

As China rises, foreigners need to keep protesting against cases of injustice on the mainland, writes **Jerome A. Cohen**

Fight the good fight

US President Barack Obama's meeting scheduled for tomorrow with the Dalai Lama and Secretary of State Hillary Rodham Clinton's recent speech condemning China's internet censorship have added to the complications plaguing Sino-American relations, rekindling debate over the role of human rights in US policy towards China.

Last week's commentary in *The Wall Street Journal* by the distinguished American expert on Chinese law, Stanley Lubman, helps crystallise the arguments. Lubman criticises Clinton's attack on internet censorship as unnecessarily damaging because such foreign rebukes are unlikely to modify China's policies. "Sino-American relations", he writes, "would be less roiled if the Obama administration muted its disapproval of conduct within China that foreigners cannot change."

All of us who worry about roiling Sino-US relations should urge the Chinese government to cease such persecutions

Lubman acknowledges that "some Chinese clearly desire the strengthening of democratic values" and notes "the chaos of competing values that currently marks Chinese society". Yet, since the communist leaders vigorously oppose political democracy and "any tendencies toward pluralism", he suggests that "the Obama administration should avoid criticism that Beijing characterises as 'ideological war'."

Instead, he urges, it should focus "on practices that can be more realistically affected by foreign pressures and influences". He favours supporting "reforms that quietly work to strengthen the rule of law in China", such as improvements in government transparency, rights consciousness and legal aid. He also endorses renewal of the oft-interrupted US-China official dialogues concerning human rights and law.

Of course, such activities are desirable. Many foreign governments, non-governmental organisations and universities have been involved in law reform co-operation with China for



decades. As experience in Taiwan and South Korea demonstrated, such programmes lay the groundwork for significant long-run progress and, in the interim, encourage rule of law aspirations and incremental improvements.

Lubman concedes these are "modest examples". Yet, he writes, "nothing bolder appears likely to have even mild and long-term impact" on Communist Party attitudes towards reform.

This takes too narrow a view of the benefits of foreign protests, and it fails to

address the challenges that China presents daily to foreign governments and human rights advocates. Although China's entry into the World Trade Organisation deprived the US of the leverage previously used to extract from Chinese prison political dissidents and other unfairly convicted people, it is still important for foreign governments and others to protest, in public as well as private, against cases of injustice in China.

First of all, such protests continue to have an effect in certain cases. For

example, the outcry over the "disappearance" of lawyer-dissident Gao Zhisheng (高智晟) has stimulated an embarrassed Chinese government to offer a series of evasions about Gao's fate and may deter the regime from similar lawlessness. Also, widespread dismay over the detention for espionage of Chinese-Australian businessman Stern Hu and his Rio Tinto Chinese colleagues surely led to a reduction of the original charges.

Even if official and non-official foreign protests may no longer have their former impact upon an increasingly powerful Chinese government, they serve at least three other major purposes.

Despite the regime's censorship, they boost the sagging morale of those in mainland China who hope for freedom and due process of law, as the country's beleaguered rights lawyers and activists emphasise. Moreover, they give the world a fuller picture of contemporary China than that provided by the Olympics, the Confucius Institutes that the government has established abroad and its mind-boggling economic accomplishments. China's quest for "soft power" – international influence based on more than military and economic coercion – will always be frustrated as long as there are continuing foreign protests against abuses suffered by dissidents, religious figures, criminal defence lawyers and others.

Finally, if stated with requisite humility, public reaffirmation of the basic human decencies that every government should accord its own citizens as well as foreigners reminds all countries, including the US, of the importance of practising what we preach to China.

So I was delighted when the US and the European Union refused to remain silent about the extraordinarily harsh 11-year sentence recently meted out to Liu Xiaobo (劉曉波), one of China's leading democratic intellectuals, for "inciting subversion" by helping to organise Charter 08, a moving manifesto for freedom that attracted some 10,000 courageous signatures. Foreign protests will not secure Liu's freedom and certainly were regarded as "ideological war" by the Politburo. But the benefits of branding this political persecution a violation of international human rights standards outweigh the costs. All of us who worry about roiling Sino-American relations should urge the Chinese government to cease such persecutions.

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