

**Professor Stanley Lubman’s remarks for
“Legal Reform in China: American Perspectives”**

I will briefly contrast two very different views of Chinese law reform:

The Chinese law reformers who have joined us at the conference

These are four law professors who, while engaged in teaching and writing, have dedicated themselves for years to reforming Chinese legal institutions. Aware of all the difficulties they face, they retain determination, perseverance and devotion that has marked them for many years—and they have begun to make a difference in the thinking of the Chinese leadership.

The view from Washington

At the other extreme, there is a particular view of China that affects American attitudes toward Chinese institutions, including legal ones, and one that is worrisome. I refer to views that are often expressed in Washington.

Example: The disturbingly low level of knowledge about China that is reflected in caricatures of China that are often expressed by members of Congress. Some of these are documented in my article, “The Dragon as Demon,” which has been distributed at this conference, and which sets forth an analysis of debates in 1999-2000 preliminary to Chinese accession to the WTO.

Example: A recent Zogby poll reported that 59% of ordinary Americans polled had a favorable view of China, but only 19% of Congressional staff who were asked the same question had favorable attitudes; 24% of ordinary Americans saw China as an economic threat, while 54% of Congressional staff perceived a China threat.

Example: US Economic and Security Review Commission Report consistently takes a strongly negative view of China. One member of the Commission, Commissioner Reinsch, declared in his remarks in the latest report of the Commission:

“The tone of the report continues its predecessor’s focus on the negative. In short, the indictments of China keep changing but the verdict is always the same---guilty. The Report’s perspective is simple- and simplistic: we are right; China is wrong; the only issue is how to force them to do what we want.”

My concerns

There is a need for a more nuanced view of China among the media, legislators and others here in Washington who are in a position to shape public opinion as well as legislative measures directed at China.

Greater understanding is required of the extraordinary transformations, and the extreme social flux, that China is experiencing.

There is also a need to avoid American hectoring, and judging Chinese practices by US ideals.

Useful pointers on US policy have been provided by the Congressional executive Commission on China in its latest report. The CECC does not give China a free pass on human rights or compliance with its WTO obligations, but it also proposes greater US funding for capacity-building, especially the construction and reform of legal institutions.