

**Human Rights
and United States Policy Toward China**

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January, 2000

From Jack Donnelly, ed., *Human Rights Working Papers*,
Institute of International Human Rights, University of Denver
(www.du.edu/humanrights/workingpapers/), 2000.

This is an abridged and revised version of a monograph
originally published in the Crossroads Monograph Series, 1999

Table of Contents

I. Introduction	3
II. Human Rights and Sino-American Relations	4
III. The Chinese Government’s View of Human Rights	9
IV. Engagement and Containment	11
V. The MFN/NTR Debate: A Case Study in “Humanitarian Quasi-Intervention”	16
VI. Changes in China and Human Rights	35
VII. Bilateral vs. Multilateral Approaches to Encouraging the Chinese Government to Better Honor its Commitment to Human Rights	44
VIII. Viewing Human Rights Diplomacy as “Witness”	51
IX. Conclusion	54

I. Introduction

Human rights is an issue that definitively exemplifies the differences between the social, cultural, economic and political systems of the world's most populous and the world's most powerful nations, the People's Republic of China and the United States of America. Former paramount leader Deng Xiaoping himself is said to have stated,

The human rights issue is the crux of the struggle between the world's two social systems. If we lose the battle on the human rights front, everything will be meaningless to us.¹

Recently, students of Sino-American and international relations have published a number of influential works describing what they see as America's "coming conflict with China," or "the clash of civilizations" between the West and China, both cases in which it is argued that the United States is destined to find itself if not at war with China in the near future, then at least in a serious political stand-off with China, perhaps a new Cold War.² While such pessimism is deterministic and unwarranted, the potential for serious conflict between China and the United States is very real.

Why is the human rights issue so salient in Sino-American relations? Deng was right in the statement above, that the "battle" over alternate visions of human rights has immense ramifications for China. However, with the end of the Cold War and the liberalization of China's economy, I do not see the "struggle" as being between two world systems as was the case during the Cold War, but rather as being between "universal" or "Western" and alternative paradigms of society, government and economy. As it regards human rights, the "struggle" centers around an argument that human rights as defined in the UN documents are universal, the Western position. An alternative view, posited by leaders in China, Malaysia, and Singapore among others, is that human rights are not

universal, but rather can be defined only as being relative to local cultural, historical, and/or developmental realities. If the Chinese government prevails in its bid to make human rights seen as developmentally relative, which is the official Chinese view of human rights and will be discussed below, they will be able to hold their heads high as they continue on their current course of development, wherein individual rights are sometimes subsumed for the “collective good” of economic development and the maintenance of order, the status quo, and the Chinese Communist Party. If China bows to the universal interpretation of human rights found in the UN’s Universal Declaration in the sense that it be fully implemented at present, it must make monumental changes in its social order, its legal system, and its system of governance, acknowledging that the state must be absolutely and fully accountable to the people it governs in every respect.

It could reasonably be argued that full compliance with international human rights norms today in China could bring about a hasty end to the single-party communist system of governance that has existed since 1949, for without control of the press, the freedom to quash dissent and to appoint leaders that will support the present system, the Party would not be able to guarantee its hold on power. If the Party could no longer engage in these activities, the only way it could remain in power would be to seek the legitimacy that victory in democratic elections amidst open party competition could give it. Even if the Communist Party were to prevail and remain in power, which would be within in the realm of possibilities, this new situation would be a monumental change.³ The human rights debate is no peripheral issue to the Chinese leadership, but is central to their ability to maintain their course along the Maoist/Dengist road, and they are well aware of that.

So from the Chinese perspective, fully conceding today to universalist notions of

human rights could bring great social, economic and political unrest to their country, and/or could even mean the collapse of Chinese communism as we know it. The Chinese, therefore, see the present human rights debate as the continued attempt by Westerners to dominate them and reshape them into an image of the West, philosophically, economically and politically. Yet the Chinese have always seen and continue to see themselves today as fundamentally different from the West/the world, and quite capable of choosing their own path to development. Consequently, they find it insulting that a nation (the US) with so much injustice and so many double standards in its own history (slavery, genocide of native populations, racism, CIA plots to overthrow governments, etc.), should deem itself worthy of judging them, the Chinese, particularly as it concerns a matter that according to the UN Charter falls within the purview of their own sovereign authority.

From the perspective of the US government, the salience of the human rights issue reflects the American concern about the Chinese government's lack of accountability to its people, which the US sees as a troubling part of a more general trend of not being accountable to anyone (i.e., the world community). Though it calls itself "the democratic dictatorship of the proletariat," Americans view the functioning of the government of the People's Republic as less "democratic" and more like a "dictatorship."⁴ They view today's China as anything but "of the people, by the people and for the people."⁵ Instead, the US government sees the "people's" government primarily as "of the Party, by the Party, and for the Party," a party whose membership today, incidentally, accounts for only 4.8% of the population.⁶ With their belief in the "democratic peace theory,"⁷ American policy-makers worry about China. They fear that because the Chinese leadership is not

entirely accountable to its people,⁸ it continues to be able to manipulate popular attitudes and opinions through a controlled media⁹ and because its economy continues to grow so rapidly, a few old men with grandiose ideas for seeing China restored to its former greatness in *this* generation might be inclined to take back Taiwan, to take the Spratley and Paracel Islands, to control the vibrant South China Sea-lanes, and to engage freely in mercantilist trade practices, among other things. In this case there might be little but the US armed forces to stop them.¹⁰ American policy-makers would like to see a China that is accountable to its people (which means democracy and fully-implemented human rights), and accountable to the rest of the world (which as the democratic peace theory has it would be more likely under democracy).

Given the American interest in human rights and democracy taking deeper root in China, and the belief that such would be good for the people of China, what might an effective US foreign policy toward China look like? What exactly is the Chinese government's position on human rights? Is the revocation of Most-Favored Nation (MFN - now referred to as NTR or Normal Trade Relations) status an effective way to encourage the improvement of human rights in China, as many in the United States Congress have advocated in recent years? Are multilateral means more effective than such bilateral ones in this case? In the paper to follow I will address all of these questions, as well as the concept of "witness" as an effective way of dealing with China in the human rights arena.

II. Human Rights and Sino-American Relations

The human rights debate as we have come to know it in Sino-American relations

did not really come into existence until after the June 4 1989 incident, which was called a “massacre” by American China-watchers, and “turmoil” by the Chinese government. The late appearance of human rights in Sino-American relations is a bit odd in some respects, because it is not as if the human rights situation in China was lovely until 1989, but then became a problem overnight. China’s human rights situation was undoubtedly at its worst in China during the cultural revolution of 1966-76. Even during the Carter administration’s tenure, when it could reasonably be said that human rights were higher on an American president’s foreign policy agenda than ever before (or since?), relatively little was said about human rights in China.

Perhaps this was because expectations of China were not so high during the time of the Carter administration, China having just emerged from the cultural revolution, just having begun its post-Maoist reform, and because China at that time appeared to be moving in a positive direction in the area of human rights. In 1982 China was elected a member of the United Nations’ Human Rights Commission, participating formally in its 38th session. Over the next few years China had one of its members elected to the Sub-Commission on Human Rights as well, it voted with Westerners to send a UN investigator to Afghanistan to report on human rights there under Soviet rule (despite Soviet and East European protests that such was an interference in internal affairs), and by 1989 it had signed and ratified the UN’s Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and five other treaties and covenants on human rights.¹¹

It was the June 4 incident that changed the West’s perceptions of human rights in

China drastically, for the Chinese government's handling of these particular events seemed to Americans to have been a large step backward. Following the Chinese government's violent suppression of the Beijing Spring movement early on the morning of June 4, 1989, Western governments expressed outrage, variously freezing credits, development aid, exports to China, and imports from China. Some non-Western nations followed suit, including the Philippines, El Salvador and Japan. Many protesting nations helped dissidents escape via their embassies, eventually granting many of them visas to their own countries where the leaders went into exile. The United States was initially a bit slow to respond as a result of President Bush's beliefs that the best way to influence China was through trade and other contact and by addressing the Chinese with a more soft-spoken demeanor, but it signaled its disappointment by freezing a number of government-to-government meetings and business dealings. Congress took a harder line, however, insisting on a broad range of sanctions which included the suspension of trade assistance, a freeze on exports on satellites and most armaments to China, and the suspension of insurance for US companies doing business in China which was administered via the US government's Overseas Private Investment Corporation.¹² By 1992, though many of the Tian'anmen demonstration leaders were still in detention, all of the international sanctions resulting from the Tian'anmen incident had been dropped. The Tian'anmen incident was not forgotten, however, and thus was born the human rights issue in China's relations with the United States.

What exactly are the charges against China as it regards human rights? The 1997 China report from Amnesty International, an organization that has become one of China's leading human rights critics, provides a basic summary.¹³ According to the report, in

1997 there were hundreds and perhaps thousands of prisoners of conscience in China, including activists promoting greater levels of democracy, human rights, religious freedom, ethnic autonomy and other issues. Widespread abuse by police was reported, included torture and beatings, which in conjunction with generally poor prison conditions and treatment, led to the reported deaths of a number of prisoners. In addition, 3500 prisoners (some, prisoners of conscience, according to Amnesty sources) were executed during the year according to official records, but AI sources believe the number to be higher. Many prisoners were sentenced to death after unfair trials, some their appeals ignored, and others were detained without charges for long periods of time. Religious groups also received sanction and/or their members' detention if their existence or activities were not approved of by the state, particularly in the areas of Xinjiang and Tibet. The report states that numbers of Protestants, Catholics, Tibetans and Uighur Muslims were arrested and some beaten for protesting or failure to comply with various aspects of Chinese government policy during the year. Having provided a very basic history of the human rights issue in the Sino-American relationship and a short discussion of some of the human rights problems in China from the perspective of Amnesty International, let us now look at the Chinese government's view of human rights before moving on to the present policy issues confronting American policymakers.

III. The Chinese Government's View of Human Rights

It is commonly accepted that there are basically three possible views on human rights as the discourse appears presently.¹⁴ The first, as we have already discussed, is that of the Western nations and of the UN's Universal Declaration of Human Rights, that

human rights are universal by virtue of the fact that all people are after all human.¹⁵ The second is the cultural relativist argument, the idea that a people's conception of what is and isn't a human right depends primarily on cultural proclivities at certain points in time and space. Human rights are, therefore, seen as being relative to the values, norms and practices of a given culture, which is to say that "universal human rights," per se, do not exist. A lesser known third view has been called the "developmentalist" version of human rights, which argues that a nation's ability to implement human rights norms is relative to its level of socioeconomic development. So while the developmentalist notion of human rights sees socioeconomic relativism in human rights, it ultimately admits of universal notions of human rights, only calling for delays in their full implementation until a "prudent" time in the country's socioeconomic development. As we have already discussed, critics of the latter two visions of human rights argue that they are only used to justify continued repression by governments to maintain the political status quo, while critics of the universal notion of human rights argue that it is used as a tool by the West to impose Western values on non-Western nations.

The Chinese have variously posited both the cultural-relativist and developmentalist views of human rights.¹⁶ China human rights expert James Seymour has noted that in matters of civil and political rights, "...China's leaders take a cultural relativist approach."¹⁷ Yet, as China foreign policy expert Peter Van Ness has put it,

Both the US and the PRC representatives at Vienna [1993] endorsed the two key principles of *universality* of UN human rights standards, and *indivisibility* [emphasis is the author's] of priorities among those standards. China's declaratory position on international human rights, importantly, is neither Marxist nor cultural-relativist. Rather, Beijing takes 'developmentalist' exception to the immediate implementation of UN standards for less industrialized countries, and emphasizes the economic agenda over civil and political rights and group rights, especially self-determination,

over individual rights.¹⁸

So which is it - cultural relativist or developmentalist?

While China is as good a case as any for the cultural-relativist case, if any can be made,¹⁹ recently Beijing has favored the developmentalist line. The two are actually contradictory in their pure forms, because while the relativist view denies universality at its core, the developmentalist view has it that human rights are indeed universal, but that countries should be given time to develop economically before being held accountable for the full civil and political rights of their citizens (which means relativism in the short-term, but universalism in the long-term, as countries develop). As Van Ness noted, China has admitted to universalist notions of human rights in its developmentalist rhetoric. Despite the relativist rhetoric of the Bangkok Declaration in which China played a leading role, Beijing has reiterated its support for universalism within the rubric of developmentalism, but stressing each country's "right to development," alluding to the UN General Assembly's 1986 declaration that regards social, cultural and economic development as a right, and putting social and economic rights above civil and political rights. Most importantly, after President Jiang's meeting with President Clinton in 1997, the Chinese government signed the UN's quite universalistic Covenant on Political and Civil Rights, which is what the West had been pressuring it to do for some time.²⁰ So in the end there can be little doubt that China's stated stance today on human rights is developmentalist.

IV. Engagement and Containment

The differences between China and the US over human rights should be seen as

one important issue in the broader context of Sino-American relations. In looking at those bilateral relations, it is apparent that the debate in US policy circles over how to handle China seems to have boiled down to a choice between “engagement” and “containment.” Engagement is a term that refers to a policy of constructively engaging China by expanding trade, and cultural, scientific, educational and diplomatic exchanges. The belief behind the policy of engagement is that as China is welcomed into the world community and has more and more contact (engagement) with democracies and free market practices, China will be influenced positively, and over time, as its businesspeople, artists, scientists and students and scholars interact more with the outside world, they too will desire democracy and a more full implementation of human rights for their own land, and seek to influence Chinese policy-makers to that end. Concomitantly, as China continues to open its economy to the forces of the free market, engagement advocates argue, an effective rule of law will be more and more necessary to regulate the burgeoning economy, and this will work towards making the government not only more effective, but more accountable to the people. As the non-State actors become wealthy, they attain a voice, and this strengthens civil society in such a way as to create pockets of power that will increasingly hold the government accountable. A gradual, peaceful evolution to democracy and the full implementation of human rights is the hope behind the policy of engagement.

Less benign and more confrontational is the policy of containment. Here China’s leaders are seen in a more belligerent light, such that a comparatively soft, gradualist policy like engagement will not work, but will only serve to “appease” the Chinese leadership. Here China is compared to the former Soviet Union, a case in which direct

action was taken to weaken the leadership's hold on power and to challenge their every assertive foreign policy move. The underlying assumption in this case is that China is now an untrustworthy, unaccountable, even expansionist (or at least potentially expansionist) power, which must be checked presently before it becomes too powerful to check later.²¹ It is some of the members of this camp that see the threat of American revocation of MFN as an effective tool to use against China.²²

Human rights advocates can be found in both camps, but Amnesty International, Human Rights Watch, and other such human rights-oriented non-governmental organizations, while not necessarily advocates of containment as a general approach to China, tend to fall into the harder-line camp in their view of China, being less likely to see the Chinese leadership in a complimentary light, and favoring greater confrontation with Beijing over human rights, being more of the disposition that full implementation of human rights cannot wait for a "peaceful evolution" because there are people suffering now. One cannot help but be sympathetic to this argument because who wants to be the one to tell the jailed dissident or 77 year-old Catholic priest that they have to wait for the "peaceful evolution" to be released? Yet students of international relations and the moral ambiguities of sovereignty will do well to remember that A.) human rights issues do not exist in a vacuum - they are not the only issues in Sino-American bilateral relations; and B.) one country cannot simply go around "correcting and punishing" another country for its domestic injustices because of the importance of the concept of sovereignty and self-determination in international law (except perhaps in extreme circumstances such as genocide, and then with a consensus from the international community via a UN mandate - more on this to follow) - which is to say we cannot send in the Marines at will to release

Chinese prisoners of conscience. This is a cold reality, but a reality Americans must accept in this imperfect world if we desire to uphold each nation's right to sovereignty and self-determination, including that of our own nation.

China is not enthusiastic about the notion of either of the aforementioned policies, because behind each is the hope that it will play a part in China's transformation into a free-market democracy. US policy toward China has employed both engagement and containment in recent history. Containment was the policy after the communists won China in 1949, particularly during the Korean War years and immediately thereafter, and persisted to a greater or lesser degree until China's rapprochement with the US in 1972. After that, American policy has largely consisted of engagement. June 4 brought sanctions from the US, but the US has not in recent years attempted to "contain" China internationally as it did the Soviet Union during the "golden years" of Soviet containment.

Recently there has been much talk of containing China and a lot of comparisons between today's China and the Soviet Union of the past. The gist of the argument for containing China is that, "it worked for the Soviets, why not for the Chinese?" This comparison of the Soviet Union and China is extremely problematic and the analogy a poor one. The Soviet Union, as George Kennan's famous "X" article appearing in *Foreign Affairs* in 1947 points out, was truly an expansionary threat.²³ They'd just solidified their control of Eastern Europe and erected what Winston Churchill called, "the iron curtain." The Soviet Union's post-war actions in Japan, Berlin and Korea, in Prague in 1968 and Afghanistan in 1979, and their numerous actions in support of what American leaders called "communist insurrection," coupled with the legacies of

Stalinism, which it would later be revealed left 15 to 20 million dead, left no doubt that their domestic policies were dangerous to their own people and their foreign policies were aimed at threatening or subverting Western nations and stirring up communist revolutions around the world. In short, containment was the policy needed to deal with such an expansionary threat.

While communist China was worthy of containment in the 1960's when the Chinese people were suffering under Mao's extremism and Mao's foreign policy was to support wars of national liberation,²⁴ today's China cannot be compared to the former Soviet Union. Today's China is not expansionary in that sense. Yes, they want Taiwan back, and their claims to the Spratleys and the Paracels have been quite aggressive. Yet, as it regards Taiwan, both US policy and UN resolutions recognize their claim to the island; and as it regards the Spratleys and the Paracels, the claims they have made, though somewhat dubious, are that these uninhabited islands are and have been a part of Chinese territory. Though each of these issues certainly has the potential to explode into conflict with neighbors and regional powers if China handles them poorly, they cannot be compared to the occupation of half of Europe and the political, economic and military support of communist revolutions around the world as was the case with the Soviet Union. The containment policy is a policy that a foe of the United States has to "earn." China has not "earned" this (dis)honor. Moreover, containment is a policy designed for nations that pose an *external* threat. It has never been used because of human rights violations within a country. It is a policy that Americans might use if China shows a pattern of invading its neighbors,²⁵ but until or unless something like that were to occur, speaking of containment in regard to China presently seems unrealistic and rather

bellicose. Such talk is more likely to create a war, hot or cold, than encourage commitments to peace and human rights. An American policy of engagement with concomitant firm moves to engender international Chinese accountability through bilateral and multilateral channels is what the present situation with China calls for, but more on this below.

V. The MFN/NTR Debate - A Case Study in “Humanitarian Quasi-Intervention”

Most Favored Nation (MFN) status, or Normal Trade Relations (NTR) as it has been called more recently, has been at the center of the debate over US human rights policy towards China since at least 1992 following the end of the international sanctions on China by the US and other members of the international community that came as a result of the Tian’anmen Square incident of 1989. For those in Washington who felt that the end of sanctions spelled a softening in the US approach to China, MFN became a tool whereby the US could remind the Chinese each year with its renewal, or the threat of its revocation, that China was indeed accountable to the world community, or at least to the US, in the area of human rights.

The MFN debate is an important case to study for at least two reasons. First, it is a good example of a more confrontational way of dealing with a country like China, and it is a good example of the problems associated with such an approach, as I will discuss below. In addition, MFN is not a dead issue, but is, at the time of writing,²⁶ still very much a part of the coming debate in Congress this year over ratification of Permanent Normal Trade Relations Status/World Trade Organization entry for China. It remains a major sticking point to ratification, one which China’s critics in Washington are loathe to

concede to it.

Why do the Chinese care about getting MFN/NTR each year? Primarily because MFN status, normal trade relations status between two countries as the new NTR denotation indicates, gave the Chinese better access to US markets because of lower trade barriers, an important consideration considering that one of the most vibrant sectors of the Chinese economy in recent years has been the export sector. MFN status also makes it easier for US companies to invest in China, which has also been very important for stimulating China's domestic market, bringing in much-needed capital and technology.

The conditionality of granting MFN status to totalitarian or authoritarian countries first became an issue as a result of the Jackson-Vanik Amendment of 1974, which disallowed MFN for the former Soviets unless they allowed a certain number of Soviet Jews to emigrate to the West each year to avoid persecution. Each year, after reviewing the record of the Soviet Union in the preceding year, the president made a recommendation to Congress to bestow MFN that year or not, and to overturn the president's recommendation, a joint resolution of both the House and the Senate was required. After the bloody suppression of demonstrators at Tian'anmen Square and elsewhere in China in 1989, Republican Senator Jesse Helms, Democratic Congressman Stephen Solarz, and others advocated the revocation of China's MFN status as a sign of their disapproval, the first time MFN had been linked to human rights in the Sino-American relationship (their move failed). In 1992, with the trend toward normalization of Sino-American relations near completion after the events of 1989, members of Congress feeling disgust with that trend borrowed the principle of the original Jackson-Vanik Amendment and its linkage of MFN to a human rights issue, and tried to formalize

a similar policy for China, making renewal of MFN for China contingent on improvements in its human rights situation. President Clinton not only recommended and won the renewal of China's MFN status in 1992 and 1993, but in 1994 succeeded in dissolving the formal linkage between China's human rights practices and MFN status with the United States. China's critics in Congress didn't give up, but brought MFN back as an issue regularly, most recently during the summer of 1999, with the deterioration of Sino-American relations in the spring and early summer of the year. The president's renewal of MFN for China was approved once again during the summer of 1999, but now that China and the US have worked out an agreement for China's entry into the WTO, one more (final?) battle over the issue remains in the Congressional ratification for the entry of China into the World Trade Organization, whereby China would receive permanent MFN/NTR status, ending the regular confrontations between the president and Congress over the issue.

The question to be addressed here is whether or not revoking MFN would be a just and effective way to help foster a better human rights situation in China. I will argue below that it is neither just nor effective. I will begin by discussing the justice, ethics and efficacy of MFN revocation, or lack thereof, as things are in China now.

I would like to suggest that American revocation of MFN from China is an attempt at what international relations theory and human rights specialist Jack Donnelly calls, humanitarian quasi-intervention, which is to say, a situation wherein "one party tries to subordinate the other to its will through injury or punishment," for the purpose of "remedy[ing] gross, systematic violations of [internationally-recognized human] rights..."²⁷ As I've argued, MFN revocation is a serious matter, more akin to economic

sanctions than to the denial of a special, chocolate-covered trade-policy give-away, indicated by the recent change in nomenclature making Most-Favored Nation status now Normal Trade Relations status. Donnelly's conclusion regarding unilaterally-imposed humanitarian quasi-intervention and human rights is that "none of the obligations to be found in multilateral human rights treaties may be coercively enforced by any external actor," and even as it regards multilateral actions,

...there is not a single case, with the possible partial exception of South Africa, in which the UN has been willing to intervene on humanitarian grounds when an existing government has resisted.²⁸

The UN has avoided sanctioning such interventions because it was designed primarily to protect states from incursions by other states, not to protect citizens from abuses by their own governments. As we will discuss below, this may be changing at the UN as international consensus grows to allow humanitarian interventions in certain circumstances.

In 1999, of course, we had another case, that of Kosovo and NATO's intervention there. Yet, following Donnelly's logic and the logic and reality of international law, the Kosovo intervention was highly problematic. It was essentially illegal. According to the UN Charter, to which all of the members of NATO, and Yugoslavia, are signatories, such military actions must be approved by the Security Council and carried out under the supervision of its Military Staff Committee or by participants in the action as approved by the Security Council.²⁹ Strictly speaking, however, given the Charter's emphasis on state sovereignty, there is no provision for such interventions within the internationally-recognized borders of sovereign states. In Chapter 1, Article 2, No. 7, the Charter states,

Nothing contained in the present Charter shall authorize the United Nations to

intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

The real issue has been how to define “matters which are essentially within the domestic jurisdiction of any state.” It would seem that the court is still out, although there is certainly a growing international consensus that there *are* times when the sovereignty of a state might be infringed upon in cases such as ethnic cleansing or genocide with state complicity (the former is the case made for the Kosovo intervention), or in cases in which all law and order has broken down and the government has neither the will nor the ability to address the problem (Somalia was a case here). What the UN Charter says of intervention is all in the context of intervention after a cross-border attack has occurred. That was not the case here, as Kosovo is still a part of Yugoslavia.

A recent article in *Foreign Affairs*³⁰ discusses this dilemma, concluding that despite the restrictions of the Charter on such interventions, a new international consensus seems to have been formed that allows such interventions. This is not in and of itself problematic in my view, as most nations or organizations using constitutions or articles of institution find it necessary to amend them at some time. Granting this, as the author notes and I agree with him, intervening without UN Security Council approval is problematic and may set a precedent for other such non-approved interventions in the future, paving the way for old-fashioned power politics in the name of humanitarianism. This is after all what both the Nazis and the Japanese claimed to be doing in their World War Two forays - both claimed to have a destiny to liberate their neighbors from the “folly” of their own self-rule, replacing it with the more “enlightened” German-led “Third

Reich” or Japan-led “East-Asian Co-Prosperity Sphere.” This is certainly the way the Russians, the Chinese and other developing nations saw the Kosovo intervention, which therefore does not make it a good precedent for future interventions or international law.

But even when there is a plausible case for intervention, and again I am conceding that there are such cases, the UN Charter has set the standard operating procedures for such an intervention. Though such cases are not explicitly discussed in the Charter (this has been a problem for the UN for some time, as even Peacekeeping, an old standby of the UN, is not discussed in the Charter), when an intervention is called for, the concerned parties must take the matter to the Security Council for approval. This is the only way to bestow real international legitimacy on such interventions, something the Kosovo intervention lacked despite the consensus of NATO’s 19 members.

Donnelly goes on to argue that foreign powers cannot really create a positive human rights situation by imposition.

The cause of human rights violations are largely national (especially where governments do not owe their power to external intervention). The solutions must also be largely national...Stable regimes that over the long run protect internationally recognized human rights almost always have arisen, and must arise, from sustained national political struggle and vigilance.³¹

With the approval of the UN Security Council and in all but the most extreme cases, the country in question,³² international forces might be able to contribute to building a situation wherein the situation can be stabilized, law and order restored, and human rights better-honored.³³ Yet this is not something to be taken lightly, nor is it done easily, for such interventions often cross over into the realm of state-building, the US interventions in Somalia and Haiti being cases in point.

Returning now to Sino-American relations, but continuing with the issue of

imposition and the problems therein, imposition is, after all, what the US threat of MFN revocation is an attempt at. It is an ultimatum saying, “do as we say or we’ll punish you severely.” Revoking MFN would be a blow to China, disrupting one-third of its exports.³⁴ To put this in perspective, what would American businesses think if one-third of American exports were effectively blocked? It would be extremely disruptive to the national economy and to the lives of millions of Americans. It would no doubt threaten American national economic security, and let us not forget that economic security has indeed been recognized in this country as a part of overall national security, as the Clinton Administration’s recent establishment of the National Economic Security Council indicates. So too with China, but given the early stages of Chinese economic growth, the much larger population (US = 260 million; China = 1.2 billion) and the greater fragility of the economy and the political situation, the revocation of MFN by the US would be a much greater blow to China than a similar move would be by another country to the US.

Given the fact that the present Chinese government’s legitimacy rests primarily on its economic performance these days, such a move could destabilize the country politically as well. The loss of export income could cause the closure of many export-oriented industries, forcing many workers (and their families) into unemployment and out onto the streets, which could lay the foundation for the sort of agitation that all in China, not only the government, fear most - the dreaded “luan” (“chaos”). “Luan” has plagued the country countless times in its long history, and has given birth to the rise of warlords and death to countless thousands of innocent people. Out of such a scenario would come thousands of refugees, which would flood Asia, Europe and North America. This scenario is not what the people of China want. They have endured oppression in recent

decades, and for centuries, because they believe that given their historical and demographic realities, even limited freedom with stability is better than such “luan.” While there is no certainty that the scenario I have outlined would be this bad, the possibilities are very real, and are US policy-makers really prepared to take responsibility for the consequences that a policy as proactive and interventionist as the revocation of MFN could have on China?

Let us move from discussion of MFN revocation’s possible effects on China, to their effects on the US and its citizens. Revocation of MFN for China would cause US consumers to pay more for all of those consumer items we now complain about because they are made in China, but buy anyway because they are affordable. So many of the shoes, toys, shower curtains, cordless telephones, and backpacks that we all buy from China now, would all have to be purchased from other sources, and that means higher prices (or they wouldn’t have been purchased from China in the first place). As the huge business lobby in Washington, DC, attests, MFN revocation would hurt US companies doing business in China as well, particularly corporations such as Motorola, IBM, Boeing and Chrysler, whose success in China does much to boost the American economy.³⁵ Hurt too could be US college students, the poor and homeless, the elderly, and anyone else affected by shifts in US government spending as a result of the Cold War that might come as a result of US sanctions.

Given the differences in Chinese and American culture, philosophy, ideology, and values, overt conflict or a Cold War with China is a possibility any time in the future decades,³⁶ but it would become much more likely with the American revocation of MFN for China, which would be read by the Chinese as US hostility, even an act of war given

the possibly devastating effects it could have on China. As Paul Marshall, who has very convincingly documented the seriousness of persecutions against Christians in China and other lands has noted, “removing MFN is like a nuclear bomb: if used, it brings indiscriminate destruction. It works best as a credible threat and deterrent.”³⁷ As I mentioned above, MFN’s efficacy in the past was as a deterrent. When the US government failed to use it, it lost its deterring effect. A deterrent that is not credible is no longer a deterrent. Because MFN’s revocation has been threatened by the US so many times in the past, never to be carried out, I am not sure the Chinese see it as a serious threat today. But even if they did, as Marshall notes above, Congress could only use it once, and the destruction would be “indiscriminate.” Is this an appropriate way to try to encourage a more complete implementation of human rights in China?

Though there can be no doubt that Chinese Communist Party leaders use the protest, “you Americans are meddling in our internal affairs,” every time the US makes any negative declarations on human rights in China at least in part for reasons of political expedience, a thorough analysis of Chinese opinion on the subject should reveal that indeed the Chinese people as a whole are *very* sensitive to foreign pressures or “meddling” in their internal affairs.³⁸ This comes as a result as their historical collective xenophobia, but also because of the last 160 years of their history in dealing with foreign powers. They, once the world’s greatest civilization,³⁹ were consistently pushed around, taken advantage of, and humiliated by foreigners. This is why the recent return of Hong Kong and Macau to Chinese authority were such momentous events for Chinese of all political dispositions and citizenship. Many Chinese with whom I have talked do not like what their government does to dissidents and religious adherents any more than we do (if

they're aware of it), but they still generally do not think it is right for the US to try to impose its vision of government and social and political norms on China. Like a mother who doesn't like other parents scolding her child, the Chinese generally don't appreciate foreigners trying to change their country. Their sense of national pride seems to be greater than their sense of indignation at their own government's shortcomings.

The Chinese government, therefore, has national opinion on its side in opposing what it calls foreign (especially American) "hegemonism." It will not and can not accept overt Western/American attempts to change it, because that is an insult to the national sense of "face," an important concept to understand when dealing with the Chinese. Rationality and interests are sometimes laid aside when face is threatened. The Chinese government can endure rebukes, criticisms, insults, and nasty reports about the human rights situation in their country, but they would not bow to American revocation of MFN. I am quite sure of it. So I believe revoking MFN will not improve the human rights situation in China. The Chinese would absorb the loss and move on as best as they could.

For even if there was agreement that it was logical and ethical to use MFN as a lever on the Chinese in regard to human rights (and there certainly is not agreement here), the question would then be, would it actually work? Would it actually improve the human rights situation in China? Would it lessen the persecution of Christians, Muslims and Tibetan Buddhists there? For if it wouldn't work anyway, why make US consumers pay higher prices for imported goods, why hurt US companies doing business in China and Chinese private-sector entrepreneurs doing business with the US, and why threaten to start what could be a Cold War with China which would cost US taxpayers more in terms of the consequent defense commitments that would require? All of these are the costs of

revoking China's MFN status. For some ends, the costs of the means might be justified. Yet even barring the question of whether or not such means were ethical, what if the means wouldn't bring about the desired end anyway?

As was the case with the Jackson-Vanik amendment and revocation of MFN for the Soviet Union in earlier years, many have argued that MFN withdrawal was a credible threat to the Chinese and served to improve the human rights situation there - but is it credible and has it improved human rights there? The same people argued that the Clinton Administration's delinkage of MFN and human rights in 1994 was a mistake.

The last vestige of meaningful pressure on China from the international community ended with President Clinton's decision to de-link human rights and Most Favored Nation trading status on May 26 [1994]. The U.S. decision had immediate negative consequences. In addition to the deterioration of human rights documented above, it also signaled the marginalization of human rights on the U.S.-China bilateral agenda, and damaged American credibility worldwide.⁴⁰

China's human rights situation has deteriorated since delinkage in 1994, and it is true that for Christians in China, "...this is the most repressive period since the pre-Deng period of the late 1970's."⁴¹ Linkage is sure to have had some effect on the thinking of the Chinese leadership.

Yet can we attribute the increase in human rights abuses between delinkage in 1994 and the present *solely* to the end of formal MFN linkage?⁴² There are other possible explanations, such as the power struggle behind the scenes as Jiang Zemin battled to consolidate his power in the twilight and passing of the Deng Xiaoping era (Deng Xiaoping's health was seriously failing in 1994 and after, and he died in 1997); and the threat posed to China's authoritarian leadership by the first democratic election on Chinese soil (in Taiwan in 1996), the threat of Taiwanese "secession," and the

consequent presidential victory of native-Taiwanese Lee Teng-hui?⁴³ There were also the preparations for the return of Hong Kong to Chinese sovereignty in 1997 and conservative pressures not to let anything go awry there; the political shuffling behind the scenes in preparation for the 15th Party Congress in October, 1997, held only every five years, where most momentous decisions and policy changes are announced (of particular importance with the passing of Deng); and the pressures created by the East- and Southeast Asian economic crisis. 1999 was even tighter in political terms as the Party tried to pass quietly over the 80th anniversary of the May Fourth movement (which advocated science and democracy), the 40th anniversary of the 1959 Tibetan uprisings, and the 10th anniversary of the Tian'anmen protests, as well as the unrest posed by the May bombing of the Chinese embassy in Belgrade and the widespread demonstrations by the members of the Falungong movement. All of this was in the minds of the leaders as they prepared for the huge, nationalistic hoopla surrounding the 50th anniversary of the founding of the People's Republic on October 1, 1999, an event of extreme importance to the Party/State.

Given all of these issues and the nature of the regime in Beijing,⁴⁴ the fact that the recent two or three years have been more restrictive on people's political rights in China should not come as a surprise, and would have come largely with or without MFN linkage. To admit that MFN linkage *did* have some effect between 1992 and 1994 (and I think it did have some effect), does not weaken the argument that it is a poor tool in the long run, for as a deterrent it deters only as long as it is credible, and it cannot remain credible forever. With use, this deterrent, the threat of removal of MFN status, became unbelievable, and would have become so even if President Clinton had maintained

linkage for years to come.

Despite the question of the legality of unilateral sanctions by international law and the bylaws of the WTO, sanctions without international support and constancy are often ineffective. This is true despite the potential gravity of the effect a US revocation of MFN could have on China, as documented above. If the US imposed sanctions unilaterally (and removing MFN/NTR is indeed a sanction as I've already argued), the Europeans, Japanese, Taiwanese and others would quickly pick up some of the economic slack and to some extent mitigate against the effects of such unilateral American sanctions (though they could by no means entirely make up for the lost American market). The Chinese have not been want to give indications of their willingness to do business with others should the US revoke MFN, 1994 being a case in point, when former German Chancellor Helmut Kohl came to Beijing just before the US Congress' decision on MFN. The Chinese rewarded him with large contracts, including a big Airbus deal, for his "cooperation" in not making trade contingent on human rights performance. The message to the US government was unmistakable.

MFN revocation would undoubtedly hurt China, perhaps bringing about the worst-case scenario I described above, but I think the Chinese would bite the bullet, accepting the consequences and turning to the Europeans and elsewhere, before giving in to the US on human rights. For instance, exports would be the worst hit, because their loss would be very difficult to make up for. Yet China would not lack for sources of direct foreign investment as the deals with Kohl in 1994 indicated, and the Chinese government would no doubt seek to focus criticism on the US in its press, making the US out to be the great Satan as has been the case in Iraq with some success, thus protecting

itself to some extent from domestic criticism, and possibly enabling it to survive the devastating effects of the sanctions by rallying the people to austerity measures in anti-American, nationalist fervor (as Iraq has done).⁴⁵ The Chinese government's handling of NATO's bombing of the Chinese embassy in Belgrade in May 1999 is illustrative of the way in which a controlled media can whip up the sentiments of the masses. The mainstream government-controlled media did not report NATO's or the US' statements that the bombing was a mistake or either's regrets or apologies until three days after the bombing was first reported in China (Tuesday, May 11, and Saturday, May 8, respectively), and it portrayed the bombing as "purposive," "barbaric," and part of a larger American plot to control not only Yugoslavia and Europe, but the entire world.⁴⁶

Furthermore, in considering if the means are able to bring about the desired ends, let us take a closer look at just who would be affected in China by such sanctions. For, to say that sanctions would be effective, we must be convinced that they would harm the interests of those who infringe upon human rights and help the interests of those on the receiving end of that infringement. Who in China would actually benefit from US withdrawal of MFN? Considering how much this act could potentially hurt the Chinese economy, this might seem like a foolish question to some, for who could possibly benefit from such an outcome, and such a deterioration in Sino-American relations? To understand that there are some who would benefit, one must understand the nature of the factional infighting that is going on and has always gone on within the Chinese Communist Party (CCP). Put very briefly, since Deng Xiaoping's moves to economic liberalization beginning in the late 1970's, Deng presided over a split in the Party leadership. One side feared that such liberalization was selling out all that Mao and the

Chinese had worked for the past 30 years (this the view of the conservatives, exemplified by Chen Yun and Li Peng). On the other side were those who believed the reforms were necessary to the survival of the regime and for the good of the country (this the view of the more flexible reformers, exemplified by then Party Secretary Hu Yaobang and Deng himself). Making things more complicated was a split among the reformers, some of whom thought that political (i.e., democratic) reform should accompany the economic reforms (e.g., Hu Yaobang), and those who thought that the CCP must maintain tight political control during the economic reforms so as to avoid “luan.” Deng Xiaoping, though he had often spoken of China’s need for democracy,⁴⁷ even after Mao’s death in 1976, was generally of the latter opinion, and it was his opinion, not surprisingly, that eventually prevailed. It was the Beijing Spring (1989) demonstrations and their aftermath that sealed the fate of political reform, at least in the short term. For the conservatives were able to say, in effect, “I told you so - tolerance and lenience toward the demonstrators only led to chaos and greater intransigence on their parts.”⁴⁸

Today the struggle within the Party ranks continues. President Jiang Zemin, Deng’s choice as successor, has effective control of the government, the military and the Party apparatus, but has a difficult task in satisfying both the aging conservatives and the more liberal reformers. Although arch-conservative Chen Yun passed away a few years ago, and the economic reforms have moved so far ahead that turning back on them would be all but impossible given the people’s rising expectations and consumerist appetites, the conservatives with Li Peng are still a force to be reckoned with. They are still adamant about political reform, taking a Leninist line on dissent (i.e., it must be crushed). Unlike Deng, because Jiang does not have the legitimacy of being an old CCP revolutionary and

People's Liberation Army (PLA) veteran, but rather is a younger, second-generation technocrat (he was trained to be an engineer), he is more vulnerable to the shifting of the political winds. He has less room to maneuver should the US take a harder stance on human rights in China, should Hong Kong democrats push the Chinese too far there, or should Taiwan declare independence. Therefore, he would probably be in a position, in any of the above three situations, of having to take a hard line so as not to lose the support of the remaining conservative Party stalwarts and the PLA.

In answer to the question, "who in China would benefit from MFN revocation?" it would be these conservatives and the PLA who would benefit most. As was the case in late May and early June, 1989, when the conservatives prevailed because the Party was threatened by the continuing pressure of the demonstrators, so too would the conservatives and leaders of the army benefit here. They have been saying for a long time that China's number one threat is the United States, while Deng and other moderates (relatively speaking) have made the case since the late 1970's that China can engage the US, reaping the lion's share of the benefits of the relationship, without the engagement being subversive to China. A few of the conservatives hold to older Maoist dogma, saying that China has trodden a capitalist road to ruin of late, and must turn back to the Stalinist and/or Maoist ways of the past.⁴⁹ Given the Party's continued effective control of the Chinese media, US MFN revocation or other strong unilateral US action would be used as a case in point, demonstrating "American hostility and aggression" towards China.⁵⁰ The hardliners could then say, "we told you so," and thus I would argue, as was the case between 1989 and 1992, that the hardline conservatives would again gain sway in directing the Chinese ship of state, which has been guided by moderate reformers since

Deng's 1992 southern China tour when he resumed the economic reforms started before Tian'anmen.

Accordingly, the more liberal reformers, those who might be more open to cooperating with the international community as it regards human rights, could find themselves in a more subordinate position. What this would mean for human rights in China, is that the people who have demonstrated the least regard for human rights in terms of their Leninist penchant for repression, will have the most influence in setting China's policy. That can't be good for human rights.

Let us unpack this scenario a bit more. Who would US sanctions hurt? What of the persecution of Tibetan Buddhists, western China's Muslims, and Christians? Since China views the "religious problem" as closely linked to foreign agents in each of these three cases, outside pressure on the Chinese government over its treatment of religious figures and religious bodies is extremely sensitive. Certainly there is a role that foreigners can play in encouraging Chinese leaders to honor their constitution's provisions for freedom of religion and religious expression, but it comes down to a matter of means here as it does with human rights policy in general. What works in the Chinese context - heavy pressure, nastiness and threats; or respect, engagement, and gentle but firm pressure pinpointed where it will do the greatest good? Considering the arguments above, the latter seems preferable.

As a case in point, I will here briefly consider the situation of Christians in China and how Western pressure on China helps or harms their interests. I believe that what is true for them will generally be true for Muslims and Tibetan Buddhists in China, and other groups as well. The China Service Coordinating Office (CSCO) and its constituents

agree with my notion that gentler approaches work better in the Chinese cultural context, noting that “the Chinese people traditionally have not responded positively to public confrontation and coercion...”⁵¹ Public confrontation and coercion (such as MFN revocation), though perhaps having some effect in Western cultural traditions, are seen as a direct assault on one’s “face”⁵² in the Chinese cultural context, and are the ultimate insult, indicating that the confronter neither cares about the recipient’s “face” and feelings, nor about the relationship between the two parties.

However well-intentioned such political activism may be,⁵³ a public Christian stance against MFN status for China is not in the interest of the church in China, and it will seriously hamper the efforts of Christians from outside China who have spent years seeking to establish an effective Christian witness among the Chinese people. For this reason, the China Service Coordinating Office, which serves more than one hundred Christian organizations involved in service and Gospel witness in China, cannot support the current anti-MFN campaign...⁵⁴

The CSCO makes its case here by discussing the experience of China’s orphanages after Human Rights Watch’s 1996 reports of widespread abuse therein. As the reader might recall, the news received very broad media attention in the West at the time. After following up on the matter, CSCO learned that as a result of all of the attention, the Chinese government asked foreign volunteers, many of whom are Christian and many of whom had worked there for years, to leave and not to come back. Given the poor conditions Human Rights Watch documented in these orphanages, the loss of these volunteers was a blow both to the Chinese workers and to the children there. It remains to be seen whether all of the attention will bring about the desired changes. This incident is typical of the way in which the Chinese deal with such “loss of face.”

The CSCO statement makes another important point as well.

Public shaming of the Chinese government and economic sanctions backed by

American Christians will only serve to strengthen the official Chinese perception that Christians are a threat to China's political and social stability and to heighten mistrust of Christians by the Chinese public. This will likely result in greater persecution of Christians inside China and will close doors of opportunity for witness and service from outside China.⁵⁵

Christianity is already viewed by most Chinese as a "Western" religion that came to China on gunboats full of opium, and thus suspect. Western sanctions would likely reinvigorate these old fears and misperceptions in China, and that could, as I've discussed above, empower the wrong people in Beijing, people who would like to turn the screws on the Chinese Church even tighter than they already are. My understanding of the situations in Tibet and Xinjiang tells me that the case is similar with regard to Western/foreign attempts to bring about change in those places.

What of political dissidents? It appears that for a couple of years, MFN linkage may have helped a few big-name dissidents. Since 1994, for whatever reasons, things have become tighter for dissidents. While no one really knows what the Chinese leadership would do in this situation, I would argue that MFN withdrawal or other similarly strong unilateral American action would all but remove the little remaining US bilateral pressure from the Chinese leadership because they would seek to cut ties with the US. This is to say that things probably won't improve for jailed dissidents. A survey of these dissidents to ask what they would recommend would be nice, but none are available. We do, however, have comments from Martin Lee, head of Hong Kong's largest democratic party. Mr. Lee said he would not like to see the US use MFN as a bludgeon, even if China mishandles the Hong Kong transition, "because it hurts Hong Kong first and badly..." and because doing so "...is like saying: 'If you still beat your wife and violently, I'll shoot her.'"⁵⁶ The leading Chinese democrat in China (and perhaps one

of China's leading political dissidents) therefore also recommends the US abandon MFN linkage or other such forceful human rights monitoring tools for China.

Also hurt by such sanctions would be Chinese private-sector entrepreneurs doing business with the US. These are the people US policy has always tried to help with its policy of engagement. These are the people US policy has hoped to empower. Yet MFN revocation would inadvertently target these people because most of them are participating in what is the most vibrant sector of today's Chinese economy - the export sector - and as we have already discussed, approximately one third of that export sector would be all but shut down with MFN's withdrawal. Additionally, the sanctions would negatively affect the areas of China now undergoing the fastest economic, social, and to some extent even political changes - the coastal regions and the south.

I am not suggesting that carefully-crafted sanctions for human rights abuses are entirely out of the question under all circumstances, only that costs and benefits (or efficacy), not to mention legality, must be measured in a case by case fashion within the guidelines discussed above. The various condemnations and international sanctions on China following the June 4, 1989, killings were called for. After the massacre, "President Bush announced a package of sanctions that included suspension of more than \$500 million in weapons contracts," and Congress expanded the sanctions to include equipment that could be used by the Chinese police, and cut off US government insurance for private investments in China.⁵⁷ With the exception of the suspension of US government insurance for private investments in China, which primarily penalized American businesspeople trying to do business in China, these sanctions were timely and appropriate in my opinion, because they targeted the organizations concerned without

harming parties not concerned. Yet even after the Tian'anmen killings, neither the Group of Seven industrialized nations nor the US deemed the matter worthy of imposing economic sanctions. In fact, even then the US Congress did not approve the removal of MFN for China, though as I mentioned above, this was advocated by Republican Senator Jesse Helms, Democratic Congressman Stephen Solarz, and others. If June 4, 1989, did not make China worthy of MFN revocation, why would it be logical at present?

In conclusion, the argument has been made here that though the betterment of human rights in China is worth advocating and trying to engender, the unilateral revocation of MFN/NTR status for China is not just, nor is it likely to help the right people or bring about the changes that human rights advocates hope will come about in China. Should this lead anyone who cares about human rights in China to feel despair, that there is nothing to be done? Not so, as will be discussed below.

VI. Changes in China and Human Rights

China is at present undergoing a good deal of change, so let us now explore how these changes might affect human rights. Going back to the modernization theory of comparative politics,⁵⁸ the works of Seymour Martin Lipset in particular, there is evidence that economic modernization, or free-marketization, drives social, cultural and political change. Also helpful in exploring the interrelationships between economics, society and politics, is the recent work of Ronald Inglehart,⁵⁹ which argues (and, it would seem, shows) that economic change drives cultural and political change. In addition, much of the vast new literature on civil society in the post-Cold War era suggests that the growth of a free market economy strengthens civil society and creates economic power

bases that, because “money talks,” are able to influence matters in the political sphere. This can ultimately mean that players operating out of these independent power bases in civil society can check the power of the state, holding it more accountable to the people (provided these business leaders aren’t co-opted too extensively by the state, as Barrington Moore shows can lead to fascism⁶⁰). I would argue that this has already been happening in China, particularly in the case of the wealthy province of Guangdong, which with its acquired wealth has proven to become quite independent and assertive in its relations with authorities in Beijing.

All of this leads me to believe that as China continues to experience the changes brought on by its opening to the outside world, and its transition to a more free market-style economy, the changes Westerners so desire to see in China - a more democratic, open society that honors individual as well as collective liberties and human rights - will come with time. Therefore, best suited to America’s interests is the continued use of the policy of engagement, which seeks to empower those individuals in government and civil society with the potential to influence affairs in a more just, egalitarian, human rights-honoring direction. The recent histories of Japan, South Korea, Taiwan and Thailand indicate that Asian political systems are not immune to the forces of modernity, that more authoritarian political systems are difficult to shelter from the forces of economic modernization. Despite their authoritarian-collectivist historical and cultural trends and/or tendencies, democracy is to a greater or lesser extent being practiced in all of these lands, and I believe it is not only possible, but probable, that such will eventually be the case in China as well.⁶¹ I have discussed this matter with Chinese officials and scholars, and the majority of them agree, though they stress that given China’s political culture and

economic and demographic situation, these changes could not be brought about overnight, even if a new regime was.

Several recent statements and actions by Chinese leaders show that the government is taking democracy seriously at the very least. I think it is clear that this can only be good for human rights. Though democratization is certainly not the equivalent of human rights, without political reform that includes deeper democratization, it is less likely that fully-implemented human rights will be realized in China. This is not to say that the realization of the full array of human rights in China must await democracy. Chinese citizens enjoy a large measure of human rights today when one considers where China was in 1940 or 1970 in terms of human rights, and this has happened without democracy. Yet as I argued in the first pages of this paper, the institution of the full array of civil and political rights in China would be a political sea-change and therefore unlikely without greater political reform which includes greater measures of democracy. So while there is no hard and fast rule that democracy and the full array of human rights must by definition go together, or that democratization must precede them, there is a logical relationship between the two. Historically, fully-implemented human rights come when regimes become accountable to the people, and this has been most likely under democracy.

Receiving little attention by the Western press is the fact that the Chinese government has in recent years been gradually introducing grass-roots level democracy in China's villages, the lowest level in China's administrative hierarchy. Not merely rhetoric (for China has after all claimed to be democratic in process since the communists took power in 1949), these moves have even been monitored by Western observers under

the auspices of The Carter Center at Emory University, including two professors of political science from the United States, Robert Pastor and Larry Diamond. Diamond, a professor at Stanford University and generally considered to be one of the world's foremost scholars on democratic transitions, had this to say about his experiences in Northeast China's Jilin Province in March, 1998.

What we have seen here shows that China is in the process of changing politically, and village elections are an important part of that....We have only seen a few examples, nevertheless what we have seen is significant and I think more Americans should be aware of the fact that there are the beginnings of a democratic process at the village level in China.⁶²

The Carter Center, established by former US President Jimmy Carter, a person with a great deal of international election-monitoring experience, has also reached an agreement with China's Ministry of Civil Affairs, which is in charge of planning and carrying out China's village committee elections, to establish a long-term agreement to further improve the administration of democratic elections in China's villages, including the setting up of "a computer-based national system for collecting data on village elections..."⁶³ The project also includes "exchanges and visits for training in election management procedures and work with the ministry to develop civic education programmes in China," which included plans for Chinese delegates to observe primary elections in the US state of Georgia.⁶⁴ According to an article by Tan Qingshan, a Chinese politics expert in the US and a member of the Carter Center's delegations in 1997 and 1998, the elections included non-Communist Party-members, and allowed write-in candidates when villagers were not satisfied with the extant selection of candidates.⁶⁵ In another article published in China's official *China Daily*, the former "democratic" system wherein Communist Party cadres at higher levels preselected

candidates for whom the villagers could vote, the old practice followed for years in China and the former Soviet Union, was called “flawed,” and stated that it “stifled the villagers’ enthusiasm...”⁶⁶

Now while all of this is very encouraging, it is a far cry from elections at the national level. The Chinese Communist Party has not decided to give up its power at the national level, it has not allowed the free competition for top national posts by non-CCP members, nor has it rewritten the PRC’s constitution to establish anything resembling a Western-style democracy. In fact, the recent detention of activist Xu Wenli (December, 1998) seems to show that the government is still not prepared to accept any democratic activity outside of the rubric that it itself has allowed and at the pace at which it has set, which is to say at this time at the very elementary village level, at a very gradual pace. There still remains no effective challenger to the CCP, nor will there likely be in the near future.⁶⁷ Still, this village-level democratization should not be simply written off as more Party rhetoric.

Could it be that top Party officials have seen the writing on the wall (i.e., the need for political and/or democratic reform) and, while trying to avoid the mistakes of the former Soviet Union and its rapid dissolution and overnight transition from the one-party ruled USSR to the nominally-democratic Russian Republic, realized that democracy is more stable, efficient, even rational in the long run than the present one-party system? While only these top Party officials could answer such questions, and in the name of stability and saving face for the Party they could not at this time, it seems a distinct possibility. What’s more, what should we make of the following two reports if this were not at least a possibility running through the minds of said officials? *A Wall Street*

Journal report in July, 1998, said that President Jiang Zemin, upon returning from his summit with President Clinton in the US in November, 1997, ordered the Chinese Academy of Social Sciences to draft a manual on democracy, which included sections on “the historic development of democracy, foreign models of democracy (with an emphasis on the Western countries, especially the US), and China’s own democratic path,” a manual which is to be “mandatory reading material for high-ranking officials...”⁶⁸ Similar reports as to the reality of this order by Jiang and the ensuing research were reported by *The Hong Kong Standard*, *CNN* and *The South China Morning Post*.⁶⁹

What is perhaps more telling and even more interesting is a recent article, again in the official *China Daily*, by Liu Ji.⁷⁰ Mentioned in the two reports cited above as “an advisor to Jiang [Zemin],” and “a Jiang protege and high ranking official with the [Chinese] Academy [of Social Sciences - CASS].” Mr. Liu is reportedly leading the team doing the work on democracy at CASS. In the article, Mr. Liu discusses the problems of big government, the need for “small government, bigger society,” and the need for the government to withdraw from the running of enterprises. The latter was announced at the 15th Party Congress in 1997 and is now being carried out, the most striking example of which is the government’s requirement that the PLA end all its business activities. Allow me simply to quote:

...the governmental reform is only the first step. To transform China into a modernized country, we must take the next step, which is political reform...however sensitive and complicated [that task is], we must proceed. We must readjust our political system to reflect the drastic changes in the economic landscape, otherwise it would become a barrier to progress. Certainly a political system characterized by central planning does not match a market economy. The goal of the political reform is to establish in China socialist democracy.⁷¹ Just like a market economy, democracy is by no means a patented practice of capitalist

countries...Democracy should be the very substance and marrow of socialism and no Communist party has any ground to reject and fear it...Only those who have been degenerated into bureaucrats should fear and oppose democracy...Currently, we still lack a system that addresses the opinions of experts, general people and politicians at the same time.

These are the words of a man very close to President Jiang, and they have been published in two official Chinese publications (at least). While we have heard talk of democracy from CCP leaders in the past, the tone of this statement is different, more realistic. In addition, statements such as the following, “democracy is by no means a patented practice of capitalist countries...Democracy should be the very substance and marrow of socialism and no Communist party has any ground to reject and fear it...Only those who have been degenerated into bureaucrats should fear and oppose democracy,” sound like the sort of things Mr. Deng said regarding economic reform in the early days of the economic opening. He made similar statements about the practicality of market tools in any economic system (i.e., even communist, centrally-planned systems) before and during the time he introduced his series of market reforms, particularly in the late 1970s and early 1990s. This article could be meant to begin paving the way for eventual, gradual political reform.

I submit that some of China’s top political leaders may have very silently come to the same conclusion as Ruan Ming, former deputy director of the Theoretical Research Department of the Chinese Communist Party’s Central Party School (until 1983 when he was kicked out)? He said:

The most important lesson of [twentieth century Chinese] history is that we must put an end to the autocratic system of ‘one party, one leader, one doctrine.’ We must push for the establishment of a modern democratic system based on the principle of universality and human rights.⁷²

Ruan believes democracy will come to China, reminding us that, “a democratic system does not eliminate the role of the police, the courts, and prisons. On the contrary, it deploys them more effectively.”⁷³ While I think there is strong evidence that the leaders in Beijing are coming to this conclusion, the fact remains that aside from the clues I have presented above, perhaps only the passing of time will allow us to answer these questions.

While it may indeed be fair to say that the danger of chaos remains for a China seeking a transition to democracy because of its political culture with its authoritarian proclivities, because of the weakness of the foundations of its rule of law, and because of the desires of some Mongolians, Tibetans, and Muslims in China for greater autonomy than they now have, we should not underestimate the ability of the market economy to disperse power to civil society, nor should we underestimate the power of the democratic ideal and the attraction of liberty in China. In our dealings with China, I suggest Americans and other Westerners should exhibit patience, having more faith in classical liberal ideals than those advocating the revocation of MFN, and others, have displayed, particularly when the costs of showdown are so high to peoples of both sides and the chances for such pressure’s success so elusive.

In conclusion, resorting to more coercive tactics, using MFN as a club to beat the Chinese into submission on human rights, would 1.) cause them to spurn most or all US links of any kind, including asking American teachers and professionals to leave the country, a blow to the policy of engagement; 2.) cause them to penalize US imports thereby hurting American companies operating in China and exporting to China; 3.) empower the CCP hardliners; 4.) disempower CCP moderates and political reformers, and perhaps one-third of China’s export-sector entrepreneurs, whom are contributing to a

new Chinese civil society; 5.) bring down tighter restraints on Chinese Christians, Tibetan Buddhists or anyone else the West has tried to help in the past; and 6.) bring Chinese-American relations to a new low, to what one might even call Cold War status. This would be a situation wherein the US would lose even the little leverage it now has to influence Chinese human rights policy, China would turn hostile to the US and its security interests in the region, and the US would be forced to increase its defense spending in response to the new situation.

So, given the arguments I have made thus far, I believe it must be apparent that from either a moralist, legalist, or even from a more utilitarian, consequentialist point of view, revoking China's MFN or NTR status for any matter other than serious trade disputes,⁷⁴ the likes of genocide,⁷⁵ or as an act that was a part of a broader containment strategy if China invaded its neighbors, would be ill-advised, a complete failure, a foreign policy disaster.

VII. Bilateral vs. Multilateral Approaches to Encouraging the Chinese Government to Better Honor its Commitment to Human Rights

I have come to the conclusion that multilateral approaches, combined with gentle but firm bilateral pressure and national policies of engagement, are the best means to achieve the desired end, which is encouraging the Chinese government to better honor its commitment to human rights. As we discussed earlier, important to remember is the fact that human rights are one issue among many on the agenda as the governments of the People's Republic of China and the United States meet. As the improvement of Sino-American relations has sometimes been hampered by China's human rights violations and

the linkage between human rights and trade issues, delinkage of the latter and a shifting of the burden of American human rights diplomacy to multilateral fora will help free up American policy toward China generally and bring about a sense of international burden-sharing in dealing with China, while making for what I think overall is a more effective strategy for dealing with China on the issue of human rights.

While advocating a shift to multilateralism in US China policy, I am by no means suggesting there is no place for bilateral activity. The fact that US government spokespersons have raised the names of individuals in detention in China has brought about the release of some of them. High level discussions between US government officials and Chinese government officials can be constructive as well, as was the sort of open discussions of human rights and other issues between Presidents Jiang and Clinton in their meetings in Washington and Beijing. One constructive new idea is the recent Republican proposal to increase American broadcasting of Radio Free Asia and Voice of America in East Asia.⁷⁶ Yet still the most effective means of bilateral policy with China continues, in my opinion, to be constructive engagement, for all the reasons mentioned above. This means, among other things, the continued practice of building up exchanges at all levels between Chinese and American nationals, schools, research institutes and corporations. Delinkage between human rights and MFN status, as the Clinton Administration has done, should be maintained.⁷⁷ As I discussed above, while delinkage brings some loss to US leverage over China on human rights, it was sure to fade as a deterrent anyway. Moreover, if it ever had come to US policymakers revoking China's MFN treatment, the Chinese would not have given in, but rather would have said goodbye to US business concerns and other American contacts before relinquishing their

long fought-for sovereignty, whether it be over human rights or any other “domestic” issue. The more severe pressure on China over human rights violations should come from the UN and its organs, not the US, for the UN has authority and legitimacy that China recognizes, whereas the US does not.

Perhaps the most important area in which the US could improve its performance in holding China accountable on human rights issues using multilateral means, is in its meetings with other governmental leaders and particularly in its activities in the UN Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.⁷⁸ As I have already discussed, the Chinese are very concerned about “face,” internationally as well as domestically. Although it may be difficult to believe given the amount of official corruption in today’s People’s Republic of China, moral uprightness has always been a part of Chinese rulers’ “mandate of heaven” (the idea that in their rule they are responsible to and rule on behalf of “heaven”), and moral rhetoric has always been a large part of the Chinese communist dogma as well.⁷⁹ Remember that one of the primary reasons for the student demonstrations in Beijing in 1989 was corruption in the Party. The Chinese are very sensitive to being labeled “immoral” or “corrupt” or “human rights violators,” because moral uprightness is a supreme virtue in China.

Therefore, one effective method, and one of the easiest in terms of cost, is verbal condemnation in international fora because such condemnation carries authority.⁸⁰ This is exactly what can be accomplished at the UN Commission and Sub-Commission noted above, and this is an opportunity the US has failed to pursue wholeheartedly in recent years, preferring instead to pursue it bilaterally. The Chinese government has been able

to deflect most of the international criticism of its human rights situation because it has been largely bilateral in nature, or coming from a few human rights NGOs. The unanimous international condemnation that occurred as a result of the suppression of the Tian'anmen demonstrations shook the Chinese leadership to the core. It was difficult to hide from and it was difficult to explain to its people because it came from all directions - the UN and nations around the world. But human rights criticisms from the United States have been explained away to its people in the Chinese press as not to be taken seriously because the criticisms come from what the Chinese press has called the "imperialist," the "hegemonist," the "hypocrite," the United States. So too has the government dealt with criticisms from human rights NGOs (when they have dealt with them), saying the NGOs have personal vendettas against China coupled with Tibetan Buddhist sympathies and American and English sources of influence (Human Rights Watch and Amnesty International, respectively). The Chinese leadership continually portrays American policy as seeking to use human rights to split Tibet from China, to undermine the CCP, and to advocate democratic revolution, among other things.

Gauging the attitudes of Chinese people myself when I was in China, and accepting David Shambaugh's depiction of Chinese attitudes of the US,⁸¹ the Chinese government has used its controlled press to great effect toward these ends, but they would have a much more difficult time doing so if the US was successful in its bid to bring about successful condemnations of China's human rights practices at the UN bodies mentioned.

From an institutional perspective, the collective and authoritative nature of UN resolutions makes it difficult for states like China to invoke the principle of state sovereignty and to inflame nationalistic sentiments in an effort to deflect the human

rights critique.⁸²

If world bodies, made up of nations of all parts of the world, consistently passed resolutions against the Chinese in these fora when they committed human rights violations, the Chinese leadership would find it very difficult to float its old argument that it is the US alone that is against them. In fact, most of these other countries too recognize that China has a serious human rights problem, but if they too are not gross human rights violators, they have too often been successfully persuaded or intimidated at these international meetings by Chinese lobbying that they pass a “no motion” vote on condemnations directed at China.⁸³

In an excellent analysis of monitoring procedures at the UN’s Commission on Human Rights and in the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Ann Kent illustrates Chinese tactics to avoid condemnations, and she makes it clear just how hard the Chinese have worked in these bodies to avoid international criticism, which lends support to my statements that such criticism is highly sensitive to them as it regards their “mandate of heaven.”⁸⁴ She documents the amazing success the Chinese have had there, only having failed to avoid condemnation twice - in August, 1989 in the Sub-Commission as a result of the Tian’anmen Square incident, and in August, 1991, when the Sub-Commission passed a resolution against China because of “continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people.” As a result of the successful lobbying of other countries’ delegations behind the scenes, the Chinese have, thus far, eluded every other attempt by nations and NGOs to pin a resolution of condemnation on them.

One of the striking things Kent's study reveals is the relatively apathetic stance of the US delegations at these meetings compared to the zeal of the NGOs to pin a condemnation on the Chinese and the zeal of the Chinese to escape condemnation. She reveals many missed opportunities for the EC and the US, wherein with a bit more preparation, a bit more lobbying of swing-vote countries, and a bit more heart, the vote could have turned against China. For example, 1992 was a close year for the Chinese in the annual meeting of the UN Commission on Human Rights. It appeared that China would lose the vote, but when the wording of the document was finally agreed upon, "the US delegation appeared to lose interest when it came to getting the results of its efforts adopted,"⁸⁵ and the vote to condemn China never came to pass. Kent believes that this was because having vetoed MFN linkage to human rights earlier in 1992, the Bush Administration didn't want to appear too soft on human rights, and thus it did push for a resolution at the commission. Yet it didn't want to take what it deemed too harsh a stand either, which is why it backed off at the end here, according to Kent.

Another case wherein the US missed an opportunity to rally a vote against China was at the March, 1994, meeting of the Commission on Human Rights.

[There] in Geneva the Chinese diplomats had worked extremely hard and had been very effective in their lobbying, organizing supporters to speak on their behalf. On the other hand, the US and European group had misjudged the mood of the Commission and, two days before the vote, were still certain that a no-action resolution would be defeated by perhaps a majority of four against China. Some NGO observers and journalists claimed the US State Department was not sufficiently determined to criticize China's human rights record, because the United States could have obtained the numbers to defeat the no-action resolution...At the same time, some critics within the United States claimed that the State Department was too committed to monitoring China's human rights on a bilateral basis.⁸⁶

It appears that the same pattern continued in 1999 when the US sponsored a motion to

condemn China's human rights practices at the annual Geneva meeting. Following American satisfaction with the two Jiang-Clinton summits and the Chinese pledge to sign the UN Covenant on Civil and Political Rights, American officials decided not to offer up their annual condemnation of China in 1998. Their critics, however, pointed out that the following months saw "one of the worst crackdowns against political dissent since 1989." Thus the Clinton Administration decided to move for a vote condemning China at the 1999 meeting. However, if it was indeed intent on pressing China at the 1999 meeting, Clinton administration officials appear not to have put their best effort forward.

The announcement of the resolution was held up because of an internal dispute in the administration over whether to sponsor it. Some officials argued that it would be a meaningless gesture...The human rights commission's six-week session opened Monday [April 19], and the vote on the resolution is expected on April 23, giving the US relatively little time to make its case with other members.⁸⁷

Once again, the US was ill-prepared to make its case effectively with the other attendees of the meeting, and once again the US failed to get a vote even to the table regarding China. The result was a "no-action motion" when the US raised the issue of voting on condemnation of the human rights situation in China, passed by a 22 to 17 margin, with 14 abstentions.

Following her research of activity at the annual meetings of the UN Commission on Human Rights, Ann Kent reached the following conclusion:

The most logical and effective alternative to open bilateral pressures would appear to be a return to the multilateral mechanisms which were the mainstay of international pressure on China in the months immediately following the Tian'anmen crackdown in June 1989.

Multilateralism has a collective authority and a legitimacy that US bilateral pressures has never had with China. As the examples above have shown, the United States has missed

a number of opportunities to pursue multilateral channels with China. Being tough on China in these multilateral fora would have been a lot less costly to US policymakers in terms of time and effort (not to mention on US businesspeople), than has been the case when the US pursues its human rights agenda primarily on a bilateral basis, not to mention again that the former is probably more effective as well. In sum, an American policy of engagement with close monitoring of the human rights situation by the State Department and the continued application of pressure when necessary, stepping up the use of multilateral means via UN fora rather than relying so much on unilateral threats and unilateral economic sanctions, would be the best way to address the issues of human rights and greater governmental accountability in China.

VIII. Viewing Human Rights Diplomacy as “Witness”

The idea of practicing what one preaches is behind the idea of “witness” as the word is often used in the Christian sense. I would like to suggest here that the principles involved in trying to encourage a “non-believer” in human rights to become a believer in (and a practitioner of) human rights, is very similar to that of a Christian believer trying to encourage a non-believer to become a Christian. We’re simply talking about methods of persuasion, of presenting a good case. So if this “witness talk” sounds a bit foreign, please bear with me for a few moments.⁸⁸

Commonly, a witness is someone who has seen or experienced something and on this basis has some authority in telling another about it. We cannot be witnesses if we haven’t seen or experienced the phenomena in question. This is true of Christians who believe Jesus Christ is the only way to God, and to salvation, and desire to tell others of

the joy they've found in that knowledge. To be believable one must be credible. As a Christian witness one must know God and his eternal love and one must live it out to some tangible degree to be credible. If one's testimony is that God is love and his love has changed one's life, why should a non-believer take this testimony seriously if they see the testifier consistently engaging in non-Christian behavior and displaying none of God's love in his or her daily walk? In such a case one's "witness" as a Christian would not be very credible, the testimony would not carry much authority. Yet if one's life overflowed with love, and one's words and actions were in unison for the most part, such a witness would be credible and the testimony would have authority.

I think that in this case the US government can learn something from the persuasive techniques of Christians, just as early Russian communists learned how to spread their revolutionary "gospel" from Russian Orthodox missionaries.⁸⁹ Whether we're talking about a Christian trying to persuade a non-Christian to believe in Jesus, or we're talking about a representative of the US government trying to persuade a representative from the Chinese government that human rights as defined in the Universal Declaration of Human Rights are worth having and protecting in their fullness presently, we are talking about the same principles of persuasion. These are

- 1.) practicing what one preaches,
- 2.) really understanding that which one speaks of,
- 3.) presenting a clear, persuasive and intellectually-consistent argument as to why the party should agree/alter their beliefs on this issue,
- 4.) being honest about one's own shortcomings in pursuing that of which one speaks,

- 5.) trying to be understanding of the party one is trying to persuade, continuing to treat them with respect rather than condescension when/where they disagree with one,
- 6.) avoiding coercion and anything that appears to be coercion, and
- 7.) being gently and subtly persistent and supremely patient while realizing that “conversion” of any stripe does not usually happen instantaneously, all the while maintaining the relationship and keeping faith in one’s own principles even when the desired “conversion” fails to take place.

As this concerns American foreign policy toward China in the area of human rights, there is definitely room for improvement in implementing these principles of persuasion. US policymakers dealing with China have probably done best with regard to numbers two and three, though those haven’t been perfect. Regarding number one, a quick study of US policy toward Latin America and the CIA’s role therein is enough to persuade one that US foreign policy has not always honored the human rights principles it claims to be advocating with China.⁹⁰ A quick review of American history reveals that it does not have a human rights record that is clean on its own soil either, and Amnesty International and Human Rights Watch would be happy to show them how to improve yet further.⁹¹ As for number four, Americans have not been very forthcoming about their own historical or foreign policy shortcomings. This would be easy to change. On number five, some American representatives have done better than others, but generally Americans are quite self-righteous, even arrogant at times, when speaking to representatives of developing countries about democracy and human rights,⁹² and American dealings with China have been no exception. Americans will be hard-pressed

to win over a person or a people they treat like children. Practicing what one preaches and being honest about one's own shortcomings adds to one's image of humility and sincerity as well. On number six, American actions approach coercion with threats to revoke MFN from China, and again, as this principle of non-coercion is true with any people, it is especially true with a Chinese people who have suffered years of humiliation at the hands of foreigners and who are sometimes more concerned with face than with fact. As for number seven, while Americans tend to be very impatient in general, engagement advocates have been more patient than the containment advocates and MFN-revocation advocates, who seem to say, "we want change in China and we want it now," while forgetting that it took Americans until 1920 to give women the right to vote and until 1964 to make racial and sexual discrimination unconstitutional. The change Americans hope to see in China will not come overnight. Sometimes I think many of my American friends have lost their faith in the ideals of classical liberalism, forgetting the power of both the ideals and the reality of democracy, liberty and the market when discussing China. In concluding this brief discussion of human rights diplomacy as witness, it has become my conviction that if American policymakers dealing with China and human rights issues saw their task as "witnesses" of and participants in human rights, rather than judges of other nations' human rights situations, American policy would meet with greater success.⁹³

IX. Conclusion

While China's human rights situation under Deng Xiaoping was poor, it must be remembered, as Andrew Nathan notes, that it was definitely "an undoubted improvement

over Mao's.”⁹⁴ Despite the fact that China's human rights situation has deteriorated since delinkage in 1994, and the truth in the statement that for Christians in China, for example,⁹⁵ “...this is the most repressive period since the pre-Deng period of the late 1970's,”⁹⁶ the statements of doomsayers, and their inferences that human rights in China will be honored less and less, must be held in the light of Nathan's statement. China normalized its relations with Western nations in 1972 and opened its national “door” in 1978-9, and since then phenomenal changes have taken place. A “peaceful evolution” has indeed been taking place in China, and is likely to continue doing so. There is no turning back to Maoism for China. A point I want to stress was made well by Edwin J. Feulner not long ago in the *Washington Times* as he addressed Sino-American relations and the MFN issue.

Some may be impatient with the pace of change [or the “peaceful evolution”]. That's understandable. But there are signs of hope, including a series of freely contested municipal elections, which were noted by Mr. Gingrich after his recent trip [to Beijing] and were certified by the International Republic Institute. Americans need to remain confident in their own values and in the transforming dynamic of freedom. Recent history affirms this. That Chile, the Czech Republic, El Salvador, Hungary, Japan, South Korea, the Philippines, Taiwan and Thailand are today democracies is in large part due to the transforming nature of our values.⁹⁷ It is also due to the fact that we remained open to and engaged with these societies: trading with them; living among them; and inviting their children to live among us while studying at American colleges and universities. In the process, we gave them the desire and tools to transform their societies,⁹⁸ making them more open, more free, and more respectful of human rights. China is not so unique that it is immune to these same forces.⁹⁹

I think we have forgotten this as we deal with China. As I noted above, we Americans tend to be impatient. Our impatience in dealing with China could cost us a lot more than a few dollars in lost sales. Many of us might remember one of the final scenes of the Hollywood classic, “Patton,” wherein General Patton is speaking on the telephone with

one of his superior officers about his orders to treat his new allies, the Soviets, with cordiality and respect. When his superior tells him to relax, that the war is over, Patton responds, “Well, the war shouldn’t be over. We should stop pussy-footing about the ... Russians. We’re going to have to fight them sooner or later anyway. Why not do it now, when we’ve got the army here to do it with?” Despite such words and the warnings of the doomsayers of that day, we all know that the Cold War ended not with the sound of artillery or with the drone of B-52’s, but with the sound of hammer blows and falling bricks at the Berlin Wall, the popping of champagne bottle corks, and thousands of cheering voices. Why are so many China-watchers sure that the doomsayers, some of whom are saying war between the US and China is inevitable, are correct now?

China is going to be a superpower. It is not up to the United States to decide whether or not it can be. Being the world’s strongest nation might require the United States, along with the international community, to hold the Chinese government accountable to international standards from time to time, as was the case when Americans stood alongside a host of other nations against Iraq during the Gulf War. Should China prove to be an aggressor in that sense, let the US and the international community stand up to them as they stood up to Saddam Hussein. But let us not assume China is another Iraq without concrete reasons for doing so. At present, there are none.

China, like the United States, is a sovereign state, and they, like Americans, have dreams and aspirations. If Americans truly believe in life, liberty and the pursuit of happiness, they must recognize that the Chinese have certainly been endowed with the same rights as Americans. This includes the right of self-rule and of sovereign statehood, and, despite all the problems in China today, the people value this more than they value

what they consider the (to them still) “abstract” concept of human rights at present.

While Americans should use their friendship and influence with the Chinese to persuade them of the virtue and advantages to be found in movement toward full implementation of human rights, Americans cannot run China’s government, nor can they choose China’s form of government for it. The American role should be to provide a “human rights witness” so that the Chinese people will see it, desire it, and peacefully press their leaders for it, and so that their leaders too will see it in our government’s actions, noting its contributions to justice, efficiency and long-term stability. While entailing all the more specific policy recommendations I have mentioned above for US human rights policy toward China, the policy of providing a “human rights witness” in the context of engagement seems most effective, is most respectful of the dignity of the Chinese people and their right to choose their own destiny, and are means which are most consistent with the values that Americans themselves cherish as China moves toward an end that both Chinese and Americans hope will bring greater peace and prosperity to both peoples.

Endnotes

¹ As quoted in James D. Seymour, "Human Rights in Chinese Foreign Relations," ed. Samuel S. Kim, *China and the World: Chinese Foreign Relations in the Post-Cold War Era*, (Boulder: Westview, 1994): 202. Seymour notes, "These remarks (the authenticity of which remains to be certified) are attributed to Deng in Wang Renzhi, "CPC Takes Offense on HR Issue: CPC Central Committee Document," *Dangdai* (Hong Kong), July 15, 1992, pp. 39-41, translated in US Foreign Broadcast Information Service, *Daily Report: China* July 22, 1992, p. 16."

² See *The Coming Conflict with China*, by former *Time* Beijing, Paris and UN bureau chief and present *New York Times* book critic, Richard Bernstein, and former *Time* Hong Kong, Bangkok and New Delhi bureau chief, Toronto *Globe and Mail* Beijing bureau chief, and present Foreign Policy Research Institute - Asia Program Director, Ross H. Munro (New York: Alfred A. Knopf, 1997). See also Harvard University professor Samuel P. Huntington's "The Clash of Civilizations," *Foreign Affairs*, July/August 1993, and his *The Clash of Civilizations and the Remaking of the World Order*, New York: Simon & Schuster, 1996.

³ No one knows if China could sustain such changes without the outbreak of "luan," or chaos, since Chinese society is not built on a foundation of the rule of law (which allows regime transition), but on the rule variously or simultaneously of personality, Party mystique, and force. I believe the leadership genuinely fears "luan," and they play up to this fear to the public, with a large measure of success I might add, when they stress the need for order above all, which was the case in the aftermath of June 4, 1989.

⁴ Although as I will discuss below, local elections are becoming more and more common in China.

⁵ One could make a good argument that the CCP did represent the will of the people in the early years of its rule, as Mao had overwhelming popular support in his first decade or so. Popular support is difficult to ascertain today, however.

⁶ 58 million Chinese Communist Party members. Matt Forney, "Private Party," *Far Eastern Economic Review*, Oct. 2, 1997, p. 20.

⁷ This is the idea that nations with democratic forms of government do not fight each other (though they might go to war against non-democratic states). The empirical evidence seems to support the theory. For advocacy of the democratic peace theory, see Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part 2," *Philosophy & Public Affairs*, 12, no. 4 (Fall 1983); Carol Ember, Melvin Ember, and Bruce Russett, "Peace Between Participatory Polities," *World Politics* 44 (July 1992): 573-97; and John M. Owen, "How Liberalism Produces Democratic Peace," *International Security* 19, no. 2 (Fall 1994): 867-125. For arguments against democratic peace theory, see Christopher Layne, "Kant or Can't: The Myth of Democratic Peace," *International Security*, 19, no. 2 (Fall 1994): 5-49.

⁸ Because of what happened in June, 1989, the government will never have the luxury of being largely unaccountable to its people again, for the demonstrations garnered a lot of popular support.

⁹ While this is more and more difficult to do given the popularity of the internet and the growth of non-approved publishing houses, the way the media handled the May, 1999, bombing of China's Belgrade embassy shows that the media is still a force to be reckoned with. The event was portrayed as a deliberate attack on Chinese territory by an aggressor, with no practical reporting of US/NATO statements that the bombing was an accident or that the US/NATO had expressed regret. Nor was there any real coverage of the plight of the Kosovar Albanians or the brutality of the Serbs during NATO's Yugoslav campaign. What was emphasized in the media was the plight of the Serbs and the effect of the NATO bombing on them. The purpose of the particular portrayal was to whip up anti-US feelings and pro-China nationalism. The Chinese government is aware of its own ethnic problems in Xinjiang, Tibet and elsewhere, and the media's stance here did much to ensure popular support if the government has to suppress its own minorities in the near future. While most people in China recognize that the media is the tool of the government, I am afraid that they really do not see to what extent it influences them.

¹⁰ I do not mean to sound as if I'm jumping onto the "China threat" bandwagon. I do not think the scenario I have spelled out here is likely, but such possibilities haunt those responsible for US security.

¹¹ Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-94," *Human Rights Quarterly*, 17, no. 1 (February 1995): 8.

¹² James Seymour, "Human Rights in Chinese Foreign Relations," in *China and the World: Chinese Foreign Relations in the Post-Cold War Era*, ed. Samuel S. Kim (Boulder: Westview, 1994): 208-9.

¹³ *Amnesty International Report 1997*, Amnesty International Publications (London: 1997): 118-121.

¹⁴ There is of course the orthodox Marxist version also, that conceptions of human rights are a function of the mode of production in which a society finds itself. For Marx, these modes of production were, the primitive communal (hunter-gatherer) stage, the ancient (slave-based) stage, the feudal stage, the capitalist stage, and the communist stage. Therefore, feudalism would have one kind of value system and notion of human rights, capitalism another, and communism another. Though the Soviets and the Chinese used to run this argument, very few people do anymore, so I did not include it.

¹⁵ This again is the secular version of the Christian “*imago dei*” argument.

¹⁶ For a good elaboration on China’s various stands on human rights, I consulted Michael Sullivan’s, “Developmentalism and China’s Human Rights Policy: Should June Fourth Be Forgotten?” Paper presented at the 47th Annual Meeting of the Association of Asian Studies (Washington, DC, April 6-9, 1995).

¹⁷ James D. Seymour, “Human Rights in Chinese Foreign Relations,” ed. Samuel S. Kim, *China and the World: Chinese Foreign Relations in the Post-Cold War Era*, (Boulder: Westview, 1994): 203.

¹⁸ Peter Van Ness, “Addressing the Human Rights Issue in Sino-American Relations,” *Journal of International Affairs* 49, no. 2 (Winter, 1996): 309-32.

¹⁹ For those believing human rights are indeed universal in time and space, there is obviously no case that could be said to be an exception. Yet if there were, China might be the best candidate for a relativist argument. The reasons are that, among today’s still-extant cultures, China’s cultural roots are among the deepest, going back some 5000 years, here assuming that such cultural longevity denotes some degree of resilience or resistance to outside influences. In addition, during the times of European colonialism, vast tracts of China were untouched and thereby uninfluenced by the West, and beginning in the 1950s, until the early 1980s, China remained largely closed to the outside world. It has only been in the past few decades that Chinese citizens have been exposed en masse to the forces of modernity (beginning with the sweeping anti-feudalism of communization) and Westernism (beginning really only in the 1980s and 1990s with the opening and reform of Deng Xiaoping), forces that have been the catalysts moving other people groups’ cultures to evolve or change elsewhere. For this reason, Chinese culture might be said to be more of a “pure form,” being less adulterated by Westernism, than that of other people groups, and the argument for cultural exceptionalism or relativism might be more easily made.

²⁰ They said, however, that this was subject to the approval of the People’s Consultative Congress and as far as I know, the signing has yet to be officially approved. Incidentally, the Chinese have also signed the UN Covenant on Economic, Social and Cultural Rights.

²¹ Note this excerpt from Jim Abrams, “House Backs Normal Trade with China; Approval Overcomes Charges of Spying, Government Abuse,” Associated Press and *The Record* (Bergen County, NJ: Wed., July 28, 1999): A15. “The ‘gangster-like rulers’ in Beijing are building up huge trade surpluses with the United States while aiming missiles at US cities, said Rep. Dana Rohrabacher, R-Calif. The Chinese are committed to destroying capitalism: ‘Read that: the United States of America is who they want to destroy,’ Rohrabacher said.”

²² Senator Paul Wellstone, D-Minn., is an advocate of such an approach, lamenting the delinkage between human rights and trade in US policy towards China. “I am dismayed that momentum toward W.T.O. membership for China builds as if the human rights situation there is irrelevant. A return to a formal link between trade and human rights policy is not in the cards under this President. But we should insure that the Chinese understand that commercial concerns alone will not determine our policy.” Paul Wellstone, “Get Tough with China,” *New York Times* (Mon., April 5, 1999): A21.

²³ The article also appears in Kennan, “The Sources of Soviet Conduct,” *American Diplomacy* (New York: Mentor and the University of Chicago, 1951): 121-44.

²⁴ On Mao’s revolutionary foreign policy, see Peter Van Ness, *Revolution and Chinese Foreign Policy: Peking’s Support for Wars of National Liberation* (Berkeley, CA: University of California Press, 1970).

²⁵ If it happens to be Taiwan, it would depend on how China handles the issue. Certainly, outright unprovoked invasion of the island might call for a policy of containment, illustrating that the leaders of China have preferred force to peaceful means of conflict resolution, which could be an alarming prospect for China’s neighbors, and for US security interests in the region.

²⁶ January, 2000.

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- ²⁷ Jack Donnelly, "Human Rights, Humanitarian Crisis, and Humanitarian Intervention," *International Journal* (Autumn, 1993): 610, 612.
- ²⁸ Jack Donnelly, "Human Rights, Humanitarian Crisis, and Humanitarian Intervention," *International Journal* (Autumn, 1993): 623, 636.
- ²⁹ On this, see the UN Charter, Chapter 7.
- ³⁰ Michael J. Glennon, "The New Interventionism: the Search for a Just International Law," *Foreign Affairs* (May/June, 1999): 2-7.
- ³¹ Jack Donnelly, "Human Rights, Humanitarian Crisis, and Humanitarian Intervention," *International Journal* (Autumn, 1993): 639-40.
- ³² Here again the UN has set the precedent that interventions should have the consent of the government on whose territory the intervention should take place unless again the situation is such that there is no real government or the atrocities bring an international consensus on intervention approved by the Security Council. It becomes very problematic for the success of an intervention when the majority of the people in the land oppose the presence of the invading international forces ostensibly there to protect human rights.
- ³³ The multinational intervention in East Timor is a good case, for it has the approval of both the UN and of Indonesian President Habib.
- ³⁴ Richard Bernstein and Ross H. Munro, *The Coming Conflict with China*, (New York: Alfred A. Knopf, 1997): 97.
- ³⁵ For a taste of the discussion from the perspective of businesses in one Midwestern American city, see Mike Boyer, "China: Favored Nation? Cincinnati Firms Want Trade Renewal," *The Cincinnati Enquirer* (Tuesday, June 15, 1999): B10. See also the website for the US-China Business Council, www.uschina.org.
- ³⁶ Though I strongly disagree with their pessimism and sensationalism, Bernstein and Munro effectively document the present and potential difficulties in Sino-American relations in their book, *The Coming Conflict with China*, (New York: Alfred A. Knopf, 1997).
- ³⁷ As quoted in Diane Knippers, "How to Pressure China," *Christianity Today* (July 14, 1997): 13.
- ³⁸ David Shambaugh's analysis of Chinese perceptions of the US supports this, as has my own experience living in China for four and a half years. Shambaugh, *Beautiful Imperialist: China Perceives America, 1972-1990* (Princeton, NJ: Princeton University Press, 1991): 226, 256.
- ³⁹ Read the 13th century works of Marco Polo on this.
- ⁴⁰ *Human Rights Watch World Report 1995* (NY: Human Rights Watch, Dec., 1994): 146.
- ⁴¹ Paul Marshall, *Their Blood Cries Out*, (Dallas, Tex.: Word Publishing, 1997): 80.
- ⁴² I have seen no studies that are able to prove that this was the case, and I doubt it possible anyway.
- ⁴³ Remember that the mainland Chinese were concerned enough about the outcome of the Taiwanese elections to fire missiles of its coast. Also, Lee Teng-hui is native Taiwanese, ethnically.
- ⁴⁴ Again, they do not depend on democratic legitimacy but rather on a combination of nationalism, the legend of the old Party heroes, good economic performance and, where necessary, force,
- ⁴⁵ This is one of the disadvantages of unilateral channels, pointing to the advantages of multilateral channels of pressure, as I will argue below.
- ⁴⁶ These statements are based on my own study of the Chinese reaction to the bombings. I was in Beijing at the time. I might note that one Chinese newspaper, the *Cankao Xiaoxi*, published US apologies on Sunday, May 9, but this paper is a compilation of foreign news sources and at the time was not widely available nor widely read by common Chinese, and these apologies were not published in the mainstream Chinese media until Tuesday, May 11, after the demonstrations had been well underway.
- ⁴⁷ Sadly Deng never followed his own wisdom when he said, "We must strengthen our legal system. Democracy has to be institutionalized and written into law, so as to make sure that institutions and laws do not change whenever the leadership changes, or whenever the leaders change their views." See Ruan, Ming, *Deng Xiaoping: Chronicle of an Empire* (Boulder, CO: Westview Press, 1994): 251.
- ⁴⁸ In actuality, the battle for political reform had already been lost in 1987, when Hu Yaobang was ousted from his position of Party general secretary, for "allowing" the 1986-87 student democracy demonstrations to spread. It was his death on April 15, 1989, that sparked the demonstrations at Tian'anmen Square, as students gathered there to honor him and lament his loss and the Party's turning from the political reform he had advocated.

⁴⁹ For a taste of this line of thought, see Joseph Fewsmith's book review (or the book if you can find it) of *Looking at China Through a Third Eye* [Luo yi ning ge er, Disanzhi yanjing kan Zhongguo] (Taiyuan: Shanxi Publishing House, 1994), which appeared in the *Journal of Contemporary China*, no. 7 (Fall 1994): 100-04. Supposedly written by a German scholar named Leninger and then translated into Chinese, there seems little doubt that it was written by a Chinese scholar. It reportedly received favorable comments from Jiang Zemin. For further elaboration on the various views in China of US foreign policy, see David Shambaugh, *Beautiful Imperialist: China Perceives America, 1972-1990* (Princeton, NJ: Princeton University Press, 1991).

⁵⁰ The joint US/UK bombing of Iraq in December, 1998, was also viewed very critically in China and plays into the hands of the more conservative elements in the government. There at the time, I found near unanimity among Chinese scholars and common people regarding their opposition to the US/UK action, and increasing worry that this could be further proof of what they see as America's lack of accountability and its tendency toward unilateral military action in the post-bipolar world.

⁵¹ China Service Coordinating Office, "Mission Agencies View MFN Pressure as Counter-Productive," 27 March 1997, Wheaton, IL, p. 2.

⁵² "Face" here is meant in the sense of the English concept of "losing face," which is to say that "face" means one's reputation, one's honor. It is a very important concept in East Asian cultures, one to which great attention is paid, and for the protection of which almost no effort is spared. Though the cultural changes brought about by modernization have made "face" less important than in the past, my experience tells me it is still quite relevant.

⁵³ Here the CSCO is referring to the recent efforts of American Christians to pressure Congress to revoke China's MFN status to help fellow Christians in China.

⁵⁴ China Service Coordinating Office, "Mission Agencies View MFN Pressure as Counter-Productive," 27 March 1997, Wheaton, IL, p. 1.

⁵⁵ China Service Coordinating Office, "Mission Agencies View MFN Pressure as Counter-Productive," 27 March 1997, Wheaton, IL, p. 1.

⁵⁶ As quoted in Steven Erlanger, "Clinton to Tweak China Over Hong Kong," *The New York Times*, Tuesday, April 15, 1997, p. A3.

⁵⁷ The editors of *TIME* magazine, *Massacre in Beijing: China's Struggle for Democracy* (NY: Time, Inc./Warner Books, 1989): 177.

⁵⁸ The modernization theory is basically a school of thought popularized after WW2 that assumes that to modernize, a developing country needs political and economic liberalization a la the Western democracies. For a more detailed analysis, see the chapter on modernization in Ronald H. Chilcote, *Theories of Comparative Politics*, 2nd Edition (Boulder, CO: Westview Press, 1994): 222-226.

⁵⁹ Ronald Inglehart, *Modernization and Postmodernization* (Princeton, NJ: Princeton University Press, 1997).

⁶⁰ Barrington Moore, Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966). Bernstein and Munro document the similarities between today's corporatist/semi-authoritarian China, and the fascism of Mussolini's Italy or Franco's Spain in the 1930's. Although interesting and worth noting, there is no reason to expect China to follow Nazi Germany's path, for there are too many dissimilarities. Richard Bernstein and Ross H. Munro, *The Coming Conflict with China*, (New York: Alfred A. Knopf, 1997): 61-2.

⁶¹ On this, see Edward Friedman, *Democratization: Generalizing the East Asian Experience* (Boulder, CO: Westview, 1994).

⁶² As quoted in an interview in Liang, Chao, "Election Process Still Improving, US Visitors Say," *China Daily*, Thursday, March 12, 1998, p. 3, China's daily, official English-language newspaper.

⁶³ Liang, Chao, "China, US Agree on Grass-Roots Election Data Bank," *China Daily*, Monday, March 16, 1998, p. 3.

⁶⁴ Liang, Chao, "China, US Agree on Grass-Roots Election Data Bank," *China Daily*, Monday, March 16, 1998, p. 3.

⁶⁵ Tan, Qingshan, "Village Elections Democratic," *China Daily*, Monday, June 22, 1998, p. 8.

⁶⁶ He, Sheng, "Local Elections Take Democracy to Countryside," *China Daily*, Monday, June 22, 1998, p. 9.

⁶⁷ Here my assumption is that despite the existence of a number of government-approved democratic parties, they are under government oversight, which is to say they cannot pose a real challenge to the Party at this time.

⁶⁸ Reported in Kathy Chen, "Jiang Zemin Orders Research on Democracy," *The Wall Street Journal*, July 23, 1998.

⁶⁹ This is according to a July 11, 1998, compilation from the internet via the Association for Chinese Political Studies (acps1@pacl.pspa.niu.edu), as reported by Zhanglin Lin.

⁷⁰ Liu, Ji, "Democratic Reforms Must Proceed in Steps," *China Daily*, Tuesday, December 15, 1998, p. 4. The article originally appeared in Chinese in the *Xinhua Digest*.

⁷¹ This phrasing is interesting because it suggests (admits?) that perhaps the "Peoples' Democratic Dictatorship" (Marxist lingo for CCP rule) isn't so democratic after all, a change from the rhetoric of yore.

⁷² Ruan, Ming, *Deng Xiaoping: Chronicle of an Empire* (Boulder, CO: Westview Press, 1994): 241.

⁷³ *Ibid.*, p. 247.

⁷⁴ Even Sino-American relational pessimists Bernstein and Munro argue that MFN linkage to human rights was a bad idea from the beginning, and should be handled strictly in terms of trade issues. *The Coming Conflict with China*, (New York: Alfred A. Knopf, 1997): 210.

⁷⁵ I am by no means implying moral equivalence here, only that MFN is a trade issue, and should be treated as such, exchanging tit for tat in trade disputes, with the exception of a very extreme case of human rights violations, such as genocide, or as a matter of participating in UN-brokered multilateral economic sanctions.

⁷⁶ See Representative John E. Porter, Republican from Illinois, "Why I Changed My Mind on MFN," *Wall Street Journal*, Tuesday, 24 June 1997, A22. I will also note that while in China I noticed that a lot of my younger Chinese friends listened regularly to VOA in English because this helps them as they study English. The point is, there is a substantial audience for these programs, for many are studying English.

⁷⁷ Delinkage is not just a Clinton policy. George Bush opposed MFN linkage to human rights when Congress introduced it as well.

⁷⁸ NGOs have dubbed the Sub-Commission "the best hope for a non-selective application of human rights standards." Joint Statement by Non-Governmental Organizations to the sub-Commission on Prevention of Discrimination and Protection of Minorities, 45th Sess., 26 August 1993, as quoted in Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994," *Human Rights Quarterly*, 17, no. 1 (February, 1995): 5.

⁷⁹ In addition, despite the high incidence of official corruption, China's crime rates, murder rates, rates of drug abuse, and other social indicators are much lower than those of the US.

⁸⁰ I noted earlier the pressures the Western press put on the very people it wanted to help by its revelations on orphanages in China. This kind of dilemma could arise here too as the Chinese government might seek to "punish" the US or its representatives for bringing up motions of condemnation at UN meetings. The reason this kind of multilateral-based condemnation is more effective is that China does not accept the criticisms of the Western press or the authority of US criticisms, as both are generally considered "anti-China" and "biased," yet such accusations are harder to pin on the UN, for the Chinese recognize its authority and that of its organs.

⁸¹ David Shambaugh, *Beautiful Imperialist: China Perceives America, 1972-1990* (Princeton, NJ: Princeton University Press, 1991).

⁸² Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994," *Human Rights Quarterly*, 17, no. 1 (February, 1995): 3.

⁸³ Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994," *Human Rights Quarterly*, 17, no. 1 (February, 1995): 33.

⁸⁴ Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994," *Human Rights Quarterly*, 17, no. 1 (February, 1995).

⁸⁵ Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994," *Human Rights Quarterly*, 17, no. 1 (February, 1995): 26.

⁸⁶ Ann Kent, "China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994," *Human Rights Quarterly*, 17, no. 1 (February, 1995): 42.

⁸⁷ Bob Drogin and Elizabeth Shogren, "US to Cite China Rights Abuses; Diplomacy: Beijing Vows to Fight UN Resolution, Which Will Outline Repression of Tibet and Political Dissent," *Los Angeles Times* (Saturday, March 27, 1999): A-16.

⁸⁸ I attribute the idea of "witness," in the evangelical Christian sense, as applicable to human rights to Professor Jack Donnelly of the Graduate School of International Studies at the University of Denver, who brought up the analogy in conversation one day while we chatted in his office, though he himself is not a Christian.

⁸⁹ It is a well documented fact that V.I. Lenin studied the techniques of the church as a model to propagate his new communist "gospel."

⁹⁰ Consider the CIA's role in overthrowing democratically-elected, but leftist, Chilean President Salvador Allende, and bringing about his replacement, no friend to human rights, General Augusto Pinochet.

⁹¹ For example, for charges against the US, see the *Amnesty International Report 1997*, Amnesty International Publications (London: 1997): 326-29.

⁹² Vice President Al Gore's speech at the ASEAN meeting in Malaysia in 1998 is an example. He is widely viewed as having lectured regional leaders, Malaysian President Mahatir in particular, on the benefits of human rights and Western-style democratic systems in a way which was seen by those leaders as highly patronizing and paternalistic.

⁹³ For more on this idea, see Daniel W. Wessner, "From Judge to Participant: The United States as Champion of Human Rights," in Peter Van Ness, ed., *Debating Human Rights: Critical Essays from the United States and Asia* (London and New York: Routledge, 1999): 255-77.

⁹⁴ Andrew Nathan, "Human Rights in Chinese Foreign Policy," *Human Rights Quarterly*, no. 139 (Sept., 1994): 631.

⁹⁵ 1989 was still the worst year for human rights in general.

⁹⁶ Paul Marshall, *Their Blood Cries Out* (Dallas, Tex.: Word Publishing, 1997): 80.

⁹⁷ I would prefer to say "of democratic values," as I stress that these are universal, not Western, values.

⁹⁸ Again I would choose less self-congratulatory language, such as, "In the process, the desire for freedom arose within them, and we helped equip them to transform their societies..."

⁹⁹ Edwin J. Feulner, "Changing China, But Not by Revoking MFN," *The Washington Times* (Monday, April 14, 1997): 42A.