

The Other Side of "Human Rights" (A comment on China's One Child Policy)

The issue of Human Rights has drawn much attention in recent years. Nowadays, it even (or mainly) plays a major role in international politics and trade. In a way, it has become a yardstick for evaluating behavioural patterns of countries, societies and maybe also individual politicians. It also is, however, a cause of friction between various countries and cultures, which shows that it is far from being a universally agreed-upon notion. Disagreements may vary: from the extent to which countries - or societies - uphold the commitment to Human Rights to the very definition of that notion.

China's "One Child Policy" is, of course, a case in point. Throughout the West, it has unified many leaders, intellectuals and even "ordinary people", who regard this policy as a severe breach of Human Rights. The main argument commonly used by those condemning this policy is that legally forced family planning runs contrary to the very notion of Human Rights as it deprives individuals of their ability to make the most fundamental choice concerning their lives. Somewhat more elaborated criticism of this policy recognises that all laws are, in the last analysis, forced on society. But, it argues, although all legal systems and codes are arbitrary and coercive - and therefore, in a way, a form of oppression - this oppression is nullified if the legal system itself results from democratically elected legislative powers. Moreover, the argument goes on, issues of family and production of children belong in the sacred realm of individual choice directed at oneself, hence must not be the subject for any externally forced intervention.

Those in favour of forced family planning argue, in return, that: a) it is the only rational, sensible - indeed, sane - policy for a country like China (and possibly for other such countries that cannot support their population); b) if individual freedom and the right to choose clash with the ability of society to survive - all its members included - it is the latter that must prevail.

Also, it is argued, many Western critiques of this policy simply overlook the Chinese situation. When they see in China the crowded streets they are deeply impressed by the number of people. But they tend to consider China only in terms of the huge market opportunities it represents. The question of feeding this huge population seems to escape their concerns.

Other arguments from this side of the debate also touch upon questions such as the difference between cultures, the mutual recognition of different cultures in one another (including the right to be different and to uphold other values), the role (and definition) of what is "morally just" and the "value" attached to life itself in the various cultures. There is also another question: Is letting people die of hunger or wars morally superior to preventing their birth? This might suggest that those attacking the Chinese "One Child Policy" have little or no regard at all to millions who actually die in war or of hunger or even natural calamities - accepting such deaths as "*force major*". Such an attitude may have resulted from Western religions and their codes and doctrines that, in fact, do not recognise, let alone respect, anything that lies beyond their scope. Or maybe, as some would suggest that the issue at stake is nothing but a simple power struggle between the rich West and the poor developing world. If this is the case, it should really be viewed as

"Cultural Imperialism" aiming at the subordination of the "Third World" to the interests of the first one - the West.

To determine if the "One Child Policy" is, indeed, a breach of Human Rights and to shed some light on the entire issue, we must first analyse some basics. These include questions pertaining to the meaning and origins of the term "Human rights"; the criteria by which these Rights can be recognised; the identification of those who set these criteria and their respective interests, the relationship between Human Rights and social responsibilities; and finally, the way in which all of these reflect onto the relationship between the West and other parts of the world. Only when we examine these questions can we really turn to the case of the "One Child Policy" and determine it in terms of Human Rights.

Two more points must be made here. The first is that many environmentalists, economists and other experts are alarmed by the growing disparity between the growth rate of world population and the availability of the necessary resources to feed it, particularly when considering the deterioration of living conditions and the physical situation of our planet. The second point is that historically, after years of encouraging large families, China adopted the "One Child Policy" not just as a measure enabling its further development, but as a necessity - to physically feed its huge population.

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The very idea of "Rights" presupposes two necessary conditions. Firstly, the existence of privileges that some might have whereas other do not have. These may vary from time to time and according to places and situations. Secondly, as Rights are accorded, that is, given by someone or something (a power) that can do so, such a power must exist or at least thought to exist. It goes without saying that such a power would also be able to deny - or to take back - the Rights that it can grant.

In Western Judeo-Christian culture, it has been a Divine God who is said to have communicated its preferences through various mediators (profits, priests). God itself was, in fact still is, considered to be a power external to humans, who believed that such a power existed and that it was the source of all Rights. Believing, however, is a human activity that begins where knowledge ends. This should mean that whatever it is that one believes can only bind this particular one. Yet, as clearly shown by the records of Western religions, they have always attempted to enforce universally what seemed to them as the "right" behaviour that - in their eyes - resulted from their beliefs. In the case of Rights, since god was believed to have granted humans with certain Rights, only the same god could expropriate these Rights from them. In reality, however, it meant that those who had the power to interpret the will and intention of that god, were also those who controlled the distribution of Rights. Needless to say that whenever Rights were accorded - or denied - those in control had always provided good reasons and readily explanations.

Rights, whether of economic or other nature, were mainly used by those in power to maintain their desired social order. It was in this fashion that certain arrangements and rights have been recognised as basic "Human Rights" that must not be compromised. One such Right was to live.

Another - to choose. A third one was to be equal to others in some respects of social life. Still another one was the right to possess. All these Rights were available, of course, only within the limits prescribed by those who granted them. The combination of the somewhat loosely defined "Human Rights" was, in any event, always in accord with religious doctrines as interpreted by those in power. One central element in these was that life itself was sacred because it was supposed to have been a divine gift, thus beyond the determination of humans. This is why, for example, to make a choice resulting in suicide was not only a religious sin but also a criminal offence. Likewise, taking the lives of individuals was only sanctioned and authorised if done by those who possessed the Right to power - judges, politicians, generals. In such cases of death resulting from law or war the sanctity of life gave way to that of death. The lives (and death) of individual members of society - even in the West - depended on those (rulers) who had the right to legitimately and "legally" breach the "Human right" to live. Always, of course, for good cause. One may say that this is a sheer hypocrisy. In earnest, it is merely just one way to organise social life - good or bad as any other way.

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In many non-Western societies, there is no reference to god or gods. At least not in the Western fashion. Western used to refer to such societies as "heathens" or "barbarians". Notwithstanding the question of how moral is such a patronising attitude, we can easily ascertain that such societies based their social order on concepts other than religion and divine powers that controlled Western social relations. This means that they subscribed to different value-systems. Some of these non-Western societies may have considered individuals to be unimportant in themselves but only in their social role. If so, they had their own good reasons for it; reasons that resulted from, and corresponded to, their own cultures that developed under their own conditions, on their own terms.

The Chinese mode of social control and order, for example, maintained since ancient times that it is only society and social harmony that mattered. From this point of view, the main Right of each and every individual was not to live, but rather, to function well and punctually within the framework of the social order. "Human Rights" in such a society would thus be the obligations and responsibilities to society. Life was not thought to have been a god-given gift, a deposit that is eventually returned to god. Rather, life was thought of as a socially related (and dependant) reality whose importance is secondary to the well-being of the entire social unit. In this, life is merely a spacio-temporal unimportant phenomenon. Life of society as a whole is the main thing here. In such system, individual well-being can only be achieved (and considered) within the social context and through the exercise of orderly conduct of the various social units that make up society at large.

This is not a judgement. Just a description of a different form of social order. Clearly, "Rights" in this society will be different to those prevailing in the West. Here, "Human Rights" might be viewed as the right to comply with the socially determined rules and regulations, the right to be responsible to the past and future of society, or the right to contribute - whether alive or dead.

In such a society, social harmony takes precedent over individual freedom of choice. It may also consider as best a responsible and functional leadership whose legitimacy stems from its ability to

maintain social order and itself in its leading capacity. It may frown upon what we regard as a democratically elected leadership, or one chosen and sanctioned religiously, whose legitimacy stems solely from this process, at times regardless of its contribution to society.

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Human Rights, we can now see clearly, is not an abstract formula. It is what the members of a certain society are willing to fight for because they are personally motivated and want to achieve. There is nothing, in this sense, which can be said to be innate, existing under all conditions regardless of cultural framework and political system.

The West developed its notion of Human Rights that would suit its culture and conditions. That it had been because of economic or political reasons is really unimportant. There is no doubt, however, that amongst the main features of Human Rights - even in the West - there is room for the Right of one (or groups) to their own self-determination, their own ways of living and their own belief and value systems. This in itself should place a barrier preventing the West from imposing its own preferences over other cultures and societies. The West has chosen to prefer the Right of individuals to be exposed to city crime, to unemployment, to homelessness and to social alienation. It also allows the Right to strive for better life and the Right to exploit others to one's own ends. The same West also recognises (even though there are still ongoing debates on that) the Right of women to make decisions about their pregnancy. So be it.

But China has another set of values. These stem from and are related to the Chinese conditions. China also has its own preferences. These are not the same adopted by the West - nor should they be. If in the West god and religion are the ultimate source of wisdom, Right - even life itself, in China, where there are no religious impediments, the source of these is society. Compliance here is to socially oriented rational thinking rather than to the religious logic. And it is in the name of this socially rational reasoning that China adopted the "One Child Policy". If - as would be the case in the West - individual oriented rational thinking leads to certain freedoms at a price (e.g., city crime), so does - as is the case in China - socially oriented rational reasoning. Also here there are freedoms to be gained and price to pay. They are different, balancing out different preferences. But surely one cannot be judged as better than the other. True, one system may appeal to me better than the other, but then, this has nothing to do with its "objective" supremacy - moral or otherwise. Religious disagreements have brought about more war and atrocities than anything else. The sanctity of human life was easily forgotten. To try and ensure the livelihood of your entire society seems not only rational, but also morally superior, even in the terms of the West and its idea of what must Human Rights be all about. In this sense, China's One Child Policy cannot be said to be a breach of Human Rights but rather, a good and rational implementation of such Rights. Denial of compassion - and even more so, practical help - from those nations who suffer because they are over-populated might, on the other hand, be a serious breach of Human Rights, particularly by those claiming to uphold them.