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# Chinese Human Rights and American Foreign Policy: A Realist Approach

*Lowell Dittmer*

This article focuses on the function of human rights as a foreign policy ideal in American foreign policy, particularly since the end of the Cold War. China became a challenging target of U.S. human rights policy after Tiananmen. Human rights as an ideal may be defended either by idealist or by realist means. Whereas the former are logically consistent with the ends, only the latter promises immediate results. The Clinton administration thus began with an attempt to manipulate trade policy to pressure China into improving its human rights policies. The administration then shifted to idealist means more consistent with idealist ends, including the resort to international organization sanctions. But here Washington failed even more conspicuously. The article concludes that human rights did not turn out to be a politically suitable ideal to orient U.S. foreign policy. The impact on China was fierce resentment. But human rights have improved.

Whereas the Cold War had few admirers and many critics in the course of its long career, its virtues have become more apparent since its demise. The disintegration of this frustratingly rigid but relatively predictable bipolar structure has left the international system in some turmoil and precipitated a search for new ordering principles.<sup>1</sup> The initial hope was that existing international organizations would be able to fill the void, and indeed it has become easier for the United Nations to agree to pursue various international projects, including the dispatch of peacekeeping forces to troubled areas. No longer encumbered by Cold War vetoes, the United Nations (UN) has also become a major player in the application of sanctions.<sup>2</sup> Yet the more the United Nations

1. See John J. Mearsheimer, "Back to the Future: Instability in Europe after the Cold War," *International Security*, vol. 15, no. 1 (Summer 1990), and the ensuing rejoinders carried in *ibid.*, fall and winter issues. With specific reference to the collapse of the Soviet bloc, see Ken Jowitt, *New World Disorder* (Berkeley: University of California Press, 1993).

2. From 1990 through early 1993 the United States imposed unilateral sanctions in only one case (against Russia and India over a sale of missile technology) and expanded sanctions in another (Cuba). The UN, in contrast, has since 1990 sponsored sanctions in many parts of the world, including Haiti (now lifted), Iraq, and the former Yugoslavia. George A. Lopez and David Cortright, "Toward Ethical Economic Sanctions," *America* 183 (25 November 2000): 18-41; Kimberley Ann Elliott, "The Sanctions Glass: Half Full or Half Empty," *International Security* 23 (Summer 1998): 50-66.

has taken on, the more it has become apparent that it can do no more than the great powers who comprise it are willing to underwrite. Nationalism is by no means a spent force, even in the "developed" countries (cf. the setbacks en route to European Union). But the disintegration of Yugoslavia, the Soviet Union, and such Third World cases as Rwanda make clear that nationalism is part of the problem, not the solution.

Between the Hobbesian jungle of untrammelled nationalism on the one hand and a still feeble internationalism on the other, several states have managed to negotiate their roles into at least provisionally stable regional hegemonies. For better or for worse, the United States seems to have emerged in that position at the global level for at least the immediate aftermath of the Cold War. Yet ironically, the collapse of communism also stripped U.S. foreign policy of its ideological rationale, which had hitherto relied upon a now discredited communism for reflexive self-definition, to justify its leadership of the "free world." Such an ideological vacuum was particularly problematic for the United States, given its distinctive historical propensity to define its foreign policy interests in idealistic, salvationist terms. Washington would indeed be at a distinct rhetorical disadvantage if obliged to concede that its attempt to impose order on other countries were based on "naked" national self-interest.

But what ideology would fit with both U.S. foreign policy interests and the mass public's vision of American ideals and special foreign policy role? The "American way of life," albeit attractive to many beyond its borders, is vague and too obviously self-congratulatory. Despite its recent upsurge, even the democratic ideal is problematic, as such one-party states as Mexico, Malaysia and Singapore are formally quite democratic, and even people's republics like China and North Korea claim to be socialist democracies.

Since 1976, the ideal of "human rights" has been touted as a promising candidate to replace anticommunism in the U.S. ideological arsenal. As such, it would seem to offer at least three advantages. First, human rights is unquestionably an "ideal" rather than a "material" interest, indeed in both senses of the term: it refers to transcendental abstractions, and it refers to normative rather than empirical reality. While that makes it difficult to define clearly, the fact that it is universal rather than particular is essential for it to serve as a platform for the transnational projection of

foreign policy. In international as in domestic politics, it is far easier to render compliance when this is rationalized in terms of shared values, which apply to the preceptor as well as the pupil via the logic of *tu quoque*. Second, human rights encompasses many of the substantive ideal interests of anticommunism, but is not conceptually dependent upon communism for self-definition. It is embedded in a complex set of intellectual propositions with a philosophical pedigree long antedating Marxism, facilitating an appeal to the intellectual classes who normally function as a nation's opinion leaders. Third, in terms of international political realities since the Cold War, human rights ideals coincided quite closely with American material interests.<sup>3</sup> The United States is indeed almost uniquely qualified to serve as defender of these ideals, having embraced them longer than any Third World, Newly Industrialized Country, or reforming Communist country; among advanced democracies, although Japan and Germany had become by this time significant economic rivals, their historical records tended to undermine any leadership role in defense of such values.

Although the focus here is on the political rather than the philosophical implications of the term, it will be necessary to begin with some very schematic preliminary definitions. We then turn to the domestic origins and political application of human rights policy during the last two decades, taking China as a decisive test case.<sup>4</sup> The third section briefly reviews and assesses the shift in U.S. human rights policy that followed its most concerted attempt to enforce it in 1993-1994.

## The Concept

As an ideal, human rights has hitherto been the domain of philosophers, poets, and religious leaders, becoming an object of

3. Robert Cullen, "Rights and Foreign Policy: Collective Rights and Nationalism," *Current*, no. 353 (June 1993), pp. 28-33.

4. For perceptive overviews of the role of the issue in foreign policy, see Peter R. Baehr, *The Role of Human Rights in Foreign Policy* (New York: St. Martin's Press, 1994); William Korey, *The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy* (New York: St. Martin's, 1993); David P. Forsythe, ed., *Human Rights and Comparative Foreign Policy* (New York: United Nations University Press, 2000); and Sara Steinmetz, *Democratic Transition and Human Rights: Perspectives of US Foreign Policy* (Albany, NY: State University of New York Press, 1994).

national foreign policy only since the French Revolution (and then only sporadically). The term has been consensually defined in terms of the "United Nations Bill of Human Rights" (consisting of the Universal Declaration of Human Rights and the subsequent covenants and conventions specifying the Declaration's meaning)<sup>5</sup> or, antedating these documents (and far more succinctly), by the Four Freedoms articulated by Franklin Roosevelt on the eve of American entry into World War II: freedom of speech, freedom of worship, freedom from want, and freedom from fear.<sup>6</sup> Semantically fuzzy, to be sure, but perhaps necessarily so in order to articulate inchoate aspirations. The four freedoms have perhaps at no time or place been realized in their entirety, certainly not at present in the United States. Nevertheless they not only represent long-standing national ideals but clearly have an appeal transcending the United States or even the West: "International human rights is the world's first universal ideology."<sup>7</sup> Analogous notions manifest themselves in the utopian genres of the world's great literary traditions, from Plato's *Apology* to Kang Youwei's *Datong shu*; and a corpus of international law has been articulated in its defense.<sup>8</sup> Wide ranges of people have been persistent and quite dedicated in demanding rights they have never empirically experienced, without necessarily knowing the full implications of their demands, or how society should be reordered to facilitate their realization. Nor is this entirely irrational. Such demands are predicated not on empirical experience of the desired state of affairs but on such things as the international demonstration effect,

5. Office of Public Information, *Universal Declaration of Human Rights* (New York: United Nations, 1963); see also Eide Asbjorn, ed., *The Universal Declaration of Human Rights: A Commentary* (New York: Oxford University Press, 1993). The other key treaties were the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

6. We would suggest two modest revisions: freedom of worship is parochially Judeo-Christian, and might better be termed freedom of conscience or freedom of thought. Freedom from fear, which Roosevelt defined in terms of international disarmament, might more relevantly be understood under current circumstances in terms of freedom from an arbitrary, intrusive police presence.

7. David Weissbrodt, "Human Rights Mission," *Human Rights Quarterly* 10 (1988), as quoted in Bryan S. Turner, "Outline of a Theory of Human Rights," *Sociology* 27: 3 (1993): 489-513.

8. Kelly Kate Pease & David P. Forsythe, "Human Rights, Humanitarian Intervention, and World Politics," *Human Rights Quarterly* 15: 2 (1993): 290-314.

as emitted by (say) global media, or to the experience of conspicuous deprivation (of rights), which stimulates fantasies of a reversal of that state. Just as a variety of regimes may provoke such protests, popular demands may be satisfied by an almost equally wide variety of regimes, ranging from a multiparty parliamentary democracy to an authoritarian regime such as colonial Hong Kong (though any long-term solution would presume at least a modicum of peace, order, law, and economic prosperity).

True, human rights is an "essentially contested concept,"<sup>9</sup> with recurrent debates about the relative importance of individual vs. collective rights, substantive vs. negative rights, or the relative priority of democracy vs. such "core" values as equality before the law, interdiction of torture, arbitrary disappearances, etc.<sup>10</sup> Communist regimes typically rank freedom of expression below freedom from want, justifying the postponement of movement toward political rights in the name of economic development. The question of the relative weight of universal values and culturally specific glosses on them is also complex, as Singapore's Lee Kuan Yew has pointed out.<sup>11</sup> Even if consensus is attained on ends, this

9. See William E. Connolly, *The Terms of Discourse*, rev. ed. (Princeton: Princeton University Press, 1993); also Andrew Mason, "On Explaining Political Disagreement," *Inquiry* 33: 1 (1990): 81-99.

10. On this dispute, see Thomas Carothers, "Enlarging Democracy: Democracy and Human Rights," *Current*, no. 367 (November, 1994), pp. 17-24; also Aryeh Neier, "Asia's Unacceptable Standard," *Foreign Policy* 92 (1993): 42-52. Whereas the political and socioeconomic dimensions of human rights are clearly alternatives in terms of relative policy priority, current empirical research indicates that they are complementary in their effects: "democratization decreases governments' use of coercion to abuse the human rights of private citizens." Steven C. Poe and C. Neal Tate, "Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis," *American Political Science Review* 88 (1994): 853-73; see also Elvis E. Fraser, "Reconciling Conceptual and Measurement Problems in the Comparative Study of Human Rights," *International Journal of Comparative Sociology* 35: 1-2 (1994): 1-18.

11. Lee Kuan Yew, "East Asia is North America's Economic Locomotive," *New Perspectives Quarterly* 10: 2 (1993): 24-30; the most perceptive philosophical analysis of the issue remains that of Peter R. Moody, Jr., "Asian Values," *Journal of International Affairs* 5, no. 1 (1996): 166-93; also see Francis Fukuyama, "Asian Values and the Asian Crisis," *Commentary* 105, no. 2 (1998): 23-28. To concede that China and other Confucian cultures have a distinctive gloss on human rights is not at all to deny a long interest and distinguished bibliography on the topic. See Klaus Muehlhahn, "China, the West and the Question of Human Rights: A Historical Perspective," *asiens afrika lateinamerika*, 24 (1996): 287-303.

leaves room for wide variance regarding tactics. For example, freedom of speech is not vital to life, perhaps not even to happiness (advanced civilizations have successfully dispensed with it for prolonged periods), yet its deprivation has also inspired martyrdom, even among those with little experience of such freedom. (More incremental shifts—say, from official news management to the concealment of politically damaging information in the name of executive privilege or national security—are likely to elicit milder reactions.)

What are the “politics” of human rights? An idea system used in politics is commonly referred to as an “ideology,” and as such it functions both as end and as means. As end, it justifies a change in political arrangements consonant with attainment of the ideal in question; for example, the adoption of constitutional law (or amendments to existing constitutions) encoding a bill of rights, the establishment of governmental checks and balances, a “rule of law,” police and prison reform, and so forth. As means, it refers to foreign policies deemed compatible with those ends, eschewing *raison d'état*, traditional secret diplomacy (for its intrinsically elitist character), war or violence (except in some cases revolutionary war), and embracing the mobilization of transnational public opinion, via people-to-people diplomacy and open appeals to universal principles. There is a psychological affinity between ends and means, though politics makes for strange bedfellows and any combination of the two may obtain in any given case. Thus it is for example conceivable that realist tactics might be used in defense of idealist objectives, or even that idealist tactics might be used in pursuit of national interests. No combination is logically foreclosed, though cognitive dissonance implies that some are more likely than others and some may elicit unease or even protest.

		ENDS	
		Idealist	Realist
MEANS	Idealist	Wilson	Harding
	Realist	Kennedy	Nixon

If the great strength of human rights is its ability to give the appearance of meaningful coherence to a wide range of policies and to legitimate them to mass publics who would otherwise remain apathetic, the main drawback is that ideals refer to elective rather than vital interests: unlike raw materials, say, or export markets, the achievement of human rights is a goal that can be relegated to low priority or even ignored for some time without serious adverse repercussions. This means it has no "natural" built-in interest-based constituency. People may not be aware that they have an interest in the human rights of other peoples, indeed they may not even know exactly what they are, until so informed and persuaded. Human rights ideals thus require elaboration and recurrent justification to mobilize and sustain a domestic constituency.

The domestic constituencies that provide support for foreign policy goals can usefully be divided into two types: populist and institutionalized. The former, mobilized by the media coverage of some event that galvanizes public opinion by corresponding symbolically to latent emotional needs, are typically broad but unorganized and shallow, providing a surge of support that may be powerful but is easily distracted by other events and often quickly dissipated. Institutionalized constituencies consist of relatively narrowly based but entrenched and powerful bureaucracies with an economic stake in a given policy and capable of providing political pressure to ensure its sustained pursuit. To some extent the distinction is budgetary, as ample funding permits an interest group to institutionalize itself by hiring a professional staff, which may launch membership or fund-raising drives, lobbying efforts, and public relations campaigns. Most relatively successful foreign policies conflate the two constituencies; for example, compare the Gulf War, which combined the universal principle of a defense of national sovereignty against unprovoked aggression with an economic interest in the undisturbed flow of a vital resource. In similar fashion the NATO intervention in Kosovo appealed to both human rights interests in preventing "ethnic cleansing" with the more pragmatic interest of the European democracies in curtailing refugee flows, terrorism, and civil unrest.

Prima facie, human rights and other foreign policy ideals would seem to have essentially populist domestic power bases,



accounting for the fitful fashion in which they are typically pursued. Thus Woodrow Wilson was able (with the help of the sinking of the *Lusitania*) to mobilize public opinion to enter World War I on the side of the allies (without formally joining the alliance) in order to “make the world safe for democracy,” but by the end of the war only a year later public enthusiasm had so ebbed that he was unable to gain endorsement of the Fourteen Points at Versailles or American participation in the League of Nations. Similarly, when Warsaw Pact forces rolled into Czechoslovakia in August 1968 to crush Prague Spring and enforce the Brezhnev Doctrine, this evoked worldwide consternation, but scarcely a month later the Kosygin-Johnson summit proceeded smoothly in Glassboro as planned. The U.S. Congress passed important human rights legislation in 1973-1974 (requiring a review of human rights for all countries receiving U.S. military or economic assistance), and a number of nongovernmental organizations (NGOs) achieved prominence,<sup>12</sup> but not until the revolutionary bicentennial in 1976 was human rights again given strong executive leadership under Jimmy Carter—whose subsequent attempts at enforcement however precipitated attacks from left, right, and center.<sup>13</sup> Much of the criticism—spasmodic and inconsistent application, rhetorical bluff without adequate resources for sustained enforcement—was occasioned by the populist character of the policy’s domestic base.

Yet it cannot be concluded that there is an invariable equation of ideal interests and populist domestic base, material interests and a narrow, institutionalized base. Some ideal interests, such as the anticommunist impulse that tenaciously sustained U.S. containment policy throughout the Cold War, had a broad, institutionalized base, from the Trilateral Commission to the Moral Majority, from the AFL-CIO PAC to the Veterans of Foreign Wars. Anticommunist ideology was compatible with the interests of the military-industrial complex, evoking none of the cognitive

12. *E.g.*, Amnesty International received the Nobel Peace Prize in 1977; Helsinki Watch (now part of Human Rights Watch), the Lawyers Committee for Human Rights, and other associations were founded during this period.

13. For an analysis encompassing many of these criticisms, see E. B. Haas, *Global Evangelism Rides Again: How to Protect Human Rights Without Really Trying* (Institute of International Studies, University of California at Berkeley, Policy Papers in International Affairs, No. 5, 1978).

dissonance between violence and human rights. Whereas it is true that containment policy became articulated with material interests, anyone contending that ideals were merely a superstructure or Potemkin village for an underlying "reality" of motivating material interests might usefully review the available evidence on the American decision to intervene (and to remain engaged) in Korea or Vietnam. Such cases may best be understood not in geopolitical terms but as stakes in a war of ideals being fought with realist means.<sup>14</sup>

Ideals that become embedded in an organized infrastructure of material interests we may term "institutionalized ideals." Institutionalized ideals differ from uninstitutionalized ideals in that they are pursued not for their own sake alone but because they function to integrate and rationalize a concatenation of interests that might otherwise appear self-serving, ad hoc, mutually conflicting. Through institutionalization the ideal acquires a useful organizational network and financial subvention to protect itself from the fate of a fad, while material interests become bonded together in service to an overarching vision, thereby acquiring a claim to public legitimacy and a mass constituency. But only a limited number of ideal interests can become institutionalized at a given time, for too many ideas can addle the public's limited attention span and unnecessarily put interests in competition with one another. It was the misfortune of the Carter administration to try to resuscitate human rights ideals at a time when the anticommunist impulse was still an active candidate for those interests which had become vested in an interventionist U.S. foreign policy. Detente with the Soviet Union and rapprochement with the People's Republic of China (PRC) had indeed opened a crack in the anticommunist glacies, but the old ideological animus was revived by the politicization of a fundamentalist religious constituency. When the Cuban

14. It has also been argued that the goals as well as the means of containment were realist, *e.g.*, by such analysts as Glenn Paige, Thomas Schelling, or Glenn Snyder. From this perspective the gains at stake were at the margins of the bipolar system and of such minor strategic importance that they could only be deemed significant as parts of a coalition, the loss of which might damage the credibility of the losing side. To be sure, strategic value also varied: the geopolitical locus of South Korea (a "dagger pointed at the heart of Japan," as it was then phrased) gave it greater weight than, say, Vietnam or Chile.

expeditionary force in Africa, the Vietnamese blitzkrieg into Kampuchea and the Soviet invasion of Afghanistan precipitated a collapse of a still tenuous faith in detente in the mid to late 1970s, the inauguration of Carter's human rights policy clashed with resurgent anticommunism (in more narrowly focused, anti-Soviet form). Whose human rights were at stake, and what kind of rights (*e.g.*, political rights such as free expression or the secret ballot, or socioeconomic rights such as the right to a job or education)? In practice the two ideals had considerable overlap, particularly after Reagan succeeded Carter in 1981—neither was prepared to enforce human rights upon anticommunist deviants such as Marcos, Duvalier, or Park. Yet human rights provided no convincing answer to the enhanced security threat presented by a Soviet nuclear strike force that claimed strategic parity with the United States, and an active involvement in Third World national liberation struggles from Angola to Afghanistan. Thus ultimately the anticommunist wave swamped human rights.

Yet human rights seemed admirably tailored to the new international environment in the aftermath of the Cold War. Long repressed in deference to allegedly more urgent security or economic interests, human rights were congenial with the democratic ideals that appeared to have "won" the Cold War that socialist ideals had so obviously lost. Western governments needed no longer to be inhibited in their efforts to promote their fundamental values by fear of driving nonaligned countries into Moscow's arms. A fresh and relatively inexperienced American administration needed a road map to guide its foreign policy through the sudden ideological vacuum and sustain American leadership of the international community. Although lacking institutional roots, the demise of anticommunism and lack of coherent alternative conceptualizations of the "new world order" lowered entry barriers for new ideological innovations. Internationally, the collapse of the Soviet Bloc of course made anticommunism functionally obsolescent: any claim to be part of an inexorably rising historical tide suffered a severe setback, even for such still vigorous economies as China or Vietnam, and the military threat was sharply discounted. The sudden irrelevance of communism and anticommunism left an ideological vacuum. Domestically, although foreign policy issues were not central to the 1992 U.S. presidential campaign, neither

could they be altogether ignored, so the Clinton candidacy used human rights as intellectual cannon fodder to bombard the incumbent platform. Sorely lacking in foreign policy expertise after twelve years in the political wilderness, the Democrats performe relied heavily on idealism as the basis of their critique. In the unaccustomed position of being free to attack without fear of a Republican counterattack against their "softness" on communism, the Democrats lambasted the Republicans for betraying democracy in Haiti or standing idly by while Bosnian Muslims were slaughtered by Serbs, envisioning "an America that will not coddle tyrants, from Baghdad to Beijing." Human rights themes also provided a convenient link to the northeastern liberal intellectual establishment in the Democratic Party, specifically to the Vance wing of the Carter foreign policy team.

Aside from the problem of an institutionalized constituency, which seemed to be mitigated for the time being by the administration's fresh electoral mandate, the first problem to present itself to a would-be preceptor was that of tactics. If another government is "guilty" of abusing human rights, should pressure be placed on it to modify its behavior, and if so what sort of pressure? One option would be to abjure overt pressure and rely solely on moral injunction to induce other governments to improve their performance; that is, the option in the upper left quadrant. This was the policy of choice of Western Europe vis-a-vis Soviet human rights abuses for much of the 1980s, and of Japan *inter al.* toward China after 1990, and it offers uninterrupted commercial relations and other advantages. It also avoids the cognitive dissonance involved in using amoral means to enforce morality. The main drawback is that if the deviant country chooses to ignore this unsolicited advice, as it may do with impunity, the credibility of the enforcing country is called into question (and the taboo on deviation emasculated)—not to mention the fact that the policy has no positive impact on the human rights of those in the target country. The adage of philosopher G. E. Moore—"ought implies can"—comes to mind: how serious is an "ought" that is accompanied by practical inconsequence? The resulting impasse is more easily afforded by countries making no claim to world leadership, such as Japan and many other members of the Group of Eight; but to the world's only remaining superpower the accusation of hypocritical fecklessness is apt to be politically

damaging, both in terms of international resolve and domestic constituency maintenance.

Thus some sort of pressure beyond rhetoric is apt to be called for, given the fact that the target country is apt to have a more vital interest in keeping the lid on its dissidents than outside parties have in taking it off. International pressure tactics are conventionally sorted into carrots and sticks. The problem with regard to China is that most readily available "carrots" had already been awarded during the courtship period of the late 1970s and early 1980s when the United States was soliciting Chinese cooperation to help contain the resurgent Soviet threat. Hence the only thing left at this point would be for the giver to retract these concessions, which is inherently far more difficult than dispensing them. As for "sticks," these may be subdivided into two types: the use of force and the application of nonviolent sanctions. The use of force is not usually considered an option with regard to domestic violations of human rights provided the deviant country is powerful enough to make it costly to intervene, except perhaps (retrospectively considered) in response to such extreme violations as the Nazi genocide policy. One reason for this is that the "rules of the game" of traditional diplomacy (*viz.*, the *cuius regio, eius religio* principle that anticipated the Treaty of Westphalia, as reaffirmed by Article 2(7) of the UN Charter) legally preclude interference in another country's internal affairs.<sup>15</sup> But even more pertinent than such formal inhibitions is the perceived discrepancy between ends and means: can violence be used to upgrade human rights without degrading human rights still more by the effects of violence? Only if one is prepared to completely destroy the deviant regime and replace it with a puppet government can one ensure that any collateral damage to human rights will be compensated by long-term improvements. But this raises the stakes considerably for the enforcer (*i.e.*, possibly prolonged occupation)—not even during the convincingly victorious Gulf War was the United States prepared to go that far. If decisive force is out, the threat of force (*i.e.*, blockade) loses credibility as a bluff that might be called.

15. Also, the *jus ad bellum* prohibits use of force in international affairs except for self-defense. Pease and Forsythe, "Human Rights," pp. 310-313.

Nonviolent sanctions emerge as the only remaining viable option.<sup>16</sup> Of these, the milder forms, including Olympic boycotts and various other diplomatic sanctions, are subject to the same objection as no sanctions at all: the target may safely ignore them and wait for the storm to blow over, derogating the enforcer's credibility by denying any impact. This leaves trade sanctions as the most powerful option short of the use or threat of force. This is a costly sanction, as it also imposes sacrifices on the enforcing country, not only through the forfeiture of trade but from the predictable costs of countermeasures inflicted by the target country. It is also a blunt instrument, whose immediate impact on the target country is likely to be more damaging to those who support improved human rights than to those who violate rights. It is a type of siege warfare, and can be expected to have telling impact only after a protracted, externally induced recession.<sup>17</sup> The deviant regime may force everyone else in the population to endure deprivations in order to ensure its own survival (including sacrificing those least responsible for the wrongdoing and least able to bring about change), buckling only when the entire country is on the brink of ruin.<sup>18</sup> As in shooting down an airliner to stop a hijacker, the question of the appropriate ratio between ends and means arises. Finally, to be effective, economic sanctions must be almost universally enforced; otherwise the sacrifices endured by the enforcer become profits to be enjoyed by nonobservers of the sanctions ("free riders," who may endorse sanctions rhetorically),

16. On the use of sanctions to motivate improved human rights performance, see Richard N. Haass and Meghan L. O'Sullivan, eds., *Honey and Vinegar: Incentives, Sanctions and Foreign Policy* (Washington, D. C.: Brookings Institution Press, 2000); Zachary Selden, *Economic Sanctions as Instruments of American Foreign Policy* (Westport, CT: Praeger, 1999); and George E. Shambaugh, *States, Firms and Bureaucrats: Successful Sanctions in US Foreign Policy* (Albany, NY: State University of New York Press, 1999), *inter alia*.

17. According to the most comprehensive recent analysis, in cases where sanctions were successful, the average decline in GNP was about 2.5 percent; the shortest average duration of successful sanctions was 14 months, the longest five years. Gary Clyde Hufbauer, Jeffrey J. Schott, and Kimberly Ann Elliott, *Economic Sanctions Reconsidered*, 2nd ed. (Washington, D.C.: Institute for International Economics, 1990), p. 93.

18. Including the most deprived and helpless segments of the population; see Zerika Petic Henderson, "The Cruel Weapon—Food," *Human Ecology Forum* 22: 3 (1994): 4; and Drew Christiansen and Gerald F. Powers, "Unintended Consequences," *Bulletin of the Atomic Scientists* 49: 9 (1993): 41-46.

while the deviant suffers only the minor inconvenience of shifting trade partners.<sup>19</sup> Even when all these conditions are met, sanctions may fail against an entrenched and ruthless target state willing to subordinate the welfare of its citizenry to regime survival, as in the case of the oil boycott against post-1991 Iraq (the prewar sanctions had insufficient time to constitute a fair test).<sup>20</sup>

Thus economic sanctions are very difficult and painful to enforce, implying that they should be imposed only in cases severe enough to mobilize the international cooperation required among enforcers and to justify the inevitable collateral damage. In those cases where these conditions have been met, economic sanctions cannot be said to have been ineffectual.<sup>21</sup> For example, in 1985-86 the South African Nationalist regime was sanctioned by its principal trading partners (the United States, the European Union,

19. The most clear-cut recent example involved the Reagan administration's 1982 attempt to implement sanctions blocking Soviet construction of a natural gas pipeline to deliver fuel from Siberia to Western Europe, in order to punish the USSR for Jaruzelski's December 1981 imposition of martial law in Poland. European (and even some American) corporations refused to cancel lucrative equipment orders involved in that project, and the blockade failed so ignominiously that it stimulated theorizing that during "hegemonic decline" the former hegemon loses control of multinational corporations. Comparative empirical research indicates that such a conclusion, while not entirely specious, goes too far. See Kenneth A. Rodman, "Sanctions at Bay? Hegemonic Decline, Multinational Corporations, and US Economic Sanctions since the Pipeline Case," *International Organization* 49: 1 (1995): 105-137; also Lisa L. Martin, "Credibility, Costs, and Institutions: Cooperation on Economic Sanctions," *World Politics* 45: 3 (1993): 406-433.

20. The sanctions against Iraq were of unprecedented scope, adopted with near-universal support and implemented with the most effective enforcement yet put in place, and they had a severe effect on the postwar economy (inflation reached 4,000 percent in early 1992). Yet by mid-1993 Iraq had rebuilt 80 percent of its military manufacturing capability and restored its army to 80 percent of its prewar strength, with 2,500 tanks and 400 combat aircraft. The sanctions have however succeeded in forestalling Iraq's development of nuclear weaponry. See Alan Dowty, "Sanctioning Iraq: The Limits of the New World Order," *Washington Quarterly* 17: 3 (1994): 179-99.

21. According to Hufbauer, Schott and Elliott, *Sanctions Reconsidered*, sanctions have been "successful" in about 34 percent of the 115 cases studied. In 52 percent of the cases, sanctions were successful in destabilizing small and shaky governments, but only when augmented by covert action and other measures. Sanctions involving more modest goals, such as bringing about prisoner release, discouraging support for terrorism, or nuclear nonproliferation, succeeded about a third of the time.

the British Commonwealth) in response to the government's bloody suppression of the widespread series of black protests that began at Sharpeville in September 1960 and accelerated at Soweto in 1976; not all of South Africa's trade partners joined in (e.g., Taiwan, desperate for recognition, did not), but a surprisingly large proportion of the Western countries with whom it conducted some 80 percent of its trade did. And the sanctions were devastatingly effective at damaging this erstwhile continental economic powerhouse, or at least were so perceived by the enfranchised (white) electorate.<sup>22</sup> The latter put pressure on the regime, which responded with only cosmetic concessions at first but ultimately proceeded to dismantle the entire system of racial *apartheid*.<sup>23</sup> The collapse of the Soviet bloc arguably constitutes a second confirming case, in the sense that the United States consistently deprived Communist countries of most-favored nation (MFN) status throughout the Cold War (categorically from 1951-1974, thereafter selectively via imposition of the Jackson-Vanick Amendment), imposing additional sanctions on technology flow through the COCOM (Coordinating Committee of Multilateral Export Controls) regime, which screened Western high-tech exports for their conceivable military applicability. This effectively excluded the Soviet bloc economies from the Third Industrial Revolution then sweeping the West, contributing to their growing technological obsolescence and ultimate collapse.<sup>24</sup>

22. South Africa experienced little in the way of economic development in the 1980s: whereas annual GNP growth during the 1960s and 1970s averaged 4.5 percent (sometimes topping 5.5 percent), it dropped to an average of 1.3 percent in the 1980s and slipped into negative numbers in 1990, 1991 and 1992; unemployment rose from 26 to 43 percent from 1980 to 1991 (with the total number of unemployed rising from 2.5 million to nearly 6 million persons), well above the U.S. figure in the great depression. Of course, sanctions were not the sole reason for the economic downturn—other factors included falling diamond and gold prices, drought, and continuing unrest in the townships. Davis, "Squeezing," *The Economist*, 20 March 1993, p. 4.

23. See Robert M. Price, *The Apartheid State in Crisis: Political Transformation in South Africa, 1975-1990* (New York: Oxford, 1991).

24. See Peter Schweizer, *Victory: The Reagan Administration's Secret Strategy that Hastened the Collapse of the Soviet Union* (New York: Atlantic Monthly Press, 1994). Aside from selected Communist bloc countries, denial of MFN has been rarely used: as of 1994 MFN was enjoyed by 182 U.S. trade partners, as opposed to only 9 lacking it. (*Time*, 30 May 1994, p. 41.)



### The Application

"Triangulation" of the Sino-Soviet dispute in the early 1970s and the subsequent integration of China into the anti-Soviet "united front" exempted the PRC from economic ostracism on behalf of the United States or the international community dependent on its patronage, just as the triumph of anti (Soviet) communism over human rights in the early 1980s spared China during Reagan's crusade against the "evil empire." Even after the Cold War drew to a close in 1989-91, a lingering Republican triangular bias (*i.e.*, pro-China, anti-Soviet) protected U.S.-China policy from the full public outcry against Tiananmen in 1989. China's sudden transformation from staunch ally against the Soviet anathema into prime target in a foreign policy oriented to human rights is a tribute to the ability of a presidential election to bring to a focus a congeries of seemingly disparate factors.<sup>25</sup> These have been recounted before: the arrival of an articulate core of political refugees from Tiananmen in Western public opinion centers, the added fillip to American ideological self-confidence provided by the collapse of European Communism (could Oriental despotism be far behind?), the search for issues precipitated by a long and close electoral campaign. The original linkage of human rights to trade status arose from the happenstance that the crackdown occurred on the night of 3 June, which coincided with the deadline for issuing China a waiver of Jackson-Vanik. Thenceforth annual MFN renewal (coinciding with the anniversary of the massacre) became a highly effective Democratic symbol in congressional debates on alleged Republican moral insensitivity, of which Clinton would take full advantage. During the year of his election (1992), congressional democrats, led by Representative Nancy Pelosi and Senator George Mitchell, nearly passed a bill attaching human rights conditions to MFN over President Bush's veto, and failed to pass a bill liberalizing emigration rules for Chinese students only after Bush promised to do the same thing by executive order.

25. For more extended considerations of Chinese human rights policy, see R. Randle Edwards, Louis Henkin, and Andrew J. Nathan, *Human Rights in Contemporary China* (New York: Columbia University Press, 1986); and John F. Copper, Franz Michael, and Yuan-li Wu, *Human Rights in Post-Mao China* (Boulder, CO: Westview, 1985)

When Clinton won the election in November, his credibility (as well as his leadership of Congress) was at stake and the new administration had to deliver. Thus human rights advocates were given unprecedented visibility in the State Department, and the Clinton administration appeared prepared to use the theme not only to campaign but to govern. Key administration posts were filled by Warren Christopher, Anthony Lake, Madeleine Albright, and John Shattuck, all of whom were known for their pro-human rights perspective, and the crucial position of assistant secretary of state for East Asian and Pacific Affairs went to Winston Lord, former ambassador to China who broke with Bush to protest the latter's ambivalent enforcement of sanctions after Tiananmen. Shattuck, the assistant secretary of state for human rights and humanitarian affairs, had regular biweekly meetings with representatives of Amnesty International, Freedom House, and other such NGOs. On the other side of the issue were the business and farm groups, who formed an informal coalition with an increasingly active group of congressional moderates.<sup>26</sup> But in the wake of the partisan polarization of the election, the human rights lobby seemed initially to have pride of place. Clinton's inaugural address promised to use American power whenever "the will and conscience of the international community is defied," and his national security advisor Anthony Lake said the "enlargement" of democracy should replace containment as the top U.S. foreign policy priority. In Clinton's May 1993 report to Congress on the China issue he confirmed that his administration "has made human rights a cornerstone of our foreign policy."<sup>27</sup>

Upon the first renewal deadline in June 1993, President Clinton withstood strong Democratic congressional pressure for immediate withdrawal of MFN by postponing the issue for one year under the condition that China should make "overall, significant progress" within that time frame. "I am signing an executive order...[extending] most-favored nation status for China for 12 months," he declared. "Whether I extend MFN status next year, however, will depend upon whether China makes significant

26. John W. Dietrich, "Interest Groups and Foreign Policy: Clinton and the China MFN Debates," *Presidential Studies Quarterly* 29, no. 2 (1999): 280 ff.

27. "Report to the Congress on Most-Favored-Nation Trade Status for China." (Pres. Bill Clinton's Speech, 28 May 1993) (Transcript) *Weekly Compilation of Presidential Documents* 29: 21 (31 May 1993): 9-14.

progress in improving its human rights record...I intend to put the full weight of the executive behind this order." He stipulated seven criteria, giving two (pertaining to freedom of emigration and prison labor exports to the United States) highest priority. The conditions were imposed by executive order, allowing the administration to preempt Congress and reassert its leadership on the issue and providing for flexibility in interpretation. It should be recalled that the decision won widespread support at the time: by deferring the question the President seemed to have judiciously balanced the need for action with a reasonable allotment of time for redemption. But Beijing, by indignantly refusing to play the penitential role, shifted the onus back to Clinton. China thus became a pivotal test case in the administration's human rights policy. Other countries with vulnerable records on human rights, such as Singapore, Malaysia or Indonesia, finding themselves faced with a possible precedent for similar sanctions, launched a public relations campaign in support of the proposition that Asia had a culturally distinct human rights tradition.<sup>28</sup>

The CCP regime's post-Tiananmen foreign policy, under the skilled stewardship of Foreign Minister Qian Qichen, had been relatively low profile; despite an appreciable escalation of arms spending in the wake of the crackdown (and an increase in arms exports following the sale of 150 F-16 fighters to Taiwan during the 1992 U.S. presidential elections), the PRC generally avoided unnecessarily provoking the sole superpower. Beijing promptly mended fences with the other Asian Communist regimes in the wake of the collapse of European communism, and undertook several state visits to the Third World, where it depicted human rights as a rebirth of Western imperialism in new guise. There were even a few signals of Beijing's willingness to facilitate maintenance of the Asian status quo, for example, by contributing to the the Cambodian settlement, or using its good offices with Pyongyang to promote North Korea's signature of the Nuclear Nonproliferation Treaty (NPT). But China's strongest suit with the United States, Japan, and the European Union (the principal supporters of human rights) was its dramatic acceleration of domestic economic growth following Deng's spring 1992 journey

28. See Bilahari Kausikan, "Asia's Different Standard," *Foreign Policy* 92 (1993): 24-42; also Lee Kuan Yew's interview in *New Perspectives Quarterly*, Winter 1992.

to the south: GDP growth jumped from 7.1 percent in 1991 to 12.8 percent in 1992 to peak at 13.4 percent in 1993, the fastest growth rate in the world. Particularly spectacular was growth of the trade dependent sector, as trade became a leading economic indicator. In 1993 China jumped from sixth to second place (after the United States) in the world's ranks of recipients of foreign direct investment (FDI), garnering U.S. \$15 billion (up from \$5 billion in 1992 and \$3 billion in 1991), nearly half of which was American. And FDI-based industries were highly trade-dependent. In 1991, when the MFN issue first emerged, America's China trade was relatively limited (China had a \$15 billion trade deficit with the United States), but China purchased U.S. \$8 billion in U.S. exports in 1992, an increase of 19 percent over the previous year, making China the fastest growing U.S. export market in the world (and supporting some 200,000 American jobs). China's exports into the lucrative U.S. market grew even more rapidly (now consisting in large part of goods produced by foreign-invested factories), reaching \$33 billion in 1993, \$38 billion in 1994, and \$45.5 billion by 1995 (contributing to a growing Chinese trade surplus).

Using a divide-and-conquer strategy, Beijing thus on the one hand adopted a somewhat more conciliatory line toward the human rights lobby, inviting delegations from France, Australia, Britain and Germany to China, and releasing a few prominent political prisoners (most prominently Wei Jingshen, released 6 months early in September during the campaign to host the 2000 Olympics).<sup>29</sup> But the focus was on the business community, which was openly and quite effectively courted with trade and investment opportunities. Rerunning their successful approach to the 1993 MFN renewal decision,<sup>30</sup> the Chinese sent a series of trade missions to the United States: a 200-member delegation bent on attracting U.S. partners to some 800 key investment projects attended trade talks in Los Angeles and New York City in April,

29. Information Office of the State Council, *Human Rights in China* ["Zhongguo di renchuan zhuangkuang"] (Beijing: Foreign Languages Press, 1991).

30. Shortly before the 1993 MFN deadline, a visiting Chinese delegation purchased U.S.\$200 million of oil drilling equipment in Texas and Louisiana, \$160 million of automobiles in Detroit, and \$800 million of aircraft (from Boeing) in Seattle. Hence nearly 300 corporate leaders, representing companies that exported \$7.5 billion to China in 1992, sent an open letter to Clinton opposing "withdrawing or placing further conditions on MFN." Bernstein and Dicker, "Human Rights First."

coinciding with Foreign Trade Minister Wu Yi's meeting in Washington with Commerce Secretary Ron Brown. Another top-level delegation headed by Vice-Premier Zou Jiahua arrived in May with a "shopping list...[that] included \$600 million of roads, bridges and other construction projects that China will need by the year 2000."<sup>31</sup> American exporters such as Boeing, AT&T, Motorola, and GM waxed euphoric about the China market, conveying their enthusiasm to congress and the executive branch. Whereas previously they had made the more controversial argument that economic growth would bring human rights progress in tow, so that over the long run there was no real contradiction between American trade interests and Chinese human rights, the new China lobby now took the straightforward line that U.S. jobs and economic prosperity were directly linked to MFN renewal.<sup>32</sup>

The U.S. government met these skilled persuasive tactics with an administration that was divided to begin with and unable to come together until nearing its final self-imposed deadline. Clinton had repeatedly promised in his campaign to revitalize the economy, and since his hands were tied by Congress and the Federal Reserve on the domestic side he turned to the export sector. Inasmuch as developed country exports were perceived to have limited upside potential his economic advisors compiled a list of the top ten "big emerging markets"(BEMs)—led by China—that were expected to drive world economic growth in the next century.<sup>33</sup> Those charged

31. Robert S. Greenberger and Michael K. Frisby, "Clinton's Renewal of Trade Status for China Followed Cabinet Debates, Congress's Sea Change," *Wall Street Journal*, 31 May 1994, p. A18, as cited in David M. Lampton, "America's China Policy in the Age of the Finance Minister: Clinton Ends Linkage," *China Quarterly* 139 (1994): 597-621; see also Lampton's *Same Bed, Different Dreams: Managing US-China Relations* (Berkeley: University of California Press, 2001).

32. For example, at a House Ways and Means subcommittee hearing in February 1994, one corporate representative after another warned of the "devastating consequences" if MFN were revoked. Typical of the testimony was Mattell Vice President Fermin Guza. Many American importers "would be quickly forced out" of business, he said. "Higher tariffs would hike retail prices by about 25 percent, at a minimum, also putting at risk many of the 32,000 U.S. jobs in the U.S. toy industry." Donald J. Barlett and James Stack, "Most Favored Lobby," *Washington Monthly* 28, no. 12 (1996): 18-23.

33. See John Stremmlau, "Clinton's Dollar Diplomacy," *Foreign Policy* 97 (1994): 18-36. The other "BEMs" include India, Indonesia, Brazil, Mexico, Turkey, South Korea, South Africa, Poland, and Argentina; by the end of the decade U.S. trade with these "regional economic drivers" was to exceed trade with Europe or Japan.

with promoting U.S. economic interests, including many in Treasury, Commerce, and the National Economic Council, thus argued that human rights could be most effectively promoted through closer Sino-American ties, the implicit reinforcement schedule being "reform plus carrots." To the "Carter administration liberals" in the State Department, the National Security Council, or rights dedicated nongovernmental organizations, on the other hand, human rights was in effect an adversarial policy, designed to elevate mass consciousness of rights as an end in itself—not necessarily in order to undermine regime legitimacy but certainly not precluding support for protest against any regime denying such rights. Inasmuch as Beijing was obviously one such regime, the reinforcement schedule was "reform or stick." And as Winston Lord testified in February 1994 that, "unfortunately...Chinese actions thus far have been limited and less than our hopes and needs," attention in this grouping became increasingly focused around application of the stick.

Underlying the cleavage over reinforcement schedules was the question of national identity: was China "friend" or "foe"? This turned out to be a complicated issue: ideologically committed to the overthrow of capitalism and eventual triumph of communism, China had embarked on a reform course seemingly moving in the opposite direction. Less forthcoming in politics than in economics, yet even in national security affairs, Beijing (after a good deal of negotiation) agreed to observe the guidelines of the Missile Technology Control Regime (though not to sign it), and to refrain from exporting nuclear weapons technology (but not yet to sign the NPT or Nuclear Non-Proliferation Treaty). Yet many in the U.S. intelligence community remained convinced that China violated both agreements with impunity. As a trump anti-Soviet "card" in the "strategic triangle," China could claim special consideration—but then the Soviet Union collapsed in late 1991 and Russo-American relations grew quite amicable. Meanwhile China's ambitious territorial claims in the South China Sea clashed with those of American allies, if not with the United States itself. The repercussions of the disintegration of the bloc played a more ironic role. On the one hand, many expected the Asian regimes to follow suit, but did Washington really wish to precipitate the unravelling of the PRC? Revocation of MFN would mean raising the average tariff on Chinese goods by five to ten times, a step

that a World Bank study said would slash Chinese exports to America (China's largest export market) by 42-96 percent. Could the world economy afford another Soviet-scale national bankruptcy, with millions of boat people on the beaches of Japan, Australia, California? And even presuming a more rosy scenario, was it wise to trigger a trade war and diplomatic confrontation with the looming colossus of the East?

A divided administration led to a tactically incoherent policy. Beginning at the APEC conference in Seattle in November 1993, Clinton began trying to combine sticks and carrots in what was called "enhanced" or "comprehensive engagement": China would remain on probation for human rights abuses, but meanwhile Sino-American diplomatic, commercial, even limited military contacts could steam ahead. This ungainly hybrid undid itself, as diplomatic and commercial "carrots" tended to undermine the credibility of an eventual "stick," and Beijing hence relaxed efforts to placate human rights advocates. On the other hand, U.S. commercial beneficiaries of enhanced engagement, tantalized by its promising but uncertain future, redoubled their lobbying efforts, spearheaded by the U.S.-China Business Council and the Emergency Committee for American Trade.<sup>34</sup> The foreign policy establishment, including such notables as Kissinger, Vance, Brzezinski, and Jimmy Carter (twice), added their voices to the anti-revocation chorus.<sup>35</sup> The contradiction neared its climax during Secretary of State Warren Christopher's March 1994 visit to Beijing, preceding which Beijing conducted a roundup of all potential human rights advocates, denouncing Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck's attempt to meet with democracy activist Wei Jingsheng

34. For example, during Secretary of State Warren Christopher's March 1994 visit to Beijing, local business leaders met with him and overwhelmingly advocated extension of MFN and a future delinking of human rights issues from foreign trade, and the CEOs of seven of the biggest American companies doing business with China signed a letter to the President estimating that "in ten years our cumulative sales to China will reach \$158 billion, assuming normal relations." *Time*, 30 May 1994, pp. 40-44.

35. Cyrus Vance and Henry Kissinger wrote a letter on Council of Foreign Relations stationery calling on Clinton to sever the tie between human rights and trade in China's case. Aryeh Neier, "Watching Rights," *Nation* 259: 9 (26 September 1994), pp. 299 ff.

as a "crime" and bluntly spurning Christopher's warnings as "interference in its internal affairs" (Premier Li Peng, in a 10 March speech to the National People's Congress).

It was at around this time that the administration decided, according to Lampton's painstaking dissection of the decision-making process, against an outright revocation of MFN.<sup>36</sup> But to divulge this in response to what was widely viewed as a diplomatic slap in the face from Beijing would be a public relations disaster. Accordingly the administration undertook a two-pronged damage control effort. The first prong consisted of redoubled efforts to elicit face-saving concessions: Beijing must make more progress on human rights—in return for which, they were privately assured, MFN might be extended without further conditions. On behalf of this effort the credibility of the revocation threat had to be temporarily enhanced; it was at this time that a State Department spokesperson warned, "we are heading for a major-league train wreck." Yet the warnings of the human rights advocates were essentially hollow, as MFN revocation was something few of them wanted—they wanted only to use the issue as leverage. "It is not our intention to terminate trade with China," as Senate Majority Leader George Mitchell put it. "Our intention is to cause that government to change policies we believe are wrong." MFN revocation would cause an economic downturn on the mainland unlikely to enhance the human rights of any Chinese, while depriving human rights advocates of their chief bargaining chip to extort further concessions. The other prong consisted of a search for a middle road between complete capitulation and what Democratic Senator Max Baucus called "the trade equivalent of dropping a nuclear bomb." Compromise possibilities included selective withdrawal of MFN (distinguishing between military and civilian, or between state-owned and private, collective, and foreign-invested enterprise exports); or a shift from MFN as the vehicle of sanctions to the inclusion of human rights considerations in the issuance of subsidized loans by the World Bank or the IMF. As the opportunity costs (and diplomatic futility) of unilateral U.S. revocation became clear, the administration also began to explore the possibility of a coordinated effort among China's principal trade partners.

36. Lampton, "America's China Policy."



Unfortunately the administration's efforts to salvage its China policy consisted of tangents pointing in opposite directions (both escalated pressure and capitulation), complicating resolution. Beijing, confident now of ultimate victory (also fearful on the domestic front of a revival of protests on the anniversary of Tiananmen), gave Clinton little chance to save face: in the first few months of 1994 alone (*i.e.*, before his deadline for MFN renewal), there were some 88 new arrests and trials of political and religious dissidents (including Wei Jingsheng and his secretary, both "detained" once again in April). Having apparently lost all credibility on revocation the administration began to explore compromise formulations—but it was late in the day, and as it did so the problems associated with each became manifest. Selective application of MFN (*e.g.*, only against State Owned Enterprise products) would be impossible to enforce, the State Department and the U.S. Customs Service reported. The members of the boards of the IMF and the World Bank would not appreciate the politicization of their decision-making process for the allocation of loans by the inclusion of human rights criteria. Not one of China's other trade partners expressed the slightest interest in joining a human rights crusade—Japan and Australia openly criticized that strategy from the outset, and even Hong Kong, albeit among probable future victims of prospective human rights abuses, vociferously opposed any attempt to link politics and economics.<sup>37</sup> While interested business lobbies rallied round their new client, the public remained apathetic, not having had their collective conscience pricked by any recent outrages. Even the community of overseas Chinese scholars and political refugees (who had benefitted from the human rights-based post-Tiananmen liberalization of immigration policy) split on the issue, with only a minority favoring total revocation.<sup>38</sup>

37. For transparent reasons: in view of mushrooming overseas Chinese investment in southern China, revocation of MFN for China would deal a serious setback to the economies of Hong Kong, Taiwan, and other southeast Asian countries that had developed close ties with China. Taiwan's silence on the issue was also a striking contrast to its wonted anticommunism.

38. Fang Lizhi was among the few to take an unequivocal stand in favor of MFN revocation. Fang Lizhi, "Call Beijing's Bluff on Human Rights," *New Perspectives Quarterly* 11: 2 (1994): 62-64.

In the end, after repeated warnings that Beijing essentially ignored, the Clinton administration concluded that although "the Chinese did not achieve overall significant progress in all the areas outlined in the executive order," that progress had been made in "important areas." The two compulsory conditions for MFN renewal had been met: improved emigration (China issued 130,000 visas in 1995, indeed henceforth the constraint on emigration would come mainly from the United States), and the inspection of prisons suspected of producing goods for export to the United States would be permitted. Oddly claiming that "linkage had been constructive during the past year but we have reached the end of the usefulness of that policy," Clinton decided that more progress could be achieved on human rights "if our nations are engaged in a growing web of political and economic cooperation."<sup>39</sup> This statement marked a shift from the premise that trade with oppressive regimes only strengthens their ability to maintain control over their own societies to the assumption that commercial contacts strengthen "civil society" vis-a-vis the state.<sup>40</sup> Although the administration (almost alone) retained a few other post-Tiananmen sanctions,<sup>41</sup> the decision to renew MFN without imposing further human rights conditions was greeted by Beijing with considerable relief.<sup>42</sup>

### The Aftermath

Clinton's decision to "delink" human rights policy from trade policy marked not only the terminus of the 1993-1994 struggle

39. The President's News Conference (Pres. Bill Clinton, May 26, 1994) (Transcript) *Weekly Compilation of Presidential Documents* 30: 21 (30 May 1994): 1-6.

40. See David C. Hendrickson, "The Democratist Crusade," *World Policy Journal* 11: 4 (1994): 18-31.

41. These included a ban on imports of Chinese munitions, prohibition of TDA, OPIC and U.S.-AEP programs in China, opposition to non basic-human need loans to China by the World Bank and other multilateral agencies, suspension of weapons sales to China, and denial of export licenses for dual-use and munitions-list items. The administration also pledged to develop with American business leaders a "voluntary set of principles for business activity in China" similar to the Sullivan principles voluntarily invoked in South Africa.

42. The statutory requirement for MFN renewal since 1994 is a presidential determination that renewal will "substantially promote freedom of emigration in China." The Chinese Foreign Ministry however protests against this as well. See *Jiefang ribao* ["liberation daily"], Shanghai, 7 June 1995, p. A4.

but a turning point in U.S. efforts to give human rights a leading role in foreign policy. Although Clinton was not personally strong enough to ensure this as the American foreign policy outcome (in that Congress retained its legal right annually to review extension of MFN—now rechristened normal trading rights, or NTR), his administration retreated to the Bush stance of unconditional renewal and pledged to veto any other legislative outcome should that become necessary. Although the administration threatened on several occasions to resort to trade sanctions, this was done not on behalf of human rights but in order to resolve disputes over intellectual property rights or other trade differences, in which it was assured of overwhelming support from the business lobby. In May 2000 the U.S. Congress, by an overwhelming majority, approved the administration's proposal to exempt China from further annual reviews upon its anticipated entry into the World Trade Organization (WTO) and to extend permanent, unconditional NTR. Yet the Clinton administration intended not to cede the issue, only to make a shift of tactics. Henceforth the administration would resort only to "ideal" means in the implementation of human rights. Thus administration officials, and indeed Clinton himself during his 1997-1998 exchange of summits, raised the issue in discussions with their Chinese counterparts. The business community was encouraged to formulate a code of conduct to encourage the promotion of human rights in foreign-invested enterprises, but when they temporized in what they might well have considered a conflict of interest the administration did not press them. Finally, having reached an impasse in the bilateral arena, the administration turned to international organizations for enforcement. Every year from 1990-2001, with the singular exception of 1998 (a year of summitry, and Beijing's signature of two human rights conventions) the United States tabled charges of PRC rights violations in the annual meetings of the UN Human Rights Commission in Geneva.

What has been the impact of this shift in implementation tactics? The immediate results were not encouraging. Trials of June 4th dissidents (postponed for two years pending Clinton's 1993-1994 decision) began in July 1994 and concluded in harsh sentences (one for 20 years); at the turn of the millennium some 2,000 people still remained in prison (out of an original 15,000) as a consequence of taking part in the protests (although China

vehemently denies holding political prisoners, it has found in criminal law an ample substitute).<sup>43</sup> The state issued new regulations prohibiting contacts with foreign organizations and defining various forms of peaceful protest as sabotage, with severe penalties. Talks with the International Committee of the Red Cross about allowing visits of thousands of political prisoners adjourned without issue, *sine die*. And monitoring human rights NGOs have continued to find fault with China's human rights performance. In 1996, Amnesty International recorded over 6,100 death sentences in China, with 4,367 confirmed executions—a figure (though ostensibly only a fraction of the unreported total) more than three times that of all other executions in the world combined (the figure declined somewhat in the next two years).<sup>44</sup> In his first news conference after his reelection in 1996, Clinton conceded that the State Department's just released annual human rights report indicated "that we have not made the progress in human rights that I think, that I had hoped to make." The annual Freedom House worldwide survey of human rights for 1996-1997 gave China its lowest possible rating, contending that "the regime continues to have one of the worst human rights records in the world and the role of law is nonexistent."<sup>45</sup> International women's groups assert that more than 60 percent of the world's female suicides are Chinese (who comprise slightly more than a fifth of the world's population). Although China's human rights atmosphere brightened during the thaw surrounding the 1997-

43. Stephen Vines, "A Tale of Two Massacres," *The Asian Wall Street Journal*, 16 June 2000, p. 10. It should be noted in this context that the number of political prisoners is low in comparison to the several hundred thousand in the class struggles of the Maoist era. See James D. Seymour and Richard Andersen, *New Ghosts, Old Ghosts: Prisons and Labor Reform Camps in China* (Armonk, NY: M. E. Sharpe, 1998). In 2001, the government released four student activists early who had been involved in the 1989 protests, though only by a few weeks, presumably to influence the vote by the UN Human Rights Commission.

44. See *The Economist* 344, no. 8032 (30 August 1997): 27. The number of crimes in China punishable by death has risen from 21 in 1977 to nearly 70 in 1997. But at least political prisoners are no longer executed—with the sole exception of Xinjiang, where Uighur rebels are routinely condemned to death for terrorist activities. See Amnesty International, *Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region* (London, April 1999).

45. James Finn, "Limping Toward China," *Commonweal* 124, no. 8 (25 April 1997): 11-14.

1998 summit period (e.g., Tiananmen protest leaders Wang Dan and Wang Juntao were released from prison shortly before Clinton's arrival, conditional upon their emigration for medical treatment), the attempts of the China Democratic Party to register as an autonomous organization following China's signature of the two UN human rights covenants (*vide infra*) in the summer of 1998 were met by a wave of arrests. The ensuing American revival of the bilateral human rights "dialogue" was complied with only grudgingly, contributing to a deterioration of relations culminating in an outraged Chinese response to the American bombing of China's Belgrade Embassy on 8 May 1999. The regime's tolerance of religious freedom, in perceptible decline since Chinese analysts noted the leading role of the churches in the collapse of Communist regimes in eastern Europe in 1989-1990, virtually disappeared following the April 1999 Tiananmen demonstration by 10,000 disciples of the exercise movement known as "Falun Dafa," which triggered a concerted nationwide campaign against "cults." With the deradicalization of ideology, the PRC has invested more heavily in its apparatus of organized repression (e.g., the Ministries of Public and State Security, People's Armed Police, a network of prisons, labor camps and psychiatric hospitals), with the upshot that any "acknowledged disloyal political opposition" is pursued and destroyed with increasing efficiency.<sup>46</sup> Thus in February 2001, the annual U.S. State Department's report cited a dramatic worsening of China's 2000 human rights performance, claiming not only over 100 Falun Gong deaths as a result of torture under custody, but mistreatment of ethnic minorities in Tibet and underground Christians (China promptly struck back with a catalogue of U.S. human rights abuses). Since the summer of 1999, not even foreign nationals have been secure from the inquisitorial atmosphere, as a series of (mostly Chinese-American) academics has been detained on trumped-up spy charges.

China has launched a forthright and aggressive defense of its position. On the diplomatic front, Beijing recovered from the UN sanctions imposed over its protests in 1989-1990 (the only time this has occurred) to wage highly effective campaigns to prevent

46. For a relatively comprehensive analysis of the politicization of the *Ankang*, or psychiatric institutions, see Robin Munro, "Judicial Psychiatry in China and Its Political Abuses," *Columbia Journal of Asian Law* 14: 1 (2000): 3-118.

resolutions from emerging from the annual meetings of the UN Human Rights Sub-Commission to reach the floor of the Human Rights Commission.<sup>47</sup> This was done by putting forth a “no-action motion,” then vigorously lobbying the commission’s 53 members for their support, thereby precluding discussion of the issue, far less a vote—a motion actually reached the floor only once, in 1990, when it failed by one vote. A majority, typically consisting of Russia and sundry Third World nations, evidently found Chinese arguments that human rights are culturally relativist, or should be deferred pending economic development, more congenial than Western demands for immediate reform. The PRC has also shifted from its stance of curt denial to the articulate rationalization of its position. Beijing thus set up a network of institutes to “study” the issue, many with their own publication series. Whereas not one article devoted to human rights was published in China before Mao Zedong’s death in 1976, from 1991-1998 the Information Office of the State Council issued no less than fifteen White Papers, nine of which dealt with human rights.<sup>48</sup>

The general thrust of the White Papers, reflecting Beijing’s consistent position, gives precedence to rights to subsistence and economic development over civil and political rights, to collective rights over individual rights. Thus the November 1991 White Paper, after a six-paragraph preliminary discussion of the history of imperialist aggression against China, maintains that “the right to subsistence is the most important of all human rights, without which the other rights are out of the question.” The Chinese people “did not have any democratic rights to speak of in semi-feudal, semi-colonial China” and they “gained real democratic rights after

47. See Ann Kent, “China and the International Human Rights Regime: A Case Study of Multilateral Monitoring, 1989-1994,” *Human Rights Quarterly* 17, no. 1 (1995): 1-47.

48. Human Rights in China (November 1991); Criminal Reform in China (August 1992); Tibet: Its Ownership and Human Rights Situation (September 1992); The Taiwan Question and Reunification of China (August 1993); The Situation of Chinese Women (June 1994); Intellectual Property Protection in China (June 1994); Family Planning in China (August 1995); China: Arms Control and Disarmament (November 1995); The Progress of Human Rights in China (December 1995); The Situation of Children in China (April 1996); Environmental Protection in China (June 1996); The Grain Issue in China (October 1996); On Sino-U.S. Trade Balance (March 1997); Progress in China’s Human Rights Cause in 1996 (March 1997); Freedom of Religious Belief in China (October 1997).

the founding of New China," as represented by the Chinese constitution, the people's congresses, and the multiparty united front under the leadership of the Communist Party. The 1995 White Paper toned down the anti-imperialist theme and summarized past Chinese humiliation in a single sentence, focusing on China's rapid economic growth, rising standard of living, declining mortality rate, and government efforts to assist the poor. The paper highlights the Administrative Procedural Law of 1990 and the State Compensation Law of 1994, which gave citizens more protection against arbitrary state actions. The 1997 White Paper follows the format of the 1995 document, drawing attention to laws passed in the previous year that give further protection to citizens and those that facilitate the democratization of local elections.

In addition to this series of official statements, the government has established multiple research centers on human rights, such as the China Society for Human Rights Studies (founded in 1993 under the chairmanship of former CCP CC Propaganda Department Chair Zhu Muzhi). These have since 1983 issued dozens of articles and other publications, most of which echo the themes made in the White Papers—subsistence rights supersede negative rights, collective rights supersede individual rights, and the record of the West (particularly the United States) is too compromised to construe its protests as anything but hypocritical interference in China's internal affairs based on ulterior motives (*e.g.*, keeping China from emerging as a strong and unified power). Whereas the general thrust of such documents is to vindicate the status quo rather than to suggest possible improvements, rationalization of even a weak record implies that the government in principle concedes the importance of human rights, and this caesura has enabled Chinese scholars to undertake occasional conceptual departures from "official" premises.<sup>49</sup>

Though the mounting of a more cogent legal and diplomatic defense might appear to be modest progress indeed, this is not

49. *E.g.*, Zhang Wenxian, a human rights scholar at the University of Liaoning in Jilin, has taken the position that only individual human beings can have "human" rights, not collective entities such as the nation-state. See Robert Weatherley, *The Discourse of Human Rights in China: Historical and Ideological Perspectives* (New York: St. Martin's Press, 1999), last chapter.

necessarily to say that the human rights of the apolitical Chinese masses have continued to deteriorate—improvement of human rights and the Beijing regime's willingness to submit visibly to foreign pressure are two independent variables. China has conceded the right of relevant UN organs to monitor certain aspects of the human rights situation in China in return for stipulated reciprocal advantages, and has bid to host UN conferences on aspects of human rights perceived to bring China international prestige (as well as tourism and foreign exchange). Potentially more significant in the long run is Beijing's signing, in 1997 and 1998, of the two most important formal documents of the international human rights regime, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>50</sup> At the end of February 2001, the NPC Standing Committee approved the second of these treaties, though it took exception to Article 8, which proclaims the right to form and join free labor unions (it should be borne in mind that the U.S. Congress did not ratify the ICCPR until 1992, and with many legal reservations). China's subscription to these documents has had political import, resulting in numerous citizen challenges of local governments. There have been numerous indications, not merely rhetorical, of progress toward "rule by law" if not "rule of law" ("using laws to run the country," *yifazhiguo*, as Jiang put it), since this undertaking was first enshrined in the PRC Constitution (by amendment) in March 1994. The Administrative Procedure Law of 1994 permits the detained to challenge the detention, and the State Compensation Law provides citizens a legal basis to recover damages for illegal detentions. On 1 January 1997, sweeping changes in the Criminal Procedure Law took effect, doing away with "counterrevolutionary crimes" and pre-trial detention and

50. China was already a party to the other four core human rights treaties: the Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child, as well as being a member of the UN Commission on Human Rights and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. See Ann Kent, *China, the United Nations, and Human Rights: The Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999), p. 45.



placing other restrictions on the powers of the public security and judicial organs such as the procuratorate.<sup>51</sup> This law provides defendants with rights to legal counsel and allows the counsel to pursue an active legal defense.<sup>52</sup> (The regime has however thus far rejected pleas to abolish the “reeducation through labor” system, a form of pretrial detention.) The government has even begun to offer legal aid to people who otherwise have no judicial recourse, thereby reversing actions that deprived people of their rights; and women’s rights have been subject to an elaborate, if untested, set of legal protections.<sup>53</sup>

Whereas legal reform has been impeded by uneven implementation and by widespread corruption of the enforcement apparatus, there has also been progress in the political and economic realms. Although citizens have no direct impact on the selection of their national leadership or policies, the democratic process has been expanding via multiple candidates and secret ballots in village elections. Such elections have been held in more than 90 percent of China’s villages, occasionally resulting in the defeat of the CCP nominated candidate (though most of these are not competitive elections, that is also the case in many districts of the United States). Meanwhile the marketization of China’s commercial sector (including the mass media) has proceeded apace, providing a fifth freedom: the freedom of consumption. China’s masses now have the freedom to shape their lives through market choices—a freedom further amplified by black market access to smuggled or pirated “intellectual property.” The most renowned example has been the displacement of rural communes and brigades by the “household responsibility system,” a de facto reprivatization of land ownership that permits peasant households to manage their farms with considerable autonomy. This form of emancipation seems to be keenly appreciated by the ever pragmatic Chinese. But of course economic emancipation is dependent on the distribution of incomes, which has become increasingly skewed, bypassing whole professions or regions of

51. Willy Wo-Lap Lam, *The Era of Jiang Zemin* (New York: Prentice-Hall, 1999), p. 114.

52. See Christopher P. Carney, “The (Not So) Long March? China’s Pace of Change,” *Asian Affairs: An American Review* 25: 4 (1999): 236 ff.

53. John D. Montgomery, “The American Pot and the Chinese Kettle,” *American Journal of Economics and Sociology* 56, no. 3 (1997): 373-83.

the country. The average annual income in urban areas in 2000 was 6,280 yuan, but only 2,253 yuan in rural areas; and whereas urban incomes increased by 6.4 percent rural incomes increased only 2.1 percent. One percent of the population now owns 40 percent of the wealth (the same statistic often cited for the United States), while the working class pays more than 40 percent of the country's total personal income tax.<sup>54</sup> Rampant inequality and corruption has spawned a rash of rural protests over the past several years, often violently repressed. Yet the upshot of this unrest on public opinion thus far seems to have consolidated support for the status quo. It is now possible to argue, based on fragmentary Chinese polling data, that the government's collectivist, welfarist interpretation of human rights, giving "overriding priority to stability" (*wending ya dao yiqie*), is not a mere rationalization of vested interest but corresponds to the public consensus (though public opinion itself might be skewed by an attempt to conform to perceived leadership preferences).<sup>55</sup>

## Conclusions

The end of the Cold War appeared in several ways to have enhanced the relative ideological utility of the universal ideal of human rights. The resurgence of nationalism was both too much and too little to fill the vacuum left by the collapse of Marxism-Leninism: too much, because it resulted in the dismemberment of otherwise viable states, too little, in the sense that all nations have been penetrated by forces of "globalism" beyond their power to control. The resurgence of international organizations responded to this need but without the power to enforce or even to engender international consensus. The end of the Cold War removed the main source of principled opposition to the Western

54. See Carl Riskin, Zhao Renwei and Li Shi, eds., *China's Retreat from Equality: Income Distribution and Economic Transition* (Armonk, NY: M. E. Sharpe, 2001).

55. Public opinion polls since the 1989 crackdown indicate that a majority of Chinese prefer social order and stability to freedom, on the implicit premise that freedom risks instability. This does not necessarily imply that Chinese are indifferent to rights—indeed, there is increasing concern with property rights in particular. But the dominant trend is one of political conservatism combined with nationalist emotions. See Ming Wan, "Chinese Opinion on Human Rights," *Orbis* 42, no. 3 (1998): 361-75.

definition of the concept. In this vacuum, the enforcement of a human rights regime seemed to its strongest advocates to represent the beginning of a consensus on internationally shared values consistent with the world-wide triumph of democracy and free enterprise. Our inquiry has been a far more modest one: can human rights function as an effective ideology to promote the American national interest in the preservation of "hegemonic stability" in the wake of the collapse of anticommunism?

The recent U.S. experience in China is an informative test case of the theory and practice of hegemonic stability. Despite its politically dominant position, having just crushed Iraq in a fraction of the time it took the Wehrmacht to overrun Poland, Washington found itself utterly stymied in its attempt to exercise ideological hegemony. Washington not only lost the bilateral diplomatic confrontation, but was unable to achieve either domestic or international consensus in support of its ideological position, in stark contrast to its successful leadership of the anticommunist "camp" during the Cold War. It is striking that despite the asymmetrical distribution of "relative gains" in bilateral trade,<sup>56</sup> which Beijing no doubt keenly appreciated in view of its overall trade deficit in the aftermath of Tiananmen (corrected since 1994 to an overall surplus), the American interest in maintaining economic ties with China so completely eclipsed China's interest in retaining access to its largest foreign market that the Americans were willing to make far more compromises on the human rights issue than the Chinese. True, China's market for U.S. exports has been growing rapidly, but any objective comparison of relative gains would no doubt be in China's favor. This finding should perhaps be borne in mind in comparing the bargaining power of dictatorships (whose leaders are free to ignore domestic business interests) vs. democracies (whose

56. In 1999, the United States conducted U.S.\$94.9 billion trade with China, of which \$81.8 billion was imports and a mere \$13.1 billion exports. In 2000, the U.S. trade deficit with China was U.S.\$83.8 billion, America's largest, for the first time surpassing Japan at \$81.3 billion. It should be noted that the two sides differ over the size of the deficit (according to official PRC trade statistics China still enjoys a surplus but it is much smaller—\$30.3 billion in 2000, for example), largely due to a disagreement as to whether Hong Kong should count as a trade destination or as an entrepot.

leaders must be extremely solicitous of such interests) when relative economic gains are at stake.<sup>57</sup> There are at least two possible implications of this failure. The first is that if the United States was deterred from further attempts to enforce human rights by even relatively minor damage to material interests, the ideology of human rights is not an altogether reliable reflection of the "national interest." The second is that the hegemonic structure of post-Cold War international politics has been greatly exaggerated. The distribution of capabilities in the contemporary international arena is actually far more multipolar than might appear from such an atypical incident as the Gulf War, and Washington may not only be stymied but humiliatingly defeated by the right combination of skilled tactics and situational advantages.

In place of the Cold War correlation between ideology and interest, a new tension has arisen between human rights and economic interdependence. The reasons have to do with the change in international structure that came with the end of the Cold War, which brightened the outlook for human rights in many respects but without facilitating its adoption as a hegemonic ideology. During the Cold War, the ideology of anticommunism dovetailed neatly with both material and ideal American interests. While holding a potent allure for the peoples of the opposing bloc, its use did not conflict with Western material interests, inasmuch as trade flows between the two blocs were on the whole inconsequential anyhow, reflecting both American and Soviet preferences. Although the emergent post-bipolar structure is still in flux, clearly the previous neat alignment of material and ideal interests no longer obtains. To be sure, there has been some effort at interest realignment on an intellectual level: thus Anthony Lake and others argued that inasmuch as democratic, human rights compliant regimes were much less likely to engage in war than dictatorships, there was a direct correlation between ideology and security interests; Lipset and others have argued to the effect that inasmuch as a certain level of economic prosperity was necessary for human rights, and commerce was increasingly useful for growth, human rights and free markets were also functionally interdependent.

57. The strategic imbalance between a *laissez faire* system and one with strong doses of state intervention is explicated in strategic trade theory; e.g., see Paul Krugman, *Rethinking International Trade* (Cambridge, MA: MIT Press, 1990).

But reality has proved less tidy. As both ideology and military security slipped in relative importance in the wake of the Cold War, the importance of economic interests escalated concomitantly. Trade having become a leading economic indicator in all prospering economies, competition for markets intensified—a competition that has become, with the fall of iron and bamboo “curtains,” ideologically promiscuous. This made it more likely that there would be “contradictions” between material and ideal interests: as trade shifted from the North Atlantic to the Big Emerging Markets (BEMs), human rights violations could more easily be found among leading trade partners than during the Cold War. How should the West respond? Economic sanctions might seem, *prima vista*, a more practical option than ever under these circumstances, a mere negative transaction in the prevailing currency. Certainly an escalation to warfare became less credible than during the so-called delicate balance of nuclear strike forces wielded by economically and ideologically segregated blocs. But in fact sanctions have become more painful to enforce. Those countries with which a great deal of trade is transacted (and more trade expected) are highly valued. The opportunity costs of imposing sanctions on such countries might be quite steep, if they threaten retaliation, whereas to the potential target the ready availability of alternative trade partners minimizes the cost of resistance.

Discrepancies between ends and means are hardly new in international politics. But the invocation of realist means (*e.g.*, trade sanctions) on behalf of ideal ends (human rights) seems to result in particularly painful tradeoffs. This sense of incongruence, skillfully exacerbated in this case by the target’s differentiated response to relevant interest groups, was met by weaknesses in both domestic support base and international consensus building. Neither the U.S. business or strategic communities placed high priority on human rights at the cost of more vital interests, and a cultural relativist defense of human rights exceptionalism proved quite cogent in a non-Western context. The ideological rhetoric’s utility as an instrument of international leadership and ideological consensus building was found to be too constrained by the need for a steady diet of high profile media events to dramatize the issue: thus sanctions were nearly universal the first year after Tiananmen, but in the absence of further incidents the story was eclipsed by news of Deng Xiaoping’s southern journey and the PRC’s miraculous

economic revival; Beijing also discovered it could manipulate news flows by the timely release of political prisoners, sizable import purchases or summitry. Ideology, rather than steering interests from the political avant garde, may henceforth have to follow in their train, as business people are left to discover inconvenient gaps and warps in the host country's ideology and legal code through their own empirical experience and demand legal redress.

In sum, human rights may qualify to replace anticommunism as a foreign policy "cornerstone" or lodestar only under rather special circumstances. Only if the national interest (as traditionally conceived) is also at stake might this symbolism be invoked to supplement and dignify material and strategic interests. Only when the preceptor is much stronger than the target (and the latter is in the former's sphere of influence) is it realistic to attempt to coerce reforms (cf. the 1999 NATO bombing campaign against Kosovo).<sup>58</sup> Against a strong and determined deviant, force is not a rational option, because of the means/ends discrepancy between human rights and the moral and material cost of the means required. Effective economic sanctions are feasible only when an international consensus can be obtained; if the target's cooperation is highly valued for any reason, such a consensus will be difficult to generate. Absent such a consensus, the target can boomerang penalties against the preceptor at little opportunity cost simply by shifting markets. Amid such constraints, even well-meaning leaders must hedge their rhetoric to what their domestic and international resource bases can realistically be expected to sustain. In contrast, the Chinese record in negotiating from a position of relative weakness may be taken as a model of diplomatic finesse: complete denial of flexibility in principle combined with considerable flexibility in practice, tailored to different opposing interest group needs, combined with a useful sense of outrage and furious pressure tactics when the occasion required, has resulted in both Sino-American normalization (1979), Sino-Soviet renormalization (1989) and unconditional most favored nation status (Permanent Normal Trading Relations) with one's ideological anathema on quite favorable terms.

58. See Kimberley Ann Elliott, "A Look at the Record," and Ivan Eland, "Think Small," *Bulletin of the Atomic Scientists* 49: 9 (1993): 32-36 and 36-41, respectively.

It would be easy to conclude from the balance of this review that even if human rights was an insufferable burden for Sino-American diplomatic relations, the ideal *per se* has fared less well as a marooned castoff of U.S. foreign policy. After 1993, and particularly after the PNTR vote in June 2000, the outlook for human rights has been invested exclusively in international organizations and in anonymous international processes. By aligning itself with the South in the new world order and by resorting to effective diplomatic hardball, China has in effect mooted the threat of even rhetorical sanctions from UN's Human Rights Commission for the foreseeable future. Yet insofar as rights are correlated with their economic prerequisites, *ought* with *can*, in the real world, China's increasing involvement in the international economy in the 1990s, particularly after its anticipated entry into the WTO, may be more fraught with consequence. The Chinese regime proved very adroit at countering the espousal of a human rights regime on behalf of American interests via the mobilization of populist resentment, but the introduction of such ideals as a concomitant of an anonymous globalizing process may frustrate that line of defense. It should not be forgotten that the South Africa precedent was not in the first instance or primarily a triumph of formal sanctions by the UN and various Western governments. Antedating and underpinning governmental sanctions was an international grassroots movement consisting of students, churches, human rights NGOs, African-American organizations, labor unions, *et al.*, which organized consumer boycotts against South African exports and successfully extorted the divestiture of foreign investment from a medley of Western foundations, universities, and other financial vehicles.<sup>59</sup> Congress finally

59. The anti-apartheid movement seems to have been quite effective, making investors uncomfortable enough to have a substantial effect on DFI. From 1964-74, DFI contributed 8 percent of South Africa's gross domestic investment. Foreign investment averaged 14 percent during the first half of the 1970s and peaked at 24.5 percent in 1975-76. It dropped to 2 percent during the unrest after Steve Biko's murder in 1977; by the end of the decade, companies were seeking to ward off public pressure by adopting a code of corporate behavior—the Sullivan principles. By 1982, more than 30 colleges and universities had withdrawn more than \$100 million from banks and corporations operating in South Africa, while legislatures in Massachusetts, Michigan, Connecticut; and the cities of Philadelphia, Wilmington, and Grand Rapids, had approved measures to withdraw amounts up to \$300 million. Jennifer Davis, "Squeezing Apartheid," *Bulletin of the Atomic Scientists* 49: 9 (1993): 16-20.

passed a Comprehensive Anti-Apartheid Act (CAAA) in 1986 over presidential veto and proceeded to implement it while the Reagan administration continued its policy of "constructive engagement," but it was the international bankers who did perhaps most to damage the South African economy well before that (in July 1985) by cutting off loans when they came due and by freezing unused lines of credit, throwing the South African financial sector into a panic.

In conclusion, the lesson appears to be that whereas realist means can be used in support of realist ends (such as trade or, in the case of the 1995-1996 Taiwan Strait crisis, security issues), the use of such means in support of idealist ends is logically contradictory and inherently self-defeating. Paradoxically, the free play of domestic interests makes pluralist systems perhaps least able to enforce human rights effectively. When mutually beneficial material interests are fully engaged, only idealist means may be employed to implement idealist ends. Idealist means are however too weak to be effective in the short run and will require inordinate patience to have any measurable structural impact, meanwhile being exposed to credibility attrition. Yet the very success at economic modernization that enables a developing state to withstand direct diplomatic pressure to improve its human rights is, under currently prevailing technological conditions, also likely to open that country to the more insidious pressures of globalization (sometimes referred to in the PRC as "peaceful evolution"). Globalization, typically awash with a whole gamut of ideas and images, is by no means a panacea, leading inter alia to the influx of pornography and to unregulated foreign investment in sweatshop factory conditions. But in the long run human rights must rely primarily on its historically demonstrated ability to survive in this bustling marketplace of ideas. It was Stalin who once derisively quipped "How many divisions has the pope?" yet Catholicism has outlasted the Soviet Union. The great moral dilemma in the more developed countries will be how to respond to sincere but politically unrealistic appeals for help from those in host countries sincerely dedicated to these ideals.