



Dissident Dissonance

By Ellen Bork

The United States has applied a different standard on human rights and dissent to China than it did to the Soviet Union. Several things explain this. First, beginning in 1972, relations with the People's Republic of China (PRC) were intended to serve U.S. interests in the Cold War. Second, after the Cold War rationale for this policy disappeared, Washington found a new rationale: engagement that would supposedly lead to political liberalization, absolving Washington of responsibility for an effective human rights policy. But Washington's post-Cold War engagement with the PRC has not led to political liberalization. China's growing economy and greater influence in world affairs make action to support dissent there more urgent, not less. The Soviet case provides an example of how international pressure and solidarity with dissidents and activists can undermine a one-party dictatorship.

The PRC has made successful economic reforms and taken on a more assertive role in international affairs. Politically, however, it remains a one-party dictatorship that shows no signs of liberalizing. On the contrary, general secretary and president Hu Jintao has steadily tightened controls over the media, Internet, intellectuals, and civil society organizations. Recently, Premier Wen Jiabao ruled out “real” democracy for China for the foreseeable future.¹

Why has Beijing's intransigence on political reform not inspired more American support for Chinese dissidents? The answer begins with a review of the way America's approach to human rights in China has developed over decades. Oddly enough, the reason that Chinese dissidents do not enjoy priority in U.S. policy has to do with the Soviet Union. Two anecdotes illustrate this point. In May 1988, ignoring complaints by the Soviet regime about interference in its affairs, President Ronald Reagan met with ninety-six Soviet dissidents at the American embassy in Moscow.² In early 1989, President George H. W.

Bush invited Fang Lizhi, a Chinese physicist and prominent democracy advocate, to a banquet held during Bush's visit to Beijing that February. When the PRC objected, the Americans agreed that Fang would not be seated at the president's table and even prevented President Bush from greeting him. In any event, Fang was prevented by PRC security agents from attending the dinner at all, and the White House later denied that the president had invited Fang.³

The story about Reagan's meeting is just one of several in which he and his officials demonstrated concern for dissidents. But an explanation for the contrast between Reagan's Moscow meeting and the Fang debacle has more to do with America's different relationships with two communist regimes than with presidential personalities.

The Double Standard

The U.S. opening to China was intended to counter the existential military and ideological threat the Soviet Union posed to the United States. When Richard Nixon went to Beijing in 1972, human rights were not on his list of priorities. As he told Mao Zedong at their meeting:

Ellen Bork (ebork@newamericancentury.org) is the deputy director of the Project for the New American Century.

“What is important is not a nation’s internal political philosophy. What is important is its policy toward the rest of the world and toward us.”⁴ At the time, Nixon, was pursuing détente—not human rights—in U.S.-Soviet relations. Nevertheless, the principle that good relations with China would serve U.S. interests in the Cold War was soundly established.

A double standard on human rights soon emerged. America “kept its distance from Chinese dissidents and avoided condemning Chinese repression, in a way that contrasted markedly with its behavior toward the Soviet Union.”⁵ The United States barely reacted to China’s crushing of the Democracy Wall movement of 1978–79.⁶ Soon, Washington would rely on Beijing to help arm the Afghan resistance to the Soviet invasion, and it would begin a defense relationship with the People’s Liberation Army.

Even if the double standard served America’s interests during the Cold War, it is difficult to explain why Washington continued to neglect human rights once tensions with the Soviets declined. By the mid-1980s, the United States had begun to reconsider China’s strategic importance; in the Soviet Union, Mikhail Gorbachev had taken power and begun to pursue reforms.

Things were about to reach a critical point in China, too. The Chinese Communist Party (CCP) had tolerated and even promoted reform efforts in the mid-1980s, rehabilitating purged intellectuals, initiating some village-level elections, and allowing greater assertiveness within the National People’s Congress.⁷ In fact, these reforms were limited and not intended to devolve power away from the CCP. When student protests in 1986 conveyed pro-democracy sentiments, the regime responded with ideological campaigns and by firing the chief CCP reformer, premier Hu Yaobang, in 1987. It was Hu’s death two years later, in the spring of 1989, that provided students with the opportunity to gather in public. Marches to lay wreaths for Hu grew into larger demonstrations that culminated in the Tiananmen Square protests.⁸

The Tiananmen massacre forced Washington to make a choice. Estimates of the number killed overnight ranged from a few hundred to over a thousand; in the weeks that followed, demonstrators were hunted down and jailed. There were public executions. Initially, the

United States took a hard line, imposing sanctions and freezing diplomatic relations. Washington’s response provoked an intense debate inside China between reformers and hardliners, with the reformers arguing for maintaining the U.S. relationship. Over the next couple of years, fearful of losing most favored nation (MFN) status and access to advanced technologies, Beijing made some

concessions—including freeing hundreds of political prisoners.⁹

Ultimately, Washington sided with the hardliners, easing sanctions, opposing stronger measures sponsored by Congress, and sending high level—and on one occasion secret—missions to Beijing to reassure leaders of the PRC’s “strategic” importance to the United States.¹⁰ The double standard had survived the end of the Cold War, as Fang himself noted to the chagrin of U.S. officials upon his arrival in the West, more than one year after taking refuge at the American embassy on June 3, 1989.¹¹ He was not the only one to make the point. That

same year, frustrated in his efforts to secure MFN status for the Soviet Union, Mikhail Gorbachev wondered wryly whether he might best secure it by declaring martial law in Lithuania.¹²

A Post–Cold War Rationale

The choice had been made: even in the absence of a compelling strategic priority, Washington would place a higher value on its relationship with the CCP regime than on human rights and political change. While Washington never completely abandoned the idea of a strategic component to the Sino-U.S. relationship, the emphasis was placed on “engagement,” a new rationale that made a virtue of tolerating China’s closed political system and human rights abuses. Engagement was based on the idea that positive and unconditional relations would lead China to improve in human rights, trade, and other areas. By this logic, Peter Feaver writes, “no matter how egregious the Chinese provocation, the United States always has a choice—confront or accommodate—and accommodation prolongs the game, leaving open the chance that the Chinese will moderate their behavior.”¹³

Engagement has been particularly well-suited to America’s appetite for unfettered trade with China. While the lure of the China market has been an influence on

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policy for centuries, President Bill Clinton took this notion to new heights. Despite campaigning against George H. W. Bush for “coddling dictators,” and supporting legislation that conditioned MFN on human rights improvements, he beat a steady retreat once in office. He took over from Congress efforts to link China’s MFN status to human rights improvements, promising to do by executive order what the Democratic Congress had hoped to write into law. Just one year later, Clinton declared that linking trade to human rights had “reached the end of the usefulness of that policy.”¹⁴

Now the United States could pursue trade with China on the grounds that American commercial interests were synonymous with freedom and democratization in China. In 2000, Clinton led the campaign to make China’s MFN status permanent in U.S. law as part of the worldwide effort to bring China into the World Trade Organization (WTO) and the American effort to end, once and for all, the link between trade and human rights. With the United States in the middle of the dot-com boom, President Clinton grafted the nation’s excitement about the Internet to the usual claims about engagement through trade. Clinton argued that “liberty [in China] will spread by cell phone and cable modem.” As for China’s efforts to control the Internet, Clinton scoffed: “Good luck. That’s sort of like trying to nail Jell-O to the wall.”¹⁵

The Helsinki Phenomenon

Something else helps explain the difference between America’s approach toward human rights in China and the Soviet Union. In July 1975, thirty-five countries, including the United States and the Soviet Union, signed the Helsinki Final Act (also known as the Helsinki Accords), a set of international treaties through which the Soviet Union sought to make the post-World War II borders of Europe final. At the time, the Helsinki treaties were widely regarded as an act of appeasement toward the Soviet Union. The inclusion in the accords of a third section, in which all the signatories agreed to respect a long list of human rights, did not appear meaningful or sincere. The Americans had not fought for it. On the contrary, then-secretary of state Henry Kissinger pushed to close the negotiations regardless of the content

of the human rights provisions. The impetus for the third section came from European countries.¹⁶

Subjected to a barrage of official propaganda presenting the Helsinki Accords as a major concession by the West, the people of Eastern Europe and the Soviet Union were skeptical, too. Some dissidents, however, came to feel that the accords offered an opportunity to put pressure on the Soviet regime. In the spring of 1976, several dissidents in Moscow founded the Helsinki Group. Seizing on the Helsinki Final Act’s human rights provisions, they began compiling reports of abuses and lists of political prisoners. The accords had become a kind of “legal and moral trap”¹⁷ which gave the dissidents a standard to which their government could be held. The formation of the Moscow group inspired similar groups in Ukraine, Lithuania, and Georgia, and helped inspire human rights activism more generally in some other Eastern European countries.¹⁸

Help for the dissidents came initially not from the executive branch of the U.S. government, but from Congress. The efforts of Soviet Jews to emigrate to Israel attracted significant support in Congress. In 1974, Senator Henry M. Jackson (D-Wash.) and Representative Charles A. Vanik (D-Ohio) achieved passage of the Jackson-Vanik Amendment to the Trade Relations Act, which penalized the Soviet Union and other non-market economy countries that restricted emigration. Members of Congress began to meet with *refuseniks* despite KGB interference.

Shortly after the Helsinki Accords were signed, Natan Sharansky met with Representatives Sidney Yates (D-Ill.) and Millicent Fenwick (R-N.J.). It was, he writes, “the first time I had heard someone mention ‘the spirit of Helsinki’—a spirit Congressman Yates said the Soviets were breaking by continuing human rights violations as if nothing had changed.”¹⁹ Soon afterward, Fenwick sponsored legislation to create the U.S. Commission on Security and Cooperation in Europe, made up of members of Congress and representatives of the executive branch departments.²⁰ This body was instrumental in forcing the executive branch to take a more aggressive stance on human rights generally and the monitoring of the Helsinki Accords specifically.

In some sense, things got worse before they got better. Helsinki-inspired efforts did not forestall the

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declaration of martial law in Poland in 1981, when Solidarity was crushed, and all the founding members of the Helsinki Group were arrested or exiled. However, as Sharansky writes:

The Kremlin soon realized that it could not take one step in the international arena without the bright spotlight of world opinion exposing its human rights policies and its treatment of political dissidents. . . . What had been initially viewed derisively by many observers as an insignificant Soviet concession to respect human rights turned out to be one of the most fateful decisions of the Cold War.²¹

What Should We Do?

Nothing comparable to the Helsinki Final Act exists for China. China did not have to make any systemic improvements or concrete concessions on human rights as a condition of joining the WTO or for hosting the summer Olympic Games in 2008. In fact, Beijing has begun tightening controls over society in connection with the Olympics.²² There are no longer serious efforts made to censure China for human rights abuses at the United Nations. Congress, once active on human rights in China as part of the MFN debate, has gone silent. Under the prevailing view that engagement through trade will make democracy inevitable, such efforts are unnecessary and even counterproductive. A growing middle class will demand political freedoms, and the rule of law with which the CCP is experimenting will transform society, or so the theory goes.

America's faith in its own institutions should not keep it from making distinctions about the PRC's. In China, concepts and institutions once anathema to the CCP are now being put to work serving its agenda of control. China's legal reforms are designed to "serve the party's overall strategy of maintaining its political monopoly through economic reform."²³ The courts remain subordinate to the Communist Party.

Without the rule of law to protect individuals' political rights, the middle class cannot play the role that we hope. Dependent on the party for access, financing, and political protection,²⁴ private business people in China

who support independent political activities are the "exception and not the rule."²⁵ Indeed, entrepreneurs have been a particular focus of party recruitment and cooptation which have been highly successful because the party has economic means.²⁶ Expansion of the People's Armed Police and the creation of new units to monitor the Internet—sometimes with American technology—have also enabled the CCP to limit and even preempt perceived threats to its control.

Failure to understand the purpose of regime-led "reform"—to enhance, not diminish, CCP control—has unfortunate effects on American policy. We are inclined to rely on PRC leaders to see devolution of political power as "in their interests"²⁷ and accept that the Chinese people will "eventually" demand freedom and

democracy.²⁸ This approach leaves us too accepting of regime-led reforms and insufficiently skeptical of the deformed institutions they create, like the state-controlled Protestant church that American officials routinely visit.²⁹

Deference to the regime undermines the efforts of individuals to change their system of government and create truly free institutions. It is not that the Chinese Communist regime lacks critics. In 2006, "tens of thousands of political prisoners remained incarcerated, some in prisons and others in reeducation-through-labor camps or administrative detention," according to the U.S. Department of State.³⁰ Among them are Shi Tao, a journalist, serving a ten-year sentence for

"leaking state secrets" by posting a routine e-mail from China's propaganda department directing coverage of the Tiananmen massacre anniversary. The American Internet service Yahoo! assisted the PRC in its prosecution of Shi by identifying him to the authorities. Chen Guangcheng, a blind legal activist, has been jailed in connection with his effort to bring a class action against local officials for forced sterilization and abortion. Ye Guozhu is serving a sentence for opposing housing demolitions to make way for Olympics-related construction. Amnesty International reports that Ye has been tortured in jail.

Many others endure surveillance, periodic detention, and other restrictions, including Liu Xiaobo, an intellectual who, among other things, has criticized the crackdown on the Internet; Ding Zilin, an activist on behalf of victims of the Tiananmen massacre; Jiang Yanyong,

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a doctor who spoke out about the extent of the 2003 SARS epidemic and later publicly urged Chinese leaders to reverse the official policy that labels the murdered Tiananmen protestors as counterrevolutionaries; and Bao Tong, a top aide to the late general secretary Zhao Ziyang. Both Bao and Zhao resigned over the regime's decision to use force at Tiananmen, and Bao, the highest-ranking cadre to go to jail in connection with the 1989 protests, served ten years in jail.³¹

While U.S. policy does not accord enough importance to dissidents, the dissidents themselves are quite clear on the importance of the United States and other democracies in their struggle. Liu Junning, a former academic at the Chinese Academy of Social Scientists, believes that the struggle for freedom "will take great effort, from both inside China and outside."³² Similarly, Bao has argued that without external pressure, "China's human-rights situation simply will not improve."³³

To be fair, America does use its influence to gain releases of individual Chinese political prisoners (albeit usually into exile), and we criticize abuses in annual reports and broadcast news to China through Radio Free Asia and the Voice of America, although these are often jammed by PRC authorities. All of these efforts are worthwhile and reflect well on the United States. But they are piecemeal. U.S. policy does not operate on the belief that China's one-party political system is illegitimate.

The rationale for America's double standard on human rights in China no longer exists. Rather than increase support for dissidents and human rights, America has adopted a policy of "engagement" that makes a virtue of acquiescing to Chinese abuses and defers to the regime on reform. Engagement has not led to liberalization. Washington needs to reconsider the role of human rights in its approach to China, and it should make support for dissidents the core of a new policy. Failing to do so undermines not only the dissidents themselves, but also America's principles.

AEI editorial assistant Evan Sparks worked with Ms. Bork to edit and produce this Asian Outlook.

Notes

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5. James Mann, *About Face*, 102.
6. *Ibid.*, 101–03.
7. Merle G. Goldman, *From Comrade to Citizen: The Struggle for Political Rights in China* (Cambridge, MA: Harvard University Press, 2005) 4–5, and James Mann, *About Face*, 157–58.
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9. Harry Harding, *A Fragile Relationship*, 235–37, 261.
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16. Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, NJ: Princeton University Press, 2001).
17. *Ibid.*
18. *Ibid.*, 163.
19. Natan Sharansky, *The Case for Democracy*, (New York: PublicAffairs, 2004), 127.
20. Daniel C. Thomas, *The Helsinki Effect*, 120. Fenwick later recalled meeting *refuseniks* in Moscow and Leningrad and asking them about their courage in meeting the high level visitors. "Don't you understand?" they replied. "That's our only hope. We've seen you. Now they know you've seen us." (Daniel C. Thomas, *The Helsinki Effect*, 124n8.)
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28. George W. Bush, "Freedom in Iraq and Middle East" (speech, National Endowment for Democracy, Washington, DC, November 6, 2003), available at www.whitehouse.gov/news/releases/2003/11/20031106-2.html (accessed April 26, 2007).

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30. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices: China (including Tibet, Hong Kong and Macau)*, March 6, 2007, available at www.state.gov/g/drl/rls/hrrpt/2006/78771.htm (accessed April 26, 2007).

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