

**NOBEL PEACE PRIZE LAUREATE LIU XIAOBO AND
THE FUTURE OF POLITICAL REFORM IN CHINA**

HEARING
BEFORE THE
**CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA**
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CONTENTS

	Page
Opening statement of Hon. Byron L. Dorgan, a U.S. Senator from North Dakota; Chairman, Congressional-Executive Commission on China	1
Appiah, Kwame Anthony, President, PEN American Center	5
Economy, Elizabeth C., C.V. Starr Senior Fellow and Director for Asia Studies, Council on Foreign Relations	7
Gilley, Bruce, Assistant Professor of Political Science, Mark O. Hatfield School of Government, Portland State University	10
Kine, Phelim, China Researcher, Human Rights Watch	12

APPENDIX

PREPARED STATEMENTS

Appiah, Kwame Anthony	30
Economy, Elizabeth C.	32
Gilley, Bruce	36
Kine, Phelim	38
Levin, Hon. Sander, a U.S. Representative from Michigan; Cochairman, Congressional-Executive Commission on China	41

SUBMISSION FOR THE RECORD

Leaflet submitted by Kwame Anthony Appiah	43
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TUESDAY, NOVEMBER 9, 2010

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:30 a.m., in room 628, Dirksen Senate Office Building, Hon. Byron L. Dorgan, Chairman, presiding.

Also present: Representative Sander Levin, Cochairman.

OPENING STATEMENT OF HON. BYRON L. DORGAN, A U.S. SENATOR FROM NORTH DAKOTA; CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Chairman DORGAN. Good morning. We're going to begin the hearing. This is a hearing of the Congressional-Executive Commission on China. I'm Senator Dorgan and we will have Congressman Levin join us in a few moments. I think in the interest of time, I want to begin on time, and he is necessarily delayed, but I am pleased that he's on his way, and will be here shortly.

We've called this hearing for one reason, and one reason only, and that is that, as much of the world celebrates the awarding of the Nobel Peace Prize to a remarkable man, that remarkable man stares at the rest of the world from behind a prison door in the country of China.

It's sending very substantial messages to the rest of the world, it seems to me, that someone so talented, so fervent in his support of human rights and democratic values is awarded a Nobel Peace Prize, and learns of it while in a prison cell.

The question is, what does all that mean? Is it unusual? What can we expect in the future with respect to the government of China and the country of China and the path of human rights?

In announcing the award that was given to Mr. Liu Xiaobo, he was celebrated for what is called "a long and non-violent struggle for fundamental human rights in China." It's a short little phrase that speaks so much about work that has gone on for so long by Mr. Liu.

I hope that a number of you who have come to this hearing have been able to pick up a copy of the large collection of articles that have been published by this Commission available at the door of this hearing room, along with a copy of the Commission's most recently released 2010 Annual Report. That covers Mr. Liu's case in

detail. As you will see, this Commission has followed and publicized Mr. Liu's case for several years.

The Chinese Government now is punishing this man in part for his role in something called "Charter 08," a document that calls for human rights and political reform in China. Mr. Liu is currently serving an 11-year sentence in a Chinese prison on the charge of "inciting subversion of state power."

This Commission, which is charged by law to monitor the Chinese Government's progress toward the development of institutions of democratic governance, today will assess debates over political reform in China to ask what do Mr. Liu's writings and advocacy mean for China, and what impact, if any, his receiving the Nobel Peace Prize may have on democracy and human rights in China.

These questions have become highly important now not only as a result of the actions of the Nobel Committee, but also China's Premier Wen, himself, was recently quoted as saying, "If there is no guarantee of reform of the political system, then results obtained from the reform of the economic system may be lost." I find that a peculiar sentence to read from the Premier in as much as the Nobel Peace Prize recipient is behind a prison door in his country.

When China's leaders make reference to "reform of the political system" what do they mean? What exactly do they mean? As China prepares now for major leadership changes in 2012, we need to understand exactly what the prospects for political reform in China would be today. And as we prepare to do that, I just wanted at this hearing to take a moment to say a few words about Mr. Liu.

He was born in 1955. He grew up in Changchun, an industrial city in China's northeast. As a young man, he wanted to study literature, and he moved to Beijing. He earned a Ph.D. degree in Comparative Literature, became a professor, and devoted his days to teaching and to writing.

By 1989, he had the good fortune to travel abroad as a visiting scholar. When demonstrations began to grow that year in Tiananmen Square, he was a visiting scholar at Columbia University, here in the United States. He cut short his stay in New York, and he returned home to China, joining students on Tiananmen Square in a hunger strike. Then on the night of June 4, a scholar whom the students had grown to trust, negotiated the last minute withdrawal of the group of students from the Square, convincing them to leave the Square and to save their lives. That scholar was Mr. Liu.

Authorities immediately branded him as a subversive and sentenced him to 18 months in prison. On his release from prison he could neither publish nor teach. And he described his plight in these words:

Simply for expressing divergent political views and taking part in a peaceful and democratic movement, a teacher has lost his podium, a writer has lost his right to publish, and an intellectual has lost the chance to speak publicly.

Upon his release from prison in 1991, he continued to write, however, and again he was placed under house arrest in 1995, then ordered to a labor camp where he was detained—imprisoned until 1999.

In December 2008 after supporting a call for political reform known as Charter 08, he was detained once again, later formally arrested, and then sentenced to 11 years in prison.

Let it be known that Charter 08 is a call for such things as “guarantee of human rights,” “separation of powers,” “independent judiciary,” “rural urban equality,” “freedom to assemble,” “freedom to form groups,” “freedom of expression,” “freedom of religion,” “civic education,” “protection of private property,” “financial and tax reform,” “social security,” and “protection of the environment.” None of which seems subversive to me.

And so the Chinese Government now tells us that these are things—the aspirations—which the people in China have witnessed for some while, these are things for which people may be sent to prison. And so we ask what does that mean? What does it mean for the country of China? What does it mean for our country’s dealings with the country of China? What does it mean for people like Mr. Liu who today stares outward from the depths of a dark Chinese prison cell.

In a recent interview with CNN, Premier Wen stated: “Freedom of speech is indispensable. The people’s wishes for, and needs for, democracy and freedom are irresistible.”

That from the lips of Premier Wen. And so one asks, how can one say that? How can one assert that? How can one believe that when Mr. Liu is in a Chinese prison while the rest of the world celebrates the Nobel Peace Prize given to this remarkable man.

Again, we’ve held this hearing for one purpose and one purpose only. And that is to demonstrate and show the absurdity and cruelty of having one of the celebrated people in this world, someone who has now been honored with the Nobel Peace Prize being held this morning in a prison in China in the second year of an 11-year prison sentence for advocating for human rights and the principles of democracy and free speech.

My hope is that the Chinese Government and Chinese officials will understand and listen and hear the voices from around the world, the voices from this country, and the voices from in this room that say you can’t talk about these principles and then continue to imprison someone like Mr. Liu and have the rest of the world have any belief at all in what you say.

We are joined today by a number of witnesses we have invited to this hearing. We will hear from four of them and then have some questions. And I appreciate very much their willingness to be here. I’m going to introduce all four and then we’ll go down the list. And let me hope that I have the names correct—pronounced correctly, at least.

Kwame Anthony Appiah. Mr. Appiah is President of PEN, P–E–N, American Center, a global literary and human rights organization. He’s Lawrence Rockefeller University Professor of Philosophy at the University Center for Human Values at Princeton University. It was Professor Appiah who nominated Mr. Liu for his Nobel Peace Prize. And I have a copy of that nomination letter. And Mr. Appiah, it is an extraordinary piece of writing and I appreciate as I am sure do most Americans appreciate your nomination of Mr. Liu. And as you know the Committee obviously looked at that nom-

ination as a very significant nomination as well. That's the basis on which they awarded the Peace Prize to Mr. Liu.

Professor Appiah has received his B.A. and Ph.D. from Cambridge University in philosophy. He's taught at Yale, Cornell, Duke, Harvard, lectured all over the world, joined the Princeton faculty in 2002. He's done extensive writing and lecturing and traveling. And I won't read all of it, if you don't mind. You have a remarkable background.

Then we will hear from Mr. Bruce Gilley, Assistant Professor of Political Science in the Mark Hatfield School of Government at Portland State University. Mark Hatfield is a man with whom I have had the privilege of serving here in the Congress for some many years. An extraordinary American and I am pleased to be able to say that you represent part of his lineage as well in public service. You do research on democracy that is legitimacy in global politics. You've been a specialist on the comparative politics of China and Asia; written a number of books, "The Right to Rule: How States Win and Lose Legitimacy," Columbia Press 2009; "China's Democratic Future: How it Will Happen and Where it Will Lead" in 2004. You've traveled extensively, lectured extensively, and if people want to know more about you they can go to Google, I assume. But you have a very impressive background as well.

Elizabeth Economy is Director for Asian Studies at the Council on Foreign Relations. She is C.V. Starr Senior Fellow and Director for Asia Studies. Her most recent book, "The River Runs Black: The Environmental Challenge to China's Future," published by Cornell University Press, 2004 with the second edition just this year. She was named 1 of the top 50—excuse me, it was named 1 of the top 50 sustainability books in 2008 by the University of Cambridge, won the 2005 International Convention on Asia Scholar's Award for the best social sciences book. Published in Asia, it is one of the top 10 books of 2004 by the Globalist. And you've published articles in foreign affairs and scholarly journals, and you likewise have been involved in so many organizations and traveled extensively. And we very much appreciate your being here. You have an honorary doctorate of law from Vermont Law School and Ph.D. from University of Michigan. And enough about you, but I'm impressed.

And finally, Mr. Phelim Kine, is that correct?

Mr. Phelim Kine is a researcher, a China researcher at Human Rights Watch, a really outstanding organization. He works in the Asia Division, a former newswire bureau chief in Jakarta and worked as a journalist for more than a decade in China, Indonesia, Cambodia, and Taiwan prior to joining Human Rights Watch in April 2007. He has written extensively on human rights, military impunity, corruption, child sex tourism, human trafficking, and more. He's been printed extensively and in so many journals and newspapers and spoken publicly on many of these issues for a long, long while. I understand you are based in Hong Kong, Mr. Kine. We appreciate very much your taking the time and willingness to be with us today.

So that is a description of four pretty extraordinary people. And we appreciate your taking the time to spend part of the morning with us. And I'm going to begin with Mr. Appiah. Mr. Appiah, why

don't you proceed and I'm told I may have your name pronounced incorrectly; is that right? There may be a North Dakota pronunciation—

Mr. APPIAH. Given the job that we're going to do in massacring Chinese names, I can hardly complain. I normally say Appiah, but—

Chairman DORGAN. Appiah.

Mr. APPIAH [continuing].—There are many ways of pronouncing it.

Chairman DORGAN. All right. Mr. Appiah, thank you very much. Why don't you proceed.

Mr. APPIAH. Thank you very much, Chairman Dorgan.

**STATEMENT OF KWAME ANTHONY APPIAH, PRESIDENT, PEN
AMERICAN CENTER**

Mr. APPIAH. So I have the honor of being the president of the PEN American Center and I am very grateful for the opportunity to speak to you today.

Our center is one of 145 centers in more than 100 countries of International PEN which is the world's oldest literary and human rights organization. And for nearly 90 years we've sustained literary fellowship between the writers of all nations and defended free expression at home and abroad. Part of this effort involves supporting our colleague Liu Xiaobo who served as president of our affiliated independent Chinese PEN Center from 2003 to 2007, held a seat on its board until late 2009, and remains an Honorary President as he's an honorary member of our own center here in the United States. In late January 2010, in connection with our support for him and the cause of democracy in China, I wrote to the Norwegian Nobel Committee to urge them to give serious consideration to him as a candidate for the Peace Prize. I should say that I wasn't alone in doing this. I know that Vaclav Havel, President of the former Czechoslovakia and Nobel Laureate Desmond Tutu of South Africa made similar appeals.

And, if I may, I'd like to summarize briefly the arguments I made in that letter on behalf of my organization.

As you mentioned, on December 25, 2009—I don't have to draw attention to the significance of the date—a Beijing court sentenced Liu to 11 years in prison and an additional 2 years deprivation of political rights for inciting subversion of state power. This so-called incitement, the verdict made clear, consisted of 7 phrases—a total of 224 Chinese characters—that he had written over the last three years. Many of these words came from Charter 08, which the Chairman mentioned, a declaration modeled on Vaclav Havel's Charter 77 that calls for political reform and greater human rights in China and has been signed, at considerable risk, by more than 10,000 Chinese citizens.

Liu Xiaobo has a long history as one of the leading proponents of peaceful democratic reform in the People's Republic of China. A poet and literary critic, he served as a professor at Beijing Normal University and was a leading voice and an influential presence during the student protests in Tiananmen Square in 1989; indeed, his insistence on non-violence and democratic process are widely cred-

ited with preventing far more catastrophic bloodshed during the subsequent crackdown.

Charter 08 which he coauthored is a testament to an expanding movement for peaceful democratic reform in China. This document is a remarkable attempt, both to engage China's leadership and to speak to the Chinese public about where China is and where she needs to go.

As I say, more than 10,000 Chinese citizens, not only dissidents and human rights lawyers, but also prominent political scientists, economists, writers, artists, grassroots activists, farmers, and even government officials have endorsed the document despite the fact that almost all of the original 300 signers have been, at one point or other, detained or harassed. In doing so they exhibited exceptional courage and conviction.

We all recall the period of the Cultural Revolution in which millions were uprooted, millions died, and we all acknowledge that there's been substantial progress from that horrendous nadir. We know, too, that there are voices within the regime, urging greater respect for free expression.

Chairman Dorgan, you mentioned one statement recently, it should be pointed out that that segment is not available on the Web in China so Chinese people can't even know that their own Premier has said those things. It's been removed from the Web in China.

China wants—and needs—to be heard in the community of nations. I—and all of my PEN colleagues—in every one of those more than 100 countries believe in a cosmopolitan conversation in which we hear from every nation. But we also believe we must let China's rulers know that we can only listen to them respectfully if they offer to their own citizens the fundamental freedoms we all claim from our governments.

Since the announcement of the Peace Prize the government of China has behaved with exactly the sort of contempt for the rights of her people that Liu Xiaobo has long protested. The Chinese Communist Party has demonstrated that it remains unfortunately willing to revert to its least attractive traditions.

The Chinese Government blacked out television broadcasts on CNN and the BBC and the French station TV5 that reported Liu's Nobel Prize. They censored sites on the Web that mentioned him or published Charter 08. Indeed, as I said, comically, they have censored references to free expression in the recent speeches of their own premier. Much less comically, they have harassed Liu Xia, Liu Xiaobo's wife, destroying her cell phone, denying her Internet access, surrounding her house and placing her effectively on house arrest. Her friends and family have not been able to be in touch with her since October 20.

The Chinese authorities have also stepped up pressure on members of the Independent Chinese PEN Center [ICPC] as part of their campaign to limit information about the awarding of the prize. Since the prize was announced on October 8, dozens of ICPC's China-based members have been visited by police and harassed and several of its leading members are living effectively under visual house arrest. Most have been warned against speak-

ing out about the award, a move that appears calculated to keep the Chinese people in the dark.

We believe that it is right that President Obama and Secretary of State Clinton have raised Liu's case with their Chinese counterparts, both before and after his most recent sentence, as we at PEN American Center wrote and asked them to do. We are grateful that Ambassador Jon Huntsman in Beijing sent representation to Liu's trial last year, though the diplomat that was sent was denied access to what's supposed to be a public court in China. We believe that China should live up to the promise made in its own Constitution; promises it made when it signed the International Covenant on Civil and Political Rights, which we hope it will ratify at some point. And we believe that it is America's obligation, as a party to the Covenant, to hold China to that standard. But the most fundamental reason why we should do this is that these demands are right. They are demands of justice.

The Chinese Government argues that their treatment of Liu Xiaobo is an internal matter, and that international awards and advocacy on his behalf amount to what they call "meddling in China's internal affairs." But the treatment he has endured is by definition an international matter, because as all violations of human rights are matters of legitimate concern to the whole world, to the people of the world. By detaining Liu Xiaobo for more than a year and then by convicting and sentencing him to 11 years in prison in clear violation of his most fundamental, internationally recognized rights, the People's Republic of China itself has guaranteed that his case is not and cannot be a purely internal affair.

We have no hostility toward China or the Chinese. Indeed, it is our respect and concern for China and her people that leads us to urge their government to allow them—all of them—the freedom to write and to read and to organize that will allow them to be responsible citizens of a democratic society, and will then allow China to be a responsible and respected colleague in the community of democratic nations. Thank you very much.

If I may ask to enter into the record one leaflet on the basis of which somebody was arrested in China recently, his name is Guo Xianliang and it's just an example of the sort of thing that's going on and the sort of harassment that the rest of people are exercising their fundamental democratic rights. Thank you.

Chairman DORGAN. Without objection, that will be included in the record.

Let me just say that the full statement that you submit will be a part of the record and we'll also include your oral testimony.

Elizabeth Economy is the Director for Asia Studies at the Council on Foreign Relations. Thank you very much for being with us and you may proceed.

[The leaflet appears in the appendix.]

[The prepared statement of Mr. Appiah appears in the appendix.]

STATEMENT OF ELIZABETH C. ECONOMY, C.V. STARR SENIOR FELLOW AND DIRECTOR FOR ASIA STUDIES, COUNCIL ON FOREIGN RELATIONS

Ms. ECONOMY. Thank you very much, Mr. Chairman. It's a pleasure to have the opportunity to speak before you this morning on this very important and timely issue of political reform in China.

In my five or so minutes, I will make three points.

First, while China's leaders are committed to reforming their political system, they have not arrived at any clear roadmap for this reform. There is significant debate over what reform means and what it should look like.

Second, as Beijing tries to figure out its path to political reform, there is enormous political change occurring outside the system's formal political institutions. This change also contributes to the reform of the political system.

Finally, political change in China is going to come primarily from within the country. However, there are several ways in which the United States and the rest of the international community can exert real influence on this process.

To my first point, what does the consensus around political reform look like? Above all, China's leaders want political reform because they want to root out corruption, which is the major source of social unrest and instability in the country. They want it to help address their wide-ranging social problems related to the environment, healthcare, education, and income inequality. They recognize that the middle class is demanding a greater voice within the political system and that the Internet is facilitating this in ways that pose a real challenge to the current system. They are beginning to understand that their political system is a liability to their international reputation.

Although there is consensus on this need for political reform, there is a fair amount of debate over what constitutes the greatest problem and what ought to be the fundamental solution. I would argue that the dominant preference of the current political leadership is what I call "political modernization" which I see as an effort to transform institutions of governance to make them more efficient, but at the same time to retain the primacy of the party. Political modernization includes what we see today; experiments in public consultation, for example, in the form of polling local people about their preferences for how to spend the local budget, have real impact in some small cases.

Political modernization also includes improvements in transparency. China's 2008 Public Disclosure Law, for example, allows data collected by government bodies to be accessed by the public. In the environmental realm, a couple of NGOs in China, coupled with the U.S.-based Natural Resources Defense Council combined to produce the document study, "Breaking the Ice on Environmental Open Information," which uses the 2008 law to force cities in China to report the data on levels of pollution and others. It's a path-breaking document based on this new law.

There's also more comprehensive reform under way in Shenzhen though other political experiments, reducing the size of the government and eliminating dual positions for political officials so the head of a charity cannot also hold office. In some cases, Shenzhen

is even outsourcing some traditionally governmental responsibilities in social welfare to local NGOs. There's also talk about holding direct elections but this has yet to materialize.

At the same time, the government faces pressure from other strains of political thought among loose organizations of intellectuals and activists. One group, often termed the "New Left," focuses on issues of economic justice, the rights of the poor, and the emergence of crony capitalism. In many ways, these are the very issues that have driven President Hu Jintao's concept of a "harmonious society." This group, however, tends to favor a strong state-hand in the market. In other words, they have a prescription for a political system, yet they are relatively suspicious of Western democracy.

Then, of course, there are the liberal intellectuals, activists, and media elite such as Liu Xiaobo or Hu Shuli from Caixin. This group advances what I would call "revolutionary reform": Political reform that would fundamentally transform the political institutions of the state, universal values, constitutional democracy, and separation of powers.

China's leaders' current political modernization efforts draw upon both of these strains of thought but don't abide by either completely. I would argue that there's a third and important source of pressure on China's leaders as they attempt to plot out a relatively controlled path to political reform: The growing role of the Internet in civil society. The Internet is a politically organizing force. It can inform debate, as in the case of the online discussion of the Dalai Lama and Twitter. It can help bring more than 7,000 people to protest in Xiamen and it can bring pressure to bear on authorities for unjust decisions by a swell of outrage on the Internet. In a sense, every Chinese citizen with a cell phone and Internet access becomes a journalist. As a result, it is becoming far more difficult and in some cases impossible for officials to hide blatant wrongdoing.

In addition, iconic cultural figures such as the blogger Han Han and Ai Weiwei use their public stature and the Internet as a bully pulpit to advocate for greater openness. China's leaders are forced to respond to this dynamic force for political change on a daily basis.

Finally, how does the international community fit into all of this? There are several potential avenues.

First, and most important, we should openly support those who are fighting for change in China such as Liu Xiaobo or Hu Jia making it not a criticism, but rather a suggestion to China about how it can and should live up to its own best ideals as represented in its own Constitution.

Second, we should continue our longstanding practice of working with those who are trying to strengthen the rule of law transparency and official accountability.

Third, it is important to help Beijing understand that its political system matters to the rest of the world. It is not simply "an internal affair." What it does domestically has global ramifications in terms of product safety, the environment, intellectual property rights for every transnational issue. China's global actions are derived from its domestic political system.

Finally, advancing the cause of political reform in other Asian countries can bring pressure to bear on China by undermining the idea that there is something uniquely Western in universal values and by demonstrating the limited attractiveness of an authoritarian state. Political reform is an issue that is going to be decided in China by the Chinese people, but I also think we have significant ability to help them along in this process.

Thank you.

Chairman DORGAN. Dr. Economy, thank you very much. We appreciate your testimony.

Next we'll hear from Mr. Bruce Gilley, Assistant Professor of Political Science at Portland State University. And Mr. Gilley is an Asian scholar. You may proceed.

[The prepared statement of Ms. Economy appears in the appendix.]

STATEMENT OF BRUCE GILLEY, ASSISTANT PROFESSOR OF POLITICAL SCIENCE, MARK O. HATFIELD SCHOOL OF GOVERNMENT, PORTLAND STATE UNIVERSITY

Mr. GILLEY. Thank you. I am very grateful to have the opportunity to address the Commission this morning. The perspective I'd like to offer on Liu Xiaobo's Nobel Peace Prize is simple and can be stated as follows:

Liu Xiaobo's award is important because it is a reminder to us in the free world, in the West, and even in the United States that even though we are entering a period of intense rivalry and possibly conflict with a rising China, the forces of modernization and liberalization are at work in that country. This means that in the coming decades, even as we manage and challenge potentially disruptive behavior by China's rulers, its people continue to march toward a democratic society.

I do not believe the Nobel Prize will have any measurable effect on political reform in China, any more than the award of the same prize to His Holiness the Dalai Lama in 1989 had any effect on Chinese rule in Tibet. But I do believe it will serve as an important beacon to policymakers outside of China, reminding them to engage and target, and to retain faith in, Liu Xiaobo's China. The temptation to believe that we are engaged in a life-or-death struggle with a hostile new Oriental juggernaut will be strong in the coming decades. We should instead use Liu Xiaobo's award to think carefully about what is going on in China which I will briefly address here, and to retain a certain Reaganesque optimism about the potential for human freedom everywhere. We should respond to a rising China the same way that Liu Xiaobo responded to his state security captors before he was sent to jail: we have no enemies, only acquaintances who are still trapped in yesterday's modes of thought and action, acquaintances whom we hope and fervently believe will someday become our friends.

Honored Commission member, the year is 1975. Russia's GDP in that year is about the same as China's today. Andrei Sakharov has just been awarded the Nobel Peace Prize and in a few years he will be sent to Gorky under house arrest. Global geo-political rivalries are intensifying. The international politics of the Soviet Union are entering its most difficult period. We have an Afghanistan, proxy

wars in Africa, the arms race, martial law in Poland, KAL 007, and Chernobyl yet to come. Earlier claims that the Soviet Union is modernizing and liberalizing because of the post-totalitarian reforms under Khrushchev are now scoffed at. Smart people, like Harvard professor Samuel Huntington, are saying that the chances for democratic change in the Soviet Union are “virtually nil.”

Looking back, we now realize we missed something fundamental. By focusing on the international politics of the Soviet Union, we ignored what was happening inside the Soviet Union. The message of Sakharov’s prize, as should be the message of Liu Xiaobo’s prize, was that we should have been better Marxists, trusting in the ineluctable forces of modernization that would bring about political change. Instead, we were Hobbesians, believing we needed to prepare home defense against an increasingly cold and competitive world of enemies and invaders. Had we been more ready to respond to the good luck of history, perhaps some of the democratic regress that we’ve seen in Russia could have been avoided.

China’s in the same position today. It is easy to get carried away by the imagery of China challenging the West. But China is not a juggernaut. China is a juggler. Behind the assertiveness and the rhetoric is a country that is struggling mightily with the implications of development—social, environmental, financial, economic, cultural, and political. The West will retain its indispensability and will continue to do so, so long as it continues to represent basic humanistic impulses better than any other part of the world.

The CCP [Chinese Communist Party] leadership is entering a delicate leadership transition in 2012. There are two visions of political reform competing within the leadership today. One of these associated with Premier Wen Jiabao who is making a sort of final *crie de coeur* before retiring in 2012 is what we might call grassroots democracy vision. Professor Economy, Dr. Economy has called this the Internet and Civil Society vision. This is a bottom up view of political reform. It stresses civil society, elections at the grassroots level and is some ways consciously modeled on the experiences of Taiwan. It will be represented in the new leadership by Xi Jinping who will be the party general secretary and perhaps depending on who else joins him by two others on the standing committee.

The second vision is a more top-down view. It stresses party democracy. Ironically, this is the approach that Gorbachev himself adopted in seeking political reform in the Soviet Union.

What is important about this debate, as Dr. Economy mentioned, the debate about political modernization is that China’s Communist Party takes political reform seriously. They are divided on how to do it, but they believe they can maintain their rule through a constant innovation of governance and governing mechanisms. And to some extent that’s true. The party has stayed in power longer than expected after 1989 by improving its governance, by processing passports more efficiently, by providing more open information, by liberalizing more internal migration. I think the mistake is to believe it can maintain its legitimacy forever through such governance reforms. That’s where Liu Xiaobo comes in. His vision is the third vision of political reform. What Dr. Economy refers to as a revolutionary reform. What I refer to as the liberal democ-

racy vision. It, of course, stresses the same aspects of universal rights and democracy that were raised in 1989 and harkens back to the revolutionary thinking of the republic era prior to 1949.

Liu is a reminder of this outcome that awaits China. Just as it is hard to imagine that outcome today, it was hard to imagine that in the Soviet Union of 1975. Liu Xiaobo helps us to focus on this China, not to imagine that the insecure and increasingly aggressive external China is the one of the future. He's a reminder that the reason we should not confront or contain China is not some relativistic argument that the Chinese are different or prefer tyranny to democracy, not that we need to reach some realistic accommodation with this titan of the East. Instead, we need to respond thoughtfully to the China of the current regime because we have faith that its days are numbered.

Reagan, who came into office as a Cold Warrior extraordinaire, instinctively realized this about the Soviet Union and changed tack in his second term. Liu Xiaobo reminds us of the need to retain Dutch's infectious optimism about the fate of Communist regimes especially rapidly modernizing ones. He matters because he will appeal to our better instincts in dealing with China to celebrate positive change, to defend individuals and rights supporters, and to have confidence in the universality of freedom and democracy and their triumph everywhere, that's Liu Xiaobo's challenge to us. Thank you.

Chairman DORGAN. Mr. Gilley, thank you very much. We appreciate your being here and your testimony.

And, finally, we will hear from Mr. Kine.

I welcome my colleague, Congressman Levin. Congressman, thank you for being here and we are about to hear from Mr. Kine who is the fourth witness and then we'll begin to ask some questions. Mr. Kine.

[The prepared statement of Mr. Gilley appears in the appendix.]

STATEMENT OF PHELIM KINE, CHINA RESEARCHER, HUMAN RIGHTS WATCH

Mr. KINE. Thank you very much. I would like to thank you very much, the Commission, for your—you know, inexhaustible efforts to promote human rights in China and to expose the ongoing abuses that are occurring there, which today we're talking about the emblematic abuse of the rights of Liu Xiaobo.

I guess the best way to get into this because I'm fourth here and there's been some really good information—I'm a little bit intimidated. But I'll just say that I think the best way to get into this is to talk about how Human Rights Watch works human rights in China and works with people like Liu Xiaobo.

Wherever we work in 90 countries that we cover, we look for natural allies, people who support the same types of beliefs and ideals that we do; people who support peaceful evolutionary change who work tirelessly for universal rights and freedoms. And in China Liu Xiaobo has been the epitome of that. And in another society, Liu Xiaobo would be a natural leader in China for holding dear these views and for espousing them and articulating them so well.

Unfortunately, in China Liu Xiaobo isn't particularly well-known. His political critiques, his political writings, to a large extent have

left him marginalized and censured. He is not the Thomas Freeman or the Christopher Hitchens of China. He is much less than that, unfortunately, on a public stage. And, of course, the Chinese Government has devoted massive financial, technological, and human resources to ensure that remains the case.

Up until his—well, the only thing you would find about him, until recently after his sentencing would be state media reports behind the firewall about his sentencing. And so it's very difficult to get critical mass and get Chinese people to really have an idea of who he is. And the fact is that it's actually dangerous to be known in China as a supporter and someone who knows and respects Liu Xiaobo. We know that because the report that came yesterday from the Chinese non-governmental organization [NGO], Chinese Human Rights Defenders, has updated us on information that more than 100 people since the October 8 Nobel Prize victory have been detained, interrogated, or placed under house arrest merely for expressing support for Liu Xiaobo.

Now, how does the Nobel Prize change this? What's the hope for change in this dynamic? Well, from the outset it looks a little bit intimidating because, of course, the Chinese Government has made sure that very few people really know about Liu Xiaobo. From the outset the Chinese Government, after the announcement of Liu Xiaobo's Nobel Prize, state media was silent. Chinese Central Television, Xinhua, said nothing. Even the nominally independent Phoenix Television in Hong Kong chose not to make any statement about that. The Chinese Government didn't make any statement, which means the vast majority of Chinese people who are dependent on state media for their information didn't know until the next day. And that was a short, terse statement from the Ministry on Foreign Affairs that identified Liu Xiaobo as a criminal and referred to the Nobel Prize award as profane.

Now, since then the Chinese Government has only ramped up its propaganda offensive against both the Nobel Prize Committee and Liu Xiaobo. In short order, on the 14th Xinhua ran an article describing the Nobel Committee and the Nobel Prize as a "political tool." A few days later we had a Xinhua report describing the Nobel Prize—Nobel Committee as politically motivated, as politically biased. And then things really changed, and they really ramped it up on October 28. Xinhua ran a fairly sophisticated, almost a Fox News style "expose" of Liu Xiaobo called "Who is Liu Xiaobo?" And what it was, was a selection of quotations allegedly taken from a 30-year plus writing career which appeared to show Liu as someone who disrespected Chinese culture, as someone who appeared to be in the employ of foreign organizations working against China.

Now, what does that mean? Well, what it means is that to a large extent the information that people get about Liu Xiaobo is pretty negative. But what's interesting is, we know that activists in China, in Beijing, have gone out onto the streets of Beijing, have gotten onto buses in China in Beijing and asked people, do you know about Liu Xiaobo? Have you heard about the Nobel Prize? To a large extent in the days after they didn't know. And the reflex answer from most people was that they were proud that a Chinese person had been honored in this way by an international organization with a prize as auspicious as the Nobel Prize.

And the second thing is that even if they disagreed, if they knew something about Liu Xiaobo, had some idea of the media's smear campaign against him, they expressed support for his willingness and his right to express his ideas. So what does that mean?

Well, looking farther down the road, we're looking at this idea of this debate that this award is prompting within China. Now, I think—and in the long-term we're probably going to see this, is that this attention the Chinese Government has placed on Liu Xiaobo, this vitriol is inevitably going to pique curiosity amongst people who have access to the Internet, who have Internet circumvention techniques so they can get information that's not state controlled, to find out more about him. Which means inevitably his ideas and the ideas embodied in Charter 08 are going to be disseminated far more widely.

The second idea is, the Nobel Prize indicates, and the Chinese Government's reaction to it really shows how the Chinese Government miscalculated badly. This has really put the Chinese Government on the back foot. They did not expect this. They thought that when they dispatched a senior foreign ministry official to Norway to intimidate and browbeat the Norwegian government into not allowing the Norway Committee to give Liu the Nobel that they had won. But that hasn't happened. And the fact that this has happened has given an attraction for people within the government or the elites in society to express support for Liu Xiaobo and the ideas in Charter 08.

One excellent example is within days of Liu's Nobel a public letter issued by 23 senior retired, former Communist party officials and intellectuals called Liu a splendid choice and called on the government to end its censorship regime.

So these are—this is the beginning of a trend that we're going to see. Obviously the Chinese Government right now there's going to be discussion between moderates and the people who really fought for and won in terms of punishing Liu Xiaobo. There's going to be discussion in terms of how this can be handled.

What the Liu Xiaobo Nobel has created for the Chinese Government is a running sore that's going to continue as long as he is imprisoned, as long as there's a new story that refers to imprisoned Chinese Nobel Laureate Liu Xiaobo this is a huge embarrassment for the Chinese Government. So the Hu Jintao/Wen Jiabao regime is passing on a real toxic legacy to the next group of leaders in 2012 that's going to force this new leadership of Xi Jinping and Li Kejiang to do a cost benefit ratio of whether it's worth keeping him in prison in the short-term and the long-term in terms of their damage control. And in the longer term it's going to hopefully provoke more debate and more openness in the Chinese Government and more support for rule of law and obeying and respecting laws and the same principles in China's own Constitution that Liu Xiaobo has advocated.

Thank you very much.

[The prepared statement of Mr. Kine appears in the appendix.]

Chairman DORGAN. Mr. Kine, thank you very much. We appreciate your being here.

I wanted to mention at the outset a couple of things. Number one, this Commission, the Congressional-Executive Commission on

China, maintains the most extensive database of those who are imprisoned or those who have been affected by actions of the Chinese Government and we have a database of 5,500 Chinese citizens, 1,400 of them are currently detained or in prison, the remainder have been released, have escaped, have finished their terms, or died in custody. But we have maintained this extensive database which we think is very important in order that the world know that these are people who are not forgotten.

And we have testimony here about the Internet, the difficulty that the Chinese Government is now having keeping a lid on the free flow of information. The extensive efforts they have made to censor the Internet traffic in China. And at a previous hearing just some months ago, we had a hearing at which we had representatives of Google, representatives of a company that registers domain names and others to talk about this very issue because I think that, perhaps more than any other issue, is going to determine what happens inside China. Are they able to effectively, in this new age of communications—are they able to effectively, for a long period of time, contain the information they want to contain behind the curtain? I think not.

But I have a lot of questions here and I know my colleague will as well when he is back.

First of all, Mr. Appiah, do you know Liu Xiaobo?

Mr. APPIAH. No, I don't. I mean, we communicate, usually, through the independent Chinese PEN Center of which he's the ex-president and through in particular, Tienchi Martin-Liao who is their current president. She's an exiled Chinese writer.

Chairman DORGAN. Is he able to communicate, and if so, how can he communicate while he's in prison?

Mr. APPIAH. Not now. I mean, he was. His wife, Liu Xia, was visiting him regularly, as you know, as I mentioned, she's not been seen since the 20th of October by anybody. So we don't know when she'll be able to meet him next. But she was able to tell him about the prize. She was able to go and tell him. And he, in a characteristic way, I think, responded by dedicating it to the—what he called the martyrs of Tiananmen and also weeping.

Chairman DORGAN. Now, a number of you have made the point that Premier Wen has made certain statements and representations that seem pretty unusual and nearly unbelievable given the circumstances. But you've also indicated that the Chinese Government itself has taken steps to censor those expressions. Can you give me a little more information about that? What do we know about that censorship? Just that steps were taken to try to prevent most of the Chinese people from hearing what Premier Wen said, is that—

Mr. APPIAH. Well, the parts—I mean, you quoted, I think, from an interview that he did on CNN—

Chairman DORGAN. Yes.

Mr. APPIAH [continuing].—with Fareed Zakaria. I believe that the parts—those parts of that interview are not available in the transcription that the Chinese people can see. So—

Chairman DORGAN. And then we conclude from that that the Chinese Government has affirmatively decided to exclude them, is that—

Mr. APPIAH. Yes, I mean, it's part of the sort of irony of the present situation. Because there's a dispute going on between the various positions within the regime it's possible that they don't, you know—as though one part of the apparatus can decide that it doesn't want another part of the apparatus to be seen within China and so they may have asked him, they may not. But they certainly have took it off the—

Chairman DORGAN. Dr. Economy, did you want to—

Ms. ECONOMY. I would add that Southern Weekend ran a summary of Premier Wen's interview with Fareed. Hu Shuli from Caixin has referenced his remarks openly. While the full text may not be available easily to the Chinese public there are ways to go around the firewall and get access to CNN or many other sites with access to the full set of his remarks. There have been media in China that have referenced it and talked about what he said. In some forms, his remarks are in the public domain.

Chairman DORGAN. And it represents the internal struggles. Let me ask about corruption. You indicated that the reforms that some leaders in China want are to root out corruption. What kind of corruption are you referring to?

Ms. ECONOMY. Corruption is at the root of virtually any challenge that China faces today. If you're looking at land appropriation, environmental protests, or other social instability throughout the country, the issue that's driving it fundamentally has to do with officials behaving corruptly, whether appropriating money or appropriating land. The government recognizes this and there is some effort by people to campaign against corrupt officials by rooting them out wholesale. Increasingly, however, those in the Chinese Government are realizing that the way to root out corrupt officials is, again, by working with NGOs, offering public disclosure of data, and working through public consultation.

So Beijing is beginning to try to find a way—still by maintaining the primacy of the party—to increase transparency and official accountability within the system.

Chairman DORGAN. Would corruption include the judicial system that decides to send Mr. Liu to prison?

Ms. ECONOMY. Absolutely. In many instances protests within China don't simply occur because something happens to somebody one day. Oftentimes protests come after groups of people have already sought redress through the legal system to no avail. The protest may come after one or two years' worth of seeking redress, until people's frustrations erupt.

Chairman DORGAN. It's interesting, I was in Hanoi, Vietnam at one point and met, among others, the Chamber of Commerce, American Chamber of Commerce, AmCHAM, and the American Chamber of Commerce in Vietnam had a very unusual message for me. They said, "We need more government." Not something you hear from Chambers of Commerce very often. And I said, "What do you mean by that?" They said, "This is a country that's a Communist country attempting to develop a market system. But in order for a system to work, you've got to have government. You've got to have administrative practices and, you've got to have courts that will enforce contracts." They went through a whole series of things. And it is the case that you need all of that and you need

to have confidence in that before you risk your investments and so on.

So, that happened to be Vietnam. I assume the same circumstances exist in China as it moves with a Communist government toward a market system. It's now moved in that direction for a good number of years.

Mr. Gilley, you indicated that the issue is for us to respond thoughtfully to China. And I guess I want to try to understand, because you indicated that you have an effervescent sense of optimism that things are going to change and ultimately the Chinese people will throw the boot off their chest—the boot of Communism off their chest and we will see some other kind of approach that moves more in a democratic system. What—and maybe you're right. I don't know. I mean, I think we need to continue to try to hasten that along to the extent that we can through our sets of policies. But what is your view of how we respond thoughtfully to the Chinese—the current Chinese Government?

Mr. GILLEY. Great question. First of all, I think it's important not to mistake efforts, namely the efforts of the regime to censor, to jail a thousand people, for the overall state of information or political freedoms in China. Indeed, the efforts are a response to the increasing inability to manage information.

If human rights were as bad today as they were 20 years ago, I would guess that a third of the population would need to be jailed for what they do today. So the regime—the response of the regime can't be mistaken for what's going on in China. It's precisely because they've lost the ability to control information. They've lost the ability to limit discussions of political reform, human rights. People like Qin Xiao, prominent retiring Chairman of China Merchants Bank, one of the five major state banks, goes to Xinhua University last—in June and issues a clarion call for implementation of universal values, human rights and democracy. So the important thing to do is to not mistake—

Chairman DORGAN. Did anything happen to him?

Mr. GILLEY. No. No. He's now a hero and is widely discussed and is making a second career now as an advocate of universal values and human rights in China.

Chairman DORGAN. Might you think if he threatens the government of China might they decide that he should join Mr. Liu?

Mr. GILLEY. I'd say if he organizes a group he might find himself in trouble. But the idea of saying that is acceptable, that that speech is widely available online. And I must say Wen Jiabao has been calling for political reforms, democracy, and human rights since at least 2007 when he issued a People's Daily editorial on that topic. Earlier this year he issued a memoir essay on his time with the Party General Secretary Hu Yaobang—Hu Yaobang has been a person who is not discussed publicly for many years. He's now been rehabilitated in part because of Wen Jiabao. So parts of Wen Jiabao have been censored. And I think that the censoring of his speech in Shenzhen was simply because the Party General Secretary Hu Jintao was coming the next week, and it was his speech which was going to be the official speech. Lots of pro-reform statements from Wen Jiabao are easily available to Chinese Internet readers and online readers.

So my point is that it's precisely because they've lost control of the ability to manage political speech and information that we see this stepped-up effort to try and plug the holes in the dam. But we have to focus, I think, on what's happening to the dam rather than the holes they're trying to plug. So my question is how to respond thoughtfully? Well, this has to do with how we view China internationally and being aware that policies we adopt with respect to China's international posture, it's security posture in the South China Sea, it's security posture with respect to Taiwan, it's currency manipulation. That we have to think carefully about the implications of those policies on domestic reform in China and in part to realize that Chinese people are less interested and indeed don't want their country to become an international pariah.

It's exactly as Mr. Kine has said, they're very proud to get the Nobel Peace Prize, they want their country to be a respected country. And responding thoughtfully for China means in some ways trying to respond to China's need for respectability and for acceptance, and that's really what is driving the international politics of China.

Now, how you do that in concrete terms we can discuss for a long time. But the point is that just as we in some ways mistook what was happening in the Soviet Union in the 1980s, we're in danger of mistaking what's happening in China today.

Chairman DORGAN. I have a couple of more questions then I'm going to call on my colleague. I would observe that there is no question that things have changed in China for the vast majority of the Chinese people in a positive and beneficial way over the last 20 years. There's no question about that.

I would also observe that the issue of human rights is for Mr. Liu or Mr. Gao or others as bad as it was 20 years ago today because in both cases—in Mr. Liu's case he's in prison, we're not quite sure what they've done with Mr. Gao at this point. But for those for whom the Chinese Government has decided to take action and trump up charges and throw them in a dark cell somewhere, and not to be heard from by the rest of us, the human rights situation is abysmal, not changed at all.

Mr. Kine, you talked about that there's even some support among government officials and then you described some retired government officials which is a little different. You were talking about statements by some retired government officials. I assume the testimony we've heard from others here is that inside the Chinese Government itself they are struggling to try to determine where are we headed and how do we contain what we know to be the most significant threat to our regime and that is the free flow of information and what it does to incite the thirst among the population for freedom and the capability of free speech, human rights and so on.

So, give me your assessment of what you think is happening inside the government?

Mr. KINE. Excellent question. I'd like to start by echoing what Mr. Gilley said, and your comments, you know, we are the first to say that things have changed for the better over the last 20–30 years in China in terms of human rights. It's a much better place. But I think moving into your question, the record really shows that

from early 2007 human rights in China have really been under attack. And what we've seen and what we have documented and what you have documented in this Commission is that it appears that within the government that the security agencies have been in the ascendant. This is a—probably a result of both the government's response and shock at the ethnic unrest in Tibet in March 2008 which was compounded by the bloody ethnic violence that occurred in Urumqi, Xinjiang in July 2009. So to a large extent this means that the government's response to citizens' legitimate quest for access to human rights, and particularly those with high profiles who are seen as threatening as with reference to those with the comments who might be able to form movements or groups have been targeted—high profile dissidents.

I think it's important to note that reform in China—it's really not—it's not rocket science. I mean we can talk about it for days, but the bottom line is we're talking about rule of law. We're talking about the Chinese Government respecting its own laws, respecting the tenets and the principles embodied in its own constitution. It's not something the United States, the EU, or the international community is trying to impose on China. It's China's own laws and principles.

So I think the important thing for us to realize is that what we're dealing with in terms of this idea of reform and what's going on in the government is overall the—you know, the overarching main concern and obsession of this government which is the world's first evolutionary Communist Party is maintenance of power. They want to maintain their 61-year monopoly on power and they will do anything that they need to get that done. And so in terms of—so are there voices? Are there more moderate voices from the government? Obviously.

Okay. Are they in the ascendant? Absolutely not. This is a government that, as you can see from its furious reaction to the Nobel Peace Prize of Liu Xiaobo, something that, to a large extent could have not gone away, but could have been much better handled if they'd just shut up about it. You know, this indicates a government that is not particularly confident, that is concerned about where it's going and what the threats are to its own power.

So in the end what does that mean? It means that reform in China comes down to the same meaning, the same currency as words like harmony and stability. These are shorthand for mechanisms for the Chinese Communist Party to identify potential threats to its power, to target them, to silence them and to make sure that they maintain that power.

Chairman DORGAN. One last question then I'll call on Congressman Levin.

Ms. Economy, I think I've heard two different views here, one Mr. Kine says we have a Communist government—a government that is going to do everything it can to retain its power. And I think Mr. Gilley's feeling is it is inevitable over time that things will change in China in the direction of greater human rights. Your assessment of those two issues.

Ms. ECONOMY. I think they're both right. As I suggested earlier, the party's efforts at reform are largely toward modernization. How do we make the party more effective? How do we bring in trans-

parency and official accountability, and to some extent the rule of law without challenging our own authority for the next 60 years? At the same time, I think Dr. Gilley is right that looking ahead, it is going to be impossible for them to do that. This is in large part because there are forces within the Party that think differently.

As for the media as a whole—one of the interesting things about that group of retired officials, if you look at the list of signatories that sent the letter to the Standing Committee of the National People's Congress—calling for freedom of speech and an open press, you will find many former senior media officials, people who 15 or 20 years ago we would have thought were the ones responsible for controlling information. You can see that some place deep inside them, even as they were controlling information, they actually were interested in releasing more information.

It is therefore difficult for us to assess what people are actually thinking, believing, and arguing for behind the scenes, when based solely on what we see in public documentation. Because of the Internet, because of domestic pressures emanating, and because of forces within the party, I do think that Dr. Gilley is right. There is going to be change.

Chairman DORGAN. Thank you very much. Prior to this Congress the lead on this Commission was Congressman Levin. He's done a lot of work in this area and a lot of really good work. So Congressman, it's good to see you here.

And I'd just mention to you that Dr. Appiah, as I mentioned in his introduction, is one of those who had recommended Liu Xiaobo for the Nobel Peace Prize. I'm sure he must feel pretty good about that recommendation. But I appreciate your being here. Why don't you proceed?

Representative LEVIN. Thank you, Mr. Dorgan. I'm so glad that you called this hearing. And you've been so devoted to the work of the Commission. I prepared an opening statement which I, of course, will not read, and I ask that it be submitted for the record.

Chairman DORGAN. Without objection.

[The prepared statement of Representative Levin appears in the appendix.]

Representative LEVIN. I do in the statement cover this imprisonment of Liu Xiaobo. And also I talk about the work of the Commission and I thank the increasingly valuable, if I might say, invaluable work of the Commission and all of its talented staff. And I discuss to some extent the database, the political prisoner database which is increasingly utilized and I think validates its creation.

But let me just ask a question. I'm sorry I have to kind of pick up at this point. I said at the beginning of my statement that Liu Xiaobo's imprisonment is a personal tragedy, a national shame, and an international challenge. So let me just follow up, I haven't been to China now for quite a few years. And you've said, some of you, that they seek international respectability, and also that it's a much better place for human rights—much better.

I don't know how all of this fits together. If they seek international respectability and imprison somebody who is speaking up and expressing his views, I don't quite know how they expect to attain international respectability.

And number two, if it's really a much better place, I don't know how that fits into this imprisonment because I think the signal that it sends is that if anybody speaks up and is likely to make a difference, you'll end up in prison. And in terms of the international challenge, I think all of this graphically raises the question as to what we do. So I think you've already covered some of this ground, but how does this all fit together? And why don't we go right to left?

Thank you very much for coming.

Mr. KINE. Thank you very much. Thank you for your question. Let me start by talking about, yes, what is this, there seems to be some contradictions here.

Well, let's take a look at the record. I mean, 20–30 years ago what rights do Chinese—most Chinese people—Chinese people have that they didn't have back then? Well, now human rights is now enshrined in China's Constitution. People are able to—

Representative LEVIN. It was in the Soviet Constitution, too.

Mr. KINE. People are able to legally buy and own property. Okay. People are able to have passports and travel. People are able to access at least portions of the Internet. People have freedom of internal mobility which they did not have, to the extent of which they didn't have 20–30 years ago. So I think the key idea to remember in terms of how things have changed, but how things seem not to have changed with Liu Xiaobo's imprisonment is that there are red lines and gray lines that citizens are not supposed to cross. And so the unspoken compact that the Chinese Government has made with the Chinese people in the 30 years of reform and opening is that you can go out, prosper, multiply, make money, but be quiet. Don't push the envelope in terms of asking for rights in terms of voting, elections, don't ask us to do things that could make us think that you're a threat to our maintenance of power. So this is the dynamic that we're looking at.

Representative LEVIN. But some of those references are really more to economic rights than to human rights.

Mr. KINE. Exactly. But to the vast majority—to most Chinese people you have to remember that, you know, this is—the 20th century was an absolute catastrophe for the Chinese people. We've had the civil war, the Great Leap Forward, the Cultural Revolution, you know, Chinese people are at a place now where they've had extended peace, an extended period which has been absent of the dreaded chaos which haunted their fathers, their grandfathers. So they are grateful and they understand that this is a special time. And they are willing—to a large extent most Chinese people are willing to accept that status quo.

Representative LEVIN. I mean, that's—we could discuss that, but that isn't quite the same as saying it's a much better place for human rights. I mean, the fact that they can move, the fact that they can get a passport under certain circumstances doesn't—and the fact that these changes are popular with the people—that all doesn't mean that in terms of human rights it's a much better place. Unless your definition of “human rights” is so broad that it encompasses virtually everything. I mean, it's surely a better place economically for huge numbers. But I think his imprisonment real-

ly sends the signal that, in terms of the basic human right of expression, it isn't a much better place.

Mr. KINE. I think it's significant to—and I don't want to look like I'm defending the Chinese Government's human rights record, but I think that it's significant that we're talking about one person who obviously is emblematic of wider abuses, but the fact is that we no longer see except in areas such as Tibet and Xinjiang, you know, mass arrests. To a large extent most Chinese citizens don't need to worry about the general issue of kicking in the door just for sitting around the kitchen table criticizing the government. It's only when they cross these red and gray lines, when they start to mobilize, or look like they are forming networks or groups which could be seen as a threat to the government, when they cross that line and are under a threat and under persecution.

Representative LEVIN. Of course, in Myanmar it's "just one person," and she symbolizes what's true for anybody who tries to do what she did. And doesn't his arrest, his imprisonment with essentially the house arrest of his wife indicate to citizens throughout China, if you try to do anything like he did, you'll have the same fate?

Mr. KINE. That's the message in the lesson, exactly.

Representative LEVIN. So therefore, it isn't necessarily a much better place for human rights?

Mr. KINE. You know—

[Simultaneous conversation.]

Mr. KINE. I think the key message is that we really need to look at China realistically. And I think that we need to give the Chinese Government credit where credit is due in the sense that life is much better for the vast majority of Chinese people than it was 20, 30 years ago. It is no longer a totalitarian state in which millions are in poverty and which millions are subject to forced migrations. I mean, if we're going to talk about changes over time, that's what we need to discuss. I'm happy to talk with you all day about the abuses that are occurring in China today. But when you ask for a comparison from past to present, it's really important to say things are better for the vast majority of Chinese people. People no longer—to a large extent don't live under a sense of palpable fear. Okay. They don't. The vast majority don't. It's only those who push the envelope who violate this unspoken compact and want access to those rights and freedoms which we at Human Rights Watch and which you here on this Commission advocate for so strongly, freedom of media, freedom of association, freedom of expression. Those are and remain bit problems in China. But the status quo today is far better than it was 30 years ago and it's important to recognize that.

Representative LEVIN. I think we do. But the essence of this hearing is those issues that you mentioned. We're not discussing their economic policy.

[Simultaneous conversation.]

Representative LEVIN. Who else wants to chime in? Go down the line.

Mr. GILLEY. I think we can restrict ourselves to political and civic freedoms and note that there have been vast improvements. More than 1,000 people signed Charter 08 and continue to go about

their daily lives without interference or police surveillance of any sort today. So for those people the right to express support for that charter has been realized. That's political expression. There are——

Chairman DORGAN. Can I just—I apologize for interrupting——
[Simultaneous conversation.]

Chairman DORGAN. Could I ask a question on that point? I thought I had heard previously in the testimony that about 100 of those who have signed have been detained or have been otherwise tracked by the government. So, I mean, if you've got 1,000 people that sign and 900 are not bothered, but 100 are detained, that's really not progress; is it?

Mr. GILLEY. Well, I think—I don't know what the numbers—a number of people were questioned, brought in, asked, put under surveillance, I think the number of people who have been imprisoned for their part in Charter 08 is, I believe, a few, including Liu Xiaobo. To me if that number of people can issue support for such a clarion declaration of liberal democracy, that is—that is something they could not have even imagined doing 10 years earlier.

Second of all, I think you have to think carefully about the policy toward Liu Xiaobo. The likely end game for him is exile. And I think from his standpoint that would be a wonderful outcome, he would be able to live freely and express himself.

Representative LEVIN. Why don't they do that tomorrow?

Mr. GILLEY. I think they will shortly. I mean, I don't know, this year, next year. But they do crave international respectability. Liu Xiaobo will continue to be a thorn in their side. They will calculate, as they did previously with people like Wei Jingsheng that it's simply not worth it. They know that exile implies irrelevance for Chinese dissidents and he'll be sent abroad.

That will respect—that will reflect a sensitivity to international opinion. It will also reflect the fact that they're aware of how easy it is to marginalize dissidents through exile or silencing. The point is to keep in mind that this gray line has to do with forming an organization that could challenge the party, challenge its leadership. That's the line that hasn't moved. Of course it should move. International human rights suggest China is under obligation to not jail people for organizing peacefully. But, nonetheless, represents a substantial increase in freedom compared to 20 years ago.

You asked about international policy. All I'd say is, my point is, the important approach to China that we need to adopt is to maintain consensus with allies in dealing with China on international issues. So we're careful, and I think the administration has done an excellent job on the South China Sea in acting with our allies in Southeast Asia in standing up to China's territorial claims in that region, making sure that that is seen not as a U.S. policy, but as a regional policy, a regional response. Likewise in our treatment of human rights in China, we need to be aware that we have allies in particular in the rest of the Western world who have similar concerns and work in coordination with them in dealing with China.

The point is not to reestablish a cold war mentality, or more specifically allow China to use a cold war international opinion climate to justify continued repression at home.

Representative LEVIN. In terms of cold war climate, I think there's agreement. But you can use that argument to essentially respond very little.

All right. Let's keep going.

Ms. ECONOMY. I'll briefly address each of your three questions. First, how does China balance its desire for international respect with its decision to imprison a Nobel Peace Prize winner? I think it weighs the costs and benefits. In the case of Liu Xiaobo, the challenge to its own rule outweighs its desire for international respect. It's a simple calculation. In the eyes of China's leaders, it's far better to imprison Liu than it is to let him speak freely for the sake of international respect.

Second, is the situation in China better now than it was 20 years ago? We've heard good argumentation for why it is in terms of the expansion of economic opportunities. It would be interesting to look at what was going on between 1986 and 1989 in terms of the flowering of ideas. This was the time of Zhao Ziyang, and in 1987 there was a movement during the 13th Party Congress toward political reform, marking the first time there was a slate of ideas put forward on political reform.

All the arguments here are probably correct. I think it's worth a serious look, however, to think back 20 years or so at the ideas that were flowering about political reform and compare that to what's happening now.

Finally, what do we do? In my written testimony and oral remarks, I make four recommendations. One, individual support for people like Liu Xiaobo or Hu Jia and others; the United States has to continue to press when President Obama and Secretary Clinton meet with their counterparts. Second, continue to work on all of those programs that promote transparency in the rule of law and we have a lot of them underway now.

I was just talking with Jennifer Salen, who works for the American Bar Association, and those rule of law programs are hugely important.

Dr. Gilley is correct that we have to be careful not to box China into a corner. Putting pressure on China is important, however, because China responds to pressure. If you don't pressure them, if you step back, they will take full advantage and press forward. Indicating to China, for example, that what they do domestically has global ramifications is important. We need to point that out continuously.

Last, it's been interesting to see how the Chinese press has reported on elections in Vietnam or Burma/Myanmar. To the extent that we can push forward on political reform in other Asian countries, in particular, that also will bring pressure to bear on China because it's embarrassing to them.

Mr. APPIAH. Thank you very much, Cochairman, Congressman Levin. I just wanted to say a couple of things. One is, it is important, I think to mention, by name, the people who are currently being harassed as a result of the Nobel Prize in particular. So I want to mention that Guo Xianliang in Guangzhou is actually under criminal charge now for inciting subversion of state power for circulating that document that I asked to have entered into the record. So there's a real—there are individuals here and also Ye Du

or—well, his pen name is Ye Du, his real name, as it were is Wu Wei, who is the network committee coordinator and Internet expert for the Independent Chinese PEN Center which is the corresponding organization to ours in relation to China has been taken in for questioning, his house was raided, they confiscated PCs and CDs including information about a Congress that I had the honor of attending on behalf of the American PEN Center in Tokyo a month—a week before the Prize where we—all of us from 100 countries voted for a resolution condemning the Chinese Government for its treatment not just of Liu Xiaobo but of named other people. I mean, some 10, a dozen, 20 other people whose names we know who have had their fundamental rights of free expression limited in one way or another. There's more than one member of the ICPC in prison today essentially for free expression offenses. So I think it is important to underline the point that not just—it's not just Liu Xiaobo as you said, you have a list of 1,400 people in prison, but just in relation to his Prize, there are people who are currently under criminal charge simply for circulating the information, the truth, that he won this prize.

On the question of sort of what we should be doing, I'm a philosopher and not an expert on foreign policy, but I happen to have written a book recently about the ways in which foreigners influenced China in the late 19th century and I do think this question of—this question of holding the regime's feet to the fire about Chinese honor, about the respectability of their country, there's a historical precedent for thinking that that will work eventually. It worked with foot binding in the late 19th century and early 20th century, I believe. It's arguable that it worked in relation to opium there though the issues there are somewhat different.

So I think that this is very important. I'm an American citizen, but I have three sisters who are not and they live in three different African countries and in every one of those African countries China has interests that have to do with economic interests. And they're trying to mine in these countries to take resources out of them and they need to be well respected in order for those countries, some of which are seriously democratic places, like Ghana where my youngest sister lives, the people care—ordinary people care about whether they're dealing with a government that's respectable, that's worthy of respect. Ordinary people in these places care.

To the extent that we can make it clear to those in the regime who are resisting change that this will be extremely costly to them, not just in their dealings with us, though that should matter to them, but in their dealings with absolutely everybody in the free countries of the world. I think that's something that we can do and it will resonate because Chinese people care about China being respected as has been mentioned all the time, as Americans care about the United States being respected, of course. It's a normal part of the psychology of someone who cares about her country. So I believe that that's a very powerful weapon. And I don't think we should back off. It's perfectly consistent, both to do that and to say, that is not a cold war issue, we are not—we don't hate China, this is about caring about the Chinese people. It's not about being against them, it's about being in favor of them. And it's about helping them to move forward. In the end they will only move forward

if the Chinese people themselves are allowed to or choose to or mobilize themselves to move forward. But we can help as we have helped in the past and as this country was helped in our revolution by people from outside the colonies.

This happens all the time in world history. All the time people in one place can help people in another place move forward. And I believe we should do that, we should stick with that, we should not back off because we're worried about their threats to make us pay costs in terms of trade or something. They can't afford to do that really and it's very important, I think, that we stick to our principles, principles that are universal principles and principles that are largely present in the Chinese Constitution itself. Though, of course, the Chinese Constitution does protect the privilege of one party which is not something that I believe should be part of our international practice.

Chairman DORGAN. You know, I'm thinking about our response to apartheid and the years in which we very aggressively, in most cases, said we will not sit idly by and say it doesn't matter. It does matter to us and we'll take appropriate actions and apply appropriate pressure to the extent that we can, whatever mechanisms we have to try to affect change.

I was thinking also about the gray line you just described about organizations that the Chinese Government might well think could threaten them. And in the case of Mr. Gao who we have worked on and discussed at some length, he was not forming an organization. He was a lawyer who was supporting in court and taking cases for people who were charged with human rights violations. And so that's a circumstance that's well outside of the gray line that you've described.

It's really interesting to me and I suspect to Congressman Levin to listen to four people who study an area intensely, understand it in substantial detail, we have the attention span of gnats, you know, we just—in the Congress. We try to learn as much as we can and try to keep up with a lot of issues, but 100 issues come at you in a week. So we're not Asian scholars. We're not working in areas where you work. But your ability to come and give us perspectives from four different points on the compass, as Asian scholars, is really interesting to me. I mean, there are differences, obviously, nuanced differences in how you interpret and make judgments about things. But this has really been interesting for me to be able to hear your presentations today. And some of you have come some long ways to be here and I admire—I didn't mention how much I admire Human Rights Watch. You know, I don't—I don't know how much money you make working for them, but my guess is you've not chosen a life of wealth, you've chosen a life of advocating on behalf of an organization and people around the world. I just—I admire all that you do—all four of you, and the work that that represents.

I do want to just finally mention today that Charlotte Oldham-Moore—if I get her name right—has worked with me for some while—some long while as the Staff Director of this Commission and has now left and is now working in the State Department. And she's going to do well there as well. She's an extraordinary talent and this Commission was very blessed to have her work with us.

And Doug Grob is similarly someone who has been Staff Director for us and will now continue in Charlotte's stead. Doug does extraordinary work. So we've got a couple of people plus a larger staff, all of whom speak Mandarin, all of whom study what is happening, trying to understand for this Congress and interpret for the Congress and the Executive Branch what are the changes, what are the nuances, what can we expect? What does it mean? What are the hints that we get?

I think all of you have said, properly so, China is going to be a significant presence in the life of the United States going forward. The question is, what kind of presence and to what effect? And so for someone to suggest we take our eye off this, we'd be fools. We need to—we're going to live in a future and in a life with China as a significant presence and it's in all of our interests to try to pressure and prod and continue to apply the right kind of approach to move China in the right direction.

Congressman, I said when I started, there's only one reason that I wanted to hold this hearing today. And that is because the Chinese authorities have a Nobel Peace Prize winner behind a prison door. And that ought to be a profound embarrassment to them. And to the extent that we can hold up for the world the absurdity of that circumstance I want to continue to try to do that.

Mr. Gilley may well be right that they may exile Liu Xiaobo, I don't know. But my hope is that whatever the fate of Mr. Liu Xiaobo, whatever his fate, I hope that very soon he's released from a Chinese prison. This man ought to be celebrated, not imprisoned.

So, let me thank all of you. Congressman, thank you very much and this hearing is adjourned.

[Whereupon at 12:03 p.m., the hearing was adjourned.]

APPENDIX

PREPARED STATEMENTS

PREPARED STATEMENT OF KWAME ANTHONY APPIAH

NOVEMBER 9, 2010

Chairman Dorgan, Co-Chairman Levin, Members of the Commission:

My name is Professor Kwame Anthony Appiah, and I have the honor of being President of PEN American Center. I am very grateful for the invitation to speak to you today. Our center is one of the 145 centers—in more than 100 countries—of International PEN, the world’s oldest literary and human rights organization. For nearly 90 years we have sustained fellowship between the writers of all nations and defended free expression at home and abroad. More recently, we have worked with particular assistance from our colleagues in the Independent Chinese PEN Center (ICPC), to advance the cause of free expression in China. Part of this effort has involved supporting our colleague Liu Xiaobo, who served as President of ICPC from 2003 to 2007, held a seat on its Board until late 2009, and remains an Honorary President. In late January 2010, in connection with our support for him and the cause of democracy in China, I wrote to the Norwegian Nobel Committee, to urge them to give serious consideration to him as a candidate for the Nobel Peace Prize. I was not, of course, alone in doing this. Vaclav Havel, President of the former Czechoslovakia, and Nobel Laureate Desmond Tutu of South Africa, among many others, made similar appeals. If I may, I would like to summarize briefly the arguments I made in that letter on behalf of my organization.

On December 25, 2009, a Beijing court sentenced Liu to 11 years in prison and an additional 2 years’ deprivation of political rights for “inciting subversion of state power.” This so-called incitement, the verdict made clear, consisted of seven phrases—a total of 224 Chinese characters—that he had written over the last three years. Many of these words came from Charter 08, a declaration modeled on Vaclav Havel’s Charter 77 that calls for political reform and greater human rights in China and has been signed, at considerable risk, by more than 10,000 Chinese citizens.

Liu Xiaobo has a long history as one of the leading proponents of peaceful democratic reform in the People’s Republic of China. A poet and a literary critic, Liu served as a professor at Beijing Normal University and was a leading voice and an influential presence during the student protests in Tiananmen Square in 1989; indeed, his insistence on nonviolence and democratic process are widely credited with preventing far more catastrophic bloodshed during the subsequent crackdown.

Liu’s writings express the aspirations of a growing number of China’s citizens; the ideas he has articulated are ideas that are commonplace in free societies around the world, and while the Chinese government claims they are subversive they are shared by a significant cross section of Chinese society. Charter 08 itself is a testament to an expanding movement for peaceful political reform in China. This document, which Liu co-authored, is a remarkable attempt both to engage China’s leadership and to speak to the Chinese public about where China is and needs to go. It is novel in its breadth and in its list of signers—not only dissidents and human rights lawyers, but also prominent political scientists, economists, writers, artists, grassroots activists, farmers, and even government officials. More than 10,000 Chinese citizens have endorsed the document despite the fact that almost all of the original 300 signers have since been detained or harassed. In doing so they, too, exhibited exceptional courage and conviction.

We all recall the period of the Cultural Revolution, in which millions were uprooted, millions died. We should acknowledge that there has been substantial progress from that horrendous nadir. We know, too, that there are voices within the regime, urging greater respect for free expression. China wants—and needs—to be heard in the community of nations. I—and all of my PEN colleagues—believe in a cosmopolitan conversation in which we hear from every nation. But we also believe we must let China’s rulers know that we can only listen respectfully if they offer to their own citizens the fundamental freedoms we all claim from our governments. This is the right moment for the world to show those in China who do not understand that history is on freedom’s side that all the world’s friends of peace and democracy are watching. And that is why this was the right moment to give this peaceful campaigner for democratic freedoms the Nobel Peace Prize.

Since the announcement of the Peace Prize, the government of China has behaved with exactly the sort of contempt for the rights of her people that Liu has long protested. The Chinese Communist Party has demonstrated that it remains unfortunately willing to revert to its most unattractive traditions.

The Chinese government blacked out television broadcasts on CNN and the BBC and the French station TV5 that reported Liu's Nobel Prize. They censored sites on the Web that mentioned him or published Charter 08. Indeed, comically, they have censored references to free expression in the recent speeches of Wen Jiabao. Much less comically, they have harassed Liu Xia, Liu Xiaobo's wife, destroying her cell phone, surrounding her house and placing her effectively under house arrest. Her friends and family have not been able to be in touch with her since October 20th.

The Chinese authorities have also stepped up pressure on members of the ICPC as part of their campaign to limit information about the awarding of the prize. Since the prize was announced on October 8, dozens of ICPC's China-based members have been visited by police and harassed and several of its leading members are living under virtual house arrest. On November 2, Wu Wei (whose pen name is Ye Du), ICPC's Network Committee coordinator and the organization's webmaster, was summoned for questioning by the Guangzhou Public Security Bureau after Internet writer Guo Xianliang was arrested for "inciting subversion of state power" on October 28 for handing out leaflets about Liu's Nobel. Police reportedly believe that Wu Wei is behind the leaflets, and he stands accused of "disturbing public order." He was questioned for four hours and his home was raided. Police confiscated two computers and information from PEN's annual international congress, which took place last month in Tokyo, Japan, including a video clip that was shown at the conference of Liu Xia reading a letter from Liu Xiaobo, as well as a video about ICPC that included clips of Liu Xiaobo speaking about freedom of expression in China in 2006.

On November 4, exiled poet Bei Ling, who is a co-founder of ICPC and recently wrote movingly about his friend Liu Xiaobo in a Wall Street Journal editorial, arrived at Beijing International Airport on a flight from Frankfurt for a brief stopover on his way to Taipei, where he was invited to participate in a discussion at Dongwu University and stay as a writer in residence. He was met by 20 police officers as soon as he disembarked and was taken to an empty room at the airport, where he says he was questioned for two hours and told that someone high in the government ordered that he not be permitted to travel on to Taiwan. He was instead man-handled and put on a plane back to Frankfurt. His baggage, which included two manuscripts about underground and exile literature, was confiscated and not returned.

These are only a few of the outrages of recent weeks—many of which appear calculated to keep the Chinese people in the dark about Liu Xiaobo's award.

We believe that it is right that President Obama and Secretary of State Clinton have raised Liu's case with their Chinese counterparts, both before and after his most recent sentence, as we at PEN American Center have asked them to do. We are grateful that Ambassador Jon Huntsman in Beijing sent representation to Liu's trial last year, as we urged him to do. We believe that China should live up to the promises made in its own Constitution; promises it made when it signed the International Covenant on Civil and Political Rights. And we believe that it is America's obligation, as a party to the Covenant, to hold China to that standard. But the most fundamental reason why we should do this is that these demands are right.

We specifically recommend to the Commission and to the Obama administration and Members of Congress, that in all communications with the Chinese government, you:

1. Continue to press for the release of Liu Xiaobo at all available opportunities;
2. Call for the release of all other writers imprisoned in violation of their right to freedom of expression;
3. Urge the government of the People's Republic of China to ratify the International Covenant on Civil and Political Rights.

The Chinese government argues that their treatment of Liu Xiaobo is an internal matter, and that international awards and advocacy on his behalf amount to meddling in China's internal affairs. But the treatment he has endured is by definition an international matter, just as all violations of human rights are matters of legitimate concern to the whole world. By detaining Liu Xiaobo for more than a year, and then by convicting and sentencing him to 11 years in prison in clear violation of his most fundamental, internationally recognized rights, the People's Republic of China itself has guaranteed that his case is not and cannot be a purely internal affair.

We have no hostility toward China or the Chinese. Indeed, it is our respect and concern for China and her people that leads us to urge their government to allow them—all of them—the freedom to write and to read and to organize that will allow them to be responsible citizens of a democratic society, and will then allow China to be a responsible and respected colleague in the community of democratic nations.

PREPARED STATEMENT OF ELIZABETH C. ECONOMY*

NOVEMBER 9, 2010

INTRODUCTION

Within China, there is widespread agreement on the need for political reform. There is no agreement, however, on precisely what a “politically-reformed” China should look like, much less a road-map for how to get there.

While discussions of political reform have been ongoing in one form or another since the Chinese Communist Party assumed power in 1949, the debate has assumed new life over the past few months. A series of commentaries by Premier Wen Jiabao raising the issue more directly than previously, the awarding of the Nobel Peace Prize to political dissident and activist Liu Xiaobo, and calls for bolder political action by retired party elders and intellectuals have all placed the reform issue front and center in Chinese political discourse. Such discussion is given added weight by the fact that it is occurring against a backdrop of a far more vibrant print and Web-based media and an engaged civil society. China’s rise and obligations as a global power also mean that foreign policy experts are now entering into the country’s domestic policy debate. They realize that China’s global image and impact on the environment, health, and security rests in large part on Chinese domestic politics and practices.

POLITICAL MODERNIZATION

In most official contexts—leaders’ speeches and officially-sanctioned editorials—political restructuring or reform means making the system more efficient and representative, while at the same time preserving the authority of the Communist Party. The communiqué of the fifth plenum of the 17th Party Congress in mid-October 2010, which sets the tone for the work of the party over the next five years, stated, “Great impetus will be given to economic restructuring while vigorous yet steady efforts should be made to promote political restructuring.” A series of People’s Daily editorials published in October articulated the central party leadership’s interest in a reasonably constrained version of political reform. The editorials argued that in the process of political restructuring, it is “imperative to adhere to party leadership, to the socialist system and to socialism with Chinese characteristics,”¹ and that the aim of political reform is to “enhance the vitality of the Party and the country and to mobilize people’s enthusiasm.”²

In practical terms, Beijing has launched several notable initiatives to develop a system of official accountability and advance transparency within the political system. There have been anti-corruption campaigns; regulations to promote public access to information in areas such as the environment and to govern “the convening of Party congresses, selection for and retirement from official posts, and fixed-term limits”;³ and experiments in budgetary reform. Beijing has also permitted a few non-Communist Party members to hold key positions within the government, including Wan Gang, the Minister of Science and Technology, and Chen Zhu, the Minister of Health.

With social unrest on the rise, the Party is also searching for ways to be more responsive to the interests of the Chinese people, without transforming the system. One effort is an online bulletin board, “Direct Line to Zhongnanhai,” where the Chinese people can leave messages for the top leaders, and both President Hu Jintao and Premier Wen Jiabao have participated in active Web-based dialogues with the Chinese people. Local officials may appear on radio shows and some delegates to the National People’s Congress (NPC) and District Congresses have also established times to meet with their constituents to listen to their concerns, although there has been discussion within the NPC that these meetings are problematic because officials may develop individual constituencies and popular followings.

*The Council on Foreign Relations takes no institutional position on policy issues and has no affiliation with the US government. All statements of fact and expressions of opinion contained herein are the sole responsibility of the author.

¹“Vigorous, steady efforts urged to advance political structural reform,” People’s Daily Online (October 27, 2010).

²Qingyuan Zheng, “Political orientation crucial,” People’s Daily Online (October 29, 2010).

³C. Fred Bergsten et al. *China’s Rise: Challenges and Opportunities*. Washington, DC: Peterson Institute for International Economics and Center for Strategic and International Studies, 2008: p. 62. Web. Accessed 1 November 2010.

REVOLUTIONARY REFORM

While a significant segment of China's political elite works to "modernize" the political system, others seek to revolutionize it. Political activist and Nobel Peace prize winner Liu Xiaobo represents the boldest of those who call for such revolutionary reform with his online human rights manifesto, Charter 08, and his calls for universal values, direct elections, and multi-party democracy.

Fundamental political reform is viewed as a necessity by many Chinese intellectuals and media elite. After Liu's award, a group of 100 journalists, scholars, writers and ordinary citizens signed a public letter calling on the Party to realize the goals of democracy and constitutional government espoused by Liu. Just prior to Liu's award, a group of retired Party elders submitted a letter to the Standing Committee of the National People's Congress calling for freedom of speech and press, and the abolition of censorship. This group included many former senior media officials, such as the former director of People's Daily, editor-in-chief of China Daily, deputy director of Xinhua News Agency, and even the former head of the News Office of the Central Propaganda Department.

Such reformers clearly view Premier Wen Jiabao as their patron within the Chinese leadership. Premier Wen, in a set of speeches over the past year, as well as a much heralded interview with CNN, has argued that freedom of speech is "indispensable for any country," and that "continuous progress and the people's wishes for and needs for democracy and freedom are inevitable." He further has noted that the Party has to evolve—one that served as a revolutionary party should not look the same as a governing party. Wen's concluding remarks in the CNN interview further suggest that he was pushing for change outside generally-accepted party principles: "I will not fall in spite of a strong wind and harsh rain, and I will not yield till the last day of my life."

These highly public calls for revolutionary reform are not taking place in isolation. There is also a vibrant discourse in the print and online media that supports such high profile efforts. Journalists, scholars and Web activists all maintain a constant stream of advocacy for more fundamental political reform. They lodge their calls for such reform as essential to the achievement of key Communist Party priorities.

One popular argument for revolutionary political reform, for example, is that it is necessary for continued economic growth. An editorial "The Only Answer is Political Reform," published by the board of the Economic Observer in late October 2010, makes precisely this point: "Without reforming the political system, we cannot guarantee the benefits that economic reform brings, nor will we be able to continue to push ahead with reforms to the economic system and social reform will also fail. . . In fact, whether it's breaking the deadlock on economic reform or making a breakthrough on social reform, both rely on pushing ahead with political reform."

Political reform advocates also often suggest that stability—one of the Party's top priorities—can only be ensured by more fundamental reform. Hu Shuli, the outspoken editor of Caixin and Century Weekly, for example, argues that political reform has stagnated because of "fears that a misstep would lead to social unrest." She goes on to note, however, that "Overblown worries that delay what's needed only exacerbate the very tensions threatening to destabilize society." Similarly, Liang Wendao, a host on Phoenix Satellite TV, wrote an editorial detailing a number of social challenges, such as "carcinogenic tea oil being sold in supermarkets, rumors of deadly tick bites and the resistance to forced demolitions" and argued that all of these are counterproductive to the official goal of "maintaining stability." His conclusion is that "If these subjects are open for discussion and criticism, the darkest truth from these three events may finally arise: the stability that the authorities were trying to maintain is precisely a kind of instability."⁴

The role of political reform in improving China's foreign policy and image is also becoming a popular theme. Wang Jisi, head of Peking University's International Relations Department, for example, has stated that the only way to overcome the unfortunate oscillation within Chinese political thinking and commentary between claiming superiority and inferiority or victimization is by more exposure to the outside world, better education within China and improving "our own society and rule of law." An editorial in Century Weekly, entitled "At Last, A Magic Moment for Political Reform," echoes this theme, noting that social problems, such as forced evictions, have strained relations between the government and people, causing people to lose faith in their country and damaging China's image abroad.

⁴Wendao Liang, "The Etymology of Social Stability," Caixin online (October 18, 2010). Accessed at <http://english.caing.com/2010-10-18/1001>.

The growing role of the Internet in Chinese political life poses a significant challenge to the Party's efforts to constrain political reform. While the Internet is a valuable tool for the Party, both in learning what the Chinese people are thinking and in promoting transparency within the political system, it raises serious concerns as well. Central Party School official Gao Xinmin raised several issues in an off-the-record speech that was later made public on the Web: "Against a backdrop of a diversity of social values, new media have already become collection and distribution centers for thought, culture and information, and tools for the amplification of public opinion in society. They are a direct challenge to the Party's thought leadership and to traditional methods of channeling public opinion. Traditional thought and education originates at the upper levels, with the representatives of organizations, but in the Internet age, anyone can voice their views and influence others. Many factual instances of mass incidents are pushed by waves of public opinion online, and in many cases careless remarks from leaders precipitate a backlash of public opinion."

The Internet is, in fact, evolving into a virtual political system in China:⁵ the Chinese people inform themselves, organize, and protest online. As the blogger Qiu Xuebin writes, "When the interests of the people go unanswered long term, the people light up in fury like sparks on brushwood. The internet is an exhaust pipe, already spewing much public indignation. But if the people's realistic means of making claims are hindered, in the end we slip out of the make-believe world that is the internet and hit the streets." In July 2010, bloggers provided firsthand accounts of a large-scale pollution disaster in Jilin Province, contradicting official reports. Thousands of people ignored government officials, angrily accusing them of a cover-up, and rushed to buy bottled water. Chinese are also "voting" online. In one instance, a journalist sought by the police on trumped-up charges of slander took his case to the Internet. Of the 33,000 people polled, 86 percent said they believed he was innocent. The *Economic Observer* then launched a broadside against the police, condemning their attempt to threaten a "media professional." The authorities subsequently dropped the charges against the journalist.

Activists have also used the Internet to launch successful campaigns—some involving physical protests—to prevent the construction of dams and pollution factories and to oppose the removal of Cantonese on television programs airing in Guangdong. Most striking perhaps, has been the emergence of iconic cultural figures who use the Internet for political purposes. The renowned artist Ai Weiwei, for example, has pursued justice for families whose children died in the Sichuan earthquake, even documenting his encounters with recalcitrant officials on YouTube. The racecar driver and novelist-turned-blogger, Han Han, routinely calls for greater media and cultural freedom. Since its launch in 2006, his blog has received more than 410 million hits.

The social network site Twitter, despite being blocked in China, has become a particularly politicized Internet venue. According to the popular netizen Michael Anti, Twitter is the most important political organizing force in China today. He notes that more than 1.4 million yuan was raised for the beleaguered NGO Gongmeng (Open Constitution Initiative) via Twitter. And he points to the uncensored discussion held between the Dalai Lama and Chinese citizens in May 2010 as an example of the political influence that Twitter can exert. According to Anti, the people who participated stopped referring to the Dalai Lama as Dalai and now call him by the more respectful Dalai Lama. Anti reports that there are over 100,000 active Chinese Twitter users, and he anticipates that there will be 500,000 or more within the next two to three years.

Anti's claim of the importance of Twitter as a political force is supported by others. A poll of 1,000 Chinese Twitter users found that of the top twenty reasons why people access the site, almost a third of them are political: "to know the truth and open the horizon"; "no censor here"; "this is the taste of freedom that I enjoy"; "it allows me to keep my independent citizen conscious"; "feel that as a party member I should learn more about this world"; "it is an inevitable choice for a journalism student". Moreover, according to the media critic Hu Yong, as Beijing has moved to strengthen its censorship efforts, Twitter has become more political in its orientation. He sees Twitter as particularly important because it brings together opinion leaders from around the world to sit at a virtual table. There, public intellectuals,

⁵The following discussion is taken from Elizabeth C. Economy, "The Game Changer: Coping With China's Foreign Policy Revolution," *Foreign Affairs* (November/December 2010), p. 145.

rights advocates, veterans of civil rights movements and exiled dissidents can all converse simultaneously.⁶

LOOKING AROUND THE BEND

Implicit, and often explicit, in the debate over the nature of China's future political reform is the role of the outside world. A recurrent theme is a willingness to learn from the West but a rejection of a Western model. Qin Xiao, the former Chairman of China Merchant Bank Group, speaks the need for such a balance: "An historic theme in modern China is the search for a unique model and way to modernize. A major part of this theme revolves around a 'dispute between the west and China and a debate of the ancient and modern.' . . . It misreads and misinterprets universal values and modern society. It is a kind of narrow-minded nationalism that rejects universal civilization . . . Adhering to universal values, while creating Chinese style approaches, is truly the objective for our time."⁷ And the *Global Times* notes, "China has to continue its political reforms in the future, including drawing beneficial experiences from Western democratic politics, however, China will never be a sub-civilization, and it will only follow its roadmap in a gradual manner."

This cautious blending of political modernization and revolutionary reform will most likely find a home in China's system of experiments. Much in the way that China began its economic reform process with special economic zones, it may well be initiating similar special zones for political reform.

In Shenzhen, where Premier Wen delivered one of his recent speeches on political reform, there is a novel political experiment underway. Supported by both Wen and Guangdong Party Secretary Wang Yang, Shenzhen's political reform is at the outer edge of the political modernization approach. The stated goal is strictly in line with the Party's constrained vision of political reform: to build a socialist democracy and a rule-of-law system, to develop a clean, efficient and service-oriented government, and to construct a complete market system, a socialist advanced culture, and a harmonious society.⁸

At the same time, the approach has some potentially revolutionary reform elements: gradually expanding direct elections, introducing more candidates than there are positions for heads of districts, and considering allowing candidates to compete for positions of standing members of district or municipal Party committees by organizing campaigns within certain boundaries.⁹ Already, Shenzhen has "cut one-third of its departments, transferred or retired hundreds of officials, and forced officials to give up parallel positions on outside associations and charities." Shenzhen's greatest innovation, however, has been to allow civic organizations to register without a government agency oversight, to seek private funding outside China, to hire foreigners, and to sell their services to the city in areas such as the mental health of migrant laborers.¹⁰

The Shenzhen experiment and the others that will follow may provide at least part of the much needed roadmap for China's political future. Even as the Party attempts to keep up with the demand for change generated by the Chinese people, as the *Global Times* points out, the life of "an ordinary Chinese" has been transformed over the past thirty years: the way of accessing information, freedom of speech, the right to decide his own life and protect individual property are "drastically different from 30 years ago."¹¹ Whether led by the party, the people, or both, it is clear that political change of an equal magnitude is well underway.

THE ROLE OF THE UNITED STATES AND INTERNATIONAL COMMUNITY

The role of the international community in encouraging and bolstering those who seek to transform China is limited but not inconsequential. As those within China push for their country to respect and adhere to the ideas of universal values, there

⁶Yong Hu, "The Revolt of China's Twittering Classes," Project Syndicate (October 14, 2010). Accessed at <http://www.projectsyndicate.org/commentary/hu2/English>.

⁷Xiao Qin, "In China, A Rising Tide for Universal Values," Caixin online transcript (October 25, 2010) from a speech presented by Qin at the Seminar on Enlightenment and China's Social Transition on July 4, 2010.

⁸Zhiyue Bo, "Guangdong Under Wang Yang: 'Mind Liberation' and Development," East-Asia Institute Background Brief No. 405 (September 12, 2008), pp. 10–11.

⁹Zhiyue Bo, "Guangdong Under Wang Yang: 'Mind Liberation' and Development," p. 10–11.

¹⁰Jeremy Page, "China Tests New Political Model in Shenzhen," *Wall Street Journal* (October 18, 2010). Accessed at <http://online.wsj.com/article/SB10001424052702304250404575558103303251616.html>.

¹¹"China has to pursue gradual political reform," *Global Times* (October 15, 2010). Accessed at <http://opinion.globaltimes.cn/editorial/2010-10/582245.html>.

are several avenues through which the outside world can engage with China's process of political change:

- International recognition for those who work within China to promote these values, such as the decision to award the Nobel Peace Prize to Liu Xiaobo, sends an important signal that the outside world supports their efforts and sends a message to Beijing that the country is not living up to the best of its own ideals.
- The international community should establish the linkage between China's governance failures domestically on issues such as environmental protection, public health, and product safety and its impact abroad reinforces to the Chinese leadership why China's political practices at home matter to the rest of the world.
- The United States should continue its traditional efforts to raise the cases of individual Chinese human rights activists who have been imprisoned and to work with Chinese partners to advance political reform through the legal system or through efforts to promote transparency. At the same time, it is important to remove the human rights issue from a uniquely bilateral focus and work with other democratic countries in and outside Asia to raise issues of political reform with Chinese officials.
- To the extent that the United States and others can advance the cause of political reform in other non-democratic states in Asia, such as Vietnam, this may also serve as an important source of pressure on Chinese elites.

PREPARED STATEMENT OF BRUCE GILLEY

NOVEMBER 9, 2010

LIU XIAOBO AND DUTCH'S OPTIMISM

Honored Commission Members,

I am grateful to have the opportunity to address the committee this morning on the important and inspiring award of the 2010 Nobel Peace Prize to China's Liu Xiaobo. The perspective I would like to offer is simple and can be stated as follows: Liu Xiaobo's award is important because it is a reminder to us in the free world, the West, and the United States that even though we are entering a period of intense rivalry and possibly conflict with a rising China, the smiling forces of modernization and liberalization are at work in that country. This means that in the coming decades, even as we manage and challenge potentially disruptive behavior by China's rulers, its people continue to march toward a democratic society.

I do not believe that the Nobel prize will have any measurable effect on political reform in China, any more than the award of the same prize to His Holiness the Dalai Lama in 1989 had any effect on Chinese rule in Tibet. But I do believe it will serve as an important beacon to policy-makers outside of China, reminding them to engage and target, and to retain faith in, Liu Xiaobo's China. The temptation to believe that we are engaged in a life-or-death struggle with a hostile new Oriental juggernaut will be strong in the coming decades. We should instead use Liu Xiaobo's award to think more carefully about what is going on in China, which I will address briefly here, and to retain a certain Reaganesque optimism about the potential for human freedom everywhere. We should respond to a rising China the same way that Liu Xiaobo responded to his state security captors before he was sent to jail: we have no enemies, only acquaintances who are still trapped in yesterday's modes of thought and action, acquaintances whom we hope and believe fervently will someday become our friends.

Honored Commission members, the year is 1975. Russia's GDP per capita in that year is about the same as China's today. Andrei Sakharov has just been awarded the Nobel Peace Prize and in a few years will be put under house arrest in Gorky. Global geo-political rivalries are intensifying. The international politics of the Soviet Union is entering its most difficult period—we have the invasion of Afghanistan, proxy wars in Africa and Latin America, arms races, martial law in Poland, KAL 007, and Chernobyl yet to come. Earlier claims that the Soviet Union is modernizing and liberalizing because of the post-totalitarian reforms ushered in by Khrushchev are now scoffed at. Smart people, like Harvard professor Samuel Huntington, are saying that the chances for democratic change in the Soviet Union are "virtually nil."

Looking back, we see that we missed something fundamental. By focusing on SALT talks, or by dismissing Sakharov as a vain hope of the West, we did not see how this great authoritarian creation was entering its last decades. The message of

Sakharov's prize, in retrospect, was that we should have been better Marxists, trusting that the ineluctable forces of modernization would bring political change, although not the sort Marx imagined. Instead, we were Hobbesians, believing we needed to prepare home defense in the face of a Spanish Armada, an increasingly cold and competitive world of enemies and invaders. Had we been more ready to respond to the good luck of history, some, but not all of the democratic regress that subsequently occurred in Russia, might have been avoided.

China is in the same position today. Externally, whether in its assertive claims in the South China and East China Seas, its attempts to use coercive economic diplomacy, or its domestic silencing of dissent, we see another juggernaut. Yet this is not a juggernaut. This is a juggler. Behind the assertiveness and rhetoric is a country struggling mightily with the implications of development—social, environmental, financial, economic, cultural, and, political. It is easy to get carried away in the Orientalist imagery of Moors or Mongols challenging the West. But China represents no fundamental challenge to the West. It's contributions to key global issues like terrorism, the environmental, financial restructuring, global health, disaster relief, peacebuilding, and weapons proliferation are marginal. The West retains its indispensability and will continue to do so as long as it continues to represent the basic humanistic impulse better than any other part of the world. Internally, while the CCP continues to suppress dissent and control information, it does so against the backdrop of an increasingly outspoken and informed citizenry.

The CCP leadership, which is entering a delicate transition in 2012, is deeply divided on the question of political reform. There are two visions of political reform competing within the leadership today. One, associated with premier Wen Jiabao and earlier with his mentor Zhao Ziyang, purged in 1989, is what we might call the *grassroots democracy* vision. This vision imagines a China with an increasingly vigorous electoral and civil society-based democracy at the local level up to and including provinces. This vision is all about bottom-up accountability. It is often consciously modeled on the Taiwan experience, and includes a leading role for the CCP at the national level for some transitional period. Wen has championed the expansion of direct elections to the township level. It is the approach likely to be favored by incoming party general secretary Xi Jinping, who experienced and supported the lively civil society and local politics in Zhejiang and Fujian provinces during his periods there.

The second vision is what we might call the *party democracy* view, which is promoted by party general secretary Hu Jintao. It is about top-down accountability. Ironically, this is the approach that was adopted by Gorbachev. The focus here is on fighting corruption within the party, increasing internal debates and even elections within the party, and using party mandates to strengthen the accountability of local governments. In the new leadership of 2012, this vision will be represented by premier Li Keqiang.

What is important about this debate is that it reminds us of the party's race against time to maintain its legitimacy. We often assume that the regime's legitimacy comes from economic growth and nationalism alone. It does not. It also comes from the steady expansion of social and economic freedoms as well as real improvements in governance that have been seen in the last 20 years. The amount of energy and creativity being poured into both the *grassroots democracy* and the *party democracy* visions of political reform tell us that China's leaders—if not China's foreign admirers—think that political reform matters to their future. And to be sure, this same authoritarian adaptability has succeeded in delivering improvements in rights and governance that have satisfied most Chinese for the past 20 years.

The mistake is to think that the party can satiate the thirst for freedom forever with, for instance, fewer limits on internal migration or more efficient passport processing bureaucracies. There is still probably several more years in which such performance will work to maintain legitimacy. But experience elsewhere tells us that social demands for democracy will eventually delegitimize the current regime—and then it is a question of how long the regime decides to cling to power or how quickly it undertakes preemptive moves toward real democracy.

This is where Liu Xiaobo comes in. Liu represents a third vision of political reform, one of *liberal democracy*. Emerging from the 1989 Tiananmen movement, and tracing its origins back to the late 19th century and early republican thinkers of China, this vision seeks a deliberate transition to a liberal democratic political system, in today's situation through a gradual implementation of existing PRC constitutional provisions, minus the CCP's messianic leading role. Liu is a reminder of this stirring outcome that plausibly awaits China at the end of this long race—namely a thoughtful, tolerant, inventive, and liberal social and political system, infused with the richness and wisdom of Chinese civilization. That outcome seems impossible to imagine at present just as it was of the Soviet Union of 1975. Yet it is

more likely to occur and (unlike Russia) to endure because, unlike the Soviet Union, China has already completed its transition to a market economy and it will not face a humiliating loss of its world power. Political scientists Ronald Inglehart and Christian Welzel conclude in their 2005 book on “The Human Development Sequence,” using extensive cross-national data on value transformation and democratization, that “China will make a transition to a liberal democracy within the next two decades.” As Moshe Lewin presciently saw in his 1988 book “The Gorbachev Phenomenon” about Russian society and the CPSU, Chinese society will slowly outgrow the CCP.

Liu Xiaobo helps us to focus on this China, and not to imagine that the insecure and increasingly aggressive external China is the one of the future. He is a reminder that the reason we should not confront or contain China is not some relativistic argument that the Chinese are different or prefer tyranny to democracy, nor that we need to reach some realistic accommodation with this titan of the East. Instead, we need to respond thoughtfully to the China of the current regime because we have faith that its days are numbered.

Reagan, who came into office as a Cold Warrior extraordinaire, instinctively realized this about the Soviet Union and changed tack in his second term. Liu Xiaobo reminds us of the need to retain Dutch’s infectious optimism about the fate of communist regimes, especially rapidly modernizing ones. He reminds us of the need to have confidence in the universal values of elections, the rule of law, pluralism, and human rights that are today so widely discussed in China. Who truly could imagine, just a few years ago, that the outgoing chairman of key state enterprise would choose to use his valedictory address to urge China’s young people to reject the so-called “China Model” of authoritarian development and instead embrace “universal values” with democracy at their core, as retiring China Merchants Group chairman Qin Xiao did at Tsinghua University’s School of Economics and Management this past summer? For China’s communist regime, the Cold War never ended and it never will. Our role is to avoid that same mistake, to realize that the Cold War is in fact over and that China’s regime is being swept along by the forces of modernization like dozens before it.

Recently, a Zhejiang University professor named Liu Guozhu, who is a senior fellow of that institution’s Center for Civil Society and of the China Foundation for Human Rights, wrote an essay on the National Endowment for Democracy. The essay attacked the NED as a relic of the Cold War. It was quickly reprinted in party and Maoist Web sites and periodicals in China. After making some inquiries, I learned that Dr. Liu had originally written quite a different article, one with a largely positive view of the NED and its role in promoting democracy in Latin America, Africa, and East Asia. It was based on research that he conducted while visiting at San Diego State University in 2007 and 2008. But no official publication would run the original article. Only after party editors rewrote the article in a critical tone was it published. This is a microcosm of contemporary China—the exterior face can seem oppositional, bellicose, and deeply illiberal. It is easy to see much evidence of hostile intent and behavior. But the interior mind is swirling, changing, seeking acceptance, and humanistic.

Liu Xiaobo matters because he appeals to our better instincts in dealing with China. To celebrate positive change, to defend individuals and rights supporters, and to have confidence in the universality of freedom and democracy and their triumph everywhere is his challenge to us. “I have no enemies,” his words, should be ours too.

PREPARED STATEMENT OF PHELIM KINE

NOVEMBER 9, 2010

The Nobel Committee’s October 8, 2010, decision to award the Nobel Peace Prize to imprisoned Chinese writer and human rights activist Liu Xiaobo has put China’s human rights deficit squarely back on the international agenda. It does so at a time when rights and freedoms guaranteed by both China’s constitution and international law are under renewed attack by the Chinese government.

Liu Xiaobo is an outspoken critic of the Chinese government, a 54-year-old former university professor imprisoned in 2009 on “subversion” charges for his involvement with Charter ’08, a political manifesto calling for gradual political reforms in China. Liu was also jailed in 1989 for his role in the Tiananmen Square protests and again in 1996 for criticizing China’s policy toward Taiwan and the Dalai Lama. Human Rights Watch honored Liu Xiaobo with the 2010 Alison Des Forges Award for Ex-

traordinary Activism for his fearless commitment to freedom of expression and freedom of assembly in China.

WHAT DOES THE AVERAGE CHINESE PERSON KNOW ABOUT LIU XIAOBO? WHAT DO THOSE WHO KNOW WHO LIU XIAOBO IS THINK ABOUT HIM?

To a large extent, the debate about Liu Xiaobo and his winning the Nobel Prize has occurred outside China due to strict censorship of state media and the Internet.

Inside China, Liu Xiaobo has been relatively unknown outside of literary and intellectual circles, dissidents, human rights defenders, and civil society activists. That's because even prior to his arrest in December 2008, his works as a writer were officially marginalized or censored because of their implicit or explicit political critiques.

Those in China who might want to learn about him are only able to access a government-approved portrait. After his arrest in December 2008, Internet searches on Liu's name in China behind the government's so-called "great firewall" resulted overwhelmingly in state media reports on his sentencing. As recently as March 2010, Internet searches on references to Liu Xiaobo behind the firewall produced nothing more than a frozen Web browser. The vast majority of Chinese citizens cannot—without considerable difficulty—know of his struggle for universal human rights, rule of law, and respect for the freedoms embodied in China's constitution. The government's 21-year cover-up of the June 1989 massacre of unarmed protesters in Beijing and other cities means that most Chinese know little about the event at all, let alone that it was Liu Xiaobo who brokered the agreement with military authorities that allowed the peaceful exit of thousands of students from Tiananmen Square on the night of June 3, 1989. That intervention saved countless lives.

For those Chinese citizens who do know Liu and who have worked with him, he is renowned as a tireless advocate of universal rights and freedoms and of peaceful political reform. More importantly, they see him as a high-profile symbol of the silent struggle of millions of others in China for the same goals. He has come to represent countless Chinese citizens languishing in secretive "black jails," under house arrest, in re-education through labor camps, or serving prison sentences for advocating those same rights and freedoms.

WHAT DOES THE AVERAGE CHINESE PERSON KNOW ABOUT HIS WINNING THE NOBEL?
WHAT DOES HE OR SHE THINK ABOUT IT?

For the majority of Chinese citizens, whose news come via censored media, news of Liu's Nobel Prize was not immediate, as would occur in most countries, but came the following day.

That's because the immediate official Chinese government reaction to Liu's Nobel Prize was silence. Neither Chinese Central Television nor Hong Kong's nominally independent Phoenix TV mentioned Liu's Nobel Prize on the day of the announcement. Chinese censors quickly scrubbed, or "harmonized" Chinese-language Internet commentary, text messages, Web pages, and foreign television broadcasts which broadcast news of Liu's Nobel Prize.

The only official comment available to Chinese citizens came later that day in the form of Ministry of Foreign Affairs' October 9, 2010, statement that described Liu as a "criminal" and criticized Liu's Nobel Prize victory as an act that "profanes the Nobel Peace Prize." Chinese journalists were told to report only on the basis of the official statement.

However, since October 9, the Chinese government has expanded its coverage of Liu winning the Nobel Prize. That coverage has been uniformly unflattering, including an October 14 Xinhua report describing the Nobel Prize as a "political tool of the West." Three days later, Xinhua published a round-up of foreign commentary from countries including Saudi Arabia, Pakistan, Russia, and even Norway that criticized Liu's Nobel as politically motivated and inappropriate. On October 24, Xinhua described the members of the Nobel Committee as politicized and "ignorant of world affairs."

The most detailed official media coverage of Liu's Nobel Prize is an October 28, 2010, Xinhua report titled "Who is Liu Xiaobo?" The article intensified the official smear campaign against Liu by listing a selective survey of quotes allegedly taken from Liu's three decades of written work designed to cast doubt on his credibility, patriotism, and even his sobriety. According to the article, Liu is a "traitorous operative" for foreign organizations such as the National Endowment for Democracy. The piece featured quotes allegedly sourced from Liu's works that appeared to make him sympathetic to China's colonization by foreign powers and critical of the physical and psychological strength of the Chinese people. Among some Chinese citizens, this

intensifying official smear campaign is triggering a combination of cynical dismissal and angry nationalism about the award.

At the same time, the award is also piquing curiosity in China about who Liu really is and why the government is so critical of him and his work. We know that Chinese activists have gone out onto the streets of Beijing and boarded buses to fake informal surveys of people's knowledge of Liu and his Nobel Prize. The majority of those quizzed in this very unscientific poll have never heard of Liu Xiaobo, but they express reflexive pride that a Chinese has won a Nobel Peace Prize and for endorsing rights and freedoms which they themselves support. Those individuals who have heard of Liu Xiaobo and have negative opinions of him through official state media coverage relate that they are still supportive of Liu's right to speak out despite their apparently divergent views.

Paradoxically, the Chinese government's intensifying smear campaign of Liu Xiaobo is boosting Chinese citizens' awareness of who he is and an interest in what he had done to be the target of such official vitriol. This curiosity will inevitably prompt those citizens with Internet access and the interest and capability to use firewall circumvention tools to search for information about Liu Xiaobo that doesn't come from the Chinese government. Human Rights Watch's Chinese-language website has registered a record number of browsers accessing our site (blocked in China) through proxy servers since the October 8 Nobel announcement. On that day alone, our Chinese-language website recorded more than 1,600 visits by Internet-users in China, compared to a usual daily average of about 60 visits.

WHAT DEBATE, IF ANY, HAS LIU XIAOBO'S WINNING THE NOBEL SPARKED IN CHINA AMONG BOTH ORDINARY PEOPLE (*laobaixing*) AND ELITES?

Among elites interested in peaceful political change, Liu Xiaobo's Nobel Prize has provided a platform for expressing support for him and the ideals embodied in Charter '08. Just days after the prize was announced, a group of 23 senior Communist Party officials and intellectuals issued a public letter that praised Liu as a "splendid choice" for a Nobel Peace Prize, and echoed calls for his immediate release and an end to the "invisible black hand" of official censorship.

Within the Chinese leadership, Liu's Nobel Prize appears to have been profoundly unsettling. Confident that its warning to the Norwegian government prior to the Nobel Prize announcement had averted any chance of Liu's victory, senior leaders appear to have been taken aback by the Nobel Committee's decision.

On October 3, 2010, in a CNN interview, Premier Wen Jiabao advocated easing government restrictions on basic rights and freedoms, and stated that "freedom of speech is indispensable." Wen's views, at odds with the policies of a government that since 2007 has steadily tightened its chokehold on dissidents, civil society activists, and journalists, suggested ongoing divisions in the leadership about those restrictions. Official censors responded by purging all video and transcripts of the CNN interview from Chinese Internet sites.

Liu's Nobel Prize is a globally-known example of the gap between the Chinese government's lofty rhetoric on support for rule of law and human rights and the grim reality on the ground—an image the Chinese government has strenuously worked to cover up for over a decade, particularly in the run-up to the 2008 Beijing Olympics. As Liu's writings and the text of Charter '08 circulate virally across China's blogosphere among those interested in the country's most famous political prisoner, familiarity and support with universal rights and freedoms and the Chinese government's unwillingness to deliver on those becomes more widespread.

The Chinese leadership will no doubt be debating whether it was a mistake to imprison Liu in the first place. Hardliners decided to make an example of Liu Xiaobo by sentencing him in 2008 to the longest possible prison term for "inciting subversion" since it became a crime in 1996; moderates, who had argued that Liu could continue to be tolerated though kept under surveillance, probably resisted imprisoning him for fear he would become a cause celebre. Those fears have now come to pass, but it remains unclear whether officials such as Xi Jinping and Li Kejiang, due to take over the leadership of China in 2012, will think seriously about freeing Liu before his imprisonment does even more damage to the Chinese government's reputation.

PREPARED STATEMENT OF HON. SANDER LEVIN, A U.S. REPRESENTATIVE FROM
MICHIGAN; COCHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

NOVEMBER 9, 2010

We hold this hearing today not only to shine a light on the Chinese government's mistreatment of Nobel Laureate, Liu Xiaobo, but to underline that China once again is at an important crossroads, and seems to be turning in the wrong direction. This has implications not only for the development of institutions of democratic governance in China, which it is the charge of this Commission by law to monitor, but also for the United States in managing our relations with China.

The imprisonment of Liu Xiaobo is a personal tragedy, a national shame, and an international challenge. The answer is clear: Mr. Liu should be released immediately. For his more than two decades of advocating for freedom of speech, assembly, religion, peaceful democratic reform, transparency and accountability in China, Mr. Liu is currently serving an eleven-year sentence in a Chinese prison for "inciting subversion of state power." Those in China, like Mr. Liu, who have penned thoughtful essays or signed Charter 08 seek to advance debate, as the Charter states, on "national governance, citizens' rights, and social development" consistent with their "duty as responsible and constructive citizens." Their commitment and contribution to their country must be recognized, as the Nobel Committee has done, and as we do today and their rights must be protected.

The Chinese government has said that awarding the Nobel Prize to Liu Xiaobo "shows a lack of respect for China's judicial system." I would like to take a moment to examine this claim. For it seems to me that what truly showed a lack of respect for China's judicial system were the numerous and well-documented violations of Chinese legal protections for criminal defendants that marred Mr. Liu's trial from the outset. I refer here to matters such as the failure of Chinese prosecutors to consult defense lawyers, and the speed with which prosecutors acted in indicting Mr. Liu and bringing him to trial, effectively denying his lawyers sufficient time to review the state's evidence and to prepare for his defense. Chinese officials prevented Mr. Liu's wife from attending his trial, in which she had hoped to testify on behalf of her husband. Mr. Liu's lawyers reportedly were ordered by state justice officials not to grant interviews. It is these abuses, committed by Chinese officials in China, not the actions of a committee in Oslo, that demonstrated "a lack of respect for China's judicial system."

All nations have the responsibility to ensure fairness and transparency in judicial proceedings. The effective implementation of basic human rights and the ability of all people in China to live under the rule of law depend on careful attention to, and transparent compliance with, procedural norms and safeguards that meet international standards. It is in this connection that I would like to take a moment also to say a word about this Commission's Political Prisoner Database. The database, which is available to the public online via the Commission's Web site, contains information on thousands of political prisoners in China. These are individuals who have been imprisoned by the Chinese government for exercising their civil and political rights under China's Constitution and laws or under China's international human rights obligations. The enhancement of the Database that the Commission announced this past summer roughly doubled the types of information available to the public, enabling individuals, organizations, and governments to better report on political imprisonment in China and to more effectively advocate on behalf of Chinese political prisoners. And people around the world have been doing just that. The number of "hits" to the database from individual users, NGOs, academic institutions and governments around the world has skyrocketed. The Database makes clear that political imprisonment in China is well-documented, it is a practice whereby the Chinese government has shown disrespect for human rights and the rule of law in case after case, and it must end.

Unfortunately, that does not appear likely. Since the Nobel Committee's announcement, Mr. Liu's wife, Liu Xia, has been harassed relentlessly, and remains under what appears to be house arrest. In the weeks following the Nobel Committee's announcement, several people who signed Charter 08 also have been harassed and detained. Chinese authorities have attempted to limit the dissemination of information about Liu's receiving the Nobel Prize, harassing members of the Independent Chinese PEN Center, a group that advocates for the rights of writers, whose American counterpart organization we are pleased to have represented on our panel here today. Diplomats report that the Chinese Embassy in Oslo has sent official letters to foreign embassies in the Norwegian capital asking them not to make statements in support of Liu, and not to attend the Nobel awards ceremony on December 10. This is not the behavior of a strong, responsible government.

As Liu Xia said the morning her husband was selected to receive the Nobel Prize, “China’s new status in the world comes with increased responsibility. China should embrace this responsibility, and have pride in his selection and release him from prison.” As Nobel laureate Vaclav Havel correctly noted, “intimidation, propaganda, and repression are no substitute for reasoned dialogue. . . .” And as Nobel laureate Desmond Tutu recently wrote together with Vaclav Havel,

We know that many wrongs have been perpetrated against China and its people throughout history. But awarding the Nobel Peace Prize to Liu is not one of them. Nor is the peaceful call for reform from the more than 10,000 Chinese citizens who dared to sign Charter 08. . . . China has a chance to show that it is a forward-looking nation, and can show the world that it has the confidence to face criticism and embrace change. . . . This is a moment for China to open up once again, to give its people the ability to compete in the marketplace of ideas. . . .

In a recent interview with CNN, Premier Wen Jiabao stated that,

Freedom of speech is indispensable. . . . The people’s wishes for, and needs for, democracy and freedom are irresistible.

We ask our witnesses today to help us assess the likelihood that these words will become the new basis for government action in China, and to describe for us their understanding of the prospects for political reform in China today.

SUBMISSION FOR THE RECORD

Liu Xiaobo: A Proud Name

The Nobel Prize is a grand award that the Chinese people have dreamed of, and she represents the highest honor in spiritual realm of all mankind.

There is a Chinese individual who has stood fast in the China mainland, and whose name is Liu Xiaobo. On 8 October 2010, for all of Chinese people loving liberty and equality, he won the highest honor, the Nobel Peace Prize for this year!

Liu Xiaobo, born in Changchun, Jilin Province, in 1955, is a doctor in literature. Before June 4, 1989, he was a very popular lecturer among the students at Beijing Normal University. It was the gunfire of June 4th that woke him. Over 20 years since then, he has campaigned for the natural human rights of Chinese people, published several books against autocracy and nearly a thousand articles on politics, founded the Independent Chinese PEN Center, and launched a campaign for signing Charter 08. He has become a thorn in the flesh of the autocratic rulers, and so was thrown into prison for the fourth time, and is still behind bars now. Among all of the Nobel Peace Prize laureates in history, he is the second prisoner to receive the honor in jail—the first prisoner was Carl von Ossie Nowitzki, a German political journalist imprisoned by Hitler in 1935.

Hitler protested the fact that the Norwegian jury had awarded the Nobel Peace Prize to the German “prisoner” and claimed the move blasphemed that grand prize. In only 10 years, however, Hitler’s dictatorial regime collapsed! The Communist Party of China also protests the fact that the Norwegian jury has awarded the Nobel Peace Prize to a Chinese “prisoner” for the exact same reason as Hitler had. In view of this, will the Chinese people be far away from liberty?!

* Want to learn about the impending changes in China? Do you want to read articles by Liu Xiaobo (Selection of Liu Xiaobo’s works <http://www.boxun.com/hero/liuxb/>)? Please write to request software to break through the firewall, make any communication via Skype to dongtaiwang.com, or use the mailbox in gmail.com or hotmail.com to send a letter to ylzyws@gmail.com for the software, which will help you break through the network blocking, and to show you a real world.

刘晓波，一个令人骄傲的名字



诺贝尔奖，是中国人梦寐以求的大奖，她代表了全人类精神领域的最高荣誉。

有个一直坚守在大陆的中国人，他的名字叫**刘晓波**，在公元 2010 年 10 月 8 日，为所有热爱自由和平等的中国人赢得了这个最高的荣誉，他获得了这一年的**诺贝尔和平奖**！

刘晓波，1955 年出生于吉林省长春市，文学博士，1989 年 6·4 以前是北京师范大学一个很受学生欢迎的讲师，是 6·4 的枪声把他惊醒，从此以后 20 多年，他一直为中国人民的天赋人权奔走呼号，出版了多部反独裁的专著，发表了近千篇政论文章，创立了独立中文笔会，发起了《零八宪章》签名运动，成为独裁统治者的眼中钉肉中刺，为此，他被四次投进监狱，至今仍被关押在狱中，是历史上所有诺贝尔和平奖获得者中，第二个在监狱中获得这项荣誉的囚犯 — 第一个获得此奖的囚犯，是 1935 年被希特勒关押的德国政论记者卡尔·冯·奥西茨基。

希特勒反对挪威评委把这个诺贝尔和平奖授予德国的“囚犯”，声称此举褻渎了这项大奖。然而，仅仅过了 10 年，希特勒的独裁政权就垮了！中国共产党也反对挪威评委把这个诺贝尔和平奖授予中国的“囚犯”，理由与希特勒完全相同。如此看来，中国人民离自由还会遥远吗？！

• 想了解中国即将发生的变化吗？想阅读刘晓波的文章吗（刘晓波文选 <http://www.boxun.com/hero/liuxb>）？请来信索取破网软件，通过 skype 发任何信息至 dongtaiwang.com，或者使用 gmail.com 或者 hotmail.com 信箱寄一封信到 ylzyws@gmail.com 都可以收到软件，她将帮您突破网络封锁，为您展示一个真实的世界。