

Territorial Claims

Putting an End to Historical or Geographical Legitimation

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Relations between China, Taiwan, North Korea, South Korea and Japan are becoming strained over the Senkaku/Diaoyu Islands. The ambassadors of China and Japan in France successively

expressed their views in the opinion column of the newspaper *Le Monde* in 2012. The Chinese ambassador claimed that history and old French maps would justify China's claims to the islands, while the Japanese ambassador responded that in accordance with the terms of World War II the islands indeed belong to Japan. Behind the appeals to history and the legitimacy of one or other's ownership of these islands lie some latent strategic factors, notably oil reserves and the question of international maritime territory. A similar problem exists with the Liancourt Rocks (Takeshima/Dokdo) between Japan and South Korea: for Japan they are a fishing zone, while for South Korea they have a symbolic dimension as they were annexed by Japan in 1905. In both these cases, it is a matter of islands or rocks which are not inhabited by people.

We could choose to analyze point by point the truthfulness of the various historical arguments, putting to the test the legitimacy of the post-1945 order and criticizing an anachronistic usage of maps created in the age when the notion of borders did not exist in the sense that we understand it in today's international law. The list would be long and would doubtless result in a very lengthy contribution to the analysis. But this would be to lose sight of the fact that territorial claims do not constitute *a priori* an exercise in good faith, a situation in which the problems can be resolved by reason and logic. Because of this, we would hope rather to reflect on political relations, territorial questions, and human sciences such as history, geography, anthropology, even archeology, and "discussions of legitimation" in order to emphasize certain factors that enable us to study current events again at a distance.

The human and social sciences are frequently invoked in debates, often endlessly, as a way of trying to demonstrate absolutely, in having "the legitimacy of reason", the "belongingness" of a territory to a country or state. But such knowledge cannot in any case hope to determine the national inclusiveness of a territory and thereby legitimize any such claim. Maintaining such arguments about

legitimation, which other arguments about legitimation always counter, is to raise the last barriers that lead to war.

As one example, which fatally determined the destiny of Western Europe, in 1871 France was defeated by Prussia. This war was caused by internal problems: Napoleon III had pursued means to stabilize his regime, while Bismarck and William II of Prussia looked for a way to unite Germany. The war was also about an external demonstration of the "national power" of these still young nation-states. A "foreign enemy" was an ideal solution to mobilize each nation. What followed was the annexation of Alsace-Lorraine, a region of eastern France obtained by Germany as the spoils of the war. One of the arguments legitimizing this capture was that the Alsatians and the Lorrainians belonged to the same people as the Germans. This legitimation was all postwar rhetoric, since it did not prevent the gestation of a powerful resentment that led to World War I and the death of 10 million people on the battlefields. This figure is sometimes not well known in East Asia. In fact, it is also not well known that in the spring of 1918 Germany still thought it would win the war and demanded that France surrender and concede a dozen departments to end hostilities — from Boulogne in the north to Toulon in the south — "without their populations". In brief, it was equivalent to one-third of the territory of France (*The Great War* by Marc Ferro, Folio, 1968).

The seizure of territory is common throughout history. It always results from military defeat. This reminds us that "national" territories are neither fixed nor held forever. National territories are the result of largely recent state constructions (in fact, often quite recent) in Western Europe, in the Middle East, or in East Asia. National frontiers — one of the elements of modern sovereignty — are always the result of bilateral treaties between two countries (a diplomatic treaty) or the outcome of a war of conquest (spoils of war). The only concrete legitimacy permitting control over a territory should thus come from either diplomacy or, if there has been a war, the winner's military superiority — the latter often coming before the former.

Was that in fact what happened in Europe? In the 1870s, German authorities and universities boasted of Germany's *natural* superiority (not just militarily, but *intrinsic* to the German people) in explaining its victory in 1871. The annexation of Alsace-Lorraine as war booty was legitimized by Germany since it would have had a "historical right" to those territories. Thus the question of the "historical legitimacy" of an annexation came to the forefront before the nonetheless central element of historical contingency. A *geopolitical*

dispute touching upon the definition of frontiers, a conventional enough issue, was thus concealed as a “historical” problem or “geographical” problem. It is necessary to stress the danger of this sort of discussion “legitimizing” an annexation by emphasizing the geographical or historical factors. An annexation is never legitimate in terms of history or geography, but is *always* the result of the balance of power between two states. Evoking history, anthropology or geography serves to question the *status quo* of previous treaties (for example, today, the Treaty of San Francisco of 1951) and to require a new drawing of the maps.

To that end, in the 19th century, German anthropological, geographical and historical university scholars explained “why” Alsace-Lorraine and other regions to the east of Germany as well were “historically German”. German archeology at the beginning of the 20th century would even push this argument further by providing material evidence of the presence of their ancestors within the territories that would then be annexed in the 1930s in the east. Such an argument for legitimization rests on data supposed to “clarify” historical, ethnic and territorial truths to demonstrate a good justification for the annexation of this or that territory.

In 1881, 10 years after the annexation of Alsace-Lorraine by Germany, the renowned French philosopher Ernest Renan delivered a speech at the conference at the Sorbonne titled “What is a nation?” The third part of this text explaining that a national community is above all a spiritual unity is often cited. As well as that, Renan returns in the second part to the historical, anthropological (ethnic) and geographical arguments used to legitimize territorial annexation. He emphatically highlights that populations are not fixed entities, neither from a biological point of view nor in their territorial “roots”. (Attention should be given to his vocabulary: Renan speaks here about ethnography, which in the 19th century was the study of populations and their characteristics; the word “race” — which has a somber connotation today — was then a sort of synonym for “population” in a biological sense.)

“Human history differs fundamentally from zoology. Race [= biological community] here is not everything [...] and no one has the right to go round the world, fingering people’s skulls and then seizing them by the throat and telling them: ‘You have our blood, you belong to us!’ Apart from anthropological characters, there is reason, justice, truth and beauty, which are the same for all. This ethnographic policy has no firm basis; if you use it today against others, you will see it turn against yourselves tomorrow. Is it certain that the Germans, who have raised so high the banner of ethnography, will not see the Slavs coming along and analyzing, in their turn, the names of villages in Saxony or Lusatia [in Germany], seeking traces of the [Eastern European people of] Wiltzes or Obotrites, and demanding compensation for the massacres and

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Senkaku/Diaoyu Islands: (From foreground to top) Minami-kojima/Nan Xiaodao, Kitakojima/Bei Xiaodao and Uotsuri-shima/Diaoyu Dao

enslavement that the [9th century German emperors] Ottos committed against their ancestors? It is good for everyone to be able to forget. [...] I want [human sciences] to be independent and free of any political application. [...] So as not to falsify science, let us dispense it from giving an opinion on questions where such great interest is engaged. You can be sure that, if it is charged with furnishing elements for diplomacy [to demonstrate to which country a territory belongs], it will often be surprised *in flagrante delicto* [of giving politics what it asks for].” (*On the Nation and the Jewish People*, Verso, 2010, translated by Shlomo Sand.)

Let us stop for a moment on a “respectable” discipline — geography. This was born as a modern university discipline in France and Germany at the beginning of the 19th century, relying notably upon cartography, an old discipline. The objective of geography was right away to delimit the borders and the territories of the new nation-states of the 19th century in order to assert their sovereignty. Geopolitics (political geography) was developed very early in Germany, but was criticized in France at least until the mid-1970s. Geopolitics, having appeared in Germany, was straightaway an instrument of power for asserting the historical and ethnic continuity of the state over such and such a territory, and then affirming the “legitimacy” of this or that border. In contrast, the French geographical school had refused to tackle political questions since the 19th century. (*Geography, Geopolitics and Geographical Reasoning*, Yves Lacoste, Herodote, 2008.)

In relation to this, the question of education was immediately raised. At the beginning of the 19th century, geography was for the first time instituted in a university — the University of Berlin — to train high school teachers, and France then followed suit. For the first time in the world, geography was taught not only to the sons of



Map of the Great Qing Empire in the early 19th century

merchants or military people, but also to school children. Prussian professors and teachers would contribute to a movement driven by Prussia to create German unity. It was necessary to construct an immemorial Germany in the mind, well delineated in a large territory. German history and geography manuals taught that such and such a territory belonged to their country and created resentment among the new generations: the role of education in producing hatred is central. France would do the same after 1871 and the defeat at Sedan. But up until World War I, it was Germany that had the largest number of professors of geography, well known for their Atlas and maps. It was by relying upon university documents (since maps were used for everything) that Germany would demand in the 1930s the “restoration”, in reality annexation, of the territories in Eastern Europe it judged as “German since time immemorial” — a phrase that has various connotations. We might want to say since prehistory, or equally since the Middle Ages, or even since the Renaissance, depending on the territories. University research and the human sciences should not pretend to hold an “objective and absolute” response to territorial problems — *Geography serves, first of all, to cause wars* (Yves Lacoste).

Hannah Arendt, in *The Origins of Totalitarianism*, called arguments that seek to justify territorial conquests for historical, geographical or ethnic reasons “annexationism”. This kind of argument has been employed not only by Germany: we can see it everywhere in the world. It was also greatly developed in Russia (pan-Slavism) and

during the same period in Japan, which invoked the text of the *Nihon Shoki* (an 8th century chronicle) to legitimize the protectorate (1905) and then the annexation of Korea (1910). Japan also referred to age-old ethnic relations between Japanese and Koreans, supported by anthropology.

We can find, equally, variants of this discourse on legitimation in the “botanical” arguments, when, for example, Japan could insist on the “continuity of forest cover” (the kinds of trees) between Hokkaido and Sakhalin or the Kuril Islands, which would justify that these territories should be Japanese. Nor should it be forgotten that Taiwan is asserted to be Chinese territory by China using historical, geographical and anthropological arguments. And then there are, moreover, China’s designs on the seas to the south (involving Vietnam and the Philippines). The debates around the Liancourt Rocks and the Senkaku Islands are more “simple” since they are

uninhabited: they nonetheless foreshadow developments concerning frontier territories where people do live.

Coming back to the exchange of views between the Chinese and Japanese ambassadors in *Le Monde*, (“China Is the Owner of the Diaoyu Islands and Japan Is Not” by Kong Quan, Oct. 30, 2012, and “The Senkaku Islands Belong to Japan” by Komatsu Ichiro, Nov. 9, 2012), China and Japan both tried to gain international recognition of the legitimacy of their countries’ claims to these islets. The Japanese ambassador evoked the terms of World War II and the US choice, while the Chinese envoy developed a geographical and historical argument and asserted that the Diaoyu Islands had always been Chinese territory by referring to European maps dating back to at least to the 18th century. It can be seen that historical precedence leads to present-day dominance.

We find the same discussion regarding the Liancourt Rocks. Some eight research foundations had been established in South Korea around the year 2000 which actively participated in constructing such arguments for legitimation and joined forces with university scholars and politicians on territorial claims. Their objectives were the “resolution” of the territorial conflicts which South Korea has with China and Japan. For example, concerning Northeast China (formerly Manchuria) and the kingdom of Koguryo, China considers this to be part of its own history, but South Korea wants to see this region categorized within the indefinite framework of ancient Korean history. Seven centuries of history come into play in this extremely

important historical and geographical debate.

Concerning the Dokdo/Takeshima issue, these research centers' arguments sometimes lay stress on the *Samguk Sagi* and the *Samguk Yusa*, two Korean history texts of the 12th and the 13th centuries, in asserting that the Dokdo Islands had been always Korean, from the 6th century to the present day. We can only highlight again the similarities in such historical and geographical arguments with those the Empire of Japan used to justify the annexation of Korea in 1910 by referring to the *Nihon Shoki*, or with those adopted by Germany in the 19th century in searching for their origins in the text of *Germania* by the Roman historian Tacitus (in the middle of the 1st century). In the 1950s, Japanese universities undertook extensive multidisciplinary research on the island of Tsushima and Amami in order to demonstrate the "Japaneseness" of these territories which could perhaps have entered into either the Korean or American sphere.

Former South Korean President Kim Dae-jung explained in an interview in the summer of 2008 that he was "waiting for many historians" and other academics to clarify the history of the Dokdo Islands and shine an objective light on the truth. That is why scholars are assisting the politicians in trying to resolve this dispute with Japan. However, we cannot expect a response from academics that would resolve this territorial conflict absolutely, since it is above all else a political and military problem. We can only highlight at what point we encounter a difficulty, precisely when we know contemporary history, in the repeated voicing of opinions, in Japan, China or South Korea, of scholars who assert supposedly objective "facts" and hope that neighboring countries admit them unconditionally. In doing this, each country is persuaded to acquire legitimacy for itself,

So it can be said the "discussions on legitimation" are today imposed on East Asia, namely in Japan, China and South Korea.

At the same conference in 1881 mentioned above, Renan also discussed the study of geography and the question of "national territories". He noted as follows:

"Geography is one of the fundamental factors of history. Rivers have led races on; mountains have halted them. The former favoured historic movements, the latter limited them. But is it possible to say, as certain parties believe, that the limits of a nation [and a state] are written on the map, and that one nation has the right to judge what is necessary for it, to round off awkward corners or incorporate a certain mountain or river that is ascribed a kind of limiting faculty *a priori*? I know of no doctrine so arbitrary or harmful. It makes it possible to justify any kind of violence. And to start with, do such mountains or rivers really form these supposed natural borders? It is incontestable that mountains separate; but rivers rather unite. And

then not all mountains have been able to divide states. Which ones separate and which do not? Between Biarritz and Tornio there is not one estuary that has more than any other the character of a frontier. If history had wanted, then the Loire, the Seine, the Meuse, the Elbe or the Oder might have had, along with the Rhine, the same character of a natural frontier that has led to so many infractions of the basic law that is the will of men. People talk of strategic reasons. Nothing is absolute; it is clear that many concessions must be made to necessity. But these concessions must not go too far. Otherwise the whole world will claim its military requirements, and there will be war without end."

We note here a profound difference in perspective from what we read and hear about today in East Asia.

The principle at the center of diplomacy is the bilateral aspect (in the case of two countries) of discussions. In other words, pursuing a solution that does not impose any demands. The diplomatic way implies a reciprocal exchange, namely making a concession to the other party in exchange for what one desires oneself. Accordingly we should contemplate what the position of those in China, South Korea or Japan who refuse all discussion in asserting they are "within their proper rights" really means, such as when they reject external mediation. Defending unilateral demands is to defend the logic of the ultimatum. Besides, whatever may have happened in the past, territories formerly belonging to one country can be found for a variety of reasons under the sovereignty of another centuries later. As for legitimacy, the "right of conquest" — whatever we may think about it — is not lacking in it either and is even one of the engines of history.

The problems of territorial claims are political and military problems, not historical, geographical, or anthropological. The resolution of such territorial disputes can only be achieved through diplomacy in times of peace, that is to say by a freely agreed compromise, or indeed by war. To invoke the well-known phrase used by German historian Ernst Kantorowicz, *pro patria mori*: who would be willing to "Die for Senkaku" or "Die for Diaoyu"? The countries concerned should think about this seriously and gravely. Both intellectuals and academics (including foreigners), as well as the media, should show more prudence in presenting their views.

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