

Hearings on Religious Persecution in China: Dr. Merle Goldman Prepared Testimony

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(Note: These are unedited and uncorrected transcripts)

Introduction

Outside

pressure on the Chinese government to reduce its control over religious groups and allow freedom of religion will have only marginal effect. Government control of religion is not just a feature of China's Leninist party-state, it is deeply embedded in China's political culture. Since the beginning of the Confucian state in 202 B.C. political power and Confucian secular values have superceded religious institutions and beliefs in China. Nevertheless, because the Confucian system left the population relatively alone to practice religion as it pleased, except when the regime felt politically threatened by a religious movement, China never had the wars between church and state so familiar in Western history. With the establishment of the Leninist political system in 1949, that imposed the party's authority over virtually all spheres of life, including religious worship, all religions came under the party's direct control. Unlike during the Confucian state, religious believers during the Mao Zedong era (1949-76) were not left alone to worship freely. Though the post-Deng governments of Deng Xiaoping (1978-1989) and Jiang Zemin (1989--) have loosened the party's controls and allowed greater personal freedom, until China moves from its current authoritarian government to a democratic political system, it is unlikely that China will have freedom of religion.

Nevertheless, despite the embeddedness of political control of religion in Chinese tradition, there are ways of exerting outside pressures on China that could have some impact. Ann Kent in her book, *China, the United Nations and Human Rights: The Limits of Compliance* delineates in rich detail the practice of what she calls "reintegrative shaming" that has had some results in engendering bit by bit China's slow conformity to human rights norms. What Kent means by "reintegrative shaming" is the threat to China of "loss of face" in the international community. During the Mao Zedong era, China's government could not have cared less about what the outside world thought of its political actions and so had no desire

to become part of international regimes and conform to any norms, except to those of Mao. But in the post-Mao regimes of Deng and Jiang, China wants to participate in the international arena, politically as well as economically, and very much cares about China's image in the world community. Thus, China's government will go to great lengths to prevent "loss of face" internationally and has become more responsive to multilateral international pressure.

The Role of the UN Human Rights Commission

Through

her analysis of China's actions in the UN Human Rights Commission (HRC), Kent details some Chinese compliance with the human rights regime. Until China became a member of what the HRC in 1981, it did not recognize the universality of human rights. Its post-Mao party-state has gradually accepted the concept. Though it insists that the rights of sovereignty and subsistence take priority over political and civil rights, it does acknowledge that economic rights and political rights are intertwined at meetings of the HRC. Jiang also pointed out their interrelationship in his speech on the 50th anniversary of the UN Declaration of Human Rights in Beijing in December 1998.

Since

China's June 4, 1989 violent crackdown on demonstrators in Tiananmen Square, when the HRC's Sub-Commission passed a resolution in August 1989 critical of China's actions, the Chinese government has gone to great lengths to prevent a yearly resolution criticizing China's repression of religious worship, Tibetan Buddhism and separatist Islamic movements in the area of Xinjiang as well as its repression of political and civil rights. It engages in active diplomacy and distributes large sums of money to the developing world in order to prevent passage of a critical resolution. Consequently, no such resolution has even come up for a vote, except in 1995, when the resolution was defeated by one vote. In the other years, China has been able to garner enough votes for "no action" on the resolution.

Just

because the resolution is not adopted, however, does not mean that the public shaming in Geneva has not had an effect. Major Western nations--Germany, France, Italy, Japan, Australia, and Canada-- did not join with the U.S. in sponsoring the resolution in 1997. Thus, China has been able to disunite the Western coalition on this issue. The European countries were also influenced by China's large purchase of Airbus from the European Union rather than Boeings from the U.S. Nevertheless, in return for these countries' non-sponsorship, China signed the UN Covenant on Economic, Cultural and Social Rights. The following year, the United States did not sponsor a critical resolution; in return China signed the UN Covenant on Civil and Political Rights in 1998. Though China's signature to the two covenants also was related to President Clinton's trip to China and Jiang Zemin's trip to the U.S., it was also related to the discussions in Geneva.

While

the Chinese government asserts that the two covenants are not operable until ratified by China's supposed legislature, the National People's Congress, which has not yet acted on them, the Chinese government's signature on the two covenants has already encouraged those in China seeking to exert their political rights. The leaders of the China Democracy Party no comma cited the Covenant on Political and Civic Rights to justify their establishment of an opposition party. The Falun Gong also cites the covenant in its efforts to win official recognition of its right to practice its meditation exercises freely. Moreover, scholars at China's Academy of Social Sciences, who are advisers to the government leadership, are drawing up laws, writing books and convening conferences on how to make the covenants enforceable. As the Helsinki accords encouraged Soviet dissidents to step up their demands for human rights, China's signature on the two covenants may provide the impetus for further efforts from below as well as from advisers to the leadership for implementation of human rights procedures.

The

U.S. should pay much more attention to winning support for resolutions critical of China's human rights practices at the HRC and other international meetings. Whereas China charges that U.S. criticism of its human rights abuses are part of the American "hegemonic" effort to contain China, reminiscent of the Cold War, it cannot discount multilateral criticisms so easily. In a time of rising nationalism in China, working through multilateral organizations is much more effective than U.S. unilateral efforts on human rights issues.

U.S. Monitoring of China's Human Rights Abuses

Nevertheless,

that does not mean that unilateral pressure is totally ineffective. Until the mid 1990s, prior to the yearly Congressional debate over passage of MFN, now NTR, several well-known political prisoners were released. But once President Clinton delinked the issue of human rights from MFN in 1994, that practice has virtually stopped. The famous dissident Wei Jingsheng was released after Jiang's visit to the U.S. in fall 1997 and Wang Dan was released shortly before Clinton's visit to China in 1998. China also has released a number of prominent political prisoners before meetings of the HRC. The release of political prisoners, however, has had little impact on China's overall behavior on human rights issues.

Rather than in engaging in yearly denunciations of China's behavior at the time of Congressional passage of NTR, which appear to bring few results, the U.S. might be able to exert more effective pressure on the issue of human rights in the long run if China is made a member of WTO. The method of "reintegrative shaming" can be used in the WTO, as it has been in the HRC, to bring China's domestic conditions more into conformity with international standards. Though not directly related to human rights, participation

in WTO requires norms of behavior, such as transparency and legal procedures in doing business and access to China's markets of the new information technology, that indirectly foster the cause of human rights in China. The new technologies--computers, the Internet, faxes, cellular phones, and pagers--have already made it more difficult than in the past to suppress groups attempting to assert their rights. One reason why the Chinese government has had such difficulty in suppressing the Falun Gong, which it calls "an evil cult," has been because its members have used these new technologies to organize protests, spread information and maintain contacts with their colleagues abroad. WTO will make available to those seeking religious as well as political rights in China even more advanced technologies and more access to the outside world.

The criticism of China's human rights abuses that accompanies the renewal of China's NTR each year can be replaced, as has been suggested by Senator Carl Levin, with yearly Congressional hearings, prepared by a special committee, on the various human rights reports on China issued during the year by the State Department, various commissions such as this one, and NGOs. In that way the focus will be specifically on the issue of human rights and will direct attention to the numerous reports on China's human rights abuses, which usually get lost in the media. In addition, all kinds of bilateral contacts between U.S. and Chinese officials, "NGOS", religious groups, scholars and lawyers working on human rights issues should be encouraged.

Conclusion

Improvement

in China's human rights regime, particularly more religious freedom, will come by integrating China into the world community rather than by isolating it. In fact, when China is isolated and its relationship with the U.S. is strained, human rights conditions in China worsen. True, in a period of accelerating contact with the outside world in 1999, China's human rights conditions have deteriorated. Its government has arrested scores of Roman Catholics and Protestants engaged in unofficial house worship services, virtually all the leaders of the China Democracy Party and thousands of followers of the Falun Gong, other qigong societies, Tibetan monks and nuns and Moslem separatists. But if one compares China of the Mao era, when millions were imprisoned and millions more were literally silenced for over twenty years, China is a freer place today than twenty years ago.

These changes

in part can be attributed to internal market reforms, but also in part to China's desire to be regarded as a respected player in the international arena. Progress on human rights does not go in a straight line, as was also true in the Soviet Union. The Helsinki accords signed in 1978 encouraged Soviet and East European dissidents and led to an undermining of the Leninist regimes in the Soviet Union and Eastern Europe, but the progress was erratic and not clearly discernible at the time. It wasn't until the Gorbachev era in the late 1980s, that there

was any definite improvement in human rights conditions. It may take even longer in China, because of deeply embedded traditions, but already we see that the international human rights regime is slowly having an impact on Chinese views of human rights and activating forces for change, both in society and from advisers to the leadership. True religious freedom, however, will not come until China introduces democratic political and legal institutions that can protect the freedoms of expression, association and religion, as stipulated in its constitution. 1) Philadelphia: University of Pennsylvania Press, 1999. 2) Gong Fa (Public Law), Xia Yong, editor, (Beijing: Zhongguo shehui kexue faxue yanjiusuo, gong fa yanjiu zhongxin, Public Law Center, Chinese Academy of Social Sciences).

Merle

Goldman is a Professor of Chinese History at Boston University and is the coauthor with JohnK. Fairbank of China: A New History.