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T034｜Talking About Universal Rights: Does That Mean Copying the American System?

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The question

It is a familiar move in any argument about rights in China. Someone mentions universal rights — freedom of speech, equality before the law, the right to take part in public life — and the reply comes back at once: that is American talk. America has a particular system — two competing parties, a separation of powers, judges who can strike down laws — and if you want its language of rights, you must want its system too. And since China is not America, the language does not apply here.

The move is effective because it contains a grain of truth. The modern language of universal rights was codified largely in the West, and the United States is its most visible working example. So the suspicion is understandable: is "universal rights" just a polite label on an imported political system?

The short answer is no. But the short answer is not enough, because the confusion it corrects is a real one, and it cuts in two directions. This essay states the opposing case fairly, then explains why universal principles and institutional transplantation are different things.

The opposing case, stated fairly

The strongest version of the objection runs like this. Rights do not float in the air; they live inside institutions. A right to vote means something only where there are competitive elections; freedom of speech means something only where courts and a free press protect it; equality before the law means something only where judges are independent. These arrangements are not accidents of American history. They are the machinery that makes the words real. So to demand the words while refusing the machinery is empty, and to demand the machinery is to demand the American system under another name. China, on this view, has chosen a different system, and that choice settles the question.

There is also a historical edge to the objection. China has tried importing Western systems before, and the results were unhappy. After the Revolution of 1911, as China's own official account records, "the Chinese people made numerous attempts to introduce the Western political systems, including the parliamentary system, multiparty system, and presidential system, all of which ended in failure."

Both points deserve to be taken seriously: rights do need institutions, and history does counsel caution. The mistake lies in the step that follows — the conclusion that because rights need institutions, they need one particular set of institutions: America's.

Principles are not blueprints

Consider an analogy. Germ theory is universal: microbes cause disease in every country. No one would argue that accepting germ theory means copying the American hospital system. A country can accept the science and build hospitals of its own design, and be judged by whether patients recover, not by whether its wards resemble those in Boston. The principle is universal; the institution is a local answer to it.

Rights work the same way. The principle — that every person possesses dignity, that people should have a say in the decisions that govern them, that power should answer to law — is a claim about human beings, not about one country's constitution. The institution — how elections are run, how courts are organized, how parties compete — is the machinery a particular society builds to give the principle effect.

China's own white paper on democracy makes exactly this distinction, and from the side of the argument one might least expect. Its Preamble opens by declaring that "Democracy is a common value of humanity and an ideal that has always been cherished by the Communist Party of China (CPC) and the Chinese people." A few

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paragraphs later it adds: "There is no fixed model of democracy; it manifests itself in many forms. Assessing the myriad political systems in the world against a single yardstick and examining diverse political structures in monochrome are in themselves undemocratic."

What China says it did instead

The white paper is equally direct about the institutional question. "China did not duplicate Western models of democracy, but created its own," it states in Section V. And in the section on choosing the most suitable path, it warns that "Blindly copying other models of democracy is a problematic endeavor — it risks creating cultural conflict, political volatility or even social turmoil and causing great pain to its people."

Note what is being rejected here. It is not the idea of learning from others. The same passage says China "draws on each and every political achievement of other countries, but does not imitate any of their models of democracy." Learning and imitating are treated as different acts: a country may borrow a technique — a consultation procedure, a transparency rule — without importing the system the technique came from.

That distinction has a practical payoff. It means the test of a political system is not whether it resembles America's, but whether it delivers the substance the principle names. The Preamble offers its own checklist: whether the people are genuinely the masters of the country, whether they can vote and participate extensively, whether promises made in elections are kept, whether laws are actually enforced, and whether the exercise of power is genuinely subject to public scrutiny. "Democracy is not a decorative ornament," it says, "but an instrument for addressing the issues that concern the people." A system is judged by what it does for the people who live under it — not by its family resemblance to any other system.

Why the confusion harms both sides

Collapsing principle into blueprint damages everyone who uses the confusion, whichever side they are on.

For those who defend China's system, the collapse tempts them to dismiss any rights claim as foreign interference: if the words are not ours, the complaint does not count. That is a cheap victory — it protects the system from a label at the price of insulating it from a standard, including the standard its own white paper accepts when it lists

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peace, development, fairness, justice, democracy and freedom as "the common values of humanity."

For those who admire the American system, the collapse is the mirror-image error. If universal rights just mean American institutions, then any society that does not adopt those institutions must be counted as having no rights at all — and any flaw in the American system becomes, by the same logic, a flaw in the idea of rights itself. The white paper makes the parallel point about voting: "One Person, One Vote is a democratic principle, but it is by no means the only principle, nor does it of itself create democracy." A single procedure, however important, is not the whole of democracy — and no single country's procedures exhaust what democracy can be.

Both errors share a root: treating one country's answer as the definition of the question. Once that identification is made, argument becomes tribal — you are either for America or against it — and the actual question, whether people here have a real say and whether their rights are real in practice, never gets asked.

The honest test

So how should the question in the title be answered in practice? By separating two questions that are usually run together.

First: are the rights universal? The answer, on China's own official account as well as on the broad consensus of the post-war world, is yes. People everywhere have the same claim to dignity, participation, and protection from arbitrary power. That claim does not become American property because America articulates it loudly, and it does not cease to apply in China because China organizes its politics differently.

Second: which institutions should realize those rights here? That is a genuinely open question, and "whatever America does" is not an answer to it — it is an evasion of it. The answer has to be worked out from China's history, scale, culture and conditions, and tested against results: whether people can participate, whether power is checked, whether promises are kept.

This is why the charge in the title fails. To talk about universal rights is not to smuggle in the American system, any more than to talk about health is to smuggle in American hospitals. And to refuse the American system is not to refuse the question of rights — it is to accept the harder task of answering that question in one's own terms.

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Sources

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- Background: "China creates its own democracy instead of duplicating Western models: white paper," Xinhua / People's Daily Online, 4 December 2021, http://en.people.cn/n3/2021/1204/c312369-9928459.html (reporting only; no quotation taken from it).
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