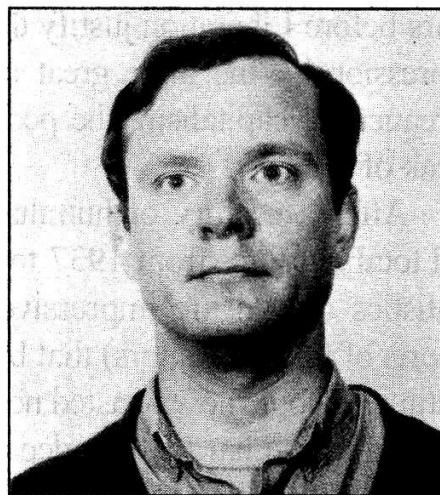


Commentary

China and Human Rights

by Michael Sloboda, M.M.

This essay will compare two White Papers issued by the Information Office of the State Council in Beijing: "Human Rights in China", November 1991, (*HR '91*) and "The Progress of Human Rights in China," December 1995 (*HR '95*).¹ Then I will close with some thoughts on the Catholic Church's position.



Human rights are always judged against some standard. While an absolute norm, such as the Ten Commandments, the Eight-fold Path, the Sermon on the Mount, or the natural law, might serve as a starting point for evaluating a nation's performance rating in this area, it is more common these days to employ declarations of the United Nations as a more appropriate frame of reference. When the UN. statements are suspect, judged to be incomplete, biased in favor of the West, or a threat to national sovereignty, then there remain comparisons based on history, such as New China and Old China, or a contemporary, international scene, comparing human rights as they exist in China and in the West.

If *HR '91* tends to use the historical comparison, *HR '95* focuses more on the international approach. The reason *HR '91* was written in the first place was "to help the international community understand the human rights situation as it exists in China" from an historical perspective² and to introduce the issue "to the people at home, especially the young, who are not familiar with it."

By the end of 1991, no one under 50 could remember World War II, nor could those under 45 recall the famine years which followed the Civil War.³ For students entering the university after the June 4 Incident of 1989, old China was a topic found only in the conversations of their

grandparents. So for readers both foreign and domestic, the beginning of *HR '91*, especially Section 1 on "The Right to Subsistence: the Pristine Right of the Chinese People" served as a necessary historical review of the semi-colonial and semi-feudal China of 1840 to 1949. Other references to old China scattered throughout the pages of *HR '91* are also written in the literary genre known as "recalling bitter times". The graphic depictions of the hopeless poverty, callous exploitation and national humiliation of the years before Liberation justify the conviction that "under the long years of oppression by the three great mountains of imperialism, feudalism and bureaucratic capitalism, the people in old China had no human rights to speak of."⁴

After a century of humiliation and over two decade of continuous and total warfare (from 1937 to 1949), China had no place to go but up. Statistics quoted are impressive (and they concur with the eye-witness reports of foreign visitors) that by the end of the '80s, China was no longer destitute. People now boasted not only of the cultural heritage of their past but also of the hard won independence of the present. If there had been failures along the way and if other goals besides that of national subsistence had yet to be met, it would be unfair to measure its progress by Western norms. Third World countries with similar colonial histories and massive populations, such as India, would serve as more comparative models.

The content of *HR '95* is basically the same as that of *HR '91*, with some notable modifications. The treatment of freedom of religious belief is reduced to a paragraph at the end of Political and Civil Rights, whereas in the earlier work it had a whole section to itself. The number of Christians is said to have increased from 3.5 to 4.0 million Catholics and 4.5 to 6.6 Protestants, figures well below the estimates of outside observers. It also notes the hearty increase in religious publications during recent years.

"No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the state education system. To insure that citizens enjoy freedom of religious belief, religious bodies and religious affairs are to be free of any foreign domination."⁵ This is a repeat of sentiments from the earlier paper, but previous mention of troubles with foreign missionaries have been excised, as have been any references to damages to church properties during the Cultural Revolution. Also *HR '95* does not repeat the contention that religious believers in prison were arrested and confined solely for breaking

the law that forbids subversion, inciting the masses to defy authority, swindling, or seducing women in the name of religion. The earlier paper went out of its way to insist that "no religious believers were arrested because of their religious beliefs." *HR '95* seems reluctant to use this kind of language, perhaps recognizing that China's previous criteria for "normal religious activities" and where "friendly international ties" spilled over into "foreign domination" were unnecessary stumbling blocks on the road to improving relations with such international bodies as the Vatican and others. Pope John Paul II repeated once again on August 19, 1995 the Catholic church position that the Church is in no way a threat to the power of the Chinese government: "There can be no opposition or incompatibility between being 'truly Catholic' and 'authentically Chinese'."

Crime is a world-wide problem, and even with an increase of 1.1 to 1.286 million people behind bars from 1990 to 1994, China's rate of incarceration per 100,000 people is only a quarter or a fifth of that of an unnamed Western developed country. In December 1994, China inaugurated a new Prison Law; and also ratified the UN Convention Against Torture.⁶ Neither White Paper, however, addresses the total number of people executed annually.

When Westerners think of human rights, they do not think first of a Guarantee of the Right to Work, or the Right to Work of Citizens and the Rights and Interests of Workers. Yet these are the titles of two sections in the two White Papers. *HR '95* admits that, with the economic restructuring, joblessness is a problem and China has set up employment agencies. Upbeat statistics are given for pension coverage and wages⁷, although a careful reading of the figures reveals that family members in the countryside have to provide more of the safety net than those in the city. But this is true in almost every nation.

Education receives more coverage in *HR '95* than in *HR '91*. One of the features that makes the second White Paper more convincing than the first is China's acknowledgment that it still has a number of on-going problems, such as 22.2% illiteracy among those over 15, and the need to improve schools, especially primary schools, in minority districts and poorer rural areas. Mention of a \$200,000,000 US loan from the World Bank for nine-year compulsory education, and soliciting donations from citizens for Project Hope, so that young dropouts can return to school⁸ are two refreshing indications that the government no longer claims to be able to solve all of China's social

problems single-handedly. The section on women and children gives statistics showing substantial improvement in the percentage of girls and young women in school.

What was Section VIII: Family Planning and Protection of Human Rights in *HR'91* is now Section VI: Protect the Legitimate Rights and Interests of Women and Children. The Fourth UN World Conference on Women held in Beijing last September seems to have had an impact on the second White Paper. Women are no longer depicted only in terms of motherhood; they are also seen as having a role in local and national offices, in the labor force and in skilled jobs. According to the White paper, domestic violence, "common in some Western countries is relatively rare in China".⁹ The lack of a number, however, to substantiate the claim is not too convincing. While *HR'91* stresses that abortion is always voluntary, never done under coercion, *HR'95* does not even mention the word. Instead it substitutes the euphemistic phrase "women have the right to family planning and the freedom to choose not to give birth".¹⁰ But according to the author of *A Mother's Ordeal*¹¹ and others, Chinese women have little or no freedom of choice about the number of children they can bear. Strangely enough, men are never mentioned in connection with family planning. China also seems to assume that all women will marry. There is now a sizable number of women, not only in the West but also in the East, notably Taiwan and Hong Kong, who are now choosing to remain single.

Both White Papers give extensive coverage to the organization of the political system and to the people's right to a voice in their government and society. Compared to *HR'91*, *HR'95* downplays the leadership role of the Communist Party and emphasizes the minorities and the Chinese People's Political Consultative Conference. Minorities rate a section in both documents. While not the largest of China's 55 minority groups, Tibetans, for reasons too obvious to mention, receive more attention than any other group.

Both documents relate the substantial effort that China is making for the disabled, both at the local level and by hosting international meetings for them. "China has adopted various measures to ensure that the disabled enjoy equal rights with other citizens and to protect their rights from infringement"¹² However, occasional statements in the press about "improving the quality of the population," proposed

laws on eugenics, and talk of legalizing euthanasia suggest that some people would be happy if there were fewer disabled people in China.

Both White Papers conclude by looking at the popularization and promotion of human rights. This section occupies less than a tenth of *HR'91*, but covers almost a quarter of *HR'95*.

HR'91 displays a certain defensiveness, a pronounced sensitivity to what might interfere in China's internal affairs. It quotes Article 2, Section 7, of the UN Charter: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state..."¹³ *HR'95*, however, is both defensive and antagonistic: "Since 1990, the United States and some other Western countries...have concocted five anti-China proposals, wantonly interfering in China's internal affairs by trying to change China's development path and social system through sabotaging its stability and preventing it from going forward. They have gone everywhere to sell their ideas and impose pressure from various aspects, so as to reach their sinister political purposes....Hegemony, power politics and unfair economic order still exist, imperiling world peace and development and hindering the realization of human rights and basic freedoms."¹⁴ A final sentence referring to China's work for a better 21st century is not enough to change the pessimistic ending of *HR'95*. If the overall situation is that stark and conflictual, and if the West (or the Vatican, for that matter) is really acting out of such insincere and malicious motives when mentioning human rights, then the stage is set for more shouting and talking past each other, not for dialogue.

The term "human rights" is relatively recent in human history, but all religions and philosophies contain teachings on the purpose of human life and the ideal community which can provide material on which to base a theory and practice of human rights. For instance, a Christian can find any number of Bible verses on providing for the widow and the orphan, welcoming the stranger and the alien, and caring for the least of one's brothers and sisters. Catholics have a century of papal teachings on social justice. So it is odd to read both White Papers without finding similar references to Chinese culture, aside from the fact that Chinese have traditionally cared for the elderly or aging parents. Nor are there any quotes from Marx, Mao or Deng. The phrase "three great mountains"—imperialism, feudalism and

bureaucrat-capitalism—alludes to one of Mao's articles, and Zhou Enlai is credited with co-signing (not composing) the Bandung Declaration in April 1955,¹⁵ but no other Marxist is mentioned by name. Isn't there anything more in the Communist tradition?

Prof. Gu Chuande of the Law Science College of the China People's University has found an answer in the writings of Deng Xiaoping.

“Deng has presented a series of penetrating expositions on the issue, including questions such as ‘What are human rights? How many people actually enjoy human rights? Are human rights for the minority, majority, or for all the people of a country?’ Deng noted that human rights in contemporary China and Western countries are ‘in essence two different things, involving different views’, and ‘state power is far more important than human rights’. He once pointed out that ‘states which practice power politics have absolutely no right to speak of human rights’, and ‘peace and development are two major issues having a bearing on the overall international situation’.”¹⁶

Deng's thoughts have obviously influenced the White Papers, but strangely enough, he is never directly quoted!

Catholic thinking on human rights starts from the dignity of each human being as someone created in the image of God. People are not to be used by other individuals or by the state as a means to an end. Pope John Paul II said: “Basically all problems of justice have as their main cause the fact that the person is not sufficiently respected, taken into consideration or loved for what he or she is.”¹⁷ This is not a exaltation of individualism, as all individuals should be concerned with the needs of their neighbors, especially the poor. Thus the head of the Holy See's delegation to the UN, Archbishop Paul Tablet, speaks of a long list of universal rights: life, food, shelter, health care, development, better education, a cleaner environment, religious freedom, greater distributive justice and opportunity, all of which presupposes democratic participation in building society.¹⁸ The terminology differs, but there is considerable overlap with what China means by the most fundamental right - the right to subsistence. Vatican statements tend to be weak on statistics but strong in stressing that a number of problems can only be solved at the international level, as they are too big for local or even national solutions.

Can we join together in dialogue? Yes, but it will not be easy. Too defensive an attitude, or assuming bad faith on either side, are not good building blocks for dialogue. But there are signs of hope: contacts are occurring, occasionally through quiet diplomatic channels; mainland officials more and more frequently meeting overseas Chinese and foreign Catholics in China, Hong Kong, or abroad, and everywhere in China the local church deals with the government. Neither the Chinese government nor the Church has said its last word on human rights. We have reason to hope.

Endnotes

¹ Found respectively in *Beijing Review*, vol. 34, #44, (Nov. 4-10, 1991), pp. 8-45, and in *China Daily*, Thurs., Dec. 28, 1995, pp. 13-16.

² *HR '91*, p.9

³ Zhu Muzhi, "Why China Publishes the White Paper on Human Rights." *Beijing Review*, vol. 34, #45, (Nov. 11-17, 1991), p. 19. Since Mr. Zhu is the director of the Information Office of the State Council, he speaks with authority in *HR '91*, and perhaps is its principle author.

⁴ *HR '91*, p.8.

⁵ *HR '91*, p. 12.

⁶ *HR '91*, pp. 24-26.

⁷ *HR '95*, p. 14.

⁸ *HR '95*, Section V. The Right of Citizens to Education, pp. 14-15.

⁹ *HR '95*, p. 15.

¹⁰ *HR '95*, p. 15.

¹¹ *A Mother's Ordeal: One Woman's Fight Against China's One-Child Policy*, by Stephen Mosher and Chi An (Little, Brown and Company, London, 1993), reviewed by Betty Ann Maheu, M.M., in *Tripod*, #84 (Nov.-Dec. 1994), pp. 21-27. This issue of *Tripod* focuses on "Family Planning in China" and a Catholic evaluation of the government's policy.

¹² *HR '95*, p. 15

¹³ *HR '91*, p. 44.

¹⁴ *HR '95*, p. 16.

¹⁵ *HR '91*, p. 8, p. 42.

¹⁶ Gu Chuande, "Theoretical Research on China's Human Rights," *Beijing Review*, vol. 39, #10, (March 4-10, 1996), p. 21.

¹⁷ John Paul II, "Papal Address to the Diplomatic Corps", January 16, 1993, quoted in "Human Rights and Extreme Poverty", by Archbishop Paul Tablet, *Catholic International*, vol. 4, #5, (May 1993), p. 204.

¹⁸ *Ibid.*, pp. 203-204.