

**The Authoritarian Predicament:
Reflections on Freedom and Human Rights in China**

Ambassador Randolph Marshall Bell

I want to thank you all for coming this evening. The First Freedom Center is proud to be, along with the University of Richmond and VCU arts, one of the three sponsors of this evening's program and of the photographic exhibition. The financial support we are providing for this endeavor is in realization of our mission to "advance the fundamental human rights of freedom of religion and freedom of conscience."

I want to take a few minutes to focus our attention on the profound challenges which authoritarian states like China pose, not only for universal human rights generally, but especially for the internationally-recognized rights which we at the First Freedom Center espouse. Liu Xia's husband, Liu Xiaobo, joined other Chinese rights advocates in modeling to some extent the Charter 08 initiative, which sets out a blue-print for strengthening rights and the rule of law in China, on the Czechoslovak Charter 77 of the 1970s, in which dissidents in that now-defunct country undertook the same goal. So I will use China and the former Czechoslovakia as two of my examples of authoritarianism. For the third, I have selected contemporary Russia.

To begin, let us look briefly at the current state of religious freedom in China. I should note that Liu Xiaobo has never described himself as a Christian or other religious believer. He studied actively the life and teachings of Jesus Christ in the context of his wider study of important advocates of non-violent change. In Charter 08, however, he and his friends were careful specifically to promote religious freedom as a key human right. In Charter 08's words, "We must guarantee freedom of religion and belief, and institute a separation of religion and state. There must be no governmental interference in peaceful religious activities. We should abolish any laws, regulations, or local rules that limit or suppress the religious freedom of citizens. We should abolish the current system that requires religious groups (and their places of worship) to obtain official approval in advance and substitute for it a system in which registry is optional and, for those who choose to register, automatic." China's constitution, to be sure, guarantees religious freedom, but only for, in its words, "normal religious activity," which the regime confines to the country's five officially-recognized religious organizations.

In its 2012 annual report on religious freedom, the United States Commission on International Religious Freedom, a bipartisan institution created by Congress as an adjunct of both the legislative and the executive branches of the U.S. Government, found that China met

its criteria as a “country of particular concern” because, in the Commission’s words, “The Chinese government continues to violate severely its international obligations to protect the freedom of thought, conscience, and religion or belief.” The Commission’s report noted that both religious groups and their individual members, in the widespread instances in which the authorities for whatever reason considered them a threat to national security or social harmony, or whose practices the government deemed superstitious, cult-like, or beyond the vague legal definition of “normal religious activities” face severe restrictions, harassment, detention, imprisonment, and other abuses. It called particular attention to the abysmal circumstances of Tibetan and other Buddhists, of Muslim Uyghurs, of many Christians, and of Falun Gong. It noted that, despite this wide, systematic, and growing repression, religious communities in China continue to grow. Hundreds of millions of Chinese manifest their beliefs both openly and in secret, in an environment in which only state-approved and state-constituted and state-supervised communities are legal.

As in the old Czechoslovakia, China’s accession to the Universal Declaration of Human Rights, to the United Nations Conventions on Civil and Political Rights and on Social, Economic, and Cultural Rights, and to the 1993 Vienna Declaration and Programme of Action, means almost nothing. The authors of Charter 08, like those of Charter 77, offered assertions of these international rights precisely in an environment that cannot meaningfully recognize them, let alone grant or enforce them.

Let us look briefly at the case of communist-era Czechoslovakia, where I spent six years on Foreign Service assignment. The Czechoslovak constitution of that era also nominally guaranteed religious freedom, but did so effectively only in the context of “the leadership of the working class” — i.e., of democratic centralism and of the iron hand of the communist party’s inner leadership. During the 1970s and the 1980s, independent religious leaders like Father Vaclav Maly, organizers of banned religious pilgrimages, pastors at Baptist and other “foreign” communities and, of course, human-rights advocates generally suffered forced labor, physical violence, employment and educational discrimination, imprisonment, and other horrors. The Charter 77 document complained that “Freedom of religious confession...is continually curtailed by arbitrary official action, by interference with the activity of churchmen, who are constantly threatened by the refusal of the state to permit them to exercise their functions, or by the withdrawal of such permission, by financial or other transactions against those who express their religious faith in word or in action, by constraints on religious training and so forth.” The pattern which emerged among the Czechoslovak Chartists and their oppressors brought to the

fore some basic characteristics of the relationship between rights-advocates, including in the religious sphere, and authoritarianism:

—Authoritarian governments demand that religious communities, cultural organizations, and civil societies obtain official recognition and submit to official control or dissolve. In the cases of communist regimes, this takes the form of their being wrapped into a National Front, as in the case of Czechoslovakia, or into a pre-existent paradigm of acceptable entities, such as China's small list of "official" religions. In all authoritarian countries, systems of registration exist primarily for the purpose of banning.

—Authoritarian regimes, in their approaches to religion, drive it into the arms of democratic opposition. This is self-defeating, but it is more or less inevitable. Charter 77 combined a Christian wing with secular-reform and cultural wings. Many Chinese religious-freedom advocates are also advocates of democracy and human rights.

— Whatever limited liberalizations authoritarian regimes may undertake, the fact remains that they cannot remain authoritarian and at the same share control of or influence over public opinion with religious communities and civil society. Regimes employ the stick of repression and the carrots of material betterment as tools for maintaining their monopolies of power.

Contemporary, authoritarian China and the former communist Czechoslovakia shared other characteristics as well:

—The regimes cannot function without corruption. This is true not only because they cannot count on stable, popular support and must buy the loyalty of elites and cadres. It arises because authoritarianism, even in the presence of market reforms such as China's, inevitably produces corruption and then selectively leaves in place those manifestations of it which usefully buy loyalty — while cracking down only on those which do not. Chinese banks' ever self-replacing massive on- and off-book emissions of credit to corrupt state industries are part of this pattern. So was the selective prosecution of Bo Xilai in Laoning province in 2012.

—Economic reform on its own cannot produce meaningful democracy or rule of law. It was not true that Czechoslovakia's mild imitation of Gorbachev's perestroika significantly diluted authoritarianism. Although accomplished sinologists like Vincent can more effectively speak to the issue, I for one do not believe that the economic reforms of the past three decades in any real way inevitably foreordain progress in rights and rule of law. The open question is rather whether they foreordain a complete discontinuity of rule.

Let's expand the field of analysis briefly to look at Russia, formerly a Marxist-Leninist, democratic-centralist state, and now an authoritarian one with increasing tones of nationalism.

The 1993 Russian constitution, adopted under Boris Yeltsin, specifies in its Article 28 that “Everyone shall be granted the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.” While there was evidence in the 1990s that the country might actually be moving in the direction of realizing those still-aspirational rights, it now has moved systematically and decisively against them. In our annual First Freedom Center reports on *Minority Religious Communities at Risk*, we note the policies of the Putin leadership espousing overt preference for “traditional” religions (the Russian Orthodox Church, Judaism, Islam, and Buddhism) over non-traditional ones. Since the enactment of Russia’s 2002 Extremism Law, that measure, initially directed against suspect Muslims, has been refined and revised to undergird nation-wide and systematic discrimination against “extremist” Jehovah’s Witnesses, Adventists, Baptists, moderate Muslims belonging to unofficial communities, and a wide variety of other adherents. The standing and influence of the Russian Orthodox church has been enhanced as an aspect of state policy, which emphasizes patriotism and the Orthodox Church as a primary instrument thereof. Many minority communities face official condemnation as “foreign” agents, as they do in China.

I have dwelt briefly on Russia to make a point. Russia is, in 2013, authoritarian but no longer communist. In the cases of China and the former Czechoslovakia, we have considered the roles of the party and of democratic centralism. Neither, I would submit, has been necessary to the model we are considering this evening — only the authoritarianism is. Over the past decade, the further Putin’s Russia has moved toward authoritarianism, the further it has moved away from universal human rights and freedom of religion.

As we cast about for instruments, should we even wish any, for improving rule of law and the state of religious freedom in authoritarian states, we should not forget that, in the cases of the old Czechoslovakia and of the Soviet Union, we actually thought we had some. The actions the international community undertook in the context of the Helsinki process, or, as it became, the Conference on Security and Cooperation in Europe proved, in my estimation unprecedentedly effective and may have offered modern history’s only important example of the use of international engagement and systematic international leverage on behalf of measured change that, ultimately, had quantum result. One other possible example was the case of apartheid-era South Africa, whose grievous human-rights violations were of a different sort. As the Soviet Union sought security guarantees from the West which would recognize its suzerainty in the Warsaw Pact, the West demanded regular payment for them in economic

reform and the expansion of human rights — of modestly freer emigration, of the freeing of at least some political prisoners, and otherwise. The Soviets wanted something. We demanded a quid pro quo. The regime changes of 1989-1991 in the Soviet world were all undertaken with their protagonists' specific reference to CSCE and the limited reforms it nurtured, and I, for one, deeply regret the extent to which policy-makers and academe seem to forget CSCE's importance.

The fates of Liu Xia and of Liu Xiaobo, like their brilliant and brave accomplishments, inevitably turn our minds toward the quest of freeing them. In what I have said tonight, I have offered for consideration the view that that won't come easily. It is the very nature of authoritarianism, however wealthy, to resist. We have recent, historic experience of marshalling leverage intelligently toward that goal, but China is unlikely to develop a meaningful rule-of-law culture, for believers or for secular-rights advocates, under its current system of government. The practical point of their inspiring examples — and of Liu Xia's evocative art — is that persevering in the face of authoritarian injustice — in the context of concerted outside engagement — can set the stage for optimistic change if the international community engages broadly and with concentrated leverage on behalf of it. This thought points toward the suggestion, often tendered by students of human rights and international affairs, that an "Asian CSCE" might best undergird more thoroughgoing change in China, which may ultimately mean change in the very nature of the regime.

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(This is the complete text of remarks delivered on February 28, 2013 at a panel discussion preceding the opening of the exhibition "The Silent Strength of Liu Xia" at the Lora Robins Gallery of the University of Richmond Museums. Copyright © 2013 by Randolph Marshall Bell. All rights reserved.)

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Ambassador Randolph Marshall Bell was appointed President of the First Freedom Center in April of 2010. He possesses a long and distinguished record of diplomatic and public service. He is the former Ambassador-at-Large and Special Envoy for Holocaust Issues for the United States Department of State (2002-2003). He served also as Acting Deputy Assistant Secretary of State for NATO and Bilateral Affairs, Bureau of European Affairs (2001); Director, German, Austrian and Swiss Affairs (2001-2002); Acting Ambassador, U.S. Embassy, Bern (1999-2000); Director, UK, Ireland and Benelux Affairs (1996-1999); Director, Russian and Eurasian Analysis, Bureau of Intelligence and Research (1993-1996); Counselor for Political Affairs, U.S. Embassy

Brussels (1989-1993); and as Counselor for Political and Economic Affairs, U.S. Embassy, Prague (1985-1988).

Ambassador Bell led the U.S. team that helped organize the London Conference on Nazi Gold in December 1997, negotiated the successful closeout of the postwar Tripartite Gold Commission, and also played an important role in establishing the \$61-million Nazi Persecutee Relief Fund. He served as a member of the Board of Trustees of the German Foundation, "Remembrance, Responsibility and Future", and as an observer to the International Commission on Holocaust Era Insurance Claims. He is currently on the board of the Virginia Holocaust Museum and a member of the International Council of Austrian Service Abroad. In 2004, Ambassador Bell received the Decoration for Services to the Republic of Austria from the Austrian Order of the Silver Star. From 2003-2009, Ambassador Bell was President of the World Affairs Council of Greater Richmond. He is a graduate of The College of William and Mary and of Cambridge University.