

## RESEARCH ARTICLE

# Chaos Paradigm in International Law: Embracing Non-Linearity in an Anarchical World

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## Abstract

The onset of the 21<sup>st</sup> century has brought about a period of global affairs characterized by notable transformations that defy straightforward forecasts and question the fundamental principles of global governance. The rise of China as a prominent global power is causing significant disruptions to traditional power structures, presenting a considerable challenge to the liberal legal system that emerged after World War II. The growing prominence of China in international institutions and its forceful foreign policy underscore the shifting dynamics of global power, which calls for a reassessment of international governance frameworks. The usage of terminologies such as de-globalization, slowbalization, and de-risking indicates an understanding of the complex dynamics of the 21st century. Nevertheless, the term "disorder" fails to accurately encompass this ever-changing global environment's intricacies. This paper contends that the disorder narrative is inadequate in elucidating the current condition of global events, specifically in the realm of International Law. Traditional linear methodologies in International Law face difficulties in effectively addressing intricate and unforeseeable shifts in power dynamics, interconnected problems, and the emergence of multiple actors with varying viewpoints. In order to enhance comprehension of these intricate phenomena, this study proposes embracing the chaotic paradigm rooted in chaos theory. This shift recognizes the inherent intricacy, volatility, and lack of a clear pattern in the international system, resulting from its anarchic nature. In order to analyze this change, the research utilizes a case study methodology, with a specific emphasis on China as a representative example. Examining China's ascent employs the notion of path dependence, exploring crucial junctures and historical events that have influenced the present global framework. The objective is to reveal an underlying organization within the chaotic global system, demonstrating that China's rise is a component of a broader framework.

## 1. Introduction

The 21st century has unfolded as an era of international relations that defies linear prediction and challenges the foundational premises of global governance. The ongoing conflicts between Russia and Ukraine and the use of unilateral economic sanctions underscore the fragility of international order. The COVID-19 pandemic has exposed vulnerabilities in international cooperation and response mechanisms. Climate change presents one of the most pressing global

challenges, crossing national boundaries and requiring coordinated legal responses, which must be more minimally effective vis-a-vis the existential threat to humankind. Artificial intelligence emerges as a disruptive force that has the potential to reshape international relations and legal frameworks, impacting global governance. Last but not least, amidst these challenges, China's ascendance as a worldwide economic and political powerhouse has disrupted traditional power dynamics, posing a challenge to the post-WWII liberal legal order. China's growing influence in international institutions and its assertive foreign policy underscores the shifting tides of power globally, challenging the legal frameworks that Western powers have long shaped and highlighting the need to recalibrate international governance structures.

Collectively, these challenges have led to the growing usage of terms such as de-globalization, slowbalization, decoupling, de-risking, and de-escalating. In addition, a body of literature has emerged that suggests that the present international order is marked by disorder. As we delve deeper into the non-linear nature of order in the international realm and the role of International Law, it becomes evident that the intricacies of the 21st century are beyond the simplistic disorder explanation, necessitating innovative legal thinking and a reevaluation of how we approach global governance.

The explanatory limitation of the disorder literature, especially the ones dealing with International Law, is that it uses the term disorder colloquially, meaning simply the absence of order in the international system, not relating to the crucial ontological feature of the system: anarchy. In international relations theory, particularly within the school of thought known as realism, anarchy means that the global system lacks a centralized authority or government (unlike domestic systems where the sovereign power maintains order), which makes all the States struggle for survival in a Hobbesian state of nature.<sup>1</sup>

Furthermore, the current stream of literature lies in the inadequacy of traditional linear approaches to International Law in addressing the complexities of the 21st-century global landscape. The global system is characterized by non-linear dynamics, rapid shifts in power, interconnected challenges, and the emergence of diverse actors with varying cultural and legal perspectives; thus, conventional international legal frameworks, which are often based on linear assumptions, struggle to address and adapt to this evolving reality effectively.<sup>2</sup>

The relationship and interconnection of sovereign States with different preferences and interests in a system without a central authority to impose order, with no deterministic rules, leads to a complex and unpredicted system that functions upon underlying patterns that are not immediately self-evident, calling for a reevaluation of international legal paradigms to understand better and respond to the intricacies of contemporary global governance.<sup>3</sup>

Therefore, instead of discussing the state of disorder in the international system or law, scholars and policy-makers should pay attention to the chaos paradigm that refers to a Kuhnian perspective in which the paradigm of the Westphalia model shifts to a paradigm of multiple modernities,<sup>4</sup> which presents a novel framework that is a more diverse and inclusive interpretation of modernity by observing the underlying and emerging order that resists the dominant Eurocentric model of International Law and politics to incorporate traditions and cultures often excluded.<sup>5</sup>

Chaos theory applied to the fields of International Law and Relations provides a better understanding of the complex global phenomena we observe nowadays, considering the international system's prevalent uncertainties, nonlinearities,

and unpredictability due to the anarchical ontology. As we observe historical processes in the international system through the lens of Chaos Theory, we expect to highlight how changes or interactions between States led to the foundation of modern International Law and how historical events have contributed to the emergence of new conditions in the system, contributing to what is misperceived as a disorder by the current literature.<sup>6</sup>

To that extent, the paper intends to seek answers to the questions that the existing literature poses: to what extent does the concept of disorder accurately capture the state of the present international order, and how can International Law adapt to promote a more orderly global system in the face of current challenges? What role can International Law play in mediating power shifts and mitigating conflicts arising from the assertive foreign policies of emerging global actors, such as China, to foster a more stable and equitable international order?

The finding in this paper is that by adopting the chaos paradigm in International Law and politics, a more precise and comprehensive framework for examining and understanding the forces behind the intricate and unpredictable character of 21st-century international interactions. As such, it contributes to enhancing the regulatory efficiency of international law by acknowledging its ontological constraints and accommodating various legal points of view, thus developing a framework that more accurately represents the values and traditions of different regions and actors.<sup>7</sup>

The methodological approach counts on the case study method to uncover the underlying order that rejects the disorder narrative. In this sense, the emergence of China as a pivotal and alternative global actor introduces new dynamics into the international system and law as China's actions, commitments, and interpretations of International Law wield profound implications for the global legal framework, calling for a more equitable international order (win-win cooperation in the Chinese diplomatic language). In addition, China is chosen as the representative case study since the disorder literature points out to the country as a disorder variable in the international system; thus, it makes sense ontologically and epistemologically to mobilize the same case to present the new approach in which chaos instead of disorder is presented as an explanatory alternative, a more robust one.<sup>8</sup>

The research technique mobilized to conduct the China case analysis is path dependence, which refers to a framework used in historical and social sciences to study how past events, decisions, or developments have a significant and lasting impact on the trajectory and outcomes of a system, institution, or phenomenon.<sup>9</sup> As such, the application of path dependence will help to juxtapose the non-linear dynamics and complexity of the 21<sup>st</sup> century with the relatively stable yet evolving international order of the 20<sup>th</sup> century, identifying critical junctures that lead to the current state of affairs in the global order and the formation of current international institutions, and demonstrating that the emergence of China is part of an underlying order that Western-dominated international institutions have not considered.<sup>10</sup>

This paper intends to offer a novel perspective on the evolving dynamics of global governance by showing that embracing the chaos paradigm acknowledges and accommodates the complexity and non-linear dynamics we live in, explaining the intricate and interrelated forces shaping the world, especially considering the emergence of China, therefore, providing an inclusive and pluralistic perspective under an interdisciplinary approach that captures dynamics usually excluded by the disordering literature. However, it is necessary to point out that the study has some limitations regarding the limited scope

of generalization of the case study method. The historical experiences of the countries encountering Global North countries and international institutions are inherently different and selective based on their national interest.

## 2. Disorder in International Institutions: a buzzword

What we call the “disorder literature” in this paper points out a state of confusion and lack of organization in the international system that leads to disorder, which neither the existing (or not existing) balance of power nor International Law (to that matter, also other international institutions such as intergovernmental organizations) can contain. The reflections on the disorder status quo in the international system are triggered by the lack of understanding of the immanent presence of uncertainty, nonlinearity, and unpredictability in the international system that is ontologically anarchical, or in other words, the inexistence of a centralized government structure in a non-hierarchical structure that can impose order.<sup>11</sup> The explanatory limitation and the loose use of the concept of disorder activate perceptions of insecurity and anxiety, which, for the relationship among countries, could be dangerous, leading to spirals of the security dilemma.<sup>12</sup>

In a world marked by the absence of central government structures in which there is a substantial increment of economic interdependency among countries, swift technological progress, the emergence of non-state actors, anthropogenic environmental disasters, and an ever-changing geopolitical environment, the conventional notion of stability and order in the global system is challenged. The appearance of unconventional dangers to the system has introduced unpredictability and instability, which cannot be explained or understood within the limitations of the disorder concept. Therefore, the chaos concept is used in this paper to increase the theoretical and empirical coverage of these perceived dangers, seeking a more robust explanation and understanding.<sup>13</sup>

In the next section, we review the literature on the disorder concept and its limitations.

### 2.1. *Disorder in International Law and Relations*

The complex interplay between International Law and politics is central to the international system, influencing the conduct of nations and the trajectory of global affairs towards stability (or not). International law establishes the legal structure that regulates the behavior and relationships of nations at the global level, whereas politics, influenced by national interests, ideologies, and power dynamics, shapes the decision-making procedures of states.<sup>14</sup> To that extent, International Law and the politics represented by the balance of power are mechanisms states use to sustain a certain level of order in the system.<sup>15</sup>

As previously mentioned, the current state of international affairs shows disturbances in the system that neither International Law nor politics can deal with. The successive man-made. In contrast, politics crises have been exacerbated by the outbreak of Covid-19, presenting evidence of the frailty of the system.<sup>16</sup> The plurality of challenges and different lenses to address them has been the cause for the use of the term disorder as the opposite of order in the system, which, for Barry Buzan, is due to “[...] whether that disorder comes from the absence of states (a Hobbesian anarchy), or from excesses of conflict between states, whether driven by simple concerns about survival, or by rival universalist ideological

visions.”<sup>[1]</sup>

Figure 1 provides a comprehensive mapping of the existing literature under the terms “disorder”, “international law”, and “international order,” using the application Publish or Perish.<sup>18</sup> By uploading the RIS file with the obtained results in VOSViewer,<sup>19</sup> we could trace the evolution and connections within this literature, thus presenting the scientific landscape. As Figure 2 indicates, there has been an increasing interest in the epistemic community since the 2010s that connects the topic of China with both international law and order, and new international order terms. The term disorder does not appear in Figure 2, although as part of the search parameters, due to its recent and growing usage, thus, the hits do not surpass the threshold of at least 3 connections set by the authors of this study in VOSViewer.

The screenshot displays the Publish or Perish software interface. At the top, there is a table of search results with columns for Search terms, Source, Papers, Cites, Cites/y..., h, g, hI, no..., hI, ann..., hA, acc..., Search date, Cache date, and Las... The first row shows search terms "disorder"; "international law"; ... with 200 papers and 12463 cites. The second row shows "green finance and sustainable ..." with 130 papers and 1204 cites. Below the table is the Google Scholar search interface with fields for Authors, Publication name, Title words, and Keywords. The Keywords field contains "disorder"; "international law"; "international order" and is highlighted with a red arrow. To the right, the Citation metrics panel shows: Publication years: 1918-2023, Citation years: 105 (1918-2023), Papers: 200, Citations: 12463, Cites/year: 118.70, Cites/paper: 62.32, Cites/author: 11310.58, Papers/author: 178.75, Authors/paper: 1.27, h-index: 50, g-index: 111, hI, norm: 49, hI, annual: 0.47, hA-index: 17, Papers with ACC >= 1,2,5,10,20: 105,88,53,32,15. Below the search interface is a list of results with columns for Cites, Per year, Rank, Authors, Title, Year, Publication, Publisher, and Type. The first result is "On the concept of international d..." by A McKeil in 2021. The last result is "Islamic international law and pub..." by DA Westbrook in 1992. On the left side, there is a Tools panel with links to Online User's Manual, Frequently Asked Questions, Training Resources, YouTube Channel, and Become a PoP Supporter. On the right side, there is a Paper details panel showing information for "Global order and global disorder: globalization and the nation-state" by K Suter (2003).

Figure 1. Mapping out epistemic community (made by the authors using Publish or Perish)



*rules and therefore see them as illegitimate.*<sup>[2]</sup>

Moreover, President Xi Jinping's governance views emphasize that the world is increasingly defined by disorder rather than order (the “changes unseen in a century” motto),<sup>23</sup> and China sees itself as emerging as a strong and stable power while the West declines. As stated by Leonard, nowadays, “[...] Xi sees the roles as reversed. It is the West that now finds itself on the wrong side of fateful changes and China that has the chance to emerge as a strong and stable power.”<sup>[2]</sup>

As for the current tension between China and the United States, while the US aims to revamp alliances and institutions to maintain its dominance, China believes that other countries' search for sovereignty and identity will result in a more fragmented, multipolar world where China can assert itself as an alternative. As such, the West's actions respond to domestic polarization and its loss of global power, resorting to pit China against the democratic world, leading to a shift from engagement to “total competition” in various aspects, portraying this as a new Cold War.

Regarding the normative governance of the international system, Michelle S. Kelsall does not argue the existence of a legally disordered state of affairs but proposes a framework in which disorder is embraced. The author initiates its proposal by first presenting the concept of order and then examining the critical approaches to liberal internationalism in international law, proposing a disordering critique of international law. To that effect:

*International legal order remains fundamental to contemporary understandings of international law. Despite ‘normative attacks on statism and ongoing empirical claims that states are no longer the primary international law-makers’, statehood remains central to most international lawyers’ understanding of how (and whom) international law governs. The international legal order comprises an integrated hierarchy of norms, conventions and principles determined with reference to the spatial order of the state. The most obvious example of this remains international lawyers’ ongoing allegiance to Article 38(1) of the Statute of the International Court of Justice to determine the sources of international law – itself a placeholder for states’ consent to be governed by these sources over the past century...By operating as a liberal international legal order, critics argue, international law masks its sanctioning of hegemony, its colonial predilections, its allegiance to capitalism and its aversion towards gender non-conformity. Allegiance to capital further gives rise to a neo-liberal project, in which tacit acceptance of juridical sovereignty enables those engaged in international legal argument to sideline or justify the power at play within that order and its support of a laissez-faire market economy. This is achieved by appealing to either the formal equality of states or the ‘universal’ liberal values encompassed in appeals to justice (p. 733-4).*<sup>[3]</sup>

She argues that despite disavowals of the liberal international legal order, most critical international lawyers still rely on liberal vocabularies and must reimagine how order can be constituted anew, which for the author is through the concept of non-duality proposed by Ratna Kapur and the writings of Justice Cançado Trindade to conceptualize a disordering sensibility in international law.

The author suggests that critiques of institutional praxis, custom, statehood, and legal ontology have not fully moved

beyond a dualist mentality that remains wedded to understanding international law in largely liberal terms, proposing a disordering sensibility in international law, which seeks to disrupt the systemic function or neat arrangement of legal ordering and move beyond the liberal paradigm without becoming illiberal.

By drawing from non-Western epistemologies, which in the case of the paper is China, and considering alternative generative pathways, the paper aims to reframe what the international legal order might look like and provide a new understanding of law and legal order. As such, Kelsall poses:

*In the case of China's rise as a 'new great power', a disordering critique interrogates the basis upon which that assertion is being made, outside of the spatial order of statehood. Here, Anne Orford's recent work on regional orders is instructive. For Orford, China's rise to power can be understood in the context of a longer history of resisting aggression and imperialist invasion.<sup>26</sup>*

In this sense, we agree with the author on the argument but not in the loose use of the term disorder, or in other words, the emergence of China, as we are going to examine in the next part, cannot be understood as a disruptive factor to the international system but an underlying order in the anarchical international system.

However, there is a common trace in the disorder literature, which is that the trajectory of global affairs is undergoing ongoing transformations, and increasing complexity. However, as we argue, portraying it as a state of disorder does not contribute to the explanation and understanding of the current state of affairs. As such, we propose to examine the complexity under the chaos approach as crucial in comprehending the intricacies of our interdependent world.

## 2.2. Chaos Paradigm

The incorporation of mathematical and physics methodology in social sciences has increased over the years due to a search for a more robust and reliable explanation of social phenomena. Modeling social phenomena, quantitative analysis, systems theory, statistical mechanics and social dynamics, and network theory are among the most popular attempts to integrate natural sciences into the analysis of society.<sup>27</sup> However, this interdisciplinary endeavor is not easy as the social world is not composed of a series of cause-and-effect relations.

Social sciences are well equipped with developed methodologies that capture and explain social phenomena, including incorporating tools from other fields to increase the explanatory power, such as mixed methods.<sup>28</sup> To that extent and without fetishizing the natural science methods, we understand that a very useful methodological tool to deal with social systems is chaos theory, as directs us to deal with uncertainty, nonlinearity, and unpredictability, which are aspects of the behavior in the international system.<sup>29</sup>

Chaos theory has been utilized in the social sciences to comprehend intricate and seemingly disorganized occurrences, such as the dynamics of financial markets, the propagation of epidemics, and the conduct of crowds, emphasizing how minor alterations or interactions among individuals or groups can result in substantial changes in the outcomes, hence leading to what may appear as a disorder within the social system. In this sense, social reality is:



*[...] clearly nonlinear, where instability and unpredictability are inherent, and where cause and effect are often a puzzling maze. The obvious fact that social systems are historical and temporal systems also stresses the potential value of chaos theory to the social sciences. Social systems are typified by the changing relationships between variables.<sup>30</sup>*

As pointed out by David Byrne<sup>[4]</sup>, Chaos Theory “[...] from which accounts of complexity have developed, deals exactly with non-linear relations, with changes which cannot be fitted into a simple linear law taking the form of statement of single cause and consequent effect.”<sup>31</sup> As such, the usage of chaos in scientific terms refers to it as the precursor of order and not the opposite as common sense or vulgar usage of the term suggests: “there is order in chaos, but there is also chaos in order.”<sup>32</sup>

Within the scientific realm, chaos pertains to a certain form of intricate behavior demonstrated by deterministic systems that show remarkable sensitivity to initial conditions. It does not necessarily denote randomness; instead, it signifies a significant level of intricacy and responsiveness to beginning conditions that might result in unpredictable behavior. To that end, chaos and disorder are related in the sense that chaotic systems can exhibit behavior that might be perceived as disorderly due to their sensitivity to initial conditions and the complex, non-linear interactions within the system.<sup>33</sup>

However, chaos theory suggests that this apparent disorder results from underlying deterministic processes, and it may hide underlying patterns that are not immediately evident. In other words, chaos can lead to complex patterns that may appear disorderly on the surface. However, there is an underlying order within the chaos, thus serving as a theoretical framework to comprehend the dynamics of intricate and unpredictable systems, which, in our case, are international ones.

Therefore, in the quest to understand and explain the complexities within the international system and the search for order, scholars should notice that with chaos theory, different from disorder, there are markers that indicate the existence of an underlying order in the anarchical structure of the system (even traces that has not been manifested fully yet) that accommodate both international law and politics despite of the chaotic behavior of the actors in said system.<sup>34</sup>

First, chaos theory suggests that even little alterations or sensitivity to the initial conditions can result in significantly divergent consequences in nonlinear systems, which, on international relations, the phenomenon can occur when seemingly insignificant events or decisions have a significant and unforeseeable impact on global politics and formation and compliance of International Law.<sup>35</sup>

Second, the theory highlights the responsiveness of systems to their initial conditions. In international relations, this phenomenon is evident in how minor geopolitical incidents or choices made by influential individuals can trigger a series of interconnected events that have significant and wide-ranging effects and how the intervention of International Law happens to legitimize stances of behavior.<sup>36</sup>

Third, it acknowledges that intricate systems consist of interconnected components and subjects. The complexity of the international system is apparent via the presence of numerous entities (such as governments, non-state actors, and

international organizations) and the dense network of interrelationships and interdependencies, including the formation of international regimes.<sup>37</sup>

Fourth, some junctures in the progression of a system referred to as bifurcation points, have the potential to result in significantly divergent results. These divisions can serve as critical junctures that may lead to crises, conflicts, or significant diplomatic advancements that profoundly reshape the trajectory of events.<sup>38</sup>

Fifth, the critical junctures in the system lead to some accommodation or adaptation in the system as actors adjust their strategies and actions in reaction to evolving conditions. Chaos theory examines how these adjustments contribute to the overall intricacy and unpredictability of the global system and how actors organize themselves and display unexpected behavior due to changes, thus generating self-organization and equilibrium (or an attractor to the conditions of the emerging order).<sup>39</sup> An important aspect of the emerging order is how information and communication happen in intricate systems. As such, the dissemination of information, the influence of media, and the intricacies of diplomacy contribute to the complexity and frequently unforeseeable nature of global politics, as well, as in the case of China, misperceptions.<sup>40</sup>

These five theoretical markers of chaos theory are applied in the next section of the paper in the case of China in search of empirical evidence that corroborates our argument, providing a new form of understanding international order under the normative and political stance.

### 3. Underlying Emerging International Order: the China Case

The evolution of International Law and politics from the 19<sup>th</sup> to the 20<sup>th</sup> and 21<sup>st</sup> centuries signifies a transformation from a state-focused, Europe-centered system with restricted coverage, to a more encompassing, diverse, and all-encompassing legal structure that deals with a broad spectrum of global concerns, reflecting the greater transformations in global affairs and the political, social, and technological environments of the world.<sup>41</sup>

The emergence of China poses a threat to the international system, which is liberal and anarchical. Therefore, the six theoretical markers of chaos theory are applied in the next section of the paper in the case of China based on Table 1 in search of empirical evidence that corroborates the argument, providing a new form of examining order in the international system.

#### 3.1. *Initial Conditions: the Centuries of Humiliation*

China has a complex history in dealing with colonial powers, experiencing periods of foreign domination and territorial encroachment known as the “Centuries of Humiliation”, which left profound marks on the nation. It is a period in China’s history – from the mid-19th century to the mid-20th century - used to describe a period characterized by a series of foreign invasions, unequal treaties, and territorial concessions that significantly damaged China's sovereignty, economy, and national pride.<sup>42</sup>

China's early interactions with International Law were marked by reluctance, as it viewed these frameworks as tools used

by colonial powers to advance their interests. During this period, China faced numerous challenges, both from Western powers and neighboring countries. The First Opium War (1839-1842) with Britain marked the beginning of this period, resulting in China's defeat and the signing of the Treaty of Nanjing, which forced China to cede Hong Kong to the British and grant extraterritorial rights to foreign powers.<sup>43</sup>

Although the Qing government did have the opportunity to learn about International Law before the Opium War, engagement with other countries under the law of treaties was practiced, such as the Sino-Russian Nebuchu negotiations. In 1689, China and Russia signed the Sino-Russian Treaty of Nebuchu. Not only was the content of this treaty equal, but also the format, signature, seal, and exchange of the relevant treaties were under the norms of international practice at that time. However, no concept of international law and norms of international law related to modern China derived from this.<sup>44</sup>

It is generally recognized that China's formal encounter with International Law began with the 1842 Treaty of Nanjing between China and Great Britain.<sup>45</sup> When China first met International Law, a system of rules full of the will and colonial flavor of Western empires, China was an oppressed subject drawn from a celestial kingdom in the East Asian order into the Western colonial system. Because China had long been closed to the world and had no interest in economic and trade relations with foreign countries, it was in a passive position in the tide of international economic and trade. Due to its lack of understanding of the rules of the international community, China had its doors broken down by foreign powers on the one hand. On the other hand, after losing the wars, it had to cede land and make reparations and humiliate its country through a series of unequal treaties. In the initial encounters, it seemed that international law had no intention to make any changes for China, while China had to adjust its behavior and concepts under the pressure of international law of this colonial system, to avoid the substantial overturning of its position.

Since China's encounter with the Western powers and modern international law, the question of how to change the law to make China stronger, how to make China truly integrate into the international community, how to make other countries treat us as equals, and how to make China equal in international relations has been a question pondered by Chinese scholars of all generations. In the latter 19th century, international law, as a part of the Western institutional culture, together with Western politics, military, economy, and technology, had a very strong impact on China. By understanding and using international law, China's possibilities of gaining rights and interests in the international community increased.

Regarding whether International Law could help China, there existed different perceptions among the intellectuals: a) as long as one carefully studied and actively comprehended international law, one could be integrated into the international community,<sup>46</sup> and b) International Law often existed and functioned together with the powerful, but it was difficult to defend the interests of the weak.<sup>47</sup> Some scholars have reconstructed the historical facts of the acceptance of Western international law in the late Qing Dynasty from the perspectives of the introduction, interpretation, and application of international law, and explored the historical process of China's transformation from a traditional dynastic empire to a sovereign state in the modern sense of the term, and from "China's world" to "the China of the world" in the course of disorganization and the quest for order.<sup>48</sup>

After the Sino-Japanese War, the Treaty of Shimonoseki signed in 1895 further touched the Chinese, and the idea of strengthening the country through the foreign affairs movement was highly skeptical.<sup>49</sup> At this time, the eastward trend of Western learning and Western law became the trend of China's overall development. As posed by Shin Kawashima:

*[...] Qing was no longer a 'country outside the Wanguo Gongfa' and became aware of itself as one of many States that coexist in the international community. Qing clearly recognized this at international conferences, such as the Hague Conferences in 1899 and 1907. Being treated as a second- or third-rate power instead of a first-rate power due to the low level of Qing's development also gave a push to Qing to work toward building a modern State.<sup>50</sup>*

The Chinese government had a supportive attitude towards international legislative activities, as well as a tendency to actively promote integration into the international community.<sup>51</sup> The 1920s saw China formally enter the international community by joining the League of Nations. It was hoped that China, as a victorious nation, would break away from its former state of being bullied and contained, and form a new pattern of equal interaction with other nations. Although these aspirations paled in the face of the competition for benefits between countries at the time, it was also China's effort to change the international law environment in which it found itself through its struggles.

The 1911 Xinhai Revolution did not lead the world to see China as a truly modernized country. The colonizers used a series of legal means backed up by threats, for instance, the Simla Conference, and the Treaty of Chakotu, to try to get China to cede more of its interests.<sup>52</sup> Europeans, including international law scholars, at the end of the nineteenth and beginning of the twentieth centuries did not consider China to be a "civilized country" capable of understanding international law and applying it.<sup>53</sup>

The neglect of China's interests under the Versailles-Washington system is a striking example of how the international system has harmed China. The Chinese delegation, despite its disappointment, could do nothing about the Paris Peace Conference's betrayal of China's interests in Japan, and all its efforts came to naught, except to protest by refusing to sign the peace treaty.<sup>54</sup> On September 18, 1931, the Japanese attacked the Chinese army at the North Camp in Shenyang, occupied the barracks of the Chinese army, and quickly occupied Changchun and the whole Northeast. The National Government intended to refer Japan's "violation of public international law and sabotage of peace in East Asia" to the League of Nations and the signatories of the 1928 Non-War Convention, in order to achieve the victory of justice over power and to gain international recognition through patience.<sup>55</sup> On October 23, the draft resolution on the settlement proposed by French Foreign Minister Briand, although it called for the withdrawal of Japanese troops on November 16 and received 13 out of 14 votes in favor (Japan was against it), was at best a comfort to public opinion and had no practical effect.<sup>56</sup> In this case, as in the case of the Paris Peace Conference, China has seen that International Law has done little to help it.

To that end, tracing China's encounter with International Law confirms the open imperialistic ontology and epistemology, as during the 19<sup>th</sup> century, International Law was predominantly shaped and implemented by European nations, focusing on their interests and viewpoints in dealing with the "otherness." The main emphasis was placed on state sovereignty and

the principle of non-interference in domestic affairs, by the Westphalian system established in the mid-17<sup>th</sup> century, which was used to justify and promote the expansion of colonies, showing little concern for the rights of the colonized populations. International law had a narrow focus on diplomatic relations, warfare, and territorial matters among a restricted set of nations, predominantly European, with minimal contribution from other global regions.<sup>57</sup>

Overall, at this stage, International Law has not brought much positive feedback to China. The international system has repeatedly failed China's trust, making the Chinese people feel that International Law is unreliable and giving them a lot of negative and negative impressions of it.<sup>58</sup> At the same time, we can see that, although the history of China's understanding and acceptance of international law from the late Qing Dynasty to the Republic of China is characterized by the humiliating and painful separation of theory and practice, it is also characterized by the gradual awakening of the Chinese people and their continuous struggle against imperialism, which has led to the continuous improvement of China's international status. The practice of this period has profoundly revealed the spiritual essence of modern international law, such as "one must strive for one's rights" and "the peace of the world must be preserved by the people of the world themselves".<sup>59</sup>

The encounter of China with International Law and relations compromised seriously the Qing dynasty, as it was already coping with internal problems. As Jack Goldstone conceptualizes, revolutionary movements to change government structures happen and are successful due to the existence of four factors, which in the case of China in this period were present: weak state, conflicting elites, rapid population growth, and erratic international interventions<sup>[5]</sup>. As confirmed by Tony Saich, these factors:

*[...] played a role in the collapse of the Qing dynasty and the emergence of the revolutionary movements. The Taiping Rebellion (1850–1864) from within and the Opium Wars (1839–1842 and 1856–1860) from without weakened the Qing state at a crucial time. This led to a rise in localism, as the state's capacity to manage defense and provide sufficient public goods for its people declined. The Chinese state was seeking to rule over its largest geographical expanse in history, with a rising population but without increasing state capacity.*<sup>61</sup>

Even after the fall of the Qing state, China was under the influence of international forces as General Yuan Shikai received international recognition and took money from financial institutions during a very disturbed time. In addition, the country was sucked into the First World War by Japan as it wanted the Germans out of the Shandong province with Great Britain's help, which Yuan agreed despite China's declaration of neutrality. The turmoil of the First and Second Revolutions, political disputes, and international interference sedimented the formation of the People's Republic of China.  
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### 3.2. Responsiveness to Initial Conditions: The People's Republic of China

Since the founding of the People's Republic of China, when confronted with international affairs, China has, on the one hand, adhered to the Charter of the United Nations as the basis for its adherence to International Law and the rule of

law,<sup>63</sup> on the other hand, it has put forward differing views on certain international political and legal concepts, and questioned or even objected to certain international mechanisms and international legal acts.<sup>64</sup>

Facing China's two distinctly differentiated positions on international law in international affairs, How China interacts with the international legal order—namely, how China utilizes International Law to facilitate and justify its rise and how International Law is relied upon to engage a rising China—has invited growing debate among academics and those in policy circles.<sup>65</sup>

From the founding of the People's Republic of China to the early days of reform and opening up, China was basically outside the system of International Law.<sup>66</sup> The following two factors mainly cause this: On the one hand, from the perspective of historical factors, in modern times, China has been poor and weak and has been bullied and invaded by Western powers, which has cultivated a thick "victim mentality".<sup>67</sup> Western powers have imposed many unequal treaties on China through force, which have become a yoke to the Chinese so that the Chinese people have a deep desire to boycott imported International Law.<sup>68</sup> On the other hand, from the point of view of ideological factors, the Chinese people believed that law was an instrument of class rule, and traditional International Law was the embodiment of the common will of the Western bourgeois countries.<sup>69</sup>

China is a socialist country, and it is impossible to recognize it, let alone integrate into such an international legal system.<sup>70</sup> During the "Cold War", the two camps of the East and the West were in a state of high confrontation, and at that time, there was no *realpolitik* space in China to accept traditional international law. Among the major non-Western countries at that time, China was the only country affected by both factors, thus becoming the farthest "extra-system country" from international law.<sup>71</sup>

The period when China was outside the system was also the time when Western scholars considered China to play the role of "opponent of the system" in international relations.<sup>72</sup> During this period, as a "country outside the system", under the dual thrust of historical trauma and ideology, China showed a strong "revolutionary" tendency towards Western International Law: first, the wounded historical memory caused the "victim psychology" to be deeply rooted in the subconscious of the Chinese people; At the same time, China's history of humiliation in modern times has not extinguished the deep-rooted "great power mentality" of the Chinese people.

This kind of "victim" psychological suggestion of the Chinese people is intertwined with the "great power mentality", which can easily arouse the "resistance" sentiment against the traditional International Law dominated by the West; Second, China's ideology at that time was also imbued with the philosophy of "struggle," regarding the hostility between the two camps as a continuation of the class struggle in the international arena, and what the Chinese people were doing was to deconstruct the existing international legal order and launch a-for-tat "cultural revolution" against traditional International Law.<sup>73</sup> In this historical period, China's emphasis on "struggle" rather than "cooperation" in international legal practice has resulted in its inability to "destructively create" Western theories of International Law, that is, it has not created its theories in addition to criticism.

Of course, despite these unfavorable conditions, China has still participated in some international legal affairs, such as

attending the Geneva Conference and the Asian-African Conference, and has clearly expressed its willingness to abide by the norms of International Humanitarian Law, by putting forward the Five Principles of Peaceful Coexistence, which have had a significant impact on international relations and International Law.

### 3.3. *Complexity and Bifurcation: the Reform and Opening up*

The pressures over the international system due to the emergence and proliferation of neoliberal international institutions started to be felt in the 1960s and especially in the 1970s, aggravated by the successive oil crises. The negative effects related to anthropogenic activities initiated in the Industrial Revolution started to increase exponentially at this point, giving rise to international pressures on developing countries, many of them implementing policies towards development that were hypocritically condemned by developed countries. The proliferation of international intergovernmental organizations, intense advocacy by non-governmental organizations on several fronts, and the rise of powerful transnational companies capable of modifying the political pathways in the hosting developing countries that were desperate for investments (with corrupt elites willing to accept any condition for a price), challenged the prominent role of the state in the international relations. These factors inserted a layer of difficulty into the internal problems that states were already facing during this period<sup>[6]</sup>.

In dealing with this complex scenario and foreseeing the need for adjustments to survive, China took the necessary steps. For starters, China's attitude toward International Law was different from that of the Soviet Union in the 1960s, and after the reform and opening up, it showed a more positive attitude toward it.<sup>75</sup> China offers different understandings and interpretations of Western-dominated concepts of international law, whether they are claimed to embody globally universal values or to have a long historical foundation.<sup>76</sup> For example, in human rights, China has not acceded to or ratified some of the core conventions within the United Nations system. Among the series of human rights instruments to which China has acceded, there are reservations to or non-participation in the mechanisms for inter-state complaints and individual communications.<sup>77</sup>

At the same time, China does not recognize or accept the voluntary compulsory jurisdiction of the International Court of Justice; in particular, it has reservations about the provisions of most multilateral treaties that deal with disputes before the Court.<sup>78</sup>

This perception of China as an opponent of the international system began to shift gradually, especially after The PRC entered into the United Nations in 1971, It marked a significant step toward its integration into the international community, and subsequent economic reforms in the late 20th century further altered global perceptions. In the second half of the twentieth century, international relations sent out new shoots of globalism on the branches of nationalism. Moreover, as international relations at that time gradually emerged from the "Cold War," International Law established norms on the environment, human rights, and security under the slogan of globalization, and China grew during reforms and openness.<sup>79</sup>

In 1977, there was a quiet strategic shift of focus on the part of the party and the state on the mainland, and by the 1978 Central Work Conference and the Third Plenary Session of the Eleventh Central Committee, China was officially making

strides towards the goal of becoming a modernized great power. In the mid-1980s, under the impetus of Deng Xiaoping, relations between the Soviet Union and China normalized, and China's foreign relations moved towards a new stage of comprehensive development.<sup>80</sup>

Taking the restoration of its seat in the United Nations as an opportunity, China has not only initiated frequent exchanges with the European Community (EC), ASEAN, the League of Arab States (LAS), and the African Union (AU), but has also actively joined the International organization.<sup>81</sup> Among the efforts to integrate into the international system, the most impressive for the Chinese is its accession to the WTO, its adherence to the norms of International Law in the WTO, and its active participation in dispute settlement.

Of course, it is still worth noting that China still feels many obstacles to the development of the rule of law at the international level itself, such as the traces of great power politics in the use of force, counter-terrorism activities, and foreign intervention, as well as the long-delayed stalemate in the Doha Round of the WTO, which was launched in 2001.<sup>82</sup>

Because of China's long history as a small and vulnerable country and because of the instrumental use of International Law by Western powers, China's long experience with International Law has failed to instill confidence in the Chinese people. Under these circumstances, although there is a tendency for China to identify itself with the international system, it is still a long way off in terms of developing trust in the international legal system. This experience has increased China's focus on power and political and economic games rather than legal norms.

The reform and opening phase have shown the complexities that China had to navigate to sustain its independence from other powers and international institutions, which were not any different from the 1500s European power in search of imposing domination under the banner of globalization, theories such as the end of history, or loans to developing countries with conditional clauses (requirement of privatization for instance). International Law and institutions became the legal justification for this subtle domination.<sup>83</sup>

### 3.4. *Accommodation or Adaptation: The Emergence of the Underlying Order*

China's historical experiences with colonialism have influenced its initial skepticism toward International Law. The impact of this period of humiliation is still felt in modern China as it has shaped the country's national identity, its approach to foreign policy, and its drive for economic development and military modernization. China's experience with colonialism and imperialism during this fueled a desire for national rejuvenation and self-reliance, catalyzing China's determination to build a strong, independent economy and protect its sovereignty.<sup>84</sup> In this sense that China becomes the precursor of the underlying emerging order amid the chaotic (anarchical) behavior of the countries in the international system, which has been marked by successive crises since the end of the Second World War.

In the face of globalization and changing geopolitical dynamics, China has adapted, actively participating in international institutions, and using legal frameworks to protect its interests. The contemporary manifestations of China's approach to international law reflect a balance between asserting its sovereignty and participating in the global order. In the report of the Eighteenth National Congress of the Communist Party of China (CPC), when describing the new achievements of



China's diplomatic work over the past five years, it is stated that China has "pushed forward the reform of the global governance mechanism, actively promoted world peace and development, and further strengthened its representativeness and discourse in international affairs, thus striving for a favorable international environment for reform and development". This is the first time that China has used the concept of "global governance mechanism" in an official document, indicating that global governance exists not only as a foreign affair and a global phenomenon but also as an operational mechanism and system.<sup>85</sup>

The new international order is an important dimension of China's participation in international affairs and the development of international relations and an important opportunity for China to lead the international rule of law. History and reality have repeatedly proved that rights and interests can be acquired only through effort and ability. Even in an environment governed by the rule of law, there are many factors involved in the establishment and operation of rules. International Law has historically played a role in perpetuating inequality and subordination of the Global South by privileging the interests of Western states and institutions, being used to legitimize colonialism, imperialism, and economic exploitation.<sup>86</sup> It also emphasizes the influence of neoliberal economic policies and institutions on International Law, arguing that neoliberalism perpetuates economic inequalities and reinforces the dominance of powerful states and corporations, often at the expense of the Global South.<sup>87</sup>

Looking back at international relations over the past century, it was easy to see that only by rising and fighting could the former colonies win the status of nationally independent States; that only by striving to win opportunities for development after gaining political independence could those States achieve genuine economic independence; and that only through mutual political and economic support and sympathy, as well as through intensive South-South cooperation, could developing countries establish a new international political and economic order that was fair and reasonable.

Only through deep South-South cooperation and mutual political and economic support and sympathy will it be possible to establish a fair and reasonable new international political and economic order. There can be no rights without struggle, and no benefits without participation. Therefore, China needs to actively participate in the process of the formulation and implementation of international law to ensure that China's position is fully expressed, China's ideas are fully reflected, China's will be fully recognized, and China's interests are fully considered.

In addition to the encounter of China with colonialism and imperialism in its history, China's economic transformation in recent decades has been largely driven by globalization. The country embraced market-oriented reforms and opened its doors to foreign investment and trade, leveraging its vast labor force and resources.

Foreign direct investment, export-oriented manufacturing, and integration into global supply chains have propelled China's economic growth, resulting in poverty reduction, technological advancement, and increased living standards for millions of people.<sup>88</sup> In this sense, David Shambaugh provides a summary of this process:

*China's global expansion did not occur by happenstance. It grew directly out of the Communist Party and government policies launched at the famous Third Plenary Session of the 11th Central Committee in December*

1978 to engage in “reform and opening” ( ). Throughout the 1980s, China “invited the world in” ( ) and began its hesitant steps on the world stage—particularly in overseas educational and science and technology exchanges. By the early 1990s, there was a conscious government policy launched to encourage Chinese commercial firms to “go out” ( ) and for Chinese localities and organizations to more generally “go global” ( ). The encouragement to Chinese companies did not really begin to materialize until around 2007, but by the mid-2000s considerable international initiatives were being launched by a wide variety of Chinese organizations, localities, and individuals. In 2008, China launched its global cultural blitz, attempting to improve its international image and build its soft power. Militarily, during the same decade the People’s Liberation Army (PLA) stepped up its international foreign exchanges, amounting to more than four hundred annual exchanges. Thus, the origins of China’s “going global” date back several decades, even if the manifestations of it are more recent<sup>[7]</sup>.

In recent years, anti-globalization and unilateralism have been on the rise, and the WTO multilateral trading system has encountered difficulties. At the critical moment when the rise of anti-globalization and unilateralism was affecting global economic and social development, China had put forward the Belt and Road Initiative (BRI) and had actively put it into practice, thus greatly curbing the trend of anti-globalization and unilateralism and forming a new force in defense of globalization and multilateral trade.<sup>90</sup>

Within the critical element of “common prosperity” and “shared future” at the center, the BRI is one of the most ambitious and misunderstood international development approaches of our times. It was launched in 2013 by Chinese President Xi Jinping to rejuvenate the historical origins of the Silk Road. The BRI is responsible for boosting connectivity and economic cooperation between Asia, Europe, and Africa. The BRI involves building infrastructure and trade networks across Asia, Europe, and Africa, including highways, railways, ports, and power grids, to enhance regional connectivity, promote trade, and boost economic development. China’s historical experiences with colonialism and its engagement with globalization have influenced its approach to shaping the BRI,<sup>91</sup> aiming to promote regional connectivity, infrastructure development, and economic cooperation across participating countries facilitating the exchanges between civilizations for centuries.<sup>92</sup> According to the Chinese government, 145 countries have signed the Memorandum of Understanding to join the BRI, reinforcing the Chinese position that the platform got the attention around the world.<sup>93</sup>

Thus, the BRI emerges as an alternative, a new approach to development that addresses development thru the lens of a country that knows how detrimental it is to be subjugated by external forces exerted by great powers. China’s experience with colonialism and imperialism during this fueled a desire for national rejuvenation and self-reliance, serving as a catalyst for China’s determination to build a strong, independent economy and protect its sovereignty that resonates soundly with the vivid experiences in Latin America when encountered international institutions with adjustment programs.<sup>94</sup>

China’s economic development has been profoundly influenced by both colonialism and globalization, shaping its trajectory as a major global player and influencing how the country has leveraged its historical experiences to shape the BRI – its foreign policy flagship project aimed at fostering connectivity and economic cooperation across Asia, Europe, Africa, and beyond. Building the Belt and Road is China’s “master plan” for opening up to the outside world in the long

term and an important practical platform for promoting the building of a community of human destiny, as well as a public good provided by China to the whole world.<sup>95</sup> On July 1, 2019, General Secretary Xi Jinping pointed out in his important speech at the conference celebrating the 100th anniversary of the founding of the Communist Party of China (CPC):

*On the journey ahead, we will remain committed to promoting peace, development, cooperation, and mutual benefit, to an independent foreign policy of peace, and to the path of peaceful development. We will work to build a new type of international relations and a human community with a shared future, promote high-quality development of the Belt and Road Initiative through joint efforts, and use China's new achievements in development to provide the world with new opportunities.*

China adheres to the principle of prioritizing development and has placed development at the forefront of its global macroeconomic policy framework. On the one hand, it actively pursues its own development, maintaining continuity, stability, and sustainability; on the other hand, it actively strengthens macroeconomic policy coordination among the major economies, builds a more equal and balanced global partnership for development, and promotes synergy in the multilateral development cooperation process, to accelerate the common cause of global development.<sup>96</sup>

The engagement of China in international affairs and upholding the legal framework throughout the developmental propositions based on historical experiences (Belt and Road, Global Development Initiative, Global Security Initiative, and Global Civilization Initiative) pushed Western powers to engage in newer and more equitable stances of development, including turning their heads to the Global South that was forgotten, especially during the Covid-19 pandemic. For instance, in the 47th Summit of the G-7, the United States announced the Build Back Better World (B3W) and Europe's Global Gateway.<sup>97</sup>

The natural and essential adjustments of the BRI transition to the Green BRI due to the internal and external pressures, which is a concept that refers to a set of guidelines and principles aimed at making the Belt and Road Initiative more environmentally sustainable.<sup>98</sup> The idea of the Green BRI was first introduced by China's President Xi Jinping in 2017,<sup>99</sup> and it is permeated by the pursuit of building an ecological civilization that goes beyond the sustainable use of natural resources to close the gap existing between humankind and nature, as uttered by Weins et al. 2023: "Eco-civilization is thus unique as a *global* environmental discourse because it is presented as a largely non-Western response to the global environmental crisis [...] placing China in a leading role in navigating global issues such as climate change [...] starting to reach far beyond the borders of China. This is the first time that a deliberately non-Western environmental discourse is making its way to the global level."<sup>100</sup> As stated by Zhou<sup>[8]</sup>:

*China's ecological civilization is not only a discourse but also a practical strategy. At the same time, it is also a Marxist response put forward by China in the process of promoting its own economic and social practice. Especially since the 19th Congress of the CPC this response has been concentrated on "harmonious symbiosis between man and nature."<sup>101</sup>*

China changed from a posture of defending the right to development, technology transfer, financing mitigation and adaptation, absolute sovereignty over natural resources, and common but differentiated responsibilities to an approach to generating awareness of the environmental threats the globe is facing, thus leaving a position of primary obstacle in the debates over the environment to one of the best options to help the international governance of the environment.<sup>102</sup>

On the basis of summarizing and drawing on the development paths of major countries over the centuries and the lessons learned from China's history, China has come to the sober realization that openness leads to progress, closure leads to backwardness, and that openness to development is an important and irrevocable path. China's development has benefited the international community, and China has also contributed to global development. To win the advantage, initiative, and future of China's development, it must respond to economic globalization, capitalize on the advantages of its mega-market, and pursue a more proactive strategy of opening up. China needs to participate in the reform of the global economic governance system, engage in all-round cooperation, actively promote the formulation of rules and regulations for economic governance in emerging areas, push for the improvement of a fairer and more reasonable system of global economic governance, and promote its development and the common development of all countries through consultation and cooperation on an equal footing.<sup>103</sup>

From the moment China met modern International Law and survived and developed in international relations, it was transformed by international law and, at the same time, participated in its transformation and development. During the late Qing period, the colonial logic of the international community combined with a closed China to produce treaties that invaded China and forced it to open up; the oppression of China by the colonial empire combined with the cowardice, ignorance, and submissiveness of the Chinese people and officials to produce a deepening of the treaties that oppressed China.

As an anti-imperialist and anti-hegemonistic force, China has contributed to the evolution of international patterns and concepts. Over the past hundred years or so, international law has contributed to China's marketization and openness, and China has made international law more oriented and responsive to non-Western countries, focusing more on measuring and solving problems through concepts other than antagonistic ones. The so-called liberal international institutions often emphasize individual rights and freedoms over collective and communal rights, which is problematic in societies where collective values and identities are central. This leads to tensions and conflicts between different groups and hinders institutions' ability to promote social justice and equality.<sup>104</sup> Therefore, it is essential to examine the ontologies and mechanisms of liberal international institutions critically and to seek ways to make them more inclusive, responsive, and equitable. As such, it involves greater participation of non-Western countries and marginalized groups in decision-making processes, recognizing diverse knowledge systems and perspectives, and promoting collective and communal rights alongside individual rights and freedoms.<sup>105</sup>

Today, China's political system, economic model, cultural patterns, social order, and even military equipment all bear the imprint of international law. International law has shaped China in terms of its awakening of national consciousness and its choice of direction and path of national development, and China is one of the shapers of contemporary international law. China's participation in International Law is bound to increase, and the ideas and systems it provides for the international

law of all countries will become clearer and more guiding.

#### 4. Final Remarks

As we reach the conclusion of this study, it is clear the two-fold contribution to the fields of International Law and Relations besides the methodological approach. The application of the chaos theory, which focuses on nonlinearity, unpredictability, and sensitivity to beginning conditions, offers a valuable perspective for comprehending the complexities of international relations and its normative dimension. The study challenges the growing usage of the term disorder to explain and understand the global state of affairs, facilitating the understanding of how minor alterations or choices can have substantial and unpredictable effects inside the intricate framework of global politics. The analytical strength of the theory becomes more robust with China's case study that challenges the disorder literature and the positioning of the country in the international system as an underlying emerging order instead of a disrupting variable.

The intricate interaction between historical factors and international legal framework in the case of China presents the approach towards International Law, which has been significantly shaped by its historical setting of enduring the "Centuries of Humiliation" and its interactions with other colonial countries as a resistance stance to imperialism. At first, International Law was seen as a means of Western imperialism. Over the course of time, China's comprehension and assimilation into the global legal framework underwent a transformation, shifting from opposition and doubt to proactive engagement and contribution.

China has transitioned from being a marginalized participant in the international legal system to becoming an indispensable component of it, which positioning ranges from a revisionist to upholding power of the legal order. This transition is characterized by its heightened engagement in global organizations, adherence to global standards, and endeavors to change and influence the global legal framework, as evidenced by its involvement in the WTO, the Belt and Road Initiative, and the upholding of the multilateral UN stance to address the recent conflicts between Russia and Ukraine, and Israel and Hamas, refuting the imposition of unilateral sanctions.

It emphasizes how China's past events, economic changes, and global policy initiatives such as the Belt and Road Initiative contribute to a fresh world political and economic system, which challenges conventional Western-dominated models. China's distinctive historical, political, and economic path has played a role in the development of international law, as indicated by the text. It has introduced viewpoints and remedies that are better suited to non-Western nations, therefore shaping modern international law to be more comprehensive and varied.

Ultimately, the essay demonstrates how chaos theory offers a sophisticated comprehension of the intricate and intricate character of global affairs, specifically within the framework of China's growing position. This statement emphasizes the complex relationship between historical circumstances, political dynamics, and legal principles in influencing the global legal framework. It specifically acknowledges China's growing role in creating this changing order.

Therefore, the findings of this study might be summarized as follows:

	Initial conditions	Responsiveness to Initial Conditions	Complexity and Bifurcation	Accommodation – emergence of underlying order
<b>Historical Markers</b>	Century of humiliation	People’s Republic of China	Reform and opening of 1978	Socialism with Chinese characteristics
<b>Approaches to International Law</b>	Colonial ontology of International Law	International Law as facilitator and justification of China’s new political reality	Uphold of International Law and multilateral institutions	New paradigm of development leading to adjustments

## Footnotes

<sup>1</sup> Realism is a theory that views international relations primarily through the lens of power, security, and self-interest. Realists argue that states are the primary actors in international politics, and their behavior is driven by their pursuit of power, survival, and the protection of their national interests. According to it, the international system is anarchic, lacking a central authority or hierarchy, which leads to a competitive and conflict-prone environment. It emphasizes the role of military capabilities, balance of power dynamics, and the rational calculation of costs and benefits in shaping state behavior. Also, it highlights the importance of national security, sovereignty, and the struggle for survival in international relations. Jr, Joseph S. Nye, and David A. Welch. 2010. *Understanding Global Conflict and Cooperation: An Introduction to Theory and History*. 8th edition. Boston: Pearson.

<sup>2</sup> Note that in this article we associate International Law and politics or relations as there is an essential correlation between them, which establishes the standard framework for the behavior of states, but politics plays a role in shaping how governments understand, enforce, and adhere to their legal responsibilities. Political factors frequently exert significant influence on the decision-making processes of states, influencing their approach to international agreements and obligations. This complex relationship also applies to the implementation of International Law, as political variables, such as power inequalities, alliances, and diplomatic pressures, can influence the willingness of governments to adhere to legal responsibilities and the efficiency of international legal processes. Mearsheimer, John J. 2014. *The Tragedy of Great Power Politics*. 1 edition. New York: W. W. Norton & Company<sup>[9]</sup>.

<sup>3</sup> Wheatley, Steven<sup>[10]</sup>.

<sup>4</sup> The concept of "multiple modernities" casts doubt on the notion that modernity is a single, homogenous process that occurs in all societies. Rather, it suggests that there are several routes to modernity and that various communities may have unique experiences with and expressions of modernization. This idea opposes a one-size-fits-all theory of how countries progress toward modernity and instead recognizes the richness of cultural variation<sup>[11]</sup>.

<sup>5</sup> Eslava, Luis, Michael Fakhri, and Vasuki Nesiah, eds<sup>[12]</sup>.

<sup>6</sup> Note that for the purpose of this paper, we have fixed the period after the Second World War as the marker for characterizing the international system. For an inventory of the "international systems" in history, see Bull, Hedley, Andrew Hurrell, and Stanley Hoffman<sup>[13]</sup>.

<sup>7</sup> Mesjasz, C<sup>[14]</sup>., Byrne, David<sup>[4]</sup>, and Axelrod, Robert, and Michael D. Cohen<sup>[15]</sup>.

<sup>8</sup> Seawright, Jason, and John Gerring<sup>[16]</sup>, and Gerring, John<sup>[17]</sup>.

<sup>9</sup> Pierson, Paul<sup>[18]</sup>.

<sup>10</sup> Capoccia, Giovanni, and R. Daniel Kelemen<sup>[19]</sup>.

<sup>11</sup> Bull, Hedley, Andrew Hurrell, and Stanley Hoffman<sup>[13]</sup>.

<sup>12</sup> The "security dilemma" is a fundamental notion in the realm of international affairs. It denotes a scenario where one state's endeavors to bolster its own security are interpreted by other states as jeopardizing their security, resulting in a sequence of competitive and potentially destabilizing measures among nations. The security paradox underscores a basic conundrum in global politics: the endeavor to achieve security by one entity can unintentionally engender insecurity for others<sup>[20]</sup>. Note that here the concept of security is used in a multidimensional approach, which refers to as comprehensive or holistic security, is a method of comprehending and resolving security matters in the global stage that surpasses conventional military considerations. This notion acknowledges that security threats and challenges can manifest in diverse forms and dimensions, surpassing the conventional emphasis on military defense, spanning a broad spectrum of characteristics and aspects that influence the stability and welfare of nations and societies such as the economy, environment, and human rights dimensions. Villa, Rafael Duarte<sup>[21]</sup>. 1999. "Multidimensional Global Security." *Lua Nova: Revista de Cultura e Política*, no. 46: 99–118. <https://doi.org/10.1590/S0102-64451999000100005>.

<sup>13</sup> Before we dive into the literature, it is necessary to make a conceptual demarcation. The use of the concept of order in the international system in this paper refers to liberal order that emerged after the end of the Second World War, which suffered a major transformation with the fall of the Berlin Wall. Lawrence Freedman<sup>[22]</sup> reflects on the concept of a "new world order" and the challenges faced in implementing a policy mix towards post-communist Europe, in which the decline of bipolarity and the influence of superpowers outside of Europe would increase, thus pointing out to the risks and caution associated with superpower involvement in regional conflicts. In addition, for the author, the collapse of the alternative value system based on Marxism has led to the widespread adherence to Western political values, characterized by liberal democracy and market economies, mirroring the famous thesis of the end of history resuscitated by Francis Fukuyama in the 1990s (Fukuyama, Francis. 2006. *The End of History and the Last Man* Reissue edition. New York: Free Press). However, both Freedman and Fukuyama were too dismissive in treating the end of the Cold War as the triumph of the liberal order and the market-oriented economy as the paradigm for development, which so far proved to be unequal and generative of successive social, economic, and natural crisis, thus, increasing the resentment. Suzman, Mark<sup>[23]</sup>. 2023. "The Roots of the Global South's New Resentment." *Foreign Affairs*, September 8, 2023. <https://www.foreignaffairs.com/africa/roots-global-souths-new-resentment>.

<sup>14</sup> Biersteker, Thomas J., Peter J. Spiro, Chandra Lekha Sriram, and Veronica I. Raffo, eds<sup>[24]</sup>. 2006. *International Law and International Relations: Bridging Theory and Practice*. 1st edition. Routledge.

<sup>15</sup> Vagts, Alfred, and Detlev F. Vagts<sup>[25]</sup>. 1979. "The Balance of Power in International Law: A History of an Idea." *American Journal of International Law* 73 (4): 555–80. <https://doi.org/10.2307/2200732>.

<sup>16</sup> Aybet, Gülnur<sup>[26]</sup>.

<sup>17</sup> Buzan, Barry<sup>[1]</sup>.

<sup>18</sup> To perform this mapping, we used the application Publish or Perish. Harzing, A. W. (2007) *Publish or Perish*, available from <https://harzing.com/resources/publish-or-perish>

<sup>19</sup> van Eck, N. J.; Waltman, L. (2010) VOSViewer: Visualizing Scientific Landscapes [Software]. Available from <https://www.vosviewer.com>.

<sup>20</sup> It is worth noting one article that calls the attention (curiosity) because of the title but neither present arguments in favor of disorder or chaos: *Putin's Age of Chaos: The Dangers of Russian Disorder*. In<sup>[27]</sup>. Last Access: December 4, 2023.

<sup>21</sup> Leonard, Mark<sup>[2]</sup>.

<sup>22</sup> Leonard, Mark<sup>[2]</sup>, p.118.

<sup>23</sup> “China now finds itself in the best period for development it has seen since the advent of the modern era; [simultaneously], the world faces great changes unseen in a century. These two [trends] are interwoven, advancing in lockstep; each stimulates the other. Now, and in the years to come, many advantageous international conditions exist for success in foreign affairs.” In <http://www.cnfocus.com/key-concept-changes-unseen-in-a-century/>. Last Access: December 4, 2023.

<sup>24</sup> Leonard, Mark<sup>[2]</sup>, p.118.

<sup>25</sup> Kelsall, Michelle Staggs<sup>[3]</sup>. p.733-4.

<sup>26</sup> Kelsall, Michelle Staggs<sup>[3]</sup>. p.749.

<sup>27</sup> Eve, Raymond A., Sara T. Horsfall, and Mary Lee, eds<sup>[28]</sup>, and Waldrop, M. Mitchell<sup>[6]</sup>.

<sup>28</sup> Timans, Rob, Paul Wouters, and Johan Heilbron<sup>[29]</sup>.

<sup>29</sup> For a historical overview of the emergence of Chaos Theory, see Nicolis, Gregoire, G. Nicolis, and Ilya Prigogine. 1989. *Exploring Complexity: An Introduction*. First Edition. New York: St. Martin's Press, and Kauffman, Stuart A. 1993. *The Origins of Order: Self-Organization and Selection in Evolution* 1st edition. New York: Oxford University Press.

<sup>30</sup> Kiel, L. Douglas, and Euel W. Elliott, eds<sup>[30]</sup>.

<sup>31</sup> Byrne, David<sup>[4]</sup>.

<sup>32</sup> Crutchfield, James P., J. Doyne Farmer, Norman H. Packard, and Robert S. Shaw<sup>[31]</sup>.

<sup>33</sup> Lorenz, Edward<sup>[32]</sup>.

<sup>34</sup> Kiel, L. Douglas, and Euel W. Elliott, eds<sup>[30]</sup>.



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<sup>88</sup> “China is the world’s most important rising power. In two decades, China has moved from the periphery to the center of the international system. Every day and everywhere, China figures prominently in global attention. Wherever one turns, China is in the news—gobbling up resources, soaking up investment, expanding its overseas footprint, asserting itself in its Asian neighborhood, being the sought-after suitor in global governance diplomacy, sailing its navy into new waters, broadening its global media exposure and cultural presence, and managing a mega-economy that is the engine of global growth. China’s global impact is increasingly felt on every continent, in most international institutions, and on many global issues. By many measures, China is now clearly the world’s second leading power, after the United States, and its aggregate economy is due to surpass that of the United States sometime around 2025. Globalization has also presented challenges for China. The influx of foreign goods and competition in global markets has affected domestic industries, leading to job displacements and income inequalities. Moreover, China’s rapid industrialization and export-led growth have raised concerns regarding environmental degradation and sustainability.” In Shambaugh, David<sup>[7]</sup>.

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<sup>92</sup> The Silk Road is a historic network of trade routes spanned thousands of miles, connecting various regions of Asia, Europe, and Africa. The origins of the Silk Road can be traced back over two millennia. It emerged during the Han Dynasty in China when the Chinese emperor sought to establish diplomatic and trade relations with Central Asian and Mediterranean civilizations. The name "Silk Road" was coined by German geographer Ferdinand von Richthofen in the late 19th century, emphasizing the trade in silk, which was highly valued in the ancient world. One of the most significant aspects of the Silk Road was the exchange of goods, ideas, and knowledge between the East and the West. Along its vast network of routes, merchants, scholars, and explorers from diverse cultures encountered each other, fostering the exchange of goods, technologies, religions, and philosophies. The Silk Road facilitated the spread of Buddhism from India to China, the transmission of Chinese inventions like papermaking and gunpowder to the West, and the exchange of artistic styles and cultural practices. The Silk Road served as a catalyst for economic growth and prosperity in the regions

it traversed. It facilitated the movement of commodities, including silk, spices, precious metals, ceramics, and gems, creating vibrant trade networks and economic hubs. Flourishing city-states, such as Samarkand, Kashgar, and Xi'an, emerged as vital centers of commerce and cultural exchange. The Silk Road not only stimulated local economies but also fostered connections between distant civilizations, driving economic interdependence and global integration. The legacy of the Silk Road extends far beyond its historical existence. It symbolizes the power of connectivity, cultural diversity, and cross-cultural interaction. The Silk Road fostered a sense of shared humanity and mutual understanding among the diverse civilizations that engaged in trade and cultural exchanges along its routes. It highlights the potential for peaceful cooperation and the exchange of ideas as drivers of progress and prosperity. See Frankopan, Peter. *The Silk Roads: A New History of the World*. Reprint edition. Vintage, 2017.

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