



Research Article

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Charting Socio-Legal Approaches to International Law in China: Taking the Interdisciplinary Study of International Law and History as an Example

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Abstract

The mainstream of international legal academia has started to address a distinctive fundamental question of whether international law is international in recent years, in which national differences in terms of the understandings of and approaches to international law have been (re)recognized and accentuated. Thanks to its increasing importance and influence in the international community, the ways in which China engages with a variety of international legal issues and topics have garnered more attention from the so-called western scholars. Meanwhile, Chinese international legal scholars have also committed to establishing a Chinese school of international law through which to intensively and comprehensively showcase its own characteristics in this regard. Against this backdrop, this article aims to unveil the underestimated part of its characteristics concerning the socio-legal scholarship in China's international law research by taking the interdisciplinary study of international law and history as an example. To that end, this article first reviews the overall configuration of international law research in China and roughly summarizes the current "Chinese characteristics" as follows: 1. The ternary, multipolar, and marginal morphology of the scholarly field of international law; 2. The China-based, trending topic-driven, and positive law-oriented contents of international legal scholarship. These characteristics also imply the present dominance of the doctrinal tradition in Chinese international legal scholarship, which has impeded the interdisciplinary collaboration between international law and other disciplines or fields of research. However, this article also recognizes that the emergence of socio-legal approaches to international law in China by assessing the status quo of research on international law and history in particular and international law and other social sciences in general, although the voices of this group of interdisciplinary academics are still relatively feeble.

Keywords: *International legal scholarship, Chinese characteristics, interdisciplinarity, socio-legal studies, history*

1. Introduction

International law is not international. Anthea Roberts's (2017) heuristic construction of the "divisible college of international lawyers" underlines the national differences in terms of the understandings of and approaches to international law, by which the conventional idea of the "invisible college of international lawyers" (Schachter, 1977), highlighting the uniformity of international lawyers from a professional perspective, is argued to be theoretically and empirically insufficient. Based on Robert's comparative project (Roberts, 2017b; Roberts, Stephan, Verdier, & Versteeg, 2018), it is noteworthy that Chinese (mainland) international legal scholars have received increasing attention in the global academic market, and their approaches to international law have been subsumed into a nuanced

category of the scholarly composite. To some extent, the overseas concentration on the Chinese ways of engaging with international legal norms and institutions could be interpreted as an intellectual repercussion of China's rise in the international stage. In the process of China's rise, some characteristics in terms of, for instance, the attitude, ideology, theory, and method of international law have been gradually formulated in Chinese international legal academia. By applying a comparative perspective, it enables us to distinguish the Chinese landscape of the international legal profession from other countries in terms of the international legal academics' educational backgrounds, topical preferences, publishing locations, linguistic choices, and funding sources (Roberts, 2017b).

Indeed, recognizing and accepting the distinctions displayed in Chinese international legal academia could be regarded as a representation of the rapid developments and arresting achievements of research and teaching of international law in China, specifically in the aftermath of the adoption of the national policy of reform and opening-up in 1978 (Kong, 2017; L. Zhang & Zhang, 2017). However, some set of disparities in such as state sovereignty, human rights, and cyberspace have been the primary targets of western political and academic criticisms. These external critiques, conversely, seem to function as one of the internal catalysts of consolidating and expediting Chinese international legal scholars' commitments to radicalize a Chinese school of international law (e.g., Chan, 2014; Chen, 2017; He, 2017; Su, 2014; Tang, 2015; Zeng, 2011). In fact, the pertinent efforts to establish a Chinese school of international law have been initiated since as early as the 1950s by Chinese academics, the pioneering works of which were strongly influenced by the dichotomy of socialist and capitalist perspectives of international law (e.g., Hu, 1958; Qiu, 1958, 1993). Nonetheless, the intensity of excavating and shaping the Chinese characteristics has been enormously enhanced especially on the occasion of the recent emergence of some notions like the "One Belt, One Road" (e.g., M. Li, 2016; Y. Li, 2018; Peng & Mao, 2015; Zhu, 2017) and the "Community of Shared Future for Mankind" (e.g., Z. Li, 2016; Luo, 2018; Xie, 2018; H. Zhang, 2018), mainly aiming at reconciling the convoluted lyrics of international affairs with a reassuring Chinese rhythm .

Given the increasing attention to the peculiarities of Chinese international legal scholarship, this article further intends to, in a descriptive manner, employ a microscope to zoom in the underestimated part of its characteristics, namely the rise of socio-legal studies in the academic currency of international law. Reviewing the evolution and development of international law scholarship in China can conclude that its positive-law orientation has dominated academia for decades. Within the existing literature that has been produced by Chinese international legal scholars, it is challenging to deny the high frequency of appearance of a certain number of common keywords in their titles and contents, such as legal issue, legal regime, legal mechanism, legal framework, and legal system. These keywords are not fluky because they partially imply how and to what extent the Chinese international legal academic, as a grammarian, 'shapes the formulation of arguments by other actors, prescribes the categories of acts, utterances, and practices that will be deemed relevant, and indeed contributes to the elaboration of the language – in this case, of law' (Hernández, 2017: 162). As per the kernel framework designated by these keywords, therefore, only should the international law (in the paper) *per se* be regarded as the valid subject of international legal research in which the coherent logic and legal language are the keys to formulate the argumentation for its ends. It is very salient that Chinese international legal scholars are, if not all, positivists.

Yet, not all Chinese international legal academics are satisfied with the present dominance of legal positivism in international law research. Especially against the backdrop of the increasingly significant role played by China in the international community, academic research that is exclusively guided by international legal positivism could 'easily neglect the crucial concerns with the operational background or development tendency of international law, and hardly grasp the essence and regularity of international interaction and international legal practice' (J. Zhao, 2016). Furthermore, a more severe worry against the excessive dependence on one single research paradigm, international legal positivism in this case, is emanated from an accomplished fact that Chinese

international legal academy is falling into the morass of “theoretical immiseration” in which an avenue to the innovation center of international law research is blocked by these hidebound and obstinate positivists (Ibid). Speaking of which, it is essential to look to the alternative proposals provided by these “heterogeneous” (or pioneer) scholars for smashing the development barrier of international legal science, although the ambition of being innovative in academia would take the risk of criticism from their peers. For instance, some (especially young) Chinese scholars specialized in private international law were accused of making their research and writings ‘improperly creative, formally colorful yet substantially hollow, and pretentious’ (Deng, 2010: 8).

Thus, the remainder of this article attempts to depict the status quo of socio-legal approaches to international law in China by taking the interdisciplinary study of international law and history in China as an example. It means that the main protagonist of this article is the international legal scholarship which is by and large presented in the form of publications in both Chinese and international journals, books, conference proceedings, and so forth. To that end, Section 2 provides a deeper context of the current mainstream of international legal scholarship in China by identifying its established “Chinese characteristics”. Section 3 briefly illustrates the overall lag-behind of incorporating the concepts, theories, and methods of social sciences and humanities into Chinese international law research. However, it is followed by Section 4 which elaborates on the rise of the interdisciplinary field of international law and history in China by accentuating its major scholars and institutions collected based on the existing literature. Finally, Section 5 concludes this article with more general concern about the socio-legal approaches to international law, including other interdisciplinary attempts at integration of knowledge across international legal and social sciences in China.

2. Identifying the Extant “Chinese Characteristics” through a Multi-Dimensional Filtration

The epistemic development of international law in China is very bumpy from a historical point of view. It intermittently suffered from a series of political movements between the 1950s and 1970s in which the research and teaching of international law were harshly damaged (Kong, 2017). Within the Cultural Revolution (1966-1976) in particular, ‘courses on international law in universities and colleges were canceled and faculty members were summarily dismissed and, in many instances, sent to the countryside to perform manual labor. During the entire decade of the Cultural Revolution, there was no study of international law to speak of’ (T. Wang, 1983: 77). Soon after the Cultural Revolution, the Chinese government tactically adopted the Reform and Opening-up policy through which a brand-new chapter of the disciplinary development of international law could be correspondingly born. Taking account of the process of the international legal enterprise in China from 1978 to 2019, it would be unobjective to refute the progress that has been made by successive generations of scholars. Just as with Altwicker and Diggelmann’s (2014) depiction, Chinese international legal scholars have formulated the progress narratives in their scholarship primarily by employing the “ascending periodization” technique. Even though the actual approaches of periodization are divergent (see, e.g., X. Chen, 1990; Qisheng He & Tian, 2009; Yang, 2008; Yu & Liu, 2010), a consensus seems to be achieved among Chinese international legal scholars that ‘the past 40 years have witnessed the rapid development of research on international law in China’ (L. Zhang & Zhang, 2017: 448). Undeniably, 40 years is merely a tiny wave in the long river of the global history of international legal scholarship. Yet, it seems long enough to cultivate and maintain a set of Chinese characteristics of academically attending to international law.

An engagement with the asserted Chinese characteristics does not intend to camouflage the reality that Chinese international legal scholarship has been influenced by the western traditions and developments of international law since its very beginning. More precisely speaking, the external influences are very intricate in the sense of the commutative role played by, especially, the American and Soviet Union’s perspectives of international law in the babyhood of Chinese international legal academia. For instance, while a handful of scholars within the first generation of Chinese

international legal academics received their doctorate degrees from the US, another part of scholars of this generation went to the Soviet Union in light of the strategical incentives and necessities of the newly established regime and government (He, 2004; Wang, 2011). It is, thus, very effortless to discern one of the prevalent or orthodox discourses among Chinese peers that international law is essentially an imported goods for China (L. Zeng, 2016), albeit the connotative purpose of this type of discourse is usually to reversely prop up the inevitability and legitimacy of forming these Chinese characteristics which could be, by and large, analytically scrutinized from the morphological and substantive dimensions.

In terms of the morphological dimension, the ternary division of the international legal field in China, namely public international law, international economic law, and private international law, is one of the most salient traits. Almost everything about international law in China has conformed to this division, although a voice advocating for the elimination of the antiquated demarcation lines, as well as for efficient integration, has been increasingly amplified in recent decades (e.g., Han, 1998; Xiao, 2015). However, the three branches of international law do not enjoy the equal status of attention and popularity in Chinese international legal academia thanks to the consequential functions of the politics of academic disciplines, knowledge, and discourse. Comparatively speaking, the dominant position of international economic law is not a secret anymore (for more on the particular attention to international economic law in China, see Roberts, 2017: 226-229). Therefore, a set of subfields of international law like international criminal law, organizational law, human rights law, humanitarian law, investment law, commercial law, environmental law, and ocean law have been assigned to distinctive identities based on this fundamental division in China.

In addition to the triple co-existence and co-progressiveness of the international legal science in the Chinese context, another morphological feature refers to its geographical structure of teaching and research of international law. An overall skeleton view of, to name but few significant aspects, the composition and quantity of academics, the investment and resource of research and teaching, and the metrical performance of academic production can inform us of the geographical shifts of the central places of the international legal enterprise. In a nutshell, there are three shifts which can be rhetorically and sequentially summarized as monopolar, bipolar, and multipolar, i.e., shifting from Beijing, as the monopolar center before the Cultural Revolution, to Beijing and Wuhan, as the bipolar centers after the Reform and Opening-up, to Beijing, Wuhan and other cities, as the multipolar structure. These eminent law schools, specialized institutions, first-rate scholars, and international law journals are dynamically consistent with the evolutionary tempos of polarization (L. Deng, 2018; L. Zhang & Zhang, 2017). Especially against the changing backdrop of the recent upsurge of neoliberalism and audit culture in China's higher education, the multipolarization of the scholarly field of international law has become more noticeable in the form of, for instance, the addition of the law schools of the East China University of Political Science and Law, Southwest University of Political Science and Law, Jilin University, Xiamen University, Shandong University, and Nankai University to the ranking of top institutions for international law research due to their competitiveness in academic productivity.

A prosperous and promising spectacle of the international legal field has been convincingly portrayed above in terms of both the disciplinary subdivision of knowledge production and the geographical expansion of academic participation. It is somewhat ambivalent to uncover its marginal position, as one of the morphological traits, in both the transnational and domestic contexts. Prof. Zhipeng He (2013: 90) referred to it as the "bifacial marginalization" in a journal article coping with the problems of international legal theories with Chinese characteristics. According to him, the first cause of his notion of "bifacial marginalization", which is easy to understand, refers to the language barrier. English has been regarded as the *lingua franca* of international scholarship and practices for a long time, albeit some disagreed with it by proposing, for instance, Esperanto as an alternative (Harry, 1978; Roberts, 2017: 260-271). However, the vast majority of Chinese legal scholarship in the field of international law is displayed in Chinese journals and books, although there are a number of researches conducted by foreign languages and published in international journals. Based on the

bibliometric analysis, Chinese (mainland) international legal scholars have already published 1145 English papers indexed in the Web of Science since 1990 (Yongqing Han, 2017).

Another side of the “bifacial marginalization” may give rise to more obscurities, especially when international legal science is argued as ‘a compass for the trend of modernization of Chinese legal science’ (Yu & Liu, 2010: 715). A specific study on the academic productivity distribution of legal science in China may strengthen scholars’ confidence in the non-marginalization of international law, as international law wins 4th place in a comparison of the degree of disciplinary prosperity with other 9 branches of law (Han, 2017). Yet, the result of this study relies on a statistic, the dataset of which is composed of these journal articles indexed by CSSCI (Chinese Social Sciences Citation Index), rather than CLSCI (China Legal Science Citation Index). Another statistical study, exactly drawing upon the data from CLSCI, on the academic production of Chinese international legal scholars present a completely different conclusion, namely international law papers (including public, private and economic international law) merely take 5.34% of the total quantity of papers on the law in 2016. Comparatively speaking, the later one deserves more attention from international legal scholars because the statistical data collected from CLSCI may enable a more accurate and elaborated reflector of the collective attitude of Chinese legal academia (as to the differences between CSSCI and CLSCI, see Yuan Li, 2016).

In addition to the morphological dimension, the content of Chinese international legal scholarship has at least two features, namely China-based and trending topic-driven. At first glance, it is not abnormal for Chinese international legal scholars to focus their academic attention on China. After all, almost all international legal scholars, irrespective of their locations, can hardly get rid of the conscious or unconscious influence of “epistemic nationalism” and the variety of ideologies which could explain the ‘phenomenon that international legal scholars often espouse positions which can be linked to their prior education in their domestic legal system and/or which serve the national interest’ (Peters, 2017: 118-119). As analyzed in the previous parts, the very starting point of the modern revival of international legal science in China should be objectively conceived as a timely response to the pressing demand of the intellectual backup of the national policy of Reform and Opening-up (Z. Wang & Hu, 2010). In this sense, the China-based perspective is to a large extent the default setting in Chinese international legal academia, the significance of which has been continually consolidated by a handful of national (political) policies. Indeed, Chinese legal scholars who are specialized in international law have never betrayed this original aspiration in their academic endeavors over the past 40 years, irrespective of whether they wrote in Chinese or English, graduated from foreign or domestic universities, devoted to theoretical or practical research questions.

Based on the seemingly hegemonic commitment to China’s issues, the substantial topics of international law research are rather diverse. Nevertheless, taking a closer look at the macro-dynamics of China’s domestic academic market of international law is possible to notice one of the most palpable regularities of topic preference in the process of knowledge production. This regularity can be properly summarized as the trending topic-driven feature of Chinese international legal scholarship. From WTO to the “One Belt, One Road” initiative, from the Sustainable Development to A Community of Shared Future for Mankind, and from the Taiwan issues to ocean sovereignty disputes, it is these trending events that have mobilized the interest of Chinese international legal scholars in specific legal issues. In fact, this is the essential phase to initiate innovation in the market. Governments, research fundings, publishers, and even readers indeed enjoy this kind of innovation due to the pragmatic functionality and down-to-earth accessibility. Alternatively, in colloquial words, legal studies on these instant events are more useful (for China). The National Social Science Fund of China (NSSFC), for instance, sponsored only four research proposals of international law as its major projects of 2018 (NSSFC, 2018). Roberts (2017a) calls this kind of sponsorship as “China’s strategic use of research funding on international law” and argues that the critical point of its strategy is to release a list of the recommended research topics. As the winners of one of the fiercest competitions in the field of social sciences and humanities, their shared component refers to the up-to-the-minute engagement with the trendy topics included in the recommendation list, i.e. A Community of Shared

Future for Mankind, the South China Sea Arbitration, and the reform of WTO law.

3. The Lag-Behind of Development of Socio-Legal Studies among Chinese International Legal Scholars

Given the growing proliferation of utilitarianism in the Chinese academia of international law, the specific, consistent, and systematic studies on the genuine basic science-of-international law (Holtermann & Madsen, 2016), including socio-legal approaches to international law, are relatively sterile. In this sense, Chinese international legal scholars are lag behind both their domestic and international peers. Domestically, the successful rise of law and social science studies, or “social science legal studies”, in the contemporary Chinese legal academy is more than impressive (S. Liu & Wang, 2015). Although being a late-comer in comparison with the arresting development and proliferation of socio-legal studies in other countries and regions, the rise of law and social science studies have been changing the entire intellectual landscape of legal science in China, which used to be exclusively dominated by the doctrinal paradigm of law. Based on Liu and Wang’s (Ibid) historical retrospect, Chinese legal academics, by and large, have already experienced or witnessed three waves of law and social science studies, namely from the 1980s to the first half of 1990s, from the mid-1990s to the mid-2000s, and from the mid-2000s to the present. The previous two moves were unsuccessful mainly due to their failure to generate a nationwide law and society movement (Ibid: 386).

In the latest move, which reached the peak of its intensity and popularity around 2014, an increasing number of Chinese (academic) lawyers from different branches of law have enrolled themselves as members of the socio-legal camp. Nonetheless, it is rare to smell the fragrance of international legal scholarship in the garden of Chinese legal knowledge where the various flowers of law and social science are in full bloom. For instance, there is no searching result when both international law and social science legal studies simultaneously are set up as the retrieval terms in China National Knowledge Infrastructure (CNKI). One exception does exist, fortunately. Jun Zhao (2011, 2013), as a professor of international law, directly made his contributions to the law and society movement by elaborating on the empirical legal research and the behavioral law and economics in the specific context of China. Even if so, this exceptional case is really far from adequate to conceal the negligence of Chinese international legal scholars on the rich theoretical and methodological insights offered by social sciences in particular and other disciplines or fields of inquiry in general. Besides, another example that could consolidate the general idea of the absence of Chinese international legal academics in the Chinese scenarios of a socio-legal start-up refers to the institutionalization of social science legal studies. For instance, it is rare to find international legal scholars in the Law and Social Science Union (which was founded as a scientific community of the social science legal studies in 2005), the annual conferences (that have been hosted by the Law and Social Science Union since 2005 and hosted by KoGuan Law School of Shanghai Jiao Tong University since 2016), the specialized journals (the Chinese journal Law and Social Sciences that has been managed by the Research Center of Comparative Law and Sociology of Law in Peking University since 2006; the English journal Asian Journal of Law and Society that have been operated by the cooperation of KoGuan Law School and Cambridge University Press since 2014) (for more details, see Xu et al., 2014).

From an international perspective, however, the contemporary mainstream, or the so-called western marketplace, of international legal thoughts tell an entirely different story, the midpoint of which is a steadfast confirmation of the significance of social sciences in the scholarly inquiry and treatment of the miscellaneous international legal issues and phenomena (to name but very few, Nourse & Shaffer, 2014; Shaffer, 2015; Shaffer & Ginsbury, 2012). Although the shortage of, as well as the difficulty of conforming to, an authoritative and unified ranking list that could authentically categorize the international legal academics in a statistic manner, it is intuitively plausible to identify the ostensibly surmisable correlation between the socio-legal “plug-ins”, namely being interdisciplinary, empirical and pragmatic (see, e.g., Lang, 2015), and the academic success of these

leading international legal scholars and upward new academic stars such as Martti Koskenniemi, David Kennedy, Gregory Shaffer, Jean D'Aspremont, Mikael Rask Madsen, Ryan Goodman, Anthea Roberts in our contemporary age. Of course, these scholars' particular propensities in academic production could not get rid of the tendentious incentives of the publishing market and epistemic community. In addition to publishers' affirmative stance upon which the public appearance of an increasing number of journal articles, edited books and monographs pertinent with the socio-legal approaches to international law was based, another reality that the renowned scholarly societies in international law field frequently conferred their book awards to a set of scholars whose creative contributions in question were completed by virtue of the decent interventions of socio-legal ideas and methods does make a potent sense. Such a cordial attitude towards these socio-legal interventions is, in fact, partially derived from a sense of familiarity with the Law and Society movement. After all, several international legal scholars have already honorably imprinted their names on the *classics* of the development of the field of law and society over the past half-century by their deep engagement in the form of various outstanding scholarly outputs (Morrill & Mayo, 2015).

'International lawyers typically exist at the intersection of two communities: a transnational community of international lawyers and a domestic community of national lawyers' (Roberts, 2017b: 6). In this vein, Chinese international legal scholars are impossible to live in a vacuum where the academic fever of embracing socio-legal perspectives and methods that have been prevailing in both the western international legal communities and the Chinese legal academia could be exempted or subsided. Yet, the aforementioned phenomena seem to induce an intuitive impression that Chinese international legal scholars have made the impossible possible, or in other unembellished words, that there is no socio-legal enterprise in Chinese international legal academia. Should we trust this intuitive impression?

4. The Interdisciplinary Study of International Law and History in China

No, this intuitive impression is not cogent in front of some pioneer scholars in Chinese academia who are committed to the feasibility and possibility of interdisciplinary research across international law and other disciplines. Although their voices are still comparatively feeble, more and more knowledge has been gradually accumulated about, for instance, international law and international relations (e.g., Z. He & Wang, 2012; Z. Liu, 2007a, 2007b, 2009, 2011, 2013; C. Xu, 2010, 2012, 2014, 2016), international law and translation (e.g., Qinhua He, 2017; G. Qiu, 2006; Qu, 2013, 2016, 2017; K. Wang, 2005), and international law and history (see below). Actually, Chinese international legal scholars of the first generation were already aware of the treasure values of appreciating the theoretical and methodological knowledge of other disciplines or fields of inquiry for their international legal research at the beginning of the 1980s. For example, the first and the foremost message that Prof. Teiya Wang (1980: 27) wants to send to his Chinese peers in this regard is to 'engage in the task of conducting international legal research by referring to the discipline of international relations'. Just because of the early attention to the close relationship between international law and international relations, this interdisciplinary field of study has become the representative of socio-legal studies of international law in China (Y. Liu, 2015).

If there is one discipline that can, somewhat, be mentioned in the same breath as the international relations discipline in terms of the depth and breadth of cooperating with international law in China, it is history indeed. Although the ongoing academic prevalence of a "turn to history" in the study of international law in the Western context (Craven, 2016; Galindo, 2005; Orford, 2017) seems to, at least currently, have nothing to do with the Chinese international law community, it is found that a certain body of literature, which attempts to either uncover the historical dimension of various kinds of international legal norms and institutions or place international law as a whole into the broader historical horizon of China's rise and fall as a power of international society, delineates a picture of the efforts of both Chinese legal scholars and historians to deal with the history of international law. The expression, "Chinese legal scholars and historians", has its specific

implications: it is both legal scholars, especially legal historians and rather than international legal scholars, and historians who are enthusiastically engaged in the historical exploration of international law. Correspondingly, the absolute majority of Chinese international legal scholars do not refer to history as the primary unit of analysis in their research, albeit the traditional historical methods that oftentimes ground and facilitate their ultimately anticipated arguments are largely applied.

Yet, this general academic climate does not impede a countable number of international legal scholars to devote themselves to international legal history, although their ambiguity of shaping it as a subdiscipline of international law. For the purpose of this study, it is necessary to clarify that the historical studies on international law before the establishment of the People's Republic of China in 1949 is excluded from the radar of scrutiny. By the way, as to *the* origin of the academic exploration of the theory of international law in China, it is widely agreed throughout the scientific community that William Alexander Parsons Martin's 'Traces of International Law in Ancient China' (1883) is the first groundbreaking attempt. In addition, some publications produced by scholars, regardless of their disciplinary affiliations, in the Republic period are beneficial as well to the historical understanding of international law (e.g., G. Chen, 1934; Hong, 1939; D. Liu & Yuan, 1937; Tao, 1946).

In fact, a very interesting phenomenon is that a handful of very well-known international law professors, who are regarded as the first generation of Chinese international legal academics, are deeply tangled with the history discipline. The most noteworthy one is Prof. Muzheng Duan. While he received his Ph.D. in International Law from a French university and articulated China's first course in the History of Development of International Law at Sun Yat-sen University in 1982, he had rich teaching and research experience in the World History in general and the French History in particular majorly because of the suspension of legal education and research during 1950s to 1970s (X. Zhao & Lu, n.d.). This type of dual identity as an official publicist and a *factual* historian, however, is not his personal "patent". Daode Cheng (1986, 1992, 1993, 1994), who was an international law professor at Peking University and specialized in international legal history, is also apt at wandering between international law and history (historical relics collection in particular).

These personal experiences of the old generation scholars seemingly allude to a regularity: the intimacy distance with the history discipline is an important variable swaying whether international legal scholars choose to dedicate to the field of international legal history or not. Zewei Yang (1996, 1999, 2001, 2011a, 2011b), who is now still the most eminent international legal scholar in the field of international legal history, is absolutely a persuasive case of this allusive regularity. He is so closely intimate with the historical topics and methods mainly because he had earned both bachelor's and master's degrees in history before he commenced an intellectual marriage with international law acting as a Ph.D. candidate in international law at Wuhan University in 1994. Nevertheless, this regularity seems unstable as well particularly in light of the fact that historical research merely occupies a small portion of his scholarly outputs and most of them are produced in the early phase of his academic trajectory. Since international energy law has already garnered his favoritism, both Prof. Yang himself and Wuhan University have yet become the cradle of expanding the research area of international legal history.

Most of the international legal scholars who regard the interdisciplinary study of international law and history as their academic expertise are far from the history discipline in terms of their higher education. Wei Wang (2011, 2015) of Fudan University, Tao Zeng (2007, 2008, 2009, 2010, 2011) of China University of Political Science and Law, Chang Liu (2012, 2013, 2014) of the Southwest University of Political Science and Law, and Henan Hu (2018) of the South China University of Technology are the type of international legal scholars as mentioned above, whose relevant research projects and publications have at least two similarities. The first one is that they all focus on the Chinese historical context, and the second is that they are more inclined to the intellectual, educational, and disciplinary history of international law, instead of the history of international law *itself*.

Nonetheless, in comparison with the decentralized landscape of the historical study of international law carried out by Chinese international legal scholars, the distribution of Chinese legal

historians who focus on international law seems more centralized. The existing literature implies that Shanghai is a central area in which legal historians are comparatively more prolific in the historical study of international law. Within this center area, however, two beams of light are attractively illuminating: one is Qinhuo He (e.g., 2001a, 2001b, 2004, 2017) of the East China University of Political Science and Law, and another is Junan Lai (e.g., Lai, 2008, 2011b, 2011a, 2014, 2015) of Fudan University. While the former represents the current backbone force of the Chinese academic community of legal history, the later is assumed as the future of this field. Both lights intersect in the field of international legal history, simultaneously focusing on, in particular, international law in the late Qing China and *Wanguo gongfa*. Nevertheless, in terms of the individual contribution to the macro development of the field in question, Prof. Qinhuo He is more impressive due to his experienced supervision over Ph.D. students whose projects are classified into the field of international legal history.

Leaving the center, other legal historians are in the same boat with the aforesaid peers. For example, Xiaofeng Huai, as one of the first PhDs in Legal History in new China, cooperated with his student Yurong Sun to edit a book *Historical Materials of International Law in Ancient China* in 2000. Just one year before this collaborative work, his student Yurong Sun's monography *Research on Ancient International Law* was published. Although it is a pity that both of them have considerably slowed down their pace in this field, there is fresh blood eagerly flowing into the market. Yongle Zhang, an associate professor of legal history at Peking University, is an excellent example in this regard because of his recent research interest in international law and empire.

In addition to those who are working in law schools, a group of Chinese historians is committed to integrating international law into their research agenda as well. As a matter of fact, they have produced even more scholarly products on the general topic – international legal history – than legal scholars. Extremely, several historians refer to international law as their most important, even *the one and only*, object of study. At least four historians are noteworthy hereof including Tao Tian (1999, 2000, 2001b, 2001a, 2016, 2018) of Tianjin Normal University, Yumin Li of Hunan Normal University, Weiming Zhang (2009a, 2009b, 2011, 2014, 2016; W. Zhang & Wang, 2005) of Zhejiang University of Technology, and Qihou Wan (2010, 2011, 2013) of Huizhou University. By the way, because of Prof. Yumin Li's role as a Ph.D. supervisor, the College of History and Culture of Hunan Normal University has become the major institution to breed international law-oriented historians. Roughly comparing the research conducted by these historians can lead to the conclusion that one of the most apparent similarities refers to the temporal focus on the (Late) Qing Dynasty. Actually, in a broader sense, this special period is the common historical context for most of the scientific research on the history of international law conducted by both international legal scholars and legal historians as well. Speaking of which, it seems logically consecutive to uncover the contents of these studies that are primarily based on this historical context.

Concerning the contents, the existing research can be by and large sorted into six types, namely research on the perceptions, personages, incidents, treaties, *Wanguo gongfa*, and education. However, it is noteworthy that these types of research are not so clear-cut as some overlapping areas do exist. First of all, one type of research intends to figure out how international law and its accessorial concepts such as sovereignty, territorial water, international personality, preemption, and equality are perceived and cognized by the Qing government, its diplomats and intellectual community, and the Westernization Group. What has little overlaps with the first type of research is a number of projects concentrating on the personages whose individual thoughts, attitudes and activities have a significant impact on the importation and development of international law in China's history. The personages include Zexu Lin, William Alexander Parsons Martin, Robert Hart, Fucheng Xue, Songtao Guo, Guanying Zheng, and so forth. Besides, the third type of research exams a variety of historical incidents like the Jia-wu War, Sino-French War, Da Gu Kou Incident, Alabama Case, and Zhongshan Sun Kidnapping Case from a perspective of international law to either testify the application of international law *per se* in the specific incidents or imply how important these incidents are to the importation and/or development of international law in China.

Another body of literature that together constitutes the fourth type of research is concerned with an array of bilateral and multilateral treaties signed by China with other countries in both the Qing Dynasty and the Republic of China. Since most of these treaties are arguably classified as the unequal treaties by China, a particular research line that devotes itself to the historical process of how China strived to abolish these unequal treaties has been emerged and gradually prospered. The scholarly attention on the Republican period, by the way, reminds us of the fact that although the Qing Dynasty is the dominant historical context for the existing interdisciplinary study of international law and history in China, other historical periods are also in their research scope. For instance, international law in Ancient China, particularly in the pre-Qin period and the Spring and Autumn period, has attracted the interest of some Chinese scholars.

The prior clarification that there is no clear-cut demarcation between these types of research should be reemphasized, for the overlap between studies on William Alexander Parsons Martin and studies on *Wanguo gongfa* is somehow unavoidable. As the fifth type of research, a large proportion of literature focuses on Martin's *Wanguo gongfa* from different historical perspectives. To name but few examples, while some inquire into which version of Henry Wheaton's *Elements of International Law* is translated into *Wanguo gongfa* by Martin (e.g., Fu, 2008; K. Wang, 2005; Y. Zhang, 2005), others take account of the correlation of Martin's conceptual usages in *Wanguo gongfa* with China's misunderstandings of international law (e.g., Lai, 2011b; Wu, 2009); Moreover, while some analytically associate *Wanguo gongfa* with the relevant institutions like Tongwen Guan, others deepen the influential tentacle of *Wanguo gongfa* into the concrete subareas of international law. Last but not least, the educational history of international law also remains as an intersection point for interdisciplinary inquiry. By taking either the Qing Dynasty or Republican China as their historical context, scholars from different disciplines attend to the education of (the science of) international law. For instance, as to the domestic education of international law, both its general situation and some institutions, such as Tsinghua University and Soochow University School of Law, are under serious review.

5. Conclusion

After scanning the overall pertinent literature in this area concerned with Chinese approaches to international law in general and the interdisciplinary study of international law and history in China in particular, this article, first and foremost, reaches a positive conclusion that the extant efforts of incorporating the theoretical and methodological insights of social sciences and humanities into international law research are remarkable and promising. In detail, this research revealed that the established Chinese characteristics of international legal scholarship, firstly, refer to the ternary, multipolar, and marginal morphology. The ternary division of the international legal field in China demonstrates that almost everything about international law in this country has conformed to the fundamental division of public international law, private international law, and international economic law.

In this regard, this research also realized that international economic law had attracted more attention from the research community than others, primarily due to the practical demands of the Chinese government against the backdrop of its increasing ambition in the economic sphere. The dominant prevalence of international economic law, according to this research, is associated with another salient feature of the Chinese international legal scholarship, i.e., the contents of Chinese international legal scholarship were based mainly on China, and driven by the trending topics like the "One Belt, One Road" initiative, reform of WTO rules and procedures, and A Community of Shared Future for Mankind. Furthermore, this research identified the multipolarization of Chinese international legal academia especially in terms of academic production. Cities like Beijing, Shanghai, and Wuhan, and their universities like Peking University, Tsinghua University, the East China University of Political Science and Law, and Wuhan University, were the leading engines of knowledge production and dissemination of international law in China. However, even if the

existence of these leading institutions contributing to the establishment of a Chinese school of international law, this research found that international law, as a scientific discipline in China, took the risk of being marginalized by the municipal legal system and judicial policies in comparison with other subdisciplines of legal scholarship.

In addition, as to the interdisciplinary study of international law and history, this research showed that the Chinese market of “international law and history” was comparatively prosperous thanks to the studious participation of international legal scholars, legal historians, and historians. Apart from the overall situation and concrete contents of this interdisciplinary field which have already been elaborated in the main body of this article, it is of significance to highlight the following findings: 1. Historians were more enthusiastic and productive than legal scholars in this field. Nevertheless, these historians confined their academic identity to the college/department of history, which implies that a collective identity of being “socio-legal scholar” was not built; 2. The interaction among these scholars from different disciplines was extremely scarce. There was very little cooperation among them on publication, association, and other types of academic activities; 3. The existing literature merely intended to investigate and discuss a variety of historical topics of international law *per se*, conceptual, theoretical, and methodological borrowings and integration across these engaged disciplines were correspondingly insufficient. Moreover, the metatheoretical dimension of “international law and history”, as an emerging interdisciplinary field of inquiry, was not touched upon at all.

The abovementioned findings are vital for understanding the status quo of socio-legal studies of international law in China as a whole. For better or worse, other interdisciplinary fields of international law in China shared similar characteristics with “international law and history”, the discussion of which would be beyond the scope and length of this article. All in all, although there are still many shortcomings, more and more signs appeared in academia could reinforce the confidence in the further development of socio-legal studies of international law in China. In this sense, this article is better to be regarded as an invitation letter to all (Chinese) international legal scholars who might be interested in joining in this enterprise.

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