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Title of Paper: International Law and the Qing Dynasty

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Total Score: (5–30) Reader One 24 Reader Two 23 Final 23.5 (Very Good) (5)

28-30 = A+ Superior (reported score of 6) (1 in 100 papers rated)

23-27 = A Very Good (reported score of 5)

18-22 = B Good (reported score of 4)

13-17 = C Average (reported score of 3)

8-12 = D Poor (reported score of 2)

5-7 = F Very Poor (reported score of 1)

Category (check one): Short (1,500 to 2,500 words)

Actual length: 15,130 words

Long (4,000 to 6,000 words) x

Each paper is read by two Readers, both senior secondary instructors.

I. Reading (Sources)

Score: (1-6) Reader One 6 Reader Two 6

Reader One:

Beautifully researched. Your work could pass for that of an advanced graduate student.

Don't make your reader wonder. Your thesis is never made absolutely clear. It is "assumed" by the reader after one moves well into your paper. This is not the way to do it. Remember, the thesis is the foundational idea of your paper. It prepares the way for sound historical analysis and scholarly argument and, all things being equal, leads to a robust and persuasive conclusion. The thesis should be clearly indicated on the first page. Ideally, it should be presented emphatically in the final sentence of the first paragraph.

When you write a paper on an Asian theme, one of your first stops might be The Asia Society online. It provides resources to inquiring students and teachers. The Society's headquarters is in New York City, but maintains centers in Seoul, Manila, Houston, Shanghai, Los Angeles, Mumbai, Sydney and Washington DC. You might also look at Fordham University's site, East Asian History Sourcebook.

Reader Two:

The essay draws from an impressive scope of sources, both primary and secondary, about 65 altogether, including books, monographs, journal articles, only a sprinkling of encyclopedic digests, and an anthology of

primary-source documents. A number of sources are written by Chinese authors, in Chinese, so the essayist apparently is able to translate Chinese to English. The essayist uses those sources very well. Information from multiple sources is synthesized into the essayist's own descriptive narrative of events and developments.

The bibliography is not alphabetically ordered by authors' last names (or by the first word of article titles), as it should be. The essayist should use the University of Chicago style of source citation for both the bibliography and the endnotes.

II. Thinking (Understanding)

Score: (1-6) Reader One 5 Reader Two 4

Reader One:

Your presentation reaches another level on p. 9 when you discuss China and Russia. Emperor Kangxi presided over a genuine transitional moment, not only in Sino-Russian relations, but in Imperial Chinese statecraft. Good job! (However, somewhere in all of this you might have mentioned the remarkable Peter the Great.) Your narrative continues beyond the Treaties of Nerchinsk and Kiakhta, thus providing a historical paradigm for China and the world.... This is not common knowledge in the West, and it should be.

On p.12, it's William Pitt the Younger you are talking about. He was the son of the celebrated William Pitt, Lord Chatham, and he became Prime Minister of Britain at age 24!

Should it ever interest you as you study European history, in the 1860s the Schleswig-Holstein Crisis was so tangled in its prosecution that even the leading men of its time were somewhat baffled. Britain's Prime Minister Lord Palmerston, for example, is reported to have judged that:

Only three men ever understood the question of Schleswig-Holstein.
One was Prince Albert (Queen Victoria's husband), who is dead. The
second was a German professor who became mad. I am the third and
.... have forgotten all about it.

The Treaty of Shimonoseki produced "a sense of national crisis," and a deep-seated concern over China's weakness? (p. 35) Do you mean to say that Chinese intellectuals of the 1890s didn't understand their country's military vulnerability? They didn't appreciate the dimensions of her weakness as far back as the Opium Wars? (See also p. 42.)

Don't forget... Yes, the Japanese of the turn of the 20th Century were, "assimilated into the system of international law," but they turned their back on such conventions and, you might say, humanity itself in the post-World War I period.

Reader Two:

This is an impressive work, especially for a high school student to have done. Drawing from the essayist's prodigious reading on the subject, it presents a clear picture of Manchu China's conflict with the West, particularly as that conflict concerned different cultural and political values governing interstate relations in Manchu China and in the West.

That said, and as noted above, the essay's purpose is more descriptive than argumentative. There is a glimmer of an argument here, but it seems to this reader to rest on an unexamined premise: that international law, inasmuch as Western nation-states had codified it during the period of the late 18th century to the turn of the 20th century, would have protected China from imperialistic exploitation if the Qing emperors had only subscribed to it (as

had the Meiji rulers of Japan). “At that point,” asserts the essayist, referring to China’s loss of the Sino-Japanese War, “the application of international law in China became urgent in order to protect its international interests, and eventually resulted in an increasing awareness of international law that was promoted and upheld by certain [sic: unclear] influential Chinese scholars and intellectuals.” If that statement represents the essayist’s thesis—and this reader discerns no other thesis in the essay than that—its premise is debatable at best.

In that implied argument, the essayist disregards the patent disrespect with which European traders and then bureaucrats in emergent industrialized nation-states regarded and dealt with China. As Sven Beckert shows (*Empire of Cotton*, 2014), and as the essayist acknowledges at one point, the international rules developed among European nation-states and the U.S. were not then intended to extend to non-industrialized states but rather to justify and facilitate the expropriation of resources, land, and labor around the world by agents of Western states in the process then of making and controlling new global markets. The “unequal treaties” after the so-called Opium Wars exemplify the exploitative purpose of international law then. Not just “what many Chinese regard as unequal treaties,” as the essayist says, “those “treaties”—actually ultimatums made at gunpoint—abused China’s sovereignty and the welfare of the Chinese people. If opium use was ever a “national habit,” it wasn’t such “by the 18th century,” as the essayist claims (p. 15), but because the British in the 19th century forced China to accept the “free trade” of British-produced opium (from India) in payment for Chinese goods demanded in the West. Of course the Qing tried to resist that barbarity cloaked in the civil language of international law! And when Commission Lin Zexu protested in the Westerners’ own language, how did that turn out? What had Lin’s mouthing of international law done then for China?

This reader is perplexed, therefore, by the essayist’s premise that Manchu China’s stubborn adherence to the tribute system, rather than international law, caused China’s downfall. The argument seems akin to saying that the fox would respect the hens’ territorial sovereignty if only the hens spoke the fox’s language. Lin’s experience alone discredits that suggestion. Before and after Lin’s failed appeal to international law to protect China’s sovereignty, Western “devils” used that law to support their imperialism. “The West’s contempt toward China’s attempt to integrate into the international law system is potentially justifiable,” the essayist proposes, “by the fact that no Chinese scholar had published international law literature in a Western European language before Ma Derun,” whose 1907 book was published in Chinese and German. Yes, and then what happened? The essay stops there, observing that “this was the first time in China’s long history that it interacted with the world under the rules laid out by Western international law, abandoning the long-held tradition of its tribute system.” The essay does not acknowledge that despite the Qing’s (coerced) adoption of Western rules of international relations, albeit belated, that regime collapsed in 1911, leaving China prey to imperialist states and feudal-like warlords as it sought for the next 40 years to regain something of its sovereignty if not its imperial and cultural supremacy in the global East. Bottom line, submission to Western rule of “law” gained China nothing but disaster.

No doubt the Self-Strengtheners’ and the 1898 reformers’ various efforts to assimilate some measures of Western law, including international law, were part of their efforts to save China from utter domination by foreign powers, and from its ineffectual and reactionary Qing rulers, and this essay chronicles their efforts in impressive detail. But those Chinese reformers understood that China needed to adopt not just Western civilities but also administrative elements of the modern state that emerged in the West as well as machine industry and a modern, industrialized military. They well knew, from bitter experience, that compliance with international law would not protect China. Japan had turned the tables on the traditional Sino-Japanese relationship because it had modernized its governance, economy, and military, not because it had submitted to international law. Considering also the Western Powers’ sellout of China to Japan in the Versailles treaty, is it any wonder that the leader who later came to restore China’s independent sovereignty said, “Power flows from the barrel of a gun”?

III. Elaboration (Use of evidence)

Score: (1-6) Reader One 4 Reader Two 4

Reader One:

Continuity in History—Bring the events of the following era into sharper and deeper focus: In the Battle of Pungdo, in mid-Summer of 1894, and without a declaration of war, the Japanese Navy initiated hostilities with China by attacking the troopship *Kowshing* near the mouth of Korea's Yalu River. 1,200 Chinese soldiers were killed (800 from the troopship), and two Chinese ships of the so-called Beiyang (i.e. "Northern Seas") Fleet were sunk. On August 1, Japan finally declared war on China. In the ensuing Treaty of Shimonoseki, Japan: 1) received a cash indemnity of 200,000,000 Chinese taels; 2) gained control of Formosa (Taiwan) and the nearby Pescadores Islands, and was now able to launch a "protectorate" over Korea; 3) Japan also forced China to give up the Liaodong Peninsula, but Germany, France and Russia soon forced Tokyo to surrender this region. Japan then receives an additional 30,000,000 taels, but remained supremely indignant over the so-called Three Power Intervention. However, the Japanese victory in 1894 opened up China to even more colonialist excesses by the great powers, and it should have warned all who might listen of the rise of Japanese imperial ambitions. Let your reader know that the Rape of Nanking (1937), for example, didn't issue forth from a historical vacuum.

When you write a research paper, don't isolate direct quotes (See pp. 9 & 47, for example.). Try to integrate each one of them into your narrative. In many cases, though you must cite a given source, you will decide you need not quote it directly. In other instances, you can paraphrase part an author's comment, and quote the rest. Whatever you decide, these options are almost always better than dropping a direct quote into the middle of your prose, to sit there by itself, as it tries to make a salient point.

Your paragraph structure needs a bit of attention. Keep in mind that each paragraph must be constructed upon a single main idea. One way to avoid any problems in this regard is to write a pre-draft outline. Use it as a guide when you sit down to write your final draft. As you put it together, be conscious of your choice for "topic sentences."

Transitional sentences are needed here and there in your work. These tend to add an extra measure of coherence by relating the subject matter of the first sentence of a paragraph with that of the last sentence of the preceding paragraph. See, for example, p. 8. The sentence, "The ruling Qing ..." might be added as the last sentence of the previous paragraph. The same may be said for the bottom of p. 18.

Avoid unsupported generalizations. Keep in mind that a generalization is a statement that is true for all of its parts. Thus, when you make a judgment of this kind, you must "back it up" with data or informed commentary. Be attentive to the notion that when you make a universal judgment, all any reader needs is one exception to reveal a lethal flaw in your argument's internal logic. See: p. 40, "Chinese people's desire for change."

Reader Two:

As already noted, the essay's endnotes do not conform to the convention for history scholarship (University of Chicago citation style). Roman numerals are archaic and difficult to decipher; Arabic numerals should be used instead when ordering end notes. The essay's endnotes also contain numerous typographical errors, e.g., duplicate Roman numerals for the same endnote.

Apart from those technical faults, the essayist makes effective use of an impressive number of sources. The paragraph on page 24 makes exemplary use of quotations to support that paragraph's topic sentence. A handful of secondary sources are used and cited most frequently: Svarverud (21 citations); Kawashima (10 citations);

Kissinger (9 citations); Johnson (8 citations). But the essay does not rely too heavily on those sources. The essayist seems to use all or almost all of the sources listed in the bibliography, although it would take this reader more time to determine that for certain because the bibliography is not alphabetically ordered. But 68 different sources are cited among 147 endnotes.

Something else the essayist could do better is to identify the authors of direct quotations. Never does the exposition identify them. Although the sources of quotations are cited, the essayist ought also to tell the reader who is being quoted and that person's authority. For example, the bracketed insertion here demonstrates how an unidentified quotation in the essay might be identified: "...both sides made certain compromises while gaining benefits in return. [As historian Douglas M. Johnston notes,] 'Goodwill was demonstrated in the agreement to ignore the ill will of the past in the future negotiation.'²⁴ Hence, the Qing..." Occasionally the essayist cites something that s/he has paraphrased without identifying the source specifically enough. For example, endnote 37 refers to p. 372 of an anthology of primary-source documents, but the particular document (writer, subject, date, etc.) is not identified. So, in the essayist's narrative exposition, s/he needs to tell the reader more about who or what is being paraphrased or quoted.

Occasionally the essayist misconstrues and/or uncritically accepts the validity of a controversial historical viewpoint. For example, concluding his/her discussion of Commissioner Lin Zexu's protest of British opium trading in China, reporting that "Lin burned the stores of opium he confiscated in Humen in 1839," the essayist then inserts this direct quotation: "The legal issue in the conflict, though, was not China's right to prohibit the trade."⁵² Without identifying that quotation's author, the essayist then concludes: "The British instead became incensed over the mistreatment of British nationals." The use of the quotation is problematic. It suggests that the only legal issue in that case concerned Chinese "mistreatment of British nationals," but I'd be astounded if that's the judgment of the quoted source: Stephen C. Neff, author of *Justice among Nations: A History of International Law* (2012). I haven't checked the source, but I'm fairly certain Neff meant that mistreatment of British nationals was the only legal issue in that case from the British point of view. Surely, from an objective perspective if not also in Neff's judgment, the case principally concerned China's sovereign rights. Certainly that's how Commissioner Lin and the Qing saw it.

IV. Writing (Use of language)

Score: (1-6) Reader One 4 Reader Two 5

Reader One:

Your writing style is efficient, literate and business-like. What it isn't is engaging. Loosen up a bit. Make your subject matter interesting to a non-expert reader. In doing this, you need not be any less the scholar.

In terms of English usage, recreance is considered archaic. It is almost never employed.

There are a few "word choice" issues (e.g. bleak, p. 3; alternation, p. 5, of—instead of for the British troops, p. 20).

Set in italics all non-English words not in common usage (*chaogong*, p. 4; tael, p.31).

A few minor punctuation issues are evident.

The block quote (i.e. long quote) format must be used if your quotation exceeds four lines of text.

See: p. 41

Reader Two:

The essay is very well written. It was a pleasure to read.

V. Overall Result

Score: (1-6) Reader One 5 Reader Two 4

Reader One:

Lest any Westerner fall into the worst forms of ethno-centrism....In its day, during Europe's Dark Ages, Ch'ang-an was the greatest city in the world. In terms of both population size, amenities and learning-base it was unrivaled. It was followed by Constantinople and Baghdad.

RE: p.17 ff: The lasting shadows of “unequal treaties” suffered by China in the 19th Century were the cause of xenophobia and deep-seated anger. That series of humiliations continues to shape its modern world-view as China confronts the major powers. Given the tradition of Sino-centrism, however, the arrogance of the Middle Kingdom’s self-image, even as it was mired in its own backwardness, the kowtow rituals demanded of the *Gweilo* (foreign devils), the overbearing fiction of the “Celestial Kingdom,” the overt racism of the Qing power brokers, do you think today’s Chinese might protest too much?

Just an observation from this reviewer. Can there be a more cutting insult to a nation’s well-being than foreigners’ imposition of extra-territoriality?

Your paper is a scholarly *tour de force*. In it you show yourself to be an exceptional, and highly motivated student. Congratulations. What it lacks, however, is a deeper level of ANALYSIS. History is more than a recitation of “what happened.” As you look into the past, press your face against the window and keep asking yourself why and how. Evaluate the common interpretations of a given issue or event. Dive into the arguments about causality. Make judgments on the variables your research offers up. Critique the roles of major players and, after you have marshaled the necessary evidence, be opinionated....very opinionated.

Reader Two:

While I’m critical of the essay’s unexamined premise and want of a thesis, I’m very impressed with the essayist’s scope of reading on this subject, on his/her use of information from so many different sources, and on this young scholar’s evident potential. S/he provoked me to think...and to write a much lengthier report than usual: a tribute to his/her intellect and scholarship. I hope this report encourages his/her pursuit of scholarly work.

Total Score (5–30) Reader One 24 Reader Two 23 Final 23.5

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