

A Universal but “Nonhegemonic” Approach to Human Rights in International Politics: A Cosmopolitan Exploration for China

Sang-Jin Han
Guimei Bai
Lei Tang

The Aim of This Paper

Human rights as a global regime strongly implies universalism. Human rights as a global regime, however, can also be hegemonic. In this paper we would like to explore whether it is possible to conceive of human rights in terms of universal but nonhegemonic values, and whether the Chinese discourse of human rights will be able to evolve in that direction. We are well aware of the shortsightedness and ambiguities frequently found from the official and semiofficial positions taken by the Chinese government as well as the contexts of politicization of human rights in international politics. Yet when we interpret Chinese discourse, we are not so much interested in its obvious message at the surface level as in its potential significance, which remains only implicit. This requires a particular method of reading that makes the implicit explicit by dislocating a claim from the original context of its expression and by relocating it within a broader context of human rights discourses. In this way we would like to pay sympathetic attention to the potentially significant normative orientation underlying a claim that can be further developed.¹

The idea of human rights as being universal but nonhegemonic

¹ This method can be called a deconstructive-reconstructive method used for cultural analysis (Han 1999)

presupposes a distinction between universal globalism and hegemonic globalism. Both are globally oriented but with diverging foci and attitudes. The term *universal globalism* was first used by the late president of South Korea, Kim Dae-jung (1998), as a key concept for his political philosophy and the policy packages he developed. This concept makes sense when we see it as contrasted to “hegemonic globalism” (Han 2011). According to Habermas (2006: 184) “hegemonic liberalism” assumes that formally independent states “would operate under the protection of a peace-securing superpower and obey the imperatives of a completely liberalized global market.” Habermas argues that this assumption is not only empirically misleading but also normatively ill-grounded since the decision can be impartial and justified only when it is based on discursive procedures that “are inclusive (all affected parties can participate) and compel the participants to adopt each other’s perspectives (a fair assessment of all affected interests is possible).” Hegemonic liberalism is problematic because “the unilateral undertaking by appeal to the presumptively universal values of one’s own political culture must remain fundamentally biased” (Habermas 2006: 185), falling short of fully understanding and respecting diversities and differences involved. In short, hegemonic globalism represents a power system maintained by military force and globalized economy rather than based on consensus free of coercion.

Hinging on this insight, this paper attempts to explore (1) whether the idea of a universal but nonhegemonic approach to human rights is conceptually meaningful, and (2) how this can be implemented in international politics. As to the former, our position is that this approach is meaningful and can be better articulated by the concept of cosmopolitanism. This means that we can talk of a cosmopolitan approach to human rights. As to the second, our position is that cosmopolitan approach is characterized by the emphasis on the universality of human rights as well as the sensitivity to differences and diversities. A cosmopolitan approach can hardly go well along with an attempt to politicize human rights. One of the key issues in this regard is whether or not, and, if so, under which assumptions, the use of force (violence) can be justified in the name of human rights (Han 2011).

Cosmopolitan Imagination of Differences and Diversities

To begin with, the universal orientation in the discourse of human rights is

clear enough (Falk 2009; Milne 1986). It means that human rights are the rights that all human beings are entitled to simply as a human being, regardless of religions, gender, ethnicities, nations, races, and social origins. Not only the rights holder but also the list and the content of human rights are universal. That is to say, all human beings should be equal in claiming for the list of rights, including civil, political, economic, social, and cultural rights. Furthermore, the provision of a specific right should be universally applied to everybody, as it is provided by the Universal Declaration of Human Rights. In short, human rights are natural rights and all human beings are equal (Bai 1997).

In contrast to this, the term *hegemonic* contains many different connotations. In ancient Greek, for instance, it meant that a big city state had the power to control small ones. In contemporary international relations, it refers to the phenomenon in which superpowers do not respect the state sovereignty of powerless countries and intervene into their internal affairs, or even attempt to control and rule these countries. Such intervention in the name of protecting human rights by force has often turned out to be problematic. No one can be sure if there is any single case of humanitarian intervention carried out for a purely humanitarian purpose. National interests of the powerful or hegemonic countries have always been behind the scene.

It is in this context that the cosmopolitan approach to human rights has attracted much attention (Beck 2006; Delanty 2009; Held 2010). The meanings of cosmopolitanism are diverse. We believe that the cosmopolitan approach to human rights has something to do with the question of how to live together with the so-called “radical others” whose actions and value presuppositions are very difficult to understand. We come up here with some questions. Simply put, what do we mean by differences and diversities? To what extent and how can we live together peacefully with radicalized others (Barash and Webel 2008; Nash 2005; Nazzari et al. 2005)? To what extent can we justify the sanctions applied to those who have failed to comply with the so-called universal values?

International politics tends to emphasize diversity on the surface, but in reality, impose the “universal” values originated from the West as principles behind the global integration. International politics is then fundamentally hegemonic in this sense. What is the status of human rights in this context? Is it natural for human rights to become embedded in this hegemonic international politics? Is it possible for human rights to get distanced from this system of global hegemony? How can we enhance

diversities and differences within a universal framework of human rights? It is not easy to answer to these questions. But these questions should be asked when we explore the possibility of a universal but nonhegemonic approach to human rights.

Asian Value Debate and China

The debate about Asian values evolved under the premise that human rights have originated in the West and can hardly be guaranteed in Asia where the tradition of individualism is weak (Lee 1994). Our intention is not to examine this debate in detail (Kim 1994; Han 2011). Rather we want to move quickly to argue that it is wrong to identify the Chinese discourses of human rights as advocating a relativist view of human rights endorsed by Lee Kuan Yew, former prime minister of Singapore who initiated the Asian values debate. To be sure, there have been Chinese leaders and intellectuals who have argued in a similar way. But a forward-looking perspective can be obtained only when we go beyond this and pay attention to the Chinese efforts to embrace the universal value of human rights while keeping their own identity as Chinese or East Asians.

The Chinese discourses on human rights are complex (Angle 2002; De Bary and Tu 1998; Donnelly 1999). Human rights activists, such as Liu Xiaobo (2011), Nobel Peace Prize laureate in 2010, have demanded constitutional reform, liberal democracy, and protection of human rights in China from a Western perspective of the concept of human rights. They take the Western standard as universally valid. In contrast, the official position of the party-state of China attempts to defend its policy against the Western critiques (Information Office 2011; Human Rights in China n.d.), and many attempts have been made to reinterpret Confucian traditions as a new source of imagination for human rights (Chan 1999; De Bary 1998; Han 2010; Xu 2006).

The official discourse claims that the communist revolution has made possible real progress in human rights in China, particularly with respect to the economic and social rights, including the right to development and the right to subsistence (food, shelter, clothing, healthcare, education, and job) in a country with such a huge population that it composes 22 percentage of world population. The official discourse maintains a priority of state sovereignty over individual freedom. This owes something to the Chinese experience of modernization (Chen 2005; Dong 2012; Yan 1997; Zhang D. 1998) characterized by “striving inward for human rights and outward

for state sovereignty”². Deeply shocked by the result of the Opium War of 1840, modern Chinese intellectuals believed that strong nation-state is the basis for protecting individual human rights, and that the primary goal of modernization should therefore be nation-state building. The official discourse also claims that significant progress has been gradually made even with respect to citizens’ civil rights and political participation, and that, due to domestic conditions such as the high rate of illiteracy, it will take time for China to move forward to a full political democracy in the Western sense.

There can be no doubt that China lags far behind the West in this respect, as evidenced by the existence of a systematic control over basic rights of citizens such as freedom of body, expression, assembly, press, religion, and so on. The future of Chinese politics is a matter of debate and speculation. In China, however, no one can convincingly justify the current state of affairs characterized by the lack of citizens’ basic rights in terms of Asian values and other cultural equivalents. Universal values seem to have been tacitly assumed albeit with many confusions and ambiguities. China has often reacted against U.S. fingerpointing by insisting that human rights in the United States are inadequate as evidenced by racial discrimination, poverty, and violence. This mutual criticism does not mitigate the importance of universal values.

It should be noted that there has been a strong tendency in China to view human rights as socially and historically constructed rather than as given innately. Grounding human rights on natural rights may not be as convincing to Chinese as to the Westerners. Since we are living in the postmetaphysical age, nothing can be taken for granted in a transcendental manner. This means that the idea of the social construction of values in history has good point. However, this view is problematic in that it can reject the idea of universal values. On the contrary, it is still an open question as to whether or not the processes of social construction of human rights in different historical contexts may give rise to a common framework of universal values, albeit with different background assumptions. Social construction of human rights does not necessarily lead to relativism but, instead, offers a new insight into the possibility of an overlapping consensus.

Of particular significance in this regard is the Confucian approach to

² *Neizheng renquan, waizheng guoquan.*

human rights which provides many possibilities for exploration. Confucianism can be interpreted as defending the idea of universal values, as professor of philosophy Tang Yijie at Beijing University has shown. The well-known historian William De Bary and his associates³ have demonstrated that Confucian traditions, if read from a liberal perspective, can be linked to enriching human rights. In the West, the idea of natural laws was invented to justify human dignity and human rights in the fundamental sense. In China Confucianism has worked out a distinctive worldview with universal values regulating the basic relationships among heaven, earth, and humanity.

The system of human rights recognized by the West underscores individual life, private property and individual liberty (especially political freedoms). The first value in the rights system based on the individual is liberty, with equality coming to the second. Liberty and equality not only prevail over justice, but even alter what justice means in the first place. Modern theory often interprets justice in terms of liberty and equality, squeezing out the original meaning of justice and reducing it to a mere form of combination of liberty and equality. Thus justice ends up left out, giving rise to many self-destructive evils. Rights mean the space of sovereignty for the individual's free will. Where are the boundaries of this space? That is the question. Once justice is not regarded as the supreme criterion for judgment, no standards are available to determine these boundaries, and among different subjects there always remains room for dispute, as happens at all times in the international arena. (Zhao 2007: 19)

Zhao (2007: 25) draws attention to the “self-destructive logic of rights against rights.” Far from being accidental, this requires a fundamental solution since this tendency makes the Western conception all the less mature as a universally valid theory of rights. “Due to the hegemony of Western discourse, the concept of human rights shaped by biased Western values now serves as the only framework in vogue for interpreting what human rights are all about.” This is a serious intellectual problem for him since “even objections to Western criticisms concerning human rights have to be presented in the form of justificatory attempts within a Western-

³ Articles included in De Bary and Tu (1998) deal with different aspects of Confucianism in its close relationship with human rights.

defined framework” (Zhao 2007: 14).

Zhao has made an ambitious attempt to counteract against this tendency. His suggestion is to ground human rights on the ontological condition of human life, that is, social relationship, and a concept of justice that can provide space for balancing or limiting individual-centered rights (Zhao 2007: 15). He argues that “what we call human rights is the space of liberty allowed by a relationship of justice, rather than the space of liberty claimed by the individual” (Zhao 2007: 20). Deeply concerned about the increasing collision of rights claims by legal subjects, destroying the moral fabric of the community, he is eager to find “a non-Western theory of universal human rights” by suggesting what he calls “credit human rights.”

The sympathetic reading that we want to present is meaningful since it sensitizes our attention to the painful attempts by Chinese scholars (Huang 2009; Li et al. 2008; Wang and Zheng 2008; Xia 2004) to break away from their typical preoccupation with Chinese characteristics and explore the possible Chinese contribution to enriching human rights as universal values.⁴ Because these discourses are new, still emerging, and challenge many assumptions hitherto taken for granted, care should be taken to catch the hidden assumption underlying these discourses.⁵ In this context, we want to argue that all these attempts can be interpreted as painful searches for the missing social ground of human rights community. From the point of view of intercultural dialogue, we can understand why Chinese scholars are reluctant to accept the Western focus of human rights on individual empowerment and why they want to pursue a new framework in which their cultural identity can be better expressed (Angle 2002). But they still seem to be far from comprehending the missing assumption, that is, the concept of a human rights community, as a potential key to their painful search.

⁴ An example is the public lecture by Professor Tang Yijie on the topic of “Confucianism and Universal Value” on March 31, 2011, which attracted a wide attention from students of Beijing University. In addition, in a forum on Chinese human rights held at Seoul National University in May 2011, Professor Bai Guimei (2011), deputy director of Human Rights Center at Beijing University, explained how the institute had survived to manage human rights education program at Beijing University despite unfavorable conditions for academic discourse for universal human rights.

⁵ Chinese discourses can be made intelligible when properly placed in the context of this hidden assumption. This assumption can be grasped only when one gets out of the conventional framework of interpretation and adopts what we call a symptomatic reading.

Tianxiaism Reconsidered

It is now time to move one step further to examine the notion of “Tianxia”⁶ or “Tianxiaism”⁷ sympathetically as we have done so far. Becoming salient among the Chinese scholars in the fields of humanities and social sciences, particularly international relations, this concept may help us understand the Chinese imagination about the possibility of a universal but nonhegemonic approach to human rights and its implementation in international politics. In a paper entitled “Globalization and Chinese Cultures,” Li Shenzhi,⁸ pointed out that ancient China developed the ideal picture of global order with the concept of “the world is for all”⁹ and “all are brothers within the Four Seas.”¹⁰ The key to this worldview, Li argued, lies in the concept of Tianxia, which is something to which China should return to become better able to address to global affairs after the age of nationalism. He conveyed a strong belief that Chinese traditional values such as “harmony between man and nature”¹¹ could contribute much to reevaluating the moral orders of the whole world (Li 1994).

In the new age of “a postnational constellation” (Habermas 2007), it may no longer be as suitable as in the past to understand global affairs as “international” relations and human rights as embodied in a framework of “nation-states world.” The tension between human rights and national sovereignty remains unchanged even for the UN Security Council and other international organizations claiming responsibility to protect human rights (McClellan 2011). Under such a background, there has arisen a new need for theoretical reflection to step out of the predicament before achieving the practical goal of achieving global governance.

It was within this context that some Chinese scholars began to put

⁶ Tianxia literally means all under Heaven (*Tian*), and refers to “nation,” “China,” and “all over the world” in different contexts. To know more about the notion of “Tianxia” in Chinese tradition, see Li Mining (2011).

⁷ *Tianxia Zhuyi*.

⁸ Li Shenzhi (1923–2003) closely observed the responses of South Korea and Japan to globalization and became sensitive much earlier than other Chinese intellectuals. He argued before that Chinese nationalism of the late nineteenth century was the result of the invasion of western powers, the substance of which was national emancipation rather than national expansion. While he wrote the paper about Tianxiaism in 1994, he began to move in the direction of liberalism.

⁹ *Tianxia weigong*.

¹⁰ *Sihai zhinei jixiongdi*.

¹¹ *Tian ren he yi*.

forward Tianxiaism as a new focus of academic discussion from the mid-1990s. Various intellectual expressions such as cultural conservatism, nationalism, and New leftism sprang out of the post-Tiananmen environment. One concern for them was to think about Chinese cultural values for China's future from a forward-looking perspective, as they had experienced the big change of world order and domestic political environment. They were looking for a creative response to new challenges inside and outside of China by reexcavating Chinese traditions (Xu 2006). In particular, with the concept of Tianxia, they were eager to reactivate the moral dimension of international politics while expressing an ambition to construct an alternative theoretical framework of world politics and relations. Consequently, Tianxiaism has begun to manifest itself in varieties of forms of discourses, out of different strategies and goals of interpretation.

For instance, Sheng Hong, an economist with sympathy to liberalism, suggested there are two ways of realizing Tianxiaist civilization in the world: a European way and Chinese way. The former just extends national boundaries into the world, while the latter can go beyond it (Sheng 1996) to open up the new principles of global order out of Confucian traditions (Sheng 2012). Li and Sheng were well aware of the crisis of Western civilization, such as the inevitable conflicts emerging from the expansion of nationalist drive (Sheng 1996), the "clashes of civilization" from market globalization, and the disorder of morality (Li 1994). Therefore they suggested Tianxiaism as a possible source of new ways of thinking about transcending Western hegemony.

Zhao Tingyang's Theory of the Tianxia System

Perhaps, the most influential figure in China in this regard is Zhao Tingyang,¹² a philosopher at the Chinese Academy of Social Science, who published *The Tianxia System: A Philosophy for the World Institution* (2005). He has built his "Tianxia system" on two theoretical reflections. First, he refers to the need for a theoretical concept for "world politics" that is more than "international politics." Nevertheless "the interpretations of world politics remain in the framework of internationality and thus the

¹² Zhao Tingyang (1961-) is a professor of philosophy at CASS (Chinese Academy of Social Science), who got his Ph.D from the graduate school of CASS, under the supervision of Li Zehou (1930-), one of the most Influential philosophers in contemporary China.

viewpoint of world-ness is still missing” (Zhao 2009). Hence, he has attempted to explore how “thinking from the perspective of the world” can be made possible today (Zhao 2005: 4). He believes that a nonhegemonic world order can be constructed only when the new worldview is properly formulated. Second, for shaping a new worldview, “rethinking about China” is necessary not only because China should become a responsible country in the world, but also because China should recover its own thinking ability (on the level of the world), which goes beyond just transplanting Western ideas and theories (Zhao 2005: 4-11).

Based on this, Zhao (2009) points out that “our supposed world is still a non-world, it has not yet become a world of oneness, but remains the chaos of a Hobbesian situation.” He contrasts this by saying that “Chinese political philosophy defines a political order primarily from the perspective of the world, whereas the nation/state is primary in western philosophy” (Zhao 2009). He argues that the outlook of Tianxiaism should be made explicit and elaborated in order to raise cosmopolitan questions better. Specifically, Zhao argues that because of the lack of a theoretical basis of a world institution that is more encompassing than the “nation-state,” the concept of apparent cosmopolitan human rights is interpreted and implemented by each country.¹³ Likewise, the principles of justice, democracy, equality are all in effect just within the nation-state, not universally grounded all over the world (Zhao 2005: 94-95).

Zhao speaks highly of the Chinese Confucian tradition of political philosophy emphasizing homogeneous construction of the family, state, and Tianxia, which guarantees the consistency and transitivity of effective governance at different levels of political units. To create an “effective world,” a top-down transitivity of political governance should be forged first; the highest level is just the world or Tianxia, so the world institution should replace the nation-state institutions (Zhao 2005: 142-43; Zhao 2008). Furthermore, Zhao attempts to explain the “pure type” of the world institution whose legitimacy comes not from any ideology, but from the common will and universal humanity. In this regard, the Tianxia theory is a full-fledged theory clarifying the conditions of not only the efficiency of political governance but also its moral efficiency (Zhao 2005: 145-46).

Zhao’s discussion of Tianxia system or Tianxia theory has evoked strong responses from historians as well as experts of international

¹³ For example, about democracy, Zhao argues that it cannot necessarily and efficiently carry the voice of common feelings of people (*minxin*) according to Chinese context (Zhao 2005: 153).

relations. Some of them have followed Zhao's approach to Tianxiaism to build a new and nonhegemonic world order (Li 2011; Jiang 2007). They admitted that Zhao's provocative arguments had suggested a new way of thinking about the world order by tracing back to pre-Qin thoughts, which had become popular in China. On the other hand, Zhao's argument has incurred a lot of criticism, within and out of China (Zhang S. 2006; Xu 2006; Zhou 2008; Wang 2010; Callahan 2008, 2012). For his critics, Zhao's normative approach to world institution involves double standards, remains poorly grounded and too utopian. The most severe criticism is as follows,

Tianxiaism in essence plays the role as a "shadow" of the domestic absolutism and autocracy on foreign affairs, which totally neglects either ordinary citizen's basic human rights or the benefits of civilians in neighboring countries, only enhancing the privilege and the pride of the ruling class. . . . It is unwise to make Tianxiaism as the rising China's new vision of the world order or the substitute of the current mainstream international system based on national sovereignty. (Wang 2010)

From the point of view of Western scholars, Zhao's theoretical discourse on Tianxia system seems to be a kind of "Sino-speak," which "overwhelms nuanced notions of identity and politics to establish the new discursive world order of new orientalism" (Callahan 2012), and "the success of the Tianxia system shows that there is a thirst in China for 'Chinese solutions' to world problems, and a hunger for nationalist solutions to global issues, especially when they promote a patriotic form of cosmopolitanism" (Callahan 2008).

These fierce critics seem to miss the reasonable factors within Zhao's arguments. For example, Zhao (2005: 61) has argued that the concept of Tianxia does not represent a cultural barrier blocking openness to alien culture. On the contrary, it helps China absorb other cultures. Furthermore, given the problems of hegemonic globalism today, Zhao's deliberative approach to human rights as universal value and the Tianxia system as a cosmopolitan order demonstrates a painful attempt of Chinese scholars to seek for the philosophical ground for a new international order fully respecting human dignity as well as differences and diversities involved in international politics (Zheng 2009, 2010).

Chinese Nonhegemonic Approach to Human Rights

The above discussions are primarily concerned about the normative implication of Tianxiaism for international politics but not about the political reality of China. Therefore, we would like to turn attention now to the interaction between the Chinese government and Western countries concerning how to implement human rights policies in international relations. The typical response of the Chinese government has been either defensive or passive: defensive in the sense that it attempts to defend the Chinese position against the external critique; passive in the sense that it raises questions when the Western superpower intervenes into other countries in the name of human rights protection. In either case, the Chinese government has been in no position to make use of human rights for its own advantages. Apart from this, widespread worries have emerged about China and whether it is becoming another hegemonic power as it has grown in economic and military strength. Insofar as human rights policies are concerned, however, there seems to be no reason to see China from that perspective.

In fact, China has accepted global conventions of human rights such as the Universal Declaration of Human Rights, while heavily defending the right of each nation and country as an equal member of global community. China has also become a state party to about twenty-five human rights conventions, including seven out of the nine core UN human rights conventions.¹⁴ Furthermore, China signed the International Covenant of Civil and Political Rights in 1998, which means that China has accepted the text of the convention and is obliged to refrain from acts which would defeat the object and purpose of the convention.¹⁵ When China signed or ratified those human rights conventions almost no reservations were made.¹⁶ This amounts to China's almost total acceptance of the universal human rights standards. The Chinese government has published American Human Rights Records against the United States annual "Country Reports on Human Rights" for twelve years. Comments and criticisms in these

¹⁴ See "The List of Human Rights Conventions Ratified by PRC," in BaiGuimei (ed.), *Human Rights Law*, Beijing University Press, 1997, pp. 318-319.

¹⁵ China is now preparing for ratification of the ICCPR. Reservations might be made on ratification.

¹⁶ Except the dispute settlement clauses, in which arbitration or ICJ settlement are provided. Article 8 of the International Covenant of Economic, Social, and Cultural Rights was one of the very few articles over which China made reservations when the government ratified it.

Chinese reports are ironically based on universal human rights standards.

However, when the alleged goal of human rights protection is enforced coercively by powerful foreign countries, China has expressed concerns or questions because it believes that each country has its own problems. Such differences and diversities cannot be resolved everywhere in the same way. Precisely at this level of implementation, China has been keeping distance from the tendency to use human rights as a political weapon. The China's official position has been that hegemonic power is the contemporary source of war. Assuming that Third World countries used to be exploited and oppressed by the imperialist countries, Deng Xiaoping, for instance, pointed out that "the origin of world upheaval is the hegemonic contention" and that "war is related to hegemonic world order"¹⁷, This antihegemonic policy has been carried out by the Chinese political leaders so far.¹⁸ The reasons for this position are complex and rooted in history, culture, and politics. Historically, Chinese people suffered much from poverty and exploitation with a long history of semicolonization. Culturally, Confucian tradition has advocated that "harmony is precious." Politically, China has been subject to many instances of external intervention.

The Chinese advocacy of a nonhegemonic approach to human rights can be exemplified by many examples, for instance, the recent crisis of Syria in which China opposed armed external intervention aiming at regime change. The use of force or threat by external powers for their own political advantages will not be helpful to the proper settlement of the issue. "China opposes external intervention under the pretext of humanitarianism"¹⁹. The key issue here is not the relationship between national sovereignty and human rights. We have no intention to say that sovereignty should prevail over individual rights. We only want to underscore the fact that the Chinese government has refused to follow the hegemonic approach to human rights.

Why does China keep a nonhegemonic approach to human rights?

¹⁷ *China Daily*, 18 May 1981.

¹⁸ Zhou Huijie, "The Continuation of the Chinese policy on Antihegemonism and Its Development" *Journal of Qiha'er University* 2 (2004).

¹⁹ The Chinese Statement by Ambassador Li Baodong at the Security Council Ministerial Meeting on the Middle East, From Chinese Mission to the United Nations, March 12, 2012. See the website of Ministry of Foreign Affairs of the People's Republic of China, <http://www.fmprc.gov.cn/eng/wjb/zwjg/zwbdt/913341.htm> visited on 2012-5-3.

First of all, due to the particularity of international human rights law, the potential force of reciprocity among states does not work as well as it does in other fields of international law. When there are violations of human rights, international monitoring mechanism may work well. However, human rights implementation depends largely, if not totally, on domestic measures within the jurisdiction of each state. Due to the lack of juridical institutions in the world community to monitor and enforce international human rights law, powerful states take this advantage to act as the world police. They often politicize human rights by applying double standards in international politics. The extreme case of hegemonic approach is the use of military force against the target states where humanitarian crisis takes place. The lesser form is nonmilitary measures, such as blockade or economic sanction.

A universal but nonhegemonic approach to human rights can be well documented by the sunshine policy of the late former president of South Korea Kim Dae-jung toward North Korea (Han 2011). Advocating the cosmopolitan principle of reciprocal communication, he argued that the actions of the North Korean leaders should be understood not from the fixed assumptions of South Korea or the United States but from the points of view of North Korea, and that insofar as they continue to express intention to communicate, the first thing to do is to invite them to the table of dialogue rather than relying on the use of force and sanctions. Though he suffered from numerous accusations and misrecognitions, Kim was consistent in maintaining his cosmopolitan standpoint against hegemonic globalism while embracing differences and diversities within his policy framework of reconciliation and cooperation.

Kim firmly believed that the very conception of human dignity is rooted in every world religions. The conditions of human rights can then improve well when this cultural norm gives rise to social consciousness and action in support of human rights. This is why Kim was cautious with the attempt to utilize human rights as a political means of external intervention. He believed that external involvement alone can hardly improve human rights records internally. The best option of human rights policies is to take wise steps designed to help nurture the domestic conditions for human rights movement and consciousness.

Contrasted to this, the hegemonic approach is aimed at implementing human rights to the target states from outside. More often than not, however, external threat makes the situation worse. As a result, confrontation takes place between the hegemonic superpower and the

targeted states. Therefore, it is of crucial significance to put emphasis on the nonuse of force in human rights promotion and protection. The nonhegemonic approach rejects military means. Recently, responsibility to protect (RtoP) has been a hot topic resounding through the halls of the United Nations General Assembly (UNGA). But only the third pillar, that is the world community's responsibility to protect, is mostly emphasized. During the debate among the UN members many Third World countries expressed their serious concern that the concept of RtoP is very likely to be abused by the hegemonic countries to intervene with military means into small and weak countries. RtoP may be better supported when it is implemented by the UN Human Rights Council than the Security Council. In case that force has to be used as the last resort, it should be used strictly for humanitarian purposes rather than regime change (Sevastik 2011, 201).

Actually some progress has been made in that direction. The depoliticization of the charter-based bodies, particularly the replacement of the Human Rights Commission by the new Human Rights Council,²⁰ showed some hope for the UN. At the same time, the treaty bodies have made efforts at turning the reporting process required of the various states into a constructive dialogue instead of confrontation between the committees and the member states. Likewise, human rights implementation has turned out to be a long-term social engineering process. Building and keeping a rule of law community is important not only for a sovereign state but also for the international society. The nonhegemonic approach to human rights requires effective preventive measures in various human rights institutions at both the global and regional levels, including UN human rights organizations, international treaty bodies, and NGOs.

Cosmopolitan Exploration for China

This paper has suggested that China has defended a universal but nonhegemonic approach to human rights in international politics. Please note that this is limited to the issue of human rights only, nothing more than that. How China will develop its own vision for global order is an open question to be answered by the Chinese people. Yet we would like to draw out cosmopolitan implications from the Chinese tradition of Tianxiaism.

²⁰ See the resolution adopted by the UNGA, Res/ 60/ 251.

As Ge Zhaoguang (2011: 187) pointed out, “As a cultural resource, Tianxiaism with a deep historical origin may either be interpreted into cosmopolitanism that opens to universal gospels and values . . . or follows the tradition of exclusive nationalist mentality and develops into an ambition of reigning Tianxia through economic and military modernization.” What attracts our attention is the first evolutionary trajectory of Tianxiaism. Wang Gungwu at the National University of Singapore offers a more benign thought for shaping a new vision of Tianxia. Although the Western empires and the Chinese Tianxia systems had broken down and been replaced by nation states, the experience of globalization, especially the experience of transnational organizations at different levels of world politics, suggests that we can develop fresh ideas about a new global order.

TianxiaYitong, as the Chinese equivalent of empire, embodied the idea of universalism and a superior moral authority that guided behavior in a civilized world. In the secular world, it may refer to the authority, somewhat akin to “soft power” that might be employed to check or moderate political and military dominance; in religions, it highlights the underlying moral values behind acts of faith. (Wang 2006)

In other words, the ideal of Tianxia can find its expression in moral universalism as we do from the mainstream Western civilization. This ideal can then serve as the basis of soft power or moral power:

The benign image of empire would need a soft power that would spread universal values like freedom, human rights and democracy to benefit all humankind. If these ideals distilled out of Western experiences could be projected peacefully, they would remind Chinese elites of their ancient faith in the concept of tianxia. Though the tianxia ideal had been less activist and missionary, it nevertheless *conveyed a similar wish to represent the highest universal values everywhere*. If that wish is revived, the new Chinese elites may recognize that, beyond the nation-state, there are new, fresh and vibrant values of universal validity that could be accepted and used to support, restore and even enhance those that their ancestors had espoused (Wang 2006)²¹.

The quest for a new global order by the Chinese scholars in line with the

Chinese tradition of Tianxiaism may be characterized by an attempt to combine universal values and East Asian identity. It means neither a complete “wholesale Westernization”²² nor coming back to traditionalism. Li Shenzhi (1994), for instance, argued that in order to establish a new world order China should be engaged in a double-edged inquiry of taking universal values of globalization as “substance (*Ti*),” on the one hand, and its own experience as “practical use” (*Yong*), on the other. Xu Jilin makes this point clear by suggesting that “for China, nation-state building means forging a real modern nation-state by making use of all civilizations of human being. This is a form of nationalism of a higher order, which I prefer to call new Tianxiaism. Cosmopolitanism may be seen as anti-nationalist, but is, in fact, the most capacious nationalism in essence” (Xu 2012).

The cosmopolitan imagination in China can be traced back into two streams. One is to follow the track of “wholehearted cosmopolitanism” suggested by Hu Shih (1935), which takes the Western development as the model to duplicate. Another is to follow the ideal of Tianxiaism, which does not stop with modernization of China but goes beyond it to realize a world of Tianxia style. As Fairbank noted, the concept of Tianxia “is not only an idea, but a sentiment, a feeling habituated by millennia of conduct. It attaches the highest importance to Chinese civilization, which consists of all those people who live in a Chinese way” (Fairbank 1983: 461; Evans 2010). In this sense, the Chinese way of maintaining national and cosmopolitan identity in terms of culture may be “stronger than a mere Western-style nationalism.” But this question is still open to further reasoning and elaboration (Zhao 2006). One of the key issues to be addressed in this regard is how to reconcile unity and differences, or how to embrace differences and diversities as much as possible within the goal of constructing a great harmonious world.

References

Angle, S. C. (2002) *Human Rights and Chinese Thought*. Cambridge: Cambridge University Press.

²¹ To know more about Gungwu Wang’s thoughts about new Tianxiaism, see Zheng (2009, 2010) and Evans (2010).

²² *Quanpan xihua*, It refers to the trajectory of Western modern civilization and its supporting values such as freedom, equality, reason, and so on which indicate the exact direction of development that China should follow.

- Bai G. et al. (1997) *Human Rights in International Law*. Beijing: Beijing University Press.
- Barash, D. P. and Webel, C. P. (2008) *Peace and Conflict Studies*. Los Angeles, CA: Sage Publications.
- Beck, U. (2006) *The Cosmopolitan Outlook*. Cambridge: Polity Press.
- Callahan, W. A. (2008) Chinese Visions of World Order: Post-hegemonic or a New Hegemony?, in *International Studies Review* 10: 749-761.
- (2012) Sino-speak: Chinese Exceptionalism and the Politics of History, in *Journal of Asian Studies* 71, no. 1: 33-55.
- Chan, J. (1999) A Confucian Perspective on Human Rights for Contemporary China, in Joanne Bauer and Daniel Bell (eds.), *The East Asian Challenge for Human Rights*. Cambridge: Cambridge University Press, 212-237.
- Chen, Y. (2005) *Kunjing zhongde zhongguo xiandai yishi* [Modern Chinese Consciousness in Puzzledom]. Huadongshifan daxue chubanshe [East China Normal University Press].
- De Bary, W. T. (1998) *Asian Values and Human Rights: A Confucian Communitarian Perspective*. Cambridge, MA: Harvard University Press.
- De Bary, W. T. and Tu W. (eds.) (1998) *Confucianism and Human Rights*. New York: Columbia University.
- Delanty, G. (2009) *The Cosmopolitan Imagination: The Renewal of Critical Social Theory*. Cambridge: Cambridge University Press.
- Dong, Z. (2012) Jindai zhongguo renquan guannian de shanbian [Evolution of the Idea of Human Rights since Modern China], in *Shixue Lilun Yanjiu* [Historiography Quarterly] 2: 120-122.
- Donnelly, J. (1999) Human Rights and Asian Values: A Defense of “Western” Universalism, in J. Bauer and D. Bell (eds.), *The East Asian Challenge for Human Rights*. Cambridge: Cambridge University Press, 60-87.
- Evans, P. (2010) Historians and Chinese World Order: Fairbank, Wang, and the Matter of Indeterminate Relevance, in Zheng Yongnian (ed.), *China and International Relations: The Chinese View and the Contribution of Wang Gungwu*. London: Routledge, 42-57.
- Falk, R. (2009) *Achieving Human Rights*, NY and London: Routledge, Taylor & Francis.
- Fairbank, J. K. (1983) *The United States and China*. 4th ed. Cambridge MA: Harvard University Press.
- Ge, Z. (2011) *Zhaizi Zhongguo: chongjian youguan “Zhongguo” de lishi lunshu* [Here in China I Dwell: Reconstructing the Historical Narratives of “China”], Beijing: Zhonghua Shuju [China Book Store].
- Habermas, J. (2006) *The Divided West*. Cambridge: Polity Press.
- (2007) Dispute on the Past and Future of International Law Transition from a National to a Postnational Constellation, in Ioanna Kuçuradi (ed.), *Philosophy Facing World Problem*. Proceedings of the Twenty-First World Congress of Philosophy, vol. 13, 31-39.
- Han, S-J. (1999) Confucianism and Postcolonialism, in the East Asian Context of Development, in *Review of Korean Studies* 2, no. 1: 23-44.
- (2010) Confucianism and Human Rights, in Wunsuk Chang and Leah Kalmanson (eds.), *Confucianism in Context: Classic Philosophy and Contemporary Issues: East Asia and Beyond*. Albany, NY: State University of New York Press, 121-144.
- (2011) From the Asian Value Debate to Cosmopolitanism: An Active Interpretation of the Political Thought of Kim Dae-jung, in *Korea Journal* (autumn): 196-222.
- Held, D. (2010) *Cosmopolitanism: Ideals, Realities, and Deficits*. Cambridge: Polity Press.
- Hu, S. (1935) Chongfen Shijiehuayu Quanpanxihua [Whole Hearted Cosmopolitanization and Wholesale Westernization]. Retrieved from

- http://www.21ccom.net/articles/ljsjd/jwxd/article_2012010451400.html (Last access on 23 December 2012).
- Huang, J. (2009) Where to Find the Non-occidental Universal Theory of Human Rights? A Query to Zhao Tingyang's Theory of Credit Human Rights, in *Journal of National Prosecutors College* 17, no.1.
- Human Rights in China. (n.d.) Retrieved from http://news.xinhuanet.com/ziliao/2003-01/22/content_702907.htm (Last access on 23 December 2012).
- Jiang, X. (2007) Cong tianxia zhuyidao hexie shijie: zhongguo waijiao zhexue jiqi shijian yiyi [From Tianxiaism to Harmonious World: Choice of Chinese Diplomatic Philosophy and Its Practical Meaning], in *Contemporary Asia-Pacific Studies* 12: 20-27.
- Information Office of the State Council, PRC. (2011) *White Paper on Peaceful Development*, Retrieved from <http://www.fmprc.gov.cn/eng/zxxx/t856325.htm> (Last access on 23 December 2012).
- Kim, D-j. (1994) Is Culture Destiny? The Myth of Asia's Anti-Democratic Values, in *Foreign Affairs* 73.6: 189-194.
- (1998) Dawning Era of Universal Globalism, in *Korea Times* November 5.
- Lee, K. Y. (1994) Culture is Destiny: A Conversation with Lee Kuan Yew, in *Foreign Affairs* 73, 2: 109-126.
- Li, C., Thomas P. M. and Barnett et al. (2008) Debating China's Future, in *China Security* 4, no. 2-3 (spring): 3-26.
- Li, M. (2011) Luntianxia sixiang zhongde zhengdao yu zhidao [The Political Way and Governed Way in Tian Xia Thoughts], in *Shijie Zhengzhi yu Jingji* [World Economics and Politics] 12: 109-125.
- Li, S. (1994) Quanqiuhua yu zhongguo wenhua [Globalization and Chinese Culture], in *Meiguoyanjiu* [American Studies] 4: 126-138.
- Liu, X. (2011) *Selected Writings*, Tienchi Martian-Liao and Liu Xia (ed.) Frankfurt: Fischer Verlag.
- McClean, E. (2011) The Dilemma of Intervention: Human Rights and the UN Security Council, in M. Odello and S. Cavandoli (eds.), *Emerging Areas of Human Rights in the 21st Century: The Role of the Universal Declaration of Human Rights*. London: Taylor & Francis, 24-44.
- Milne, A. J. M. (1986) *Human Rights and Human Diversity: An Essay in the Philosophy of Human Rights*. Basingstoke, UK: Macmillan Press.
- Nash, K. (2005) Human Rights Culture: Solidarity, Diversity, and the Right to Be Different, in *Citizenship Studies* 9, no. 4: 335-348.
- Nazzari, V., P. McAdams and D. Roy (2005) Using Transformative Learning as a Model for Human Rights Education, in *Intercultural Education* 16, no. 2: 171-186.
- Sevastik, P. (2011) Human Rights and the Development of International Law, Presented at Law Research Institute Foreign Authority Forum, Seoul National University, May 21.
- Sheng, H. (1996) Cong minzizhuyi daotianxiazhuyi [From Nationalism to Tianxiaism], in *Zhanlue yuGuanli* [Strategy and Management] 1: 14-19.
- (2012) Tianxia wenming: lun rujia de guoji xianzheng yuanze [Tianxiaist Civilization: On Confucian principles of International Constitutionalism]. Retrieved from http://www.21ccom.net/articles/sxwh/shsc/article_2012081065467.html (Last access on 23 December 2012).
- Wang, G. (2006) Tianxia and Empire: External Chinese Perspectives, Inaugural Tsai Lecture. Retrieved from <http://www.fas.harvard.edu/~asiactr/Archive%20Files/Tsai%20Lect.Harvard.05.06.doc> (Last access on 23 Decemer 2012).

- Wang, G. and Zheng Y. (eds.) (2008) *China and the New International Order*. London: Routledge.
- Wang, P. (2010) The Poverty of Tianxiaism: From Archaeology of Knowledge to Philosophical Critics and Political Assessment, BACS annual conference held in September 2010. Retrieved from <http://ishare.iask.sina.com.cn/f/14197906.html?retcode=0> (Last access on 23 December 2012).
- Xia, Y. (2004) Minben yu minquan: zhongguo quanli huayu de lishi jichu [Minben and People's Rights: Historical Foundation of Chinese Discourses of Rights], in *Social Sciences in China* 5: 4-23.
- Xu, J. (2007) Tianxia tixi yu shijiezhidu [Tianxia System and World Order—Remarks on ZhaoTingyang's *The Tianxia System: A Philosophy for the World Institution*], in *Guoji Zhengzhi Kexue* [Quarterly Journal of International Politics] 10: 113-142.
- Xu, J. (2012) Te shu de wenhua haishi xintianxia zhuyi [Exceptive Culture or New Tianxiaism], *Wenhua Zongheng* [Culture Review] 2: 20-23.
- Xu, X. M. (2006) Hexie quan: di si dai renquan [The Right to Harmony: The Fourth Generation of Human Rights], in *Renquan* [Human Rights] 2: 30-32.
- Yan, X. (1997) Pushixing minzuzhuyiyu zhongguo de jueqi [Universal Nationalism and the Rising of China], in *Taipingyang Xuebao* [Pacific Journal] 2: 68-75.
- Zhang, D. (1998) *Sixiang yu Shehui* [Thoughts and Society], first published by Shangwu Yinshuguan (Shanghai, 1946), reprinted by Liaoning jiaoyu chubanshe [Shenyang: Liaoning Education Publishing], 1998.
- Zhang, S. (2006) Tianxia lilun he shijie zhidu [Tianxia theory and world institution: some questions for ZhaoTingyang according the book of Tianxia tixi], in Zhenglai Deng (ed.), *Zhongguo Shuping* [China Book Review], vol. 5, Shanghai: Shanghai renmin chubanshe [Shanghai people's publishing house].
- Zhao, T. (2005) *TianxiaTixi: Shijie Zhidu Zhexue Daolun* [The Tianxia System: A Philosophy for the World Institution], Nanjing: Jiangsu JiaoyuChubanshe [Jiangsu Education Publishing].
- (2006) Rethinking Empire from a Chinese Concept “All-under-Heaven” (Tian-xia), in *Social Identities* 12, no. 1: 29-41.
- (2007) Credit Human Rights: A Non-Western Theory of Universal Human Rights, in *Social Sciences in China* 1: 14-26.
- (2008) All under Heaven, in comment on “Debating China's Future,” in *Chinese Security* 4, no. 2: 15.
- (2009) Cong guojia, guoji dao shijie: sanzong zhengzhi de wenti bianhua [From States, the International to World: Changes of Three Kinds of Political Problems], in *Zhexue Yanjiu* [Philosophy Studies] 1: 89-95.
- Zheng, Y. (2009) Zhongguo guojiajianguanxi de goujian: cong “tianxia” dao guoji zhixu [Organizing China's Inter-state Relations: From “Tianxia” (All-Under-Heaven) to the International Order], in *Dangdai Yatai* [Journal of Contemporary Asia-Pacific Studies] 5: 33-66.
- (ed.) (2010) *China and International Relations: The Chinese View and the Contribution of Wang Gungwu*. London: Routledge.
- Zhou, F. (2008) Tianxia tixi shi zuihao de shijiezhidu me? [Is the Tianxia System the Best World Institution?], in *Guoji ZhengzhiKexue* [Quarterly Journal of International Politics] 14: 98-104.