

Liu Xiaobo and “Charter 08”: Freedom of Expression and Cultural Relativism

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Abstract

Late Nobel Peace Prize laureate Liu Xiaobo represents the fate of a typical case of a dissident in contemporary China under the Communist regime. The Communist China regime always defends against any criticism of its human rights records, in particular freedom of expression cases like Liu Xiaobo, and brands any such criticism as “interfering with China’s internal affairs” and claims that China is a rule of law country, although what it really means is rule by law under an authoritarian regime but not the Western concept of rule of law. Through looking at Liu Xiaobo’s case and China’s defense of its human rights record with cultural relativist arguments, this article aims at arguing how the Communist China regime fails to address its increasingly significant role in the global community and how the current Chinese regime cannot deny the fact that it is also part of the universalist narrative of human rights concepts as being a core member of international organizations like the United Nations. Therefore, it can only reflect and represent the reality if China can acknowledge the fact that John Rawls’ theory on reflective equilibrium on justice is applicable instead of merely

defending itself with cultural relativism and defying the duty of fulfilling the obligation of being a major player in the international community.

Keywords: *China, censorship, freedom, dissidents*

1. Introduction

Dissidents in contemporary China have been facing various forms of restrictions on freedom of expression – from legal punishment by imprisonment to the censorship of their posts on social media or their messages in chat apps in smartphones to non-legal measures of being “invited to have tea” (*beihecha* / 被喝茶), the euphemism for being informally interrogated and warned, by state security police officers. Depending on how famous and well-connected the activists are, the levels and the means of restrictions can vary greatly.

In the most serious cases, activists in China are sentenced to long-term imprisonment for charges like “subverting state power” and “inciting subversion of state power”. The most famous example was late Nobel Peace Prize laureate Liu Xiaobo (劉曉波), who was sentenced to 11 years imprisonment in 2009. What Liu Xiaobo was accused of was taking part in drafting and signing the “Charter 08”, a blueprint of the outlook of China’s democratic and human rights development inspired by the ideas of the “Charter 77” of the Czech dissidents, including Václav Havel, late writer and former president of Czech Republic. The “Charter 08” was initiated by 303 public intellectuals and eventually signed by over 10,000 people in China and abroad despite it being blocked in China. In the verdict, the charge of “inciting subversion of state power” that Liu Xiaobo was accused of also included six articles he wrote and published in overseas Chinese websites that criticized the Chinese government.

The beginning of the "Charter 08" is a brief description of how universal values like freedom of expression and democracy were introduced to China in late Qing Dynasty and how these values were somehow incorporated in the Nationalist era under Kuomintang and how these values were eventually undermined under the Communist rule through various major political campaigns, including the Great Leap Forward, the Anti-Rightist Campaign, the Cultural Revolution and the Tiananmen crackdown. The document then offers a suggested blueprint for political reform that the authors aspired will lead to China's acceptance and incorporation of universal values like freedom of expression and democracy.¹

Liu Xiaobo and others who drafted the "Charter 08" represented the contemporary Chinese intellectuals who embrace the universal values. They believe these values are compatible with Chinese culture and can be incorporated into Chinese culture. In the foreword of the "Charter 08", the authors wrote: "A hundred years have passed since the writing of China's first constitution. The year 2008 also marks the sixtieth anniversary of the promulgation of the Universal Declaration of Human Rights, the thirtieth anniversary of the appearance of the Democracy Wall in Beijing, and the tenth of China's signing of the International Covenant on Civil and Political Rights. We are approaching the twentieth anniversary of the 1989 Tiananmen massacre of pro-democracy student protesters." These beliefs actually are not new in China. As written in the "Charter 08", people in the Qing Dynasty who strived to see the emergence of a Chinese nation-state like Kang Youwei (康有為) and Liang Qichao (梁啟超) and intellectuals and writers during the Nationalist era like Lu Xun (魯迅) and Hu Shi (胡適) also expressed their aspiration for these universal values. The question is whether these values are entirely alien to pre-modern Chinese culture and whether they only exist in modern China and are represented

differently by different regimes and different intellectuals.

Liu Xiaobo's experience is typical but also one of the extreme examples of restriction of freedom of expression in contemporary China. When he was considered a "black horse" in the Chinese literary circle while being a young scholar in the late 1980s, he experienced the rather open and liberal atmosphere. He could criticize other important writers – those who submitted themselves to the political reformers in the Communist Party and turned silent in certain topics – with very strong-worded comments although his writings still needed to go through the censorship process. He was supportive, although also critical of some its messages, of the pro-democracy movement in 1989, and he spent most of his time at the Tiananmen Square after he decided to return to Beijing while he was a visiting scholar at Columbia University in New York at that time (Béja, 2012). His expressions in his writings in the 1980s were much stronger than the words in the "Charter 08", of which he was one of the drafters, and the six articles, including "The CPC's Dictatorial Patriotism" (《中共的獨裁愛國主義》, 2005) published on websites such as those of *Observe China* and the Chinese edition of the BBC, that he wrote for which he was charged with "inciting subversion of state power" and given the 11-year imprisonment in 2009.² His conviction based on these writings attracted wide criticisms among public intellectuals and activists in China and abroad as well as the international community as it showed a typical example of silencing a dissident by a long prison sentence (Rosenzweig, 2012). However, he was awarded the Nobel Peace Prize, the first for a Chinese citizen, in 2010 when he was still only in the second year of his imprisonment. The treatment Liu Xiaobo received at the end of his life was among the harshest among dissidents in contemporary China. His family and his lawyers were only informed very late when he was diagnosed with late-stage liver cancer in May 2017 and his lawyers decided to make it public

in June 2017. Under pressure, the Chinese government agreed to arrange two medical experts from Germany and the United States to meet with Liu Xiaobo in the hospital. The two experts issued statements after the meeting that Liu Xiaobo expressed his wish to receive medical treatment abroad but the Chinese government did not realise his wish. Liu Xiaobo eventually died in a hospital in Shenyang on 13 July 2017. His body was quickly cremated two days later and the ashes were scattered into the sea near Dalian. His wife Liu Xia (劉霞) was under tight surveillance and was not allowed to meet anyone.

Liu Xiaobo's experience suggests how far the contemporary Chinese regime can do to silence influential dissidents. Disappearances and violence were reported experiences by some survivors of the Cultural Revolution but Liu Xiaobo's treatment was extremely rare and arguably unprecedented in decades after the opening-up policy adopted by Deng Xiaoping (鄧小平) in late 1970s and early 1980s. After the 1989 Tiananmen protests, hundreds and thousands of participants and supporters of the protests were detained, imprisoned or put on the wanted list. In 1998, dozens of founders and participants of the China Democratic Party were detained, imprisoned or put on the wanted list.

2. Liu Xiaobo and Charter 08 – Cultural Relativist Expression of Universal Understanding of Human Rights and Democracy

It is easy for cultural relativists to argue that the universal values of human rights and democracy are Western cultural and philosophical constructs and thus these values are in large culturally irrelevant or only extension of cultural colonialism in the post-colonial contexts. Instead of wholly dismissing the contemporary universal values on human rights developed by the United Nations, of which many of the non-Western countries are also members, we should also look at the fact that many

non-Western countries have signed or ratified many of the UN's international conventions and in some cases they were even heavily involved in co-drafting and voting on the text, thus endorsing and approving the texts of these universal human rights instruments. That should be the way to look at whether universal values on human rights and democracy are really alien to a culture.

“Charter 08” is in fact a cultural relativist expression of these universal values on human rights and democracy. The cultural background of the co-drafters of the charter is important. They are Chinese and predominantly Han Chinese and they all grew up and were educated under the Communist rule in China. They are very familiar with the cultural ideologies of the Communist Chinese regime. If the cultural appropriation of Marxism and Leninism may be arguably part of contemporary Chinese culture, we must argue why Marxism and Leninism, being European and originally alien to Chinese culture, can be justified as part of the contemporary Chinese culture and appropriated into Maoism and other Chinese state leaders' ideologies, while human rights and democracy are consistently branded as foreign and Western concepts that are described by the Communist Chinese regime as unsuitable for the Chinese society.

We should look at the content of the “Charter 08” as opposed to the Constitution of the People's Republic of China as cultural texts, in addition to merely constitutional and legal texts, to see how human rights and democracy are described in these texts, and thus study how these Chinese intellectuals and the Communist Chinese government differentially express their understandings and representation of human rights and democracy, even though they are in the same cultural contexts.

In the foreword of the “Charter 08”, the co-drafters gave a brief description of China's contemporary history. They first explained why

they wanted to release the charter in 2008, including the fact that the year marks the centennial anniversary of China's first constitution, when it was still under the rule of the Qing Dynasty, the sixtieth anniversary of the Universal Declaration of Human Rights, the thirtieth anniversary of the Democracy Wall Movement in Beijing and the tenth anniversary of the Communist Chinese regime's signing of the International Covenant on Civil and Political Rights. It also mentioned that it was the year before the twentieth anniversary of the 1989 Tiananmen crackdown on pro-democracy student protesters. It is a brief overview of the human rights development in contemporary Chinese history.

Whilst looking at the preamble of the Constitution of the People's Republic of China, we cannot see anything related to this part of history but the emphasis is on how the Communist Party of China succeeded in leading the Chinese people of all ethnicities (as "nationalities" in the official translation of the text), "under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, by upholding truth, correcting errors and surmounting numerous difficulties and hardships." And it also declares in the following line that "China will be in the primary stage of socialism for a long time to come."³ There is a brief mention about the 1911 revolution led by Sun Yat-sen (孫中山 / 孫逸仙) and the establishment of the Republic of China but the emphasis is on following sentence: "But the historic mission of the Chinese people to overthrow imperialism and feudalism remain unaccomplished." The rest of the preamble is all about China's vision to achieve this goal by the Communist Party. The General Principles come next as Chapter One of the Constitution with Article 1 declaring: "The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Disruption of the socialist

system by any organization or individual is prohibited.” Again, the emphasis is on the power of the Communist Party, regardless of arguably how representative workers and peasants are still in the party. The rights of citizens only come in Chapter Two of the Constitution, although with a lot of restrictions. The last clause of Article 33, the first article in the chapter, makes it clear: “Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and other laws.” It sets the condition of the protection of individual rights, that is to perform the duties set out by the Communist regime, while there is no mention of anything restricting the power of the Communist Party in the Constitution. Then, individual rights like voting rights, freedom of expression, freedom of religious belief and so on are all bound by this precondition.

In contrast, the fundamental principles of freedom and human rights are immediately described and explained in detail after the foreword, which depicts the contemporary Chinese history, in the Charter 08. After stating the basic freedoms, including freedom of speech, as protected in international human rights standards, it says: “Without freedom, China will always remain far from civilized ideals.” On human rights, it says: “Human rights are not bestowed by a state. Every person is born with inherent rights to dignity and freedom. The government exists for the protection of the human rights of its citizens. The exercise of state power must be authorized by the people. The succession of political disasters in China’s recent history is a direct consequence of the ruling regime’s disregard for human rights.”

As mentioned above, the co-drafters of the Charter 08 are Chinese intellectuals who are familiar with contemporary Chinese culture and history as demonstrated in the description of the historical events in contemporary China in the foreword of the charter. They pointed out why universal values of human rights and freedoms are significant to the

development of the contemporary Chinese society. No matter if people would agree with all the points covered in the charter, we cannot deny the fact that it is incorrect to simply blankly to state that universal values of human rights and freedoms, including freedom of expression, are merely Western constructs, unless we also would not consider Marxism and Leninism – which is stated as core values in the preamble of the Constitution of the People's Republic of China – as Western constructs, and thus not relevant to contemporary Chinese culture and society. The Charter 08 also discusses other values, such as democracy and federalism, in the text but I would not go into details in the discussion of those values as the focus of this paper is on the cultural relevance of freedoms and human rights.

3. Cultural Relativism vs Universalism of Human Rights

The debates on cultural relativism and universalism of human rights have never stopped since the Universal Declaration of Human Rights (UDHR) was discussed and adopted by the United Nations in 1948. The emphasis on individual rights in the UDHR is the usual point of debate on whether international human rights instruments like the UDHR and the two major covenants – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – are Western constructs and thus not culturally applicable to non-Western countries.⁴

However, although it is undeniable that there is cultural relativity in studying a broad range of topics, basic moral judgements should be universal based on principled and self-interested actions in addition to Kant's categorical imperative while there is a continuum on both extremes of cultural relativism and universalism.⁵ It is too simplistic to say that these international conventions and other international human

rights standards are only Western concepts and that they are only relevant to Western democracies. Instead, they are the cultural and ethical constructs that have been built on discussions, negotiations and power struggles among the states participating in the UN mechanisms and other international platforms.

4. Freedom of Expression of Political Speech: Universalist or Cultural Relativist?

Is justice impossible under political imbalance and in the case of freedom of expression and in cases like Liu Xiaobo? Contemporary theories of justice focus on whether justice can be achieved at all as deconstructive theorists, for instance, have argued for the impossibility of achieving justice (Balkin, 1994). Is it at all possible to achieve justice in Liu Xiaobo's case and numerous other cases of dissidents and human rights defenders? It is something that I argue in this paper that cultural relativism on human rights is largely a denial of the fact that all countries are nowadays much more global and connected thanks to technology comparing with the time when major international human rights instruments, such as the ICCPR and ICESCR, were drafted and adopted. Are the Kantian thoughts on moral rights and John Rawls' theory of justice relevant in the contemporary Chinese context under the global context? I would argue that due to the global context of increasing globalism and diminishing emphasis on nationalism, it is thus more difficult to justify rejecting some universal values, such as fundamental human rights, that are agreed on by states through international institutions, such as the United Nations, while accepting some other universal values, such as international practice on trade and commerce, which China comparatively accept. Unless, some states, like China, can justify why they can be part of the global community while adopting the

double-standards of accepting some universal values, such as international trade and commercial practices, while rejecting other universal values, such as human rights, but building their own narratives of these values.

As John Rawls argues in his theory of justice, individuals' rights should not be sacrificed in the excuse of protecting public good: "Each person possesses an inviolability founded on justice that even the welfare of the society cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or the calculus of social interests." (Rawls, 1971, rev. 2003: 3-4) In the context of contemporary China, even if the Communist Party regime would try to justify the detention of certain individuals, such as Liu Xiaobo and many other Han Chinese dissidents and numerous Uighurs and Tibetans and other ethnic minorities, it still owes an answer to why these individuals have been picked as targets of detention based on the vaguely defined charges that are obviously restricting freedom of expression, such as "subverting state power", "inciting subversion of state power", "separatism" or "inciting separatism". What justice can be done to these individuals when they are punished for simply expressing their views without any concrete evidence of doing any harm to the society? If what they have done can be construed as doing any harm to the society, such harm could have been manifested in the society even after they have been detained and sentenced to long imprisonment. However, we have never seen any concrete and credible evidence of such, if any, produced by the Communist Chinese government for detaining these individuals.

Cultural relativism is often built on the concept of hegemony and thus as a defensive response to universalism, which is often regarded as Western-dominated (Prasad, 2007). As China has become a world power, it is questionable how this defense for cultural relativism with regard to human rights, in particular freedom of expression of political speech, can still be justified. With China's increasing capital and influence in Africa and Latin America, the power relations in the international community have shifted from only domination by the US and other Western countries.

Not all forms of speech are accepted to be protected under the international law on freedom of speech. In addition to article 19 of the ICCPR which ensures the protection of freedom of speech, the international community also formulated other major universal principles, such as “The Johannesburg Principles on National Security, Freedom of Expression and Access to Information”, which justify certain restriction of speech in relation to the protection of national security, but as it is stated in principle 1(d) of the “Johannesburg Principles”: “No restriction on freedom of expression or information on the ground of national security may be imposed unless the Government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest. 2/ The burden of demonstrating the validity of the restriction rests with the Government.”⁶

The attempt of this article is not to diminish the importance of cultural relevance with regard to all human rights. In fact, we can find examples of advocating freedom of expression in the long period before the establishment of China the nation-state when some comparatively liberal emperors in some dynasties were open enough to accept criticisms by their officials and there was even the title of *jianguan* (諫官) for such officials whose designated job was to give advice and

criticism to the emperor, although some eventually risked their lives to give comments that the emperors actually did not want to hear. In other cultures, such as African countries, there are also issues of authority and the existence of entitlements in traditional society (Penna and Campbell, 1998).

When Liu Xiaobo was detained in 2008 and sentenced in 2009, it was during the time under the leadership of President Hu Jintao (胡錦濤) and Premier Wen Jiabao (溫家寶). The major propaganda on social stability of the time was to "build a harmonious society" (建構和諧社會). Following imperialist tradition to emphasize the dual moralism of Confucianism (*rujia* / 儒家) and Legalism (*fajia* / 法家), the Communist leaders tried to claim how "harmony" (*hexie* / 和諧) and moral virtues and obligation of propriety (*li* / 禮) can maintain social harmony and stability over individual choices. By drawing on Derk Bodde and Clarence Morris' studies on Confucianism and Legalism in China's imperial tradition, Eva Pils points out that "Confucian tradition provides a conceptual repertoire for moral constraints on power-holders, as well as for (limited) criticism of the government, without calling for any of the liberal mechanisms of good governance associated with the concept of rights. The legalist tradition was juxtaposed with this as it took a more favourable view of using law as a primary tool of political governance while emphasizing the importance of law applying equally to all." (Pils, 2018: 41)

5. Defense of Utilitarianism as a Form of Universalism

One of cultural relativists' arguments is based on the concept of utilitarianism in the simplest form as a form of universalism against the human-rights-based universalism. However, such arguments do not put separateness of persons as the important nature of human rights law

(Mullender, 2003). While it may be true that not all human rights are necessarily universal depending on the cultural contexts, the protection of some basic human rights should not be questionable in any cultural context, such as freedom from torture or other ill-treatment, arbitrary detention and enforced disappearances. Freedom of expression may be subject to different cultural contexts but the freedom of political speech should be dealt with as a specific form of freedom of expression and should not be regarded as culturally relativist. Political speech should not be a basis of detaining any individuals, regardless of any cultural contexts, especially when it does not promote any violence, as it can easily end up in miscarriage of justice and abuse of power by detaining the individuals for what they have expressed. Therefore, this essay's argument is closer to John Rawls' idea of "reflective equilibrium" while also acknowledging that it is inevitable to see there is a dichotomy of top-down and bottom-up understanding of rankings of human rights.

6. Human Rights as Concepts Based on Western Philosophies

The usual defense China uses to not emphasize individual rights like freedom of expression is that China is a rule of law country. However, China's definition of rule of law and justice by the Communist Party regime is in fact rule by law under authoritarianism. In order to legitimize their rule, the Communist regime keeps rejecting criticisms of its human rights records, in particular treatment of human rights defenders and dissidents like Liu Xiaobo, as interference of China's internal affairs by Western countries.

The usual arguments questioning the universality of human rights include the fact that the concept of "human rights" was developed from natural law, developed from Roman and Greek philosophies, and the ideas of the negative proposition of "freedom from" and positive

proposition of "right to" following the Western philosophical traditions of promoting civil and political rights resulting from the French, English and American revolutions in the 18th century and the rise of socialist thoughts on economic and social rights as a result of the exploitation in relation to capitalism in the 19th and 20th centuries. Solidarity rights came as the third generation of rights (O'Sullivan, 1998). China, although it was the Republic of China at that time, was among the states, members of the United Nations, that signed and endorsed the Universal Declaration of Human Rights in 1948. In addition, China is one of the five Permanent Members of the United Nations Security Council. With its strong commitment in the United Nations, it is questionable how double-standards could be applied when it is put under scrutiny of its human rights records by claiming its cultural relativist approach on human rights when it also takes parts in the United Nations to scrutinize the human rights records of other states with the universal international standards applied to all state parties in the United Nations.

It is not only authoritarian regimes like China who would challenge the concept of universality of human rights but some academics have also tried to argue that the universality of human rights could be easily dismissed as concepts developed from liberal and Western philosophies, in particular developing from the texts like the American Declaration of Independence of 1776 or the French Declaration of the Rights of Man and of the Citizen of 1789 or other contemporary international human rights documents (Brown, 1997). However, many aspects have been ignored in such arguments, such as whether certain rights have also existed in many non-Western cultures even before these international texts existed. The defense of defying the requirements based on critiquing the universality of the contemporary human rights documents and concepts derived from these texts are simply false statements and against what John Rawls described as "justice as fairness". By joining

the United Nations, whether as a pragmatic need or a social ideal, the governments which are members of the United Nations and signatories of the UN's international conventions and other human rights agreements have entered a social contract.

There is no coercion in signing or ratifying an international convention. China signed the International Convention on Civil and Political Rights in 1998 but has not yet ratified it despite repeatedly claiming to be making conditions to be ready to ratify it. There is no consequence for not ratifying the convention or any other convention. The practice is to complete a voluntary decision by the states. Joining and signing these international conventions are an international agreement that is what John Rawls described as the idea of "reflective equilibrium" as the states take part in debating the content of the conventions, approving the content and then having the options of signing and ratifying the conventions. The states can even make reservations on certain parts of a particular convention when they decide to ratify it. Therefore, the cultural relativist arguments against these international human rights law frameworks have largely ignored these aspects. States have agreed with the social contract of complying with the universal values and the requirements stated in the texts of these international human rights conventions when they approve the texts at the United Nations and when they signed and ratified them.

7. Conclusion

Liu Xiaobo and other public intellectuals who initiated the "Charter 08" simply exercised their right to freedom of expression that is enshrined in China's Constitution and also the ICCPR which China signed but still has not yet ratified. Therefore, Liu Xiaobo and the "Charter 08" did not express something outside the boundary of what is written in these

domestic and international legal and human rights obligations that China agrees to and adopts. Freedom of expression is not something alien to contemporary Chinese culture, it is recognized even in the narrative of the Communist regime. Freedom of expression should not be considered a foreign concept, and suppression of freedom of expression and dissent cannot be justified with the cultural relativist arguments, especially that modern states, including China, participate in drafting and endorsing the social contract of international human rights conventions and international law that protect the universal concept of freedom of expression.

Notes

- * Patrick Kar-wai Poon (潘嘉偉) is a PhD candidate at the Institute for Transtextual and Transcultural Studies at the University of Lyon, France, and a China researcher with Amnesty International. This article is based on a chapter of the thesis he is working on. The author would like to thank his thesis supervisor Professor Gregory B. Lee, director of the Institute for Transtextual and Transcultural Studies at the University of Lyon, for giving his valuable comments to this article. <Email: kar-wai.poon@univ-lyon3.fr>
1. Translation of the "Charter 08" by US sinologist Perry Link published in *The New York Review of Books* on 15 January 2009: <<http://www.nybooks.com/articles/2009/01/15/chinas-charter-08/>>.
 2. Translation of Liu Xiaobo's lawyers' Defense Statement by Human Rights in China, 9 April 2010, available at <<https://www.hrichina.org/en/content/3206>>.
 3. Translation of the People's Republic of China's Constitution by China's National People's Congress: <http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm>; See also *NPC Observer's* unofficial translation of the

amended Constitution in 2018 with addition about scrapping the restrictions on two terms of presidency: <<https://npcobserver.com/2018/03/11/translation-2018-amendment-to-the-p-r-c-constitution/>>.

4. Nhina Le (2016) discusses the geopolitical and historically political situations that lead to dominant interpretations of the rights in the international human rights instruments among Western and non-Western countries.
5. As argued by Jack Donnelly (1984) on the concepts of cultural relativism and universalism.
6. “The Johannesburg Principles on National Security, Freedom of Expression and Access to Information”, UN Doc. E/CN.4/1996/39, available at <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/118/04/PDF/G9611804.pdf?OpenElement>>; <<https://www.article19.org/data/files/pdfs/standards/joburgprinciples.pdf>>.

References

- Balkin, J.M. (1994). Being just with deconstruction. *Social & Legal Studies*, Vol. 3, Issue 3, September, pp. 393-404.
- Béja, Jean-Philippe (2012). Is jail the only place where one can “live in truth”? : Liu Xiaobo’s experience. In: Jean-Philippe Béja, Fu Hualing and Eva Pils (eds), *Liu Xiaobo, Charter 08 and the challenges of political reform in China*. Hong Kong: Hong Kong University Press, pp. 15-30.
- Brown, Chris (1997). Universal human rights: A critique. *The International Journal of Human Rights*, Vol. 1, Issue 2, pp. 41-65.
- Donnelly, Jack (1984). Cultural relativism and universal human rights. *Human Rights Quarterly*, Vol. 6, No. 4, November, pp. 400-419.
- Mullender, Richard (2003). Human rights: Universalism and cultural relativism. *Critical Review of International Social and Political Philosophy*, Vol. 6, Issue 3, pp. 70-103.

- Le, Nhina (2016). Are human rights universal or culturally relative? *Peace Review: A Journal of Social Justice*, Vol. 28, Issue 2, pp. 203-211.
- O'Sullivan, Declan (1998). The history of human rights across the regions: Universalism vs cultural relativism. *The International Journal of Human Rights*, Vol. 2, Issue 3, pp. 22-48.
- Penna, David R. and Patricia J, Campbell (1998). Human rights and culture: Beyond universality and relativism. *Third World Quarterly*, Vol. 19, Issue 1, pp. 7-27.
- Pils, Eva (2018). *Human rights in China: A social practice in the shadows of authoritarianism*. Cambridge (UK) and Medford, MA: Polity Press.
- Prasad, Ajnesh (2007). Cultural Relativism in Human Rights Discourse. *Peace Review: A Journal of Social Justice*, Vol. 19, Issue 4, pp. 589-596.
- Rawls, John (1971, revised in 2003). *A theory of justice*. Cambridge, MA: Harvard University Press.
- Rosenzweig, Joshua (2012). The sky is falling: Inciting subversion and the defense of Liu Xiaobo. In: Jean-Philippe Béja, Fu Hualing and Eva Pils (eds), *Liu Xiaobo, Charter 08 and the challenges of political reform in China*. Hong Kong: Hong Kong University Press, pp. 31-60.

