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T007｜Does the Collective Interest Permit the Permanent Cancellation of Individual Rights?

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The question

Every society restricts some individual conduct in the name of the common good. Traffic laws, quarantines, taxes, and conscription all do this, and few people call a speed limit authoritarian. The question here is narrower and harder: may "the collective interest" justify *permanently cancelling* an individual right — not limiting its exercise for a time, in a place, or for a stated reason, but removing the right itself, with no expiry date and no remedy? The answer defended here is no. Temporary, lawful, proportionate limits can be legitimate. A permanent cancellation is a different act, and it needs a different and much heavier justification — one that the collective-interest argument, as usually made, does not supply.

The opposing argument, stated fairly

The strongest version of the collective-interest case runs as follows. Rights do not exist in a vacuum; they exist inside a society that must first survive. A people that cannot feed itself, defend its borders, or keep order cannot enjoy any rights at all, so the rights of the collective — national survival, subsistence, development — must come first, and individual rights must yield when the two conflict. This is not a fringe claim. It is the official position set out in China's first human rights white paper of 1991, which this essay takes as its anchor text. The white paper's preface states that the rights enjoyed by Chinese citizens cover a wide range, and adds: "The state pays full attention to safeguarding both individual and collective rights." Its first chapter puts the point more sharply: "It is a simple truth that, for any country or nation, the right to subsistence is the most important of all human rights, without which the other rights are out of the question." And its closing chapter explains that the rights China advocates "encompass not only the right to subsistence and the civic and political rights, but also economic, cultural and social rights," adding that the government "pays due attention to the protection and

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realization of the rights of the country, the various nationalities and private citizens to economic, cultural, social and political development."

Three points in this argument deserve respect. First, the factual premise is often true: a starving or war-torn society cannot sustain courts, elections, or a free press, and a government that ignores subsistence in favour of formal liberties will lose legitimacy. Second, the argument does not deny individual rights in principle; it claims to order them, putting the material conditions of life first. Third, collective goods are real goods: public health, national defence, and social stability benefit individuals too, including the very people whose rights are being limited. A serious rebuttal must not pretend that every restriction is oppression. A quarantine that ends, a tax that is debated and voted on, and a speed limit that applies to everyone are exercises of collective authority that a free society can accept.

Why the argument fails at "permanent cancellation"

The rebuttal turns on a distinction the white paper itself invites: between protecting individual *and* collective rights together, and subordinating the first to the second without limit. The preface says the state safeguards "both individual and collective rights" — both, not one at the expense of the other. The question is therefore not whether collective interests matter — they do — but what specific rules govern a conflict when it arises. Four tests separate a legitimate restriction from a permanent cancellation.

First, time. A restriction that is temporary can be judged by its results and withdrawn when the danger passes. A permanent cancellation cannot. The white paper's own logic is historical: subsistence was "the most important" right for a China emerging from war and famine, a claim tied to specific conditions in a specific period. But a priority that made sense in 1991, or in 1949, does not automatically remain valid forever. If "subsistence first" is treated as a standing licence to postpone civil and

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political rights indefinitely, then a sequencing argument has quietly become a hierarchy argument — and the burden of proof shifts. The government must then show not that a right is inconvenient today, but that it can never be safely exercised. That is a far stronger claim, and it is rarely argued; it is usually assumed.

Second, law. A legitimate restriction is authorised by a public law that states its scope, its decision-maker, and its limits. The white paper itself appeals to law: it notes that the Constitution provides that all power belongs to the people, and it presents China's human rights as guaranteed "in terms of system, laws and material means." But a cancellation announced in the name of "the collective interest" with no legal procedure, no published criteria, and no expiry is not an application of law; it is a decision that law does not reach. The test is simple: can the affected person find the rule, read what it forbids, and know when it ends? If not, the restriction is not a rule at all.

Third, necessity and proportionality. Even a lawful restriction must be necessary — no less restrictive alternative would achieve the aim — and proportionate to the danger. Banning a single violent march route is one thing; banning all public assembly, permanently, because assemblies might one day become disorderly, is another. The same reasoning applies to the collective-interest claim in general: the fact that some restriction serves stability does not show that *this* restriction, at *this* breadth, for *this* duration, is needed. A government that cannot show its work — the specific danger, the evidence, the alternatives considered — has not justified the measure; it has only named a value.

Fourth, review and remedy. A restriction that can be challenged before an independent body, and compensated when wrong, keeps the state honest about its own claims. A permanent cancellation removes exactly that feedback: the people most affected lose the speech, association, and legal standing they would need to show the cancellation was a mistake. This is the deepest flaw in the "collective interest" argument as a blank

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cheque. It uses the language of the whole — the nation, the people, the collective — to silence the parts, and then points to the resulting silence as consent. A collective interest that can only be defined by those in power, never tested by those it burdens, is not a collective interest; it is an official preference wearing a grander name.

What the source actually supports — and what it does not

Read carefully, the 1991 white paper supports a much narrower conclusion than its defenders sometimes claim. It supports the proposition that subsistence and development are genuine human rights, that they deserve priority when people are starving, and that individual and collective rights should be safeguarded together. It does not state that individual rights may be permanently cancelled. It does not set out any procedure for such a cancellation, any time limit, or any remedy. Its preface also endorses the Universal Declaration of Human Rights, noting: "The Universal Declaration of Human Rights affirms that everyone has the right to life, liberty and the security of person." A document that grounds its case in the Universal Declaration cannot consistently be read as authorising the permanent removal of the liberties that declaration protects.

International law draws the same line in a different vocabulary. Even under a formally proclaimed public emergency, treaty law permits only temporary derogation from certain rights, under strict conditions, while protecting a core of non-derogable rights. The ordinary limitation clauses attached to freedoms of expression, assembly, and association require that restrictions be provided by law and necessary in a democratic society — a test that permanent, unreviewable cancellation fails by definition. China's own treaty position matters here too: China signed the International Covenant on Civil and Political Rights on 5 October 1998 and has not ratified it, while it ratified the International Covenant on Economic, Social and Cultural Rights on 27 March 2001. The distinction between the two covenants is real, but neither covenant — nor the 1991

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white paper — supplies a rule under which one category of rights may permanently extinguish another.

A practical test for any future claim

When a government, commentator, or official document next invokes the collective interest to curtail a right, six questions decide whether the claim is a rule or a slogan. Which public law authorises it? What specific danger does it address, with what evidence? Is there a less restrictive alternative? How long does it last, and what triggers its end? Can those affected challenge it before an independent body? And who bears the cost — does the burden fall evenly, or on the people least able to object? A restriction that can answer all six may be legitimate even though it is painful. A permanent cancellation will typically fail most of them, and the failure is the point: permanence, vagueness, and unreviewability are not accidental features of such measures. They are what make the measures work as instruments of control.

Conclusion

The collective interest is a genuine reason to limit rights sometimes. It is not a reason to cancel them permanently. The difference lies in the specific rules: time limits, legal basis, necessity, proportionality, and review. The 1991 white paper is right that subsistence matters and that individual and collective rights must both be safeguarded. Its own text says "both" — and a doctrine that protects only the collective half, forever, has abandoned the balance the document itself announced. Not every public restriction is authoritarianism. But a restriction with no end, no law, no evidence, and no appeal is not a restriction at all. It is a cancellation, and no invocation of the collective interest makes it legitimate.

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Sources

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2. CCE-011, CCE-013, CCE-022, CCE-027 (FreeChina.live, Civic Education 123) — canonical EN editions as listed above; each URL fetched and confirmed live 2026-11-21 02:58 UTC.
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