

Substantive Nature of Contemporary Chinese Perspective on Human Rights and Its Theoretical Development

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Abstract: *General Secretary Xi Jinping's important discourses on respecting and protecting human rights constitute the theoretical core of contemporary Chinese perspective on human rights, being considered as the representative discourses and the fundamental guiding ideology of China's human rights discourse system. The "substantive nature" theoretically signifies the "people-centeredness" of the Chinese path to human rights and contemporary Chinese perspective on human rights. It emphasizes the goal-oriented nature of human rights protection, with its essence lying in the balance of theory and the unity of subjectivity and objectivity of human rights. The "substantive nature" of contemporary Chinese perspective on human rights is primarily manifested in its theoretical opposition to "politicization of human rights"; its emphasis on the theoretical starting point of human rights protection and its focus on truly and effectively upholding human dignity; its proposal of more reasonable and feasible pathways for human rights protection; and its more scientific delineation of the goals and directions of human rights protection. "Living a happy life is the primary human right." The representative assertion of the "substantive" contemporary Chinese perspective on human rights represents a theoretical transcendence of the "formalistic" Western human rights perspectives.*

Keywords: substantive nature ♦ contemporary Chinese perspective on human rights ♦ living a happy life ♦ human right

Introduction

In the report to the 20th National Congress of the Communist Party of China (CPC), Xi Jinping, general secretary of the CPC Central Committee, emphasized that "we will follow a Chinese path of human rights development, actively participate in global human rights governance, and promote all-around

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advancement of human rights.”¹ This represents the latest development in the contemporary Chinese perspective on human rights. In March 2022, while presiding over the 37th group study session of the Political Bureau of the 19th CPC Central Committee, General Secretary Xi Jinping emphasized that drawing on China’s rich experience of advancing human rights, we should formulate new concepts and develop systems of academic discipline, research and discourse (hereinafter referred to as the “Three Systems”).² In particular, “we must be proactive in telling China’s stories of human rights protection, with concrete examples, and present our ideas in a more engaging way to influence more people.”³ General Secretary Xi Jinping’s series of remarks put forward major propositions on developing the “Three Systems” of human rights and building international consensus on human rights, serving as a fundamental guideline for advancing theoretical research on the contemporary Chinese perspective on human rights.

Developing China’s “Three Systems” of human rights is the foundation and prerequisite for enhancing the appeal, resonance, and influence of the contemporary Chinese perspective on human rights. To this end, we should first clarify the theoretical relationship among General Secretary Xi Jinping’s important discourses on respecting and protecting human rights, China’s human rights discourse system, and the contemporary Chinese perspective on human rights. It can be argued that General Secretary Xi Jinping’s important discourses on respecting and protecting human rights constitute the theoretical core of the contemporary Chinese perspective on human rights and serve as the guiding ideology of China’s human rights discourse system; the contemporary Chinese perspective on human rights represents an academic and theoretical system that reflects China’s mainstream stance and core principles on human rights; China’s human rights discourse system is a broader concept that is grounded in the academic framework represented by the contemporary Chinese perspective on human rights and also encompasses a wider range, such as human rights discourses, concepts, and stories as communicated through the media. For current academic research on human rights, a key task is to deepen the study of the core propositions and theoretical characteristics of the contemporary Chinese perspective on human rights, and on this basis, to further distinguish it from Western human rights perspectives.

In recent years, scholars have carried out extensive research on both the contemporary Chinese perspective on human rights and China’s human rights discourse system. For example, some scholars have proposed a “people-centered”

¹ Xi Jinping, *Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects — Report to the 20th National Congress of the Communist Party of China* (Beijing: People’s Publishing House, 2022), 38.

² “Xi Jinping Stressed ‘Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights’ at the 37th Group Study Session of the Political Bureau of the CPC Central Committee,” *People’s Daily*, February 27, 2022, 1.

³ Xi Jinping, “Follow the Chinese Path of Comprehensive Progress in Human Rights,” in *The Governance of China IV* (Beijing: Foreign Languages Press, 2022), 272.

human rights discourse system, arguing that its jurisprudential framework can be divided into moral jurisprudence, normative jurisprudence, and political jurisprudence.⁴ Some scholars have proposed that China's human rights theory should be summarized under the "developmental theory of human rights."⁵ Others have analyzed how the contemporary Chinese perspective on human rights has formed, arguing that contemporary China combines the Marxist concept of human rights with the country's actual conditions, and combines the socialist ideal of equality with the fine traditional Chinese culture, thereby establishing a dual safeguard system for both universal values and individual rights.⁶ Some scholars have also put forward that "the people-oriented nature is the core value of the contemporary Chinese discourse on human rights."⁷ It is fair to say that existing research has made important contributions to the theoretical interpretation of the contemporary Chinese perspective on human rights. However, several core issues still require deeper investigation. Among them, two stand out as particularly important: How can we theoretically summarize the essential characteristics of the contemporary Chinese perspective on human rights? And how should we correctly understand and assess the differences between the contemporary Chinese perspective on human rights and that of the West?

To answer the above questions fully and accurately, we should place high importance on the transformation of political and policy discourse on human rights into academic discourse — this is a necessary step toward enhancing the appeal, resonance, and influence of the contemporary Chinese perspective on human rights. There is no doubt that "people-centeredness" is the most distinctive feature of the Chinese path to human rights. But what is the theoretical expression and essential nature of this "people-centeredness"? How can we conceptualize and represent this idea in academic language? This paper argues that the "substantive nature" is the theoretical expression of the "people-centeredness" inherent in the Chinese path to human rights, and it is also a defining feature of the contemporary Chinese perspective on human rights. The "substantive nature" of the contemporary Chinese perspective on human rights is reflected in several key aspects: it upholds a theoretical stance against "politicization of human rights"; it emphasizes the theoretical starting point of human rights protection and focuses on truly and effectively upholding human dignity; it proposes more reasonable and feasible pathways for human rights protection; and it more scientifically delineates the goals and directions of

⁴ Liu Zhiqiang and Lin Dong, "The Jurisprudence Interpretation of the 'People-Centered' Human Rights Discourse System," *Academics* 1 (2022): 149.

⁵ The Research Group of the Center for the Study of Human Rights, Nankai University, "The Practical Basis and Theoretical Innovation of Human Rights in Contemporary China — Theory of Human Rights Structure Moving Towards Developmentalism," *Human Rights* 1 (2021): 22.

⁶ Qi Yanping, "The Formation Mechanism of the Outlook on Human Rights Development in Contemporary China," *Human Rights* 2 (2022): 19.

⁷ Lu Guangjin, "The Construction Dimension and Value Orientation of Contemporary Chinese Discourse on Human Rights," *Human Rights* 4 (2020): 9.

human rights protection, stressing that “living a happy life is the primary human right.”

I. The Core Essence and Significance of Contemporary Chinese Perspective on Human Rights

A. The core essence of the contemporary Chinese perspective on human rights

General Secretary Xi Jinping’s important discourses on respecting and protecting human rights constitute the theoretical core of the contemporary Chinese perspective on human rights. These discourses also serve as the guiding ideology for China’s “Three Systems” of human rights and encapsulate the core essence and significance of the contemporary Chinese perspective on human rights. On February 25, 2022, during the 37th group study session of the Political Bureau of the 19th CPC Central Committee, General Secretary Xi Jinping systematically summarized six defining features of the Chinese path of human rights development — known as the “Six Principles”⁸ — which also embody the core essence of the contemporary Chinese perspective on human rights: upholding the leadership of the CPC; respecting and ensuring the principal status of the people; proceeding from China’s realities; focusing on basic human rights, primarily the rights to subsistence and development; protecting human rights in accordance with the law; and taking an active part in global human rights governance.⁹ The first three principles have clarified the fundamental guarantees, basic positions and basic principles for the development of China’s human rights cause; and the last three have elaborated on the main points of the contemporary Chinese perspective on human rights.

First, uphold the leadership of the CPC. The Party’s leadership is the most defining feature of Chinese path to human rights and the greatest strength of its human rights cause. Thanks to the Party’s leadership and the centralized, unified leadership of the CPC Central Committee, China’s human rights protection has consistently followed a systematic approach — mobilizing resources from all sectors and advancing the comprehensive development of various human rights within a relatively short period of time. Second, respect and ensure the principal status of the people. This clearly reflects the fundamental stance of the contemporary Chinese path to human rights and its practice, and indicates the basic value pursuit of the contemporary Chinese perspective on human rights. “‘For the people’ is the distinguishing feature of the Chinese path of human rights development. “Human rights are not special privileges bestowed on some people or a small minority, but universal rights to be enjoyed by all the

⁸ Xi Jinping, “Follow the Chinese Path of Comprehensive Progress in Human Rights,” in *The Governance of China IV* (Beijing: Foreign Languages Press, 2022), 269-270.

⁹ Some scholars have summarized the “Six Principles” as the main feature of contemporary Chinese perspective on human rights. See Qi Yanping, “The Formation Mechanism of the Outlook on Human Rights Development in Contemporary China,” *Human Rights* 2 (2022): 36.

people.”¹⁰ Third, proceed from China’s realities. This establishes the basic principle for promoting the comprehensive development of China’s human rights cause and reflects the organic unity between the universality and particularity of human rights. Fourth, focus on basic human rights, primarily the rights to subsistence and development. This identifies a practical and realistic path for advancing human rights, offering important insights for countries around the world, especially developing nations. General Secretary Xi Jinping emphasized that “development is the eternal theme of human society. The *United Nations Declaration on the Right to Development* confirms that the right to development is an inalienable human right,”¹¹ underscoring the critical role of development in advancing human rights. More importantly, General Secretary Xi Jinping proposed the most fundamental criterion for evaluating a country’s human rights status: “striving to deliver a better life to the people, that is the biggest human right”; and “how a country is doing on human rights is essentially gauged by whether the interests of its people are upheld, and whether they enjoy a growing sense of fulfillment, happiness and security. That is the most important criterion for assessing the human rights conditions of a country. The people should become the true masters of their countries and the main participants, contributors and beneficiaries of human rights development.”¹² Fifth, protect human rights in accordance with the law. This reflects the inseparable relationship between human rights and the rule of law. It emphasizes that the rule of law and full implementation of law-based governance are the strongest guarantees for advancing the human rights cause. It also affirms that the rule of law is a fundamental driving force for human rights development. At the theoretical level, this principle also highlights the logical connection between the contemporary Chinese perspective on human rights and Xi Jinping Thought on the Rule of Law. Sixth, take an active part in global human rights governance. This clarifies the basic position of the contemporary Chinese perspective on human rights concerning the international human rights cause and global human rights governance, which is to “safeguard human dignity and rights, and promote fairer, more equitable and inclusive global governance of human rights, so as to build a global community of shared future and strive for a better world.”¹³ The report to the 20th CPC National Congress reaffirmed the need to “actively participate in global human rights governance.” This represents the fundamental position of the contemporary Chinese perspective on human rights in advancing the development of the international human rights cause.

The “Six Principles” outlined in General Secretary Xi Jinping’s important

¹⁰ Xi Jinping, “Follow the Chinese Path of Comprehensive Progress in Human Rights,” in *The Governance of China IV* (Beijing: Foreign Languages Press, 2022), 270.

¹¹ Institute of Party History and Literature of the CPC Central Committee, *Xi Jinping Respecting and Protecting Human Rights* (Beijing: Central Party Literature Press, 2021), 56.

¹² “President Xi Meets UN Human Rights Chief Bachelet,” *People’s Daily*, May 26, 2022, 1.

¹³ Xi Jinping, *The Governance of China III* (Beijing: Foreign Languages Press, 2020), 288.

discourses on respecting and protecting human rights represent a summary of China's successful human rights practices and the core essence of the contemporary Chinese perspective on human rights. They provide a scientific definition of the starting point, practical path, and developmental goals of human rights protection, fully embodying the "substantive nature" of the contemporary Chinese perspective on human rights. Specifically, they distill the most fundamental experience of China's human rights practice, with particular emphasis on the critical importance of Party leadership and proceeding from China's realities. Theoretically, they reflect the organic integration of the universality and particularity of human rights. Rooted in respect for the people's principal status, the statement that "living a happy life is the primary human right" interprets the nature of human rights and offers a more scientific definition of the goals and direction of human rights protection. By prioritizing the rights to subsistence and development as fundamental human rights, the framework proposes a more reasonable and feasible path for ensuring human rights. Its principle on protecting human rights in accordance with the law highlights the close connection between human rights and the rule of law, while affirming the rule of law as a fundamental driving force in the advancement of the human rights cause. Finally, the emphasis on active participation in global human rights governance, particularly against the backdrop of certain Western countries politicizing human rights, reflects the just stance and constructive attitude of the contemporary Chinese perspective on human rights in international dialogue and cooperation.

B. The significance of contemporary Chinese perspective on human rights

From a theoretical perspective, General Secretary Xi Jinping's important discourses on respecting and protecting human rights are a key component of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era. The contemporary Chinese perspective on human rights, as represented by these statements, embodies the worldview and methodology of the "Two Integrations" (integration of the Marxist concept of human rights with China's actual conditions and its fine traditional culture) and holds significant theoretical and practical value for the development of global human rights theory and the advancement of the human rights cause.

First, it is a major theoretical achievement in adapting the Marxist concept of human rights to the Chinese context and the needs of the present era. In terms of fundamental stance and methodology, it inherits and develops the basic principles of the Marxist concept of human rights, representing the latest outcome in the localization and modernization of the Marxist concept of human rights in China. For example, classic Marxist thinkers proposed the goal of "everyone's free and all-round development," which neither negates the individual dimension nor reduces it to the idea that individualism is the highest expression and completion of collectivism.¹⁴ General Secretary Xi Jinping's

¹⁴ Chen Shuguang, "On Everyone's Free and All-round Development," *Journal of Peking University*

important discourses on respecting and protecting human rights build upon and expand the Marxist idea of “everyone’s free and all-round development,” putting forward the new proposition that “living a happy life is the primary human right.” This has further given concrete form and practical expression to the idea.

Second, it is a theoretical summary of the successful experience of China’s human rights practices. General Secretary Xi Jinping’s important discourses on respecting and protecting human rights systematically summarize the achievements of the Chinese path to human rights and practical experience, achieving the systematization and theorization of that experience. The assertion of “respecting and ensuring the principal status of the people” reflects the fundamental stance of “putting the people at the center,” and defines the basic pursuit of the contemporary Chinese perspective on human rights from a values-based perspective. China’s successful poverty alleviation campaign is a vivid example of this principle in action. As some scholars have pointed out, the people-centered human rights concept provides the theoretical guidance for comprehensive poverty alleviation governance. It not only addresses the limitations of traditional Western human rights theories but also highlights the core values of China’s human rights governance.¹⁵ Furthermore, the campaign for comprehensive poverty eradication is a practice of prioritizing the rights to subsistence and development, and a successful example of advancing the human rights cause based on China’s national realities. By following the principle of proceeding from China’s realities, China fully leveraged its institutional strengths — such as “the strong leadership and mobilization capacity of the Party, an efficient government implementation system, and a highly centralized coordination mechanism at the national level.”¹⁶ As a result, China effectively addressed the problem of absolute poverty for a large population within a relatively short time, safeguarding the people’s basic right to a minimum standard of living. This marks a significant contribution to the global human rights development.

Third, it inherits and develops the human rights concepts in fine traditional Chinese culture, forming a contemporary human rights theory with a Chinese style. There are differing academic views on the relationship between traditional Chinese culture and modern human rights theory. Some scholars argue that “Confucianism itself is a free tradition that can generate and uphold human rights without the need for integrating external cultural influences.”¹⁷ Others contend that “human rights originated in the West and were forcibly embedded

(*Philosophy and Social Sciences*) 2 (2019): 22.

¹⁵ Liu Zhiqiang, “On Comprehensive Poverty Alleviation and Human Rights Governance,” *Science of Law: Journal of Northwest University of Political Science and Law* 5 (2022): 3.

¹⁶ Duan Ruiqun, “The Construction of a Rule of Law China and the Improvement of the Theoretical System of Human Rights in China — From the Perspective of ‘Integrating the Leadership of the Party, the Position of People as Masters of the Country, and the Rule of Law’,” *Human Rights* 4 (2016): 17.

¹⁷ William Theodore de Bary, *Asian Values and Human Rights: A Confucian Communitarian Perspective*, translated by Yin Tai and edited Ren Feng (Beijing: Social Sciences Academic Press, 2012), 150.

into Chinese culture and society. From the perspective of Chinese culture and society, human rights concepts and institutional norms are foreign, differing fundamentally from indigenous cultural values and social structures.”¹⁸ In fact, the above arguments that the two are completely identical or completely opposite are biased. Traditional Chinese culture contains a wealth of human rights ideas. “Chinese culture has always emphasized respect and care for people: Confucius’s idea that ‘benevolence is the foundation of good governance,’ Mencius’s notion that ‘he who selects and nurtures worthy talent for the world can truly be called virtuous,’ Xunzi’s belief that ‘among all things under heaven, people are the most valuable,’ and Mozi’s principle of ‘universal love’ — all underscore the intrinsic value of human beings.”¹⁹ However, it is also important to note that while traditional Chinese culture is rich in humanistic ideas, it did not develop a systematic theory or framework of human rights. General Secretary Xi Jinping’s important discourses on respecting and protecting human rights carry forward and build upon these traditional values, especially the emphasis on respect for and care of the individual in fine traditional Chinese culture. Grounded in practical achievements, these ideas have evolved into a contemporary Chinese perspective on human rights that takes the safeguarding of human dignity as both its starting point and central pursuit.

Finally, it draws on the outstanding achievements of global human rights civilization and represents the “Chinese wisdom” and “Chinese approach” within world human rights theory. General Secretary Xi Jinping’s important discourses on respecting and protecting human rights provide a scientific and dialectical understanding of Western human rights perspectives, recognizing the significant role and positive impact they have played: “The thinkers of the Enlightenment put forward the concept of ‘natural rights,’ which holds that all men are created equal and possess inalienable rights, a concept that helped propel forward revolutions in Britain, America, France and other countries.”²⁰ Therefore, the contemporary Chinese perspective on human rights values the adoption of various achievements from the civilization of human rights worldwide. It is a comprehensive human rights theoretical system formed by absorbing global human rights civilization and distilled from China’s successful human rights practices. This system is characterized by its completeness, logical rigor, and rich content, demonstrating distinct theoretical originality and a uniquely Chinese style in the field of human rights theory. Therefore, the contemporary Chinese perspective on human rights is not only China’s own but also belongs to the world, representing the “Chinese wisdom” and “Chinese approach”, contributing to the global human rights cause and civilization. Guided by this open and inclusive vision, China has made outstanding

¹⁸ Qi Yanping, “The Formation Mechanism of the Outlook on Human Rights Development in Contemporary China,” *Human Rights* 2 (2022): 20.

¹⁹ Xi Jinping, “Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights,” *Qiushi* 12 (2022): 4.

²⁰ Ibid.

contributions to the advancement of human rights worldwide, as evidenced by its proactive stance on international human rights instruments. According to data, China has ratified and acceded to 29 international human rights instruments, including 6 of the 9 core UN human rights conventions.²¹

II. The Substantive Nature of Contemporary Chinese Perspective on Human Rights and Its Theoretical Manifestations

As mentioned earlier, the contemporary Chinese perspective on human rights, represented by General Secretary Xi Jinping's important discourses on respecting and protecting human rights, is characterized by a "substantive" theoretical feature. This feature directly stems from the second principle of the Chinese path to human rights and practice — "respecting and ensuring the principal status of the people," which encapsulates the "people-centeredness" of the Chinese path to human rights. This paper argues that "people-centeredness" in the academic discourse system on human rights can be summarized as a "substantive nature," which reflects "people-centeredness" and values the balance between the means and ends of human rights protection, and the unity of subjectivity and objectivity of human rights. In particular, it emphasizes a comprehensive approach to the goals of human rights development — the unification of the people's subjective experience with objective standards in the evaluation of human rights.

The "substantive nature" of the contemporary Chinese perspective on human rights shares similarities with the concepts of "substantiveness" and "substantive rule of law" in legal theory. However, the former bears a distinct theoretical focus on human rights, placing greater emphasis on balancing the means and ends of human rights protection, the unification of human rights, and the comprehensiveness of human rights development objectives. This paper contends that the contemporary Chinese perspective on human rights is marked by a distinct "substantive nature." Specifically, it emphasizes, at the theoretical level, the balance between human rights and sovereignty, the universality and particularity of human rights, and the means and ends of human rights protection. In terms of the goals of human rights protection, it stresses the unity between subjectivity and objectivity, and puts forward the proposition that "living a happy life is the primary human right." It also places more emphasis on individuals' direct and personal perception of their human rights conditions.

The "substantive nature" of the contemporary Chinese perspective on human rights is reflected in several theoretical dimensions:

First, it places greater importance on the theoretical starting point of human rights, which helps to truly uphold human dignity. Human dignity is a right, the core element of human rights, and the theoretical foundation of human rights. "Human dignity" reflects the principal status of individuals and enables the

²¹ "China Contributes to the Progress of Global Human Rights Cause," *Legal Daily*, July 18, 2022, 5.

principle of dignity to serve as a “historical connecting link” between the moral and legal worlds of human rights.²² Some scholars have summarized six theoretical foundations for human rights based on certain attributes of the subject, including dignity, rationality, autonomy, equality, basic needs, and capacity for potential actualization.²³ Among these theories, the argument based on human dignity is evidently more persuasive and more in line with the realities of global human rights. “In modern human rights discourse, dignity is a central concept, a normative standard for political life, and the most widely accepted framework internationally, embedded in countless charters, international laws, and declarations.”²⁴

The contemporary Chinese perspective on human rights emphasizes that human rights protection should be grounded in each country’s actual conditions, with the rights to subsistence and development being the primary fundamental rights. This is fundamentally because they serve as essential prerequisites for effectively safeguarding human dignity. The “substantive nature” of the contemporary Chinese perspective on human rights is prominently demonstrated in its insistence that preserving human dignity must begin with reality, by first securing the rights to subsistence and development, as these constitute the necessary foundation for human dignity. The right to development, as underscored by the contemporary Chinese perspective on human rights, is essentially “the right to be treated with integrity and respect.” “As observed, from the world-historical character of the right to development, we can see their potential to invigorate solidarity among developing nations, thereby serving as an effective pathway toward ideal relations of cooperation and mutual recognition.”²⁵

As universally acknowledged, the right to life security serves as the fundamental physical prerequisite for realizing individual right to subsistence and safeguarding human dignity. The contemporary Chinese perspective on human rights places paramount importance on security’s role in preserving human dignity, with particular emphasis on protecting life safety. This approach has achieved globally recognized “safety miracles” in criminal justice, highlighting the crucial value of crime governance, especially homicide prevention, in upholding human dignity and rights protection. From a practical perspective, China has become internationally recognized as one of the safest countries worldwide. In 2021, the incidence rate of eight major criminal offenses in China dropped by 64.4% compared to 2012, while the national clearance rate

²² Jürgen Habermas, *Das Konzept der Menschenwürde und die realistische Utopie der Menschenrechte*, trans. Bao Yongling, in *Philosophical Analysis* 3 (2010).

²³ Anthony J. Langlois, “Chapter 1: Normative and Theoretical Foundations of Human Rights,” in *Human Rights: Politics & Practice*, Michael Goodhart (Oxford: Oxford University Press, 2009), 18-19.

²⁴ Michael Rosen, *Dignity: Its History and Meaning*, translated by Shi Ke (Beijing: Law Press • China, 2012), 1-2.

²⁵ Liu Zhiqiang and Lin Dong, “The Jurisprudence Interpretation of the ‘People-Centered’ Human Rights Discourse System,” *Academics* 1 (2022): 156.

for current homicide cases reached an exceptional 99%.²⁶ In recent years, China has maintained one of the world's lowest homicide and crime incidence rates, with only 0.56 homicides and 339 criminal cases per 100,000 people.²⁷ China's human rights practice demonstrates that effective crime governance, particularly homicide prevention, has dramatically reduced homicide rates to safeguard fundamental public security while establishing the essential foundation for truly upholding human dignity.

It should be acknowledged that contemporary Western human rights perspectives also emphasize the fundamental role of human dignity in human rights. However, these perspectives contain significant theoretical fallacies regarding how to effectively safeguard human dignity. For instance, some Westerners disregard the vast developmental disparities among nations and overlook the real gap between institutional human rights and realized human rights. They simplistically believe that merely copying Western human rights models or joining specific international human rights conventions can preserve human dignity in developing countries. This approach is theoretically absurd and practically harmful. In developing countries where absolute poverty remains widespread, merely acceding to international human rights conventions cannot genuinely protect human dignity when populations still struggle with basic sustenance. Similarly, how can true human dignity, especially that of victims, be safeguarded in societies plagued by rampant violent crimes and frequent homicides where people's safety is constantly threatened?

Second, contemporary Chinese perspective on human rights proposes a more reasonable and feasible path for human rights development. It offers a more rational and practical approach to human rights advancement, which manifests in two key aspects. a) Above all, it emphasizes the integrity and comprehensiveness of human rights protection, aligning with the inherent characteristics of human rights. This approach helps overcome various constraints on human rights development and more effectively promotes progress in human rights. The contemporary Chinese perspective on human rights fully embodies the spirit of both the *Universal Declaration of Human Rights* and the *Vienna Declaration and Programme of Action* adopted at the 1993 World Conference on Human Rights, attaches great importance to the integrity, interrelatedness and interdependence of all human rights, and implements these principles in practice — demonstrating the vital practical significance of international human rights instruments. Based on the integrity of human rights, China's perspective opposes hierarchical classifications that privilege some rights over others. It rejects approaches that prioritize only civil and political rights, and particularly disputes the narrow view that “only civil and political rights constitute genuine human rights.” The root of these objections lies in how such partial perspectives fracture the integrity and mutual

²⁶ “Advancing the Construction of a Higher-Level Peaceful China (China's Decade, Series of Thematic Press Conferences),” *People's Daily*, July 26, 2022, 4.

²⁷ “China's Governance Achieves New Progress in 2021,” *Legal Daily*, January 6, 2022, 6.

unity of all human rights. China's perspective, guided by the principle of integral human rights, has achieved globally recognized accomplishments in human rights practice. Specifically, it emphasizes the comprehensive and progressive nature of human rights development, prioritizes the fundamental role of economic, social and cultural rights, avoids potential setbacks and detours in human rights advancement, and promotes the full realization of human rights in China.

Moreover, it stresses that the rights to subsistence and development constitute primary and fundamental human rights, thereby tangibly advancing human rights progress. Chinese scholars posit that human rights manifest in three progressive dimensions: moral rights, institutional rights, and realized rights.²⁸ The practice of human rights essentially involves the continuous transformation of moral and institutional rights into realized rights. For developing countries, the crucial challenge in human rights advancement lies in converting institutional rights into realized rights, particularly through the fulfillment of the rights to subsistence and development. This represents a core manifestation of the "substantive nature" of the contemporary Chinese perspective on human rights, which effectively removes fundamental constraints on human rights development and propels significant progress in human rights causes. As some scholars have pointed out, the right to development "transcends the ideological division between civil-political rights and economic-social/cultural rights, unifying both categories within the development process." More importantly, "as a comprehensive right, the right to development permeates all categories of rights, reflecting its value orientation across all rights domains."²⁹

Third, the contemporary Chinese perspective on human rights provides a more scientific definition of the goals and developmental direction of human rights endeavors. There is no doubt that both civil-political rights and economic, social, and cultural rights are extremely important for human rights development. However, in a sense, we may consider that these specific rights are not the ultimate purpose of human rights protection, but rather pathways to achieve human rights objectives and means to realize people's comprehensive free development. China's perspective advances the proposition that "living a happy life is the primary human right," which, from a substantive standpoint, more scientifically defines the goals and direction of human rights development. It must be acknowledged that assessing a nation's human rights conditions solely through either subjective or objective criteria often leads to erroneous judgments. A more scientific evaluation requires a unified composite standard incorporating objective and subjective dimensions. To this end, objective rights protection forms the foundation, while equal attention must be paid to people's subjective

²⁸ Li Buyun, *Human Rights Law Studies* (Beijing: Higher Education Press, 2005), 26.

²⁹ The Research Group of the Center for the Study of Human Rights, Nankai University, "The Practical Basis and Theoretical Innovation of Human Rights in Contemporary China — Theory of Human Rights Structure Moving Towards Developmentalism," *Human Rights* 1 (2021): 41.

perceptions — rights that people cannot feel or experience evidently lack substantive meaning. China's perspective distinctly proposes that “living a happy life is the primary human right,” demonstrating the characteristic integration of subjectivity and objectivity, while also serving as a more comprehensive and accurate criterion for evaluating the realization of human rights. Regarding the theoretical connotation of this proposition, “living a happy life” naturally encompasses material prosperity and fulfilling spiritual-cultural life, but more importantly, includes the realization of people's aspirations for democracy, the rule of law, equity, justice, environmental quality, and security in their pursuit of a better life.³⁰ Through this proposition that “living a happy life is the primary human right,” China's perspective more scientifically delineates the objectives and developmental path of human rights causes. Its most outstanding value lies in emphasizing that human rights endeavors should not prioritize means over ends, nor become overly focused on the realization of any single specific right while losing sight of the ultimate purpose and goal of human rights protection — the achievement of “Living a Happy Life.”

Fourth, it emphasizes active participation in global human rights governance, advocating for dialogue rather than confrontation in resolving international human rights disagreements. The fundamental stance of the contemporary Chinese perspective on human rights regarding international human rights governance, as articulated in the report to the 20th CPC National Congress, is to “actively participate in global human rights governance, and promote all-around advancement of human rights.” This represents a highly responsible position toward the global human rights cause, standing in sharp contrast to the “politicization of human rights” and destructive approaches adopted by some Western nations.

It should be acknowledged that the current international human rights discourse system is grounded in international human rights law centered on the *International Bill of Human Rights*, including the *Universal Declaration of Human Rights (UDHR)*, the *International Covenant on Civil and Political Rights (ICCPR)*, and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, which constitutes a crucial moral high ground in international relations and has become an essential component of the contemporary global discourse system. What must be clearly recognized is that the international human rights discourse system cannot be equated with Western human rights perspectives and discourse frameworks. The two are not the same — the latter constitutes only part of the former, though an earlier-developed and relatively significant portion. Developing countries have also made substantial contributions to the formation and evolution of the international human rights discourse system. “The history of international human rights law demonstrates that non-Western nations, including socialist countries and the Third World

³⁰ Gao Changjian, “The Theoretical Orientation and Practical Requirements of ‘Living a Happy Life Is the Primary Human Right’,” *Politics and Law* 10 (2022): 10.

states, actively participated in shaping international human rights standards. Their involvement not only counterbalanced Western countries' discursive dominance in human rights to some extent but also contributed their distinct human rights wisdom and approaches.”³¹

For a long time, the Western human rights discourse framework led by the United States has maintained a dominant position within the international human rights discourse system. Some Western nations have persistently exploited this advantage to advance the “politicization of human rights” strategy, adopting various highly detrimental positions that have undermined global human rights cause. “By wielding their discursive power on human rights, Western countries have frequently influenced the trajectory of international human rights discourse. They routinely set the agenda and frame the parameters of debate within international human rights institutions, constructing a Western-centric human rights narrative that has established discursive hegemony in the field. This has enabled them to occupy advantageous positions in international human rights dialogues and manipulate the global order.”³² More egregiously, the small group of Western nations led by the United States has relentlessly pursued this “politicization of human rights” strategy, causing severe damage to global human rights governance.

In recent years, the human rights domain has become a primary battleground where Western nations attempt to suppress and contain China's development, leading to a sharp escalation of confrontation in international human rights affairs. Despite facing pressure from the West's “politicization of human rights,” the contemporary Chinese perspective on human rights maintains a fundamentally different approach — one that steadfastly adheres to active participation in global human rights governance, advocates for resolving international human rights differences through dialogue rather than confrontation, and resolutely opposes all “politicization of human rights” practices. Consequently, China's perspective has not only enriched and advanced the international human rights discourse system by contributing “Chinese wisdom” and “Chinese solutions” to human rights theory, but has also emphasized the crucial importance of dialogue and exchange within this international discourse system, representing a rational force in global human rights governance.

III. Key Differences Between the Contemporary Chinese Perspective on Human Rights and the “Formalistic” Western Human Rights Perspectives

The contemporary Western human rights perspectives present a rather

³¹ Sun Shiyan, “International Human Rights Standards: Western or Universal?” *Chinese Journal of Human Rights* 1 (2020): 72.

³² Liu Zhiqiang, “On the Construction Logic of Chinese Human Rights Discourse System in the New Era,” *Modern Law Science* 3 (2019): 24.

fragmented landscape, with the primary roots in modern liberal human rights theories that trace back to the “natural rights” doctrines of Enlightenment thinkers. Historically, these Western liberal human rights theories possessed reasonable justification and played a positive role in advancing global human rights development. However, the contemporary Western human rights perspectives have become increasingly hijacked by certain politicians and scholars, undergoing significant distortion that has rendered them more “formalistic” in theory, while exhibiting notable logical flaws. It should be acknowledged that this “formalistic” approach does not represent the entirety of Western human rights perspectives, yet it has gained considerable influence within Western political circles and human rights academia. Gradually, it has become the theoretical foundation for the “politicization of human rights” strategy, serving as both a “weapon” and “instrument” for some Western nations to advance their hegemonic agendas. This confrontational “formalistic” human rights perspective deviates from the original purpose of the human rights cause by simplistically ranking different categories of rights as superior or inferior, using human rights to negate national sovereignty, and employing the universality of human rights to deny their particularities — all of which have created significant negative impacts on global human rights development, particularly on the human rights practices of developing nations.

We maintain that the following key differences exist between “substantive” contemporary Chinese perspective on human rights and the “formalistic” Western approach: first, divergences emerge between the “depoliticization of human rights” and the “politicization of human rights.” The “politicization of human rights” refers to a series of practices employed by Western nations under the framework of their human rights discourse system, including confrontation, containment and suppression as primary methods in global human rights affairs. These practices disregard the purposes and outcomes of human rights protection, deviate from the original intent of human rights, and employ “double standards” in human rights assessments. In essence, the “politicization of human rights” represents the ideologization of human rights, manifesting in several ways: adopting selective approaches to human rights issues, applying double standards in evaluating human rights conditions, addressing human rights differences through confrontation rather than dialogue, and handling human rights disputes through unilateral coercion instead of multilateral cooperation, among others.³³

As universally acknowledged, the United States stands as the primary driver behind the “politicization of human rights.” During the 1970s, the U.S. formally implemented its “human rights diplomacy” strategy, elevating human rights to become the “cornerstone” and “soul” of its foreign policy. In recent years, it has increasingly weaponized human rights issues as political tools and strategic instruments to suppress and contain China’s rise, fundamentally

³³ China Society for Human Rights Studies, “U.S. Politicization of Human Rights Erodes Foundations of Human Rights Governance,” *People’s Daily*, December 28, 2021, 17.

deviating from the original purpose of the human rights cause. The contemporary Chinese perspective on human rights firmly opposes both the theory and practice of “politicization of human rights,” emphasizing that human rights must not be transformed into strategic “weapons” in international relations nor exploited as “means” to advance great-power hegemony; instead, human rights should return to their fundamental purpose of respecting human dignity and safeguarding collective wellbeing, thereby jointly advancing international human rights governance.

Second, divergences emerge regarding the balance and unification of human rights. The “formalistic” Western human rights perspectives fail to properly acknowledge the developmental realities and disparities among nations, neglecting the inherent balance and unification of human rights while demonstrating increasingly one-sided and extreme theoretical tendencies. (a) Above all, concerning the relationship between human rights and sovereignty, it simplistically advocates “human rights above sovereignty.” Since World War II, the human rights-sovereignty dynamic has become a pivotal issue in human rights theory. The “formalistic” contemporary Western human rights perspectives disregard the fundamental principle of sovereignty respect, unilaterally promote human rights supremacy over sovereignty, and deny the reality that sovereignty serves as the essential guarantee for human rights realization. This results in international intervention mechanisms like “humanitarian intervention” and “responsibility to protect.” It should be clarified that the human rights-sovereignty relationship cannot be reduced to a simplistic hierarchy. Regarding the essential nature of human rights issues, “they fundamentally fall within a nation’s domestic jurisdiction, where respect for sovereignty and non-interference in internal affairs constitute universally recognized principles of international law applicable to all areas of international relations, including human rights matters.”³⁴ Certainly, when confronting systematic and grave human rights violations within a nation, necessary international intervention may help curb such abuses. However, such actions must strictly adhere to international legal frameworks and must never serve as pretexts for violating other nations’ sovereignty — particularly where major countries exploit the rhetoric of “human rights above sovereignty” to infringe upon the sovereignty of smaller and developing nations.

(b) Moreover, the West’s perspective believes only the civil liberties and civil and political rights qualify as genuine human rights. For a long period, some Western scholars have only acknowledged the human rights character of civil liberties and political rights while denying the same status to economic, social, cultural rights and collective rights. For instance, some Western scholars maintain that “freedom from interference and democratic participation rights inherently in the traditional concept of human rights are the only individual

³⁴ Zhang Xiaoling, “On the Relationship Between Human Rights and Sovereignty,” *Human Rights* 4 (2014): 27-28.

rights against the state that can be legally realized and in this sense constitute true human rights.”³⁵ Similarly, other Western academics argue that civil and political rights such as life, liberty and property represent “universal, supreme and absolute moral rights,” whereas economic and social rights allegedly lack universality, practical enforceability and paramount importance, “belonging to a different logical category” and therefore not constituting authentic human rights.³⁶ Some Western scholars further reject “positive rights”, including economic, social and cultural rights, as human rights.³⁷ These extreme views that diminish “positive rights” theoretically violate the principle of the unification of all human rights established by the *Vienna Declaration and Programme of Action* adopted at the 1993 World Conference on Human Rights, while also contradicting the fundamental importance of the ICESCR. In reality, the protection of economic, social and cultural rights holds equally vital significance for both developed and developing nations. These rights form an indispensable component of modern human rights systems, rather than constituting some secondary category subordinate to civil and political rights.

Third, divergences emerge regarding the approaches, objectives, and developmental pathways of human rights protection. Generally speaking, the “formalistic” view of human rights recognizes only civil liberties and political rights as genuine human rights, with its core tenet being “the primacy of individual freedoms.”³⁸ This perspective neglects the particularities of human rights and willfully disregards the substantive differences among nations, mistakenly elevating the Western model of human rights development as the “sole legitimate path,” a theoretical formal fallacy that commits the formalistic error of “taking the part for the whole.” More critically, this “formalistic” view inverts the relationship between means and ends. It conflates the instruments of human rights protection with their ultimate purpose, obsessively emphasizing procedural mechanisms and external forms while losing sight of the substantive outcomes and fundamental objectives of human rights safeguarding. Paradoxically, such an approach impedes the realization of genuine human rights protection and deviates from the proper trajectory of human rights advancement.

The “substantive” contemporary Chinese perspective on human rights establishes the preservation of human dignity as the foundational premise of modern human rights theory, maintaining that the ultimate objective of human rights should be the free and comprehensive development of human beings. Within specific societal contexts, this translates concretely into the realization of

³⁵ Manfred Nowak, *Introduction to the International Human Rights Regime*, translated by Liu Huawen (Beijing: Peking University Press, 2010), 24.

³⁶ Jack Donnelly, *Universal Human Rights in Theory and Practice*, translated by Wang Puqu et al. (Beijing: China Social Sciences Press, 2001), 31.

³⁷ Frank B. Cross, “The Error of Positive Rights,” *UCLA Law Review* 48 (2001): 857.

³⁸ Tu Shaobin, “On the Proportional Logic and Communicative Efficacy of the Right to a Happy Life: A Comparative Analysis with the Right to Individual Freedom,” *Journal of South-Central Minzu University* 8 (2022): 122.

people's wellbeing and flourishing lives. While civil liberties, political rights, and economic, social, and cultural rights all provide means and possibilities for protecting human dignity and achieving wellbeing, these rights do not in themselves equate to happiness. How can a developing nation ensure the realization of civil and political rights when it cannot even meet its people's most basic needs for food, clothing, and security? How then can it achieve the goal of "living a happy life" for its citizens? In some countries, the excessive emphasis on so-called freedom to bear arms has led to severe gun violence, with both the total number and incidence rate of homicides remaining persistently high. How can genuine human dignity be protected or happiness realized under such circumstances?

IV. A Scientific View on the Relationship Between the "Substantive" Contemporary Chinese Perspective on Human Rights and "Formalistic" Western Human Rights Perspectives

At present, the "formalistic" view of human rights held by certain groups in the West does not represent the entirety of Western human rights perspectives, nor should it be equated with the international human rights discourse system. This "formalistic" view of human rights is partly rooted in the liberal human rights theories of modern Western thought. But in recent years, it has undergone significant changes and has increasingly become a "weapon" and "tool" for some Western powers to advance hegemonic strategies. For the development of the global human rights cause, this "formalistic" view has had serious consequences. "Yet, these countries still use slogans like 'universal human rights' and 'human rights over sovereignty' as a pretext for forcing Western conceptions and systems of democracy and human rights on others and for meddling in the internal affairs of other countries. This has only served to cause recurrent military conflict, ongoing unrest, and the displacement of many from their homes in a number of countries."³⁹

On a number of major human rights issues, the "substantive" contemporary Chinese perspective on human rights differs significantly from the "formalistic" Western human rights perspectives. These differences are primarily reflected in areas such as the relationship between human rights and sovereignty, the balance between universality and particularity of human rights, and the connection between political rights and economic, social, and cultural rights. In recent years, as Western countries led by the United States have continued pursuing the "politicization of human rights" strategy, the opposition between the two approaches has become increasingly pronounced. Nevertheless, we believe that, in theoretical terms, the "substantive" contemporary Chinese perspective on human rights, as compared to the "formalistic" Western approach, is not of complete opposition or mutually exclusive, but rather a theory that transcends

³⁹ Xi Jinping, "Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights," *Qiushi* 12 (2022): 8.

the Western approach. The core rationale behind this theoretical transcendence lies in the fact that the “substantive” contemporary Chinese perspective on human rights respects the particularity of human rights, and emphasizes a balanced and comprehensive approach to human rights protection, making it a more scientific theoretical system compared to the formalistic and one-dimensional Western approach.

In earlier studies, some scholars pointed out the differences between the Western liberal human rights theories and the socialist human rights concepts, noting that “the main difference between the two lies in the means of implementation. The socialist critique of the liberal human rights theories does not seek to oppose or deny the existence of human rights, but rather to challenge the liberal approach to realizing them.”⁴⁰ Today, there are also fundamental disagreements between the “substantive” contemporary Chinese perspective and the “formalistic” view held by specific Western groups. These disagreements do not center on whether human rights should be respected, but on the different paths and methods of achieving them. This, in turn, gives rise to fundamental divergences on key issues such as the “politicization of human rights,” their ultimate purpose, direction of development, and standards of evaluation.

Essentially, the “substantive” contemporary Chinese perspective on human rights does not seek to replace or displace the Western approach, but rather represents a theoretical transcendence of the Western approach — particularly the “formalistic” Western version. The contemporary Chinese perspective on human rights draws on the reasonable elements of the Western approach, forming a more mature and scientific theoretical system that constitutes an important part of global human rights civilization. Rooted in China’s own practice of human rights protection, it is better suited to the country’s specific national conditions. At the same time, because it treats several major human rights relationships with greater balance, it also holds valuable lessons for the human rights practices of developing countries around the world. Understanding the relationship between the contemporary Chinese perspective on human rights and the “formalistic” Western human rights perspectives reflects the broader aim of “maximizing international consensus on human rights.”

General Secretary Xi Jinping pointed out: “We must hold high the banner of building a community with a shared future for mankind, leveraging China’s dynamic development practices and drawing upon over 5,000 years of Chinese civilization to comprehensively articulate China’s perspectives on development, civilization, security, human rights, ecology, international order, and global governance. This will strengthen our moral standing and discursive influence in the international arena.”⁴¹ Therefore, based on the understanding of this relationship of theoretical transcendence, we should genuinely strengthen our

⁴⁰ Liu Qingyuan, “The Socialist Human Rights Concepts and the Liberal Human Rights Theories,” *Journal of Gansu University of Political Science and Law* 3 (2011): 17.

⁴¹ Institute of Party History and Literature of the CPC Central Committee, *Xi Jinping Respecting and Protecting Human Rights* (Beijing: Central Party Literature Press, 2021), 191.

confidence in China's human rights theory and system. More specifically, we should thoroughly explain the core principles and fundamental positions of the contemporary Chinese perspective on human rights and enhance the persuasiveness of this "substantive" approach. What is especially important is that we ground contemporary Chinese perspective on human rights in international human rights law, use globally accepted human rights concepts and language, and — based on China's reality — continue telling compelling stories of China's human rights journey.

V. Conclusion

The continuous advancement of global human rights civilization is the result of the collective efforts of all humanity. Historically, Western human rights theories have played a positive role in the development of human rights and are an important part of the human rights civilization. However, the "formalistic" view of human rights now embraced by some Western politicians and scholars has obscured the reasonable elements of Western human rights perspectives and has become the theoretical basis for the "politicization of human rights" strategy pursued by a few countries, which has caused serious negative consequences for the development of human rights in developing nations.

We must recognize that the current human rights differences between some Western countries and China are not traditional East-West debates over whether civil and political rights should take precedence over economic, social, and cultural rights. Nor are they disputes between individual and collective rights. Rather, they represent a fundamental divergence between a scientific perspective on human rights and a "formalistic" one. This divergence primarily lies in the confrontation between the "politicization" and "depoliticization" of human rights, in disagreements over how to scientifically assess a country's human rights conditions, in differing understandings of the goals of human rights protection, and in fundamentally different paths for advancing the human rights cause.

The contemporary Chinese perspective on human rights, with General Secretary Xi Jinping's important discourses on respecting and protecting human rights as its theoretical core and hallmark, is a major achievement of the "Two Integrations" in the field of human rights. It is a theoretical summary of the successful practices of China's human rights development, marked by its fundamental characteristic of "people-centeredness," and thus characterized by its "substantive nature." The "substantive" contemporary Chinese perspective on human rights emphasizes the original intention and practical path of human rights protection. It scientifically defines the direction and goals of human rights development and represents a theoretical transcendence of the "formalistic" Western approach, contributing "Chinese wisdom" and "Chinese solutions" to the progress of global human rights civilization and the broader human rights cause.

Within General Secretary Xi Jinping's important discourses on respecting and protecting human rights, the assertion that "living a happy life is the primary human right" is a major theoretical innovation. It represents an important contemporary advancement of the Marxist concept of human rights, a representative proposition of the "substantive" contemporary Chinese perspective on human rights, and a key example of its theoretical transcendence over the "formalistic" view. We should adopt the notion that "living a happy life is the primary human right" as a core concept, and deeply explore its theoretical and practical implications, thereby articulating the scientific foundations of the "substantive" contemporary Chinese perspective on human rights and further enhancing its persuasiveness, appeal, and influence among international audiences, including those in Western countries.

(Translated by *JIANG Yu*)