

China's Hierarchical View of Human Rights

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Abstract

This paper first lays out the international and domestic challenges China is faced with concerning human rights, then analyses China's way to understand human rights which features a hierarchical view. Priorities of China's human rights policies are defined according to the principle of sovereignty, materialism and collectivism. In the international dimension, China holds sovereignty above human rights. In the domestic dimension, more importance is attached to material and collective human rights than non-material and individual ones. China's hierarchical view of human rights is rooted in China's political culture, especially its official ideology, featuring the interpretation of China's historical experience, insistence of Marxist materialism, and combination of Marxist and Confucian collectivism. Such hierarchical view reduces the efficiency of China's human rights policy both internationally and domestically. China should adjust its view and allow multitasking in enhancing human rights.

Keyword

Human rights, China, sovereignty, materialism, collective rights

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The difference between the Chinese and Western interpretations of human rights and relevant policy divergence have been a challenge for China in both the international and domestic contexts since the end of the Cold War. How does China understand human rights? Why does China understand human rights differently from Western countries? How could China enhance its human rights policies? These are important questions for academics and policy makers alike.

This paper first lays out the international and domestic challenges China is faced with concerning human rights, then analyses the Chinese understanding of human rights issues which features a hierarchical view. Priorities of China's human rights policies are defined according to the principle of sovereignty and materialist beliefs. The socio-psychological roots of China's hierarchical view are then explored against the background of China's political culture, especially its official ideology. In the end of this paper, possible adjustment of China's human rights policies are discussed in the hope of enhancing the efficiency of China's foreign policy as well as improving its human rights conditions.

Human rights: dual challenges for China

The broader interpretation of human rights encompasses almost all aspects of human society. As globalisation deepens in the post-Cold War years, the issue of human rights becomes increasingly internationalised. It is in this sense that China faces dual challenges, domestically and internationally, with regard to human rights.

In the domestic context, the broader interpretation of human rights makes human rights into an issue of national development and governance, bearing with not only the economic and political system of a state, but also many social and cultural factors. As a country founded on the ruins of the anti-invasion war and civil war, the Chinese government has to solve human rights problems within China ranging from providing basic necessities for everyone to meeting citizens' political and cultural needs. According to whitepapers published by the Chinese government, China's human rights undertaking has progressed greatly in terms of raising people's living standards, improving the political system, protecting the interests of disadvantaged social groups, etc.² Nevertheless, China is a developing country with a vast population and fraught with larger regional differences and resource, environmental and ecological strains as well as conspicuous problems from unbalanced, uncoordinated and unsustainable development, so it remains a tough task for China to better protect its people's human rights.³

In the international context, China is widely criticised for its domestic human rights situations, and has sharp divergence in policy with Western countries when it comes to international humanitarian intervention. Typical criticism towards China's domestic situations of human rights targets at China's political system: China remains

² InformationOfficeoftheStateCouncil (1991). Human Rights in China. Beijing.
, InformationOfficeoftheStateCouncil (1995). The Progress of Human Rights in China. Beijing.
, InformationOfficeoftheStateCouncil (1997). Progress in China's Human Rights Cause in 1996. Beijing.
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, InformationOfficeoftheStateCouncil (2005). Progress in China's Human Rights in 2004. Beijing.
, InformationOfficeoftheStateCouncil (2010). Progress in China's Human Rights in 2009. Beijing.
, InformationOfficeoftheStateCouncil (2013). Progress in China's Human Rights in 2012. Beijing.
, InformationOfficeoftheStateCouncil (2014). Progress in China's Human Rights in 2013. Beijing.

³ InformationOfficeoftheStateCouncil (2013). Progress in China's Human Rights in 2012. Beijing.

an authoritarian one-party state. It places arbitrary curbs on expression, association, assembly, and religion; prohibits independent labour unions and human rights organizations; and maintains Party control over all judicial institutions.⁴ In the meantime, as China's power grows in the international system, it is increasingly considered responsible and capable to contribute more to the international community by reorienting its foreign policy to encourage good governance and alleviate human rights problems outside China. China has firmly endorsed the principle of Responsibility to Protect, but remains cautious in practice.⁵ Even though China has been changing its policies gradually, it is often accused of supporting a string of despots, nuclear proliferators, and genocidal regimes, shielding them from international pressure and thus reversing progress on human rights and humanitarian principles.⁶

The international challenge in relation to China's human rights demonstrates a confrontational nature, while in domestic affairs China's human rights issues can be viewed as a combination of policy orientation and the underlying implementation deficiency. These contribute to, as well as result from, China's hierarchical view of human rights, which interprets human rights issues separately in international and domestic dimension, and prioritises the right to development above others.

International dimension of human rights

The principle of sovereignty serves as the watershed of China's view of human rights,

⁴ HumanRightsWatch (2014). "World Report 2014-- China." Retrieved September 23, 2014, from <http://www.hrw.org/world-report/2014/country-chapters/china>.

⁵ Teitt, S. (2008). China and the Responsibility to Protect. Brisbane, Asia-Pacific Centre for the Responsibility to Protect, School of Political Science & International Studies, The University of Queensland.

⁶ Kleine-Ahlbrandt, S. and A. Small (2008). "China's New Dictatorship Diplomacy." *Foreign Affairs* **87**(1): 38-56.

implicitly differentiating human rights issues as international and domestic. Thus, international human rights issues seem less under control in contrast with domestic ones, and the Chinese government is more engaged in rationalisation than solution. In the international dimension of human rights, China has three concerns.

Most alerting to the Chinese government is the possibility that human rights issues are used as a tool to undermine its legitimacy.

Until the Reform and Opening Up, human rights were largely treated as a concept of the West, and not included in official or academic discourses. During those years, the concept of human rights was seen in negative terms by the Chinese.⁷ Mainstream views held human rights to be part of capitalist ideology, and advocacy of human rights was considered to be demonstration against the Communist Party.⁸

Since late 1970s, the concept of human rights gradually found way into Chinese discourses, and was linked with potential risks for China's political power since the 1990s. Two major events played symbolic roles in this process. The Tian'anmen Incident in 1989 showed Chinese leaders how individual freedom could get out of control and leave the government with very few policy choices. The maintenance of China's social stability is realised at the expense of some political human rights including freedom of expression, and the Chinese authorities are not ready to allow active citizens to freely express themselves.⁹ The collapse of the Soviet Union taught

⁷ Men, J. (2011). "Between Human Rights and Sovereignty—An Examination of EU–China Political Relations." European Law Journal 17(4): 534-550.

⁸ Gu, C. (2009). "China's Research and Innovation on Human Rights Theories in the Last 30 Years [30 年来的中国人权理论研究与创新]." Theoretical Front In Higher Education(02): 48-52.

⁹ Men, J. (2011). "Between Human Rights and Sovereignty—An Examination of EU–China Political Relations." European Law Journal 17(4): 534-550.

China a lesson that radical political reform can be counterproductive and lead to chaos.¹⁰ Reform of China's political system has become a relatively sensitive topic, and the Chinese government has been very cautious in enhancing the political reform in an incremental fashion.

It is at these very points that the criticism of China's human rights from Western countries usually target. From this perspective, it is easier to understand why the Chinese government is always alerted to such accusation. A content analysis of China's official discourse on human rights shows that China's attitudes towards sovereignty and human rights remains consistent during the post-Cold War years.¹¹ External criticism of China's human rights situation is usually interpreted with misgivings. China is happy to carry out dialogue and communication with other countries on human rights issue based on equality and mutual respect, but firmly opposed to interference in other country's domestic affairs under the pretext of human rights.¹² For the Chinese government, criticism of China's human rights situations is not only trespassing, but also a direct attempt to undermine China's stability and governmental legitimacy. Therefore, when China's human rights situation is criticised, the Chinese government feels obliged to react. In this sense, China's international human rights policy is developed during the process of resisting

¹⁰ Zhang, W. (2012, March 15). "China's Political Reform Should Follow Its Own Path with Confidence [中国政治改革要自信地走自己的路]." Retrieved September 23, 2014, from <http://theory.people.com.cn/GB/82288/112848/112851/17400731.html>.

¹¹ Wu, C. (2010). "Sovereignty, Human Rights, and Responsibility: Changes in China's Response to International Humanitarian Crises." *Journal of Chinese Political Science* 15(1): 71-97.

¹² Qin, G. (2014, February 28). "Foreign Ministry Spokesperson Qin Gang's Regular Press Conference on February 28, 2014." Retrieved September 23, 2014, from <http://sydney.chineseconsulate.org/eng/fyrth/t1133216.htm>.

Western interference in China's domestic affairs under the pretext of human rights.¹³

Less worrying than but related to the first concern, the Chinese government sees human rights as a moral high ground which it should not lose to Western countries. Following this rationale, the Chinese government has actively engaged in a foreign policy struggle against countries which are keen to criticise China, and in the same time, the international cooperation in the field of human rights under multilateral and bilateral frameworks.

In the post-Cold War years, the international struggle centred on human rights intensified, and the essence of such international political struggle was the struggle between power politics and anti-hegemonism, and between interference and anti-interference.¹⁴ One of the characteristics of the Chinese mode of human rights is its emphasis of international struggle centred on human rights.¹⁵ After years of international interaction, China has accumulated experience in rebuffing accusations of its poor human rights situation. In 2014, China rejected a UN investigative report on its human rights record on 48 points, either dismissing the relevancy of the issues raised, or claiming that it is already implementing laws to better protect its citizens' rights.¹⁶ Such political struggle cannot be separated from China's resistance of interference. China firmly opposes some countries' hegemonic acts of using a double standard for the human rights of other countries, especially developing countries,

¹³ Shen, Y. (2004). "China's Foreign Policy concerning Human Rights and Its Evolution since the 1990s [二十世纪九十年代以来中国国际人权政策及其演变]." *International Studies*(01): 64-69.

¹⁴ Pu, P. (2004). "Chinese Human Rights Policy in Affairs of Foreign Relation (中国对外关系中的人权政策)." *Teaching and Research*(9): 46-51.

¹⁵ Li, E. (2011). "Human Rights and China Mode of Human Rights (人权及中国人权模式)." *Academics*(2): 35-43.

¹⁶ Valli, R. (2014, March 20). "Chinese Human Rights Record Under UN Scrutiny." Retrieved September 23, 2014, from <http://www.voanews.com/content/chinese-human-rights-record-under-un-scrutiny/1875146.html>.

and imposing their own pattern on others, or interfering in the internal affairs of other countries by using human rights as a pretext.¹⁷ The most telling example of foreign policy struggle centred on human rights is the criticism between China and the U.S. concerning each other's human rights situations. While the U.S. has been publishing annual reports on China's human rights record for decades,¹⁸ China began to issue a retaliatory annual report on U.S. human rights record since 2000.¹⁹ Obviously, such antagonism is not conducive to the improvement of human rights in China. Revealing human rights problems in the U.S., lowering the benchmark of human rights evaluation, and thus raising China's human rights profile in the relative sense does not change the actual situation of China's human rights.

As the influence of ideology on China's foreign policy weakens since the end of the Cold War, China has been taken a more cooperative approach in the field of human rights. The reorientation of China's human rights policy from confrontation to cooperation can be observed in both multilateral and bilateral contexts. The Chinese government signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1997 and ratified it in 2001,²⁰ and signed the International Covenant on Civil and Political Rights (ICCPR) in 1998.²¹ China has also made many

¹⁷ InformationOfficeoftheStateCouncil (1995). The Progress of Human Rights in China. Beijing.

¹⁸ U.S.DepartmentofState Country Reports on Human Rights Practices. Washington.

¹⁹ InformationOfficeoftheStateCouncil (2000). U.S. Human Rights Record in 1999. Beijing.

²⁰ UN (2014, September 24). "STATUS AS AT : 24-09-2014 08:09:17 EDT CHAPTER IV HUMAN RIGHTS 3 . International Covenant on Economic, Social and Cultural Rights New York, 16 December 1966." Retrieved September 24, 2014, from https://treaties.un.org/pages/viewdetails.aspx?chapter=4&lang=en&mtmsg_no=iv-3&src=treaty#EndDec.

²¹ UN (2014, September 24). "STATUS AS AT : 24-09-2014 08:09:17 EDT CHAPTER IV HUMAN RIGHTS 4 . International Covenant on Civil and Political Rights New York, 16 December 1966." Retrieved September 24, 2014, from https://treaties.un.org/pages/viewdetails.aspx?chapter=4&src=treaty&mtmsg_no=iv-4&lang=en.

efforts to enhance dialogues and exchanges with other countries in the field of human rights.

Lastly, and the least important in the international dimension of human rights in China's hierarchical view, is China's international responsibility towards human rights issues outside China. China's international human rights policy is part of China's foreign policy, and evolves with China's diplomatic strategy.²² Although still upholding the principle of sovereignty, China seems to have quietly departed from a rigid interpretation of sovereignty for a more flexible one. Evaluated on a sovereignty-human rights spectrum, China's behaviours, particularly its participation in the UN Security Council, in managing the three major international humanitarian crises in the post-Cold War era—Rwanda, Kosovo, and Darfur, demonstrate impressive changes in China's response to the crises with regard to human rights.²³

In summary, China's view of human rights attaches less urgency to the international dimension of human rights, and its international policy concerning human rights are oriented by the necessity to maintain its political legitimacy and promote its diplomatic strategy. In the light of the principle of sovereignty, human rights are interpreted in two separate dimensions, in the international one of which, priority is given to the legitimacy of the Chinese government and the efficiency of China's foreign policies, instead of actual promotion of human rights either home or abroad.

²² Shen, Y. (2004). "China's Foreign Policy concerning Human Rights and Its Evolution since the 1990s [二十世纪九十年代以来中国国际人权政策及其演变]." *International Studies*(01): 64-69.

²³ Wu, C. (2010). "Sovereignty, Human Rights, and Responsibility: Changes in China's Response to International Humanitarian Crises." *Journal of Chinese Political Science* **15**(1): 71-97.

Domestic dimension of human rights

The domestic dimension of human rights, according to China's hierarchical view, is more down to earth than the international dimension. Despite its international aspect, the issue of human rights falls by and large within the sovereignty of each country.²⁴ Increasing importance has been attached to human rights enhancement over the decades, while priorities are decided in a materialist and collectivist style.

It was added to China's amended Constitution in 2004 that 'the state respects and safeguards human rights'.²⁵ The concept of "human rights" was successively enshrined in several important official documents, manifesting the will and action of the Party and state organs at all levels to respect and protect human rights.²⁶

Following a materialist rationale, the Chinese government assigns priority to gaining the economic and development rights, and plans the realisation of political freedom and liberal democracy at a later stage. Practice has proved that it suits China's conditions and the basic interests of all the Chinese people to give priority to the people's right to existence and development and improve the situation of human rights in an all-round way under circumstances of reform, development and stability.²⁷ The characteristics of this road for the promotion and development of

²⁴ InformationOfficeoftheStateCouncil (1991). Human Rights in China. Beijing.

²⁵ NationalPeople'sCongress (1982). Constitution of the People's Republic of China (Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982, and amended in accordance with the amendments to the Constitution of the People's Republic of China adopted at the First Session of the Seventh National People's Congress on April 12, 1988, at the First Session of the Eighth National People's Congress on March 29, 1993, at the Second Session of the Ninth National People's Congress on March 15, 1999, and at the Second Session of the 10th National People's Congress on March 14, 2004).

²⁶ InformationOfficeoftheStateCouncil (2013). Progress in China's Human Rights in 2012. Beijing.

²⁷ InformationOfficeoftheStateCouncil (1995). The Progress of Human Rights in China. Beijing.

human rights that suits China's reality are, in terms of the basic orientation of developing human rights, that China sticks to the principle of developing the productive forces and promoting common prosperity, based on the improvement of the living standards of the entire people and promoting the human rights of the entire people; in terms of the order of priority, the top priority is given to the rights to subsistence and development, while taking into consideration the people's political, economic, social and cultural rights and the overall development of individual and collective rights; in terms of the methods of promoting and guaranteeing human rights, China stress that stability is the prerequisite, development is the key, reform is the motive power, and government according to law is the guarantee.²⁸

Materialistically orientated, China has achieved greatly in terms of raising its people's living standard and protecting the basic rights of disadvantaged groups. In the meantime, shortcomings of such way of thinking are self-evident. Since the Reform and Opening Up, the priority of China's local governments have been assigned to economic development, and maintaining stability is increasingly emphasised in recently years, so the enhancement of human rights is always subordinated to these two goals, and becomes issue-driven and reactive.²⁹ For example, when rationalising its family planning policy, the Chinese government holds that the issue of population is fundamentally one of development.³⁰

Another principle that governs China's view of the domestic dimension of human

²⁸ InformationOfficeoftheStateCouncil (2000). Fifty Years of Progress in China's Human Rights. Beijing.

²⁹ Li, E. (2011). "Human Rights and China Mode of Human Rights (人权及中国人权模式)." *Academics*(2): 35-43.

³⁰ InformationOfficeoftheStateCouncil (1995). Family Planning in China. Beijing.

rights is collectivism. Collective human rights are taken more serious by policy makers than individual human rights. Taking China's family planning policy as an example again, it combines citizens' rights and duties, joining the interests of the individual with those of society. When there is conflict between social needs and individual interests, the government has to seek a means to mediate it, and the duty to limit China's population is incumbent on each citizen as it serves the purpose of making the whole society and whole nation prosperous, so it is wholly justifiable and entirely consistent with the moral concepts of Chinese society.³¹

In summary, Chinese view of human rights and its relevant policy show a hierarchical structure. In the international dimension, they have been featured by a steady endorsement of the principle of sovereignty and reduced yet continuing confrontation with Western countries. When it comes to domestic human rights, profound progress can be observed, while China's policy orientation remains materialist and collectivist.

Table 1 China's Hierarchical View of Human Rights

Interpretation of significance

international	Sovereignty	>	human rights
			Collective> Individual
domestic			Material> Non-material

³¹ Ibid.

Policy priority

international Legitimacy>international political struggle/ specific foreign policy goals>human rights outside China

domestic Stability> development> interest of disadvantaged groups> political reform

Roots of China's hierarchical view

China's hierarchical view of human rights does not have a single father. Examined against the social psychological context in the post-Cold War China, three elements are salient in shaping China's view of human rights into a complicated hierarchy oriented by the principles of sovereignty, materialism and collectivism. First, China's historical experience makes it to attach more importance to the principle of sovereignty. Second, Marxist materialism, the fundamental theory of China's official ideology, remains consistent in spite of changing international and domestic situations, enables a materialist and collectivist way of thinking. Third, the necessity of human rights and China's actual capability to provide are balanced in the light of China's socialist system and collectivist elements in traditional Chinese beliefs.

China's official ideology consists of two intertwining themes: the Party's guiding theories and the official interpretation of the modern and contemporary Chinese history. They should be seen as two sides of the same coin, however, as the interpretation of the history provides evidence for the soundness of the theories, and the theories justifies the official approach to the history; they are presented to

the public in such a way that they penetrate each other and cannot be separated. In the General Program of the Party's Constitution, it is clearly stated that the Party takes Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents and the Scientific Outlook on Development as its guide to action, and the following paragraphs elaborate on historical achievements made under such theoretical guidance.³² The 1982 Constitution, as well as the 1954, the 1975 and the 1978 Constitutions, narrates the modern and contemporary Chinese history in the opening paragraphs, the great victory of which is attributed to the party's leadership; the 1982 and the 1978 Constitutions also attributed the achievements, in parallel to the party's leadership, to the guiding theories, while the 1975 Constitution has a slight different wording in calling for insistence of the guiding theories.³³ The nature of Marxism as truth, its vitality and persuasiveness are proved by the modern and contemporary Chinese history, and based on the practice China's revolution, construction and reform.³⁴

Historical experience exerts dual influence on China's view of human rights. On the

³² NationalCongressoftheCommunistPartyofChina (2012). Constitution of the Communist Party of China (Revised and adopted at the Eighteenth National Congress of the Communist Party of China on November 14, 2012).

³³ NationalPeople'sCongress (1954). Constitution of the People's Republic of China (Adopted on September 20, 1954 by the First National People's Congress of the People's Republic of China at its First Session).
, NationalPeople'sCongress (1975). Constitution of the the People's Republic of China (Adopted on January 17, 1975 by the Fourth National People's Congress of the People's Republic of China at its First Session).
, NationalPeople'sCongress (1978). Constitution of the the People's Republic of China (Adopted on March 5, 1978 by the Fifth National People's Congress of the People's Republic of China at its First Session).
, NationalPeople'sCongress (1982). Constitution of the People's Republic of China (Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982, and amended in accordance with the amendments to the Constitution of the People's Republic of China adopted at the First Session of the Seventh National People's Congress on April 12, 1988, at the First Session of the Eighth National People's Congress on March 29, 1993, at the Second Session of the Ninth National People's Congress on March 15, 1999, and at the Second Session of the 10th National People's Congress on March 14, 2004).

³⁴ Gong, Y. (2014, July 24). "Establishment of the Discipline of Research on Essential Issues of Modern and Contemporary Chinese History [中国近现代史基本问题研究学科的建立]." Retrieved August 6, 2014, from <http://myy.cass.cn/news/745376.htm>.

one hand, China concluded from its anti-colonial history that without sovereignty it is extremely difficult to guarantee human rights. While Western concepts of human rights give priority to the rights of individuals, China's conception focuses on the collective rights and state sovereignty, and the difference largely stems from different historical backgrounds: Western human rights concepts developed in the wake of calls to confront monarchies, religious authorities and feudal hierarchies after the Renaissance; in contrast, China experienced imperial invasion, so human rights calls came with the liberation of Chinese people and the founding of the P.R.C.³⁵ Thus, China is more likely to ring alarm to possible damage to its sovereignty than countries without colonial history.

On the other hand, the history of the P.R.C is not free from risks of the CPC regime being overthrown, due to its different political system from the West. The Tian'anmen Incident in 1989 further revealed such possibilities and exacerbated the insecurity of CPC. China is no exception to list state sovereignty and national security on top of its national interest. Most countries do so, but not as saliently, because they do not feel its sovereignty threatened. In practice, the principle of sovereignty serves as the most effective self-protection for weak countries, and dubbed as "the last shield for developing countries".³⁶ The international community's universal acceptance of the principle of sovereignty has been seen as the most important

³⁵ Xu, J. and W. Wei (2006, November 16). "What Is the Difference between Chinese and Western Concepts of Human Rights [中西方人权观念有何不同]." Retrieved September 25, 2014, from http://news.xinhuanet.com/politics/2006-11/16/content_5339873.htm.

³⁶ Yang, C. (2001). "Sovereignty Is the Last Shield for Developing Countries [主权是发展中国家的最后一道屏障]." *International Studies*(02): 1-3.

advantage of the third world.³⁷

China's official ideology has been enriching since 1949. To the present day, the ongoing creative adaptation and reformulation of Marxist theory in line with a rapidly transforming reality has remained a basic feature of the party's ideological work.³⁸ Some believe that Marxist-Leninist ideology and its various Chinese permutations are irrelevant in today's China. The party cannot get rid of them for the very reason that it is a communist party, so it deftly lessened the importance of ideology and reduced its role to that of a tool of post hoc rationalisation.³⁹ On the same score, the nature of ideology is seen as pragmatic in the Deng, Jiang, Hu eras, and the role of ideology in Chinese foreign policy unimportant.⁴⁰

Adopting a different analytical framework, however, researchers may come to different conclusions. Even though many changes have taken place at the operative level during the post-Mao period, the party's guiding theories did not change at the fundamental level, and are in essence consistent with that of the Mao era.⁴¹ The most fundamental consistency of China's official ideology lies in Marxist materialism. Marx's historical materialism holds that "man's productive activity" is the essential element in an understanding of man and his history, men make their own history, under circumstances directly encountered, given, and transmitted from the past.

³⁷ Krasner, S. D. (2001). Structural conflict: the Third World against global liberalism, Zhejiang People's Publishing House.

³⁸ Holbig, H. (2013). "Ideology after the end of ideology. China and the quest for autocratic legitimation." Democratization **20**(1): 61-81.

³⁹ Shambaugh, D. (2009). China's Communist Party: Atrophy and Adaptation. Oakland, University of California Press.
pp. 104-105

⁴⁰ Men, J. (2007). Changing Ideology in China and Its Impact on Chinese Foreign Policy. New Dimensions of Chinese Foreign Policy. S. Guo and S. Hua. Plymouth, Lexington Books: pp. 7-40.

⁴¹ Guo, S. (2013). Chinese Politics and Government: Power, Ideology and Organization. Oxon, Routledge.
pp. 109-127

Marx's dialectic materialism holds that the social being of men determines their consciousness, and economic base determines superstructure.⁴² Marxist materialism, standing as the premise of China's official ideology for decades, colours the latter with the indifference to ideational factors as well as the overemphasis of economic factors.

Materialism leads to the overlooking of superstructure, as if it is something that naturally follows economic development. In this vein, the Chinese government argues that to guarantee the right to subsistence is a better way to realise equality, liberties and democracy. It is not feasible to realise all categories of human rights simultaneously and equally, and the priority of human rights enhancement varies according to nations and time periods: when the right to subsistence is generally insured, the pursuit for freedom becomes relatively salient; in a state less developed country, in contrast, the guarantee of the right to subsistence inevitably becomes the starting point in the making of human rights policy.⁴³

China pays full attention to safeguarding both individual and collective rights.⁴⁴ However, when it comes to the practical problem of balancing the necessity of human rights and the capacity of China to ensure human rights, the principle of collectivism governs. The Chinese mode of human rights combines Marxism and collectivism in Confucianism.⁴⁵ The ultimate purpose of Individuals is not embedded

⁴² Ibid.
pp. 92-94

⁴³ Xu, X. and Y. Qi (2002). "Five Key Subjects in the Construction Of China's Human Rights System (中国人权制度建设的五大主题)" *Journal of Literature, History and Philosophy*(4).

⁴⁴ InformationOfficeoftheStateCouncil (1991). Human Rights in China. Beijing.

⁴⁵ Lin, Y. (2013). "Destruction of Universal Human Rights and the Value of the Chinese Mode of Human Rights--Analysis Based on the Sinicisation of the Marxist Theory of Human Rights [普遍人权的解构与中国人权模式的价值——基于马克思主义人权理论中国化的分析]." *Jiangsu Social Sciences*(02): 73-78.

in themselves, but in patriarchal family and society, and nation is not a means but an end itself.

Multitasking to enhance human rights

At present, China's hierarchical view of human rights infringes its human rights policy in several aspects. To increase policy efficiency and enhance China's human rights, it is necessary for China to adjust its way of thinking concerning human rights, compromising the principles of sovereignty, materialism and collectivism to some extent, and allowing multitasking in policy design.

In the international dimension, the relationship between human rights and sovereignty in the post war international society is not that human rights cannot be insured without sovereignty, but humanitarian intervention has become acceptable.⁴⁶ Against such background, China's criticism of Western countries interfering its domestic affairs under the pretext of human rights and powerful rebuffs to negative reviews of China's human rights situations escalate the tensions between China and the rest of the world. Compared with actual improvement of human rights in China, it is more feasible and beneficial for China to tone down its statements concerning human rights, demonstrate modesty and accept objective criticism, so to create a better international environment for China's diplomacy.

It is much more sophisticated when human rights are to be enhanced within China, for it is in effect an issue of national governance, touching upon almost all aspects of

⁴⁶ Li, E. (2012). "From State Sovereignty to Popular Sovereignty: A Study of Interaction of Human Rights and Sovereignty during the Past Thirty Years in China (从国家主权到人民主权: 三十年来中国主权与人权互动关系研究)." *Academics*(09): 218-226.

the Chinese society. The materialist and collectivist approach bring about many problems. It is because of China's unbalanced development that Chinese people's pursuits for human rights also vary, some are more concerned about basic rights to subsistence and development, others may call for more political freedom; even so, everyone is entitled to seek all kinds of human rights despite their social status. In this vein, it is not feasible to implement a phrased plan of human rights enhancement which puts material and collective rights absolutely above non-material and individual rights, though it is justifiable in the eyes of decision makers. In reality, neither the West, nor China truly worships only at the one altar: the West does not generally have "absolute faith" in human rights, and China, equally, does not only see the world through economic eyes.⁴⁷ The rights to freedom, equality, property, subsistence and development are in a logic relationship of linked ends and means: among them, the right to freedom is a human right as an end, while others are human rights as means.⁴⁸ It should be kept as bottom line that basic rights of each category are always guaranteed.

Instead of legal system, China mainly employs administrative measures and public policy to protect human rights.⁴⁹ For instant, the joint meeting mechanism for the National Human Rights Action Plan of China (2012-2015), which is responsible for the implementation, supervision and evaluation of the Action Plan, is headed by the

⁴⁷ Kinley, D. (2013). "Finding Freedom in China: Human Rights in the Political Economy." Sur: International Journal on Human Rights **10**(19): 142-155.

⁴⁸ Xu, X. and Y. Qi (2002). "Five Key Subjects in the Construction Of China's Human Rights System (中国人权制度建设的五大主题)" Journal of Literature, History and Philosophy(4).

⁴⁹ Li, E. (2011). "Human Rights and China Mode of Human Rights (人权及中国人权模式)." Academics(2): 35-43.

Information Office of the State Council and the Ministry of Foreign Affairs.⁵⁰ If human rights are treated as means but not ends, the issues of human rights is likely to be used selectively.⁵¹ Human rights issues are not to be solved by governmental measures, but rule of law. When judging human rights incidents, the Chinese academia, as well as overseas media and foreign political forces, are biased and wrong in focusing only on the infringed rights of individuals while overlooking the illegal elements of their behaviours, and supporting only individuals pursuits of rights while disregarding the balance between individual and common interests or even allowing intrusion of common interests under the pretext of individual rights—this is a wrong orientation in evaluating China’s human rights situations that should be corrected.⁵²

Bibliography

Dong, H. (2012). "Reflections on Human Rights Protection in China [关于中国人权保障问题的若干思考]." *Law Science*(9): 91-98.

Gong, Y. (2014, July 24). "Establishment of the Discipline of Research on Essential Issues of Modern and Contemporary Chinese History [中国近现代史基

⁵⁰ InformationOfficeoftheStateCouncil (2012). National Human Rights Action Plan of China (2012-2015). Beijing.

⁵¹ Li, E. (2011). "Human Rights and China Mode of Human Rights (人权及中国人权模式)." *Academics*(2): 35-43.

⁵² Dong, H. (2012). "Reflections on Human Rights Protection in China [关于中国人权保障问题的若干思考]." *Law Science*(9): 91-98.

本问题研究学科的建立]." Retrieved August 6, 2014, from <http://my.cass.cn/news/745376.htm>.

Gu, C. (2009). "China's Research and Innovation on Human Rights Theories in the Last 30 Years [30 年来的中国人权理论研究与创新]." Theoretical Front In Higher Education(02): 48-52.

Guo, S. (2013). Chinese Politics and Government: Power, Ideology and Organization. Oxon, Routledge.

Holbig, H. (2013). "Ideology after the end of ideology. China and the quest for autocratic legitimation." Democratization **20**(1): 61-81.

HumanRightsWatch (2014). "World Report 2014-- China." Retrieved September 23, 2014, from <http://www.hrw.org/world-report/2014/country-chapters/china>.

InformationOfficeoftheStateCouncil (1991). Human Rights in China. Beijing.

InformationOfficeoftheStateCouncil (1995). Family Planning in China. Beijing.

InformationOfficeoftheStateCouncil (1995). The Progress of Human Rights in China.

Beijing.

InformationOfficeoftheStateCouncil (1997). Progress in China's Human Rights Cause in 1996. Beijing.

InformationOfficeoftheStateCouncil (1999). Progress in China's Human Rights Cause in 1998. Beijing.

InformationOfficeoftheStateCouncil (2000). Fifty Years of Progress in China's Human Rights. Beijing.

InformationOfficeoftheStateCouncil (2000). U.S. Human Rights Record in 1999. Beijing.

InformationOfficeoftheStateCouncil (2001). Progress in China's Human Rights Cause in 2000. Beijing.

InformationOfficeoftheStateCouncil (2004). Progress in China's Human Rights Cause in 2003. Beijing.

InformationOfficeoftheStateCouncil (2005). Progress in China's Human Rights in 2004.

Beijing.

InformationOfficeoftheStateCouncil (2010). Progress in China's Human Rights in 2009.

Beijing.

InformationOfficeoftheStateCouncil (2012). National Human Rights Action Plan of China (2012-2015). Beijing.

InformationOfficeoftheStateCouncil (2013). Progress in China's Human Rights in 2012.

Beijing.

InformationOfficeoftheStateCouncil (2014). Progress in China's Human Rights in 2013.

Beijing.

Kinley, D. (2013). "Finding Freedom in China: Human Rights in the Political Economy."

Sur: International Journal on Human Rights **10**(19): 142-155.

Kleine-Ahlbrandt, S. and A. Small (2008). "China's New Dictatorship Diplomacy."

Foreign Affairs **87**(1): 38-56.

Krasner, S. D. (2001). Structural conflict: the Third World against global liberalism,

Zhejiang People's Publishing House.

Li, E. (2011). "Human Rights and China Mode of Human Rights (人权及中国人权模式)." Academics(2): 35-43.

Li, E. (2012). "From State Sovereignty to Popular Sovereignty:A Study of Interaction of Human Rights and Sovereignty during the Past Thirty Years in China (从国家主权到人民主权: 三十年来中国主权与人权互动关系研究)." Academics(09): 218-226.

Lin, Y. (2013). "Destruction of Universal Human Rights and the Value of the Chinese Mode of Human Rights-- Analysis Based on the Sinicisation of the Marxist Theory of Human Rights [普遍人权的解构与中国人权模式的价值——基于马克思主义人权理论中国化的分析]." Jiangsu Social Sciences(02): 73-78.

Men, J. (2007). *Changing Ideology in China and Its Impact on Chinese Foreign Policy. New Dimensions of Chinese Foreign Policy*. S. Guo and S. Hua. Plymouth, Lexington Books: pp. 7-40.

Men, J. (2011). "Between Human Rights and Sovereignty—An Examination of EU—China Political Relations." European Law Journal **17**(4): 534-550.

NationalCongressoftheCommunistPartyofChina (2012). Constitution of the Communist Party of China (Revised and adopted at the Eighteenth National Congress of the Communist Party of China on November 14, 2012).

NationalPeople'sCongress (1954). Constitution of the People's Republic of China (Adopted on September 20, 1954 by the First National People's Congress of the People's Republic of China at its First Session).

NationalPeople'sCongress (1975). Constitution of the the People's Republic of China (Adopted on January 17, 1975 by the Fourth National People's Congress of the People's Republic of China at its First Session).

NationalPeople'sCongress (1978). Constitution of the the People's Republic of China (Adopted on March 5, 1978 by the Fifth National People's Congress of the People's Republic of China at its First Session).

NationalPeople'sCongress (1982). Constitution of the People's Republic of China (Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982, and amended in accordance with the amendments to the Constitution of the People's Republic of China adopted at the First Session of

the Seventh National People's Congress on April 12, 1988, at the First Session of the Eighth National People's Congress on March 29, 1993, at the Second Session of the Ninth National People's Congress on March 15, 1999, and at the Second Session of the 10th National People's Congress on March 14, 2004).

Pu, P. (2004). "Chinese Human Rights Policy in Affairs of Foreign Relation (中国对外关系中的人权政策)." Teaching and Research(9): 46-51.

Qin, G. (2014, February 28). "Foreign Ministry Spokesperson Qin Gang's Regular Press Conference on February 28, 2014." Retrieved September 23, 2014, from <http://sydney.chineseconsulate.org/eng/fyrth/t1133216.htm>.

Shambaugh, D. (2009). China's Communist Party: Atrophy and Adaptation. Oakland, University of California Press.

Shen, Y. (2004). "China's Foreign Policy concerning Human Rights and Its Evolution since the 1990s [二十世纪九十年代以来中国国际人权政策及其演变]." International Studies(01): 64-69.

Teitt, S. (2008). China and the Responsibility to Protect. Brisbane, Asia-Pacific Centre for the Responsibility to Protect, School of Political Science & International Studies,

The University of Queensland.

U.S.DepartmentofState Country Reports on Human Rights Practices. Washington.

UN (2014, September 24). "STATUS AS AT : 24-09-2014 08:09:17 EDT CHAPTER IV HUMAN RIGHTS 3 . International Covenant on Economic, Social and Cultural Rights New York, 16 December 1966." Retrieved September 24, 2014, from https://treaties.un.org/pages/viewdetails.aspx?chapter=4&lang=en&mtdsg_no=iv-3&src=treaty#EndDec.

UN (2014, September 24). "STATUS AS AT : 24-09-2014 08:09:17 EDT CHAPTER IV HUMAN RIGHTS 4 . International Covenant on Civil and Political Rights New York, 16 December 1966." Retrieved September 24, 2014, from https://treaties.un.org/pages/viewdetails.aspx?chapter=4&src=treaty&mtdsg_no=iv-4&lang=en.

Valli, R. (2014, March 20). "Chinese Human Rights Record Under UN Scrutiny." Retrieved September 23, 2014, from <http://www.voanews.com/content/chinese-human-rights-record-under-un-scrutiny/1875146.html>.

Wu, C. (2010). "Sovereignty, Human Rights, and Responsibility: Changes in China's Response to International Humanitarian Crises." Journal of Chinese Political Science **15(1)**: 71-97.

Xu, J. and W. Wei (2006, November 16). "What Is the Difference between Chinese and Western Concepts of Human Rights [中西方人权观念有何不同]." Retrieved September 25, 2014, from http://news.xinhuanet.com/politics/2006-11/16/content_5339873.htm.

Xu, X. and Y. Qi (2002). "Five Key Subjects in the Construction Of China's Human Rights System (中国人权制度建设的五大主题) " Journal of Literature, History and Philosophy(4).

Yang, C. (2001). "Sovereignty Is the Last Shield for Developing Countries [主权是发展中国家的最后一道屏障]." International Studies(02): 1-3.

Zhang, W. (2012, March 15). "China's Political Reform Should Follow Its Own Path with Confidence [中国政治改革要自信地走自己的路]." Retrieved September 23, 2014, from <http://theory.people.com.cn/GB/82288/112848/112851/17400731.html>.