Ideological competition between the United States and China in the field of human rights: Consequences for Chinese diplomacy

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Abstract: *This article details the two mainstream approaches towards human rights: Universalism, particularly as practiced by the United States of America, and Relativism, particularly as practiced by the People's Republic of China (PRC). Since the concept of human rights is a product of Western thinking, the article first explores how the concept has been developed by liberalists in a western context. A brief analysis of two different human rights reports published in 2008 by China and the United States respectively, highlights the fundamental differences between each nation's understanding of what human rights constitute. The ideologies that stand behind each nation's approach to humanitarian issues are clarified by relating them to official contentions made by the People's Republic of China. Finally, the relationship between the Chinese ideologies regarding human rights and the PRC's view of international diplomacy is examined.*

Formulated in the West, the concept of human rights was dynamically and creatively taken up by the Chinese people in the 1980s.[1] The concept appealed to Chinese intellectuals for many of the same reasons that it has been popular in the West; however, China's historical context led to the development of variations and perceptual differences. Whereas in the nineteenth and twentieth centuries the history of Western nations was one of global expansion, the Chinese experience was marked by the humiliating defeats of the Anglo-Chinese Opium Wars (1839-1842 and 1856-1860) which was compounded in the twentieth century by five waves of turmoil that threatened the nation's very survival: the civil war 1915-1949, the Japanese invasion in the 1930s-1940s, the land reform of the early 1950s, the famine ensuing from the Cultural Revolution of the late 1950s, and the Great Leap

Forward 1966-1976.[2] Accordingly, the historical experience of the People's Republic of China (PRC) plays a significant role in its interpretation of the concept of human rights and its ongoing application to Chinese society.

As the social anthropologist Richard A. Wilson asserts, human rights is one of the most globalised political values of our times.[3] Human rights *per se* have been used as a moral justification in politics and, in respect to decisions of whether to intervene in another country's domestic affairs, has been given rhetorical precedence over the concept of sovereign rights by Western countries since the 1990s.[4] But this trend does not extend to the PRC or to the Russian government, both of which agree on the supremacy of sovereign rights over human rights and have rejected humanitarian interference in domestic conflicts occurring within their boundaries.[5]

To explain the reasons underlying this dichotomy in the application of the human rights concept, I outline two mainstream approaches to understanding human rights at the state level: Universalism as seen in the USA and other Western nations, and Relativism, as prescribed by the PRC. On the basis of two human rights reports, officially published in 2008,[6] I summarise and analyse the main criteria of evaluating human rights in the cases of both the PRC and the USA and then examine the arguments and underlying ideology that the Chinese Communist Party (CCP) deploys to deflect the criticism of the West.

The basic approach to human rights in China has been strongly connected to diplomacy, with the PRC seeming to be simply saying 'no' to humanitarian intervention and multilateral peacemaking.[7] And yet China does participate in

multilateral interventions internationally. For example, China, with Russia and other countries, provides practical support to Sudanese President Bashir and the members of his National Congress Party and is also involved in the UN-authorised interventions in East Timor.[8] Thus, although the Chinese leadership argues that it is still crucial to prioritise the notion of sovereignty above all other concerns within China itself, there is clearly scope for flexibility on issues of sovereignty and international intervention elsewhere.[9] These concepts will be explored, particularly as they relate to the Chinese concept of human rights.

Two Mainstream Approaches to Understanding Human Rights

To understand the two mainstream approaches to human rights, it is necessary to consider how the idea of human rights has been formulated in Western history. The idea of human rights originally stems from a belief in the individual's need for protection from arbitrary State decisions. The fight to ensure a degree of personal freedom within accepted understandings of the concept of human rights has been a long one.[10]

It is common to distinguish between three categories of rights in terms of historical periods. First, civil and political rights from the French Revolution's Declaration of the Rights of Man and of the Citizen, and the American Revolution's Bill of Rights in the late eighteenth century, both of which raised interest concerning political representation and reform, and are further developed in modern Western individualism. Second, social and economic rights, influenced by the World Anti-Slavery Convention meeting in London, the labour-initiated Chartism in Great Britain in the 1840s, and crystallised in the British women's suffrage movement in the early

twentieth century. Third, cultural rights and the rights to development, stemming from the anti-colonial revolutions that escalated after World War II and came to a climax with the independence of most African nations in the 1960s. As in the confrontation between 'Asian values'[11] and Western universality, the three categories of rights – civil and political, social and economic, cultural and developmental – are perceived as mutually conflicted.[12]

In the discussion of human rights, the question has frequently been raised whether a concept of acknowledged Western origin can be valid in other cultures and societies as well. Universalists believe that the rights enumerated in the thirty-article Universal Declaration of Human Rights (UDHR) and other international covenants and conventions are applicable across all borders, and that state mechanisms can transcend all cultural differences.[13] In other words, Universalists argue that humanity shares similarities across cultural differences and therefore human rights are applicable to everyone. The idea of Universalism mainly stems from natural rights theory which was influenced by John Locke and Jean Jacque Rousseau.[14] According to natural rights theory, all human beings are born with certain rights. In the early stages of the development of the theory, these rights were seen as derived from God, but later the basis of these rights was regarded to be human nature or reason.[15] Thus, to those subscribing to natural rights theory, after the end of World War II, evidence of serious natural rights violations in any country was a legitimate subject of transnational concern for moral reasons. The UDHR took into account the catastrophe of human rights violations, especially in the axis countries during World War II, and draws upon the authority of the four human rights agreements that together make up the United Nations International Bill of Human Rights. The

Declaration requires that the State loses its absolute influence within the nation it governs in matters pertaining to human rights.

At the time of the UDHR's promulgation in 1948, prioritising human rights ahead of sovereignty was contrary to the commonly held view. From the time of the Treaty of Westphalia in 1648 until the twentieth century, it was widely accepted in the West that a government had absolute authority over the people within its territory and thus foreign forces could not legitimately interfere in a country's domestic affairs.[16] It is not surprising then, that large, powerful nations such as the USA, Britain, France and the Soviet Union were somewhat less than passionate about the Declaration because it represented a potential loss of power over their constituencies, whereas it was embraced by most Third World intellectuals, who believed that it provided a key that would help to release their nations from the dark side of colonialism.[17]

The Relativists did not dispute the UDHR on the grounds of a potential loss of sovereignty at this time. Arguing that the Declaration did not contain universal values, but rather Western or European ones, and relying on the belief that moral values are culturally embedded, the relativists claim that the UDHR is misleading, or even worse, an expression of Western cultural imperialism.[18] China is one of the main nations holding the relativist position and Marina Svensson asserts that Marxist and socialist understandings of rights and human rights have influenced the establishment of the human rights discourse of the CCP.[19]

The relativist view of human rights has its roots in the critique of natural rights theory. In the nineteenth century, Karl Marx, for example, defined the 'so-called' natural

rights as simply those of the 'egotistic man', alienated from others in the material world dominated by private property and exploitation. Marx drew a clear line between human rights and citizens' rights, the latter being exercised in a community with other men and women. He did not believe in the existence of any natural rights outside society and acknowledged the value of legal rights. According to Marx, the communist society of the future would satisfy all genuine human needs, and thus the very concerns of rights activists would be irrelevant.[20] Richard Nordahl has asserted that it is a common idea for Marxists to regard rights as tools to satisfy needs; however, Nordahl notes that the various Marxist groups and schools were divided on how valuable these tools actually are.[21] Nevertheless, there were points of commonality between the schools: first, all hold that the rights do not have any intrinsic value, but rather are instruments to be employed to achieve certain goals. Second, the rights can be circumscribed for the sake of 'class struggle' or economic development for the 'people', though only for a short period of time. Third, since the resources to satisfy people's needs are limited, so must the right itself be limited. For relativists, including the Marxist-orientated PRC, these three limitations invalidate the idea of absolute rights that are applicable to all societies. Thus, in socialist countries, human rights are propounded by the state, and political beliefs belong to a class of people, rather than to universal human nature.[22]

The different approaches to human rights largely rely on the acceptance of natural right theory in the global text, and acknowledge the value of a strong state. To attain a better understanding of the differences between Universalism and Relativism, U.S. and Chinese reports on each other's current practice with regard to human rights issues is illuminating.

Comparing two human rights reports published in 2008 in the PRC and the USA

The Human Rights Report: China (HRRC), published by U.S. government in 2008, asserts that there is a wide disparity between law and practice in China. For example, section one, 'Respect for the integrity of the person, including freedom from – f. Arbitrary Interference with privacy, family, home, or correspondence', demonstrates that, despite the existence of laws protecting freedom and privacy, the authorities often do not respect the privacy of citizens in practice. This same point was made by Marina Svensson in her analysis of the earlier Chinese-issued report, 'Fifty Years of Progress in China's Human Rights' of February 2000, when she noted that it did not address the discrepancy between rights on paper and rights in reality.[23] Moreover, the HRRC enumerates the USA's perception of China's human rights violations by focusing on individual freedom in a variety of situations in section two, 'Respect for civil liberties – a. freedom of speech and press, b. freedom of peaceful assembly and association'. Furthermore, the report contains significant examples of citizens being persecuted for allegedly threatening the CCP. The U.S. government criticises, for example, the executions of Uighurs whom authorities accused of separatist violence. The banning of the Falun Gong within the PRC was cited as another example. The HRRC also focused on perceived 'hidden' human-rights violations, particularly as they were manifested in the 2008 Beijing Olympics. The report emphasised the fact that the Chinese government forced millions of people to relocate and resettle for the sake of the Olympics. The fundamental human rights violation arguments included within the HRRC, therefore, derive from limits to individual freedom.

On the other hand, the Chinese report, the Human Rights Record of United States

(HRRU), published in the same year, stresses the fact that the U.S. has criticised the human rights situation in more than 190 countries, yet does not mention widespread human rights abuses in its own territory, as perceived by China. The first section begins with 'On Life and Personal Security' rather than with violations of individual freedoms, demonstrating from the outset that the report will focus upon societal, rather than individual transgressions of human rights in the USA. For example, it says, '[g]uns are widespread in the United States. The US Supreme Court asserted that Americans had an individual right to possess and use firearms, even when the guns are not related to service in a government militia.' Substantiating and emphasising the fact that U.S. citizens are exposed to a serious threat caused by the frequent occurrence of shootings, the Chinese reveal that they see this as a contravention of the collective right of citizens to be protected from risks that accrue from individual gun ownership.

Moving on to the fourth section, the HRRU criticises the U.S. on matters relating to the treatment of ethnic minorities, claiming that there is widespread racial discrimination against African-Americans and other minorities, such as Hispanics and indigenous peoples. Although this is perhaps no different to the unequal treatment of Tibetans and Uighurs in China itself, it reveals another example of human rights being understood by the Chinese as belonging to society as a whole, rather than the individual.

Having highlighted the different perspectives underlying evaluations of the violation of human rights by the PRC and the USA, I will now focus on the PRC and explore in detail the logic underlying their evaluative criteria. Michael A. Santoro, a researcher

on business ethics, points out that there are three sentences which commonly appear in the State Council of The People's Republic of China White Paper, 'Human Rights of China' of November 1991, and other Chinese official pronouncements.[24] The first is:

> China must give priority to political stability and economic rights over political rights – 'right[s] to subsistence' must take priority over political and civil rights in a large, poor nation such as China. [25]

This sentence indicates that the political and civil rights, such as freedom of speech and freedom of movement, are subordinate to the rights to subsistence. The White Paper emphasises that 'the right to subsistence is the most important of all human rights, without which the other rights are out of the question.'[26] Since the beginning of the 1990s, the right to subsistence has frequently emerged in Chinese public discourse. The CCP considers this right the most fundamental of all human rights and stresses that it must be prioritised particularly at China's present stage of development. [27] In contrast, Jean Bricmont points out that '[i]n the Western mainstream discourse, however, individual and political rights are considered an absolute priority.' [28] Throwing further light on the Chinese perspective, Marina Svensson examines the 'harmony'-oriented Confucian system, in which human rights are by definition superfluous, as one possible explanation as to why Chinese people were not induced to fight for rights and freedoms against each other or against the state.[29] On another tack, David M. Lampton investigates the reason why economic rights – such as the right to subsist – have been highlighted in contemporary PRC, and postulates that it is a consequence of the Chinese people having undergone at

least five periods of immense conflict during the twentieth century.[30] The resultant devastation, involving the deaths of millions of Chinese, has led to the Chinese people placing a greater emphasis on the need for societal stability and a reliance upon economic development as a tool for ensuring such stability is ongoing.[31] The PRC is not alone in prioritising economic rights over political and civil rights; as James Seymour points out, this is also true of most developing countries.[32]

The PRC has a long tradition of focusing on a strong central executive power, rather than on decentralisation which limits the power of government.[33] However, the price of such a system – from a Western viewpoint – is the repression of political and civil rights.[34] Drawing from an analysis of South Korea, which suppressed political and civil rights in favour of achieving rapid economic outcomes during the 1960s and 1970s, Stephan Haggard and Chung-in Moon suggest that '[r]apid capital accumulation and efficient economic policy-making "require" limits on social demands, not only from labor or popular sector forces, but from the rent-seeking demands of business groups.'[35] In China, this idea can be seen to be played out in the fact that Japanese financial investments have increased rapidly since the CCP has prioritised stability over political rights, simply because most Japanese investors were attracted by a potentially stable market such as the PRC. Strong displays of the state's power over its citizens, such as the cutting down of student protesters in Tianamen Square in 1989, despite giving rise to Western condemnation, also contribute to perceptions of political stability and thus attract further investment. Nevertheless, the political decision of the CCP to proselytise the values of stable nationhood and economic development has not been at odds with the mood of the Chinese people – in fact, such policies have been largely supported by the Chinese,

particularly those who had personal experience of the periods of social turbulence and severe famine.

Santoro's second ubiquitous sentence in contemporary Chinese rhetoric is:

> Human rights fall within the purview of China's national sovereignty, and so foreigners should not try to influence human rights conditions within China.[36]

The importance to the CCP of maintaining the defence of its sovereignty is often legitimised by invoking the bitter memories of the Western-imposed 'unequal treaties' of the post-Opium War period. Furthermore, Santoro also points out that '[s]overeignty and national pride has great resonance for the Chinese who believe that foreign powers still conspire to keep it (i.e. China) from its rightful place in the world.'[37] Regardless of whether this is true or not, the CCP has gained credibility among the patriotic through its sovereignty-first position. Such grassroots support not only enhances the Party's legitimacy as a political power, but also takes attention away from international criticism of its domestic policies, and justifies its resistance to engaging with the international community with regard to the Taiwan issue.[38] Fear that foreign powers will violate Chinese sovereignty in the name of advancing human rights exists. Santoro suggests that these concerns are not warranted. He argues that, when foreign forces discuss the status of human rights in China, international actors and NGOs are able to take various kinds of legal action to affect human rights conditions in China without violating the principle of state sovereignty.[39] Yet still the CCP has regarded international opposition as an attempt to decrease China's

international status, especially when the USA criticises the human rights situation in China.[40] Ironically, the very rights that the USA wishes to confer on minority groups and others in China simply provoke greater nationalism, as different ethnic groups cooperate to achieve common goals and, even at the expense of an erosion individual benefits, all work to establish the PRC as an economic and political superpower capable of protecting itself from any type of foreign influence or intrusion.

The third commonly repeated sentence that Santoro has identified in Chinese writings is:

> Human rights must be interpreted and implemented in accordance with China's cultural values, which emphasize the group over the individual.[41]

In interpreting this statement, I suggest that the word 'cultural' is usefully replaced by the word 'political'. On the surface, the PRC's current official political values which prioritise the group over the individual, are a mixture of Leninism, Marxism, and Maoist thought, but they can also be seen to reflect the influence of the Meiji-era of Japan which had a huge impact on the late Qing intellectuals of China, such as Liang Qichao (1873-1929). For example, Katō Hiroyuki (1836-1916), a statesman and leader of the Meiji Enlightenment, argued that individual rights were guaranteed only by states and groups. Katō believed that, since states compete against each other in the Darwinian struggle for survival, it is best for individuals to unite around their states to strengthen themselves through social cohesion. According to Katō, applying

human rights without strong states is almost nonsensical. He believed that it is not possible to discuss human rights without being strong.[42] According to Katō, there were no natural rights, only acquired rights – the rights of the strongest. Katō described the concept of human rights as follows: '[p]eople were born with innate rights of freedom, self-rule, and equality, which others could not infringe upon, or deprive them of.'[43] However, Katō believed that men and animals are the same insofar as they have to fight for their existence. Moreover, human rights came about through the struggle to secure one's existence, and in this context, human rights are not natural since they are obtained by men, and then laid down in law.[44] After this collectivist ('statist') variation on Social Darwinism was formulated, some lessons from Katō, who emphasised national sovereignty, were embraced by Liang and came to have a great impact on him, especially after the Boxer Uprisings of 1900-1901.[45] Katō persuaded Liang Qichao to abandon his commitment to natural rights in favour of statism and the pursuit of national interests.[46] Indeed, the concept of natural rights was already abandoned by some influential mainstream groups both in Japan and in the West.[47] Liang Qichao seemed to have been convinced that the concept of natural rights was not sufficient to explain the chaotic circumstances of his time.[48] Supporting the view that people have to compete amongst themselves in order to achieve the natural rights, when the top-down reform attempted in 1917-1922, the Constitutional Protection Movement (护法运动), failed, Liang attempted to determine the reason why China had become weak. He concluded that the absence of mutual unity and order had resulted in China lacking the power to survive the Imperialist age. To remedy the situation, Liang's solution was twofold. He believed unity and order would be achieved if education levels were improved, and if regional ties and kinship bonds stemming from Confucianism were denounced. Although he supported the idea of

political freedom for all people in the long run, Liang was of the opinion that only a nation-centred model governed by a monarch could succeed in putting mechanisms in place to improve the education of ordinary people. Once achieved, Liang argued, the entire Chinese people would be able to enjoy civil rights and attain autonomous subjectivity.[49] It is important to note that, while Liang believed that society was an assemblage of individuals and China could be strong as long as it could be developed as nation, he also believed that people could not be separated from the nation.[50] He reinterpreted individual freedom as a willingness to limit one's own liberty for the sake of ensuring the benefits of the collective especially when the survival of the nation was at stake.[51]

In the aftermath of failures associated with the establishment of the Republic of China in 1912, some Chinese leaders of the New Culture Movement (新文化运动), such as Lu Xun (1881-1936) and Hu Shi (1891-1962) also criticised the regionalist orientation and kinship traditions generated by Confucian culture. However, several experts on the history of modern Chinese ideas argue that Lu Xun and Hu Shi acknowledged the importance of individuals, while still maintaining the traditional way of Chinese thinking, a way which focused on the moral improvement of the national collectivity as a whole.[52] Rather than the individual limiting him or herself, society limited the individual. By the time of the Japanese invasion in the 1930s, however, the discourses concerning individualism were forgotten in the effort to protect the nation.

With the rise to power of Mao Zedong's regime culminating in the CCP controlling a united China in 1949, the Communists rejected the nationalist party Kuomintang leader, Chang Kai-shek's emphasis on Confucian moral ideology.[53] For Maoists, the

value of the individual depended on the individual's contribution to a given group and they stressed the need to exercise party disciplines. This was not an issue of morality, but rather one of ensuring compliance with party policy. However, despite the denouncement of Confucianism during the Cultural Revolution, Cho Kyung-nan argues that that the Communists' collectivist morality itself harks back to Confucian or other classical Chinese ideologies. Substantiation for this claim can be found in the aftermath of the Tiananmen Massacre of 1989, when the CCP came to consider human rights problems to be an issue of public diplomacy – a problem of garnering collective support – rather than an issue of policy.[54]

Mao's legacy is also strongly evident here. Having described Liberalism in 1937 as 'a corrosive which eats away unity, undermines cohesion, causes apathy and creates dissension,'[55] in 1955 Mao denounced Hu Feng (1903-1985), a leading editor and literary critic who advocated freedom of expression, for his 'bourgeois values' and 'counterrevolutionary activity'. Mao's arguments were based on the demonisation of individualism which, as Yunxiang Yan notes, Mao considered to be the 'corrupt, irresponsible and antisocial value of dying capitalist culture, which was characterised by selfishness, lack of concern for others, aversion to group discipline and runaway hedonism.'[56] For Mao, Hu Feng's support of the individual's freedom of speech threatened the People's unity and stability.

Similarly, on 10 November 2010 the Chinese ambassador in Norway, Tang Guoping, published an article about imprisoned Chinese dissident and 2010 Nobel Peace Prize winner Liu Xiaobo. Tang accused Liu of desiring to turn China into a vassal state subordinate to the West, and criticised his efforts in the human rights arena as

undermining both the potential for ongoing development in Chinese society and, worse, the very safety of the Chinese people. Tang argued that Liu's desire to change the existing Chinese political system put Chinese society in danger by inciting unrest, and thus Liu's actions were, in fact contrary to his stated aim of promoting human rights.[57]

In both Hu Feng and Liu Xiaobo's cases the CCP have acted upon the idea that any threat to the ongoing stability of the state is a threat to the human rights of all individuals. As Yunxiang Yan argues, support for this view retains traction in China partially because Chinese intellectuals have not fully exerted themselves to explore the definition and development of individualism in the Western context, but rather, rely upon the traditional Chinese view of the concept.[58] The authors of *iChina – The Rise of the Individual in Modern Chinese Society* claim that movements that defend the individual's rights against official restraints are gaining support in other arenas. They stress, however, that increasing support for the idea of Chinese individualism does not necessarily mean the ideology of Western individualism will prevail. As Yan notes, in China, the identity of the individual may derive from a 'more democratized and privatized family' but is still forged within the bounds and norms of concepts of societal collectivity.[59] Moreover, these commentators underscore that the rise of individualism, especially in rural China, emanates from 'a self-protective reaction to systematic discrimination by state socialism [rather] than as a development inspired by ideas of autonomy and freedom.'[60]

For example, even in the absence of any engagement with the ideas of social organisation, since China's one-child policy was launched in 1979, the Chinese

people have been forced to participate in only one of the two hegemonic discourses that, until that time, had been available. The Chinese people have been forced to accept a modern socialist discourse that underscores individual contributions for collective unity – that is nationhood – rather than a traditional patriarchal one that emphasises individual contributions for family and ancestors.[61] In this regard, one of the important reasons why large scale resistance in rural areas has been difficult to contain is because rural people have been less embedded in socialist collectivity. Relatively isolated from the benefits generated from socialist collectivity compared to their urban counterparts, the people in rural areas prefer to find their own way rather than depend on state-sponsored social welfare systems for survival. Nevertheless, this reluctance to burden the state with personal issues indicates that, among the various layers of collectivity – such as national, organisational and familial – the family is subordinate to the nation.

Thus, analysis of Santoro's third common Chinese contention indicates that the very concept of a strong nation has been reinforced by the synergistic effect of seemingly competing Chinese ideologies, which nevertheless, all focus upon the need for collective unity.

How the Chinese way of dealing with human rights has influenced China's diplomacy

While there is growing support in the West for the idea that the international community has not only the right but also a duty to intervene in the domestic affairs of other nations on humanitarian grounds,[62] the PRC justifies its resistance to humanitarian intervention with the argument that such intervention might trigger domestic turbulence, civil wars, and even regional conflict and is particularly critical

of the U.S.[63] Since 1989 the PRC's position on international intervention has been that, to be a legitimate intervention, any proposal must satisfy three criteria. It must have UN authorization, there must be an invitation from the target states, and any action taken must respect the sovereignty of the state. Furthermore, force is only to be used when all other options have proven to be ineffective.[64]

According to Hak Yin Li and Yongnian Zheng, the PRC's preference for non-intervention pertains primarily to proposed interventions involving military coercion and economic sanctions, although it must be conceded that, in the past, the PRC has attempted to influence South Asian countries such as Myanmar primarily to promote Chinese national interests.[65] Chinese policies of 'soft intervention' theoretically imply that the PRC will only undertake intervention for the sake of peacekeeping yet the PRC has not intervened in Myanmar. In fact, they have been criticised for aiding and abetting Myanmar's authoritarian regime by not intervening. Li and Zheng claim that the CCP endorses the military regime because it believes that there are no other potential political power-holders able to take over and maintain domestic order. Thus, the PRC's main concern is not with the type of regime, but rather – as with their evaluation of the human rights situation in the USA – with issues of domestic stability.[66]

While Chinese anxiety regarding the erosion of sovereignty's role in international politics has remained prominent over the past several decades, Allen Carlson argues that new international norms regarding intervention have enabled China to become more flexible and open to alternative interpretations of sovereignty's role in international politics, thereby opening new opportunities within CCP policy for a

tentative acceptance of multilateral intervention.[67] Multilateral intervention has a purpose, or at least a principle, of relieving grave human suffering.[68] It was on just such grounds that China played a significant role in shaping the UN response to the East Timor crisis in 1999, but they only did so because the Indonesians had waived their right to ultimate sovereignty over East Timor. With both the acquiescence of the host nation and the authorisation of the United Nations in place, the CCP was willing to advocate intervention using 'all means necessary', in order to express humanitarian concern.[69] Accordingly, China sent election observers, voted for a multinational non-UN force to be established to suppress violence, and then contributed civilian police for the first time as part of a UN effort.

But the seeds of this easing in the CCP's stance towards humanitarian intervention can be found almost a decade earlier in China's support of the UN Security Council resolution UN SC 660 of 1990 which condemned Iraq and demanded Iraq's withdrawal from Kuwait. While China ultimately prevented the subsequent application of UN SC 678 – the key resolution authorising the use of all means necessary to force Iraq out of Kuwait – Samuel Kim has observed that China's initial acquiescence to the earlier resolution was significant, and should be considered in the light of China's economic and political isolation after its harsh suppression of student demonstrations in 1989.[70] Adopting the view that stability in China relies upon continued economic development and equable diplomatic relations, and noting the experience of the Eastern Bloc subsequent to the close of the Second World War, concessions with regard to issues of foreign policy that are not otherwise outside the Chinese interests could be contemplated and acted upon. Nevertheless, as Allen Carlson has argued, national interest-based considerations were also likely

to have been behind the Chinese government's challenge of the validity of subsequent Iraq-related resolutions. [71]

On the other hand, Carlson claims that a number of those within China who were in favour of the development of more flexible approaches to sovereignty have gained important access to decision-makers and top leaders in the PRC since the late 1990s.[72] These people argue that any retention of the traditional notion of state sovereignty should be given a lower priority than advancing China's overall national interest. Furthermore, as Gill Bates and James Reilly note, a number of Chinese scholars believe that it is inevitable that the PRC will cooperate with the international community, at least to some extent, for the sake of enhancing China's power both domestically and internationally. [73] More specifically, Bates and Reilly identify flexibility within China's official discourse on sovereignty and intervention in three different areas: first, in differentiating between the types of cases that do or do not deserve intervention; second, in defining acceptable levels of force, and; third in assessing what constitutes justifiable objectives.[74]

In this latter case, Bates and Reilly argue that some recent Chinese writings provide a body of evidence that supports the idea of a greater willingness to evaluate UN peacekeeping operations in terms of their contribution to regional stability and peace. They advise that, according to both strategists in Beijing and former participants in UN peacekeeping operations, the priority of stability over other imperatives has increasingly been an important factor in Chinese thinking.[75] Yet compared to the U.S., which has arguably acted outside its accepted individualistic-oriented policies on human rights by justifying wars on the basis of upholding human rights, China's

concerns about regional stability have been justified within its existing ideological formulation.[76]

Furthermore, even though many Chinese analysts warn against the potential dangers of multilateral intervention, an increasingly vocal minority assert that a movement towards flexibility in the field of humanitarian intervention paves the way for bolstering its national image as a responsible sovereign power.[77] When the UN Security Council, for example, undertook a mission to send a 26,000 strong peacekeeping force to Darfur in 2007, China supported its decision, demonstrating – as it had in Iraq and East Timor – the CCP's ability to combine conflict alleviation with diplomacy when certain conditions are met.[78]

Such action is in keeping with one of Deng Xiaoping's more famous political testaments issued during the Southern tour in 1992: 韬光养晦 – hide one's capacities and bide one's time.[79] Embodied within this axiom is the idea that there is no need for China to provoke the U.S. unless that superpower directly infringes upon China's interests; furthermore, it is rewarding to play an intermediary role between stronger powers and the weaker states. While Deng's political testament was originally designed to encourage Chinese domestic development, it is now being applied to foreign policy, pushing China into more pro-active diplomacy.

Furthermore, these examples of a trend towards greater flexibility with regard to humanitarian intervention reflect the CCP's acknowledgement of the benefits which accrue – an increase in status and power in the global context. There is no doubt that the international critiques concerning Chinese violations of human rights have

been detrimental to building a positive image of China internationally, despite the CCP promulgating its development strategy as *China's Peaceful Rise*. Nevertheless, it seems unlikely that any concessions with regard to multilateral intervention that result in a loss of sovereignty to others, albeit temporarily, and with their consent, will also include an erosion of the supremacy of the concept of China's own sovereignty. The CCP almost certainly continues to subordinate individual human rights to the need to preserve sovereignty. Without sovereignty there is no room for human rights.

Conclusion

This essay has focused on the historical background of Chinese comprehensions of the ideas associated with human rights under Relativism, as compared to the Western, or U.S. approach of Universalism. The idea of Universalism, derived from the natural rights theory inspired by John Locke and Jean Jacque Rousseau, acknowledges the value of human nature or reason. Universalists argue that the universal characteristics of humanity make it possible to apply the ideas of human rights in all nations despite the existence of cultural differences. In contrast, the ideas of the relativists are built upon the critique of natural rights during the eighteenth and nineteenth centuries. Marxists, especially Leninist-Marxists, believe that rights do not have any intrinsic value but are merely instruments available to achieving certain goals. In addition, the concept of natural rights was criticised by the well-known Japanese political intellectual, Katō Hiroyuki, who was influenced by German statism and Social Darwinism and who later influenced Liang Qichao.

Analysis of the two annual human rights reports (HRRC and HRRU) of 2008 has shown that in the case of the relativistic PRC, personal and national stability and

security are the most important criteria for evaluating the status of human rights, whereas the universalistic United States upholds the principles of individualism. There are several different ideological priorities governing the CCP's evaluation, the most significant being those associated with the ideas of sovereignty, collectivity and diplomacy.

Dealing first with sovereignty, due to the predominance of a 'national humiliation' complex arising from the devastating consequences of imperialist wars followed by catastrophic domestic policies throughout much of the twentieth century, the CCP's priority on sovereignty is unlikely to lose its legitimacy in the PRC. Thus, until China believes it at least matches the current international status of the USA as a stable and powerful nation, political and civil rights are likely to remain subordinate to political stability and economic rights.

Turning to collectivity, in discussing ideologies of the 'group over the individual', with particular reference to the historical influence of Katō Hiroyuki in the late Qing-dynasty, it has been established that the formation and widespread adoption of the idea of collective unity has degraded the concept of individualism in contemporary Chinese society.

With regard to diplomacy, in maintaining the supremacy of sovereign rights over human rights, the CCP has largely upheld a negative stance towards humanitarian intervention. However, some flexibility has gradually been afforded over the past two decades, particularly when host nations acquiesce to UN-authorised interventions, and when China's national interests are enhanced by supporting the intervention.

Consistent with this position is the fact that such flexibility does not extend to humanitarian issues within China's own borders because the CCP would not acquiesce to any UN directives that are not in the nation's best interests. Although Chinese governance is regularly judged internationally in accordance with democratic ideological norms, Chinese policies and actions pertaining to human rights reflect a set of ideological norms that the Chinese people largely endorse.

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[1]Marina Svensson, *Debating Human Rights in China – A Conceptual and Political History*, Rowman & Littlefield Publishers, Inc., Lanham (Maryland); Boulder; New York; Oxford, 2002, p. 2.
[2] Marina Svensson, *Debating Human Rights in China*, p. 74.
[3] Richard A. Wilson, (ed.) 'Human Rights, Culture and Context: An Introduction', in *Human Rights, Culture & Context – Anthropological Perspectives*. Pluto Press, 1997, London; Sterling, VA, p. 1.
[4]David M. Lampton, *Same bad different dreams-managing US–China relations 1989-2000*, University of California Press, London, England, 2002, p. 134.
[5]Marina Svensson, *Debating Human Rights in China*, p. 254.
[6] Human Rights Record of United States in 2008, published by the information Office of the State Council in PRC (HRRU), and Human Rights Report: China in 2008, published by the government of US (HRRC).
[7]Allen Carlson, 'More Than Just Saying No', in Alastair I. Johnson and Robert S. Ross (eds.), *New direction in the study of China's foreign policy*, Stanford University Press, California, 2006, p. 217.
[8] Daniel Large, 'From Non-Interference to Constructive Engagement? China's Evolving Relations with Sudan', in Chris Alden and Ricardo Soares de Oliveria (eds.), *China Returns to Africa – a Rising Power and a Continent Embrace*, Hurst & Company, London, 2008, p. 290.
[9] Gill Bates and James Reilly, 'Sovereignty, Intervention and Peacemaking: The view from Beijing', *Survival*, Vol. 42, No. 3, 2000, pp. 42-44.
[10] John Locke wrote; 'Nobody can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it'. John Locke, *Two Treatises of Government* (1689), ed. Peter Laslett, Cambridge University Press, Cambridge UK, 1998, p. 284. For more on the development of liberalism, see A.C. Grayling, *Towards the Light – The story of the struggles for liberty and rights that made the modern West*, Bloomsbury, Great Britain, 2007.
[11]The term 'Asian values' has been linked chiefly with Confucian teachings. Buddhist and Taoist legacies have been treated more like variations on, or internal reactions to, the former; however, as Marina Svensson points out, the usage of 'Asian values' is somewhat controversial in the PRC. According to Svensson, when Chinese scholars refer to 'Asian values', they lay more emphasis on the Asian nations' common economic and political experiences, rather than on their shared cultural heritage. Marina Svensson, *Debating Human Rights in China*, pp. 61-62.
[12] For further exploration, see Chih-Chieh Chou, 'Bridging the Global and the Local: China's Effort at Linking Human rights Discourse and Neo-Confucianism', *China Report,* Vol. 44 no. 2, May 2008; A.C. Grayling, *Towards the Light*, pp. 131, 206, 209.
[13]Chih-Chieh Chou, 'Bridging the Global and the Local', p. 142.
[14] Marina Svenson points out that John Locke's understanding of natural rights is equivalent to modern conceptions of human rights. Marina Svennson *Debating Human Rights in China*, p.21.
[15]Marina Svensson, *Debating Human Rights in China*, pp. 21-22.
[16]James D. Seymour, 'Human rights in Chinese Foreign Relations' in *China and the World*, ed. Samuel S Kim, Westview Press, Boulder CO, 1994, p. 202.
[17]A.D. Grayling, *Towards the Light,* p. 243.
[18]Marina Svensson, *Debating Human Rights in China,* p. 47
[19]Marina Svensson, *Debating Human Rights in China,* p. 24.

[20] 'Proletarians and Communists', *Marx/Engels Selected Works*, 1969, Vol. 1, Progress Publishers, Moscow, pp. 98-137, also available at http://www.marxists.org/archive/marx/works/1848/communist-manifesto/ch02.htm , Accessed 22 February 2011.
[21] Richard Nordahl, 'A Marxian Approach to Human Rights', in Abdullahi Ahmed An-Na'im (ed.), *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, University of Pennsylvania Press, Philadelphia, 1995, pp. 162-187.
[22]Marina Svensson, *Debating Human Rights in China,* pp. 23-24.
[23]Information Office of the State Council of the PRC, *Fifty years of progress in China's Human rights,* February, 2000 as cited in Marina Svensson, *Debating Human Rights in China,* p. 316.
[24] Michael A. Santoro, *Profits and principles: Global capitalism and human rights in China*. Cornell University Press, Ithaca; London, 2000, p. 130.
[25] Michael A. Santoro, *Profits and principles*, p. 130.
[26] State Council of The People's Republic of China White paper, *Human Rights in China,* November 1991, as cited in Michael A. Santoro, *Profits and principles*, p. 130.
[27] Marina Svensson, *Debating Human Rights in China,* p. 273.
[28] Jean Bricmont, *Humanitarian Imperialism: Using human rights to sell war*, trans. Diana Johnstone, Monthly Review Press, New York, 2006, p. 84.
[29] Marina Svensson, *Debating Human Rights in China,* p. 56.
[30] David M. Lampton, *Same bad different dreams*, p. 132.
[31] David M. Lampton, *Same bad different dreams*, p. 132.
[32] James D. Seymour, 'Human rights in Chinese Foreign Relations'*,* p. 213.
[33] David M. Lampton, *Same bad different dreams*, p. 132.
[34] See Michael A. Santoro, *Profits and principles*, p. 131.
[35] Stephan Haggard and Chung-in Moon, 'The states, politics, and economic development in postwar South Korea', in Hagen Koo (ed.), *State and Society in Contemporary Korea*, Cornell University Press, Ithaka, N.Y., 1993, p. 57.
[36] Michael A. Santoro , *Profits and principles*, p. 130.
[37] Michael A. Santoro , *Profits and principles*, p. 133.
[38] Bates Gill and James Reilly, 'Sovereignty, Intervention and Peacemaking', p. 41.
[39] Michael A. Santoro , *Profits and principles*, pp. 133-134
[40] Mette H. Hansen and Stig Thøgersen, *Kina: individ og samfunn,* Universitetetsforlaget, Oslo, 2008, p. 30.
[41] Michael A. Santoro , *Profits and principles*, p. 130.
[42] Don C. Price, 'From Might to Right: Liang Qichao and the Comforts of Darwinism in Late-Meiji Japan' in Joshua A. Fogel (ed.), *The Role of Japan in Liang Qichao's Introduction of Modern Western Civilization to China*, China Research Monograph 57, 2004, pp. 85-87. Katō's ideas were reflected in his book, *Jinken shinsetsu* (*New Theory of the Human Rights*) in 1882, which aroused an intense debate on human rights in Japan.
[43] Amane Wishi, '人權新說', in Michiari Uete (ed.), *Hiroyuki Katō* (in Japanese), Chuokoron-Shinsha, Inc., Tokyo, 1984, p. 413.
[44] Marina Svensson, *Debating Human Rights in China*, p. 87-8.
[45] Don C. Price, 'From Might to Right', p. 92.
[46] Don C. Price, 'From Might to Right', p. 68.
[47] Lynn Hunt, *Inventing Human Rights: A History*, W.W. Norton, New York, 2007, pp. 197-198.
[48] Marina Svensson, *Debating Human Rights in China,* p. 73
[49] A Norwegian sinologist, Rune Svarverud argues that 'Liang interpreted the notion of autonomy as self-discipline, regarding it as the most important quality of the modern individual'. See Yunxiang Yan, 'Introduction: Conflicting Images of the Individual and Contested Process of Individualization', in Mette Halskov Hansen and Rune Svarverud (eds.), *iChina – The Rise of the Individual in Modern Chinese* Society, NIAS press, Copenhagen 2010, p. 25.
[50] Kyung-nan Cho, *Exploration of Chinese modern history of ideas – from Kang Liuwei to Deng Xiaoping* (in Korean), Samin, 2003, pp. 72-4.
[51] Yunxiang Yan, 'Introduction: Conflicting Images of the Individual', p. 24.
[52] Kyung-nan Cho, *Exploration of Chinese modern history of ideas,* pp. 237-238.
[53] Kyung-nan Cho, *Exploration of Chinese modern history of ideas*, pp. 238-239.
[54] Kyung-nan Cho, *Exploration of Chinese modern history of ideas,* pp. 225, 241.
[55] 'Combat Liberalism' *Selected works of Mao Tse Tung*, 7 September 1937 http://www.marxists.org/reference/archive/mao/selected-works/volume-2/mswv2_03.htm , Accessed

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[56] Yunxiang Yan, 'Introduction: Conflicting Images of the Individual' p. 27.
[57] Hvem er Liu Xiaobo? [Who is LiuXiaobo?], *Dagbladet* 11 November 2010, http://www.dagbladet.no/2010/11/10/kultur/debatt/debattinnlegg/nobelprisen/liu_xiaobo/14231777/ (in Norwegian), Accessed 27 February 2011.
[58] Yunxiang Yan, 'Introduction: Conflicting Images of the Individual', p. 27.
[59] Yunxiang Yan, 'Introduction: Conflicting Images of the Individual', p. 31.
[60] Yunxiang Yan, 'Introduction: Conflicting Images of the Individual', p. 34.
[61] Tyrene White, 'Domination, resistance and accommodation in China's one-child campaign', in Elizabeth J. Perry and Mark Selden (eds.), *Chinese Society*: *Change, Conflict and Resistance,* Routledge, London, and New York, 2000, p. 115.
[62] See for example, Thomas Cushman (ed.), *A Matter of Principle – Humanitarian Arguments for War in Iraq*, University of California Press, Berkeley, CA, 2005; Jean Bricmont, *Humanitarian Imperialism*, p. 61- 72.
[63] Bates Gill and James Reilly, 'Sovereignty, Intervention and Peacemaking', p. 46. On China's criticism of the US, in addition to the HRRUs published each year since 1998 (except 1999), see Wang Jincun, 'Global Democratization – Camouflage US Hegemony' (in English), Xinjua News Agency, 27 May 1999, in FBIS-CHI-1999-o526. As quoted in David M. Lampton, *Same bed, different dreams*, p. 141, Wang states: 'Unlike the old cold war, the new cold war, launched by the United States under the banner of 'safe-guarding human rights' and 'global democratization' at a time when it is lording it over the world, is more hegemonic and smells stronger of gunpowder. The initiators of the new cold war, no longer satisfied with the general ideological struggle and infiltration or peaceful evolution, now brazenly interfere in other countries' internal affairs, trample on their national sovereignty, and seek to impose their own standard of human rights and 'well-behaved ID card' or be put on the 'black list'.
[64] Allen Carlson, 'More Than Just Saying No', p. 217.
[65] Hak Yin Li, Zheng Yongnian, 'Re-Interpreting China's Non-Intervention Policy Towards Myanmar: Leverage, Interest and Intervention', *Journal of Contemporary China*, 2009, p. 636.
[66] Hak Yin Li, Zheng Yongnian, 'Re-Interpreting China's Non-Intervention Policy Towards Myanmar', p. 636.
[67] Allen Carlson, 'More Than Just Saying No', p. 218.
[68] Allen Carlson, 'More Than Just Saying No', p. 220.
[69] Bates Gill, and James Reilly, 'Sovereignty, Intervention and Peacemaking', pp. 48-49
[70] Samuel Kim, 'China's International Organisation Behaviour', in Thomas Robinson and David Shambaugh (eds.), *Chinese Foreign Policy: Theory and Practice,* Clarendon Press, Oxford, 1994, pp. 422-424, cited in Allen Carlson, 'More Than Just Saying No', p. 222.
[71] Allen Carlson, 'More Than Just Saying No', p. 222.
[72] Allen Carlson, 'More Than Just Saying No', p. 225.
[73] Bates Gill, and James Reilly, 'Sovereignty, Intervention and Peacemaking', p. 43.
[74] Bates Gill, and James Reilly, 'Sovereignty, Intervention and Peacemaking', p. 44.
[75] Bates Gill, and James Reilly, 'Sovereignty, Intervention and Peacemaking', p. 46.
[76] Bates Gill, and James Reilly, 'Sovereignty, Intervention and Peacemaking', p. 46.
[77] Allen Carlson, 'More Than Just Saying No', p. 233.
[78] Jing Chen, 'Explaining the Change in China's Attitude toward UN Peacekeeping: a norm change perspective', *Journal of Contemporary China.* 18 (58), January 2009, p.168
[79] For more information see The China.com.cn, 重要历程回顾, http://big5.china.com.cn/economic/zhuanti/ggkf30/2008-05/09/content_15139129.htm (in Mandarin Chinese), Accessed 22 February 2011.

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