HUMANITIES INSTITUTE
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HUMAN RIGHTS IN CHINA

Contents

ANCIENT PERIOD

The Classical Civilizations: China and India

Classical civilizations The expansive civilizations that developed in China, South Asia and the Mediterranean during the final millennium BCE all established political institutions, cultures, and social systems that continued to affect these regions long after the great classical empires themselves tumbled (between about 200 and 600 CE). The traditions had varying implications when it comes to rights – though again it is vital to note that none of them developed a full concept by modern standards.

China Patterns in China were more complex. Confucianism, by far the most important political philosophy, shied away from undue emphasis on laws and prescriptions: Confucius was much more comfortable urging more general standards of behavior. When a person "does nothing amiss, is respectful toward others and observant of ritual", then he is at peace with his fellows throughout society. Confucianism placed great emphasis on the importance of wisdom and fairness, even compassion, on the part of the upper class: they should keep the interests of ordinary people in mind, in return for which the people would be properly deferential and would contribute to society through work. Solid family life, appropriate education and the inculcation of morality should anchor social order, along, normally, with obedience to authority. Confucianism placed far more emphasis on self-restraint and attention to the social good than to any idea of rights. To be sure, the Confucian approach did suggest that, if the upper classes turned selfish, they might be unseated and replaced by a more virtuous leadership group – and this could be construed as a "right" to revolt. But this was not explicitly stated, and Confucianism simply did not promote thinking in terms of rights. The importance of social order and society's right to decide held center stage.

Conclusion None of the classical societies really generated a clear concept of rights, and this applies to Greece and Rome discussed in the next chapter. India and China may however have been a bit more removed from even precursors of rights than the classical Mediterranean, though the Confucian approach, with its clear interest in the public good, will continue to complicate discussions of rights in East Asia even into modern times.

Study questions:

1. Could the Confucian approach to society be made compatible with rights concepts?

Further reading:

Randall Nadeau, "Confucianism and the Problem of Human Rights," *International Communications Studies* 11 (2002): 107-18.

19TH CENTURY

Reform Movements: China

China China in the late 19th century was in great disarray, and the government was too ineffective really to launch a reform process of any sort. A number of Chinese students did begin to study in the West, however, and brought back ideas of rights that would feed into the aspirations of the new regime established in the revolution of 1911. Western influence plus the rise of reform sentiment also began to

move against the practice of footbinding, urging the importance of better treatment of women; here too, some idea of new rights began to be introduced.

Revolution of 1911 The revolutionary government in 1911-12 toppled the imperial system and immediately moved to establish new human rights. It paid great attention to the rights of ethnic and religious minorities, an unprecedented move; feudalism was abolished. Sun Yat-sen clearly favored a fairly standard list of human rights, including the right to vote along with hopes for social reform. Chaotic conditions prevented much actual progress, however; even moves against footbinding were largely unheeded. The Nationalist Movement, for example in its later constitution of 1946, committed to basic rights but undercut this with emphasis on the primary authority of the state.

Conclusion Clearly, the new thirst for reform included some major gains for certain rights outside the Western and imperialist orbit. Equally clearly, however, rights advances in many key areas were tentative, and emphasis on state authority limited acceptance of some of the key political rights most cherished by Western liberals. It is important not to overdo: rights of free speech and press were often limited in the West as well. In Britain and the United States, for example, Victorian sexual culture justified extensive censorship of novels and plays, and political interference with the press was hardly eliminated. Still, it is fair to note that the liberal rights agenda was less clearly articulated outside the West, even in nations or periods otherwise committed to reform.

Study questions:

1. What were the barriers to human rights progress in late 19th-century China?
2. Why did Japan, during the Meiji era, avoid the kind of authoritarian backlash that affected other reform movements?
3. Is it accurate to draw a firm line between Western rights approaches in the 19th century, and the approaches established in Asia and Eastern Europe?

Further reading:

Shigenor Matsui, “Fundamental Human Rights and ‘Traditional Japanese Values’: constitutional amendment and vision of the Japanese society,” *Asian Journal of Comparative Law* 13 (2018): 59-86.

Chu-yuan Cheng, ed., *Sun Yat-sen’s Doctrine in the Modern World* (Routledge, 1989).

20TH CENTURY

An East Asian Approach

Human Rights and Neo-imperialism Global excitement over human rights in the 1990s helped trigger a critical countercurrent, with various voices arguing that the rights movement was nothing more than an attempt to impose Western values on the other regions of the world. The end of the Cold War, temporarily reducing global counterweights to the West, also encouraged new concerns. In some cases, the argument went – as in American invasions in the Middle East – human rights concerns helped justify outright military intervention that was little different from classic imperialism. Even where force was absent, there was wide concern that Western countries were trying to impose standards on regions with very different and a distinctive set of problems – including basic economic development – that human rights pressures not only ignored, but actually complicated. Variants of this important argument addressed more specific domains. For example, several feminist intellectuals in Africa argued that Western feminism was a dangerously misleading model, tearing down family structures that had long protected African women. They urged a separate African path to feminism that would take regional traditions into greater account, with less emphasis on individual rights.

China The most coherent overall statement came from East Asia, though it picked up on some themes that had been current since the Mexican and Soviet revolutions and the emphasis on social over individual rights. China launched a new effort in 1991, with a White Paper claiming that “owing to tremendous differences in historical background, social system, cultural traditions and economic development, countries differ in their understanding and practice of human rights.” (The immediate background was the violent Chinese suppression of democratic protests in 1989.) Taking pride in their

rapid industrial development and reduction of dire poverty, the Chinese believed that their path provided a truer measure of meaningful rights than the conventional individualistic collection favored by the West and the INGOs. The Chinese document explicitly stated that the right to economic development easily surpassed any other goal, and it required community discipline – fulfilling the key goals of the "Chinese people" who had suffered enough hunger and privation. (Note this approach also implicitly undercut the idea of an independent labor movement – just as had been the case in the early stages of Western industrialization – but on the basis of community, not individual rights.)

Further statements The Chinese initiative was elaborated in a regional conference in Thailand in 1993, in which East and Southeast Asian governments agreed that human rights "must be considered in the context of a dynamic and evolving process of international norm-setting" that would reflect "national and regional peculiarities" and cultural backgrounds. The government of prosperous Singapore chimed in, noting "an emphasis on the community has been a key survival values for Singapore". From this vantage point, Western rights were simply destructive, tearing down structures that helped prevent crime, family dissolution and other miseries. There was an interesting tension here, in the implication that the West, too, was harmed by its rights approach. And East Asians were quick to seize on Western failures, like the mistreatment of prisoners in Iraq by American forces after 2003. The Chinese government began regularly to report on human rights in the United States, in retaliation for the annual critical review of China and other countries by the US State Department.

Regional autonomy The East Asian push most explicitly rejected the notion of international review. Chinese leaders insisted that human rights were mainly a matter for each individual state. In 1995 the Chinese went on to accuse Western organizations of "imposing their own pattern on others, or interfering with the internal affairs of other countries by using 'human rights' as a pretext." Interestingly, for a moment around 2010, the Chinese official line relaxed a bit, claiming great progress not only on economic and gender rights, but on political rights as well, arguing that human rights advances were an "important mark in the continuous progress of the civilization of human society." But this stance was soon replaced by an even more strident go-it-alone policy after 2013.

The tension The idea of an East Asian approach oscillated between a sincere belief in an alternative vision, with more state authority but more emphasis on community progress, and a barely-concealed justification for simple authoritarianism. Interestingly Japan did not participate in the "East Asian" statements, having gained its own interest in human rights: the Japanese explicitly rejected an argument for cultural zones as opposed to a universalist approach. An increasingly democratic regime in Taiwan also prided itself on human rights gains, as did the government in Hong Kong until the full Chinese takeover in 2020. For its part, Singapore walked a bit of a tightrope: freedom of the press was restricted, a number of political dissidents were arrested, those who violated community norms were often caned (including a hapless American teenager punished for graffiti, despite loud protests from the Western media). But Singapore also signed a number of human rights declarations, for example on women and children, and de facto tolerated increasing gay rights demonstrations. It is also important to remember that Western critics, as well, urged greater restraint in interfering in the affairs of other regions. The debate continued.

Study questions:

1. Is the human rights movement an extension of imperialism?
2. What were the best arguments for the idea of an "East Asian" approach?
3. Were Chinese and Singaporean leaders sincerely devoted to an alternative human rights vision?

Further reading:

Marina Svensson, *Debating Human Rights in China: a conceptual and political history* (Roman and Littlefield, 2002).

Ian Neary, *Human Rights in Japan, South Korea and Taiwan* (Routledge, 2002).

Carol Gould, *Globalizing Democracy and Human Rights* (Cambridge University Press, 2004).