Original Paper UDC 303.446.2:341.231.14(510)
Received October 3rd, 2008

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"Olympic Spirit": Chinese Policies and the Universality of Human Rights

Abstract

Ever since 2001, when China was selected host of the 2008 Olympics, this choice was challenged by an array of controversies, mostly focusing on the human rights issues. These critical evaluations were answered by measures of Chinese authorities: from the 2003 constitutional amendment to the justifications made by referring to the "Asian values" and introduction of Hu Jintao's program of the "harmonious society".

The paper focuses mainly on the intercultural aspects of the debate on the status of human rights in China. Firstly, an analysis explores the main issues and compares different ways in which they were assessed in China and abroad. Secondly, the discrepancies of these assessments are analyzed through two main frameworks: the doctrine of the universal human rights, and the doctrine of harmonious society, based on the Confucian worldview. Finally, the current debates on the issues of human rights are examined through the intercultural juxtaposition of these two frameworks and (im)possibilities of the dialogue between the two are assessed.

Key words

Beijing 2008 Olympic Games, China, human rights

This year's Beijing Olympic Games were in many aspects among the most controversial Olympics in the last decades. For the great part, sporting events had to give way to continual debates on the status and violations of human rights in China. Suppression of civil liberties (freedom of speech and religion, free mobility, expressing political views) and particular problematic issues (e.g. the one-child policy, status of ethnic minorities, treatment of rural population and migrant workers, Chinese role in Africa etc.) were widely discussed.

Correspondingly, the opening ceremony of the Olympics raised many controversies. In February 2008 the invited special consultant, American film director Steven Spielberg, pulled out in protest of the Chinese support of the Sudanese regime's actions in Darfur.[1] Protests following the traveling Olympic torch increased after the Tibetan uprising in March. The repetitive boycott calls from different organizations were even accompanied by a few leaders of the world's important nations who threatened to boycott the opening ceremony.[2] Regardless of all the disturbances and under a strict security supervision

1 BBC News, online edition, February 13th, 2008, accessed on: http://news.bbc.co.uk/2/hi/asia-pacific/7242016.stm (10. 9. 2008).

2 Cf. ibid., April 5th, 2008, accessed on: http://news.bbc.co.uk/2/hi/uk_news/politics/7339580. stm (10. 9. 2008).

the outcome – the actual performance directed by a famous Chinese director Zhang Yimou – could, however, be understood as a symbolic answer to these arguments. The central part of the "cultural program" of the ceremony of incredible proportions consisted of an aestheticised overview of the long and splendid history of Chinese civilization. One of the topics which were presented in the stylistically flawless manner of Zhang Yimou, were the great Chinese inventions (*si da faming*), paper, compass, gunpowder, and printing. Printing with movable type, which in China allegedly dates back to 11th century[3] was presented in the form of almost 900 movable type blocks that formed three versions of the character *he*, 'harmony'. Further on, these blocks rearranged to form a picture of the Great Wall and finally exploded with peach blossoms.

The symbolic implication of this scene, which might sound slightly baroque, is multifold. The re-iteration of the controversy about Gutenberg's originality[4] was exposed by presenting movable type print and not only printing as such as an exclusively Chinese invention. The ingeniousness of the Chinese culture was further emphasized by the use of the character 'harmony', alluding to a political model of harmonious society, seen as an alternative to Euro-American socio-political models. Finally, the transformation of the printing blocks into the Great Wall, the symbol of Chinese isolation and protection from the barbarian tribes, and the subsequent opening of the peach blossoms, unavoidably hinted at the slogan *kaifang*, 'the opening'. This scene from the ceremony seems to suggests that the great divide between the barbarians and the Chinese, traditionally symbolized by the Great Wall, is not overcome by the incentive of the barbarians – they're not being let in – but by the Chinese "blooming" outwards. As much as the use of 'harmony' suggests that there was definitely clear political content in the opening ceremony, the subsequent hint at the slogan *kaifang* only reiterates this.

The idea of Chinese "opening" to the world was indeed part of the program of economic reforms in the program of so-called "Socialism with Chinese characteristics", promoted by Deng Xiaoping and other pragmatist reformers after the end of Cultural Revolution. Motivated doubtlessly by an intention to incorporate market economy into the socialist framework, the slogan contains an apologetic trait:

> "That is why we have repeatedly declared that we shall adhere to Marxism and keep to the socialist road. But by Marxism we mean Marxism that is integrated with Chinese conditions, and by socialism we mean a socialism that is tailored to Chinese conditions and has a specifically Chinese character."[5]

This pragmatically chosen slogan consisted of two elements. First idea, promoted by the "socialism with Chinese characteristics" was an emphasis on the development of production forces. Socialism, Deng stressed as a response to the economic failures of the Cultural Revolution and the Great Leap Forward, does not mean poverty, but the elimination of it:

> "… the fundamental task for the socialist stage is to develop the productive forces. The superiority of the socialist system is demonstrated, in the final analysis, by faster and greater development of those forces than under the capitalist system. As they develop, the people's material and cultural life will constantly improve. One of our shortcomings after the founding of the People's Republic was that we didn't pay enough attention to developing the productive forces. Socialism means eliminating poverty. Pauperism is not socialism, still less communism."[6]

The second was the curiously chosen idea of the "Chinese characteristics", which to a certain degree reiterates the theme of the Sino-Soviet split and the

distinction between the Maoist and the Leninist (or later Stalinist) interpretation of Marxist ideology. With Deng's policies the idea that specific conditions in China require an adaptation of European doctrines was repeated with a new accent. Apart from being an excuse for the introduction of capitalist economy in to an allegedly socialist country, the "Chinese characteristics" more importantly provided a framework for a shift towards the re-introduction of traditional values and Confucian political ideals, a novelty after few decades of deliberate denial of traditional models and ideas.

In the 1980's and even more so in the 1990's, China experienced a rapid sequence of reforms and progressive withdrawal of the state from the economical sphere. Jiang Zemin, who became the General Secretary of the Communist Party of China (CPC) after the 1989 Tian'anmen events, was the main protagonist of this new trend in Chinese politics. When withdrawing from office in 2002/3,[7] Jiang proudly evaluated the past decade and assessed that China is on the way to reach the level of all-round "moderate prosperity" (小康, *xiǎokāng*),[8] the term that first began to be used by Deng Xiaoping in late 1970's as the goal of Chinese modernization. The term itself dates back to the Classics, where it represented the wealthy society of questionable morality, which in Classic of Rites was opposed to the socio-political ideal utopia of "great unity" (大同, *dàtóng*). The 9th chapter of the Classic of Rites quotes Confucius lecturing his student about the gradual decline of society. In the golden age, explains the sage, rules of propriety were adhered to; virtue was the criteria for public service, the compassion and benevolence extended beyond the family members to the weak, the poor and the helpless. Private property was not yet a cause of differentiation, envy or conflict:

> "Males had their proper work, and females had their homes. (They accumulated) articles (of value), disliking that they should be thrown away upon the ground, but not wishing to keep them for their own gratification. (They laboured) with their strength, disliking that it should not be exerted, but not exerting it (only) with a view to their own advantage. In this way (selfish) schemings were repressed and found no development. Robbers, filchers, and rebellious traitors did not show themselves, and hence the outer doors remained open, and were not shut. This was (the period of) what we call the Grand Union."[9]

The phase of Grand Union was followed by a decline of virtue and benevolence, hereditary kingdom replaced meritocracy, and the propriety was ac-

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Joseph Needham, *Science and Civiliation in China: Volume 5, Chemistry and Chemical Technology, Part 1, Paper and Printing*, Caves Books Ltd, Taipei 1986, p. 201.

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"European block printers must not only have seen Chinese samples, but perhaps had been taught by missionaries or others who had learned these un-European methods from Chinese printers during their residence in China". (Tsien, Tsuen-Hsuin, *Paper and Printing*, in: J. Needham, *Science and Civilisation in China*, op. cit., p. 313.)

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Deng Xiaoping's speech on June 30th, 1984, accessed at: http://english.peopledaily.com.cn/dengxp/vol3/text/c1220.html (accessed September 9th, 2008)

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Ibid.

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As customary in contemporary Chinese politics, Jiang Zemin held two positions – being simultaneously the General Secretary of the CPC (1989–2002) and the President of the PR China (1993–2003). This function is complemented by the premier of the People's Republic, forming a dual leadership.

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Cf. http://www.chinadevelopmentbrief.com/node/145 (accessed August 10th, 2008).

9
Li ji, 9. 1., quoted from Chinese Text Project at: http://chinese.dsturgeon.net/text.pl?node=9871&if=en (accessed September 2nd, 2008).

cumulated, protected and fought for. This period, mainly governed by the principles of selfishness and partiality, is called the Small Prosperity:

"Now that the Grand course has fallen into disuse and obscurity, the kingdom is a family inheritance. Every one loves (above all others) his own parents and cherishes (as) children (only) his own sons. People accumulate articles and exert their strength for their own advantage. Great men imagine it is the rule that their states should descend in their own families. Their object is to make the walls of their cities and suburbs strong and their ditches and moats secure."[10]

The ancient term *xiaokang* thus seems to fit the intentions and the outcomes of the Jiang Zemin's reforms. Equal distribution of wealth and benefits, as it is evident from the choice of the slogan, played no role in the rapid economic reforms of the late 20th century China. Predictably enough, the preoccupation with country's economic growth and wealth and a total absence of social welfare regulations had a negative counter effect. The fast growth of unsupervised privatized economy brought about progressive weakening of the state governed social security and workforce stability, which were traditionally assured by *danwei* system of state-regulated employment. The inequality between social strata and between different regions of China grew enormously. It is in such conditions that the new political division took place. As Mark Leonard points out in his new book *What Does China Think?* (2008),[11] these new issues brought about new factions in the CPC. Leonard quotes the assessment of Chinese political scientist Gan Yang:

"Today we can see in China three traditions. One is the tradition forged during the twenty-eight years of the reform era … of 'the market at the centre' including a lot of concepts like freedom and rights. Another tradition was formed in the Mao Zedong era. Its main characteristics are striving for equality and justice. The last tradition was formed during the thousands of years of Chinese civilisation, traditionally referred to as Confucian culture."[12]

Leonard reformulates and additionally analyses Gan Yang's triple division and renames the factions with some resonance to the political shifts outside China. The first group, which he renames the "New Right" advocates the "freedom" – a full privatization of the public sector and leadership of the emerging, politically active "propertied class". The second one he dubs "Neo-Comms". This group, the most apparent heir to the hard-line Maoist times advocates military modernization, cultural diplomacy and international law as instruments of asserting China's power in the world. The last one, renamed "New Left" is a group of thinkers and politicians who – in response to social crisis – advocate a gentler form of capitalism with a social safety net that could reduce inequality and protect the environment.

The shifts and turns in the party ideology of the last few years seem to demonstrate that the Hu–Wen[13] leadership, that has been in power since inheriting positions from economic reformists Jiang Zemin and Zhu Rongji in 2002/2003, is remarkably inclined towards the standpoint that Leonard names the New Left. This can most clearly be seen from the phrase chosen for the slogan for their joint presidency: "Building the socialist harmonious society". The choice of the slogan is extremely interesting. The recent history of the reintroduction of the ancient term *he* ('harmony') into the political *lingua franca* started already during the Jiang-Zhu presidency in 2001, when a senior party official returned from his official visit to Singapore and praised its successful balancing of diverse multicultural society and extreme economic growth with the term 'harmony'. Long before that time, in the 1980's, among the Chinese intellectuals outside China, especially Yu Yingshi and Du Weiming in USA, the notion of 'harmony' became a new way of summarizing the essence of the history of Chinese philosophy. A later concise summary of Du

Weiming's perception of the importance of Chinese tradition in the Chinese modernity and the emphasis that should be put on the notion of harmony, can be found in his 2005 article "Cultural China: The Periphery as the Center":

"The so-called Third Epoch of Confucian Humanism may have been the wishful thinking of a small coterie of academicians, but the emergence of a new inclusive humanism with profound ethical-religious implications for the spiritual self-definition of humanity, the sanctity of the earth, and a form of religiousness based on immanent transcendence has already been placed on the agenda in cultural China. (…) While the modern West has created virtually all major spheres of value for the twentieth century (science, technology, the free market, democratic institutions, metropolises, and mass communication, for example), the painful realization that it has also pushed humanity to the brink of self-destruction engenders much food for thought. The question of whether human beings are, in fact, a viable species is now being asked with a great sense of urgency."[14]

This new turn towards tradition and the perception of Chinese model as an alternative to the errors of the Euro-American democratic model and economic liberalism had its counterpart in the political sphere. Hu Jintao first used "harmonious society" in September 2004 high-level party pronouncements and gave a speech in February 2005 to a group of provincial officials and high cadres on the topic of "building a socialist harmonious society" (构建社会主义和谐社会, *goujian shehuizhuyi hexie shehui*). The shift from *xiaokang* ideal to the notion of harmonious society was quite sudden and its implications still seem quite difficult to determine. At a first glance the harmonious society concept seems a stretchy one-size-fits-all model, and as John Delury legitimately points out, it can mean different things to different groups of people, those meanings being at times in direct contradiction:

"To those who are benefiting most from China's sizzling economic growth, 'harmony' implies social stability and status quo gradualism that will protect assets acquired and ensure their future enjoyment. To those on the sidelines of the boom, 'harmony' sounds like a renewed socialist commitment to the welfare of the rural masses and urban poor. To educated elites chafing at restrictions on speech, media, assembly, and a variety of civil and political liberties, 'harmony' hints at the toleration of dissent and gradual implementation of democracy and the rule of law. To nationalists and cultural conservatives, 'harmony' is a vehicle for the revival of Chinese traditional thinking and values. To party loyalists and neo-authoritarians, 'harmony' signals the leadership's mastery of the alteration between leniency and harshness, and reassures the political elite that the party intends to maintain its monopoly of force and philosophy."[15]

The heterogeneity can also be seen as a result of very heterogeneous sources that this concept draws from. If we analyze the explanation given by Hu on the occasion, we can trace a few of those. According to Hu Jintao, "harmonious society" means a society, which is "democratic and ruled by law, fair and just, trustworthy and fraternal, full of vitality, stable and orderly, and main-

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Li ji, 9. 2., ibid.

11
Mark Leonard, *What Does China Think?*, Fourth Estate, London 2008.

12
Ibid., pp. 15–16.

13
Hu Jintao as General Secretary (2002–) / President of PRC (2003–) and Wen Jiabao as Premier of PRC (2003–).

14
Tu Wei-Ming, "Cultural China: The Periphery as the Center", *Daedalus* 134.4, 2005.

15
John Delury, "'Harmonious' in China", *Policy Review*, Vol. 148, April & May 2008, pp. 35–44.

16
Ibid., p. 40.

taining harmony between man and nature."[16] It is evident that this description balances between three major sources. First it revives the tradition of West-oriented reformist thinkers of the early 20th century China, which advocated for democracy, human rights and legal system according to Euro-American standards. By the use of terms such as 'democratic' and 'ruled by law' it also invokes the late 20th century reformist movements, such as the "Democracy Wall Movement" that asked for political democracy to be the "Fifth Modernisation". Second identifiable source is the critique, addressed to the problems caused by the Jiang-Zhu reforms: social inequality and instability, rural poverty, urban unemployment and ecological issues. Above all this is emphasised by the mention of 'fairness', which can be seen as a promise of equal wealth distribution and social security. The critique is further emphasized by the pledge to re-establish harmony between man and nature, the possibility of which was obviously threatened by the ecologically short-sighted policies of the reformists. The third constitutive element of the "harmonious society" idea is the explicit turn towards the Chinese tradition. This shift, already indicated by the "Chinese characteristics" – but not implemented – can be seen in the slogan's "Confucian" content: the use of the Confucian concepts of justice, fraternal relations and harmony.

In order to evaluate this ideological construction on the background of similar developments in the region and worldwide, this last shift in particular seems to be of a great importance. The classical (even Confucian) concept of 'harmony' that plays a central role in this new ideology, refers to a certain understanding of consensus in early Chinese political thought and thus seems to be subtly presented as an alternative to the Euro-American model of pluralist democracy with the normative of "human rights". In the Classics, the notion 'harmony' (*he*) is first presented in the meaning of 'responding', such as it is the case in *Analects*, 7. 32.:

"When Confucius sang with others and someone sang well, he always made the person repeat the song and then he responded."[17]

In *Analects* as well as in other texts from the classical period, 'harmony' already obtains a political meaning and is understood in opposition to 'sameness' (*tong*). Understood as such it represents harmonious interplay in contrast to mere identicalness or – in political relationship between the ruler and the nobleman – a consensus instead of blind obedience. Confucius' distinction between harmony and sameness in 13.23: "The junzi harmonizes but does not want sameness, whereas the little person seeks sameness but does not harmonize" is repeated in the *Zuo zhuan* commentary (20):

"When the duke says 'yes', Ju also says 'yes'; when the duke says 'no', Ju also says 'no'. This is like mixing water with water. Who can eat such a soup? This is like using the same instruments to produce music. Who can enjoy such music? This is why it is not all right to be same [tong]."

The notion of 'harmony' therefore has traditional political implications that could present it as an alternative to the demands of the so-called "third wave"[18] of democratisation – those that request that China should be becoming a western style pluralist democracy with the rule of human rights.

This implication matches the simultaneous debate on the so-called Asian values that refused the universality of the Euro-American set of human rights and advocated instead for a specifically Asian value system that would function as an alternative. The new, fast growing Asian economies were – in a very vague summary – supposed to promote strong authoritarian stable leadership instead

of political pluralism, to give greater importance to social welfare and stability than to the individual liberties, prefer harmony and consensus to open confrontation, exercise governmental control over social sphere and economic dynamics, and generally pay more attention to implementing socio-economic rights than the civil and political rights and liberties. Li Xiaorong in her paper "'Asian Values' and the Universality of Human Rights"[19] recapitulates the debate of "Asian values" as having four major claims:

"1) Rights are 'culturally' specific.
2) The community takes precedence over individuals.
3) Social and economic rights take precedence over civil and political rights.
4) Rights are a matter of national sovereignty."

On the wider scope of the "Asian values" debate, the harmonious society seems to have been intended as an alternative to the "western" notion of the standard of human rights. It is in this spirit that Jiang Zemin gave his 1995 speech to the United Nations:

"The sacred nature of state sovereignty is inviolable. No state has the right to interfere in the internal affairs of another or force its own will on others. Some large countries frequently use the pretext of 'freedom', 'democracy' or 'human rights' to encroach upon the sovereignty of other states, interfering in internal affairs, damaging the unity of other countries or the solidarity of their nationalities. This is a major force behind the lack of peace in the world today."[20]

Half a decade later, instead of using the argument of state sovereignty, but still within the framework of Asian Rights, the Hu-Wen leadership's think tank proposed the program of "building a harmonious society", an alternative model to the introduction of Euro-American style liberal political democracy to China. But what exactly was this "new world order" supposed to be an alternative to? Two levels of the debate seemed to emerge. On one level, Chinese proposed model of harmonious society is seen as an alternative to democratic model, the representation model that is based on general elective process and pluralist multi-party system. On the other level – one that the CCP politicians seem to make use of – it is seen as an alternative to the concept of human rights, very much similar to the spirit of the Asian values debate, where it seems to replace the liberalist idea of civil liberties with the presumably "traditional Chinese" or Confucian values.

Very useful distinctions for this analysis are those drawn in otherwise highly controversial text by an international relations analyst, Fareed Zakaria, "The Rise of Illiberal Democracy".[21] In his critique of the US policy of forcible "democratization" he makes a distinction between four types of government

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Translations of classical Chinese sources by H. Motoh, based on the analyses by: Li Chenyang, "The Confucian Ideal of Harmony", *Philosophy East & West*, Vol. 56, No. 4, October 2006, pp. 583–603.

18
Cf. the infamous book on the topic: Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press, 1991.

19
Cf. Li Xiaorong , "'Asian Values' and the Universality of Human Rights", *Business and Society Review*, Vol. 102, No. 1, March 1999.

20
Renmin ribao, (People's Daily, overseas edition), 25. 10. 1995. Quoted from Peter R. Moody, Jr., "Asian Values", *Journal of International Affairs*, Summer 1996, 50, No. 1.

21
Fareed Zakaria, "The Rise of Illiberal Democracy", *Foreign Affairs*, Nov/Dec 1997.

models: liberal democracy, illiberal democracy, liberal autocracy – and the fourth which is only implied – illiberal autocracy.

"… for almost a century in the West, democracy has meant liberal democracy – a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property. In fact, this latter bundle of freedoms – what might be termed constitutional liberalism – is theoretically different and historically distinct from democracy. (…) Western liberal democracy might prove to be not the final destination on the democratic road, but just one of many possible exits."[22]

While Zakaria firmly advocates for the liberal element in democracies, it is interesting that he allows for the separate occurrence of liberalism and democracy. Similarly, the assessments of Chinese process of reforms and its future possibilities went in two parallel directions: criticizing, praising and suggesting China on either democracy or human rights.

As far as democracy is concerned, in the last decades there have been a few attempts to either combine or oppose the democratic model with the Confucian political tradition, the latter being one of the basis of the "harmonious society" idea. One of the earliest and also most notorious examples is the radical denial of such a possibility by Samuel P. Huntington in his book *The Third Wave*. Overlooking all economical and historical reason for the great changes in political systems, he boldly claims that "Democracy was especially scarce among countries that were predominantly Muslim, Buddhist or Confucian".[23]

In the same type of loosely argued statement he claims that Confucianism is essentially "uncongenial to democracy"[24] and that "Confucian democracy" is a contradiction in terms.[25]

On the Chinese side of the debate, a Huntington's explicit opponent, Beijing contemporary political philosopher Zhang Liwen, claims that Confucian ideal of harmony, "philosophy of harmony" (*he he xue*) as he calls it, can provide not only an alternative to the democratic system, but also a foundation for a better world order that would replace democracy. After a century of what was – according to Zhang – an over-zealous imitation of the Euro-American ideas, the new turn towards Confucianism is presented by Zhang as an indigenously Chinese method of bringing the world back to its peaceful state.

In both Huntington and Zhang Liwen, democracy is essentially different or even opposed to the vaguely described worldview and set of political ideas called "Confucianism". Other authors, however – notably Daniel A. Bell – refuse this incompatibility:

"Does Confucianism also pose a challenge to Western-style liberal democracy? There are reasons to think that they are compatible, if not mutually reinforcing."[26]

Probably the clearest example of the attempt to combine the two systems is Daniel A. Bell's version of combining the two to construct a socio-political model he dubs "Confucian democracy". He takes the Confucian idea of meritocracy as a very good model for high-level decision making within a state structure. High-level meritocracy, which ensures that only the best educated and skilled get to decide on the issues of common interest, is combined in Bell's model by democracy on the low-level of society, whether it is on local or simply particular level of decision making. In his article "From Marx to Confucius", Bell proposes a surprisingly concrete set of guidelines, combining what he sees as the best of both systems:

"– The deputies in the meritocratic house are chosen (by examinations) for seven- or eight year terms and there are strict penalties for corruption;
– The examinations test for the Confucian classics, basic economics, world history, and a foreign language, and they are set by an independent board of academics randomly chosen from China's universities that is sequestered from the rest of society during the examination process;
– There is substantial deliberation before decisions are taken in the meritocratic house, and most debates are televised and transmitted to the public on the Web;
– The national democratic legislature's main function is to transmit the people's (relatively uninformed) preferences to the meritocratic house. At the provincial, township, city, and village levels, the top decision makers are chosen by means of competitive elections, and decisions are taken in deliberative forums; and
– Freedom of the press is basically secure, and there are many opportunities to raise objections and present grievances to deputies at the national level."[27]

The other possible view on the Hu-Wen's program, closer to the issues opened by the Asian Values debate, approaches the "harmonious society" model from the standpoint of the human rights and civil liberties, i.e. as an issue of combining the Confucian tradition with ideas of liberalism. Most important contribution in this field has recently been done by Stephen C. Angle, who starts his argumentation from what is seemingly and opposite direction, attempting to find a common ground of both socio-political visions. He returns to the first discussions about the human rights in Chinese context, which took place in early 20th century China, and analyzes how those authors saw human rights as a concept corresponding to Confucian ideals:

"First, Confucians played important roles in the early articulation of rights and human rights in China; second, the explicit acceptance of Confucian values by human rights thinkers continued to varying degrees thereafter. This is important for our subject because these individuals typically saw human rights and harmony as conceptually interrelated. On the one hand, a common understanding of the function of rights was to protect legitimate personal interests and spheres of action, and these interests and actions were precisely those that could be harmoniously realized together with the corresponding interests and actions of others. Rights, in this view, had harmony built in."[28]

Angle also finds a similarity in the *he bu tong* (harmony not sameness) interpretation of harmony, which could essentially be seen as an advocacy of the freedom of speech and expressing political views. His claim goes directly opposite to what Huntington saw as the undemocratic trait in Confucianism:

"We begin with the most fundamental issue, namely the idea that harmony not only allows for differences of opinion and criticisms to be expressed but actually demands such expression."[29]

Angle also adds an important view on the notion of harmony in the Chinese tradition. Contrary to being a stable and unchanging uniformity of opinions and voices, harmony is viewed in Chinese tradition as a balance that is in

22
Ibid., pp. 22–24.

23
Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press, 1993 (1991), p. 73.

24
Ibid., p. 303.

25
Ibid., p. 310.

26
Daniel A. Bell, "From Marx to Confucius", *Dissent*, Spring 2007, p. 24.

27
Ibid., p. 26.

28
Stephen C. Angle, "Human Rights and Harmony", *Human Rights Quarterly*, Vol. 30, No. 1 (Feb 2008), p. 81.

29
Ibid., p. 86.

constant process of re-balancing itself, it is a harmony-in-making. Therefore it also necessarily allows for the right to free expression, says Angle:

"Given the human right to free expression, is harmony a lost cause? When harmony is understood in the way I have done here, there need be no tension in this direction. I noted above that harmony in the Chinese tradition is understood to be dynamic, requiring situationally-specific responses to ever-changing situations. New perspectives and new inputs are thus needed in order to deal with new challenges, and there is no saying in advance which inputs these are."[30]

He thus advocates against opposing the two models and proposes instead to view harmony and human rights as two distinct sets of values. While human rights are political values, "necessary for humans to live together in political society,"[31] harmony functions as a moral value, an ideal that is set for the individuals to strive towards, but can not be prescribed. The two can be understood as complementary maximum/minimum standards, the harmonious society being a maximum standard – a goal to be achieved – and human rights as a minimum standard of human life in a society which can not be abolished.

On the pragmatic level, Angle adds, it is however hard to predict what will come out of this revived Confucian concept of harmony. In the last few years many writers have had to resort to this ambiguous type of conclusion. The reason for that is that Hu-Wen strategy, now half a decade old, is still not transparent in its intent and it will probably take at least another decade to see whether there was indeed any significant change in Chinese society, or all this was, as the most cynical critics claim, just another attempt to silence the growing unrest within the Chinese society and the criticism from abroad.

"Perhaps socialist harmonious society really has nothing to do with harmony. Perhaps it is really simply about stability, about people not challenging the regime, and about people resting content with economic differentiation as opposed to the Chinese Communist Party's earlier goals of equality."[32]

On the other hand, cynicism aside, this new model brought about many new concepts and ideas that could indeed have a considerable impact in the Chinese society and the way it is structured. The greatest potential in this new revival of Confucian thought seems to be that it provides an alternative governmental model and a political normative that, according to more optimist writers, seems to suit Chinese reality considerably better than a forced introduction of liberal democracy – a trendy but rarely successful project – ever could.

Helena Motoh

»Olimpijski duh«: kineske političke smjernice i univerzalnost ljudskih prava

Sažetak

Još od 2001., nakon što je Kina odabrana za domaćina Olimpijskih igara 2008., taj je izbor bio izvorom niza kontroverzi koje su se većinom usredotočile na pitanja ljudskih prava. Na ove kritičke ocjene odgovoreno je mjerama kineskih vlasti: od 2003. godine ustavnim amandmanom koji se referira na »azijske vrijednosti« i uvođenje Hu Jintaovog programa »harmoničnog društva«.

Rad se pretežno usredotočuje na međukulturne aspekte rasprave o statusu ljudskih prava u Kini. Prvo se analiziraju glavna pitanja i uspoređuju različiti načini na koje se pristupalo ljudskim pravima kako u Kini tako i u inozemstvu. Zatim se analiziraju neusklađenosti tih ocjena unutar dvaju osnovnih okvira: doktrine univerzalnih ljudskih prava i doktrine harmoničnog društva, zasnovanog na konfucijanskom svjetonazoru. Završno se preispituju aktualne rasprave

o problemima ljudskih prava pomoću međukulturne supostavljenosti navedenih dvaju okvira i (ne)mogućnosti dijaloga tih dviju ocijenjenih pozicija.

Ključne riječi

Olimpijske igre Peking 2008., Kina, ljudska prava

Helena Motoh

„Olympischer Geist": Chinesische politische Richtlinien und die Universalität der Menschenrechte

Zusammenfassung

Seit 2001, als China zum Austragungsort der Olympischen Spiele 2008 bestimmt wurde, war diese Entscheidung Ursache wiederholter Kontroversen, die sich alle stets um eines drehten: die Frage der Menschenrechte in China. Auf die Stimmen der Kritiker antworteten die chinesischen Behörden 2003 mit einer Verfassungsänderung, die „asiatischen Werten" Rechnung tragen soll und Hu Jintaos Programm zur Einführung einer „harmonischen Gesellschaft" in Kraft setzte.

Die vorliegende Arbeit konzentriert sich überwiegend auf interkulturale Aspekte der Diskussion zur Lage der Menschenrechte in China. Zunächst analysiert die Verfasserin die Hauptfragen und vergleicht die verschiedenen Ansätze zur Menschenrechtsdiskussion sowohl in China als auch in anderen Ländern. Sodann analysiert sie die Abweichungen zwischen den verschiedenen Ansätzen, die sich im Rahmen zweier elementarer Theorien bewegen: der Doktrin der universalen Menschenrechte und der aus dem Konfuzianismus hervorgegangenen Doktrin der harmonischen Gesellschaft. Abschließend wird der aktuelle Stand der Menschenrechtsdiskussion anhand der interkulturalen Gegensätze erörtert, die sich aus den genannten Theorien ergeben, und auf die (Un-)Möglichkeit eines Dialogs zwischen diesen Ansätzen geschlossen.

Schlüsselwörter

Olympiade in Beijing 2008., China, Menschenrechte

Helena Motoh

« L'esprit olympique » : Les orientations politiques chinoises et l'universalité des droits de l'homme

Résumé

Depuis 2001, lorsque la Chine fut sélectionnée pour accueillir les Jeux Olympiques de 2008, ce choix n'a cessé de susciter de nombreuses controverses autour de la question des droits de l'homme. À ces critiques, le gouvernement chinois a répondu à partir de 2003 par un amendement à la constitution se référant aux « valeurs asiatiques » et par la mise en place du programme de « société harmonieuse » de Hu Jintao.

L'étude se concentre principalement sur les aspects interculturels du débat sur l'état des droits de l'homme en Chine. Elle analyse d'abord les questions principales et compare les différentes façons d'aborder les droits de l'homme, en Chine comme à l'international. Elle analyse ensuite les incohérences de ces jugements dans deux cadres fondamentaux : celui de la doctrine des droits de l'homme universels et celui de la doctrine d'une société harmonieuse, fondée sur la perspective confucianiste. Elle examine enfin les débats actuels relatifs aux problèmes des droits de l'homme à travers la confrontation interculturelle des deux cadres pré-cités et l'(im)possibilité d'un dialogue entre ces deux positions.

Mots-clés

Jeux Olympiques de Pékin 2008, Chine, droits de l'homme

30 Ibid., p. 89.

31 Ibid., p. 91.

32 Ibid., p. 94.