

What Happened to Democracy in China?

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For 20 years following the Tiananmen incident, there was a robust discussion among policymakers in the United States about China's potential path toward democratization. Evidence of political change was seen in the slow, but steady liberalization of Chinese politics and society that emerged in the wake of the tragic crackdown against the Tiananmen activists. From the early 1990s to the late 2000s, changes in China's legal, civil society, media, academic, and other spheres suggested that political reform was possible. Empowered by those changes, NGOs, academics, lawyers, journalists, and others began to advocate on everything from women's issues, to labor protections, to constitutionalism, to environmental rights, and more. In retrospect, the mid-2000s was the high-water mark for political reform in the "Reform and Opening Up" era. In the mid-2000s, the Communist Party began pushing back on these reforms, with more severe measures being taken by Xi Jinping in the 2010s. This narrative is well known; less examined is the pullback in U.S. efforts to promote human rights and democracy in China that took place simultaneously. In her first trip to Asia as Secretary of State in 2009, Hillary Clinton signaled that human rights would be deprioritized in the U.S.-China relationship. In ensuing years, Democrats and Republicans have found common cause in criticizing engagement with China on democracy and human rights as naïve, arguing that we must see China "as it is and not as we wish it to be." This realist approach has left the U.S. with few tools to deploy to demonstrate its interest in supporting political reform. While it intends to make the point that "we cannot change China," it also leaves the impression that China cannot change. And while it may work as rhetoric, recent administrations have discovered that it is difficult to deploy a China policy that does not take human rights into consideration. A "take China as it is" approach leaves America with an unfocused human rights policy, as well as unprepared for any potential political shifts that may come.

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From 1989 to the late 2000s, there was a serious discussion both inside and outside of China about the country's prospects for political reform and democratization. Whether prompted by dissidents and activists who were adjudicating the legacy of the Tiananmen protests, or by reformers who saw a pathway for liberalization running through the Chinese Communist Party (CCP)'s own reforms aimed at institutionalization and rule of law, understanding how China

might democratize was important for scholars and policymakers, let alone for the Chinese people themselves. As one indicator of its significance, the United States and other foreign governments spent close to \$400 million between 2001 and 2014 to advance Chinese democratic, legal, and human rights reforms.¹

Today, it is difficult to imagine a democratic China. Steadily increasing authoritarianism, commencing under Hu Jintao and accelerating under Xi Jinping, has squelched nascent reforms in the areas of governance, law, civil society, and media freedom. Devastating campaigns against Uighurs in Xinjiang and a severe crackdown in Hong Kong have underscored the ruthlessness that the regime will deploy to brook any accommodation to its power. Given the circumstances and the consequences, it is no surprise that discussion of liberalization *in* China has slowed or ceased. More concerning is that these discussions have slowed and even stopped in policy circles outside of China. What happened to democracy in China, or, more specifically, what happened to America's willingness to promote democracy in China?

The End and Beginning of U.S.-China Collaboration on Governance Reform

In the waning days of 2019, the Chinese government officially sanctioned American human rights and democracy organizations in response to the passage of the Hong Kong Human Rights and Democracy Act.² The sanctions were an empty threat. The targeted NGOs, which had been closely watched in China since they first began working there in the 1990s, had concluded by the mid-2010s that collaboration with Chinese partners on democratic and civil society reform,

¹ Thomas Lum, "U.S. Assistance Programs in China," Congressional Research Service Report, December 2, 2014 accessed at <https://fas.org/sgp/crs/row/RS22663.pdf>.

² See Teddy Ng and Minnie Chan, "China hits back at democracy act by suspending US military port calls in Hong Kong," *South China Morning Post*, December 2, 2019, <https://www.scmp.com/news/china/diplomacy/article/3040200/china-puts-hong-kong-port-calls-us-military-hold-after-donald>

which had grown steadily until the mid-2000s, had become impossible. By 2019, they had scaled back or shuttered their China programs, moving staff from the Mainland and even Hong Kong. When the sanctions came, they yielded minimal reaction, barely meriting news coverage, much less action by the U.S. government to protest the ban. If noted at all, they were another nail in the coffin after a twenty-year period that saw dozens of U.S. non-governmental and academic institutions partner with thousands across China to consider modes of improving governance, human rights, and the rule of law. A new chapter was beginning, one of tit-for-tat expulsions and sanctions that ensnared journalists in March 2020 and think tanks in March 2021, when China sanctioned the German think tank MERICS as part of a pushback on the European Union.³

When China began reform and opening up in the late 1970s, a handful of American NGOs, such as the Asia Foundation and the National Committee on U.S.-China Relations, initiated educational and people-to-people exchange aimed at establishing linkages with counterparts in China. In the late 1980s and early 1990s, a handful of additional NGOs, the Ford Foundation, the International Republican Institute, Yale China Center (the Yale China Law Center at the time), and others, began programs to focus on governance reform and rule of law.⁴ The devastating events at Tiananmen Square in 1989 put a pause on this engagement, but it was short-lived, and throughout the 1990s, American NGOs developed bolder programs in support of objectives in China to strengthen governmental institutions, emphasizing interest group rights, legal reform, civil society, media reform, and transparent government. By the early 2000s, there

³ For more, see Annabelle Timsit, "Beijing's European Sanctions Are Also a Bid to Tell Control Who Tells the China Story," <https://qz.com/1987794/sanctions-on-eu-academics-point-to-worsening-relations-with-china/>.

⁴ The National Committee on U.S.-China Relations and the Asia Foundation initiated programming in the 1970s. Ford Foundation opened its China office in 1988. The International Republican Institute began its rule of law and democracy work in 1993-94.

were dozens of NGOs and academic institutions collaborating with Chinese partners on reform programs.⁵

The Chinese government was initially receptive to this engagement, in part because they believed it decreased the likelihood of confronting foreign governments over its human rights record in international fora, such as the United Nations Human Rights Commission meetings in Geneva. “Promoting cooperation in the field of law serves the interests and needs of both countries,” the United States and China agreed in a 1998 joint statement to promote legal cooperation between the U.S. and China.⁶

In the late 1990s and early 2000s, law and governance reform in China was as promising as at any other time in the PRC’s history. There were many highlights of reform during this time: in 1999, Buyun township in Sichuan province held the first ever township election in China, buoyed by the village democracy movement that was pioneered in China throughout the 1990s; Hu Shuli’s *Caijing* Magazine began publishing in 1998 as a “muckraking” publication aimed at exposing corruption in the financial and government sectors;⁷ grassroots civil society organizations were sprouting up across the country with the country going from one registered environmental NGO in 1994 to an estimated 2000 organizations by 2000;⁸ and in 2004, China amended its constitution to acknowledge private property and human rights. These steps were cautious, and constraints on reform remained during this time, but they suggested that China was willing to consider piecemeal reform to strengthen the country, as Prime Minister Wen Jiabao

⁵ These included the American Bar Association Rule of Law Initiative (ABA-ROLI), the Yale China Association (then the Yale-China Law Association), the International Republican Institute, the Asia Foundation, the Carter Center, and others.

⁶ Amy Gadsden. “From ‘Confrontation’ to ‘Cooperation’ and Back Again,” Human Rights in China, October 29, 2010, <https://www.hrichina.org/en/content/3262>.

⁷ James F. Scotten, William Hachten, *New Media for a New China*, (New Jersey: John Wiley & Sons, 2010): 71.

⁸ Jonathan Schwartz, “Environmental NGOs in China: Roles and Limits,” *Pacific Affairs* 77, no. 1 (Spring 2004): 36. <https://www.jstor.org/stable/pdf/40022273.pdf>

put it when he announced the 2004 constitutional reforms.⁹ China was not at a “tipping point” with respect to political reform in the mid-2000s; nevertheless, after five decades of CCP rule, liberalization seemed truly possible.

China’s Crackdown on Reform

As cooperation programs in rule of law and governance proliferated, however, the Chinese government became less sanguine that these efforts were, in fact, in China’s interests. Hu Jintao was less supportive of reform than his predecessor, Jiang Zemin, had been. Unnerved by the role that civil society played in bringing about the “Color Revolutions” in places like Georgia and Ukraine in the mid-2000s, the Chinese Communist Party began to clamp down on civil society.¹⁰ The CCP was particularly focused on cutting off cooperation between Chinese institutions and foreign NGOs.¹¹

Before the mid-2000s, there had been periods of tightening reform followed by loosening up. From the mid-2000s to the present, the country has only tightened. The CCP has responded, first under Hu Jintao and then under Xi Jinping, with increasing heavy-handedness to any bottom-up push for liberalization and democratic change. In December 2008, Chinese activists issued a manifesto, dubbed Charter 08,¹² calling for constitutional change, democracy, and human rights. Following publication, 70 of the 303 original signatories were interrogated or jailed, and one of the leaders of the Charter 08 movement, Liu Xiaobo, was imprisoned and later died.¹³

⁹ Chris Buckley, “China Approves Amendments On Property and Human Rights,” *The New York Times*, March 15, 2004, <https://www.nytimes.com/2004/03/15/world/china-approves-amendments-on-property-and-human-rights.html>

¹⁰ Titus C. Chen, “China’s Reaction to the Color Revolutions: Adaptive Authoritarianism in Full Swing,” *Asian Perspective* 34, no. 2 (2010): 5-51, Found at <https://www.jstor.org/stable/42704710>

¹¹ *Ibid.*, 42.

¹² Blake Hounshell, “Charter 08,” *Foreign Policy*, Oct. 10, 2010, <https://foreignpolicy.com/2010/10/08/charter-08/>.

¹³ David Stanway, “Beijing strikes at dissidents,” *The Guardian*, January 3, 2009, <https://www.theguardian.com/world/2009/jan/04/china-human-rights-charter-08>

In 2011, China reacted with similar harshness to stirrings of reform movements inspired by the Arab Spring. The short-lived Jasmine Revolution brought people out into the streets in Wangfujing, Beijing's central shopping district just off of Tiananmen Square, but the government's response was swift and decisive.¹⁴ In 2012, when Xi Jinping assumed leadership of the party and the nation, any hope that China might lean in to legal and governance reform, as it had done under Jiang Zemin, was quickly extinguished. Xi launched a major anti-corruption campaign that he coupled with a crackdown on what had been a nascent rights lawyering movement.¹⁵

In July 2015, the 709 crackdown silenced dozens of lawyers across China who had been pushing for the country to live up to its own codes and constitution.¹⁶ That was quickly followed up by an unprecedented "Strike Hard" campaign against Uighur Muslims in China's Northwest beginning in 2016 that has led to the detention of an estimated two million citizens in "re-education" camps.¹⁷ The Foreign NGO Law, passed in 2016, was widely seen as an attempt to cut off foreign organizations that posed a "national security" threat to China.¹⁸ And in 2020, the CCP responded to calls for greater democracy in Hong Kong with a roundup of the territory's most prominent liberal defenders and the introduction of new national security law aimed at preventing the mass protests that were the most prominent symbol of protest in Hong Kong.¹⁹

¹⁴ Zachary Keck, "Four Things China Learned From the Arab Spring," *The Diplomat*, January 4, 2014, <https://thediplomat.com/2014/01/four-things-china-learned-from-the-arab-spring/>

¹⁵ Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance*, (Routledge, 2014).

¹⁶ Mimi Lau, "12 months after crackdown, Chinese rights lawyers call for release of detained colleagues," *South China Morning Post*, July 9, 2016, <https://www.scmp.com/news/china/policies-politics/article/1987372/12-months-after-crackdown-chinese-rights-lawyers-call>.

¹⁷ Hilary Hurd, "China's Human Rights Abuses Against Uighurs in Xinjiang," *Lawfare*, October 9, 2018, <https://www.lawfareblog.com/chinas-human-rights-abuses-against-uighurs-xinjiang>

¹⁸ "Fact Sheet on China's Foreign NGO Law," *The China NGO Project*, November 1, 2017, <https://www.chinafile.com/ngo/latest/fact-sheet-chinas-foreign-ngo-law>.

¹⁹ Chris Buckley and Keith Bradsher, "As Coronavirus Keeps the West at Bay, China Moves to Tame Hong Kong," *The New York Times*, May 22, 2020, <https://www.nytimes.com/2020/05/22/business/china-hong-kong-national-security.html?action=click&module=RelatedLinks&pgtype=Article>

The U.S. Response

By 2020, and well before then, it was clear that the Chinese Communist Party, to borrow the phrase from scholar Carl Minzner, had fully “turned against” political reform, rule of law, and civil society-building that had seemed so promising in the late 1990s and early 2000s.²⁰ As this crackdown intensified and endured from the late-2000s to the present, the United States government was unable to maintain a consistent position in defense of Chinese democracy.

In the mid-2000s, as China entered what would later become recognized its high-water mark with respect to political reform and opening up, the United States government was paying great attention to the prospects for democratic reform in China. In the context of the Bush administration’s “Freedom Agenda,” the nascent reforms underway in China offered suggestions of credible pathways for democratic change. In June 2003, the Department of Defense Office of Net Assessment convened China scholars and analysts in partnership with Harvard’s Olin Institute for Strategic Studies. Over three days, participants considered at least six different scenarios that could prompt regime change in the PRC:

1. Intra-party split
2. External push by democratic or anti-Party forces
3. Party-led reform from within
4. Separatist activity that weakens or topples the CCP
5. A military coup or military break with the CCP
6. An economic or other crisis (e.g., SARS) prompting collapse

Participants were sober about the prospects for comprehensive democratic change, noting that the CCP had a firm grip on power and was not likely to be toppled easily. Nevertheless, there was a serious discussion underway about a China that was not governed under the strong, singular hand of an authoritarian Communist Party.

²⁰ Carl Minzner, “China’s Turn Against Law,” *The American Journal of Comparative Law* 59, no. 4 (2011): 935–984, www.jstor.org/stable/23045693, Accessed May 29, 2020.

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At the same time that the Department of Defense was discussing regime change scenarios, the Department of State was programming increasing of amounts of funding for “democracy, human rights and related activities” in the PRC. The roots of this funding began in the last years of the Clinton administration, with a small fund that was created to promote the rule of law.²¹ The initiative, which was announced with great fanfare during the 1998 summit between Presidents Bill Clinton and Jiang Zemin, lacked financial support. Only a “trivial amount” of funding was available for activities when the initiative was launched, and efforts to get Congress to allocate more funding were stymied for the remaining years of the Clinton presidency.²²

The election of George W. Bush resulted in a \$10 million Congressional allocation to the State Department’s Human Rights and Democracy Fund to promote democracy, rule of law, and human rights in China. Between 2001 and 2014, \$320 million was allocated for activities to promote good governance, democratic reform, civil society development, rights work, and other activities. Funding reached a peak in 2010, with \$46.9 million allocated, but began to decline steadily after that. According to the Congressional Research Service, it decreased by “nearly 40% between 2010 and 2012 and has remained at lower levels.”²³

As America entered the 2010s, the government’s appetite for promoting democracy in China began to wane, even as civil society, rights-lawyering and proto-calls for democracy were pushing ahead in China in the face of significant headwinds. Why? What was happening in the U.S. to explain the pullback?

²¹ Paul Gewirtz, “The U.S.-China Rule of Law Initiative,” *William & Mary Bill of Rights Journal*, Vol. 603, 2003. Available at SSRN: <https://ssrn.com/abstract=422260> or <http://dx.doi.org/10.2139/ssrn.422260>

²² *Ibid*, 613-615.

²³ Thomas Lum, “US Assistance Programs in China.”

Barack Obama signaled from the start of his presidency that he would take a more tempered approach to promoting democracy abroad than his predecessor.²⁴ What this meant for China policy was immediately apparent when the Secretary of State made her first overseas trip in February 2009. China was the last stop on her four-nation tour of Asia. The United States was still reeling from the financial crisis that had started four months earlier in September 2008, and the Obama administration was looking for reassurances that China would not renege on its commitments to support U.S. efforts to shore up its shattered economy. Clinton's message was loud and clear—the Obama administration's foreign policy would accommodate economic interests and leave differences in values for a later date. "It is essential that the United States and China have a positive, cooperative relationship," she was reported to have said during the trip. Referring to sensitive issues like Tibet, Taiwan, and human rights, she said, "Successive administrations and Chinese governments have been poised back and forth on these issues, and we have to continue to press them. But our pressing on those issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis."²⁵ While she and her advisors tried to walk a fine line between values and interests as they raised their agenda with Chinese interlocutors, analysts drew a singular conclusion, summed up by a *Reuters* headline, "Economic woes trump rights as Clinton visits China."²⁶ Undoubtedly to the relief to the Chinese Communist Party, after eight years of making democratic reform a centerpiece of its foreign policy, the United States signaled it was not going to push a "Freedom Agenda" as aggressively as its predecessors.

²⁴ Eric Patterson, "Obama and Sustainable Democracy Promotion," *International Studies Perspectives* 13, no. 1 (2012): 26–42, www.jstor.org/stable/44218677, Accessed 27 May 2020.

²⁵ "Clinton: Chinese human rights can't interfere with other crises," <https://www.cnn.com/2009/POLITICS/02/21/clinton.china.asia/>

²⁶ Arshad Mohammed and Benjamin Kang Lim, "Economic woes trump rights as Clinton visits China," *Reuters*, February 20, 2009, <https://www.reuters.com/article/us-china-clinton/economic-woes-trump-rights-as-clinton-visits-china-idUSTRE51J43520090221>.

The Wake-Up Call: We Can't Change China

The Obama administration's decision to deprioritize human rights in its relationship with China coincided with another narrative shift in the United States that had an important effect on the United States' approach to China policy. In 2007, James Mann published *The China Fantasy*, in which he criticizes foreign policy elites for “foster[ing] an elaborate set of illusions about China, centered on the belief that commerce will lead inevitably to political change and democracy.”²⁷ Mann was urging policymakers to develop a more aggressive, outcomes-based approach to promoting political reform in China. “The best time to try to forestall the emergence of a permanent Chinese autocracy may well be now or in the next few years—not a quarter century from now when the regime and the current system of modernized, business-supported repression could well be vastly more established and entrenched,” he wrote.²⁸ Mann argued for a renewed effort to urge democracy in China,²⁹ but he offered little with regard to tactics and strategy, other than to “open our eyes” and “challenge America's stale logic and phraseology concerning China.”³⁰

Mann's *cri de coeur* was echoed by Chinese dissident voices, who warned that the United States was naïve to think that commercial engagement with China would inevitably lead to democracy. In 2010, when the Nobel Prize Committee awarded Liu Xiaobo with its annual Peace Prize, Fang Lizhi wrote that bestowing this award on an imprisoned Chinese activist “challenged the West to re-examine a dangerous notion that has become prevalent since the 1989 Tiananmen massacre: that economic development will inevitably lead to democracy in China.”³¹

²⁷ James Mann, *The China Fantasy*, (Viking, 2007): xiii.

²⁸ *Ibid*, 109.

²⁹ *Ibid*, 21-27.

³⁰ *Ibid*, 111.

³¹ <https://www.csmonitor.com/Commentary/Global-Viewpoint/2010/1012/Liu-Xiaobo-and-the-West-s-naive-beliefs-about-freedom-in-China>

The election of Donald Trump prompted a comprehensive rethinking of U.S. policy toward China across all areas. The Trump administration was not inclined to prioritize human rights in any of its relations with foreign powers, and China was no exception.³² What the administration did do, however, was force a wholesale reevaluation of many aspects of the relationship from trade to national security to engagement in multilateral institutions. As the Trump administration was trying out new approaches to confronting China, two former Obama administration officials published an analysis that sparked new thinking on democracy promotion.

In March 2018, Kurt Campbell and Eli Ratner published an influential essay in *Foreign Affairs* titled, “The China Reckoning: How China Defied American Expectations.” They argued that American policy had “failed to change China in the ways that we had intended or hoped” and that the U.S. needed “a clear-eyed rethinking” of its approach.³³ They concluded:

The starting point for a better approach [to China policy] is a new degree of humility about the United States’ ability to change China. Neither seeking to isolate and weaken it nor trying to transform it for the better should be the lodestar of U.S. strategy in Asia. Washington should instead focus more on its own power and behavior, and the power and behavior of its allies and partners. Basing policy on a more realistic set of assumptions about China would better advance U.S. interests and put the bilateral relationship on a more sustainable footing. Getting there will take work, but the first step is relatively straightforward: acknowledging just how much our policy has fallen short of our aspirations.³⁴

Campbell and Ratner echoed Mann’s “wake-up call” that China was not sliding inevitably or inexorably toward a democratic future, but they added an influential twist. Mann called on policymakers to redouble their efforts to move China toward democracy, even if he

³² In his transmittal letter of the 2018 U.S. Country Reports on Human Rights Practices, Mike Pompeo tipped his hands to authoritarian leaders around the globe, writing, “The policy of this Administration is to engage with other governments, regardless of their record, if doing so will further U.S. interests.” See <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/>.

³³ Kurt Campbell and Ely Ratner, “The China Reckoning: How China Defied American Expectations,” *Foreign Affairs*, March 1, 2018.

³⁴ *Ibid.*

offered little in the way of tactics. Ratner and Campbell concluded that America should be humbler and abandon its efforts to change China.

“To Change China”—this was the title of a slim history book by the eminent China historian Jonathan Spence, first published in 1969. Predating Campbell and Ratner by 50 years, Spence argued that for four centuries, from the 1620s to the mid-20th century, whether as missionaries, purveyors of scientific technology, or wartime allies, Westerners had been fruitlessly trying to change China:

The Westerners had presented their expertise as the wrapping around an ideological package, however and had tried to force the Chinese to accept both together. It was this that the Chinese refused to tolerate; *even at their weakest, they sensed that the acceptance of a foreign ideology on foreign terms must be a form of submission.*” (Italics added)³⁵

Fifty years after Spence penned his conclusion, Campbell and Ratner’s similar analysis sparked a reckoning for American policymakers—China was not going to democratize because America wanted it to. To consider anything otherwise was naïve and dangerous. This analysis quickly permeated Trump administration rhetoric. In 2019, Secretary of State Mike Pompeo warned that we must “engage China as it is, not as we wish it were,”³⁶ while National Security Advisor H.R. McMaster admonished that the U.S. “had undervalued the degree to which ideology drives the Chinese Communist Party,” with the result that “we had indulged in this conceit over the years that we could change China by welcoming China into the international order.”³⁷

But while Republican and Democratic foreign policy experts share a sense of frustration about China’s retreat from political reform, human rights remain central to U.S. policy toward

³⁵ Jonathan Spence, *To Change China: Western Advisers in China 1620-1960*, (Boston, MA: Little Brown and Company, 1969), 290.

³⁶ "Speech of Secretary of State Michael R. Pompeo: The China Challenge," October 30, 2019, <https://py.usembassy.gov/speech-of-secretary-of-state-michael-r-pompeo-the-china-challenge/>

³⁷ Kate O’Keeffe, Michael C. Bender and Chun Han Wong, “Coronavirus Casts Deep Chill Over U.S.-China Relations,” *The Wall Street Journal*, May 6, 2020, <https://www.wsj.com/articles/coronavirus-casts-deep-chill-over-u-s-china-relations-11588781420>

China. This was on display in the stunning opening minutes of the U.S.-China summit in Alaska in March 2021, when Secretary of State Antony Blinken and National Security Advisor Jake Sullivan traded sharp words with their counterparts, Foreign Minister Wang Yi and Communist Party foreign affairs chief Yang Jiechi. In an opening exchange that was compared to a verbal boxing match, Blinken received a tongue-lashing after opening with remarks about the U.S.’ concern for Chinese actions to undermine the “rules based international order” particularly with regard to Xinjiang, Hong Kong, Taiwan, cyberattacks and economic coercion (in that order). Yang’s reply was swift and stunning (at least by diplomatic standards):

The United States itself does not represent international public opinion, and neither does the Western world. Whether judged by population scale or the trend of the world, the Western world does not represent the global public opinion. So we hope that when talking about universal values or international public opinion on the part of the United States, we hope the U.S. side will think about whether it feels reassured in saying those things, because the U.S. does not represent the world. It only represents the government of the United States. I don't think the overwhelming majority of countries in the world would recognize that the universal values advocated by the United States or that the opinion of the United States could represent international public opinion, and those countries would not recognize that the rules made by a small number of people would serve as the basis for the international order.³⁸

While the U.S. and China have many issues in the relationship, the fundamental difference in political systems and values is inescapable. Taking China “as it is” cannot mean the same thing as ignoring what it is, and the failure of the “as it is” framing is that it leaves us scratching our heads about *what to do* about an authoritarian China.

The turn away from engagement has lulled policymakers into accepting a permanent authoritarian *status quo*. Just because we cannot change China does not mean that China cannot change. The U.S. and other democracies must continue to promote political reform and

³⁸ For a full transcript of remarks from the summit see <https://asia.nikkei.com/Politics/International-relations/US-China-tensions/How-it-happened-Transcript-of-the-US-China-opening-remarks-in-Alaska>

democratic change in China—not because these policies will necessarily change China from the outside, but because they will ensure that China and the world is prepared, if and when, democratic change comes from within.

We Can't Change China—But We Should We Try Anyway

Why does Chinese democracy matter? China's failures of governance, lack of transparency, and lack of accountability do not only impact China. In 2020, the world experienced a deadly and devastating global pandemic in part because of failures of Chinese governance. Everything from better administration of law and regulation in monitoring wet market practices, to whistleblower protection, to a more open media, to accountable governance might have contributed to a different trajectory for controlling the novel coronavirus outbreak when it began in the winter of 2019.

But it is not just China's failures in public health that threaten the globe. Pollution, environmental degradation, and use of water and other natural resources in China impact nations and populations beyond its borders.³⁹ China's domestic financial controls and market regulation have consequences for global markets. In the realm of geopolitics and national security, a democratic China might engage in debate on issues in ways that might lessen prospects for confrontation. While there is no guarantee that the world would enjoy a peace dividend from a democratic China, at a minimum there would be more transparency around these issues in a China where different views were openly aired.

From 2008 on, as the CCP pushed forward with its crackdown on reform, the U.S. pulled back, at first in response to economic considerations and as a rejection of the Freedom Agenda; later, because it was seen as naïve to expect China to change. Looking forward, we are

³⁹ Jianguo Liu and Jared Diamond, "China's environment in a globalizing world," *Nature* 435 (2005): 1179–1186.

confronting a U.S.-China relationship that is certain to be more contentious and combative. What are our options from here?

The Communist Party has made it virtually impossible for U.S. NGOs to work with Chinese organizations on governance and reform activities. But we should continue to try. In a recent webinar, Sophie Richardson, long-standing China director at Human Rights Watch, reflected on civil society growth in China, calling it “the good human rights story in China over the last 20 years.” She continued, “We must keep trying to support [civil society] in China. We can’t just put it down and walk away because it has gotten hard.”

So what can we do? This is not an easy question to answer, but here are some thoughts for policymakers:

1) Trust and Transparency

Jim Mann’s admonition to find a new vocabulary is a place to start. We need to talk consistently about trust and transparency in China—in public health, in markets, in environmental policy, in the courts, and in the media. (This policy could be heeded in the United States, too). We need to ensure that these issues are always on the diplomatic agenda. China’s initial handling of the COVID-19 pandemic exposed many deep-seated concerns that Chinese have about their government. Urge the CCP to be responsive to those concerns and develop mechanisms for greater transparency that yield trust.

2) China is not a Monolith

Just as America’s successful reopening to China in the early 1970s hinged on recognizing that communism was not a monolith, we need to appreciate the differences of opinion *within* China. There are interest groups within China at all levels and we need to speak to the interests that align with ours, whether that is with respect to maintaining peace across the Taiwan Strait,

or to advocating for legal and regulatory protections of the environment, or to highlighting that universal human rights values are not “foreign” to China.

3) Focus on the Chinese People

The United States’ history of fostering friendship with the Chinese people dates back to the late 19th century. From the Boxer Indemnity Scholarships of the early 1900s, to the standing up of field army hospitals to treat Chinese soldiers during World War II, to the Philadelphia Orchestra bringing classical music to China at the height of the Cultural Revolution, these initiatives have generated deep reserves of goodwill that Chinese draw on to understand America. We should not scorn these “people-to-people” exchanges as naïve and Pollyannaish. U.S. policy should continue to support direct efforts to reach out to the Chinese people. By doing this sincerely, we have a more legitimate claim when we call for a China of, by, and for the Chinese people.

4) Say Their Names

During the Clinton and Bush administrations, senior policymakers always pressed for the release of political prisoners. Lists of activists were transmitted regularly and there was a push for consistency across the U.S. political system so that PRC interlocutors understood the seriousness of the requests. Throughout the 1990s and 2000s, dozens of political prisoners were released, such as Wei Jingsheng (released in 1997), Rebiya Kadeer (released in 2005), Takna Jigme Sangpo (released in 2002), and Wang Dan (released in 1998). The Congressional-Executive Commission on China (CECC) maintains a list of Chinese political prisoners, with 1,598 known cases as of October 2019. President Trump notoriously signaled to the Chinese leadership that he has little concern for political prisoners, most notably when he told President Xi that he should “go ahead” building mass camps to detain Uighur prisoners, according to his

former National Security Advisor John Bolton.⁴⁰ It is not clear how the Biden administration will approach individual prisoner cases, but there is reason to expect that they will return to the pre-Trump approach of raising cases as part of diplomatic discourse.

5) Support Rule of Law, Civil Society, and Media Independence

In the mid-2000s, when Chinese civil society, including lawyers groups, and media were thriving, the global community provided funding and training to these groups in hopes that they would anchor China's future liberalization. The Communist Party has put up barriers, but that does not mean we should stop trying to support these groups. If direct funding is not available, convening fora outside of China where Chinese NGOs can develop horizontal networks with like-minded institutions provides an alternative means of engagement.

6) Support Human Rights Activists

The U.S. and foreign governments should continue to provide support to Chinese human rights activists in China and in the diaspora. It should take these critics as seriously as the Chinese government has, and U.S. government officials should seek them out when in China to ensure that their voices are heard at home and abroad.

7) Hold China Accountable in the International Sphere

In the past twenty years, China has enmeshed itself in the international system in unprecedented ways. Foreign governments should continue to utilize international mechanisms to hold China accountable, but civil society institutions should equally be encouraged to raise questions about China's record. Local NGOs in communities that are the beneficiaries of Chinese investment in infrastructure and other projects through its Belt and Road Initiative (BRI)

⁴⁰Philip Ewing, "Trump Told China to 'Go Ahead' with Prison Camps, Bolton Alleges in New Book," *NPR*, June 17, 2020, <https://www.npr.org/2020/06/17/875876905/trump-told-china-to-go-ahead-with-concentration-camps-bolton-alleges-in-new-book>.

should also be empowered to examine China's actions in upholding rights and ensuring transparency in its development projects abroad.

8) Improve Partnerships with Academic and Private Sector Institutions

It is deeply troubling when private sector institutions and academic institutions compromise their freedom of speech and inquiry values by yielding to Chinese government pressure. The U.S. government might consider organizing these interests under an umbrella to educate and support them so that they cannot be isolated in their interactions with the Chinese government. The Sullivan Principles provide a model for corporate codes of conduct that might be targeted around specific human rights concerns. Such a strategy might be deployed in support of ensuring human rights and civil liberties protections in Hong Kong for example, in the wake of the passage of the 2020 National Security Law.

9) Embrace the Students

The Trump administration smeared the more than 350,000 Chinese students who study abroad in the United States with statements and policies that suggested that they are national security risks. Its *Proclamation on the Suspension of Entry of Non-Immigrants of Certain Students and Researchers from the People's Republic of China* was designed to cast a shadow on the intentions of these young people who come to study here. By mid-2020, it was reported that approximately 1,000 students' and scholars' visas have been revoked under the proclamation, or 0.3% of students. Instead of discouraging Chinese students from coming to the United States, we should embrace them. As Rory Truex has argued, the U.S. should view these students as needing protection from the Chinese state apparatus, not as agents of it.⁴¹ We cannot expect them to

⁴¹ Rory Truex, "Addressing the China Challenge for American Universities," Working Paper for The Penn Project on the Future of U.S.-China Relations (2020), https://cpb-us-w2.wpmucdn.com/web.sas.upenn.edu/dist/b/732/files/2020/10/Rory-Truex_Addressing-the-China-Challenge-for-American-Universities_Final.pdf

return home as advocates for democracy, but their experience abroad will shape China's future nevertheless, just as the experiences of Chinese abroad have shaped the country since the late 1800s.

10) Redefine Patriotic as Liberal

The Communist Party has long used patriotism or nationalism to unify its citizens around policies and against “foreign forces.” Under Xi Jinping, nationalism efforts have redoubled, but, in a departure from previous decades, the “Chinese dream”⁴² has been redefined as “reform without opening up.” Liberalization and patriotism are becoming opposites in today's China. It is important that the U.S. use rhetoric and policy to point out the flaws in this dichotomy. Liberals in China need space to reassert their views, and they need only look to recent reforms under Deng Xiaoping, Jiang Zemin and even Hu Jintao to demonstrate how liberalization of the political and economic spheres have served to strengthen China at home and abroad.⁴³

None of the ideas listed above are entirely novel. In fact, many would look at this list and say, “But we have tried these steps for decades, and they have not worked. Why should we continue in this way?” Efforts to promote political reform and human rights have not brought about a democratic China, but that does not mean that they have been without effect entirely. Full, participatory democracy remains elusive, but if and when it comes, there will be many across China who are prepared to work hard to make it work. It also ensures that we are connected to those in China who might advocate for change and understand what drives their vision for reform in China. As Li Fan, a well-known Chinese reformer, argued, “This [China's authoritarian response to reform] does not mean the engagement policy for China was wrong. It

⁴² See Council on Foreign Relations, “Excerpt: the Third Revolution,” at <https://www.cfr.org/excerpt-third-revolution>.

⁴³ See e.g., Julian Gewirtz, *Unlikely Partners: Chinese Reformers, Western Economists, and the Making of Global China* (Harvard University Press, 2017).

means that modernization is facing its final stage. I believe China has reached the last mile to change. The current retrenchment faces challenges that will sooner or later bring it to an end.”⁴⁴

Li continues,

The ideas of rule of law, civil society, freedom, and democracy have been deeply planted in the hearts of Chinese people. As I see it, engagement is right, the Chinese people need it. Interaction with governments, international organizations, civil society organizations, scholars, and media has had a deep effect. And it should be allowed to continue to deepen. I believe only democracy can make China change.⁴⁵

We cannot, as Sophie Richardson argues, get tired and give up. We need to restore a vision of China’s democratic future to our policy. We can accept China as it is, as H.R. McMaster and Michael Pompeo have argued, but we can just as assuredly continue to support those in China who might advocate for it to change.

Conclusion: The End of Political Tutelage

In 1918, Sun Yat-sen predicted that democracy would come in China over three phases: a period of destruction, followed by a period of transition, culminating in a period of reconstruction. Describing the second phase, Sun said, “China...needs a republican government just as a boy needs school. As a schoolboy must have good teachers and helpful friends, so the Chinese people, being for the first time under republican rule, must have farsighted revolutionary government for their training. This calls for the period of political tutelage, which is a necessary transitional stage from monarchy to republicanism. Without this disorder will be unavoidable.”⁴⁶ This idea of the need for a period of transition, of “political tutelage,” became an excuse for subsequent Chinese leaders to deny democracy to the Chinese people and assert party dominance

⁴⁴ Li Fan, “It’s True that Democracy in China Is in Retreat, But Don’t Give up on It Now,” ChinaFile Essay (July 2, 2020), <https://www.chinafile.com/reporting-opinion/viewpoint/its-true-democracy-china-retreat-dont-give-it-now>

⁴⁵ Ibid.

⁴⁶ Quoted in William Theodore de Bary, et al., eds., *Sources of Chinese Traditions*, (New York, 1963), 783.

over the government. It is hard to look at the many things that China has accomplished over the last 40 years and conclude that it is not ready for democracy or “reconstruction,” as Sun would have called it. China’s economic reform has been remarkable, but it suffers at home and abroad because of its authoritarianism and lack of human rights. U.S. policy should imagine a democratic future in China, even as it confronts China’s authoritarian present. To do this, it should embrace a robust human rights policy that supports political reform both in word and in deed.