Liu Xiaobo and Human Rights in China

KUFM Commentary: January 5, 2010
By Steven Levine, Associate Director of the Maureen and Mike Mansfield Center

Many Montanans, like Americans generally, are properly concerned about the growth of big government and the threat to our Constitutional rights and civil liberties. It may help put things in perspective by taking a look at China. We already know that China, a country of 1.3 billion people, is an economic great power with global political reach and growing military potential. We also know that understanding China is imperative for Americans in the 21st century.

But what most of us know is what is impressive about China. Oh, we worry about China as a rival and hear random horror stories about China’s poor quality control, but our focus tends to be on China’s global status. We tend not to think too much these days about China’s government. So to better understand China let us perform an exercise in the elementary grammar of Chinese politics that reveals the fundamental logic of China’s authoritarian political system:

Here is the problem: Construct a compound sentence from the following three simple declarative sentences. (1) Liu Xiaobo is in China. (2) Liu Xiaobo believes in democracy. (3) Liu Xiaobo is in prison.

OK. Time is up. Here is the correct answer: Liu Xiaobo is in prison in China because he believes in democracy.

Unfortunately, this is not an academic exercise. On Christmas Day 2009, the Number One Intermediate People's Court in Beijing sentenced Mr. Liu, a fifty-three year-old writer and human rights
activist, to eleven years in prison on the charge of subverting state power. His three hour trial was a farce, his sentence a travesty of justice and a mockery of the Rule of Law that China claims to respect.

In reality Chinese courts lack judicial independence. In political trials of those who dare to challenge the authority of China’s communist rulers, the guilty verdict is predetermined by high-ranking communist party officials. The accused have no rights.

What is the truth behind the charge of subverting state power and the heavy sentence imposed upon Liu Xiaobo? His so-called crime was a crime of thought and expression. In December 2008 he helped to draft and distribute within China and on the internet a public appeal, known as Charter 08, that called, among other things, for the introduction of democracy, freedom of speech, assembly, and religion, and an end to one-party communist dictatorship in China. Three hundred courageous Chinese co-signed the appeal. Since then, so have thousands of others, including Chinese and foreigners, myself included. Shortly after the publication of Charter 08 Liu Xiaobo was arrested; the other original signers have been harassed and threatened.

Unfortunately, Liu Xiaobo’s case is far from unique. Over the past several years, many human rights lawyers in China have been arrested, imprisoned, tortured, or disappeared. During this same time China has loudly proclaimed its adherence to the Rule of Law. The Chinese Constitution claims to provide its citizens with a full set of civil and political rights akin to our own Bill of Rights. Yet in practice defendants have little chance of securing justice in the court system, and under the cover of law the communist party routinely represses members of the Falun Gong, a quasi-religious exercise group, the clergy and members of unregistered Christian, Muslim, and other religious groups, and anyone else who
in the eyes of a paranoid and self-perpetuating government poses a challenge to the communist party's monopoly of power.

To be sure, China is a much freer place than it was under the murderous dictatorship of Mao Zedong. Over the past thirty-odd years Chinese have gained more access to information, including on the internet which is heavily censored but increasingly host to sometimes challenging citizens’ blogs, and can go about their daily business without fear unless they publicly challenge local or national party leaders and the one-party state. China is much more open to foreign scrutiny as well. Organizations like Amnesty International, Human Rights Watch, and Human Rights in China shine their spotlights on Chinese human rights abuses. Within China there is a slowly increasing consciousness about human rights.

Closer to home UM law professor and Mansfield Center Associate Jim Taylor has been working in Beijing since November 2008 in collaboration with International Bridges for Justice, a Geneva-based NGO, to educate Chinese lawyers, judges, and police about defendants' rights in criminal law cases.

The road to democracy and respect for human rights in China is long and tortuous. Map Quest will not reveal how long that road is or how much time it may take to reach the final destination. Yet, if we keep faith with Chinese like Liu Xiaobo we may look forward to a time when the Rule of Law in China is the guarantor of justice. For now, unfortunately, it means the abuse of justice by communist officials determined to cling to power, and to suppress the varied voices of the Chinese people in whose name they rule.