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„The Senkaku-Diaoyu Dispute:  
Border Conflict in the East China Sea“

Verfasser

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angestrebter akademischer Grad

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## The Diaoyu/Senkaku Divide

### Abstract

With questions concerning the sovereignty of national borders in realms of oceans, lakes, channels, seas, and bays under rising contestation the importance of islands and island groups has been on the rise. The Diaoyu/Senkaku Islands were once unimportant outlying territories which have gained significant attention in recent years due to the discovery of oil reserves deep in the ocean beds surrounding them. The competitors for national ownership of the islands in question are the People's Republic of China, the Republic of China, and the island nation of Japan. Since the commencement of diplomatic negotiations intended to define these islands as belonging to one group over the others it can be witnessed that the realm of negotiation has slowly deteriorated to the point of military brinksmanship. The root of this diplomatic failure lies within the realms of the competitor's divergence in claims, both of which dismiss the other's validity while establishing their own. The bases for these claims are rooted in two variable philosophies which are mutually exclusive to the conflicting parties and lie within the cores of their historic and contemporary conceptions of national space and territorial borders. Through an analysis of the competing parties historical and philosophical contexts theories concerning the framing philosophies of each competitor's claims will be presented. With Japan's claims dependent upon the Rule of Law and with China's claims dependent on ancient philosophies of Tianxia the basis for the destruction of their diplomatic talks can be traced and chartered.

## Abstract German

Mit den zunehmend umstrittenen Fragen von Souveränität der nationalen Grenzen in Ozeanen, Seen, Kanälen, Meeren und Buchten, steigt die Bedeutung von Inseln und Inselgruppen. Die Diaoyu/Senkaku Inseln waren früher ein abseits gelegenes und unwichtiges Territorium, welches durch kürzlich entdeckte Ölvorkommen in seinem Gewässer an signifikanter Bedeutung gewonnen hat. Die Konkurrenten um die Frage des Besitzes der Inseln sind die Volksrepublik China, Die Republik China und die Inselnation Japan. Seit dem Beginn der diplomatischen Verhandlungen, die die territoriale Zugehörigkeit der Inseln klären sollten, kann man beobachten, dass die Verhandlungen sich immer mehr in Richtung militärische Konfrontation verwandelten. Die Wurzeln des diplomatischen Scheiterns liegen in der Divergenz der Ansprüche der beteiligten Länder, welche die eigenen Ansprüche als richtig ansieht, und die der anderen Länder ablehnt. Die Basis dieser Ansprüche ist in zwei variablen Philosophien verwurzelt, die gegenseitig exklusiv sind, und im Kern der historischen und gegenwärtigen Konzeption von nationalem Gebiet und territoriale Grenzen liegen. Mit einer Analyse der historischen und philosophischen Theorien, die den Ansprüchen der konkurrierenden Länder zu Grunde liegen, werden diese dargestellt. Mit Japans Anspruch, der auf der Herrschaft des Gesetzes basiert, und Chinas Anspruch, der von der antiken Philosophie des Tianxia hergeleitet wird, wird die Ursache für das Scheitern der diplomatischen Beziehungen zurückverfolgt und nachgezeichnet.

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### Introduction

In recent years and in the wake of the ever globalizing world, questions concerning the national sovereignty of previously unimportant or insignificant island chains, be they barren rocks or sand bars peaking above the waterline at low tides or life bearing archipelagos capable of human habitation in their own rights. These islands have been witness to an ever increasing importance in international courts concerning questions of previously ill- or entirely undefined national sea borders. As such questions are largely or entirely unprecedented within the legal framework which maintains international stability on the global world stage a significant amount of attention has been drawn to these cases, for the decisions made by the courts concerning these unanswered questions have the potential to set the framework for defining national borders over the seas and oceans for decades or centuries to come. In this respect great efforts have been made to define precisely what constitutes an island, either drawing from spartan sources in past legislature or drawing from ancient maps and histories, in order to draw common grounds which can be accepted by international courts, though such efforts have thus far proved to be largely ineffective. Questions still remain over how large or small an island can or cannot be, or whether or not it is an island if it can sustain life, questions of the availability of fresh water have arisen, as well as composition of rock and soil. The complex truth of the matter is that international courts continue to be unable to define when a piece of land out in the ocean is considered to be an island as opposed to simply being a bit of ambitious rock.

Lending to this complexity are the interested parties, consisting of international powers both large and small, rising and declining. The Russian Federation competes alongside Norway, Canada, the United States, and others in contestation of the North Pole.<sup>1</sup> The People's Republic of China presses its ancient imperial claims towards islands in the South and East China Seas, competing with the governments of Vietnam, Brunei, Japan, Taiwan, the Philippines, Malaysia, among others.<sup>2</sup> Great Britain competes with Spain over the national ownership of the Rock of Gibraltar, whose residents seek to maintain their rights of self-

<sup>1</sup> Jenny Johnson, *Who Owns the North Pole? Debate Heats Up as Climate Change Transforms Arctic*, The Grid, 2014. <http://www.bloomberg.com/news/2014-04-04/who-owns-the-north-pole-debate-heats-up-as-climate-change-transforms-arctic.html>, Last Accessed October 15th, 2014. *Evolution of Arctic Territorial Claims and Agreements: A Timeline (1903-Present)*, Stimson, 2013. <http://www.stimson.org/infographics/evolution-of-arctic-territorial-claims-and-agreements-a-timeline-1903-present/>, Last Accessed October 15th, 2014.

<sup>2</sup> Timo Kivimäki, Timo, ed., *War Or Peace in the South China Sea?* (Issue 45 of NIAS reports), Contributor Nordic Institute of Asian Studies (illustrated ed.), NIAS Press, 2002. Last Accessed October 15th, 2014.

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determination.<sup>3</sup> The cases presented above are meant to demonstrate what kinds of powers are present in this competition for ownership of prospective national waters, but they are only a small glimpse into the depths of these contests. The cases are numerous, various, and infinitely complex with all manner of national powers and interests competing to have their arguments validated by the international courts with the disparities in power, influence, and economic strengths all adding their cumulative friction to the questions at hand.

This thesis, however, does not intend to discuss the myriad cornucopia of definitions concerning what an island is in any great amount of detail, nor is it this thesis's intent to discuss the full breadth of the legal cases and territorial conflicts being brought before the international courts for deliberation. Instead this thesis will use this rising trend of insular contestation as a framework from which it will attempt to address a much more specific question. Using the trend of various cases throughout the globe, this thesis will choose to focus its efforts on an analysis of historical evidence and contexts presented by competing parties in an effort to uncover and identify influential philosophies of thought concerning questions of national space and borders as they relate to current territorial conflicts.

As a case study this research will choose to focus on a group of islands present within the East China Sea, by name referred to as the Senkaku or Diaoyu island chain by the respective combatants.<sup>4</sup> The conditions and quality of the islands shall be reviewed, along with a comprehensive list of their historical uses and importance, and a breakdown of their available resources and prospective possibilities. Following this purely descriptive task of defining exactly what the islands are, the thesis will go on to identify exactly where the islands are. In this section questions will also be raised as to their location in different historical contexts through the use of several nautical maps and charts ranging from different time periods, more specifically this thesis will examine during which times and contexts these islands were considered important enough to be included in the efforts of cartological map makers and under what conditions they were considered to be important. These observations will inevitably lead to the questions of the combatants who seek to claim sovereignty over them, these combatants namely being the People's Republic of China, the Republic of China, and the island nation of Japan.

For the purpose of this thesis, the variable governments of Mainland China and Taiwan, being the People's Republic and the Republic

<sup>3</sup> A.J.R. Groom, *Gibraltar: A pebble in the EU's shoe*, Mediterranean Politics, 1997. 2:3, 20-52.

<sup>4</sup> Seokwoo Lee, *Territorial Disputes among Japan, China and Taiwan concerning the Senkaku Islands (Boundary & Territory Briefing Vol.3 No.7)*, IBRU, 2002.

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respectively, shall largely be presented under the unified name of “China” unless otherwise specified. This unification is largely due to the fact that national arguments for ownership of the islands overlap so heavily between the governments of Taiwan and Mainland China as to be entirely inseparable, as well as being due to the complex and overlapping historical relationship between the two governmental bodies and the inability of this thesis to broach such a deeply complicated subject to its own satisfaction.<sup>5</sup> Where the policies, actions, or claims of the governments of Taiwan and of Mainland China diverge mention shall be made to specify which body is taking action.

After establishing the preliminary contexts, arguments, definitions, and limits of the study the main focus of this thesis will become concerned with the styles and domains of the claims of both the unified body of China and the government of Japan, not only focusing on the nature of those claims, but also in an attempt to uncover an origin to explain their divergence. It will be shown that Chinese and Japanese claims over these islands are irreconcilable in their differences, both in practice and in basic ruling philosophies, which has led the parties increasingly away from any possible diplomatic solutions and ever towards a solution of war. Once this problem is both identified and explored within a modern context, an effort will be made to delve into each nation’s historical contexts in an effort to show the possible origins of these divergences by examining the various philosophical and practical ideas and methods each ancient civilization exonerated in regards to their individual conceptions of national space and borders. Through this method we shall endeavour to reach a basic historical understanding of the arguments at hand in an effort to uncover common grounds from which these questions might be addressed through purely diplomatic means. Failing that, it may be shown that diplomatic solutions are impractical or simply impossible in this context, and that a solution based either on the threat of or the actuation of war may be inevitable.

<sup>5</sup> Y. Frank Chiang, *“One-China Policy and Taiwan”*, Fordham International Law Journal Vol. 28:1, 2004.



## Chapter 1: Introduction and Overview of the Islands in Question and the Rising Conflict

The islands which this thesis will be addressing are those of ever increasing notoriety in recent years, as each day sees further news and developments concerning the question of national dominion between the islands nation of Japan and the growing hegemonic giant of East Asia which is China, each laying their claims to these uninhabited stretches of rocky terrain, almost entirely devoid of natural resources of their own, which manage at least to climb above the waterline of the East China Sea. These islands, known to the Japanese as the Senkaku Islands and to the Chinese as the Diaoyu, and the surrounding waters have remained largely insignificant throughout the courses of history, being used primarily as a point of anchorage and shelter for travelling fisherman, after whose bounties the islands themselves are named. In translation, both competitors seemingly divergent monikers actually mean the same thing and adequately sum up the island's cultural and historical importance up to recent years; both Diaoyu and Senkaku name the islands as the "Fishing" Islands, identifying their dominant purpose and natural resource at the time of their discovery up until recent history. The discovery which changed both their value and the ways that the more powerful nations with vested interests in the East China Seas perceived their importance was that of oil reserves discovered on the seabeds surrounding the islands in the year 1968, after which time it can be observed that the nation of China almost entirely reversed their previous political stances surrounding the question of their sovereignty of the islands and began to bring Japan's national ownership under question. This discovery of natural oil reserves in the sea bed marks the first historical conflict of national interests concerning their control and legal status, which has been perpetrated since the Japan-China Summit Meeting of 1972 and until the current date.<sup>6</sup>

The gradual escalation of the conflict of national interests since this time had remained steady and relatively non-violent until the nationalization of the islands by Japan in 2012, when the Japanese government purchased three of the islands in question from their private owner,<sup>7</sup> transferring legal ownership of these islands directly to the Japanese government. It is at this time that the Chinese government became

<sup>6</sup> Linus Hagström, 'Power Shift' in East Asia? A Critical Reappraisal of Narratives on the Diaoyu/Senkaku Islands Incident in 2010, Chinese Journal of International Politics, Autumn 2012.

<sup>7</sup> Julian Ryall, Japan agrees to buy disputed Senkaku islands, 2012. <http://www.telegraph.co.uk/news/worldnews/asia/japan/9521793/Japan-agrees-to-buy-disputed-Senkaku-islands.html>, Last Accessed April 30th, 2014.

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much more aggressive in its attempts to fortify its claims and prevent an unchallenged Japanese take-over of what might prove to be highly valuable waters surrounding the islands. As a result, the point of contention surrounding the national sovereignty of this small group of rocky, uninhabited islands located north east of the island nation of Taiwan in the East China Sea has seen a surprising amount of escalation in recent years potentially leading towards what seems to be an increasingly inevitable armed conflict, as either side continues to increase military controls and jurisdictions over the islands and surrounding seas in a classic example of military brinkmanship. Recent years have seen a dramatic increase in military spending and an expansion of the naval might of both Japan and China, both centering a core of their spending towards the security of the islands in question. Following this trend of military expansionism, political machinations have followed suit, expanding security zones into the waters surrounding the islands and threatening defensive measures under the circumstances of an attack on their national interests. This trend leading towards increased militarization of the conflict and a decrease of political and diplomatic resources highlights the increasingly obvious core of the issue which this thesis has taken as its main point of research: that Japan and China are incapable of finding a mutual ground from which they may speak to each other concerning the issues of these islands and their rightful sovereignty. This observation ultimately raises the question which seeks to identify the divide which renders these national powers as unable to communicate and seeks answers in the nature of the nation's divergent claims. The nature and form of both Japan and China's claims of national sovereignty over the Diaoyu/Senkaku Islands speak intimately to the core of the problem, and help to identify the point of divergence which prevents these two political bodies from communicating and resolving the issue in peaceful terms.<sup>8</sup>

Japan's claims are based entirely upon the realm of legality, adhering and prescribing to the dictate of the rule of law, and using this basis as its key point of strength. The first legal documents detailing ownership and sovereignty of the islands in question belong to the Japanese, who officially declared the islands as a part of the Okinawa province in an internal parliamentary motion during the decline of the Qing Dynasty and the colonization of the Chinese coastal territories by European imperial interests in the late nineteenth century. Japan then further cemented their control of the islands during their expansionist conquests of World War II, taking place between the years of 1937 until the time of their surrender in 1945. The treatise signed concerning the terms of

<sup>8</sup> Joyman Lee, *Senkaku/Diaoyu: Islands of Conflict*, History Today Volume: 61 Issue: 5, 2011. <http://www.historytoday.com/joyman-lee/senkakudiaoyu-islands-conflict>, Last Accessed April 30th, 2014.

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surrender of Japan were organized and negotiated by the United States of America and consigned the ownership of the islands in question over to Japanese control during the post-war period.<sup>9</sup> This despite the fact that all foreign territories were returned to their national dominion under the terms of surrender, meaning that at the time of the agreements, the United States recognized the Senkaku Islands as a legitimate part of the Okinawa territory. During these tumultuous shifts and throughout dramatic changes direct ownership was held and maintained by a line of private individuals whose family held legal ownership over the islands until their sale to the Japanese government in 2012. The individual in question was a Japanese national who took ownership over the islands under the auspice that they were considered Japan's national soil and, at the time during the post-War period before the discovery of oil in 1968, the national government of China accepted Japanese control of the region and did not move to challenge their national claims. These points cement Japan's claims in an almost iron-clad legal framework and firmly establish Japan's voice in the developing conflict.

Alternatively, China's claims dismiss Japan's legal framework as institutionalized theft of territories which have inherently belonged to the Chinese since their discovery by Chinese explorers during the Ming Dynasty as early as the year 1372. In response to these claims of modern legality the Chinese sight a series of ancient maps, cartographic charts, personal and professional journals, records of naval voyages, and other such sources which all identify in rather loose terms the sovereignty of the Diaoyu Islands as Chinese national territory. While none of these documents define China's ancient ownership of these islands in any definitive terms, each of them has been argued to be based off of the assumption that these islands did, indeed, belong to China and were often used as a navigational marker during voyages to the ancient Kingdom of Ryukyu and were considered the Chinese border frontier related to the defence of Chinese national territories. These claims, while historically valid, come into conflict with themselves due, in part, to the rather schizophrenic nature of Chinese naval activities which took place over the duration of the Ming Dynasty. These conflicting points of interest, however, are too large for the purpose of this chapter and their exploration will be reserved for later chapters and sections. The most important aspect of these claims, however, is that China's sovereignty over the Diaoyu islands is considered "inherent" by the Chinese. This inherent ownership does not demand legal documents

<sup>9</sup> *Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, June 17, 1971*, The World and Japan Database Project, Institute for Advanced Studies on Asia, University of Tokyo. <http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/docs/19710617.T1E.html>, Last Accessed October 21st, 2014.

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stating the official status of the islands, but is an assumed quantity which continued to come up throughout the preliminary stages of this thesis's research endeavour. The frequency and apparent ambiguity of these claims of inherent ownership prompted further research into their origins and the general nature of the argument itself, which eventually boiled down to a central Chinese concept known as *Tianxia*, which literally translates to something close to "Under the Sky" or "Beneath Heaven" and carries with it a deeply complex meaning intimately associated with Chinese sovereignty. This concept appears to influence or even dictate the essence of many, if not all, of the Chinese claims on the Diaoyu Islands, and as such is a central theme following their claims.

In an effort to provide a working practical example of this division time will be taken at this juncture to briefly discuss the conditions, creation, status, and influence of the Treaty of San Francisco, which should allow for an easily understandable basis from which this divergence of philosophical thinking concerning the legitimacy of frameworks supporting each side's claims to be seen. In the wake of Japan's brutal period of imperial expansionism through East Asia during and preceding the years surrounding the Second World War culminating in their ultimate defeat by Allied forces, a collection of fifty-one nations convened in an effort to form and accept a Peace Treaty concerning the reallocation and return of imperial Japan's territorial claims throughout East Asia to offended parties as well as attempt to redefine Japan's national government and sovereign territories to the satisfaction of all parties involved. Signed into law by forty-eight of the fifty-one attending representatives on September 8th of 1951 and put into force by April 28th of the following year, the Treaty of San Francisco is largely recognized as marking the official end of World War II.<sup>10</sup> But the most notably absent parties to the signing of the treaty are arguably the most negatively affected by Japan's imperial expansionism. The national governments of both the Republic of China based in Taiwan and the People's Republic of China based in the Mainland were not represented in the talks and subsequently had no influence on the conditions of the treaty. This exclusion cause serious problems which only began to come to light after the treaty itself began to come into force, as several island chains and groups throughout the waters of the East and South China Seas remained ambiguous by the definitions of the treaty itself, either fogging issues of their national sovereignty or ascribing their possession within the newly drawn borders of post-imperial Japan. Most notable of these island chains which were ultimately left ambiguous or in serious

<sup>10</sup> "Treaty of Peace with Japan (including transcript with signatories: Source attributed : United Nations Treaty Series 1952 (reg. no. 1832), vol. 136, pp. 45–164.)", Taiwan Documents Project. Last Accessed October 21<sup>st</sup>, 2014.

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contestation after the signing of the treaty are the Paracel Islands, known by the name of Xisha in the Chinese, the Spratly Islands, known as Nansha by the same tongue, the Pratas, or Dongsha, which are all contained within the near fabled nine-dotted line of the South China Sea and the islands of this researches focus, the Senkaku/Diaoyu island chain. This list is crucially important, for through the Treaty of San Francisco it can be seen that all of China's current territorial claims throughout the East and South China Seas are tied up with the Treaty's inability to define or ignorance of the islands in question. Furthermore, in direct reference to the topic of this thesis's pursuit, the Senkaku/Diaoyu Islands are not directly made mention of within the Treaty in any fashion but appear to be largely forgotten or entirely ignored. It is only later through subsequent negotiations that the Senkaku Islands are ultimately turned over to Japanese control as a part of the Ryukyu Islands,<sup>11</sup> though the legality of the terms still allow for enough room for both governments of China to argue that Japan's sovereignty over the Senkaku/Diaoyu Islands was not made definitive. These problems all lead towards the same root, that being that the Treaty of San Francisco, in many ways, ratifies and solidifies Japan's ownership and control over its remaining territories after their surrender in WWII both in the eyes of Japan and throughout the United States and Europe, but remains at the same time alienates post-war China both by its exclusion from the diplomatic formation of the treaty and by supporting the unlawful seizure of its national territories and islands by Japan. In the Treaty of San Francisco we can observe the basis of this dichotomy, both the dependence of Japan and its claims on the Rule of Law and the complete rejection and exclusion of and from this framework by and of the Chinese. By not inviting the Chinese governments to participate in the establishment of this treaty we can mark their exclusion from the processes of law making. Naturally the only thing missing from this example is a practical demonstration of the source of China's strength, which by necessity shall we shown to exist outside of the realms of law in the later parts of this thesis.

This inherent difference in the nature of Japan and China's claims is the root of their inability to communicate in regards to the islands in question, for in accordance to either's unique system the opposition's claims are rendered entirely invalid. Thus both Japan and China feel that they have a distinct inalienable right to national ownership of the Senkaku/Diaoyu Islands and all corresponding rights to police and de-

<sup>11</sup> *Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, June 17, 1971*, The World and Japan Database Project, Institute for Advanced Studies on Asia, University of Tokyo. <http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/docs/19710617.T1E.html>, Last Accessed October 21st, 2014.

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velop this territory as they see fit. Not only is the conflict unsolvable by local powers due to a diplomatic divide between cultural and political language, but it remains equally unsolvable by international courts and systems. Due to the divergent nature of the contender's claims, the combatants mutually refuse to submit to the rulings of any international courts which may disregard their own claims in favour of the other. As such, while Japan maintains a strong position in the international community due to its adherence and dependency on the Rule of Law, a system recognized and practiced by European powers and the United States of America, China maintains its claims and its position as the increasingly hegemonic giant of the rapidly globalizing world whose growing voice cannot be lightly ignored. As such this thesis will not venture to examine the merits or strengths of the arguments as a whole, nor make judgements as to whose claims are more legitimate in the consideration of an international community. Instead, this thesis will focus on adequately and accurately identifying the origins and nature of each side's claims in relation to their incompatibility and their result in the increasing militarization of the debate.

### Chapter 1: Section A: The Islands

The islands which this thesis and the corresponding research has focused on and will address in detail are the Senkaku, in the Japanese, or the Diaoyu, in the Chinese, Islands. Both national monikers come from the same place, as can be easily observed in observation of the characters used in either language to express their names. Diaoyu, in translation from the original Mandarin Chinese, expresses the meaning of "Fishing", and the traditional Chinese characters used to spell this word are reflected in the Japanese kanji, which use the very same characters though in reverse order suiting localized spellings. The pronunciation of these characters diverge along with the languages themselves, for though the Japanese share an ancient writing system with the Chinese in some respects, the language itself comes from entirely different origins. Still, through this observation, it can be easily ascertained that the name of the island group originates from the same, or at least a similar, place and that the two cultures share an overlapping historical experience of their existence. The name itself appears to originate from the period of heightened naval exploration undertaken by the Chinese during the Ming Dynasty somewhere around the year 1372,<sup>12</sup> as the first accounts of the islands' discovery and the first appearance of their name are found on ancient naval maps from this time period. Due to the nature

<sup>12</sup> "Senkaku/Diaoyu Island Dispute: Timeline", Conflict Observer Project, June, 2013.  
<http://cscubb.ro/cop/senkakudiaoyu-islands-dispute-timeline/#.VEZ7nfmUcpl>, Last Accessed October 21<sup>st</sup>, 2014.

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of their name and the islands' proximity to nearby islands inhabited by indigenous peoples and kingdoms, it is considered likely that the islands themselves were used as a fishing anchorage either by indigenous tribal groups originating from the nearby island of Taiwan to the Southwest, or by subjects of the Ryukyu Kingdom, which was situated on nearby islands groups to the East and South East. But at this point in time assumptions about the true origins of the ancient Chinese moniker are little more than simple conjecture, as there is little or no reliable documentation of these islands or their use prior to their discovery by the Chinese at this time.

The islands which bear this inauspicious name, which promises as much as their nondescript appearance, are made up of five larger though uninhabited islands and three barren rocks. As such, it is easy to see precisely why these islands failed to warrant any serious national or political attention since the time of their historical discovery. They are minor features located in the East China Sea with the main island complex distanced at approximately three-hundred-and-thirty kilometres Southeast from the coast of the Chinese mainland, around one-hundred-and-seventy kilometres Northeast of the island of Taiwan, maintaining that approximate distance of one-hundred-and-seventy kilometres from the Ishigaki Islands, smaller islands of the Okinawa province of Japan, to the South, and distanced at about four-hundred-and-ten kilometres from the city of Naha, the capital of Okinawa situated on the southern end of the province's main island and from which the province derives its name. While the islands of Okinawa are currently under Japanese control and have been for the past few hundred years, several hundred years ago, during the reign of the Ming Dynasty between the years 1429 and 1644 and then continued by the Qing Dynasty between 1644 and 1872, the islands were controlled by an autonomous kingdom known as the Ryukyu. During which time the precise dominion of the Diaoyu/Senkaku Islands themselves remains largely ambiguous, though Chinese historians have interpreted their position in historical texts as being considered frontier territory on the borders of the Ryukyu Kingdom. But these are historical details which will be further explored in later sections and only serve now to illustrate the complex history of the islands themselves as far as their geological location and resulting proximity to the competing nations in question are concerned.<sup>13</sup>

Throughout their history and up to the current date, the Senkaku/Diaoyu Islands have remained uninhabited, aside from the barren rocks the larger islands have been home to little more than a few native flora and the surrounding aquatic wildlife. This aspect has fur-

<sup>13</sup> Chris Acheson, *Disputed Claims in the East China Sea: An Interview with James Manicom*, The National Bureau of Asian Research, 2011.

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ther confused the issue concerning these islands, for until the last few decades before and as the conflict has developed these islands have been largely overlooked by cartographers and have been simply left off of local maps in an inconsistent fashion. However this little shortcoming is soon to be rectified if the Japanese have their way, as they have announced plans to establish a defensive military outpost on the islands in question in the coming years, a move which has met with much outspoken opposition by Chinese interests. Details concerning the announcement and possible execution of these intentions for a manned military base will be covered in the following section and included in the summary of the rising state of militarization taking place around this conflict.<sup>14</sup>

In truth, the Senkaku/Diaoyu island complex has remained a continuous side note in local histories as they have ever had little in ways of attracting any sort of human interest aside for as landmarks on oversea voyages between island kingdoms and mainland empires. And the eventual Japanese seizure of the islands between the years of 1894 and 1895 and the eventual legal validation of their ownership after their surrender during World War II went unchallenged by Chinese interests up until the year of 1868, when an academic survey undertaken by the United Nations Economic Council for Asia and the Far East discovered oil reserves in the seabeds beneath the waters surrounding the islands themselves. Two years later, at the following Japan-China Summit Meeting in 1972,<sup>15</sup> statements were made by then Premier Zhou Enlai which suggest that the discovery of oil reserves in the region may have prompted China's sudden and overwhelming interest in reclaiming the islands from Japanese control. Suddenly islands that had been an unimportant side note in Chinese historical politics, documents, and naval charts become a center of political contestation, in which Japanese sovereignty over the islands is challenged under the auspice that their unlawful seizure was and is a lasting legacy of the era of Japanese imperialism and that the islands should be returned to Chinese possession just as other occupied territories had been returned following the collapse of the Japanese imperial state. As such it can be reasonably determined that the beginning of the modern day conflict concerning the national sovereignty of the Senkaku/Diaoyu Islands is centered around the discovery of oil in 1968 which resulted in a dramatic change of policy concerning Chinese interests in the territory. As such, though the islands have remained a point of contention concerning national control for a much longer period of time, spanning a few centuries, than this much

<sup>14</sup> Justin McCurry, *Japan casts wary eye across East China Sea*, The Guardian, 2012. <http://www.theguardian.com/world/2012/mar/22/japan-wary-east-china-sea>, Last Accessed April 30th, 2014.

<sup>15</sup> Hungdah Chiu, *An Analysis of the Sino-Japanese Dispute Over the T'iaoyutai Islets (Senkaku Guntō)*, University of Maryland School of Law, 1999.



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more brief recent escalation which has taken place over less than half a century, the development of the conflict between the year 1968 and the present date of 2014 will be the main focus of this research.

### Chapter 1: Section B: Rising Conflict

Since the discovery of oil in the waters surrounding the Senkaku/Diaoyu Islands in 1968, the conflict surrounding the question of the islands' rightful rulers has been growing steadily more problematic. Initial diplomatic talks failed to achieve a turnover of the islands to Chinese control and were, in fact, largely ignored by both the Japanese and the international community. The largest outcome which can be observed is that Chinese interests successfully managed to have the waters surrounding the Senkaku/Diaoyu land masses declared to be officially contested waters, and as a result fishing rights were negotiated and renegotiated concerning who and under what conditions various nationals might be permitted to fish the contested waters surrounding the island complex. Following in this light there continued a small pattern of small steps which seen to have been taken in attempts to define ownership of the islands and their surrounding waters by inches. Chinese interests seemed to express a rather generous amount of patience in this regard and what resulted was a few decades of uneasy peace broken by brief but tense international incidents, several ship collisions taking place within the contested waters, and the detainment of various fishing boat captains pending politically motivated release. This tumultuous but somewhat stable period of peace was only threatened again when the Japanese government moved to fully nationalize the islands in the year 2012 after purchasing them from their private owner, a Japanese national who had gained legal ownership of the islands after World War II. This action prompted an increase in military posturing from both sides, witnessed in their increases in military naval spending, their adoption of new security policies which include the waters surrounding the islands themselves, and the ever rising threat of war in defence of national interests.<sup>16</sup> This gradual deterioration of diplomatic methods and eventual and mutual adoption of military brinkmanship denotes an intrinsic inability for the two sides to adequately communicate concerning the legitimacy of either's claims, resulting in both sides resorting to attempts to force their way through the threat of military action. In this section, the deterioration of diplomatic relations between the competing powers will be examined as it relates to the rising militaristic nature

<sup>16</sup> Eric Posner, *Why Are China and Japan Inching Toward War Over Five Tiny Islands?*, View From Chicago, 2014. [http://www.slate.com/articles/news\\_and\\_politics/view\\_from\\_chicago/2014/02/the\\_senkaku\\_or\\_diaoyu\\_islands\\_where\\_world\\_war\\_iii\\_could\\_start\\_because\\_of.html](http://www.slate.com/articles/news_and_politics/view_from_chicago/2014/02/the_senkaku_or_diaoyu_islands_where_world_war_iii_could_start_because_of.html), Last Accessed April 30th, 2014.

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of the debate as both sides move quickly towards an escalating conflict with an increasingly warlike edge, and a source regarding the diplomatic divide which prevents these powers from communicating will be ventured.

Between the discovery of oil in the years surrounding 1970 and the disruptive occurrence in the year 2012, when the Japanese government attempts to nationalize the islands under Japanese rule, there are a string of tense international incidents concerning questions of fishing rights, national waters, and disruptive elements surrounding attempts to mitigate the rising situation.<sup>17</sup> Not the first of tense political incidents but one in a long line of similar occurrences which collectively denote the increasing prominence of military interventionist action took place as recent as the year of 2008, in an incident which was reported to be a collision of ships in the contested waters surrounding the Senkaku/Diaoyu complex. The ships involved in the reported collision were several ships of the Japanese Coast Guard and a private sports fishing boat under the name of Lien Ho, which originated from the island nation of Taiwan. The collision resulted in the sinking of the sports fishing vessel after being rammed by Japanese patrol ships, and the incident ultimately resulted in an official apology being issued by the Japanese government in concert with a payment of ten-million national Taiwanese dollars in compensation for any damages. The reason this incident warrants mention is due to the Chinese reaction and to Japan's method of addressing the issue. In order to explain the complexities of this situation I would like to briefly take this opportunity to remind the reader of the national tensions between the People's Republic of China, the governing body of modern China, and the Republic of China, the old governing body of China and the current governing body of the island nation of Taiwan. Both government bodies of the Republic and the People's Republic of China lay claim to largely the same national territories, both claiming that Taiwan and what has become known as Mainland China are one country and that they are the rightful government of that country. In this light, the claims and interests of the Chinese concerning their national dominance of the islands in question are shared between the two governmental bodies, as they are united in their arguments and interests though remain divided in their ultimate goal of control. The reason this bears mentioning is due to the following circumstances; when the Lien Ho, a Taiwanese fishing boat, was sunk in the contested waters surrounding the Senkaku/Diaoyu Islands by the Japanese Coast Guard it was both the government of Taiwan and Mainland China which responded with demands for an official apology to be rendered. To further complicate the

<sup>17</sup> *How uninhabited islands soured China-Japan ties*, BBC News Asia, 2014. <http://www.bbc.com/news/world-asia-pacific-11341139>, Last Accessed April 30th, 2014.

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issue, the Japanese government does not officially recognize the Republic of China, Taiwan, as a sovereign state but as a part of the People's Republic of China. In this light the communist government of Mainland China claimed the Taiwanese fishing boat and its captain to be a subject of their state and demanded apology and recompense from Japan for its unlawful sinking, and in response to this demand the Japanese government officially issued its apology directly to the government of Taiwan and payed all compensational fees directly to that governmental body. This adequately silenced the issue in most respects, for the government of Mainland China was forced to accept both the apology and the payment or else admit that Taiwan was a sovereign country, thus further distancing itself from its claims of ownership over the Senkaku/Diaoyu Islands in relations to claims which tie Taiwan and the contested islands closely together, these will be reviewed in detail in the later section of Section D, which will examine Chinese claims and their historical context.<sup>18</sup>

Two years later, in the year 2010, a much larger but intrinsically similar occurrence took place when several vessels belonging to the Japanese Coast Guard collided with the Chinese fishing boat Minjinyu 5179 which had sailed outside of the agreed upon territories reserved for Chinese fishing interests into undisputed Japanese waters and had subsequently attempted to flee after receiving an order by the Japanese Coast Guard to halt their ship and prepare to be boarded by Japanese crews for an inspection. As a result of the Minjinyu 5179's attempts to flee two vessels of the Japanese Coast Guard, dubbed the Yonakuni and the Mizuki, rammed the Chinese trawler and boarded her, placing the captain of the vessel and fourteen of its crewmembers under arrest, charging them with the obstruction of performance of public duty and illegal fishing activities. The ship itself was impounded and the captain and its crew were transported to the nearby Ishigaki Island of the Okinawa province for incarceration in accordance to Japanese law. The arrest of the crew and captain of the Minjinyu 5179 as well as the ship's seizure by Japanese law enforcement met with an immediate series of Chinese diplomatic protests as well as the demand to immediately release of the trawler along with its captain and crew to Chinese authorities. The trawler had been boarded by units of the Japanese Coast Guard and the captain and crew placed under arrest on the 8th of September, 2010, and by September 24th of the same year all individuals arrested during the incident were released and the trawler returned. These two seemingly minor incidents are just two of the more recent examples of such occurrences in the contested waters around the Senkaku/Diaoyu Islands and uncontested territorial waters surrounding

<sup>18</sup> Michael D. Swaine and M. Taylor Fravel, *China's Assertive Behavior – Part Two: The Maritime Periphery*, Hoover Institution, 2011.

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the disputed areas which have taken place since 1972 when China first announced its claim to the islands themselves. The nature of these incidents in concert with one another in a more collective sense show that the situation concerning the islands' sovereignty has been on the edge of a serious international incident since the discovery of oil in 1968, and that the recent shift towards a more militaristic conflict was likely inevitable concerning the evidence that neither side showed any intent to back down from their claims.<sup>19</sup>

Following this string of politically tense movements dependent largely on strained political relations, the Japanese government undertook a bold move in an attempt to further ground their control of the islands in legal fact with the purchase of three of the larger islands in the Senkaku/Diaoyu island complex from their private owners, a Japanese family by the name of Kurihara. The Kurihara family came into private possession of three of the five main islands after the Japanese government nationalized the island complex under the Okinawa prefecture sometime around the year of 1895 during the first wave of Japanese imperial expansionism, gaining exclusive rights of investments into the islands in question in interest of developing their native guano resources. This development saw a brief period in which the islands saw some form of human habitation, but this brief period has not been deemed substantial enough by either party to bring up in the course of the debate. The Kurihara family subsequently possessed these three islands in private ownership over the past century, finally brokering a deal to sell the islands directly to the Japanese government for a grand sum of two-point-zero-five billion Yen, or roughly twenty-six-million United States Dollars at the time of the exchange in the year of 2012. In truth, the possible reasons behind the purchase are infinitely more complex than this, as official statements by the central Japanese government claim that the purchase was only made in order to prevent and escalation of the conflict to be more dependent on military resources and less approachable by diplomatic engagement. However the result is the same regardless of intentions, and in response to the Japanese government's purchase which legalizes the central Japanese government's direct ownership of three of the major islands in the Senkaku/Diaoyu complex the Chinese government immediately elected to increase defences of its claims by deploying a pair of maritime law enforcement vessels belonging to China Marine Surveillance into the area with a stated purpose to defend their rightful sovereignty of the islands with corresponding vagueries implying a formalized plan of action which would

<sup>19</sup> Michelle Flor-Cruz, *Chinese And Japanese Scholars Take Diaoyu / Senkaku Territorial Disputes To Textbooks*, International Business Times, 2014. <http://www.ibtimes.com/chinese-japanese-scholars-take-diaoyu-senkaku-territorial-disputes-textbooks-1568409>, Last Accessed April 30th, 2014.

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guarantee the protection of their rights. This move was the first major military incident since the discovery of oil in 1968 which set the tone for further developments over the last two years. In essence, if the conflict arose surrounding the discovery of oil and the change of Chinese policy and claims concerning the islands around the year of 1970, then the year of 2012 saw that conflict alter dramatically towards militarization of the conflict leading to a serious threat of war. This moment, in 2012, constitutes the final breakdown of Chinese-Japanese diplomatic relations concerning the sovereignty and dominion of the Senkaku/Diaoyu Islands resulting in the subsequent rapid escalation towards a seemingly inevitable armed conflict.

The purchase of the islands in question by the Japanese central government did not dramatically alter the conditions of the conflict in any significant form, as Japan had appropriated the islands from the Qing Dynasty as early as the year 1895 when they were brought under the control of Okinawa and had maintained their ownership and ultimate control of the islands throughout war, defeat, and the rise of Chinese economic power prior to the 1970s and the discovery of oil. However, their purchase became a rallying cry for the increased attention from the Chinese in pursuit of their claims,<sup>20</sup> drawing formal military crafts and jurisdictions for the first time since the rise of the conflict as the Chinese government adjusted its strategy to a much more aggressive position. It can be argued that the Chinese saw their claims as being threatened by the increase of formal and legal claims tying the islands directly to the Japanese government, or it can be interpreted as a convenient political outrage to take building pressure off of an uncharacteristically tumultuous succession of power within the Chinese internal government, additionally allowing the incumbent powers to build legitimacy with a hard stance against the Japanese. But for the purposes of this thesis, the direct motivations surrounding the increase in military attention centered around the Senkaku/Diaoyu Islands by Chinese forces and politicians are not under question as they require a substantial amount of conjecture which this research does not wish to attempt to justify and also because they are mostly irrelevant to the point of interest. The aspect which will be under examination, however, is the increase in militarization of not only Chinese policy but also Chinese policy enforcement in an attempt to display the breakdown of diplomatic relations in a pattern leaning towards an old model of military brinkmanship.

The first major marker of China's increased military attentions on the Senkaku/Diaoyu island complex is a more general one in observa-

<sup>20</sup> Jane Perlez, *China Accuses Japan of Stealing After Purchase of Group of Disputed Islands*, The New York Times, 2012. [http://www.nytimes.com/2012/09/12/world/asia/china-accuses-japan-of-stealing-disputed-islands.html?\\_r=1&pg=1&hp](http://www.nytimes.com/2012/09/12/world/asia/china-accuses-japan-of-stealing-disputed-islands.html?_r=1&pg=1&hp), Last Accessed April 30th, 2014.

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tion of the dramatic increase of military budget over the past several years.<sup>21</sup> These numbers do not denote direct military spending towards a single operation or task, but the cumulative sum of military expenditures concerning the expansion of the Chinese military. As such, while these numbers do not relate directly to the question of the Senkaku/Diaoyu contestation, they do denote China's increasing potential for war and the defence of their national claims bringing to mind the types or limits of the resources backing up Chinese threats of armed defence. As of the current date of 2014, the People's Republic of China claims the second highest military budget in the world behind the United States of America, totalling in upwards of one-hundred-and-thirty billion United States Dollars. This sum constitutes an increase of nearly twelve or thirteen percent of the previous year, following a rising trend of military spending which has taken a dramatic upturn over the past decade. In 2012, at the time of Japan's purchase of the islands and the first sign of major Chinese military intervention in the region, China's military budget sat just beneath one-hundred-and-twenty billion United States Dollars. But in order to identify in more dramatic terms the exact scale of the increase in military spending over the past decade or so we'll take a number from 2002, ten years before the Japanese purchase of the islands in question, and place it around the cumulative sum of less than twenty billion United States Dollars. This constitutes a six-hundred-and-fifty percent increase in the cumulative military spending of the People's Republic of China over the past twelve years. The rate of growth for military spending of the People's Republic over the past few decades approaches exponential rates, clearly identifying China's increased reliance on militaristic diplomacy and their ability, if not willingness, to commit to war in defence of its interests.

At the forefront of this overblown military budget are the raw military actions taken by Chinese interests in the area surrounding the Senkaku/Diaoyu Island complex the first of which, as was mentioned, being the introduction of military patrol ships within the contested waters surrounding the Senkaku/Diaoyu islands in 2012.<sup>22</sup> Over the past two years the Chinese military has seen a significant amount of increased action in and above the waters surrounding the Senkaku/Diaoyu complex. Including increased naval patrols and the policing of air space by the Chinese national Air Force.<sup>23</sup> This has in-

<sup>21</sup> Matthew M. Burke, *Growing Chinese military budget may shift power perceptions in Pacific*, Stars and Stripes, 2014. <http://www.stripes.com/news/growing-chinese-military-budget-may-shift-power-perceptions-in-pacific-1.278675>, Last Accessed April 30th, 2014.

<sup>22</sup> Associated Press in Beijing, *Senkaku islands dispute escalates as China sends out patrol ships*, The Guardian, 2012. <http://www.theguardian.com/world/2012/sep/11/senkaku-islands-china-patrol-ships>, Last Accessed April 30th, 2014.

<sup>23</sup> *China establishes 'air-defence zone' over East China Sea*, BBC News Asia, 2013. <http://www.bbc.com/news/world-asia-25062525>, Last Accessed October 15th, 2014.

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cluded the redrawing of national defensive lines to include the Senkaku/Diaoyu Islands as well as large open swaths of the East China Sea.<sup>24</sup> In 2013 China established new lines in what they termed an air-defence identification zone, through which air passage by any unauthorized foreign aircraft was declared illegal and a breach of Chinese national security. This area was subsequently heavily patrolled by Chinese military aircraft demanding open two-way radio contact to be maintained by any foreign aircraft entering their patrol zones and timely responses in request for authorization verifications, this zone also required that any aircraft wishing to pass through the area were required to submit a flight path and destination along with registration of their craft pending Chinese approval.<sup>25</sup> This new defensive zone was increasingly problematic, as it broached heavily on previously established and held air-defence identification zones patrolled by the Japanese air force and seemed to many to be a direct provocation in an attempt to prompt unwanted military provocation which would result in an armed conflict. This move was viewed by the Japanese as an unnecessary escalation to an increasingly tense debate, the fear being that the continued breakdown of diplomatic dialogues and the ever increasing policy of military brinkmanship will lead, inevitably, to the single largest breach of peace in East Asia since World War II.

Throughout every stage of this escalating conflict, China has maintained that their increased military actions and expenditures have all been in the interest of national defence and the protection of their sovereignty. But in response to increased military action by the Chinese, the Japanese have responded in kind. As China has armed itself and expanded its military jurisdictions over the Senkaku/Diaoyu Island complex and into previously undisputed Japanese territories and national waters, Japan has reacted in an increase of military spending and expansion previously curtailed by post World War II treatise designed to limit Japan's military capabilities.<sup>26</sup> But in attempt to expand their military capabilities in efforts of defence, Japan has run into problems presented by restrictions present within their constitution, forbidding Japan from raising or maintaining a national armed forces. Under Article 9 of the national Japanese constitution which came into effect in the year 1947 and which has been in enforcement ever since, Japan forfeits its right to operate or maintain any armed forces with the potential of executing warlike actions and formally relinquishes its rights to military belliger-

<sup>24</sup> See Figure: 3 of the Annex titled China's Air Defence Zone.

<sup>25</sup> Zachary Keck, *China Imposes Restrictions on Air Space Over Senkaku Islands*, The Diplomat, 2013. <http://thediplomat.com/2013/11/china-imposes-restrictions-on-air-space-over-senkaku-islands/>, Last Accessed April 30th, 2014.

<sup>26</sup> Isabel Reynolds, *Japan Defence Budget to Increase for First Time in 11 Years*, Bloomberg, 2013. <http://www.bloomberg.com/news/2013-01-29/japan-s-defence-spending-to-increase-for-first-time-in-11-years.html>, Last Accessed April 30th, 2014.

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ency, dedicating itself to achieving peace and national security through diplomatic and economic means. Obviously, in light of increased military spending and belligerence from China in the enforcement of its national claims and interests in the East China Sea, Japan has largely been left out of the fight due to its post-war political responsibilities. Despite these limitations, however, recent years have seen an increase and expansion of military budgets and capabilities in Japan, as well as attempts to alter the constitution in order to allow the establishment of a standing military force.

Despite these imposed limitations, Japan has seen a modest increase of its military budget in recent years, with planned expansions over the next five in order to increase its ability to defend against military actions of the Chinese in the Senkaku/Diaoyu regions.<sup>27</sup> The year 2013 saw the first major increase in military budget for the Japanese in over a decade, with a comparatively modest increase of zero-point-eight percent. While this does not even register on the scale of the almost unfathomable numbers concerning Chinese military expansion, it does denote a serious shift in Japanese national policy in response to increased aggression from Chinese sources. Since their ultimate defeat after their aggressive military expansion during World War II, Japan has maintained itself as a purposefully pacifistic nation without any need or want for military strength or intervention. In an idealistic move, they put the need for war behind them as a nation, though naturally only in name as armed forces were indeed raised in the interest of national defence. Though not termed an “army” in the strictest sense, the Japanese Defence Force is one of the most advanced military organizations in the world, as limits on spending and expansion have appeared to concentrate efforts in building a small but elite fighting force for Japan’s defence. Recent years have subsequently seen a dramatic rise in government spending in these areas, and political attempts to amend or to reinterpret the constitutional restrictions have been attempted in order to further advance their military capabilities.<sup>28</sup> These changes have included an increased budget to expand military spending in regards to the purchase of military surveillance drones, an expansion of fighter jets, investment in additional naval destroyers, and the attempted creation of an amphibious military unit modelled after the United States Marines. The aspect which constitutional limitations bring to the discussion is therefore not actually a limit on military expansion or spending, but a reframing of that expansion in more humanitarian terms, as Japan’s Prime Minister Shinzo Abe has been quoted in regards to these expan-

<sup>27</sup> *Japan to build military site near disputed Senkaku islands*, BBC News Asia, 2014. <http://www.bbc.com/news/world-asia-27089658>, Last Accessed April 30th, 2014.

<sup>28</sup> *Back to the Future: Shinzo Abe’s plan to rewrite Japan’s constitution is running into trouble*, The Economist, 2013.



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sions as saying, “the strategy is designed to make our foreign and security policy clear and transparent both at home and abroad”, going on to state that, “we (Japan) will do our part in contributing to global peace and security further.” As such it can be seen that the military expansion of Japanese forces is being excused as purely defensive and in preservation of the established world order and of peace.

Further increases of Japanese defensive capabilities have been seen in the planned establishment of military installations in the East China Sea on islands in close proximity to and surrounding the areas of the Senkaku/Diaoyu island complex, specifically in the prefecture of Okinawa.<sup>29</sup> The year 2014 saw two major developments concerning this expansion of military personnel and equipment, as plans for the expansion of military sights and the deployment of personnel to these islands were announced as recently as April 20th. Roughly one-hundred-and-fifty military personnel are scheduled to be deployed to the island of Yonaguni, which lays approximately one-hundred-and-fifty kilometres Southeast of the Senkaku/Diaoyu Islands and is a part of the Okinawa province, over the next two years. The personnel deployed to this region will be manning a newly erected radar surveillance station, whose construction began over the weekend of the 19th of April of 2014, whose main objective will be the monitoring of Chinese military activities in the contested regions in the interest of national defence. In addition to these expanded surveillance units, several military aircraft have been redeployed from the northern Japanese military base of Misawa directly to Naha, the capital of Okinawa. This redeployment was in response to the fact that Japanese air forces have scrambled fighters in response to encroaching Chinese military aircraft up to a recorded four-hundred-and-fifteen times between January and March of 2014,<sup>30</sup> which in itself is a significant increase over the scrambling of Japanese fighters a grand total of three-hundred-and-six times in the whole of the preceding year of 2013. It can be easily seen through this increase of both Chinese and Japanese military activities in and around the contested regions of the Senkaku/Diaoyu Islands that the apparent inevitability of armed conflict is ever on the rise,<sup>31</sup> a fact compounded by recent statements by the President of the United States, Barack Obama, in regards to the treatise binding the United States to act in military defence of Ja-

<sup>29</sup> Agence France-Presse, *Reports: Japan Steps Up Surveillance Posture Against China*, DefenceNews, 2014. <http://www.defencenews.com/article/20140420/DEFREG03/304200005/> *Reports-Japan-Steps-Up-Surveillance-Posture-Against-China*, Last Accessed October 15th, 2014.

<sup>30</sup> Teddy Ng, *Beijing angered by Obama's stance on disputed Diaoyu Islands*, South China Morning Post, 2014. <http://www.scmp.com/news/asia/article/1494942/obama-says-disputed-islands-within-scope-us-japan-security-treaty>, Last Accessed April 30th, 2014.

<sup>31</sup> *Japanese PM Shinzo Abe urges Asia military restraint*, BBC News Asia, 2014. <http://www.bbc.com/news/world-asia-25851960>, Last Accessed April 30th, 2014.

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pan in the events of an attack on their national sovereignty. Statements made in President Barack Obama's recent four-nation tour through Asia which ended on the 29th of April, 2014,<sup>32</sup> has confirmed that the standing agreements of military intervention on behalf of Japan's defence include the Senkaku/Diaoyu Islands,<sup>33</sup> meaning that in the event of a breach of peace in or around the waters surrounding these islands the United States Military would be obligated to intercede in force.<sup>34</sup>

As is clearly demonstrated by the above section, the discussion concerning the sovereignty and dominion of the Senkaku/Diaoyu Islands has moved increasingly away from the diplomatic sphere and increasingly into the sphere of military showmanship.<sup>35</sup> Increased military spending, the expansion of standing military forces, the redeployment of military units to the contested territories and the recent inclusion of military allies all points towards a standing policy of military brinkmanship in an attempt to diffuse an increasingly intense international situation approaching the point of calamity. In an attempt to show their opposition that they are serious about the defence of their claims, each side rushes more and more military units into the region in an attempt to force the opposing side into backing down, each side rushing to the point of war with neither being truly willing to commit to it in fact. This move from away from the diplomatic towards militaristic means of negotiation has created an incredibly volatile situation and manifested the greatest threat to international peace in East Asia since World War II. And at the core of all of it lies China and Japan's inability to communicate in regards to their national claims and justification for their rightful rulership of the Senkaku/Diaoyu Islands. Each side, as the diplomatic talks deteriorated and the armed conflict rose in intensity, holds to incredibly divergent schemes of legitimacy which entirely disregard the opposition's claims of sovereignty as has been shown in public statements, news articles, and propaganda declarations by both sides as justification for moving forward with military interventions. As such, the breakdown of diplomatic relations surrounding this rising conflict lie within the claims themselves, how they are formulated, and the systems they are dependent on. As previously hypothesized in previous sections and which are to be explored in the pending chapters of this thesis, this thesis puts forth that the Japanese claims are entirely

<sup>32</sup> Mu Xuequan, *China denies U.S.-Japan alliance's Diaoyu Islands bearing*, Xinhuanet, 2014. [http://news.xinhuanet.com/english/china/2014-04/23/c\\_126426236.htm](http://news.xinhuanet.com/english/china/2014-04/23/c_126426236.htm), Last Accessed April 30th, 2014.

<sup>33</sup> *Obama Asia tour: US-Japan treaty 'covers disputed islands'*, BBC News Asia, 2014. <http://www.bbc.com/news/world-asia-27137272>, Last Accessed April 30th, 2014.

<sup>34</sup> Emma Chanlett-Avery, *U.S. Japan Alliance*, DIANE Publishing.

<sup>35</sup> Justin McCurry, *Japan increases defence budget amid tensions with China*, The Guardian, 2013. <http://www.theguardian.com/world/2013/dec/17/japan-increases-defence-budget-tensions-china>, Last Accessed April 30th, 2014.

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formulated within and dependent upon the established Rule of Law, while Chinese claims are grounded in a system of inherent sovereignty dependent on historical and cultural influences largely defined and explainable within the somewhat spiritual philosophy of Tianxia, a system unique to the cultural Chinese experience.

#### Chapter 1: Section C: Japanese Claims and Development

This section will attempt to cover the breadth of Japanese historical claims to what they term the Senkaku Islands, which will be the dominant moniker throughout this section for the sake of ease and clarity, including the historical timeline of their original claims and ownerships, listings of their legal status and documents proving ownership, and how these claims have been applied to the current conflict since its beginning around the year 1972. In light of this, it will be shown that the Japanese claims as well as their history with the islands are entirely dependent on the Rule of Law established and perpetrated by Western powers and either adopted or independently developed by the Japanese. The question of the origin of the domination of the Rule of Law in and for Japan is, however, an extensive and exhausting topic which will be reserved for exploration in the following chapters and will not be fully addressed by this section due to lack of time and adequate space. Instead, at the end of this section, a hypothesis will be presented concerning why and how this mode of thought became the dominant cultural norm for both the Japanese government and the Japanese people to be explored in subsequent historical research. For the context of this chapter's mission, the research will be forced to assume certain qualities and will take Japan's historical position concerning the Rule of Law as fact, basing its analysis and discussion of the Japanese claims concerning the sovereignty of the Senkaku Islands on a cultural dependency on the conception and domination of law as it is perceived in the Western or European context.<sup>36</sup>

The starting point of Japan's historical claim on the Senkaku Islands comes from the year 1895 and the corresponding war which has come to be known as the First Sino-Japanese War by Western sources, the Japan-Qing War in the Japanese histories, and the War of Jiawu in the Chinese. This was a war of imperial colonial conquest by Japan over the territories of a weakened Qing Dynasty which spanned large coastal regions of the continent as well as several island territories and also including the island of Taiwan and surrounding territories, including the Senkaku islands. Most of the fighting throughout the war took place in the northern regions of the coastal mainland, centering largely around what is now North Korea and Manchuria, resulting in a Chinese defeat

<sup>36</sup> Chien-Liang Lu, *Japan's East China Sea Policy*, National Cheng Chi University, 2007.

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which included agreements which subsequently relinquished Chinese claims on Taiwan and its surrounding islands. What came after was the martial invasion of Taiwan, which ultimately ended with Taiwan's military defeat and Japanese occupation between the years of 1895 and 1945. The part of this history which influences the discussion concerning the sovereignty of the Senkaku Islands is the fact that Chinese historians have argued in their claims that the Senkaku Islands undoubtedly belonged to China under the Qing Dynasty along with their dominion of the island of Taiwan. But also maintain that when the Qing Dynasty ceded its control of the island of Taiwan as part of their surrender at the end of the First Sino-Japanese War, this did not include the secession of the Senkaku Islands.<sup>37</sup> Despite this claim, following the Qing Dynasty's defeat at the hands of Japan, Taiwan was claimed as a colonial holding of the Japanese Empire and the Senkaku Islands were annexed into the territories of the Okinawa prefecture.

The next historical event concerning Japanese control and ownership of the islands came with their defeat during World War II and the subsequent dismantling of the Japanese Empire in East Asia, during which time the colonial holdings of Japan were abandoned and returned to the possession of their rightful countries. It was at this time, in 1945, when the island of Taiwan was returned to the possession of China. However, the Senkaku Islands were not included in this policy of colonial returns, and remained a part of the inherent territory of the Okinawa prefecture in the post-war period. The key difference between the Senkaku Islands' exclusion from the return of Taiwan to China and China's claims that the Senkaku Islands were never surrendered to Japanese control in 1895 is that the treatise recognizing the national territories of Japan after 1945 explicitly include the Senkaku island complex as part of the province of Okinawa. Thus can it be seen that Japanese claims of dominion and ownership of these islands is based on the precise letter of the law, signed in binding contractual agreements between states, that the Senkaku Islands became an official part of the province of Okinawa in 1895 and have remained so since that day.<sup>38</sup>

These claims remain solid even in light of Chinese claims to the contrary, which denounce Japanese legal frameworks as the institutionalized theft of Chinese sovereign soil. The basis of these claims are not untrue, as Chinese interests mutually acclaim that Japanese domination of the Senkaku Islands is based off of their legacy of imperial domination, a fact that is not contested by Japanese claims in the slightest. Chinese claims are then backed by proof that the Japanese acknowledged the Senkaku Islands as territories of China and the Qing Dynasty

<sup>37</sup> Unryu Suganuma, *Sovereign Rights and Territorial Space in Sino-Japanese Relations*, Association of Asia Studies, 2000.

<sup>38</sup> Lu Chien-Liang, *Japan's East China Sea Policy*, National Cheng, Chi University, 2007.

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prior to their capture and appropriation during the First Sino-Japanese War which is both true and a recorded aspect of Japanese history. All this further proves that in the conversation between Chinese and Japanese interests, mutual grounds cannot be met. For while Chinese interests claim the islands as having rightfully belonged to them at a given period, Japanese legal documents point out that control of the islands was legally transferred to Japanese authority during the year of 1895 and has remained unchanged and unchallenged since that date up until the discovery of oil reserves in the seabeds surrounding the year 1970.<sup>39</sup>

From the Japanese perspective, that of institutionalized legal frameworks, contracts, treatise, and documents, all claims made by the Chinese as to their cultural and historical ownership of the islands are absolutely ignored, as the Chinese claims are viewed as originating from assumed or otherwise informal proofs which are incapable of speaking to the Japanese legal standpoint in any respect. Likewise, Japanese claims are incapable of acknowledging, understanding, or refuting Chinese historical and cultural claims, as the two mediums do not functionally coexist on any level. This departure is dependent on the divergent cultural and practical histories of the Japanese and the Chinese peoples, who despite their geographical proximity and evidences of societal overlaps concerning the adoption of writing systems, remain entirely diverse and independent from one another. This is largely due to the fact that for a significant period of ancient Japanese history, they dogmatically practiced a staunch policy of national isolationism in which national and imperial concerns were entirely centered on the internal politics and struggles of their own island confined nation.

This period of isolationism was dominated by internal wars and struggles between competing political factions interrupted by extended periods of relative internal peace brought about by the emergence of a single dominant faction, which then controlled the united territories of Japan through a strict rule of law, the collapse of which would instigate renewals of interprovincial wars in the interest of establishing the subsequent ruling dynasty, termed in the Japanese historical sense as the Shogunate. However, as previously stated for the purposes of this section and chapter, these aspects of ancient Japanese history and the development of their dependence on the rule of law will be taken as a given and left for exploration in later periods of research which allow more time and space for their in depth exploration. As previously stated, these are the historical contexts which dictate the Japanese dependency on the rule of law which shall, unfortunately, have to be taken for granted in order to move forward with the purpose of this thesis for the time being.

<sup>39</sup> U.S. Energy Information Administration, East China Sea, September 17, 2014.  
<http://www.eia.gov/countries/regions-topics.cfm?fips=ecs>, Last Accessed October 21<sup>st</sup>, 2014.

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The result of the nature of these claims being dependent on the rule of law is the resulting support of Western powers, most notably the United States of America and the backing of their overblown military machine, which recognize Japan's methodology and legitimacy by merit of using a corresponding system. Additionally, these claims dependency on the rule of law is absolute, meaning that they are in no way legitimate outside of the legal framework which they have adopted and built around themselves. This is seen as a great strength for the Japanese claims in international courts and systems, as the dominant form of rising international institutions of the globalized world remains congruent with the Japanese dependency on the rule of law. Laws are how nations draw their borders and make and maintain peace with their neighbours, thus any threat to the rule of law is a threat to the stability of the current world order. This is the source of Japanese government official's, including the Prime Minister's own statements, almost propaganda explanations for their borderline unlawful expansion of their military capabilities in the face of Chinese aggression. That defence of Japanese claims are the defence of international society and peace. As a result, it can be easily seen that Japanese claims are fundamentally incongruent with Chinese claims, as the two have become increasingly diametrically opposed, thus resulting in a perpetuation of the conflict.

#### Chapter 1: Section D: Chinese Claims and Development

This section will attempt to summarize the complex nature of the sovereignty claims leveled by both the People's Republic of China and the Republic of China, referred to collectively as Chinese interests despite the fact that there are significant subtleties and much more explicit differences in methods of enforcement and argumentation, which this thesis hereby acknowledges.<sup>40</sup> This thesis will regrettably not, however, delve into the level of the details concerning the differences between Taiwanese and Mainland Chinese methods in achieving their claims, but instead attempt to detail the historical and cultural relevance of the claims the two groups share and decidedly discuss actions taken by the People's Republic of China in respects for securing these claims for their own interests. As such the pursuit of the claims made by the Taiwanese government will be unfortunately left aside. It will, however, include aspects of the complex argumentation concerning Mainland versus Taiwanese rights to the islands in question, which in this section will be referred to exclusively by their Mandarin Chinese moniker of Diaoyu for the sake of clarity and simplicity. Subsequently, as the previous section identified but failed to argue theories as to the dominance

<sup>40</sup> Y. Frank Chiang, *"One-China Policy and Taiwan"*, Fordham International Law Journal Vol. 28:1, December 2004.

of Japan's dependence on the rule of law in support of its claims, this section will present an unsupported hypothesis concerning Chinese claims' dependency on the historical and cultural context of the concept of Tianxia, but be forced to take its conception and existence as a given for the sake of the purpose of this thesis pending future exploration of its historical and cultural context in later chapters. For the purpose of this section, the conception of Tianxia will be used as the supporting and unifying aspect of Chinese claims to the Diaoyu Islands.<sup>41</sup>

Historically speaking, China's claims on the sovereignty of the Diaoyu Islands reaches back much further into history and over a much larger period of time. Beginning with their discovery during the naval exploration period of the Ming Dynasty, records of which indicate they were known to the Chinese as early as the year 1372. An aspect of note concerning the status of an uninhabited territory upon being discovered by the Chinese falls directly under the auspice of the philosophical conception of Tianxian, which assumes, among other things, that all lands under the heavens or beneath the sky rightfully belong to the nation of China, and that the only thing preventing China's absolute control over the entire world is the presence of barbarians who do not ascribe nor pay tribute to the Chinese way of life nor the Chinese hierarchy. As such any land not ruled over by barbarians falls under the dominion of the Chinese Empire, so by their very discovery the Diaoyu Islands became informal Chinese territory.<sup>42</sup> These claims, however, are not further substantiated until much later in the course of Chinese history, first in the year 1403 and then again in the year 1534.

The first historical occurrence which argues for the Ming Dynasties appropriation of the Diaoyu Islands occurs in the book by the title, in translation, of *Voyage with the Tail Wind*,<sup>43</sup> dating to the year 1403, in which the Taiwanese collective name for the islands, "Diaoyutai" is mentioned and the names of each individual island is listed as they are passed in a voyage from the province of Fujian on the Chinese mainland to the Ryukyu Kingdom, which at the time made up the ruling body of what are now a part of the Okinawa prefecture. This book assumed possession of the islands as being under Chinese dominion, as they are mentioned as landmarks and not as the foreign holdings of the Ryukyu Kingdom. This is further argued in the later year of 1534 in the

<sup>41</sup> *China's Diaoyu Islands Sovereignty is Undeniable*, People's Daily, 25 May 2003. [http://english.people.com.cn/200305/25/eng20030525\\_117192.shtml](http://english.people.com.cn/200305/25/eng20030525_117192.shtml), Last Accessed October 15th, 2014.

<sup>42</sup> *Diaoyu Dao, an Inherent Territory of China*, Diaoyu Islands: China's Inherent Territory, 2012. <http://english.cntv.cn/20120925/106168.shtml>, Last Accessed October 15th, 2014.

<sup>43</sup> Anonymous, 順風相送 [*Voyage with the Tail Wind*], China, publishing date estimated between 1430 to 1599. Full Text retrieved from <http://zh.wikipedia.org/wiki/%E4%B8%A4%E7%A7%8D>, Last Accessed April 30th, 2014.

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book of the again translated title, *Record of the Imperial Envoy's Visit to Ryukyu*,<sup>44</sup> which clearly identifies all the major islets of the island chain and explicitly marks the island of “Chih Wei Yu” as the definitive boundary of the Ryukyu Kingdom. As such Chinese historians regard these islands as representing the Ming Dynasty's sea-defence border frontier between the Ancient Chinese Empire and the Ryukyu Kingdom. These conditions, in concert, definitely anchor Chinese possession of the islands as a national holding in the eyes of the Chinese and make up the basis for their historical claims thus facilitating the repeated claims of inherent ownership of the islands in question.

Chinese claims are further compounded by challenges to the Japanese legal documents at each venture, claiming illegitimacy under terms not recognized by the legal framework which make up the Japanese claims but valid under the auspice of Chinese inherent territories. To begin with the first instance of Japanese seizure, taking place in Japan's annexation of the Diaoyu Islands under the Okinawa prefecture during the First Sino-Japanese War ending with the surrender of the Qing Dynasty in 1895. The terms of surrender include the surrender of the “Formosa” island, meaning modern Taiwan, and all corresponding islands belonging to the island of “Formosa” to the control of Japan. However, Chinese scholars point out that these terms did not include the annexation of the Diaoyu Islands to the Okinawa prefecture in 1894, which took place sometime before the signing of the treaty in 1895, and that the Qing Dynasty therefore never surrendered the islands to Japan to begin with, as they are not explicitly mentioned within the terms of surrender. In light of this, Chinese scholars conclude that all subsequent dealings and trades concerning the private or public ownership of the islands are invalid, as Japan never legally owned the islands in the first place.

A further hallmark towards Japan's legitimate rule was China's failure to object to Japan's domination of the islands up until 1972, despite opportunities to contest the United States turning the Diaoyu Islands over to Japanese control after their defeat in World War II, a failure denounced by the People's Republic of China due to the fact that the failure of China to press for control of the Diaoyu Islands in the post-war period was Chiang Kai-shek's due to his dependence on the support of the United States in his war against the Communist Revolutionary forces. A detail which is historically doubtful, but is none the less useful for the People's Republic of China, whose government didn't come into power until after Chiang Kai-shek's removal from mainland China in the year 1949. These claims are, however, largely irrelevant as conjectures as to Chiang Kai-shek's political disposition towards the

<sup>44</sup> Lu Chien-Liang, *Japan's East China Sea Policy*, National Cheng, Chi University, 2007. Pg. 143-144.



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Diaoyu Islands is negligible and has little or no bearing on the legal status of the islands after American and Japanese negotiations after 1945.<sup>45</sup> Despite Chinese claims to the contrary, however, there is little historical evidence to suggest that the Diaoyu islands were considered important or worth preserving to the Chinese government before the discovery of oil in 1968, thus dictating that many of the claims to inherent ownership of the islands are dependent on the islands suddenly becoming a potential fount of national wealth.

In these arguments a fundamental disregard for the Japanese claims can be observed, implying that they come from a fundamentally different place than the Japanese basis on the rule of law. The basis for the Chinese claims are much more strongly tied to rights of historical and cultural inheritance, as they are largely based on the fact that since the islands were once Chinese then they should remain Chinese, and that all attempts of control of these islands from outside forces were and remain a fundamental breach of their national sovereignty. The Chinese claims are entirely built around historical evidences that they were once under the dominion of the Ancient Chinese Empire, and once this fact has been absolutely established by minor pieces of inexplicit evidences, the Chinese claims move on to explain precisely why the Japanese have no rights to the islands despite their extensive documentation and legal contracts. They fundamentally challenge the very basis of Japan's right to rule the islands by attacking the system upon which they have built that ownership, declaring the treatise and international agreements signed between Japan and the United States which consign the islands to Japanese control as fraudulent and invalid. As such, it can be seen, that the claims of these two countries and the systems which they use are diametrically opposed to one another and are incapable of communicating due to the fact that they dismiss the voice of the other in the process of establishing their own rights.

#### Chapter 1: Closing Remarks

The Senkaku or Diaoyu Islands have remained largely unimportant throughout the course of history, a largely unknown anchorage of local fishermen for which few had any motivation to claim in any official sense until their unchallenged appropriation by the Japanese before the turn of the 19th century. The region was one of relative peace and little conflict, leading up to the discovery of rich oil deposits in the seabed surrounding the islands themselves. This discovery prompted a sudden and intense national interest of the People's Republic of China in reclaiming a territory which had been a footnote in their history books from the established and legally valid control of Japan. Since the dis-

<sup>45</sup> Murray A. Rubinstein, *Taiwan, A New History*, M.E. Sharpe, Inc.1999. p. 404

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covery of oil, China has embarked on an academic quest to prove to its own satisfaction that the islands in question were unjustly seized by the Japanese during their years of imperial conquest and subsequently stolen from the Chinese through intervening years of institutionalized theft supported and facilitated by international agents against Chinese interests. These once meaningless outcroppings of barren rocks and uninhabited stretches of land with minimal inherent resources have become the center of a growing conflict the scale of which the region of East Asia has not seen since the outbreak of World War II and the imperial domination of ancient China. As Japanese claims advance and gain support in the international community, China pushes its attempts to reclaim these islands by use of military force. This display of military brinkmanship sparks a quickly advancing armament of both sides of the conflict, seeing diplomatic relations slowly break down to be replaced by threats of war and declarations of rightful defence of national territories.<sup>46</sup>

The fundamental division which prevents any peaceful reconciliation and solution to the growing problem is the lack of either side's ability to communicate on any common ground. This inability is derived from the complete incompatibility of each side's opposing claims and the inherent dismissal or simply the inability to perceive the opposition's framework, institutions, and methods of validation. It ultimately boils down to competing systems of legitimacy which are diametrically opposed to one another, born from two very different historical and cultural contexts, which are mutually blind to the existence of the other. The philosophical and political cultural phenomenon of Tianxia strongly influences a large part of the Chinese claims, and the concept itself is absolutely blind to the establishment of the Rule of Law, which is the bases, the foundation, and the building material of all the Japanese claims. This wide cultural divide has proved to be too much for the strained diplomatic relations of Japan and China to bear, and has resulted in an absolute breakdown of peaceful negotiations and diplomatic abilities to mitigated, resulting in a grand show of force by either side in what amounts to national displays of hard power alternatives.<sup>47</sup> And as the show of mutual force continues in a show of military brinkmanship up to but never crossing the actual line of war, the conflict rushes to what appears to be an increasingly inevitable end. Barring the outbreak of serious armed conflict for ultimate control of these small fishing islands, the only alternative has become that one side or the other ultimately fold their claims and officially cede their claimed territories to

<sup>46</sup> Simon Tisdall, *China and Japan: a dangerous standoff over the Senkaku islands*, The Guardian, 2012. <http://www.theguardian.com/commentisfree/2012/sep/17/china-japan-dangerous-standoff>, Last Accessed April 30th, 2014.

<sup>47</sup> Unryu Suganuma, *Historical Justification of Sovereign Right Over Territorial Space of the Diaoyu/Senkaku Islands: Irredentism and Sino-Japanese Relations*, Syracuse University, 1996.

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the control of the other. This puts both China and Japan in an impossible position, for China a surrender at this time negates additional sea border disputes it maintains in the South China Sea and compromises its national power, for Japan it invalidates the political stability of the rule of law and challenges its ability to maintain peace between conflicting nations, which in turn is a challenge to any nation which ascribes to the same ideals.<sup>48</sup>

In the following chapters this thesis will attempt to prove its hypothesis through an analysis of historical periods in ancient China and Japan which detail the existence of the concepts of the Rule of Law and Tianxia as depicted within this chapter. After proving the existence of these concepts within their cultural contexts further historical evidences shall be examined in order to show how these philosophical frameworks influence and/or dictate national outlooks and ideals concerning questions of national and sovereign territories, lands, and space, specifically looking at how borders function within each of these contexts and how these conceptions influence the discussion at hand. The ultimate goal of this analysis will be to map the divergence in the basic language of debate concerning the sovereignty of the Senkaku/Diaoyu Island complex in an attempt to bridge the gap between these seemingly irreconcilable philosophies and allow for a space of mutual discussion and understanding of both sides of the coin. Though at this point in the research it is expected to be proved that no practical middle ground for the resumption of diplomatic discussions can be found and that a dialogue based upon the threat of war may be the only common language the competing parties are capable of speaking.

<sup>48</sup> *China and Japan: The Dire Impacts of the Senkaku/Diaoyu Islands Dispute*, International Affairs, 2012. <http://internationalaffairscanada.wordpress.com/2012/12/18/china-and-japan-the-dire-impacts-of-the-senkakudiaoyu-islands-dispute/>, Last Accessed April 30th, 2014.

## Chapter 2: Ancient Japan, the Shogunate, and the Rule of Law

The island nation of Japan proved itself to be particularly unique amongst its East Asian contemporaries when, during the period known to us as the Meiji Restoration taking place between the years 1868 and 1912, it established itself as the only contemporary imperial world power originating from its geographical area, following in the methods and styles of long practiced European imperialism. Many scholars and historians applaud the Japanese during these times for their remarkably swift adaptation of Western imperial models and rapid modernization, seeming to argue that the Japanese uniquely managed to impose modern European systems and institutions on an otherwise regressive state system and thus became a fully modernized world power. However, this thesis challenges this commonly held idea as it will attempt to argue that pre-existing models of governance existed within Japan prior to the age of their modernization which helped to facilitate their transition into an imperial power, that Japan's historical development provided these models independent from Western influence, and that their adaptation of Western Imperial models in the creation of their empire was not so much an adoption over what many assume to be either a blank or largely counterproductive slate, but an imposition and accommodation of similar institutions upon the stable Japanese framework. Thus making their transformation much less profound and much more in following with the paths of their own historical development. This thesis will attempt to present inherent similarities in the Japanese and European histories which each lead to a particular historical and cultural congruence culminating in governmental systems dependent on the Rule of Law. This is made manifest by an investigation of the rise and power base of the Tokugawa Shogunate and an analysis of the pre-Tokugawa period of internal war and territorial conflicts, which will show that the peace and stability of the Tokugawa Period, dating between the years of 1603-1868, was based upon the development and enforcement of the Rule of Law by the Shogunate. Fundamentally, this two-hundred-and-fifty year period of peace under the Rule of Law created the fertile fields later planted and sowed by the Meiji Restoration in order to transform the unified nation of Japan into an imperial world power to match its European competitors.<sup>49</sup>

Once the period predating the age of the Tokugawa Shogunate has been explored along with the conditions surrounding the rise of Tokugawa, the unification of Japan, and the establishment of peace after many centuries of interregional warfare, this chapter will then focus on

<sup>49</sup> Mikiso Hane, *Modern Japan: A Historical Survey*, Westview Press, 1992.

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a closer analysis of the Tokugawa Shogunate with specific attention being paid to how the Tokugawa family maintained peace through strictly defining territorial holdings, internal regional borders, and the enforcement of a centralized system of national laws in an effort to display that the Tokugawa Shogunate established a governmental system in the centuries before the arrival of the Meiji Restoration which were largely congruent to Europe's historical development concerning methods of establishing peace in a region otherwise torn by war, with both entities arriving at a similar basis for stable governance independent from one another. Most especially this chapter will focus on an analysis of how the Tokugawa Shogunate and the periods of war which preceded it helped to define and direct how the Japanese came to understand concepts of space, territories, and borders within a governed space as well as presenting theories as to how these understandings influenced Japan's imperial expansion during the Meiji Restoration and in the years after.<sup>50</sup> Once this historical basis has been firmly established, Japan's historical development of the rule of law will be drawn up in comparison with Europe's own development in an effort to draw parallels between the systems of each. Establishing just how the Japanese and European systems are alike in their histories with a direct focus on how these histories influenced the development of both European and Japanese philosophies concerning questions of national space and territorial borders. Similarities with ultimately allowed for these systems to be so seamlessly integrated during the later period of the Meiji Restoration in the creation of the Japanese imperial state.

This chapter will show that Japan's governing philosophies concerning questions of national space and borders, both regional and international, have been centered in concepts anchored within the realm of the Rule of Law since times as early as the sixteen-hundreds, which have continued to be the dominant form in Japan up through their modernization and their eventual development into the national power they represent today. Thus this chapter shall display that the Japanese arguments concerning the national sovereignty of the Senkaku Islands are based in a language and form which the Japanese have spoken and practiced for centuries, beginning in a time prior to their exposure to Western models and continuing in their development through periods of heightened interaction with Western powers. In so doing this chapter will also display the connections between Japanese and European models concerning the development of their language of law and argue that Japan has more in common with European historical and philosophical developments than it does with its East Asian contemporaries. This will be further shown in the following chapter when an analysis of

<sup>50</sup> Marius B. Jansen, *The Making of Modern Japan*, Cambridge: Harvard University Press, 2000.

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China's ancient philosophical models of Tianxia is explored in greater detail in both form and practice, thus showing the divergence in languages spoken concerning the questions of national ownership of lands and territories between these two entities. As such, this chapter will attempt to solidly define Japan's voice in this conflict through historical analysis of its formation of the models it now exonerates as its justification for national ownership of the islands in question so that we might later more accurately compare it to that of its prime competitor of China.

### Chapter 2: Section A: Historical Periods of Conflict and Peace

For ease of comprehension, this chapter will approach the presentation of the historical evidences chronologically, beginning with the pre-Tokugawa period of warfare and territorial disputes leading up to Tokugawa's official declaration as the new Shogun, at which time it will take a somewhat larger view of the passage of historical time to give a brief overview of the Tokugawa family's two-hundred-and-fifty year reign in an attempt to identify crucial moments concerning the official declaration or enforcement of laws pertaining to questions of internal borders and territories. This will be done in order to provide contexts for closer analysis in the following sections, working off the presented historical contexts and accompanying analysis presented to build a cohesive argument concerning the nature of Japan's legal context, history, and development which shall comprise the nations operative "voice" in the Senkaku Island conflict.

We will begin our analysis with what has been known to historians as the Sengoku jidai, or "Warring States" period, which took place between the years of 1467-1573.<sup>51</sup> This time-period, consisting of over one-hundred years of interregional warfare between various local lords, called daimyo, who vied for control of territories and political influence, began with the death of the Shogun Ashikaga Yoshimasa who made the unfortunate mistake of passing on during the midst of questions regarding his legitimate succession, as well as other concerns largely too complex for the purposes of this thesis to cover. The resulting struggle for supreme political power lasted for ten years in what we now know as the Ōnin War, taking place between the years of 1467 and 1477. The conflict effectively divided the loyalties of daimyo throughout the various small kingdoms of Japan and in the end, while the war left a clear successor to the position of Shogun, it did so with the Shogunate in a severely weakened position, as the complex and chaotic array of competing forces simply fought themselves into mutual destruction and

<sup>51</sup> Michael James Lorimer, *Sengoku-jidai: Autonomy, Division and Unity in Later Medieval Japan*, London: Olympia Publishers, 2008.

submission. Thus weakened, the remaining reign of the Ashikaga Shogunate was dominated by social and political upheavals, as the Ashikaga Shogunate was no longer able to control the ambitions of various daimyo who attempted to consolidate and expand their power bases and territories, as well as increase their influence over the weakened Shogunate and the reigning figurehead of the Japanese emperor, through a consistent escalation of violence and warfare. It is this time period which is the most important for our later analysis, for it is in these years that we see territories throughout the nation of Japan establishing themselves through borders drawn in blood. The constant and persisting state of warfare between the various warlords of Japan throughout the Sengoku jidai established definitive borders of lordly influence and territories through the deaths and destruction of encroaching Samurai, of the warrior class, as well as the reaving of said borders into competitors territories in attempts to compromise their economic power through the destruction of their peasants. In this way, the Japanese aristocracy came to understand the limits of their territorial control and influenced based upon their ability to enforce their will through force of arms in a way often compared by historians and surprisingly similar in form to what have become known as the Middle Ages of Europe.

This period of dominating bloodshed, political intrigue and assassinations, and nearly constant warfare was brought to a close after the assassination of the Ashikaga Shogun Yoshiteru in 1565 and the subsequent installment of the puppet Shogun of his brother, Ashikaga Yoshiaki, who was ultimately deposed and forced from the political capital of Kyoto in 1573. Around this time the warring daimyo of Japan were reunified under the influence of a commoner by the name of Toyotomi Hideyoshi,<sup>52</sup> who had risen through the ranks of ashigaru, or footsoldiers, of the daimyo Oda Nobunaga to the position of general, after which he firmly established himself as the daimyo's military and political successor. During Toyotomi Hideyoshi's twenty-year reign between the years of 1573-1598, he ruled Japan as Shogun in everything but name. Due to his common birth, he was not eligible for the official title of Shogun, and instead ruled as Kampaku, understood to mean he was the official regent to the throne. He attempted, at the time, to convince the deposed Ashikaga Shogun Yoshiteru to accept him as an adopted son, thus solidifying Toyotomi's legitimate control of the office of Shogunate, but Yoshiteru refused to accept a commoner and rival into his family. When Toyotomi Hideyoshi died in 1598 with naught but an infant son to succeed him, it facilitated the renewal of the political strife and military conflict characteristic of the time of the Warring States, as the five most powerful daimyo chose sides and began a dispute of succession centered around the figures of Ishida Mitsunari, who represent-

<sup>52</sup> Mary Elizabeth Berry, *Hideyoshi*, Cambridge: Harvard University Press, 1982.

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ed the regency of Toyotomi's young son and heir designate, and Tokugawa Ieyasu, who was destined to become the first Shogun of the Tokugawa Shogunate. Their conflict culminated in the Battle of Sekigahara in 1600, which is largely regarded as the last major conflict of the over century long Sengoku jidai. Tokugawa was then awarded the title of Sei Taishogun in the year 1603, which he abdicated in 1605 to his son and heir Tokugawa Hidetada in order to quickly establish the families hereditary hold of the position, while he retained control in everything but name until the year of his death in 1616.

The establishment of the Tokugawa Shogunate heralded the resulting two-and-a-half centuries of reigning peace amongst the daimyo of Japan and its people, a time which has become to be commonly known as the Edo period. The rise of the Tokugawa Shogunate also, apart from comparatively brief periods of internal political strife and peasant revolts, signals the end to all major conflicts of civil war within the nation of Japan. This was achieved primarily through two systems, one which legally defined the territories and duties of the surviving daimyo and other lords throughout the Shogunate, and the imposition of a strictly defined class system. The class system was organized beneath the Shogun with the Lord or daimyo on top, followed by the Samurai warrior class, then the Peasants and Farmers, below which came the Artisans, and at the bottom of which sat the Merchant class. An integral part of this structure was dependent upon the Samurai class, who acted as administrators, governors, and enforcers of the Shogun's dictate. Within this structure the Shogunate defined and enforced strict codes of influence and behavior, defining things as small as what types of cloth and how much of said cloth different ranks of the class system were permitted to use in their clothing, and as large as restricting weapons rights to the exclusive dominion of the Samurai class.

This later aspect of the class system defines the basis for the lasting peace established by the Tokugawa Shogunate, as the period of the Warring States was largely defined by armies and uprisings comprised of the ashigaru or footsoldiers, which were drawn from the peasantry and armed for use in war. By establishing legal restrictions forbidding all but the Samurai class from carrying weapons,<sup>53</sup> the Tokugawa Shogunate significantly reduced the military power of daimyos and local leaders, as well as restricting the Peasants and Farmers in their ability to resist the the Shogun's authority while placing a significantly increased level of authority upon the Samurai class, which then constituted the only operable military force in the nation. In addition to these restrictions on weapons such as swords, bows, spears, and other such tools of war, the use and ownership of guns, which had been an integral part of Tokugawa's own strategy during the final battles at Sekigahara

<sup>53</sup> J. Rickman, *Sunset of the samurai*. Military History, 2003.



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and other regions, became strictly illegal for all social classes. The Tokugawa Shogunate saw the power of guns and rifles in their ability to transform the Peasant class into indomitable warriors to match any Samurai force, and so the policing of gun ownership throughout the Edo period was taken very seriously, as they were viewed as dangerous tools which could easily unbalance the carefully constructed peace of the Edo period and plunge the nation back into the interregional conflicts of the Sengoku jidai. As such their removal was crucial to the stability of the new class system. And they remained an outlawed weapon until the rise of the Meiji Emperor in 1868 and the ensuing period now known as the Meiji Restoration.<sup>54</sup>

The other institution which helped to end the periods of war were new laws and impositions passed on the lords and daimyo of Japan. The new governmental formation of the Tokugawa Shogunate known as the "bakuhan taisei" split daimyo's political and administrative powers between the the Shogunate in Edo and their respective provincial territories, referred to in the Japanese as Han. While most provinces held a certain degree of political autonomy, all were dependent upon their relationship with the Shogunate, which maintained their exclusive right to annex, discard, reallocate, or transform territorial and provincial domains. These rights were further ensured by a system referred to as the "sankin kōtai" which required all daimyo to maintain a second residence within the capital of Edo, as well as requiring the daimyo to spend alternating annual periods of residence between their estates in the capital and their respective provinces. During each period that the daimyo would reside in the estates of his home province, he would be required to leave his wife and his heir designate to live in his estates in the capital of Edo, ensuring that the Shogunate maintained possession of valuable hostages to ensure the loyalty of the daimyo at all times. In addition to this requirement, a law was put into place which required each daimyo to be escorted by a number of Samurai to and from the capital each year which was determined based upon the yearly income of the daimyo in question. This was in part to ensure that daimyo felt safe within their palaces in Edo, but also meant to place additional financial strain upon the daimyo in order for them to maintain such a force. The combined financial strain that maintaining their estates in both their home provinces and the capital combined with the expenses required to maintain standing military forces composed entirely of the Samurai class and the high cost of transporting such a force to and from the capital each year severely limited the daimyo's ability to wage war, which was only further exacerbated by encouraging the daimyo to maintain lavish appointments within the capital as a show of economic

<sup>54</sup> One can date the "restoration" of imperial rule from the edict of 3 January 1868, Jansen, 2000. pg. 334.

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strength in comparison to their contemporaries. This competition between lords to appear as wealthy as they were able further constrained their ability to move said wealth, as any access funds they might use to field an active army were instead tied up in attempts to win the respect and difference of their rivals through lavish and costly displays.<sup>55</sup>

Thus the Tokugawa Shogunate ensured peace through its two-hundred-and-fifty year reign. Through strict control and administration of the new social classes, including the restriction of weapons and the distribution and display of personal wealth, and the deliberate bleeding of daimyo of their excess economic and political strength through the maintenance of strict social practices and expectations. All of which were maintained and enforced through a strict application of the law.

#### Chapter 2: Section B: How War and the Rule of Law Defined Internal Borders and Brokered Peace

Working off of the historical evidence provided in the previous section, this thesis will now present evidence in greater detail concerning the ways in which Tokugawa's reign encouraged peace through its enforcement and application of its laws with specific attentions paid to concerns of territory and land holdings of various daimyo and their associated provinces, or Han. Specifically the research will attempt to address questions concerning how territorial disputes during the Sengoku jidai, or the time of the Warring States, helped to define the concept of provincial borders within Japan and how the Tokugawa Shogunate cemented these conceptual borders through law after the unification of Japan under Tokugawa Ieyasu. This series of historical developments will provide evidence that the island nation of Japan has based its construction and the protection of its internal stability upon conceptions dependent on the integrity and strength of the law in the centuries predating the rise of the Meiji Emperor who used this basis of law to transform the nation of Japan into a modern colonial empire which was able to compete with dominant European forces. In essence, these events will provide evidence that Japan has based its conceptions of national and political territories and space off of the Rule of Law for several centuries predating their modernization which allowed for a seamless adaptation of European legal institutions resulting in the voice of legal prominence these geographically remote nations share in the current territorial conflict regarding the sovereignty of the Senkaku Island complex, a voice distinct amongst its contemporaries of East Asia.

<sup>55</sup> All historical details throughout this section pulled from: John Whitney Hall, Marius B. Jansen, Madoka Kanai, and Denis Twitchett (Eds), *The Cambridge History of Japan Volume 4 Early Modern Japan*, Cambridge University Press, 1991.

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During the period of the Warring States, Japan was divided into a fluctuating number of individual kingdoms, typically numbering somewhere between two and three-hundred individual holdings known as “kuni” which roughly translates to “country” in the English, which were ruled by their various daimyo. The boundaries, borders, and territories of these kingdoms were the main subject of war and contestation during the Sengoku jidai, as competing daimyo’s attempted to expand their wealth and influence through the expansion of their holdings into neighboring kingdoms, as well as attempts to reduce the power of rivals through raids and sorties into their territorial holdings in effort to compromise their economic stability. When all blood was spilled and the rule of Japan reunified under the authority of Tokugawa Ieyasu, roughly two-hundred-and-fifty individual kuni remained as complexly divided as seen in figure: 4 of the annex.<sup>56</sup> The complexity of this map helps to demonstrate just how important territorial borders had become within the state of Japan by the end of the Sengoku jidai, and shows how the sengoku-daimyo helped to define the Japanese concept of borders and territorial space through their century long struggles for dominance and power. By the time the Tokugawa Shogunate came to power, the borders of these holdings were already rigidly defined and defended with jealous intensity by their ruling lords, and as such they became the basis for redefining the governmental structures of power and influence.

The kuni were reorganized as Han, or provincial holdings, under the Tokugawa Shogunate, with each province being subject to their hereditary ruling daimyo. Under this new system the feudal borders established by the sengoku-daimyo were abstracted into terms of yearly agricultural yields, specifically measured in terms of units of rice which were termed as “koku”.<sup>57</sup> One koku represented the amount of rice required to feed an average adult male for one year. As such the relative “size” of provincial holdings became dependent on their agricultural strength as opposed to being relative to the distribution of their physical lands. These new numbers were used to define the relative wealth of the daimyo in terms of economic contributions, which were based on rice at the time, from year to year and laws concerning the relative required expenditures and taxes of various Han were dependent on this number. In this way the Tokugawa Shogunate maintained it’s check on the relative power of each daimyo based upon the wealth he pulled from his lands each year, the territorial borders of his lands and yields defined by the borders of the provincial kuni. These provinces were further divided into districts, which would typically be under the direct authority of the daimyo’s extended family or Samurai. These provincial

<sup>56</sup> Figure: 4 of the Annex titled Japanese Kingdoms/Provinces C.A. 1600

<sup>57</sup> Louis-Frédéric Nussbaum and Käthe Roth, *Japan Encyclopedia*, Cambridge: Harvard University Press, 2005.

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borders, both internal and external, were formally set in stone by the Tokugawa Shogunate through their formalization in terms of taxation and governance, and through a close examination of figure: 5 of the annex<sup>58</sup> it can be observed that from the time of Tokugawa's rise around the year 1600 and until the time of the Tokugawa Shogunate's decline in favor of the Meiji Emperor in 1868 it can be seen that the territorial holdings of the daimyo remained largely consistent and unchanged throughout the Tokugawa's two-hundred-and-fifty year reign. This implies a significant level of stability in the Tokugawa's provincial system where the formalization of territorial borders helped to move the spacial holdings of various daimyo away from concepts concerning military abilities to defend and maintain said regions and into the realm of law, where the integrity of a given daimyo's borders were guaranteed directly by the power of the Shogunate.<sup>59</sup>

This abstraction of territorial space from borders into yearly agricultural yields for the purpose of taxation and the application of various laws over the course of the Tokugawa's two-hundred-and-fifty year reign effectively removed the definition of borders and territories away from a daimyo's military abilities to conquer and consolidate their holdings and firmly planted the concepts of fiefdoms and territories into a realm of legal frameworks. Through this move into the realm of law, Tokugawa transitioned the internal political struggles away from destabilizing military conflicts into questions of legality and legislature, transforming the very nature of Japanese politics and building a system of lasting peace in an area once dominated by bloodshed and war. The period of transition which moved questions of territory into questions of annual agricultural yields guaranteed the system's peaceful transformation from one where territorial borders were based on force of arms to one of legal stability by means of a complex new legal system which limited the daimyo's military power in three crucial areas.<sup>60</sup>

The first was to purposefully redistribute the power of the daimyo by taking control of a significant portion of their yearly incomes, thus limiting their practical power to foster, support, and execute military campaigns. This was done partially through taxation but also reinforced by legally requiring all daimyos to maintain two separate residential estates, one in their respective Han and one in the capital of Edo, as well as maintain a standing force of Samurai escorts for the journeys to and

<sup>58</sup> Figure: 5 of the Annex titled Japanese Provinces at the commencement of the Meiji Restoration

<sup>59</sup> John Whitney Hall, Marius B. Jansen, Madoka Kanai, and Denis Twitchett (Eds), *The Cambridge History of Japan Volume 4 Early Modern Japan*, Cambridge University Press, 1991. pg. 18.

<sup>60</sup> William B. Hauser, *Economic Institutional Change in Tokugawa Japan*, Cambridge University Press, 1974.

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from the capital each year. The maintenance of said force was further institutionalized by legally requiring a minimum of Samurai for each daimyo based upon the value of their provincial holdings as measured in units of koku. Thus the daimyo were additionally taxed on their income through requirements to maintain a standing force for purely ceremonial purposes. The second crucial area of control was to limit the daimyo's military capabilities by strictly limiting the size of the armies they might raise. This was done through the implication of the rigid class system of the Edo period, which effectively outlawed the ashigaru, or foot soldiers, which made up the majoritive bulk of military forces throughout the century long period of the Warring States.<sup>61</sup> With sole rights to weaponry and martial training cemented within the Samurai class, the operative size of any daimyo's army was severely limited as no individual of the Peasant, Artisan, or Merchant class, which collectively made up the vast majority of the Japanese population, could be drafted into military service. And the third crucial area of maintaining the peace was done through a formalized hostage system, as each ruling daimyo was required at all times to either represent their province as an ambassador within the capital of Edo, or to house their legitimate wives and designated heirs within the capital, thus ensuring that the Shogunate always had a valuable hostage on hand for purposes of negotiation and as insurance for the daimyo's good behavior. Together these three aspects united Japan and its ruling lords under a strict system of legal frameworks, through which lasting peace and internal national stability was established and maintained.

## Chapter 2: Closing Remarks

Through an analysis of the historical evidence and conditions of Japan in the centuries pending their modernization and integration with European imperial structures, this thesis has shown that the conditions of peace and internal national stability of the island nation of Japan have been dependent on the formation and integrity of the Rule of Law for centuries before their formal acceptance of Western institutions. It is through the advent and development on a complex legal framework that over a century of inter-territorial warfare were finally brought to a close and a lasting era of prevailing peace were ultimately maintained. These conditions, in many ways, mirror the need for and the development of the Rule of Law in Europe, which brought both national and international stability to a historically war torn continent by altering the modes and methods by which political power and influence was established and maintained. This legal system has transformed and devel-

<sup>61</sup> Don Cunningham, *Taiko-Jutsu: Law and Order in the Age of the Samurai*, Tuttle Publishing, 2004.

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oped in the centuries since the fall of the Tokugawa Shogunate, growing ever closer to models of legality established and developed by the Western nations and states of Europe, until the legal language they each spoke became one and the same. This evidence firmly establishes the historical context for Japan's claims concerning the sovereignty of the island complex they know as the Senkaku Islands, showing definitive evidence of Japan's philosophical and practical approaches to questions of territorial space and national borders as they have existed and persisted for the past several centuries of Japanese history. From this basis it can be clearly seen to what extent the Japanese philosophies concerning questions of national borders coincide with typical Western views, thus accounting for the support of the Japanese claims voiced by Western powers such as the United States of America. This allows us sufficient understanding of the operative voice of the Japanese in this conflict by anchoring its claims in a philosophical and historical context which can now be easily juxtaposed with similar evidences drawn from the Chinese claims and their historical and philosophical roots in the ancient and complex concept of Tianxia as will be presented in the following chapter.

### Chapter 3: Ancient Chinese Hegemony and the importance of Tianxia

Questions concerning the historical development of the nation we now know as China are complex by their very nature, as the officially accepted national history of China spans enormous swaths of historical time.<sup>62</sup> Dating as far back to the founding of the first official ruling dynasty of a truly ancient origin, we can find evidence which suggests the beginnings of the formation of China date back beyond the year of 2100 BCE, and indeed by some scholar's argumentations, origins date back beyond the borders of neolithic time. With such an immensely broad conception of national time and development, the research portion of this thesis was largely overwhelmed by the sheer volume of historical texts and other evidences in search of the answers to the questions concerning how and why China came to develop their unique framework upon which their argumentation concerning their sovereignty of the Diaoyu Islands was built. In an attempt to ground itself in a more manageable time-frame, as well as move the analysis into a realm which would prove to be potentially more comparable to the develop-

<sup>62</sup> Frederick W. Mote and Denis Twitchett, *The Cambridge History of China; Volume 7-8*, Cambridge: Cambridge University Press, 1998.

ment of the Rule of Law in Japan, the focus of the research was then shifted to grant a greater degree of attention to a historical age which centered on China's contemporary development around the years of Japan's Warring States period, namely choosing to field the majority of its research between the years of 1368 and 1644,<sup>63</sup> which consist of the nearly three centuries of Chinese rule under the Ming Dynasty. Otherwise known as the Empire of the Great Ming, this time period proved crucial in the discovery and exploration of ancient imperial practices of China in their formation and maintenance of what they believed to be their natural imperial holdings. The most notable aspect influencing this research came to be centered around the following fact, that the Chinese Empire under the Ming Dynasty was not a typical colonial power, but was arranged and organized under a standard of cultural and social hegemony. It is through investigations into the formations and functions of this Hegemonic Empire that the philosophical roots of their formative voice in the Diaoyu Island conflict was discovered in the cultural phenomena of Tianxia.<sup>64</sup>

As it turns out, while concepts of physical and territorial borders and boundaries were being established and carved out in the blood of warriors and peasants a few scant kilometres further East on the island nation of Japan, the conception of such divisions of land and administrative territories by physical domain were still largely foreign to the Chinese Empire. Culturally speaking, the Chinese were largely blind to the idea of national and imperial borders due, in large part or in their entirety, to the predominance of the ruling concept of Tianxia. This concept was the philosophical and spiritual basis for the expansion and growth of their Hegemonic Empire as it governed concepts of national space and rights of influence in a far more inclusive manner than those developed in Japan or Europe. For unlike the conceptions of space which were based upon martial abilities to conquer and defend, Tianxia allowed for the imperials rights and territories to extend as far as the influence of Chinese culture and teachings could be felt.

Practically speaking, the word of Tianxia itself can be literally and roughly translated into meaning "Everything Under the Sky" or "Under Heaven" while acting as a spiritual reference to both China's position in the world and the rights of its rulers and people. There is significant evidence to suggest that the concept itself has existed within China pre-dating the Ming Dynasty by a couple thousand years, originating sometime during or before the formation and rule of the Zhou Dynasty be-

<sup>63</sup> Hok-lam Chan, *"The Chien-wen, Yung-lo, Hung-hsi, and Hsüan-te reigns, 1399–1435", The Cambridge History of China, Volume 7: The Ming Dynasty, 1368–1644, Part 1*, Cambridge: Cambridge University Press, 1998.

<sup>64</sup> Robert Finlay, *"Portuguese and Chinese Maritime Imperialism: Camoes's Lusiads and Luo Maodeng's Voyage of the San Bao Eunuch"*, *Comparative Studies in Society and History* 34, 1992.

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tween the years of 1046 and 256 BCE. The core concept of Tianxia can be divided into three primary spheres of meaning, those being spiritual, political, and cultural, each of which shall be briefly described in an attempt to establish the philosophical basis of the Ming Dynasty's Hegemonic Imperial model. In its spiritual application the concept of Tianxia is defined as representing the full sum of the geographical world, spiritually referencing the metaphysical realm of mortal residence. Quite literally it came to mean the observable and physical world and all the people and creatures within it. This is the original basis upon which all other meanings and understandings of Tianxia have been built. During later eras of its predominance the meaning of Tianxia was gradually transformed into a concept centered around thoughts concerning political sovereignty and imperial mandate. It's development recentered China as the political and spiritual center of the entire world of mortal existence and granted the Chinese Emperor natural dominion over the full sum of the world's geographic space along with all known lands and territories. Furthermore, the concept of Tianxia was more broadly adapted in a political understanding to mean that lands ruled and administered by foreign governments and leaders drew their central power and right to rule directly from the Emperor of China, who naturally had divine right even over these foreign lands. And in the final stage of adaptations this philosophical model was moved into schools of thought and concepts closely associated with ideas of culture and civilization, transforming its application into terms defining the spread of Chinese cultural norms and civil institutions by its people or by those nations to which Chinese cultural influence extends.<sup>65</sup>

As such it can be seen that the concept of Tianxia firmly grounds the spiritual, political, and cultural center of the world within the body of China and its ruling government and establishes itself as the irrefutable center of existence and society. In this way Tianxia definitively stands in the very center of the Ming Dynasty's Hegemonic Empire throughout the years of its dominion, dictating and defining its methods and styles of imperial expansionism, as well as its conceptions of national space and the limits of its territorial borders. In this chapter the research will focus on helping to define and understand the concept and workings of Tianxia from a purely Western and European perspective in an attempt to anchor it within understandable and practical terms for the purposes of applying the concept to comparison with the Western and Japanese argumentation centered around the Rule of Law as they define questions of national space. Once defined the focus of this chapter will then shift to provide evidence of Tianxia's practical political applications in ancient Chinese history in order to prove the con-

<sup>65</sup> Zhang Yongjin and Barry Buzan, "The Tributary System as International Society in Theory and Practice", *The Chinese Journal of International Politics*, Volume 5, 2012.



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cepts legitimacy as an active and accepted philosophical mandate pre-dating its integration into the Ming Dynasty's dominant forms of conceptualizing their imperial dominion. And finally evidence shall be presented and analysed concerning the use and meaning of Tianxia during the periods of Chinese naval exploration<sup>66</sup> which took place during the Ming Dynasty, which shall make direct reference to the discovery and sovereignty of the Diaoyu Island complex as belonging to the Empire of the Great Ming, and thus we shall define the voice of the Chinese claims to the island complex in measurable and comparable terms for use in drawing conclusions upon the earlier stated hypothesis.

### Chapter 3: Section A: Understanding Tianxia from a European Perspective

Further research into the terms, uses, and definitions of Tianxia consistently returned to the same realm of thought, namely that Tianxia constituted the philosophical basis and justification for the expansion and perpetration of Chinese Hegemonic rule throughout the various stages of its imperial expansionism. Thus accepting its core importance to the question at hand, further pursuit of this idea was made with the focus of the research turned towards uncovering the variable facets of its surprisingly complex core meaning. Through various documents uncovered throughout the duration of research into the term itself, we find it used in such a way as to be widely translatable. While the actual phenomena of Tianxia constitutes a broad spiritual concept as pertaining to the physical and mundane, used here with the "not of a divine nature" definition of the word, sum of worldly existence, it is often interchangeably used between its references to the totality of geographical space and to specifically refer to the operative kingdom, empire, or otherwise administrative domain of the ruling party. Putting this evidence under closer analysis we can observe the core nature of the term itself in how it seeks to define questions of political sovereignty and imperial or national space. That being that the direct administrative dominion of the imperial center is indivisible from the the territories, space, kingdoms, and nations outside of the empire's direct control. This usage is consistent throughout the term's application in the teachings and published works of influential and minor philosophers and government officials throughout Chinese history.<sup>67</sup> In fact the use and application of the term in establishing this indivisible line, or perhaps it is better said as to define the absolute lack of any true separation, between adminis-

<sup>66</sup> J.J.L. Duyvendak, "The True Dates of the Chinese Maritime Expeditions in the Early Fifteenth Century", *T'oung Pao* 34, 1938.

<sup>67</sup> Philip J. Ivanhoe and Bryan W. Van Norden; Edited by, *Readings in Classical Chinese Philosophy*, Hackett Publishing, 2005.

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trative China and the collective sum of existence is so complete as to be taken up by such figures as Confucius, as seen in “The Confucian Analects” recorded by author Ba Yi,<sup>68</sup> and by Sun Tzu, in his widely translated and adapted work “The Art of War”.<sup>69</sup> Through the use of this term by such dominantly influential figures as this, we can see the prevalence of Tianxia in how it influences and directs the general course of Chinese conceptions concerning practical and accepted institutions of national and imperial borders, which under the auspices of Tianxia and the operating philosophies associated with it, simply do not exist.

Such a powerful, direct, and dominant form of thought concerning national space is irreconcilable with contemporary theories of Western origin, and so definitions and comparisons must be drawn in order to clarify Tianxia’s use and content for the purposes of this thesis’ continuation. The first theoretical approach that shall be brought to bare are the those concerning the operation and structures of the center and periphery, as the concept of Tianxia clearly defines the physical location of imperial China as the political, cultural, spiritual, and otherwise absolute center of both the physical geographic space of the world and the root and origin of civilization, language, and order, it can be easily associated with predominant theories concerning the ripple effect which dominates concepts of the center and peripheral. Through a dominant application of the center/periphery theory we can begin to understand the first aspect of the core concept which defines the philosophy of Tianxia. The second theoretical approach used concerning the clarification of definitions and practical operations of Tianxia will be a broad understanding of the core concept of hegemony. The philosophical dictate of Tianxia implies within its core structures and practical applications the absolute dominance of imperial China as the hegemonic and political center of the world. As such the dominating theories of Tianxia establishes the imperial seat of China as the undisputed hegemonic center with all other kingdoms, governments, or empires being secondary to China’s imperial mandate. In combination these working theories help to establish a basic conception of what Tianxia means in application, as together they help to establish the system and conception of imperial China as the natural hegemonic center and origin of culture, civilization, political structures, spiritualism, and space with all other acknowledged kingdoms, nations, empires, or countries being drawn back towards the political influence and control of the imperial capital. Simply explained, as the culture spreads outwards, political influence and power are drawn inwards.

<sup>68</sup> Confucius, *Lunyu-The Analects of Confucius*, Chinese Text Project, 772 BCE -221 BCE. <http://ctext.org/analects/ba-yi>, Last Accessed October 15th, 2014.

<sup>69</sup> Sun Tzu; Samuel B. Griffith, *The Art of War*, New York: Oxford University Press, 1963.

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This grounds the philosophical dictate of Tianxia within Western terms and definitions, as through a combination of the theories presented by the center/periphery concept and notions of hegemony, imperial China becomes both the source and the destination of all civilization, culture, and political power. With China at the center, dominating forms and conceptions of culture, civilization, and language<sup>70</sup> ripple outwards into the world. As such all kingdoms and governments derive their right and ability to rule from imperial China, and all of civilisation derives their forms and institutions from China's example. Inherent in this argumentation is an assumption of divine right of ownership and authority, for it places the political and social structure of China above those of its contemporaries by making China the source and apex of these forms with all outsiders striving to achieve and emulate what China is. In extension of this natural supremacy lies their hegemonic power, as all external governments and civilizations are expected to pay homage or tribute to the center or allow themselves to be fully accommodated into China's lands and direct influence. In this way the imperial center of China is ever expanding its influence outwards through the natural spreading of its cultural and civil advancements while at the same time drawing external territories, kingdoms, and political influence back towards the center. And in such a system concepts of national sovereignty and borders are secondary formalities which are superseded by the authority inherent in Tianxia, as such concepts are eternally in flux and moving ever towards the center.

With this understanding of the theoretical and applied mechanics of Tianxia in mind, this chapter will now move forward with the presentation of historical evidence with the intent to show how the theory has worked in application. The presentation of the following evidence will also be used to ground the existence of Tianxia within the realm of China's broad historical development so that a practical understanding of both its theoretical form and its practical applications can be established prior to the presentation of arguments concerning its use during the Ming Dynasty's historical periods of naval exploration.<sup>71</sup> Once the philosophical concept's existence has been firmly established in a time period which is contemporary with Japan's conceptual development of their philosophy of borders, a brief comparison will be presented in order to more distinctly demonstrate the fundamental departure of language and voice between the Chinese and Japanese claims over the Diaoyu Island complex. Thus this chapter will transition into a unifying conclusion.

<sup>70</sup> Joseph Needham, *Science and Civilisation in China, Volume 3*, Cambridge: Cambridge University Press, 1959.

<sup>71</sup> Edward L. Dreyer, *Zheng He: China and the Oceans in the Early Ming Dynasty, 1405–1433*, New York: Pearson Longman, 2007.

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### Chapter 3: Section B: Evidence of Tianxia's Practical Applications

Now that we've tracked the broad philosophical application of the term in question, it is now prudent to examine the ways in which the Tianxia's philosophical meaning influenced and dictated methods and practices of state building and imperial expansionism throughout China's ancient histories. Through the presentation and analysis of Tianxia's practical application in various time periods leading up to the years after 1300 CE and the Ming Dynasty's rule of the ancient Chinese Empire, this section will present formulated theories as to how Tianxia began to govern concepts of national space and sovereignty leading up to the time of the Diaoyu Island's accommodation into the Ming Dynasty's territorial holdings, which will be further explored in the following section. As such the operative purpose of this section is two fold, the first being the ground the existence of Tianxia within China's broad historical context to prove it's existence beyond the realm of a purely philosophical debate, and the second being to help further define the ways in which Tianxia dictates practical questions of political autonomy and sovereign space. As with previous sections, the historical evidence shall be presented chronologically in an attempt to build a stable continuity of thought and understanding.

The analysis will begin with a close inspection of the time period dating between the years of 246 and 206 BCE, which centers around the formation and rule of the first Imperial Dynasty of China. The Qin Dynasty,<sup>72</sup> ruling between the years of 221 and 206 BCE, represents the birth of imperial China, establishing a tradition of Dynastic successions and rule which would remain unbroken over the span of the next two millennia and until the formation of the Republic of China in 1912. This time period also marks the first time the concept of Tianxia was used as a direct justification of imperial expansionism, thus cementing the philosophical concept of Tianxia deeply within the concept of Imperial China since the time of its formation. With a specific emphasis centering around the historical figure of Qin Shi Huang, the First Emperor of Qin and of Imperial China at large, who further left his mark upon the endless march of history with his life sized Terracotta Army left to guard his immense mausoleum<sup>73</sup>, we shall examine the way in which he transformed the spiritual concept of Tianxia into a political reality, thus defining the terms and conditions by which Imperial China would define its national space and sovereignty for millennia.

<sup>72</sup> Derk Bodde, "The State and Empire of Qin." In Denis Twitchett and Michael Loewe (eds.), *The Cambridge History of China: Volume I: the Ch'in and Han Empires, 221 B.C. – A.D. 220*, Cambridge: Cambridge University Press, 1987.

<sup>73</sup> Arthur Cotterell, *The first emperor of China: the greatest archeological find of our time*, New York: Holt, Rinehart, and Winston, 1981.

The reason taken for the researches focus on the twenty years prior to the formation of the Qin Dynasty is due to the tenure of the man who would become the first Emperor of Imperial China as King of state of Qin<sup>74</sup> between the years of 246 and 221 BCE, at which time he ascended to the position in which he'd remain until the time of his death in the year 210.<sup>75</sup> Qin Shi Huang's lifetime was dedicated to acts of war and conquest in competition with six other kingdoms who all competed with one another over territories comprised of what would become the unified body of China under his rule. The timeframe of the war itself, ranging over nearly two-centuries, is known as the Zhànguó Shídài<sup>76</sup> which translates, once again, to the "period of Warring States" is too extensive and complex of an issue to justify its exploration within the confines of this work. Instead, only the final period pending the unification of China under the Qin will be presented for analysis, as it is this period which reflects the imperial usage of Tianxia to establish the political sovereignty of the Qin Dynasty. For the purpose of clarification in regards to the following historical evidences, the competing parties involved throughout the Chinese period of Warring States as well as Qin's wars of unification in the final decades of that struggle were the kingdoms of the Qin, the Han, the Wei, the Zhao, the Qi, the Chu, and the Yan.

Prior to and throughout his acts of imperial conquest, Qin Shi Huang used the core concept of Tianxia as justification for his attempt of unification, with his stated goal being to "Unify" Tianxia, or to bring "All Under the Sky" under one political dominion. In this way the man who would become the first Emperor of unified China used the spiritual and philosophical concept of Tianxia as the basis for his right to bring the seven warring states beneath his rule. In practical application, Tianxia's use in this context is represented by the dramatic increase in military campaigns and imperial expansionism of the kingdom of Qin throughout the decade beginning with the year 230 and ending with the final unification of China beneath the Qin Dynasty in 221,<sup>77</sup> in a series of events now recognized as the Qin's wars of unification. It began with Qin's invasion of the kingdom of Han in 230, which facilitated their surrender to Qin's authority before the year was out, followed by the conquering in rapid succession of Wei in 225, of the Chu in 223, of

<sup>74</sup> Derk Bodde, "The State and Empire of Qin." In Denis Twitchett and Michael Loewe (eds.), *The Cambridge History of China: Volume I: the Ch'in and Han Empires, 221 B.C. – A.D. 220.*, Cambridge: Cambridge University Press, 1987.

<sup>75</sup> Jane Portal, *The First Emperor, China's Terracotta Army*, British Museum Press, 2007.

<sup>76</sup> Mark Edward Lewis, "Warring States Political History", in Loewe, Michael; Shaughnessy, Edward L., *The Cambridge history of ancient China: from the origins of civilization to 221 B.C.*, Cambridge University Press, 1999. pp. 587–649.

<sup>77</sup> Li Yu-ning, *The First Emperor of China*, White Plains, N.Y.: International Arts and Sciences Press, 1975.

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the Yan and Zhao kingdoms in 222, and the uncontested surrender of Qi in 221.<sup>78</sup> At the closing of this period of military expansionism, the King of Qin took his imperial name of Qin Shi Huangdi, translating to "The First Sovereign Emperor of Qin".<sup>79</sup>

In this way Qin Shi Huang and the Qin Dynasty brought a practical and political meaning to the concept of Tianxia as it was used as justification of the unification of Imperial China beneath a single governing body. This event sets the stage for its continued use and meaning in the millennia to come, for while the term itself went through periods of transformation in intent and motive over the many centuries of its use, its core association with concepts of imperial and political expansion remained inherent to its meaning. This is further represented in the following section, where evidence will be presented regarding the use of Tianxia during the reign of the Ming Dynasty in terms of the expansion and accommodation of discovered territories and kingdoms into the Chinese Hegemonic Empire.

### Chapter 3: Section C: Ming Dynasty's Period of Sea Exploration

Over one-thousand-and-five-hundred years later, the Ming Dynasty comes to power in 1368 CE, but the main focus of the historical research of this section will instead turn its attention toward a slightly later period of time of the Ming Dynasty's rule spanning from the years between 1405 and 1433,<sup>80</sup> which comprise the period of Zheng He's expeditionary naval voyages<sup>81</sup> throughout regions of Southeast Asia, South Asia, around the Persian Gulf and the Arab Peninsula, and coastal territories of Eastern Africa.<sup>82 83</sup> The purpose of these voyages were complex,<sup>84</sup> but the primary intentions and results which shall be the main focus of this section was their intent to discover and make contact with as of yet unknown kingdoms, cultures, and peoples as well as to extend the reach of Chinese political power by bringing many of

<sup>78</sup> Mark Edward Lewis, "Warring States Political History", in Loewe, Michael; Shaughnessy, Edward L., *The Cambridge history of ancient China: from the origins of civilization to 221 B.C.*, Cambridge University Press, 1999. pp. 587–649.

<sup>79</sup> Jonathan Clements, *The First Emperor of China*. Sutton Publishing, 2006.

<sup>80</sup> J.V.G. Mills, *Ying-yai Sheng-lan: 'The Overall Survey of the Ocean's Shores' [1433]*, Cambridge: Cambridge University Press, 1970.

<sup>81</sup> Robert Finlay, "The Voyages of Zheng He: Ideology, State Power, and Maritime Trade in Ming China", *Journal of the Historical Society* 8, 2008.

<sup>82</sup> *An Annotated Bibliography of the Studies of Zheng He at the Library of Congress*, 美国国会图书馆郑和研究馆藏书目, International Publishing House of China's Culture, U.S. Zheng He's Voyages Celebration Council, 2004.

<sup>83</sup> Haraprasad Ray, "An Analysis of the Chinese Maritime Voyages Into the Indian Ocean During Early Ming Dynasty and Their Raison d'Etre", *China Report* 23, 1987.

<sup>84</sup> Jangwon Lee, "China's Looking Seaward: Zheng He's Voyage in the 21st Century", *International Area Studies Review* 13, 2010.

these remote governmental bodies under the influence of Chinese hegemonic rule through their inclusion as Tributaries to Imperial China.<sup>85</sup> This was done through elaborate and grand demonstrations of Imperial China's political, military, and economic superiority and dominance which were all contained within the vastly militarized fleets themselves, which were said to carry immense amounts of treasures, and were physically commanded by the figure of Zheng He who was purported to be a favored diplomat of the Yongle Emperor. The Emperor himself having entrusted him with a collection of blank scrolls bearing the Imperial Seal so that Zheng He could speak with the Emperor's voice throughout his voyages.<sup>86</sup> The fleets themselves are referred to as the "foreign expeditionary armada" or "Xiafan Guanjun" in the Chinese,<sup>87</sup> and succeeded in incorporating many foreign countries into the greater Chinese world under a system of suzerainty. Beneath the philosophical orientation of Tianxia, these tributary states were fully incorporated into Imperial China's hegemonic structure, and composed the imperial territories, lands, and spheres of influence of the Ming Dynasty.<sup>88</sup>

This development of the maritime tributary empire<sup>89</sup> in the early 1400s leads us to the formation of how the ruling philosophy of Tianxia accommodates territories into Imperial China's political dominion, most especially this relation can be observed in how Chinese officials begin to regard unclaimed frontier territories which exist between tributary powers and the imperial seat of the Ming Dynasty in China.<sup>90</sup> The tributary state in question is that of the island kingdom of Ryukyu, and the frontier territories are the Diaoyu Islands themselves. Through the advent of this period of massive sea exploration, many lands and islands which may have been previously unknown to the Chinese were discovered.<sup>91</sup> And under the auspices of Tianxia, these unclaimed territories were automatically absorbed into the dominion of the Chinese Empire. As such we can see the ways in which Tianxia defines concepts

<sup>85</sup> Louise Levathes, *When China Ruled the Seas: The Treasure Fleet of the Dragon Throne, 1405–1433*, Oxford University Press, trade thesisback, 1996.

<sup>86</sup> Su Ming-Yang, *Seven Epic Voyages of Zheng He in Ming China (1405–1433)*, 2004.

<sup>87</sup> Frank Viviano, "China's Great Armada", National Geographic 208, 2005.

<sup>88</sup> Jen Gung, Xiyang fanguo zi, 西洋番國志, Records of foreign countries on western seas, Zhongguo jiben guji ku, 中國基本古籍庫, Chinese Basic Ancient Classics Collection Database: <http://db.ersjk.com>, Last Accessed October 15th, 2014.

<sup>89</sup> Gungwu Wang, "Ming Foreign Relations: Southeast Asia", *The Cambridge History of China, Volume 8: The Ming Dynasty, 1398–1644, Part 2*, Cambridge: Cambridge University Press, 1998.

<sup>90</sup> Huan Ma, . Yinyai shenglan 瀛涯勝覽, The Overall Survey of the Ocean's Shores, Project Gutenberg Database, est. 1414-1451. [http://www.gutenberg.org/ebooks/24144?msg=welcome\\_stranger](http://www.gutenberg.org/ebooks/24144?msg=welcome_stranger), Last Accessed October 15th, 2014.

<sup>91</sup> John E. Wills, Jr., "Relations with Maritime Europeans, 1514–1662", *The Cambridge History of China, Volume 8: The Ming Dynasty, 1398–1644, Part 2*, Cambridge: Cambridge University Press, 1998.

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of national space and political sovereignty as well as defines the core values which define the spatial limits and borders of ancient Imperial China in particularly open terms.<sup>92</sup>

### Chapter 3: Closing Remarks

Through this chapter the practiced meaning of Tianxia, as well as its developments and spheres of reference, its historical influence on the formation of Imperial China, and its methods of defining questions of national and imperial space, have been mapped through active comparisons with Western theories and the analysis of broad spaces of historical developments. As such the core relation of the concept of Tianxia and the Chinese arguments concerning their natural sovereignty of the Diaoyu Island complex have been identified and illuminated. Through the above evidence it can be clearly seen that the methods and framework of the Chinese claims upon these islands are entirely dependent on their unique cultural, historical, and philosophical development culminating in an arrangement of proofs, argumentation, and evidences dependent on a system which is irreconcilable with competing systems. The core concept of Tianxia is still at the roots of Chinese cultural and political hegemony with their arguments for national ownership of the Diaoyu Islands as contemporary proofs of its prevalence. Having proved Tianxia's central importance as well as defined the methods by which it guides philosophies of national space and borders in both ancient and contemporary history, the work will now shift towards a collective analysis and comparison of the conditions and institutions which comprise the respective voices of the combatants in an attempt to provide a basis of mutual understanding of the conflict at hand.

### Conclusion:

The object of this thesis has been an endeavour to explain the conditions and intricacies of the current territorial conflict between the Chinese and Japanese governments concerning the national sovereignty of the Senkaku/Diaoyu Island complex as well as to attempt to map the divergence of these governmental power's basic forms or argumentation through an in depth investigation into their historical contexts in regards to their philosophical formations of concepts concerning the

<sup>92</sup> Kathlene Baldanza, *The Ambiguous Border: Early Modern Sino-Viet Relations*, University of Pennsylvania, 2010.



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division or inclusion of geographic territories into their national space. With a stated goal of either finding a basis from which diplomatic discussions can resume or to uncover the roots of the divergence which will not allow a solution to be reached outside of the threat or use of military force, this work has managed to prove its hypothesis. That being that the two national powers in question speak such divergent languages in the pursuit of their dominion of the Senkaku/Diaoyu Islands, based in their formations of such concepts as national space and territorial borders through an analysis of their ancient historical contexts, that a purely diplomatic solution would be impossible to reach without the deconstruction and abandonment of one system or the other. As such, further escalations to the point of military intervention are required in order to force the hand of one side or another, causing them to give up their claims entirely and abdicate in favor of the competing party.

Further investigations into the core of each parties arguments have resulted in new questions concerning exactly what is at stake. It would appear, through the pushing of Chinese claims, that it is China's intent to revive its ancient system of hegemonic rule in a modern context.<sup>93</sup> Furthermore, it appears to be Japan's intent to maintain the status quo of the dominance of the Rule of Law as it stands in international and world politics.<sup>94</sup> Thus the conflict over the sovereignty of the Senkaku/Diaoyu Island complex becomes one of ruling philosophies, with China's claims acting as the combatant or challenge to the powers and forms of the Rule of Law as an international mediator. The victory of one or the other has the potential to drastically affect the course of international politics for the foreseeable future, with a Chinese victory destabilizing the basis of international stability by showing Japan's claims and the Rule of Law to be secondary to China's growing hegemonic power, while a Japanese victory will prove to break China's growing power and subject its continued existence to the forms and conditions of a field in which its political rivals hold dominance. In this way the growing importance and centrality of questions and territorial conflicts concerning the sovereignty of islands and island chains throughout the world is definitively highlighted, as the decisions made concerning to whom these islands belong have the potential to affect the shape of international politics and relations in the decades to come.

<sup>93</sup> Barry Buzan, "China in International Society: Is 'Peaceful Rise' Possible?", *The Chinese Journal of International Politics*, Volume 3, 2010.

<sup>94</sup> Barry Buzan and Ole Waever, *Regions and Powers, The Structure of International Society*, *Cambridge Studies in International Relations*, Cambridge University Press, 2003.

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## The Diaoyu/Senkaku Divide

Annex:

figure: 1 : Diaoyu/Senkaku Island's Relative Location



[http://upload.wikimedia.org/wikipedia/commons/0/07/Senkaku\\_Diaoyu\\_Tiaoyu\\_Islands.png](http://upload.wikimedia.org/wikipedia/commons/0/07/Senkaku_Diaoyu_Tiaoyu_Islands.png), Last Accessed October 15th, 2014.

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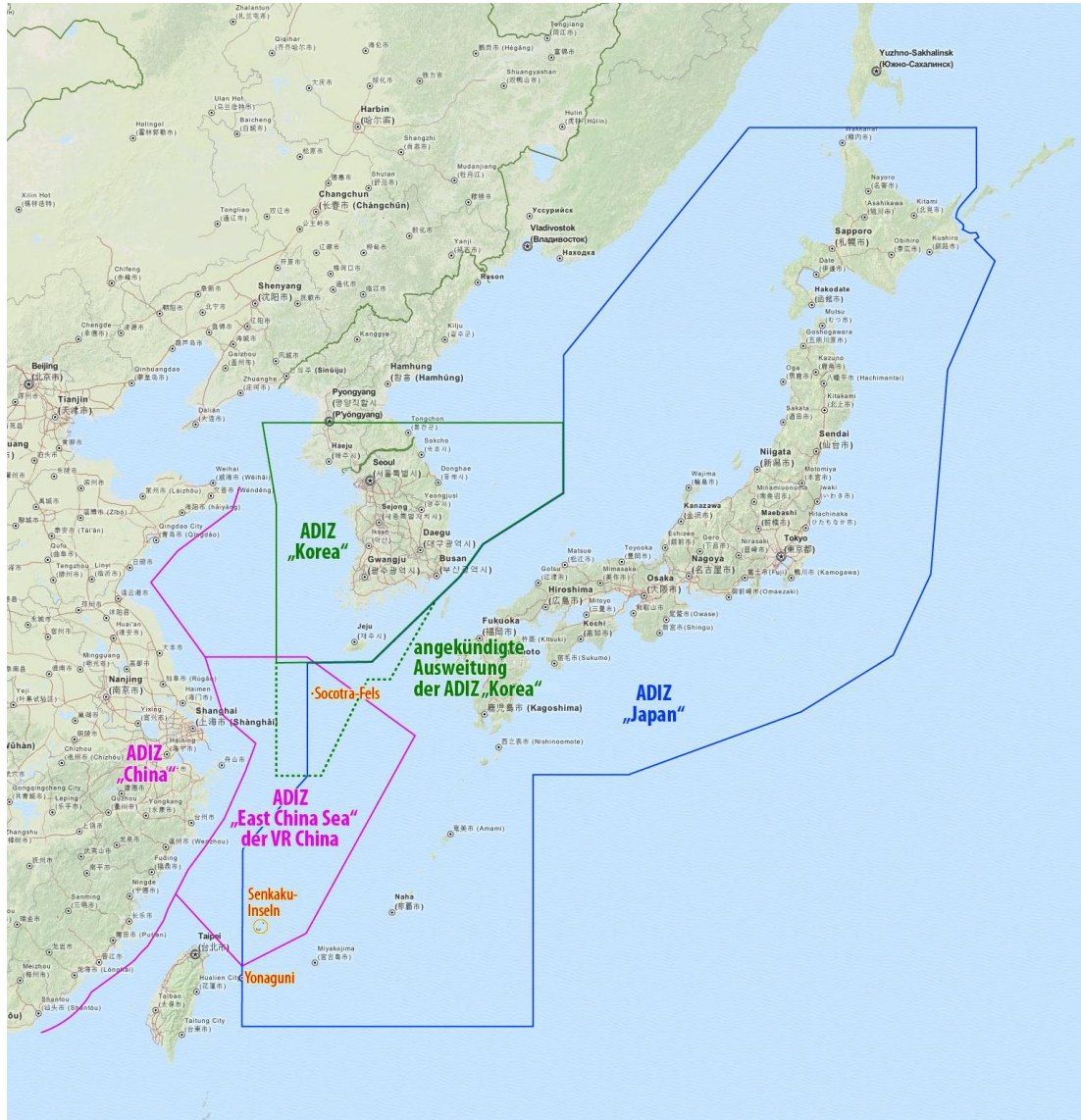
figure: 2 : Senkaku/Diaoyu Islands Are Absent



[http://upload.wikimedia.org/wikipedia/commons/0/01/East\\_China\\_Sea\\_Map.jpg](http://upload.wikimedia.org/wikipedia/commons/0/01/East_China_Sea_Map.jpg), Last Accessed October 15th, 2014.

figure: 3 : China's Air Defense Zone

figure: 3 : China's Air Defense Zone

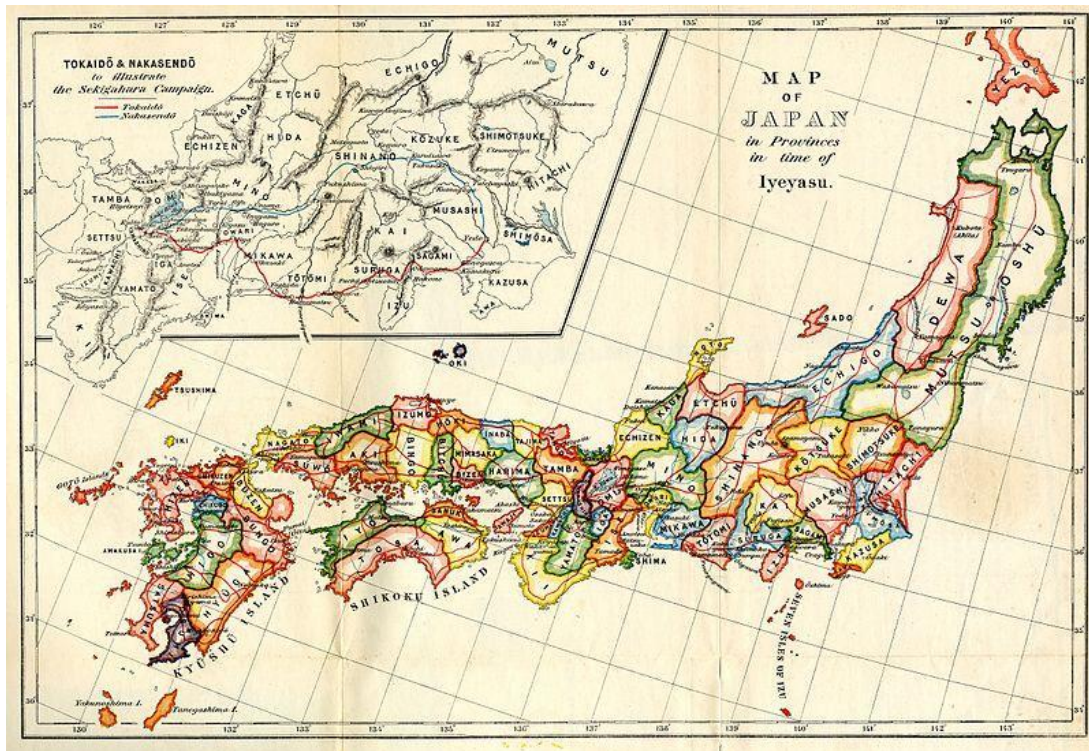


[http://upload.wikimedia.org/wikipedia/commons/c/c9/JADIZ\\_and\\_CADIZ\\_and\\_KADIZ\\_in\\_East\\_China\\_Sea.jpg](http://upload.wikimedia.org/wikipedia/commons/c/c9/JADIZ_and_CADIZ_and_KADIZ_in_East_China_Sea.jpg), Last Accessed October 15th, 2014.



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figure: 4 : Japanese Kingdoms/Provinces C.A. 1600



[http://upload.wikimedia.org/wikipedia/commons/thumb/8/8a/Map\\_of\\_Japan\\_in\\_Provinces\\_in\\_time\\_of\\_Iyeyasu.jpg/800px-Map\\_of\\_Japan\\_in\\_Provinces\\_in\\_time\\_of\\_Iyeyasu.jpg](http://upload.wikimedia.org/wikipedia/commons/thumb/8/8a/Map_of_Japan_in_Provinces_in_time_of_Iyeyasu.jpg/800px-Map_of_Japan_in_Provinces_in_time_of_Iyeyasu.jpg), Last Accessed October 13th, 2014.

## The Diaoyu/Senkaku Divide

figure: 5 : Japanese Provinces at the commencement of the Meiji Restoration



[http://upload.wikimedia.org/wikipedia/commons/thumb/3/31/Provinces\\_of\\_Japan.svg/574px-Provinces\\_of\\_Japan.svg.png](http://upload.wikimedia.org/wikipedia/commons/thumb/3/31/Provinces_of_Japan.svg/574px-Provinces_of_Japan.svg.png), Last Accessed October 13th, 2014.



|      |   |
|------|---|
| 2010 | UC Fee Grant. University of California Fee Grant.   |
| 2009 | Federal Pell Grant. University of California, Santa Cruz.   |
| 2009 | UC Santa Cruz Grant. Tuition Grant for University of California, Santa Cruz.                                |
| 2009 | UC Fee Grant. University of California Fee Grant.   |
| 2007 | President's List, Mira Costa College.   |
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| 2006 | President's List, Mira Costa College.   |

World Literature and Cultural Studies; Globalization; Postcolonialism; Social History; Identity Formation in the Postcolonial State; World Politics and Political Structures; Political History; Exportation and Importation of Culture in the Global Market; Influence of Language on Cultural Identity; Economic Globalization; World Economy; Geographical Thought; Economic History; Literatures of Africa, India, the Caribbean, Europe (Central, Eastern, and Western), North/South America, the Pacific Islands, and Latin America.

#### **Previous Positions:**

|      |  |
|------|--|
| 2011 | Sales Associate at Pier 1 Imports under the direction of David Samorai.                    |
| 2010 | Technical Writer and Web-Editing for Incretech under the direction of VP Kevin A. Marefat. |
| 2009 | Technical Writer for Convergitech under the direction of CEO Geoffrey Soule.               |

#### **Education:**

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|      |  |
|------|--|
| 2010 | Dean's Honors, University of California, Santa Cruz.                         |
| 2010 | Federal Pell Grant. University of California, Santa Cruz.                    |
| 2010 | UC Santa Cruz Grant. Tuition Grant for University of California, Santa Cruz. |

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