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Examining China's Human Rights Controversy

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In modern-day American culture, individual liberty is taken for granted. It is imagined that the rights assigned to us at birth are nothing short of righteous. They are sources of pride and the basis of criticisms directed at governments who do not allow their citizens the same. American criticism of the PRC is common place and one of the main finger-pointing targets is rights violations, not violations of American rights or Chinese rights, but of something even more presumptuous called human rights. The term itself human reeks of righteousness, and talk of violations or abuses of it reeks of disgust. However, the PRC does not kowtow to the consistent accusations of abusing human rights. On the contrary, it vehemently defends itself and fires back with accusations of human rights violations, interference and oppression by the USA. In this paper, I will elaborate on a fundamental level as to what exactly is going on in this stressful controversy, and to do so, I will first examine the very idea of rights.

There are two important angles we must take to understand the concept of rights. The first angle utilizes a natural perspective and the second utilizes humans' ability to invent fiction. From the natural perspective, the progression of terrestrial, biological nature over the past few billion years has bestowed upon every presently cognizant organism a set of *natural rights*. By *natural rights*, I mean an organism's freedom to behave in any possible manner within the organism's physical and mental capacities. For example, an ordinary human has the ability to sneak up on a slumbering tiger and pull that tiger's tail as hard as he can. He therefore has the *natural right* to do so. It follows that, since within an ordinary human being's natural capacities lies the ability to restrict or prevent certain behaviors of himself or of other organisms, every human (as far as he is capable) necessarily has the *natural right* to restrict the *natural rights* of other organisms, humans included. This makes it logically impossible for there to exist a *natural right* for one's own *natural rights* not to be restricted. We would not accuse a tiger of violating a man's natural right to pull its tail if the tiger doesn't let him. A man has no *natural right* not to be eaten by a tiger just as he has no *natural right* not to have his *natural rights* restricted in any way shape or form.

This becomes interesting when we factor in man's immensely strong social nature making it so that an individual's wellbeing is intrinsically connected to the wellbeing of all the other individuals in his native tribal social group. As a consequence of this, within each man there occurs an instinctual self-policing of his *natural rights* and the social dynamics of a given group are defined accordingly, without the utterance of a single word. Still that instinctual self-policing is not always efficient enough to safeguard each individual in the group from malice at the hands of another. Conflict is prone to emerge within a group of humans when an individual takes the liberty to act upon certain *natural rights* of his which may jeopardize the wellbeing of other individuals within the group, and

thus (sometimes) the wellbeing of the group itself. This is the age-old conundrum of the human condition, that it is both selfish and altruistic, as prone to malevolence as it is to benevolence, and can only be managed by means of an artificial mechanism.

Here is where a group must deviate from their *natural rights* and adopt a set of *fictional rights*. That is, they must expand upon their instinctual self-policing of *natural rights* and imagine that the *natural rights* of each individual in the group have the same artificially imposed restrictions. To do this, most the group must agree upon (or at least accept or be forced to accept) what exactly those artificial restrictions are. For example, the *natural right* to murder a group member so that you can have his food may be a wise restriction to safeguard the wellbeing of the group. This can also be looked at inversely in that the *natural right* of restricting *natural rights* can be restricted itself. For example, the *natural right* to prevent a man from eating any food at all would also be a good candidate for restriction. One's *fictional rights* then become a set of *natural rights* which are to be restricted by a groups collective imagination combined with a set of *natural rights* which are not to be restricted.

A group's set of *fictional rights* have never been universal in the sense that they would apply anywhere else but within the group. What would be the use of a group restricting its members from murdering a member of an outside group so as to have his food? The behavior would do no direct damage to the group's wellbeing. In fact, the benefit of the behavior would be two-fold in that it would increase the group's sustenance while reducing its existential threats. A group would be pompous to assume that its *fictional rights* were respected by outside groups without any sort of prompting. However, imposing fictional rights onto outside groups (via the powers of allure, persuasion, desperation, or brute force) could potentially benefit the original group as the other either intermingles and strengthens the original or becomes a sort of subservient extension of it.

Such kinds of things have been happening for tens of thousands of years. The problem is that all those tens of thousands of years only represent around the last 0.001% of our evolution as hominids. We are designed to live in naturally small groups, but civilization and its massive populations ask us to stretch our imaginations to fantastic extremes in order to believe that the millions of strangers we are surrounded by, yet will never interact with, are actually part of our natural group. "Americans" and "Chinese" hold themselves together by little more than their imaginations and their *fictional rights*. It is therefore not at all surprising that, in this globalized world, people would be so bold as to test human imagination into accepting a set of *fictional rights* which could extend over the entire scope of humanity, or human rights.

The notion of human rights, as we typically understand it today, is largely a product of the Western Enlightenment from which sprung the idea that all human beings are somehow equally deserving of some certain fundamental *fictional rights* no matter what group they are in. In the past few centuries these ideas have become standard commonplace in many societies and have culminated in the UN's Universal Declaration of Human Rights (UDHR). This piece of paper (imaginary things always feel more real when they are written down on paper) essentially states which *natural rights* of any given human in any given group are never to be restricted and in turn, by necessity, lists some which are. Article (a fancy word for "imaginary rule") 3, for example, protects one's *natural right* to maintain one's life, and thus restricts one's *natural right* to murder. Article 17 protects one's *natural right* to own stuff, and thus restricts one's *natural right* to steal stuff that others own. Article 19 protects one's *natural right* to express one's opinions through any media one wishes, which in turn restricts one's *natural right* to prevent other people from expressing their opinions however they wish. There is no fundamental difference between this set of *fictional rights* and any other set of *fictional rights* that has ever been hitherto conceived of. Its primary innovation is scope.

As touched upon earlier, the effectiveness/legitimacy of any *fictional right* depends entirely on if it can somehow be accepted by the majority of the group it is meant to apply to. In this case, the group is composed of literally every living person in the world. 48 out of the then 56 countries of the United Nations agreed to accept the declaration's protections/restrictions of *natural rights* in 1948. Amongst those countries was one of the UN's founding members, The Republic of China. In fact, a Chinese national sat in the Commission of Human Rights which was in charge of creating the declaration. However, the very following year, civil war in the Republic of China (which itself had only existed for less than four decades) lead to the founding of a new state: The People's Republic of China, which was in no such agreement with the UDHR.

In the ensuing decades, the Chinese Communist Party responsible for the PRC fervently endeavored to safeguard themselves against any challenges to their sovereignty and authority and in 1971 managed to take over the ROC's chair at the UN. Since then, the PRC has been repeatedly accused of violations to a set of *fiction rights* which it never agreed to in the first place. Here are some of the most commonly cited: the UN's UDHR aims to establish the universal right to free speech, the right to seek, receive and impart information from any media source available, the right to have a religion, change a religion and manifest a religion in teaching, practice, worship and observance, the right to peacefully assemble and associate, and the right to take part in one's government directly or through freely chosen representatives, the right to just and favorable work

conditions, the right to form or join trade unions, the right to reasonable limitation of working hours and periodic holidays with pay, the right to strike, and the right to freedom of movement and residence within the borders of one's country. The PRC demonstrably restricts all of these "rights" and would be in clear violation of the UDHR if it had ever accepted it in the first place, which it hasn't.

The criticism has been harsh and pressure for the PRC to align itself with the UDHR comes not only from the governments of other nations, but from non-governmental organizations like Amnesty International and Human Rights Watch, and even from emboldened citizens of the PRC itself. To deflect the accusations and reduce the accompanying negativity they earn for its reputation, the PRC returns in kind. It criticizes the UDHL for lacking a sufficiently objective perspective of the group it wishes to police (the entire scope of humanity). It is true that "human rights" as viewed by the UN is mostly a product of Western Culture's post Renaissance/Reformation rise, but similar ideas existed as long as 2 and a half thousand years ago in Chinese culture as well. With the objective of achieving harmony and prosperity for all humanity, the proposal from the ancient Mohist school was nothing short of an idealized system for the management of collective civilization in which the *natural rights* of all humans were to be restricted equally. However, the central premise of such thought is that what is good for the collective whole will ultimately be good for the individual, the very inverse of the later Western version. This critical difference is the crux of the PRC defensive argument against the UDHR.

If there is to be such a thing as a universal set of *fictional rights* for all humanity, the PRC believes that idea of the wellbeing of a group taking precedence over the wellbeing of an individual (wherever conflicts arise between the two) should be taken into consideration due to its cultural value to China. Furthermore, what the PRC sees as being in the best interest of a group's wellbeing is the development of the group into a fully modernized harmonious socialist group. It further asserts that if an undeveloped or developing state were to adopt the UDHL, it would somehow hinder that state's development. Therefore, the development of the group, argues the PRC, should supersede the idealized "human rights" of the individual, and it is characteristically repetitive regarding the sentiment. In a speech at the opening ceremony of the 2015 Beijing Forum on Human Rights, Huang Mengfu, the President of China Foundation for Human Rights Development, insisted on the precedence of the Chinese people's "rights to subsistence and development" over a dozen times.

In essence, the PRC is imagining its entire group as if it were an individual and then assigning it the individual "rights" of subsistence and development, calling them "socialist human rights with

Chinese characteristics." It advocates that all groups should pursue the same rights by whatever means, according to their culture and situation, and that outside groups should mind their own business about it (non-interference). Using this argument, any violation of the UDHR within the PRC which can be seen as a result of pursuing socialist human rights with Chinese characteristics are thus justified. For example, the CCP sees its unquestioned sovereignty as essential to bringing about the subsistence and development of its group and much of the accusations of human rights abuses hurled at China refer to actions the authority has taken to safeguard itself from challenges. Finally, the PRC puts the ribbon around its argument by pointing its finger at all the ways it sees its main accusers, such as the USA, of being in violation of human rights themselves and even goes so far as to suggest that many of the social problems and discord within the USA may be a result of its fondness for individual liberties.

Let us just assume the UDHR is indeed righteous at its core and its universal adoption is in the best interest of all mankind. If one's true ambition is for the PRC to adopt the UDHR, then the approach utilizing shame and pressure would seem to be flawed. Instead, acquiring a proper understanding of what the PRC is, what its ambitions are, and how it views the UDHR would be the first sensible course of action, and the next should be discourse. No matter how appalled one may feel in observance of the PRC's disregard for what is essentially an outside group's *fictional rights*, making the PRC in any way feel threatened or put on the defensive is not a productive strategy. As the world globalizes, conflicts in ideology should be met with an ongoing rational and civil debate, not the confrontational spirit observed on both sides today.

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