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**Legal Containment:
Western De-Legitimization of
Chinese International Legal
Position and its Effects**

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INTRODUCTION

“The United States is not qualified to speak with China from a position of power... I don’t think the overwhelming majority of the world would say that the universal values advocated by the United States are truly universal. And those countries would not recognize that the rules made by a small number of people would serve as the basis for the international order.” Such were the words spoken by Yang Jiechi during the Anchorage meeting on March 18th, 2021 towards his U.S. counterparts. Yang currently serves as the Director of the Central Foreign Affairs Commission Office of the Communist Party of China, which is the highest diplomatic post. Such a strong rhetoric is revealing in that it shows China’s adamant defiance to the legitimacy of the universal values championed by the U.S. as well as the order established upon them.¹

In recent years, China has become increasingly assertive in the international legal order. It has become more assertive in existing institutions such as the U.N. while establishing parallel institutions or initiatives such as the Belt and Road Initiative and the Asian Infrastructure Investment Bank (AIIB) in an attempt to increase its global influence. At the same time, China also seems to be countering the U.S. universalist ideology, by denying the legitimacy of U.S. liberal ideals and arguing for its own focus or interpretations of universalist norms such as human rights and democracy. This has caused great backlash in the Western world, especially the U.S., which sees China’s rise as a potential threat to the rules-based liberal international order. The Western powers in response have employed extensive containment strategies to curb China’s rise. One field of such containment strategies is legal containment, which aims at

¹ “China Says US Cannot Speak from 'A Position of Strength'.” BBC News. BBC. Accessed July 31, 2021. <https://www.bbc.com/news/av/world-56456021>.

undermining China's overall image and the legitimacy of its acts. However, these strategies seem only to have pushed the Chinese government further from adherence to established norms, which begs the question: how has China responded to Western legal containment and what are its implications for future Western strategies in interacting with China.

The current legal order of the world is Eurocentric in root. Early international legal philosophers such as Vattel have emphasized that all states were to receive the same treatment as legal entities, yet historically non-European powers such as the Ottoman Empire and China have been excluded from this legal framework.² Legal theorists have used concepts such as “oriental despotism” and “legal orientalism” to show the difference between European and non-European powers, and to argue that, due to the lack of Western legal tradition, these non-European states are not to be accepted as full members of the international legal establishment. Such arguments have been used in justifying treatment toward non-European states that was not in accordance with European international legal norms. In the late Qing Dynasty, as European powers such as Britain and the U.S. established trading ports and concessions in China, these imperial powers viewed China as an “uncivilized” state whose “legal subjectivity was only recognized for the purpose of fulfilling their obligations under unequal treaties.” Specifically, Western powers have used the excessive Chinese penal laws and lack of economic laws as supporting evidence for China's lack of legal establishment, although at least partially the reason Western states viewed Chinese law as penal oriented was due to the fact that Qing authorities sent foreign missions

² Pitts, Jennifer. *Boundaries of the International: Law and Empire*, 28. Harvard University Press, 2018.

copies of excessive harsh penal laws specifically aimed at deterrence.³ Thus, China had for long been described as an “effectively non-legal non-subject.”⁴ This has resulted in many instances rejection of Chinese usage of international law even for self-protection. One of the most famous cases, as we will discuss further in the next section, was China’s anti-opium efforts in the late Qing Dynasty, during which General Lin Zexu, after failing to persuade the British government to stop exporting opiate to China using the British’s own logic for banning opium usage, burned British opium, ultimately leading to the first Opium War.

Although literature exists showcasing how Western power has aimed to delegitimize Chinese participation in international law, less has been explored regarding how such de-legitimization efforts continue to this day under the U.S. liberal international order, and how China has responded to it under leadership of the CCP. These questions are important however, for on the one hand it shines light on the historical origins and current practice of U.S. “soft” containment strategies against its adversaries, and on the other hand it helps us understand what types of backlash such containment strategies may incur.

In this essay, I will briefly go over historical instances of Western legal containment against China in the late 19th century, and how such containment strategies are analogous to contemporary Western attack on Chinese institutions and practices, both of which aim at delegitimizing Chinese sovereignty and practices. Then, I will focus on analyzing Chinese

³ Chen, Li. *Chinese Law in Imperial Eyes, 95, 197*. Columbia University Press, 2016.

⁴ Ruskola, Teemu. *Legal Orientalism: China, the United States, and Modern Law, 208*. Cambridge, MA: Harvard University press, 2013.

response to Western legal containment. Specifically, I will analyze China's opening speeches at the United Nations General Debate from 1972 to 2020. Through systematic textual and content analysis, I will show that China has overtime become much more active in embracing and referring to international law, and is actively reinterpreting or redirecting focus on existing concepts in international law and norms such as human rights and democracy. At the same time, China has become less belligerent and more diplomatic rhetorically, showing greater willingness to cooperate multilaterally, although it does not yet have a well-structured universalist ideology to replace liberalism.

ROOTS OF LEGAL IMPERIALISM

European perception of Chinese law had at one point been favorable. For instance, *The General History of China*, which was an encyclopedic documentation of China published in 1735 by Jesuit historian Jean-Baptiste Du Halde that acted as an influential guide for European scholars studying China well up until the 19th century, "compared the Chinese judicial system favorably with its European counterparts, citing better prison conditions, more accessible courts, and mandatory reviews of serious criminal cases".⁵ Even Montesquieu in the *Spirit of the Laws* acknowledged that certain features of China, such as its large population, constituted a force unavailable in the West that constrains the ruling emperor, for if the emperor does not rule well there is a mass public that could revolt. However, Montesquieu at the same time referred to China as "a despotic state whose principle is fear." in reference to its penal codes, certain aspects

⁵ Chen, Li. *Chinese Law in Imperial Eyes*, 95, 116. Columbia University Press, 2016.

of which, such as death by slicing (ling chi) were viewed as evidence of barbarism.⁶ Hegel also referred to China as a more primitive form of government, in which the emperor had despotic power, and in which laws were expressions of the emperor's inward moral thinking.^{7 8} I was also Hegel who pushed for the separation of Chinese philosophy, which was and is foundational to many aspects Chinese law, from Western philosophy with the view that it was rudimentary and superficial.⁹ These were prominent philosophical foundations that came to justify the usage of force or unequal treaties against other "less civilized" states.

Empirically, one case stands out in showing how the West denied China full legal status in the 19th century: the anti-opium campaign against the British and British response. In 1839, Chinese general Lin Zexu was sent to the province of Canton to destroy British opium after it became clear that excessive opium addiction was causing the society much harm. In order to comply with international law, Lin asked American physician Peter Parker to translate sections of Vattel's *Law of Nations*, namely the chapters on war, blockade and confiscation of ships. In his letter to Queen Victoria asking Britain to cease the export of opium to China, Lin specifically stated that "abundance and fear of the law should be universal. For example, if others were to conduct

⁶ Montesquieu, Basia Carolyn Miller, Harold Samuel Stone, and Anne M. Cohler. Essay. In *Montesquieu: the Spirit of the Laws*, 176. Cambridge: Cambridge University Press, 1989.

⁷ Friedrich, Hegel Georg Wilhelm, and Ruben Alvarado. "The Oriental World ." Essay. In *Lectures on the Philosophy of History: Complete and Unabridged*, 105–26. Aalten: Wordbridge, 2011.

⁸ Morrisey, Will. "Hegel's 'Philosophy OF History': The ORIENTAL WORLD." Will Morrisey Reviews, January 25, 2020. <http://www.willmorriseyreviews.com/hegels-philosophy-of-history-the-oriental-world/>.

⁹ Smith, Justin E. "Hegel, China, and the 19th Century Europeanization of Philosophy." *Journal of Chinese Philosophy* 45, no. 1-2 (2018): 18–37. <https://doi.org/10.1163/15406253-0450102006>.

business in Britain, they would need to abide by British law. The heavenly kingdom is the same. The Chinese law states that, from this day on, those who sell or consume opium are to be executed.”¹⁰ However, the British did not agree to such terms, which became a contributing factor to the onset of the First Opium War.^{11 12}

Western states also justified acts of legal subjugation on the grounds that China itself did not view sovereignty as an international principle. This was based on the fact that internationally, China had operated on a hierarchical tributary system during the Qing Dynasty, in which smaller nations in China’s periphery paid tribute to the Chinese emperor as subordinates. Thus, the Qing Dynasty’s tributary practice had been used as proof that China did not abide by international law based on the equality of nations and therefore should not be treated as according to the law.¹³ Furthermore, Western powers had pointed to China’s harsh penal law as evidence that China was not a fully civilized power that deserved equal treatment under international law. This led to the establishment of consular jurisdiction in China whereby foreign citizens were not subject to Chinese law.¹⁴

¹⁰ “Letter of Advice to Queen Victoria .” digital china/harvard: Letter of Advice to Queen Victoria. Accessed May 30, 2021. https://cyber.harvard.edu/ChinaDragon/lin_xexu.html.

¹¹ Vattel, Emer de, Joseph Chitty, and Edward D. Ingraham. *The Law of Nations = or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns ; from the French of Monsieur De Vattel ; from the New Edition*. Philadelphia: T. & J.W. Johnson, 1883.

¹² Yang, Zewei. “The Effect of Contemporary International Law's Entrance into China.” *Chinese Journal of Law* 3 (1999): 122–31.

¹³ Ruskola, Teemu. “Raping Like a State.” *Emory University School of Law Public Law & Legal Theory Research Paper Series*, 111, 10 (2010).

¹⁴ Cassel, Pär Kristoffer. *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan*. Oxford: Oxford University Press, 2012.

LEGACIES OF THE EURO-AMERICAN LEGAL ORDER

Despite the fact that China has advanced significantly in terms of economic, political and military capabilities, the international order that it operates under is still heavily euro-centric in root, and the case is especially so in the international legal realm. The U.S. led Western liberal international order is continuing this effort of de-legitimization, by targeting China's authoritarian institution and issues relating to human rights. Specifically, there are efforts to paint China as a "rule breaker of international law" and a country that is akin to "uncivilized" in certain practices, which is contiguous with European logic and strategy in the end of 19th century. Two cases that illustrate this containment are the concerted and organized Western efforts to condemn Chinese government actions in Hong Kong and Xinjiang. In both cases, the West has focused on attacking China as a breaker of international law for being undemocratic and committing human rights violations.¹⁵

Although on the outset it seems that such accusations do not share similarities with Western legal containment in the 19th century, when China was looked down upon as an uncivilized state, it must be noted that the standard of civilization has changed today from liberalism in the 19th century to democracy in the 21st.¹⁶ Thus, in the American-led order, a state acquires legitimacy by adhering to U.S. democratic values, including a distinct Western view of human rights, with

¹⁵ "Hong Kong Security Law 'May Break International Laws'." *The Guardian*. Guardian News and Media, September 4, 2020. <https://www.theguardian.com/world/2020/sep/04/hong-kong-security-law-may-break-international-laws-china-human-rights-un>.

¹⁶ Scott, David. "Norms of Self-Determination: Thinking Sovereignty Through." *Middle East Law and Governance* 4, no. 2-3 (2012): 195–224. <https://doi.org/10.1163/18763375-00403003>.

an emphasis on individualism and individual human right at its core. Under this condition, the West has precisely used modern international norms such as democracy and human rights, which have become the new guide for defining “civilization” in an attempt to paint China as “uncivilized” due to its “undemocratic” practices. Of course, the geopolitical landscape of today is much different from that of the 19th century. The international system is generally rule-based, and states at least nominally are granted equal rights. China, as one of the permanent members of the UN Security Council and both a military and economic power, is granted much more recognition. However, even under the current international order, with shared institutions and relatively similar norms across states, the Western states in its attempt at legal containment of China has resorted to evoking the sense of undemocratic “otherness” as a pretense for acts of containment. This is not to say that human rights violations or undemocratic institutions do not exist in China. As we will see, the Chinese government in response is placing a very different focus on the concept of human rights, even though it recognizes its importance.

CHINA AS THE NORMATIVE RE-INTERPRETER: RESEARCH METHODOLOGY

The question that arises is, how has China responded? In the cases of Hong Kong and Xinjiang, China has adamantly opposed the accusation that there has been any form of human rights violations, and has provided its own set of evidence in support of the claims. It shows that China has not in fact ignored international law and norms in an arrogant manner as it did prior to the late 19th century. But what exactly it is attempting to achieve, whether to push for its own universalist ideology, or to merely apply international law as a tool, still requires further study. In this section, I will systematically examine the Chinese delegation’s opening speeches in the United Nations General Debate from 1972 to 2020 in an attempt to identify changes and trends

in official rhetoric. The General Debate opening speeches occur during the beginning of each session of the General Assembly, typically from September to October of each year. The speeches made at the opening of General Debates are generally by the head of state or foreign minister, and address the states' positions on a variety of topics that they deem as important. Thus, the opening speeches are a comprehensive, annually available source of data indicative of official state position.

In this paper, I will systematically review all of China's United Nations General Debate speeches from 1972 to 2020 and record the frequency of certain keywords that are indicative of China's position on issues and themes surrounding international law and norms. Specifically, I search and record the following keywords "law" and "norm" specifically in the context of international law and norm(s). The keyword "hegemon", containing the variants "hegemon", "hegemonic" and "hegemony" are also selected for they will be helpful in seeing whether China's policies are still driven by an antagonism towards hegemony and imperialism, and whether it seeks hegemony. Associated with this are the keywords "multipolar/multilateral", which are words that could indicate China's view of the global order and whether it is willing to integrate or push against the existing order. The keywords "condemn", with the variant condemnation, as well as "oppose" and "reject" are the keywords I use as indicators of belligerence. Specifically, I will combine the frequency of these three words for each year. The higher the overall frequency is, the more belligerent the Chinese delegation is at that point in time. The keyword "human", including the variants "human", "humankind", "humanity" could help identify whether China is speaking on issues that are universal in nature. The word humanitarian is excluded for it could allude to specific humanitarian missions. The keywords "poverty" and "climate change" reflect

two issues which China are currently leaders in addressing, and searching for the words will show whether these two topics had always been of concern to the Chinese government or are only recent focuses, which may suggest political motives related to norm setting. Finally, the keywords “human right” and “democra” with the variants “democracy”, “democratic” and “democratize” are recorded since these are the two issues which the West has consistently used to attack China.

For the purposes of consistency, I will include one speech per year. For the years in which there are multiple speeches made by different speakers, I will retain the one that addresses Chinese position most clearly and comprehensively, which is usually the one made by the foreign minister or ambassador to the UN instead of the head of state/government. Thus, for the year 2000, I will exclude two statements made by President Jiang Zemin at the United Nations Security Council and the United Nations Millennium Summit, and instead take into consideration the speech made by Tang Jiaxuan, who was the then Chinese foreign minister. For 1992, I will exclude the speech made by Li Peng and retain the one made by Qian Qichen, who was China’s foreign minister.

Furthermore, there are a total of 7 years during which the only documented speeches at the General Debate are made by the heads of state/government (president or premier). Namely, these are the speech in 1985 by Zhao Ziyang, the speeches by Xi Jinping in 2020 and 2015, the speech by Li Keqiang in 2016, the speech by Hu Jintao in 2009 and the speeches by Wen Jiabao in 2008 and 2010. Generally, the speeches by the heads of state/government are more ceremonial and revolving around a central theme rather than laying out the state’s formal positions on a wide

range of issues. Thus, these 6 speeches are reviewed in detail. Upon further full textual analysis, it is found that the speeches do contain positional statements, albeit relatively general statement, of Chinese policy. They do not differ significantly, in terms of content, from other speeches made by the Chinese ambassador to UN or the foreign minister, and thus are included in order to increase comprehensiveness.

Furthermore, the contents of speeches around 12 time points are examined particularly closely for hypothetically they are time points in which there could be expected to be shifts in Chinese policy or attitude, especially towards international law, norm and the state of the global order. The time points that I reviewed in detail are 1972, 1973, 1978, 1979, 1989, 1990, 1991, 1992, 2000, 2001, 2013, 2014, 2018, 2019. The years 1972 and 1973 are worth noting because they were the first two years that a delegation from the People's Republic of China instead of the Republic of China represented China at the United Nations. The years 1978 and 1979 are also worth scrutiny because these were around the time of China's reform and opening up period, characterized by a drastic change in domestic policy, which may have influenced China's foreign policy as it sought greater global cooperation, exchange, and interactions with the West. It was also when China gradually began to discard communism in the Soviet style as a form of government as market economy began to define the political-economic landscape. The years 1989 and 1990 are worth noting as well because in 1989, after the June 4th incident, China's international image plummeted, and relations with the West began to deteriorate. It was also the time immediately before the collapse of the USSR, signaling the entrance into a new world order. Finally, the years are important because 1989 marked the year when Jiang Zemin formally succeeded as the CCP General Secretary, marking a gradual transition of power from Deng

Xiaoping. The years 1991 and 1992 were immediately after the collapse of the USSR, which marked the end of the bipolar world and had significant geopolitical implications for China as Sino-Soviet relations had remained tense since 1956, when the two communist states split over ideological differences as the USSR under Khrushchev underwent de-Stalinization while China under Mao Zedong opposed such a move.¹⁷ It was also around this time that Japan's economy significantly stalled, thus eliminating the U.S.'s two main competitors and pushing China into the focal point. The years 2000 and 2001 are important both because of the significance related to the turn of the century and because it was immediately before the transition from the presidency of Jiang Zemin to that of Hu Jintao. The years 2013 and 2014 are important for they marked the transition of power to Xi Jinping, who, unlike his predecessors, has been described as a strongman politician, and under his presidency China has seen much greater engagement with the international community.

To process data, I first downloaded the official meeting records from the United Nations online database. Due to the fact that some earlier meeting records before 2000 are in picture format, I transformed all photo and pdf documents into both .docx and .txt documents for easier statistical and textual analysis. To look for keywords, I first used the natural language processing (NLP) package *quanteda* in R, which yielded the frequency of each keyword in each year's speech. I then used the *corpus* statistical package, which allowed me to scan the documents, find the keywords in question and see the text immediately before and after the keywords for context.

¹⁷ Lüthi, Lorenz M. "Chapter 2: Collapse of Socialist Unity 1956-1957." Essay. In *The Sino-Soviet Split: Cold War in the Communist World*, 47-49. Princeton, NJ: Princeton University Press, 2010.

Using this method, I hoped to avoid erroneous counting of the keyword “democra” whereby it stands for a country name such as “the Democratic People’s Republic of Korea”. This also allowed me to exclude uses of the verbs “condemn”, “oppose” and “reject” in cases where it is not used in a context to express the position of the Chinese delegation, such as “country A is opposed to act by country B but the Chinese delegation believes that...” Finally, the frequencies of keywords were recorded in excel by year, and both graphs and regression analysis were conducted using the recorded data.

RESULTS

In this section I will display the frequency by year of all the keywords and their respective regression analysis. Figure 1 and figure 2 indicate the frequency of the word “law” in the context of international law and the regression analysis of the frequency of keyword “law” over time at the 95% confidence level. It could be seen that although there is a slight increase in the frequency of the keyword law over time between 1972 and 2020 by viewing the scatter plot, there is no statistically significant trend for the p-value is 0.386.

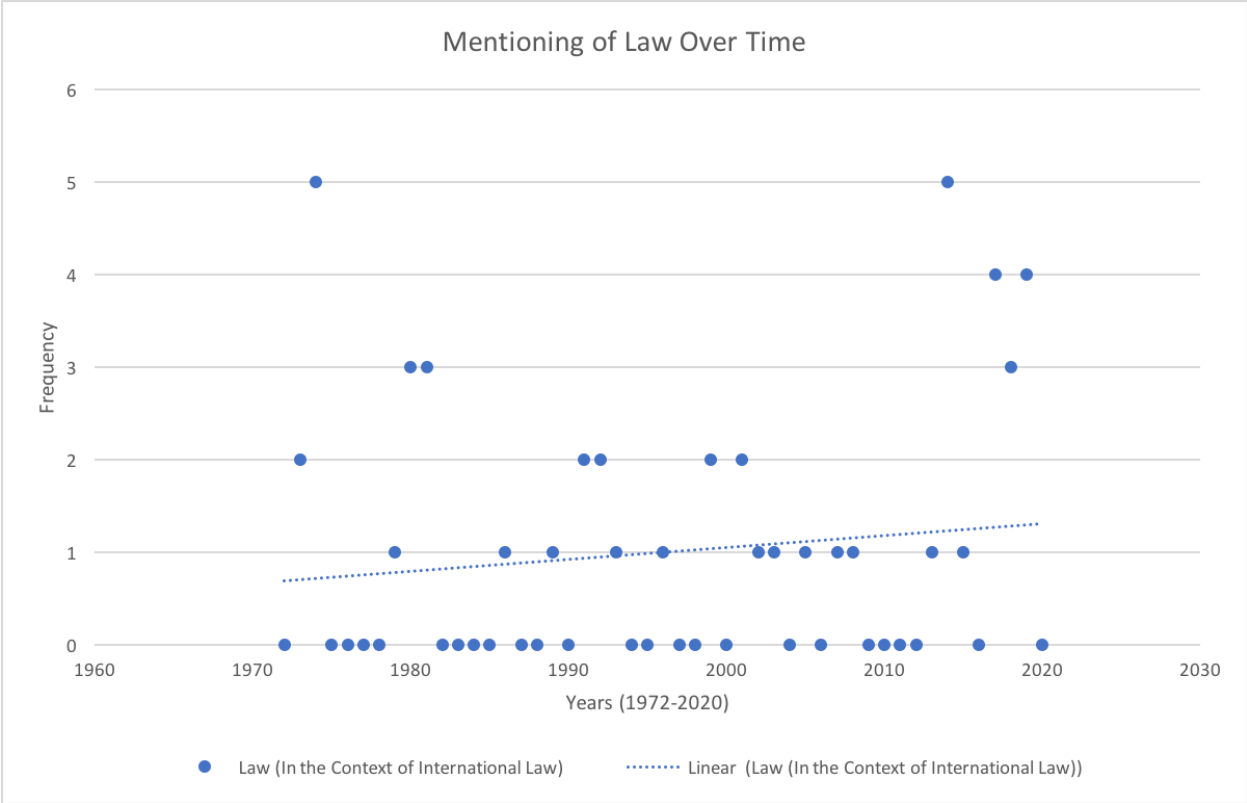


Figure 1. Mentioning of keyword “law” in the context of international law over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.1316446							
R Square	0.0173303							
Adjusted R Square	-0.0035776							
Standard Error	1.38691156							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	1.59438776	1.59438776	0.82888908	0.36723968			
Residual	47	90.4056122	1.92352366					
Total	48	92						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-24.459184	27.964507	-0.874651	0.38621155	-80.716515	31.7981479	-80.716515	31.7981479
X Variable 1	0.0127551	0.01400992	0.91043346	0.36723968	-0.0154292	0.04093943	-0.0154292	0.04093943

Figure 2. Regression analysis with x variable as time and y variable as the frequency of keyword “law” in the context of international law.

However, one interesting trend via content analysis is that in fact before 1979, there were only two mentioning of international law, respectively in 1973 and 1974. In the 1973 speech, China argued in support of Latin American countries that wished to establish a 200-nautical mile zone of jurisdiction off of their coasts, which met the opposition of former imperial states that wished to maintain a 3-nautical mile or 12-nautical mile zone of jurisdiction, concepts dating back to the time of Grotius.¹⁸ The Chinese delegation stated that “on this problem of maritime rights, the numerous small and medium-sized countries are waging a gigantic and vigorous struggle against the maritime hegemony of the super-powers. With a view to seeking hegemony on the seas and oceans, the super-powers are trying in vain to preserve the outdated law of the sea and are doing their utmost to restrict the territorial sea and scope of jurisdiction of all countries.”¹⁹ In the 1974 speech, this position was again reiterated as the delegation proclaimed that “combating maritime hegemonism and formulating a new law of the sea is an important aspect of the struggle of the developing countries to safeguard state sovereignty and develop their national economy.”²⁰ In the speech in 1979, which was the first year after 1974 that international law was mentioned, the Chinese delegation’s rhetoric regarding international law changed completely from one of antagonism to one of a positive embracement. In 1979, the Chinese delegation, in support of the People’s Republic of Kampuchea, stated that “violation of Kampuchea's independence, sovereignty and territorial integrity and a direct threat to the peace and security of the South-East Asian countries. It tramples underfoot the United Nations Charter and fundamental principles of

¹⁸ “Law of the Sea and the UN Conventions: Maritime Zones Under International Law.” LibGuides. Accessed May 30, 2021. <https://wcl.american.libguides.com/c.php?g=563260&p=3877795>.

¹⁹ “United Nations General Assembly 28th Session Official Records,” October 2, 1973. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL8/304/25/PDF/NL830425.pdf?OpenElement>

²⁰ “United Nations General Assembly 29th Session Official Records,” October 2, 1974. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL8/600/84/PDF/NL860084.pdf?OpenElement>

international law.” In the ensuing 1980 and 1981 speeches, the Chinese delegation again brought up the theme international law, and each time arguing that international law should replace “law of the jungle”.²¹ This is unsurprising for as we’ve mentioned, 1979 was the year after the announcement of the reform and opening up policy in China, during which China sought to liberalize the market, entailing further integration into the global order and acceptance of its laws and norms. Thus, in order to better visualize China’s positive mentioning of international law, the contents were again analyzed, and the two instances of antagonism toward international law in 1973 and 1974 were taken out. A new scatter plot and regression analysis were subsequently performed on the positive mentioning of international law over the years. As could be seen in figure 3 and figure 4, the trend in positive mentioning of international law is much more prominent, and is statistically significant at the 95% confidence level ($p=0.02$). This is in line with prior scholarly observation that the Chinese Communist Party (CCP) has since its establishment considered international law as “primarily protecting the interests of the colonial and imperialist powers to the detriment of most undeveloped nations and peoples.”²² which the speeches in 1973 and 1974 reflect. However, as could be seen with the later speeches starting from 1979, international law and the international order with the United Nations at its core is repeatedly referenced. This does not indicate that there has been a fundamental shift in Chinese attitude toward international law as a tool. It does show, however, that China has gradually and continuously placed an ever-heavier emphasis on international law, which is reflected by the fact

²¹ “United Nations General Assembly 34th Session Official Records,” September 27, 1979. <https://documents-dds-ny.un.org/doc/UNDOC/PRO/NL7/903/75/PDF/NL790375.pdf?OpenElement>

²² Xue. *Chinese Contemporary Perspectives on International Law: History, Culture and International Law*. The Hague: Hague Academy of International Law, 2012.

that the Chinese delegation refers to international law and the importance of upholding it evermore at the United Nations speeches.

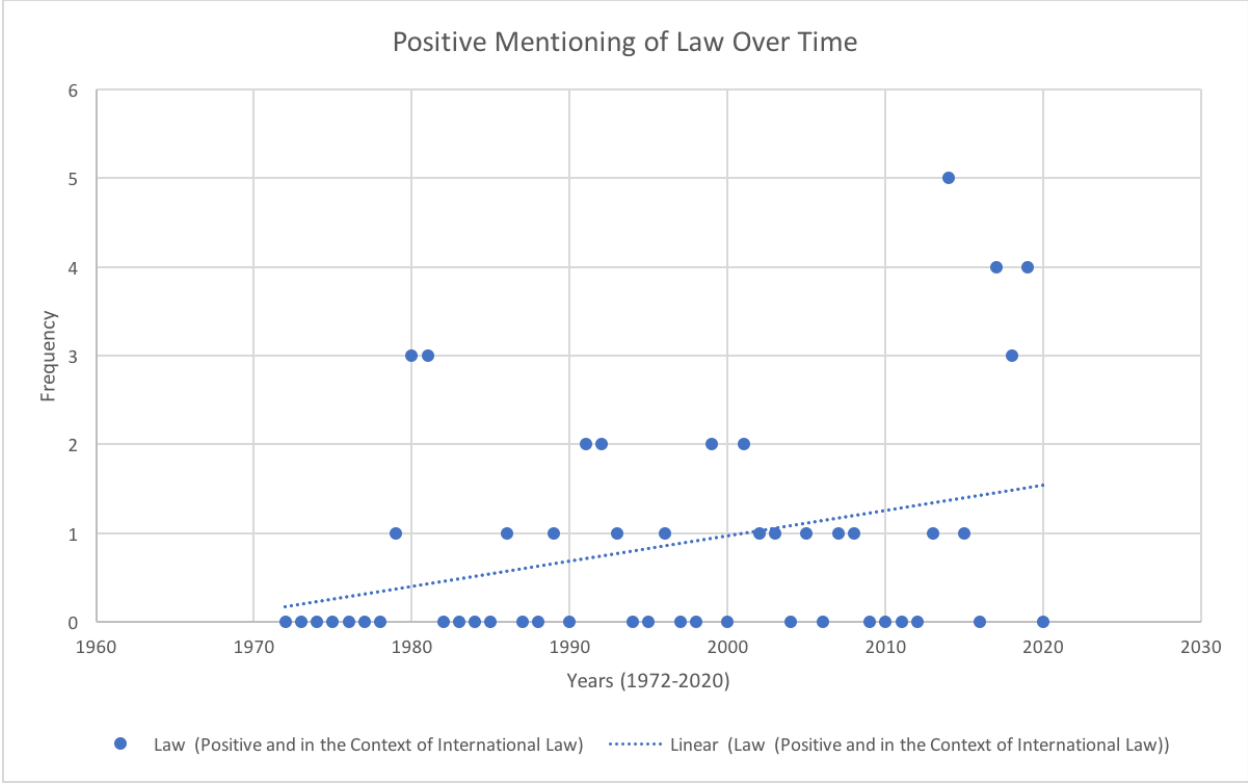


Figure 3. Positive Mentioning of keyword “law” in the context of international law over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.32560157							
R Square	0.10601638							
Adjusted R Square	0.08699545							
Standard Error	1.20232713							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	8.0572449	8.0572449	5.57367021	0.0224318			
Residual	47	67.9427551	1.44559053					
Total	48	76						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-56.375102	24.2427034	-2.3254462	0.02441494	-105.14513	-7.6050735	-105.14513	-7.6050735
X Variable 1	0.02867347	0.01214534	2.36086218	0.0224318	0.0042402	0.05310674	0.0042402	0.05310674

Figure 4. Regression analysis with x variable as time and y variable as the frequency of positive appearance of keyword “law” in the context of international law.

The next set of data are on belligerent language, which is the combination of words “condemn”, “oppose” and “reject” specifically in the context such that it is expressed as a sentiment of the Chinese delegation. The graph in figure 5 and regression analysis in figure 6 together show a constant and statistically significant decrease in the use of belligerent language by the Chinese delegation overtime ($p < 0.05$). Such decrease is especially prominent after 1999.

This shows that in fact Chinese rhetoric has become milder, and instead of merely acting as a critic of U.S. and the USSR as it was in the 1970s, China now is trying to frame itself in an amicable and more moderate manner, especially as it establishes closer ties with a greater number of states and seeks global approval as a “responsible great power”.²³ One example is

²³ “展现出负责任大国担当 Show the Responsibility of a Great Power, Xi Jinping's Speech at G20.” people.cn, March 28, 2020. <http://world.people.com.cn/n1/2020/0328/c1002-31651836.html>.

China's stance on the Israeli-Palestine conflict. The conflict is a frequently addressed topic in speeches by the Chinese delegation, but the tone has changed significantly over the years. In 1972, in the wake of Israeli retaliation against the killing of its athletes during the 1972 Munich Olympics, the Chinese delegation proclaimed that "we strongly condemn Israel for the recent barbarous aggression and massacres it has committed against Lebanon, Syria and other Arab countries on the pretext of the "Munich incident". The Chinese people will always stand together with the Arab and Palestinian peoples in their just struggle against aggression."²⁴ Since then, China has reestablished official ties with Israel and mutual exchange has grown significantly. Taking a look at China's most recent comments on the Israel-Palestine conflict in 2018, China still supports the Palestinian cause but has become much more moderate in its tones by suggesting that "a new round of peace-promoting efforts must be made with a view to exploring a new mediation mechanism. To that end, China will play its part, and Chinese humanitarian assistance to the Palestinian people will continue."²⁵ From this, it could be seen that China has over the years turned itself into a less belligerent, more moderate figure in terms of political rhetoric.

²⁴ "United Nations General Assembly 27th Session Official Records," October 30, 1972. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL7/604/77/PDF/NL760477.pdf?OpenElement>.

²⁵ "United Nations General Assembly 73rd Session Official Records," September 28, 2018. <https://daccess-ods.un.org/TMP/5602296.59080505.html>

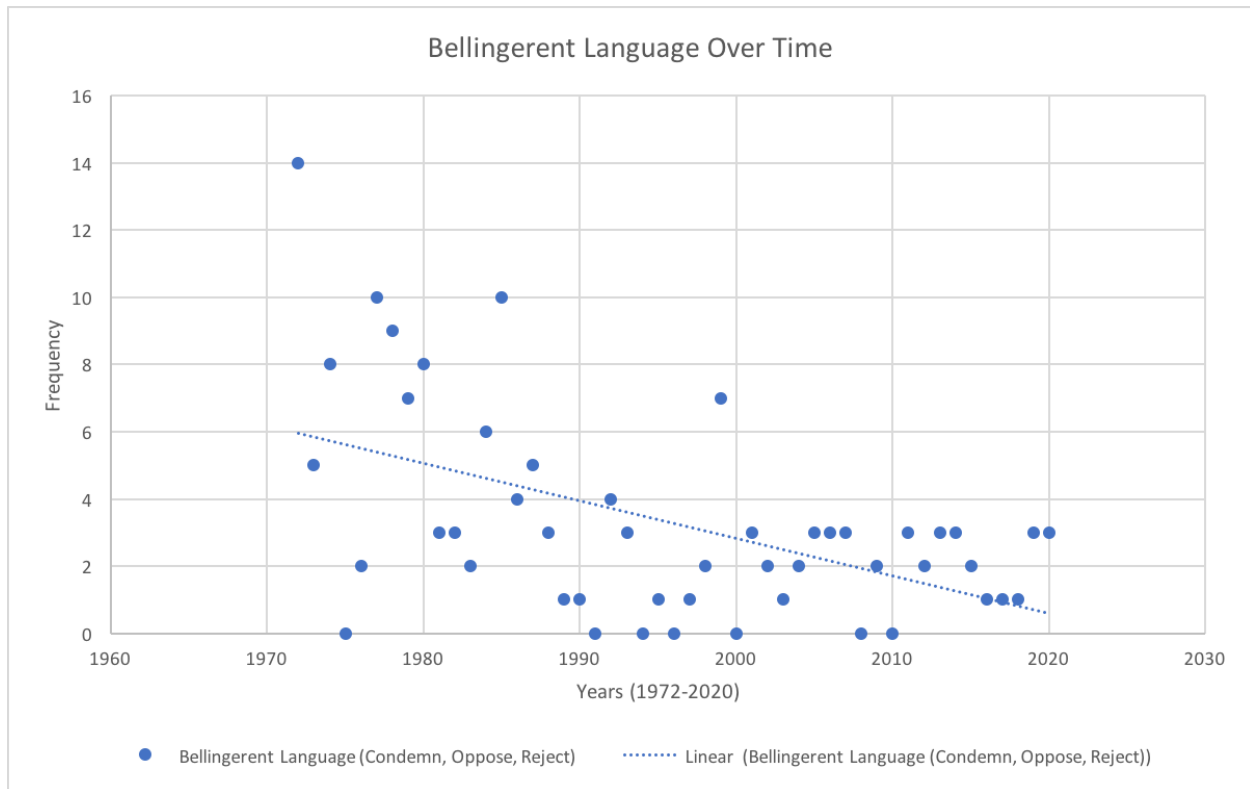


Figure 5. Frequency of belligerent language over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.51729539							
R Square	0.26759453							
Adjusted R Square	0.25201143							
Standard Error	2.66437515							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	121.902959	121.902959	17.1721036	0.00014121			
Residual	47	333.648061	7.09889492					
Total	48	455.55102						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	225.880408	53.7221981	4.20460101	0.0001163	117.805286	333.95553	117.805286	333.95553
X Variable 1	-0.1115306	0.02691425	-4.1439237	0.00014121	-0.1656751	-0.0573861	-0.1656751	-0.0573861

Figure 6. Regression analysis with x variable as time and y variable as the frequency of belligerent language.

The figures 7 and 8 respectively show the frequency scatterplot and regression analysis of the keyword “hegemon”. As could be seen, China has significantly decreased the usage of the word hegemon over the years, and in fact during the early 2000s for several years failed to mention the word hegemon at all, even during the time of U.S. intervention in the Middle East. This is a vastly different attitude than that of the 1970s, during which China fiercely condemned the hegemony of both the U.S. and USSR. Then, in 2008, after 7 years of silence on the topic of hegemony, Premier Wen Jiabao for the first time made an assurance that China itself would not seek hegemony, during a time when China’s rise came into the focal point. At the same time, China’s mentioning of “multipolar” and “multilateral” increased especially after the 2000s ($p < 0.05$). The first time that the Chinese delegation made note of the trend toward multipolarity was in 1986, when it argued that states, regardless of their standing in the world should have the right to self-determination and be respected of their territorial integrity.²⁶ Since then, China has ever more frequently recognized multipolarity and multilateral cooperation.

²⁶ “United Nations General Assembly 41st Session Official Records,” September 24, 1986. <https://documents-dds-ny.un.org/doc/UNDOC/PRO/N86/640/98/PDF/N8664098.pdf?OpenElement>

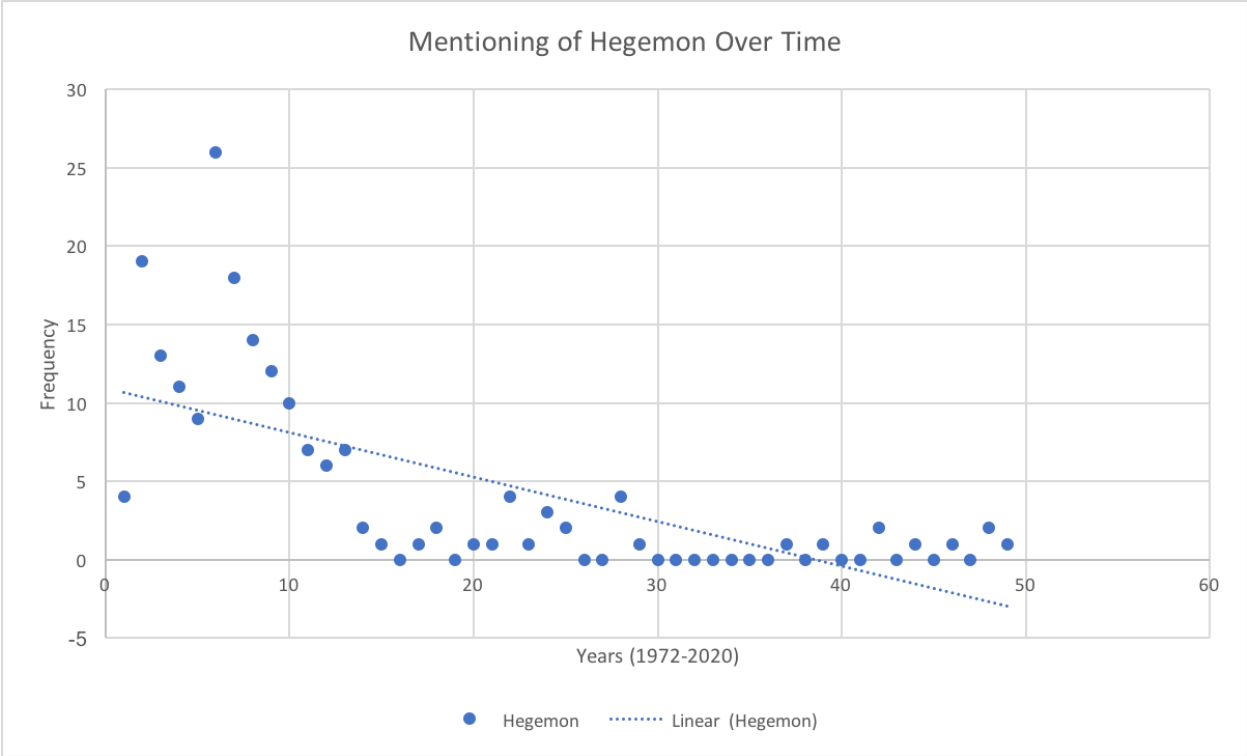


Figure 7. Frequency of keyword hegemon over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.68712516							
R Square	0.47214099							
Adjusted R Square	0.46090995							
Standard Error	4.33429307							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	789.747347	789.747347	42.0389276	4.9693E-08			
Residual	47	882.946531	18.7860964					
Total	48	1672.69388						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	570.456327	87.393005	6.52748268	4.2644E-08	394.644278	746.268375	394.644278	746.268375
X Variable 1	-0.2838776	0.04378297	-6.4837433	4.9693E-08	-0.3719575	-0.1957976	-0.3719575	-0.1957976

Figure 8. Regression analysis with x variable as time and y variable as the frequency of the keyword hegemon.

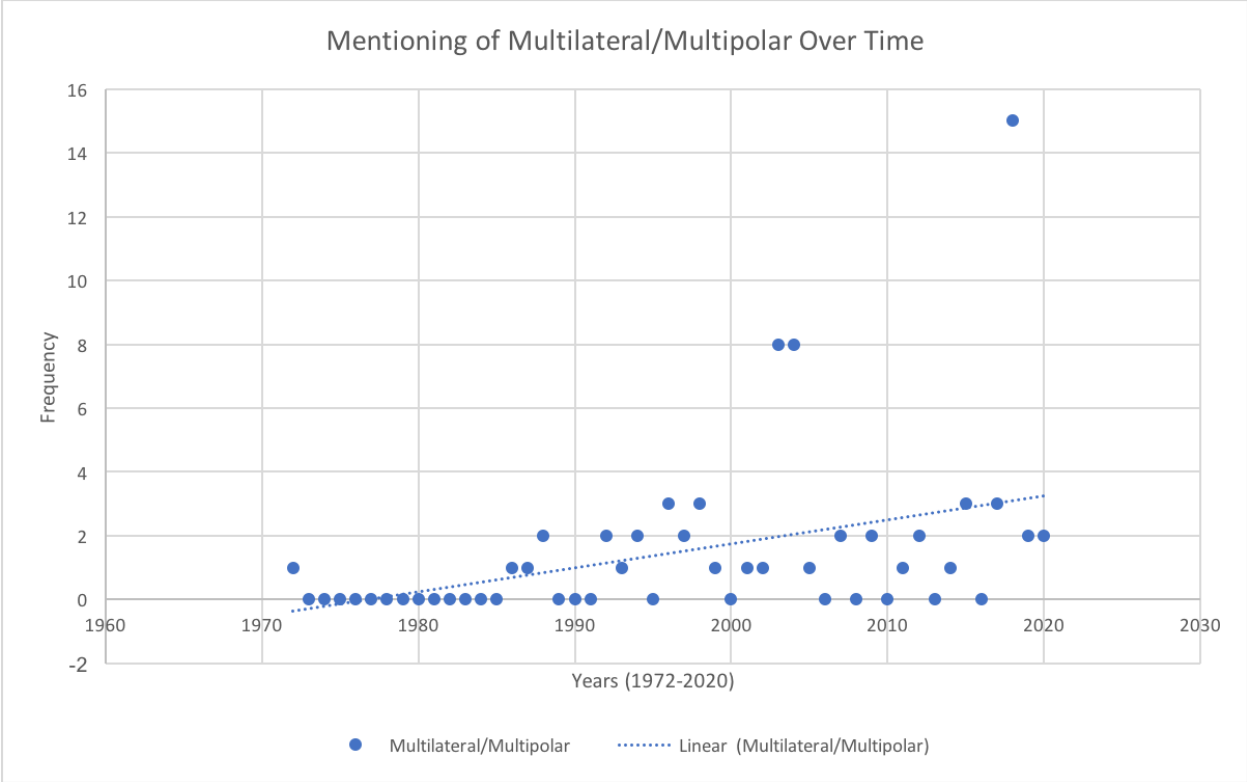


Figure 9. Frequency of keyword multipolar/multilateral over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.40684961							
R Square	0.16552661							
Adjusted R Square	0.14777185							
Standard Error	2.42832289							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	54.975102	54.975102	9.32294617	0.00371886			
Residual	47	277.147347	5.89675206					
Total	48	332.122449						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-148.04735	48.9626408	-3.0236798	0.00403705	-246.54748	-49.547219	-246.54748	-49.547219
X Variable 1	0.07489796	0.02452977	3.05334999	0.00371886	0.02555044	0.12424548	0.02555044	0.12424548

Figure 10. Regression analysis with x variable as time and y variable as the frequency of the keyword multilateral/multipolar.

Next, we turn to the keywords human right and democracy/democratic/democratize, which relate to concepts that the West has used to suppress China internationally. Data shows no clear trend in the mentioning of human right or human rights, as could be seen in figure 11 and 12. In fact, for the majority of years China does not mention human right at all, which is not unexpected given the fact that China has in general avoided delivering or responding to accusations of human rights violations. Upon further content analysis, it could be seen that in the few instances in which human right was brought up, it was generally in a disapproving tone. For instance, in 1986, 1991, 1999, 2000, 2006 and 2007, the topic human right was brought up in each year as a concept that states used to interfere in China's domestic affairs, and the Chinese delegation in each instance called upon the de-politicization of the concept of human rights. In 1997, China advocated for the recognition of the differences in understanding of human rights, and in both 1992 and 1998, China pushed for the idea that "for the people of developing countries, the right to subsistence and the right to development are undoubtedly the fundamental and the most important human rights of all."²⁷ This, as we will further address in the discussions section, is a core theoretical foundation of the Chinese understanding of human rights, and one that it is attempting to push for greater recognition of.

²⁷ "United Nations General Assembly 47th Session Official Records," September 30, 1992. <https://documents-dds-ny.un.org/doc/UNDOC/PRO/N92/612/09/PDF/N9261209.pdf?OpenElement>

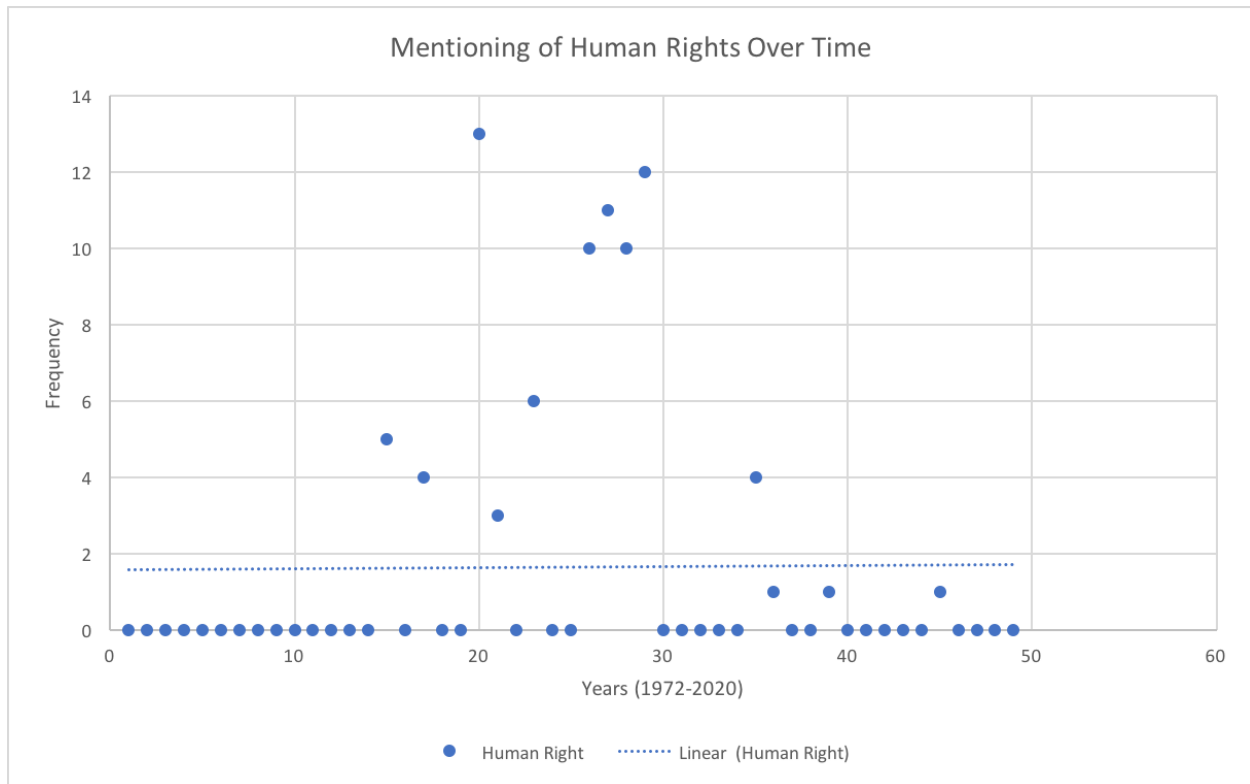


Figure 11. Frequency of keyword human right over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.00985562							
R Square	9.7133E-05							
Adjusted R Square	-0.0211774							
Standard Error	3.58793269							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	0.05877551	0.05877551	0.0045657	0.94641457			
Residual	47	605.043265	12.873261					
Total	48	605.102041						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-3.235102	72.3440281	-0.0447183	0.9645213	-148.77251	142.30231	-148.77251	142.30231
X Variable 1	0.00244898	0.03624359	0.06757	0.94641457	-0.0704637	0.07536168	-0.0704637	0.07536168

Figure 12. Regression analysis with x variable as time and y variable as the frequency of the keyword human right.

The keyword “democra” with the variants democracy, democratic and democratize, show a slight upward trend in usage ($p < 0.05$). However, upon closer contextual analysis, another underlying trend becomes visible. Before 1989, China was an outspoken supporter of democratic movements world-wide. In 1974, China condemned the South Korean government for their emergency measures suppressing internal political turmoil as “depriving the South Korean people of all basic democratic rights.”²⁸ In 1980, China vocally supported the national democratic movements of Latin American countries and in 1981 supported democratic reform in the Caribbean. In 1982, China supported the development of Democratic Kampuchea into what it called an “advanced socialist democracy”. In 1983, China supported the democratic movements in Central America, and in 1986, China stated its own goal of becoming a democratic socialist nation.²⁹ However, in 1989, for the only time in the speeches between 1972 and 2020, China openly condemned the usage of the word democracy. The delegation stated that “to harp on "democracy" and "freedom" while indulging in the habit of making arbitrary criticisms and imposing one's own will on others in State-to-State relations represents precisely the kind of behavior that goes against the historical tide. This is indeed regrettable.”³⁰ This meeting was held during a time of great political upheaval within China as anti-corruption and pro-democratic reform movements propped up across China, and the widely publicized protests at Tiananmen Square and the subsequent crackdown were all delivered to international audiences. This placed enormous international pressure on China, and became a historical event that is still being used

²⁸ “United Nations General Assembly 29th Session Official Records,” October 2, 1974. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL8/600/84/PDF/NL860084.pdf?OpenElement>

²⁹ “United Nations General Assembly 41st Session Official Records,” September 24, 1986. <https://documents-dds-ny.un.org/doc/UNDOC/PRO/N86/640/98/PDF/N8664098.pdf?OpenElement>

³⁰ “United Nations General Assembly 44th Session Official Records,” October 2nd, 1989. <https://documents-dds-ny.un.org/doc/UNDOC/PRO/N89/641/57/PDF/N8964157.pdf?OpenElement>

today as rhetorical weapon against the CCP. After 1989, the speeches that mentioned democracy/democratic/democratize were almost exclusively with regard to democracy in the context of international relations, or democratizing of the international order. Out of the 50 occurrences of the keyword “democra”, 38 are under the context of democracy in international relations, while the remaining 12 address China’s domestic development or the domestic development of other nations. Before 1989, however, China’s mentioning of democracy in international relations only appeared once. Thus, after 1989, 76% of all mentioning related to democracy has been focused on democracy in international relations, with only three instances of speeches containing the keyword “democra” without any mentioning of democracy in international relations, namely in 1994, 1995 and 2008. Comparatively, before 1989, out of the 12 mentioning, only 1 pertained to democracy in international relations, making up 8.3% of the total. Although the base numbers are small, this still shows the trend that China has increasingly and more exclusively applied the concept of democracy under the context of international relations, and this trend is particularly prominent after 1989. This might be due to two reasons. First is that before the reform and opening up era in the late 1970s, China upheld great ideological purity in pursuing Marxist-Leninism, and Soviet style communist state. This was when China aligned itself with communist movements globally, and supported revolutionary forces. However, with the reform and opening up policies and the later fall of the USSR, China increasingly abandoned political purity, and focused more on domestic economic development rather than international revolution. The second aspect could be that after the incidents in 1989, China stood at the antithesis of democratic governance, at least in the perception of Western states, and that deprived it of any prior rhetorical authority to comment on democratic

movements. As we will expand upon in the discussions, the increase in the usage of democracy in international relations could also entail a norm changing strategy.

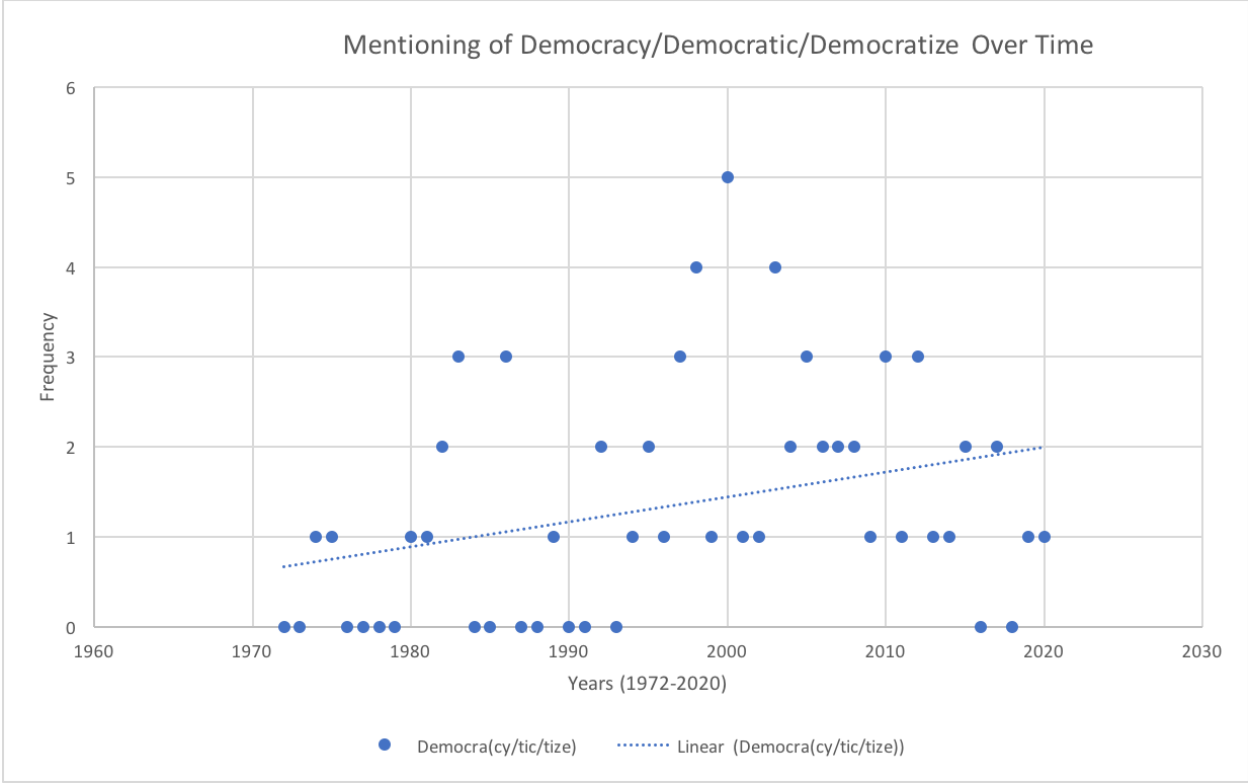


Figure 13. Frequency of the keyword “democra”, containing the variants democracy, democratic and democratize over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.31357722							
R Square	0.09833068							
Adjusted R Square	0.07914622							
Standard Error	1.21362936							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	7.54938776	7.54938776	5.12553949	0.0282324			
Residual	47	69.2261224	1.47289622					
Total	48	76.7755102						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-54.072653	24.4705919	-2.2096994	0.03203366	-103.30113	-4.844172	-103.30113	-4.844172
X Variable 1	0.0277551	0.01225951	2.26396544	0.0282324	0.00309215	0.05241805	0.00309215	0.05241805

Figure 14. Regression analysis with x variable as time and y variable as the frequency of the keyword “democra”, containing the variants democracy, democratic and democratize.

With regard to the topics of poverty and climate change, China has in both instances brought up the topics significantly more over the years, as could be seen through figures 15-18. Poverty alleviation and climate change are two areas in which China has either recently increased engagement in, or has performed relatively well in. As we will see, these two concepts are often combined with human rights and used as a norm changing strategic tool. Despite the fact that climate change is a relatively new concept, the first instance of the Chinese delegation mentioning climate change in its General Debate statements was in 1992, yet it was not until the mid-2000s that China began frequently addressing climate change.

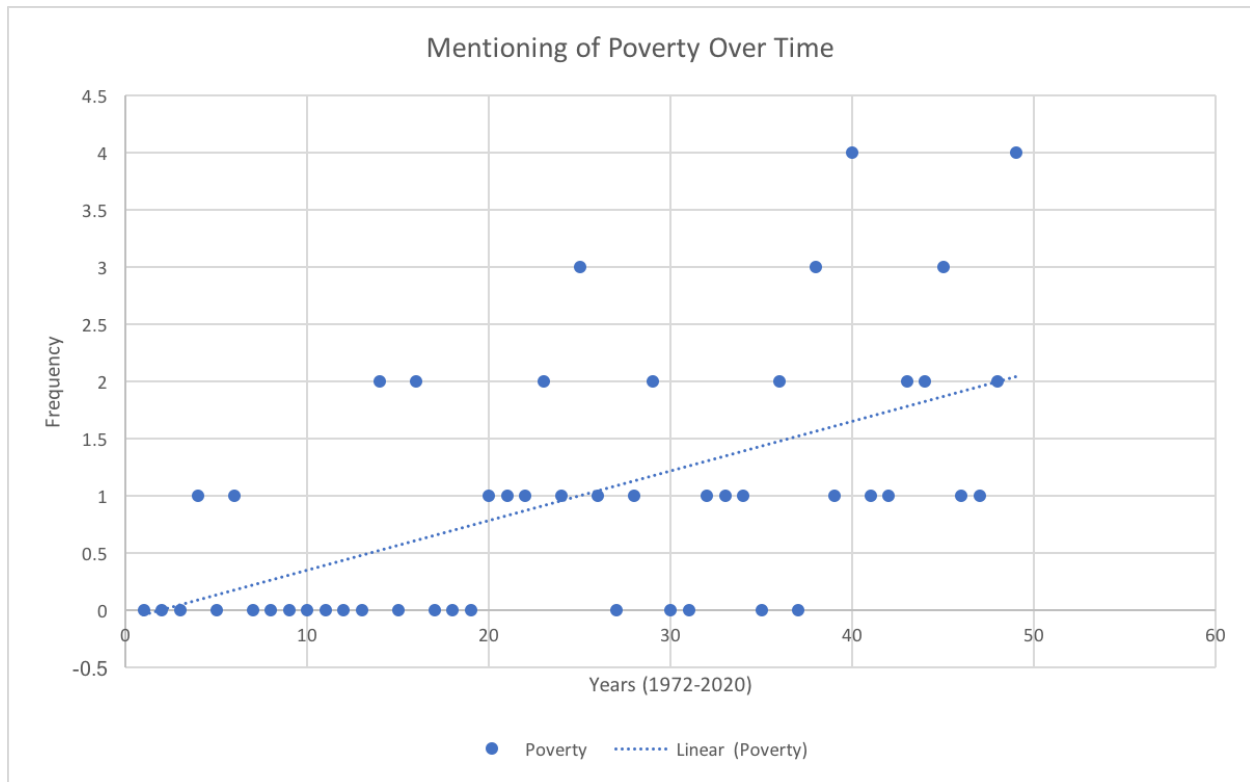


Figure 13. Frequency of the keyword “poverty” over time.

SUMMARY OUTPUT

Regression Statistics	
Multiple R	0.56504439
R Square	0.31927516
Adjusted R Square	0.30479165
Standard Error	0.91653883
Observations	49

ANOVA					
	df	SS	MS	F	Significance F
Regression	1	18.5179592	18.5179592	22.04404999	2.3393E-05
Residual	47	39.4820408	0.84004342		
Total	48	58			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	Lower 95.0%	Upper 95.0%
Intercept	-85.764898	18.4803107	-4.6408797	2.80077E-05	-122.94249	-48.587308	-122.94249	-48.587308
X Variable 1	0.04346939	0.00925844	4.69510916	2.33931E-05	0.02484381	0.06209497	0.02484381	0.06209497

Figure 14. Regression analysis with x variable as time and y variable as the frequency of the keyword “poverty”.

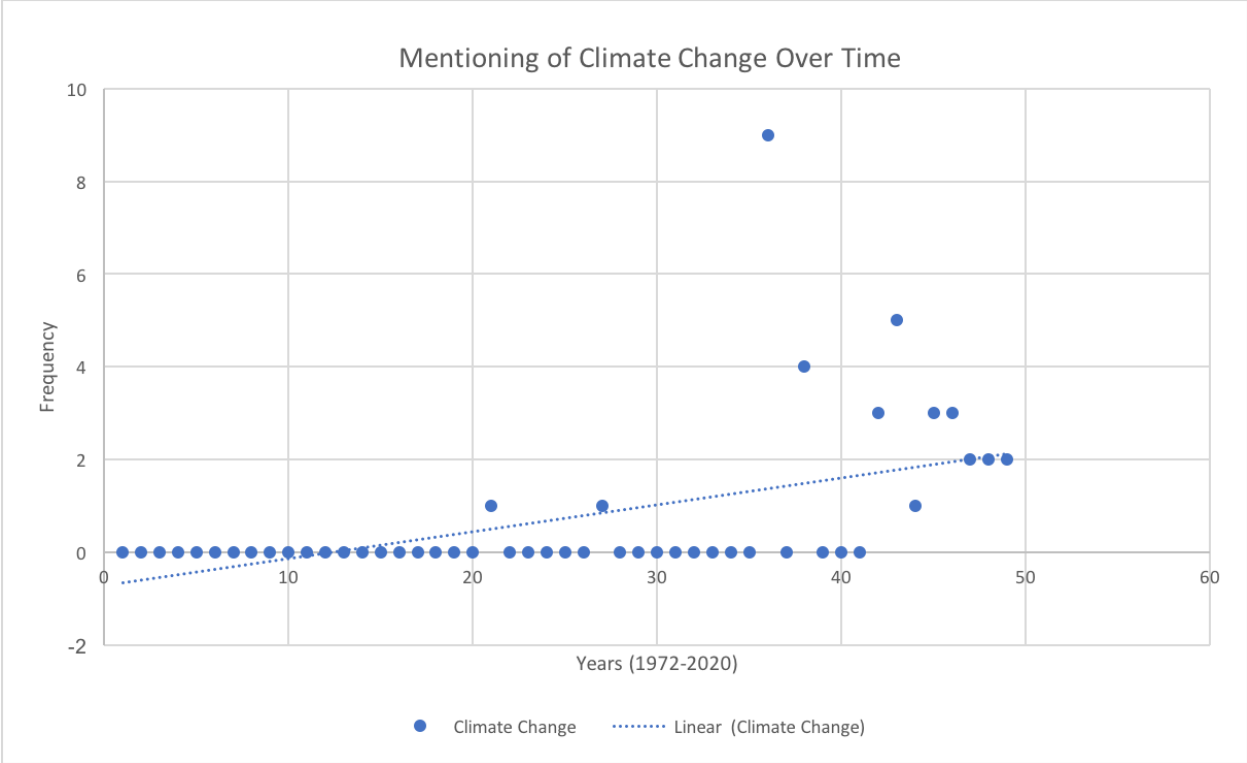


Figure 15. Frequency of the keyword “climate change” over time.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.49094169							
R Square	0.24102374							
Adjusted R Square	0.22487531							
Standard Error	1.49038021							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	33.1530612	33.1530612	14.9255205	0.00034149			
Residual	47	104.397959	2.22123317					
Total	48	137.55102						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-115.35918	30.0507611	-3.8388107	0.00036847	-175.81352	-54.90485	-175.81352	-54.90485
X Variable 1	0.05816327	0.01505511	3.86335612	0.00034149	0.02787628	0.08845025	0.02787628	0.08845025

Figure 16. Regression analysis with x variable as time and y variable as the frequency of the keyword “climate change”.

Finally, the analysis of the keyword “human” shows that China has significantly increased using the word in variants such as human progress, humanity and humankind. These are often associated with more universalist ideologies such as the community of shared future for mankind proposed by Xi Jinping in 2018.³¹

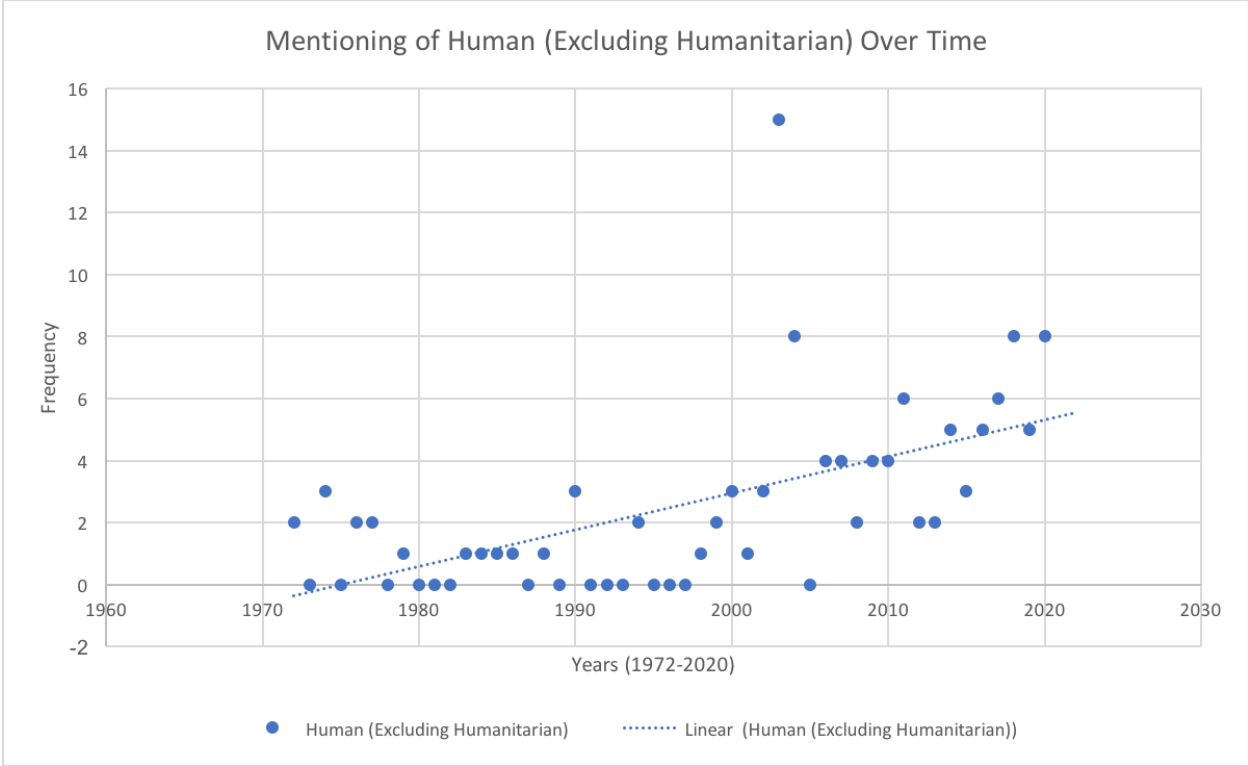


Figure 17. Frequency of the keyword “human” over time.

³¹ Diplomat, Jacob Mardell for The. “The ‘Community of Common Destiny’ in Xi Jinping’s New Era.” – The Diplomat. for The Diplomat, October 25, 2017. <https://thediplomat.com/2017/10/the-community-of-common-destiny-in-xi-jinpings-new-era/>.

SUMMARY OUTPUT								
Regression Statistics								
Multiple R	0.57327336							
R Square	0.32864234							
Adjusted R Square	0.31435814							
Standard Error	2.43240132							
Observations	49							
ANOVA								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	136.125	136.125	23.007394	1.6675E-05			
Residual	47	278.079082	5.9165762					
Total	48	414.204082						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-232.77347	49.0448749	-4.7461324	1.9737E-05	-331.43903	-134.10791	-331.43903	-134.10791
X Variable 1	0.11785714	0.02457096	4.79660234	1.6675E-05	0.06842674	0.16728755	0.06842674	0.16728755

Figure 18. Regression analysis with x variable as time and y variable as the frequency of the keyword “human”.

DISCUSSION

Through our regression analysis, we could see three major trends, which we will explicate in this section. The first is that China is increasingly upholding and applying the concept of international law and norms for its own legitimating purposes. The second is that China has a different understanding of human right and democracy, and is pushing for these differing interpretations to become international norms. Finally, China is becoming more universalist in attitude and, at least on the international stage, is less belligerent, although it might not yet have a concrete universalist agenda comparable to the former revolutionary days when China actively exported revolution and pushed for a Marxist-Leninist ideology.

First of all, as could be seen in the increase in the usage and reference to international law, China has in recent years increased significantly its focus on international law and norms. Of course,

there is ample evidence that even though China has historically dismissed the moral standing of international law, it has still utilized its concept. The CCP government in its earliest days established a committee for international jurisprudence in the Foreign Affairs Department, headed by Zhou Gengsheng, a prominent nationalist legal scholar who saw first handedly the oppression China faced during the Paris Peace Conference for lacking equal legal recognition. Zhou made sure that the new People's Republic fully grasped Western legal intricacies. Amongst his suggestions included changing the five principles of peaceful coexistence's clause on respecting "territorial sovereignty" to respecting "sovereignty and territorial integrity." This was made so that rhetorically at least, China could refuse to have Taiwan or any other part of its territory to become independent under the pretense of sovereignty, for it would be a violation of territorial integrity. Indeed, the Chinese Mainland now uses this principle extensively to justify reunification with Taiwan. Zhou also argued that the Chinese army sent to North Korea during the Korean War be unmarked and called the "volunteer army" in order to legally avoid state sponsorship. Such detailed focus on international legal norms has extended to this day, which could be reflected in various Chinese engagement with international law, such as its rejection of the South China Sea arbitration.³²

However, as could be seen in the textual analysis, China was at one point antagonistic to international law, and even openly contested the legitimacy of international law for it served the interests of "imperialist powers". Now however, even though China still arguably views international law in a functionalist way, it does not stand on its antithesis. As could be seen in

³² “论国际法理论与外交实践的融合之道（On the Joining of Theory and Practice in International Law）.” 中国法学创新网（China Law Society），October 11, 2020. <http://www.fxcw.org.cn/dyna/content.php?id=14345>.

our analysis, China now has increasingly more positive mentioning of international law. In recent years, it has also repeatedly argued for embracement of the international order with the United Nations at its core. In specific areas such as climate change, it is even leading international discourse by spearheading the Paris Climate Agreement. Our regression analysis also shows an increase in reference to the issue of climate change, particularly after the signing of the Paris Agreement.

This should fit the functionalist hypothesis since China did not have much say in founding the current international legal order and its institutions revolving around the United Nations, but it could introduce Chinese characteristics into the existing legal framework by dominating greater discourse in the international institutions. Xi Jinping in recent years has placed a heavy emphasis on increasing China's influence on the global stage, especially through advocacy and norm setting. Xi has instructed the state apparatus to fully utilize high level experts and international conference opportunities to advocate for China's institutional advantages as well as its policies.³³ The greater emphasis on climate change coincides with China's active participation in the Paris Agreement, and the U.S. withdrawal from the agreement in 2017. This indicates that China is willing to take the leading initiative in addressing topics of universal concern, in the process of which it could participate in norm and law setting to a greater degree. Thus, the fact that we've seen greater Chinese engagement within and contribution to the United Nations, and leading certain bodies such as the WHO during the COVID-19 pandemic and the Paris Climate

³³ “习近平在中共中央政治局第三十次集体学习时强调 加强和改进国际传播工作 展示真实立体全面的中国。” 新华网. Accessed May 31, 2021. http://www.xinhuanet.com/politics/leaders/2021-06/01/c_1127517461.htm.

Agreement, all goes to show that China is and will continue to increase its acknowledgement and usage of international law in self-legitimation.

Furthermore, even in cases where China rejects international law, it does not specifically reject it by referring to its imperial roots, but rather reject it with legal arguments of its own. For instance, in the case of the South China Sea Arbitration in 2016, which ruled against some Chinese maritime claim in the South China Sea, China refused to participate in the arbitration and referred to the ruling award as waste paper. This might appear arrogant on the outset, but in fact Chinese claim was much more sophisticated and law based. First, China rejected the legal jurisdiction of the Permanent Court of Arbitration, arguing that what it in fact was ruling on was an issue of sovereignty and not merely law of the seas, and since the court does not have power to adjudicate issues of sovereignty, China saw its refusal to attend as legal. Furthermore, China cited the fact that it had in 2006 objected to Section 2 of Part XV, paragraphs 1 (a) (b) and (c) of article 298 of the United Nations Convention on the Law of the Sea (UNCLOS), which addressed the legally binding decision of venues including the Permanent Court of Arbitration.³⁴

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The second trend that our analysis has identified, is that China is increasingly pushing for its own understanding and re-interpretations of important norms, namely human rights and democracy.

³⁴ “The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China).” PCA. Accessed July 13, 2021. <https://pca-cpa.org/en/cases/7/>.

³⁵ Rühlig, Tim. “How China Approaches International Law: Implications for Europe.” *EU-Asia at a Glance*, n.d.

As we've discussed in the beginning, these two concepts are what the West has most often attacked the Chinese government with, most recently with accusations of human rights abuses in Xinjiang and anti-democratic crackdown in Hong Kong. As we've seen however, China has changed the rhetorical strategy regarding human rights since 1989, when its reputation in the area of human rights and democracy plummeted. It has since then focused human rights specifically on the right to development. The earliest instance of the Chinese delegation mentioning of development as human right could be seen in its 1992 speech, when it stated that "for the people of developing countries, the right to subsistence and the right to development are undoubtedly the fundamental and the most important human rights of all."³⁶ Since then China has formulated a theoretical foundation for arguing the right to survival and development as the most fundamental of human rights, and not merely just an important human right. Chinese scholars have used both Chinese ancient philosophical work and Marxist materialist arguments to underpin the importance and triumph survival and development rights over other human rights. It has been argued that "life is the foundation of human survival. Without the right to life, the right to freedom, political right, right to equality and others cannot exist...without the right to development, the other human rights would lose their vitality and cease to develop." Ancient Chinese philosophical work Zhuangzi pictured a state where "the elderly dress well and eat meat, while the common people do not need to starve or freeze." The classic of poetry (shijing) stated that "the people work hard, and deserve a life of moderate prosperity (xiaokang)". These have been used to argue that Chinese society since ancient times has placed human welfare above all else. Indeed, the initial goals of reform and opening up were to create a society of moderate

³⁶ "United Nations General Assembly 47th Session Official Records," September 30th, 1992. <https://documents-dds-ny.un.org/doc/UNDOC/PRO/N89/641/57/PDF/N8964157.pdf?OpenElement>

prosperity (xiao kang she hui).³⁷ Further Marxist arguments have been used to uphold the insistence on the right to survival and development as the fundamental human right. A quote from Engels saying “that mankind must first of all eat, drink, have shelter and clothing, before it can pursue politics, science, art, religion, etc.” has been used to justify the right to survival and development as the fundamental human rights.³⁸ In response to accusations of disregard for the right to freedom of speech, freedom of religion etc. the Party scholars have argued that “upholding the right to survival and development as foremost does not preclude also recognizing the importance of other human rights...but that one is more fundamental than the others...in other words, if a nation is underdeveloped economically, and its people are impoverished, it is difficult to obtain democracy, science and advanced culture. If a person is starving, he needs not a vote but a bag of flour. Additionally, different nations have priorities in development of human rights. The people of developed nations have high standards of living and could be bothered with voting, but developing countries naturally would focus on economic development and raising the standards of living for its people.”³⁹

Officially, China has been actively pushing for the recognition of the right to development and prosperity as a fundamental human right. On the 70th anniversary of Universal Declaration of

³⁷ Wang, Xigen. “生存发展权是首要的基本人权 The Right to Survival and Development Is the Foremost Basic Human Right.” cpcnews.cn. Accessed July 12, 2021. <http://theory.people.com.cn/n1/2021/0219/c40531-32031360.html>.

³⁸ Engels. “Frederick Engels' Speech at the Grave of Karl Marx Highgate Cemetery, London. March 17, 1883.” Engels' burial speech. Accessed July 13, 2021. <https://www.marxists.org/archive/marx/works/1883/death/burial.htm>.

³⁹ Li, Buyun. “坚持生存权、发展权是首要人权 Uphold That the Right to Survival and Development Are the Foremost Human Rights.” cpcnews.cn. Accessed July 10, 2021. <http://theory.people.com.cn/n/2015/1207/c49154-27895048.html>.

Human Rights in 2018, Xi Jinping proclaimed that “the ultimate human right is that people can lead a happy life.”^{40 41} In the United Nations Human Rights Council, China has pushed for the passing of a resolution affirming “that development contributes significantly to the enjoyment of all human rights by all”⁴² This resolution has been repeatedly reaffirmed in 2019 and 2021, and has been used to legitimize Chinese claim of the human rights of survival and development, and in essence also provides an escape from accusations towards its handling of other human rights such as the freedom of speech, religion, etc.

The distinct focus of human rights coincides with an increase in the mentioning of poverty as seen from the regression analysis. This is expected because as we’ve laid out, the Chinese focus on human rights is on survival and development. Poverty alleviation is a useful indicator of a nation’s level of development. In fact, in official Chinese rhetoric, poverty alleviation has become almost synonymous with and the sole indicator of human rights improvement. This could be largely associated with the fact that China has had an exceptional performance in the field of poverty alleviation, lifting more than 800 million people out of abject poverty in a period of 40 years, and has greatly improved the infrastructure, livelihood and overall life expectancy especially of those living in rural areas and ethnic minorities. In early 2021, Xi Jinping declared that China had completely eradicated abject poverty in the country. State media moved to call

⁴⁰ “Xi Focus-Quotable Quotes: Xi Jinping on Human Rights.” Xinhua. Accessed July 13, 2021. http://www.xinhuanet.com/english/2021-03/03/c_139780991.htm.

⁴¹ Full Text: Seeking Happiness for People: 70 Years of Progress on Human Rights in China. Accessed July 12, 2021. <http://www.scio.gov.cn/zfbps/32832/Document/1665085/1665085.htm>.

⁴² “Resolution Adopted by the Human Rights Council on 22 June 2017,” n.d. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/184/81/PDF/G1718481.pdf?OpenElement>.

this “a miraculous development in the history of human rights” and China’s ambassador to UN, Zhang Jun, called China’s poverty alleviation efforts the “greatest human rights project”.⁴³ Thus, even though China has not rejected the Western notions of human rights, it does not hold them to as a high degree of importance, and from the speech pattern at the United Nations, it could be seen that China is now actively seeking to promote its own norms of human rights, in order to justify the legitimacy of its actions in accordance with international law and norms.

Closely tied to human rights is the other norm of democracy. As we’ve stated, democratic governance has also become a currency in today’s liberal international order. China, on the other hand, does not have a Western style democratic government, nor does it have much rhetorical force in supporting democratic movements after mostly downplaying its universalist Marxist-Leninist ideology during the reform and opening up era, and the subsequent internal crackdowns. Thus, as we’ve seen in the contextual analysis, China has in fact pushed for a different notion of democracy, namely one focused on democracy on an international scale. In the UN General Debate speech of 2019, for instance, foreign minister Wang Yi, proclaimed that “China will always stand firmly with other developing countries in safeguarding their common interests and right to development and in increasing their representation and say in global governance so as to promote democracy in international relations.” President Xi, in his 2020 General Debate speech, called upon nations “to uphold the values of peace, development, equity, justice, democracy and freedom shared by all of us and build a new type of international relations and a community with

⁴³ “张军：消除绝对贫困是最大的人权工程 Zhang Jun: Eliminating Abject Poverty Is the Greatest Human Rights Project.” 张军：消除绝对贫困是最大的人权工程. Accessed May 30, 2021. <https://www.fmprc.gov.cn/ce/ceun/chn/hyyfy/t1858150.htm>.

a shared future for mankind.” Thus, it could be seen that with regard to democracy, China is deliberately focusing on democracy in international relations. This is not to say that China has not mentioned democracy in other contexts. The government has always retained that it is a socialist democracy with Chinese characteristics. In such a system, the CCP has absolute power but responds to the people’s wish and needs, and is thus described as a government in which the people are the owners and the Party are the policy executors.⁴⁴ However, such a regime type is simply authoritarian in the Western understanding, and is something that China cannot and would not change. Democracy in international relations, on the other hand, is a concept that China could push for and one that would provide itself with great benefit. This is because, firstly, democracy in international relations reflects the founding principles of the United Nations and is universally recognized. Second, China has for long be a leader of developing nations, which constitutes a larger number than developed nations. Pushing for greater democracy within the United Nations centered world order would therefore offer China more rhetorical power. Finally, democracy in international relations is closely tied to the concept of sovereignty, and as we’ve stated, China has historically viewed sovereignty as a topic with little room for negotiation, in part due to its history of subjugation under semi-colonialism, but also because respect for sovereignty is a foundation upon which China defends its regime and its internal actions. Thus, from a functionalist perspective it would also make sense for China to push for democracy in international relations, although in reality it has not drawn attention away from its crack down on internal protest movements such as those in Hong Kong.

⁴⁴ “中国特色社会主义民主的特点和优势 The Characteristics and Advantages of Chinese Socialist Democracy.” Accessed July 10, 2021. http://www.qstheory.cn/dukan/hqwq/2019-11/11/c_1125217603.htm.

Thus, from the above analysis we could see that China has in fact developed a comprehensive theoretical framework for the concepts of human rights, and is also attempting to redirect discourse on democracy toward something that would offer it the most benefits, and allow it to change norms or at least expand existing norms so that China could “legally” justify its actions.

The final trend that is observed via the regression analysis is China’s increasingly universalist rhetoric. The regression analysis shows that the Chinese delegation has in recent years significantly increased the usage of words “human”, “humanity” and “humankind” when addressing issues, signifying that they are increasingly concerned with or wish to be seen as concerned with commonly faced issues, in an attempt to increase its global leadership and norm setting abilities. This corresponds well with increases in more specific keywords such as climate change and poverty, which are universal issues that China is attempt to act as leaders in resolving. President Xi Jinping has introduced the goal of creating “a community of shared future for mankind.” This goal has been widely adopted at the United Nations, and has even been written into the official CCP constitution and the constitution of China. It seems in this case that China is indeed trying to place itself as an upholder of universalist values. At this point however, aside from re-interpreting and redirecting existing norms such as human rights and democracy, China does not yet have a competitive universalist value. The closest view that the Chinese leaders hold is that of the respect for sovereignty, which is functional in nature because China

wishes to remain undisturbed territorially and politically. Whether China is again attempting to disperse a certain dominating universal political ideology over liberalism is still uncertain.⁴⁵⁴⁶

Thus, China is not content with only using existing international law and norms to justify its cause, but is actively propagating its own reinterpretation of norms such as human rights and taking an increasingly leading role in international agreements and organizations that would offer it legal advantage in the long run. However, it does not seem to have a competing universalist agenda, like it did during the 1950s and 1960s, when the reach of its influence reached even the United States, where it supported the Black Panther Party, whose ideological grounding was heavily Maoist and whose leaders visited Mao personally.⁴⁷

Today, even though China does not have the will or capability to push for large-scale, systematic intervention abroad, it has confronted Western criticism and de-legitimization efforts more directly, pointing to what it sees as bias and hypocrisy in the Western government and media. Since 1998, the Chinese State Council has published an annual Human Rights Record of the United States, in response to a U.S. human rights report against China. Rhetorically, Chinese authorities have started a counter de-legitimization campaign against U.S. authorities, especially

⁴⁵ Diplomat, Jacob Mardell for The. "The 'Community of Common Destiny' in Xi Jinping's New Era." – The Diplomat. for The Diplomat, October 25, 2017. <https://thediplomat.com/2017/10/the-community-of-common-destiny-in-xi-jinpings-new-era/>.

⁴⁶ "Commentary: Why President Xi Strongly Advocates Building Community with Shared Future." Xinhua. Accessed July 13, 2021. http://www.xinhuanet.com/english/2020-09/22/c_139388123.htm.

⁴⁷ Allen-Ebrahimian, Bethany. "When China Stood with African American Activists." Axios, June 16, 2020. <https://www.axios.com/china-racism-black-panthers-5f3c48bc-abab-48f1-a0c8-0021049ad3a8.html>.

its failure to resolve domestic unrest such as the BLM movement in the wake of COVID-19 as sign of Western hypocrisy. More recently, the Chinese official media has also sought to delegitimize Western media by targeting certain informational and technical biases in their reporting. One example is the recent campaign against BBC's reporting on Chinese COVID measures, which the Chinese media points out is cherry-picked and heavily edited.⁴⁸

CONCLUSION

In this paper, we've briefly discussed how the West has contained China in the late 19th century by excluding its international legal status and denying its equal standing among nations, particularly by painting China as a lawless and uncivilized nation that does not merit recognition as an equal legal entity, and we've argued that in today's world, even though China has gained formal legal recognition as a permanent member of the United Nations, legal containment has continued in the form of Western states confronting China's violation of international law and commonly recognized norms. Through textual analysis of UN speeches, we see China has become much more active in terms of referring to international law, and is actively reinterpreting or redirecting the focus on existing key concepts in international law and norms such, mainly human rights and democracy. Furthermore, it has in fact become rhetorically less belligerent and

⁴⁸ Chunshan, Mu. "Foreign Media Face a Trust Crisis in China." – The Diplomat. for The Diplomat, July 16, 2021. <https://thediplomat.com/2021/07/foreign-media-face-a-trust-crisis-in-china/>.

more diplomatic, at least in the United Nations, which is in contrast to statements made by the foreign ministry which some have deemed to be arrogant and combative.⁴⁹

For continued research, it might be fruitful to try and focus on a specific theme, such as international law, and review China's official position on the issue over the years not only as documented in the UN General Debate speeches but also in documents intended for domestic audiences. This is because, although the United Nations General Debate speeches are a consistent source with comprehensive yet brief position statements on a wide range of issues in the particular year, it is mostly intended for the international audience. This means that the content might be more toned and not as accurately reflect China's position as well as internal documents such as guidance issued by the National People's Congress. Thus, it would be interesting to compare the United Nations speeches with internal documents on the same theme in order to visualize any deviation or inconsistencies.

Furthermore, one question that naturally arises from our analysis in this paper is: how should the United States respond? After all, the U.S. currently sees China as its number one competitor in terms of international influence. Central to the Chinese backlash, and in fact the backlash of other states such as Russia and Iran, is that by making the condemnations with regard to human rights and Western-centric concerns for human rights, the United States and its Western allies are being hypocritical, for they fail to address their own human rights violations to the same degree

⁴⁹ Palmer, Alex W. "The Man Behind China's Aggressive New Voice." *The New York Times*. The New York Times, July 7, 2021. <https://www.nytimes.com/2021/07/07/magazine/china-diplomacy-twitter-zhao-lijian.html>.

or at all. This has been used as rationale for ignoring or condemning Western criticism. Thus, the question that begs to be asked is, if a Western power wishes to engage with China meaningfully, how should it address the problem of hypocrisy? Obviously, a charge of human rights violation is no small condemnation, and as such should be taken seriously even if the state making this charge were in fact hypocritical. However, as scholars have observed, blaming and shaming is often ineffective when issued by a perceived cultural outsider or by a non-ally, and might even result in counterproductive consequences such as the blamed party worsening its abuses and stirring up anti-outsider sentiment.⁵⁰ It would not be a stretch to say that on top of this, hypocritical blame would weaken the moral force of blame even more, and provides an excuse for the blamed to respond in backlash legitimately. Thus, how should the U.S. respond in the face of criticism such as that “the U.S. is not in a position to criticize China due to its own violation of human rights and disregard for territorial integrity” and what grants a state moral authority to make criticisms on another are important questions that must be answered. I believe that such an inquiry would need to begin with providing a thorough philosophical discussion of the nature of hypocritical blame, and why hypocrisy deprives or weakens one’s moral authority to judge others. Then, it would be possible to understand how to engage with and respond to a China in the age of changing norms.

⁵⁰ Snyder, Jack. “Backlash against Human Rights Shaming: Emotions in Groups.” *International Theory* 12, no. 1 (2019): 109–32. <https://doi.org/10.1017/s1752971919000216>.

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