

Rethinking the Debate on Universalism Versus Cultural Relativism Regarding Human Rights: The Case of China

Mehmet Alkış

Abstract: This study aims to address the debate on universalism versus relativism regarding human rights over the case of China. By the end of the Cold War and with the increasing effects of globalization dynamics, the idea of human rights had become a controversial issue, and interventions in states that violate human rights have come to the agenda of international society. United States of America and the European Union have frequently mentioned the issue of human rights violations with regard to China. However, China has emphasized that no one should intervene with it on this issue, claiming up until the 1990s in the face of these allegations that the issue was its own internal affair. Meanwhile, China has tried to open a discussion about the universality of human rights through cultural values. China focuses on Asian values, claiming that human rights are a product of the Eurocentric Western modern world. This situation can be considered a challenge of postmodern and post-colonial theories that highlight cultural relativism, regarding the mainstream theories represented by realism and liberalism within the discipline of International Relations. However, using these critical theories may reproduce existing power relations by reducing them into a cultural context. This study seeks to reexamine China's human rights understanding beyond the universalism vs. relativism debate.

Keywords: Human rights, Asian values, China, cultural relativism, universalism

Öz: Bu çalışma, insan haklarına ilişkin evrenselcilik ve görecelilik tartışmasını Çin örneğinde ele almayı amaçlamaktadır. Soğuk Savaş'ın sona ermesi ve küreselleşme dinamiklerinin artan etkisiyle insan hakları fikri tartışmalı bir konu haline gelmiştir. İnsan haklarını ihlal eden devletlere müdahale edilmesi konusu uluslararası toplumun önemli gündemlerinden biri olmuştur. Çin örneğinde olduğu gibi insan hakları ihlali konusu Amerika Birleşik Devletleri ve Avrupa Birliği tarafından da sıklıkla dile getirilmektedir. Çin ise 1990'lı yıllara kadar bu iddialara karşı konunun kendi içişleri olduğunu öne sürerek bu konuya müdahale edilmemesi gerektiğini vurgulamıştır. Ancak Çin, insan haklarının evrenselliğini kültürel değerlerle tartışmaya açmaya çalışmıştır. Çin, insan haklarının Avrupa merkezli ve Batılı - modern dünyanın ürünü olduğunu iddia ederek Asya değerlerini vurgulamıştır. Bu durum, Uluslararası İlişkiler disiplini içinde realizm ve liberalizmin temsil ettiği ana akım teorilere karşı, kültürel göreciliği ön plana çıkaran postmodern ve post-kolonyal teorilerin meydan okuması olarak değerlendirilebilir. Ancak, bu eleştirel teorileri kullanmak, mevcut iktidar ilişkilerini kültürel bağlama indirgeyerek yeniden üretebilmektedir. Bu çalışma, Çin'in insan hakları anlayışını evrensellik/görecelilik tartışmasının ötesinde yeniden düşünmeyi amaçlamaktadır.

Anahtar Kelimeler: İnsan hakları, Asya değerleri, Çin, kültürel görecelilik, evrensellik

@ Assistant Professor, Dicle University, mehmet.alkis@dicle.edu.tr

id <https://orcid.org/0000-0001-6521-0701>

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Introduction

This study aims to discuss China's approach to human rights in the context of the universalism-versus-relativism debate. The idea of the universality of human rights has led to different discussions due to the concept of human rights having normative values. Although the idea emerged as a result of the political and economic transformations of Europe and the Western world, the United Nations Universal Declaration of Human Rights (United Nations, 1948) asserts that these rights are universal everywhere throughout the world.

By the end of the Cold War, the idea of protecting human rights and promoting democracy had gained significance. According to the same view, the liberal-democratic values of the West and the free-market economy would be accepted all over the world (Fukuyama, 1989). However, non-Western countries and cultures were able to view this approach as intervention into their domestic affairs and as a cultural imposition. For this reason, the universality of human rights has been discussed in terms of cultural relativism. The European Union (EU) and United States of America's (USA) criticism of human rights violations in different countries has been countered by arguments on cultural differences. China is one of the states that has been subjected to these criticisms, which generally concern constraints on individual rights, restriction of political freedoms and freedom of expression, and practices against minorities. However, China has responded to these criticisms by emphasizing its Asian values, economic freedom, and social order. The emphasis on culture is used in postmodernist and poststructuralist criticisms. However, such criticisms are likely to be used as a means of legitimizing existing power practices.

In general, many studies are found to have dealt with China's approach to human rights. These studies have generally focused on China's perceptions toward human rights and its approaches to these rights in international politics (Angle & Svensson, 2001; Angle, 2002; Primiano, 2018). China has highlighted its cultural and social values regarding human rights (Xiaorong, 2006) while seeking to be active in world politics by way of material norms and principles rather than cultural values (Chen & Hsu, 2020). This study aims to deal with the universalism vs. relativism debate regarding human rights over the case of China and to answer the question of why China highlights cultural relativism in the debate on the universality of human rights. To answer this question, this study handles the issue as a case study. Case studies aim to obtain meaningful and detailed contexts; therefore, this study discusses the understanding of human rights over the case of China with regard to the universalism vs. relativism debate by deconstructing power relations. In this

respect, the main argument of the study is that China's understanding of human rights has been shaped by both domestic and global power relations.

The article has been organized as follows. Primarily, the study reviews the studies on the universality and cultural relativity of human rights, specifically focusing on those addressing China. Then, the article elaborates on the universalism vs. cultural relativism debate regarding human rights in general, while the next section deals with China's argument on cultural relativism regarding human rights and examines its emphasis on Asian values. In discussion, the study invites readers to rethink and reevaluate China's argument on cultural relativism from different perspectives. The paper finishes with the conclusion that highlights the arguments.

Literature Review

A large volume of studies are found to have been published on the universalism-versus-cultural relativism debate regarding human rights. The arguments on the universality of human rights can be laid out as the ideas of Western thinkers, because the approaches toward the philosophical roots of the universality of human rights are found in regard to philosophers such as Kant and Husserl (Benhabib, 2007). In modern times, some views may consider human rights as the main mechanism for protecting human nature and human dignity with regard to individual autonomy (Donnelly, 1987). Donnelly (1998) also views human rights as a standard of civilization in the post-Cold War era with regard to the literature on the role of norms and ideas in international politics. In addition, insistence on the universality of human rights is found hand in hand with the increase in wealth levels around the world, the effects of globalization, and the acceptance of international norms (Kielsgard, 2011). However, globalization has led not only to promoting democracy and protecting human rights, but also to promoting cultural particularism. Li (2006) discussed the ethical importance of human rights beyond the dichotomy of universalism and cultural relativism for different cultures. In Li's view (2006), paradoxes of culture present only one aspect of the challenges toward human rights, and cultural challenges are seen to occur regarding the universality of human rights. Amitav Acharya (2016), a leading scholar of international politics, has claimed a quiet and powerful revolution to be coming from the non-Western world regarding ideas, norms, and governance. However, democracy and human rights appear universal but do not offer solutions in all parts of the world. In this respect, the universality of human rights is not about culture but about implementation. O'Sullivan (1998) dealt with the history of human rights and European, Inter-American, Arab, and African perspectives on human rights while seeking a compromise between universalism and cultural

relativism. Siddiqui (2001) claimed the Islamic tradition to have commonalities with the universality of human rights discourse despite conceptual differences and the arguments around cultural relativism.

In the debate of universalism versus relativism, the studies on China's understanding of human rights has produced a significant volume of literature. China's rights discourse is distinctive due to its cultural and political history (Angle, 2002), and China has counter-narrative strategies that define the universality of liberal human rights norms within the Western ideological and cultural hegemony (Subedi, 2015; Kinzelbach, 2012; Primiano, 2018). Copper (2019) has dealt with China's understanding of human rights over the last century and believes it to have evolved from the communist era rather than China's traditional view. On the other hand, Zhang and Buzan (2019) claimed China to have been participating in the global governance of human rights. In this sense, an evolving and dialogical relationship exists between China and the global reach of human rights as an interactive and normative dynamic. As a counter-argument, China has recently not only challenged liberal norms but also sought to promote its state-centered materialist norms and principles on the human rights system (Chen & Hsu, 2020). As the literature reveals, the debate on universalism and relativism contains a significant volume of studies on human rights. Studies are also found on China's understanding of human rights with regard to cultural relativism. In this respect, the current study argues this understanding of China to be able to be reevaluated beyond the debate on universalism versus relativism.

The Debate on Universalism Versus Cultural Relativism Regarding Human Rights

The origins of the idea of human rights can be traced back to Kant and Locke, who inspired the French and American Revolutions. As a result of political and economic changes, the demands of the bourgeoisie had brought limitations to the political authorities through social contracts (Donnelly, 2007).

The debate on rights and freedoms accelerated after World War I and focused on the issue of minority rights. While the international community had formed in Europe starting in the mid-17th century, its format was mainly based on Hobbes' conceptualization of anarchy, rights, and freedom. The debates were the result USA President Wilson's search for normative order, which was conceptualized as idealism in international politics post-World War I. Human rights began being accepted after World War II and became one of the basic conditions for inclusion in the international community (Donnelly, 1998a). While the United Nations General Assembly was

adopting these rights, eight countries remained opposed. South Africa denied its active policy of apartheid at that time, and Saudi Arabia opposed for religious and cultural considerations. At the same time, the communist bloc insisted on a Marxist perspective and perception of human rights (O'Sullivan, 1998). This situation revealed the presence of different attitudes regarding the universal acceptance of human rights. As is seen, the universalists are from more democratic societies that focus on individual rights and personal freedoms.

One of the differing attitudes in the debate is cultural relativism, which holds culture to be the source of validity for a moral right or rule (Donnelly, 1984). By criticizing the concept of cultural relativism, Donnelly (1998b) again claimed with certainty that these rights come from birth and are not attached to any culture. According to cultural relativism, the outputs within moral values gain meaning in the cultural context, with this cultural relativism also showing its validity within this cultural context. Cultural relativists claim social order, tradition, and harmony, while underdeveloped and developing countries tend to approach the issue in the context of colonialism, claiming that human rights reflect the values and experiences of the West. For this reason, they discuss the universality of human rights by appealing to the theoretical arguments of movements such as postmodernism, post-structuralism, and post-colonialism. In terms of post-structuralism, the concepts of human rights and culture require further examination. Derrida (1997) tried to explain the meanings of a concept through the term *différance*. *Différance* is not a concept; instead, it describes the state of being different. In this respect, *différance* may emerge as a condition for being different. In other words, Derrida (1997) considers *différance* to be able to create a kind of merging point between writing and speaking and between inner meaning and outer representation. Therefore, as long as meaning exists, so too will *différance*. *Différance* can be made more understandable as follows: Concepts do not have one single meaning related to them; on the contrary, they have multiple meanings. When considering the concept of human rights, one cannot talk about single monolithic human rights. This concept varies based on the conditions, one's stance, and even one's interests. Hence, several different meanings can be seen to emerge in the case of China regarding the concept of human rights. In terms of human rights, China prioritizes economic and social rights and considers political and civil rights to be insignificant. In Derridian term (2001), 'human rights' can again be viewed as a text while also having different and dissimilar meanings. China and other countries that have been criticized regarding human rights have rejected the claim of universality based on the concept of human rights being controversial and contested. From this point of view, discussing the contexts in which China and other Asian countries have dealt with the issues of values and rights would be appropriate.

China's Emphasis on Cultural Relativism and Asian Values

Emphasis on Cultural Relativism

China is an important actor in world politics due to its political and economic power. In this respect, China has also emphasized its culture to have its own unique aspects. Stating Chinese culture to be under the influence of three fundamental streams would be appropriate, and these can be listed in order as traditional Chinese culture, the influence of the communist era, and the influence of Western culture (Fan, 2000). The traditional culture of China is generally based on Confucian values and beliefs, such as Taoism and Buddhism. These values are transmitted from generation to generation through didactic tales and traditional idioms. This tradition has been transmitted for approximately 2,600 years and has had an impact on the lives of modern Chinese citizens.

In the 20th century, values related to community and production were kept at the fore through the communist cultural revolution. Values regarding things such as work, production, and planned economy provided the coexistence of both communist and traditional values. Serious and direct relations between China and the West began towards the end of the 19th century. This interaction had started on the basis of political and economic tensions and have been ongoing, despite the changes up to recent decades. The tension regarding cultural values that emerged between China and the West over human rights can be described over issues such as collectivism and individualism, rights and duty, order and liberty, and socioeconomic rights and political and civil rights, as well as sovereignty.

Chinese culture prioritizes society over the individual (Vincent, 1986). According to Western individualism, an individual can acquire an identity independent of the group identity. According to Chinese culture, however, individuals only gain identity through one's relations with society (Ho, 1995). In these social groups, individuals show themselves as belonging to the group, sharing the group's desires, and bearing potential obligations. The well-being of the group also reflects the individual's well-being.

The origin of the idea of rights is difficult to find in the traditional culture of China, with the view that they were imported from the West having become widespread in China (Angle, 2002). Collectivist cultures insist on and highlight the responsibilities, obligations, and behaviors individual should have.

The idea that order can be achieved by restricting freedoms is also valid for China. A strict hierarchical society has been built in China, where three-fold values

are dominant and all relations from family to society are organized in a strict discipline. In fact, Chinese culture equates the concept of freedom with selfishness and disrespect for values (Jenner, 1998). According to Mauzy (1997), Asians prefer order, social values, harmony, and accountability. On the other hand, Western societies emphasize freedom of expression, personal freedom, and individual rights (Mauzy, 1997). In Asian societies, strong governments are seen as the protectors of human rights. This view presents maintaining social order to also protect individuals' basic human rights. This situation is not seen as governmental authoritarianism but rather as the prevention of chaos and anarchy. The relationship between the ruler and the ruled is based on the concept of justice. Similarly, making restrictions on both sides is seen as a necessity of a moral and just system (De Varennes, 2006). However, the discourse on societal harmony has been used to suppress opposition and minorities (Bary & Weiming, 1998).

Asian Values and Human Rights

Chinese state elites have made many statements about the difference in their understanding and practice of human rights (Angle, 2002). China's fundamental rhetoric is that political rights have priority over economic rights, and the Chinese government attempts to make political rights insignificant by using this discourse and claiming that these rights will worsen economic well-being (Angle, 2002). China uses the concept of Asian values as a counter-discourse on human rights. Asian values have four basic claims about human rights (Xiaorong, 1996). Firstly, the concept of rights acquires a culturally specific meaning. Because human rights have a historical, cultural, and religious background, they can vary from culture to culture. According to the second claim, society comes before the individual, and Asian culture views society as more important than the individual. Thirdly, socioeconomic rights precede civil and political rights. Individuals' political and civil rights can be limited when the need for economic development increases. According to the last claim, rights are part of national security and sovereignty (Xiaorong, 1996). According to the Chinese elite, the West's emphasis on human rights therefore has aims to enlarge cultural imperialism and prevent development, resulting in an increase in feelings of nationalism in China.

Western-oriented international society has addressed the death penalty, minority problems, and freedom of expression with regard to human rights violations in China. The European Parliament has taken several resolutions toward abolishing the death penalty in China. However, China generally views the death penalty as a deterrent punishment, with the idea that no better punishment can be given for the public interest.

The issue of Tibet has caused tensions between the Western-oriented international community and China. In general, the Tibetan people are claimed to have been subjected to religious, political, and cultural discrimination. China considers this addressing of the Tibet issue as an interference in its internal affairs. Again, the European Parliament has made decisions on this issue and demanded an end to the human rights violations in Tibet (European Parliament, 2019). In particular, China views the Dalai Lama, who has established relations with different countries as the representative of Buddhism, as a matter of internal affairs. The prosecution of another religious leader, Delek Rinpoche, for alleged bombing plans represents one of the specific cases (BBC News, 2015). China has stated Tibet to be a part of its own country historically, and any criticism made will be regarded as interference in its internal affairs. In order to strengthen its position, China has asserted that it allocates great economic resources to the Tibetan region and recognizes important exemptions in terms of taxes (Michael, 2019). Restrictions on freedom of expression and Internet bans are also on the agenda within the scope of human rights violations. The Chinese governments has asserted freedom of expression to be able to disrupt social order. According to the counter-view, tensions in the absence of freedom of expression will increase as a result of the social opposition's inability to express their demands. In addition, the Great Firewall system, which aims to monitor and censor websites, is another issue on which reactions have focused (Griffiths, 2021).

Discussion: Rethinking China's Cultural Relativism

The two opposing positions in the debate on universalism versus cultural relativism need to be considered from many perspectives regarding the case of China. The concept of natural rights possessed by birth does not make much sense in Chinese culture. First of all, economic welfare, rapid growth, and rising living standards make more sense than political rights. For this reason, political and civil rights remain insignificant compared to economic and social rights. As a result, China has asserted itself as being at the best point in its history in terms of economic development. In addition, China does not view the death penalty as a violation of human rights and has also defined the Tibetan issue as a matter of internal affairs. The values highly emphasized in Chinese culture are order and stability (Angle & Svensson, 2001), and China's development model is based on growth and stability. Thus, this model gives greater priority to strengthening authority, central control, and social discipline than to creating democratic institutions. The emphasis on Asian values is that liberal-individualist values are disharmonious. According to Li (1996), three basic principles have come to the agenda in China: priority of social and economic

rights, adaptation of universal human rights to itself, and defining the human rights issue as an internal matter. The basis of the discussions involves whether Chinese culture and human rights are compatible. For this reason, cultural relativists claim that Asian values should be respected at least as much as the Western concept of human rights. In general, the discussions are based around the distinctions between such concepts as collectivism and individualism, universalism and relativism, and rights and duties and how the concept of Asian values has been able to be used as a tool for regimes to justify their conservative policies (Robison, 1996).

On the other hand, the idea of human rights is claimed to have mainly been repressed in China by leaders during the communist era. In the Mao era, human rights were seen as an ideological expression of the bourgeois egoism based on Marxist views (Copper, 2019). According to Donnelly (1998), even if a Chinese form of the concept of human rights did exist, such an attitude would reveal a situation such as no one being given any rights. According to the same view, human rights are based on an earlier time than the Westphalian order and the positivist period. Because human rights take place in many cultures, Donnelly has found the discussion of universality out of place. Still, the validity of this claim can be brought into question when looking at sovereignty and order. China's cultural understanding in this regard strengthens the mentality of people for the state, and this has been stated as rendering the concept of human rights meaningless.

The Inglehart-Welzel World Cultural Map 2023

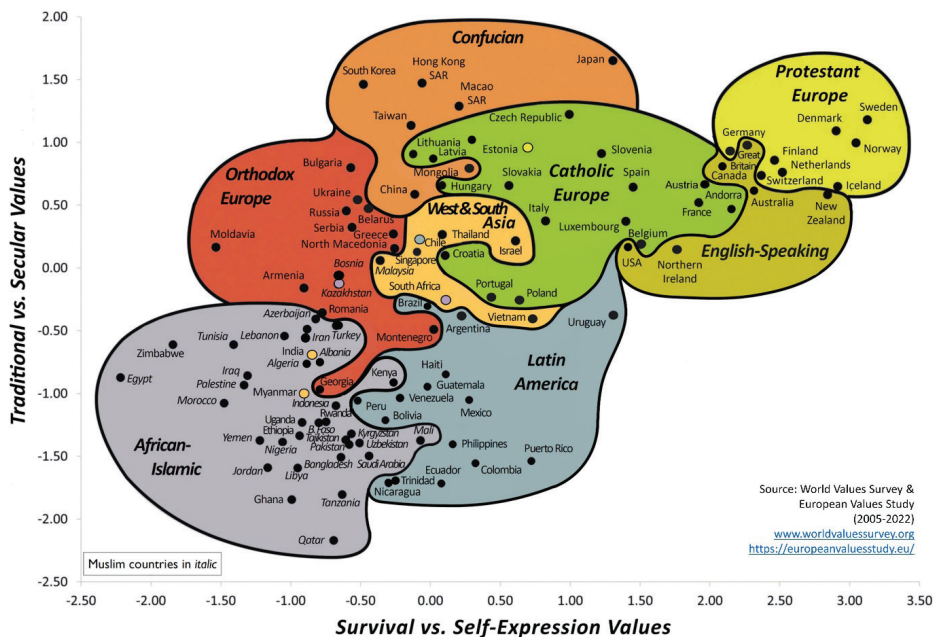


Figure 1: The Inglehart-Welzel World Cultural Map (Source: World Values Survey, 2023).

As has been stated, China insists on cultural relativism with regard to human rights in terms of both domestic and global power relations. In this respect, China considers criticisms about human rights as interference into its domestic affairs and a barrier to its economic development. Angle (2002) suggested accommodating the differences based on dialogue, interaction, and engagement regarding human rights. However, China’s position on human rights covenants has also been paradoxical. Although China has ratified human rights covenants and treaties for the purpose of international legitimation, it has had a paradoxical relation in terms of the ratification and implementation of human rights (Zhang & Buzan, 2019). China has an important place in the international system. China defines itself on one hand as a status-quo power with regards to sovereignty and non-intervention. On the other hand, it seeks to reshape its definition of human rights as a revisionist power (Mitter, 2022). The emerging world order is a multiplex world that is defined by more than just liberal Western ideas and values. This means that the USA and its Western allies are not

longer in a position to be the only ones creating ideas and norms in international society (Acharya, 2017). Under the Xi Jinping government, China has recently thus been looking to mainstream its model of national development as the new universal framework for human rights (Chen & Hsu, 2020).

The cultural map of the world in Figure 1 was formed as a result of data obtained between 2017-2022 from the World Values Survey (2023) and is based on the distinctions among traditional, secular, and rational values, as well as survival and self-expression. While traditional values describe concepts such as religion, family, and authority, secular and rational values stand opposite traditional values. According to this map, while survival describes physical and economic security, self-expression also shows the importance of concepts such as democracy, participation, and equality. China exists within the Confucian cultural world in this map. However, this placement of China contradicts its emphasis on traditional values. It is located on the same level as Protestant Europe, which actually invalidates the discourse of traditional values. On the other hand, Chinese society prioritizes physical and economic security with regards to survival, and its claim of prioritizing economic and social rights is seen to be a valid one. The outcome of the map is that Chinese society is positioned in a way where it emphasizes secular and rational values culturally while prioritizing its economic and physical security.

The universalist approach, which states that human beings are born with rights and have inalienable natural rights, has been challenged by the relativist approach, which states imperial aims to exist behind the human rights discourse. However, the claims relativism makes are not strong in many respects (De Varennes, 2006). Progress in communication and transportation technologies and the impact of globalization require rethinking culture. Therefore, the need also exists to reinterpret human rights. In order to ensure harmony between state and society, the necessity of limiting individuals' rights should be brought into question. To discuss the issue over the debate of freedom or bread would be unfruitful, as the likely outcome would be to have or demand both together. This does not seem sustainable in the case of Asian countries, because national development often includes policies for protecting the poor. In this respect, making hierarchies among rights is invalid. One could have a discussion about the origin of values, but the particularism each culture has on its own raises the need for a reconsideration (Xiaorong, 1996). The binaries and negative discourses about norms prevent any common ground for solving problems and crises from being built between the Western and non-Western worlds. Discourses that impose a negative role on non-Western cultures regarding norms and rights must not be allowed (Acharya, 2020). In this respect, instead of establishing hierarchies

between different cultures, power relations should be deconstructed and new gaps opened for interculturality and hybridity. According to Higgins (1996), power relations within a culture constrain individuals' capacity to discuss cultural norms. The claim of the existence of a monolithic culture is based on an oversimplification and serves to strengthen essentialist approaches (Higgins, 1996). Moreover, cultural relativism has sought to undermine the claim of universalism by making reference to traditional culture. Dirlik (1987) criticized post-colonial theory and Third Worldism and argued for the need to address how culture and tradition not only provide harmony and order but also lead to contradictions. These contradictions may allow hierarchies to be made and lead to rights violations.

Conclusion

Due to being a normative concept, human rights involve universality claims that have led to rights being evaluated from different perspectives. As this study has revealed, human rights have evoked different meanings and perceptions in the case of China. China's understanding of human rights has been shaped by both domestic and global power politics. Due to the Western-oriented international community's accusations of human rights violations, China has sought to respond with its arguments on cultural relativism. China has claimed that these rights must be evaluated in their own cultural context, emphasizing the existence of Asian values in the face of the discourse on the universality of human rights. These postmodern and deconstructive criticisms have attempted to justify themselves by having culture remain on center stage.

The Eurocentric narrative of universality certainly needs to be reviewed and criticized in various ways. However, using the postmodern and poststructuralist approaches that allow criticism represents a type of inconsistency when used to justify local and cultural power relations. The emphasis on traditional values allows the existing forms of power relations to continue. Criticisms about the Tibet problem, freedom of expression, and the Uyghur region are considered as interference in China's cultural values and domestic affairs. China's use of its entire modern state capacity requires a reevaluation of its emphasis on tradition and culture. Already, studies and surveys have investigated the validity of China's cultural claims. In this regard, the debate needs to go beyond the binary of universalism versus cultural relativism and find a balance between the similarities and differences.

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