

Charter 08: A Human Rights Charter that Excludes the Working People

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Last November, dozens of well known Chinese intellectuals launched the Charter 08 to call on Chinese government to respect basic civil and democratic rights [1]. Soon afterwards the core leader of the appeal, Liu Xiaobo, was arrested and remains in custody until now. Anybody who claims to be a defender of civil rights should protest against the arrest, since no one should be treated as a criminal simply for what they have spoken or written. We have reservation about parts of the Charter, but we condemn Liu's arrest by the authorities and their repression of the document. It is sad to see that Chinese writers associated with the well known 'new left' website Utopia have criticised the position of the Charter, but remain silent on the arrest, even implicitly applauding it. This is especially troubling as individual new leftists and their publications have faced the same kind of suppression in recent years.

We support those parts of the Charter 08 which uphold basic civil rights and democratic rights, first and foremost because without them the toiling masses have no means whatsoever to defend their direct or historical interests. Writers associated with the "Utopia" website continue to see the one party state as a solution to social problems created by the market reform. Hence they tend to downplay the importance of the struggle for civil and democratic rights. In the worst case, implicitly if not explicitly, they support the one party state in the name of maintaining social stability. This kind of statist critique of the Charter is something we do not share.

We will like to point out, however, an obvious shortcoming of the Charter: it does not bother to mention basic labour rights like the right to independent trade unions and collective bargaining. It only mentions in passing the right to strike, along with many basic rights. This is not accidental; rather, this is in line with the general position of Chinese liberals, who pay little attention to the plight of the working poor. It is also in line with their open hostility towards mass movements in general and the labour movement in particular. These are regarded as elements which may lead to senseless killings or 'class struggle' as they perceive it.

What is also lacking is a critique of the terrible polarization of wealth in the course of the capitalist market reform. In rural areas, Communist Party officials have expropriated agricultural surplus through direct taxes or through market measures to the extent of bankrupting farmers, leaving them no choice but to migrate to cities for jobs. These peasants are then expropriated a second time by the bourgeoisie under the prison-like factory regime. It is very clear that both the ruling party and the private business class benefit from the denial of basic rights to working people and farmers. To address this it is necessary to redistribute social wealth and recover these basic rights of working people. The Charter's silence on the vast injustices of sweatshops and the enrichment of the new bourgeoisie exposes its class bias, even though it attempts to speak for all citizens, the toiling masses included.

Point 14 of the Charter explicitly calls for Protection of Private Property: "We should establish and protect the right to private property and promote an economic system of free and fair markets. We should do away with government monopolies in commerce and industry and guarantee the freedom to start new enterprises. We should establish a Committee on State-Owned Property, reporting to

the national legislature, that will monitor the transfer of state-owned enterprises to private ownership in a fair, competitive, and orderly manner. We should institute a land reform that promotes private ownership of land, guarantees the right to buy and sell land, and allows the true value of private property to be adequately reflected in the market.”

All comparison between the old Czechoslovak Charter 77 and the Chinese Charter 08 is out of the question: Charter 77 never made such appeal. With this call, Charter 08 has become a tool for privatization and as such in service of the new rich and party officials. In place of the CCP's crony privatization the Charter 08 wants a “fair and competitive” privatization. It is not clear how it will be done. The Russian nomenclatura have already done this through its ‘voucher privatisation’, whereby the vouchers owned by ordinary people have simply ended up in the pocket of the new rich, along with their savings and job security.

Arguing for a fair-priced privatisation is simply repeating neo-liberal dogma. It is really ironic that the authors of Charter 08 have drafted this document at a moment when the greatest market failure since 1929 is unfolding on a global scale. Since 2008, prices have nosedived in the US and world housing and share markets, but neo-liberal governments have decided that these market prices are neither fair nor just; hence they waste billions of dollars to stop their further decline. It is a good guess that our Charter 08 friends would do the same if they were in power.

The Chinese liberals are not only unable to learn anything from the past and the present, they also exhibit a hugely undemocratic position when they call for the freedom of selling and buying of farmlands. It never occurs to them to ask whether this is also the wish of the 800 million peasants (of whom 200 million are ‘floating population’). Various surveys show that most of them do not like the idea at all. A rural migrant labour NGO has done a small survey showing that 64% of interviewees disagree with the free sale of land. 42% of those who disagree think ‘free sale of land will result in social polarisation of wealth and the return to old pre-1949 China’. The 1949 revolution, despite its shortcomings and despite the fact that many of its accomplishments have now been undone (notably job security), lifted Chinese society to a new historical plane by the elimination of pre-capitalist landlord ownership. In contrast, the Charter sees the 1949 revolution as entirely destructive and negative, a view which we cannot share.

As a matter of fact, the present arrangement of collective land ownership and the right of usage for individual households (the family contracting system) gives peasants both the guarantee that land would not be concentrated in the hands of the new rural rich through the free sale of land, and their right to their contracted plot of farmland and land for their house. The present laws also give the village committee an exclusive right to handle the collective farmland. Thus in many cases the peasants have succeeded in stopping land sales to the rich or to cronies of officials by exerting their rights through the committees. If the liberals succeed in persuading the CCP to adopt their call for free sale of farmland, then in practice this amounts to overthrowing the democratic rights of farmers, which is in opposition to what the Charter claims to want.

We are in favour of paying fair prices for agricultural products. Low prices have robbed peasants of the necessary surplus and cash to invest. To address this problem we need to look beyond the market, however, because the factors which contribute to the lack of market power for peasants really lie beyond the market and enter the realm of political power. In this aspect, the peasants' situation are worse than that of the workers: not only does the household registration system act as a kind of apartheid for them, they are also robbed of any kind of official representation in the party state altogether. While workers, youth and women each have their own ‘mass organisation’, and their official trade union head sits in the politbureau, the peasants, since 1949, have not had any kind of ‘mass organisation’ for them, although they comprised the Liberation Army that brought the CCP to power. For the peasants to be empowered, they not only need basic civil liberties, but also to

use these rights to organize themselves to defend their interests. In other words, we need a 21st century peasant movement, side by side with the workers' movement. This, however, is exactly what the liberals and the new rich most fear --- and ironically, equally shared by those new left who in fact are nationalists. Hence they try to shift the debate to the half-false issue of 'unfair market prices' or the entirely false issue of a 'lack of a free market in land'. We must, though, qualify our remarks by adding the comment that this is only false from the perspective of peasants; whereas it is entirely valid for both the local officials and private business. After privatizing the state owned enterprises and urban land, they are now looking for a third wave of privatization: the privatisation of rural land. Whereas the top leaders of CCP have not dared to risk rebellion by doing this, the liberals, in the service of local officials and the business elites, have been tirelessly pushing the government on this matter.

It is a gross exaggeration for some new left writers to condemn the authors of Charter 08 as serving US imperialism. Though some well-known intellectuals associated with the Charter once supported the US invasion of Iraq, one must in fairness recognize the fact that no part of the Charter can be interpreted as political support for the US. It is fair to say, however, that the Charter bears the birth mark of business elite with its clause on privatization. In this sense, its supporters look more like neo-liberals than liberals. Looking to the capitalists for support puts them in a self-defeating position, however. The new Chinese business elite, which owes its very own existence to the one-party state and the absence of civil rights for farmers and workers, is simply not interested in supporting the Charter's call for the realization of basic civil and democratic rights, which is the main reason why the circles of liberal intellectuals remain so small and powerless in the face of repression. Also, if the business elite wants to push forward their agenda of more privatisation, isn't lobbying the CCP mandarins or becoming the latter's cronies much easier and more practical than the risky act of endorsing the Charter? In her book *China's New Business Elite*, Margaret Pearson explains why the market reform and the birth of this class have not led to civil society or democratization:

"Members of China's business elite have shown few signs of becoming an independent, activist political force. They desire to escape from politics, not to engage in it or to create a 'civil society'...Having gained structural independence, they try to rebuild informal ties to the state. Members of the business elite are characterized by neither strong horizontal ties to each other, nor strong links to other societal actors, both of which we expect in an emergent civil society."

If the Charter authors remain true to their call for civil and democratic rights, the only forces they can rely on are farmers and workers, who for an extended period have been fighting against exploitation and state repression. The liberals do not welcome their struggles, however, fearing that any such movement would necessarily go beyond formal political rights and demand the re-distribution of wealth, in addition to promoting resistance to privatization. Thus the liberals end up where they were 20 years ago: not only hated by the one-party state, but isolated from all classes in society. The capitalists does not need their services, while farmers and workers are indifferent to them, if not altogether alienated by their neo-liberal agenda.

Footnotes

[1] This document is available on ESSF website: [China: Charter 08](#)