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# Chinese Conceptions of "Rights": From Mencius to Mao – and Now

*Elizabeth J. Perry*

The recent explosion of popular protest in China, often framed as a demand for the fulfillment of "rights," has captured widespread attention. Some observers interpret the protests as signs of a "moral vacuum." Others see the unrest as signaling a powerful new "rights consciousness." In either case, the protests are often regarded as a major challenge to the stability of the political system. In this article, an examination of Chinese conceptions of "rights," as reflected in the ethical discourses of philosophers, political leaders and protesters (and as contrasted with American understandings of rights), provides the basis for questioning prevailing assumptions about the fragility of the Chinese political order. For over two millennia, Chinese political thought, policy, and protest have assigned central priority to the attainment of socioeconomic security. As a result, the meaning of "rights" in Chinese political discourse differs significantly from the Anglo-American tradition. Viewed in historical context, China's contemporary "rights" protests seem far less politically threatening. The Chinese polity appears neither as vacuous nor as vulnerable as it is sometimes assumed to be.

In recent years, U.S. newspapers and magazines have been filled with dramatic stories about all manner of popular protest in China: tax riots by aggrieved peasants in the agrarian countryside, strikes by disgruntled workers in the industrial rustbelt, petitions by feisty retirees whose pensions fall short of expectations, resistance by irate villagers to the illegal sale of their collective lands, and so forth. Journalists are not the only people writing about this issue. The study of contentious politics in contemporary China has of late become a rapid-growth industry among American social scientists.[1]

A distinctly normative tone, inflected with an Anglo-American language of human rights, can be seen in many of the recent writings on this issue. On the one hand, some journalists (and more than a few scholars as well) describe the contemporary protests as symptoms of a pervasive "moral vacuum" in which Chinese supposedly find themselves. Post-Mao China is depicted as a society where Marxism has been discredited, but – absent a Western appreciation of individual natural rights – Chinese have no moral compass to guide their changing and confused lives.[2] Because of this alleged ethical and spiritual vacuum, we are told, millions of Chinese have turned to other forms of solace (e.g., Falun Gong, underground Christianity, and so forth) that often result in the trampling of their unprotected human rights by the state. On the other hand, many scholars (and some journalists as well) have detected in the surge of popular protest in post-Mao China an emergent "rights consciousness" – indicating a supposed bottom-up claim to citizenship and auguring a fundamental breakthrough in state-society relations.[3] In the judgment of these American analysts, "rights talk" among Chinese protesters represents a powerful new social phenomenon, posing a potential challenge to the survival of the Communist state.

The Chinese government paints a very different picture, of course. In a State Council White Paper, issued in the year 2000 and entitled "Fifty Years of Progress in China's Human Rights," the government credits the People's Republic with having bestowed upon the Chinese people an unprecedented enjoyment of human rights – most notably in the form of socioeconomic justice. Interestingly, this official Chinese White Paper does not suggest that such rights were entirely absent before the Communist revolution. Rather, the State Council report contends that – prior to the advent of Western imperialism – the Chinese people had experienced some minimal fulfillment of rights, but that this safety net was demolished by the foreign assaults of the mid-19th century. To quote directly from the 2000 White Paper:

> Invaded and enslaved by various foreign powers, old China lost its state sovereignty, and *its people's human rights lost their minimum guarantee*. The first important achievement of the Chinese Communist Party . . . was to drive the imperialist invaders out of China, paving the way for China to realize real independence. . . . The genuine and complete independence of China has created the fundamental premise for the Chinese people's selection of their own social and political systems . . . and for the uninterrupted improvement of human rights in China.[4]

Beyond its obvious propagandistic flavor, this passage is revealing in several respects. First, it suggests that before the opium wars of the mid-19th century, imperial Chinese regimes did have some commitment to a minimum guarantee of "human rights" for their people. And second, it makes clear that – in the eyes of the contemporary Chinese government – the West was responsible not for bringing to China a newfound appreciation of human rights, but rather for depriving the Chinese of rights that they had previously enjoyed. State sovereignty and national independence are seen as the basic prerequisites for a further improvement in human rights, an improvement that must after all be founded in a political and social system of China's own choosing.

Amnesty International and other human rights groups immediately labeled this Chinese White Paper a "whitewash" and denounced the PRC's failure to live up to its own claims.[5] The U.S. State Department chided China for a "poor" human rights record marred by "numerous and serious abuses."[6] The Chinese government responded with an equally unflattering assessment of America's human rights record, pointing to flagrant racial discrimination, callous neglect of the poor and homeless, and so on.[7] This war of words continued, and even escalated, in subsequent years.[8]

My purpose in this paper is *not* to evaluate the actual human rights record of either America or China – whether at present or in the past. My purview is limited to *conceptions* of rights, as reflected in the ethical discourses of Chinese philosophers, political leaders and protesters (and

as contrasted with American understandings of rights). In examining these normative claims, I will question both the "moral vacuum" and the "rights-based challenge" perspectives that infuse much of the Western literature on contemporary China. Arguing that an enduring emphasis on collective socioeconomic justice distinguishes mainstream Chinese political thought from an Anglo-American focus on individual rights, I conclude that the contemporary Chinese political order is neither as vacuous nor as vulnerable as sometimes depicted.

The 2000 White Paper makes crystal clear, as have numerous other publications by the Chinese government before and since, that – when it comes to human rights – socioeconomic considerations rank first among its priorities. The recent amendment of the Chinese Constitution, to include a provision respecting and protecting human rights, does not change this basic conception of human rights. The 2004 Chinese White Paper on human rights progress, issued two weeks after the amendment of the Constitution, states the following: "The Chinese government continues to put the safeguarding and promotion of the *people's rights to subsistence and development* on the top of its agenda."[9]

The government asserts, in other words, that its people have a right to some minimum standard of living ("subsistence" or *shengcun*) – and, moreover, they have a right to expect an improvement in that standard ("development" or *fazhan*). The first idea – that people have a just claim to a decent livelihood and that a state's legitimacy depends upon satisfying this claim – goes very far back in Chinese political thought. It has roots in the teachings of Confucius ($6^{th}$ – $5^{th}$ century BC) and was elaborated by the influential Confucian philosopher Mencius ($4^{th}$ – $3^{rd}$ century BC). Although Mencius never framed his arguments in a language of "rights," he did emphasize the links between economic welfare and legitimate rule. The second idea – that the state should promote socioeconomic development – is a more recent notion, advanced by

Chinese political leaders since the late nineteenth century and articulated with particular force by Mao Zedong during his revolutionary drive to power and afterwards.[10] Both of these concepts, subsistence and development, are not simply abstract mantras uttered by Chinese philosophers and statesmen; they are also central to the ways in which ordinary people in China think and act politically.

Concerns about socioeconomic justice are not peculiarly Chinese, of course. T.H. Marshall, in his classic work on the rise of citizenship in Western Europe, pointed to "social citizenship" – or the collective right to economic welfare and social security – as the highest expression of citizenship. In Marshall's evolutionary account, a minimalist *civil citizenship* – or the guarantee of individual rights to property, personal liberty and legal justice – appeared in 18th century Europe, while the 19th century saw the emergence of a more developed sense of *political citizenship* – or the right to participate in the exercise of government power. Only in the 20th century, however, did a claim to full *social citizenship* (as embodied in the modern welfare state) become widespread across Europe.[11]

Samuel Fleischacker, in his recent history of distributive justice, traces the acknowledgment of "a right of all people to a certain socioeconomic status" back to the eighteenth century, to the writings of Rousseau, Smith, Kant and Babeuf.[12] According to Fleischacker, however, "for most of human history practically no one held, even as an ideal, the view that everyone should have their basic needs satisfied."[13] While Fleischacker may well be correct in his critique of early Western thought, his argument entirely overlooks the Confucian tradition. An abiding concern with distributive justice has marked Chinese political thought for more than two millennia.[14] Contrary to the scenario that Marshall outlines for Western Europe, in China an appreciation of "social citizenship" predated political citizenship by many centuries.[15]

In the U.S., by comparison with both ancient China and modern Europe, a commitment to social citizenship has been notably weak. American political philosophers, in pondering the primary function of government, have historically emphasized the protection of individual freedoms (or what Marshall regarded as the lowest form of citizenship). This view, which prizes strict limits on state intervention, has pervaded popular political sentiment in the U.S. as well. The political theorist Louis Hartz characterized the American Way of Life as "a nationalist articulation of Locke which usually does not know that Locke himself is involved."[16] Fundamental to Locke's political philosophy was an emphasis upon natural rights as both prior -- and superior -- to laws enacted by the state. Locke's understanding of natural law stressed individual inalienable rights (to life, liberty and property). In his conception, the role of government was a limited one; the state simply guaranteed the social order necessary to permit the exercise of individuals' natural rights. Rebellion was justifiable, but only if government violated the "social contract" either by failing to ensure public order or by aggrandizing its powers vis a vis society.[17] Locke's views were consistent with mainstream European political thought in his day, which saw the state's responsibilities as highly circumscribed.

By contrast, Chinese statecraft since the times of Mencius has envisioned a more proactive role for government – which was expected to promote economic welfare and security. Such expectations carried important practical consequences. As R. Bin Wong observes in his comparison of European and Chinese state formation, "When we turn to issues of material welfare, we find a [Chinese] tradition of intervention in subsistence issues that dwarfs European government efforts to address the insecurities of agrarian economies."[18] The idea that good governance rests upon guaranteeing the livelihood of ordinary people has been a hallmark of Chinese political philosophy and practice from Mencius to Mao – and beyond. It is reflected not

only in government pronouncements and policies, but also in grassroots protests -- an issue to which I shall return later in this paper.

Another thing that the ancient philosopher Mencius and the modern revolutionary Mao shared in common, besides an expressed concern for collective welfare, was an explanation – and in Mao's case even a celebration – of popular uprisings as a legitimate response to a government's failure to fulfill its social responsibilities. When Mencius was asked by one anxious king what he should do in order to hold onto the throne, Mencius answered simply: "Protect the people."[19] He continued, "An intelligent ruler will regulate the livelihood of the people, so as to make sure that . . . in good years they shall always be abundantly satisfied, and that in bad years they shall escape the danger of perishing."[20] Here then was a crisply stated Confucian "moral economy" that made protecting and promoting the people's livelihood the cornerstone of statecraft.

The Book of History (*Shujing*), an ancient Chinese philosophical text from which Mencius – like Confucius – drew many of his central ideas, contained the notion of the Mandate of Heaven (*tianming*) which treated rebellion as Heaven's way of removing the mantle of leadership from immoral rulers and bestowing it instead upon those who were virtuous enough to replace them. The concept of the Mandate of Heaven as a rationale for rebellion first appeared in China around the founding of the Zhou dynasty in the 11th century BC. Seven hundred years later, Mencius expanded upon this idea by linking the authority of Heaven (*tian*) with the support of the people (*ren*). When asked by one of his disciples how a ruler had gained the realm, Mencius replied: "Heaven gave the empire to him; the people gave it to him" (*tian yu zhi, ren yu zhi*).[21] He went on to explain, "The people are the most important element . . . Therefore to gain the support of the ordinary people is to become emperor."[22] Mencius' idea of anchoring political legitimacy in the assent of the people may not seem particularly noteworthy today; after all, since the

American and French revolutions most modern states have advanced far bolder claims to popular sovereignty. But considering the time in which it was proposed, more than two millennia ago, this stress on popular support was truly extraordinary.

When we compare the Mencian Mandate of Heaven with a European divine right of kings, or a Japanese belief in an unbroken imperial line descending from the Sun Goddess, the contrast is stark. In Mencius, royal blood did not constitute a continuing basis of political legitimacy. The Mandate of Heaven was subject to change (*tianming feichang*),[23] and required constant renewal through popular support. How did one garner such backing? By behaving benevolently and providing for the people's livelihood. The ancient emperors, Mencius noted with nostalgic approval, undertook frequent "tours of inspection" for the purpose of ensuring a bountiful harvest: "In the spring they examined the plowing, and supplied any deficiency of seed; in the autumn they examined the reaping, and supplied any deficiency of yield."[24] Only when the harvest was secure and the peasantry was satisfied did a ruler enjoy the Mandate of Heaven. To neglect the people's livelihood was to invite rebellion: "When the hungry go without food . . . the people become unruly."[25] The most important virtue of a ruler was benevolence (*ren*) or sympathy with the plight of the people. If a sovereign failed to provide for the well-being of his people, rebellion was the natural reaction. As Benjamin Schwartz noted, "it is made amply clear in the *Analects* and particularly in the *Mencius*, that the moral behavior of the masses is dependent upon their economic welfare."[26]

The differences between the Chinese and other imperial systems (European as well as Japanese) were significant, but so too were the differences with many modern republican political systems. Compare Mencius' view of rebellion with that of Thomas Jefferson, for example. Both Mencius and Jefferson stress the granting or withholding of popular support, but to very different ends.

Jefferson's understanding of revolution drew not on the Book of History but on Locke's *Second Treatise*.[27] In Jefferson's stirring speeches, rebellion was both natural and justifiable – but as a check on political tyranny, not as a reaction to socioeconomic injustice. A child of the Enlightenment, Jefferson viewed periodic armed rebellion as essential in sustaining democratic freedoms. As he put it, "What country can preserve its liberties if the rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take up arms . . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."[28] For Thomas Jefferson, tyranny, not poverty, was the root cause of periodic rightful rebellion.

Mao Zedong, who came of age more than a century after Jefferson, was of course deeply influenced by Western political philosophies – first anarchism and then Marxism. But many of Mao's ideas were congruent with his own cultural traditions as well. As Schwartz stresses, although a principal source of the Maoist vision was Marxist-Leninist ideology, "this does not preclude the fact that in some of its aspects it coincides with certain traditional Chinese habits of thought and behavior."[29] Indeed, there are more than a few points of commonality between Confucianism and Marxism. The belief that human nature is inherently social, and that conflict between the individual and the larger community is unnatural and unnecessary, is certainly central to both.[30]

Here I would like to highlight two affinities between Mao and Mencius: the importance of popular – in particular *peasant* – support in establishing political legitimacy; and, relatedly, the natural propensity of those who are hard-pressed economically to rebel against rapacious officials.[31] Nowhere did Mao express these views more passionately or eloquently than in his famous "Report on an Investigation of the Peasant Movement in Hunan," published in March of

1927 at a time when most of his comrades in the Chinese Communist Party were still focusing on workers in the cities rather than on the rural peasantry. Based upon a 32-day investigation of five counties in his home province of Hunan, Mao described his awakening to the importance of the peasantry. As he wrote:

> In a very short time, in China's central, southern and northern provinces, several hundred million peasants will rise like a mighty storm, like a hurricane, a force so swift and violent that no power, however great, will be able to hold it back. They will smash all the trammels that bind them and rush forward along the road to liberation. They will sweep all the imperialists, warlords, corrupt officials, local bullies and evil gentry into their graves. Every revolutionary party and every revolutionary comrade will be put to the test, to be accepted or rejected as they decide. There are three alternatives. To march at their head and lead them? To trail behind them, gesticulating and criticizing? Or to stand in their way and oppose them? Every Chinese is free to choose, but events will force you to make the choice quickly.[32]

Here Mao depicts the peasantry as a force of nature – "a mighty storm," "a hurricane" – and argues that revolutionary success hinges upon acknowledging and accepting the natural inclinations of the peasants, rough and violent as they may be.

> The peasants are clear-sighted. Who is bad and who is not, who is the worst and who is not quite so vicious, who deserves severe punishment and who deserves to be let off lightly – the peasants keep clear accounts and very seldom has the punishment exceeded the crime . . . A revolution is not a dinner party, or writing an essay, or painting a picture or doing embroidery; it cannot be so refined, so leisurely and gentle, so temperate, kind courteous, restrained and magnanimous. A revolution is an insurrection, an act of violence by which one class overthrows another. A rural revolution is a revolution by which the peasantry overthrows the power of the feudal landlord class. Without using the greatest force, the peasants cannot possibly overthrow the deep-rooted authority of the landlords which has lasted for thousands of years. The rural areas need a mighty revolutionary upsurge, for it alone can rouse the people in their millions to become a powerful force.[33]

In Mao's view the revolutionary instincts of the peasantry derive from their poverty. Hence it is the poorest peasants, those with the least to lose, who are naturally the most revolutionary.

> Leadership by the poor peasants is absolutely necessary. Without the poor peasants there would be no revolution. To deny their role is to deny the

> revolution. To attack them is to attack the revolution. They have never been wrong on the general direction of the revolution. [34]

In these stirring passages, Mao puts forth a view of revolution quite different from that of Marx and Lenin; whereas for Marx the urban proletariat served as the revolutionary vanguard and for Lenin the Communist Party fulfilled that purpose, Mao is here assigning the role of revolutionary vanguard to the poor peasants who, as he described them "are not afraid of losing anything." Although Mao's Marxian celebration of class struggle put him at odds with a Confucian preference for social harmony, he nevertheless shared with Mencius a stress on the peasantry as the decisive political force – and a belief that peasant poverty was the root cause of revolution (the modern Chinese term for which, *geming*, carries the meaning of "to change the mandate").[35] After the establishment of a Communist regime in China, when Mao's thoughts turned from revolution to developmental issues, he continued to emphasize the pivotal and dynamic role of the peasantry. In late 1955, Mao wrote of agricultural collectivization much as he had written of rural revolution thirty years before:

> A new upsurge in the socialist mass movement is imminent throughout the countryside. But some of our comrades are tottering along like a woman with bound feet and constantly complaining, "you're going too fast" . . . The high tide of socialist transformation in the countryside . . . will soon sweep over the whole country. It is a vast socialist revolutionary movement involving a rural population of more than 500 million and it has extremely great and world-wide significance . . . . The leadership should never lag behind the mass movement, but the present situation is one in which the mass movement is running ahead of the leadership . . .[36]

Again it was the peasantry, rather than the cadres, who were naturally attuned to the demands of the revolutionary movement. And again it was poverty that generated their revolutionary insight and enthusiasm:

> Both the poor peasants and the lower strata of the new and old middle peasants are enthusiastic about the socialist road . . . because the poor peasants are in a

> difficult economic position and because the lower middle peasants are still not well off, although their economic position is better than before liberation.[37]

Those who were materially well off, by contrast, failed to appreciate the latent power of the masses. They failed, in other words, to grasp the "Mandate of Heaven."

> The well-to-do jeered: "Those ragamuffins think they can set up a cooperative. Never heard of a chicken feather flying up to Heaven." But that is just what this chicken feather has done . . . The poor want to remake their lives. The old system is dying and a new system is being born. Chicken feathers really are flying up to Heaven.[38]

Here, six years after the founding of a new Communist government, Mao was again identifying peasant poverty as the motor propelling historic transformation – now not political revolution but economic development in the form of agricultural collectivization.

We can certainly question the degree to which collectivization benefited the Chinese peasantry, but regardless of how we evaluate China's actual record of collectivized agriculture, it is worth recalling the political rationale that lay behind it. As Mao presented the situation to his skeptical colleagues, collectivization was being driven by the irrepressible yearning of the poor peasants for a better life. Once again, as had been true twenty years before when he investigated the peasant movement in Hunan, Mao insisted that the peasants were out in front of the Communist party – and party cadres would have to catch up quickly unless they were to be trampled underfoot by a restless populace rushing forward along the road toward socialism. The impoverished peasants, he exclaimed, were performing what had once seemed impossible: chicken feathers were flying up to Heaven. As in Mencius, cosmic authority (Heaven) was linked to the well-being of the peasantry – and political leaders, if they were to retain their legitimacy, would have to get in step with peasant demands to protect and promote their livelihood.

For Mencius, peasant demands had been limited to *subsistence*. By Mao's time, the peasantry was seen as demanding not only subsistence, but *development* as well. Central to Marxism-Leninism is of course an appreciation of the dynamism of economic transformation. Peasants now rightfully expected to see an improvement in their livelihood -- and held government officials accountable to this higher standard. Mao cautioned that cadres would have to stop tottering along like women with bound feet if they were going to satisfy the peasants' escalating aspirations.

Today, more than thirty years after Mao's death, his ideas – not to mention those of the ancient Mencius – may appear somewhat dated. I have revisited these ideas because I believe that they offer some telling clues about contemporary Chinese politics. Chairman Mao's successors – Deng Xiaoping, Jiang Zemin, Hu Jintao and Wen Jiabao – have all emphasized economic development, and specifically poverty alleviation for the hard-pressed peasantry, as a cornerstone of their claim to political legitimacy. This was the rationale with which Deng Xiaoping launched his historic economic reforms in December 1978 – spearheaded by the household responsibility system for peasants in poorer parts of the countryside. When rural incomes soared in the early 1980s, Deng rejoiced that his reforms were off to a promising start. Although Western observers have often faulted the post-Mao leadership for a failure to promote democratization and the enlargement of political rights, Chinese leaders themselves appear far more concerned about aggressively pursuing socioeconomic objectives – especially the goal of ensuring that poor peasants enjoy a decent and improving livelihood. When Deng Xiaoping initiated his reforms, in sharp contrast to Gorbachev in the Soviet Union, he talked not of *glastnost* (political openness) or of *perestroika* (restructuring) but of *xiaokang* (or economic comfort).

In December 1979 Deng Xiaoping was asked by the Prime Minister of Japan about the meaning of China's so-called Four Modernizations, the catchy phrase that summed up the post-Mao reform effort. The Four Modernizations, as articulated by the late Premier Zhou Enlai, called for developing China's agriculture, industry, science and technology, and national defense. Some Chinese dissidents, such as Wei Jingsheng, criticized the Chinese leadership for not including a fifth modernization in its recipe for development: democratization. But Deng Xiaoping, in responding to the inquiry of the Japanese Prime Minister, mentioned none of these things. Instead, he replied this way: "The Four Modernizations that we want to implement are a Chinese-style of Modernization. Our concept of Four Modernizations is not the same as your concept of modernization. What we seek to realize is an economically comfortable family (*xiaokang zhi jia*)."[39]

The term *xiaokang* has an ancient lineage. It appears repeatedly in the Confucian classics. In both the Book of Rites (*Liji*) and the Book of Songs (*Shijing*), the term *xiaokang* refers to a type of society which, although not as perfect as the utopian Great Harmony (*datong*) – the ideal society that both Confucius and Mao were prone to invoke – is nevertheless the next best thing because it provides everyone with economic comfort.[40] In the Book of Songs the "economically comfortable family" (*xiaokang zhi jia*) is described as a household whose labors afford it a decent level of subsistence.

In January 1980, Deng gave concrete meaning to this concept. He explained his economically comfortable (*xiaokang*) standard as a per capita GDP for China of 1,000 US dollars by the end of the 20th century. Four years later, Deng backpedaled a bit, shaving a couple hundred dollars off his target. As he put it in October 1984: "We have established a clear political goal: to reach a per capita GDP of 800 US dollars by the end of this century, so that the people's livelihood

reaches an economically comfortable standard (*renmin shenghuo dadao xiaokang shuiping*). In June of 1986, he explained further: "By the year 2000 we plan to establish an economically comfortable society (*xiaokang shehui*). To be too ambitious won't work. We must seek truth from facts. A so-called economically comfortable society, although not wealthy, is able to make do. We are a socialist country. Our national income should be distributed fairly so as to allow all the people to benefit -- without some people becoming too rich and others too poor."

A similar rationale was embraced by Deng's successor, Jiang Zemin, when he announced his Great Western Development Strategy in June of 1999. Jiang's "Great Leap West" called for massive state investment, foreign loans and private capital to be diverted from the rich coastal areas to the more remote regions of the interior countryside. The stated goals of Jiang's ambitious policy were to "increase the income of the population" and "bring prosperity to all nationalities."[41] In his final speech as General Secretary of the CCP, Jiang updated Deng's *xiaokang* target, pledging to turn China into an "economically comfortable society" with a GDP of US$ 4 trillion by the year 2020.[42]

In the run-up to the 16th Party Congress in the fall of 2002, an article in the Communist Party newspaper, *People's Daily*, announced that "the ancient Chinese ideal of an economically comfortable society (*xiaokang shehui*), revitalized by the country's late leader Deng Xiaoping, is likely to be a hot topic at the 16th National Congress of the Communist Party of China."[43] At the 16th Party Congress the new Chinese leadership, in keeping with Jiang Zemin's parting pledge, set forth the goal of establishing an "economically comfortable society" by the year 2020. Appropriately enough for a 16th Party Congress, sixteen targets were announced. For example, whereas in 2002, China's per capita GDP stood at 8,000 yuan,[44] by 2020 it is supposed to soar to 24,000 yuan. While in 2002, per capita peasant income was a mere 2,476 yuan, by 2020 it is

projected to reach 6,860 yuan. And so on. Still, compared to Jiang's paramount interest in economic growth, his successors have put greater emphasis upon socioeconomic well-being. At the last party congress, several central leaders pointed out that peasants lag behind city dwellers not only in terms of income, but also in access to medical care, education, and other key indicators of human welfare.

Although the aim of an economically comfortable society is considerably less ambitious than the utopian Confucian (or Communist) vision of a "Great Unity," in directing attention to the plight of the peasantry the Chinese leadership draws at least as much inspiration from Mao Zedong as from Mencius. Both Premier Wen Jiabao and President Hu Jintao have made highly publicized trips to poor rural areas that once served as Mao's revolutionary bases -- underscoring the central government's deep concern for the livelihood of the struggling peasantry and its avowed commitment to socioeconomic justice. On a visit to the site of the former Jiangxi Soviet in the summer of 2003, Hu Jintao enjoined officials at all levels of the party to "carry on the revolutionary tradition." As Hu put it, "Comrade Mao Zedong and other revolutionaries of the elder generation not only made historical achievements by realizing national independence and liberation, but also bequeathed to us precious spiritual wealth." A front page article in *People's Daily* elaborated on Hu's remarks: "such revolutionary spirit and tradition, which were fostered through arduous struggles, provide strength for overcoming difficulties and risks of all kinds in our way forward."[45]

The current leaders of China are acutely mindful of the decisive role of the peasantry in facilitating – or forestalling – overall national progress. At the 10th National People's Congress in March 2006, Premier Wen Jiabao set forth the guiding policy of "building a new socialist

countryside." In an international press conference held at the conclusion of the NPC, the Premier explained:

> The issues concerning agriculture, rural areas and farmers are fundamental ones bearing on the overall interests of China's modernization drive . . . The development of rural areas . . . will facilitate our efforts to build an economically comfortable society (*xiaokang shehui*) in the countryside and modernize China's agricultural sector. This is a significant step in terms of the overall modernization of the country. . . To build a new socialist countryside . . . we need to respect . . . the will of the people in rural areas . . . We need to . . . deliver tangible benefits to farmers. . . And we need to use this as a yardstick to measure our progress and performance."[46]

A year later, Wen's two-hour keynote speech at the March 2007 National People's Congress struck a similar theme, repeatedly emphasizing the central government's concern for the "three rural" (*sannong*) –i.e., peasants (*nongmin*), agriculture (*nongye*), and countryside (*nongcun*): "We will focus on rural economic development and make substantial progress in building a new socialist countryside. We need to consolidate, improve and strengthen policies for supporting agriculture and giving favorable treatment to farmers, provide more support for agriculture, rural areas and farmers, and promote restructuring of agriculture and the rural economy."[47]

The central leadership is not shy about touting the Maoist bona fides of its "new socialist countryside" campaign. As one government report lauded the benefits of the program:

> By the side of the Red Well in Shazhoubei Village in Ruijin City, an old villager named Yang Qingpo could scarcely believe his eyes when he strolled around the newly built cement roads of the village. How could a village where he'd lived for over 60 years change overnight? The old toilets and dilapidated pigpens had been torn down and the garbage that had been piled high around all the houses was gone. Newly built houses were neat and clean . . . 'The new socialist village construction has brought us old folks great benefit. Thanks be to the Communist Party!' He touched the stone tablet next to the Red Well which read, 'When drinking the water, don't forget the one who dug the well. Think often of Chairman Mao.' He felt that it expressed his own deepest sentiments.[48]

In practice, the new socialist countryside initiative – which is often coercively implemented –

replicates some of the excesses and insensitivities toward the peasantry for which Mao's own campaigns were known.[49] Yet, conceptually, it shares with Maoism an overriding concern for peasant livelihood.

While Western critics express disappointment that China's leaders seem reluctant to devote the same attention to political reform that they lavish upon precise indicators of socioeconomic goals, those who are most affected by these policies – the ordinary Chinese people – may feel somewhat differently. If we examine the recent protests that have erupted in China, we generally find them framed in a language more reminiscent of Mencius or Mao than of Locke or Jefferson. In many rural protests, the symbolism of the Mandate of Heaven remains salient. Just a few years ago, peasant protesters in Hunan – in the manner of 3rd century BC rebels Chen Sheng and Wu Guang, who led the first peasant revolt recorded in Chinese history – swore an oath to Heaven and marched behind banners proclaiming "Prepare the Way for Heaven" as they pressed their demands for lower taxes on township and county offices. Their rhetoric was replete with Mencian resonance: "The people's anger overwhelms Heaven;" "If the people are impoverished, the realm should be anxious; if the people complain, the realm should be afraid." Equally interesting is the manner in which local officials responded to these challenges. In one Hunan county, authorities posted a sign outside the tax office saying: "Like the imperial grain tax, the state tax cannot be resisted."[50] But of course much has in fact changed since imperial days, and contemporary peasant protesters have other, more recent rhetorical weapons with which to fight their battles. In phrases redolent of Mao Zedong, today's protesters proclaim, "It is right to rebel!"; "All Power to the Peasants;" "The Peasants are Clear Sighted;" "Down with the new landlords!"[51]

Peasants are not the only protesters to draw inspiration from the Chinese tradition of distributive justice. A protest by displaced workers at a knitting mill in Chongqing in 1992 was one of many such incidents that have erupted in depressed industrial centers around the country in recent years. The factory announced in November 1992 that it was declaring bankruptcy and that its 3,000 workers would have to seek alternative employment on their own. Moreover, retired workers were to be reduced to monthly stipends of only 50 yuan, in contrast to original levels of 150 to 250 yuan. To protest these reversals, a petition movement was launched:

> The retired workers who led the demonstration procession knelt down before the armed policemen, pleading tearfully that they only wanted to lodge a petition to be able to receive their original pensions and only hoped for *the right of subsistence* . . . The retired workers said that the pensions represented the work accumulation that they had made in the past decades and belonged to part of the surplus value they had created . . . Workers on the job said: We just worked according to orders, and business losses were caused by mistakes in the economic plan for guiding production; the blame should not be placed on the workers. The state should be responsible for the future of the workers and should provide them with jobs and training, thus guaranteeing workers' *basic right of survival*.[52]

While arguments about surplus value and the economic plan reflect the influence of Marxism and Communism, demands claiming a fundamental right to subsistence – presented on bended knee – have a much older pedigree.

We find numerous expressions of this Mencian claim in urban as well as rural protests. A report in 1995, for example, noted that "workers in Liaoning and Sichuan often took to the streets and staged demonstrations to express their resentment. They called for 'being able to get food for survival.'"[53] Sociologist Ching Kwan Lee concludes in a recent survey of labor unrest in China that "subsistence rights occupied top priority in the slogans."[54] In foregrounding subsistence demands, today's workers are echoing long established protest frames. In the first major industrial strike instigated by Mao and his comrades – the Anyuan coal miners' strike of 1922 -- the strikers (who were among the best compensated workers of their day) issued a manifesto that

proclaimed: "We want to live! We want to eat! Now we are starving! Our lives are in danger! Seeking life in the midst of death, we have no choice but to take up the weapon of last resort – to strike."[55] During recent pension protests at the Anyuan mine, retired miners demanding higher compensation highlighted the gap between the image of *xiaokang* prosperity put forth by the Communist Party leadership and their own dismal circumstances.[56]

In contemporary Chinese labor protests, moral economy claims to subsistence are often laced with Marxist rhetoric: "Workers are the masters of the country;" "Yes to socialism, no to capitalism!" "Long live the working class."[57] Frequently the catchwords of the central leadership are invoked, as in the recent Anyuan pensioners' demonstration: "Strengthen the Three Represents! We want to eat, and we also want to move toward economic comfort (*xiaokang*)!"[58]

The slogans that appear to resonate most strongly with officials, however, are those that avow an age-old claim to a basic livelihood. A newspaper report on a series of labor protests in the northern industrial city of Shenyang gave the following account:

> Workers have marched on government offices to protest against their wretched living conditions. . . Soft-hearted officials could not turn away the request for subsidies and wages . . . The mayor of Shenyang declared, "The people are ours. They must at least be able to eat."[59]

To be sure, the protests sweeping both urban and rural China today spring from multiple causes and are manifested in many different ways. In the countryside, with the recent abolition of the state agricultural tax, land disputes have replaced tax protests as the primary trigger of collective violence. Even so, the insistent demand for socioeconomic justice – framed as a moral claim to subsistence – is a thread that binds many of these otherwise disparate incidents together. Although the land disputes concern property rights, they tend to be presented in moral economy terms. In a recent protest against the seizure of collective land in Guangdong's Shunde county, for example, villagers complained to higher-level officials that local cadres "don't care if the

peasants are without land and livelihood."[60] In a land dispute near Shenzhen, a protester explained to a foreign journalist, "I have no choice. I have an obligation to fight for our land, along with my fellow villagers. We have to keep fighting until we get our land back. This is the root of our life."[61] In response to the spate of land conflicts, Premier Wen Jiabao declared that "some locales are unlawfully occupying farmers' land and not offering reasonable economic compensation and arrangements for livelihood, and this is sparking mass incidents in the countryside . . . We absolutely cannot commit a historic error over land problems."[62] Wen's speech was followed by a deluge of state-issued pledges for the construction of a new, more just "socialist countryside." The articulation of a well-recognized right to a decent livelihood indicates that, despite the Chinese government's apparent lack of concern for human rights as Americans may define them, the country is not necessarily suffering from a moral vacuum.[63] Despite America's own persistent problems of poverty and homelessness, we do not see many social movements in the contemporary United States focused on a demand for economic justice. Instead, collective actions generally center on claims of individual civil rights. Take, for example, the numerous – and sometimes violent – confrontations surrounding the question of abortion. "Pro-life" advocates put forth claims on behalf of an unborn child's "natural right" to life, whereas "pro-choice" advocates advance claims on behalf of "reproductive rights" – or a woman's "natural right" to control her own body. Fierce as the conflict is, both sides agree that the proper role of government in this bitter controversy is to protect inalienable individual rights (whether by upholding or by overturning the Roe *v.* Wade Supreme Court decision of 1973). Consider another persistent source of unrest in contemporary America -- the extremist militia groups which have mushroomed across the land in recent years. Armed militias claiming Jeffersonian roots have been linked to a string of terrorist attacks against the U.S. federal

government.[64] Insisting that their activities conform to the spirit of the American Revolution, these groups honor an individual's right to bear arms in defense of freedom (enshrined in the Second Amendment) as the central cause and lasting legacy of the Revolution.[65] As a member of the Missouri Fifty-First Militia puts it, "the primary trigger for the Revolution was the same as it is today: you don't mess with a free man's right to keep and bear arms."[66] In the eyes of their militant members, these maverick militias stand as guardians of a natural right to personal liberty against an oppressive federal government. The literature produced by such groups makes frequent reference to an eighteenth-century republican ideology that saw the armed citizen as a people's best protection against despotism. Thomas Jefferson's call to arms is quoted with particular fervor.[67]

In America, even fundamentally economic protests are framed as a question of civil rights. Take the case of the "California Tax Revolt," whose successful challenge to escalating property taxes (with the passage of Proposition 13 in 1978) ignited similar protests across much of the U.S.[68] The leader of the movement, Howard Jarvis, justified his activities not with socioeconomic arguments, but in terms of a struggle by rights-bearing citizens against tyranny: "The entire basis of free government in America was being destroyed by virtually unlimited taxation, which can only lead to . . . dictatorship.[69]

In arguing for a significant difference between mainstream Chinese and American conceptions of rights, and their implications for popular protest, I do not mean to suggest that all (or even any!) Chinese think only about socioeconomic security, to the exclusion of all other concerns. That would be just as silly as to suggest that Americans care only about political freedom and eschew all material interests. The example of China's Tiananmen Uprising (led by students demanding democracy) or of America's pay equity campaign (led by women demanding equal pay for equal

work) is enough to dispel any such misunderstanding.[70] But there is nonetheless, I believe, an important difference in emphasis between our two political cultures -- manifested not only in abstract philosophical discourse but in political rhetoric and popular protest as well.

For that reason, I am skeptical of a central theme in much of the recent American social science scholarship on China, suggesting that the popular discourse of "rights" observable in recent protests indicates a newfound claim to citizenship that poses a fundamental challenge to state authority.[71] Such arguments, I believe, overstate both the novelty and the political threat posed by such protests. Kevin O'Brien and Li Lianjiang, in their study of rural protest in contemporary China, note that "the notion of being a citizen is seeping into popular discourse" and urge that "we should not underestimate the implications of rising rights consciousness and a growing fluency in 'rights talk' in a nation where rights have traditionally been weakly protected" -- on grounds that "today's rightful resistance could . . . evolve into a more far-reaching counterhegemonic project."[72] David Zweig attributes China's "current political and social dilemma" to "the confrontation between an emerging 'rights conscious peasantry' and rapacious or entrepreneurial bureaucrats."[73] Maria Heimer highlights the possibility that "growing rights consciousness in the Chinese countryside may contribute to significant political changes."[74] Merle Goldman argues in her book, *From Comrade to Citizen*, that "one of the major changes in the last two decades of the twentieth century was a growing sense of rights consciousness, particularly of political rights" among the Chinese population at large. The rapid and widespread development of citizenship and civil society, she contends, has the potential "to produce in China changes as profound as those that occurred earlier in Eastern Europe."[75]

The impact of China's 1995 Labor Law on the swelling tide of labor disputes has attracted particular attention from observers in this country.[76] Mary Gallagher sees the new law,

and related legal institutions, as helping to generate "increased societal conflict and rising rights-consciousness among Chinese workers . . . .[W]orkers are increasingly likely to use these new institutions to press for the protection of their rights and interests."[77] Bolder claims appear in journalistic reporting on China; a recent *Business Week* article, mindful of the precedent of Solidarity in Poland, speaks glowingly of "a new labor-rights revolution sweeping China."[78]

There is no doubt that the terms "rights" (*quanli*) and "citizen" (*gongmin*) suffuse both official and popular discourse in contemporary China. But workers who demand that as "citizens" they have a "right" to eat would seem to be following more in the moral economy footsteps of Mencius and Mao than in the liberal tradition of Locke or Jefferson. In a series of newspaper articles that Mao Zedong published in 1922 to promote the idea of a national labor law, Mao (drawing upon the international socialist discourse of his day) identified three "rights" (*quan*) that such a law would guarantee: (1) the right to subsistence (*shengcun quan*); (2) the right to work (*laodong quan*) ; and (3) the right to the entire proceeds of one's labor (*laodong quanshou quan*).[79] Surely, then, we should not impute to the discussion surrounding China's latest labor law some new sense of citizenship rights heralding a democratic revolution-from-below. Indeed, when Sociologist Ching Kwan Lee, impressed by the "constant invocation of law and legal rights in workers' interaction with local officials," suggested to some protest leaders that they were fighting for citizens' legal rights, she was greeted with ridicule: "Workers' thinking is not that advanced!;" "Legal rights? What is legal, where is the law?"[80] The 1995 Labor Law makes clear that its provisions are designed to facilitate state goals: "This Law is hereby formulated in accordance with the Constitution in order to protect the legitimate rights and interests of laborers, readjust the labor relationship, establish and safeguard the labor system to suit the socialist market economy, and promote economic development and social progress."[81]

China's pervasive moral economy protests, framed in a language of "rights," have often demanded (sometimes successfully) the removal of unpopular lower-level officials. Rarely, however, have they questioned the ruling authority of either the Communist Party or its ideology. In this respect, contemporary protesters bear some resemblance to imperial-era rebels. The endemic unrest that punctuated the history of imperial China often led to the replacement of particular officials (and very occasionally even of dynasties), while at the same time retaining and reinforcing certain basic principles of the Confucian order. Writing in the middle of the 19th century, the English Sinologist Thomas Meadows offered the following explanation for the remarkable longevity of the imperial Chinese system: "In China . . . it is precisely the right to rebel that has been a chief element of a national stability, unparalleled in the world's history."[82] While one would be foolhardy to forecast for the current political order anything approaching the lengthy lifespan enjoyed by the imperial system, it does nonetheless appear that today's patterns of protest – still animated by a widespread appreciation of "the right to rebel"[83] – may prove more system-supportive than system-subversive. In an authoritarian polity, where elections do not provide an effective check on the misbehavior of state authorities, protests can help to serve that function – thereby undergirding rather than undermining the political system.[84] Moreover, the current central government's willingness to respond to some of the protesters' key grievances, witnessed most dramatically in the 2006 abolition of the age-old agricultural tax followed by the promulgation of a new property rights law, points more toward political flexibility than toward fragility.

The Chinese state itself actively encourages a conceptual linkage between "livelihood" and "rights." At a government-sponsored art exhibition held in Beijing in February, 2003 to celebrate the first anniversary of the founding of the officially-authorized Chinese journal,

*Human Rights*, the editor-in-chief (speaking beneath portraits of Mao, Deng, and Jiang) praised the exhibits for portraying "stories in which the Chinese government and the Chinese people fight for human rights (*renquan*). Graphically, they reflect the spirit of the Chinese people in striving for a *xiaokang*, or economically comfortable standard of living, and a vigorous development of the human rights under-taking in China."[85]

This is not to deny that the pervasive "rights talk" in contemporary China, officially encouraged though it is, may serve to stimulate even further popular protest. Indeed the Chinese term for "human rights" (*renquan*) also carries the possible meaning of "people's power." However, expectations of welfare provision *from* the state (i.e., what T.H. Marshall called "social citizenship") clearly cannot be equated with demands for legal protections *against* the state ("civil citizenship") – nor with demands for political participation *in* the state ("political citizenship"). Moreover, in China even "political citizenship" (e.g., the right to vote, to file petitions, to stage protests, to establish associations, etc.) is generally understood as a state-conferred privilege rather than as a natural or inalienable prerogative. Andrew Nathan points out that "political rights in China were consistently regarded as a grant given by the state to the citizens, to enable them to contribute their energies to the needs of the nation."[86]

The Chinese term for "citizen" (*gongmin*) – literally a "public person" – connotes collective membership in the polity, rather than a claim to individual or inalienable rights *vis a vis* the state. Although the term "rights" (*quan* or *quanli*) did not figure centrally in Mencius, it has played an important role in Chinese political discourse since its introduction in the mid-nineteenth century by the American missionary, W.A.P. Martin.[87] But the meaning of the term *quan* (as is also true of the term "rights" in Western philosophical discourse) was from the start inconsistent.[88] Even Martin sometimes used the character *quan* to translate the English word

"authority" as well as "rights."[89] And Chinese thinkers who contributed to what Marina Svensson has characterized as "a rich and internally contested debate on human rights since the late Qing dynasty,"[90] often did so within a Confucian – specifically Mencian – framework.

Liang Qichao, modern China's most influential proponent of "rights consciousness" explicitly linked his concept to Mencius' understanding of human morality.[91] Liang's notion of rights implied an ethical responsibility toward the collective good, rather than a protection of individual freedoms: "As rights consciousness gets increasingly developed, people's duties become increasingly strong."[92] This understanding of rights as an expression of group unity, rather than of personal liberty, can be seen in Republican-period popular discourse as well. The Anyuan coal miners, whose 1922 Communist-inspired strike manifesto had highlighted subsistence claims, savored their historic victory with a return-to-work manifesto which pledged a continuing struggle for collective rights: "Starting today, let us tighten our group unity, a multitude with but a single mind, to struggle for our own rights!"[93]

Liang Qichao was certainly not the only modern Chinese thinker to develop a conception of rights as a cornerstone of his philosophy. But regardless of variations in partisan leanings, and despite the growing influence of Western ideas on this discussion, political rights in modern China were consistently regarded as bound up with a moral responsibility to the larger political community. The anarchist Liu Shipei credited Mencius (via Wang Yangming) with an ethical understanding of human nature that underpinned his own views of rights as inextricably tied to mutual and collective responsibilities on the part of rulers and ruled alike.[94] The co-founder of the Chinese Communist Party, Chen Duxiu, concluded that it was necessary for the sake of the nation to "sacrifice a part of the rights of individuals, in order to protect the rights of the whole citizenry."[95] A similar perspective, in which the state is both the benefactor and the beneficiary of

citizen rights, permeates official Chinese state discourse. Examining China's national constitutions from the late Qing through the PRC, Nathan observes that "in none of the constitutions were rights considered to be derived from human personhood; they were derived from citizenship in the state . . ."[96]

Stephen Angle's careful study of the philosophical origins and implications of Chinese conceptions of human rights since the Song Neo-Confucianists argues persuasively that "Chinese rights discourse is not merely an imperfect attempt to mirror Western ideals . . . [it] has a coherent history and is made up of Chinese concepts and concerns . . . China has a rich and distinctive rights discourse."[97] This is of course not to suggest that Chinese conceptions of rights are entirely consistent, unchanging, or impervious to foreign influence. However, rather than assume that the invocation of "rights" in contemporary China bears a close affinity to Anglo-American conceptions of human rights and civil society, which *ipso facto* imply a liberal critique of overweening state power, we should be alert to the distinctive origins and implications of "rights talk" in other cultural and political contexts.

In a country where rights are seen more as state-authorized channels to enhance national unity and prosperity than as naturally endowed protections against state intrusion, popular demands for the exercise of political rights are perhaps better seen as an affirmation of -- rather than an affront to -- state power. For this reason, I prefer to characterize the framing of protest in contemporary China as "rules consciousness" rather than "rights consciousness."[98] In 2004, the Anyuan protesters presented a petition to the Pingxiang Mining Company and its Communist Party Committee:

> Please permit us, along with the majority of retired workers across the country, to enjoy the newly designated wage standards. If you ignore this, and refuse to resolve the issue of our legitimate rights and interests . . . at an appropriate time, in accordance with our constitutionally given rights, we will organize a large-

> scale protest demonstration. We will enlist the assistance of the media in upholding justice. And we may ask relevant government agencies to investigate the insider economic machinations of the Company. This is the democratic and legitimate supervisory authority given to us by the Chinese Communist Party. Of course a confrontation is not our first choice; our first choice is a peaceful livelihood."[99]

In their various manifestos, the Anyuan retirees stressed that their protest was purely a demand for economic justice, as promised by the state; it therefore posed no threat to political stability. An activist explained, "We're seeking wages and welfare, not power (*quan*) or politics. We are asking for permission to stage a demonstration. We may not receive it, but the right to request it is stipulated in the national constitution."[100]

It is of course entirely possible, indeed probable, that Chinese protesters – like their counterparts around the world – often parrot the language of the state in order to maximize the chances for a favorable outcome and minimize the likelihood of repression from otherwise hostile officials. Even so, it would seem unwarranted (and quite misleading) to read into their impassioned pronouncements something resembling an Anglo-American "rights revolution." Taken seriously on its own terms, widespread popular protest in China points neither to an indigenous moral vacuum nor toward an epochal clash with state authority.

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**Notes**

[1] For a small sampling of this large literature, see Perry and Selden 2003; Gries and Rosen 2004; and O'Brien and Stern forthcoming.
[2] See, for example, Gilley 2004, 45 ff.
[3] See, among many others, Goldman 2007, 71ff.
[4] Information Office of the State Council of the People's Republic of China. 2000. Emphasis added.
[5] See, for example, the reaction by Human Rights Watch: http://hrw.org/english/docs/2001/04/10/china242.htm
[6] U.S. Department of State. 2002.
[7] Information Office of the State Council of the People's Republic of China. 2002.
[8] In March 2006, Condoleezza Rice issued the 2005 State Department report branding China as one of the world's worst human rights offenders. The Chinese response painted America as a nation riddled with violent crime and racial discrimination, embroiled in a scandal over the presidential authorization of the wiretapping of some domestic phone calls, and patrolled by brutal policemen who shoot dead infants, bash retired teachers and abandon prison inmates (in New Orleans) as flood waters rise. As journalist John Taylor put it, "You can almost say 'one report

deserves another.'" See "Correspondents Report" (March 12, 2006) in http://www.abc.net.au/correspondents/content/2006/s1589404.htm.
[9] Information Office of the State Council of the People's Republic of China, 2004. Emphasis added.
[10] On the 19th century formulation, see Schwartz 1964. On Mao's drive to power, see Schwartz 1951.
[11] Marshall 1964.
[12] Fleischacker 2004, Chapter 2.
[13] Fleischacker 2004, 2.
[14] Munro 2001.
[15] Wong 1999, 97-122.
[16] Hartz 1955, 11.
[17] Locke 1960.
[18] Wong 1997, 97.
[19] Mencius, Book I, Part I, chapter 7, verse 3.
[20] Mencius, Book I, Part I, Chapter 7, verse 21.
[21] Mencius, Book V, Part I, Chapter 5, verse 6.
[22] Mencius, Book VII, Part II, Chapter 14, verses 1-2.
[23] Mencius, Book IV, Part I, Chapter 7, verse 5.
[24] Mencius, Book I, Part II, Chapter IV, verse 5.
[25] Mencius, Book I, Part II, Chapter 4, verse 6.
[26] Schwartz 1964, 11.
[27] In fact, "so close is the Declaration of Independence to Locke in form, phraseology, and content, that Jefferson was accused of copying the *Second Treatise*." Peardon 1952., xx.
[28] Jefferson 1787.
[29] Schwartz 1968, 172.
[30] Munro 2000.
[31] Again it is important to note that Mencius did not employ the term "rights" (*quanli*); nonetheless he viewed peasant rebellion in the face of poverty as a natural occurrence. Mao held a considerably more positive view of rebellion; as he put it: "Marxism has hundreds and thousands of principles, but they can be summed up in one sentence: 'it is right to rebel' (*zaofan youli*)!"
[32] Mao 1971, 23-24.
[33] Mao 1971, 29-30.
[34] Mao 1971, 34-35.
[35] Schwartz 1951,188-204 emphasized Mao's embrace of a "purely peasant mass base" as the heart of his distinctive revolutionary approach.
[36] Mao 1971, 389-90.
[37] Mao 1971, 394.
[38] Mao 1971, 422-24.
[39] *Beijing Times* (November 10, 2002).
[40] On Mao's invocation of the concept of "Great Harmony," see Wakeman 1973.
[41] *People's Daily Online* (September 16, 2000; May 21, 2002); *China Development Brief* (October 1, 2000).
[42] *People's Daily Online* (November 8, 2002).
[43] *People's Daily Online* (November 6, 2002).
[44] In 2002, 8,000 *yuan* was equivalent to $ 960 (U.S.).
[45] *Renmin ribao* [People's Daily] (September 3, 2003).
[46] *People's Daily Online* (March 15, 2006).
[47] *China Daily Online* (March 19, 2007).
[48] Zhang, Luo and Gong 2005, 8.
[49] Han 2006, 36-38.
[50] Yu 2003.
[51] Ouyang 1991, 55; Shih 1993, 40.
[52] Niu 1993, 67. Emphasis added.
[53] "Dispatch from Beijing: 'Labor Unrest Reportedly Occurs in Liaoning and Sichuan'". 1995. In *Lianhe bao* (Hong Kong), translated in *Foreign Broadcast Information Service* (May 8), 42-43.
[54] Lee 2003, 80.
[55] Pingxiang City Chinese Communist Party Editorial Group. 1990. Vol. 1, 41.

[56] *Qunzhong liyi wuxiaoshi* [The prerogatives of the masses are no trifling matter], unpublished protest manifesto (Anyuan: June 2004).
[57] Lee 2003, 81.
[58] Yu 2006. 365.
[59] Sun and Ma 1995, 24.
[60] *Radio Free Asia*, November 9, 2006.
[61] Luis Ramirez, *Voice of America*, August 13, 2006.
[62] Buckley 2006.
[63] Edmund Fung observes that "While Marxism is a dead letter in the PRC, democratic socialist values are not." Fung 2006, 479.
[64] Crothers 2003.
[65] In fact, the Second Amendment to the U.S. Constitution guarantees a collective, not an individual, right to bear arms: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."
[66] Mulloy 2004, 47.
[67] Hamilton 1996, 1.
[68] Sears and Citrin 1985, 226-235.
[69] Jarvis 1979, 7.
[70] Calhoun 1994; Mc Cann 1994. But it is important to note that pay equity was also presented as an individual right to equal treatment under the law, rather than as a collective economic right. See Weir 1992 for an analysis of the persistent failure of a general "right to work" movement to take hold in the United States.
[71] Of course this argument is not made in precisely the same way, or to the same degree, by every author. Still, Merle Goldman's conclusion that "a growing consciousness of citizenship and organized efforts to assert political rights . . . . signify the beginnings of a genuine change in the relationship between China's population at large and the state at the beginning of the twenty-first century" is shared by much of the mainstream scholarly literature. Goldman 2007, 74.
[72] O'Brien and Li 2006, 126-127. In a thoughtful footnote (pp. 117-118), O'Brien and Li provide a discussion of the meaning of rights in a Chinese context that is quite compatible with central arguments in this paper.
[73] Zweig 2003, 132.
[74] Heimer and Thogersen 2006, 68.
[75] Goldman 2005, 2, 24.
[76] Lee 2002.
[77] Gallagher 2005, 121, 158.
[78] Roberts 2005.
[79] Hunan Federation of Trade Unions, ed., *Hunan yundong shiliao xuanbian* [Selected historical materials on the Hunan labor movement] (Changsha: 1984), vol. 1: 148-149.
[80] Lee 2007, 116.
[81] *Labor Law of the People's Republic of China*, promulgated on January 1, 1995.
[82] Meadows 1856, 27.
[83] The classical phrase "It is right to rebel" (*zaofan youli*) – sometimes translated as "to rebel is justified" – was deployed by Mao Zedong at the start of his Cultural Revolution to encourage student Red Guards to attack "capitalist roaders." For a recent history of the Cultural Revolution, see MacFarquhar and Schoenhals 2006.
[84] The much ballyhooed village elections, it should be noted, are seldom fully democratic procedurally, and in any case do not extend beyond the village committee – which is not part of the formal state structure (the lowest rung of which is the township government).
[85] http://www.humanrights-china.org
[86] Nathan 1985, 107.
[87] Angle 2002, 3.
[88] Huang 1994.
[89] Angle and Svensson 2001, xv.
[90] Svensson 2002, 2.
[91] Angle 2002, 153-154.
[92] Liang Qichao, "On Rights Consciousness;" quoted in Angle, 2002: 159.
[93] Pingxiang City Chinese Communist Party Editorial Group 1990, volume 1, 45.

[94] Liu Shipei, "The Essentials of the Chinese Social Contract" and "Textbook on Ethics;" quoted in Angle 2002, 172-175.
[95] Chen Duxiu, "The Direction of Contemporary Education;" quoted in Angle 2002, 186.
[96] Nathan 1985, 111.
[97] Angle 2002, 206-207; 250-251.
98 Perry 2007, 20-21.
[99] Yu 2006, 372.
[100] Yu 2006, 417.

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