

**TO REFUTE OR TO DEVELOP HUMAN RIGHTS?
THE DISCUSSION IN THE OFFICIAL CHINESE PRESS
IN 1979–80**

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This article deals with the formation period of the official Chinese position on human rights. Although the human rights had appeared in the Chinese political vocabulary as long ago as during the final years of the Manchu empire, until 1979 the human rights topic had been almost absent from domestic public discourse in the People's Republic of China. Until then, China had faced relatively little pressure to specify its stand on human rights in international arenas, since it achieved membership in the United Nations as late as 1971. This article examines the first public debate about human rights in the official Chinese press after the isolationist years during the Cultural Revolution. This debate introduced some basic conceptions of human rights in official Chinese discourse. Later, when China faced serious international criticism for quelling the student protests in 1989, in international arenas the Chinese diplomats defended on the official human rights position largely based on the theoretical consensus found in 1979–80.

The outset of theorization about human rights in 1979 was not accidental. Following the death of Mao Zedong and the purge of leftists from the leadership in 1976, China gradually began to open up to the world and seek a new political course, in which economic and political reforms were designed to play major parts. Certain people inside the official press, as well as in Communist Party theoretical organs, academic institutions and cultural circles, began to evaluate the Cultural Revolution critically. If artists revealed personal tragedies under a brutal political system, intellectuals and Party theoreticians dared to suggest that there was fault in the political system itself, since it had made leftist mistakes possible. They proposed that democratization could prevent a misuse of power in the future. Both trends, the concern for individual suffering under political repression and the calls for democratization, were likely to lead to the introduction of the theme of human rights sooner or later.

The issue of human rights first appeared outside the official press. At the end of 1978, an unofficial democracy movement emerged. In its wallposters and unofficial publications this movement urged the government to speed up the democratization process.¹ Simultaneously, those having personally been victimized during the Cultural Revolution had gathered in national and provincial capitals to demand a reexamination of their cases. Unlike the Party controlled media, these democracy and petition movements could introduce issues and vocabulary not yet having official sanction. Human rights was one concept introduced by the unofficial democracy movement.

The official press picked up the human rights concept in March 1979. The active discussion period in the official Chinese press lasted from early 1979 to the beginning of 1980. Apart from the discussion about human rights themselves, articles touched on the topic under various other rubrics.² This discussion was targeted to domestic audiences. Its purposes were at first educational. It taught the ordinary Chinese the proper evaluation of the concept. Allegedly, socialists should reject the whole concept. After a while, the discussion developed more analytical tones. Now some began to ponder whether the human rights conception could be domesticated and made properly socialist, while others examined human rights discourse on international agendas and pondered which stand China should take on them.³ Although the press discussion answered domestic needs, the inter-

¹ Original texts of the movement can be found in Chinese in Widor 1981 and in English in Goodman 1981 and Seymour 1980.

² See e.g. 1979 discussion on the sixtieth anniversary of the May Fourth Movement with its democratic implications. In 1919, the term *renquan*, nowadays meaning human rights, was used to refer to democracy. Some 1979 articles repeatedly used the original term, thus most probably giving their consent to the present sense of the term as well, while others gave examples of the use of that term by Hu Shi and other so called reactionaries to stress its unsuitability for the socialist parlance. See Zhu and Zhao 1979 for repeated use of *renquan*, and Li and Jiang 1979 about denouncing the term.

³ The change from the categorical denial of the human right concept to its conditional adoption took two necessary steps. Chinese writers accustomed to Marxist ideology approached new concepts with the historical materialist framework. Only after defining the class content of the concept can analysis of its socialist applications begin. Apart from these understandable steps, these two different stands reveal a different understanding of Marxism itself. A categorical denial of the usefulness of human rights conception under socialism upholds rigid class distinctions, while historical analysis, according to then popular "seek truth from facts" position, would rather ask questions like "in what respects could a bourgeois concept have use under socialism". If inflexible class categorizations are typical of leftist position, "Seek truth from facts" was one slogan issued by those leaders who emphasized practical results over ideological dogmas. Pragmatists used these slogans in political power struggles of the time and encouraged policies that put practical results, such as economic efficiency, above ideological correctness. Simultaneously, pragmatist slogans acquired a life of their own, when the academic world started intellectual inquiry to "seek truth from facts", i.e. empirical research. In historical studies, this meant reading original texts, trying to understand them in their contemporary contexts, and evaluating their ideas in terms of current needs. In philo-

national aspect was present throughout the discussion. Both the challenge from the democracy movement introducing international human rights standards⁴ and its own participation in the work of international human rights organs⁵ forced China to formulate its own human rights stand. All three common stands in the press discussion countered claims that international human rights standards in the forms advocated by leading Western countries were applicable to China.

HUMAN RIGHTS AS A BOURGEOIS CONCEPT

The human rights concept first appeared in the official Chinese press in March 1979. At that time, articles opposed slogans of the then current democracy movement. This is evident of the timing and content of these articles. The same month saw arrests of a few, most outspoken unofficial democracy activists. Among them were Ren Wandong and Wei Jingsheng, who were open advocates of human rights. The geographic distribution of articles opposing human rights was revealing: both Beijing and Guizhou newspapers published several attacks on human rights. In 1979, Beijing was a center of underground publications and the wallposter movement, while one of the prominent democratic groups, the Enlightenment Society, sprouted in Guizhou. Considering that the purpose was to counter arguments raised by democracy activists, it is not surprising that the concept was at first considered strictly unfit for the proletariat to strive for.

The main reason for denying the human rights concept was its bourgeois origin. Articles traced the emergence of the term to the humanist values of the Renaissance, to Enlightenment philosophy, or to the codification of rights after

sophy, it meant a separation of ideas and their practical applications, the latter being conditioned by historical and local conditions.

According to a typical understanding of objectivity related to the "seek truth from facts" school, it sought both positive and negative aspects of each issue. The rejection of a bourgeois use of its political ideology for exploitation and the affirmation of the use of human rights for the pursuit of human dignity in socialist terms resulted from such an understanding of objectivity. After recognizing special socialist meanings of many originally bourgeois terms and theories the next step was the need to adapt universal socialist theory to Chinese conditions. The 1980s saw the need for adapting both varying bourgeois innovations, ranging from democracy to markets, and even socialist dogmas into Chinese conditions. Thus, the "seek truth from facts" approach led to the search for special "Chinese characteristics." In terms of human rights, such a step would indicate a greater recognition of national differences. Thus, the official Chinese flirtation with Asian Values after 1989 can be explained by wider intellectual trends in China, not only by the need to answer foreign criticism of the harsh quelling of the 1989 democracy movement.

⁴ Democracy movement publications made frequent references to the United Nations human rights charters, for example (Svensson 2002: 239).

⁵ Just this time, in 1979, China first became an observer at the UN Commission on Human Rights, an organ it was to join in 1982 (Kent 1993: 101–102).

the American Revolution.⁶ Thus, they dated the birth of the concept from the emergence of the bourgeois class and its rise against feudalism. Articles universally agreed that, during this historical stage, the concept was a progressive one, but after the bourgeoisie got hold of the state power, it turned into a means to preserve that power and to frustrate opposition from the proletariat. Thus, the term was understood to strengthen bourgeois rule.⁷ Here the reality was used to attack the ideal, although simultaneously other ideals and concepts used by the bourgeoisie, especially that of democracy, were universally understood to be something that can or, indeed, must be developed in socialism.

According to socialist theory, there are no class-free rights in the class society.⁸ Therefore, the argument goes, as a bourgeois concept human rights actually refers to the rights of the bourgeoisie, especially to ownership rights, which, as the articles demonstrated, really was an essential part of the original set of human rights. Yet, ownership is not equal, and, besides, results in exploitation. While in a legal sense a capitalist and a worker must be free and equal to make a contract, they can never be such in reality, while one has ownership and one does not. As a consequence, the argument concludes, the proletariat can never enjoy equal rights with the bourgeoisie in a bourgeois society.⁹

Rights allegedly depend on political power. In a bourgeois country the bourgeoisie, said to have power over the bureaucracy, the judiciary and the military, appeals to inviolable property rights to prevent proletarian resistance.¹⁰ Human rights are allegedly cast away as soon as the interest of the bourgeoisie is threatened.¹¹ Numerous examples demonstrated contradictions in the human rights declarations themselves, as well as violations of human rights by Western countries. They included the confirmation of slavery in the United States' early human rights legislation and the limitations of citizens' political rights on the basis of race, sex or wealth.¹² The emptiness of the human rights concept was suggested by claiming that the bourgeoisie uses the theory when it suits them and refutes it when not. For example, articles often cited how the American civil rights movement met with resistance from the bourgeoisie, which simultaneously used the human rights concept to attack nationalistic and democratic movements in third world countries. In order to further stress inconsistency in bourgeois human rights

⁶ A good overall analysis can be found in Xiao et al. 1979: 43–44. This article introduced and developed most of the anti-human rights themes appearing at the time.

⁷ Wu 1979: 3.

⁸ E.g. Hu Yicheng 1979: 3.

⁹ Zhi 1979: 3; He 1979: 3.

¹⁰ Dan 1979: 3.

¹¹ Xie 1979: 3.

¹² Li Changdao 1979: 4.

thinking, some writers added that even many bourgeois political theories like Fascism have opposed human rights.¹³

Early articles questioned the basis of the human rights theory itself. The human rights theory is individualistic in nature, while individualism itself, according to these articles, is a mistaken theoretical stand. Man is a social creature conditioned by the specific social environment she lives in. Arguably, there is no such thing as an abstract human being. Therefore, the “human” in the term “human rights” can only refer to a person with a bourgeois background. The universality of the concept is thus only a ruse to deceive the proletariat.¹⁴

The above argument was pursued even further. A queer logical conclusion was drawn by claiming that, since the human rights concept seeks to benefit an individual, who naturally is a minority, this theory opposes the interest of the majority.¹⁵ Another misuse of logic was the claim that under socialism the state power belongs to the people and, therefore, striving for human rights would mean that one is fighting for them against oneself.¹⁶ A milder version of this syllogism stated that by striving for human rights from the Party and the people, one is naturally opposing the two.¹⁷

The human rights theory allegedly opposed socialist democracy, since it rejects two principal aspects of socialist democracy, that is, proletarian dictatorship and the centralist part of democratic centralism.¹⁸ Moreover, calls for human rights were interpreted as calls for anarchism,¹⁹ probably simply because at the

¹³ Xiao 1979: 44. The problem with this argument is, of course, that we have no reason to expect all the bourgeoisie to share one political theory instead of having many, and, thus, by showing that some of the bourgeoisie do not approve of human rights, no logical contradiction in the bourgeois theory can be proven.

Interestingly, the same mistake of treating the Chinese human rights discussion as one united stand and using different views to demonstrate contradictions within the Chinese stand appears in the Western criticism of the Chinese human rights conception as well. See Svensson 2002: 273. Moreover, Marina Svensson imposes a foreign label “relativism” on the Chinese stand claiming that China does not unfailingly defend relativism, although it is not China, but Western scholars that have defined Chinese arguments as relativistic. Thus China does not show any inconsistency if it does not defend relativism as a philosophical stand.

¹⁴ Jiao 1979: 3; Hu Yicheng 1979: 3. Yet, it seems quite difficult for a collectivist to rid himself completely of the individualist approach. For an interesting combination of condemning the human rights theory and the individualist democracy of the bourgeoisie in the same breath with the fear of the atomization of socialist society if everybody acts according to his own interests and opinions, see *Lilun yu shijian* 1979 6: 33.

¹⁵ Hu Yicheng 1979: 3; Yu 1979: 3.

¹⁶ Wang & Chen 1979: 1.

¹⁷ Dan 1979: 3.

¹⁸ Hu Dachu 1979: 4.

¹⁹ See e.g. Yu 1979: 3.

time any disruptions of order by the democracy and petition movements were labeled as anarchism.

Articles reminded the reader of the imperialist nature of human rights: appeals for improving the human rights situation in China were interpreted as a new way for foreign powers to intrude in Chinese domestic politics. This aroused indignation, because the same Western powers who formerly treated the Chinese as if they had no rights at all now demanded that the Chinese government respect human rights.²⁰ Besides, as proof of the bourgeois nature of the concept, calls for human rights by bourgeois countries were taken as bourgeois attacks against the socialist system and public ownership.²¹

This period of the debate bred emotional outbursts, of which the following argument, disguised as logic, provides a glimpse: Because human rights is a concept derived from individualism, the “fighters for human rights” only want to do what they please, and this kind of behavior will destroy social order. Since the concept is a bourgeois one, they also yearn to return a reactionary bourgeois society. Indeed, they even turn to a leader of a bourgeois country to ask him to bestow human rights on China. But actually the people’s rights cannot be bestowed but must be fought for by the people themselves, the article concluded.²² This argument referred to an actual act. One group of Democracy Wall activists, the Enlightenment Society, had published an open letter to President Carter.²³

Nevertheless, articles stressed that the socialist system by no means overlooks the rights of its citizens. On the contrary, it both protects its citizens’ political, economic and cultural rights and is ready to fight against any violations of them.²⁴ In a socialist system, rights are called people’s rights or civil rights, not human rights. These two kinds of rights are said to support different kinds of state systems and economies: while human rights uphold private ownership and bourgeois rule, people’s rights uphold public ownership and a socialist state.²⁵ Unlike their bourgeois equivalents, it was argued, people’s rights are reality in a socialist society where the socialist constitution and law protects them. They arguably coincided with the people’s interest, while human rights are based on egoism and self-interest and, therefore, overlook and violate the general interest.²⁶ The two

20 For the angriest responses see Zhang 1979: 3; and Li Yonggui 1979: 2.

21 Xu Chongde 1979: 3.

22 Xiao et al. 1979: 46–48.

23 Garside 1982: 276–277. This particular open letter was not the only one, see Garside 1982: 209–210. The popular reception of such appeals was not always less hostile than that of the open press. See Short 1982: 293–294.

24 Wang & Chen 1979: 1.

25 Hou and Ye 1979: 3.

26 He 1979: 3.

terms were also understood to differ in inclusiveness: while human rights unrealistically claims to represent everybody, civil rights exclusively belong to the people,²⁷ since, according to Marxist theory, in any society, even in the socialist one ruled by the absolute majority, democracy among the ruling class is combined with dictatorship over the enemy, who must be deprived of any rights in order to protect the rights of others.²⁸

The anti-human rights view was refuted already in the 1979 discussion. Ever since it has only been seen in attacks that have no academic or political importance. Yet, it left a lasting legacy on the Chinese human rights discussion, which has maintained that Western human rights moralism cannot be taken at its face value. The emphasis should be, and in the Chinese discourse has thereafter been, on human rights practice instead of on abstract ideas.

CLASS-BOUND HUMAN RIGHTS

A change in tone took place on June 19, 1979, when a widely reprinted article "About 'Human Rights' and 'Citizen's Rights'" first appeared in *Guangming ribao*.²⁹ Although this article still maintained that in bourgeois countries human rights refer to privileges of the bourgeoisie, it stated that a Marxist should oppose only the bourgeois human rights conception, not human rights themselves. According to this article, all classes can use the concept, but according to its class basis its contents differ.

This article, and those that followed, tore most of the anti-human rights arguments to pieces. First, the logic which takes human rights theory, because it has its origins in bourgeois thinking, to be totally bourgeois in nature and, as such, something which under all circumstances should be opposed by the proletariat, was shown to have severe deficiencies. Although the bourgeois human rights theory arguably has many historical limitations, including its role in protecting property rights, in its opposition to feudal rule it simultaneously was a progressive theory. As a result, some of its contents exceed class limitations and can be adopted by a socialist as well. Condemning privileges and rule by divine right, demands for equality, freedom and the right to pursue one's happiness, as well as a right to overthrow a government which violates civil rights, are included in this

²⁷ Hou & Ye 1979: 3.

²⁸ Wang & Chen 1979: 1; Xiang & Li 1979: 3.

²⁹ Xu Bing 1979: 4. Although this is the first published article defending these views, there are some others written before it came out, e.g. Cheng 1979: 25–32.

category.³⁰ Therefore, the proletariat should critically adopt and develop these progressive parts.³¹

Another logical misinterpretation demonstrated was that earlier articles systematically confused the use of the human rights concept to strengthen bourgeois rule with the revolutionary human rights theory itself.³² In addition, the presupposition that human rights is a completely bourgeois concept was simply and neatly proven to be false by noting that the proletariat has often used this slogan.³³ Some articles even tried to find non-bourgeois roots for the human rights concept. They pointed out that workers and peasants have through the ages put forward actual human rights demands in order to oppose slavery and oppression, but that only for the bourgeoisie as a new rising class with a need for a free economy and exchange on equal basis was it possible to generate a comprehensive theory of equality and human rights.³⁴

Articles still universally accepted that human rights will never become reality for the majority of the people in a bourgeois society. Yet, human rights coincided with the common people's desires when freeing them from feudalistic bonds. Two articles openly admitted that it is a distortion of history to claim that human rights are a sham, since they have in reality improved working people's conditions even in a bourgeois society.³⁵ Other writers even sought inspiration from human rights for the socialist cause. Just as the term human rights refers to freedom, equality, the pursuit of happiness and resistance to oppression and slavery, one article marked out that this is just what Marxism strives for. Therefore, the proletariat should not discard but rather thoroughly implement human rights.³⁶ The final human rights program, then, means the realization of communism.³⁷

The deceptively formulated argument about the people fighting for human rights against themselves in a socialist society was answered in two ways. Firstly, human rights demands in socialism are directed against those people who violate democracy and these rights.³⁸ Secondly, it is a mistake to take human rights as bestowable by certain individuals, when in fact they are guaranteed by the constitution. Therefore, there is no contradiction if we state that the people are not yet able to fully enjoy the rights guaranteed by the constitution.³⁹

³⁰ Lan 1979: 71–72.

³¹ E.g. Wu & Liu 1979: 11; Wang 1979: 43.

³² Lan 1979: 72; Wang 1979: 43.

³³ Lan 1979: 73.

³⁴ Lin and Zhang 1980: 31; Yang 1979: 74–75.

³⁵ Chen 1979: 9–10; *Shanghai shifan daxue xuebao* 1979 4: 111.

³⁶ Wu & Liu 1979: 12.

³⁷ Lan 1979: 75, Cheng 1979: 28–29.

³⁸ Sheng 1979: 20.

³⁹ Xu Bing 1979: 4.

Articles now demonstrated that there is no contradictions between human rights and civil rights. Human rights was now understood to be an abstract concept, which deals with an abstract human being without any national, ethnic, sexual, professional or class differences. In a specific country these rights always take the form of civil rights. Civil rights, the argument continued, are written into a constitution and possess, in the same way as the state that has codified them, a class character.⁴⁰ The fact that socialist constitutions do not mention the human rights concept does not prove that they oppose the concept itself, some writers argued. Human rights, referring to the innate and inviolable rights of man, cannot be guaranteed by the law, while the law can protect specified civil rights.⁴¹

After the *Guangming ribao* article, it was generally accepted that even a socialist may, in certain situations, use the human rights slogan. But in many cases this was only a necessary apology to explain why the international socialist movement and especially the Communist Party of China had so often raised this slogan. Some articles opined that the socialist may use the slogan in a bourgeois society in order to force the bourgeoisie to live up to its slogans or when forming a united front against feudalism, imperialism or fascism, but in a socialist society the slogan should not be put forward since it only causes confusion.⁴² Soon other articles refuted this argument. They demonstrated that the proletariat uses many other concepts which are originally put forward by the bourgeoisie, e.g. democracy and freedom, in their new socialist sense without causing any confusion. Besides, the argument continues, in the modern world, the human rights concept is already known to have several interpretations. This makes it important to engage in finding a proper Marxist stand.⁴³

Yet, only very few articles explicitly stated that even under the socialist system the human rights question should be raised if necessary. Some articles stated that the brutal treatment and killing of Zhang Zhixin⁴⁴ in prison under the Gang of Four's rule clearly demonstrates that even a socialist country is most capable of violating human rights. Therefore, as long as human rights are violated, the

40 Xu Bing 1979: 4.

41 Liu & Wu 1979: 21.

42 E.g. *Lilun dongtai* 1979 7: 147–148 and Liang 1979: 3. There is no contradiction in this statement. This disproves Marina Svensson's (2000: 204) argument that the Communist Party has not been consistent in its human rights stand, when it criticizes human rights for being a foreign idea, although it has used the concept against the GMD. Cynical or instrumental uses of language can be consistent with disapproval of the message itself.

Interestingly, also human rights universalists reject their opponents' arguments (namely, an argument for including economic rights in human rights) on the basis that this would cause confusion. See e.g. Chan 2002: 42.

43 Lan 1979: 75.

44 Zhang Zhixin is mentioned e.g. in Xu Bing 1979: 4 and Sheng 1979: 19–20.

human rights struggle is needed. Yet, the leadership of this struggle is willingly given to the Communist Party.⁴⁵

Although articles saw that the socialist system basically has solved the human rights problem, some examined the reasons for violations of human rights still existing under socialism. They gave reasons like that the fight for civil rights against feudalist ideology and bureaucratism is not over, that class struggle and privilege seeking are not yet things of the past, that the legal system is still undeveloped, and that economic and cultural conditions are still immature.⁴⁶ Some writers pointed out that China has practically moved from feudalism to socialism without a capitalist period. Therefore, many tasks of this period, including the introduction of democracy and human rights, have not been finished and, thus, must be achieved under socialism. In this situation, the human rights slogan is worth raising when fighting against feudalistic power abuses or bureaucratism in socialism.⁴⁷

The idea of using the human rights concept against feudal remnants under a socialist system found its detractors as well. Some articles differentiated between the bourgeois and socialist struggle against feudalism: the first one strove to establish legal equality in order to set up a bourgeois exploitation system, while the second one fights for the working people's political and economic democracy. Human rights as a slogan allegedly belonged only to the period of the first kind of struggle.⁴⁸ Obviously, even writers taking the human rights issue seriously could shun their use to make open demands against the government.

How then do socialist human rights differ from their bourgeois equivalents? Two concrete criteria were given: first, socialist human rights do not protect the system of private ownership but rather public property; secondly, socialist democracy, being a democracy of the majority and having equality resulting from the system of public ownership, can make human rights a reality instead of making them, at least for the majority of the citizens, an empty slogan.⁴⁹ In a bourgeois society, it was argued, the people often cannot use the rights written in the constitution, while the socialist system is actively creating conditions to make constitutional rights a reality for its citizens.⁵⁰

45 Lin & Zhang 1980: 36.

46 Yang 1979: 78–79; *Guangming ribao*, Oct 26, 1979: 3; Lin & Zhang 1980: 35–36; Lan 1979: 74. It is worthwhile noting that underdevelopment argument is not used here as the apology for poor human rights conditions, but as a normative call to improve them.

47 Sheng 1979: 20; *Shanghai shifan daxue xuebao* 1979 4.

48 Chen 1979: 11.

49 Yang 1979: 78; *Guangming ribao*, Oct 26, 1979: 3.

50 Xu Bing 1979: 4.

Two kinds of human rights allegedly had different approaches and aims. The bourgeois view was claimed to be idealist, partial and false, while the socialist stand was materialistic, thoroughgoing and scientific. The socialist human rights theory uses historical materialism, while the bourgeois one is based on an idealist theory of human nature. Further, a socialist allegedly understands that human rights can be attained only through struggle and are not innate.⁵¹ While the bourgeois human rights slogan is used for strengthening the system of private ownership, socialist human rights are meant to liberate the people and to abolish private ownership.⁵² As a socialist aims for universal liberation, the socialist human rights theory is arguably more developed and complete than its bourgeois equivalent.⁵³

The articles also gave different values to human rights in socialist and bourgeois ideologies. For a socialist, the human rights issue can never be a central question, as his main aim is to abolish classes and attain communism, which is the way to solve all problems of inequality. Indeed, one article argued that all rights, including human rights, are based on inequality and, thus, the human rights question itself is only a partial approach to the problem.⁵⁴

Voices defending the applicability of human rights to the Chinese and a socialist framework in the official press resembled remarkably closely many moderate views in unofficial publications. Moderate unofficial views and receptive official views shared a recognition of human rights and their incomplete implementation in bourgeois countries. Both saw the socialist conception of human rights as being essentially different from the bourgeois conception. Both blamed feudal influences for human rights problems in China. Moreover, both separated the universal and class dimensions of human rights.⁵⁵

Defining the contents of socialist human rights, and analyzing how they should be brought into practice, has dominated academic studies on the subject ever since the press discussion in 1979 accepted that human rights have their special socialist meaning. The emphasis thus was on finding human rights standards and measures suitable for socialist China, which would differ from human rights efforts in bourgeois countries. Furthermore, such emphasis, in best Marxist tradition, paid close attention to material conditions for the fulfillment of rights.

⁵¹ Cheng 1979: 28, 32. There is even stronger antagonism between struggled for and innate rights in Chinese, since the Chinese term for innate is *tianfu*, that can be directly translated as "bestowed by Heaven", so there really is a question about the difference between man- and Heaven-made rights.

⁵² Lin & Zhang 1980: 37.

⁵³ Wu & Liu 1979: 11.

⁵⁴ *Lilun dongtai* 7: 146–147; Chen 1979: 10.

⁵⁵ See Svensson 2002: 243–245 for moderate stands in unofficial publications.

Rights were meaningful only if one really had a chance to enjoy them. In other words, Marxist tradition underlines the positive conception of liberty. This background quite naturally led to attention being paid to welfare rights, although in 1978–80 the emphasis was still on civic liberties.

CULTURALLY BOUND HUMAN RIGHTS

The Central Party School document 141,⁵⁶ published on June 25, 1979, was the first article to remark that, on the international political field, some third world countries had questioned the traditional human rights definition based on European cultural values and, instead, had put forward an alternative set of human rights. This alternative interpretation of human rights stresses that human rights should not only involve personal rights but also the rights of nations and classes, and not only political rights but also social, economic and cultural rights. This interpretation takes racial discrimination, apartheid, foreign invasion and economic exploitation, and violations of a country's sovereignty, unity or territory as human rights questions. Thus, the human rights concept is extended to include rights for social progress, political independence and economic development.⁵⁷

Two reasons were given to explain why the human rights concept is culturally bound. Firstly, the human rights concept itself is an abstract concept which can be interpreted in various ways. Secondly, because all countries have their specific conditions and political systems, their human rights legislation differs. Accordingly, the human rights question is exclusively a domestic affair.⁵⁸ Implicit as it is, but this explanation seems to assume that there is still some internationally shared human rights standard, which should allow local interpretations and applications. This is only natural, since this argument originated in international agendas and was promoted by countries having signed the International Declaration on Human Rights.

None of these early articles actually suggested that China itself should put forward these views in the international arena, but it was supposed to show sympathy for the fight of the oppressed nations. Actually, articles even pointed out that human rights are not the means to solve the questions of national and racial oppression, but instead concrete means must be found.⁵⁹

The importance of the culturally bound human rights conception has since increased, and China has become a leading country to dispute Western domination

56 *Lilun dongtai* 7: 145.

57 *Guangming ribao*, Oct 26, 1979: 3; Lan 1979: 73.

58 *Guangming ribao*, Oct 26, 1979: 3.

59 Jiao 1980: 56.

over the human rights definition and to stress varying standpoints based on a country's particular domestic situation. Now that many Western human rights advocates, academics included, have blamed China for the strategic use of cultural argument against foreign criticism,⁶⁰ it is worth noticing that China emphasized the right to adapt human rights agreements and practices to local traditions much before it used this argument to defend blots in its own human rights record.

There was one, or perhaps two reasons, to raise the issue. Since the argument was first introduced to domestic audiences, possibly the purpose was to teach readers that it is inappropriate to use Western standards to criticize China, like the democracy movement had done. Another reason is less defensive. After accepting that human rights and their contents are a meaningful topic for public discussion, the press simply engaged in the evaluation of the possible human rights stands for China to choose for international arenas. These articles precede the signing of the African Charter on Human and People's Rights convention in 1981, stressing developmental rights and cultural pluralism in the human rights issue. Presumably the Chinese press was sincere when it said that China should internationally show sympathy for such agenda in former colonized countries, but first in Africa, not yet in Asia. Siding with Asian Values in 1990s, after the authoritarian leaders of Singapore and Malaysia started to advocate human rights standards based on local values, was only a logical consequence of the long term advocacy of the domestication of human rights.

THE DISCUSSION AND THE WESTERN UNDERSTANDING

It is time to put the 1978–81 discussion about human rights into the context of a Western understanding of the official Chinese human rights discourse. Western scholarship has generalized that there are three main features in the official Chinese human rights conception. Firstly, Andrew Nathan maintains that the Chinese tend to prioritize state goals over individual rights.⁶¹ Secondly, China has been seen as the promoter of relativist standards of human rights taking into consideration particular traditions and conditions in different countries. Using cultural argument, China has denied that the Western powers have a right to criticize non-Western countries for violating human rights, because their standards

⁶⁰ Kent 1993: 224; Svensson 2000: 201. Marina Svensson even claims that the Chinese government researches human rights to portray itself as a defender of human rights. Svensson 2000: 207–208. However, domestic discussion makes it obvious that a genuine wish to find proper human rights standards suitable for Chinese conditions plays a part too.

⁶¹ Nathan 1986: ch. 3 and 6.

were originally defined by the West.⁶² Thirdly, the Chinese conception of human rights stresses welfare rights over political rights.⁶³

The cultural argument made its first appearance with official backing already in 1979, but was by no means central in the early discussion. Moreover, as Marina Svensson observes, the Chinese human rights discussion actually has had a very ambivalent relation to the Chinese cultural past. Instead of idealizing indigenous values, the Chinese discourse has mostly blamed its feudalist past for the present human rights problems in China.⁶⁴ This was true also in 1979–80. Even those emphasizing that cultural differences have an influence on human rights conceptions and practices actually talked about indigenous political and social conditions, rather than the differences of cultural traditions. While democracy activists generally depicted human rights as necessary for meaningful human existence,⁶⁵ only a few writers in the official press recognized human rights as universal and innate. Moreover, as long as writers understand personality being socially developed and constrained, even understanding human rights as prerequisites for being a person in a full sense means that particular economic, social, and cultural conditions affect the contents of human rights.⁶⁶ Nowhere in the official Chinese press were human rights treated as non-dependent on particular historical and cultural contexts.

Human rights conceptions are often divided into either universalistic or relativistic positions. Universalists advocate common human rights standards for all countries, while relativists claim that human rights are based on Western cultural standards and should not be imposed on the non-Western world. Whether or not the Chinese position was relativistic, as some Western scholars⁶⁷ take for granted, needs to be further examined. If the Chinese official press shared a relativist position, it was not cultural, but historical relativism. Although many writers accepted certain shared aims and values between the bourgeoisie and the proletariat, they seldom saw human rights applicable to feudal societies. Possibly, they thus

⁶² For an introduction to China's part in the Asian Values school, see Mendes 1996. However, Marina Svensson shows that the Chinese discussion never adopted the Asian Values argument as such. Svensson 2000: 209–210.

⁶³ Bruun & Jacobsen 2000: 3.

⁶⁴ Svensson 2002: 65.

⁶⁵ Svensson 2002: 241–242, 247. Note, however, that even activists strongly committed to universally shared human rights simultaneously could hold that human rights are historically relative and developing (Svensson 2002: 246.) Although Marina Svensson understands these activists' stand as universalistic, Stephen Angle argues it is essentially different from the common Western conception of natural human rights, exactly because they understand that rights depend on the external social environment. (Angle 2002: 214.)

⁶⁶ I owe this idea to Stephen Angle, who comes close to making this point in Angle 2002: 221.

⁶⁷ E.g. Davis 1995: 21; Svensson 2000.

treated human rights as something relevant to certain historical periods only.⁶⁸ Another reading would assume that the Chinese position simply said that human rights is a creation of a certain historical era and thus anachronistic for the feudal era. The first possible interpretation seems to indicate historical relativism, while the second reading is not relativistic at all.⁶⁹

Since the Chinese position is not culturally relativistic, many arguments against cultural relativism are inappropriate in criticizing the official Chinese stand. The cultural relativist position has been criticized for many reasons: cultural traditions are many and divergent,⁷⁰ are not deterministic,⁷¹ and tend to change in the course of modernization and globalization.⁷² Moreover, since cultures are heterogeneous, governments have no monopoly for determining what the local cultural values are.⁷³ However, the Chinese argument is not vulnerable to these objections. What it actually maintains is not that cultures and socioeconomic progress determine the human rights situation, but that local conditions and cultures play a part in shaping local laws, ownership systems and institutions that will determine local human rights practice. For this argument the question concerning who interprets cultural values is not important, since anywhere in the modern world states are lawful legislators and executives. A more problematic argument against cultural relativism says that a description of a practical situation does not imply that the situation ought to remain like it is.⁷⁴ Hence, laws and systems violating human rights that cannot be defended on the grounds that they just happen to exist. Yet, the understanding of local traditions as institutions and legislation allows, even expects, that these are amended and developed for local needs.

Furthermore, even those rejecting the concept of human rights in 1979–80 by no means rejected the centrality of rights. Instead, writers separated the historical limitations and ideological uses of the concept of human rights and constitutionally guaranteed civil rights.⁷⁵ Here, rights were common to bourgeois and socialist states, although their contents and practice varied. Further, all of these writers believed in historical development towards more substantial and better guaranteed

⁶⁸ A universalist could agree, but would formulate the point differently. An universalist could hold, for example, that human rights are relevant for people of all ages, but they were not realized and respected in feudal societies.

⁶⁹ A universalist can admit that the idea of universal human rights has a particular and historically contingent political and philosophical basis. See e.g. Freeman 2000: 43–44.

⁷⁰ Sen 1997.

⁷¹ Davis 1998.

⁷² Inoguchi & Newman 1997.

⁷³ Freeman 2000: 48–50.

⁷⁴ Kent 1993: 20.

⁷⁵ Even many democracy movement activists chose to speak about civil rights instead of human rights (Svensson 2002: 240–241).

rights. Obviously, if we understand the Chinese stand as historically relativistic, this relativism did not mean extreme relativism, which does not recognize communication and partly shared values between different systems.⁷⁶ Some writers explicitly advanced the idea that the bourgeois human rights conception has certain core values that could be adopted for the socialist cause for ending inequality and injustice.⁷⁷ This was a step towards accepting that the human rights conception could be universally meaningful, although its practices and ideals vary according to historical situations.⁷⁸

If the Chinese accepted certain human rights core values shared by countries and classes, as many of those who defended the possibility for socialist interpretation of human rights and all advocates for culturally bound rights did in the 1979–80 discussion, they are not relativists at all. Many universalists are ready to distinguish between universally shared human rights values and cultural difference in their interpretations and applications.⁷⁹ Therefore, the Chinese stand seems to be nearer to human rights pluralism than human rights relativism. As Stephen Angle remarks, Westerners often misread the Chinese emphasis of distinctiveness, its own traditions and history, which does not preclude cultural and political exchanges of ideas, as a stand emphasizing Chinese uniqueness, and thus exclusiveness from foreign standards.⁸⁰ Likewise, Ann Kent argues that the fact that political rights are included in the Chinese constitution itself indicates a belief

⁷⁶ I borrowed the expression “extreme relativism” from Marina Svensson (2002: 47–48), who actually examines cultural relativism.

⁷⁷ I owe the conception of core values transcending cultural distinctions to Eliza Lee, who uses such argumentation to defend the stand that regardless of dissimilarities in particular cultural backgrounds there can be a universal basis for human rights (Lee 1995: 79–80). Many other scholars have created concepts to deal with the need to adapt human rights legislation to local conditions. Michael Davis (1998) uses the concept of indigenization, but this term conceptually prioritizes universal core human rights values, which is not a self-evident starting point in the Chinese discussion.

⁷⁸ Most Western writers find both purely universalistic and purely relativistic explanations of human rights inadequate, since the practice and even contents of human rights are not independent of historical and cultural contexts, but pure relativism is unattractive as well since it would deprive human rights of their normative power. To emphasize their normative power, most Western-based writers characterize themselves as universalists. However, even a universalistic position can recognize a difference of interpretation due to historical development and cultural context. For such an explicit position, see e.g. Campbell & McDonald 2000: 261.

⁷⁹ See e.g. Freeman 2000: 46. Joseph Chan separates a thin account of universal human rights principles from the thick account that determines and interprets rights in particular social circumstances and institutional settings. Both of these accounts are useful for promoting human rights. A thin account is proper for condemning human rights violations, while a thick account is suitable for designing human rights mechanisms, norms, and jurisprudence (Chan 2000: 62, 72).

⁸⁰ Angle 2002: 206–207.

in the universality of human rights, although these rights are not seen as unhistorical in Marxism.⁸¹ Moreover, those who rejected the possibility of shared values were not holding a relativistic, but a categorical stand. They were not claiming that China should set its own human rights standards, but that as a socialist country China should deny such a conception, although some recognized its legitimate use for the bourgeoisie when fighting for more liberties under feudalism.

The Marxist background explains why the press discussion in 1979–80 saw that human rights and human dignity are real only together with sufficient welfare rights.⁸² Since Marxism examines actual abilities for full self-realization rather than abstract rights, it naturally pays attention to the relation of poverty in economic terms and the poverty of political abilities. However, material requisites for realizing social and political freedom were not an issue in the 1979–80 discussion. The literature published in the West too often dismisses Chinese demands for including rights for development as an authoritarian government's attempt to legitimize political repression in the name of advancing economic progress.⁸³ This dismissal ignores the Marxist point that rights are realized in the actual world where material inequalities greatly affect the actuality of one's rights. It also dismisses the fact that the Chinese themselves are making demands on their government to respect welfare rights and collective rights.⁸⁴ Moreover, as Stephen Angle notes, it dismisses the fact that the Chinese human rights discourse understood material well-being as an important part of people's rights already before the Communist Party even existed in China.⁸⁵ Naturally, it also pushes aside any suggestions that the West could take some blame for the existence of inadequate rights in the third world countries which was caused by the economic world order benefiting Western development.

⁸¹ Kent 1993: 12.

⁸² A strong Marxist influence in the Chinese conception of human rights makes it questionable whether the emphasis on welfare rights derives from the Confucian *minben* tradition, as some Western scholars (e.g. Nathan 1986: 125–129) assume. Possibly the *minben* tradition has contributed to the centrality of concerns for the people's material well-being in socialist China, but Marxism would have introduced such a viewpoint anyway, regardless of domestic traditions.

⁸³ Bruun & Jacobsen 2000: 3; Mendes 1996; Svensson 2000: 214.

⁸⁴ In Beijing, I once saw a neighborhood demonstration against the plan to build a parking hall in the neighborhood. People, concerned about the unsafety that increased traffic would bring, used a slogan: "*Huan wo renquan, huan wo shengming anquan*" ('give us back human rights, give us back our safety of life'). See also Svensson 2002: 245 about human rights demands against hunger. Some officially published Chinese human rights theorists take collective rights seriously and use them to advocate rights for minority nationalities and women, rights that can easily be defended from the point of view of individual rights as well. See e.g. Sun 1992; Xu & Zhang 1992. Mab 2000: 245 gives examples of similar trends in Chinese liberals' writings.

⁸⁵ Angle 2002: 244–245.

Yet, the 1979–80 discussion about human rights was not about welfare rights, but about civil rights. Even those who rejected the use of the human rights concept in socialist China emphasized the centrality of civil rights. In 1979–80 no one claimed that “the right to subsistence is the most important of all human rights”, like the white paper issued by the Chinese government did a decade later.⁸⁶ Because of their evident political use, some universalists have tried to deny that economic and social rights belong to human rights.⁸⁷ Yet, others have demonstrated that welfare rights are an essential part of Western and international human rights legislation.⁸⁸ Many Western critics read the Chinese emphasis on economic and social rights as if it meant a trade-off of civil and political rights for economic, social, and cultural rights,⁸⁹ or even that civil and political rights somehow would disrupt political stability and hinder economic development.⁹⁰ Nothing in the 1979–80 argumentation hints to this interpretation. Some Western scholars also maintain that the Chinese leaders regard political and economic rights as interdependent and equal.⁹¹ It is totally different to argue, in the conventional Marxist way, that without a certain material base a state cannot provide the means for equal access to positive rights, as was the argument in 1979–80, than to claim that the demands for rights to development would implicate that development must entail a certain number of human rights abuses.⁹² After all, the argument that economic rights are needed for the full enjoyment of civil and political rights is common even among universalists.⁹³

If ideas concerning welfare rights and the contingency of human rights were present, albeit quite unpronounced, in the 1978–81 press discussion about human rights, it is difficult to read claims that state aims could justify the limitation of rights from this discussion. Therefore, it appears that Professor Nathan does not refer to actual the human rights discussion in China, although he uses press

⁸⁶ State Council 1991: chapter 1.

⁸⁷ E.g. Ng 1995: 61–62. For a summary, see Angle 2002: 243–244. For counterarguments against seeing human rights as forms of negative liberty, only requiring noninterference on behalf of the state, and welfare rights as positive liberties requiring the political redistribution of scarce resources and compromises with other liberties, see Chan 2002: 50–51; Kent 1993: 10–12; Li 1998. Therefore, some thinkers have developed other classifications of rights, in which basic rights include both civil and economic rights, both inside (Svensson 2000: 215) and outside (Kent 1993: 15–17) of the People’s Republic of China.

⁸⁸ Angle 2002: 240–241; Kent 1993: 7–8, 14.

⁸⁹ Kent 1993: 231. Another type of this claim says that civil rights can only be considered after welfare rights have been taken care of. See Ng 1995: 68.

⁹⁰ Svensson 2000: 214.

⁹¹ Angle 2002: 240–241.

⁹² As Campbell & McDonald 2000: 263–264 interpret this stand.

⁹³ Even those who deny that economic and social rights can be included in human rights often make this point. E.g. Chan 2002: 42; Ng 1995: 61.

sources. This makes me assume that he draws conclusions from other contemporary discussions. There actually was a short period in the spring of 1979, when some press articles condemned any use of democracy that does not promote economic development.⁹⁴ However, this was only one, relatively short-lived opinion. More common and lasting was the argument that political activities must respect social order and legal limits.⁹⁵ However, the point here is not rights, but order. This argument discourages using illegal forms of participation; it is not a denial of all forms of participation not directly beneficial for state aims.

A statist interpretation of human rights continues in common claims that the Chinese prioritize state sovereignty over human rights and subsistence rights over political rights in order to enhance the power of the present leadership.⁹⁶ It is true that one decade after the 1979–80 discussion, the Chinese government itself introduced the argument that national sovereignty is a precondition for the enjoyment of human rights.⁹⁷ However, even some Western scholars maintain that there are meaningful claims for welfare rights as human rights and national independence as a precondition for the fulfillment of human rights, independent of claims for preserving a certain (form of) government.⁹⁸ Dismissing these arguments just because one expects others to use such arguments strategically is thus disputable.⁹⁹

Western literature often evaluates the Chinese human rights discourse only from an international perspective. This approach emphasizes how China reacts to foreign pressures to improve its human rights practice. It tends to forget that this discourse simultaneously or even primarily has a domestic audience and meaning. As a result, official Chinese viewpoints are too often interpreted in binary relation to the Western liberal tradition, as if China automatically opposes Western discourse. This article, studying a press discussion in 1979–80 in official publications, has demonstrated that the Chinese international agenda is compatible with its domestic position. This domestic position is relatively nuanced and has mostly preceded China's international human rights stance.

⁹⁴ E.g. Huang & Li 1979: 4; Nie & Xiong 1979: 3; *Gongren ribao*, May 22, 1979: 1. This practically was the time frame of such argumentation. In summer 1979 more substantial calls for democratization took over again.

⁹⁵ See e.g. Jin 1979: 3.

⁹⁶ E.g. Mendes 1996. A related claim is that China finds the economic and social rights argument useful for criticizing its critics, mainly the US. See Svensson 2000: 214–218.

⁹⁷ State Council 1991: chapter 1.

⁹⁸ Of Western advocates of meaningful sovereignty claims, see Friedman 2000: 26 and Angle 2002: 228, 248–249. Here Stephen Angle argues for national independence as one condition for the enjoyment of political and welfare rights. This is a collective form of the argument that political rights are needed for guaranteeing welfare rights, a claim that many universalists make on an individual level against welfare rights.

⁹⁹ Actually it is comparable to the 1979 argument that the Chinese cannot recognize human rights, because the bourgeoisie use this concept strategically.

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