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## The Evolving Animal Rights and Welfare Debate in China: Political and Social Impact Analysis

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In the past few years, a new debate has erupted in mainland China. This debate focuses on animal rights, animal welfare and animal treatment in general. In the not too distant past, such subjects were conveniently rejected as unworthy of serious academic attention. China's rapid economic changes, increasing societal activism on environmental issues, continuous influx of foreign ideas and a rising societal awareness of the rights for the disadvantaged, including the non-human animals, are impacting the agendas of public discussions. Directly triggering this public debate were several highly publicized animal cruelty incidents involving, for example, five bears at Beijing Zoo attacked with concentrated acid by a college student and the tragic death of a circus tiger out of sheer exhaustion. Indirectly fuelling this debate is the prevalence of cruel practices in China's farming industries, slaughtering operations, entertainment parks and other animal-holding institutions.

This chapter introduces the ongoing debate and the positions of the participants. By reviewing their respective arguments, we attempt to present the two opposing camps: the proponents of animal policy change and their opponents who oppose such a change. By examining their different perspectives, the article intends to highlight the challenges and opportunities for policy change. Importantly, we shall explore the political and social impacts of the evolving debate to shed light on the role of China's animal advocacy groups in the country's political and social evolution in the years to come.

### **The animal rights discussion**

Animal rights is a foreign concept introduced into mainland China in the early 1990s. In 1993, Yang Tongjin, a researcher at China's Academy of Social Sciences (CASS), published an introductory article on western ideas of animal rights and animal liberation.<sup>1</sup> This was arguably the first article giving a

comprehensive account of the origin, arguments and counter-arguments of the western intellectual explorations of these issues. The article, however, did not spark a continuing interest in the topic. The fact that no scholars responded to this initiative can perhaps be attributed to Yang's silence on the subject's connection with policy-making. Additionally, intellectual activism in the early 1990s was subdued due to the Tiananmen crackdown in 1989.

Since the mid-1990s, however, ideas of animal rights and animal liberation have attracted more attention. A Chinese translation of Peter Singer's *Animal Liberation*, published in Taiwan, was introduced to readers in mainland China. Most noticeably, international non-governmental organizations (NGOs) began to operate on the Chinese mainland. They have played an important role in facilitating Chinese intellectual exploration of foreign animal rights and animal welfare ideas.

### **Qiu Renzhong and his rights arguments for animals**

In 2002, Professor Qiu Renzhong of the CASS Institute of Philosophy published his seminal article 'It is high time that we discuss the question of animal rights in China'. The article was an instant hit and caused a big stir. Unlike Yang Tongjin's earlier introductory essay that stayed clear of any normative assumptions, Qiu makes it explicit at the beginning of the article that we should not only discuss the question of animal rights, we should also push for attitude and policy changes.<sup>2</sup>

Qiu believes that there exist a host of compelling reasons for discussing the issue of rights for animals. The favourable conditions for starting such a discussion include the awakening of the public's animal protection consciousness, the increasing media exposure of cruelty incidents, experiences acquired from animal protection work, rights awareness among the people and the society's rising standard of living. Understanding that his proposition would cause a knee-jerk reaction, Qiu expressed emphatically at the beginning that honouring the rights of the animals would also promote human rights.

On animal rights, Qiu introduces the three key elements of the rights claim: the subject of rights, the indirect objects of rights and the direct objects of rights. What follows is an analysis and dissection of the three basic positions: that humans have no obligations towards animals, that humans have indirect obligations to animals and that humans have direct obligations to animals. Qiu reviews the theological, philosophical, Confucian and ethical arguments of the three positions. In the section on animal liberation, Qiu introduces Peter Singer's concept of speciesism and its three manifestations: the use of animals in laboratories, the use of animals for food and philosophical approaches that are based on speciesism.

On the tactics for animal liberation, Qiu introduces the status quo faction, the abolitionist school and the reformers. To Qiu, the status quo position is too pessimistic and constitutes a force obstructing humane progress. He concludes,

‘Therefore, on the question of animal liberation, we cannot maintain the status quo’. However, he does not believe in the abolitionist arguments. In his opinion, immediate abolition of animal use is not only unrealistic, it could even be counter-productive. ‘Animal liberation will be a long historical process. It cannot be accomplished in the short term.’ Qiu stands by a gradualist approach to animal liberation. Steady improvement of animal welfare, animal protection education, law enforcement and China’s involvement in international animal protection work will better serve the goal of animal liberation in the future.

### **Zhao Nanyuan and his ‘anti-humanity’ thesis**

Professor Qiu’s article gave rise to an immediate rebuttal from Zhao Nanyuan, a professor at Tsinghua University. In his article entitled ‘The essence of the animal rights argument is anti-humanity’, Zhao calls on the public to be vigilant. This is because, according to Zhao, Qiu’s arguments are nothing but a full shipload of ‘foreign trash’.<sup>3</sup> According to Zhao, Qiu and his followers are not satisfied with simply propagating the imported ideas, they are determined to convert their ideas into legislation.

According to Zhao, vigilance is of high necessity because of what he perceived as the dangerous ethical grounds underlying the animal rights arguments. To Zhao, ethics is a double-edged sword. ‘Ethics allows the talking of nonsense and it, as a result, often leads people astray and to commit ridiculous acts contrary to their original intentions.’ Ethics constitutes a limitation and a deprivation of freedom. Therefore Zhao argues that, like famine, plague and wars, moralists who propagate ethical standards are creators of human disaster. This is why the intention of moralists such as Professor Qiu is suspect.<sup>4</sup>

At great length, Zhao rejects the view that animals are sentient beings and that animals are self-conscious. Because they do not feel pain and do not have emotions, he argues, they are therefore not the subjects of rights. Animals cannot have rights because they cannot fulfil the corresponding obligations. People, for example pet owners, treat animals differently not because of their recognition of animal sentience but because of their own personal emotional needs.

From a broader angle, Zhao sees a more sinister image of what he calls neo-imperialism looming in the background. Zhao believes that those who advocate animal protection and discuss animal rights have connections with the west. They enjoy defaming their own motherland and cater to the interest of the west in its desire to dominate the non-western civilizations. Not only does Zhao allege that China’s animal protection activists have psychological, developmental, character and personality flaws, he also charges that they, like all other animal rights advocates, are ‘anti-humanity’ elements. Instead of acting as members of the ‘fifth column’ of the neo-imperialists, Zhao argues, they should learn from the South Koreans who stood firm against western protests against the Korean dog-eating culinary culture.<sup>5</sup>

## Additional exchanges

Zhao's highly inflammatory article was responded to by other scholars. Zu Shuxian, a professor at China's Anhui Medical University, points out that non-human animals have common faculties with humans. Citing Charles Darwin, he comments that almost all mammals have emotions. They express, to a different degree, fear, frustration, jealousy, love, sympathy and respect. Moreover, some of them can even make and use tools. Zu argues that the mental difference between humans and the non-human mammals is simply one of degree.

In response to Zhao's assertion that science has so far failed to prove that animals or humans have a sense of pain and that scientists should not be misled by the emotional utterance of animal rights-advocating ethicists, Zu points out that reality cannot be defined solely by the results of scientific experiment.<sup>6</sup> He reminds us that such a world-renowned scientist as Albert Einstein, who spent his entire life searching for scientific truth, urged the future generation of scientists 'to free ourselves by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty'. Quoting Kant, Zu states that if we humans have not lost our humanity, we should treat the non-human animals fairly, on the grounds that those who are cruel to animals are likely also to lack sympathy for their fellow humans. Commenting on Zhao's assertion that Chinese animal protection advocates are acting as members of a 'fifth column' of western neo-imperialism, Zu rejects the charge as a 'mass criticism' type of character assassination commonly seen during the Cultural Revolution era (1966–1976).

Zheng Yi, a dissident Chinese writer who recently published *China's Ecological Winter* (2002), joined the discussion from the US. To him, Zhao really does not need to approach the question of whether animals are sentient and whether animals should have rights from the multiple angles of science, philosophy, ethics, comparative culture and jurisprudence. Instead, Zheng believes that the science of ecology should be enough to demonstrate the fundamental contribution of biodiversity to human survival. As members of a diverse ecological system, non-human life forms deserve human moral consideration because it is to them that humans owe their survival and prosperity. Zheng asks: how can we say that animals do not deserve human protection because they cannot fulfil their obligations? And, how can we assert that humans are not receiving benefits in return for their responsibilities?

## The animal welfare debate

Like the concept of animal rights, the concept of animal welfare is foreign to the mainland Chinese population. Animal welfare has, however, received greater media attention in recent years. In May 2002, an international forum on animal welfare was held in Beijing. More than 20 scholars and activists from across the world attended the meeting.<sup>7</sup> In October of the same year, an animal

protection and education conference was organized in Heifei in China's Anhui province. At the 19th International Zoological Conference, held in Beijing in August 2004, animal welfare was also the topic of two panels. The Chinese media has not only increased its coverage of animal cruelty incidents, it has also invited Chinese and foreign animal welfare experts on to its programmes on animal welfare. One of the several TV discussions was aired on 14 June 2004 by China's national China Central Television (CCTV). It is against this backdrop of increased societal attention to the plight of animals that the animal welfare discussion has evolved.

### **Welfare crisis: Myth or reality?**

To the proponents of animal welfare, China is deep in crisis. In their articles, media interviews and petitions, they have cited large number of cruel practices and incidents to support their arguments that China's animal welfare crisis calls for immediate government attention.<sup>8</sup> The cited cruel acts include the bear attack at Beijing Zoo, a puppy microwaved alive in Sichuan,<sup>9</sup> a brown bear attacked by three visitors in a zoo in Northeast China,<sup>10</sup> a college student's diary depicting in graphic terms the entire process of a kitten tortured to death and a zoo bear missing four paws.<sup>11</sup> Admittedly, such random violence happens anywhere in the world. Yet, China is facing a more widespread animal welfare crisis that is connected with state-sanctioned business operations.

As the world's leading producer of poultry, pork, dairy and wildlife products, China today has a burgeoning factory farming industry.<sup>12</sup> Chinese scientists have already raised questions about farm conditions. On the many peasant-owned bear farms, bears are intentionally deprived of food or water so that more bile can be extracted. Little consideration is given to the space and nutrition needs of the animals.<sup>13</sup> Conditions of China's zoological gardens are also a big concern to Chinese and international animal advocacy groups. In the many private and state zoos, animals are caged in small, barren and often filthy houses. A private zoo in China's southwest Guangxi province let its bears starve to death.<sup>14</sup>

In China, live animals are prized more than frozen meat. This eating preference has led to the flourishing of live animal markets with supplies of farm, wild and other meat animals from across the country. Animals Asia Foundation's (AAF) investigation found that wild and companion animals are shipped, for example, to Guangdong from other provinces. Many of the animals, cramped in tiny cages, are on the road for as many as 72 hours. They are often denied food and water. Many wild-caught animals are dying a slow and agonizing death from wounds inflicted by traps or snares. In live animal markets, cages of live animals are stacked one above another. To attract customers, sellers sometimes resort to cruel methods to kill the animals. In the words of Annie Mather, AAF's media director, Guangdong's live animal markets were hellholes for the animals: 'Nobody seemed to care'.<sup>15</sup>

Despite the introduction of western livestock slaughtering technology and techniques in China's big meat processing plants, animal slaughtering on the whole is a depressing scene. Pigs and other animals undergo a cruel forced-watering process to increase their weight before slaughter. In this procedure, a large quantity of water is pumped into their stomach through a rubber tube.<sup>16</sup> A recent report on China's fur animal farming also questioned the slaughtering practices on these farms.<sup>17</sup> Other cruel slaughtering practices include removing brains from live monkeys, skinning giant salamanders alive, and live feeding in the many wildlife parks (i.e. feeding zoo animals with live prey).

One of the extreme animal cruelty practices in China today is the state-sanctioned bear farming. This farming operation has been the target both of Chinese and non-Chinese animal welfare activists. Today, more than 7000 Asiatic black bears are incarcerated in tiny cages for the sole purpose of bile extraction from an open wound cut in their stomachs. These bears, kept in total deprivation, go through daily bile extraction for up to 22 years. Their plight has been exposed to a shocked outside world by Jill Robinson, CEO and founder of AAF. Guo Geng, a prominent animal protection activist and prolific writer on animal welfare, condemned bear farming as a practice cruel beyond description.<sup>18</sup> Li Xiaoxi, deputy to Beijing's Haidian District People's Congress, appealed to the Chinese leaders to end bear farming.<sup>19</sup> Recent scientific and welfare policy studies have documented the welfare crisis on Chinese bear farms.<sup>20</sup> My own visit to a small bear farm in the suburb of Tianjin and a huge farm in Northeast China confirmed the level of suffering the bile bears are subjected to.

These incidents and cases often cited by the proponents of animal welfare are considered either myth or sheer fabrications by the opponents. Qiao Xingsheng, a vocal anti-animal welfare scholar of Central Chinese College of Politics and Law, dismisses all the above-mentioned practices and incidents. He views animal suffering under conditions of mass production as a necessary evil and does not see the welfare problem developing into a crisis. In his opinion, Chinese scholars are discussing the question largely because of western pressures.<sup>21</sup>

Zhao Nanyuan flatly rejected the existence of an animal welfare crisis in China. He stated in articles and media interviews that animal welfare problems were sheer fabrication by hostile westerners and Chinese lunatics who allegedly loved animals more than their fellow human beings. To him, those who call for animal welfare improvements in China are making trouble out of nothing.<sup>22</sup> The reported acts of cruelty to animals, according to Zhao, were sensational stories made up by the media or the evil-minded animal lovers.<sup>23</sup> He continued, 'There is really no crisis under heaven except for the one imagined by some not too smart guys'.<sup>24</sup> While Zhao Nanyuan argued that the Chinese cultural tradition is flawless on questions regarding the treatment of animals, Qiao Xingsheng believed that animals in China are well taken care of by the existing welfare laws. They concluded that there was nothing China should do at the moment.<sup>25</sup>

## Animal welfare in China's legal system

Animal welfare has received increasing attention by China's policy-making agencies in recent years. This attention was shown by the issuing of the 1997 Forestry Ministry's Tentative Implementation Regulation on the Use and Management of Black Bear Farming Technology. In this document, cage size, duration of time in the cage, veterinarian care, the method of bile extraction and the condition of bears suitable for extraction are clearly stated. In addition, the Regulation provides against bodily injuries to the farm bears.<sup>26</sup> Other more recent government orders such as the revised regulations on urban zoo management also includes an article requiring the designing and building of zoo facilities to meet the behavioural needs of the animals.<sup>27</sup> The recently revised Beijing Ordinance on the Management of Laboratory Animals also includes articles requiring the provision of appropriate cages, feed and bedding materials for different species.

In general, there are about 70 laws and government ordinances that contain articles related to animal welfare. Yet, except for the 1997 Forestry Ministry Regulations on the Management of Black Bear Farms, most only touch on the issue or are expressed in very vague terms. And, the laws and ordinances passed in the early 1980s and 1990s contained no animal welfare articles at all. For example, the Detailed Rules on Preventing Disease Outbreak in Poultry Production, passed in 1992, made no mention about cage size, ventilation, slaughtering methods, transportation amenities or other welfare requirements that also impact on the health of the animals. The Regulations on Pet Dogs enacted in November 1980 were perhaps the most draconian, treating dogs suspected of carrying rabies as open targets for extermination. Most of the 70 laws and ordinances do not contain actionable welfare stipulations. The Wildlife Protection Law passed in 1988 is the most typical in that it is completely silent on animal cruelty. Most noticeable in the Chinese legal system is the absence of an overarching anti-cruelty law.

One recent study of China's animal-related legislation has identified four main problems.<sup>28</sup> First, China's animal welfare laws are few in number, and these laws 'were enacted mainly to advance the interest of humans. They were primarily enacted to regulate the reasonable use of animal resources by humans. Animal welfare issues and how animals were treated were not considered.'<sup>29</sup> Secondly, existing Chinese laws do not cover all relevant animals. Except for the endangered species in category I and II in the Wildlife Protection Law, most other animals fall outside the protection of any laws. Thirdly, the existing laws and ordinances are disappointingly inadequate to deter acts of animal cruelty. Fourthly, articles in the existing laws are mostly stated as principles that have low enforceability. For example, on live animal transportation, article 31 of the regulations on fresh fruits and live animal transportation require feeding and providing water to the animals. Yet, how often food and water should be provided is not specified.

## The issue of animal welfare legislation

Animal welfare legislation is the focal point of the animal welfare discussion. The two sides stand squarely opposed as a result of their conflicting positions on the question of an animal welfare crisis on the Chinese mainland.

### *Does China need animal welfare legislation?*

The proponents of animal welfare argue that such a legislative action is long overdue. Professor Song Wei and Wang Guoyan's arguments are representative of the proponents' views. In their opinion, China has a void in this policy area and the void needs to be filled. Secondly, China's sustainable development calls for animal welfare legislation to curb the current rate of wildlife devastation. Thirdly, concern for animal welfare in legislation is a sign of progress in human civilization. Cruel practices such as live feeding, relentless exploitation of circus animals, and wildlife farming in conditions of total deprivation form a sharp contrast to the fast modernizing China. Finally, animal welfare legislation will also bring economic benefits to China. The production and export of Chinese animal products could suffer losses due to meat quality issues that are often caused by welfare problems on the farms.<sup>30</sup>

Similar arguments are also voiced by others. Mao Lei, a *People's Daily* reporter, agreed that 'China's animal welfare legislation cannot be postponed any longer'. Mao called for a long-term perspective on the question of animal welfare legislation in China. He states: 'For the sake of development, our legislative action on animal welfare ultimately serves the interest of us humans in the long run'. As a result, legal restrictions placed on us humans are worthwhile and necessary.<sup>31</sup> In her legislative proposal to the National People's Congress, Li Xiaoxi called on the national legislature to outlaw cruel hunting and cruel eating practices. 'People are generally unaware of the deterioration of social morality caused by cruel acts to animals', Li writes. She refers to severe acute respiratory syndrome (SARS) and avian flu to emphasize the need for legal construction in animal welfare. As a challenge to Chinese law-makers, Li believes that the 2008 Olympic Games present a good opportunity for anti-cruelty legislation. She ends with a call for China to be modern not only economically, but also in humane consideration of the non-human animals.<sup>32</sup>

Mang Ping's article 'Animal welfare challenges human morality: animals should be free from fear and distress' touches on both the practical and the philosophical aspects of animal treatment. From a practical point of view, Professor Mang points to the economic loss caused by poor animal welfare practices. Philosophically, she argues that, as sentient beings, animals should be given moral consideration on the farms, in transport and when their lives end. Rejecting the opponents' arguments that animals do not deserve moral consideration since they cannot fulfil their obligations to humans, Mang asks if there is better fulfilment of obligation than sacrificing one's own life as animals

do for human use? Also importantly, Mang rejects the arguments that animal welfare legislation is incompatible with Chinese conditions. On the contrary, she argues that China has a philosophical tradition of kindness to animals.<sup>33</sup>

The position of the opponents is clear cut. Qiao Xingsheng rejects the proposal of animal welfare legislation. He argues that at the present time China is not materially ready for such a legislative move. And, according to Qiao, Chinese culture does not allow people to treat animals as equal to humans. Legislatively, anti-cruelty laws originated in the west and reflect western culture, western levels of production, and western legal systems. China therefore cannot adopt western legislative norms. He believes that animal welfare should be viewed as a social question rather than a legislative issue. At the present time, adopting such a law is practically unenforceable.<sup>34</sup> Liang Yuxia, a researcher at the Chinese Academy of Social Sciences, agrees with Qiao's views that anti-cruelty legislation at the present is premature. Yet, unlike Qiao, Liang admitted that the idea of animal welfare does have merits. In a country where animal cruelty is so widespread, anti-cruelty laws would be difficult to enforce at the present time.<sup>35</sup>

Zhao Nanyuan's rebuttal of animal welfare legislation is no surprise. In an article entitled 'The strange tales and absurd arguments of the animal welfare proponents', Zhao launched a frontal attack on the views of Song Wei and Yang Tongjin. First, Zhao questions the belief that animals have feelings. He argues that the way we treat animals would not elicit the same kinds of emotional reactions from the non-human animals themselves. Secondly, he questions the view that how we treat animals influences how we treat each other. He believes that humans can still be moral beings regardless of our treatment of non-human animals. Thirdly, Zhao rejects the need for anti-cruelty legislation in China. Those who argue for such legislation, in Zhao's opinion, are standing on an 'anti-humanity' position. Fourthly, he rejects the view that animal welfare impacts on human health. He argues that SARS and avian flu have nothing to do with how animals are treated. To him, factory farming has the advantage of better disease control. Fifthly, Zhao sees an irreconcilable conflict between animal welfare and human welfare. Calling for animal welfare legislation, Zhao argues, could lead to an increase of meat prices, thus depriving people of their right to eat meat. Therefore, 'advocacy of animal welfare would reduce the welfare of humans'. This is, he alleges, 'an act to be resisted because it is anti-humanity'. He asks: how could China adopt anti-humanity laws?<sup>36</sup>

### *What should be done legislatively?*

In August 2003, sponsored by the International Fund for Animal Welfare (IFAW – China Office), a proposal on animal welfare legislation was submitted to the National People's Congress. The proposal called for expanding the list of wildlife animals under state protection. In addition, it suggested that four other

categories of animal (farm, laboratory, entertainment and working animals) should also be protected. Some detailed recommendations were included, such as making reference to the UK's principle of the 'Five Freedoms' in animal welfare legislation. Other recommendations include the use of the 'three Rs' (reduce, refine and replace) in articles dealing with laboratory animals. The proposal emphasized the importance of drafting an enforceable law containing specific articles rather than the principle-type statements prevalent in China's current environmental laws.

Importantly, the proposal calls for a phased approach in legislation. While emphasizing the importance of immediate anti-cruelty law-making, the proposal suggests that, as a first step, revisions should be made to the existing laws and government ordinances to include or strengthen the existing welfare articles. For example, the Wildlife Protection Law does not contain any articles on animal welfare. It only penalizes acts causing death to protected species in the wild; acts causing injuries to the same species, whether in the wild or in captivity, are not legally punishable.

The legislative proposal also called for research and preparatory work for legislation on areas not legislated on in the past, with a view to enacting a comprehensive anti-cruelty law at a later date. As a concession to proponents of animal welfare, the guideline for animal welfare legislation should be changed from an emphasis on human use of animals to one that stresses the welfare needs of the animals. The proposal also suggests that the legislative process should be open to animal welfare experts and animal protection activists.<sup>37</sup>

Other more detailed recommendations on the contents of the welfare articles have also been advanced. Environments suitable for the display of animals' natural behaviour should be provided. Prolonged and agonizing slaughter should be outlawed. Laboratory animals should be provided with space, time to play, and adequate food and water. Live animal tests at elementary and secondary schools should be abolished. On companion animals, articles against abandonment and maltreatment were recommended. For law enforcement, the proposals refer to the British Royal Society for the Prevention of Cruelty to Animals as an example of a societal supervisory group to verify law enforcement, investigate violations, assist government enforcement and educate the public.<sup>38</sup>

Opponents have not let the proponents' proposals pass without responding. Jie Geng launched a point-by-point critique of the proponents' arguments. First, he rejected the need for animal welfare legislation arguing that the existence of such a law in the west does not mean that China should also have it. He throws down the challenge as to whether China should also adopt laws to legalize gun ownership or prostitution simply because such laws exist in the US and in The Netherlands. Furthermore, he argues that Korea has not been excommunicated from the WTO for its dog-eating culture.<sup>39</sup>

On the principle of the 'Five Freedoms', Jie Geng asks whether these freedoms have even been realized in relation to humans. According to him, efforts

should be made first to improve the lot of people rather than animals. ‘In China, the right thing to do is to create groups and assistance agencies that work for the rights of disadvantaged people.’<sup>40</sup> On Professor Song’s emphasis on enforcing anti-cruelty laws, Jie believes that poverty, not animal cruelty, is China’s main problem. He asks: ‘When human welfare is not yet achieved, isn’t it ridiculous to propose the building of special administrative agencies empowered to supervise animal welfare law enforcement?’<sup>41</sup>

### *Other recommendations*

One highly noticeable, and certainly the most controversial, proposal is that China should emulate foreign countries and create special organizations complete with staff having the authority to investigate animal abuse.<sup>42</sup> Understanding that respect for other forms of life cannot be achieved in the short run, the proponents propose the creation of special courses, programmes and research projects at Chinese universities. The objective is to make animal welfare part of the college curriculum. Importantly, they believe it is urgent to conduct animal welfare education at elementary and secondary schools.<sup>43</sup> Additionally, they call on Chinese zoos to change the derogatory language used to describe the animals on display. Finally, they call on the media to increase exposure of acts of cruelty to animals and to educate the public about the need to treat other lives with respect and dignity.<sup>44</sup>

## **What does the debate tell us?**

The evolving animal rights and welfare debate is indicative of the rapid changes in mainland China. As a *New York Times* journalist wrote, never before had social transformation in China been reflected by people’s attitudes towards non-human animals, citing the rising rights awareness in connection with pet dog ownership in urban China.<sup>45</sup> Despite the political, economic, ideological and cultural impediments that tend to downplay the importance of animal-related policies, the increasing societal activism is symptomatic of the existence of some (limited) political openness and the incipient growth of an autonomous society in mainland China.

### **Political openness**

The depth of China’s animal welfare crisis highlights the government’s ineffectiveness in an important policy area. Elizabeth Economy’s recent work on China’s environmental mismanagement is thought provoking. She questions the capacity of the Leninist Party-state to make and enforce laws that can address the nation’s environmental problems. Yet, she admits that the reforming Leninist state in China is conditionally responsive to societal activism for environmental protection. Such societal activities help fill important gaps that

the government cannot or is not willing to fill at the present time. In the animal protection policy area, the same is true about the attitude of government. Despite the fact that the Chinese government is a monolithic whole under strict Party control, steps have been taken in animal-related policy areas largely in response to internal and external pressures.

One political change that was unthinkable in the pre-reform era is the cautious openness of the Chinese political system to external pressures. As part of the efforts to fulfil China's obligations as a signatory of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Beijing created within the State Forestry Ministry a Wildlife Conservation Association (CWCA). In 1988, it went on to enact a Wildlife Protection Law. Other policy measures included the banning of use of parts from tigers and rhinos in Chinese traditional medicine. Also in response to domestic and international pressures, the Chinese authorities sat down and met with Jill Robinson, IFAW's China Director, in 1994 on phasing out China's cruel bear farming operation. Two of the worst bear farms were closed in 1995. Two years later, the State Forestry Ministry issued stricter regulations on bear farming requiring farmers to improve conditions on the farms. In 2000, the Chinese authorities officially committed to release 500 bears from a life of torture to Animals Asia Foundation's sanctuary. Today, China has become the focal point of international animal advocacy groups. It is expected that the Chinese authorities, in their public statements, will continue to reject international outcries as unfounded charges. Yet, the heat it feels is likely to motivate Beijing to act in certain policy areas. After all, China's increasing integration in the world economy has made it impossible for Beijing not to take heed of international public opinion.

The reforming Party-state has also in recent years learned to be more open to societal pressures for environmental and animal-related policy change. To a limited extent, the SARS epidemic was China's Chernobyl in that it triggered greater societal participation in discussions on ecological management and China's sustainable development. In May 2003, the Provincial People's Congress of Guangdong held the first ever public hearing on the future of the province's highly controversial wildlife trade. In Beijing, concerned citizens and activists participated in a heated discussion regarding Beijing's draconian dog registration policy adopted in the mid-1990s. As a result of the mounting pressures, the municipal government revised the old regulation and significantly lowered the dog registration fee. The animal advocacy groups are now targeting the National People's Congress in order to push for anti-cruelty legislation.

What does the government sensitivity to internal and external pressures tell us? Obviously, the Chinese government is experiencing a mind-set change from viewing unofficial activism as dangerous, to be avoided or suppressed at all costs, to seeing it as a 'necessary evil' to be dealt with cautiously. Such a new attitude is sure to invite and encourage societal activism on more sensitive matters in the future. As Elizabeth Economy shows in her book *The River Runs*

*Black*, tolerance of environmental activism in the former Soviet Union opened the floodgate for political activism that eventually led to the demise of the Soviet Empire. No one can predict for sure that what happened in Eastern Europe will be repeated in mainland China. Yet, liberalization of Chinese politics in whatever form is unstoppable. For the animal advocacy groups and individuals, it is important to keep in mind the authoritarian nature of the Leninist Party-state and the limits to its acceptance of societal pressure. As Elizabeth Economy points out, the Chinese government has tolerated criticism largely because such criticism was restrained and did not touch the fundamentals of the Leninist state system.<sup>46</sup>

### **Societal activism**

Scholars and activists who have voiced their views in this evolving debate have done so independently. In other words, they do not publish or speak on behalf of the institutions they are associated with. They have submitted legislative proposals to people's congresses at the provincial and national levels. Their activism during the SARS epidemic period helped stop the government-sanctioned dog culls in many parts of the country. The most vocal activist warned the government of the legal liabilities of encouraging indiscriminate dog killing campaigns.<sup>47</sup> Since the early 1990s, non-governmental environmental groups and animal protection organizations have slowly but steadily increased in number. Despite the continued government imposition of strict requirements on the formation of unofficial groups, the activists have not relaxed their efforts to make an impact.

In China, as in other countries, environmental groups have taken the lead in educating the public, formulating agendas and taking concrete steps. In animal protection, Chinese NGOs and individual activists were the first to act in efforts to protect the Tibetan antelopes. It was only after the initial accomplishments of the volunteers that the government began to get involved in the protection efforts. Likewise, making the vast region from which China's major water systems originate into nature reserves was first proposed by China's environmental activists.<sup>48</sup> The idea was adopted by the government in 2001. In mainland China today, the most vocal supporters of animal welfare legislation are scholars and activists who are speaking on their own initiative.

Autonomous activism has a far-reaching impact on mainland Chinese society. First, the animal protection groups are a good training ground for other similar organizations. It is also a place where critical lobbying skills are developed. In China, where lobbying is little known and discouraged, the rise of interest groups can help connect the government with the society. Secondly, autonomous animal NGOs can develop into a political force. They could 'become enmeshed in broader political movements, providing cover for democracy and human rights activists'.<sup>49</sup> But, more directly, animal advocacy NGOs serve as examples to individuals who intend to organize groups focusing

on different policy matters. When autonomous groups multiply in number, the current state–society relations are likely to face greater challenges.

Admittedly, the Leninist state remains formidable in today's reforming China. As Elizabeth Economy writes, the Party-state still maintains a tight control over social groupings. It allows domestic and foreign NGOs to operate only when such groups fill important gaps, bring in much needed foreign funds, serve as an inexpensive supervising mechanism and are silent on political matters.<sup>50</sup> Yet, as long as autonomous activism continues, society as a whole will gain greater influence on public policy-making, thus impacting the monopoly power of the Leninist state on policy matters.

## Conclusions

The debate on animal rights and animal welfare is a new phenomenon in the reforming China. On the positive side, China has seen enormous societal changes brought about by rapid economic changes. One indicator of these changes is government's tolerance of society's participation in policy debate. The animal rights and animal welfare debate is one such public discussion initiated by independent-minded scholars and activists. Such initiatives would not have been possible in the pre-reform era.

No intellectual pursuit is value-free. In China, intellectual fervour has always carried normative concerns. The evolving debate on rights and welfare for the animals is no exception. Those who have called for attention to animal rights and welfare are activists who stand for policy change in animal-related issues. As we have shown, the opponents who reject the calls are no less enthusiastic about maintaining the policy status quo.

Importantly, the debate and the increasing societal activism are impacting on the future directions of Chinese politics and Chinese society. Politically, the animal advocacy groups will continue to push for policy change in the area of animal protection. With the increase in the number of such groups and their increasing activism, the Chinese policy-making process is expected to be more open to allow for the friendly participation of the Chinese animal NGOs. In terms of impact on Chinese society, animal advocacy groups and activists represent part of the new societal forces that were nowhere to be found in the pre-reform era. Together with other domestic NGOs, they are contributing to the rise of civil society. Their activism, agenda-setting initiatives and success in facilitating policy change will eventually redefine the state–society relations in mainland China.

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