National and human rights

Alleviating the tension between nationalism and liberal democracy in China

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1 Introduction

1.1 Main theme

This thesis will aim to analyze Chinese human rights discourse as it is being argued both by the Chinese Communist Party (CCP) and by China's liberal nationalists. A major focus will be to assess the question of national rights within the debate and to what extent the CCP view on this issue give direction to its stance on human rights, more specifically its view on civil and political rights. A pragmatic form of nationalism has been incorporated by the CCP since the early 1990s, giving direction to Chinese politics (and even more so rhetoric) in a substantial way. The aim of this thesis is to find the link between this new form of nationalism and the CCP position on human rights, as it has been advocated by China in dialogue with Western countries.

In a "White Paper" dating from 1991 China moderated its position on human rights, moving from a position of denial to a position of acceptance (China Internet Information Center 1991, *CIIC*). Since that time China has embraced at least the language of human rights and in fact officially recognizes their universality (Svensson 2000). The Chinese stance however, has had a significant cultural relativist twist to it[1]. Naturally the move by the Chinese initially was interpreted to be a step in the right direction. The Jiang Zemin and Hu Jintao era however, has demonstrated that "new" (at least if one does not scratch the surface) moral and political arguments guide Chinese human rights discourse. Nationalism has once more become a decisive factor in Chinese politics, especially on the international stage (Gries 2004). A rising tide of popular nationalist sentiment is said to rear its ugly head pressuring Chinese authorities to take a more antagonistic stance in international politics (Gries 2004,

[1] The CCP position may be characterized as a form of strong cultural relativism, a theoretical stance that will be discussed in greater detail within the confines of Chapter 2.

Friedman 2000). This study has no intention of carrying out a broad media-contextual and empirical analysis of *popular nationalism*, in the way that Gries (2004) does. Instead the focus will be shifted to the more narrow level of Chinese human rights discourse and the way the CCP's *pragmatic nationalism* incorporates the idea of *national rights* into the Chinese human rights position. Popular nationalism, as it is understood by China scholars such as Gries (2004) and Hughes (2006), constitutes a non-official form of nationalism (rooted in the people) that Gries (2004) believes have begun to give direction to the dominant form of nationalism in China, *state nationalism* or *official nationalism* (:18-19). Zhao (2004) calls this latter form of nationalism *pragmatic nationalism*, whose main focus is to take pragmatic measures[2] to make China strong and at the same time work to protect and promote China's nationalist interest, sovereignty and unity. Pragmatic nationalism then is closely connected with state nationalism as it is being utilized by the CCP, both of which have a primary focus on *national rights* (or state rights) as opposed to *individual rights*. *State nationalism*, with its focus on national rights, will be defined in relation to narratives that seek to establish criteria for a Chinese nationalism and a human rights conception that does not recognize the validity of individual rights. Traditionally China has criticized what it perceives to be a selfish and overly individualistic set of Western human rights norms and instead has advocated a strong focus on economic and social rights in human rights disputes and above all, they have had a preference for what they call "the foremost human right", namely the *right to subsistence* (China Internet Information Center 2005, *CIIC*). The preference for the latter group of rights has not faded away, but the moral and political grounds for arguing the position has shifted with the collapse of the Soviet Union and the incident at Tiananmen Square in 1989. A traditional concern like national sovereignty still constitutes a major counter-argument for the Chinese in human rights discussions, whereas arguments

[2] The pragmatic measures that have been taken can principally be seen as *economic* or *technological* and is closely linked to the economic reform policy. Political reform has certainly not progressed with the same speed as economic reform and if measures have been taken that the CCP call political reform, they can generally be described more accurately by saying that they are *administrative reform* measures.

emphasizing stability and social order in a time of immense economic and societal development have been added to the arsenal of human rights defence. All these arguments however, may be fit into the concept of national rights, making the clarification of this concept an interesting one indeed.

The method chosen to tackle the research matter is political discourse analysis. Two discourses on Chinese national rights will be assessed, namely the pragmatic nationalism of the CCP as it has manifested itself under Jiang Zemin and Hu Jintao and the rivalling stance of Chinese liberal nationalists. To put forth a meaningful discussion of the national rights discourse and its content, a plain philosophical and ideological assessment of national rights is *not* sufficient. As Jones (1999) and Donnelly (2003) has pointed out, rights are linked, which means that several groups of rights are dependent on other groups of rights to secure their fullest and most compulsory realization. If viewed from a liberal democratic perspective the main holders of rights are individuals and the main addressees (the bodies responsible for respecting and implementing an individual's claim to a right are states (Campbell 2006, Jones 1999). The Chinese perspective on human rights has differed quite a lot from the liberal democratic doctrine. For the CCP there is a schism between national rights, economic and social rights on the one hand, and civil and political rights on the other hand. They identify the crucial weight of the first two groups of rights, but not the latter (Zhao 2004). Consequentially the main aim of this study is to clarify the national rights argument put forth by the Party's pragmatic nationalism and see to what extent the national rights argumentation serve to justify the suppression of civil and political rights. Alternatively, putting it another way: to identify to what extent collective rights outweigh individual rights in Chinese human rights discourse. The rivalling view, as it has been put forth by Chinese liberal intellectuals, that national rights are meaningless without an element of individual rights struggle, will be analyzed as well to supply a more complementary overview of the discourse material.

Firstly, a brief clarification of the research topic should be put forth, with questions and hypotheses hopefully being able to further narrow down the main focus of the study.

1.2 Research questions and conceptual approach

Studies on Chinese politics have predominantly concluded that Chinese nationalism is a *top-down* phenomenon. The national agenda is a tool in the hands of the elite, being utilized to compensate for a weakening political legitimacy resulting from the failure of socialist ideology to address and much less solve the social and political problems created by it (Dickson 2004, Zhao 2004). The position of the state and the concern for the state has led many observers to believe that Chinese nationalism primarily is *state nationalism* (Fitzgerald 2006, Oksenberg 1987). Indeed, to claim that the Chinese state has a weak grip on the nationalist discourse in contemporary China would be going too far. Even critics of the *top-down* approach to Chinese nationalism, like Gries (2004) and to a certain degree Zhao (2004), recognize that the government's claim to control over the nationalist discourse is still strong. This thesis is supportive of such an assessment concerning contemporary Chinese nationalism. As Shue (2004) has pointed out, the CCP needs to legitimize its rule, both on the domestic stage and abroad, a task that has become even more important since the beginning of reform (and Tiananmen) (Fewsmith 1995:635-636). The human rights violations have traditionally been China's biggest problem in discussions with its partners internationally. However, the Chinese have a long history of being able to defending themselves against human rights criticism, even after the massive condemnation in connection with the Tiananmen incident in 1989 (Donnelly 1998). Core arguments wielded by the party elites have traditionally been connected to issues such as national sovereignty, social order and stability as well as a critical attitude toward a universal human rights conception. Into the 1990s and beyond these kinds of arguments have continually been expressed, but now increasingly intertwined with a new form of state nationalism giving direction to them (He & Guo 2000). Thus, arguments associated with a concern for national rights rather than individual rights have been emphasized when conceptualizing human rights in China.

This leads us to the two main research questions:

1) What constitutes the core argumentation of the CCP on the question of national rights and to what extent does it serve to justify the non-recognition of civil and political rights within the CCP's approach to human rights dialogue?

2) To what extent are CCP *nationalist* narratives repeated within the Chinese human rights discourse?

To put it another way: what types of arguments are used to dismiss the relevance in China of civil and political rights? This thesis will operate with two modes of argumentation, namely *liberal nationalist* arguments and *pragmatic nationalist* arguments. Which one of these two contributes the most to the Chinese human rights discourse? The focus will limit itself to the nationalist conceptions promoted by Chinese liberal intellectuals as set apart from the dominant strand of political ideas as they are promoted by the state within the perimeters of *Chinese nationalist discourse*. The crucial focus is on the schism between what may be called *collective rights* (national rights is one example of a collective right) on the one hand, a collection of rights which is invariably linked to concepts such as nationality and state sovereignty, and *individual rights* on the other hand. As Donnelly (1998, 2003) has noted there is a conflict between the liberal Western human rights approach, emphasizing *civil and political rights*, and for instance an Asian approach to human rights discourse, whose main weight is on *economic and social rights*[3]. The Chinese argument against implementing a sub-set of individualized "Western" rights has remained with typical excuses such as the collective tradition of Chinese society and the respect for state sovereignty in human rights dialogue. Donnelly (1998) links the Chinese argumentation to a weak form of *cultural relativism*, due to the fact that there is no denial of human rights *per se*, but a denial of the universality of all kinds of rights within the perimeters of different cultural contexts (:131-132). The interest remains

[3] As Marina Svensson (2000) has rightly clarified this is not exactly a waterproof description of the Western human rights record. In fact, most Western countries endorse economic and social rights. The United States is the major exemption.

with how this discussion manifests itself within Chinese rights discourse and flowing from this: how does the CCP view on the national rights issue affect its argumentation on individual rights? A follow-up question may in this context indeed be: is it plausible to claim, as Chinese elites do, that the community (the nation) has an inherent moral foundation of its own elevating it to a realm of morality outweighing that of concern for its individual members? This is certainly a relevant question, because, as Donnelly (1998) points out, human rights "are based on autonomous individuals", not "harmony and deference within a group" (:131). In other words, the notion is that the rights of the group are weightier than the rights of the individual that constitutes it. Of course, this provokes the discussion of *who* should have rights and whose rights are more important: the group's rights or the individual's rights? This may seem an artificial discussion from a Western perspective. However, there is still considerable disagreement, also in the West, on these issues. This is something that Chinese elites utilize in their human rights defence.

Methodologically the real challenge is to draw the line between different kinds of political and normative conceptions and group them together within the "right" framework of political discourse[4]. This is indeed not an easy task considering the myriad of narratives and ideas that may be characterized as *nationalist* in contemporary China. Indeed there is some disagreement among researchers on what sets of ideas constitute the core of Chinese liberal nationalism for example. Zhao (2004) for instance, uses a wide approach to restricting liberal nationalist content, framing cultural nationalist ideas within liberal nationalist discourse as well as more popularized forms of Chinese civic and anti-imperialist nationalism. Ben (2001) on the other hand, divides Chinese nationalist discourse into a set of five alternative discourse approaches to nationalism, of which he entitles one of them liberal nationalism. How to define liberalism in a Chinese context is a complex affair and, among other things,

[4] For a short introduction to the different methods easily applied in conjunction with the term *political discourse* see Apter (2002:11644-11649). As Apter demonstrates, there is indeed a huge array of interpretations and conceptualizations to political discourse within the realm of *political discourse theory*.

provokes the question of how to interpret nationalist texts, as Hughes (2003) recognizes (:247-267). The methodological approach in this study is to link Chinese liberalism to the idea of *endorsing individual rights*. To claim that *any* view, independent of form and content, is liberal as long as it is not paying total lip-service to the CCP agenda would render Chinese liberal nationalism almost impossible to analyze as a set of ideas.

As Ben (2001) recognizes in his conclusions regarding the potential of systemic and institutional criticism being wielded by intellectual nationalists in China, only the liberal approach dares to or has any interest in criticizing the CCP on a domestic institutional level. This thesis aims to analyze the tension between national rights and individual rights within Chinese human rights discourse, a level of tension that is heightened on the part of the CCP when faced with truly *critical* views that support the promotion of individual rights for Chinese citizens. To account for and analyze these critical political narratives a *narrow* approach to defining Chinese liberal nationalism seems most plausible. The methodological focus will remain with identifying certain *master narratives* clearly distinguishing themselves from other narratives, a method of approach which should serve as the groundwork for illuminating the content of the two discourses being analyzed. This discussion and the methodological problems associated with such an approach to political discourse will be presented in much greater detail within the framework of chapter 3.

1.3 Overview of the paper and brief pointers as to its final conclusions

The main intention of this chapter is to give an introduction to the research matter and the methods chosen to tackle it.

Chapter 2 will follow up on parts of the discussion already established in **Chapter 1** to present a clarification of key terms related to the study of nationalism and methodological and theoretical problems pertaining to the misuse of these terms. Crucial in this regard is the distinction between the terms *nation*, *state* and *nation-state*. A central methodological claim is that the understanding (or misunderstanding) of these key terms has consequences for the conclusions drawn by scholars regarding

issues such as *national identity* and *nationalism* in China. A differentiation is made within the chapter identifying two definitions of national identity, namely an objective and a subjective approach. Another focus of chapter 2 will be a brief presentation of human rights theory. This presentation will limit itself to theories criticizing the universality of human rights as well as a short overview of a liberal "Western" approach to the potency of rights and why they should be universal. An introduction to a basic level of human rights theory is seen by the author as necessary to understand the way that China has argued in disputes over human rights and to recognize the possible link between CCP nationalist discourse and the Chinese human rights discourse.

Chapter 3 will present the methodological focus of the thesis. An application of *political discourse* is defined as the prime method of structuring the analysis. There are indeed problems related to any methodological approach (Apter 2002:11644-11649). The choice of *political discourse analysis* as a method of inquiry however, was resolved due to a wish and an intention to systematize complicated sets of political and normative ideas, so that their content and narratives might be made more transparent and easily transferable to other modes of political analysis. The methodological discussion in the chapter will be centralized around this main ambition of the thesis and whether the method chosen as well as the source material available, works in the favour or disfavour of realizing such a goal. A major aim of the chapter will also be to narrow down the scope of the study. Some methods are used to do this that may influence the possibility to make valid claims within the analytical scope. Justifications for the methods used and potential problems with their application will remain a primary topic within the chapter.

Chapter 4 provides a brief discussion about the Chinese human rights discourse as it is being argued by the CCP. The narratives employed here will be analyzed in much greater depth when considering the CCP position on national rights and to what extent China tries to establish its own conception of human rights. Still, a brief introduction to the CCP human rights discourse is mandatory to later establish whether there is a link between state nationalism and the CCP position as it is being argued within the

human rights discourse. Also such a discussion is essential because it may help us clarify to what extent Chinese liberal nationalists may succeed in reconciling the concepts of nationalism and liberal democracy within the Chinese human rights discourse.

Chapter 5 will assess to what extent national stability and social order function as a mantra for the CCP and in what way the "stability argument" manages to normatively suppress the notion that China should respect and implement a full set of civil and political rights for its national citizens. Flowing from this a debate recognizing the CCP arguments claiming that certain categories of rights are mutually exclusive: namely *national versus individual rights* and *social and economic versus civil and political rights* (Zhao 2004, He & Guo 2000).

The aim of **Chapter 6** is to discuss the notion of the individual's rights as a national citizen. What is most important: the concern for the individual's right to partake in free elections and enjoy full civic liberties as a member of a national community, or the concern for the nation's well-being politically and economically? The basis for the analysis is the liberal nationalist criticism of the Party view that the collective rights of the national community somehow is more important and serves a higher moral purpose than the rights of its individual members. A question in this context remains: what superior morality does the nation as an entity hold and how should such an intrinsic moral value be assessed? Does the nation have moral value of its own or can it only claim a morality based on the value its individual members attach to it? And finally: Is it sensible to speak of a Chinese national citizen that cannot influence the direction of the national community?

Chapter 7 will summarize the thesis and draw some conclusions based on the analytical focus having been employed. A primary conclusion is that the national rights issue and the twin concepts of national stability and sovereignty indeed constitutes the core argumentation of Chinese pragmatic nationalism defending itself in human rights disputes. According to the CCP China's unique historical and cultural conditions renders a universalistic conception of human rights non-viable in China. A

sub-set of Chinese human rights is promoted instead, focusing on collective rights over individual rights (deriving moral value all the way back to Confucius). Indeed, the main cultural trait of Chinese society is its collective nature, it is claimed. Purely individual rights may therefore be considered selfish and non-applicable. However, as liberal nationalists in China recognize, national rights need not be in direct conflict with individual rights as they are manifestations of two different concepts of rights that function as tools of individual and collective mobilization at two separate levels, namely the international level (national rights) and the domestic level (national rights as individual rights).

2 Theoretical approach

This chapter studies the concept of nationalism and aims to clear up some of the methodological and terminological difficulty with this concept and the terms associated with it. Such a terminological clarification proves necessary because there is a significant level of confusion and interchangeable use of terms like “nation”, “state”, “nation-state” and “national identity” in the literature that muddles many a discussion of nationalism, both in a general context and related to China. Rather than focusing on the vast literature discussing nationalism at large or the political philosophy associated with the term, this chapter will emphasize discussions on China in particular. The main aim is to clarify how Chinese nationalism is understood by scholars and to what extent there are problems with such an understanding. The chapter has three sections: 1) a clarification of the distinction between *nation* at one end, and *state* and *nation-state* on the other in Chinese politics, 2) a discussion amplifying the two aspects of the term *nation*, namely the subjective and objective aspects associated with it and what, in particular, the objective definition signifies for the study of modern Chinese nationalism, and finally 3) a brief and selective overview of human rights theories that have a potential to inform the conduction of this thesis, with a special emphasis on theories of human rights universality as opposed to cultural relativist theories. The thesis has an interest in establishing whether there is a link between the so-called pragmatic nationalist discourse of the CCP and their human rights stance. To do this some theoretical insights into the field of human rights theory are mandatory.

2.1 Rethinking the distinction between nation and state in Chinese politics

To start off any discussion of Chinese nationalism a clarification of key terms should be presented. Two of these key terms will be assessed within this section to clarify what they mean in a Chinese context and also to signify in what way misuse of them

can steer the discussion of Chinese nationalism in a particular direction that erases the distinction between *state identity* and *national identity*.

2.1.1 Key terms to understand Chinese nationalism and the potential consequences of their misuse

Smith (1991) usefully defines the term *nation*, saying that it is a referral to "a named human population sharing a historic territory, common myths and historical memories, a mass public culture, a common economy and common legal rights and duties for all members" (:14). Tamir (1995) has criticized Smith for bundling together "reasons for the emergence of a nation (a shared historic territory, a common economy, and a common legal system) with the results (sharing myths and historical memories)" (:424). However, Smith's emphasis on cultural factors is not implausible, something that will be demonstrated when we turn to discussing *national identity*. Another aspect of a fruitful definition of *nation* is an emphasis on territorial self-determination and the belief in this by the national group (Barrington 1997). Nodia (1994) recognizes the importance of this when claiming that "a nation is a community of people organized around the idea of *self-determination*" (:11). This does not mean that control of a sovereign state is a requirement, though Haas (1986) for instance links the significance of the national group to a desire or a struggle to "create or maintain their own state" (:726). Indeed, the existence of a national struggle, understood as a territorial claim to a national homeland, helps distinguish national groups from other groups that also may hold a set of common beliefs or myths to be true (ethnic or religious groups for example) (Barrington 1997:713).

To be clear historical, territorial, cultural, economic and legal aspects are included in the nation concept. In this sense it is a much broader term than *state*, which is named and has its significance based on the particular political institutions these national populations possess, or as Walker Connor (1994) has called the state: "that territorial juridical unit" (:39). The state then is given meaning and authority by the institutional and legal framework it creates and controls within a territory that may or may not equal the territorial basis of the nation. *Nation* as a term therefore is also set apart from

another significant term in the literature: *nation-state*, which Connor (1994) understands as "a territorial-political unit (the state) whose borders coincide or nearly coincide with the territorial distribution of a national group" (:39). What then is the significance of clarifying these terms and what consequences will careless use of them provoke?

In this regard, it is clear that a particular understanding of *nation*, *state* and *nation-state*, have consequences for the researcher's understanding of two other central terms in Chinese politics: *national identity* and *nationalism*. The former term will be clarified first as it is has a wider meaning.

The origin of the term *national identity* is closely correlated with the *nation* term that was recognized to be of two different categories by Friedrich Meinecke, respectively the *Kulturnation* and the *Staatsnation*. As Smith (1991) clarifies the former is mainly a "passive cultural community", while the latter may be viewed as an "active, self-determining political nation" (:8). Pre-national cultural communities therefore did not constitute nations, but had common cultural traits and mechanisms that could be invoked politically because large groups of people held them to be true. There was some degree of *sameness* that separated that particular group from another (Akzin 1964).Thus national identity "involves some sense of political community, however tenuous" (Smith 1991:9, Townsend 1996). It is useful to distinguish between two forms of national identity, a Western form and an Asian form, in the way that Smith (1991) does. Within the Western model of national identity "nations were seen as culture communities, whose members were united, if not made homogenous, by common historical memories, myths, symbols and traditions" (:11, Almond & Pye 1965). This understanding of national identity allowed for considerable individual freedom to even choose what nation to belong to. The Asian model however is ethnic and focuses on "common descent". The important feature is to what national group (and nation) an individual is born into and that just about settles the matter (Smith 1991:11-12).

Erikson (1974, 1982) has this is mind when he understands national identity to be a combination of two aspects, an identity aspect and an identification aspect. Guo (2003) interprets Erikson's position to mean that national identity is "a persistent but constantly revised set of beliefs, values, practices, characteristics and symbolic representations shared by the members of a nation", combined with "the collective expression of an individual sense of belonging to such a national community" (:10). National identity is not static then. It may evolve and change to meet special circumstances. How is the national identity concept linked to nationalism? Some clarification of the term certainly is necessary because what Barrington (1997) calls "misuse" and "loose use" of the term is quite common in the literature (:714).

Nationalism can be defined as "an ideological movement for attaining and maintaining autonomy, unity and identity on behalf of a population deemed by some of its members to constitute an actual or potential nation" (Smith 1991:73). This definition is useful because it recognizes that nationalism is not only a phenomenon that *creates* nations, but also a phenomenon that *maintains* them. In a Chinese context this is significant to note because a maintaining form of nationalism has been and still is evident in China. Wang Gungwu (1996) for instance has named this form of maintenance nationalism in China *restoration nationalism*. The focus of this Chinese nationalism is to restore Chinese greatness and power. Clearly, Zhao's (2000) term *pragmatic nationalism* is just another characterization of the same phenomenon.

Another significant upside with Smith's definition is that it makes room for the role of the state in asserting authority and safeguarding national sovereignty and stability (a major focus for CCP pragmatic nationalists), but that it also addresses the personal aspect of national identity that Erikson (1974, 1982) talks about in the sense that the population must *will* to be a nation (Renan 1984). Crucially, as Miller (1995) has pointed out, "nations are not things that exist in the world independently of the belief people have about them" (:17, 22). This two-tiered approach to understanding nationalism is mandatory to map out the liberal nationalist argument in China as an oppositional stance to CCP pragmatic nationalism. To clarify, Smith's focus on sovereignty and authority in his definition signifies that there are two different

concepts of sovereignty associated with the terms nation and nationalism: *national sovereignty* and *popular sovereignty*. Ignatieff (1993), with his emphasis on "a moral idea of justification of action to protect the rights of the nation against the other" as a central premise of modern nationalism, usefully typifies the concept of national sovereignty, whose main focus within the discourse of rights is *national rights* (Barrington 1997:713). Ignatieff's approach to understanding nationalism proves to be a useful point of departure for analyzing CCP pragmatic nationalism, a form of nationalism that has a main focus on national rights (or sometimes understood as state rights).

Nationalism in this sense is a many-faceted phenomenon that is not easily addressed. Gellner (1983) however, has a fruitful definition that is also remarkably easy, saying that nationalism is "a principle which holds that the political and national unit should be congruent" (:1). To control a political unit (the state) seems to be a goal for any national group. Gellner sees nationalism as an *idea*, in exactly the same way as Haas (1986) does when he understands it to be "a belief held by a group of people that they ought to constitute a nation, or that they already are one" (:727). The question of what comes first, the nation or nationalism, is interesting enough. However, as Mellor (1989) has claimed, "every nation has its nationalism" (:5). Gellner (1983) seems to think that nationalism is a prerequisite for the establishment of a nation when he says that "nationalism engenders nations" (:55). Clearly, this is not an implausible claim as a nation without a form of nationalism (a belief held by people that they constitute a nation) is doomed to fail.

In addition to viewing nationalism as an idea and a belief, it is also possible to conceive of it as a *process*, often with one particular goal at hand: the control of a nation-state. It is in this context that Mellor (1989) understands nationalism as "the political expression of the nation's aspirations". This political expression includes control over territory that the national group "perceive as their homeland by right" (:4-5, Barrington 1997). Still, even though the *process* is an important aspect of nationalism, it is quite impossible to conceive of such a process without an initial *belief* or *idea*. This belief constitutes the link between nationalism and national

identity, something that Kedourie (1993) recognizes when he narrows down nationalism to be "very much a matter of one's self-view, of one's estimation of oneself and one's place in the world" (:141). In this sense we attach value and personal emotional significance to the nation and by doing this we also create a clear-cut understanding of what it means to belong to that particular national community. Greenfeld (1992) follows up on this by linking nationalism to "any behaviour designed to restore, maintain, or advance public images of that national community" (:3). Greenfeld's position here can surely give us some insights into the periodic upheaval of Chinese popular nationalism the last ten years, where emotions among Chinese have been soaring high in connection with several cases of popular nationalist manifestation, most notably the strong reactions to the bombing of the Chinese Belgrade embassy in May 1999[5].

As this discussion indicates, national identity and nationalism as its "long arm" should not only be thought of as an instrument of the state but a personal and emotional affair for the average national citizen as well. Indeed, nationalism is about *nations*, not *states*. A confusion of the terms nation and state though, may lead to an understanding of nationalism [and Chinese nationalism] that does not recognize the subjective aspect of the phenomenon. To put it another way: there is no distinction made between *state identity* and *national identity*, something that has consequences for analytical conclusions drawn concerning the nature of modern Chinese nationalism for example. The following section will focus on such misconceptions associated with the study of *Chinese* nationalism, not the phenomenon in general.

[5] For one of the finest analyses of contemporary Chinese popular nationalism, see Gries (2004). For some insights into Chinese popular nationalism's reactions to the Belgrade bombing, consult Gries (2001).

2.1.2 The confusion of terms in the analysis of Chinese nationalism – some methodological comments

State nationalists in China like to collapse the terms nation and state (or Party) into each other to directly associate CCP rule with the fate of the nation (Guo 2003:33-38). In this sense they try to erase the distinction between a *national identity* and a *state identity*. This will be duly demonstrated in chapter 5, when the pragmatic nationalist discourse is analyzed. That the Party sets out to achieve such a goal however does not mean that there is no distinction between these terms in Chinese politics. How is the distinction between national and state identities understood by China scholars?

There is a strong tendency to give the state a central role in creating and utilizing Chinese nationalism (Fitzgerald 1996, Townsend 1996). Such a *top-down approach* is evident in the works of many China scholars. Whiting (1995) for instance, disputes that national identity has any personal aspect and argues that "national identity emerges in how the policy-making elite perceives and articulates the image of China in its relationship to the world" (:297). National identity here clearly resembles state identity and it seems there exists no national idea or affiliation outside the one advocated by the state. Whiting (*ibid*) then obviously interprets Chinese nationalism as an instrument of the state and national identity as state identity. Such a fusion of state and national identity is even more clear if we follow Dittmer & Kim (1993) that defines national identity as "the relationship between nation and state that obtains when the people of that nation identify with the state" (:13). If we return to Erikson's conception of national identity, Dittmer & Kim (1993) clearly leans towards the latter aspect (identification), understanding it not as identification with the nation but with the state. Once again state identity seems to be taken at face value as national identity.

There is no wonder that the position of the Chinese state seems strong to Dittmer & Kim (1993) when in fact no distinction is made between state identity (viewed in instrumental terms) and national identity. Fundamentally, if we are to understand Dittmer & Kim (*ibid*) it doesn't seem to matter if the people identify with the state or not (Guo 2003:11). Guo (*ibid*) goes on to question that *if* it is a distinction between the

two forms of identity, why shouldn't the "differentiation" between them be recognized? Also, as Erikson's argument concerning the personal aspect of national identity states, it follows from this discussion that both state identity and national identity should have a "sameness" within them that is unique and in recognition of their status as "separate concepts and entities" (Guo 2003:11). To be sure, Gries (2004), like Dittmer & Kim (1993), mainly discusses Chinese nationalism on the international level. However, Gries, unlike Dittmer & Kim, recognizes that there is a distinction between Chinese state and national identities and sees the rising tide of popular nationalism as a clear indication of a *national* identity rooted among ordinary Chinese. Clearly, to only view Chinese nationalism as *top-down* party propaganda is no longer possible, something that will be demonstrated when analyzing the Chinese liberal nationalist discourse. Fitzgerald (1996) certainly have a point however when he questions the ferocity of the non-state nationalism in China on content. The influence of popular nationalism it seems should be attributed more to *degree* than to *substance*. The popular nationalists may pressure the government to review their foreign policy decisions in extreme cases, but is not to be considered a coherent ideological movement, as some of them for instance advocate continued authoritarianism while some (like liberal nationalists) call for democracy and political rights (Fang et al. 1999:132, Goldman 2005). Liberal nationalism in China, that certainly can be viewed as part of popular nationalism as Gries (2004) defines it, also has problems pressuring state nationalism on content, mainly because its narratives are viewed by the elite as unacceptable and unpatriotic (Feng 2004).

2.1.3 Subjective and objective definitions of national identity – possible to find a middle ground?

If we understand Erikson's argument as a recognition of the personal national identity aspect, it is possible to acknowledge that there are two ways of conceptualizing Chinese nationalism, namely a subjective way, with an emphasis on personal characteristics like "will, memory, beliefs and claims", and an objective way, emphasizing more non-abstract characteristics like "territory, language and religion" (Guo 2003:12).

An extreme subjective point of view can be represented by Seton-Watson (1977) saying that: "All I can find to say is that a nation exists when a significant number of people in the community consider themselves to form a nation, or behave as if they formed one" (:5). Obviously, if we follow Seton-Watson's argument here, subjective characteristics are in themselves enough to form a nation. Even a territory or a set of political institutions is not mandatory.

On the objective extreme end Giddens (1985) claim that a nation is a "collectivity existing within a clearly demarcated territory, which is subject to a unitary [and uniform] administration, reflexively monitored both by the internal state apparatus and those of other states" (:116). No subjective characteristics, not even a belief in the value of the nation by individual members, are necessary to form a nation, Giddens claims. Giddens' definition clearly resembles a definition of *state* in this regard. Actually, the objective extreme end definition has been utilized in the study of Chinese nationalism, in the sense that no clear differentiation has been made between identification with the state and identification with the nation. Such an approach to understand the character of a Chinese national identity serves to underline the Party's claim that it *is*, or at least fundamentally *represents*, the essence of China as a nation. This latter claim by the CCP has consequences for the national citizenship and the individual rights consciousness in China, as will be demonstrated when analyzing the pragmatic nationalist discourse. The kind of definition Giddens (1985) advocates is used by the CCP to objectify China as a nation. The objective characteristics of the Chinese nation are beyond question for the CCP and in this regard it doesn't matter if you are Tibetan or Uighur. You are still Chinese and under party rule (Guo 2003:14).

It seems a middle ground needs to be found to further inform the study of nationalist discourse within this thesis. A fusion of subjective and objective positions is necessary. Anderson (1993) recognizes this when he points out that to theorize the nation can only be done "by aligning it not with self-consciously held political ideologies, but with the large cultural systems that preceded it, out of which – as well as against which – it came into being" (:12). Indeed, this is what the CCP has tried to do with their new emphasis on nationalism since the beginning of the 1990s. The post-

Tiananmen nationalism is complex and multifaceted, as Unger (1996) has recognized. Still, it is generally portrayed as a single entity, or as Guo (2003) has clarified, it is being regarded "as an ideology of the state rather than the nation" (:15). This form of nationalism has been given many names[6], but in this study it [the nationalism of the CCP] will be called *pragmatic nationalism*, following Zhao (2000:16-17). A central premise of this nationalism is the forging of a strong and tightly knit relationship between identification with the nation and identification with the state. To put it another way: rather than focusing on creating loyalty to the nation the emphasis is on harnessing a strong sense of identification with the state [the CCP]. To understand the arguments put forth by the Chinese liberal nationalist discourse however, an appreciation of nationalism as loyalty to the nation is necessary rather than a confusion of the nation with the state (or party-state).

Yack (2001) clarifies the concept of popular sovereignty and at the same time links it to the growth of nationalism. The connection between the two is easy enough: "share power with the people, and you free them to assert their nationality" (:518)[7]. It should not be controversial to identify Chinese liberal nationalists as adherents to a principle of popular sovereignty, in the way Yack (2001) defines it. The main idea behind *popular sovereignty* as a concept, as opposed to *national sovereignty* is clearly liberal in the sense that it recognizes that the mandate of power stems from the people (as individuals), not the state itself. Chinese liberals, as liberalism is defined within this study, support and promote the popular sovereignty concept, as will be made clear in Chapter 6.

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[6] Whiting (1995) for instance, has named it "assertive nationalism" (:295), while Oksenberg (1987) calls Chinese nationalism "confident nationalism" (:501). Both scholars view it [Chinese nationalism] as strongly dominated by the state. In this sense it is seen as a form of *state nationalism*.

[7] There are indeed problems with such an explanation of the link between popular sovereignty and nationalism. Firstly, lessons from history suggest that just because the people are freed to enter politics they will not bring along their national affiliation and try to assert it. Secondly, the doctrine of popular sovereignty "seems to promote the discovery or rediscovery of national loyalties", not only the removal of the shackles restricting their expression (Yack 2001:518).

In order to initiate an analysis of the CCP view on these matters within Chinese human rights discourse, some of the foundational theories on human rights should be presented in more clarity. The discussion will evolve around the question of whether human rights are universal or not. Of course, as Donnelly (1998) has pointed out, the very basis of human rights is that they are equally held by *all* human beings[8]. Despite this, the universality of human rights is a contested issue. Two critical approaches to human rights will be assessed in the following segment, namely *realism* and *cultural relativism*. Presenting these theories may be fruitful because they illustrate the theoretical foundation on which the CCP's criticism of universal human rights applicability is based. First however, a brief definition of the word *right* as it is understood both in English and Chinese language should be put forth.

2.2 Theories on human rights

2.2.1 What is a right in English and Chinese?

In the English language the word *right* has two distinctive meanings politically and morally. On the one hand we speak of what *is* right as opposed to something that is wrong. For instance, it is right to assist the poor whereas it is equally wrong to violently harm other people and so forth. When discussing human rights however, the second meaning of the word right is more significant. It evolves around the *entitlement* a person has to something. In this context the significance relates to "having, claiming, exercising, enforcing and violating rights" (Donnelly 1998:18-19). These different ways of relating to rights signifies a relationship between the *holder* of a right and the *bearer* of a duty to secure and implement the right held by the right-holder (Jones 1999). Donnelly (1998) in his discussion claims that this relationship is to a large extent controlled by the right-holder, who "may ordinarily exercise their rights as they see fit" (:19). Such a mode of control is not absolute however, and is dependent on the

[8] There are of course certain deviations from this norm. For instance, children do not possess the right to vote because they are not fully intellectually developed. When they come of age however, the right is granted them.

will of for instance states and governments to respect a right and implement ways in which to effectively secure it for the right-holders (Donnelly 2003, Campbell 2006). A right may be secured in a number of ways. The most common and indeed the most effective naturally is its implementation within the legal system of each particular country. Human rights claims are generally only put forth when the responsible state has failed to incorporate a version of the particular right into its legal system. If it has been implemented within the national legal system, we generally call it a *civil right*, and a claim to secure the right is forwarded to the responsible government in question (Donnelly 1998:19, Pogge 2002). To formulate a claim in the form of a right is more effective than simply making an ordinary claim, since rights typically have priority over competing claims. The weight of a right is primarily moral. Human rights are in this context a special kind of right of primary moral importance (Donnelly 1998:19).

Discussing terms and the meaning of words in the West is all very well, but how are these words understood in China? Is language a factor here? The possibility of a "language factor" may be important to establish because the significance and the meaning of a particular word in a language will set the terms for how we talk about that word and what other words and values we associate with it. Indeed, it is often claimed by Chinese scholars and politicians that Westerners cannot understand Chinese politics because most people from the West have no command of the Chinese language. Understood in this way, we might be tempted to talk about two diverse vocabularies: a Western and a Chinese. This might be going too far, because Chinese scholars, especially since the beginning of the 1990s, have responded to and discussed political ideas derived from the West to a much larger degree than before (Goldman & Gu 2004, Goldman, Merle, Perry Link & Wei Su 1993). Clearly the Chinese make use of Western ideas to some extent, especially in connection with economic reform (Dittmer 2006:493-506).

If we follow up on this line of argumentation, what ideas pop up in the heads of most Chinese people when they think about the word *right*? David Kelly (2000) has acknowledged that there is a particular vocabulary that is given value in the West and sets out to pinpoint exactly what form of vocabulary this is. This vocabulary can be

termed a *rights-based morality*, a form of discursive morality that has a high degree of support in Western discourse (Kelly 2000:178-198). Such a morality, as Donnelly (1998) has clarified, is understood to be a system of rights for the individual, not the state. States have other means for securing their rights, whereas individuals do not have the same power to enforce implementation of their rights (Jones 1999, Miller 1995). This is why human rights are rights that are attained and should be secured for *individuals*. In Chinese such a meaning of the word right is not recognized in language. Here the connotation of the word is quite dissimilar from the Western meaning. In China the meaning of "rights" has been affiliated with *quan*, an expression that historically has had crucial connotations associated with the sovereign state and its rightful exercise of power (Kelly 2000:181, Wang Gungwu 1991:165-186). Indeed *quan* is significantly linked to the rights of the sovereign (or the nation in a modern context). Clearly, in Chinese language rights are understood as primarily rights for the *collective* and not the *individual*. In this context the duties that are most significant and should be emphasized are those that benefit the *collective good*, not just narrow individual interests. To sum up, we have to recognize that the meaning of the word *right* in China has implications for the Chinese conception of human rights in a way that makes this conception emphasize a quite different aspect of rights than in Western discourse.

To justify the significance of human rights and why *all* human beings should possess them requires a theory of human nature in some context. This shall not be put forth here due to the length of such a discussion. Simply put however, we have human rights because we are *human beings* and because it is perceived that *all* human beings should be *equal* and have the same opportunities to lead a satisfactory life[9]. The controversial

[9] For a criticism of the view that human rights are the rights we have simply because we are human beings, see Freeman (2002:60-61). Freeman points out that, if we follow the Universal Declaration of Human Rights, it is not made clear that we have rights simply because we are human beings in a universal context. Article 22 for instance claims that everyone has a right to social security because they are a member of society and not simply because they are human beings (Freeman 2002:61). In this sense human rights are not to be considered universal in the fullest significance of the word. There are certainly limitations.

(at least for some) with human rights is not their significance however, but whether they should apply for *all* human beings in *all* contexts, or in other words, whether they should be universal or not. The following discussion will evolve around this question and will try to resolve it by presenting two critical approaches to the universality of human rights and discuss the moral foundation of them. They are, as noted earlier, *realism* and significantly *cultural relativism*. First however, the role of human rights in international relations needs to be assessed. Three models of human rights in international relations will be presented, to illustrate the uncomfortable fit a theory of universal human rights has with an international order based on a structure of sovereign states. The three models may be entitled, in accordance with Donnelly (1998), "statist", "cosmopolitan" and "internationalist" (:28-30).

2.2.2 The tension between human rights universality and state sovereignty – three models concerning the role of human rights in international relations

States have for a long time been perceived to be the dominant actors in international politics. The question of national and state sovereignty insists upon itself, even though the role of international institutions and NGOs has grown bigger. A moral sub-set of human rights proclaimed to be universal in character fits uneasily with the notion of a sovereign nation-state. The position of human rights within a system of sovereign nation-states is uneasy, particularly if the rights in question are perceived to be universally applicable and morally confounding. If we elaborate on such a perception of human rights applicability, we soon run into a "statist" conception of human rights in international relations (Donnelly 1998:28).

The weak institutional and legal nature of the international system has traditionally remained a crucial argument of *statists* when denying the universality of human rights in an international context (Jones 1999). As Donnelly (1998) points out, the typical **statist model** views "human rights as principally a matter of sovereign national jurisdiction" (:28). Due to the absence of an international body effectively regulating the persistence of human rights and also the absence of an international community

per se, statists believe that human rights should remain under the jurisdiction of the nation-state and not play a major role in international relations (*ibid*).

A **cosmopolitan model** on the other hand would focus on the individual rather than the state. The nation-state is not supreme; it is being challenged on several fronts, namely from below by NGO's and individuals and from above by the so-called "international community" (so often cited while still remaining a somewhat unclear actor in international politics). The amount of pressure on the nation-state to respect and implement human rights within this model ensures that the preservation of human rights internationally is quite unproblematic according to cosmopolitans (Nickel 2004, Jones 1999). The descriptive power of a cosmopolitan model is small however, as states still play a major part in world politics.

A more moderate position, occupying the spectrum between a statist and a cosmopolitan model, is the **internationalist model**. Internationalists recognize that the "international community" in essence equals the "society of states" (Donnelly 1998:29). The society of states determines the norms on which human rights activity is based. As Donnelly (1998) recognizes however, these norms are not held by internationalists to be homogenous, but may vary in different contexts. The view that states and nations still play a major part in international politics combined with an internationalist notion of NGO and individualized pressure on the nation-state within the international community, leads Donnelly (1998) to advocate and indeed recognize that a weak internationalist model may be most appropriate to describe the nature of contemporary international politics on human rights (:29-30). How Chinese authorities position themselves within such a spectrum of human rights theory, may be an interesting discussion when analysing the CCP view on national and human rights.

The position of human rights in international relations is not resolved, even though Nickel (2004) for instance, claims that in essence human rights are universally held to be a necessary and crucial feature when aiming to secure a certain level of human dignity. The criticism of *realists* and *cultural relativists* indeed poses the most serious challenge to a universalistic notion of human rights (if not morally then at least in

practice). The following passage will quite briefly present the two criticisms of the universality of human rights in international relations, a theoretical reservoir that the CCP is tapping from when discussing human rights with their partners internationally.

2.2.3 Two criticisms of the universal applicability of human rights

For human rights to apply universally means that they are attributed to all human beings void of contexts such as cultural affiliation and national citizenship. Theories advocating a universal conception of human rights are quite common in political philosophy. For example, Tom Campbell (2006) draws on a substantial number of theoretical insights when he puts forth his theory of a "democratic positivism", a theory that aims to establish not only a universal normative foundation for rights in international politics and decision-making, but also to assess ways in which to effectively implement rights within a legal, social and political framework (:193) (see also Campbell 2004). A positivist concept (related to *legal positivism*) emphasizes the need for rights to be "established in legal, social and political institutions" for them to gain "meaning and value". Likewise, the democratic thesis Campbell (2006) promotes, clarifies the need for rights (of which both their form and their content are parts) to be, as Campbell (2006) puts it, "a matter for democratic debate and decision-making" (:193). Campbell's (*ibid*) view may be contrasted with a **realist** conception of human rights, which elaborates on the impossibility of moral politics.

Morgenthau (1954) puts forth a typical realist argument when he claims that "universal moral principles cannot be applied to the actions of states" (:9). The reason that this is impossibly foolish, realists claim, is due to the fundamental nature of human beings as evil and selfish, a human trait that ensures the anarchical nature of international politics. Of course, such a form of international anarchy implores the central actor, the nation-state, to fend for its own interests and above all take measures to defend against other nation-states, who are equally concerned about their own selfish ends. Only considerations about the *national interest* should guide political decisions on the international arena (Waltz 1979). Human rights in this context, a hardcore realist would say, constitute morality in politics and so may jeopardize efforts to protect the

national interest. One question insists upon itself however: What exactly constitutes the national interest? Isn't it possible for human rights to be a part of the national interest and even to promote it? As Donnelly (1998) demonstrates, there certainly is no need for politics to be amoral. The concern for security, sovereignty and economic development will of course constitute central features of any nation's political sphere, but there is no necessity for these concerns to be the only ones guiding the politics of a state. The capacity of the state is bigger than that (Donnelly 1998:31). Thus human rights may safely be included as part of, or an extended part of, the national interest in international relations.

Cultural relativism may be considered a supplement to realism when criticizing a universal conception of human rights[10]. Cultural relativism insists on the contextual nature of human rights. For example, Pollis (1982) has claimed that there are "three worlds" of human rights, namely liberal, socialist and Third World perspectives (Donnelly 1998:32). The liberal perspective, for instance, values civil and political rights more highly than economic and social rights[11]. The socialist perspective, traditionally most forcefully advocated by the old Soviet Union and China, has concentrated on economic and social rights, whereas the Third World approach often deny the applicability of human rights in their countries altogether, due to "special conditions" which require an overriding concern for national sovereignty and economic development. Donnelly (1998) is right to coin the two latter perspectives "group oriented" and the first one fundamentally individualist (:32). This is where the line of confrontation is drawn, as will be illuminated when analyzing the Chinese human rights discourse.

[10] Certainly both approaches can be recognized in the CCP's human rights argumentation.

[11] The United States for example has trouble accepting the universality of economic and social rights, a fact that the Chinese are sure to bring up in human rights discussions with the Americans. For a newer review of Pollis' argument about three worlds of human rights, see Claude & Weston (eds.) (1992).

What then does it mean to say that certain human rights norms are non-applicable in particular cultural contexts? First of all, culture differs. Surely, as Donnelly (1998) puts it, "cultural relativity is a fact" (:33). The world is not homogenous. However, does this mean that human rights cannot be universal? Only the most extreme cultural relativists believe so. Rhoda Howard (1993) has called this position "cultural absolutism" (:315-318). According to this radical stance, culture is the sole source of all values, a claim that in effect denies the very existence of human rights[12]. Few, if any, countries in the world today take such an extreme position on human rights.

Equally far-fetched is the idea of **radical universalism** (on the other end of the theoretical spectrum) that human rights are *totally* universal, to the extent that they should be implemented and secured in identical ways everywhere in the world (Donnelly 1998:33). Such a stance will surely prove to be politically and indeed morally impossible and rightly so there are equally few, if any, countries in the world that advocate such a position on human rights either. To address the true nature of relativist criticism of human rights universality more moderate positions need to be assessed. Two forms of cultural relativism may be recognized here, one *strong* and one *weak*. In the strong form human rights are recognized and accepted. However, they are seen to be "principally" but not totally reliant on cultural values and other circumstances, such as national history and tradition. The weak form, which Donnelly embraces, holds human rights to be modified only by "secondary cultural modifications" (*ibid*). The question is whether the very *concept* of the right is modified, or if it is only modified in form (of which of course the purpose is to successfully implement the right in a different cultural context) (Donnelly 2003, Campbell 2006).

The aim of this chapter has been to assess the theoretical foundation of not only the pragmatic nationalism as it is being wielded by the CCP, but also the human rights

[12] As noted before the CCP changed its position on human rights from complete denial (cultural absolutism) to acceptance with a strong relativist twist in 1991.

theories (especially the ones critical of human rights' universal applicability) that give direction to the CCP's and Chinese liberal nationalism's human rights argumentation. The next chapter will discuss methodological aspects associated with this study.

3 Methodological approach

The following discussion is divided into three sections, starting with 1) a brief presentation of the methods that will be applied, followed by 2) a clarification of the discursive framework that will serve as the basis for the analysis and finally 3) questions concerning the validity of the study. A final focus will be to introduce briefly the method of inquiry, *political discourse analysis*, to the reader. Sections two and three are closely interconnected, because the way in which each discourse is understood and confined will have important implications for the possibility to make valid claims within the analysis. The empirical basis of analysis will limit itself to two discourses and these are, as mentioned earlier, the CCP pragmatic nationalist discourse and the Chinese liberal nationalist discourse. In this context central questions should be: 1) which intellectual points of view should be interpreted as representing *state nationalism* in China and 2) how are we to understand *liberalism* in a Chinese context? There is no easy answer to any of these questions and definitely no consensus in the literature.

3.1 Political discourse analysis and its primary focus – the construction of narratives and "truths"

Michel Foucault (1972) has defined *discourses* as those "practices that systematically form the objects of which they speak" (:49). The practices that Foucault refers to here have an inherent *meaning* and a resolve that forms the *identity* of their audience. In this sense there is no possibility of understanding the world outside the framework of discourse. Indeed, if we follow Heidegger it is clear that human beings are thrust into this world of meaning and resolve and in this way cannot understand or grasp in thought objects unless they structure them within a framework of discourse (Mulhall 1996). A central concern in this regard is *how* these practices aim to generate meaning and in what way they influence the identity of their audience. The focus of interest for this study is discourses that are *political* in character. Clearly discourses are not set apart from politics and the concept of *power* in politics, because, as Howarth &

Stavrakakis (2000) has clarified, "their constitution involves the exclusion of certain possibilities and a consequent structuring of the relations between different social agents". This latter characteristic of the discursive framework echoes the meaning of power in politics, while the tendency of discourses to construct "in" and "out" groups and contradictory "antagonisms" spells out its political aspect (:4). Therefore the basis of discourse theory is the concern for "what it is that people come to believe about power and its exercise, and how they come to think that way" (Apter 2002:11644). To put it another way: the main goal of a political discourse is to interpret the world in a new way that resonates with people to the extent that they may change their own perception of their environment, whereas the main function of political discourse theory (or analysis) is to interpret these reinterpretations (*ibid*). To convince for instance the Chinese people of certain "truths" thus constitutes the main objective for CCP discourse, as it did for Mao in his rewriting of Chinese history after 1949, a rewriting that culminated in a new form of *revolutionary discourse* (Apter & Saich 1994).

As this is a very brief introduction to the field of political discourse analysis, several aspects of the methodological concept will be left out from this presentation[13]. A primary focus of this introduction will be to demonstrate the way in which political discourses manage to recount stories that become *collectivized* and subsequently form so-called *master narratives*. To substantiate such a process proves to be particularly potent when analyzing Chinese politics, as the CCP clearly not only wants people to believe certain "truths" about China as a national community, but also want them to act in accord with those beliefs. In order for a political discourse like the CCP state nationalist discourse to reach the goals of changing perceptions and political behaviour, a position of *agency* is required. Clearly, such a position is in the hands of the party elites. The party propaganda apparatus should have every possibility to fill the role of "storyteller" (Apter 2002:11646, Benjamin 1970). The main aim of the

[13] For a useful (though somewhat advanced) introduction to political discourse analysis, see Howarth & Stavrakakis (2000). See also Howarth (2000).

analysis consequentially is to establish in what way such master narratives are constructed by the CCP state nationalist discourse and in what way they are recounted within Chinese human rights discourse. To paraphrase Bourdieu (1977), the potency of the discussion evolves around establishing the point where the CCP political discourse generates *symbolic capital* and in what way it sets about doing this. One example of this discursive method, as will be analyzed in more depth at a later stage, is to establish counter-categories of what is "good" and what is "bad" to structure the borders of the discourse. Hence some words are given positive meaning ("collective", "stability", "national rights"), whereas some words are attributed with a significant negative meaning ("individual", "chaos", "personal rights").

How should we establish the structure of a particular discourse when we seek to analyze it? Which narratives should be viewed as part of the same framework of discourse? These are central questions when inquiring about the meaning and resolve of political discourses. In effect, the answer to these methodological questions constitutes the narrowing down of the analytical and discursive scope of this study, a way of structuring diverse sets of political ideas that has implications for analytical validity.

3.2 State nationalism in China as a political discourse – how should it be conceived and structured?

Nationalism in China is a *top-down* phenomenon, Fitzgerald (1996) and many other China scholars claim. However, since 1989 the character of the nationalism identified with the state has shifted. As Rosen (1997) has clarified, the increased prominence of nationalism as a form of ideology permeated the new Chinese debate in the 1990s, whether it was from "neo-Maoist, neo-conservative and neo-Confucian" starting points (Goldman 1999:705). It is now common to talk of two forms of nationalism in China: *state nationalism* and *popular nationalism*. Certainly the latter form has gained prevalence in later years (Hughes 2006, Gries 2004). Due to the new-found potency of popular expressions of Chinese nationalism, the periodic content and framework of state nationalist discourse has changed, making it a complex phenomenon (Unger

1996, Goldman 2005). As mentioned earlier, there has been a tendency towards a blurring of the previously strong affiliation between intellectuals and the state (Goldman & Gu 2004). This has led to a more complex and less uniform state discourse. As Goldman, Link & Su Wei (1993) has claimed, Chinese intellectuals are "changing their understandings of their identification with the Party-state and of their proper relationship to it" (:125). On one point the direction of state nationalist narratives is unchanged however and it is this direction that guides the definition of state nationalism within this thesis. The concern of these state nationalist narratives, whether they are culturally or sovereignty-based, remain with a sharp criticism of human rights, or more specifically, of *civil and political rights*. Therefore the discursive framework of analysis will be structured around Chinese views for and against the validity of this group of rights in China.

As mentioned earlier, state nationalism is linked within this thesis to a conception of human rights that challenge the validity of individual rights. A strict structuring of the state discourse in this way proves to be necessary if a meaningful analysis of the research topic is to be conducted. Whiting (1995) and Oksenberg (1987) with their characterization of a Chinese nationalism that is respectively coined "assertive" and "confident" nationalism, can safely be aligned with what we might call state nationalism in China (:295-319, 501-523). Wang Gungwu's (1996) notion of restoration nationalism however, is broader and may be considered a representation of respectively state, cultural and popular nationalisms. Zhao (2000) and his term pragmatic nationalism is a useful clarification of state nationalism and its main strategy, but clearly pragmatism is not solely a strategy that has relevance for state and Party agents in China nowadays. Obviously state nationalism is not easily confined into a single political discourse. Fundamentally, as Townsend (1996) has remarked Chinese nationalism may benefit either the nation or the state (:7, 23). Following up on this Townsend identifies that there are four "Chinese nations": 1) the official nation comprising all citizens of the PRC, 2) a nation of the Han (the dominant ethnic group and the values it is perceived to stand for), 3) a broader nation consisting of the PRC and citizens from Macau, Taiwan and Hong Kong and ultimately 4) a global Chinese nation consisting of Chinese people around the world that hold the belief that they are

still part Chinese (:28-29). Nationalist narratives put forth by the CCP emphasize all these different nations when constructing a platform of Chinese nationalism. Townsend (1996) however, claims that "it is the Han Chinese nation, not the PRC state, that is the focus of national sentiment" (:23).

How can we define state nationalism as a political discourse in lieu of these diverse sets of nationalist narratives associating itself with official Chinese nationalism? To confine state nationalism in China it may be useful to point out that it "portrays the state as the embodiment of the nation's will, seeking for its goals the kind of loyalty and support granted the nation itself and trying to create a sense of nationhood among all its citizens" (Townsend 1996:18). In this sense state nationalism in China employs the opposite of what Calhoun (1997) has called an "ascending notion of legitimacy", namely a "descending notion of legitimacy" (:5, Guo 2003:149-150). Calhoun (1997) connects the ascending notion to "the idea that government is just only when supported by popular will or at least when it serves the interests of 'the people' or 'the nation'" (:5). This form may be associated with the Chinese liberal nationalist discourse, in the way that it emphasizes the need for a government responsive to the people and respect for individual interests (and rights). The descending form does not necessarily challenge these claims, as Guo (2003) has pointed out, but nonetheless holds "that the government define the national will, national interest and national identity" (:150). In other words, to establish who the distributor of legitimacy is becomes crucial for both state nationalist and liberal nationalist agents. State nationalism then may be confined as a political discourse by its association with a descending notion of legitimacy, which implies a challenge to the idea that legitimacy flows from below, as well as an emphasis on the notion that the state, being an embodiment of the nation, best can secure a realization of national rights. A central aspect of an individual national citizen's interests is the procurement of her human rights. Therefore narratives that are seen to be a part of the Chinese state nationalist discourse within this study are restricted to those narratives that 1) challenge the validity of civil and political rights in China (by advocating national rights) and 2) that try to diffuse the distinction between the CCP and the Chinese nation (the Party is the

embodiment of the Chinese nation etc.). In this sense it is a narrow approach to restricting the scope of Chinese state nationalism as a political discourse.

The same narrow approach to structuring the political discourse at hand will be applied when defining what constitutes the *liberal* nationalist position in Chinese politics. Once again the focus will remain with narratives that have some something to say about the relationship between national (collective) and individual rights (understood as civil and political rights) in Chinese politics.

3.3 What does it mean to be liberal in China? The structuring of liberal nationalist discourse

Liberal nationalism has become a popular term in Chinese politics and is often seen in connection with the new rise of popular nationalism that Gries (2004) analyzes. The scope of what liberalism means in Chinese politics and intellectual life remains unclear however. To be fair liberalism is certainly no new phenomenon in China, but has historical roots all the way back to the end of the nineteenth century when the ideas of liberalism, democracy and nationalism was introduced to China. As He & Guo (2000) has clarified however, there has always been a significant state of tension between liberalist and nationalist expressions in China, something that is clearly mirrored within the state nationalist discourse when it comes down to the relationship between national and personal rights.

Liberalism has several incarnations in Western thought that will have implications for the analysis of the idea in Chinese politics. This thesis will concentrate on the political aspect of liberalism however, understood as *political liberalism*. Some relevant questions present themselves if we follow such a line of approach: 1) how can we define political liberalism in China and 2) what implications will this understanding of Chinese political liberalism entail for the structuring of liberal nationalist discourse within this thesis? As mentioned, the same line of approach will be applied as was applied when narrowing down the scope of state nationalist discourse, namely focusing on narratives that emphasize the prevalence of collective rights over personal

rights, or, in the case of Chinese liberal nationalism, that emphasizes personal rights over collective rights in China.

Chinese liberal nationalism is an unclear term and is applied differently within the scholarly literature. Zhao (2004) analyzes the phenomena in a broad way and incorporates into it forms of cultural nationalism, anti-Western nationalism, anti-imperialist nationalism and even some manifestations of racist nationalism. His discussion however is intended to say something about the dynamics of the new Chinese popular and state nationalist expressions in a much more general way than is the focus of this study. Naturally such a scope of analysis is not possible here.

In this study political liberalism (as a primary idea informing liberal nationalism) in China will be seen as a set of ideas that actively promote and seek to protect *civil and political rights*, and in this sense criticizes the state position on national rights. Political liberalists in China should constitute a *real* intellectual challenge to the government position on national rights and their collective human rights conception. Despite applying such a method of recognizing who are truly politically *liberal* in China, there remains the question of reconciling the two seemingly incompatible notions of liberalism and nationalism within one liberal nationalist discourse, for as He & Guo (2000) and Feng (2004) argue, there is an inherent mode of tension between these two concepts in Chinese politics. Why then is it plausible to structure the liberal nationalist discourse around narratives that seem contradictory to the very notion of nationalism or the concern for Chinese national greatness? This question will be answered during the course of the analysis by presenting the views of Chinese liberal nationalists. To let on a few of the main points, the "new" Chinese liberal nationalism is interesting to analyze because it tries to relieve the tension between a liberal approach to politics (meaning a liberal democratic approach) and a concern for China's national greatness and sovereignty. These narratives should serve to demonstrate why it is plausible to construct a liberal nationalist discourse in the way that this study does.

To finish off this brief methodological discussion, some questions regarding the validity of such a study should be addressed.

3.4 Validity of the study – the problems with structuring a diverse array of political ideas into a narrow discursive framework

To transfer a political concept that has one specific meaning in one context to a realm of analysis where the same concept may have a different meaning is always a problem. This has to be accounted for when analyzing the meaning of political concepts like liberalism and nationalism in China. Key terms like *rights* and *individual* are understood in alternate ways by many Chinese. Indeed, the framework with which Chinese scholars and international scholars studying China understand political concepts may differ substantially (Song Xinning 2001:61-74). This is no less true when analyzing Chinese nationalism.

Clearly this should be accounted for when discussing validity in connection with a political analysis of state nationalism and liberal nationalism in China. Central problems with such an approach may be: 1) Are key terms (like liberalism and pragmatic nationalism) understood correctly by the researcher? 2) In what way is it accounted for that the meaning of one term may not be the same in Chinese politics? Finally it is relevant to 3) establish whether key political narratives outside the chosen discursive framework really is part of the same political discourse, for instance if *cultural nationalists* should be included as part of the liberal discourse and can serve as an informant in relation to the distinction between collective and individual rights in China. Alternately, is the state nationalist discourse understood in too general terms? Obviously, to clarify the phenomenon of nationalism in China the role of the state needs to be closely assessed. However, is it conceived too broadly? To put it in another way: by interpreting the state nationalist discourse in such a broad way, will it cause other, perhaps challenging narratives, to be unfairly accommodated as views representing the CCP? As Goldman & Gu (2004) has clarified, the time when Chinese intellectuals were exclusively *state intellectuals* is past. This may be a weak point with a methodological approach that conceives of the state nationalist discourse in a way

that does not differentiate between for instance views put forth by semi-independent researchers from CASS (*Chinese Academy of Social Sciences*) and agents that are purely out to ram through party and state ideology. However, by focusing on narratives that have something to say in relation to a narrow conception of the debate, namely on the tense relationship between national rights and individual rights, it should be made clear that narratives that are broader in perspective is left out for a reason. As mentioned before, there is a huge array of political ideas that have some relation to for example the concept of nationalism in China today. To account for them all is if course not possible within this study. In other words, the rise of popular nationalism as a broad and prominent trend in Chinese politics is indeed interesting, but it is not the intention of this study to address it in a general way, like for example Hughes (2006) does. Instead, a close scrutiny of narrative and discursive *content* is intended to facilitate a valid and, perhaps even more importantly, a possible, analysis of such a widespread field of political ideas.

Before embarking on a closer analysis of the political narratives as they are presented within state nationalist discourse and liberal nationalist discourse, a brief introduction to the CCP argumentation within Chinese human rights discourse is necessary. This will be essential to establish whether there is a link between the CCP's *nationalist narratives* and the narratives that are being employed by China when "talking the talk" of human rights.

4 The Chinese human rights discourse

This section will provide a brief discussion of the Chinese human rights discourse to facilitate an analysis of the possible links between the CCP position on national rights (as well as the state nationalist position more generally) and Chinese human rights discourse. The focus will remain with 1) an empirical introduction to China and human rights, focusing on what conventions on human rights China has signed (and ratified), 2) a scarce summary of the criticism concerning human rights the international community has directed at China and 3) a survey of the argumentation China makes use of in a human rights context. This last point is the main focus of the chapter. The emphasis will be on the *official* Chinese human rights position as it is presented in the central government's "White Papers". The final part of the chapter will briefly analyze the Chinese human rights discourse and aim to establish who the participants are that contributes to it. Flowing from this: 1) to what extent is the discourse effectively controlled by the state and 2) is this a moral dilemma?

4.1 China and human rights – current treaty status

China has traditionally had more problems with certain sets of human rights than others. For instance, the country accessed and ratified *the International Convention on the Elimination of All Forms of Racial Discrimination* (CERD) and *the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) relatively early (28 Jan 1982 and 3 Dec 1981 respectively). Obviously this group of rights is acceptable to Chinese officials and represents no problem for China. Two of the most important covenants on human rights however, namely *the International Covenant on Economic, Social and Cultural Rights* (CESCR) and *the International Covenant on Civil and Political Rights* (CCPR), have been more problematic and subsequently was agreed upon much later. The CESCR was ratified by China as late as 2001, whereas the old Soviet Federation (another former socialist "comrade in arms") ratified it already in 1976 (Office of the United Nations High Commissioner for Human Rights, *OHCHR* 2006). The Soviets had a strong emphasis on economic and social rights

when talking human rights. China has caught on, but for a long time rejected the validity of human rights altogether. Now economic and social rights constitute a major part of the Chinese argumentation on human rights (Svensson 2000). Clearly the cultural rights included in the CESCR have been most troublesome for China.

The CCPR has only been signed by China (not ratified) and as late as 2005. Almost immediately after the signing of the treaty the State Council Information Office in Beijing published a White Paper entitled *Building of Political Democracy in China*, clearly as an elaboration on the signing of the CCPR. This is the first governmental White Paper ever to address the status and significance of political democracy in China (China Internet Information Center, *CIIC* 2005). This document contains some interesting clues to the Chinese skepticism versus civil and political rights, which will be exemplified later in this chapter. Surely signing the CCPR is only the first feeble step toward initiating such a building of political democracy in China. To be sure, even though Chinese officials have signed the treaty, there is still a substantial schism between theory and practice. This leads us to international human rights criticism of China, a criticism that is most forceful concerning Chinese violations of the CCPR. Such a survey of international human rights criticism of China has to be only introductory here. The situation after 1989 and the incident at Tiananmen should be the starting location of such a discussion, because the strong international reactions against China at that point in many ways served to moderate (at least in the short term) China's position on human rights.

4.2 International criticism of China's human rights record – the situation after Tiananmen

Following the CCP crackdown at Tiananmen in 1989 China became a pariah state in international relations and the country's severe human rights violations received a lot of attention internationally. The Party at first reacted with a hard line toward the participants in the protests and those thought to be affiliated with or supportive of the protest cause. Eventually however the CCP began reassessing their position on human rights with the Information Office of the State Council's issuing of the 1991 White

Paper *Human Rights in China* (China Internet Information Center, *CIIC* 1991). This came at least partly because of the strong criticism from abroad (Goldman 1999, Fewsmith 2001). However, as Rosemary Foot (2000) has clarified, this was not necessarily a softening of the Chinese human rights stance. It was an *offensive* strategy, focusing on creating for the CCP "its own view of human rights" and at the same time aiming "to upgrade its attacks on the human rights records of its major critics" (:137). China wanted a "dialogue", but carefully underlined that this was a dialogue "between equal, sovereign, states". Foot (2000) observes that this clarification by the Chinese was meant to strengthen the "argument that mutual governmental agreement to these forms of discussions did not undercut its particular definition of sovereignty". In this regard the Chinese sovereignty concept was still valid and very much alive, but at the same time China came to unwillingly realize that the state of human rights in the country rightfully could be subjected to "international scrutiny" (:137). The 1991 White Paper has many vague formulations about whether human rights are to be seen as universal or not. It seems that Chinese elites at that point claimed that human rights were universal, but in the paper so many reservations and restrictions on their applicability in China exist that it renders this principal stance meaningless. There is no surprise that CCP elites could not fully endorse civil and political rights after Tiananmen, but it might be surprising that with the economic liberalization of the country and not least the forthcoming Olympics in Beijing that the Chinese authorities still find it so difficult to respect fundamental political rights.

Human Rights Watch sums up the human rights situation in China one year before the 2008 Beijing games and finds that there has been no progress, even though all eyes will be fixed on China during the games and Chinese authorities are anxious to carry through the best impression possible. Brad Adams, Asia director of Human Rights Watch, describes the situation like this: "Instead of a pre-Olympic 'Beijing Spring' of greater freedom and tolerance of dissent, we are seeing the gagging of dissidents, a crackdown on activists, and attempts to block independent media coverage" (Human Rights Watch, *HRW* 2007). Chinese authorities are clearly not opening up, despite the huge financial, political and cultural implications of hosting the Olympics. Adams continues: "The government seems afraid that its own citizens will embarrass it by

speaking out about political and social problems, but China's leaders apparently don't realize authoritarian crackdowns are even more embarrassing" (*ibid*). Again, this is not news in China, but with the Olympics ahead one might fantasize of change. However, the rights embedded in the CCPR are deeply problematic for China, for many reasons. To move closer to the reason why, is a central task for this thesis.

How do China "talk the talk" of human rights? To establish this is crucial when aiming to verify to what extent there is a link between the CCP nationalist discourse and the Chinese human rights discourse. Characteristics concerning the human rights discourse like who are its discursive participants are of course important, and will be assessed more closely at the end of this chapter. For now however, we can assume that inquiring into the *official* position of the CCP in relation to human rights will be fruitful.

4.3 The CCP human rights position – defending against civil and political rights

In 2005 China addressed political democracy and political rights for the first time in an official document (China Daily 2005). It emphasises that the Chinese constitution now includes a statement saying that "the State respects and safeguards human rights (as of March 2004) (CIIC 2005). How are the people's rights guaranteed, according to the Chinese government? The CCP's argumentation in connection with two groups of rights, are to be analyzed here. Economic, social and cultural rights are left out, because the CCP's concern for the so-called right "to subsistence and development" is interpreted as partly affiliated with the former group of rights (CIIC 2005). This is not to say that economic, social and cultural rights are not important within the Chinese state nationalist discourse, something that will be demonstrated when analyzing the concept of national rights.

The *right to subsistence and development* constitute its own group, mainly because it is (and has been) so heavily emphasized by the Chinese government. Indeed, if we quote the 1991 White Paper on human rights, it is possible to identify just how strong

the emphasis on the right to subsistence has been in Chinese human rights discourse. There it is simply identified as "the foremost human right". Further, it is claimed that "the right to subsistence is the most important of all human rights, without which the other rights are out of the question" (CIIC 1991). This is a long-standing human rights position of the CCP, which is echoed in the 2005 White Paper on political democracy (CIIC 2005). The second segment of the right that the 2005 White Paper calls the right to "subsistence and development" clearly has become more relevant as China moves further and further down the road of economic reform.

4.3.1 The status of the right to subsistence and development – the official position

Without doubt the CCP is proud of the economic achievements China has made since the beginning of reform. To be sure the continued success of economic reform is vital for the Party, as *economic legitimacy* has become the primary source of legitimacy for the CCP (Downs & Saunders 1998). According to the Chinese government the "people's rights to subsistence and development are guaranteed" (CIIC 2005). Exactly in what way these rights are to be guaranteed by *law* is not made clear. Indeed, in the next sentence the paper acknowledges that the CPC [the Chinese People's Congress] "has made tremendous efforts to realize the people's rights to subsistence and development" (CIIC 2005), but goes on to say nothing about how it is *guaranteed*[14]. In general however, strong economic development has made many Chinese people come out on top compared to the situation before reform, though this has come at the cost of increasing income disparity between people and between regions. Clearly, emphasizing this particular right when trying to paint a positive picture of the Chinese human rights record is a good idea, something that the CCP has recognized.

[14] To learn more about the implementation of human rights law in China and the massive steps that need to be taken to create a functional system of *rule of law*, consult Peerenboom (2002).

The rights that are most controversial and, if we follow the official view most "alien" to China are the civil and political rights that are imbedded in the CCPR. Human Rights Watch and Amnesty International, as well as the US State Department, each year document rather systematic violations of civil and political rights in China (for the US State Department's annual report on human rights see U.S. Department of State 2006).

4.3.2 The CCP characterization of the situation concerning civil and political rights in China – a Chinese political democracy?

When analyzing the CCP's contributions to the human rights discourse in China, it soon becomes clear that their main task is to challenge the validity of the "liberal" rights (civil and political rights) for China. Other rights are more important than these rights, the CCP claims, and besides, China is not yet ready to implement political rights (see chapter 5 & 6). Despite the Chinese government's scepticism of this "Western" concept of rights, the CCP states: "Citizen's civil and political rights are guaranteed" in China. In this sense, the Chinese Constitution and its legal framework "protect citizen's rights to freedom of religion, speech and press, and of association" (CIIC 2005). Once again, the absence of *rule of law*, or even *rule by law* in China, in combination with the ample documentation of human rights violations concerning this group of rights, require that such a statement by the CCP should be doubted in the strongest manner possible. As Peerenboom (2002) has argued, China has a long road ahead to *rule of law* (a situation where the rulers are not above the law). Clearly, even though the CCP claims these rights are *guaranteed* through the Constitution and in national law, in *practice* no one analyzing Chinese politics from outside the Party would acknowledge the validity of this claim. Indeed, as the US State Department often stresses in its annual report to the US Congress on human rights, many categories of rights are guaranteed within the Chinese Constitution. In practice however, these rights are not legally guaranteed and are frequently violated (U.S. Department of State 2006).

If we move beyond the language of rhetoric and "state of the nation"-like characterizations, what does the CCP say about their preferred direction concerning human rights in China? Obviously things have changed since Tiananmen. Chinese officials *know* how to "talk the talk" and, to be fair the new prominence of China in world markets has ensured that human rights are no longer at the top of the agenda in meetings with Chinese representatives. For the United States, Chinese decisions concerning the value of the Chinese currency seems to be more important than the non-responsive and authoritarian nature of the CCP or their violations of (at least until recently) America's "favourite" category of human rights, civil and political rights. Indeed, not surprisingly, the old notion of "socialist democracy" is still utilized by the Party. In relation to this it is claimed: "Respecting and safeguarding human rights, ensuring that the people enjoy extensive rights and freedom according to law, represents an intrinsic requirement for the development of socialist democracy". So, if we follow the official view, human rights are of primary concern for the CCP. One other concern is also stressed, namely the concern for maintaining "national sovereignty and independence" (CIIC 2005). Naturally this has always been a concern for the CCP, but has been more forcefully emphasized by state nationalists in the Jiang and Hu era. Nationalism has become more important and the fact that national sovereignty concerns are seen as a priority and a counter-argument within the human rights discourse may indicate that there indeed is a link between the CCP narratives being employed as part of state nationalism and the narratives that Chinese officials use to facilitate a *Chinese* conception of human rights.

After this brief introduction to the Chinese human rights position an assessment of the human rights discourse in China will be put forth, focusing on who the participants in this discourse are and whose narratives dominate it. In chapter 2 the point was made that Chinese politics (and Chinese nationalism) traditionally has been portrayed as heavily state-led (Fitzgerald 1996, Townsend 1996). In following such an approach then, it is to be expected that the Chinese human rights discourse is fundamentally dominated by the state elite as well.

4.4 The Chinese human rights discourse – a state monopoly?

Ever since the initial crackdown on Tiananmen dissidents China to a larger extent than before has supported and even actively encouraged human rights research, mainly to defend against human rights criticism. This new effort of course involves a substantial degree of rhetoric (governmental White Papers etc.), but also research with more substance to it being initiated by Chinese researchers[15]. The amount of published material is said to exceed 100 books and compilations in this period (Zou Sicheng 1995:36-37). Despite this effort (heartfelt or not) by the Chinese authorities to promote research on human rights, sanctions against "those who unauthorized attempt to demand or discuss human rights", remain strong and decisive (Svensson 2000:206-207). This decisiveness by the CCP underlines the assumption theoretically that the Chinese nationalism and human rights discourses are effectively controlled by the central government and their allies. However, the party elites are not the only contributors to the realm of human rights discourse in China.

As may be expected when considering a constructivist conception of Chinese politics, the Chinese human rights discourse is highly monopolized. Svensson (2000) however has linked three groups of contributors to the debate, namely the CCP elites themselves (as the dominant party), semi-autonomous researchers and intellectuals (often working within institutions directly or indirectly controlled by the state) and finally, Chinese liberal intellectuals. The latter group may be considered the *only* direct opposition to the CCP view of human rights, due to the second group's close affiliation with the central government[16]. Because of this no effort is made within this study to distinguish between the first and second group. Instead the statist perspective

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[15] For a useful overview of this research see Zhou Wei (1995) in James Tang (ed.) (1995): *Human Rights and International Relations in the Asia-Pacific Region* (pages 83-96).

[16] Goldman (2005) has claimed that following the party line has become less important and less mandatory for Chinese researchers, even if they are employed by the state. This development may complicate matters when aiming to clearly define the state discourse and what is its agenda. A more unclear position for intellectuals as agents operating *between* state and market may be the cause of this (see Feng 2004).

in its totality will be assessed in comparison with the only *real* alternative, Chinese liberalism. Again, this may seem like a much too broad palette, but the focus will remain on issue and content, not on who signs the pay-check.

Why is it disconcerting that the Chinese human rights discourse remains so heavily dominated by the state? To answer this question it is also highly imperative to adequately assess the additional question of *how* the Chinese human rights discourse is monopolized by the party.

4.5 The CCP and the monopolization of the human rights discourse – method and moral dilemma

To what extent is the Chinese human rights discourse monopolized? To answer this question a clarification of what it means to have a "healthy" human rights discourse needs to be assessed. Donnelly (2003) discusses this question in relation to the universality of human rights, both in theory and practice. A healthy human rights discourse in this context is characterized by a number of parties contributing to it. There is a mode of *real* debate and also a functional form of pressure giving direction to the revitalization of the discourse (Risse, Thomas, Stephen Ropp & Kathryn Sikkink 1999). In this sense the Chinese human rights discourse is *unhealthy* because it shuts out alternative viewpoints, especially viewpoints that invoke the idea that human rights are universal and not specific to culture, tradition and stage of economic development. Of course, talking in this way may seem too idealistic as any political discourse will seek to establish hegemony and subdue other discursive directions.

To follow up on this argumentation will mean to clarify *how* the discourse is monopolized. Fitzgerald (1996) claims that Chinese politics can be characterized as a *top-down* affair, with a weak or non-existing form of opposition to governmental decision-making. Within the Chinese human rights discourse this becomes clear. The *top-down* character of Chinese human rights work is evident, in the sense that China wants *dialogue* with foreign governments, but *not* its own people (Svensson 2000:208). For human rights to possess the power capable of transforming societies,

the existence of a conscious citizenry and NGOs willing to pressure the authorities on issues concerning human rights remains a necessity (Risse et al. 1999). This condition is not met in China. To begin with, truly independent NGOs (*Non Governmental Organizations*) are practically non-existing in Chinese politics today, although the tendency where semi-autonomous NGOs establish themselves, as noted by Saich (2004), may be significant in a longer run. Secondly, the non-involvement of Chinese citizens in the debate on human rights constitutes a major moral dilemma: Chinese elites fully represent China in human rights discussions with foreign powers, yet they are *not* democratically elected by the Chinese people. In that sense the Chinese people have to live with the results of human rights disputes with other countries and the CCP viewpoint on for instance political freedom, but have no way of affecting the *outcome* or *choose* the participants that should represent them in this debate. This moral dilemma demonstrates a clear problem with the Chinese human rights discourse, in the sense that it is really not a *true* debate but instead is recreated from a position of discursive *hegemony*. Establishing hegemony is indeed a central aim for any participant in a discursive community (Apter 2002). A hegemonic position in this degree is worrying however (from a liberal democratic perspective), because of a fusion between agency and discursive control within the Chinese discourse itself. Marina Svensson (2000) comments on this two-fold dilemma like this: "Since the actual violator of human rights generally is the state, the fact that it is the sole agent in the debate on human rights as well as a self-proclaimed defender of human rights, gives cause for worry" (:208). To follow up on this statement: Chinese elites are both the main *player* and rule-maker of the Chinese human rights debate.

There is ambivalence also in Western discourse on questions such as agency and representation. An example that springs to mind of political philosophy that *de facto* allows for a non-representative model of human rights dialogue resembling the one that China is favoring, is the consensus-based theory of John Rawls (1999) in *Law of Peoples*. Rawls uses the term "decent hierarchical peoples" to identify a particular type of regime that has the potential to and in fact *should* take part in rights-based discussions on an equal footing with liberal democratic regimes (:62-63). The problem of course with Rawls theory on this point is the question of representation. From a

Western point of view there is a substantial degree of injustice associated with the idea that national citizens in China should be represented in international human rights discussions by an elite that they cannot elect. After all, it is the Chinese people that will have to endure human rights violations without the possibility of steering the debate in a more favorable direction, both internationally and on the domestic stage (Yijiang Ding 2000). This discussion will be revived in chapter 6, when assessing the liberal nationalist challenge to the CCP view on civil and political rights.

5 “Stability first” – the function of national stability and social order as bulwarks against civil and political rights for the CCP

The main aim of this chapter is to analyze the party’s pragmatic nationalism and its emphasis on national stability and order as *a priori* concepts within the Chinese human rights discourse. It will also be of primary interest to assess the CCP’s position on national rights and the notion that democratic civil liberties have a strong correlation with secessionism and instability for China. The latter argument is closely linked to the party elites’ favored *gradual* approach to introducing human rights in China. What is the core of the Chinese elite argumentation on this point and how is it used within the Chinese human rights discourse to deny the applicability of concepts such as democracy and individual liberties in China, both in the short and long run? The CCP argues that national sovereignty should be considered a guiding principle in politics, while the Chinese liberal nationalist discourse emphasizes popular sovereignty as a central premise of a rational and democratic form of nationalism.

First however, an analysis of the core principles of Chinese pragmatic nationalism is in order. The intention of this chapter is to demonstrate that the pragmatic nationalist agenda of the party is a major distributor of rhetoric and normative content to the Chinese human rights discourse.

5.1 Pragmatic nationalism in China – why was it adopted?

To answer this question a brief background of China’s “century of humiliation” is in order, because the Chinese experience with foreign imperialism in the 19th and 20th century has dominated and still dominates the Chinese nationalist discourse.

Nationalism as a concept was introduced to China at the end of the 19th century. It was imported from Europe along with the concept of democracy (and liberalism). A tension between liberalism and nationalism became apparent in Chinese thinking at an

early stage (He & Guo 2000). With the import of the new ideas happening in a period characterized by foreign influence and dominance in China, there was a shift "from cultural entity to political entity", essentially replacing the Confucian state with an imported nationalism to counter foreign imperialism (Whitney 1969:26-29, 160-162). Indeed, the crucial significance of protecting the nascent Chinese national identity against, to begin with the West, and fundamentally, in the 1930s, the Japanese, was considered by a vast majority of the Chinese (even liberals) to be of such a paramount importance that it had to come *before* the concern for the rights of the individual (Zhao 2004:19-20). Thus liberalism was sacrificed during the 1930s and was most definitely not restored during the early years of CCP rule.

Crucially, as Garver (1993) has recognized, to repair this humiliation of China at the hands of foreign powers has been the main engine powering Chinese nationalism and "this determination to restore China's national grandeur" has defined China's vision of itself towards the outside world and created a particular *language* of how to do politics successfully for Chinese elites (italics added) (:20). Indeed, this position is not even controversial in China and has a wide variety of support among the people, something that of course has been recognized by party officials. Fundamentally, this concern for restoration of Chinese power, combined with an overriding emphasis on the national interest as something that needs to be protected against foreign agitators, is the main basis for the CCP's adaptation of pragmatic nationalism. Zhao (2000) has claimed that the pragmatic attitude to politics in China was adopted mainly because socialism found itself in a legitimacy crisis after Mao's death in 1976. This was a three-fold spiritual crisis (in Chinese: "*sanxin weiji*") constituting "a crisis of faith in socialism, a crisis of confidence in the future of the country, and a crisis of trust in the party" (:17). The pragmatists, most famously personified by Deng Xiaoping, reacted to this spiritual dilemma with a clear resolve to modernize and empower China. They were prepared to adapt almost any pragmatic means (save an approach that would disown the party of its power) to achieve this goal, even the utilization of Western technology and administrative ideas.

This is the background for the adaptation of pragmatism in Chinese politics, a way of thinking that has permeated Chinese society since the early 1980s. Some questions present themselves after this brief background analysis, namely: what constitutes the content of pragmatic nationalism more specifically? How does it create narratives that give direction to Chinese human rights discourse?

5.2 The CCP's pragmatic approach to nationalism – content and discursive power

To analyze to what extent pragmatic nationalism is an informant to the Chinese human rights discourse, *both* a clarification of the Chinese human rights stance and an analysis of core concepts within CCP's pragmatic nationalism has to be put forth. This segment will focus on the latter (for an analysis of the former see chapter 4).

As was demonstrated in the previous passage, pragmatism was adopted to make China strong again. According to pragmatists the main reason for China's weakness when confronted with the colonial powers, was a lack of modernization. To modernize China *any* method can be adopted, as long as it achieves that goal. This is most famously demonstrated by Deng's saying: "it doesn't matter if it's a black cat or white cat as long as it can catch rats". Indeed the saying has proved to be a perfect description of Chinese politics since then, with its focus on "building socialism with Chinese characteristics". The interesting part of the slogan for the purpose of this study is of course to analyze what is meant by the latter expression, "Chinese characteristics". Zhao (2000) interprets the expression to mean "any ideas that may threaten their [the CCP's] authoritarian rule" (:10). It is interesting to note the similarities between the "Chinese characteristics" term and the term that the party also uses, namely "unique national condition". This is essentially an invocation of the same idea that China is characterized by a set of special circumstances that makes some ideas and modes of structuring a society non-eligible for the Chinese nation, at least in the short run (Fitzgerald 2006).

What is meant by “unique national condition”? To establish this is crucial before an analysis of pragmatic nationalism can take place.

China has traditionally not emphasized cultural arguments in human rights disputes, something that Svensson (2000) points to when she says that China “does not rest its argument mainly on cultural differences, but argues that different levels of economic development give rise to different conceptions of human rights” (:209). Such an argumentation is closely linked to the idea of a “unique national condition”. This is nicely illustrated when confronted with this statement by Liu Huaqiu, the head of the Chinese delegation to the 1993 UN World Conference of Human Rights: “The concept of human rights is a product of historical development. It is closely associated with specific social, political and economic conditions and the specific history, culture and values of a particular country. Different historical development stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights” (quoted from Tang 1995:214). Apart from the apparently relativist wording of the passage, using the words “specific” and “different” a record amount of times in such a short while, it is clear that the *real* argument being promoted here is not that of cultural relativity but rather the one about economic development and “unique national condition”. Liu Xiaobo (1996) attests to the significance of this condition when he claims that the CCP to the largest extent has denied the applicability of “Western” values in Chinese society due to the perceived existence of a “unique national condition” (Zhao 2004:223). Zhao identifies the main components of China’s “unique condition” as “relatively limited natural resources, an overcrowded population, and a relatively underdeveloped economy arising out of modern historical turmoil and foreign imperialist exploitation” (:224). Because of these special conditions China is not ready for implementing “Western” values and should stick to “Chinese” values such as communality and solidarity to secure the goal of societal development. Time is a factor here that may moderate the CCP’s oppositional stance to this set of “Western” values, but no time line for implementing *rule of law* for instance has ever been set by Chinese officials. That the Chinese feel no need to set deadlines is perhaps not a surprise if we account for the level of patience many

Western countries, including Norway, has had with Chinese counterparts in human rights discussions.

What then characterizes the pragmatic nationalism as it is employed by the CCP? The crucial engine of it is concern for the national interest. This leads Zhao (2000) to claim that pragmatic nationalism is "assertive" because its main concern is defending and promoting China's national interest (:15). Wang Jisi (1994), a leading Chinese pragmatist, claims that the crucial focus of the CCP's pragmatic nationalism "is to build a politically, economically, and culturally united nation-state when foreign and largely Western influences are seen as eroding the nation-state's very foundation" (:30). The "Western influences" described as "eroding" by Wang Jisi may be aligned with the individualistic (at least from a Chinese perspective) values of the West, values such as a strong concern for the individual and the rights of each citizen to assert their civil and political freedoms. As was clarified in chapter 2, the meaning of the word right is dissimilar in Chinese language, something that influences the way in which human rights are conceived of in China. A *collective* take on rights is evident here, contrasting with the dominant *individual* take in Western discourse. In this sense rights are for the state, not the individual. This understanding of the word "rights" is underlining the CCP argumentation on national rights and indeed is characteristic of Chinese pragmatic nationalism. The central question evolves around *how* this emphasis on rights as something primarily credited to the ruler creates a political discourse that is utilized in human rights disputes. To analyze this there is a need to assess the overarching position of the national interest concept in pragmatic nationalist discourse.

5.2.1 National interest – the main engine of the CCP's pragmatic nationalism?

The national interest is a concept that is continuously assessed and evolved in confrontation with the outside world. Andrew Nathan & Robert Ross (1997) describes this dynamic by saying that "[for pragmatic nationalists] both the nation's problems and most of the possible solutions were perceived as coming from the outside" (:32-

33). In this context there is a dual process of "both reacting to and absorbing from the outside world" (Zhao 2000:14). Jiang Zemin demonstrates that a main focus of the CCP's pragmatic nationalism is not simply to *dismiss* foreign ideas in this statement, where he claims that "the development and progress of China is inseparable from the achievements in civilizations achieved by every country in the world". Because of this "China needs to learn and assimilate the excellent achievements in the creation of civilization achieved by the people of every country in the world" (Xinhua May 3 1990). Michel Oksenberg (1987) has called this side of pragmatic nationalism in China "confident nationalism", because it seems to hold certain the notion "that over time China can regain its former greatness through economic growth", primarily "based on the import of foreign technology and ideas" (:505). Not just any ideas are seen as beneficial for the Chinese national interest however. Deng Xiaoping (1993) exemplifies the Chinese official distinction between preferred and non-preferred values in this statement: "Their talk [the Western countries] about human rights, freedom, and democracy is designed to safeguard the interests of the strong, rich countries, which take advantage of their strength to bully the weak and to pursue the interests of the hegemonists and those practicing power politics. We never listen to that stuff" (clarification added) (:345). The confusion of cultural and political norms is clear within such a statement. Human rights, freedom and democracy are being dismissed by Deng as Western rhetoric designed to threaten and infringe upon the national interest of China, but also as indicators of Western culture, which in this context *also* is perceived to be a threat to China and Chinese culture. As Deng (1993) continues to assert in his statement the essential difference between the cultural values of the West and China is that the Western value system is overly *individualistic,* whereas the cultural norm in China is to put the collective before the "selfish" interests of the individual. It seems that even though China officially recognizes the significance and validity of human rights, there is a strong wish on part of the Chinese to mainly associate this set of norms with Western countries, claiming that the concern for *individual* rights are deeply embedded in the West, but not in China (Svensson 2000). While the latter part of this point is certainly quite true, the first part of the argument fails to recognize that historically there has been considerable disagreement

also in the West on what conception of human rights should apply[17]. This misconception is linked to an instrumental understanding of human rights in China, emphasizing that this subset of rights is a device that may come to threaten China and force the country into following a path not in China's interest. Guan Shijie (1996) for example, a scholar at Beijing University, views human rights as a tool used by the West to shroud their "close-minded intentions of suppressing China and the rest of Asia" (:4). He is representing in this extent a typical expression of the "foreign threat view", a perspective that is not only represented by Chinese viewing the outside world but also by Westerners that view China (Roy 1996, Christensen 1996, Bernstein & Munro 1997).

Clearly, total Westernization is seen as a threat to the primary interests of the Chinese people and deemed unfit for China. Certainly any country in the world adheres to cultural and societal values that they themselves see as universal. This is also the case in China, as will be demonstrated in chapter 6, where the CCP's human rights stance will be analyzed in conjunction with the liberal nationalist criticism of it. Going from the point of view of universalism in a national context to claiming that *some* values are a threat to your own society's values are an entirely different affair however. As a consequence of this argumentation by the party, the resolve to meet perceived pressure from the outside with a steady hand is strong and some foreign initiatives are easily interpreted as meddling with the internal affairs of China as a sovereign nation[18]. What

[17] Consider for instance the claims made by critical human rights conceptions like communism, fascism and communitarian perspectives to name but a few.

[18] Consider for instance China's unwillingness to criticize and put pressure on the military dictatorship in Myanmar. China, as a major trading partner with the regime, could have pressured it into dialogue with the democratic movement and condemned violence against peaceful protesters. Chinese officials however, when addressing the situation in September 2007, insisted that China would not involve itself in another nation's *internal affairs*. Clearly the national sovereignty principle is guiding Chinese diplomacy here. Additionally, for China to condemn violence against peaceful protesters in lieu of its own actions at Tiananmen in 1989, is not only hypocritical but is surely seen by the Chinese elites as a possible *carte blanche* for dissidents and protesters in China itself. As Wu Xinbo (2001) has noted, this rigid Chinese position has left the country inflexible on the

constitutes such foreign pressure and internal meddling according to the CCP pragmatic nationalism? What is said to be beneficial lessons from the outside and what is claimed to be unbeneficial and dangerous? The analysis of this question calls for an assessment of two primary concepts within the Chinese pragmatic nationalist discourse, namely 1) the concept of national rights, and 2) the emphasis and significance of stability in a Chinese context. To begin with the CCP's argumentation on national rights will be analyzed.

5.2.2 The conflicting claims of national and individual rights – a historical necessity or political manipulation?

National rights usually are seen as in conflict with individual rights within nationalist discourse. This has indeed been the case in China, primarily due to the elevation of national sovereignty concerns at the expense of individual freedom. With the Japanese invasion of China in 1937 a concern for the very preservation of a Chinese national identity presented itself and in essence there was a consensus among Chinese elites and citizens alike that national rights (at least during this period of crisis) had to have priority over individual rights (Townsend 1996). However, this threat to the preservation of a Chinese national sovereignty is long gone. Still, the party's nationalist discourse emphasizes national rights in no lesser degree than before. Why is it that national rights still have not lost their relevance for the Chinese elite?

The answer to such a question is related in the strongest sense to the question of national identity in Chinese politics and the perceived threats to it. Clearly there is a concern on the part of Chinese elites, at least officially, that granting civil and political freedom may lead to secessionism and the disintegration of China. Surely the possibility that these political rights may enforce ethnic nationalism, the natural enemy of state nationalism, has led the CCP to not utilize arguments defending traditional

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international stage and has rendered "Beijing unable to respond convincingly to criticism from Western nations of its internal policies on political reform and human rights" (:296).

culture and local customs within the human rights discourse, in the way that many African countries have done (Svensson 2000)[19].

In this sense national rights are closely correlated with concern for the national interest in state nationalist discourse. If we follow up on the argumentation from chapter 2, concerning the confusion of *state identity* and *national identity* in the study of Chinese politics, it becomes clear that the CCP aim to construct a master narrative that does not make a distinction between these two forms of identity. This leads He & Guo (2000) to discuss the anti-thesis of the *state identity* that the CCP prefer, signified as a "democratic national identity". They point out that even though there is a tendency in China towards "a more open, plural identity" establishing itself, this is *not* the same as a democratic Chinese national identity (:206-207, Friedman 1996). A democratic national identity has two main characteristics, He & Guo (2000) has claimed. In this sense a democratic national identity should recognize that 1) "democratic institutions are the essence of national, or daily, life of people", and 2) that a democratic national identity is a referral "to a national identity that is achieved democratically through management and negotiation" (:207). Both points are important indicators of not just a process of opening up, but a process of democratization in China. The latter point is a link to the participatory nature of being a national citizen, a primary focus for liberal nationalists in China. There should be an opportunity for Chinese national citizens to participate and have a say in the direction of the Chinese nation, liberals claim. According to Zhao (2004) Chinese liberal nationalists believe "that China's national rights should be rooted in the struggle for the individual rights of the Chinese people", a position that the CCP pragmatic nationalists most definitely does not share. The Chinese liberal nationalist approach is an invocation of the popular sovereignty concept, meaning that sovereign power is attributed to the people and that the government should respect and not trample on the inherent individual rights of national citizens (Wang Lixing 2000:22). The CCP's approach within the pragmatic nationalist discourse on the other hand is an invocation of the national sovereignty

[19] In fact traditional culture was one of the arch-enemies of the Revolution according to Mao.

concept, emphasizing the state's sovereign right to exercise power, both in relation to its own people and when confronted with the contesting claims of other nations.

How are the words "sovereignty" and "national rights" given value within pragmatic nationalist discourse, as opposed to the negative value attributed to words such as "individuality" and "individual rights"? In this context it is significant to note that the two first terms are linked to patriotism and the rightful exercise of Party power, whereas the two latter terms indicate an unpatriotic affiliation.

5.2.3 The meaning of patriotism in pragmatic nationalist discourse

Most analysts on China issues the last ten years have interpreted the new rise to prominence of Chinese state nationalism as a supplementary way of securing legitimacy for the party (Fitzgerald 1996, Townsend 1996, Guo 2003). Indeed the primacy of concerns like "national unity, national identity and national autonomy" should not be overstated, Guo (2003) says. To be sure the overriding concern of the CCP is the party's continued monopoly of state power and not so much concern for the nation itself (:29). Clearly then, pragmatic nationalism is basically the same as state nationalism. The main goal of state-controlled nationalism in contemporary China is to create a discourse where the fate of the nation is closely associated with the continued rule of the CCP (Townsend 1996). In what way do the nationalist elites set out to achieve such a task? After all, empirical evidence shows that the percentage of the population that values communism and socialism, the old ideological building blocs of CCP legitimacy and power, is falling fast (Guo 2003:28). To discuss the discursive content of pragmatic nationalism in this way, a clarification of what *patriotism* means, according to the Party, proves crucial.

At first glance it is certainly curious to see just how much the definition of patriotism has changed since the early days of CCP rule. In 1951 the content of the patriotic doctrine was "opposition to imperialist aggression and feudal oppression, it is upholding the fruits of the Chinese revolution, it is upholding the New Democracy, it is upholding progress and opposing backwardness; it is upholding the working people, it is upholding the international alliance of China and Russia, the people's

democracies, and the working peoples of the entire world; it is struggling for the future of socialism" (Li Weihan 1951:38). To put forth what is patriotic of course means that the opposite, the act of *not* supporting the alliance between China and Russia for instance, is unpatriotic. Today however, patriotism clearly is something entirely different from what it was during the early days of the Revolution, now signifying "pride in the country's outstanding contributions to the civilization of humanity, its broad and profound traditional culture, to acknowledge the basic national conditions, to follow the political line of the Communist Party of China, to recognize the Party's achievements, to uphold socialist democracy and abide by the law, not to harm national defence, national security or national unity, and to accept the principles of peaceful reunification, and one country two systems" (*Beijing Review* September 26 – October 2 1994:4).

Some elements here are of particular interest. First and foremost the declining role of socialism within the patriotic canon is obvious. Now the achievements and the role of the CCP are amplified, making the allegiance and endorsement of the party line more important than the ideological support for socialism. There really is no surprise in this. With the policy of reform and "opening up" bringing with it a liberalization of economic policy and distributive politics, the normative power of socialism and communist doctrine is weakened. Only nationalism is sufficiently powerful and has enough support among the populace to function as a replacement for old socialist ideology (Shue 2004). As Xiao Gongqin told the Western reporter Steven Mufson "the previous ideology has gone into decline. A large country such as China needs something to keep the country together. So nationalism is taking the place of the previous ideology as the coalescing force" (*Washington Post* April 1-7 1996). Xiao Gongqin thus has a clearly instrumental approach when interpreting the function of nationalism for the Chinese state. Indeed Zhao (2000) has talked about "instrumentality" as one of the primary characteristics of the new pragmatic nationalism (:16-17).

Secondly, the emphasis on the so-called *basic national conditions* is interesting. What are these and to what extent are they instrumental in determining exactly what ideas

and practices remain in conflict with the Chinese set of national conditions? The very existence within pragmatic nationalist discourse of something like basic national conditions is significant, because the CCP, being in direct control of the apparatus of the state (including the instruments of propaganda), has every opportunity to control what should be seen as threats to the national conditions at every time. This is why the CCP so easily can disarm ideas like liberal democracy and civil rights by emphasizing the national conditions of China, whose assessment of threat are continually evaluated by party elites under the veil of patriotic nationalism. In this sense of course, promoting liberal values like civil and political rights (as the liberal nationalists are doing) are unpatriotic because they [liberal values] are perceived to be unsuitable for China and the country's national conditions.

Thirdly, the party line is *right* and therefore everything else is wrong, or to put it differently: the party line is the pinnacle of patriotism whereas alternatives to the party line (presumably because they are presented as alternatives) are unpatriotic and undermining. Guo (2003) recognizes that such a party-centered approach to pragmatic nationalism in effect proclaims that there are no alternatives to the CCP's line of modernizing China. The party line presents "both the best and only alternative" and talk of other alternatives is an unpatriotic act (:29-30).

Clearly then, the party's pragmatic form of nationalism is just that: party-centered. Its main focus is to convince the people to join ranks behind the party as the only governing alternative of China (He & Guo 2000, Townsend 1996). The ultimate aim of the discourse remains to associate the party with the will of the nation, thereby demanding the people's loyalty to the CCP, but crucially it is also a central goal to establish a monopoly on naming the nation (Fitzgerald 1996:80, Guo 2003:30). Fitzgerald (1996) has claimed that the power to name the nation effectively has been one of the spoils of victory in Chinese politics. The content of what the nation China means thus is constantly evolving, depending on who is in power (:57). A final goal of pragmatic nationalism seems to be the mobilization of the Chinese people. As this National Day editorial of *People's Daily* claimed, patriotism is China's "national soul", which "embodies our national interests, reflects the national will, complies with

historical trends, and has an enormous appeal". In this regard patriotism is seen to be powerful because it "is capable of tapping the potential of the whole nation and mobilizing the strength of the entire nation to form an invincible force and to inspire earth-shaking undertakings" (*Renmin Ribao* October 1 1996:1). Patriotism thus seeks to capture the minds of the people and create a national fervor of support for the nation and the party-state, but also to convince people to act in a way that is seen to be beneficial for the development of China.

What then is the purpose of this elaborate project to fuse the fate of the nation and CCP party politics? As with most political discourses the pragmatic nationalist discourse ultimately seeks to guide the political behavior and ideological understanding of the discursive consumers, in this case the Chinese people. What kind of political behavior and morality are desired in China, according to pragmatic nationalists? Two words oppose each other at each end of the discursive spectrum here: collective as the positively loaded term and at the other end of the spectrum, with a significantly negative twist to it, the word individual. An example of a statement that in this way puts collectivism and individualism at each opposing end of a moral spectrum is this quote from an article in the CCP Central Committee Magazine *Qiushi*: "The Communist state stresses that collective interests supersede individual ones. When collective interests clash with individual ones, individual interests must submit to the collective interests. Whenever necessary, individuals must renounce their personal interests for collective ones, even to the point of giving their lives in the interest of the collective". In addition state nationalism requires "selfless contribution and wholehearted service to the people and the nation, with ardent patriotism, and in observance of the collectivist principles (Luo Guojie 1996:16-21, Zhao 2004:160). The focus on collective interests over individual interests is remarkably clear here. In fact very little room is left for realizing individual goals if we follow this statement. This focus on the collective also resonates in Chinese human rights discourse, where the CCP elites advocate a human rights conception emphasizing so-called *collective human rights*, in which the primacy of national rights remains a vital concern. The pragmatic nationalism's sound and clear prioritization of collective interests over

individual ones (and a major focus on duties before rights)[20] remains one of the chief points of liberal nationalist critique, as will be demonstrated in chapter 6.

First however, a more thorough analysis of the stability concept within Chinese pragmatic nationalist discourse is mandatory. More than anything this concern for stability has guided the Chinese nationalist and human rights discourses the last 15 years (ever since Tiananmen).

5.2.4 "Stability overrides all" – the primary function of stability in Chinese nationalist discourse

After the Tiananmen incident and the Soviet collapse, stability became the overriding concern for China. Following those two events the mantra of "stability overrides all" became popular. Lacking stability and order China would end up like the Soviet empire it was claimed, divided by ethnic wars and economic recession. It [stability] was seen to "represent the fundamental interest of the Party, the state and the nation". The collapsing of distinctive terms into each other ("party", "state", "nation" and "party-state") never seemed clearer. To ensure stability the rule of the CCP had to be maintained. Only they had the means and the ability to preserve stability. Hence, to support the Party and ensure their continued role as the governing elite of China is the same as ensuring national stability and therefore it "represents the fundamental interest of the whole nation" (Wang Jianwei 1995:26). As Guo (2003) has pointed out, there was a direct link drawn in state propaganda between "the annihilation of the Party (*wang dang*)" and "the annihilation of the nation (*wang guo*)" (:33). Simply put, if party rule ended China would dissolve into chaos.

How is the objective of fusing the fate of the nation with CCP rule achieved within pragmatic nationalist discourse? Here the discourse establishes a new and more

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[20] The *duties* versus *rights* debate will be postponed to chapter 6, because liberal nationalist viewpoints on the distinction between duties and rights shed more light on the matter than the rather narrow approach of the CCP pragmatic nationalist discourse.

complex set of narratives distinguishing themselves from the easy to grasp message of party-state and national annihilation. He & Guo (2000) use an umbrella term to characterize all these different narratives, calling it the "narrative of a century of victimization", a master narrative that clearly distinguishes itself from the "victory narrative" of the Mao époque (:33). The master narrative has mainly evolved as a reaction and a form of defence towards the outside world. Renwick & Qing Cao (1999) has clarified that several aspects of China's international relations have been interpreted in a victimization perspective within the modern nationalist discourse. Examples of topics and events that have tapped into this discourse presenting China as a victim is historical incidents such as the Opium Wars and the Japanese invasion in 1937 and more recent manifestations of China's international relations, such as international criticism of the Chinese policy on human rights. Renwick & Qing Cao (1999) claim that these different conceptions of victimization narratives together form "a collective cultural memory that contributes directly to a contemporary sense of victimhood" (:111). Maybe there is no surprise in this, for as Barmé (1996) has noted, the reason for this emphasis on China as a victim in pragmatic nationalist discourse may be the "sentiment that the world (that is, the West) owes China something". Obviously the past treatment China has been forced to endure in their confrontation with the West, may be an incentive to and "an excuse to demand better treatment from the West" (:187).

The main purpose of the victimization narrative however, even though its focus is China's mistreatment at the hands of the West and Japan, is legitimizing continued CCP rule at the domestic arena. Guo (2003) emphasized this when he says that portrayal of China as a victim "is designed to enhance an awareness that past humiliations can be repeated if China remains technologically backward and becomes politically divided" (:34). Considering this proposition by the CCP nationalists, there is certainly some merit to the claim that "scare tactics" constitute at least some of the discursive agenda (He & Guo 2000:31). The threat involved is the very survival of China as a sovereign and unitary nation. Words like "chaos (*neiluan*)" and "foreign incursions (*waihuan*)" are used by the pragmatic nationalist discourse to create a sense of threat and danger (Guo 2003:36), a threat that only the Party can counter.

Interestingly enough then, the main aim of the discourse is not to describe in detail various forms of threats to Chinese national survival. Once again the pragmatic nationalist discourse focuses on the role of the CCP as the *only* remedy for curing China's "ills". This description falls in line with other examples from within the discourse, in essence signifying that concern for national unity and national sovereignty takes a backseat to the primary goal: the continued role of the CCP as the pinnacle of power in Chinese politics. Thus it is clear that the victimization narrative and the prominence of "scare tactics" are supplementary to the national rights argumentation, the language of *special national conditions* and the primacy of national interest concerns in making the discourse *party-centered* and *legitimacy-building*. Stability then is not mainly stability for China as a nation, but stability and order for the Party as the country's sole distributor of political and economic power. Clearly the concern for stability is not unfounded. Indeed, as Downs & Saunders (1998) has succinctly pointed out, the CCP is increasingly being evaluated by the population on an economic performance basis. So-called *performance legitimacy* is the main source of post-socialist legitimacy for the Party these days. Considering the major impact the progress and success of the economic reform program has for CCP legitimacy, regime stability should continue to remain the primary concern for CCP elites. The focus is to carry on with economic reform under party leadership as the number one priority. Joseph Kahn (2007) summarizes the Party's main objectives, saying that the CCP "want fast growth, an unaligned foreign policy and political stability" (*International Herald Tribune* Oct 23:6). To continue the current course seems to be consensus within the party. Kahn (2007) quotes analyst Frederick Teiwes, saying that the Chinese "has a tyranny of the middle". Teiwes continues to state: "From the perspective of the leadership, things are going pretty well. They all want stability". If we take a closer look at the outcome of the 17th National Congress, it is clear that the course is not altered, but some of the consequences of it are more forcefully addressed, especially the problem of corruption. Stability is still a primary objective it seems, with modifications of the main strategy being only minor (*ibid*).

In this sense a distant and fundamentally unclear priority of the CCP is the gradual democratization of China, a political process that requires a reassessment of Chinese

collectivism and authoritarianism. The latter process is of primary importance for liberal nationalists in China in their effort to challenge the CCP's conception of national rights and anti-individual understanding of human rights. Only a reassessment of the collectivist mantra of CCP nationalism is not sufficient however. As He & Guo (2000) emphasize a process of gradual democratic transition is both possible and mandatory when it comes down to resolving China's major border disputes in the Xinjiang and Tibet regions. The CCP's approach however resembles Miller's (1995) approach in *On Nationality*, signifying that "existing national identities must be stripped of elements that are repugnant to the self-understanding of one or more component groups, while members of these groups must themselves be willing to embrace an inclusive nationality, and in the process to shed elements of *their* values which are at odds with its principles" (:142). Following Miller here the CCP has considerable leeway in achieving the latter goal via propaganda and patriotic education campaigns. Thus, state nationalism in China seems to be a *construction* that is aimed at turning non-Chinese minorities Chinese (or Han as it may be). By using this instrumental approach to address the minority question in China, the CCP fails to create a situation where dialogue between the government and the autonomous regions can ensue. In this sense the dilemma of secessionism, or the potential of it, seems to be the major obstacle to Chinese democratization, because this threat of chaos and non-unity becomes a valid argument on part of the CCP to continue one-party rule and to subdue ideas advocating a separation of powers and political freedom. The CCP nationalist use of the "secessionist-card" together with an overarching concern for national stability and sovereignty could delay the liberal nationalist's dream of a democratic *and* strong China into the unforeseeable future.

6 Individual and nation – the Chinese liberal conception

This chapter will aim to analyze the uneasy relationship between the individual and the nation in Chinese nationalist discourse. More specifically it will focus on Chinese liberal nationalism's critical attitude towards the CCP view on national rights. As the previous chapter clarified, the Party emphasizes the concept of national sovereignty in their human rights argumentation. The focus for liberal nationalists in China however, has remained with popular sovereignty and the significance of individual rights and their realization for the national citizen.

These are some central questions that will be analyzed within this chapter: 1) need there be an inherent and necessary tension between the stride for individual liberty and national stability, as the CCP claim? And 2) can it be possible to distinguish alternate ways of conceiving national rights that will relieve their tension with individual (personal) rights? The ultimate question, of course, that may be derived naturally from the ones above: to what extent is it normatively and politically plausible to promote a universal conception of human rights in China? The latter question will be linked to the nature of the national rights concept and to what extent it is plausible to claim that national rights are human rights. An assessment of the Chinese liberal nationalist's discourse on human rights universality will guide the analysis.

First however, we will return to an analysis of the popular sovereignty concept, as it is discussed by Yack (2001), and relate this discussion to what it means to be a Chinese national citizen. It is indeed possible to evaluate the meaning of the term national citizen in several ways, of which the liberal notion of the concept differs substantially from the statist one in Chinese politics, especially in relation to the issue of rights. Additionally: to what extent is it plausible to say that a non-responsive government and a system not based on rule of law *per se* is unable or unwilling to respect civil and political rights? In Western countries this may seem like an artificial discussion, but within the Chinese nationalist and human rights discourses the answer to this question

constitutes the main dividing line between liberal nationalists and official pragmatic nationalism.

6.1 Individual rights as a prerequisite for human dignity – popular sovereignty versus national sovereignty

To define popular sovereignty becomes perhaps the ultimate task for Chinese liberal nationalists. Wang Lixing (2000) makes a useful classification of the concept in a Chinese context by connecting it to the term national citizen and claiming that "unlike vassals (*chenmin*) of the dynasty, the national citizen has an independent personal character (*duli ren'ge*) and individual rights (*geren quanli*)". This dual nature of the national citizen *enables* popular sovereignty so to speak. As a consequence, Wang Lixing (2000) understands the idea of popular sovereignty to mean "that sovereignty is vested in the people (*zhuquan zaimin*) and that the government cannot interfere in the inherent rights (*guyou zhi quanli*) of national citizens". Thus, "decisions involving national interests have to have the consent of the national citizens" (:22). The idea that national citizens have individual rights and that the government commits an immoral and criminal act by not respecting them, is a powerful one that indeed may be said to constitute the core of Chinese liberal nationalism. Chinese liberal nationalism, as it is defined within this study, should constitute a challenge to the CCP view on civil and political rights.

Ren Bumei (2000) in this context challenges the official view by relying on the notion of national dignity to account for the moral foundation of the nation-state, saying that "to respect national dignity is to respect the dignity of every individual in the nation". He follows up by claiming that "a government that is not democratically elected is an affront to national dignity" (:161). To state such a view is clearly in line with the popular sovereignty concept and in fact requires, as Saich (2004) has clarified, an institutional form of democracy responsive to the people in China. Making human dignity an ultimate necessity of national citizenship is not a new notion. However, what does it mean to have dignity in this sense? Ren Bumei (2000) clearly believes democracy or at least a certain extent of responsiveness between the state and its

people is a mandatory requirement when aiming to secure a satisfactory level of human dignity. In fact human rights and *individual* rights per se, constitute the very essence of human dignity, because as Donnelly (2003) points out, human rights are the rights of individual's and not states. Thus, securing human rights in China means that a "constitutional system has to be established in order to respect citizens' basic rights", crucially because "respecting human rights is the most fundamental aspect of national self-respect" (Ren Bumei 2000:161). Fundamentally, Ren Bumei (2000) believes that a state not respecting individual rights is an accessory in the creation of a non-responsive and non-dignified nation-state, a nation-state that shows no interest in achieving its primary objective: to respect and promote individual rights for its national citizens. Ren Bumei here clearly tries to construct a bridge between the issue of human rights in China and nationalism.

The promotion of constitutional democracy in China, or at least a travelled road towards *rule of law*, may be a necessity for securing and implementing civil and political rights (Peerenboom 2002). Institutionalism is not far gone. Sheng Hong (1999) still emphasizes that there is a need for *rule by law* and ultimately *rule of law* to replace the current system, because, as he claims, "liberty is delicate and needs to be protected by a set of institutions". The task of safeguarding liberty "is essentially one of restraining government" (:98-99). As the discussion in the previous chapter demonstrated, the concern for securing the national interest is a primary objective for the CCP within pragmatic nationalism. The main task constituting the national interest is economic modernization, an overarching task that puts all other concerns to shame.

Wang Xiaodong, being interviewed by Susan Lawrence (2000), is an obvious nationalist in his emphasis on the national interest, but at the same time states that "only with democracy can the Chinese public hold its leaders accountable for safeguarding the national interests, and only through democracy can the public check official corruption". Crucially, because a non-responsive government cannot effectively be held accountable for securing the national interest, "the Chinese people should have the right to vote out of office the leaders they see as inadequately defending their national interests" (*Far Eastern Economic Review* Jan 13, 2000).

Wang Xiaodong's main priority here seems to be securing the national interest. Therefore, he is squarely within the "nationalist camp". However, protecting and securing the national interest is not entirely the responsibility of the state. The mandate lies with the people, who ultimately should have the last say and the possibility to eject the politicians they see as not respecting their rights and the rights of the nation. Growing concern for this non-responsiveness on the part of Chinese authorities is evident in China today, especially in relation to the corruption scandals, both in high government and at the local level. As John Fitzgerald (1999) has put it: "It [China] is sired by the anger of a nation not taken at its worth, and the shame of a people who tried to stand up before their own state and discovered that it could not be done" (:54). Obviously, quite a few Chinese liberal nationalists see a link between national dignity and the respect for the rights of the national citizen within the nation-state. To follow up on this: how does the liberal nationalist discourse in China aim to resolve the inherent tension between national rights and individual rights, when such a major emphasis remains among liberals on individual rights? Even if democracy or rule of law is perceived by liberal nationalists to be of paramount importance to secure dignity for China's national citizens, how is it possible to align this goal with the goal of national greatness? After all, the CCP claims that the nation will delve into chaos if China embraces "unsound" values such as individual rights. As will be remembered from chapters 4 and 5, both the Party's human rights position and pragmatic nationalism emphasize the right to subsistence before individual freedoms such as the rights to speech and assembly (CIIC 2005, Guo Qing 1991:18-19). Why is the latter group of rights more important, as a major proportion of the Chinese liberal nationalists claim?

6.2 Individual rights as ends – why civil and political rights should take precedence over the right to subsistence

No studies have been able to verify the assumption of the Chinese government that there exists a trade-off between two generations of rights, namely economic and social rights and civil and political rights (Forsythe 1989, Human Rights Watch 1993). The

claim by the CCP is that the latter group of rights hinders economic development and leads to national instability and secessionism. Naturally, to dispute this claim becomes the primary objective of the Chinese liberal nationalist discourse.

As Yash Ghai (1995) has emphasized "the talk of economic and social rights is divisionary" and clearly resembles "an attack on civil and political rights" up to the point where it seems to promote a notion that freedom must be sacrificed for bread in China (:238). Sun Zhe (1992) warns against such a position: "One must absolutely not take *special national conditions* as a pretext for making questions regarding food and clothing the only human rights standard" (italics added) (:219). In addition, Sun Zhe (1992) denies the view that Chinese people only appreciate material gain and not individual freedom, national dignity and development of the self. We should move away from the Chinese notion "that the foremost right of human rights is the right of survival", Li Shenzhi (1998) has stated when addressing the Chinese conception of human rights. Instead, China "should adopt the worldview that human rights are the rights of citizens" (:1005). Wei Jinsheng (1997) goes further and compares such a narrow human rights standard with a standard that even the feudal lords and owners of slaves could meet. Rhetorically he asks if we should have higher standards than that today. Besides, as Ann Kent (1993) has pointed out, a universal Chinese implementation of economic and social rights is still not in the making.

The argumentation of the CCP is so fundamentally narrow on this point in fact, that to harm the party's arguments with effective criticism is easy. An example of this is a letter to Jiang Zemin in 1997 from a group of workers that had just been laid-off questioning the narrow human rights focus of the party: "You said that human rights in China are the right to eat rice. This is an arbitrary justification for the sake of political agenda. This is not human rights, but rather animal rights. Anyway, according to your interpretation, when tens of millions of workers are deprived of their right to eat rice, doesn't this amount to their loss of their human rights?" (cited in Trini Leung 1998:12).

If we acknowledge, flowing from this discussion, that the CCP's human rights standard is very narrow, it is possible to proceed in the analysis of the Chinese liberal nationalists' claim that individual rights are of higher moral worth than the basic right to subsistence. Pogge (2002) and Jones (1999) have both pointed out that the right to subsistence requires a *positive* duty on the part of government to be fully secured, whereas civil and political rights like freedom of speech, the right to assembly and the right not to be subjected to torture and cruel behavior, require both *positive and negative* duties to be secured and implemented. The CCP's pragmatic nationalism in this sense limits its proposed human rights standard to a positive duty to secure what it perceives is the most basic of all human rights, the right to subsistence, whereas for instance another positive duty, to allow for open and free elections, is disputed due to *special national conditions*[21]. Clearly, to harm the CCP view with effective criticism on this point, critics need to demonstrate that individual rights and their respective positive and negative duties have inherent moral value and serve to protect and promote the national interest. This task is a crucial one for Chinese liberal nationalists.

Western discourse on human rights has traditionally claimed that human rights are rights attained by individuals. A central assumption derived from such a notion is that human rights function "as a means to individual ends", that is they have inherent moral value of their own and for individuals (Weatherley 1999:146). The Chinese statist notion has remained with human rights "as a mechanism for achieving state ends" (*ibid*). How do Chinese liberal nationalists challenge the state claim on this point?

Han Depei (1995) in this regard has proclaimed that some basic human rights, such as equality, subsistence and freedom, have intrinsic and essential value to any human being. Thus, rather than being of instrumental value to the Chinese state, this set of human rights are of crucial moral and personal significance for Chinese citizens. Amartya Sen (1999) has made a useful distinction in this regard, between a view of

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[21] For some interesting insights into this argumentation by the CCP, consult CIIC (1991) and CIIC (2005). Indeed the 2005 White Paper is unique in that it remains the only Chinese state document ever to address the question of political democracy in China and the notion of individual rights.

rights that is *instrumental* (rights as a means, not an end in itself) and a view "where rights have intrinsic value" (a *deontological* position) (Peerenboom 2000:303-304). Han (1995) in this sense is a clear advocate of a deontological view where human rights are means to individual ends *because* these rights have an intrinsic value for all human individuals, as are Xia Yong (1992) when he rejects that rights in any form can be utilized to solely serve state or collective (group) ends. Xia (1992) continues: "Individual rights are simply ends in themselves. They enable the individual to realize his full potential as a human being and to pursue a meaningful and worthwhile existence". Therefore, a "doctrine that seeks to channel individual rights towards collective ends specifically violates the very principles upon which human rights are based and should be rejected out of hand" (:26). Xia here follows the Kantian perspective, saying that individuals have moral significance and personal value in themselves, therefore signifying that individual rights are means that allow human beings to "pursue their goals and fulfill their potential" (Weatherley 1999:147).

Thus it is clear that liberal nationalists emphasize individual rights as the very essence of means to secure human dignity. *Dignity* is understood and utilized within the discourse as the ultimate ethical goal of both a national and a liberal position. As Zhu (1999) states in his summary of the Chinese liberal position: "it [contemporary Chinese liberalism] demands protection of individualist values in ethics, on the grounds that an individual can not be further reduced to anything else and can not be sacrificed for any abstract goals" (:204). The word *individual* within Chinese liberal nationalist discourse in this context is closely linked to the words *dignity* and *value*, meaning of course that individuals have an inherent moral and personal value and only through respecting their inviolable rights can personal and human dignity be secured. To what extent is it possible to identify a re-emergence of liberalism in contemporary Chinese politics? Here it is once again fruitful to be reminded of exactly how *liberalism* in a Chinese context is defined within this study. If following Feng Chongyi (2004) Chinese liberals are "those unqualified liberals who have established a firm belief in philosophical, economic and political liberalism and openly defend their belief in practice" (:251). The emphasis here will remain with *political liberalism*, whose main focus is "values of individualism such as personal rights and individual

freedom, as well as liberal political theories such as rule of law and the notion of limited government" (:251, Goldman 2005).

6.3 A rebirth of Chinese liberalist discourse?

The re-emergence of Chinese liberalism in fact was recognized by Chinese liberal intellectuals themselves, claiming it to be an "open discourse" of liberalism marking the end of 50 years of deafening silence (Xu, Y.Y. 1999:43-51, Liu 1999, Zhu 1999:202-224). As Feng (2004) has claimed, the new-found significance of liberalism in China since the late 1990s "is a revival of the suppressed tradition of modern China" (:224). The tension between liberalism and Chinese concepts is clear. For instance, the Confucian concept of *ren* is a subordination of individuals to "groups and state authority" (*ibid*). Despite this, China has had a tradition of liberalism, albeit a silenced one the last fifty years. What are the most central propositions of the "new" Chinese liberalism and on what points does it criticize the state nationalist position on national rights? Most liberals in China today may be characterized as liberal nationalists. However, one of the strengths of the new liberalism is a better understanding of the inherent tension between liberalism and nationalism in general, a tension which is richly demonstrated and discussed within Western discourse. In China this tension became clear as liberalism was sacrificed to protect national sovereignty and unity and was never revived after the Japanese threat went away.

6.3.1 The new Chinese liberalism – an exponent of nationalist critique?

Nationalism has become one of the main tools of the Chinese state in her strive to legitimize continued CCP rule. The two main proclaimed goals of CCP government in fact have become nationalism (development of national unity and sovereignty) and economic development through market liberalization. Perhaps due to the increased prominence of nationalism for the CCP, the new liberals have concentrated some of their criticism on the government nationalists who claim that national rights and the concern for stability outweigh concern for what they [liberals] call "universal values"

(Xu, X. 2000:34-50, Chen 2000:389-394, Qin 2000:381-388, Sun 2000:372-380). What constitute universal values, according to the new Chinese liberals?

Feng (2004) claims that the new-found force of contemporary Chinese liberalism "may constitute the most profound change in Chinese intellectual development since the mid-nineteenth century" (:230-231). What makes this new movement so important? Its critique of the "wealth and power" project of Chinese state and popular nationalism is significant here (*ibid*). The liberal critique of this project does not entail that liberals aren't nationalists in the sense that they also wish prosperity and national greatness for China. However, liberals warn that the nationalist project, in these days where nationalist sentiment is rising high both among elites and in the general population, becomes a threat to individual freedom and individual rights, as well a saboteur of the democratization and modernization project (Liu 2000:12-17). This threat needs to be countered, liberals claim, by advocating so-called universal values, as opposed to the CCP *particular* value stance. As will be remembered from the previous discussion, Chinese liberal nationalists put forth the claim that human rights (and individual rights in particular) are important *because* they are universal and because they contribute to the ultimate goal of securing human dignity. Donnelly (1999) however, has claimed that Asian governments invoke the idea of a *liberty trade-off*, where civil and political rights "must take a backseat to economic development" (Peerenboom 2000:303). There is no need to make such a trade-off, Donnelly (1999) states. Civil and political rights are not more costly than economic and social rights and in fact there is a case to be made for saying that the former group of rights can be more easily implemented than the latter, due to the latter group's implementation cost[22]. Indeed, it has not been possible to substantiate the claim put forth by Chinese elites that civil and political rights hinder economic performance (Przeworski & Bradhan 1995, Amartya Sen 1999). Of course, the counterargument advocating that China and other East-Asian countries have succeeded economically *because* they do not need consent from their people "to push through tough economic

[22] For a criticism of the kind of view Donnelly represents here, see Henry Shue (1980).

policies that will produce short-term pain but long-term gain" may have some merit (Peerenboom 2000:303, Donnelly 1999).

However, these are particular concerns, Chinese liberal nationalists claim. Universal values need to guide both economic policy and Chinese nationalism. As Qin (2000) stresses democracy and liberal values are necessities to secure "rational nationalism" (:381-388, Sun 2000). In other words, national dignity is not enough. The concern for personal dignity is also mandatory for a rational Chinese nationalism. As a support to the Chinese liberal argument, John Fitzgerald (2006) has stated that there is no contradiction in this sense between nationalism and democracy in China. He emphasizes that "nationalism and liberal democracy are arguably driven by the same impulse, to achieve recognition of the inherent dignity of the subject, in one case within the international community and in the other within a national civic community" (:93-94). A concept of rights is required to secure dignity, Jones (1999) points out. To follow up on this argument, it becomes clear that to secure national dignity a national rights concept needs to be invoked, whereas individual dignity (may also be termed human dignity) can only be realized by respecting and promoting individual rights. Are these two forms of dignity and their corresponding concept of rights in direct conflict with each other, as Chinese state nationalism claims, or is it possible to find a "golden mean" between the two that may relieve some of the tension between nationalism and democracy as political concepts? Liberal nationalists in China aim to identify such a path.

6.4 National dignity and personal dignity – naturally at odds?

The question of national dignity in Chinese politics is underemphasized by historians. The traditional point of departure for analyzing Chinese nationalism has been the "wealth and power" project (Fitzgerald 2006:98), whereas the question of national dignity has taken a backseat. As Fitzgerald has claimed, the "wealth and power" project was only a means to securing the ultimate goal of national dignity for the early Chinese revolutionaries (*ibid*). In fact the early draft of the Revive China Society (*Xingzhonghui*) clearly stated that China's main task should be "to pursue the study of

wealth and power so as to revive China and *uphold her dignity*" (italics added) (Kwang-ching Liu 1968:149). This early revolutionary goal is still not realized to this day and that is why *restoration nationalism*, as argued by Wang Gungwu (1996), is still powerful in China. To uphold or, more realistically, to pursue the goal of national dignity, official nationalists claim, national rights need to take precedence over individual rights. The pragmatic nationalist argument thus clearly draws a dividing line between the concept of national rights and the concept of individual rights. Is this dividing line real or even necessary? The answer to such a question might, as indicated earlier, relieve some of the tension between the nationalism and democracy concepts.

The challenge of liberal nationalists has mainly been concentrated on the Party's position on national rights because this rights concept has been used not only to dismiss democracy and civil rights in the foreseeable future, but also to analyze and describe central issues of the day, such as the issues of ethnic and social unrest. As Fitzgerald (2006) states there is a tendency in the scholarly literature to overstate the tension between nationalism and democracy, and between national and individual rights. Wang Xiaodong (1999) is clearly supportive of such a view when he claims that "national rights are human rights in foreign relations, and human rights are national rights in domestic politics" (:D1). In this sense the liberal nationalist challenge is not to dispute the importance or relevance of national rights *per se*, but to put individual rights and national rights (national interest) in two different domains, the former belonging in domestic politics and the latter with a significance on the international stage. Merely to speak of national rights then is not enough, Wang and his compatriots claim. In order to fight for *personal* dignity in domestic politics a concept of national rights (meaning *state rights*) is not ideal. Individual rights need to be respected and promoted, including the right to participate and steer the direction of the nation through open and free elections. In this context being a national citizen *without* the means to address and pressure decision-makers violates the principle of

rational and equality-based national citizenship[23]. As Qin Hui (2000) has put it, "because the foundation of nationalism is interest identification, nationalists should first identify what is their own interest. Slaves, who do not have their independent interests, cannot talk about interest identification. Only citizens of modern nation-states may identify their own interests against others….It is not right to be slaves of foreign powers, nor is it right to be slaves of one's own state" (:385). To paraphrase Qin then, national citizens who cannot protect their own interests when faced by their state (because their rights as a human being are not respected) in effect are slaves of their own state. Indeed, Deng (1993) admits that national rights are *not* human rights in this statement: "Actually, national rights (*guoquan*) are far more important than human rights (*renquan*)" (:345). In this way pragmatic elites recognize, and indeed does not dispute the relevance of human rights for China. The only problem is, liberal nationalists point out, that human rights (understood as rights attained by individuals) continue to be relegated to second division by CCP elites. Pragmatic nationalism's emphasis on *collective human rights* cannot save the morality of their position.

However, why should the liberal position prove to be any more moral than the government's stance? Even though the American and European liberal tradition claims that civil and political rights are *first generation rights*, and at least the Americans consider them to be more important than *second generation rights* (economic and social rights), does this imply or necessitate that the Chinese conception of human rights should be liberal too? Indeed, scholars like Larry Diamond (1996) has found that although democracy has spread in many countries through the so-called "third wave of democratization", the countries involved have not necessarily turned liberal. Crucially, the question of civil and political rights still remains controversial (:30-37). So is there another way for China? To discuss this it may be relevant to return to the

[23] Equality has traditionally functioned as a link between democracy and nationalism, Greenfeld (1992) has claimed. Thus, when the nation emerged in Europe as a concept and an entity, it was to be constituted "of free and equal individuals" (:30). This liberal understanding of the nation may be set in contrast with an Asian approach, where the nation is interpreted "as an equal whole" and not mainly signified by individual members (Fitzgerald 2006:17-18).

question of collective human rights and whether this conception of human rights, a conception that is promoted and endorsed by pragmatic nationalists, has any merit. When assessing this topic Charles Taylor's (1999) idea of an *unforced consensus* on human rights might prove useful[24].

6.5 A potential for an "unforced consensus" on human rights between state and liberal nationalists?

As was briefly pointed out in chapter 5 there is a very strong focus on duties before rights in Chinese state nationalist discourse. This prioritization of duties at the expense of rights (or the potential to lay claim to a right) has led to a weak rights consciousness in Chinese intellectual and political society. This is not surprising when Party elites and state nationalists harbor a belief that the individual's entitlement to a certain right is "in some way *contingent* upon the performance of one's duties", effectively leading to a situation where "anyone who fails to fulfill his duties essentially forfeits his rights" (Weatherley 1999:143-144). Such an understanding of the duties and rights distinction is an elaboration and a supplement to the crucial distinction between collective and individual interests in nationalist discourse. In this sense, because the *collective good* is fundamentally more important than the interests of the individual, duties performed by the individual that benefits the common good should take priority over "selfish" interests understood as personal rights. Indeed, there has been a confusion of terms within the discourse because Confucian conceptions of duty to society have been translated into the Chinese human rights discourse, with the consequence that rights themselves are viewed as a form of duty[25]. This complicates the potential common ground that could have been found between the liberal

[24] For a quick reference to Taylor's influential argument see chapter 5 in Bauer & Bell (eds.) (1999): *The East Asian Challenge for Human Rights*.

[25] An example of this is the paragraph in the 1982 constitution propagating that there should be both a "right and [a] duty to work and receive an education" (Weatherley 1999:145). For a useful discussion of the duties and rights distinction in normative political theory, consult Jones (1999).

nationalist and state nationalist discursive positions. However, as Charles Taylor (1999) has emphasized in his theory of an *unforced consensus* on human rights, the *value* attached to a particular right is the central concern, not so much the *method* of implementation, a method that may differ from society to society. As Amartya Sen (1999) recognizes when discussing Taylor's position, this means that a tolerant and unforced consensus might be reached between representatives from quite diverse societies if they all equally acknowledge the crucial importance of a particular human right, but differ on ways of realizing its implementation. Taylor (1999) has defined his position by saying that "we should agree on the norms while disagreeing on why they were the rights norms, and we should be content to live in this consensus, undisturbed by the differences of profound underlying belief" (:124). How can this idea be applied to China? Is it possible to gain some common ground between state nationalists and liberal nationalists in this way?

The obvious difficulty is the issue of value differentiation. There is consensus across the board as to the importance of national rights (as understood in relation to national interest). The disagreement over value and moral weight between the two camps begins with the diving line between collective and individual concerns and which of these should have priority. The drawing of this line has consequences for the value that is attributed to crucial sets of human rights. An unforced consensus, as Taylor (1999) understands it, requires that the involved parties all acknowledge on equal terms the overarching moral importance of the human right in question. No such agreement seems possible at the moment, because of the wide chasm between the CCP nationalism's strong collective focus and the liberal nationalist claim that the only way to develop a rational form of nationalism in China is to account for and promote rights for the individual as well as the nation. The obstacle then is a point of view, two fundamentally different ways of describing a national and political reality. Such a level of value-oriented disagreement makes an unforced consensus difficult, at least in the short run. Therefore the discussion thus far never enters the consensus-based level and the issue of implementation becomes irrelevant, because no alternative point of view can enter into a dialogue as this could potentially undermine the Party's claim to power. Indeed, as Shang Dewen points out, some issues are so forcefully condemned

in party propaganda that people have lost their ability to adequately address them and so it is that when “anyone brings up separation of powers, people become frightened” (:2, cited in Goldman 2005). In this sense it is possible to sum up the liberal nationalist position by saying that it argues for two sets of reform: an *economic reform* (the need for which most Chinese agree) and, crucially, a *political reform*. Wang Yan (1998) puts it well: “To limit political reform to administrative reform is to simplify political questions into technical questions” (:1160). Clearly, to reconcile the concepts of nationalism and democracy and to create a *rational nationalism*, political reform is mandatory.

7 Summary and conclusion

National rights and personal rights are seen by the CCP as in direct conflict with each other. This view was a premise for the initiation of this study, where the focus has been on the CCP's position concerning national rights and the consequences this position has for the Party's attitude toward personal rights and political freedom in China. A critical set of narratives has also been analyzed, namely the liberal nationalist discourse and its views concerning the relationship between collective and individual rights. The answer to two questions should guide any conclusions in connection with the topic as it now stands: 1) to what extent are the CCP trying to incorporate *nationalist* narratives into the discourse on human rights with their emphasis on national rights and 2) in what way are the liberal nationalist discourse trying to bridge the gap and the perceived tension between liberalist democracy and nationalism within the human rights discourse? These questions have guided the analysis.

Official CCP documents clarify that the focus for the Party as the "people's representative" is two-fold. At one hand there is a strong concern for *national sovereignty* and *unity*. Narratives emphasising this primary task has become more forcefully presented as part of state nationalist discourse since 1989 and was especially valued as a supplement to outdated socialist ideology in the Jiang era. On the other hand the CCP claims that it is *respecting and safeguarding human rights*. If we look beyond the obvious problems with such a statement and try to get hold of what category of narratives are presented within the human rights discourse, it becomes clear that narratives *restricting* the scope (or universality) of human rights in China are being employed to a larger and larger degree. What is the main focus of these narratives? How can they be categorized?

This thesis started out with an interest in illuminating the reader as to the CCP's position on national rights, because the CCP views in relation to this topic were perceived as affecting and informing its position on human rights. Is there some merit in claiming that such a link exists between the state nationalist discourse and the

Chinese human rights discourse? If we look closer at what categories of narratives are being utilized by state nationalists in China, we soon run into formulations like *national sovereignty*, *national unity* and *identity*. These are central *nationalist* narratives that are transferred to the discourse on human rights. The starting point of this study, to put in another way, had a focus on the tension between *collective* and *individual rights* in China. To sum up, the CCP claims that the former group of rights is weightier than the latter. Individuals should set the interest for the *collective good* before their own "selfish" concern for personal rights. Clearly, the CCP view concerning national rights starts out from a position of one group of rights' total domination over another group of rights. The strong tension between the two groups is seen as necessary and no effort is made to try resolving it. What about the liberal nationalists? How does their view of national rights enable them to address this tension?

Liberalism and nationalism are seemingly incapable of existing side by side in China. Democracy and national greatness are seen as in conflict (He & Guo 2000). Liberal nationalist discourse's main focus is to resolve this tension and demonstrate that there is a possibility of a *rational* and *liberal* nationalism in China. An interesting question in this regard can be: in what way is it plausible to claim that national rights are human rights? Donnelly (2003) has indicated that human rights are rights attained by individuals, not states. Liberal nationalist discourse acknowledges this and claims that the two groups of rights are both important but have relevance at *two different levels*: national rights should be promoted by Chinese citizens and the Chinese government at the international level, whereas struggling to realize individual rights should be the main focus of Chinese citizens domestically. If we follow this approach, no tension between the two concepts is necessary. The liberal approach tries to address why individual rights are crucial in China, but is not anti-nationalist like some might expect. There is a wide consensus among intellectuals and the people in China that the country should continue down the reform path and through that achieve national greatness.

The uneasy relationship between the ever more forceful Chinese nationalism and the notion of liberal democracy will undoubtedly not be resolved in the short run. The fact that we recognize typical nationalist narratives within the Chinese human rights discourse is no positive sign when we consider the content of state nationalism as a system of ideas in China today. More research on the relationship between liberalism and nationalism is necessary, because the emerging Chinese liberalism seems to be the only truly *critical* alternative to state nationalism and authoritarianism now. It is indeed interesting to see in what way liberals arguing for individual rights can make their voice be heard loudly enough so that other intellectuals and semi-autonomous NGOs can pick up what they are saying. If this comes to pass, more research on an emerging civil society consisting of organizations and intellectuals operating as bridge-builders between the state and society might be fruitful.

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