

# "Can We Avoid a Human Rights War Between the U.S. and China?"

by

## Professor Yasuaki Onuma

**Yasuaki Onuma:** Thank you very much, Professor Ikenberry. I have lived in the United States for three years altogether and have been given many opportunities to talk before a U.S. audience. One of the important lessons I learned from my experience is this: before a U.S. audience, be provocative and be critical of the United States to such an extent that as I, as a Japanese, regard almost impolite. I believe this openness to critical opinions is one of the greatest virtues of this society.

So I thought today that I would take the most provocative position in the field of human rights, that is to say, to defend the position of China and to criticize the United States. My instinct as a human rights activist, however, told me that, that would be just too much. So what I'm going to do today is to provide you a clue to overcome the controversies between the United States and China over human rights issues. I try to accomplish this goal by what I call an "intercivilizational approach to human rights."

Today I'm going to talk on five issues. First, I will quickly talk on problems of China in the field of human rights, and then move to a way to persuade China to improve human rights situation there. Thirdly, I'll talk on peculiarity of the United States in the field of human rights. I will proceed to talk about the need for common ground of human rights between the United States and China. Lastly, I will conclude my talk by arguing for the need

of an intercivilizational perspective.

### The Human Rights Problems of China

Let me start with problems of China. Many people in the United States believe that China has serious problems of human rights violations. It's true. Many Japanese share this view. So let me quickly give you an overview of Chinese problems first.

First, China used to be rather hostile to the idea of human rights itself. According to the prevalent Marxist theory, the abstract notion of human rights is a tool of manipulation, justifying the domination by the bourgeoisie against the proletariat. However, China gradually changed its position. It now basically accepts the importance of human rights.

China's perspective radically differs from the United States, in addition to the low standard of human rights records, the priority of those rights is very different. In the United States, human rights are almost equated with civil rights. China acknowledges that civil rights are also human rights. However, for the Chinese, civil rights are only secondary rights. The most important right is the right to subsistence. Economic and social rights are regarded more important than civil and political rights in China.

You may think that you can easily rebut or criticize this argument. First, such an

argument is only the official view of the Chinese government and the Chinese Communist Party. Chinese citizens may have different opinions. Secondly, though it is true that China has achieved a certain development in the field of economics, it has failed to demonstrate that it has succeeded in enhancing individual rights in the field of economics and social rights. Thirdly, the emphasis on economic and social rights by the Chinese government can be seen as an ideology to justify or to rationalize gross civil rights violations by the Chinese authorities.

Many of us are aware actually that there are a number of violations of civil and political rights in contemporary China. You can think of torture, child labor, persecution of religious groups, suppression of independence movement in Tibet, and so on. Many Western human rights activists, mass media institutions and governments have made these kinds of arguments.

However, can we really persuade the Chinese by resorting to this criticism? Not necessarily. Why? Because these criticisms lack important perspectives for the Chinese to accept and to make sincere efforts to realize human rights. What is lacking, first, is a self-reflection on the part of those who criticize China. Even if the criticism is right in itself, if it lacks self-reflection and self-criticism then it loses moral persuasiveness.

### **Difficulty of Criticizing China Related to History**

Western nations, which criticize China for human rights violations, have at least two problems on their part. The first is related to history. It is today's developed coun-

tries, such as Japan and Western European nations, that exploited and invaded China in the last century and a half. The United States contributed to the prolongation of the civil war by assisting the corrupted Chinese Nationalist Party. The United States denied the legitimate status of mainland China until the 1970s. The United States menaced the newly born China by surrounding it with nuclear forces and military alliances.

It is natural that this resentment and sense of victimization are deeply rooted in Chinese citizens. The Chinese leadership knows this very well, and manipulates these sentiments whenever necessary. The Tiananmen Square event of 1989 is a good example. When the Chinese government was criticized by Western powers, they quickly responded by bringing up the Opium War of 1840 and imperialistic policies of the Western powers in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. What they asked was this: "Are the Western powers, which had such a shameful history, entitled to criticize China?"

This strategy proved to be successful. Why? Because resorting to the memory of national humiliation touched the heart of ordinary Chinese citizens. Some or even many Chinese may be sympathetic with claims of student demonstrators, at least to a certain extent. However, many Chinese sided with the Chinese leadership when they perceived criticism from the West as arrogant and preachy intervention.

This kind of resentment is strongest against Japan because the memory of Japanese aggression still remains among the Chinese people. This is one of the major reasons why we, the Japanese, have been extremely cautious, sometimes too cautious

I'm afraid to say, as a human rights activist, to criticize China for its violations of human rights. We also share with the Chinese a culture in which we do not necessarily appreciate frank criticism. Frankness may be regarded as normal and desirable in the United States. However, it may be regarded as unsophisticated or even arrogant in some other cultures, including East Asian cultures.

### **Time Is Necessary for Protection of Human Rights**

Second, it takes a long period of time for developed countries to reach the present favorable condition in the protection of human rights. Until recently, the United States discriminated against the people of color. Even today, human rights conditions of many Afro-Americans have serious problems. The homicide rate in the United States is very high if compared internationally. This means that the right to life is not well protected in the United States. In Japan, discrimination against aliens is still a serious problem. A widespread bullying of schoolchildren is also notorious. Western European countries, Canada, Australia and New Zealand have their own human rights problems at home.

We know that each of them has been making serious efforts to improve domestic human rights conditions. However, for those in developing countries who are constantly criticized by the West for their human rights violations, the perception tends to be one-sided. The West is far more active in criticizing others than trying to solve its own problems. This perception is particularly strong when they think of the United States. The image of unfairness and arrogance toward others has prevailed. This image reduces the per-

suasiveness of the U.S. criticism of human rights violations committed by the Chinese government.

Many U.S. people believe that human rights violations are wrong. They are of course wrong. Many people in the world share this view. However, there's a difference in the following. Many people in the United States tend to believe, if there's something wrong in China, we must tell Chinese people that they are wrong. One must teach them to behave well. One must teach them to improve human rights conditions in their country. The logic goes very smoothly. It's straightforward. However, to some people, such a way of thinking is too simplistic. To others, it's frustrating. Still for yet others, it's arrogant.

### **Differences in Thinking and Feeling Between U.S. and China**

There are a variety of factors by which one can explain these differences in the way of thinking and feeling. One factor is religious and cultural. The United States is a nation with a proselytizing zeal and missionary spirit. If some people do wrong, we must teach them and rectify them.

The second factor, which is closely associated with the first one, is historical. The United States was built upon a universalistic creed. At first, lack of actual power prohibited the United States from propagating this universalistic creed. However, with the development of military and economic power, the United States has become the only superpower on the globe. With the self-confidence in democracy, market economy, rule of law, civil society and other virtues associated with the triumph of the Cold War, there is a sense

this universalistic creed must be propagated. That's the perception shared by many American people.

The new administration has begun to re-appraise the desirability of this attitude as a matter of diplomatic policy. However, the underlying mentality will likely persist. This mentality is rather exceptional among contemporary nations. This peculiarity exists in the field of human rights as well. Let me quickly point out these peculiarities.

### **Americans Believe Their Concept of Human Rights Is the Best in the World**

First, people in the United States tend to believe that human rights protection guaranteed by the United States Constitution is the best in the world. There is no need for applying internationally recognized standards of human rights to the United States. What is needed is to disseminate their notion of human rights to other nations, not vice versa.

You can see similar convictions in some Western European countries with a long history of human rights. France and the United Kingdom are leading examples. However, their subjective conviction has been rectified by the European Human Rights Convention mechanisms. A number of human rights violations, which were considered legal or constitutional by a certain European state, have been declared as illegal under the European Convention of Human Rights, by the European Court of Human Rights in Strasbourg, France. Thus, the country in question has been compelled to revise its domestic law and policy in the field of human rights.

In contrast, the conviction that the U.S. protection of human rights is best in the world has not seriously been challenged. Whereas most countries, including most Western European nations and Japan, ratified the International Covenant on Civil and Political Rights in the 1970s, the United States did not ratify it until as late as 1992. When it finally ratified the Covenant, the United States substantially killed it by adding a number of reservations, understandings and declarations.

### **U.S. Ignores Economic and Social Rights**

Second, people in the United States tend to equate civil rights with human rights in general, ignoring economic and social rights. The United States is the only developed country which has not ratified the International Covenant on Economic, Social and Cultural Rights. A considerable number of U.S. intellectuals have argued that economic and social rights are associated with socialist ideology and therefore should be rejected. This argument sounds very odd to the rest of the world. The international discourse on human rights centers on the comprehensive notion of human rights, including economic, social and cultural rights.

Third, a considerable number of U.S. intellectuals seem to believe that the government is the only possible violator of human rights. Gross violations of the right to life by a private person, for example carrying a gun, is not regarded as a problem of human rights. Problems such as famines, absolute poverty, hunger or malnutrition are not considered within the framework of human rights. These features reveal that the United States is a peculiar or exceptional nation when viewed

from an internationally recognized standard of human rights.

However, the soft power and influence of the United States is so strong that not only people in the United States but also other peoples around the world find it difficult to recognize the United States is a peculiar nation. This soft power consists of various components. The power of media institutions, such as CNN or the *New York Times*; the power of higher education institutions, such as Georgetown University, Harvard, Yale, etc.; and a number of books and articles written in English. The very fact that English is the de facto common language of the world is another example. These are all familiar stories to you.

An important result of this global U.S. influence is that peculiar notions and images of human rights held by many Americans have not been challenged. Therefore, it is difficult for Americans to understand that they are doing somewhat different things when they are engaged in activities relating to human rights. This is common to human rights diplomacy, journalists reporting on human rights violations abroad, NGOs criticizing human rights violations and so on.

### **No Common Ground Between the U.S. and China to Assess Human Rights Conditions**

Unfortunately, as these remarks reveal, there's no common ground from which to assess the human rights conditions between the United States and China, or other developing countries in general. On the one hand, as I said, many Americans tend to equate human rights with civil rights. On the other hand, the Chinese

government claims that economic rights, especially the right to subsistence, are more important than civil rights. Yet, the Chinese government has made few efforts to demonstrate that it has improved the condition of individual economic rights in China.

In order to secure constructive dialogue in the field of human rights, two things are needed. First, the United States must accept the comprehensive notion of human rights. Second, China must demonstrate the improvement in economic development in terms of economic rights of individuals.

Let me talk about the U.S. question first. It is true that human rights were almost equated with civil rights when they were first promulgated in the 18<sup>th</sup> century in Europe. However, the notion of human rights has changed itself over time. In the 20<sup>th</sup> century, the constitutional development in Western European nations, Japan, Australia, New Zealand and Canada has shown that economic, social and cultural rights are also human rights to be constitutionally guaranteed. This tendency has been strengthened by the claims of developing nations that economic rights should be given priority.

Today, this comprehensive notion of human rights, including economic, social and cultural rights, is firmly established. This is shown in major international human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights of 1966, and International Covenant on Civil and Political Rights of the same year, as well as the Vienna Declaration of 1993.

## **U.S. Should Liberate Itself From Excessive Civil Rights Centrism**

The U.S. should accept this historical development and should liberate itself from excessive civil rights centrism. If the United States criticizes China based on its peculiar notion of human rights, which is not shared not only by the Chinese but also by many other nations, then the criticism cannot be persuasive. If the U.S. criticizes China based on the internationally recognized notion of human rights, it is far more legitimate and persuasive.

Second, China must seek to show the condition of economic and social rights in an objective manner as much as possible. As I said, although China stressed the primary importance of economic rights, it has shown only a very big picture of national economic development. They have failed to demonstrate that such national development has contributed to the improvement of individual conditions in terms of economic rights. It is natural for those concerned with human rights to criticize that the argument emphasizing the importance of economic rights is a camouflage for violating civil and political rights.

If the U.S. accepts that economic and social rights constitute an integral part of human rights, and China seeks to demonstrate the condition of economic and social rights in an objective manner, then they can have a common ground to assess human rights conditions. There has been already an assessment of civil and political rights. The rating of human rights conditions by the Freedom House is a leading example. However, unfortunately, the assessment is not scientifically demonstrated. It is rather arbitrary.

If compared with this arbitrary assessment of civil and political rights, assessment of economic and social rights could be much more objective. Why? Because there are statistical data, which we can rely on when we assess economic and social rights. There are, for example, per capita national income, the domestic gap between the rich and the poor, literacy, years of schooling, the number of medical doctors, nurses and hospitals per population, percentage of female government officials, ministers, members of the parliament, and so on. It is true that these are aggregated figures. However, they can show at least indirectly the condition of economic, social and cultural rights, as well as the degree of equality in terms of gender, race, etc.

## **Inter-Civilizational Perspective of Human Rights**

Finally, in order to avoid a human rights war between China and the United States, we must consider human rights, the issues of human rights, from longer historical perspectives of plural civilizations. Conflicts between the United States and China over human rights are not just a temporary phenomenon. As I said, the U.S. was created as a human-made product with universalistic ideals. The U.S. has been powerful enough to proselytize its ideals all over the world in the last century. People in the United States are accustomed to their position as the leader of the world. The relative economic power of the United States may decline in the 21<sup>st</sup> century, but its soft power will likely remain as the most influential in the world.

China, for its part, was almost always a superpower in human history. There is a very interesting statistic for the year 1840,

when China lost the Opium War. I always enjoy questioning the audience, so today let me do the same thing. As you all know, in 1840 Britain won the war against China. In Britain, the Industrial Revolution had already started towards the end of the 18<sup>th</sup> century. In 1860, twenty years after the Opium War period, Britain reached its peak as a nation of free trade.

So I would like to ask you this question: In terms of the share of the global manufactured goods production at that time, in the year 1840, would you assume that Britain was superior to China? Or was China superior to Britain?

Anybody? Okay, let me ask like this. Please raise your hand, those who think that Britain was superior to China. Those who think China was superior to Britain. As to the former, to what extent was Britain superior to China in the production of manufactured goods in the year 1840? Those who believe that Britain was twice as superior to China, raise your hands. Now those who believe they were on a par, approximately the same. Nobody. Those who believe China was superior. To what extent, more than twice? Only one, or two.

Well, there was an article written by a French historian. Of course, it's an estimation and not a very solid figure. However, according to him, China produced one-third of the world's production, 33 percent, in 1840. Britain produced four percent. So China produced approximately nine times more. Of course, these figures did not include the production of India at that time, a de facto colony of Britain. If Britain included India, then it became about a bit more than 20 percent. So in those days India produced much

more, although it was de facto colony and British rule was almost an actuality.

As this figure shows, China was really a superpower until very, very recently. It was always so. Although since the late 19<sup>th</sup> century China has been, and still is a very poor developing country, in the long run it is likely that China will emerge as a superpower again. It may become even more powerful than the United States in this century. In this process, the United States and China will have a number of conflicts. They will have to settle them, compromise or accommodate them.

### **Chinese Will Accept Human Rights**

I believe that the Chinese people will accept human rights, because it is to their advantage to have human rights. The United States, Western European nations and Japan have more or less experienced modernization and are ready to enter or have already entered the era of post-modernity.

However, for developing countries including China, the situation is very different. For them, the early 21<sup>st</sup> century is the era of modernization. This modernization involves the strengthening of the sovereign nation-state and capitalist economy. The sovereign state system and capitalist economy bring about a tremendous benefit to humanity. At the same time, however, they are two of the most awful violators of essential rights and interests of individuals. The constitutional guarantee of human rights has proved to be the most effective means to protect human beings against these two modern powers of a sovereign state system and capitalist economy. Yet the way in which Chinese people accept human rights will be somewhat

different from the way in which many people in the Western world now accept. People in today's developed countries must be ready to accept this.

Of course, we should not allow authoritarian regimes to use culture or religion as an excuse for the violation of human rights. As you all know, many authoritarian regimes have tried to reject some of the human rights norms on the grounds that they have different cultures or religions. However, cultures and religions change over time. Even if a present interpretation of a certain religion or a present form of a certain culture is incompatible with some norms of human rights, this interpretation of religion and a form of culture may change in the future, perhaps in greater conformity with human rights norms. In the past they have actually changed, and it is likely they will change in the future.

On the other hand, there is another side to this argument. If culture changes over time, the notion of human rights also changes over time. Only through such constant reinterpretation and reconceptualization can the idea of human rights respond to the needs and aspirations of various peoples, transcending its civilizational qualifications and limitations.

### **Human Rights Have a Number of Universal Conceptions**

Human rights have been claimed as a universal idea. I'm not quite sure of the universality of human rights because the notion of human rights is closely linked with individual centrism and legal centrism of modernity, which was born in Europe and spread over the world with the globalization of modern Western civi-

lization. However, I believe that human rights have a number of universal conceptions. What is needed for us is an intercivilizational perspective, through which we can see human rights in a flexible, reflective and dialectical manner.

Many people talk about the erosion, softening or diminishing of sovereignty. But I believe that the sovereign state will persist as the most important public unit for any legitimate institution with universal validity. As I said before, states are certainly the most awful agents of human rights abuses. However, they are also the most effective agents to realize human rights.

This is particularly true with economic and social rights. Persistent obstacles for human rights in this field have been a long-established custom of discrimination and social and economic structure. In order to overcome these obstacles, we need an enlightened state policy. Thus, international perspectives, which are often represented by interstate and intergovernmental perspectives, are still important.

However, as a human rights activist, I know too well these perspectives have many problematic features. Therefore, we need a transnational perspective. Here, the global legitimacy can be pursued and established by NGOs, private companies, media institutions and other non-state actors. The field of human rights is an area in which the public role of NGOs has been firmly established. This tendency will continue and should be encouraged.

However, this transnational perspective is not flawless. Often the voice of the agent of a ruthless capitalist economy, i.e. huge corporations, overwhelms the voice of nonprofit organizations. More fundament-

ally, both corporations and NGOs are North-centric. The most influential media institutions are all Western. You can recall famous human rights NGOs, such as Amnesty International, Human Rights Watch, Freedom House and so on. They are all based in the Western world. They do not necessarily represent the voice of developing countries.

### **The Need for an Intercivilizational Approach to Human Rights**

Here one can see the need for intercivilizational approach or perspective. Agents of this intercivilizational perspective theoretically overlap each other with those of transnational perspectives. They are basically nongovernmental groups, societies, associations and communities. Various religious groups, non-western NGOs, indigenous peoples and local peoples living in a non-Western or traditional manner are those agents of intercivilizational perspective.

There is thus a difference between the intercivilizational perspective and transnational perspective. Whereas the latter, transnational perspective, emphasizes the importance of civil society, which is basically a modern, Western construct, the international perspective emphasizes the importance of non-Western civilization, which may be overwhelmed by the West-centric modern civilization today. These non-Western civilizations may be dormant and inactive because even people in the non-Western world live under the strong influence of modern Western civilization. However, their way of thinking or lifestyle is not wholly absorbed by modern West-centric civilization. Underlying tenets of their own civilizational features still persist.

I, for example, live a Western life. I eat a continental breakfast, not a Japanese breakfast. My children eat a Japanese breakfast, but not my wife and I. I enjoy opera rather than Kabuki. I'm much more familiar with the teaching of Christianity and the theories of Aristotle, Grotius, Hobbes, Locke, Rousseau, than teachings of Buddhism, Confucianism and Shintoism. Yet, my way of thinking and feeling or behavioral pattern is heavily influenced and defined by Japanese culture and East Asian civilization. We must recall that this is the case with most people in the world.

In the 21<sup>st</sup> century, in order to achieve a global legitimacy in the field of human rights or global environment, etc., we must explore the voices coming from this intercivilizational perspective, however dormant they may be. Only by complementing and rectifying prevailing West-centric discourse in human rights by this intercivilizational perspective, we can overcome disputes between China and the United States or between the developing countries and developed countries in general. Thank you very much for your kind attention.

**John Ikenberry:** Catharin, I think we'll let you go first.

**Catharin Dalpino:** I suspect that I am not going to disappoint Professor Onuma in his view of American interlocutors as being frank and critical, but I hope not to the point of being impolite. But I want to say in terms of intercivilizational meeting that if he enjoys opera then he is more Western than I am, if this might be one basis of evolution.

When the Sasakawa Peace Foundation USA asked me to participate in this, I

looked at the question of the evening – can the U.S. and China avoid a human rights war – and I prepared a one-word set of remarks, which is “no.” But I suspected that you were asking for something a little more, and so I have a few more things to say about that.

But before I do that, I want to just respond to a couple of points that the professor made. He made many fine historical and theoretical points, I thought, some of which I agreed with and some of which I didn't. In his remarks, however, he dwelled on a fairly high plane of abstracts and ideals, and in my remarks I'm going to dwell on a much lower plane of policy, much more prosaic.

I have to say, I agree in principle with the intercivilizational approach. I guess I don't grasp it in your recommendations of how the U.S. and China should approach this with respect to human rights. As I understood your remarks, your prescription for an intercivilizational approach on this issue was that the United States would abandon its narrow focus on civil and political rights, liberate itself from that, I think you said. In return for which China would not be asked to abandon its narrow approach on economic and social rights, it would simply be asked to justify that approach more deftly, perhaps. So that does not to me suggest much common meeting ground, and perhaps we can explore that in the question and answer period.

I also think that, looking to the new administration, that probably if they want to have a fairly calm next four years it will probably do its best to avoid many of the questions that you've raised. Because many of those questions we saw being de-

bated fully in the 1990s in the Asian values debate turned out to be a rhetorical war between governments and to a certain extent between journalists and academicians across the Pacific.

### **Bush Administration Will Try to Avoid Rhetorical Clash**

We did find that that debate was a rather futile one and at the end of the decade I think we also had some evidence that the debate was less about human rights perhaps and more about economic triumphalism. That is, the side of the Pacific which was up economically seemed to have the better values at that time. In fact that was nothing new. In the 1970s the United States trumpeted Confucian values because of Japan's economic status. So I think that probably the Bush administration, if it is reassessing these policies – and I'm not convinced it is because I haven't seen much evidence one way or the other – will probably try to avoid this kind of a rhetorical clash.

That said, just taking a purely Washington perspective, I think that there are probably five things that we can look at from the Washington side to determine whether or not the United States and China are going to clash on human rights more than they have in recent past. First, we really don't know what the Bush administration's China policy is going to look like, much less what its human rights policy toward China is going to look like yet. It's really too early.

There are three decisions coming up this spring that will give us some hint. One has already been made, whether the United States is going to sponsor a resolution at the UN Human Rights Commission in Ge-

neva to censor China on its human rights. If the reports last week are to be believed, the Bush administration has decided that it will. Some people find this surprising because they had expected a different approach.

I think it is a good reminder that in fact the Clinton administration inherited a certain amount of its China human rights policy from the first Bush administration. That resolution was an element of the first Bush administration's human rights policy toward China. It was proffered as the alternative to sanctions, and despite the efforts of the administration in Geneva it did not set Congress off against sanctions, against the Tiananmen Square sanctions. But with the exception of the 1993-1994 MFN linkage, pretty much the Clinton administration took what it was handed from the Bush administration on human rights policy toward China, even though the rhetoric might have been slightly different.

The first decision has been made. The second one obviously will be on arms sales to Taiwan, which will be made in April, and the third will be made on Beijing's application to host the 2008 Olympics, which will be made in July. So I think by the end of the summer we will see a little bit more where in the near term the Bush administration's human rights – rather, its larger policy toward China is going.

### **Uncertain of Bush Administration Strategy Toward China**

It does mystify me though about the resolution because I'm not sure what strategy the administration is employing in deciding to sponsor it. First of all, let me say that announcing that you intend to sponsor

does not mean necessarily that you're going to. We have seen that. This is a good bargaining chip that really the greater leverage is before you get to the decision of sponsoring the resolution. Pretty much afterwards your leverage is gone. This may be a bargaining tactic to see what concessions Washington and the European Union can get from Beijing in advance of actually sponsoring a resolution. It may be also that this is simply something that is required symbolism, that nobody really thinks will succeed.

The demographics of the present Human Rights Commission are not good in terms of trying to get a resolution passed, so we have to hope that perhaps this is more of an attempt to get some leverage than to actually see a resolution come to pass.

### **Expanding Definition of Human Rights in U.S. Policy Community**

A second thing to watch over the next few years is the expanding definition of human rights in the U.S. policy community. We've seen two things happen, one in China and one in the United States that I think illustrate this. In China, obviously, the rise of the Falun Gong, and in the United States, particularly within the human rights community, a greater emphasis on religious rights. This is an interesting combination of things that certainly does not bode well necessarily for U.S.-China relations.

But this really is a different climate than it was in the early 1990s, when U.S. human rights policy was more or less trying to champion dissidents in China who articulated or were assumed to follow more or less Western values of human rights and democracy. A policy that was trying to get

those people out of detention or get better treatment for those people, playing dissident poker with Beijing.

This is a very different kettle of fish and no one's quite sure how to proceed. It does not look as though the U.S. government, either the Bush administration or the Clinton administration, quite knows how to approach this issue of the Falun Gong. It's very obvious that neither does Beijing. But it is going to be important in the next few years.

### **Potential Disappointment in Washington When China Joins WTO**

Third, I think that it's possible that there will be inevitably some disappointment in the Washington policy community when China joins the WTO. Especially when that quick fix approach that some proponents of WTO held in Washington does not come to pass. That is, that membership in the WTO does not instantly improve human rights in China. Here, I don't think China is necessarily to blame for defaulting on a deal it never held out in its attempts to seek admission that this would necessarily happen. Here, some policy-makers and some human rights activists may have fallen victim to some of their own arguments. But there very well could be some disillusionment that would make us look very critically at what's going on in China.

One key question for the administration that I think will affect our ability to encourage greater human rights protection but will also affect the bilateral relationship is whether the administration will be able to work the other side of human rights promotion. That is, whether it will be able to convince Congress, if it chooses

to try, to appropriate funds for rule of law programs, for other modest low-profile programs that will help enforce and encourage indigenous trends already underway in China toward greater openness. This is something the Clinton administration tried to do and was unable to do. But it really speaks to two aspects of human rights promotion.

### **More Fruitful Approach of Trying to Sustain Current Programs**

The one side that we know quite well is the criticism and the sanction approach, but the other is the more indirect but I would argue more fruitful approach of going ahead and trying to sustain and advance what's already happening. The difficulty in the Washington climate on China is that none of these programs are going to immediately move China to a democratic transition, and that tended to be the criticism of it. They tend to require more patience.

If the Bush administration takes this up and tries to put it through, and I certainly think they should, not only because there are opportunities in China but because we are the only advanced democracy that does not have a program that does this with China, it will require spending some political capital. It will require putting forward a more sophisticated argument about human rights in China and how they will or won't develop than any previous administration, including the Clinton administration, including the first Bush administration, did. That could be a very difficult thing to do, given the very polarized climate we've had in Washington on human rights in China.

Lastly, I would argue, something that real-

ly has come up since the late '90s is that greater China is going to become increasingly important in American views of human rights in China. We had the 1997 handover in Hong Kong, we had towards the end of the decade brisker democratization in Taiwan, particularly in the form of having a transfer of power to the DPP. We no longer view China's attitudes toward human rights as being solely confined to how the Chinese government treats citizens on the mainland. We see it also in terms of relations across the straits and now some very interesting questions about mainland versus Hong Kong relations that have come up recently with the Falun Gong. That's a wider net, one that will potentially in the short term invite more criticism for China certainly, but one that we'll be factoring into our views of China's attitude toward human rights. So I'll stop there.

**James Feinerman:** I must say that Professor Onuma did not disappoint when he said he was going to be provocative. Having had a chance as a scholar to read some of his writing on the intercivilizational approach and having shared a platform with him in other venues, I thought I knew pretty much what to expect. I was a little surprised though at the end of his presentation. I thought I was down the table from Sam Huntington rather than my colleague Professor Onuma. Although he is a more positive, forward-looking one about the "clash of civilizations."

I'll come back to that at the end, but I'm going to try to make a number of points very quickly that I hope will be both responsive to the comments that he made as well as, sort of, look to a larger agenda.

The topic, the broader topic, not the parti-

cular question that was the title of tonight's talk of human rights in China, always reminds me of Gandhi's quip when he was asked about what he thought about Western civilization. He responded that he thought it would be a good idea. That I think most people feel human rights in China would be a good idea too. But the question is, how do we get there from here?

I think one is to recognize, and I started a paper some years ago that has mercifully remained just a computer file, with the provocative title, "Aren't the Chinese Human?" which I think gets to some of the fundamental questions that we need to ask about what we're talking about when we speak of human rights. I think obviously "they are," that was the first paragraph of my as yet unpublished article. But it's pretty clear to me that we can lose sight of that when we talk about some of the more abstruse questions of human rights and particularly governmental human rights policy, without thinking about what human rights really mean. A boot in the face is a boot in the face, and I don't care whether you're Chinese or American. I don't care whether you profess Hinduism, Catholicism, Zoroastrianism.

### **Fundamental Human Rights Are a Problem**

There are certain things, we even have a term for it in international law, we call them non-derogable human rights, so fundamental, so basic to our very existence that you almost deny someone's humanity by denying them those rights. Those rights are a problem. They're a problem in China and many other repressive countries, but they're also a problem in countries like the United States that regard themselves as

developed democracies. But that doesn't mean that we shouldn't respond to every single individual as well as all the collective manifestations that we see of any kind of denial of the enjoyment of human rights to people that we regard as human.

### **China's Shocking Death Penalty Statistics**

I think in China's case one of the shocking statistics and something that although it may remain on the civil and political side of the ledger for international covenants purposes, clearly has some economic, cultural and social ramifications is the use of the death penalty. China puts more people to death every year than all the rest of the countries in the world that have the death penalty.

In the most recent year for which we have statistics, they put 4,600 plus people to death. Those are just the officially reported executions; the actual number may be far higher. But the actual number that we have documentation of is horrifying enough. Even bloodthirsty Texas and our neighbor across the Potomac in Virginia can't hold a candle to those kinds of numbers. In fact, the United States in the time since the death penalty was restored by the Supreme Court decision in the late 1970s hasn't put that many people to death, in all the jurisdictions that have the death penalty. That's important. I think it's something that we can't ignore.

I think also just to pass on another point, on the sort of cultural and historical bases for some of the allergies that China may maintain up to today about human rights and human rights rhetoric. I guess I've lived long enough in China and in the United States to see the political manipu-

lation of anti-foreign, xenophobic sentiment and come to believe that it's a quantity that's perhaps best categorized by its manipulability. This is something that governments, political figures and others use. I've seen it used in China and I've seen it turned off too, virtually at will. There was the response and then the immediate cool down after the military intervened in the aftermath of the Beijing reaction to the Belgrade embassy bombing in 1999.

When I was a student in China in 1979 I saw spontaneous demonstrations organized, busing students from the university campuses to the Vietnamese embassy when the Vietnamese marched into Cambodia. There was also an element, I think, of Chinese revenge, since they had earlier that same year had a border skirmish with the Vietnamese where, to use a vulgar Americanism, "they got their butts kicked." So they were going to try and take the Vietnamese to the court of world opinion, at least as much as they could stage of it in Beijing, for their gross violations of human rights.

Particularly ironic, because I think in the sweep of history most Vietnamese would see the Chinese as the human rights abusers, the hegemonists, the people who had through the propagation of a greater Chinese cultural sphere impinged on them and all the countries on the periphery of China. Likewise, I think in the bilateral relationship between China and Japan, it's amazing the way that historical memory can be sort of brought back to life but then dampened down when the need for overseas development assistance grows particularly acute.

### **Countries Must Play by the Rules to Be Part of Global Order**

With respect to the international fairness or unfairness of the regimes that China faces, my only response to this really is that I think if you want to be in, if you want to be part of the international, the global order, you've got to play by the rules that people set down. Now, China may have chosen, or may have been frozen out for several decades in the last century from that. But once it chose in the late 1970s to join into the international community, it was sort of in for a penny, in for a pound. It bought into all the rest of the trappings. I think it's rather game of them to suggest that we want to be in but we want to play by our rules when they favor us and we want to play by your rules when they favor us. We'll sort of pick and choose among the rules that we like.

I say this with full knowledge as an American that that's often the way my own government does business. I witnessed a decade and a half ago the sorry spectacle of the U.S. State Department's legal advisor leaving the International Court of Justice when it looked like a case involving Nicaragua was going to go against us. While my law professor, Abe Chayes, who was representing the Nicaraguan government, stood there Astonished that his own country where he had grown up had that little respect for the rule of law. But China plays this game as well. I think that it bodes ill, for example, with Chinese accession to the WTO, that they start to play this game of picking and choosing what's fair and unfair about the international legal rules that are in effect a package deal.

It's also, I think, clear that historically

China's argued as well that it's unfair that they don't get the same treatment as a major economic and trading power joining the WTO, say that Japan got several decades ago when it joined into what was then the GATT. I'm sorry, but the world's changed. In fact, you could say that Japan and after them Korea and other once-poor developing countries that became major trading powers may have poisoned the well for China. The experience of the developed economies has been that they have been burned before and they're not going to make concessions with respect to China because they know how that can come back to haunt them. China has to take the world the way they find it at this particular juncture in time.

### **Countries That Lack Civil Rights Have Few Economic, Cultural and Social Rights**

Just a couple more points that I think are responsive but that I was thinking about even before tonight's provocative comments. The economist Amartya Sen has talked much about the relationship between economic, social and cultural rights and civil and political rights. I think it's a curious thing that among the countries that claim that they protect economic, cultural and social rights more than civil and political rights – they don't actually say that, they just sort of harp on the one and sort of overlook the other. The reality seems to be that countries that don't have civil and political rights don't have much in the way of economic, cultural and social rights either or that they don't actually really enjoy them.

I was reminded of this when Professor Onuma made his comment about the statistics we could look at to see what the

actual progress has been, that make it less squishy to talk about economic, social and cultural rights than about civil and political rights, because you can get numbers about things like per capita income, numbers of doctors, percentages of women enrolled in higher education. But an American politician of no great note once said that there are lies, damn lies, and statistics. I think it's interesting to note that statistics may not tell even half the story with respect to the actual enjoyment of economic, social and cultural rights.

### **More Chinese Today Enjoy Human Rights**

I've maintained in front of skeptical congressional committees that more Chinese today enjoy more human rights than at any time previously in human history. I'll stand by that statement. But the sorry story is that even more Chinese don't enjoy those human rights, particularly in the economic, cultural and social sphere. There's actually a sort of growing time bomb problem with respect to this in China, because the economic development improvements occurred in the lives of hundreds of millions of Chinese has widened the gap between them and the have-nots in China to the point where there might be skirmishes, maybe even some sort of cataclysmic blowup as a result of this gap, this divide that's coming in Chinese society.

Beyond that, the idea of ratifying conventions as sort of proving your commitment to economic, social and cultural rights, or civil and political rights for that matter, seems to me to be putting the cart before the horse. In the good old days of the 1970s, the USSR and the countries in the Eastern bloc all ratified those conven-

tions. I think we know what the story on the ground was with respect to the enjoyment of any kind of human rights on either side of the ledger in those places. Whereas the United States, which hadn't yet ratified them, despite its many problems in the civil and political rights sphere and in the others as well, certainly had more human rights whether or not it ever ratified an international convention.

Now, I say this as an international law professor who's committed to the rule of law and international legal institutions. But sometimes you can make a totem of these things. I think that looking at that without looking at the actual implementation, the actual enjoyment on the ground of those rights is problematic.

Finally, let me just say a couple things about particular points that Professor Onuma was making about the way forward into the future. I'm much more skeptical about the sovereign state, partly because I think what's happened here is a mismatch. China's caught in a time warp where it's accepted certain international legal institutions, including sovereignty of a very absolute and old-fashioned sort by a modern, Western analysis.

Just as we've moved on and begun to believe – particularly in the area of human rights, at least since the Second World War – that the state can't be the final and ultimate actor in international law and particularly these areas that touch on human rights, because the state may be the violator. You have to have some means of getting around it.

At the same time, I believe that economic and social and cultural developments are making the state less and less germane to

many of the problems. I think that economic, social and cultural rights of workers in poor developing countries are much more likely to be affected by decisions that are made by Nike than by their governments.

In fact, I applaud the efforts that people have made, international campaigns have been waged by our own students at Georgetown and Harvard and Yale and places like that to make sure that the T-shirts and sweatshirts that are sold in the college bookstores aren't made by sweatshop labor, which is more than I think the students in the countries where the shirts are made would be willing to do. Although they face some sanctions by their own governments if they were to do so.

### **U.S. Is a Victim of Its Own History**

The point about being victims of history with respect to human rights, I think on civil rights I'll plead to this one. The United States is a victim of its own history. I think the reason why we focus on civil rights, civil and political rights so specifically is because that was the major struggle, particularly the first half of the last century. We're as caught up in that in our own history as the Chinese and other people are in their own nations. Different cultures, different peoples have different struggles. That struggle that was so marked and continues to dominate political discourse in the United States today, even one of the major issues or side issues with respect to the contested presidential vote in the last election was the denial of the right to vote to certain historically under-represented groups. We just can't get away from it. I think that that colors our attitude.

Finally, I wanted to end on a hopeful note and mention that I think that we have been able in numerous instances, although they haven't perhaps been widely reported, to at least begin to find some common ground, or at least a single place where we can meet and discuss our differences. I was part of a three-day conference that was organized a couple years ago in Catharin's former shop, this was in the Bureau of Democracy Rights and Labor, under what was then the relatively new Assistant Secretary Harold Wu, who got a group together from the United States and China to discuss a very ambitious agenda that covered almost every aspect of the whole spectrum of human rights, civil and political as well as economic, social and cultural.

We had free-flowing discussions. We agreed about many things and we agreed to disagree about other things. I chaired the panel the last of the three days about religious rights. This was just as Falun Gong was beginning to emerge as a problem. It was quite clear that that was one area that we were not going to reach any kind of closure about. But on a wide range of things that regarded the rights of criminal defendants, the rights with respect to ordinary treatment by government officials and things that really make a difference to the vast majority of people who are not caught up in political dissidence and other sorts of more desperate human rights circumstances, these things the Chinese were frank about admitting their problems and their difficulties. They actually asked the Americans for advice. So I think that there is a way forward, but I think we may have to be ironically more confrontational, at least more upfront about our differences to try and move forward from that.

## Q & A

**Ikenberry:** Thank you very much. I think we have a rich set of issues here and I want to open it up so that our audience can interact with our panelists and then let the respondents interweave responses to each other as we go along.

Please stand up and give us your name and affiliation, and we'll take it from there.

**Questioner:** I was fascinated and impressed by Professor Onuma's exposition of human rights issues in terms of history, values, culture and so forth. But before moving forward to find a common ground between China and the United States, I'm wondering whether we can step back before going onward. That is to say that I thought all analyses of differences I saw are based on human nature. Then I thought about human ethics.

I wonder, are the United States' cultural values based on the Judeo-Christian traditions, and then the Chinese ones maybe on Confucianism? Also, I'm talking about basic human nature. Then there is Buddhism, which is originally from India. Can you expose those three differences, can we really come together based on those different values, finding the common values in the future because they are all different?

For example, Jesus Christ said we have to stand against authority to fight for justice, and then the Buddha who said to have compassion for human beings. Maybe the Confucianist comes from authoritarian benevolence. So I'm just wondering whether these can be discussed as they pertain to this common ground where we can find

the future. I think Onuma is an expert on religion, ethics and philosophy. I'm very curious whether you can expose that a little bit in your argument.

**Onuma:** Thank you very much for your intervention. I certainly agree that behind different approaches to human rights there lie fundamental differences in terms of religion and psychology. However, I am rather reluctant to characterize the differences in human rights approaches just by terms of religion, because this has been abused so often and simplified to justify some of the most awful deprivation of human rights by authoritarian regimes.

### **Differences in Religion Have Some Bearing on Human Rights' Approaches**

On the other hand, differences in religious backgrounds have some bearings on human rights approaches. I have been engaged in the study of comparative civilizations for many years. According to this study, major powers in history are more or less universalistic and egocentric. Most dynasties in China were so. Islamic dynasties, such as the Ottoman Empire or Abbasid Empire were so. The Roman Empire also had such an egocentric universalism. The United States is a contemporary version of these historical examples of egocentric and universalistic empires.

However, whether a certain empire has a proselytizing zeal or not makes interesting differences. In the case of Islamic empires and Christian empires, they tend to be more aggressive and proselytizing. In the case of China, they were also egocentric and universalistic. But according to their philosophy, if neighboring nations were "uncivilized" and yet they did not have any intent to accept Chinese civilization,

which was the universal civilization according to their interpretation, they left them alone. The Chinese attitude was, "We do not interfere. You remain uncivilized, that's your choice." So in this respect, although China, like other powers, was a universalistic power, its attitude was not so aggressive, it seems to me.

Returning to the comment, as to the question of shared values by these different types of powers, I am not so pessimistic. Even though from a religious perspective, Islam and Christianity may share the common characteristic feature of being aggressive and proselytizing. But at least those developed countries having this Christian tradition have learned that the excessive proselytizing zeal has done wrong. Perhaps as a result there are various mechanisms to prevent these powers from becoming too aggressive, too proselytizing, even in the United States, which is most aggressive in this respect.

In the case of Islam, I'm not so sure of this because of the lack of transparency, democratic mechanisms and the freedom of expression in many Muslim countries.

**Dalpino:** I'm not a religious scholar, but any religious scholar will tell you there is always the word of the religion, however it comes down, and people's interpretation of it. I think that is where you get into problems when you look at religion versus human rights or religion as it translates into human rights. Certainly, there are a number of Islamic scholars who argue that the practices of some Islamic fundamentalists or theocracies like Iran are not only not supported in the Koran, they run counter to the Koran.

What oftentimes impresses me about Con-

fucianism as it enters into these sorts of debates is that there's seldom what the professor himself pointed out, which is an accounting for the way that culture changes and various interpretations and revisions of that culture. As I understand, my very scant understanding of ancient Confucianism is that modern-day Confucianism turns it upside down. For example, ancient Confucianism scorned the merchant. If you look at the countries that are labeled as Confucian particularly, they do nothing but elevate the merchant.

### **Confucianism Contributed to Making Power Accountable to People**

One thing I will say that in political theory that Confucians contributed to or Confucianism contributed to is a modern-day definition of political legitimacy as making power accountable to the people. If only in that an abusive emperor could not expect to maintain the loyalty of the people and the people therefore had a right to rise up against him. I'm sure that was a pretty radical notion for Confucius' time, and not only in Asia but around the world.

**Questioner:** I used to actually work with Harry Wu, and I'd be very interested in speaking with Dr. Feinerman at some later date about Chinese prison labor. I also have a lot of questions both about the higher plane and the lower plane of policy, as Catharin Dalpino put it. So I'm going to take this advantage and return to my college days and ask about the higher plane. In terms of Professor Onuma's bargain that you were talking about the way to reconcile the U.S. and the Chinese, the way to reinitiate the dialogue on human rights. I was also struck at first. It seemed kind of unbalanced, that the U.S. would give up the focus on civil and political

rights and China would prove progress in the sphere of economic rights.

I was wondering what your reaction is to issues that Dr. Feinerman raised about the comprehensiveness of those two, the other way around. Look at it the other way as a way that Amartya Sen has talked about it, that you don't have countries with freedom of expression and a certain amount of political accountability, you don't have the kind of economic disasters that you find in authoritarian states taking place there. And the way in which certain realms where the U.S. might be lacking in economic and social rights, like universal health care, are being discussed openly because of freedom of expression and because of political openness.

So it could almost work as a trick question to the Chinese in some ways. If you start looking at the real progress of economic rights, would it maybe then open the discussion to the need for certain political and civil rights?

**Onuma:** Thank you very much. It's a good opportunity for me to respond to Ms. Dalpino's point as well. I do not argue at all that China should concentrate its emphasis on economics and social rights. I do believe that China should enhance the standard of civil and political rights. I, to a certain extent, share the view of Amartya Sen that civil and political rights are important for the relatively high realization of economic and social rights.

### **U.S. Notion of Human Rights Not the Only One**

However, what I have emphasized today is to point out the problematic features of the United States, mainly because it is

very important for the people in the United States to understand that their notion of human rights is not necessarily the one which is widely shared in international instruments of human rights, such as the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, as well as the Vienna Declaration of 1993.

I also quite agree with Professor Feinerman that only adhering to these international instruments does not necessarily mean that they actually respect human rights in domestic countries. Those accessions or ratifications are just a posture, just to show that they are faithful, loyal to the notion of human rights and nothing more. That is the case for many developing countries.

Yet, the fact remains that from the perspective of, for example, Western European countries and Japan, why the United States has not ratified the International Covenant on Economic, Social and Cultural Rights is bewildering. If the U.S. claims that the U.S. has respected these rights, what's wrong with ratification of this instrument? Why not ratify the convention of these rights, which almost all developed countries except the United States have ratified, if you claim that "our standard in terms of economic, social and cultural rights or the right of child is high?"

As to the imbalance between the U.S. and China, I'm talking about the moral position of the United States to persuade China. This lack of moral persuasiveness works against the U.S. effort to enhance the human rights situation in China. That's my major argument.

**Ikenberry:** We're going to wrap up here in a few seconds, so I'd like to let our two discussants have a few words on this issue.

**Feinerman:** Just speaking to this issue, I would say that I think that the problem – and I don't mean to defend my own country, because that's not my position or my goal – about ratifying or not ratifying the other covenant, is that it somewhat reminds me of the situation in the 1950s when people who wanted to prove that they were good Americans were asked to sign loyalty oaths. This was in the McCarthy era. Many people who felt they were, many of them veterans of the Second World War, refused to do it because they had a commitment to an ideal of the rule of law that made it impossible for them to do such things in good faith, even though it was literally true.

I think our reluctance may stem from something else, which is an idea or an ideal of the rule of law that you don't sign onto a legal undertaking unless you can absolutely enforce every single jot and tittle of it. Which may be overly legalistic and show something else about the American personality and our legalistic culture, but I think in some ways our caution is almost laudable.

### **Actions to Guarantee Rights More Important Than Signing a Treaty**

Again, looking at the experience of what happened with countries that fully ignored all those provisions but signed all those agreements with alacrity, I can say that I'd rather live in a country that refuses to sign such an undertaking but tries its best to guarantee those rights than one that signs it heedless of whether or not it really has

an obligation in the long run to provide them.

**Dalpino:** I would just make three points. I'm not a lawyer, but I probably would follow on the side of Professor Feinerman in thinking there's no magic in the ratification of that treaty. I don't think that the United States' failure to sign that treaty is a major sticking point in terms of human rights policy around the world, number one.

Number two, I think that our whole conversation has inevitably been focused too much on governments, as all three people have said. Human rights has always been code for something with governments. One of my favorite historical anecdotes is that in 1944, when the Allies met at Dumbarton Oaks to discuss the agenda of a possible United Nations, China suggested that human rights be put on the agenda and the United States opposed it.

There are two postscripts there. One is that at that time China was represented by Chiang Kai-shek, no great human rights observer himself. But that's not the important part. In the larger scheme it was important, but it's not important to this anecdote. What's important to this anecdote is that in 1944, human rights was code for decolonization. At that point, the United States was not willing to sign onto that. It did later, after the war. So it's always been a code for something in governments.

Third, I guess I would disagree with the subliminal suggestion of American exceptionalism that I think the professor has put forward through his remarks. If anything, there are more gray areas that we're seeing. It sounds as though the United

States is out there alone and isolated and even Western Europe is on the other side of the human rights debate, and that certainly is not the case.

For example, with Burma, through the '90s, we have seen as the European Parliament has become more assertive against the European Council that the European Union now has a Burma human rights policy that looks pretty much like the United States'. The evidence, thereof the EU, the European Parliament and the EU now refusing to include Burma in EU-ASEAN meetings, this is one point to consider. So I think there are far more gray areas at the end of the decade than there were at the beginning of the Asian values debate.

**Onuma:** To the last point I agree, yes. Even Japan, who is most critical of U.S. stick diplomacy in terms of human rights, has come to be a little closer to the position of the United States. On the other hand, I quite agree with Dr. Dalpino when she said that human rights promotion in terms of giving assistance, raising their educational standard, etc., is very, very important. I hope this will be appreciated in this country.

As Ms. Dalpino said, in this country, in other countries as well, there are many people who are not so patient. If it takes too much time people become easily critical. For that purpose I would like to emphasize that a preachy and interventionist psychology should be modified in order that this kind of low-profile approach may be more appreciated in the United States as well.

[End]

## About the Panelists

**Main Speaker** **Dr. Yasuaki Onuma** is Professor of International Law at the University of Tokyo, Graduate School of Law and Politics. He holds an LL.D. from the Graduate School of Law, University of Tokyo. Mr. Onuma's book *Jinken, kokka, bunmei (Human Rights, States and Civilizations)*, 1998) is presently being translated into English and Chinese. The English version will be published by Columbia UP, and the Chinese version by Sanlian Publishing House in Peking. Other English language publications include "Towards an Inter-civilizational Approach to Human Rights," in Joanne Bauer and Daniel Bell, eds., *The East Asian Challenge for Human Rights* (1999).

**Discussants** **Dr. James V. Feinerman** is James M. Morita Professor of Asian Legal Studies, and Director of the Asian Law and Policy Studies at Georgetown University. Professor Feinerman joined the Law Center faculty as a visiting professor for the 1985-86 academic year. Immediately after law school he studied in the People's Republic of China. Subsequently, he joined the New York firm of Davis Polk & Wardwell as a corporate associate. During 1982-83, Professor Feinerman was Fulbright Lecturer on Law at Peking University. In 1986, he was a Fulbright researcher in Japan. In 1989, he was awarded a MacArthur Foundation fellowship to study China's practice of international law. During the 1992-93 academic year, he was a Fellow at the Woodrow Wilson International Center for Scholars. From 1993-95, on leave from the Law Center, Professor Feinerman was the Director of the Committee on Scholarly Communications with China. He served as Editor-in-Chief of the ABA's *China Law Reporter* from 1986-1998. Professor Feinerman holds a Ph.D. from Yale and a J.D. from Harvard.

**Ms. Catharin Dalpino** is Deputy Director of the Center for Northeast Asian Policy Studies and a Fellow at the Brookings Institution, where she researches and writes on U.S. policy responses to political change in Asia. Ms. Dalpino also is an Adjunct Professor at (SAIS). She was Deputy Assistant Secretary of State for Democracy in the Bureau of Democracy, Human Rights and Labor. Prior to that, Ms. Dalpino was a career officer with The Asia Foundation. Her assignments with the Foundation included a term as its Washington Representative and the Foundation's Representative for Thailand, Laos and Cambodia. Ms. Dalpino was also a Resident Associate at the Carnegie Endowment for International Peace (1990-91), and a Policy Analyst with the World Bank (1981-82). Two of her recent books include *Anchoring Third Wave Democracies: Problems and Prospects for U.S. Policy* (1998) and *Deferring Democracy: Promoting Openness in Authoritarian Regimes* (2000). In 2001 Brookings will publish her book on the political consequences of the Asian economic crisis.

**Moderator** **Dr. G. John Ikenberry** is Professor of Government and International Affairs at Georgetown University. In addition, he has been a Senior Associate at the Carnegie Endowment for International Peace and a Fellow at the Woodrow Wilson Center for International Scholars. He received his Ph.D. from the University of Chicago. Dr. Ikenberry is the author of numerous publications, including *After Victory: Institutions, Strategic Restraint and the Rebuilding of Order after Major Wars* (2001), and *Reasons of State: Oil Politics and the Capacities of American Government* (1988).