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Counter-Intelligence on Espionage in the People's Republic of China

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Title: Counter-Intelligence on Espionage in the People's Republic of China

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Abstract. This article analyzes the consensual Western perception that many allegations of espionage made by the government of the People's Republic of China (PRC) are violations of universal human rights.

Much has been made by Western journalists, government officials, and representatives of non-government human rights organizations of recent PRC espionage allegations. The common Western critique asserts that the targets of PRC espionage allegations are only practicing their right of free speech, engaging in their chosen profession (usually that of academic research), and using unclassified not classified information. However, this critique can be roundly countered.

Free Speech. No existing national government--from so-called representative democracies through totalitarian regimes--espouses or tolerates a totalist position on free speech. Instead, each government implements a set of criteria of what speech will and will not be allowed by whom through specific methods in specific situations. As well, to use two pertinent examples, both the United States (US) and the PRC governments have been critiqued by their own citizens and by others within and outside of their respective political borders for limiting free speech too egregiously. Certainly, in the aggregate, a great deal more free speech--operationalized as saying what one wants and how, when, and to whom one wants--is allowed in the US than the PRC. But this fact does not necessarily lead to terming the constricted PRC version to be an exemplar of human rights violation any more than the US version to be the apotheosis of human rights. One does not need to be a card-carrying totalitarian to venture that political, economic, social, cultural, and historical contexts must be factored into individual determinations of what constitutes a human rights violation in a specific situation. A universal human right outside context can be as subjugating as a human rights violation within context.

Practicing a Profession. There is necessarily no universal right to practice any profession or any profession in any way outside of context. The simplest examples might include what can be termed crystallizations of the Freudian unconscious--assassinations and prostitution. Each usually is proscribed based on a foundation of law. Each may be proscribed in a minority of situations--also based on a foundation of law. Each may be de facto tolerated regardless of law. And each may be conflated with other human rights, such as free speech or association. The same applies to professions less often proscribed, such as academic researcher. Western academics who profess shock and horror at PRC constraints on academic research are studiously denying their own situations wherein a confluence of political correctness, the social cognitions of financial grantors, the scholastic heuristics of tenure and promotion committees, and special interest groups focusing on professed religious values and roles of the Academy influence what does and does not get published in scholarly journals, "count" as academic production, qualify as "workload," or become part of acceptable professional and public discourse. Certainly, the US provides a greater public and private space for research methods, activities, and products, although the space is in the context of a peculiarly American degradation and ridiculing of the role of intellectual and of intellectual pursuits that results in the academic freedom to be largely discounted, if not ignored. Yet the PRC constraints on academic research cannot be so facily termed violations of human rights.

Classification Policy. Now, how about the defense that targets of PRC espionage are only using unclassified information or information that is already widely disseminated? First, there is nothing immutable about what is classified and unclassified. Assuming classification is only an Issue in terms of what presents a security threat to the national government in question--an assumption universally violated by government representatives who fear shame, embarrassment, and a potential loss of power through making public examples error and poor judgment--any piece of information might well vary from necessitating classification at one time, not at another, and then yet again. In an era in which information once out is always out, the varying security value of information presents an operational dilemma not a prescription to jettison any attempts at information management. Second, even if information could be validly and easily termed always worthy of classification or not, most security experts believe and assert that one can discover classified truths totally based on linking together only unclassified information. Again, this should not be a prescription to jettison information management, but a prescription to more judiciously craft and implement an information management strategy.

Yet another Issue underlying the Western critique of PRC espionage allegations is the comparative value of individual versus collective rights. Individual and universal rights are often conflated. Collective and universal rights are often conceived as antitheses. However, one might argue that the West has struggled and continues to struggle with the Issue as reflected, for example, in the very different prescriptions of Thomas Hobbes and Jean Jacques Rousseau based on conceptions of humans in their natural state and the primary functions of government. One might also argue that the PRC government continues to support a perspective that is thousands of years old and in many ways reflects an integration of the Confucian value of order and utilitarian values for the greatest good for the greatest number of people. Again, where is the necessary human rights violation associated with collective right?

The latest controversy over PRC espionage allegations and Western allegations of PRC human rights violations may have less to do with human welfare per se and more to do with competing conceptions of the world. Some analysts might term this a conflict for the optimal ideology to exploit "the masses," others a conflict over the need to protect one's existing ideology as a terror management tool that attenuates existential dread of inevitable human mortality. With recent espionage cases, one may conclude that the opportunity for public discourse on what really is of Issue is being stolen by the West and the PRC alike--joint accomplices in subverting the human soul. (See Bian, W-Q, & Keller, L.R. (1999). Patterns of fairness judgments in North America and the People's Republic of China. *Journal of Consumer Psychology*, 8, 301-320; Danoff, L. (2000). The Foreign Intelligence Surveillance Act: Law enforcement's secret weapon. *Journal of the American Academy of Psychiatry and the Law*, 28, 213-224; Harvey, O.J., Frank, H., Gore, E.J., & Batres, A.R. (1998). Relationship of belief systems to shame and guilt. *Personality and Individual Differences*, 25, 769-783; Ho, D. (1994). Filial piety, authoritarian moralism, and cognitive conservatism in Chinese societies. *Genetic, Social, and General Psychology Monographs*, 120, 347-365; Ling, B. (July 28, 2001). Censors, spies and scholars. *The New York Times*, p. A25; Sarbin, T., Carney, R.M., & Eoyang, C. (Eds.). (1994). *Citizen espionage: Studies in trust and betrayal*. Praeger Publishers; Smith, C.S. (July 27, 2001). Beijing's turnabout is seen as a maneuver to mollify the U.S. *The New York Times*, <http://www.nytimes.com>; Yang, S., & Sternberg, R.J. (1997). Conceptions of intelligence in ancient Chinese philosophy. *Journal of Theoretical and Philosophical Psychology*, 17, 101-119.) (Keywords: Espionage, Human Rights.)