

Testimony to the Congressional-Executive Committee on China

"Human Rights and Rule of Law in China"

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Mr. Chairman and Members of the Commission:

Like many observers of developments in China, I have watched with increasing concern recent trends that indicate deterioration in human rights conditions and stagnant progress in strengthening the rule of law in China. To list a few examples, several eminent lawyers have been intimidated and prevented from representing their clients. A blind peasant activist has been falsely charged of crimes he did not commit and sentenced to lengthy prison terms. The media has come under increasing government control as well. Many urgently needed legal reforms, such as changing the way judges are appointed and courts are financed and supervised, have been put on shelf even though these measures will increase judicial independence and contribute to social stability.

While today's China is a much more kinder and gentler nation than it was before reform, and we should give the Chinese people and the pro-reform forces in the government the credit for achieving such amazing progress in poverty reduction and expansion of personal freedom, we must recognize that the pace of improving political rights for Chinese citizens and strengthening the institutions of the rule law has lagged significantly behind the speed of economic progress. In recent years, the process of political liberalization has stalled even though the Chinese economy continues its rise.

In today's testimony, I will briefly focus on the underlying political causes for the deterioration of human rights and stalled progress in building a system based on the rule of law in China.

In my judgment, recent symptoms of rising social unrest and instability may be only a partial explanation for the government's intensified efforts of social and political control. The more important underlying cause for China's backslide on human rights and rule of law originates from a combination of factors that together reduce the ruling elites' incentive to pursue political reform while increasing their capacity for political control.

China has fallen into a classical transition trap at the moment. The current stage of transition, with half-finished economic reforms and partial political reforms, provides an ideal situation for the ruling elites who can maintain power with a mixture of political legitimacy derived from economic performance, political co-optation of new social elites, and increasingly effective methods of political control. Economically, strong growth record since Tiananmen has reduced the pressure on the Chinese government to pursue democratic reforms; indeed, it has even provided justifications for a hardline position on human rights. More important, because under one-party rule, China's political elites can easily convert their political power into economic wealth, they have even less incentive to permit greater political competition. It is obvious that democratic reforms will not only threaten their political monopoly, but newly acquired economic wealth.

At the same time, the Chinese government has been adapting itself skillfully to new social and economic changes. It has done so first by including social elites, such as professionals and intellectuals, into the ruling elites. In addition, it has also managed to co-opt new elites, especially private entrepreneurs. This strategy has eliminated challenge to the Party's authority from the most well-endowed and capable elements in Chinese society.

Over the last decade, the Chinese government has also greatly improved its capacity of suppressing both political dissident activities and social unrest. It has done so by heavy investment in law enforcement and technology. The strong capabilities, unfortunately, seem to have convinced the Chinese leadership that a tough approach to dealing with political dissent and social frustrations is a more effective way than political negotiation, compromise, and democratic reforms.

As long as this combination of factors persists, it is unlikely that human rights will improve significantly in China. Nor it is likely that the rule of law will be strengthened.

But the picture is not all that gloomy. Despite the Chinese government's unrelenting efforts to control the media and limit the growth of democratic forces, Chinese society is changing. Although it is not possible to form broad-based democratic opposition to challenge the authority of the Party openly today, the spread of personal freedom, the information revolution, and market forces is creating a more conducive environment for social pluralism. Therefore, I continue to urge a policy of *critical engagement* that can both advance American values and promote its national interests.