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Asia 205: Representations of Tibet

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Representations of Tibet: The Model and Language of Human Rights

Media portrayals of Tibet, past and present, have made the region a malleable and manipulable topic. Nearly every representation of Tibet, including those purportedly written by Tibetans, by Chinese, by Westerners, or by anyone else, has taken artistic liberties. While most such representations have, at their core, a kernel of truth, some such representations are more obvious fabrications than others. Still, even the most incredulous accounts of Tibet survive today and continue to influence general perceptions and understandings of Tibet. The influence of these works, sadly, is neither limited to an uninformed audience, nor to an artistic canon. The fictionalization and distortion of every historical encounter with Tibet has, in fact, resulted in a perceptual fictionalization of every discussion of the nation, including historical and political discussions. Furthermore, in a reversal of reality and art befitting of Oscar Wilde, some experts claim that fictional representations of Tibet have begun to inform reality (Lopez, 1998) – an especially dangerous thought when placed in the framework of human rights literature. Particularly since immediate political control and authority over the nation was taken by the Chinese in 1949-50, dichotomized accounts of the historical status of Tibet have turned the magic and mystery of Tibet into an unnavigable cloud of doubt. Critics from all sides have attempted to debase every representation of Tibet with claims of falsification and worse. An emerging trend in representations of Tibet, the depiction of the post-1949-50 autonomy issue as a matter of human rights, has already been smitten with such accusations. Before any portrayal of Sino-Tibetan relations through the language of human rights can simply be dismissed, however,

the gravity of their claims warrants an investigation. In order to establish any validity to the human rights model and language of representing Tibet, it is necessary first to sort out any factual evidence—apart from the fictionalized mess that characterizes all accounts of Tibet—supportive of one side or another, then to understand the literary and sociopolitical evolution of thought that has progressed from strict, grounded politics to universal human rights.

History

The essential debate at-hand focuses on the independence and autonomy of Tibet from China. Arguments in this debate have historically stemmed from political claims over Tibet's historical independence and autonomy or lack thereof. While Tibet and China both offer independent timelines of Tibetan history and many third-party histories exist, each side has clouded reality with propaganda (Powers, 2004). To flesh-out this historical-political line of thought, the best approach is to evaluate Tibetan history from a third-party perspective. As summarized by Central Eurasian Studies expert Elliot Sperling in his policy-study textbook, *The Tibet-China Conflict: History and Polemics*, "The status of Tibet is at the core of the dispute.... China maintains that Tibet is an inalienable part of China. Tibetans maintain that Tibet has historically been an independent country. In reality, the conflict over Tibet's status has been a conflict over history," (2004, p. ix). Further, the strength of ethnic and cultural lineage and history from ancient Tibet to contemporary Tibet, along with Tibet's current religious solidarity and linguistic independence help to classify the Sino-Tibetan struggle as an *ethnopolitical* conflict, wherein the Tibetans hold a particularly salient *ethnocultural* identity (Gurr, 2000, pp. 65-69). From a sociopolitical perspective, this notion is relevant in establishing the value of history to identity and the proneness of ethnopolitical conflict to result in conditions which are more related to matters of human rights than of simple politics (Gurr, 2000); however,

ethnocultural identity alone is not strong enough to protract any conflict longer than other influences, such as political identity and the international structure (Hironaka, 2005).

Establishing and understanding the nature of the historical debates, as well as their implicit value in maintaining a common group-identity, is prerequisite to any evaluation of the human rights representation.

To begin this assessment, a first step is acknowledging the prehistoric and ancient presence of Tibetan ancestry. Archaeological evidence suggests that humans have inhabited the Tibetan plateau for some twenty-thousand years (History of Tibet, 2009). The history of the Tibetan state started in 127 B.C.E., but traditional Tibetan history and solid documentation of the existence of a Tibetan people recorded by outside cultures begins around the 7th century (Tibetan Government in Exile, 1996). Between the 7th and 11th centuries of the Common Era, Tibet – which was likely called “Bod” then – was ruled by a series of emperors (History of Tibet, 2009). The Tibetan empire, particularly between the 7th and 9th centuries, was powerful and expansive – larger, in fact, than many Western empires at the time. When the Tibetan empire was at its prime, it negotiated The Great Sino-Tibetan Peace Treaty of 821/822, establishing two decades of peace between the Chinese and Tibetan empires (History of Tibet, 2009) and declaring that “Tibetans shall be happy in Tibet and Chinese shall be happy in China”, (Tibetan Government in Exile, 1996). At the end of those two decades, the Tibetan empire collapsed and the Tibetan people passed four centuries with no central rule; however, by the mid-13th century, the Mongol Empire, under Genghis Khan and Kublai Khan, had established power over Tibet and China (History of Tibet, 2009). The mutual control of Tibet and China by the Mongol Empire is the foundation of one early historical claim used to illustrate the alleged Chinese subjugation of Tibet. Interestingly, Tibetan lamas had considerable power among Mongol clans and Kublai

Khan himself incorporated Tibetan influences into much of his dominion, himself having converted to Buddhism under Tibetan spiritual guidance (History of Tibet, 2009).

Following the disintegration of the Mongolian Empire in the mid-14th century, Tibet successfully ruled itself by a system of thirteen myriarchies for a period of about 80-years, but by the 1430s, the Tibetan people had once again entered a period of internal power-struggles (History of Tibet, 2009) (Sperling, 2004, p. 11). While Buddhism prevailed in Tibetan culture at this time, the first Dalai Lama (1391-1474) was only recognized retrospectively. It was not until the third Dalai Lama (1543-1588) that the Dalai Lama lineage had established a titular role as head-of-state, and not until the fifth Dalai Lama (1617-1682) in 1642 that the religious leader effectively held power over the state (History of Tibet, 2009) (Lopez, 1998, p. 184). The Dalai Lama lineage officially retained the role of Tibet's leader and governor until 1959 (except for a tricky couple of years at the turn of the 20th century), though unofficial governorship has continued to this day. During the rule of the Dalai Lama lineage, in 1727, the Chinese government started to post *ambans*, high commissioners, to the Tibetan capital of Lhasa (History of Tibet, 2009) (Sperling, 2004). This raises another contentious historical claim of Chinese suzerainty and sovereignty, setting Tibet as either a vassal state or an integral part of China. Throughout the 18th and 19th centuries, Tibet hosted many foreign travelers, including not only Chinese and other Asians, but also Westerners. Chinese political representation continued in Tibet through the period by way of the ambans, who negotiated Chinese military and financial support for Tibet during the Tibeto-Nepalese War of 1792-1794 and networked between Tibetan leadership and the Chinese government on a regular basis (History of Tibet, 2009) (Sperling, 2004). Whether the ambans were simply liaisons and ambassadors or policymakers and overlords is a debate that continues today.

The Chinese did, to a degree, aid the Dalai Lama in fleeing the British invasion of Tibet in 1903/1904, but by 1910 the Dalai Lama had fled again, this time to British India to escape the Chinese invasion of Tibet (History of Tibet, 2009). The Chinese Revolution, which occurred in 1911, ended Chinese rule of Tibet and started a period of *de-facto* independence (History of Tibet, 2009) (Sperling, 2004) in which the Dalai Lama maintained control over Tibet from Lhasa. In 1949/1950, China turned to communism and reasserted its strength by invading Tibet and, by 1951, a Seventeen Point Agreement was signed between China and Tibet, affirming Chinese sovereignty over the territory (History of Tibet, 2009) (Sperling, 2004) (Goldstein, 1997). The Dalai Lama remained in Tibet and the majority of Tibetans did not experience significant changes for many years. Slowly, the Chinese began implementing communist land reform in area of Tibet and repressing opposition to the movement, leading to unrest and rebellion by 1956. On 10 March 1959, that unrest and insurgency triggered the “Lhasa Uprising” and a week later, the Dalai Lama fled Tibet, starting his years of exile in India (History of Tibet, 2009) (Sperling, 2004). Following the exile of the Dalai Lama, communist land reform was enforced on the whole of Tibet and the Tibetan system of serfdom was ended (History of Tibet, 2009). China remains in control of Tibet, now called the Tibetan Autonomous Region, today.

These historical arguments, based in Mongolian imperial rule and the disputed relation of *ambans* to the Tibetan people, present the primary foundation for Chinese claims that Tibet has always been integrated into Chinese dominion. Circular debate over the validity of these claims has not shown any progress towards resolution and Tibetan claims of a right to independence on historical political grounds have stagnated. Rather than looking to the future, both sides end up looking to the past, debating the history of Tibet and even publishing their own propagandized

versions of Tibetan history, for example the contradictory publications all entitled *History of Tibet* or [Historical] *Status of Tibet*¹. In order to push for more immediate progress, arguments for Tibetan independence have adapted and evolved to better suit the sociopolitical atmosphere. The current trend to which these arguments have turned is human rights, possibly because the language of human rights has taken on the role of a “trump-card” in modern politics (Ignatieff, 2003, p. 21).

Human Rights

According to *The Face of Human Rights*, human rights are best summarized in nine categories: Human existence (The right to human life); Identity of the human person (Prohibition of discrimination); Adequate standards of living (The right to food, The right to health, The right to housing); Private sphere (The protection of private life); Intellectual and spiritual life (The freedom of thought and belief, The right to education); Economic life (The right to work, The protection of property); In the hands of the state (Fair trial and prohibition of torture); Political participation (Political rights and freedom of expression); Displacement, flight and exile (The rights of refugees and displaced persons) (Kälin, Müller, & Wytenbach, 2004). Foundational texts in the human rights movement, including the United States’ *Declaration of Independence*, the French *Declaration of the Rights of Man and Citizen*, the United Nations’ *Charter* and *Universal Declaration of Human Rights*, among others, state and imply other human rights, as well. The International Covenant on Civil and Political Rights, for example, states that, “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development,” (Self-determination, 2009). Historically, it is important to note that international bodies have not

¹ Refer to two bibliographic entries entitled *History of Tibet* and one authored by the Tibetan Government in Exile entitled *Status of Tibet*.

insisted on *full* independence as a means of executing the right to self-determination (Self-determination, 2009). Still, since the introduction of the language of human rights to the political sphere, many have reclassified much of the Sino-Tibetan conflict as an argument of human rights—which is a language within politics, though human rights often supersedes traditional political thought (Ignatieff, 2003)—rather than strict, traditional politics or any subdivision of strict politics, such as ethnopolitics, geopolitics, and social-politics.

While societies have declared the existence of certain *rights* for millennia, *human rights* were first declared with such explicit language in response to the atrocities of WWII, when the newly-formed United Nations adopted the Universal Declaration of Human Rights (Kälin, Müller, & Wyttenbach, 2004), coincidentally in the same year that the infant People's Republic of China announced its intentions of invading Tibet (Goldstein, 1997). Early discussion on Tibet often incorporated language now considered human rights, such as the matter of self-determination: In 1924, the Kuomintang political party in China declared that it could “state with solemnity that it recognizes the right of self-determination of all national minorities in China...” (Tibetan Sovereignty Debate, 2009). It was not until the Dalai Lama entered exile that discussion of Tibet explicitly adopted the language of human rights, beginning with United Nations Resolutions 1353 (XIV), 1723 (XVI), and 2079 (XX) at the behest of the Dalai Lama (General Assembly of the United Nations: Fourteenth Session, 1959) (General Assembly of the United Nations: Sixteenth Session, 1961) (General Assembly of the United Nations: Twentieth Session, 1965). Since the 1959 UN Resolution on the Question of Tibet, third-party observers have increasingly classified the Sino-Tibetan conflict as a matter of human rights.

The Chinese have occasionally acknowledged the language of human rights, but most often to make statements such as what Chinese President Hu Jintao is quoted as having said in

April of 2008: "Our conflict with the Dalai clique is not an ethnic problem, not a religious problem, nor a human rights problem. It is a problem either to safeguard national unification or to split the motherland," (Xinhuanet News, 2008). The China Society for Human Rights Studies launched a website documenting human rights in Tibet in March, 2009; however, the website's discussion of human rights discusses only human rights improvements made under China and refutes all human rights complaints made against the PRC (Xinhuanet News, 2009) (China Society for Human Rights Studies & Intercontinental Pan-Chinese Network Information Co., Ltd., 2009). This effort, of course, looks like nothing more than a propaganda-war (Powers, 2004), but still manages to cast a shadow over the claims of Tibetans, making their testimony as trustworthy as that of Madame Blavatsky or Alexandra David-Néel. Just as was done with the historical sociopolitical arguments for- and against- Chinese sovereignty over Tibet, human rights arguments exist with an ideal foundation and a timeline of events.

That is to say, the sociopolitical argument relies on the ideal foundation arguing whether Tibet has always been an integral part of China, and its timeline points to evidence for both sides: the rich, independent Tibetan ancient history; the Mongolian conquest of Tibet *and* China; the Dalai Lama lineage and authority; the posting of Chinese ambans to Tibet; the reliance of Tibetans on Chinese military and financial support in wars; the *de-facto* independence period; and so on and so forth. Similarly, the human rights argument relies on an ideal foundation arguing that Tibetans deserve autonomy—and perhaps independence—on the grounds of human rights: based on the human rights principles of self-determination, the right to the protection of property, the right to life, the right to fair trial and punishment, the right to intellectual and spiritual life, the right to political participation, and the right to the prohibition of torture and rooted in an historical purview of empirical evidence of violations of such rights.

Looking at a history of alleged human rights violations, initially—and throughout the duration of this conflict—Tibetans claim that Chinese sovereignty over Tibet violates their right to self-determination. Additionally, land-reforms constituted a violation of the right to the protection of property. This right, however, was a major point of contest in the establishment of ‘universal’ human rights, as many authoritarian and communist politicians oppose the idea. Further charges of human rights violations have been raised against Chinese control of Tibet, as well: historically, Sino-Tibetan conflicts have claimed an immense number of lives on both sides. The first time that such a mass-casualty conflict raised questions of human rights was, retrospectively, with the 1949/1950 Chinese invasion of Tibet. In 2006, the Spanish National Court listened to charges filed by a pro-Tibetan group, claiming that the Chinese committed a genocide in Tibet, where more than one million Tibetans have allegedly been killed or gone missing since 1951. China rejected the claims as “sheer fabrication” (Olesen, 2006). One Chinese newspaper reported:

Even more serious, he [the Dalai Lama] failed to acknowledge that, in his absence, China made the ultimate affirmation of human rights in the 20th century by emancipating over a million Tibetan slaves in 1959. In this regard, his claim that China killed 1.2 million Tibetans was a pure fabrication. If that were the case, there would be no serfs left to liberate, since the 1953 Tibet census count was only 1.274 million. (Chang, 2009)

However, Western sources imply that the genocide charge is based on 1.2-million believed to have been killed through the duration of the ‘*Chinese occupation*’ of Tibet, not just within the initial invasion or first few years of control. Indian newspapers report that Tibetans in India who were attempting to commit self-immolation to protest the arrival of Chinese President Hu Jintao

in Mumbai declared that over 1.3 million Tibetans had been killed by the Chinese since 1950. That same report explains Tibetan allegations that Chinese authorities have forced Tibetans out of politics since 1989, when they “‘imposed martial law and ordered a violent crackdown on peaceful demonstrators, killing thousands of innocent Tibetans’” (Mumbai: 4 Tibetans attempt suicide in protest over Hu visit, 2006). Recently, the 2008 Beijing Olympics triggered momentous demonstrations across Tibet and abroad, accusing Chinese authorities of violating the human rights of many groups, including Tibetans. A week of large-scale protests in mid-March of 2008 involved thousands of Tibetans and supporters decrying conditions under Chinese rule and attracted a lot of media and political attention ('Eighty killed' in Tibetan unrest , 2008) (Tkacik, 2008) (Wu, 2008) (The Washington Post Editorial Staff, 2008) (Reynolds, 2008) (China Human Rights, 2009). According to the press, Chinese authorities reported 19 Tibetan deaths resulting from the protests, while the Tibetan Government-in-Exile reported approximately 130-140 Tibetan fatalities resulting from the protests' clashes with Chinese police and military forces (Voice of America News, 2008) (Buckley & Beck, 2008) (Editorial: China Terrorizes Tibet, 2008). Some news and NGO reports suggested that the Chinese authorities used the politics of the Beijing Olympics as an excuse to execute unwarranted arrests (Fan, 2007). Not only does this alleged behavior violate the right to life, but it also violates the right to political participation and the right to fair trial.

Further violations of the rights to political participation and fair trial are commonly documented in the media. Between 2002 and 2005, the world press and many humanitarian organizations reported heavily on Tenzin Delek Rinpoche, a Tibetan Buddhist monk who was convicted for his alleged involvement in a series of bombings in Tibet and sentenced to death by Chinese authorities in an evidence-lacking mockery of due-process. Falling to international

pressure, his sentence was commuted to life in prison, but the commutation was too late to save a relative of Rinpoche who was executed in 2002 immediately following the court's sentence (Tenzin Delek Rinpoche, 2009). On 8 April 2009, four Tibetans were sentenced to death for allegedly starting deadly fires in the 2008 protests in Lhasa, despite the appeals of many international humanitarian organizations and accusations of corrupt trials. According to British media, "China's state media claimed the trials were open and the defendants were represented by lawyers, but there was no way to assess this claim as access to Tibet is heavily restricted for foreign reporters," (Watts, 2009). While the recently-sentenced Tibetans may have been involved in violent criminal activity, there are several other cases wherein China has imprisoned individuals simply for their political involvement (Kälin, Müller, & Wytttenbach, 2004), with no crime other than what Chinese authorities generally claim as treason. Further evidence of violations of these rights—to political participation and free trial—appears in reports of political prisoners held by China (Political Prisoners: List of Tibetan Political Prisoners, 2009).

Going beyond just political prisoners, China has also incarcerated an unknown number of prisoners of conscience, violating the human right to religious freedom, language, race, and other aspects of identity. Religious repression in Tibet has occurred under Chinese rule for the duration of the Sino-Tibetan conflict; however, media reports indicated in 2007 that the situation was worsening almost daily (Kang Lim, 2007). Prisoners of conscience aside, religious and intellectual repression has affected many Tibetans. Thousands of young monks and nuns have fled China-controlled Tibet in pursuit of the religious education that China denies them (China deepens religious repression in Tibet-report, 2007) (Kälin, Müller, & Wytttenbach, 2004). In fact, many recent reports indicate that China has imposed a system of "patriotic education" and

“patriotic re-education” on nuns and monks and enforcing *bans* on religious education (Feuerberg, 2009) (Page, 2009) (Tibetan people 'put through hell', 2009).

Similarly, media representations have thrown around accusations over the general education system in Tibet—relating, of course, to the human rights principle of intellectual rights and the right to an education. According to CCTV, a primary Chinese news agency, literacy rates in Tibet has risen under Chinese control (Xinhuanet News: Xiong Qu, Editor, 2008). According to some Western news agencies, literacy in Tibet has risen in the past four decades from 2% to 95% under Chinese control and infrastructure and networking in the region have greatly improved (Marquand, 2004) (Chinese policy 'working in Tibet', 2009). Pro-Tibetan agencies, on the other hand, have cited UN Commission on Human Rights reports that declare the illiteracy rate in Tibet is “*horrendous*” (International Campaign for Tibet, 2004). Publicized studies have indicated that the education system in China, particularly in China-controlled Tibet, is exclusionary: discouraging the teaching of local dialects and languages (especially of Tibetan), providing education only for 9 years until students must pay to attend schools (because the Chinese government claims that it cannot fund the education of all of the children in its jurisdiction, despite its ability to excessively fund military operations (McGrenery, 2007)), requiring that students meet certain criteria to pass to higher grade-levels, and refusing to teach local history or culture (such as the rich Tibetan history) (Johnson & Chhetri, 2000). These exclusionary practices present many obstacles to Tibetan schoolchildren and cause great strain on cultural systems within Tibet. According to *The Face of Human Rights*, international human rights law states that “The most important aspect of the right to education is the right of children to receive free primary education.... Even very poor countries have far-reaching obligations in this area.... The right to education encompasses a further obligation of States to provide

secondary and higher education to the greatest extent possible,” (Kälin, Müller, & Wyttenbach, 2004).

As in the schools, Chinese is becoming the primary language of trade in Tibet. This is largely due to the mass-migration of Han Chinese into the Tibetan Autonomous Region (Gurr, 2000, pp. 212-214). So many ethnic-Chinese have moved into Tibet, in fact, that “Tibetans are now reported to be a minority in Lhasa, whereas the Chinese constitute around 60 percent of the capital’s population,” (Gurr, 2000, p. 213). That the majority of the market and the upcoming generations now all speak [Mandarin] Chinese puts pressure on Tibetan workers to learn Chinese for practical economic-survival purposes. Further, many critics have pointed out a systematic discrimination that bars Tibetans from economic success. An article published in *The New York Times* at the height of the Beijing Olympics hype presented a personal narrative of the human-rights-violating discrimination:

“Tibetans get the low-income and the hard-labor jobs,” the man [a 40-year-old Buddhist peasant named Caidan] said. The Han, he said, “are all paid as technicians, even though some of them really don’t know anything.” There is no legalized ethnic discrimination in China, but privilege and power are overwhelmingly the preserve of the Han, while Tibetans live largely confined to segregated urban ghettos and poor villages in their own ancestral lands. (French H. W., 2008)

This and other strains caused by the presence of so many Han *immigrants* has damaged the Tibetan economy and resulted in economic dependence on the Chinese (Kuhn, 2006). While all these matters suited for discussion in the language of human rights, yet another economic-rights argument surfaces quite often on the question of Sino-Tibetan relations: the matter of serfdom.

A primary argument presented in favor of the Chinese in response to the language of human rights, many sources point to the pre-Chinese economy of Tibet as a “theocratic feudal serfdom” system in which the monastic authorities took advantage of the laypeople and brutally mistreated the slave-serfs (Chang, 2009). In this argument, China is presented as a champion of human rights, freeing the entire population of Tibet from the chains of serfdom. While it is true that China did change the socioeconomic institutions in Tibet following the Dalai Lama’s exile in 1959, almost a decade after the initial invasion by the People’s Republic, some argue that the system was not so much theocratic feudal serfdom as a “caste-like social hierarchy,” (Serfdom in Tibet controversy, 2009). Others point to the argument as an exaggerated propaganda-war that, while both sides generally agree on the facts more-so than they do on other Sino-Tibetan controversies, relies heavily on political *spin* (Powers, 2004, pp. 9-24). In this case, both sides have grounds upon which to stand; however, Chinese media has historically presented a more convincing argument.

On the other hand, most convincing arguments phrased in the language of human rights have come from the Tibetan side of the Sino-Tibetan conflict. Perhaps this is because “States traditionally have argued that [matters of human rights are] primarily the sovereign prerogative of the state, limited only by a state’s own constitution.... [and] The People’s Republic of China has been one of the more vocal supporters of this point of view, disdainful of any interference in its domestic rights policy,” (Mingst, Essentials of International Relations: Third Edition, 2004). After all, despite the fact that the Chinese were represented at the drafting of the Universal Declaration of Human Rights—essentially debasing any claims of *cultural relativism* (Mingst, Essentials of International Relations: Third Edition, 2004, p. 298) (Sen, 2004) of human rights, at least in reference to China— (Ignatieff, 2003, p. 64),

China [still] justifies human rights abuses as the price required to maintain the unity of a continental nation-state subject to many regional, ethnic, religious, and tribal pressures. Whenever human rights complaints are aired within earshot of Chinese leadership, they are quick to invoke the specter of civil war—in other words, to argue that furthering human rights and maintaining state stability are ultimately incompatible. (Ignatieff, 2003, pp. 23-24)

This attitude towards human rights language has been challenged by some in China who “insist that the best long-term guarantee of Chinese national unity is a democratic regime that respects human rights,” (Ignatieff, 2003, p. 24). The attitude described above, suggesting that human rights is incongruous with state stability, is exactly how Chinese President Hu Jintao responded in April 2008 to questions of human rights in Tibet (see page 7 for the previously-provided quote), and typifies the subject of many media portrayals, such as: *Hu: Tibet problem entirely internal issue of China* (Xinhuanet News); *China rejects Spain's 'genocide' claims* (The Independent); *China Rejects US Criticism of Human Rights in Tibet* (Voice of America News); *China rejects US report on religious situation* (Xinhuanet News); *China Says Tibet Video Is 'A Lie'* (BBC News); and so forth.

Moving forward to even more discussions of human rights in contemporary Tibet, and returning to the topics of the influx of Han Chinese to Tibet and the education system's avoidance of Tibetan language, history, and culture, many Tibetans have claimed that China is actively committing a “cultural genocide.” The term “cultural genocide” may actually have originated contextually in reference to the situation in Tibet when a French criminal lawyer coined it on television in 1989 in the presence of the 14th Dalai Lama (Cultural genocide, 2009). Since then, the term, “used to describe the deliberate destruction of the cultural heritage of a

people or nation for political, military, religious, ideological, ethnical, or racial reasons,” (Cultural genocide, 2009) and concept behind it have become more common in politics and media. Cultural heritage, under the provisions of the United Nations’ Declaration on the Rights of Indigenous Peoples, and in keeping with universal human rights tenets, is protected as a human right (United Nations Declaration on the Rights of Indigenous Peoples, 2007). In media representations of the conflict, the notion of cultural genocide in Tibet is increasingly common. For example, the previously-quoted article in *The New York Times* from March 2008 that presented a personal narrative explains that “Many Tibetans say China is destroying their culture,” (French H. W., 2008). The Olympic protests of March 2008 brought significantly more media attention to the Sino-Tibetan conflict, and with that came a slew of articles discussing the accusation of cultural genocide: *'Eighty killed' in Tibetan unrest* (BBC); *'China unleashing cultural genocide in Tibet'* (Rediff India Abroad); *In Tibetan Areas, Parallel Worlds Now Collide* (The New York Times) to name just a few. In March of 2009, BBC News reported that “Tibet's religion, culture, language and identity were "nearing extinction", [according to the Dalai Lama], and Chinese development was devastating the Tibetan environment and way of life,” (Tibetan people 'put through hell').

The latter part of that quote points to Tibetan environmental concerns as another aspect of complaints against Chinese sovereignty over Tibet. This subject is most often seen as yet another political debate; however, the doctrine of human rights has started to adopt language regarding environmental concerns (Human rights, 2009). There are many justifications for the adoption of environmental human rights language and, according to a 2001 article in the *Harvard Human Rights Journal*, the Tibet case-study is exemplary of the applicability of such new concepts (Zeimer, 2008). On the most extreme end of this line of debate, some sources

accuse the Chinese authorities of dumping hazardous nuclear waste in Tibet, inviting foreign nations to ship toxic waste into Tibet, and even testing chemical weapons on the Tibetan Plateau (Feature: The Scorched Earth Campaign: China's Assault on Tibet's Environment, 1992) (Zeimer, 2008). China denies these accusations and insufficient evidence exists to verify the allegations of either party.

A final topic of human rights, this one holding slightly more verifiable evidence to suggest that it is a legitimate claim, is perhaps the most discussed point of debate in the whole Sino-Tibetan human rights controversy. Article 5 of *The Universal Declaration of Human Rights* declares that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” (1948), yet allegations of such treatment are widespread. Just this month, China released a Tibetan monk, Labrang Jigme, from custody after 6-months of detention (Tibetan Centre for Human Rights and Democracy). Labrang Jigme was held for that half-year without being formally charged of any crime, arrested after recording and distributing a video testimony of the torture he endured while previously incarcerated as a political prisoner and prisoner of conscience in China:

Jigme's testimony included details on prison conditions for monks from Labrang monastery that protested in front of a delegation of foreign journalists on April 10, 2008: "Monks who spoke to some reporters were beaten with batons and had their legs broken; on some, they used electric batons on their heads and in their mouths - the electric baton affected their brains and some have become disabled... driven to a type of insanity." (ICT Report, 2009)

Testimony of such torture is relatively common, though there are also many publicized cases where the victims could not survive to testify (Tibetan nuns 'died after torture', 2000). The use of

electric batons and electrodes inside of victims' mouths is relatively well documented— survivors have written a number of firsthand accounts and provided testimony on the torture, some even managing to provide evidence such as the torture devices themselves (Kälin, Müller, & Wyttenbach, 2004, p. 575) (Adhe & Blakeslee, 1999) (Gyatso & Shakya, *Fire Under the Snow: True Story of a Tibetan Monk*, 2004) (Palden Gyatso, 2009). The subject of torture has particular salience as it has constituted the focal-point of many mass-media narratives, including books and movies (Films and Videos on Tibet, 2005). Tibetan Buddhist monk Palden Gyatso published an autobiography in 1998 and again in 2004 documenting in detail the torture he withstood over 33 years in Chinese custody in intimate, personal detail from a firsthand perspective (Gyatso & Shakya, *The Autobiography of a Tibetan Monk*, 1998) (Gyatso & Shakya, *Fire Under the Snow: True Story of a Tibetan Monk*, 2004). Similarly, Ama Adhe published an autobiographical narrative of her 27 years in Chinese custody and the starvation and torture to which she was subjected (Adhe & Blakeslee, 1999). Blake Kerr published a third-party review of accounts of torture in Tibet in 1997 (*Sky Burial: An Eyewitness Account of China's Brutal Crackdown in Tibet*), eight years after Physicians for Human Rights published a similar article he wrote with John Ackerly. The list goes on and it is clear that Chinese authorities are using torture as a tool to repress and suppress any parties they dislike.

These narratives serve a greater purpose in the realm of human rights than simply exposing claims of human rights violations. The stories told in books and movies about Tibet offer the world audience a personal connection to the subject in a way that promotes a much stronger connection between the audience and the subject than other media representations – news reports and the likes – allow. Out of this stems an argument over the origins of the human rights language.

This connection, brought on by the greater personalization of books and movies, can lead the audience to individually and personally identify with the subject and, according to Markus Dirk Dubber, the sense of empathy presumes some identity between the audience and the subject (2006, p. 6). Empathy, according to *Inventing Human Rights: A History* by Lynn Hunt, is the most functional factor that gives strength to the language of human rights (2007). Hunt, in fact, claims that, while notions of human rights have existed for an unknown time, the language of human rights as it currently exists was created and perpetuated by empathy, specifically empathy brought on by the epistolary literary style (*Inventing Human Rights: A History*, 2007). Her contention is that the progression in literature towards deeper insight into characters' lives and personalities opened readers to recognize other perspectives and, eventually, to share their own. The empathy and openness created by these cultural influences in the West led to greater human understandings and the acknowledgement of a need for some defined language to articulate human rights. Thus, the language of human rights was invented (Hunt, 2007). Extrapolating this line of argument, it is possible conjecture that human rights then qualifies as a universal language because it stems from a universally-possible human emotion.

Turning this line of argument specifically towards the Sino-Tibetan conflict, on the other hand, it appears as though the general rule for the literary roots of the 'invention' of human rights still holds true in this language of human rights case-study. The United Nations resolutions passed in 1959, 1961, and 1965 explain that the *Tibet question* arose at the UN after the Dalai Lama personally appealed for support following the 1959 Sino-Tibetan clashes and the start of Tibetan authorities' exile (General Assembly of the United Nations: Fourteenth Session, 1959). His appeal started the difficult process of humanizing the Tibet question and removing the *distance* most of the world felt from the subject, essentially increasing the likelihood that

outsiders would empathize with Tibetans. More explicitly aligned with Lynn Hunt's hypothesis is the suggestion that the books and movies portraying torture of Tibetans and other impositions on Tibetan human rights arguably serve the purpose of propagating and perpetuating the language of human rights over the conflict. Ama Adhe, Palden Gyatso and Labrang Jigme each sparked heated exchanges over human rights with the publication of their firsthand tales of torture, propagating the human rights language farther and further than the news press alone ever could. Just as literature invented human rights language in the West, it appears possible that literature regarding Tibet has invented human rights language in Asia and gaining Western human rights talk and attention. For the purposes of evaluating the legitimacy and fairness of the application of this language to the Sino-Tibetan conflict, the mere possibility that Hunt's theory of literature-driven empathy is an accurate model is sufficient to establish a claim: Despite the aversion of some 'Easterners' to the language of human rights (Sen, 2004), it is apparent that this language has sufficient *possible* origins specific to the case that alleged Western hegemony and influence and cries of stilted cultural relativism cannot exclusively be proven or *blamed* for the introduction of the language to the topic of Tibet.

Other possible causes behind the unfurling of human rights language in the Sino-Tibetan conflict exist, of course, in the traditional political approach to the topic. The sociopolitical evolution of thought that led to the application of human rights language to the Sino-Tibetan conflict is, indeed, as possible a factor as the cultural, literature-based evolution. After all, the propaganda wars at play illustrate how easily one can classify history as politics. Actually, the sociopolitical factors stretch way beyond that simple concept. Beyond the social phenomenon of empathy, key to Hunt's approach, other social trends offer further explanations of the evolution of the argument. One such social trend is simply the popularization of human rights. Even the

government of the People's Republic of China acknowledges the popularization of human rights and has occasionally promoted it: "China pays great attention to the popularization of knowledge of human rights," according to government white papers on "The Progress of Human Rights in China" (Information Office of the State Council of the People's Republic of China, 1995). Other social trends likely play into the dynamics, as well, but the political spectrum of the sociopolitical evolution beckons more attention. China, like other political spheres, still often asserts that human rights and politics are conflicting ideas (Ignatieff, 2003, pp. 67, 94-95) (Voice of America News, 2009); however, political discussion of human rights still affects policy decisions in every political system (Voice of America News, 2009). Politically, anyways, traditional debate over the Sino-Tibetan conflict had stagnated, so a natural evolution raised charges of human rights to jumpstart the discussion. In this sense, many see human rights as "above politics, a set of moral trump cards whose function is to bring political disputes to closure and conclusion," (Ignatieff, 2003, p. 21). While others dispute that claim, stating that "Human rights is nothing other than a politics," (Ignatieff, 2003, p. 21), the political motivation of this idealized 'power' of human rights is a potentially strong factor in the introduction of human rights language to the Sino-Tibetan debate.

The politicization of human rights language regarding the Sino-Tibetan conflict has cast a shadow over the claims of this language. Propagandizing, misinformation, and exaggeration led to the same disreputability of human rights language as that which characterized nearly all prior representations of Tibet. In the same way early tales of Tibet were misinforming their audiences, modern representations utilizing this new language are also experiencing the same pitfalls. Beyond just exaggeration and games of semantics, there is evidence that some modern representations are nothing more than fabrication, lies (Anti-CNN, 2009). Despite the

questioning of a turn to human rights language in the first place and the questioning of the substance of these claims, an exploration of the subject suggests that sufficient evidence exists to support the human rights claims and to support the use of this language with regards to this particular subject. If this holds true, the implications of a validated human rights language and model of representing Tibet and Sino-Tibetan relations are many-fold.

One interesting implication is proposed by David Lopez in an analysis of Tibet-centered literature. Explaining this implication in the context of fabrications, Lopez writes:

In his 1889 essay “The Decay of Lying: An Observation,” Oscar Wilde promotes the art of lying, of making fearless, irresponsible statements that show disdain for proof of any kind. Lying, he argues, is particularly important in Art, because, contrary to popular opinion, it is Life that imitates Art. (1998, p. 183)

The application of the idea of “making... statements that show disdain for proof of any kind” clearly fits with historical Tibet-centered literature. All the evidence suggests that these statements are just as prevalent in representations of Tibet that utilize the language of human rights. The most perturbing implication that lies herein is that any representations of human rights abuses in Tibet which may not have been true prior to the published representation, but that Life may, indeed, start to imitate that representation later. That is to say, perhaps Chinese authorities were not torturing prisoners before, but after the accusations of torture started flying, these authorities felt justified in actually committing torture – a notion that would sound like, “we’ve already been accused of it, so why not start it now?” Indeed, there are many dangers lurking in these representations, which, Lopez argues, threaten the authentic reality of Tibetans (Prisoners of Shangri-La: Tibetan Buddhism and the West, 1998).

Another implication comes in the pursuit of the human right of self-determination: most authoritative bodies do not go as far as promoting full-independence (Self-determination, 2009). With the introduction of stronger human rights language, however, it is possible to apply the logic presented by Hannah Arendt in “Chapter 9” of her book *The Origins of Totalitarianism*, “The Decline of the Nation-State and the End of the Rights of Man.” In this chapter, Arendt argues that the State is a necessary body to protect its citizens’ human rights and that, without protection afforded by governments and their institutions, man will lose his rights (Arendt, 1958). This Arendtian logic implies that Tibetan self-governance is a better guarantee for the protection of Tibetans’ human rights than simple political leverage or submissiveness within a larger system would afford. Of course, Chinese representations of the current state of affairs in Tibet suggests that Tibetans’ human rights are better protected by Chinese sovereignty over the people and the land – at least when dealing with the rights that would concern slavery/serfdom and more contentious points such as education and healthcare – depending on whose initial representations are accepted.

Determining which representations to accept as real and which to reject as fabrications is, perhaps, the most difficult aspect of understanding the human rights model and language of representing contemporary Tibet and Sino-Tibetan relations. Keeping in mind the idea that a human rights claim presented by CNN or any other source may only hold as much truth as a claim presented by Madame Blavatsky or Alexandra David-Néel or even Lobsang Rampa, it thus seems a reasonable evaluation to state that *some* claims in the framework of human rights could legitimately merit no grave concern. However, remembering that most representations have, at their core, at least a kernel of truth, and seeing some hard evidence verifying at least a few claims of human rights abuses – such as evidence of torture – it would also seem a fair evaluation to

state that some of these representations are not taken as seriously as they deserve. Still, objectively speaking, the human rights model and language are at least acceptable politically as applied to this topic and are neither an imposition of outside values nor a mutually-exclusive framework to traditional politics. All things considered, the application of the human rights model and language of representing Tibet and Sino-Tibetan relations definitely seems *valid*. It is apparent that, whether the specific representation and all its claims can maintain such validity, on the other hand, remains a question deserving analysis on a case-by-case basis.

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Response from a Professor:

It is clear where your sympathy lies, but your argument strikes one as trying to be fair. I have three suggestions: 1. You should consider stepping outside the political argument that China's attitude towards human rights language comes from its concern over state stability, essentially a political consideration, and try to see it from a cultural perspective. Although having been dismissed by some 'universalists' as 'cultural relativism,' the so-called 'Eastern' definition warrants attention. In this regard, you might want to read *Confucianism and Human Rights*, edited by Wm Theodore De Bary and Tu Wei-ming, especially the essay by Henry Rosemond Jr., 'Human Rights: A Bill of Worries.' All three are eminent scholars in the US. With that in the background, you might or might not reconsider your conclusion that 'the human rights model and language are neither an imposition of outside values nor a mutually-exclusive framework to traditional politics.... [and their application] definitely seems valid.' 2. When discussing human rights violations in Tibet, one should not talk about the region and the Tibetans in isolation. Instead, one should put them next to other regions and other groups within the PRC. For example, you quote from McGrenery, who criticizes the Chinese government for providing free education to Tibetans ONLY for 9 years while 'excessively' funding military expenses. This criticism strikes me as extremely unfair on two grounds: 1). Let's not forget that China is not the richest country in the world and providing 9 years of free education for Tibetans (keeping in mind not ALL citizens, including the dominant ethnic group, the Han, were given such privilege until recently) should be considered, in my opinion, as something other than human rights violation. 2). In all likely ideal situations, military expenditures should be eliminated. If one uses the same standard to judge the developed countries, much more prosperous than China, one could make the argument that the US, for example, should stop funding its military operations and use the funds to provide free college education, and health care for that matter, to all citizens. Obviously, that's not likely to happen in the real world. Then would McGrenery, or any fair-minded scholar, call that kind of failure 'human rights violations'? Not all third-party, that is Western, scholars are known for being objective; many are zealous supporters of the Tibetan government in exile. 3. It would be helpful if you could discuss in much more detail when and how human rights became a hot topic with regard to Tibet, replacing the independence agenda. I'm wondering whether this change of direction in the international court of opinion was conducted in concert with the Dalai Lama's official change of position from seeking independence to seeking genuine autonomy.