

The Chinese Model of Human Rights

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Western countries often criticize the Chinese government for its weak record on civil and political rights such as freedom of speech, freedom of thought or freedom of religion. In response, the Chinese government points at its achievements in economic and social rights, notably at its strong record in pulling its people out of poverty and providing them with health, housing, and education. Indeed, the Chinese government consciously prioritizes the development of such rights, arguing material living conditions to be more important for the people than abstract liberties. The question is: how legitimate is this approach? The discussion is starkly polarized along ideological lines, with the result that Western and Chinese scholars often talk past each other. The originality of the present dissertation is to evaluate this approach through a principle of ideological neutrality that makes its findings acceptable to both sides. By virtue of this principle, it refrains from assuming the truth of any ideological assertion, be it liberal or socialist, unless it can be demonstrated in accordance with the scientific method.

The dissertation modelizes the Chinese government's attitude to human rights into an intelligible paradigm more fit for discussion and comparison. Synthesizing official sources, it identifies a "Chinese Model of Human Rights" (CMHR) defined by three main characteristics: collectivism, materialism and sovereignism. It then evaluates this CMHR through three ideologically neutral benchmarks: utility, legality and coherence. Comparing China's rights performance with liberal countries in the same category of development, it finds a strong case for utilitarian legitimacy. Evaluating the chances of success of a case against China in international law, it also finds a strong case for legal legitimacy. From the perspective of coherence, however, there appears to be a tension between the Chinese "indigenization" of human rights - their adaptation to national conditions - and the ideal of their worldwide uniform application. The bulk of the dissertation is therefore dedicated to this issue of coherence.

The dissertation starts with a historical review of human rights in China, identifying legacies of anti-traditionalism, nationalism, and attachment to stability that shape the contemporary discourse on those rights. It then discusses the common Western argument that the CMHR is culturally relativistic and therefore incompatible with universal human rights. It finds the accusation flawed insofar as the CMHR is an ideological construct rather a cultural one, being therefore better described as an alternative model of human rights. Accordingly, the real question is whether it is the CMHR or its Western counterparts which have a better claim to Truth. Discussing, on the one hand, the foundations of the Western model in natural rights theory and Kant's concept of human dignity, as well as, on the other hand, the foundations of the CMHR in the socialist doctrine of historical materialism, the dissertation concludes that neither theory can definitely disprove the other, and that they are thus locked in an epistemological stalemate. The core of the problem may be the extreme difficulty, if not impossibility, of scientifically proving the objective existence and authority of

any conception of human rights.

The dissertation finds that the Universal Declaration of Human Rights recognized the epistemological stalemate and accepted both the liberal and socialist account of human rights. It follows that the CMHR, despite being incompatible with natural rights theory, is in principle compatible with the internationally accepted conception of human rights today. It may thus also be considered philosophically legitimate. The dissertation concludes by discussing wider questions, such as the potential international impact of the CMHR, the likelihood of liberalization in China, and thoughts on how to reconcile the CMHR and its Western counterparts.

Abstract of author's Ph.D Dissertation

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