

## Misunderstanding Human Rights in China

Robert Lawrence Kuhn Source: People's Daily

Even though China has made substantial progress in human rights, broadly conceived, why does the West remain largely unsympathetic, indeed continue to be critical? Moreover, Western criticism of China's human rights has intensified, even while China has implemented, in my opinion, two historic advancements in human rights.

The first occurred in late 2014 when the Fourth Plenum of the 18<sup>th</sup> CPC Central Committee, promoting comprehensive rule of law, instituted far-reaching reform of China's judicial system. Among a host of specific reforms, control of the court system was transferred from local governments to provincial governments, thus eliminating a prime source of inappropriate influence on legal adjudication. In addition, the Supreme People's Court was given new authority with the establishment of circuit courts; judges will be held to higher standards of professionalism and accountability; and more demanding legal proceedings and rules of evidence will protect the rights of the accused. In terms of judicial impartiality and the human rights of Chinese citizens, these were major achievements.

The second historic advancement in human rights was finalized in 2015 after a long, complex and controversial battle to eliminate the use of organs sourced from executed prisoners for medical transplants. Even though the lives of patients were being saved, the charge was that the rights of prisoners were being violated. While interest groups supported the practice, one courageous surgeon, Dr. Huang Jiefu, a former vice minister of health — supported by CPC leadership — made the difference. In a triumph for human rights in China, it is now against the law to use organs of executed prisoners for transplants. It is hard to overstate the significance of this absolute prohibition — for China's affirmation of human rights as well as for China's commitment to healthcare reform.

So given these demonstrable accomplishments in improving human rights in China, how to explain Western skepticism and censure?

I am going to try to explain two powerful, opposing, and emotion-laden ways of thinking. The first is what the West generally does not understand about human rights in China; the second is what China generally does not understand about why the West censures human rights in China. Dare I say that there are misunderstandings and biases on both sides?

Regarding Western misunderstanding of China's human rights, consider three categories. First, the most important human rights, broadly conceived, are those that enable the necessities of life — food, shelter, security, etc. — and then those that provide the good life — employment, education, healthcare, entertainment, etc. — and for all these, China has unambiguously and spectacularly improved the lives of hundreds of millions. China's vast population is finally free from widespread famine, pestilence, homelessness, illiteracy, political mass movements and other social scourges.

Second, the West does not appreciate the progress in human rights, narrowly conceived, that China has made, particularly in rule of law and judicial reform. There are now innumerable cases where miscarriages of justice have been reversed, many brought about by public pressures on social media.

Third, with respect to free speech and free assembly — areas of intense Western scrutiny — the West does understand that by controlling dissent and maintaining social stability, the CPC will retain power as China's ruling party. But the West does not understand that the primary motivation of CPC leadership to retain power is to improve the lives of Chinese citizens, not to preserve personal position.

While some Westerners argue that a competitive multiparty system would make China more stable, not less, such a system in a still-developing country of almost 1.4 billion people with major social imbalances would entail substantial risks. Such inestimable threats to stability would pose an immeasurable degree of social uncertainty, which the large majority of the Chinese people are just not willing to accept (certainly not to accommodate Western sensitivities).

Regarding the reason why the West criticizes China's human rights, there are some in China who proffer a one-dimensional, conspiratorial explanation. They pin the blame squarely on Western media, perhaps in unholy alliance with Western governments plotting to restrain China's rise. While there are indeed individuals who make their living by bashing China, or by promoting policies to contain China, it would be a mistake to surmise that mainstream Western media have hatched a grand conspiracy against China. Such conventional thinking would overlook insights into root causes of Western misunderstandings.

Western media, by nature, are suspicious of all sources of power, especially governments — Western or Chinese, it doesn't matter — and corporations — domestic or foreign, all are fair game. To support the powerless against the powerful is a core mission. To ensure media independence in the face of domestic adversaries is a core value. (This is why mainstream Western media are so viscerally opposed to the presidential candidacy of Donald Trump, who attacks the media blatantly and boisterously.)

The foundation of Western society is built on the primacy of the individual, independent branches of government to provide checks and balances, democratic elections, and freedom of the media. That's why Western media generally cannot appreciate that the foundation of Chinese society, with different conditions and at an earlier stage of development, is the collective welfare and prosperity of the vast majority of its citizens.

In China, the political system is the means to achieve the end goal of a moderately prosperous society in the midterm and a fully modernized nation in the long term. In the West, the political system is almost the end goal in itself, because, Westerners believe, no other system can be trusted long term to support the public good.

The West and China are bound inextricably together. It is simply impossible for one to succeed and the other to fail. Either both will succeed or both will fail.

I'd like to see the West begin to recognize China's human rights achievements and China begin to reject Western-tinged conspiracy theories. Both would benefit from an ideology-neutral realism as China continues, in its own way at its own pace, to improve human rights throughout society.

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