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EU, China, and the Concept of Human Rights: from a Cultural Relativism Perspective

Kaiyu Shao

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Supervisor: Helena Ekelund

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Abstract

Human rights have become one of the most sensitive issues between EU and China, and it has brought a substantial impact on the bilateral relation. The EU's persistent criticism on the Chinese human rights situation has not only provoked strong reaction from the Chinese government, but also led to a wide antipathy towards the EU's external human rights policy among ordinary Chinese people. Adopting cultural relativism as the theoretical framework, this master thesis explores the different views of Europe and China on the issue of human rights. It discusses how the characteristics of Chinese culture have influenced the implication of human rights to Chinese. Also, it elaborates how the Chinese understanding of human rights is related to the current Chinese position on a series of specific human rights issues. To demonstrate the validity of the analysis, the thesis overviews three typical issues in European Parliament's resolutions regarding Chinese human rights situation: the death penalty, the Tibet problem and freedom of expression, and illustrates the standpoints of both sides. It can be seen that culture is an effective factor in explaining the discrepancy. The study gets to the conclusion that EU fails to provoke sympathy among Chinese on its human rights position because Chinese hold a different view on the content of the notion. Concerning different aspects of human rights, Chinese give strong priorities to collective interests over individual rights. Meanwhile, the domestic demand for civil and political rights remains relatively low, since economic rights are seen as more essential rights.

Keywords: Human Rights, Cultural Relativism, EU, China

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1. Research Question & Background

1.1 Human rights in the EU-China relation

It is beyond doubt that nowadays, the EU-China relationship has become one of the most significant bilateral relations in the world. Meanwhile, the relationship is of crucial importance to both sides, especially under the background of the current worldwide economic crisis, which becomes a great impetus for a new international political and economic structure. Economically, EU maintains its role as the biggest trade partner of China in the year 2012, and China takes the place of the second biggest partner to EU, second only to the United States. Politically, EU and China share the same vision in building a multipolar world, in which international institutions like UN would play bigger roles.

Though both EU and China recognize the importance of this bilateral relation and continuously reiterate the common interests shared by the parties in different occasions, it is only self-deceiving to be blind to the various obstacles lie in the EU-China relation. Besides the concrete interests conflict between the emerging power and existing power (as described by realist scholars in international relations), the disagreements on values and moral standards between China and Europe are casting increasingly serious challenges on the bilateral relation. Among all the debating issues, *human rights* have become the most prominent and controversial area, and have brought a substantial impact on the EU-China relation, intensively demonstrated in EU's constant condemnation on Chinese human rights situation. EU has a long history in criticizing Chinese human rights situation, starting from the 1970s, but nowadays no one could confidently declare that it has led to any concrete achievement.

The Chinese government strongly objects to the criticism. It is claimed that the EU is using human rights issues as an excuse to interfere in Chinese domestic affairs and refuses to make any significant changes on its current policy. Meanwhile, together with other non-Western states like Russia and Southeast Asian countries, the

Chinese government insists on the “non-interference” principle and starts to throw challenges on the universality of the present definition and interpretation of the concept of human rights. As a result of intensive antagonism in the field, the human rights issue has become one of the most sensitive topics between EU and China, and it is even considered as “the greatest and most destabilizing of differences between them” (Freeman & Geeraerts, 2011).

1.2 Culture as a valid variable

The EU-China’s disagreement on human rights issues doesn’t fall out of the expectations of observers and scholars. Factors like economic and politics all provide logical explanations to the behavior of the Chinese government: Politically, the disregards of human rights were believed to be a result of lack of democracy in its political systems. The human rights of Chinese people, just like the human rights of people in other authoritarian state/leftist regimes, are frequently violated by the government because it has to oppress and deny the rights of the people in order to main its autocracy (Cohen, 1987; Davenport & Armstrong, 2004; Donnelly, 1999b; Howard & Donnelly, 1986; Poe & Tate, 1994). Economically, the social transformation caused by rapid economic development is believed to be responsible for the violation of human rights of its people (Chan, 1998; Samuel P Huntington, 1968; Jordan, 1995).

These factors may be efficient in explaining the policy and behavior of the Chinese government. However, they become paled when facing the fact that the majority of Chinese citizens, whose rights the EU tries to protect and improve, have neither shown “gratitude” nor “sympathy” for the EU’s efforts in this regard. Surveys—conducted using questionnaires and interviews—have shown that Chinese citizens generally feel Europe holds an arrogant attitude towards China, and tries to impose its own values on Chinese. Though admitting that “China may not do a good job on human rights”, Chinese people consider the criticisms on the Chinese human rights situation from Europe unrealistic and its demands are impracticable. Interviewees also doubted the motivation for Europe countries and EU institutions to

condemn Chinese human rights, and express their distrust and opposition to EU’s actively involvements on these issues (Tang, 2012; Zhou, Liu, & Fan, 2009).

Unlike the “EU as a savior” narrative supposes, the majority of Chinese people do not feel their human rights are being impaired. According to the *World Value Survey* conducted by Ronald Inglehart, which has included China ever since 1990s, only a small proportion of the interviewees gave negative answers when asked whether they feel that their human rights are being respected. The proportion of interviewees who felt their human rights were being respected was remarkably higher than those in European countries.

Table 1.1 Respect for individual human rights nowadays

	Total	A lot (%)	Some (%)	Not much (%)	Not at all (%)	Don’t know (%)
Sweden	1003	16.3	67.4	14.9	0.5	0.9
German	2064	14.5	55.1	29.3	1.8	2.5
Italy	1012	4.4	50.9	37.6	4.2	2.3
Poland	1000	4.5	59.7	30.5	4.4	0.8
US	1249	15.5	46.3	30.9	3.6	0.9
Japan	1096	2.0	46.3	40.4	2.1	9.2
China	2015	24.0	40.5	9.1	2.3	23.5

Data source: world value survey, <http://www.worldvaluesurvey.org/>.

It could even be argued that the standard for “a lot of respect”, “some respect”, etc. is quite subjective and greatly varies from country to country. Also, the abnormally high proportion of Chinese interviewees who “have no idea” on the human rights issues deserves further investigation. The survey shows that human rights issues in a non-Western culture, namely China, is more complicated than the West’s imagination, and the Western pattern of human rights could not be simply adopted in evaluating Chinese situation—the diversity between societies must be taken into consideration.

Traditionally, the Western theorists predict that demands for democracy and human rights will follow economic growth in non-Western countries such as China (Bollen, 1983; Freeman & Geeraerts, 2011; Jackman, 1973; Lipset, 1997). However, as demonstrated in the foregoing surveys, there doesn't seem to be a high demand for more respects for human rights in China, despite the impressive accomplishment in economic development. Politically, the influence of ideology on Chinese citizens is of little importance as not much people are willing to sacrifice their personal well-being for the "communism ideal". Therefore, it is obvious that neither the economic nor political factor is enough to explain the indifference among the ordinary Chinese towards better human rights situation. The question is then what should count for this difference in attitude towards human rights issues between Western and Chinese societies? This study will approach this question from a cultural perspective.

It is argued in this thesis that culture is a valid variable in understanding the disagreement between EU and China on human rights issue. First, the attitude of ordinary citizens is subject to their values, which is largely dictated by the culture of the society. Second, as indicated above, since both economic and political factors lose explanatory power on this issue, it is natural to appeal to other factors like culture in attempts to comprehend the situation. In addition, the cultural argument in human rights discussion has been long existed. The perspective is prominent in non-Western world but does not hold the same credibility in the West. The validity of the cultural argument is doubted, since as noted by Simon Tay that the question of culture

"no longer comes from indigenous peoples, anthropologists, socialists, or insular religious or ethnic minorities; rather it comes increasingly from governments representing polyglot, largely multi-ethnic, and increasingly modern and capitalist societies in Asia" (quoted from Engle, 2000).

Also, the motivation for the promoters of cultural arguments is called in question—they are suspected to use culture as an excuse to cover their violation on human rights. The different attitudes on the authenticity of cultural influence on human rights issue have turned into a new debate topic between EU and China. This has attached further importance to the variable of culture on this topic.

Therefore, this research aims to remove the political prejudice and give serious examination on the validity of culture as a variable in explaining the disagreement between EU and China. Meanwhile, this study does not argue that culture is the only meaningful variable in analyzing the question. It merely aims to demonstrate that in addition to frequently referred factors, culture also provides an efficient perspective in understanding different positions of the EU and China concerning the human rights issue. Through the cultural perspective this research intends to find the answers to the following research questions: *Why does the EU fails to provoke sympathy among Chinese citizens on the human rights issue? Why are its criticisms on the Chinese human rights situation widely repelled by Chinese? How does diversity in culture lead to the mutual incomprehension between EU and China on human rights?*

1.3 Structure of the thesis

The rest of the thesis is structured as follows. Chapter 2 looks into cultural relativism and defines the theoretical approach of this study. Related works are reviewed in this chapter. Chapter 3 focuses on modern Chinese culture. It first briefly describes three sources of it, namely traditional Chinese culture, communism and the Western culture, as well as their influence on modern Chinese society. Then it elaborates a series of characteristics of the culture, which have significant influence on the Chinese understanding on the notion of human rights. Chapter 4 provides an empirical study to illustrate how the variable of culture has led to disagreement between the EU and China in their standpoints on specific human rights issues. The European position is studied through a text analysis on the resolutions of the European Parliament (EP), and three Chinese human rights issues are highlighted. Then the Chinese public views on these issues are discussed separately, and how the characteristics of Chinese culture have influenced the Chinese attitude is discussed. Chapter 5 concludes the thesis.

2. Theoretical Approach & Literature Review

2.1 Defining cultural relativism

As mentioned above, this research is going to investigate EU-China conflicts over human rights from a cultural perspective. Taking culture as a valid variable implies that this study will inevitably adopt cultural relativism as its theoretical framework, as the cultural universalism stance alone is insufficient in explaining the different stances on the human rights issue. Before going to more detailed discussion, it is necessary to define what culture relativism means and how it will be employed in this study.

Generally speaking, cultural relativism arose as an opposite to cultural universalism, which emphasizes the universality of certain or, in its extreme form, all moral standards. Cultural relativism, on the contrary, asserts that morality can only derive from its cultural context, and thus enjoys and only enjoys validity in its own culture. Therefore, any external judgments on morality in certain cultures are lack of legitimacy, not to mention external interference.

It should be noted that cultural relativism is anything but a unified theoretical approach. The standpoints of cultural relativists have a long span: from extreme cultural relativists who deny the existence of any universal values and moral standards, to milder relativists who recognize the possibility of moral overlaps among cultures and put their faiths in certain universal values, but warn people to be very careful when trying to define these universal values.

White provides a very instructive classification on cultural relativism. According to him, there are three types of cultural relativism. Firstly, it stands of a philosophical position in social science, which “holds that different cultures in principle cannot be compared, because cultures can only be understood in their own terms” (White, 1999). This could be considered as a radical approach in culture relativism as it could easily lead to the deduction that no external interference is acceptable. Not surprisingly, it is the most marginalized approach in the discussion of human rights as it logically denies the existence of universal human rights and the meaning of the current

international institutions in the area. The second approach is a political standpoint rather than an academic theory. Many of the governments in Global South hold this position and openly express their discontent on criticism towards them from outsiders. This standpoint is often combined with assertion on sovereignty and has gained much support from post-colonial theories. Developing states claim that current international human rights standards are based on Western values and experience, and should be considered as part of the colonial heritage. Besides, theories on discourse rights from post-modernism also equip them with powerful theoretical weapon. These speeches are often criticized, mainly by Western politicians and scholars, to be a “rather thinly disguised objection to external criticism of serious human rights violation” (Boyle, 1995; Christie, 1995). This dispute has grown into a very heated debate in international society. It not only intensively demonstrates the conflict between cultural universalism and relativism, but also turns into a fight with many political implications.

The third type of cultural relativism—the one will be adopted in this research—is an analytical tool rather than a doctrine. It is a perspective, which pays special attentions to the diversity of cultures, and could be used to approach the reality and produce better (or at least a different) observations. Scholars in this approach usually do not primarily aim to provide judgment, and try to keep themselves away from the value debates. They work to either draw people’s attention to certain phenomena that may be otherwise neglected, or explain research questions with the variable of culture. But their observations or explanations do not justify what they describe – their jobs are merely to tell the story, but they don’t have to agree with the characters on their behaviors. A prominent representative of this approach is Samuel P. Huntington (1927-2008), who reads not only the status quo, but also the future of mankind based on the core variable of culture. The approach is developed into an extreme in *the clash of civilization*, in which he deems culture as the only valid variable that shadows the impact of nation states and socioeconomic interests (Samuel P. Huntington, 1993). While most cultural relativists in this type do not go as far as Huntington, they do not deny the importance of political and economic factors, and sometimes even admit the

priority of political and economic considerations as deciding factors in actors' behavior. Supporters of this approach insist that at a certain point the influence of culture is more significant than people, especially people in the West, generally believed.

Compared with the other two types of cultural relativism, this approach is a relatively mild and objective one. It is not a surprise that it constitutes the mainstream of cultural relativism in academic discussions. White calls it a "much more useful and productive kind of cultural relativism", by which relativism becomes:

"in addition to the general principle of respect for the ways of life of others, a tool of learning and understanding, a useful corrective to pseudo-universalist notions, a way of shaking up and questioning supposed universalist ideas and opening up the possibility of others" (White, 1999:137).

Following this approach, this research does not aim to produce any value judgment on whether domestic human rights issues should subject to external criticism or interference. Neither does it have any intention to justify either EU or China's standpoint on this issue. It only aspires to provide a reasonable answer to the research questions mentioned above from a cultural perspective. In other words, it aims to answer the following question: how does cultural difference lead to disagreement between China and EU in their interpretation and expectation of human rights?

2.2 Literature review

There are in general three categories of works that are close related to the research question, and they shall be introduced in the following part of this section.

2.2.1 Cultural universalism vs. cultural relativism

The first type of work, which concerns the debate between cultural relativism and universalism, incurs the most intensive controversy. In fact, this debate involves most of the significant writers in the field of international relations, since their positions on this question have direct influence on their understanding of the contemporary world,

as well as their prediction on the future of human beings. Many modernization and development studies scholars hold a cultural universalist perspective, and have strong confidence in the validity of the Western culture worldwide, which is greatly strengthened by the collapse of the Soviet Union. It is believed that the Western idea of freedom and democracy has been generally accepted in all societies, and human history has entered an “end”, where no other possibilities could exist (Fukuyama & Bloom, 1989). On the contrary, Samuel Huntington, with his famous declaration on “clash of civilizations”, provides the most prominent representative of cultural relativism. Huntington not only recognizes the cultural uniqueness of the West as “the values that are most important in the West are least important worldwide” (Samuel P. Huntington, 1993:41), but also admits the possibility and legitimacy that such differences in culture and religion would create difference over policy issues in all areas (Samuel P. Huntington, 1993:29), including the human rights issue.

On the human rights issue, as indicated above, scholars in this field seldom concern themselves with value judgment but work on relatively objective description, therefore they are hardly involved in the debate on “whether culture is a valid source for different interpretation of human rights”. As it will be demonstrated in the rest of this section, the cultural relativist arguments are generally unwelcome in the West.

The cultural argument on human rights is most proposed by the governments of developing countries, namely the government of Singapore, Malaysia, and China. The standpoint of these governments was highlighted in the 1993 United Nation World Conference on Human Rights in Vienna, where the delegations from ASEAN countries and China declared war on the universality of human rights. The foreign minister of Singapore warned that “universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity” (Sen, 1997:9). The Chinese delegation insisted that for a country like China before the problems of starvation and poverty are solved, any prattle about human rights was inconsequential (Liu, 1993). Under the pressure from the West, Asian countries took a milder position in the 1993 Bangkok Declaration and tried to get a compromise with the West by partially admitting to the universality of human rights, but still stressed

that such rights must be considered in context of “national and regional particularities and various historical, cultural and religious backgrounds” (*Bangkok Declaration* 1993). Besides the governments, scholars in these countries also make great efforts to justify cultural relativist arguments. In the case of China, most of these writings are published domestically on both academic journals and newspapers. However such works are seldom taken seriously by the West since they are believed to be financed and supported by the Chinese government, and only represent the ethnic majority (Engle, 2000:313). As a matter of fact, few Western scholars have real access to such works since they are published only in the Chinese language.

Most Western scholars stand with the cultural universalism in human rights debates. Among them Jack Donnelly is the most committed critic against relativism. In a series of efforts, he provides thorough reviews on the cultural relativism argument concerning human rights issues, as well as the main contention between relativism and universalism (Donnelly, 1998, 1999a, 2003). Though admitting the cultural diversity and resulting variance in moral standards among societies, Donnelly opposes cultural relativist arguments in human rights: “human rights are, literally, the rights (every) one has simply because one is a human being, they would to be universal by definition”, and thus are not subjected to culture (Donnelly, 1982, 1984). Sidorsky also argues human rights “is used to affirm that all individuals, solely by virtue of being human, have moral rights which no society or state should deny” (Sidorsky, 1979). Other defend the universality of human rights by arguing the United Nation’s articles on human rights are not decided by the West alone, but came out as a compromise among cultures (Twiss, 1995).

In general, cultural universalists do not challenge the relativist argument that the core spirit of human rights originated in the Western culture, which may not be found in other societies. What they argue is the lack of respect for human rights in the traditional non-Western societies does not render legitimacy for them to deny human rights nowadays. As they put it:

“If, for example, there are good reasons for protecting the free expression of Asian people, free expression should be respected, no matter whether the idea of

free expression originated in the West or Asia or how long it has been a viable idea” (X. Li, 2003:83).

2.2.2 Chinese culture and human rights

The second type of works is more directly related to our discussion as they concentrate on the compatibility or incompatibility of Chinese culture and the idea of human rights.

Several Sinologists trace back into history to examine how the idea of human rights has been introduced and incorporated in China. By envisioning the past, these works provide meaningful instructions to understand the current Chinese human rights discourse. However, based on the same period of history, scholars offer an opposite prescription for the present. Professor Marina Svensson reviews the last one-and-a-half centuries of Chinese employment of the concept of human rights and get to the conclusion that the ‘cultural gap’ between China and the West is not as wide as “our earlier ignorance made it appear” (Svensson, 2002). While Stephen C. Angle, on the contrary, confirms the uniqueness of the Chinese culture, and warns unless we “seek an accommodation of differences with one another in the spirit of toleration, and on that basis engage one another on as many levels as possible”, no real understanding between cultures could be achieved. After tracing back to the significant neo-Confucian thinker in Chinese history and then the introduction of the idea of ‘rights’ to China in the 19th century, Angle scrutinizes the evolution of human rights concept in China and gets to the conclusion that there is a continuity between the traditional Chinese culture and contemporary Chinese human rights discourse, which is distinct from the Western one (Angle, 2002).

More scholars in international relations or in the research field of human rights do not appeal to history or text analysis to look at the current debate, but heavily rely on logic reasoning and value judgment. The main force in defending the legitimacy of ‘Chinese style of human rights’ consists of Chinese scholars and the Chinese government. There is a consensus in Chinese academic literature that the influence of Chinese culture on the Chinese understanding of the concept of human rights is

concrete and indissoluble. It is argued that the Chinese understanding on human rights should receive equal respect as the Western ones. The divergences between China and the West on human rights are concluded as disagreements between collectivism and individualism, relativism and universalism, duty and rights, as well as dissents on the content of human rights and democracy, etc. (Luo, 1996; C. Zhang, 2008; Zhu & Zhang, 2002). Chinese academic writings on human rights do not receive much credit worldwide, and it is generally believed that the Chinese government exerts influence over these scholars. It is worth mentioning that articles advocating Chinese understanding on human rights may have little chance to be published in the English world, even though some of these works are composed by Western scholars. It is not rare that European scholars, who holds a sympathy towards the standpoint of the Chinese government and scholars on human rights issue, can merely publish their relevant works on Chinese journals, while the English version can be published nowhere but their personal blog. Duncan Freeman and Gustaaf Geeraerts from Vrije Universiteit Brussel, who try to call for the Europeans' attention to the distinctiveness of Chinese expectation on human rights (Freeman & Geeraerts, 2011), and Otto Kölbl from University of Lausanne, who criticizes European's biased employment of the human rights concept (Kölbl, 2011), all face this embarrassing situation.

The mainstream in the West casts challenges on the Chinese cultural relativist arguments at different levels. Some scholars ask that to what extent Chinese society remains Confucian and distinct from the West (Bary & Weiming, 1998). The concept of 'Asia value' is deemed to be nothing more than a convenient defense for authoritarian government and an excuse for conservatism (Robison, 1996; Rodan, 1996). Some scholars examine the declared cultural differences between China and the West and contend that none of these difference could justify China's lack of respect for human rights (X. Li, 2003). Donnelly declares that even though the Chinese pattern of human rights exists, such an approach of human rights in fact means "no rights at all" (Donnelly, 2003).

2.2.3 Specific human rights issues in the EU-China relation

The third type of related works are also mainly delivered by Chinese scholars. These works concentrate on specific Chinese human rights matters, which are intensely criticized by EU and its member states such as the death penalty, the Tibet issue, etc. The stances and practice in EU and China on these issues are compared, and the causes of dissimilarity are also analyzed. Wang Shuiming and Wang Chunping review the European practice in abolishing the death penalty, and indicate that the Eighth Amendment of Criminal Law in 2011, which terminate the death penalty on 13 types of economic crimes has demonstrated China's willingness and endeavor towards reducing and finally abolishing the death penalty. However, it is also argued that at the current stage it is impossible and inappropriate for China to completely abandon the death penalty (Wang & Wang, 2011). He Ronggong and Yuan Bin investigate on the Chinese public opinion on the death penalty respectively (He, 2010; Yuan, 2008). Zhang Zhirong provides a thorough study on the origin and development of the 'Tibet human rights issue', and concludes that Western criticism on the Tibet human rights situation is based on groundless allegations. He refutes the declaration that "the Chinese government has commit genocide against Tibet" with sound data, and especially indicates that birth control has never been forced onto Tibetan even though one-child policy is a national policy (Zhirong Zhang, 1992). Fang Lexian analyzes the political motivation for European Parliament in adopting resolutions on Tibet issue (Fang, 2009). In the discussion of expression freedom, the European experience is frequently referred, and it is considered of great value for China (Xing, 2006; Zhiming Zhang, 2000).

These monographic studies not only provide meaningful instructions in locating the contention between EU and Chinese government on human rights issue, but also represent the non-governmental stance in China on these issues to a large extent. The prevailing view among Chinese scholars, as well as public opinion described in these writings, could serve as relatively reliable material in the analysis of the Chinese interpretation of human rights in this study. Unfortunately little attention is paid to the prevalent Chinese opinion on these human rights issues in the West. Neither do many of the Western scholars work to open the "black box" of "Chinese human rights

issue”—more analyses rest on criticizing the overall Chinese human rights situation, but not to explore the specific contentious issues in the EU-China human rights conflict.

3. Chinese Culture in Human Rights Debate

3.1 Defining Chinese culture

Before going into any detail, it is necessary to clarify several concepts to define “Chinese culture”. An unfortunate truth is that in spite of numerous discussions in relevant areas, there is no agreement on what Chinese culture is (Fan, 2000). In many discussions, “Chinese culture” is equivalent to traditional Chinese culture or even Confucianism—the former may appear in the effort to emphasize the distinction between Chinese and other cultures, while the latter is an oversimplified version of the former. For the purposes of this study, “Chinese culture” refers to the contemporary culture in Mainland China.

The contemporary Chinese culture is not only the product of one of the oldest civilizations in the world but also the outcome of drastic revolutions, which renders it a mixture in its nature. Even though people disagree on the relative importance of different elements in shaping contemporary Chinese culture, it is generally agreed that the culture consists of three major ingredients, namely 1) traditional Chinese culture; 2) Communism; and 3) Western culture (Fan, 2000:5). All of these value systems have profound influences on Chinese society, and they have been bound together (though not always coherently) since the *Reform and Opening-Up Policy* in the 1978 and formed a new dynamic culture. The following section will briefly examine the characteristics of these three ingredients, as well as their impact on the Chinese culture.

3.1.1 Traditional Chinese culture

It is a common mistake to deem the thousands of years of the traditional Chinese culture history as a history of Confucius worship. On the contrary, “the traditional Chinese culture encompasses diverse and sometimes competing schools of thought, including Confucianism, Taoism, Buddhism, etc., and a host of regional cultures” (Fan, 2000:5). Confucianism has been the most influential thought in Chinese history, especially after Song Dynasty, which begins at the 10th century, and most Chinese still recognize themselves as the inheritors of Confucianism nowadays. As indicated by Pye & Pye, Confucianism provides the foundation for Chinese interpersonal behavioral patterns (Pye & Pye, 1972); it is a consensus among sinologists that one could never truly understand contemporary China without understanding Confucianism. Many sinologists immerse themselves in obscure ancient Chinese literature, which are seldom used and hardly known by ordinary Chinese, in trying to understand the thoughts and logic of Confucius through *The Analects*—the pamphlet that contains statements from Confucius himself and *Mencius* from Mencius, another significant thinker in the Confucian tradition that only second to Confucius. These works are undoubtedly the most important texts in the study of orthodox Confucianism. However, they might be less relevant when discussing the influence of Confucianism on modern Chinese society. Theodore de Bary points out an important consideration:

“(Confucian) have ceased to be taught in doctrinal form—which is as much as to say that, no longer being taught, Confucianism does not survive in its traditional form, as an articulated doctrine, but now lives on in forms more subtle yet still palpable in the popular imagination—in poetry, song and drama, as the moral grounding and tone of a whole culture rather than as the philosophy of the elite.” (Bary & Weiming, 1998:22)

Bary is absolutely right that Confucianism as a “moral grounding and tone of a whole culture” is not passed on in its original form—the majority of Chinese are unfamiliar with *The Analects*. But the value system has in fact carried on from generation to generation through various educational stories, as well as by numerous well-known traditional aphorisms. It is true that these sayings, poetries, songs and

dramas greatly reflect the Confucian creed, but it should be noted that the values contained in these forms do not strictly follow the original instruction of Confucius, but largely constructed by the social background of their own times. In other words, Confucianism has also evolved in the past 2600 years just like any other school of thought, and it is the living forms of Confucianism that have direct influences on the values of modern Chinese citizens.

3.1.2 Communism

Though communism remains the official ideology of People's Republic of China (PRC), no serious scholar would regard it as the dominant ideology of modern China. On the contrary, amazed by the enormous wave of “marketization” and “opening up” in China, people are under the risk of underestimating the effect of communist thought on modern Chinese culture. Even though after the *Reform and Opening-Up* of China, fewer communist expressions are used in daily lives, communism still profoundly shapes people's values and behaviors. For one reason, the current mainstays in most fields—be it economy, politics, or culture industry—are people from 40 to 60 years old, who are brought up and educated in communist context. Since these people, together with their power in hand, still have great influence on the social climate, it is impossible for the Chinese society as a whole to completely abandon communism. More importantly, although original Marxist creeds are now hardly referred to, communist discourse has not faded into history. For example, the typical Marxist slogan “Serve the country healthily for 50 years” from Tsinghua University—one of the best universities in China, which was first proposed in 1957, is still highly praised by the society, and regularly quoted in the discussions of the necessity of physical exercise.

The influence of communist discourse is even more significant in political aspect. In the absence of any experience of modern politics except for communism, the entire political language of PRC is built on communism. As a result, people's understanding and even imagination on politics are greatly limited by it. An extreme instance is that observer had realized that even in the climax of anti-communism movement in the

1989, the slogan adopted by the young students were exactly like the ones prevailed during the Culture Revolution; and the way they treated their dissenters were no different than the way they were treated by the government they opposed (Gordon & Hinton, 1995).

3.1.3 Chinese impression of Western culture

The attitude towards Western culture among Chinese is complicated. On one hand, the West as a whole is believed to be a more civilized and sophisticated society and represents the future of mankind civilization. On the other hand, it has always been seen as the enemy or potential enemy to China whose presence actually gave rise to and has encouraged the Chinese nationalism. These mixed feelings was most clearly demonstrated in the famous slogan—“Learning Merits from the Foreign to Conquer the Foreign”¹, promoted by Wei Yuan² in the 19th century. This attitude hasn’t been fundamentally changed until today, even though the relative influence of anti-West and pro-West thoughts has been greatly shifted among different period of the last two centuries.

Starting from this dual attitude, it is not hard to understand why China has been absorbing Western culture with great suspicion. The influence of the West on modern China is undoubted. Especially in recent decades, recognition towards Western culture among Chinese is significantly improved as a consequence of increasing international connection. However, this “recognition” doesn’t lead to a general “Westernization” of the society. Neither does Western culture appear in China as a substitute of the traditional Chinese culture, but as a complement to it. Western culture, therefore, is selectively adopted in China. It should be noted the utilization of these “selected” Western values are also greatly influenced by Chinese local culture.

¹ The translation comes from Zhu Wenliang’s master thesis, *Analyzing the thought of “Learning Merits from the Foreign to Conquer the Foreign”*, 2007, Xiang Tan University. The original phrase in Chinese is 师夷长技以制夷 (Shi Yi Chang Ji Yi Zhi Yi)

² Wei Yuan (Chinese: 魏源), 1794-1857, scholar and reformer in Qing Dynasty. Wei Yuan was among the few Chinese who actively learned about the West in the early 19th century, and he has been known as “the first one to open his eyes to the world” in the Chinese history.

Most of the frequently-used concepts in political and economic life, the nation-state, democracy, and rights, are imported from the West. However, in most cases, the original meanings and implications of these concepts were lost or transformed during translation and daily adoption. As it will be demonstrated in the following section of this paper, this point is intensively illustrated in the human-rights-related issues

3.2 Universal human rights vs. Chinese values

Concerning the case of China, there are intensive debates among scholars on whether the idea of “human rights” is part of the traditional Chinese culture or not. Some scholars traced back into the Chinese culture, mainly Confucianism, and argue the basic spirit of human rights is deeply rooted in Chinese culture, albeit in a different form than the current “Western pattern” on human rights (Anwar, 1994; Coomaraswamy, 1980; Han, 1996; Lo, 1949). On the contrary, universalists retort that what the Chinese culture contains is not a protection of human rights but “is an approach to human dignity, well-being, or flourishing that does not rely on human rights” (Donnelly, 2003:81), which could never replace human rights. What lies behind this debate is still the fundamental dispute on “is there more than one type of human rights”. The logic of universalism is not complicated: if there is no other valid understanding of human rights, then the universal/Western human rights should be completely accepted by non-Western cultures. In other words, for extreme human rights universalists, no understanding on the concept of human rights other than the universal/Western one should be allowed.

This debate greatly involves the definition of human rights and its derivation, which is not the theme of this research. But in the Chinese human rights debate, even universalists must admit the Chinese understanding of human rights (or the mere fact that Chinese’s lack of understanding on human rights) has had a prominent impact on their attitudes towards the current mainstream human rights concept. In fact, the fundamental disagreement between relativism and universalism is that the former finds such different interpretations on human rights acceptable or at least doesn’t work on value judgment, while the latter focuses on criticizing such divergence and

the corresponding relativist arguments—either it is proposed by scholars or third world governments.

After all, despite their divergence, it could be argued that it is important for both of them to describe the role of culture in the popular understanding of human rights in non-Western societies like China. There have been many studies from both Western and Chinese scholars that evaluate the main controversy between Chinese culture and the prevalent human rights concepts. Existing research generally approaches the disagreements from the following aspects:

3.2.1 Collectivism vs. individualism

Discussions on Chinese culture would inevitably touch upon its collectivist orientation. As described in many works, China provides the most prominent example of collectivist society, in which “community ... have come traditionally before individual” (Vincent, 1986:41). However, Chinese collectivism is often misinterpreted as “individuals must put the state’s rights before their own” (Cooper, 1994), which is often criticized as “incompatible with any plausible conception of human rights” (Donnelly, 2003:114). This argument conflates ‘collectivism’ as a political slogan proposed by the government and collectivism as a value system, which is deeply rooted in the value systems of ordinary Chinese people. The former is susceptible to international criticism, and may significantly transform over time, but the latter will not be so easily converted, and would have constant and concrete impact on the Chinese view on the human rights issue.

Collectivism in the Chinese culture is primarily reflected in the self-identities of its members—in contrary to the Western individualism, in which “an individual's identity may be defined quite independently of the group”, Chinese people identify themselves in relations to the social whole (Ho, 1995). Ho refers to this kind of collectivist identity as “relational identity”, and people who hold this identity are “intensely aware of the social presence of other human beings”. Due to its characteristic, Ho further argues, the ‘relational identity’ would lead to a strong ‘collective identity’, in which “an individual's identity is defined by membership in

the reference group to which he/she belongs.” In these groups, “each member partakes the attributes of the group. Each shares the pride that the group claims, and bears the burden of its collective humiliation” (Ho, 1993, 1995). As a consequence, this identity results in a corresponding pattern in defining one’s ‘interest’—that the collective interests are seen as significant components of ‘self interests’ (I term it as ‘self interests’ to represent the interest defined by individual as personal interests, to distinguish with ‘individual interests’ in a narrow sense). In other words, in a collective culture like China, it is not ‘collective interests’ that are given priority over ‘individual’ ones, but people generally believe that the well-being of the community has an overwhelming impact on the welfare of individual members. Therefore it is understandable why much more attention is given to ‘community’ in China compared with other individualism cultures.

It is generally accepted that the collectivist orientation in Chinese culture is primarily formed in Confucian tradition. All the merits appreciated in Confucianism emphasize a real solicitude for others and community; individuals are not judged based on their personal achievement, but by their contribution to the society as a whole. Sayings like “the rise and fall of the nation should be the concern of every citizen”³, or “be the first to worry about the troubles across the land, the last to enjoy universal happiness”⁴ have been passed among generations for hundreds of years, and too much concern on oneself has always been seen as disgraceful. The Chinese words for individualism—‘个人主义’ (Ge Ren Zhu Yi) still has more negative association, which is closely related to selfish and immoral. Thus, not only do people have different definitions for ‘self interests’ as described above, but also there is huge moral pressure against individualist orientation on the Chinese population passed on together with the Confucian traditions.

³ My translation, the original phrase in Chinese are “天下兴亡匹夫有责” (Tian Xia Xing Wang Pi Fu You Ze), by 顾炎武 (Gu Yanwu), 1613-1683 A.D., a scholar in Ming Dynasty.

⁴ My translation, the original phrase in Chinese are “先天下之忧而忧，后天下之乐而乐” (Xian Tian Xia Zhi You Er You, Hou Tian Xia Zhi Le Er Le), by 范仲淹 (Fan Zhongyan), 989-1052 A.D., an officials and scholar in Song Dynasty.

The Chinese collectivism is further strengthened by communism, which emphasizes collective well-being and admires individual sacrifice. Together with the *planned economy*, communism had shaped the identity of Chinese in their relations to the nation for almost half a century. People are educated to become ‘the screw of the communist machine’ and the welfare of individuals would be taken care by the nation. Though in the late decades, fewer people would like to become the nameless “screw”, it is still generally believed that the benefit of each individual is closely related to the national economy as a whole. History has confirmed this view, as the living standard of the overwhelming majority of Chinese has been dramatically improved as a result of the *Opening-up Policy*. This experience reinforced collectivist values among Chinese.

These two traditions co-result in a strong collectivism in modern China. The utility of the community enjoys natural legitimacy against individual rights. On the contrary, over assertions on personal interests are often labeled as “selfish” and even immoral. Donnelly may have gone too far to describe the current situation in China as “man exists for the state rather than vice versa” (Donnelly 2003:113), but it is undeniable that if we describe the collectivist-individualist orientation as a spectrum—no culture should be understood as completely collectivist or individualist, then the stance of Chinese culture is much closer to the collectivist end than that of the Western culture.

As a general cultural orientation, Chinese see collectivism as a national virtue. Moreover, this orientation is even believed to greatly contribute to the rapid economic development of the country in the recent decades. However, this virtue also leads to intensive cultural conflicts with international norms on the issue of human rights. The Western concept of human rights, essentially, is based on individual rights, which are rarely appreciated in collectivist cultures. Claims on individual rights often suffer from lacking of social legitimacy in such cultures, especially when they are in conflict with the welfare of the community. As it shall be seen in the fourth chapter of this study, such disagreement between universal human rights and collectivism greatly accounts for the Chinese disapproval on human rights issues.

3.2.2 Rights vs. duties

For China, the concept of rights is an ‘imported goods’ from the West via Japan (Mauzy, 1997:8; Vincent, 1986:41). When the idea of ‘rights’ was first introduced into China in the middle of 19th century, intellectuals encountered huge difficulties in translating the concept into the Chinese language since there were no equivalent words. ‘Rights’ had been successively translated as ‘道理’ (reason), ‘例’ (case), ‘权’(power), etc., and it was until the 1900s that the translation was gradually fixed to its current form as ‘权利’, which is a combination of ‘power’ and ‘interests’ (Y. Zhang, 2008). However, the core spirit of ‘rights’ was somehow lost since the combination of ‘power’ and ‘interests’ doesn’t reflect the implication of ‘justice’ and ‘natural legitimacy’, but related these prerogatives to power. The idea that there are inalienable prerogatives as human being is revolutionary, if not outrageous, to Chinese people at that time. As was proved later in history, it took China almost a whole century to accept the idea.

Nowadays the Chinese people have better internalized the concept of ‘rights’; it is hardly realized that the concept did not originate in Chinese traditional culture. However, it should also be noted that even though the concept was imported from the West, the Chinese discourse of rights, as Stephen Angle argues “is not merely an imperfect attempt to mirror Western ideals . . . it has a coherent history and is made up of Chinese concepts and concerns...” (Angle, 2002: 206-207; 250-251)

As reflected in the Chinese translation, ‘rights’ are always related to ‘power’ in Chinese discourse. Here by ‘power’, it doesn’t imply ‘power over’, but resemble the concept of ‘power to’, which entitles people to certain interests. This ‘power’ can only be gained through assuming certain duties. Thus, as a result, ‘rights’ and ‘duties’ always appear in pairs in the Chinese discourse, and the latter is seen as the foundation of the former. Anwar Ibrahim’s description on ASEAN countries is also applicable to China, that these states “emphasize a balance between rights and duties, although in reality the balance remains tilted towards duties in most of these states.” (Ibrahim, 1994:5).

The Chinese emphasis on duties is in fact derivatives and expressions of its collectivist orientation. In such collectivist cultures the externalities of people's behavior are given special attention—people are expected to take responsibilities for their impact on others and the community. Duty therefore is the key in which interpersonal relations are defined in China. To some extent collectivism and inclination towards duty come as a package, similar to individualism and rights. Therefore, the biased balance against duty could not be altered unless there was a thorough subversion of the current Chinese culture.

3.2.3 Order vs. freedom

Freedom and order are not necessarily in conflict, but can put each other forward. However, absolute freedom and absolute order could never be achieved simultaneously. To certain extent the realization of one is always at the price of the other because the former stresses the free will of individuals while the latter aims to decrease the uncertainty of the community through rules and institutions in order to secure the stability of the society. Therefore, it could be argued that order can only be reached when limitations are put on personal freedom. This order could in return guarantee the rest of the freedom. George Washington illustrated this point well when he declared: “individuals entering into society, must give up a share of liberty to preserve the rest” (Washington, 1787).

Different societies have different choices in the balance of freed and order. This balance could dynamically change due to the social background even in the same society. The transition in the public attitudes and the governmental action in the United States after 9/11 exemplify this point.

China in general is much more inclined towards order in this balance, compared with Western society. Even though it is often argued that the concept of ‘freedom’ could be traced back into Chinese ancient thinkers likes *Zhuangzi* and other Taoists, it bears noting that their concept of ‘freedom’, as indicated by W.J.F Jenner, focused on the inner freedom of people, but did not “carry any implication of, or connection with, notions of political or social freedom”, which is main focus of Western concept of

freedom (Jenner, 1998:67). Furthermore atypical thoughts on freedom have been marginalized after Song Dynasty from the 10th century. Instead, the dominant ideology afterwards—Confucianism—has built a strictly hierarchical society, in which the relationship among family members and people from different social strata were regulated by rigid disciplines. The people were educated to accept and obey these disciplines, and “never transgress (the social order)[不逾矩]” has been one of the core life creed of Chinese, especially among intellectuals. On the contrary, the Chinese word of ‘freedom’, *ziyou*, has been attached with negative association, and “those who advocate *ziyou*/freedom have to be prepared to face accusations of selfishness and letting down the finest traditions of Chinese culture.” (Jenner, 1998:85).

Communism promises people extreme social equality, but what comes together is the strictest orderly system in human history. Though the control on individual has been greatly released after the *Opening-Up* in China, the historical memory and behavioral pattern of Chinese has not been completely erased. In either the thousand years of ancient Chinese empire or the communist period, order had always been the most important foundation of the Chinese society, and it has also been a significant element of the Chinese culture. In addition, the last 150 years has witnessed enormous social upheaval in China, and it has resulted in an extraordinary desire for stability among Chinese people. Consequently, the balance between order and freedom is further inclined towards the former.

This preference is shared by many of the Asian countries, especially among ASEAN. Consider the following investigation:

“In one survey, 131 officials, scholars, business people, and professionals from eight East Asian countries and the US were asked to select from a list of values the ones they considered 'critically important' to people in their country. For all the questions, Asians selected the supposedly Asian positions and Americans the 'Western' positions. The Asians chose in descending order: orderly society, harmony, and accountability of public officials. The Americans chose: freedom of expression, personal freedom, and rights of the individual. Some 71 per cent of Asians ranked

social stability more important than personal liberty; only 11 percent of Americans did so (Hitchcock 1994)” (Mauzy, 1997:216).

The divergence between the ‘Asian’ and ‘Western’ positions is undeniable. A derivative of this disagreement is their different attitudes towards the authority. Western societies generally hold suspicion towards government, which is not found in to the same degree in Asian traditions. Correspondingly, “the human rights discourse in the West is associated with, and has a bias towards, resistance to authority” (Mauzy, 1997:218). In fact, the Western position implicitly assumes that governments could only commit human rights violation, as all the others would be counted as ‘crime’ (Mauzy, 1997:228) . Some Asian countries find the assumption inconsistent since the

“most basic human right is the right to personal safety and security. It is the obligation of the state to protect the personal safety and security—the civil rights—of persons in its territory...This is a (even the) principal reason for the state's existence” (Mauzy, 1997:228).

In the Asian discourse, governments, especially strong governments, are seen more protectors of human rights rather than the opposite. By maintaining stable social orders, governments provide the most fundamental protection to individuals and therefore human rights. The Asian view on the relations among order, freedom and authority is illustrated in by a Malaysian scholar in his writing:

“In Asia, we do care about personal liberties. But from where we sit, the globe looks rather different. As such, it is only natural that we define personal liberties differently, for our history has taught us to fear, not so much the tyranny of government, but the chaos of anarchy and the shackles of poverty” (New Straits Times ,1994, quoted from Mauzy, 1997:218).

Currently, a new wave of debates concerning the balance of order and freedom was provoked by the political slogan of “building a harmonious society”, which was proposed by the then-president of People’s Republic of China, *Hu Jintao*, in 2004. The rise of a harmonious society has been seen as a revival of Confucianism, since it completely conforms to the Confucius ideal on social orders, and has been generally accepted and welcomed by the society. People believe it demonstrates the

determination of the government to protect the rights of disadvantaged groups and relieve social conflicts. It was even interpreted as a new perspective in understanding and promoting human rights (Xu, 2007). However, it is criticized by foreign scholars and commentators. They declare that the goal of harmonious society actually implies a unification of thoughts among the society (Peerenboom, 1998), which denies the rights of freedom thought of individuals, and thus “would be prejudicial to the protection of individual human rights” (Bary & Weiming, 1998:21). Even though the debate arose primarily due to ideological reasons, it still intensively reflects disagreements among cultures on the trade-off of order and freedom.

3.2.4 Economic & social rights vs. civil & political rights

The United Nation’s confirms human rights as integral:

“whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent”⁵.

It is a very broad interpretation of the concept, which in fact covers almost every aspect of human needs, and implicitly defines human rights as all fundamental rights of human beings. In principle, this definition has been recognized by all member-states of the United Nations; however, it is an undeniable fact that there have always been serious disagreements in the interpretation of the concept of human rights among nations.

In one extreme, “human rights were to be explicitly defined for the purposes of future U.S. policy as ‘meaning political rights and civil liberties’” in the United States. In a memorandum approved by then Secretary of State Alexander Haig, “it nevertheless endorsed the unqualified rejection of economic, social and cultural ‘rights’ as rights” (Alston, 1990:372). This viewpoint is much milder in Europe,

⁵ United Nation, Office of the High Commissioner for Human Rights. *What are human rights.* <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

where economic rights are rarely denied as human rights. In fact, outside of the U.S. government, few Western contributors to rights discourse “endorse the idea that political rights are more important than economic ones” (Angle, 2002:241), but all rights are equally important for human beings. However, despite of public declarations, even in Europe, “there is a tendency at least in principle to assert the primacy of civil and political rights” (Freeman & Geeraerts, 2011:193). Studies on Western media have shown that in the Western context of human rights “the economic, social and cultural rights are universally marginalized. On the other hand, the civil and political rights tend to be described as absolute” (Köbl, 2011:1). NGOs also “tended to be pre-occupied with civil and political rights despite occasional affirmations of intent to adopt a broader focus” (Steiner & Alston, 2000:268). In contrast, in most of the developing countries, especially among Asian states, even though it is admitted that the different aspects of human rights are mutually entangled; human rights are still considered as a hierarchical system in which certain rights are more essential than the others. For these countries, China included, the most fundamental rights—entitled as ‘core rights’ by Asian contributors (Engle, 2000), is always concerned with the rights to the material well-being, and thus related to the economic rights (Angle, 2002:244).

Most of the Western states seldom give serious thoughts on the “priority to economic-rights” argument, but consider it as no more than excuse of the Asian governments, especially the Chinese government, for their political authoritarian and oppression (Angle, 2002; Donnelly, 1998). Such consideration is very likely to be the motives of the governments; however, it is blind to overlook the social and cultural contexts that give rise to this argument. It has to be realized that domestically, such positions are generally recognized among Asian societies. China provides a typical example here. Despite criticisms towards it, economic development has been given priority not only in the discussion of human rights, but also in the national strategy in the past thirty years. To some extent, the huge economic success since the *Opening-Up* renders legitimacy to this policy orientation in China. Compared with their neighbors like Japan and Korea, whose economics are more mature and grow at

a slower pace, Chinese people find it much easier to prioritize economic rights in all areas.

The Chinese government's argument on this point actually contains two sub-proposition: firstly, economic rights should be given priority to political rights; secondly, rapidly expansion in the political and civil rights may impair the economic well-beings of the people (Angle, 2002: 243-249). As indicated above, the Chinese government insist that there are certain rights—'subsistence rights', which primarily concerns the material well-beings of people, "are more fundamental than political freedoms" (Angle, 2002:240). It is argued that for China, the biggest developing countries that used to be responsible for almost half of the world's population live in poverty⁶, the predominant task in protecting human rights is to improve the economic situation of its people. This position was highlighted in the speech of the Chinese delegation during Vienna Conference as

"[w]hen poverty and lack of adequate food and clothing are commonplace and people's basic needs are not guaranteed, priority should be given to economic development. Otherwise, human rights are completely out of the question" (Liu, 1993).

This argument is widely accepted by the Chinese public. Confucianism has a long history in emphasizing the necessity to fulfill people's material desires. For the enlightenment scholars of China, who introduced the Western thoughts to China in the 19th and early 20th century, economic matters were at the very heart of their discussion of rights. Reformers like Liang Qichao, Liu Shipei and Chen Duxiu all attach greater importance to economic rights than other rights. Thus, it is valid to argue that the claim on economic rights over the other rights "has a rich and strong connection to the prior tradition of rights discourse in China" (Angle, 2002: 244-245).

The development path of modern China has also strengthened this preference among contemporary Chinese, for whom the memory of living in poverty is still vivid.

⁶ According to the World Bank, China was responsible for 43% of the world poverty population in the year of 1981.

The living standards of the majority of Chinese have been greatly improved in the last thirty years, and it is generally agreed among Chinese that their ‘human rights’ are much more secured today compared with previous years, when minimal demand for food to survive could not be guaranteed. Though scholars make numerous efforts to distinguish human rights and human well-being (Donnelly, 2003; Talbott, 2010), academic discussions hardly have any influence on people’s naïve interpretation of the concepts, which equate the former with the latter. Among ordinary Chinese, for whom the concept of human rights remains quite unfamiliar, better human rights imply nothing more than “good lives”. The sharp contrast of people’s economic situation and living standards between today and the 1970s lead to an unexpected consequence that the Chinese citizens tend to define ‘human rights’ primarily from economic perspective.

In contrast to the high demand for economic rights, Chinese people have never really enjoyed complete civil and political rights in modern sense. Furthermore the majority of the population does not have a deep understanding on such abstract concepts. As a result, the domestic demand in China for civil and political rights is much lower than that in the Western society. It remains true that the popular pressure against the government in countries similar to China

“may not be so much for ‘human rights’ or ‘democracy’ but for good government: effective, efficient, and honest administrations able to provide security and basic needs with good opportunities for an improved standard of living” (Kausikan, 1993:37).

The second sub- proposition that civil/political rights may hurt economic rights is more criticized by the West (Donnelly, 2003). For the West, even if it is understandable that China gives priority to the economic development, there is no reason for retarding political reform and rendering people with more civil and political rights. The underlying logic of the Chinese government is rapid growth in people’s civil and political rights may lead to social disorder, which could significantly impede the economic development. This argument is more appealing to the Chinese people than the West believes. For Chinese, the experience of their

neighbors are more valuable than the instruction from the West—the economic takeoffs of Japan, South Korean, Singapore and Taiwan were all achieved under authoritarian political systems, while the Philippines, which was once highly praised for its democratic politics by the West, has long mired in economic stagnation and political instability. What’s more, the Chinese experience also confirmed this argument as the only economic regression in China after the *Opening-Up* took place rights after the *Tiananmen protest* in 1989. Chinese people generally recognize the possibility of potential conflicts between economic and political rights. Taking the Chinese intense desire for economic rights into consideration, it is not inconceivable that people find the sacrifice of political and civil rights acceptable.

Surveys also back up to this argument. According to the World Vale Survey in 2005, when asked to select the most important thing for the country from a list of possible aims, 41.5% of the Chinese respondents picked out “A stable economics”, which counts for 52.2% of valid response. Only 8.0% of the respondents deem “Progress towards a less impersonal and more human society” the primary goal of the country (Table 3.1). Even more straightforward data comes from *East Asia Barometer (EAB)* survey. When asked which one is more important, only 20% of the respondents picked democracy, while 47.3 of the respondents went for economic developments (Table 3.2).

Table 3.1 The most important thing of this country

	Frequency	Percentage	Valid Percentage
Valid			
1. A stable economic	826	41.5	52.2
2. Progress towards a less impersonal and more human society	159	8.0	10.1
3. Progress towards a society in which ideas count more than money	65	3.3	4.1
4. The fight against crime	531	26.7	33.6
Total	1581	79.4	100
Missing			
-2. Don't answer	8	.4	

-1. Don't know	402	20.2	
Total	410	20.6	
Total	1991	100	

Source: *World Value Survey 2005*

Table 3.2 Choice Between Democracy and Economic Development

Choice between democracy and economic development	Percentage
Economic development is definitely more important	22.0
Economic development is somewhat more important	25.3
Democracy is somewhat more important	13.3
Democracy is definitely more important	6.7
They are both equally important	19.9
Don't know	11.6
No answer	1.3
Total	100

Source: EAB

It should also be noted that as the economic situation keeps improving, and the young generation, who have never suffered poverty and are greatly influenced by Western culture, would gradually gain discourse power in China. The demands for these two sets of rights may therefore transform under new leadership regimes.

3.2.5 Sovereignty vs. human rights

For international relations scholars the human rights movement has significant implications as it may provide the starting point in building the new global political system (Vincent, 1986; Sikkink, 1993; Risse-Kappen, Ropp, & Sikkink, 1999; Evans, 2005). The movement, as it is argued, “has inevitably confronted antagonistic claims based on conceptions of sovereignty” (Steiner & Alston, 2000:573), which is the foundation of the modern international political system. Most Western states and scholars welcome this change, and advocate the current international regime on human rights protect the “the people's sovereignty rather than the sovereign's sovereignty” (Reisman, 1990:5). However, it is this very reason—that fact that human rights seriously challenges a nation’s sovereignty—that leads China to hold a relatively negative attitude towards international human rights discussion. Particularly,

the rise of American neo-interventionism, accompanied by the slogan of “human rights overriding sovereignty”, led not only the Chinese government but also its people deem human rights issue more as an excuse employed by the West power to intervene in the domestic affairs of other countries. This misgiving greatly counts for the Chinese hostility towards outside criticism on Chinese human rights issues.

For China, the concept of sovereignty is absolute an imported goods from the West. The relations of the empire China and its neighbors had been dominated by the ‘tributary system’. As for Marxism, ‘states’ has never been a meaningful unit—only ‘class’ is valid. However, the modern China is undoubtedly one of the nations, who value their sovereignty the most in the world.

This sharp contrast is primarily due to China’s historical experience. China’s sovereignty was deprived when it first involved in the modern international systems in the 19th century, and the then government was forced to sign a series of unequal treaties (Donnelly, 2003:250) whose impact has not been completely removed until today. To restore the full sovereignty of the nation was the major demand of Chinese during more than a hundred years from 1840 to 1945. For the PRC maintaining the state sovereignty and national autonomy is not only its most important responsibility, but also a vital source of legitimacy of the government—it remain unchanged since the regime was first established in the 1949 till nowadays at this point. Historical issues left by the semi-colonial period, such as the Taiwan issue, Tibet issue, and territorial disputes with its neighboring states are reminders to Chinese people of an unpleasant time in their, and stimulates their demands for strong sovereignty. Also, the historical memory shared by the nation lead its people remain very sensitive and precautious towards any attempts of intervention from outsiders, especially from the West. Angle asserts that the “Chinese intellectuals have long felt that, like slaves, the legitimate interests of the Chinese people as a whole were paid little heed by their European ‘masters’ ” (Angle, 2002:248). His description of Chinese is that Europe “paid little heed” on their interests is a relatively mild expression. In the Chinese discourse, the West in history is more referred to as “invaders”, who violently trampled on the sovereignty of China and the rights of Chinese. For them, the most

serious violation on Chinese human rights in history come from the West, while the Chinese government, on the contrary, rose as an counter-force to such violation. Therefore, even though government violation on human rights happens now and then in China, Chinese people still see their government as the “lesser of two evils”; “national independence was and still is seen, therefore, as a route to securing not simply subsistence, but the right to subsistence” (Angle, 2002:248).

Secondly, the recent rise of nationalism in China further reinforces the Chinese obsession on sovereignty. It is generally believed in the West that the government instigates the revival of Chinese nationalism as the original communist ideology lost its attraction among its people, the government appeal to nationalism for its legitimacy. Huntington’s explanation is better accepted in Chinese academia as he indicates that the rise of nationalism is an inevitable result of the economic success of developing countries, which render people with more confidence in their own culture and social model (Huntington, 1993, 1996). After all, it is a fact that Chinese, together with their government, are requiring more equal position with the West on international stage. Also, they are more determined in seeking a developing path different from the Western model, as they believe the keys to success can only be found in their own national cultures. As a consequence of this national proud, Chinese feel antipathies towards the Western criticism on the Chinese human rights issues, and become increasingly offended by the Western claims on the universality of their values.

Stemming from dual concerns on the incentive and capacity of the West to interfere in Chinese domestic affairs, Chinese people still put more trust on their national government in deciding human rights issues. When asked who should decide the human, more than 60% valid Chinese response stick with national government, which is dramatically higher than that of major Western societies (Table 3.3).

Table 3.3 Human Rights should be decided by whom

	Total	National governments	Regional organizations	United Nations	Don't Know

		(percent/ valid percent)	(percent/ valid percent)	(percent/ valid percent)	
China	2015	31.5/60.9	3.6/7.0	16.6/32.1	47.7
Germany	2064	20.4/21.5	19.4/20.4	55.2/58.1	4.2
Sweden	1003	16.7/17.1	9.2/9.4	72.0/73.5	2.1
U.S.A	1249	42.4/45.4	17.8/19.1	33.1/35.5	6.6

Source: WVS⁷

As discussed above, the concept of human rights is still unfamiliar to Chinese to some extent. In addition, the Chinese interpretation on the idea is not identical with that in the Western culture. As a result, the endogenous demands for human rights in the Western criterion, especially for civil and political rights like expression freedom, remain relatively low in present China, and it lead to an unnatural situation that the external pressure has exceeded the domestic demand concerning the Chinese human rights issues. It could be seen that, unfortunately, human rights and sovereignty have become progressively antagonistic in China. While irritated by its nationalism, the Chinese people still lean towards the latter.

4. Empirical Study

4.1 Methodology

The empirical study aims to investigate how the culture variable has impacted the views of Europeans and Chinese on particular human rights issues. Specifically, it examines the positions of the EU and Chinese populations on a series of debated human rights issues. Afterwards the cultural characteristics of China discussed in the previous chapter will be employed to identify causes for such divergence from a cultural perspective.

This research explores EU's standpoint on Chinese human rights situation through analyzing European Parliament's relevant resolutions. The reason for adopting EP to represent the EU's human rights stance is mainly due to the following reasons. Firstly,

⁷ This question was not asked in German and France.

the EP is the most active human rights promoter among the EU institutions. Until the late 1980s, the EU (the then European Community) did not have a clear external human rights policy. While the EP, on the contrary, started to adopt human rights resolutions since 1973, and it has adopted annual reports on the status on human rights in the world since 1983. The parliament has continuously pressed the EU (or its predecessor by then) to take human rights consideration into both its internal and external policy, and has gained a series of success. For example, under the pressure of the parliament, the EU established the European Initiative for Democracy and Human Rights Funds in 1994 (Smith, 2004). To some extent, the EP could be seen as the motive power for the EU's human rights policy. Therefore to analyze its stance has a significant meaning in understanding the EU position on the issue. Secondly, since the Parliament adopts much more texts than the Commission and the Council do, it is more convenient to investigate its position. Meanwhile, as the Commission and the Council are directly responsible for the EU's external relations, their documents are more likely to be political compromises rather than pure position statements, and thus the genuine "European view" on human rights is less reflected in such texts. While the EP, in contrast, has fewer scruples and is relatively free to express its position, since it does not take direct responsibility for the external relations of the Union. Therefore, for the purpose of this study, which focuses on the influence of culture on public opinion instead of policy research, the EP's resolutions have better representativeness.

In the EU-China debate on human rights the EU has always taken an offensive position and often casts criticism on the Chinese human rights situation. China, on the contrary, seldom provokes human rights discussion but instead is busy with defending its position. As a result the EU always dictates debates concerning the Chinese human rights situation. By analyzing the EP's resolutions this research will also identify such issues from the EU's position.

Both data analysis and text analysis are applied in the research. Firstly, data on EP's resolution on Chinese human rights situation during the July 1st, 1999, when the sixth European Parliament started to work, to December 31th, 2011 are collected from

the website of EP.⁸ As multi-keywords search is not possible on the website, this research selects “China” as the keyword and locates all the resolutions that contain “China” in their full text, which amount to 381 in total. After a rough analysis of the texts, 65 resolutions that concern the Chinese domestic human rights situation are identified⁹. Text analysis is then employed to identify EP’s focus points on Chinese human rights situation. Three major Chinese human rights issues, on which the EP reiterates its concerns in a large proportion of its Chinese human rights resolutions, are located. Meanwhile, the stance of EP on these issues is generalized.

For the Chinese public opinion this research draws from existing literature in the relevant areas for necessary information. Two types of literature are found to be of great relevance to this research. The first set of literature includes studies whose authors have conducted large-scale surveys or interviews to measure the public view in China on certain issues. These writings provide reliable indicators in describing the general opinion in China. The second set is articles written by specialists and the public, which accurately reflect their positions on those topics. Their in-depth discussions on the matters elaborate their reasons and logic for taking such positions, and thus provide great opportunities for observing the cultural influence on their view. Since there are sufficient data and discussion concerning the specific human rights issues, interviews and questionnaire are considered unnecessary at current research.

4.2 The death penalty

As the most committed abolitionist, EU feels a strong obligation to advance the universal prohibition of the death penalty. Among the 65 European Parliament resolutions that concern the Chinese domestic human rights situation adopted between

⁸ All the resolutions could be found at the official website of EP, see <http://www.europarl.europa.eu/news/en>. There is a significant data incompleteness on the EP’s resolutions after the January, 2012, as it required time to have all the adopted texts published on the website. Therefore, resolutions after the year 2011 are not included in this study, in order to avoid data corruption.

⁹ See the list of these 65 resolutions in appendix D.

July 1th, 1999 and December 31th, 2011, 30 of them involve urging China to abolish the death penalty¹⁰.

The standing point of EP is straightforward. It is believed that the death penalty “is iniquitous, degrading and contrary to the universal principles of justice”, and prohibition of it is “essential to the affirmation of human dignity and for the progressive development of human rights, the first of which is the right to life”¹¹. Out of this belief, EP continuously “reaffirms its absolute and longstanding opposition to the use of the death penalty in all circumstances”¹², and “calls on the Commission to consider the abolition of the death penalty and a universal moratorium on executions as an essential element in relations between the European Union and third countries”¹³. To achieve a universal abolition on the death penalty, it “call on all states that have not done so to establish a moratorium on executions, as a first step towards the universal abolition of the death penalty, which no state should reject”¹⁴

China, the country who executes most death penalties in the world, unsurprisingly bears the most intensive criticism from EP¹⁵. Besides urging “China to abolish the death penalty and declare an effective moratorium in respect of persons already sentenced” immediately¹⁶, EP also demands China to release its official figure of executions¹⁷. Among all the sentenced death penalties, EP is specifically sensitive to

¹⁰ See the list of these 30 resolutions in appendix A.

¹¹ *European Parliament resolution on the death penalty in the world and the introduction of a European Day against the Death Penalty*. 2001. P5_TA(2001)0402.

¹² *European Parliament resolution of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo*. 2010. P7_TA(2010)0006.

¹³ *European Parliament resolution on the death penalty in the world and the introduction of a European Day against the Death Penalty*. 2001. P5_TA(2001)0402.

¹⁴ *European Parliament resolution on human rights in the world in 2003 and the European Union's policy on the matter*. 2004. P5_TA(2004)0376.

¹⁵ China has never officially released the number of its annually conducted death penalty. The data varied dramatically from different information source, diverging from around 1,000 to 5,000. Even though lack of accurate data, China beyond doubts still conducts most death penalty in the world.

¹⁶ *European Parliament resolution on EU-China Relations*. 2006. P6_TA(2006)0346.

¹⁷ See EP resolutions: *European Parliament resolution on EU-China Relations*. (2006). P6_TA(2006)0346; *European Parliament resolution on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter*.2005. P6_TA(2005)0150.

the ones imposed for non-violent acts. It strongly condemned the death penalties imposed on the prime culprit in the contamination of powdered infant formula with melamine¹⁸, as well as on the Tibetan lama Tenzin Delek Rinpoche and his assistant¹⁹.

Reflected in these resolutions, EP deems the Chinese government as the major (if not the only) obstruction against a complete prohibition of the death penalty in the country. It strongly calls on the Commission and Council to exert pressure on the Chinese government “for a moratorium on the death penalty, which would be really implemented and lead to a change of legislation” through political dialogues, and such dialogues are believed to be “real opportunity to bring about changes in the internal policies of China”²⁰.

Contrast to EP’s intensive attention on the inter-governmental dialogue, throughout all the 31 relevant resolutions, the public opinion in China on the death penalty has never been mentioned or taken into consideration. However, in the Chinese domestic discussion on the issue, the will of the people is considered much more stubborn than the governmental policy, and provides the real obstacle for abolition. Even though it is generally accepted among Chinese legists that China should and will join the international trend and abolish the death penalty eventually, it is also a consensus that the conditions are not yet ready for China to prohibit it immediately. Even the most prominent radical abolitionist in China, professor Qiu Xinglong, also has to admit that

“judging from either the public mood or the mindsets of the decision makers—in other word, the specific circumstances in China—there is no

¹⁸ *European Parliament resolution of 5 February 2009 on Trade and economic relations with China.* 2009. P6_TA(2009)0053.

¹⁹ See EP resolutions: *European Parliament resolution on Tibet, the case of Tenzin Delek Rinpoche.*2004. P6_TA(2004)0067; *European Parliament resolution on Tibet.*2005. P6_TA(2005)0010; *European Parliament resolution on the human rights situation of Tibetans.*2002. P5_TA(2002)0632.

²⁰ *European Parliament resolution on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter.* 2005. P6_TA(2005)0150.

possibilities that China would abolish the death penalty in the near future” (Qiu, 2001).

Some scholars has proposed that China may completely abolish the death penalty in the year of 2100 (Hu, 1995), which is acknowledged as a practicable scheme.

The anti-abolitionism sentiment among Chinese cannot be overlooked. According to an online survey conducted by *NetEase*, one of the most significant web portal in China, in 2003, among all the 16,000 responses, over 83% of them in favor of retaining the death penalty in China. Some netizens reckon the Chinese scholars who appeal for confining or even abolishing the death penalty to be “faddish” and “has nothing better to do”, and there were even emotional netizens declare that all the scholars advocate abolitionism should be punished to death (cited in (Liang, 2004)). Other surveys also confirm the strong support for the death penalty in China. National survey jointly conducted by Chinese Academy of Social Sciences and National Bureau of Statistics shows that more than 95% of respondents in China support the death penalty. Recent survey in the year of 2008 involves 3408 valid questionnaires finds that public support for the death penalty remains around 90% (Yuan, 2009).

Researchers generally agree that the Chinese favor on the death penalty is deeply rooted in its culture. Primarily, the reserving or abolishing of the death penalty is not considered from the perspective of individual human rights, but from the interests of the society as a whole among Chinese. Existing researches have shown that retribution is the most significant reason for supporting the death penalty in the West, particularly in the United States (Bohm, 1987; Ellsworth & Gross, 1994). However, things are different in China. Studies have shown that deterrence is the most important reasons for the Chinese support on the penalty (Jiang, Lambert, & Nathan, 2009; Jiang, Lambert, Wang, Saito, & Pilot, 2010; Jiang & Wang, 2008). In China, it is believe that the death penalty on the rare few would benefit the society by educating the majority. Traditional sayings like “executing one as a warning to a hundred” and “killing a chicken to scare the monkey” greatly reflect this belief. Thus, the death penalty is not merely seen as a process to pacify the emotional victims, but more as a necessary instrument to maintain the social order and effectively protect every citizen.

As a result, the Chinese death penalty supporters tend to be more determined than those in the individualist society for they believe that the issue greatly concerns their own interest and safety. Meanwhile, another reason for Chinese stick with the death penalty is there is no alternative punishment that is considered acceptable by the public. Chinese people do not have a long history in pursuing freedom nor does it consider it a vital part of live. As a result, in the Chinese eyes, the suffering caused by imprisonment, even life imprisonment, is nothing compared with the punishment of the death penalty. Thus people are even more concerned that the state may lack of powerful deterrence when the death penalty is abolished.

Beyond doubt, like in any other culture, retribution is also an important reason why people support the death penalty in China. Meanwhile, it bears noting that for Chinese, revenge is also considered in term of the whole society rather than individuals. Demonstrated in the study of Jiang et al. (2007), when asked whether “society has rights to seek revenge on violent criminals”, much more respondents said yes compared with when the benefit of the society is not attached. As it has been discussed in the previous chapter, due to the strong collectivism, Chinese people tend to internalize the social interests as their self-interests. Thus it is believed that by defending the social interests, the death penalty is defending the interest of each “good” citizen in China—abolishing such a powerful instrument is unthinkable.

These collectivist ways of thinking lead to a consequence that China is more intolerant towards non-violent crimes than the West, as crimes are more often evaluated due to their impact rather than their nature. For example, as mentioned above, the European Parliament expresses its astonishment at the sentence handed down towards two peasants who contaminated powdered infant formula with melamine²¹. However, the court decision has been badly supported national-wide as the incident brought harms to thousands of babies and lead to irreversible damage to dozens of infants. Among the 347 comments under the news on the sentence at *Sina*,

²¹ Melamine was used to enhance the protein proportion of the formula powder, in order to get through the quality inspection.

the biggest web portal in China, only 4 of them expressed opposite view and declared the death penalty is inhumane, which had been violent attacked by others. While the mainstream voice reckoned only two criminals were sentence with the death penalty was far from enough, and others who involved in the incident should also pay for their behavior²².

Even until today, the idea of abolishing the death penalty still sounds absurd to the majority of Chinese population. Apart from the collectivism orientation mentioned above, it is also largely related to the Chinese rights discourse. Until facing great pressure from the West on this issue, the death penalty has never been discussed in the human rights discourse in China. In the Chinese discourse, rights are not innate but are gained through taking certain responsibilities. It is implicitly assumed that when committing certain crime, the corresponding rights are given up. Consider the following statement:

“When crime is committed, the social relation violated by the criminal and the damage to the society should be responded by the criminal himself. And this responsibility means he would lose part of his rights, which might including rights to property, freedom, and even life.” (Chen, 2008)

The assertion is cited from a master thesis, which greatly reflected the current mainstream voice in China. Even though people are starting to recognize that even felons enjoy certain rights, it remains incomprehensible and unacceptable to Chinese that the criminals’ rights to life is inalienable even if he might have deprive other’s rights to life. This standpoint is not likely to change until there is a revolutionary transformation in Chinese rights discourse.

4.3 Tibet

Among all the EU-defined ‘human rights issues’, the Tibet issue provokes the strongest antipathy among the Chinese population. Chinese, just like their government,

²² See the news and the comments at http://comment4.news.sina.com.cn/comment/skin/default.html?channel=gn&newsid=1-1-19120204&style=0#J_Comment_Wrap

believe the “Western powers” are trying to intervene in Chinese domestic affairs, and it is believed that the notion of human rights is employed as an excuse for their interference. The Tibet issue has already become one of the biggest obstacles in the EU-China relation, as most of the significant frictions in the bilateral relation are caused by it.

The EP takes a tough position on the Tibet issue. It adopted 10 resolutions on Tibet during the selected time period²³. Unlike resolutions on the death penalty issue, whose themes are usually not Chinese employment of death penalty, but merely mentioning the situation in the text, Tibet resolutions are typically concentrated solely on the human rights condition in the area. This shows the great importance that the EP has attached to the issue.

In the resolutions, the EP declared that there had been “ongoing discrimination of the Tibetan people by the People's Republic of China on religious, political, educational, language and cultural grounds”²⁴, as well as “continued violation of the human rights of the Tibetan people and other minorities” committed by the Government of PRC²⁵. The EP severely demands the PRC to stop such violations and “ensure that it respects international standards of human rights and humanitarian law”²⁶. Showing great respect to “His Holiness the Dalai Lama”, the Parliament also repeatedly urged the PRC “to step up the ongoing dialogue with the representatives of the Dalai Lama with the aim of reaching a mutually acceptable solution to the issue of Tibet without further delay.”²⁷ In addition to such general assertions, the Parliament also pays close attention to specific events in Tibet. Four out of the ten Tibet resolutions concern the death penalty with a two-year suspension sentenced to Tenzin Delek Rinpoche, an influential Buddhist lama who was accused of planning a series

²³ See the list of these 10 resolutions in appendix B.

²⁴ *European Parliament resolution on Tibet*. 2000. P5_TA(2000)0170.

²⁵ See *European Parliament resolution on Tibet*. 2005. P6_TA(2005)0010; *European Parliament resolution on Tibet*. 2006. P6_TA(2006)0465; *European Parliament resolution on Tibet and Hong Kong*. 2005. P6_TA(2005)0533.

²⁶ *European Parliament resolution on Tibet*. 2000. P5_TA(2000)0170.

²⁷ *European Parliament resolution on Tibet, the case of Tenzin Delek Rinpoche*. 2004. P6_TA(2004)0067.

of bombing against the PRC. The Parliament declared that he was under an unfair trial, and urged the state to commute the death penalty handed down to him, as well as “call for a new and fair trial”²⁸. After the 3.14 Tibet riot in 2008, the Parliament passed resolutions that

*“Firmly condemns the brutal repression visited by the Chinese security forces on Tibetan demonstrators and all acts of violence from whichever source that have taken place in the streets of Lhasa and elsewhere in Tibet, and expresses its sincere condolences to the families of the victims”*²⁹.

The Chinese people, of whom Han composes more than 90%, are intensely irritated by the EP’s position on Tibet. It is felt that the “imperialists” created the “Tibet issue” in the first place in the early 20th century³⁰, have come back to hinder the unification of China. As indicated by Peter Hessler, an American journalist who lived in China for more than 10 years, “Tibetan history is so muddled that one can see in it what one wishes” (Hessler, 1999). While for Chinese, it is an unshaken belief that Tibet has always been “an inalienable part of China” in history, and the legitimacy of Chinese control on the Tibetan region is traced back to Yuan Dynasty in the 13th century (Püncoq, O-rgyan, & Tsering, 2012; The State Council Information Office of the People's Republic of China, 1992). The current separatist tendency in Tibet is seen as a living brand of the national humiliation after the Britain-China Opium War, and any external interference on the Tibet issue, either be it under the name of human rights or peacekeeping, are intolerable. Consequently, the Chinese tend to overact towards external pressure on Tibet issue, and the Chinese nationalism frequently arises around the matter. For example, after the German Chancellor Angela Merkel receiving the Dalai Lama by the end of 2007, China cancelled a series of ministerial meeting: breakfast meeting between the foreign ministers, the meeting between the

²⁸ *Ibid.*

²⁹ *European Parliament resolution of 10 April 2008 on Tibet*.2008. P6_TA(2008)0119.

³⁰ The Great Britain launched two wars against Tibet in the year 1888 and 1904, and Tibet declared independence under the control of Britain in 1913.

ministers of justice, and the meeting between ministers of finance³¹. The German-China relationship fell into the worst in the years, and the situation lasted for almost a year until October, 2008, when Merkel visited China. The Chinese reaction towards Sarkozy was even more drastic when he received Dalai as the then president of the EU presidency by the end of 2008. China not only called off the 11th China-EU Summit immediately, but also conducted the so-called “trip snub France” when the then Chinese Prime Minister Wen Jiabao visited Europe at the beginning of 2009—Mr. Wen paid visits, as well as brought orders of huge amounts, to Germany, Spain, Britain, Belgium, and Switzerland. The dispute obviously hurt the economic interest of both sides. However, the Chinese population highly praised the action of the government, deemed it effectively defended the Chinese national dignity. Orville Schell made an accurate observation on the Chinese attitude towards Tibet issue that

“I don't think there's any more sensitive issue, with the possible exception of Taiwan, because it grows out of the dream of a unified motherland—a dream that historically speaking has been the goal of almost every Chinese leader. This issue touches on sovereignty, it touches on the unity of Chinese territory, and especially it touches on the issue of the West as predator, the violator of Chinese sovereignty” (Cited from Hessler, 1999).

The complicity lies in the fact that human rights and sovereignty are inalienable on the Tibet issue. The Dalai lama’s pursuit for greater autonomy for Tibet is based on the argument that the human rights of Tibetans are being violated under the current institution. However, the “autonomy” demanded by Dalai and supported by the West is seen by Chinese people as serious encroaching on the sovereignty of China, a highly centralized state. After all, Chinese refuse to view Tibet issue as a human rights issue, but deem it as, or primarily as, a matter of sovereignty. Therefore it is not negotiable and the public would see any compromise with Dalai as treason.

³¹ Report could be found at *BBC News*: <http://news.bbc.co.uk/2/hi/europe/7008931.stm>; *Digital Journal*: <http://www.digitaljournal.com/article/232314>.

Meanwhile, few Chinese acknowledge that the rights of Tibetans are being violated. On the contrary, it is generally believed that the central government and the other nations, especially Han, have provided great help and support to Tibetans. The support primarily comes on economic aspect. When talking about the Tibet issue, both the Chinese government and the people would refer to numerous economic data to support the argument that the central government has given numerous policy support and significant privileges to Tibet in order to improve the living standard of local people—the national financial subsidies to Tibet in per capital term ranks the highest among all the 27 provinces and 4 municipalities; the tax rate in Tibet is significantly lower than in other provinces; there are sufficient low-interest loans for Tibetans; and unlike the farmers in the interior of China, Tibetans receive free-lease land (The State Council Information Office of the People's Republic of China, 1992).

The West seldom pays attention to such arguments since it is deemed as no more than excuses of PRC for its autocracy in Tibet. Also, “Foreign reports often refer to the exploitation of Tibetan resources as a classic colonial situation, which is misleading” (Hessler, 1999). Holding a strong pre-judgment on the motivation of PRC in its investing Tibet, the prominent cultural reason lies behind those arguments are hardly realized in the West. As discussed in the previous chapter, in the Chinese value system, economic rights are considered as the essential rights. People believe that this is especially true for a region like Tibet, whose economy is underdeveloped and the local people have a low living standards. Starting from this point, the logic of Chinese, where large-scale economic assistance means improvement in human rights, is not incomprehensible. For the majority of Chinese, the statements that PRC is violating the human rights of Tibetans or discriminating Tibetans are malicious slander. Quite the opposite, it is felt that the Tibetan nation has received the best deal among all Chinese nations—just like they have received most economic aid per capital.

As an outcome of governmental propaganda, non-Tibetan Chinese generally identify Tibet as another Chinese nation and holds good will towards them. The interior Chinese people, who enjoy the benefit of modernization after the *Opening-Up*,

feel strong obligations to help the “Tibetan brothers” to realize modernization just like they did. Few Chinese hold dissidence on the disproportionate financial subsidies given to Tibet by the central government due to their collectivist orientation and nationalism. Many non-Tibetans, particularly the young generation, devote themselves to Tibet. In Chinese discourse, to work in Tibet is called to “aid Tibet”, which is seen as a very arduous but also very noble work. It is true that the government organizes most of these “aid jobs” and there are certain economic incentive to encourage enrollment, but for those people who go to work in Tibet it is still a great sacrifice to leave more comfortable living conditions and their families on flatland but to work on the plateau.³² Hessler described his communication with those workers as follow, “Talking with these young men was in many ways similar to talking with an idealistic volunteer in any part of the world.” He quoted the words from Gao Ming, a twenty-two-year-old English teacher, who explained his motivation of working in Tibet as

“One aspect was that I knew we should be willing to go to the border regions, to the minority areas, to places that are jianku—difficult. These are the parts of China that need help. If I could have gone to Xinjiang, I would have, but I knew that Tibet was also a place that needed teachers. That was the main reason” (Hessler, 1999).

Taking the social atmosphere into consideration, it is not hard to understand why Chinese are irritated by the Western condemnation of PRC’s oppression on Tibet, especially by the declaration that “a rising number of Chinese migrant workers coming into Tibet and taking Tibetan jobs and Tibetan land”³³, which is seen by Dalai and the West as another attempt to destroy Tibetan cultural.

It has to be admitted that there is a huge culture gap between the Han and Tibetan, which is often ignored by the Chinese majority. The cultural belief that economic development should be given priority is so robust that the will of Tibetans is

³² Normally, those people would work in Tibet for 2-8 years, and then return to their hometown. Since it is believed in China that living in plateau would bring serious damage to one’s health, they seldom bring their family, especially the children to Tibet.

³³ *European Parliament resolution of 10 April 2008 on Tibet*.2008. P6_TA(2008)0119.

sometimes overlooked. In addition, as a secular society which has no prevailing religion, the interior Chinese population could hardly comprehend the importance of religion for Tibetans. Religion, which is sometimes equivalent to superstition in China, is seen as a huge obstacle against modernization, and has not received enough respect. It is this rough attitude towards religion that causes the most intensive dissatisfaction among Tibetans, as well as drastic criticism on the Chinese Tibet policy.

However, it should be noted that the relation between Tibet and PRC should not be simply summarized as “the ethnic majority adopt the state apparatus to oppress the ethnic minority”, since the cultural background has to be taken into consideration when evaluate the Tibet issue. Hessler’s experience in discussing the American Indian problem with Chinese primary students may help further illustrate the Chinese view on Tibet. When presented the question that what should they do to deal with the Indians, whose culture is in jeopardy, if they were American citizens in the 19th century,

“nearly all responded much the way this student did: ‘The world is changing and developing. We should make the Indians suit our modern life. The Indians are used to living all over the plains and moving frequently, without a fixed home, but it is very impractical in our modern life... We need our country to be a powerful country; we must make the Indians adapt to our modern life and keep pace with the society. Only in this way can we strengthen the country’” (Hessler, 1999).

This perspective parallels the views held by the Chinese public towards Tibet.

4.4 Freedom of expression

The right to freedom of expression is beyond doubt the most fundamental civil and political right. It not only closely relates to, but also provides protection to other rights such as freedom of religion, freedom of association, and freedom of thoughts. The EP obviously feels a strong obligation to promote it worldwide. During the

selected period, EP had adopted 24 resolutions that mentioned the Chinese oppression on freedom of expression³⁴.

The EP declared that “freedom of expression is a key aspect of democracy and one of the main rights of every human being”³⁵, and it “is a key value shared by all EU countries and that they have to take concrete steps to defend it”³⁶. The EP concerned the right of expression freedom both as an abstract principle and in its concrete forms such as media freedom and rights of journalists. Special attention was given to internet freedom, whereas

*“the fight for freedom of expression has today largely shifted on-line as the Internet has become a means of expression of choice for political dissidents, democracy activists, human rights defenders and independent journalists worldwide”*³⁷.

The resolutions noted that “access to Internet has been restricted through direct censorship on government controlled servers and by holding Internet service providers legally responsible for information posted on their servers by others”³⁸ in certain countries, represented by China, who also work to “deny and penalize their citizens’ access to the Internet in order to prevent the distribution of embarrassing information and communications about them”³⁹. Besides condemnation on the Chinese censorship and the information block—widely known as the Great Firewall, the EP expressed grave concern on the arrested journalists and political dissidents, and “calls for the immediate release of all those who protested peacefully exercising their legitimate right to freedom of expression”⁴⁰. In these resolutions, the EP kept

³⁴ See the list of these 24 resolutions in appendix C.

³⁵ *European Parliament resolution on press freedom in the world*. 2001. P5_TA(2001)0283

³⁶ *European Parliament resolution on freedom of expression on the Internet*. 2006. P6_TA(2006)0324

³⁷ *Ibid*

³⁸ *European Parliament resolution on human rights in the world in 2000 and the European Union Human Rights Policy*. 2001. P5_TA(2001)0400

³⁹ *European Parliament resolution on press freedom in the world*. 2001. P5_TA(2001)0283

⁴⁰ *European Parliament resolution of 10 April 2008 on Tibet*. 2008. P6_TA(2008)0119

reiterating its call upon the Chinese government to respond international calls for improvements in the human rights situation and to guarantee freedom of expression.

Compared with the EP's position on the death penalty and Tibet, the Chinese population finds it much easier to accept the EP's criticism on the expression freedom in China, since there are also intense debates on the issue in domestic China. Even though there is no authentic survey on the public view on the issue, it is an unspoken consensus that freedom of expression in China is not fully guaranteed among its citizens. However, perhaps to the EP's surprise, even with that consensus, people's opinions varied tremendously on whether the state should relieve its regulation on expression. According to a survey conducted by Chinese Academy of Social Sciences in 2007, 83.5% respondents agreed the internet regulation was "very necessary" or "relatively necessary" (Guo, 2007). In a report published by Markle foundation, around 50% respondents said the current regulation on internet in China should be reinforced (cited from Y. Li, 2009:109) . Among the Chinese netizens, the ones who advocate absolute expression freedom, as well as Western democracy, are referred as "JY"—the Chinese abbreviation for "elite", which is definitely used in ironically tone as a derogatory term.

It seems a paradox that the Chinese people recognize the insufficiency of expression freedom across the country but haven't formed a consensus in fighting for greater freedom, and even actively seek for governmental regulation. In fact, the topic of expression freedom is one of the hottest debated issues in China. There are no reliable statistics to illustrate the relative popularity of different views among Chinese, but it could be told that the opinions of both sides are fairly strong and an agreement is unlikely to be reach within years⁴¹. The arguments held by the proponents of governmental regulation could be generally divided into two categories. The radical position holds a fundamental hostility towards the idea of expression freedom. It is argued that absolute expression freedom would not only result in endless rumors,

⁴¹ Unless indicated, the opinions referred in this section are quoted from *TianYa BBS*, (bbs.tianya.cn)—the biggest bbs in China.

which would lead to social instability, but also corrupt the social morality since there would be no restriction on the spread of raunchy or violent content. Milder proponents of regulation do not deny the desirability of freedom of expression, but argue it is not time yet for China to remove its control on speech. People who hold this view believe freedom of expression could only be achieved step by step; otherwise it could give rise to dramatic social unrest. In general, they are satisfied with the governmental efforts of progressive deregulation, and deem it a long-term project, which may take another couple of decades, due to the fact that the education level and the sense of self-regulation on speech of Chinese still need to be improved. On the contrary, the opponents of regulation insist that only a complete freedom of expression could produce efficient public supervision on the government, which is the only way to resist corruption and tyranny. It is argued that unlike other rights, such as economic rights, the realization of the right to freedom of expression doesn't require any pre-condition—all it demands from the authority is courage and determination, which the Chinese government obviously does not possess.

The Chinese discussion on the freedom of expression demonstrates certain prominent characteristics. Firstly, the core contention on this issue is not on “do Chinese have expression freedom”, but on “what is freedom of expression”. Similar to the concept of rights, the idea of freedom of expression is not part of the traditional Chinese culture, nor has it been respected in the communist practice. Chinese people were exposed to the concept only after the *Opening-up* by the very end of 1970s. There had been discussions on the concept, especially during the 1980s. It reached a peak, but was also interrupted by the *Tiananmen* incident in 1989. The discussion reemerges as a consequence of both the rising of Internet and a more open political environment in the new century. Overall, the concept of freedom of expression remains relatively unfamiliar to Chinese. However, it has become an issue that cannot be overlooked as the internet has not only rendered every ordinary person with the opportunity to express his opinion, but also with unlimited potential audience. The great power of modern communication technology has significantly amplified the possible influence of speeches, and thus how to comprehend the “freedom of

expression” has even more implication for the society than it did in the past. However, as described above, it is obvious that in the modern China, opinions are enormously varied as some people deem it as the hope of social progress and ask for full protection on the rights, while others label it as Pandora’s box, which should be treated with great caution and be strictly restricted.

No one would agree that freedom of expression means an absolute absence of censorship in all circumstances—there must be a line to distinguish between personal freedom and delinquency. However, the Chinese society has not yet reached a consensus on where the line should be drawn. In the relevant discussion, two issues are often highlighted. The first one is the balance between rights and responsibility. As discussed in the previous chapter, Chinese see rights and responsibility as intrinsically united, and it remains no difference on the matter of expression freedom. For Chinese, freedom of expression does not only mean individuals have the rights to express their view, but also mean that people should be responsible for their statements. The mainstream opinion in China believes that the fulfillment of one’s right of expression freedom should and could only be guaranteed on condition that it does not cause obstacles to the fulfillment of other’s rights. In other words, the individual expression should not bring about negative influence to the society. Therefore, the Chinese society tends to hold a less tolerant attitude towards the expression that may cause social unrest—for example, the statements that contain rumors and inciting expressions, as well as the ones promoting separatism or ethnic hostility. The Western pattern of freedom of expression, which is more tolerant towards heterodoxy, feels undesirable to Chinese. The real disagreement among Chinese lies in their opinions on what is the best way to make sure that people are responsible for their speeches. The supporters of the current government regulations believe it is necessary to impose pre-censorship to completely block harmful information. While many others oppose pre-censorship, but prefer speaker traceability of speeches with negative effects. Besides, there are also some people argue that the mechanism of speaker traceability would also result in psychological barriers among people, which would still stifle free speech. Unfortunately, they haven’t offered an

alternative precept that could both guarantee the right of expression freedom and reduce the potential damage caused by such speeches. Since this position in fact fails to ensure that people take full responsibility for their expression, it enjoys less popularity among Chinese.

Another point of debate involves the balance between freedom and social stability. A main reason for supporting information regulation is a completely freedom of expression may lead to serious social unrest. The words of a netizen posted on *Tianya BBS* serves as the representative of this mindset, “

*They (advocators for free speech and democracy) seem to know a lot, and their words sound quite appealing, but we will not fall for that. When looking at the chaos caused by civil wars in some countries, we extremely appreciate the stability of our homeland.”*⁴²

The current chaos in Egypt, Syria and Libya are frequently referred to illustrate the potential consequence of taking radical actions to pursue human rights and individual freedom. There is more extreme opinion that deems the goal for the West to keep pressing China for realizing complete free speech is to produce civil strife in China so that they could gain profits. For most Chinese, the right of freedom of expression is not the most crucial rights for their lives. The right is seen more as a luxury—it may not be bad to have it, but people can still survive without it. However, if it may cast serious threats on other more essential interests of people, such as the stability of the society and economic development, or in more concrete term—the governance of the Communist Party of China, this freedom becomes undesirable. This concern greatly accounts for the hesitation among Chinese in calling for great freedom of expression.

The second essential feature of Chinese debate on freedom of expression is that it seldom takes place in the discourse of rights. Even for the ones who insist on free speech, their arguments are hardly built on the foundation that freedom of expression is a natural right, but based on the belief that free speech would significantly benefit

⁴² Quoted from *Tianya BBS*, <http://bbs.tianya.cn/post-worldlook-547008-1.shtml>

the society. This tendency is unlikely to be changed since in a collectivist society like China claims on individual rights often suffer from lack of public recognition; only the utility of the society enjoys full legitimacy. Due to this reason, freedom of expression is interpreted by Chinese as an instrument, which serves the development of the society. Correspondingly, the right of expression freedom is seen as means rather than ends, and it is not an absolute right but a relative right. This instrumental view on freedom of expression dramatically reduces the moral pressure on the government to relieve its regulation on speech—as long as it is doing a good job in governing the country, it is not that imperative to render people with the right of free speech. As for the Chinese citizens, at least for a considerable proportion of Chinese citizens, it is felt not so strongly that one of their natural rights has been deprived by the state as they have given up part of their rights for the well-being of the society, and for the interests of everyone.

Overall, on the matter of freedom of expression, Chinese place strong emphases on responsibility and order. Few arguments are built under the framework of natural rights, but more discussions approach the issue from an instrumental perspective. In China, the demand for more freedom of expression could only gain public recognition when it is believed to benefit the well-being of the society. However, such an agreement has not yet been reached. The issue is intensely debated in China, and the public opinions would significantly convert when major incident happens. For example, the Chinese hostility towards the Great Fire Wall⁴³ is dramatically relieved when Edward Snowden revealed companies like Google had compromised the privacy rights of its user under the pressure of the U.S government⁴⁴. People get more suspicious about whether the “free internet” advocated by the West really serves the interests of China. After all, it is true that there are voices in China call for freedom of

⁴³ It is the censorship and surveillance project operated by the Chinese government, mainly used to block foreign websites.

⁴⁴ There has not be studies on the influence of Snowden event on Chinese. However, the change of attitude on the Great Fire Wall among Chinese is observable. For example, the principal investigator of the project—Fang, Bingxing was used to be widely criticized and even execrated. However, the public opinion on him converted dramatically since Snowden started his revelation.

expression, but it is not a consensus among Chinese and has not formed real pressure on the government for instant change. Furthermore, it could be said that even the Chinese reach an agreement on what freedom of expression means to them and to what extent the rights should be protected in the future, their interpretation on the concept is not likely to be the same as the Western understanding.

5. Discussion and Summary

As demonstrated above, the cultural gap between China and the West is concrete and ingrained. This divergence has led to different interpretation on human rights, and therefore has a significant influence on their human rights practice.

Even though the notion of human rights has increasingly appeared in the Chinese discourse, the content of human rights remains obscure to the public. For Chinese, the idea of human rights is seen as an imported good that has no counterpart in either the Chinese tradition or their communist experience. It must be noted that the Chinese adoption of the concept is not to completely copy the Western interpretation and utilization of human rights. Through a process of localization, a unique Chinese human rights view is gradually formed. In this process of localization, culture, as an independent variable, has greatly influenced and even shaped the Chinese view. It has caused significant disagreements among China and the West mainly on two levels, which will be discussed as follow.

5.1 The Chinese definition of human rights

Even though Western scholars like Donnelly and Talbott have endeavored to distinguish the concept of human rights from human well-being or human dignity (Donnelly, 2003; Talbott, 2010), it has hardly any influence on the Chinese people, who, in most cases, unconsciously deem these concepts as the same thing. Due to the absence of a 'rights' tradition, the majority of Chinese find it hard to accept the idea that there are certain rights people are born with. Very often Chinese people attempt to interpret the notion of human rights from their own life experience, and get to a

very intuitive and naïve understanding on human rights that it is equal to better lives. What's more, both the Confucian tradition, which put emphasis on the material well-being of people, and the collective experience of rapid economic development and dramatic improvement of living standards after the *Opening-Up*, lead Chinese to interpret human rights primarily from an economic perspective, while the political and civil perspectives are tend to be overlooked. This greatly accounts for why even though its human rights record is seen as appalling by the West, the Chinese government could still confidently declare that “the human rights situation in China is in its historical best”—the economy of China is beyond doubts in its best state ever.

The disagreement in defining the concept of human rights has directly led to conflicts between the EU and China over human rights issue. As described above, Chinese have never considered the justifiability of the death penalty through a human rights perspective before pressured by the West. Even until now, the majority of the people resist the idea that the death penalty is a violation of human rights. The divergence is even more prominent on the Tibet issue—both the Chinese government and its people refuse to discuss the Tibet issue in the human rights discourse, but rather insist it is all about sovereignty.

However, it also needs to be admitted that as China becomes more involved with the international society, and the perception of its citizens are increasingly influenced by the West, the cultural gap on the content of human rights between China and the West is slowly closing. There have already been growing voices calling for complete human rights in China, and the government is facing more domestic pressure for change. Even though the transforming would take a relatively long period, it could be predicted that the discrepancy between the EU and China on the content of human rights is very likely to be reconcilable in the future.

5.2 Priority in human rights

Donnelly rebuts the validity of cultural relativism in the discussion of human rights by arguing:

“In twenty years of working with issues of cultural relativism, I have developed a simple test that I pose to skeptical audiences⁴⁵. Which rights in the Universal Declaration, I ask, does your society or culture reject? Rarely has a single full right (other than the right to private property) been rejected” (Donnelly, 2003:94).

For him, the logic is straightforward—since the rights currently recognized as human rights are not denied in most cultures, then the universality of human rights are therefore proved. However, this argument is in fact built on the hypothesis that there are no conflicts either among different aspects of human rights, or between human rights and other things that are found desirable by people. However this is not always true. The possible collision between sovereignty and human rights is the most prominent example. The balance between personal freedom and social stability is another trade-off. In every society, even in the West, to guarantee human rights often means to set up a balance between different aspects of rights—priorities are given to certain rights.

The problem is that Europeans and Chinese do not always have the same priorities, resulting in many conflicts. In general, Chinese tend to give priority to collective interests, social stability and economic benefits while the West put more emphases on individual rights, personal freedom, and civil and political rights. Such divergence in priorities directly leads to disagreement on specific human rights issue as demonstrated in Chapter 4. It is felt by Chinese that the European propositions on human rights do not promote human rights, but challenges the well-being of people since it might damage the social order and stability. People are offended by the EU’s position on the Tibet issue, which is seen as a violation to the Chinese sovereignty.

After all, due to the culture gap between the EU and China, the union fails to provoke wide sympathy among Chinese on its standing point. Meanwhile, it should be taken into consideration that due to their historical experience Chinese are extremely sensitive towards external interference in the first place. As a result, the motivation of EU’s solicitude on Chinese human rights situation is seriously doubted. Not only has

⁴⁵ It refers to the people who hold a skeptical attitude towards the universality of human rights.

the EU's continuous criticisms on human rights issues leave Chinese with a strong impression that the union is forcing its values on China, but also it is felt that EU is adopting human rights as an excuse to interfere Chinese domestic issues.

5.3 Summary

Adopting a cultural relativist approach, this study has demonstrated that culture, as an independent variable, has considerable influence on the Chinese understanding on human rights. The cultural factor also has significant explaining power in analysis the cause of the EU-China conflict over human rights issue.

Compared with the West, the Chinese culture has the following characteristics: firstly, it is more concerned with order and well-being of the society rather than the rights and freedom of individual. Secondly, the Chinese culture tends to deny the absoluteness of rights, but deem it could only be obtained by assuming certain responsibilities. Thirdly, among different aspects of rights, economic right has been given priority over civil and political rights. Lastly, sovereignty remains the greatest concern of China, and it is believed by the majority of Chinese that the national government rather international institution should settle human rights problems.

Through an empirical analysis on the EU and China's positions on three intensely debated human rights issues, namely the death penalty issue, the Tibet issue, and freedom of expression, this study shows that the cultural characteristics of China greatly account for the disagreements between the EU and China on these issues. Europeans and Chinese have different view on what should be counted as human rights issues. Their priorities for different aspects of human rights are dissimilar.

This study does not argue that culture is the only valid factor in analyzing the EU-China disagreement over human rights issues. But it is argued that the cultural gap between Europe and China partly explained the research question that why the EU's persistent criticism on Chinese human rights situation fails to provoke sympathy among Chinese citizen but leads to antipathy towards the EU's external human rights policy in China.

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Appendix

In the appendix, the lists of relevant EP's resolutions mentioned in Chapter 4 are provided. Appendix A, B and C are related to the three issues respectively. Note that they partly overlap with each other. A complete list is then provided in Appendix D.

Appendix A The list of the EP's resolutions concerning the death penalty issue in China

P5_TA(2000)0112, "European Parliament resolution on the Annual Report on International Human Rights and European Union Human Rights Policy, 1999", 2000.

P5_TA(2001)0030, "European Parliament resolution on the EU human rights priorities and recommendations for the upcoming session of the UN Human Rights Commission in Geneva", 2001.

P5_TA(2001)0207, "European Parliament resolution on the submission or

- co-sponsorship with the United States of a resolution, at the 57th session of the United Nations Commission on Human Rights in Geneva, deploring the human rights situation in the People's Republic of China (PRC)", 2001
- P5_TA(2001)0400, "European Parliament resolution on human rights in the world in 2000 and the European Union Human Rights Policy", 2001
- P5_TA(2002)0179, "European Parliament resolution on the Commission communication to the Council and the European Parliament on a EU Strategy towards China: Implementation of the 1998 Communication and future steps for a more effective EU policy", 2002.
- P5_TA(2002)0203, "European Parliament resolution on human rights in the world in 2001 and European Union human rights policy", 2002.
- P5_TA(2002)0408, "European Parliament resolution on the Commission Communication on Europe and Asia: A Strategic Framework for Enhanced Partnerships", 2002.
- P5_TA(2002)0632, "European Parliament resolution on the human rights situation of Tibetans", 2002.
- P5_TA(2003)0034, "European Parliament resolution on the EU's rights, priorities and recommendations for the 59th Session of the UN Commission on Human Rights in Geneva (17 March to 25 April 2003)", 2003.
- P5_TA(2003)0375, "European Parliament resolution on human rights in the world in 2002 and European Union's human rights policy", 2003.
- P5_TA(2003)0599, "European Parliament resolution on arms sales to China", 2003
- P5_TA(2004)0079, "European Parliament resolution on the EU's rights, priorities and recommendations for the 60th Session of the UN Commission on Human Rights in Geneva (15 March to 23 April 2004)", 2004
- P5_TA(2004)0376, "European Parliament resolution on human rights in the world in 2003 and the European Union's policy on the matter", 2004.
- P6_TA(2004)0067, "European Parliament resolution on Tibet, the case of Tenzin Delek Rinpoche", 2004.
- P6_TA(2005)0010, "European Parliament resolution on Tibet", 2005.

P6_TA(2005)0051, "European Parliament resolution on the EU's priorities and recommendations for the 61st session of the UN Commission on Human Rights in Geneva", 2005.

P6_TA(2005)0150, "European Parliament resolution on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter", 2005.

P6_TA(2005)0416, "European Parliament resolution on the case of Tenzin Delek Rinpoche", 2005

P6_TA(2005)0533, "European Parliament resolution on Tibet and Hong Kong", 2005

P6_TA(2006)0220, "European Parliament resolution on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter", 2006.

P6_TA(2006)0346, "European Parliament resolution on EU-China Relations", 2006.

P6_TA(2007)0165, "European Parliament resolution of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter", 2007.

P6_TA(2007)0381, "European Parliament resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries", 2007.

P6_TA(2008)0119, "European Parliament resolution of 10 April 2008 on Tibet", 2008.

P6_TA(2008)0193, "European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter", 2008.

P6_TA(2008)0362, "European Parliament resolution of 10 July 2008 on the situation in China after the earthquake and before the Olympic Games", 2008.

P6_TA(2009)0053, "European Parliament resolution of 5 February 2009 on Trade and economic relations with China", 2009.

P6_TA(2009)0385, "European Parliament resolution of 7 May 2009 on the Annual Report on Human Rights in the World 2008 and the European Union's policy on the matter", 2009.

P7_TA(2009)0105, "European Parliament resolution of 26 November 2009 on China: minority rights and application of the death penalty", 2009.

P7_TA(2010)0006, "European Parliament resolution of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo", 2010.

Appendix B The list of the EP's resolutions concerning the Tibet issue

P5_TA(2000)0170, "European Parliament resolution on Tibet", 2000.

P5_TA(2002)0632, "European Parliament resolution on the human rights situation of Tibetans", 2002.

P6_TA(2004)0067, "European Parliament resolution on Tibet, the case of Tenzin Delek Rinpoche", 2004.

P6_TA(2005)0010, "European Parliament resolution on Tibet", 2005.

P6_TA(2005)0416, "European Parliament resolution on the case of Tenzin Delek Rinpoche", 2005

P6_TA(2005)0533, "European Parliament resolution on Tibet and Hong Kong", 2005

P6_TA(2006)0465, "European Parliament resolution on Tibet", 2006.

P6_TA(2008)0119, "European Parliament resolution of 10 April 2008 on Tibet", 2008.

P6_TA(2009)0142, "European Parliament resolution of 12 March 2009 on the 50th anniversary of the Tibetan uprising and dialogue between His Holiness the Dalai Lama and the Chinese Government", 2009

P7_TA(2011)0474, "European Parliament resolution of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks", 2011.

Appendix C The list of the EP's resolutions concerning freedom of expression in China

P5_TA(2000)0026, "European Parliament resolution on the human rights situation in China", 2000.

P5_TA(2000)0170, "European Parliament resolution on Tibet", 2000.

P5_TA(2001)0099, "European Parliament resolution on freedom of religion in the People's Republic of China", 2001

P5_TA(2001)0207, "European Parliament resolution on the submission or co-sponsorship with the United States of a resolution, at the 57th session of

the United Nations Commission on Human Rights in Geneva, deploring the human rights situation in the People's Republic of China (PRC)", 2001.

P5_TA(2001)0283, "European Parliament resolution on press freedom in the world", 2001.

P5_TA(2001)0400, "European Parliament resolution on human rights in the world in 2000 and the European Union Human Rights Policy", 2001.

P5_TA(2002)0408, "European Parliament resolution on the Commission Communication on Europe and Asia: A Strategic Framework for Enhanced Partnerships", 2002.

P5_TA(2003)0375, "European Parliament resolution on human rights in the world in 2002 and European Union's human rights policy", 2003.

P5_TA(2004)0376, "European Parliament resolution on human rights in the world in 2003 and the European Union's policy on the matter", 2004.

P6_TA(2005)0339, "European Parliament resolution on breaches of human rights in China, in particular as regards freedom of religion", 2005.

P6_TA(2005)0533, "European Parliament resolution on Tibet and Hong Kong", 2005

P6_TA(2006)0220, "European Parliament resolution on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter", 2006.

P6_TA(2006)0324, "European Parliament resolution on freedom of expression on the Internet", 2006.

P6_TA(2006)0346, "European Parliament resolution on EU-China Relations", 2006.

P6_TA(2007)0165, "European Parliament resolution of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter", 2007.

P6_TA(2007)0381, "European Parliament resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries", 2007.

P6_TA(2008)0021, "European Parliament resolution of 17 January 2008 on the arrest of the Chinese dissident Hu Jia", 2008.

P6_TA(2008)0119, "European Parliament resolution of 10 April 2008 on Tibet", 2008.

P6_TA(2008)0173, "European Parliament resolution of 23 April 2008 on China's policy and its effects on Africa", 2008.

P6_TA(2008)0193, "European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter", 2008.

P6_TA(2009)0385, "European Parliament resolution of 7 May 2009 on the Annual Report on Human Rights in the World 2008 and the European Union's policy on the matter", 2009.

P7_TA(2010)0006, "European Parliament resolution of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo", 2010.

P7_TA(2011)0100, "European Parliament resolution of 10 March 2011 on the situation and cultural heritage in Kashgar (Xinjiang Uyghur Autonomous Region, China)", 2011.

P7_TA(2011)0474, "European Parliament resolution of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks", 2011.

Appendix D The list of the EP's resolutions concerning the Chinese human rights issue

P5_TA(2000)0026, "European Parliament resolution on the human rights situation in China", 2000.

P5_TA(2000)0066, "European Parliament resolution on human rights", 2000.

P5_TA(2000)0112, "European Parliament resolution on the Annual Report on International Human Rights and European Union Human Rights Policy, 1999", 2000.

P5_TA(2000)0170, "European Parliament resolution on Tibet", 2000.

P5_TA(2000)0538, "European Parliament resolution on the progress achieved in the implementation of the common foreign and security policy", 2000.

P5_TA(2001)0030, "European Parliament resolution on the EU human rights priorities and recommendations for the upcoming session of the UN Human Rights Commission in Geneva", 2001.

P5_TA(2001)0099, "European Parliament resolution on freedom of religion in the People's Republic of China", 2001.

P5_TA(2001)0207, "European Parliament resolution on the submission or co-sponsorship with the United States of a resolution, at the 57th session of the United Nations Commission on Human Rights in Geneva, deploring the human rights situation in the People's Republic of China (PRC)", 2001.

P5_TA(2001)0283, "European Parliament resolution on press freedom in the world", 2001.

P5_TA(2001)0330, "European Parliament resolution on the Commission Working Document: Perspectives and Priorities for the ASEM Process (Asia Europe Meeting) into the new decade", 2001.

P5_TA(2001)0400, "European Parliament resolution on human rights in the world in 2000 and the European Union Human Rights Policy", 2001.

P5_TA(2001)0402, "European Parliament resolution on the death penalty in the world and the introduction of a European Day against the Death Penalty", 2001.

P5_TA(2001)0403, "European Parliament resolution on Beijing's bid to host the 2008 Olympic Games", 2001.

P5_TA(2002)0179, "European Parliament resolution on the Commission communication to the Council and the European Parliament on a EU Strategy towards China: Implementation of the 1998 Communication and future steps for a more effective EU policy", 2002.

P5_TA(2002)0203, "European Parliament resolution on human rights in the world in 2001 and European Union human rights policy", 2002.

P5_TA(2002)0408, "European Parliament resolution on the Commission Communication on Europe and Asia: A Strategic Framework for Enhanced Partnerships", 2002.

P5_TA(2002)0632, "European Parliament resolution on the human rights situation of Tibetans", 2002.

P5_TA(2003)0034, "European Parliament resolution on the EU's rights, priorities and

- recommendations for the 59th Session of the UN Commission on Human Rights in Geneva (17 March to 25 April 2003)", 2003.
- P5_TA(2003)0142, "European Parliament resolution on the Third and Fourth Annual Reports by the Commission to the Council and the European Parliament on the Hong Kong Special Administrative Region", 2003.
- P5_TA(2003)0375, "European Parliament resolution on human rights in the world in 2002 and European Union's human rights policy", 2003.
- P5_TA(2003)0460, "European Parliament resolution on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Union - 2002", 2003.
- P5_TA(2003)0599, "European Parliament resolution on arms sales to China", 2003.
- P5_TA(2004)0079, "European Parliament resolution on the EU's rights, priorities and recommendations for the 60th Session of the UN Commission on Human Rights in Geneva (15 March to 23 April 2004)", 2004.
- P5_TA(2004)0376, "European Parliament resolution on human rights in the world in 2003 and the European Union's policy on the matter", 2004.
- P6_TA(2004)0067, "European Parliament resolution on Tibet, the case of Tenzin Delek Rinpoche", 2004.
- P6_TA(2005)0010, "European Parliament resolution on Tibet", 2005.
- P6_TA(2005)0051, "European Parliament resolution on the EU's priorities and recommendations for the 61st session of the UN Commission on Human Rights in Geneva", 2005.
- P6_TA(2005)0053, "European Parliament resolution on the Commission's legislative and work programme for 2005", 2005.
- P6_TA(2005)0132, "European Parliament resolution on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities - 2003", 2005.
- P6_TA(2005)0150, "European Parliament resolution on the Annual Report on Human

Rights in the World 2004 and the EU's policy on the matter”, 2005.

P6_TA(2005)0238, “European Parliament resolution on ensuring the success of the forthcoming EU-US Summit in Washington DC on 20 June 2005”, 2005.

P6_TA(2005)0272, “European Parliament resolution on the exploitation of children in developing countries, with a special focus on child labour”, 2005

P6_TA(2005)0297, “European Parliament resolution on relations between the EU, China and Taiwan and security in the Far East”, 2005.

P6_TA(2005)0339, “European Parliament resolution on breaches of human rights in China, in particular as regards freedom of religion”, 2005.

P6_TA(2005)0416, “European Parliament resolution on the case of Tenzin Delek Rinpoche”, 2005

P6_TA(2005)0436, “European Parliament resolution on the Council's Sixth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports”, 2005.

P6_TA(2005)0533, “European Parliament resolution on Tibet and Hong Kong”, 2005

P6_TA(2006)0037, “European Parliament resolution on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Union - 2004”, 2006.

P6_TA(2006)0220, “European Parliament resolution on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter”, 2006.

P6_TA(2006)0228, “European Parliament resolution on Taiwan”, 2006.

P6_TA(2006)0324, “European Parliament resolution on freedom of expression on the Internet”, 2006.

P6_TA(2006)0340, “European Parliament resolution on a European Social Model for the future”, 2006.

P6_TA(2006)0346, “European Parliament resolution on EU-China Relations”, 2006.

P6_TA(2006)0465, “European Parliament resolution on Tibet”, 2006.

P6_TA(2007)0008, “European Parliament resolution on the Council's Seventh and Eighth Annual Reports according to Operative Provision 8 of the European

Union Code of Conduct on Arms Exports”,2007.

P6_TA(2007)0165, “European Parliament resolution of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter”, 2007.

P6_TA(2007)0205, “European Parliament resolution of 23 May 2007 on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Union – 2005”, 2007.

P6_TA(2007)0381, “European Parliament resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries”, 2007.

P6_TA(2007)0542, “European Parliament resolution of 15 November 2007 on serious events which compromise Christian communities' existence and those of other religious communities”, 2007.

P6_TA(2008)0021, “European Parliament resolution of 17 January 2008 on the arrest of the Chinese dissident Hu Jia”, 2008.

P6_TA(2008)0119, “European Parliament resolution of 10 April 2008 on Tibet”, 2008.

P6_TA(2008)0193, “European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter”, 2008.

P6_TA(2008)0254, “European Parliament resolution of 5 June 2008 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) presented to the European Parliament in application of point G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 – 2006”, 2008.

P6_TA(2008)0362, “European Parliament resolution of 10 July 2008 on the situation in China after the earthquake and before the Olympic Games”, 2008.

P6_TA(2009)0053, “European Parliament resolution of 5 February 2009 on Trade and economic relations with China”, 2009.

P6_TA(2009)0074, “European Parliament resolution of 19 February 2009 on the

annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2007, presented to the European Parliament in application of point G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006”, 2009.

P6_TA(2009)0142, “European Parliament resolution of 12 March 2009 on the 50th anniversary of the Tibetan uprising and dialogue between His Holiness the Dalai Lama and the Chinese Government”, 2009

P6_TA(2009)0385, “European Parliament resolution of 7 May 2009 on the Annual Report on Human Rights in the World 2008 and the European Union's policy on the matter”, 2009.

P7_TA(2009)0105, “European Parliament resolution of 26 November 2009 on China: minority rights and application of the death penalty”, 2009.

P7_TA(2010)0006, “European Parliament resolution of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo”, 2010.

P7_TA(2010)0060, “European Parliament resolution of 10 March 2010 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2008, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006”, 2010.

P7_TA(2011)0100, “European Parliament resolution of 10 March 2011 on the situation and cultural heritage in Kashgar (Xinjiang Uyghur Autonomous Region, China)”, 2011.

P7_TA(2011)0157, “European Parliament resolution of 7 April 2011 on the case of Ai Weiwei”, 2011.

P7_TA(2011)0227, “European Parliament resolution of 11 May 2011 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2009, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006”, 2011.

P7_TA(2011)0474, “European Parliament resolution of 27 October 2011 on Tibet, in

particular self-immolation by nuns and monks”,2011.