

12-16-2008

China Celebrates Human Rights

Jeremy Paltiel

Follow this and additional works at: <http://digitalcommons.unl.edu/chinabeatarchive>



Part of the [Asian History Commons](#), [Asian Studies Commons](#), [Chinese Studies Commons](#), and the [International Relations Commons](#)

Paltiel, Jeremy, "China Celebrates Human Rights" (2008). *The China Beat Blog Archive 2008-2012*. 135.
<http://digitalcommons.unl.edu/chinabeatarchive/135>

This Article is brought to you for free and open access by the China Beat Archive at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in The China Beat Blog Archive 2008-2012 by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

China Celebrates Human Rights

December 16, 2008 in [China Behind the Headline](#) by [The China Beat](#) | [No comments](#)

This year, Human Rights Day (December 10) had a special meaning, since it came as the 60th anniversary of the most famous United Nations document on the subject was being marked. With this in mind, we asked [Jeremy Paltiel](#), a political scientist at [Carlton University](#), to offer his thoughts on the meaning and marking of the anniversary in China. Here's what Paltiel, the author of [The Empire's New Clothes: Cultural Particularism and Universal Values in China's Quest for Global Status](#) and a contributor to the edited volume [Confucianism and Human Rights](#), wrote in response on December 12:
By [Jeremy Paltiel](#)

Today, December 12, 2008 [Xinhua reports](#) that China's President and the General Secretary of the Communist Party of China Hu Jintao sent a letter to a symposium held by the China Association for the Study of Human Rights to commemorate International Human Rights Day, the 60th Anniversary of the passage by the UN General Assembly of the Universal Declaration of Human Rights. In his letter, Hu avers that since the founding of New China in 1949 China has made steady progress in the protection of human rights according to China's "national situation" culminating in the solemn enshrinement of the principle of respect and protection of human rights in the Constitution of the Communist Party of China and the state constitution of the PRC. The letter was read out by the Vice-Director of Party's "Publicity Department" a.k.a. Propaganda Department concurrently the head of the Central Committee's office for foreign propaganda and the State Council Information Office [Wang Chen](#).

This symposium and Hu's letter took place against the background of "[Charter 2008](#)." [This document](#), (modeled on the Charter 77 movement of led by the dissident Czech playwright and later president Vaclav Havel in 1977) was signed by 303 well-known intellectuals, legal practitioners and human rights activists, from the length and breadth of China. Both documents were written in the shadow of the thirtieth anniversary of China's opening under Deng Xiaoping that the Communist Party is celebrating this month. The Charter by contrast, gives credit to "Democracy Wall" the popular movement that accompanied and promoted the Party's reform thirty years ago until it was shut down on the orders of Deng.

Unlike Hu's letter, [the Charter specifies](#) doleful human rights events under Communist party rule – the Anti-Rightist Campaign of 1957, the Great Leap Forward, The Cultural Revolution, 6.4 (1989) and the continuing repression of popular religious observance.

[The Charter sets out ideals](#) that they wish to see promoted : freedom, equality, republicanism, democracy and constitutionalism setting forth nineteen recommendations beginning with constitutional revision, checks and balances, democratic legislation, judicial independence, public control of public institutions including the placement of the armed forces under the authority of the state (as opposed to the Party); human rights protection and guarantees; public election for public office; equal status for urban and rural residents; freedom of association; freedom of assembly; freedom of speech; freedom of religion; civic (as opposed to ideological) education; protection of property; fiscal reform to ensure fair and responsible taxation; social welfare protection; environmental protection; federalism; transitional justice – compensation for past abuse.

Already some of the signatories have disappeared from public view and presumed to have been placed under arrest. It is worth examining Charter 08 in relation to China's most recent human rights White Paper – "[China's Efforts and Achievements in Promoting the Rule of Law](#) (2008.02)" This document claims that

The rule of law signifies that a political civilization has developed to a certain historic stage. As the crystallization of human wisdom, it is desired and pursued by people of all countries.

The Chinese people have made protracted and unremitting struggles for democracy, freedom, equality and the building of a country under the rule of law. They know well the significance and value of the

rule of law, and thus cherish the fruits they have achieved in building China into a country under the rule of law.

The rule of law in a country is determined by and conforms to its national conditions and social system. To govern the country according to law and build a socialist country under the rule of law is the Chinese people's demand, pursuit and practice.

The Communist Party of China (CPC) has led the Chinese people in successfully opening up the road of socialism with Chinese characteristics. Along this road, China, in line with the objective requirements arising in the course of continuous economic, political, cultural and social development, has upheld the organic unity of the CPC's leadership, the position of the people as masters of the country and law-based governance, stuck to the principle of people first, advocated the spirit of the rule of law, fostered the idea of democracy and rule of law, freedom and equality, fairness and justice, developed and improved the socialist legal system with Chinese characteristics, promoted the exercise of administrative functions in accordance with the law in all respects, deepened the reform of the judicial system, perfected the mechanism of restraint of and supervision over the use of power, guaranteed the citizens' lawful rights and interests, maintained social harmony and stability, and continuously promoted institutionalization of all work.

There is no contradiction allowed here between the security of the rule of law and the paternalism of Party leadership. Nothing requires contestation because everything is already guaranteed.

Havel's Charter was directed as much at his complacent countrymen as it was at the Communist regime of Gustav Husak. The policies of "normalization" had distributed middle class comforts like automobiles and country homes in return for conformity. Czechoslovakia had practiced distribution at the expense of the long-term growth of the economy. China's communist authorities by contrast have promoted growth above all else, pushing high speed growth to the exclusion of practically everything, including the environment and public health. In the process however, tens of millions have been lifted from poverty and millions now enjoy a middle-class lifestyle unimaginable at the onset of reform. The crisis of faith that afflicted the legitimacy of the Communist Party at the beginning of the 1980s has given way to public demonstrations of loyalty to the Party and nation, whether it be through spontaneous campaigns against foreign support for the Dalai Lama or [altruistic mobilization on behalf of earthquake victims](#).

It isn't as though Chinese are unaware of the venality and outright corruption of communist party officials, nor do they relish the heavy-handed paternalism of the state. Most are acutely aware of the deep fissures in Chinese society and are cognizant of the pervasive injustice that surrounds a bifurcated labor market for rural and urban residents. Two factors mitigate against the perception of unfairness that could motivate widespread dissatisfaction and public sympathy with China's scattered and largely ignored human rights activists. One is the optimism born of successful striving, rewarded by the demonstrable trappings of material success, second is the pessimism born of the deep fear of the fragility of the current social edifice. The two faces of this ambivalence were demonstrated most clearly in the successful mounting of the Beijing Olympics and the [tainted milk crisis](#) that immediately followed. More than anyone gives them credit, Chinese are acutely aware of who is on their heels and how jealously they must guard the fruits of their striving.

Absent a social safety net, and absent a reliable system of the rule of law, they have no choice but to put their faith in the constituted authority of the Communist Party. It is precisely because they are aware of the profoundly uneven distribution of the benefits of reform that the Chinese middle class is hostile to foreign efforts to denigrate the achievements of the Chinese state and condemn its shortcomings. The Communist Party constantly reminds them of the miraculous transformation of their lives and urges them to protect the fruits of their striving by showing loyalty. By contrast, the critics, dissidents and foreign naysayers seem to suggest that all the fruits of their labor are born in sin. Looking at the unwashed masses at their doorstep, the claims of human rights activists have the whiff of revolution about them. "Been there, done that" the elders might say, while the young and college educated beat the drum chanting "China number 1." In many ways the debate between China's cheer-leaders and its foreign and domestic critics, lies along two kinds of awareness about the distance traveled and a consciousness about what remains to be done. It is a relationship between

pride and anxiety. In many ways the Party pumps up the pride in order to assuage the thinly-veiled and profound anxieties that afflict China's middle classes.

Both the Party and its loyal urban support base know the flimsy premise of their mutual support, but both are anxious to maintain the basis of their reciprocity. That is why in the midst of a global crisis the Party is desperate to extend the trend of high speed growth. Only the constant promise of striving for a better future links China's "haves" with its "have-nots." In today's China universal striving displaces universal rights. So long as loyalty is rewarded with an open license to participate in the culture of universal striving then individual claims on the state have little purchase on the public consciousness. So far the bargain that Deng Xiaoping struck between the Party and the Chinese public with his Southern Tour of 1992 still holds: by opening the private economy, individual enterprise was diverted from public concerns to private affairs. The Party manages the market and the market, not the Party, provides the yardstick of individual failure and success. Success brings its own reward. Opportunity is public, responsibility is individual.

Hence, when the Party leader proclaims his desire for cooperation and dialogue in the area of human rights maintaining as the most basic principle the notion that material life should continue to improve and spread throughout China and the world in a spirit of harmony, he is neither cynical nor disingenuous. Just as individuals in China vie for economic success, so do various nations participate in a global playing field which should not discriminate on the basis of values or culture. However, we should not be surprised that Hu's letter to the China Association for the Study of Human Rights makes no specific reference to any of the thirty articles in the Universal Declaration. Instead General Secretary Hu stated that China "will base its human rights development on the basic situation of the country while acknowledging the universal value of human rights" and place priority on the right to subsistence (*shengcun quan*) and the right to development. Instead of the normal understanding of rights as claims, the program of universal human rights has been assimilated to the general discourse of striving.

Yet today, the underlying basis of the spectacular growth of the Chinese economy is under global stress. China's exports have dropped precipitously and it is unclear whether the Chinese state has the wherewithal to reinflate the economy quickly and promote the growth of domestic consumption to replace shrinking export sales. Without the universal discourse of development through striving and effort there is no legitimacy. Moreover the careful management of an economic open door with ideological filters and "special characteristics" is likely to be strained. The very fact that Hu has emphasized the universality of human rights discourse and international cooperation and dialogue means that he is aware that China cannot escape interdependence, nor can the discourse of striving permanently overlay the language of rights claims when the government cannot fulfil the basic guarantee of subsistence. Even if his letter was intended to distract international attention from the signatories of Charter 08, the marking of the anniversary of the Universal Declaration is not without significance. Should the prosperity and security of China's [emergent middle class be threatened](#), the loyalty which has sustained Communist Party rule is likely to be questioned. Whether this will be enough to make common cause with precarious rural migrants in favour of universal rights remains to be seen. All that we know for certain is that rights discourse is out there, available, even endorsed by the publicity department of the Communist Party of China, and waiting to be deployed

In the short run, Charter 2008 is likely to attract more attention from international media than it does domestically, with international attention prompting the usual harsh denunciations from Chinese officials. The recent cancellation of the EU-China summit as a result of French President Sarkozy's meeting with the Dalai Lama is a demonstration of the uncompromising mood of the Party towards unsolicited foreign advice. In the current climate, fear of uncertainty is not likely to embolden anyone to go much further to support "the usual suspects" that constitute the signatories of this Charter. Instead, we should watch in the coming months what happens when the largest cohort of university graduates in Chinese history attempts to find work in a shrinking labor market. Millions of parents sacrificed to put their children through college, while students sublimated their desires in the effort to move ahead through education. Long inured to politics, families are hoping to reap the rewards of [a secure middle-class life](#). Sometime soon, the ideology of striving will meet the harsh reality of market economics.

Tags: [human rights](#), [United Nations](#)