interventions in the region (Orford, 2021; Vargas, 2005). Equally importantly, the region is closely linked to the process through which the US became a dominant power in East Asia in 1945, forty-seven years after it acquired a territorial base in the region after defeating a declining Spain in the late 1800s.

The foreign policy foundation of US hemispheric ambitions was laid by the 1823 Monroe Doctrine, which formalised Washington's stance towards the European powers' interests in the Americas, although its rationale was originally isolationist rather than expansionist (Campos, 2014; Modeste, 2020). At a time when new sovereign states were emerging throughout Ibero-America, US leaders feared a reaction from European monarchies that had been reorganised since the 1815 Congress of Vienna, which had given birth to a new, post-Napoleonic international order. Seeking to keep Europe's perceived neocolonial ambitions at bay, US President James Monroe declared that the United States would oppose any European attempt to recolonise the Americas while accepting the existing situation as of 1823 (Bandeira, 2005). Seen from the perspective of the 1815 international order, the United States was a revisionist power. Yet, given Washington's lack of capabilities to enforce it, the doctrine amounted to little more than

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a declaration of intentions instead of representing an effective policy. The world's greatest power at the time, Britain initially welcomed the initiative because it too opposed the recolonisation of Latin America, where British capital and trade already held a dominant position without the need for direct territorial control. In that very particular sense, Chinese President Xi Jinping's 2014 declaration that Asian affairs and problems should be run and solved by Asians rather than by external powers (Doshi, 2021) resembles President James Monroe's statement made two centuries earlier

By the mid-1840s, British concerns had grown at the prospect of the US becoming a dominant hemispheric power, which led London to consider the extension of the balance of power concept to the Western Hemisphere (Murphy, 2005). Britain's maritime dominance meant that while it acquiesced to the precepts of the Monroe Doctrine when these were directed against other European powers, it would ignore them when British interests were at stake, such as when London annexed the Malvinas Islands in 1833 or blockaded the River Plate in the 1845-1850 period. In spite of that, Britain's aspirations failed to materialise, and by the end of 1848, the US had incorporated the Oregon Territory and annexed half of the Mexican land that corresponded to one-third of American territory (Langley, 2019). Hostile to European influence and interference, US president James Polk reaffirmed the principles of the Monroe Doctrine and gave it a more expansionist character consistent with the territorial expansion that the United States was undergoing in the 1840s. This period represented the beginning of the second wave of US imperial expansion that lasted between the late 1840s and 1870, during which Washington conducted twenty-four military interventions or annexations across the Americas (Go, 2011), up from sixteen in the first wave (1810-1825).

The Venezuelan crisis of 1902-1903, which saw the naval blockade of that country by Britain, Germany, and Italy with the purpose of collecting debt, further influenced the United States' policy towards European intervention in the Americas. Although the US did not intervene militarily on the grounds that the Monroe Doctrine applied only to territorial seizures, it did eventually pressure the European powers to back down and reach a compromise. As a result of the event, the Roosevelt Corollary to the Monroe Doctrine was announced in 1904 (Smith, 2005), according to which the US would be forced to intervene in Latin American countries to act as an international policy power (Renehan, 2007) when necessary. The United States' position towards external interference in its region grew bolder proportionally to its national strength (Bandeira, 2005). Having a GDP that was much smaller than Britain's in the 1820s, by the turn of the century the American economy had long overtaken the British in its overall size and was producing twice as much iron and steel (Kennedy, 1989). A small force in the 1890s, the US Navy had grown to the world's second largest in 1907 (O'Brien, 1998), swiftly winning the 1898 Spanish-American War and establishing a territorial base in East Asia with the acquisition of Guam and the Philippines as a result.

This event, which represented both Washington's efforts to consolidate its dominance in the Americas and ambitions to expand across the Pacific, made the United States an East Asian power for the first time in a historical moment when a weakened China was being carved up by European and Japanese imperialism. Having secured its position as a hemispheric hegemon, the US embarked upon informal imperial expansion in East Asia that drove it to compete with the colonial powers of Britain, France, Germany, Italy, Japan, and Russia. As a latecomer to the imperialist race in China, Washington feared these powers may formally partition the Chinese territory or restrict trade in their respective formal spheres of influence, which would negatively impact on American commercial interests (Bandeira, 2005; Go, 2011; Paul, 2012). The United States acted by declaring the Open Door Policy in 1899, which held a certain resemblance to the Monroe Doctrine insofar as it manifested US opposition to any territorial seizure in China by any power. Less than eight decades after the enunciation of the Monroe Doctrine, and only 123 years after its independence from British rule, the US had become a major player in East Asian affairs and was exhorting other imperial powers to respect China's territorial integrity with the purpose of ensuring American access to the Chinese market.

Rules-based order as the US-centric status quo

According to Chinese estimates, China may significantly exceed the United States in economic, military, and technological capabilities in the next thirty years, thus concluding the goal of national rejuvenation and becoming the world's greatest power by 2049 (Doshi, 2021), one century after the founding of the PRC. Not unlike the United States of the past – and virtually any ascending global power, for that matter – China wishes to become a dominant

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force in its own region, which necessarily entails replacing the state that has played that role since the mid-1940s. Increasingly more outspoken about its strategic goals, Beijing now shows greater willingness to challenge Washington's dominance in East Asia (Lee et. al., 2020; Mações, 2018; Wallace and Weiss, 2021; Wang, 2021). In this context, Chinese actions and discourse are almost by definition against the established international order, while the United States is the chief defender of the rules that constitute that very system in the region and beyond, such as the wider Indo-Pacific space.

Contrary to conventional wisdom, however, Washington's support for the global order has been far from that of an unequivocal and staunch supporter, as it has refused to participate in several international issue-specific frameworks, violated international law, and acted in ways that contradict its own discourse on many occasions (Bandeira, 2005; Hoganson and Sexton, 2020; Paul, 2012; Petras, 2020; Smith, 2005). In its region alone, the United States has never joined the hemispheric human rights regime that was established in the late 1960s, and intervened either directly or indirectly in at least thirteen countries in order to effect regime change since the UN Charter entered into force in October 1945 (Carbone and Mastrángelo, 2019; Livingstone, 2009; McPherson, 2016), thus violating the foundational treaty of the central international organisation of the very US-led system. As Stephen Walt has observed, the United States is willing to ignore, evade, or rewrite the rules whenever they seem inconvenient, noting that 'Washington sometimes thinks it is perfectly okay for might to make right and for winners to take all' (Walt, 2021). The United States' mixed results notwithstanding, mainstream Western liberal narrative (e.g., Keohane, 1984; Kupchan, 1998; Ikenberry, 2001; Ikenberry and Funabashi, 2020) tend to attribute to the chief engineer of the system the greatest interest and stake in upholding its rules, which makes Washington's violations less salient than those committed by an openly revisionist illiberal power like China. This cements the perception in liberal democracies that Beijing is acting against the rules-based order, while those rules are typically framed within the ideological, material, and normative interests of the United States (Chan, 2021; Parmar, 2018).

Moreover, international order is not a monolithic notion but encompasses a multitude of regimes that constitute and regulate the interactions among states on the world stage. An operationalisation of the concept is proposed by Johnston (2019), who identifies eight orders within the current international system, which are: constitutive, military, political development, social development, trade, financial, environmental, and information. Out of the eight, China shows a moderate to high degree of support to six while contesting the political and social development regimes, as they encompass issues of human rights and political values which Beijing explicitly reject. For its part, the US opposes several rights frameworks that China supports, including the International Covenant on Economic, Social, and Cultural Rights (United Nations, 1966), the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child (Johnston, 2019), and Protocols I and II to the Geneva Convention (International Committee of the Red Cross, 1977). Regarding the military order, Beijing has been a supporter of key norms and organisations that regulate security-related matters (Chan, 2021; Fung, 2019; Johnston, 2019), such as non-aggression and the UN Security Council, having refused to recognise both Kosovo's independence (Fung, 2019) and Russia's annexation of Crimea (Zhang, 2015). Since US military hegemony is obviously neither a norm nor a rule, China's strident opposition to it does not constitute violations of international law, nor are they infringements upon the rules-based order, however it is defined.

Nevertheless, as its national strength grows, Beijing under Xi Jinping has shown increasing willingness to challenge certain aspects of the international order despite its active and constructive support for others. One such case is the UN Convention on the Law of the Sea (UNCLOS), which China has ignored in its expansion into the South China Sea (Chan, 2021; Mações, 2018; Satake and Sahashi, 2021), where it has rejected a 2016 Permanent Court of Arbitration's ruling in favour of the Philippines. While the Southeast Asian countries tend to interpret a rules-based order differently from the US and its liberal democratic allies, this case represents an instance where there is a growing consensus that China is transgressing the limits of that order in the specific context of the South China Sea dispute (ASEAN, 2021) despite the fact that the US itself has never ratified the convention, although it has come to accept it as customary international law.

Unsurprisingly, these patterns of Beijing's behaviour show similarities to those of the US inasmuch as both countries maintain expansionist foreign policies driven by hegemonic aspirations in areas far beyond their borders (Doğan, 2021; Doshi, 2021; Mações, 2018; Orford, 2021; Petras, 2020; Zhang, 2015). While deep differences exist in regard

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to their respective views on and positions in the global and East Asian orders, ultimately, the degree to which China and the United States comply with international law, norms, and rules largely depend on their geopolitical and geoeconomics interests. To be sure, most great powers can be said to behave in similar ways, with the difference being that of degree rather than substance. During the negotiation process of the 1928 Kellogg-Briand Pact, for instance, Britain successfully defended its right to wage war over certain regions in which it held special interests, a 'British Monroe Doctrine' (Shinohara, 2012; United States, 2021), while it diligently opposed Japan's similar justifications when Tokyo invaded Manchuria three years later.

As the two greatest powers in the globe engaged in an emerging superpower competition, the US and China epitomise that line of conduct today, with the Monroe and 'Xi' doctrines being central components of these powers' international strategies. The former is adjusted unilaterally based on the enemy of the day, such as when the 'Kennan Corollary' provided the rationale and justification for numerous US interventions in Latin America and the Caribbean against socialism and communism from the 1950s to the 1980s (Bandeira, 2005; McPherson, 2016; Modeste, 2020), while the latter is practically translated into China's non-negotiable core interests that are redefined and broadened as Beijing's national power increases (Doshi, 2021; Shi, 2021; Wirth, 2019). The mixed results as a complier of the international order may bring greater discomfort for the United States because it has long been the chief underwriter of the system, whereas China could be relatively less uncomfortable with its own inconsistent patterns of compliance to the extent that it openly questions many of the rules that were established without its participation in the first place. This may change in the future if China succeeds in rewriting the international rules and establishing itself as the principal shaper of the order, which it has been actively pursuing in its quest to erode the US-led system and at least partially replace it.

Conclusion

By and large, the rules-based order defended by the US is a construct that reflects its interests and worldview. Having contested the international system of 1815 as a relatively small revisionist power, the United States gradually expanded and consolidated its hemispheric dominance. In doing so, Washington partially acted against prevailing rules while it advocated a rationale for its own imperial expansion across the Americas and Asia. Once established as a major world player, the United States sought greater influence on the international system that better reflected the global distribution of material power, eventually rising as the principal architect of the global order despite periods of isolationism.

Faced with an increasingly bold China that openly calls for the revision of the current system today, the US has come to emphasise the maintenance of a rules-based order as a less politically charged substitute for what it essentially sees as American rules and order. The emphatic discourse as a defender of a rules-based order, however, invites scrutiny of the United States' own track record as an upholder of those rules, which, in turn, reveal rather questionable patterns of behaviour. Fundamentally, despite the consistent rhetoric, Washington's concrete actions appear hardly different from those of Beijing as far as compliance with international institutions, law, norms, and rules – whatever their definition – is concerned; as such, complying with a rules-based order often implies acting in accordance with what the US regards as acceptable and in conformity with the rules recognised by Washington. Looking at China's behaviour and discourse, there is little reason to believe that the PRC would act much differently from the US should it one day become the world's pre-eminent power and principal rules-maker. Not unlike a US-led order whose script is selectively followed by Washington, a Beijing-led international system may well lead to the emergence of a rules-based order with 'Chinese characteristics' wherein, in the end, the rules of the game continue to be primarily defined by the chief patron of the system according to its national interests.

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