I. IMPACTS AND INFLUENCES OF EUROPEAN INTERNATIONAL LAW IN EAST ASIA BEFORE THE 19TH CENTURY

A. East Asia’s Encounter with the Outside World before the 18th Century

1. East Asia’s Approach to the Outside World

It seems very difficult in the history of the world to define accurately from an academic point of view when the East Asian peoples encountered the outside world and some kind of “international” rules might have come into being. For example, in the middle of the 8th century, the Tang Empire’s territories had been expanded, along with the “Silk Road,” not only to Xinjiang, for instance in Turfan and Kashgar, but also to the present territory of Kyrgyzstan, Kazakhstan, Uzbekistan, and even to Afghanistan. In 751, the famous battle on the Talas River in Ferghana between Tang and Arab soldiers occurred, but it is not clear for us at all what rules of war were applied between them on the battlefield in central Eurasia. During the Mongol’s Yuan Dynasty, in the latter half of the 13th century, Kubilai Khan received and entertained the Venetian merchant Marco Polo. Of course, Marco Polo was not a diplomat or on any kind of diplomatic mission in the context of the diplomatic law of modern international law. However, it is worth noting that such kind of intercourse between East Asia and the outside world had actually existed from a long time ago. It should also be noted that, between the East Asian countries themselves, there had been a long history of “international” intercourse, if we could say so, for instance, Japan’s mission to the Sui and Tang Dynasties in China and between Korea and China.

These relations were mainly sustained within the original and traditional framework of East Asia, namely by the tribute to the Chinese emperors. These
traditional East Asian systems were based upon an egocentric and universalistic world image with a strong sense of the superiority of Chinese emperors. Under these systems, Chinese emperors were regarded as embodying virtue and spreading it throughout under Heaven. Therefore, there should be no “equal” relationship between Chinese emperors and other rulers in East Asia, and the latter were expected to send a mission to the Chinese emperor and to pay tribute to him in accordance with Chinese rules and rituals. In this regard, these traditional systems within the East Asian region were not regarded as an “international” system in the sense of modern international law because these systems were not constructed on the basis of the “equality” of nation-states.

However, even in this period, we can find some examples of East Asia’s encounter beyond the region. Here, the following two historical episodes of East Asia’s encounter with the outside world should be mentioned. One is from China and the other is from Japan. The first episode is Zheng He’s voyage to Southeast Asia and the Indian Ocean during the Ming Dynasty in the beginning of the 15th century. Zheng He was a Chinese Muslim, and he made seven voyages from China to Vietnam, Malacca, Bengal, Calicut, and even to Hormuz, Aden, and Mogadishu and Malindi on the east African coast in accordance with the Emperor’s order. His fleet consisted of between 100 and 300 ships and carrying in total up to 27,000 men, and the largest vessels stretched to over 130 meters. Zheng He’s fleet was much larger than the fleets led by Christopher Columbus and Vasco da Gama that were composed of only three or four ships.

The second episode occurred in 1582, by the advice and support of European Catholic missionaries in Japan, when three Japanese Christian landlords in the Kyushu region sent four young Japanese boys as delegates to the Pope in Rome. They traveled from Japan by ship via Goa in southern India and to Portugal, and arrived at Rome where they were enthusiastically welcomed by the people and Pope Gregorio XIII. They then safely returned from Rome to Japan in 1590, supposedly being the first Japanese who traveled from Japan to Europe and back to Japan via the Indian Ocean. This delegation was supported by Portugal and Catholic missionaries. A few decades later, a famous Japanese landlord, Masamune Date in Sendai, the northeastern part of Japan, sent his diplomatic delegate, Tsunenaga Hasekura, to Spain and Rome to seek direct trade with them. In this case, Hasekura traveled by ship over the Pacific Ocean arriving at Acapulco in Mexico and then across Mexico and traveling by ship over the Atlantic Ocean to Hispania (Spain) and to Rome. He departed Sendai in 1613, and in Rome he was awarded Citizenship of Rome and safely returned by ship over the Atlantic and the Pacific Oceans to Japan in 1620. However, the purpose of his visit to Hispania

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