Compare and Contrast the American and Chinese Narratives of Human Rights

Name

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The concept of human rights was formulated in the west, but up until the 1980s, the Chinese people had not taken it up. The Chinese intellectuals found the concept appealing, for the similar reasons that the West adopted it. However, the historical context of China caused the development of perceptual differences and variations. During the 19th and the 20th Centuries, the western nations’ history was marked by their global expansion, whereas the experience of China was one of embarrassing trounce in the Anglo-Chinese Wars in 1839-1846 (Richard, 1997). The war was again compounded in the 20th century in five waves of havoc, which almost threatened the extinction of the nation. After that, they were again faced with civil war in 1915, then the invasion of the Japanese in the 1930s and the 1940s, the land reforms of the 1950s, the Great Leap and the late 1950s famine which was caused as a result of the Cultural Revolution. Therefore, the past of the Chinese people plays a very significant role in the clarification of the human rights concept by the People’s Republic of China, as well as how it is functional in the Chinese society.

One social anthropologist Wilson A. Richards affirms that the issue of human rights falls among the world’s most globalized political principles in the society today. Human rights have also been used many times in politics as a moral justification, as well as in deciding intervening in the domestic affairs of another country. However, this proclivity does not widen to the People’s Republic of China or even Russia. Both countries agree that the sovereign rights are supreme that the human rights and they have also rejected humanitarian interference of the Western Nations in their domestic issues (Richard, 1997). To understand the reasons why the concept of human rights is applied differently in the United States and China, the paper outlines the two mainstream approaches for understanding it. The first one is Universalism, as observed in the United States as well as the other Western countries. The other one is Contingency, like in the case of the People’s Republic of China. Basing on the two human rights reports that were published in 2008 by either nations, the paper compares and contrasts the human rights narrative, after an analysis of the reports. The fundamental understanding of the human rights concept is firmly related to diplomacy. In most cases, China refuses in multilateral peacekeeping efforts in other countries, as it also rejects humanitarian interventions within its borders, by the western nations (Allen, 2006).

**Approaches to Understanding Human Rights**

In order to understand the approaches to human rights, one should first put into consideration, how the human rights concept was formulated in the history of the West. Originally, the human rights idea derives from the belief that an individual needs to be protected from the decisions of arbitrary states. Over the years, there has been a long fight that pursued personal freedom within the accepted human rights concept. Regarding the historical periods, the rights can be divided into three categories. The primary one is the political and civil rights, consequential from the late 18th Century ‘American Revolution Bill of Rights’, and the ‘French Revolution’s Declaration of the Rights of Man and the Citizen’ (Tyrene, 2000). Both revolutions raised issues about various reforms and the political representations, and they are further developed in the modern individualism in the West. The second one is the social and economic rights, which was brought by the 1840 World Anti-Slavery Convention held in London, Great Britain. The Women’s Suffrage Movement also influenced it during the early 20th Century. The third one is the right to development and cultural rights, which derives from the revolutions against colonialism. The revolutions escalated after the Second World War, leading to the attainment of independence by the many African States in the 1960s.

The categories of rights that have been discussed above; civil and political rights, social and economic rights and cultural and developmental rights, are viewed to be mutually conflicted, causing disagreement between the Asian values and the Universality of the Western nations. Tough questions have been enquired in the human rights debate, including whether a idea that has initiated in the West can be validly applied in other societies and cultures as well. Universalists, such as the United States, trust that the rights that have been recorded in the Universal Declaration of Human Rights (UDHR), alongside other international agreements, can be applied in any country throughout the world (Jean, 2006). They also believe that the state mechanism can rise above all the cultural differences. In other words, it is argued by the Universalists that even across different cultures, humanity still shares similarities and therefore, human rights can be applied to any human being regardless of nationality or background.

The Universalism idea comes from the theory of natural rights, thanks to the contribution of Jacque Jean Rousseau and John Locke. This rights theory asserts that there are certain rights that all human beings are naturally born with. During the initial stages when the theory was still being developed, the rights were regarded to be derived directly from God, but their basis was later considered as of reason or human nature. When the Second World War came to an end, all countries that subscribed to the natural rights theory found plenty of evidence of stern violations of natural rights, and the subject became a legitimate matter of trans-national concern, on the grounds of moral reasons. The calamity of the violation of human rights was considered by the UDHR, particularly in the countries that belonged to the axis front, during the Second World War. It also draws authority from the United Nations International Bill of Human Rights. The declaration of the bill demands that the state must lose its absolute power in matters that are concerned with the rights of the people (Human Rights Record of the United States, 2008).

The time during which UDHR was being propagated in 1948, the commonly held perception believed that human rights could not be prioritized ahead of sovereignty. From 1648, after the Treaty of Westphalia up until the 20th Century, the absolute authority of the government over the people, within its boundaries, was widely acknowledged in the West (Human Rights Record of United States, 2008). Thus, the alien had no chance of a legitimate interference in a nation’s domestic matters. Powerful countries like the United States, the Soviet Union, France and Britain were not very passionate about the Declaration because it meant that their governments could potentially lose their power over the electorate. Nonetheless, the Declaration was embraced by the Third World Countries, which believed that it would help them in their pursuit of freedom and break loose from the chains of colonialism.

On the other hand, the Relativists disputed the UDHR, not by possible loss of sovereign power but argued that the components of the Declaration contained not the universal values, but rather European or Western ones. They believe that moral values are embedded culturally and that the enumerations of the UDHR are gravely misleading and most probably an expression of the cultural imperialism of the West. China is the main contingent countries in the world, and the socialist and Marxist understanding of human rights have contributed to the establishment of the conversations about human rights of the Chinese Communist Party. The insight of the idea of human rights by the agnostics is built on the analysis of the theory of natural rights. In the 19th Century, Karl Marx defined natural rights as those of ‘egotistic man,’ separated from others in a materialistic world that is dominated by exploitation and private property. Marx clearly distinguished between the citizens’ rights and the human rights, where the former is applied with the other men and women in a community. His belief was contrary to that of the existence of natural rights, but he rather recognized the legal rights value (Juhyung, 2011). According to the understanding of Marx, the future communist society would provide human beings with all of their genuine needs to their satisfaction, rendering the concerns of the human rights activists irrelevant.

According to Richard Nordahl, considering the right to be the tools for satisfying human needs is a common idea of the Marxists. Marxism holds that rights have no intrinsic value, but they are instruments that can be employed to attain certain objectives. Secondly, it asserts that rights can be restricted to elevate the struggling group of people in the society, as well as for the economic development of the people, although this is only for a short time. Thirdly, because there are only limited resources that can be used to satisfy the needs of the people, the rights must also be limited. For the relativists and Marxists such as the People’s Republic of China, the three limitations described above considers the idea of absolute universal rights that can be applied to any society across the globe, to be invalid. Therefore in the socialist nations, it is the state that propounds human rights, and the political beliefs belong to a specific class of individuals, rather than to human nature in general (Thomas, 2005). All of the various approaches to human rights heavily rely on the consideration of the theory of natural right in the global perspective, as well as the acknowledgment of the importance of a strong nation.

**Similarities and Differences**

After a look at the constitution of the United States and China, the rights of the citizens in both countries appear similar, although the rights of the citizens of China are more extensive. In realism, the courts in China do not have the power of enforcing the constitution and for this reason, the rights are not recognized, or they are very limited. The main issue is that the rights of the ruling party, the Communist Party, in China trump everything else (Human Rights Record of United States, 2008). This implies that the rights of the party are considered to be more superior to the human rights of citizens. The case is however very different in the United States. While the problem of corruption is still an issue in the United States, and the government or the wealthy people might undermine the rights of the people, the system is designed to respect the rights of the people above all else. This means that any issue concerning human rights must be given priority over other issues alongside it and that there is no supremacy of the sovereign rights of the government over human rights.

In the category of religion, for instance, the constitution of both the United States and China grants the people the freedom to belong to the religion of their choice. However, these rights are occasionally strained in the United States but are ultimately sustained by the courts. In the People’s Republic of China, an individual is free to only involve in the religious organizations that have been approved by the state, which are also subject to supervision by the state and the ruling party. In the freedom of speech, the constitution of both countries grants the right, but the United States citizens have lesser restrictions as compared to their Chinese counterparts. In the People’s Republic of China (PRC), the press is only limited to report on certain things, and the social media postings and blogs are also closely monitored (Jing, 2009). The government routinely removes blogs that promote hoaxes, spread pornography or challenge the ruling party. The people have the freedom of saying whatever they want to say among themselves, but the government prohibits organized political expressions in the country. Groups such as the Open Constitution faction have been banned and their leaders have been imprisoned, simply for doing nothing other than gathering in public places, trying to discuss the ways through which the Chinese governance can be improved (Halskov, & Rune, 2010). Events such as gay films festivals are not allowed in the country and have many at times been blocked by the authorities.

 In both countries, protests are limited. However, in the United States, protests can be allowed in certain venues, but in China, the likeliness of approving any form of protest is very low or nonexistent (Gill, & James, 2000). The only time that protests tend to be permitted in China is when they are in support of the party.

 Another difference between the concept of human rights in the United States and China lies in the category of crime. In the United States, if an individual is accused of a criminal act, he or she is granted considerable rights by the legal system, if they are citizens of the U.S. On the other hand, people in China can be sent to prison without charge or trial for a long period (Samuel, 1994). Also, the defense and the prosecution are both employed by the state while in the United States, the defense is hired by the defendant. This implies that in China, the decision of making a conviction or not is largely influenced by the state. The government of China recently announced measures that are aimed at reducing the local officials’ influence in court cases.

 The U.S. legal system has many problems, but most people will agree that its design will ultimately ensure that a person who is falsely convicted for a crime he or she did not commit, is protected. The system also makes it possible for the falsely accused people to seek redress of their cases if they were harmed (Michael, 2000). On the other hand, the Chinese legal system often does not protect the rights of anyone accused of a crime, either rightly or wrongly. It does not also help the people who have been harmed in various ways during the time that they had been falsely accused of committing a crime. For example, the government refused to help the people who were hurt after consuming tainted milk a few years ago. It also ignored the people who contracted HIV through careless blood transfusion in the hospital (Human Rights Record of United States, 2008).

The ruling party of the Chinese government claims that it represents the interests of the citizens who cannot stand up for themselves, to pursue their interests. Ironically, democracy is only experienced in low-level elections of local officials. However, in the U.S., most of the positions in the government are directly elected by the citizens. The United States system is also inclusive in its governance of the people, by involving the people in certain decision-making processes (Marina, 2002). In other words, American citizens have more input into the affairs of the government, beginning with the election of the leaders who represent them in government. The difference is not very wide and the citizens’ rights are not flawlessly protected in both countries. In the United States, the case is especially unwelcoming for immigrants and foreigners. Nevertheless, the U.S. legal system ultimately grants powers to the courts, enabling them to level out human rights breakdown. It also provides systematic support for the improvements of human rights of the citizens.

The concept of human rights is regarded by most Chinese to be an invention of the West, and criticize the hypocrisy and imperialism of the Western Nations trying to push for human rights recognition in China. However, from the view point of an American, human rights are not just a Western concept, in abstract, but it is the innate will and desire of the people. In any part of the world, every person wants to live a good life and raise their children without difficulty.

**The 2008 Human Rights Report for the United States of America and China**

The 2008 Human Rights Report: China, also referred to as HRRC, was published by the government of the United States in 2008. It facts out that there is a big inequality amongst the Chinese law and its practice. For instance, from the first section, “Respect for the integrity of the person, including freedom from Arbitrary Interference with privacy, family, home or correspondence”, it is demonstrated that in spite of the existence of the laws the privacy and the freedom of the people, the authorities often fail to respect the citizens’ privacy in practice. The same view is also echoed by Marina (2002), through her analysis of the Chinese report about the progress of human rights in China. In her investigation, she noted that the report failed to address the inconsistency between the rights in the constitution and the rights in realism. Furthermore, the HRRC outlines in section two, the perception of the U.S. about the violations of human rights by China, through focusing on the individual freedom in various situations. “Respect for civil liberties- a. freedom of speech and press- b. freedom of peaceful assembly and association” (Juhyung, 2011). The report also contains examples of cases where citizens were persecuted for supposedly threatening the Chinese Communist Party (CCP).

The United States government condemns the acts of the Chinese government that undermine human rights, for instance, the execution of the Uighurs, who were accused by the authorities of carrying out separatist violence. Another example includes the prohibition of the Falun Gong within China (Human Rights Record of United States, 2008). There also are other hidden violations of human rights by the Chinese government, especially that of the Beijing Olympics in 2008. The report revealed that the Chinese government forcefully evicted people out of their homes, forcing them to relocate just because of the Olympics.

On the other hand, the Chinese also formed a report of their own, the Human Rights Record of the United States (HRRU), in which it explains that the United States is quick to criticize the situation of human rights in over 190 countries around the world, yet it mentions nothing about its widespread abuses of human rights (Proletarians and Communists’, 1969). According to China, the United States government tolerates racial discrimination against the African-Americans as well as other minority groups in the country, and therefore it has no right of criticizing other countries, at least until it handles the human rights issues within its borders (Hak, 2009).