

EAST VS WEST CONCEPTIONS OF HUMAN RIGHTS

Are human rights a universal concept? Using China as a case study, analyze the implications of this, assessing the extent to which the West uses human rights as a tool for ‘power politics’ and ‘hegemony’ in China.

“People cannot stand and walk alone. They must have family, society and the state to supports them... When 400million people are busy splitting themselves into 400million nations, forgetting about that which unifies them, isn’t achieving national prosperity then [very] difficult?”

Anonymous, 1903, p74

According to Edward, Henkin and Nathan (1986, p1) “human rights is the idea of our times”. Since their writing in 1986, the issue of human rights has become of even greater importance when looking at the current hegemonic forces of globalization. Human rights as a theory and as practice play a very important role in international politics. Given this increasing importance placed on human rights, especially when it comes to intervention and interference, it seems inadequate that the discourse has not undergone greater scrutiny. In this essay, I will seek to analyze the human rights discourse, particularly from the viewpoint that the Universal Declaration of Human Rights (UDHR) is a Western creation. It is clear that more needs to be done from the international community to rectify this imbalance in order for the declaration and even the idea of human rights, to remain a viable discourse in international politics.

Human rights in the Western tradition have extended from deep classical liberalist roots. Their appearance in Western literature, dating as far back as Mordecai Roshwald in the twelfth century, has led many to believe that rights themselves, are a Western creation (Weatherly, 1999, p13). Whilst the Western human rights theories have become the most prominent and visible in international relations, this does not mean that other cultures have not developed their own conceptions. Rather, as Alistair MacIntyre argues human rights need to be viewed as socially established norms (MacIntyre, 1990, p67). According to MacIntyre

“such sets of rules only come into existence at particular historical periods under particular social conditions. They are in no way universal features of the human condition (MacIntyre, 1990, p67)”. In this sense it is totally conceivable that under different social conditions, alternate rights theories will emerge.

According to a growing number of modern theorists (Edward, Henkin and Nathatn, 1986, Weatherly 1999), China has developed a legitimate rights discourse which in fact differs from a Western consideration. Contemporary Chinese rights theories have been developed primarily through the traditions of Confucianism, Western Liberalism during the Qing dynasty and Marxism. Resonating through many of the writings of Chinese scholars is the focus on subsistence rights, right to food, clothing and accommodation (Weatherly, 1999, p24) and the focus of rights is on the collective as opposed to the individual. For a country like China where these ‘fundamental’ rights are not as apparent as in the West it makes sense that a government would seek to improve these basic socio-economic rights over perhaps the civil-political rights of its citizens. Alternatively, Western rights thinkers like Locke place the importance of rights on the individual alone, claiming precedence on rights to life, liberty and citizenship. Whilst all of these rights are of extreme importance, the Universal Declaration of Human Rights includes only 5 rights of a socio-economic nature. There are real implications of this disparity with some within Chinese governments arguing that the West has been guilty of using “human rights issues as a tool of hegemony and power politics” (Weatherly, 1999, p15).

In Chinese Confucianism ‘rights’ are placed strongly on the idea of collective or group rights and manifest themselves individually only in the form of duties that an individual has to the group. In this sense, in Confucianism there are no rights that are individual in nature (Weatherly, 1999, p46). Within this theory individuals exist in the sense that they continue

the group; family, society or nation. Comparatively in Western thought families, societies and nations are structures which foster the growth of the individual and prime them for the ‘outside world’ in which they exist as an individual. In Confucianism, the individual only finds ‘the meaning of his existence’ through ‘membership’ in a society (Weatherly, 1999, p48). It is from these ends that we can see why Chinese society was likely to develop a Marxist way of thinking in opposition to a liberal.

During the Qing dynasty from 1912 to 1949 China was confronted with Western imperialist forces in their region. Chinese officials saw that the only way to defeat Western forces was to adopt Western values and ideas. A rights consciousness emerged in China during this time – yet it was still largely shaped and sculptured by Confucian ideals. Individual rights were viewed as a means to state ends and the collective will would always trump the rights of individual. At this time many Chinese scholars such as Liang Qichao (1971) and Kang Youwei (1923) saw the problems inherent in their society and sought reform. Yet it became evident that an ideological change in thinking would not necessarily translate to the people. 2000 years of collective rights thinking cannot instantaneously accept theories of individualism.

The period following the Qing dynasty was marked by Marxist ideology, often in the style of Soviet Russia. Confucianism and Marxism had many parallels, particularly the belief in the collective and the class based nature of rights. Marx saw the individualistic nature of Western liberalism as fostering an unhealthy preoccupation with the self stating that the ‘right to freedom’ in the 1789 French Declaration, fostered division. He states ‘the right of man is not based on the union of man with man, but on the separation of man from man. It is the rights to this separation, the rights of the limited individual who is limited to himself (Marx, 1977, p53). According to Weatherly, Confucius and Marx also had similar views on the ‘role of man’ or in Marx’s term as a ‘species being’. They both saw that man only finds his worth

through his interaction with others – thereby his individuality is meaningless without the group. According to Marx, rights in Western societies emerged as a kind of ‘adjudicator’ to control the interests of individuals competing for limited resources – and in this sense rights are nothing more than attempt by the ruling class to protect the existing social order (Weatherly, 1999, p87). We can see these views of Marx reflected in the way the Universal Declaration of Human Rights reflects the rights discourses of the dominant nations. By claiming the universality of their own rights systems Western nations give themselves the authority to reprimand those with different views – thereby solidifying their power relationships at the international level.

Another important aspect of the human rights discourse has to do with how societies construct power, and how power then constructs relationships within societies. Lucian Pye looks at the differences and similarity in the East and West through the discourse of power, arguing that the way in which a society conceives power, is linked directly to the rights discourse. Much of the human rights discourse is wrapped up in what we consider to be appropriate power relationships. Pye illustrates a dichotomy upon which Eastern and Western ideals about humanity diverge. For the West there is a craving for autonomy and individual identity and a want to be masters of our own fate. For the East the above all desired notion is a sense of belonging, to be able to submerge their individualism in some larger group and to believe that no matter who led them, he would be in contact with almost magical sources of power (Pye, 1985, pxiii). According to Pye, dependency is dominant in Chinese theory and “the acceptance of outside moral authority is not inherently bad but rather is an acceptable key to finding personal security” (Pye, 1985, px). Charismatic leadership has always been important in Chinese societies, and unequivocal faith in a leader is not something that we are familiar in contemporary Western societies. For these reasons we have to understand the

nature of dependency and power when looking to future relationships between China and the international community.

The refusal of the West to recognize China's alternate rights theories as legitimate has led to China at various occasions to accuse the international community of power politics. Segal comments, "Most conceptions of rights in the West take for granted that the human world is made up of independent individuals whose duties or personhood can be independently assessed" (Segal, pxiii). The UDHR is proof of this with the rights of the individual dominating the document and this has deep practical implications for China's alternate rights theory. China has been in both ideological and economic conflict with the international community over rights in the past twenty years with many in the West claiming that China has done little to improve its human rights record (Economy & Segal, 2008, p50). For the West, who see individual freedom as the pinnacle of a successful society, China's human rights record has been viewed with much castigation.

With this in mind, alternate rights theories cannot justify many of the atrocities in China's history. Events such as the Anti-Rightist campaign in 1957, the Cultural Revolution of 1966-1969 and in 1989 Tiananmen Square have put legitimate doubts on the notion that China has been committed to improving its human rights record. In seeking to reassert itself as a player in the international realm China has often resorted to questionable methods, and according to Peerenboom "China imposes more capital punishments than any other nation" (Peerenboom, 2006, p415).

The Chinese Government vehemently rejects the notion that human rights are universal as they see rights theories as largely affected by class. Gu Chunde, a Marxist theorist comments that:

“Because the emergence and development of rights is tied up with the relationship of one class to another, and because rights are bestowed by the state and law, they simply cannot be universal, or equal for all classes. In a class society man cannot transcend national boundaries, but belongs to a certain class and a certain state. Whatever rights man has are class rights, they have distinctive class nature” (Gu Chunde, 1982, p34-5).

In this regard, Chinese scholars prefer the terms citizens rights or people’s rights. They find human rights to be to be to indefinable whereas people’s rights have a concrete legal setting. Chinese Marxists also see rights as differing from class to class within the society, as Weatherly states, “members of the proletariat, and more broadly ‘the people’, are entitled to a greater variety of rights than the bourgeoisie due to the supposedly greater moral worth that derives from class status.” (Weatherly, 1999, p14) In this sense, Chinese rights systems are not universal in that they award rights to those of greater modesty, humility and moral worth. The type of rights that an individual will receive will be socially relative to the society in which they live. This is consistent with MacIntyres view that rights are socially constructed and socially specific (MacIntyre, 1990, p67).

The Beijing Olympics have brought the attention of the world to China and this has been met with mixed opinions. Many felt that China’s consistent abuse of human rights should not be rewarded with the privilege of hosting the games. In contrast to the opinions of Economy and Segal, French stated in the New York Times that, political change, “however gradual and inconsistent, has made China a significantly more open place for average people than it was a generation ago” (French, 2007, para 2). French makes reference to a survey conducted by the ‘Pew Global Attitudes Project’ which stated that “86 percent of Chinese said they were content with their country's direction, double the percentage who said the same thing in 2002. Only 23 percent of Americans polled in the survey said they were satisfied with their country's direction. (French, 2007, para8)” This suggests that despite what the West would

claim unacceptable human rights abuses in China, such as control of the internet, Chinese citizens do not feel oppressed or abused. If we accept the authenticity of these statistics we have to also accept that despite our misgivings, if the citizens of a country are satisfied with their governance, sovereignty should be respected by the international community.

Deborah Fallows takes a closer look at the findings from the Pew Project and concludes that Chinese people are happy with at least some level of government control, especially when it comes to the controversial topic of the internet. The results in the article by Fallows suggest that Chinese people have a fear of the internet and believe that it needs to be controlled by the government (Fallows, 2008, para5). Whilst a lot of this can be put down to the way in which China negatively portrays the internet in the media, there is also an extent to which the fears in China are reflected in Western societies, however interestingly government control would never be considered the answer to this problem.

In the lead up to the Olympics, China faced extreme criticism from the international community, most significantly from the strong liberal countries like the United States, England and France. If we consider that China has never been as strong, or treated its people as well, the criticism appears to have more to do with other issues than simply human rights. If this was only about human rights than the international community would be recognising China's improvements in the last 20 years, and perhaps offering ways to help. Tibet was the centre of the criticism however as Isabel Hilton wrote in the guardian, "the issue is not longer confined to Tibet. Now it is about the nature of China's rise..." (Hilton, 2008, para5) . The IOC's decision to award the games to China was not just giving a chance to China. It offered the citizens of the world to view China in a new light. Many were impressed by the success of the games; however our media and politicians ensured that human rights were still the major focus of the games. 'One World, One Dream' was the slogan of the Olympic Games in Beijing which highlighted a the connection between the Olympic Games and a vision of how

the world ought to be. Interestingly the Olympics in Beijing in fact highlighted the tensions that exist between *two worlds*: The East and The West. Huntington's 'clash' is becoming more and more visible.

Despite international opinions, surveys such as the Pew Global Attitudes Project', reveal that China has made various attempts to improve their human rights record. Furthermore, each of its four constitutions (1954, 1975, 1978, and 1982) include an entire chapter on human rights (Weatherly, 1999, p101) and in 1991 and 1995 China released two 'human rights white papers', in order to make their position on human rights clear to the world. Weatherly argues that China has developed a modern orthodoxy on human rights which still causes controversy amongst the international community (Weatherly, 1999, p103). For example each of the constitutions still state that has the right to remove any individual right if it comes into conflict with the 'collective' will or interests of a society. In relation to this it is interesting to examine Rousseau's concept of a societies 'general will' and the state ability to act in accordance to it. Murphy comments that Rousseau saw much of the role of government was to act in accordance to the 'general will' in a society, "Rousseau sees the general will as consisting of the collective moral good of the entire society" (Murphy, 1968, p97). In this sense, even Western liberalism recognizes that at times the state must determine the 'general will' from the 'will of all' and act accordingly. In many cases, a government would have to restrict (or abuse) the rights of its citizens to do this.

However, it is clear that the Chinese Government has used this particular system to justify many unacceptable actions on the states part and this is what the West has opposition to. However, it should be acknowledged that both the West and China have been guilty of using culturally specific human rights to justify objectionable actions. In this respect the Chinese government express frustration with the international human rights community for failing to acknowledge the complexities of the issues (Peerenboom, 2006, 413).

The relationship between China and the United States and the West is reflective of the US's neo-liberal ideology. In the style of Samuel Huntington's 'Clash of Civilizations' the US has entered international politics from the belief that we have irreconcilable differences with other civilizations. Huntington states that it is in the best interest of the west to limit the military capabilities of Confucian states and to highlight differences between Confucian and Islamic states (Huntington, 1993, p46). This rhetoric of global nationalism is evident in US foreign policy with Condoleezza Rice stating that US alliance with Japan will help to ensure, "the spread of our values, both in Asia and beyond" (Rice, 2008, p7). This indicates on the part of the United States a distinctive lack of appreciation of the current values in China. The American approach to foreign policy is particularly worrying. Rice states that, "in the long term, our security is best ensured by the success of our ideals: freedom, human rights, open markets, democracy and the rule of law" (Rice, 2008, p14). In this sense it has been evident in US foreign policy that countries that do not share their values need to be brought around. It is this ideology that China accuses as hegemonic on the part of the West. In a similar vein, any successes that China does have on the part of human rights are seen by the west as a result of pressure from the west and the international community and not from successful attempts from within the nation.

There have been various attempts by the international community to rectify the imbalance of human rights. Two such attempts were those Vienna Declaration and Programme of Action (1993) of the United Nations Covenant on Economic, Social and Cultural Rights which China has ratified. Both have been attempts to recognise the difficulties surrounding human rights at the global level. United Nations Covenant on Economic, Social and Cultural Rights recognises in the preamble that, "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights and freedom"

(Ghandi, 1995, p375). This way of thinking is consistent with way Chinese view human rights with their white paper on human rights stating, “It is a simple truth that, for any country or nation, the right to subsistence is the most important of all human rights, without which the other rights are out of the question.”(Chinese Govt. 1991, para1) However the declaration and the covenant are still dominated by the Western discourse.

Despite these attempts, the actions of the international community particularly in the lead up to the Olympics games have reflected no recognition of China’s attempt to improve human rights and instead clung to claims about authoritarian regimes. They ignored findings such as the Pew Global Attitudes Survey and continued to judge China by there own conceptions on human rights, instead of using this opportunity of China’s economic growth to explore the notion that alternate and legitimate rights theories exist. MacIntyre (1990) makes a strong argument for the failure of rights to gather any legitimate authority in the regard that rights morality itself is fictitious (p66). However, in the absence of religion we need to give credence to the notion that a socially constructed moral authority is still necessary. In the sense, the way the West conceptualizes rights is not wrong – however neither is it the only right. We need to ingrain into our institutions a new discourse that recognizes the plurality of rights discourses.

REFERENCES

- Anonymous, 1903, 'On Rights' in *The Chinese Human Rights Reader* edited by Angle, S. and Svensson M. 2001, East Gate, New York
- Angle, S. and Svensson M. 2001, *The Chinese Human Rights Reader*, East Gate, New York
- Chinese Government, 1991, 'White Paper on Human Rights' *Chinese Government Website*, accessed on 2nd November 2008 <http://english.gov.cn/links/whitepapers.htm>
- Economy, E. & Segal, A. 2008, 'China's Olympic Nightmare' *Foreign Affairs*, July/August Volume 87, Number 4
- Edward, R. Henkin, L. & Nathan, A. 1986, *Human Rights in Contemporary China* Columbia University Press, New York
- Fallows, Deborah. 2008 'Few in China Complain about Internet controls', *Pew Internet & American Life Project* March 27th 2008
- French, Howard W. 2008, 'Despite Flaws, Rights in China Have expanded' *New York Times* August 2nd 2008
- Ghandi, 1995. '*International Human Rights Documents* Blackstone Press Limited.
- Goodman, D. & Segal, G. 1997, *China Rising: Nationalism and Interdependence*, Routledge, London
- Gu Chunde, 1982, 'Luelun Tianfu Renquan Shuo' in *Hongqi Red Flag*
- Hao Chang, 1971, *Liang Chi Chao and the Intellectual Transition in China: 1890 – 1907*, Cambridge, Mass
- Hilton, Isabella 2008 'Ditch the tatty flag of nationalism' *The Guardian* April 12th 2008
- Huntington, S. 1993 'the Clash of Civilizations' *Foreign Affairs*, 72 no.3
- MacIntyre, A. 1990 *After Virture: a Study of Moral Theory*, London, Duckworth
- Murphy, J. S. 1968, *Political Theory: A conceptual analysis*, The Dorsey Press, Homewood
- Marx, K. 1977, '*Grundise*' in David McClellan *Karl Marx: Selected Writings* Oxford, Oxford University Press
- Peerenboom, R. 2006, 'Human Rights in China' in *Human Rights in Asia* Edited by Peerenboom, R. Peterson, C. & Chen, A. Routledge, New York
- Pye, L. 1985, *Asian Power and Politics: The Cultural Dimensions of Authority*, Harvard College, London
- Rice, Condaleezza 2008, 'The New American Realism' *Foreign Affairs* Vol 87 No.4
- Weatherly, R. 1999, *The Discourse of Human Rights in China*, Macmillan Press, London