

# **The Exchange of Human Rights Between China and France, in the Process of Modernization——Written on the Occasion of the 60th Anniversary of the Establishment of Diplomatic Relations Between China and France**

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As far as the concept of human rights is concerned, an important international issue, the traditional cultures of China and France contain very rich potential human rights origins. In the era of global modernization, marked by the profound impact of the Industrial Revolution on traditional agricultural societies, transitioning them into modern industrial societies, industrialism has seeped into every facet - economic, political, cultural, and ideological. This transformative process has catalyzed the emergence of human rights concepts in tandem with economic evolution, leading to a global collision of human rights ideologies. China's ancient culture, renowned for its influence, has significantly enlightened French and European cultures through its philosophical insights, contributing to the development and establishment of human rights theories and doctrines in France and Europe. Simultaneously, the introduction of European human rights theories from late Qing Dynasty onwards has enriched China's traditional cultural thought, fostering the birth of modern human rights theories and concepts unique to China. The exchange and mutual learning between China, France, and Europe are also evident in the drafting of the Universal Declaration of Human Rights, an international consensus document on human rights. Chinese delegates, alongside representatives from France and other European countries, engaged in dialogue, sought common ground while acknowledging differences, and explored strategies to incorporate the collective consensus into the declaration. Since China's reform and opening up, exchanges in the realm of human rights between China and France, as well as China and Europe, have become more extensive. However, these interactions have also been marred by "human rights diplomacy," underscoring the complex dynamics at play in the global discourse on human rights.

In the context of the COVID-19 has had a major blow to human health and the global economy, unilateralism, protectionism and other anti-globalization propositions have been frequently mentioned around the world, such ideas also pose new challenges to human rights exchanges between China and France. From China's standpoint, how can we further enhance the consensus on human rights between the two countries and strengthen human rights exchanges on the occasion of the sixtieth anniversary of the establishment of diplomatic relations between the two countries?

To build consensus on human rights protection between the two countries, firstly, we should explore the most common elements of human rights between the two countries, and emphasise the "right to development" as the focus of human rights development; secondly, when focusing on the universal values of human rights, we should incorporate China's own view of human rights, and take human rights concepts in traditional Chinese culture as our nourishment, and pay attention to individual human rights, but also pay sufficient attention to collective human rights, so as to enhance the human rights of individuals. Third, in the ongoing dialogue on human rights between China, France, and Europe, the Chinese government's notion of "Community of Common Destiny for All Mankind" acts as the cornerstone for shaping China's contemporary human rights discourse. This concept not only underpins more profound human rights exchanges and collaboration between China and France, but also facilitates global consensus-building on human rights matters with other nations worldwide. Serving as a foundational principle for the development of China's modern human rights discourse, it simultaneously guides China in deepening its human

rights interactions with France and other countries globally. This process broadens our understanding of human rights, enables us to align perspectives on these issues, and fosters a collaborative environment conducive to global human rights progress.

## **I. Exchanges and Mutual Learning in the Emergence of Modern Sino-French Human Rights Thought**

As modernization advances in both nations, the market economy has supplanted traditional peasant economies and industrial societies have eclipsed agrarian ones. This economic transformation poses a clear challenge to the millennia-old feudal autocratic systems prevalent in these countries. Undeniably, from an economic standpoint, the concept of human rights emerges as a societal awareness that surfaces with the advent and evolution of market economic systems, subsequently maturing into a societal norm. “The market economy requires the independence, freedom and equality of the individual in order to meet the requirements of market exchange.”<sup>1</sup> From this perspective, it is evident that while China, France, and Europe may exhibit divergent cultural legacies, under the shared milieu of industrialization’s modern phase and the progression of market economies, both countries share the requisite social conditions for the manifestation and growth of human rights consciousness and norms.

Simultaneously, the globalization of cultural exchanges has facilitated the worldwide dissemination of the human rights concept, leading to its acceptance and recognition by the majority of countries globally. This global diffusion is not without its complexities, as differing cultural backgrounds have contributed to the enrichment and diversification of human rights values within an international context. At the same time, the differences in cultural backgrounds of different countries and regions have contributed to the enrichment and diversification of different values in the international concept of human rights. In this mutual exchange process, Chinese and French cultures, as well as Chinese and European cultures, have learned from each other, thereby invigorating the emergence and development of human rights in both France and China.

### **I.1 "Learning from the east and gradually advancing from the west" -- the influence of Chinese traditional culture in the French theory of human rights**

In the process of the gradual collapse of the traditional political system of feudal autocracy, on the one hand, many French sages dug inward into European classical documents to explore the ideas related to human freedom, equality and other rights, and to find cultural support for the construction of the market economy and its corresponding

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1. Chang Jian, *The Triple Logic between China’s Socialist Market Economy and Human Rights Development*, Human Rights Jurisprudence, No. 3, 2023, p. 27.

social norms. Conversely, the dissemination of traditional Chinese culture to Europe and France has precipitated a “Western Learning Spreading to the East” in the realm of human rights resources. This phenomenon has contributed a significant, albeit partial, impetus to the conceptual development of human rights in France and Europe.

**1) *The initial imprint of traditional Chinese Confucianism in the French doctrine of human rights***

As early as the 17th century, the French scholar Lammette Levalier saw in the Jesuit Italian missionary Matteo Ricci’s “Christian Expedition to China” that he had a discussion of Confucius and Confucianism. This experience had a profound impact on his subsequent intellectual development. In his 1641 publication, “The Virtues of the Infidel,” Le Valille drew parallels between Confucius and Socrates, perceiving the principle “do unto others as you would have them do unto you” as the core of Chinese ethics.

After entering the 18th century, the French Enlightenment sages Denis Diderot, Montesquieu, Voltaire and others all quoted Confucius’s moral philosophy and gave it high praise. For example, Voltaire used the Analects many times in his “Treatise on Customs” and “Philosophical Dictionary” to discuss his views, and regarded “do not do unto others as you would have them do unto you” as an “unswerving law in society, comparable to the law of gravity expounded by Newton<sup>2</sup>”, and this law should be “engraved in everyone’s heart”.<sup>3</sup> During Chinese President Xi Jinping’s visit to France in 2019, French President Macron presented President Xi Jinping with a French version of the Analects, published in Paris in 1688, as a state gift.<sup>4</sup>

The French Enlightenment thinkers Voltaire, Montesquieu, Quenet and the encyclopedist philosophers all received resources and enlightenment on human rights from traditional Chinese Confucian philosophical thought, namely the ideas of “benevolent monarch”, “benevolent government” and “rule by virtue”.

**2) *Imprint of confucianism in human rights documents adopted during the French revolution***

The French Revolution was an important attempt to pursue human rights in French history, and the human rights norms adopted during this period can also glimpse the imprint of China’s traditional Confucianism. Article 6 of the Declaration of the Rights of Man and of the Citizen, adopted by the French Convention on June 23, 1793, explicitly asserts: “Liberty is the right of all men to do as they wish without prejudice to the rights of others: nature is the principle, justice is the norm, law is the guarantee, and moral boundaries are encapsulated in the proverb ‘Do unto others as you would have them do unto you’.” When considering whether this provision was more influenced by Chinese culture or European Christian cultural traditions, Chinese scholar Xu Minglong believes that this “literal expression is completely consistent

2. Xu Minglong, “Do Not Do to Others as You Do Not Want” and the Golden Rule of Morality, China Reading News, June 13, 2012, p.10.

3. Yang Chaoming, Looking at Confucius and the Analects Across the Sea, People’s Daily, July 14, 2019, p. 7.

4. See Gong Ming, The Story Behind the National Rites’ Analects, People’s Daily, July 14, 2019, p. 7.

with Confucius's proverb quoted by Voltaire and others, 'Do not do unto others as you would have them do unto you,' and is far from the expression in the Bible," and that "the French revolutionaries of the time were known for their fierce opposition to the ideas of the Christian church."<sup>5</sup>

Further, In the Constitution adopted by the French National Convention on August 22, 1795, Article 2 of the Declaration of the Rights of Man and Citizens, which serves as the preamble to the Constitution, states in the "Duty" section that, "All the duties of man and citizen derive from the following two principles engraved in the hearts of all men: Do not do unto others as you would have them do unto you;" Xu Minglong believes that the phrase "do not do unto others as you would have them do unto you" in this article is the same as that of the 1793 Declaration, and the phrase "engraved in the hearts of all men" aligns with Voltaire's assertion of "engrave in everyone's heart the rule of 'do unto others as you would have them do unto you'".<sup>6</sup> At the same time, the principle of "do unto others as you would have them do unto you" stipulated in the latter sentence of this article is likely to be a condensation of the Confucian proverb that "you have established a person if you want to do it, and you can reach a person if you want to achieve it".<sup>7</sup>

In the recent historical phenomenon of the French doctrine of human rights inspired by the fine Chinese tradition, it is precisely as pointed out in his speech at the 91st meeting of the United Nations Third Committee on October 2, 1948 by Zhang Pengchun, the Chinese representative who participated in the drafting of the Universal Declaration of Human Rights, "In the eighteenth century, when the progressive ideas on human rights were first put forward in Europe, the translation of the ideas of Chinese philosophers was already the same as that of Voltaire, Thinkers such as Quenet and Diderot knew about it and inspired them to launch a humanistic revolt against feudal ideas. When the issue of human rights was first discussed in modern Europe, Chinese thought had already merged with European thoughts and emotions on human rights."<sup>8</sup>

## **1.2 "Learning from the west to the east": the imprint of the French human rights doctrine in the embryonic thinking of Chinese human rights**

The germination of the idea of human rights in modern Chinese society embodies the imprint of the concept of human rights in China's traditional culture, and the self-revolution carried out by virtue of the experience taken from the Western theory of human rights in the revolutionary process of resisting the feudal autocratic rule system

5. See Xu Minglong, Do Not Do Unto Others as You Do Unto You and the Golden Rule of Morality, China Reading News, June 13, 2012, p.10.

6. Ibid.

7. See Zhao Jianwen, Confucian Liberal Thought: The Convergence of the Universal Declaration of Human Rights and Traditional Chinese Culture, Human Rights, No. 1, 2020, p. 56.

8. General Assembly, Ninety-First Meeting, A/C.3/SR.91 (1948), p. 48.

over the past thousand years. In the process of China's modernization, from the end of the 19th century to the beginning of the 20th century, the germination of Chinese's human rights thought was successively influenced by a variety of French human rights thoughts, the most representative of which is Rousseau's "The social contract" and Duguit's "social solidarity".

### **1) *The introduction of natural rights and social contract theory into China***

In 1895, Yan Fu, a philosopher of the Chinese bourgeois Enlightenment, published articles such as "On the Urgency of World Change" and "Bi Han" in Tianjin's Zhibao, introducing the idea of natural human rights and the theory of social contract originated in France. Yan Fu underscored that in a world marked by immense power dynamics, freedom for the populace and the right to rights within their homeland cannot coexist if the people are not free.<sup>9</sup> His insights were notably encapsulated in December 1900 when Yang Tingdong, a future provisional senator of the Republic of China, translated The Social Contract into Chinese for the first time in China and serialized it in the Japanese Translation Compilation. In 1901, Liang Qichao, a prominent Enlightenment thinker, highlighted in "The Case of Rousseau" that safeguarding one's freedom is a paramount life responsibility. Children, being human beings too, are inherently entitled to freedom. Parents who force their children into servitude do so out of ignorance about justice and a lack of respect for human rights. In 1904, he published "The Doctrine of the Giant Rousseau on the Civil Covenant" in the "Compilation of Renyin Xinmin Cong Bao", in which he pointed out that "before the establishment of the civil covenant, everyone has sovereignty".<sup>10</sup> He further pointed out that "human rights are given by God, so everyone has the right to autonomy and equality, and the state is established by the agreement of the people."<sup>11</sup> Liang Qichao posits that the root cause of China's weakness lies in the decline of civil power over three generations, as the monarch's authority has progressively grown more esteemed, resulting in a diminishing civil power.

### **2) *The introduction of the doctrine of social associationism and human rights into China***

In 1931, Zhang Yuanruo, a modern Chinese constitutionalist influenced by Léon Dij, the founder of the French law of social association, started a debate with Luo Longji, mainly about whether to adopt the concept of "civil rights" or "human rights" in the Constitution of the Republic of China.<sup>12</sup>

On the origin of human rights, the main disagreement between the two scholars lies in whether human rights are conferred by national law, Zhang believes that "the

9. Wang Yan, ed., The Collected Works of Yan Fu (Volume 4), Zhonghua Book Company, 1986, p. 917.

10. Liang Qichao, The Doctrine of the Giant Rousseau, in Ren Yin Xinmin Cong Bao Compilation, Xinmin Daily, 1904, p. 114.

11. Zhang Fang and Wang Renzhi, eds., Selected Essays on the First Ten Years of the Xinhai Revolution (Volume 1, Volume I), Life, Reading, and New Knowledge, 1960 edition, pp. 30-31.

12. See Yang Tianyi, The Controversy between "Civil Rights" and "Human Rights" in Modern Chinese Constitution-making: A Case Study of a Polemic between Zhang Yuanruo and Luo Longji, Modern Legal Science, No. 2, 2010, pp. 128-135.

concept of rights should not be subjective, and what is the basis of rights if they are separated from the country and the law!”<sup>13</sup> while Luo believes that “in terms of political philosophy, I believe that ‘human rights are the rights that exist before the state, not those conferred by law... The state is produced by man, and man is not produced by the state. It is the right of man to produce the state. Through this state, we formulate its laws, which are created by humans, not by any law that could produce them. The law of manufacturing, thus, is inherently tied to human rights as well.”<sup>14</sup>

On the question of the essence and role of human rights, Zhang Yuanruo pointed out that “the countries of Europe and the United States, dominated by the subjective metaphysical theory of natural human rights, individualism and rampant have been deeply attacked”. He further pointed out that He further emphasized that individuals should not only be safeguarded by negative rights, but also by positive rights. He argued that the state’s responsibilities extend beyond merely passively upholding individual liberties. It is also incumbent upon the state to actively plan and take measures aimed at enhancing the preservation of people’s lives and ensuring their well-being.<sup>15</sup>

## **2. The Joint Exploration of Chinese and French Representatives in the Process of Formulating the Universal Declaration of Human Rights**

In the process of social modernization, all countries have accordingly formulated norms related to the protection of human rights. In France, the Declaration of the Rights of Man and of the Citizen was issued in 1789, which dealt with the recognition and regulation of human rights. When we look at China, after the overthrow of the feudal autocratic rule of the Qing government, a series of legal norms stipulating the freedom, rights and equality of the people to varying degrees have emerged, such as Chapter II of the Provisional Constitution of the Republic of China in 1912, Chapter II of the Constitution of the Republic of China in 1914, and the Constitution of the Republic of China promulgated in 1947. Under the leadership of the Communist Party of China, the base areas and liberated areas have also formulated a series of normative documents to protect human rights, such as the 1940 Shandong Provincial Regulations on the Protection of Human Rights and the 1941 Interim Regulations on the Protection of People’s Rights in the Hebei-Shandong-Henan Border Areas.

The Universal Declaration of Human Rights (hereinafter referred to as the “Declaration”), issued in 1948, is an international human rights norm formulated by the United Nations

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13. Zhang Yuanruo, *On Human Rights Again*, in Zhang Lisheng *Political and Legal Papers*, The Commercial Press, 1936, p. 206.

14. Nu Sheng, *Explanation of “Human Rights”*, *New Moon*, Vol. 3, No. 10, 1931, pp. 8-9.

15. See Zhang Yuanruo, *On “Human Rights”*, *Republic of China Daily*, May 23, 1931, p. 0004.

after World War II. During the drafting of the Declaration, the collaborative effort of the representatives from China and France significantly contributed to the establishment of an international agreement on human rights.

In the process of selecting the chairman and vice-chairman of the committee in the drafting of the declaration, the British representative Dukes nominated Zhang Pengchun, the representative of China, as the vice-chairman of the Commission on Human Rights and the vice-chairman of the drafting committee, and co-chaired the drafting of the declaration with Mrs. Roosevelt.<sup>16</sup>

In the drafting of the Declaration, Zhang Pengchun, the representative of China, actively recommended to the drafting committee of the Declaration the human rights resources in the traditional Chinese culture. Quoting the famous words of the Confucian philosopher Mencius, “The people are paramount, the community is secondary, and the ruler is of lightest importance.” This perspective highlights Europe’s pioneering role in the discourse on human rights during the 18th century, paralleling the profound ideals espoused by Chinese philosophers as far back as 2,000 years ago. It was proposed that the Secretariat of the Commission on Human Rights should dedicate several months to examining the foundational tenets of Confucianism. Through this collaborative exploration process, Zhang Pengchun engaged in extensive and detailed discussions with representatives from France and other European nations.

## **2.1 The representatives of China and France agree with each other on some propositions**

Zhang Pengchun, a representative of the Chinese People’s Republic of China, proposed that the concept of “rationality” should be enriched with the concept of “benevolence” in Chinese culture. In Chinese philosophy, the concept of “benevolence” is encapsulated in a character that literally translates to “two-man-mindedness”. This term can be understood as either “sympathy” or “awareness of others”. Zhang believed that benevolence is an inherent quality of humanity.<sup>17</sup> Explaining the meaning of “benevolence”, he pointed out that “‘benevolence’ is the ability of a person to feel that others have the same needs as himself, that is, to be able to take into account that others have the same rights when he or she enjoys rights.”<sup>18</sup>

In discussing the document of the Commission on Human Rights, Zhang Pengchun suggested that, in order to meet the wishes of the representative of France, it could be stated in the summary record that the Commission on Human Rights considered it necessary to emphasize the idea of human solidarity or union, so as to ensure that the Declaration was always correctly understood.<sup>19</sup>

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16. See Human Rights Commission, Summary Record of the 1st Meeting, E/CN.4/SR.1 (1947), p. 4.

17. See Commission on Human Rights, Drafting Committee, Summary Record of the 8th Meeting, E/CN.4/AC.1/SR.8 (1947), p. 2.

18. Chung-Shu Lo, Human Rights in the Chinese Tradition, in UNESCO ed., Human Rights: Comments and Interpretations, Columbia University Press, 1949, p. 186-187.

19. See Commission on Human Rights, Summary Record of the 13th Meeting, E/CN.4/SR.13 (1947), p. 5.



In discussing the wording of articles 27 and 28 of the Declaration concerning “equal access to higher education on the basis of merit”, the Chairperson of the Commission on Human Rights noted that the phrase “on merit” expressed the guarantee of the right to higher education by excluding factors such as wealth, personal or political preferences and ensuring that higher education was accessible to all who were able to accept it. Both French delegate Carson and Chinese delegate Zhang Pengchun echoed this perspective, expressing their endorsement.<sup>20</sup>

## **2.2 The Chinese and French deputies sought common ground while reserving differences on some issues and learned from each other**

In the course of discussing the draft, the representatives of the two countries and other countries have made efforts to seek common ground while reserving differences and learn from each other, thus playing a benchmarking role in international human rights normative cooperation and the universal development of human rights.

During the discussion regarding the equality and non-discrimination provisions, France’s representative, Carson, advocated for the incorporation of the phrase “equal protection of the law.” Zhang Pengchun observed that Carson’s proposed amendments might inadvertently restrict the interpretation of equal protection, suggesting instead the utilization of more potent language like “without or against any discrimination.”<sup>21</sup>

During the Committee’s consideration of the proposal by the representative of France on articles 29 and 30 of the Declaration, Zhang Pengchun drew the attention of the Commission on Human Rights to the reference in article 27 to “elections” as a means of realizing human rights. Reflecting on China’s past endeavors in this domain, he posited that “free competitive exams” should be regarded as a pathway towards genuine democracy.<sup>22</sup>

In addition, in considering the proposal made by the representative of France on articles 7 and 8 of the Declaration, Zhang Pengchun pointed out that “it is important to pay attention to the cultural development of human beings and to include ‘the better development of life itself’, but it is not enough to talk about the existence of the body.”<sup>23</sup> In evaluating the article 35 proposed by France’s representative, Zhang Pengchun suggested an amendment to read, “The right to education is inherent to all individuals.” It is imperative that primary education be made compulsory and universally accessible within the jurisdiction where an individual resides, provided by either the state or the community. Moreover, equal opportunities for vocational, cultural, and higher education should be ensured, with these resources being distributed based on merit alone. It is crucial to eliminate any form of discrimination, irrespective of an individual’s race,

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20. See Commission on Human Rights, Summary Record of the 68th Meeting, E/CN.4/SR.68 (1948), p. 8.

21. See Commission on Human Rights, Summary Record of the 52nd Meeting, E/CN.4/SR.52 (1948), p. 11-12.

22. See Commission on Human Rights, Drafting Committee, Summary Record of the 9th Meeting, E/CN.4/AC.1/SR.9 (1947), p. 4, 6.

23. Commission on Human Rights, Drafting Committee, Summary Record of the 12th Meeting, E/CN.4/AC.1/SR.12 (1947), p. 7-8.

gender, language, or religion, in the provision of such educational opportunities.<sup>24</sup>

In addition, Zhang Pengchun, the representative of China, particularly praised the contribution made by the French representative, Carson, to the drafting of the Declaration, saying that he had very skillfully expounded the French doctrine of human rights in the 18th century.<sup>25</sup> In the discourse on cultural rights outlined in Article 25 of the Declaration within the Third Committee, Zhang Pengchun concurred with the French delegation and others, emphasizing the importance of safeguarding not just the entitlement of every individual to benefit from scientific advancements, but also the right to engage in scientific creation. He posited that in the realms of art, literature, and science, the passive experience of beauty is inherently intertwined with its active creation. This perspective led him to argue that the terms “participation” or “sharing” do not fully capture this dual nature adequately.<sup>26</sup>

In summary, the drafting of the Universal Declaration of Human Rights has built an important platform for the exchange of human rights concepts between China and France and between China and the EU. From one perspective, the collaborative dialogue and mutual comprehension between Chinese and French representatives during the drafting process have served as a fertile ground for both nations to refine their human rights philosophies. Simultaneously, and more significantly, this interaction has been instrumental in shaping a global consensus on human rights.

### **3. Since China’s Reform and Opening Up, Sino-French Human Rights Exchanges Have Become More Diplomatic and Extensive**

With the historical process of China’s reform and opening up, the establishment and continuous improvement of China’s socialist market economic system, during this period, not only the rapid economic development has been achieved, but the corresponding social awareness of human rights has also been continuously improved, and the social norms of human rights have been continuously improved. By 2023, the Chinese government has published a total of 14 comprehensive human rights white papers and 71 thematic human rights white papers. In 2004, the principle “the state respects and protects human rights” was incorporated into the Constitution of the People’s Republic of China. Guided by this foundational legal tenet, China has enacted or amended numerous laws aimed at safeguarding human rights. As of 2021, China has executed four distinct phases of its National Human Rights Action Plan.

Correspondingly, exchanges on human rights issues between China and France and between China and Europe have become more complicated with the improvement of

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24. Commission on Human Rights, Drafting Committee, Summary Record of the 15th Meeting, E/CN.4/AC.1/SR.15 (1947), p. 1-4.

25. See General Assembly, Ninety-Eighth Meeting, A/C.3/SR.98 (1948), p. 113-114.

26. See General Assembly, Hundred and Fifty-First Meeting, A/C.3/SR.151 (1948), p. 627.

Chinese's human rights protection norms.

### 3.1 The impact of French “human rights diplomacy” on Sino-French human rights exchanges

Historical analysis shows that human rights have always been a political issue and not a natural consequence of “organic” development based on the genes of any particular culture.<sup>27</sup> Far from being a social concept, the concept of human rights is more of a political one.<sup>28</sup> This phenomenon involves leveraging human rights concerns to criticize other nations' political systems, effectively aiming to undermine the governance structure of targeted governments and posing a significant destabilizing force for global human rights advancements. In recent years, the bilateral human rights exchanges between China and France have encountered the adverse effects of such diplomatic maneuvers. However, despite these challenges, both nations have managed to navigate towards mutual respect and consensus through collaborative and inclusive endeavors, highlighting their commitment to dialogue and understanding over confrontation.

#### 1) *The emergence of “human rights diplomacy”*

Since the 70s of the last century, various human rights movements in Western countries have gradually emerged, and the Vietnam War, racial discrimination, and the Watergate scandal have caused the fierce reaction of the domestic rhetoric of Western countries led by the United States, prompting Western countries to pay more attention to the direction of human rights issues. In 1976, President Carter's entry into the presidential election, advocating for “human rights,” and his subsequent vigorous engagement in human rights diplomacy following his presidency, were deeply rooted in historical contexts and had profound domestic political origins.<sup>29</sup> To be honest, the international human rights cause requires the expanded participation of all governments, but it is not beneficial or harmless to incorporate the concept of human rights into the diplomatic field, and the international contradictions and hostility caused by the state disputes arising from the “human rights diplomacy” pursued by the West are not conducive to the healthy and positive development of the international human rights cause.

#### 2) *France's “human rights diplomacy” and its implications*

As a traditional power in the West, France's human rights thinking and human rights diplomacy are inseparable from the development of Western political thought as a whole. The historical evolution of modern Western human rights doctrine has laid a theoretical foundation for human rights diplomacy. This form of diplomacy, which gained prominence in the 1970s, was notably embraced and actively implemented by François Mitterrand in France. This approach to human rights

27. BIELEFELDT H. ‘Western’ versus ‘Islamic’ Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights J. Political Theory, 2000(01):114.

28. FREEMAN M. Human Rights [M]. Oxford: Polity Press, 2017: 67.

29. Zhou Qi. U.S. Human Rights Foreign Policy [DB/OL]. (2002-01-07) [2021-08-10]. <http://www.Ydbook.com/books/bkview.asp?bkid=12215&cid=20240>.

diplomacy is exemplified particularly through Nicolas Sarkozy's policies during his tenure as the sixth president of the French Fifth Republic. The paper aims to explore how this historical phenomenon has influenced the exchange of human rights between China and France.

On March 14, 2008, violent incidents of smashing, looting, and burning broke out in Lhasa, Tibet, and Sino-French relations, known as the "honeymoon period", turned into a low ebb. In the aftermath of the incident, the French media reported the incident by distorting the facts, claiming that it was a crackdown by the Chinese government against the Tibetan people seeking human rights, independence, and opposing cultural genocide. On March 24, French President Nicolas Sarkozy refused to rule out a boycott of the opening ceremony of the Olympics in an interview with reporters before his visit to the United Kingdom, and on March 24, Sarkozy again expressed concern about the series of "tragic incidents" in Tibet and called on China to end the "violence" and return to dialogue.

Shortly after Sarkozy attended the opening ceremony of the Olympics, his wife, along with French Foreign Minister Kouchner and Socialist Party leader Royale, met with the Dalai, who was visiting France. On December 8, the Elysee Palace held a gathering to commemorate the 60th anniversary of the Universal Declaration of Human Rights, and in his speech, Sarkozy stressed that his meeting with the Dalai Lama was "the responsibility of the President of the France".<sup>30</sup>

The interference of the French president and government officials in the Tibet issue and the remarks linking the Olympics to human rights have undermined the otherwise stable development of Sino-French relations. On January 27, 2009, marking the 45th anniversary of the establishment of diplomatic relations between China and France, an unprecedented event occurred: neither side called the other to extend their usual greetings. This singular act led to a significant downturn in Sino-French relations, causing them to reach a "freezing point".

In the history of human rights exchanges between the two countries, "human rights diplomacy" has emerged as a part of the interlude, ignoring the cultural differences between the two countries, and forcibly promoting human rights concepts with Western standards is undoubtedly a choice for human rights exchanges between countries. Indeed, the Universal Declaration of Human Rights, serving as an international consensus on human rights, does not specify the standards for implementing various human rights. Conflicts may emerge between the components of human rights due to this. So-called "human rights diplomacy" tends to deviate from the objectives of advancing international human rights. It does not inherently favor a policy of inclusive and cooperative diplomacy among nations, which is detrimental to reaching a consensus on the concept of international human rights. This approach exacerbates political tensions between countries regarding this issue,

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30. Allocution de M. le président de la république 60e anniversaire de la déclaration universelle des droits de l'homme palais de l'élysée-lundi 8 décembre 2008.

and ultimately inflicts harm upon people worldwide rather than promoting human rights.<sup>31</sup>

### **3.2 The human rights exchanges between China and France have become more extensive amid twists and turns**

Fortunately, in recent years, French leaders have been moving away from the negative impact of “human rights diplomacy” on human rights exchanges between the two countries. At the beginning of 2018, President Macron embarked on a significant diplomatic mission to China, often referred to as “horse diplomacy”. This move clearly signalled France’s friendly stance towards China. During this visit, President Macron firmly stated that “human rights issues should not be the focus of discussions with China,” which indicates France’s proactive approach to sidestepping ideological disputes with China. This strategy has laid a solid groundwork for fostering a new type of relationship between China and France at the major country level.

#### **1) *Human rights exchanges between the governments of China and France and China and the European Union***

In order to promote political understanding on human rights issues, the governments of China and the EU have conducted multi-level and multifaceted human rights dialogues. The first EU-China Human Rights Dialogue, held in 1995, was a diplomatic dialogue mechanism between the Chinese government and the EU in the field of human rights. As of 2023, there have been 38 human rights dialogues between China and the EU.

#### **2) *Academic Seminars on Human Rights between China and France, China and Europe***

Non-governmental human rights research institutions in China and Europe have also carried out various forms of human rights academic exchanges and conducted in-depth academic discussions on various specific human rights issues.

In 2015, the Chinese Society for Human Rights Studies founded the EU-China Human Rights Seminar, a non-governmental academic platform for in-depth exchanges and cooperation between China and the EU in the field of human rights, which has been held for eight sessions as of 2023. The first EU-China Symposium on Human Rights was held at the European Court of Human Rights in Strasbourg, France. Since its inception, the event has been successfully conducted in various locations including Chongqing, Amsterdam, Brussels, Vienna, Rome, and others. Past editions have delved into a range of critical topics such as safeguarding children’s rights, the advocacy for minority rights, disability rights protection, cultural diversity, and human rights defense. Discussions also encompassed the comparative analysis of human rights values between Eastern and Western contexts, as well as the exploration of modernization’s impact on the multifaceted dimensions of human rights across civilizations.

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31. DONNELLY J. The Relative Universality of Human Rights[J]. Human Rights Quarterly, 2007(02):304.

## **4. Conditions and Influencing Factors for the Exchange of Human Rights Concepts Between China and France**

To sum up, the concepts of human rights between China and France have gone through a process of learning from each other in the process of modernization of the two countries, and this dialogue has promoted the expansion of the two countries' respective human rights concepts and helped to reach more consensus on human rights. The bilateral exchanges of human rights between two countries must be conducted under specific conditions, and the outcomes of these interactions are influenced by a multitude of factors.

### **4.1 The premise of Sino-French human rights exchanges: the existence and differences of human rights resources in the cultures of the two countries**

Due to the different histories and values, there are still some differences in the concept of human rights between the two regions. In Chinese culture, esteemed individuals are those who bridge the gap between heaven and earth, distinct from mere animals, those engaged in interpersonal relationships, and those capable of navigating societal challenges with resilience. This cultural perspective embodies a holistic worldview deeply intertwined with human existence, prioritizing national and people's survival and development rights as foundational entitlements. It underscores the significance of safeguarding economic, social, and cultural rights, as well as the protection of marginalized groups' rights.

In the context of contemporary European culture, individualism and liberalism form the foundational backdrop, positioning the right to freedom and political liberties as the quintessential elements of human rights. This perspective, which construes human rights as a limitation on state power, introduces a distinctive resource that necessitates the exchange of human rights concepts between the two sides. This divergence in the traditional understanding of human rights underscores the necessity for dialogue and exchange in this field.

### **4.2 The process of human rights exchanges between China and France: mutual absorption and discarding coexist**

The exchanges and mutual learning between China and France and China and the EU on human rights issues also show that they are not fully accepted, but are characterized by both learning and discarding. The European Enlightenment and the modern human rights doctrines were shaped by secularism, rationalism, and realism within Chinese culture. However, European thinkers derived human dignity from God, asserting and justifying individual freedoms and rights through individual reason. Analogously, the formation and development of China's anti-imperialist and anti-feudal movement, along with its modern human rights ideology, have been influenced by European theories of freedom, equality, and human rights. Yet, Chinese thinkers still argue for rights based on interpersonal relationships, highlighting the interdependence of rights and duties. They prioritize the survival and

development of the nation and state over individual freedoms, placing a greater emphasis on ensuring the fundamental survival and happiness of all people.

## **5. Paths to Enhance Consensus and Exchanges on Human Rights between China and France - On the Occasion of the 60th Anniversary of the Establishment of Diplomatic Relations between China and France**

In an era when human rights issues have become an important topic in international exchanges, the process of exchanges between China and France on human rights issues is not to force the other country to develop and protect human rights in the way of a particular country within the scope of the two countries or even internationally. The development of human rights must adhere to the universal principle of human rights and the relative nature of development strategies. To this end, it is imperative that both nations, as well as the international community, first acknowledge the pivotal role of the right to development within the broader framework of human rights. Secondly, when addressing the complex challenges of international human rights development, it is essential to balance the universality of the human rights concept with the integration of China's human rights perspective into its development philosophy. Lastly, China's experiences in human rights dialogue and governance should be shared under the concept of "community of human destiny". This approach can serve as a model for enhancing global human rights exchanges between China and France, thereby setting a precedent for such dialogues worldwide.

### **5.1 Upholding the "right to development" is a key point in international human rights exchanges and development**

Development is the eternal theme of human society and has created the basic conditions for the realization of all human rights.<sup>32</sup> China should build on the human rights concepts in traditional Chinese culture and contemporary practices in human rights interactions and development (such as the Confucian ideas of "humanism" and "benevolence", the Belt and Road cooperation mechanism, inclusive growth, the new development concept, and international dialogue on human rights cooperation), and actively support the just cause of developing countries to free themselves from colonial rule, achieve national independence and eliminate apartheid, and provide development assistance and humanitarian aid. "The Chinese Government has also actively supported the just cause of the developing countries to free themselves from colonial rule, achieve national independence and eliminate racial segregation, and provided development assistance and humanitarian aid, thus making important contributions to the development and progress of the international human rights cause." China stresses that

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32. Wang Yi. Jointly promote and protect human rights and work together to build a community with a shared future for mankind[N].People's Daily,2017-02-27(021).

the right to development and the right to survival are the greatest human rights, and in promoting international human rights, it has also developed theories of democracy and human rights based on the promotion of economic construction, all-round development of human beings, effective political order and good governance, stressing that the protection of human rights cannot be separated from the improvement of the national material standard of living.

## **5.2 Emphasizing the universality of human rights needs to be integrated into Chinese's concept of human rights**

In the international context of the outbreak of the COVID-19 in the past five years, demonstrations and protests against public health restrictions in order to safeguard the so-called “individual freedom” have frequently appeared in various countries, and various behaviors have endangered collective security to a large extent, and even further affected the realization of individual human rights, and had a great negative impact on human rights such as the right to life and the right to health.

The emphasis on collectivism in traditional Chinese culture has influenced the transformation of the modern concept of human rights, and finally made the modern concept of human rights more balanced and practical, so as to better deal with the relationship between individual rights and social obligations. Emphasizing that the development of the concept of international human rights needs to be perfected by China's concept of human rights, and its universality is an important part of the construction of China's human rights discourse. The modern concept of human rights does not have universal value in the true sense, it is imperative to refine the international human rights concept by integrating China's human rights perspective, highlighting its universality as a critical component of China's human rights discourse. The contemporary notion of human rights does not inherently possess universal validity. Consequently, China should advocate and showcase how its human rights philosophy contributes to the establishment of universally accepted values in international human rights. The misapplication and politicization of human rights concepts, often employed as tools for political interference in other countries' affairs, are identified as the principal impediments to the advancement of international human rights.

## **5.3 Focusing on the concept of “community of common destiny for all mankind”, China's experience in human rights dialogue and governance is conveyed**

The connotation of “Community of Common Destiny for All Mankind” is that all countries in the world develop together equally. To build a “Community of Common Destiny for All Mankind”, it is imperative to establish universally shared and adhered-to values and norms that define the collective identity of humanity. These shared values and norms, which constitute the foundation of human rights, inherently shape the identity of the “Community of Common Destiny for All Mankind.” The identity derived from the universality of human rights embodies the essence of the global community. From this perspective, the construction of a “Community of Common Destiny for All Mankind” not



only sets forth requirements for global governance but also necessitates the reformation of the global human rights governance framework. Viewed through the lens of a “Community of Common Destiny for All Mankind,” collective human rights represent a consensus among nations in addressing shared challenges in an era of globalization. The interdependence of all human destinies underscores the necessity for comprehensive protection of collective human rights in international interactions. This ensures that such rights serve as the cornerstone of global cooperation, thereby safeguarding the common interests of humanity as a whole.<sup>33</sup>

Protecting human rights is an important part of building a Community of Common Destiny for All Mankind, and in June 2020, the UN Human Rights Council once again adopted a resolution on “Promoting Win-Win Cooperation in the Field of Human Rights” submitted by China. The concept of human rights embodied in the idea of “a Community of Common Destiny for All Mankind” embodies the whole and system in concept, emphasizes inclusiveness and balance in existence, and advocates consultation and joint promotion in the way of realization. The most important thing for China and France to further promote human rights dialogue is that the two countries should strengthen changes from the inside out, so that the common development of all countries can lay the foundation for the construction of the international human rights cause. Prosperity and stability are prerequisites for the realization of human rights. The concept of a “Community of Common Destiny for All Mankind” has aroused enthusiastic responses in the international community, and has been written into the resolutions of the United Nations Human Rights Council, the United Nations Security Council and other bodies many times, and is constantly promoting the development of international human rights governance in a more just, reasonable and inclusive direction. To build a human rights communication model between China and France in the context of the “Community of Common Destiny for All Mankind”, the most important thing is to adhere to the holistic thinking of human rights communication. From the perspective of holistic thinking, the most fundamental premise of global human rights communication should be the maintenance of world peace, the primary principle to be adhered to is the respect for the sovereignty of each country, and the specific international legal norms to be observed are the normative system of international law, and the mode of operation is to carry out dialogue and cooperation. The primary principle to be adhered to is respect for the national sovereignty of each country, the specific international legal norms to be observed are the normative system of international law, and the mode of operation is dialogue and cooperation. The reason for this holistic approach is that whether the international environment is peaceful or at war, whether the world economy is prosperous or backward, and whether countries respect each other’s sovereignty or intervene frequently are all closely related to the promotion of human rights exchanges and consensus among countries. The future of human rights exchanges between China and France, based on and guided by a “Community of Common Destiny for All Mankind”, will certainly make greater contributions to the cause of global human rights cooperation and dialogue.

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33. See Chang Jian. The “Community of Common Destiny for All Mankind” and New Pattern of Global Governance[J]. *People’s Tribune*, 2017(12):39-40.

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