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TRADITIONAL CHALLENGES AND THE IMPACT
OF AMERICAS NEW CONFRONTATIONAL STRATEGY**

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Monterey, CA; Naval Postgraduate School

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**NAVAL
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MONTEREY, CALIFORNIA

THESIS

**U.S. HUMAN RIGHTS POLICIES WITH CHINA:
TRADITIONAL CHALLENGES AND THE IMPACT OF
AMERICA'S NEW CONFRONTATIONAL STRATEGY**

by

Sean S. Boyd

March 2023

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**U.S. HUMAN RIGHTS POLICIES WITH CHINA: TRADITIONAL
CHALLENGES AND THE IMPACT OF AMERICA'S NEW
CONFRONTATIONAL STRATEGY**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
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ABSTRACT

This thesis sought to determine the factors that have traditionally challenged effective U.S. human rights policies with China, examining U.S. preferences, policies, developments, and conditions from 1993 through 2021. This thesis investigated the efficacy of U.S. human rights policies with China according to policy makers' prioritization of those policies, in terms of time, effort, and competing or conflicting impacts to other national interests. U.S. policy makers from the Clinton through the Obama administrations demonstrated a consistent preference to prioritize economic relations and security cooperation with China under an overarching engagement strategy at the expense of effective human rights efforts. Under Trump, however, conditions and events resulted in a major shift from the engagement policy toward a competition strategy. The major contributors to the strategy shift were (1) China's human rights issues in Xinjiang and Hong Kong, (2) U.S. policy makers' acknowledgement that China was growing powerful at the expense of the U.S. and that its development had not led to liberalization, and (3) Trump's America First foreign policy tendencies, which rejected overreliance on China to achieve his national goals. U.S. human rights policies became more effective as policy makers became increasingly willing to use confrontational measures against China's human rights issues to include imposing sanctions and passing punitive and prevention-related legislation.

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I. INTRODUCTION

A. MAJOR RESEARCH QUESTION

Among the various friction points between the United States and China over the last several decades, the contention over China’s human rights abuses continues to complicate relations between the two nations. The most recent violations of human rights perpetrated by the Chinese Communist Party (CCP) center on their treatment of the Uyghur population in western China in the Xinjiang Uyghur Autonomous Region (XUAR) and their repressive actions in Hong Kong. Between 2017 and 2020 the CCP arbitrarily detained over one million Uyghurs in “reeducation” camps¹ as part of China’s Sinicization initiative meant to culturally cleanse the Uyghur population. China’s goal is to replace Uyghur culture, language, and ethnicity with a Han identity, which they deem as appropriate and congruent for the good of their nation. As part of this process, reporting indicates detainees have been subjected to forced labor, torture, forced sterilization, rape, and organ harvesting.² China broadly justifies its forced detention and treatment of Uyghurs as counterterrorism operations.³

The Uyghur situation in China is just the latest development in human rights contentions between the U.S. and China. The infamous Tiananmen Square Massacre of 1989 and various forced assimilation and Sinicization efforts targeting religious and ethnic groups including Muslim Hui, Taoists, and Buddhists—particularly Tibetan—serve as historic and ongoing examples of China’s violation of human rights that have resulted in countless deaths and the ongoing erasure of numerous cultures within China’s borders.⁴

In Hong Kong, China’s imposition of a national security law on Hong Kong, which resulted violent clashes between police forces and millions of protestors throughout 2019,

¹ Thomas Lum and Michael A Weber, “Human Rights in China and U.S. Policy: Issues for the 117th Congress” (Congressional Research Service, March 31, 2021), <https://crsreports.congress.gov/product/pdf/R/R46750>.

² Lum and Weber.

³ Sean R. Roberts, *The War on the Uyghurs: China’s Internal Campaign Against a Muslim Minority* (Princeton University Press, 2022).

⁴ Lum and Weber, “Human Rights in China and U.S. Policy: Issues for the 117th Congress.”

resulted in U.S. presidential and State Department determination that Hong Kong was no longer sufficiently autonomous from China to be eligible for special trade relations.⁵

While the United States has and continues to be a leader in *promoting* human rights globally, human rights *enforcement* is a complicated undertaking, whose drivers wax and wane under the pressures of a multilayered complex of competing priorities. It is easy enough to proclaim one's values as a nation but what does it mean to take a meaningful stand in their defense? This research seeks to determine the degree to which the U.S. government has effectively integrated human rights into foreign policy, specifically with a powerful, globally influential country such as China. This research will address domestic and international considerations pertaining to the U.S. government's pursuit of human rights as an important national interest, with the goal of identifying the main factors affecting the effectiveness of U.S. human rights policies with China.

In this paper, effective human rights policies are action-oriented, utilize a wide spectrum of national power leverages, and are considered programmatic or have codified backing associated with them. Effective human rights policies may include a combination of education programs promoting human rights values, high-level mechanisms for human rights dialogue, as well as punitive measures such as sanctions, tariffs, or other legislation intended to incur punitive actions as a means to apply measurable pressure and signal U.S. disapproval with human rights violations. It is improbable to limit the definition of effective human rights policies to only those that result in behavior changes of foreign nations. On the other hand, policies that are limited to dialogue mechanisms and rely solely on persuasion are among the weakest approaches to human rights progress and are not considered effective U.S. human rights policies in this research. The reason that dialogue alone is not considered an effective human rights policy is because there are no real expectations of change attached to those efforts. Normally, persuasion through political dialogue can be compared to a negotiation. Exchanges of ideas such as discussing incentives for change, propositions for compromise, and mutually beneficial programs can

⁵ Donald J. Trump, "The President's Executive Order on Hong Kong Normalization," July 14, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/presidents-executive-order-hong-kong-normalization/>.

be fleshed out. But in the case of China's human rights issues, there is little to discuss if CCP leaders consider the issue non-negotiable and U.S. policy makers are not willing to invoke leverages or punitive measures. A human rights policy, in which a liberal democracy is, in effect, *asking* an authoritarian government to change their behavior is not an effective policy beyond functioning as a signal of virtue.

Based on an examination of existing scholarship, three main factors stand out as the most substantial influences affecting effective U.S. human rights policies with China. U.S. policy makers from Clinton through the Obama administration have demonstrated (1) a preference toward the continuation of a mutually beneficial economic relationship between China and the U.S. and (2) a preference toward maintaining security cooperation with China in order to leverage their influence within the region and the UN security council. These two American policy preferences have traditionally outweighed concerted efforts to pursue effective human rights policies with China for fear that pushing a human rights agenda would threaten America's economic and security related interests, leading to a perceived or real degradation of relative U.S. global power and influence. Finally, (3) U.S. human rights policies became more effective and increasingly confrontational during the Trump administration because U.S. policy makers shifted from the engagement strategy to viewing China as a rival competitor. This shift was a result of human rights focusing events in Xinjiang and Hong Kong, America's acknowledgement that China's unwillingness to abandon authoritarian practices threatened U.S. national security, and Trump's America First foreign policies.

This thesis will review U.S. human rights policy strategies and attitudes with China in recent decades. It will cover the time period from the Clinton administration through the Trump administration, examining human rights policies for successive presidential administrations. The thesis will conclude with an assessment on the potential implications and trajectory of U.S. human rights policies with China.

B. SIGNIFICANCE OF THE RESEARCH QUESTION

The importance of examining U.S. human rights policy with China has both moral and pragmatic significance. From a moral perspective, the significance of the subject is

apparent by China’s flagrant human rights violations against Uyghurs in Xinjiang as well as the global spotlight placed on Hong Kong protests in 2019 against China’s national security law. China’s state-sanctioned treatment of the Uyghur population in Xinjiang is undoubtedly the most prolific subject of Chinese human rights violations in the last decade and has become a platform by which many reflections and debates take place regarding how best to proceed with human rights promotion and enforcement internationally.

China’s actions in Xinjiang are clearly in violation of established standards of international human rights according to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (ICCPR), which define “rights related to the economic, social, and cultural elements of life that states must provide to their citizens.”⁶ The U.S. State Department determined in January 2021 that, “China’s actions against Uyghurs and other Muslim groups in Xinjiang constitute crimes against humanity and genocide, based upon reports of mass arbitrary detention, torture, coercive birth control measures, separation of children from their parents, and other human rights violations.”⁷

Furthermore, Hong Kong’s loss of autonomy from China serves as a stark reminder that China has used their growing power and influence as a means to enhance their repressive footprint rather than to humanely improve their domestic governance or show themselves to be responsible stakeholders within the international order.

China’s policies in Xinjiang and Hong Kong are morally reprehensible but they also carry with them pragmatic concerns over China’s intent to use their growing power to exercise unrighteous dominion over all facets of, not only its domestic, but global influences. China is seeking to revise the international order in a manner that suits its own methods of governing, which are incongruent with respect to upholding the dignity and rights of its own citizens. Freedom House authors Repucci and Slipowitz emphasize that since the end of World War II international institutions have promoted the notion of

⁶ “UN Treaty Bodies and China,” Human Rights in China, <https://www.hrichina.org/en/un-treaty-bodies-and-china>.

⁷ Lum and Weber, Preface.

fundamental rights, striving to “create an open international system built on shared resistance to totalitarianism” but that for much of the 21st century, “democracy’s opponents have labored persistently to dismantle this international order and the restraints it imposed on their ambitions.”⁸ They conclude that “the regimes of China, Russia, and other authoritarian countries have gained enormous power in the international system,” and that “the current state of global freedom should raise alarm among all who value their own rights and those of their fellow human beings.”⁹ The consequences for approaching China’s ongoing human rights violations with a lukewarm temperament include an acquiescence to a new way of life that looks very much like a loss of progress in the field of international human rights.

What does the U.S. gain by pursuing meaningful human rights policies with China? A clear and primary motivation to do so is that if the U.S. fails to protect global human rights, they will be in danger of forfeiting their ability to safeguard their way of life in a liberalized democracy and accepting the new norms of an international system shaped by the ambitions of authoritarian regimes.

C. LITERATURE REVIEW

1. Opposition (or Indifference) to Human Rights in Foreign Policy

Despite its challenges, integrating human rights into foreign policy remains a stated interest of American politics. The pursuit of a human rights agenda within national foreign policy strategy, however, is not without its critics, who either argue actively against its practice or who, in their indifference, conclude that it simply fails to hold a place in the upper echelons of legitimate national interests. Realists, the international relations theory camp traditionally most dismissive of human rights policies, generally argue that state behaviors tend to center on increasing national power, placing human rights interests among periphery concerns. For instance, Mearsheimer explains, “Offensive realism certainly recognizes that great powers might pursue non-security goals,” such as human

⁸ Sarah Repucci and Amy Slipowitz, “The Global Expansion of Authoritarian Rule,” Freedom House, February 2022, <https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>.

⁹ Repucci and Slipowitz.

rights, “but it has little to say about them, save for one important point: states can pursue them as long as the requisite behavior does not conflict with balance-of-power logic, which is often the case.”¹⁰ Characterizing human rights policies as an endeavor not to supersede efforts of power expansion is the general consensus among realists. Other realists have also likened America’s intervention of other nations’ human rights affairs to international social work. From that perspective, Mandelbaum concludes that, “while Mother Teresa is an admirable person and social work a noble profession, conducting American foreign policy by her example is an expensive proposition.”¹¹ The “expense” that realists attach to human rights policies suggest there are financial and security-related costs associated with those policies, which equate to an overall loss of national power.

In contrast, others theorize that realist theory alone cannot fully account for state behavior, arguing that “international norms emerge when they are embraced and espoused by hegemon.”¹² Sikkink counters the primacy of realist explanations for state behavior by asking, “Why, in the mid-1970s, well before the end of the Cold War, did the United States change its perceptions of its interests and begin to initiate a human rights policy?”¹³ These opposing perspectives are presented not to establish the truth of any particular international relations theory over another, but to demonstrate the complexities that policy-makers must navigate along the realities of power politics and the preferences and interests that make up the evolving nature of international norms, to include human rights considerations in foreign policy.

2. Critics and Supporters of U.S. Human Rights Record with China

Literature that applauds America’s human rights policies with China is scarce. However, Rosemary Foot provides some of the most generous and authoritative

¹⁰ John J. Mearsheimer, *The Tragedy of Great Power Politics* (Updated Edition) (W. W. Norton & Company, 2003), 76.

¹¹ Michael Mandelbaum, “Foreign Policy as Social Work,” *Foreign Affairs* 75, no. 1 (1996): 18, <https://doi.org/10.2307/20047465>.

¹² Kathryn Sikkink, “Transnational Politics, International Relations Theory, and Human Rights,” *PS: Political Science and Politics* 31, no. 3 (September 1998): 517, <https://doi.org/10.2307/420610>.

¹³ Sikkink, 517.

observations of noteworthy U.S. human rights efforts with China, particularly within the Clinton and George W. Bush administrations. Foot highlights concrete programs initiated under the Clinton administration, which elevated human rights reporting requirements into all foreign policy mechanisms and offices during his time in office.¹⁴ Furthermore, Foot argues that it was under the George W. Bush administration that China's human rights atrocities against the Uyghur population in Xinjiang first received direct condemnation from U.S. leadership.¹⁵

However, outside of Foot's research, most literature seems to stop short from characterizing U.S. human rights efforts with China as being praiseworthy. In fact, the field of literature examining human rights policies with China is dominated by those critical of America's performance. This imbalance of judgement is not particularly surprising. One might safely assume that those who choose to write about human rights issues do so because they feel it a worthy cause, that human rights injustices must be spotlighted, corrected, or that the United States must do more within its power to either affect China's behaviors or at least apply harsher condemnation to Chinese government actions. These human rights-focused arguments tend to judge potential security or economic benefits with human rights abusers, such as China, as necessary sacrifices in the pursuit of moral policy. Human Rights Watch editorials certainly appear see the world through that lens. While Foot provides several examples of positive human rights efforts under Clinton, Wan, Ho-fung Hung, and various Human Rights Watch editors point to Clinton's delinking of trade relations from China's human rights as a forfeiture of an important leverage. Furthermore, Human Rights Watch has consistently provided critical examination of U.S. administrations' performances over the years, to include Kenneth Roth's bleak assessment of Obama's human rights record with China, accusing the former president as having entirely lacked a human rights strategy altogether.¹⁶

¹⁴ Rosemary Foot, *Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, Incorporated, 2001), 161, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=3052820>.

¹⁵ Rosemary Foot, "Bush, China and Human Rights," *Survival* 45, no. 2 (June 2003): 180, <https://doi.org/10.1080/00396330312331343546>.

¹⁶ Kenneth Roth, "Barack Obama's Shaky Legacy on Human Rights," *Human Rights Watch* (blog), January 9, 2017, <https://www.hrw.org/news/2017/01/09/barack-obamas-shaky-legacy-human-rights>.

3. China's Role in America's National Economic and Security Agendas

While scholarly literature is abound with analysis surrounding the importance of China's role in U.S. economic and security interests, an examination of those national agendas and their impact to human rights efforts is also apparent through the policies themselves as well as the perspectives of U.S. policymakers. Without exception, Clinton, George W. Bush, and Obama each acknowledged relations with China as critical in carrying out their administrations' economic and security objectives.

The factors surrounding Clinton's decision to delink human rights from trade is given a thorough examination from Foot, who highlights the enormous pressures from U.S. leaders as well as America's business elites. Foot also points out China's consequential influence in U.S. security objectives during Clinton's administration, particularly in its role in easing North Korean nuclear tensions in the 1990s.

In addition to scholarly research, presidential memoirs, and U.S. policies, insider accounts provide important perspectives into the mindsets and nuances of U.S. leadership prioritization of economic and security agendas and their relationships with human rights efforts with China. Winston Lord, Assistant Secretary of State for East Asia and the Pacific under Clinton, defended Clinton's renewal of Normal Trade Relations with China as a critical element of engagement.¹⁷ Former U.S. Secretary of Treasury under George W. Bush, Henry Paulson, argued in favor of maintaining close economic engagement with China over pushing a human rights agenda.¹⁸ And Senior presidential advisor, Jeffrey Bader, provided extensive insight into Obama era policies, defending the administration's economic and security priorities, characterizing their human rights approach as one of persuasion not coercion.¹⁹

¹⁷ Winston Lord, "Extension of China's Most Favored Nation (MFN) Trading Status," U.S. Department of Defense, June 5, 1996, <https://1997-2001.state.gov/regions/eap/960605.html>.

¹⁸ Henry M. Paulson, "A Strategic Economic Engagement: Strengthening U.S.-Chinese Ties," *Foreign Affairs* 87, no. 5 (2008): 60.

¹⁹ Jeffrey A. Bader, *Obama and China's Rise: An Insider's Account of America's Asia Strategy* (Brookings Institution Press, 2012), 8, <https://www.jstor.org/stable/10.7864/j.ctt6wpd6d>.

4. Shift From Engagement to Competition Rivalry and the Implications for Effective U.S. Human Rights

It is widely documented within existing literature and through U.S. leadership testimonials and policy documents that throughout the Clinton, George W. Bush, and Obama administrations U.S. policymakers operated within the paradigm of the engagement strategy with China. It was believed that within the engagement strategy the prioritization of economic relations and security cooperation was in harmony with the sentiment that China's continued development and globalization would naturally lead to their progress toward a democratic form of domestic and foreign policy governance. In this engagement paradigm, U.S. policymakers felt less inclined to push hard on China's human rights records because they believed, or otherwise justified, that those abuses were temporary setbacks on China's path toward a bright future of more democratic values. This sentiment also allowed for America to enjoy the economic and security benefits of the relationship while viewing the Chinese human rights record as a "work in progress." As an example, Clinton justified that, "greater trade and involvement would bring more prosperity to Chinese citizens; more contacts with the outside world; more cooperation on problems like North Korea, where we needed it; greater adherence to the rules of international law; and, we hoped, the advance of personal freedom and human rights."²⁰

Reflecting on America's previous engagement policies with China, Obama opined, "I thought that Clinton and Bush had made the right call in encouraging China's integration into the global economy...Still, the fact remained that China's gaming of the international trading system had too often come at America's expense."²¹ While China's increasingly bold posture during Obama's administration began to raise more and more concerns in Washington over the need to make a strategic pivot to Asia, while addressing trade relation imbalances in addition to maintaining important cooperative relations with China, human rights remained an elusive target with a poor track record of success and not an attractive target for pursual.

²⁰ Bill Clinton, *My Life* (New York: Knopf, 2004), 538.

²¹ Barack Obama, *A Promised Land* (Crown, 2020), 478.

Obama's administration may not have made great strides in pushing human rights issues with China, but it was during his era that America became increasingly disillusioned with the prospect that China would fulfill the hopes of liberalization, seeking instead to circumvent international trade practices in order to try their hand at leapfrogging America's influence and deny the pursuits of U.S. interests in East Asia. Obama paints a picture of how China's strategic patience following Deng Xiaoping's counsel to "hide your strength and bide your time" helped "obscure how systematically China kept evading, bending, or breaking just about every agreed-upon rule of international commerce during its 'peaceful rise.'"²² U.S. leadership began to grow weary of China's malicious intent to utilize their growing power as a means to supersede the liberal world order rather than adapt to it, to include efforts to increase Chinese power and influence at the expense of American interests.

But it was not until the Trump administration that the hope that engagement would bring about the eventual political liberalization of China came to a close. Lum and Weber illustrate that "policy analysts have increasingly debated the effectiveness of aspects of the U.S. engagement strategy with China, including, in light of China's deepening domestic political repression, its usefulness in securing improvements in Beijing's respect for human rights and political freedoms."²³ As such, the U.S. National Security Strategy drafted under the Trump administration "declared that China's international integration had not liberalized its political or economic system" and the U.S. would put less emphasis on engagement.²⁴

United States' stance toward China's human rights violations, combined with generally more assertive, and confrontational posture led to a deepening of mistrust between the nations. Nevertheless, the new strategy represented a major shift toward demonstrating American resolve in championing democratic values and human rights

²² Obama, 477.

²³ Lum and Weber, "Human Rights in China and U.S. Policy: Issues for the 117th Congress," 21.

²⁴ Lum and Weber, 21.

abroad and signaled a steep decline in America's engagement policy with China. The hope-filled strategy of Chinese liberalization that never materialized was officially over.

What this thesis endeavors to add to the literature on U.S. human rights policies with China is to illustrate the impacts that America's increasingly bold rivalry stance with China has had on enabling more effective human rights accountability mechanisms. This thesis does this by characterizing and comparing the factors that inhibited effective human rights policy of the past with the outcomes that followed the paradigm shift from the engagement years to America's new confrontational approach to China.

D. POTENTIAL EXPLANATIONS AND HYPOTHESES

Based on an examination of existing scholarship, three main factors stand out as the most substantial influences affecting effective U.S. human rights policies with China. First, U.S. policy makers have traditionally demonstrated a preference toward the continuation of a mutually beneficial economic relationship between China and the United States within the paradigm of what has been termed the *engagement* strategy, which includes the sentiment that engagement with China would eventually lead to their political liberalization as a responsible global stakeholder. Bill Clinton demonstrated such a preference toward economic engagement when he chose to delink American human rights efforts from trade with China.²⁵ Similarly, George W. Bush may have touted his associations with the Dalai Lama to China as a human rights gesture but his highest priority in regard to relations with China was to maintain mutually beneficial market access.²⁶ Obama's administration similarly viewed engagement with China as crucial in addressing the global economic crisis during his tenure as president.²⁷

Second, U.S. policy makers have demonstrated a preference toward maintaining security cooperation with China in order to leverage their influence within the region and the UN security council. Clinton believed he needed China's help to deal with the security

²⁵ Clinton, *My Life*, 538.

²⁶ George W. Bush, *Decision Points* (Enhanced Edition) (Crown/Archetype, 2010), 256–57.

²⁷ Rana Siu Inboden, *China and the International Human Rights Regime* (Cambridge: Cambridge University Press, 2021), 66.

issues posed by North Korea in the 1990s.²⁸ Bush prioritized leveraging Chinese security cooperation over pushing human rights because he needed Chinese support in the Global War on Terror, in the UN to topple Iraqi dictator Saddam Hussein,²⁹ and, like Clinton, Bush perceived that the “key to multilateral diplomacy with North Korea was China.”³⁰ Similar preferences persisted under Obama, who’s administration believed security cooperation with China could not be sacrificed at the expense of effectively pushing human rights policies.³¹

American policy preferences toward economic and security cooperation with China up to the Trump administration consistently outweighed concerted efforts to pursue effective human rights policies for fear that pushing a U.S. human rights agenda at the expense of economic and security related interests with China might lead to a perceived or real degradation of relative U.S. global power and influence.

Third, the Trump administration ushered in a major shift in America’s willingness to demonstrate assertive confrontation over human rights issues, allowing for the most effective U.S. human rights policies of all administrations examined in this research. China’s human rights abuses against Uyghurs in Xinjiang as well as the total loss of civil liberties in Hong Kong, were the focusing events that forced American leadership, in both the executive and legislative branches, to acknowledge that engagement had failed to liberalize China, and that China’s increasing power was being undertaken at the cost of U.S. power. This new strategy represented a shift from engagement to rival competition.

E. RESEARCH DESIGN

Due to the lack of useful comparative human rights successes between the United States and a nation as powerful and influential as China, the most appropriate analytic approach to explore factors affecting effective human rights policies with China is a single case study.

²⁸ Clinton, *My Life*, 506.

²⁹ Bush, *Decision Points* (Enhanced Edition), 149.

³⁰ Bush, 254.

³¹ Inboden, *China and the International Human Rights Regime*, 66.

Chapter I introduces the subject of the thesis. It explains the research question and its significance. It provides an overview of existing literature on the research topic followed by a presentation of the hypotheses tested.

Chapter II explores U.S. human rights policies during the Clinton and George W. Bush administrations, highlighting America's engagement strategy with China, which sought to foster mutually beneficial economic and security relations coupled with an enduring hope that development and globalization would eventually lead to China's democratization. Chapter II will also highlight China's policy of placation during the Clinton era, teasing the possibility of incremental progress toward eventual political liberalization. Chapter III will cover the Obama administration, which continued policies following the patterns observed in previous administrations. However, Obama's administration saw the beginning of U.S. policymakers' disillusionment with America's engagement strategy with China.

Chapter IV illustrates the transition toward a major strategy shift from engagement to competition rivalry under the Trump administration. Both chapters II and III will incorporate an examination of the the first two previously discussed hypotheses of: (1) *U.S. preferences toward economic* and (2) *security cooperation with China above that of human rights*, while chapter IV will examine (3) *increasingly effective U.S. human rights policies with China following human rights focusing events, America's disillusionment with China's resistance to democratic reform, and Trump's America First foreign policies*.

The sources I utilized to conduct my research included scholarly books and articles, U.S. presidential and national-level leadership memoirs, Congressional Research Service reports, and newspaper articles.

Chapter V concludes with the major findings of the research, preliminary assessments and observations of human rights policy under the Biden administration, and provides assessments on potential trajectories of U.S. human rights policy approaches with China.

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II. CLINTON AND GEORGE W. BUSH ADMINISTRATIONS

Integrating human rights values into foreign policy is quite often a complex mission, one that some have argued an effective national leader should not endeavor to pursue.³² The strategic relationship between the United States and China as well as their polarized views on ideas of human rights serves as a fascinating case study by which to examine the challenges of effectively integrating human rights policy into foreign affairs. In this chapter I have sought to answer how events, circumstances, and values shaped U.S. human rights policies with China during the Clinton and George W. Bush administrations. I will argue that three main factors stand out as the most substantial influences affecting effective U.S. human rights policies with China. U.S. policymakers during the Clinton and George W. Bush administrations demonstrated (1) a preference toward the continuation of a mutually beneficial economic relationship between China and the U.S. and (2) a preference toward maintaining security cooperation with China in order to leverage their influence within the region and the UN Security Council (UNSC). These two American policy preferences have consistently outweighed concerted efforts to pursue effective human rights policies with China for fear that pushing such an agenda would threaten America's economic and security related interests, leading to a perceived or real degradation of relative U.S. global power and influence. Finally, (3) U.S. policymakers' economic and security preferences were pursued under the overarching engagement strategy with China, which sought to facilitate China's embrace of liberalization as part of their development as a rising power.

A. U.S. HUMAN RIGHTS ATTITUDES, EFFORTS, AND POLICIES UNDER CLINTON AND BUSH

Despite its challenges, human rights promotion with China was certainly a feature throughout the Clinton, George W. Bush, Obama, and Trump administrations. To varying degrees, espousing human rights is a regular principle of America's international dealings,

³² Mearsheimer, *The Tragedy of Great Power Politics (Updated Edition)*, 76; Mandelbaum, "Foreign Policy as Social Work," 18.

with Foot asserting, “The United States has been a leading – if controversial and inconsistent – proponent of the idea that foreign policy should involve attention to the human-rights record of other countries.”³³ But what human rights efforts and policies toward China were undertaken during the Clinton and George W. Bush administrations? Was there any real progress made?

B. CLINTON’S HUMAN RIGHTS EFFORTS

On the outset of the Clinton administration’s tenure, his Secretary of State, Madeleine Albright, proclaimed, “engagement with China does not mean endorsement of Chinese policies. Where we disagree, as on human rights, we must continue to be frank.”³⁴ This sentiment of maintaining equilibrium between promoting human rights values and retaining economic and security relations has largely been the driving force shaping American human rights policy.

During a press briefing discussing the *1996 Country Reports on Human Rights Practices*, John Shattuck, the Assistant Secretary for Democratic, Human Rights, and Labor under Clinton defended the engagement policy with China, asserting,

Never has a human rights situation in China improved by the isolation of China—quite to the contrary. Only by engaging and working with China and seeking very firmly and clearly...to call the situation the way it is, as we have done in our report, do we believe over the long term that progress can be made.³⁵

During that same briefing Shattuck laid out three basic elements of the human rights work being undertaken with China under the Clinton administration, which included (1) continued and constant human rights engagement at the highest levels of national leadership, (2) government human rights reporting, and (3) legal reform initiatives.³⁶

³³ Foot, “Bush, China and Human Rights,” 169.

³⁴ Madeleine K. Albright, “Address before the Chicago Council on Foreign Relations and the Mid-America Committee,” January 17, 2001, <https://1997-2001.state.gov/statements/2001/010117.html>.

³⁵ John Shattuck, “Press Briefing: 1996 Country Reports on Human Rights Practices,” January 30, 1997, <https://1997-2001.state.gov/statements/970130.html>.

³⁶ Shattuck.

Some of the most prominent high-level exchanges took place in 1997 and 1998, starting with Jiang’s visit to the United States in October 1997. The day before that visit, China signed the International Covenant on Economic, Social and Cultural Rights (ICESCR).³⁷ And when Clinton returned to China in June 1998, the visit resulted in a bilateral legal reform initiative and an agreement to revive human rights dialogues suspended three years prior.³⁸

Clinton’s trip in 1998 was significant, in part because he became the first U.S. president to go to China since the Tiananmen Square Massacre in 1989.³⁹ Clinton describes how he and President Jiang Zemin held a press conference broadcasted across China, and discussed various topics, to include some core differences between the nations, but also a commitment to the strategic partnership. Clinton emphasized that, “It was the first time the Chinese people had ever seen their leader actually debate issues like human rights and religious liberty with a foreign head of state.”⁴⁰ Clinton further articulated his desire for, “Chinese citizens to see America supporting human rights that we believe are universal, and I wanted Chinese officials to see that greater openness wouldn’t cause the social disintegration that, given China’s history, they understandably feared.”⁴¹ Clinton became convinced toward the end of his trip to China that his counterpart was intent on moving his country in the right direction. Perhaps in no other time in Sino-U.S. relations did it seem more hopeful that China had the potential to make a change for the better than under the Clinton administration, with his presidential counterpart seemingly leaving the door to liberalizing progress wide open.

Shattuck’s second stated element of human rights work with China centered on bringing issues to light through the introduction of increased human rights reporting requirements. Foot described these efforts to ingrain human rights policy into the bureaucracy as a concrete change, giving, “instruction to American embassies for each

³⁷ Foot, “Bush, China and Human Rights,” 175.

³⁸ Foot, 175.

³⁹ Clinton, *My Life*, 737.

⁴⁰ Clinton, 737–38.

⁴¹ Clinton, 738.

section to contribute information and to corroborate reports of human rights violations.”⁴² As will be described in further detail below, Clinton had pledged during his presidential campaign⁴³ and early on in his presidency, to give greater attention to human rights than his predecessor. Foot points out that his administration’s “reorganization of the Bureau of Human Rights into Democracy, Human Rights and Labor (DRL) served to increase its clout and resources.”⁴⁴ Further efforts included the administration’s decision in December 1998 to charge all “executive departments and agencies to be aware of U.S. international human rights obligations, and to set up an interagency working group on human rights treaties ‘for the purpose of providing guidance, oversight, and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.’”⁴⁵ In essence, these new oversight mechanisms forced human rights considerations into virtually all domestic and international policy decisions.

The third effort of human rights work with China under Clinton included legal reform, most prominently featured in the Joint Statement issued at the end of the 1997 Summit, which included an agreement to assist legal reforms in China.⁴⁶ Paul Gewirtz, who was principally responsible for the legal reform initiative, believed that legal reform in China could, “enhance economic development, advance human rights, contribute to political reform, counter corruption, and improve China’s interactions with the international community.”⁴⁷ The overall outcome of the legal reform initiative, formally dubbed *Cooperation in the Field of Law*, is difficult to assess. It initially appeared to have failed due to complications in allocating funding for the strategy. According to Gewirtz, however, the initiative was a success in that it opened doors. Those open doors included expanded attention to the work, more activity by U.S. NGOs in China, and more funding from donors and foundations outside the government for the cause. Congress eventually

⁴² Foot, *Rights Beyond Borders*, 161.

⁴³ Foot, 161.

⁴⁴ Foot, 55.

⁴⁵ Foot, 55.

⁴⁶ Paul Gewirtz, “The U.S.-China Rule of Law Initiative,” *William & Mary Bill of Rights Journal* 11, no. 2 (February 2003): 608, <https://doi.org/10.2139/ssrn.422260>.

⁴⁷ Gewirtz, 604.

succeeded in allocating \$10,000,000 for programs concerning democracy and the rule-of-law in China.⁴⁸ Overall, it is clear that concerted efforts were made to advance human rights policies with China under the Clinton administration, but as will be discussed, the effectiveness of those efforts were limited by the need to balance human rights interests against economic and security interests.

C. BUSH’S HUMAN RIGHTS EFFORTS

When George W. Bush came into office in January 2001, he was critical of the previous administration’s supposed soft approach toward relations with China, just as Clinton had been with the George H.W. Bush administration. According to Foot, Bush regarded the Clinton administration’s “stance toward China as generally weak.”⁴⁹ Bush was quick to demonstrate his prioritization of human rights, sponsoring a new resolution in early 2001 at the UN Commission on Human Rights (UNCHR) “condemning China’s human-rights record, in particular, its treatment of Falun Gong practitioners.”⁵⁰

Promoting religious freedom was a central pillar to Bush’s human rights agenda. He recalled, “My focus was on religious liberty, because I believe that allowing people to worship as they choose is a cornerstone of the freedom agenda.”⁵¹ Bush’s engagements with religious figures reflected this emphasis and were far more prominent than his predecessor. For example, Clinton’s meeting with the Dalai Lama in 2000 had been an unpublicized, low-key affair.⁵² In contrast, Bush once informed Chinese President Hu Jintao to his face during the 2007 APEC Summit of his intent to meet with the controversial figure,⁵³ although that would not have marked his first publicized visit with the Dalai Lama.

⁴⁸ Gewirtz, 615.

⁴⁹ Foot, “Bush, China and Human Rights,” 176.

⁵⁰ Foot, 176.

⁵¹ Bush, *Decision Points* (Enhanced Edition), 257; President George W. Bush gave this explanation of his freedom agenda: “The freedom agenda is based upon our deepest ideals and our vital interests. Americans believe that every person, of every religion, on every continent, has the right to determine his or her own destiny. We believe that freedom is a gift from an almighty God, beyond any power on Earth to take away. And we also know, by history and by logic, that promoting democracy is the surest way to build security.”

⁵² Foot, “Bush, China and Human Rights,” 176.

⁵³ Bush, *Decision Points* (Enhanced Edition), 257.

Bush first met with the religious leader on 23 May 2001, a highly symbolic date. The date marked the 50th anniversary of the 17-Point Agreement of 1951, which formalized Chinese rule in Tibet. While Beijing claims the agreement constitutes the legal framework for its right to Tibet, the Dalai Lama's government-in-exile contends China has violated the agreement. Garver concludes that, "by meeting on that date, Bush helped publicize the Dalai Lama's version of Tibet-China relations."⁵⁴ While Bush understood and nurtured the strategic relationship between the United States and China, he made every effort to personally communicate his and America's position on human rights and religious freedom.

While he was intent on getting the message across through dialogue, Bush conveys that he mostly let his actions speak for his resolve, recalling that, "Laura and I attended church in Beijing, met with religious leaders like Cardinal Joseph Zen of Hong Kong, and spoke out for the rights of Chinese underground preachers and worshippers, bloggers, dissidents, and political prisoners."⁵⁵

The attacks on American soil on 9/11 reshaped the lens through which Bush viewed his human rights agenda. He explains, "After 9/11, I developed a strategy to protect the country that came to be known as the Bush Doctrine: ... [the fourth principle of which was to] advance liberty and hope as an alternative to the enemy's ideology of repression and fear."⁵⁶ Bush dubbed this fourth principle the *freedom agenda*. While Bush had other actors in mind when describing the ideology of 'enemies,' he believed his strategic engagement efforts with China would have a positive effect on reforming their practices of repression and fear. As part of the implementation of Bush's freedom agenda, his administration would "support fledgling democratic governments...[and] encourage dissidents and democratic reformers suffering under repressive regimes...while maintaining strategic relationships with nations like Saudi Arabia, Egypt, Russia, and China."⁵⁷ He noted that

⁵⁴ John W. Garver, "Sino-American Relations in 2001: The Difficult Accommodation of Two Great Powers," *International Journal* 57, no. 2 (June 1, 2002): 287–88, <https://doi.org/10.1177/002070200205700209>.

⁵⁵ Bush, *Decision Points* (Enhanced Edition), 257.

⁵⁶ Bush, 241.

⁵⁷ Bush, 241.

opponents of the freedom agenda criticized it for imposing, “[American] values on others,” but he rightly contended that, “freedom is not an American value; it is a universal value.”⁵⁸

Another significant development following 9/11 was an unexpected focus on human rights abuses in western China. It was under the Bush administration that the struggle of Uyghur minorities in the Xinjiang region of China started to gain global human rights attention. But it was not human rights scrutiny that initiated the attention to Xinjiang. On the contrary, it was the post-9/11 antiterrorism cooperation between the U.S. and China that would eventually shed light on Beijing’s indiscriminatory categorization of the entire Uyghur population as a threat to Chinese nationalism under the auspices of national security. According to Foot, U.S. officials throughout the Bush administration would consistently make, “reference to the presence of peaceful Uyghur dissidents and warn that Beijing should not seek to use the struggle against terrorism as an excuse to persecute particular religious and ethnic groups,”⁵⁹ with one such statement made during the visit of Assistant Secretary of State for Human Rights Lorne Craner to Xinjiang in December 2002. Craner, “urged China not to use terrorism to go after a whole ethno-religious group.”⁶⁰ Foot was correct in 2003 when she predicted the development as, “an important strategic moment for the Uyghur groups operating abroad to educate those concerned about China’s human-rights record about the legitimate basis for their struggle.”⁶¹ Indeed, since the Bush administration began to scrutinize China’s wholesale abuses of Uyghurs under the umbrella of antiterrorism rhetoric, China’s human rights abuses in Xinjiang have become an international topic of debate leading to increased awareness, support, and activism intent on holding the Chinese government accountable. However, as will be discussed further, the Bush administration’s policies surrounding Uyghurs in Xinjiang straddle the line between positive human rights efforts (or in this case, ‘damage control’) and the negative consequences of hasty security preference choices. Instead of a clear-cut human rights ‘win’ or ‘loss,’ the case of the Uyghurs during the Bush administration illustrates the

⁵⁸ Bush, 241.

⁵⁹ Foot, “Bush, China and Human Rights,” 180.

⁶⁰ Foot, 180.

⁶¹ Foot, 180.

balancing act that U.S. policy makers found themselves in as they navigated competing national interest priorities.

D. U.S. PREFERENCE FOR ECONOMIC RELATIONS OVER HUMAN RIGHTS

Although both Clinton and George W. Bush sought to promote human rights policies with China, those policies were restrained within an overarching paradigm of more consequential preferences during those administrations. Among the preferences that restrained U.S. human rights efforts was the need to nurture strategic engagement with China, first and foremost for the purpose of maintaining mutually beneficial economic relations.

1. Economic Preferences under Clinton (1993–2001)

During Clinton’s two-term tenure as president the significance of Chinese markets to the American economy was an unstoppable force that shaped U.S. national policy. Following a dip in economic growth rates from 1989 to 1991, largely due to global sanctions punishing China for the Tiananmen Square Massacre, China’s growth rates exploded once again, “reaching 12.8 percent in 1992 and 13 percent in 1993” with the International Monetary Fund (IMF) announcing in May of 1993 that, “based on purchasing power parity calculations, China’s economy was four times bigger than previously estimated, and that the size of its economy placed it behind only the USA and Japan.”⁶² Indeed, the opportunities posed by China’s impact to the global market demanded a high degree of consideration within American policy formulation with significant implications on U.S. human rights policies.

The challenges that distinguish the idealistic imperatives of human rights policies from the complexities of national policy-making dilemmas are well illustrated by comparing *presidential candidate* Clinton’s human rights sentiments with *President* Clinton’s eventual compromise with human rights policy. During his presidential campaign, Clinton went after George H.W. Bush’s policies with China to illustrate a

⁶² Foot, *Rights Beyond Borders*, 158.

supposed apathy toward supporting democracy, asserting, “there is no more striking example of President Bush’s indifference to democracy than his policy towards China.”⁶³ At the time, Clinton believed that linking trade with human rights would provide the essential leverage the United States would need if it had any hopes of influencing China on those issues.⁶⁴ However, the months that would follow brought ever expanding illuminations into the domestic and international implications attached to Clinton’s essential leveraging strategy that frustrated his resolve to link human rights with trade.

What seemed to be, and may have been, the right human rights policy approach with China while Clinton was on the campaign trail, quickly turned to pragmatism and a need to balance interests. According to Foot, in the months that followed, “Clinton’s position underwent some modification regarding the conditions to be imposed on Beijing.”⁶⁵ In fact, the more Clinton became educated on the complexity of the matter, the more it seemed his position gravitated toward the incumbent president’s views, with Clinton declaring, “We have a big stake in not isolating China, in seeing that China continues to develop a market economy.”⁶⁶ Nevertheless, Clinton maintained an emphasis on pressing the narrative on values, assuring, “we also have to insist, I believe, on progress in human rights and human decency.”⁶⁷ Despite the vague outlook, “the expectations were that some conditions for the extension of [most-favored-nation (MFN)]⁶⁸ status would be introduced,”⁶⁹ according to Foot.

In order to maintain alignment with his campaign principles, Clinton recalls, “in 1993 I had issued an executive order requiring progress on a range of issues from

⁶³ Foot, 161.

⁶⁴ Foot, 161.

⁶⁵ Foot, 161.

⁶⁶ Thomas L. Friedman, “The Transition: The President-Elect; Clinton Says Bush Made China Gains,” *The New York Times*, November 20, 1992, sec. U.S., <https://www.nytimes.com/1992/11/20/us/the-transition-the-president-elect-clinton-says-bush-made-china-gains.html>.

⁶⁷ Friedman.

⁶⁸ Most-favored-nation (MFN) status refers to a commitment toward maintaining Normal Trade Relations.

⁶⁹ Foot, *Rights Beyond Borders*, 161.

emigration to human rights to forced prison labor before I would extend MFN to China.”⁷⁰ Clinton’s Secretary of State, Warren Christopher, would later provide a *good news-bad news* follow-up report to the president’s order. Christopher’s report indicated progress in some areas such as emigration, a memorandum of understanding on prison labor, and a promise that China would adhere to the Universal Declaration of Human Rights. However, the bottom-line was that widespread human rights abuses remained a major issue and included the ongoing “arrest and detention of peaceful political dissidents and the repression of Tibet’s religious and cultural traditions.”⁷¹ Clinton’s conditions for extending MFN had failed to produce significant progress in China’s human rights activity.

On top of the external difficulties of persuading China’s human rights rehabilitation, the economically-driven domestic pressures placed on Clinton to extend China’s MFN trading status were overwhelming. In May 1993 over 300 business firms and associations urged Clinton to unconditionally renew MFN and six major corporations wrote to him pointing to “projected exports to China in excess of \$105 billion between 1993 and 2010.”⁷² According to Foot, “Some 800 representatives of large and small businesses, trade associations, and farming and consumer groups wrote to Clinton arguing that a failure to renew MFN would jeopardize more than 180,000 high wage American jobs,” with companies in California “claiming that \$1.7 billion worth of exports and 35,000 jobs depended on MFN renewal.”⁷³ The voice of the American business sector was loud and clear. Within this context, Foot raises a salient question, which further contextualizes Clinton’s dilemma to keep human rights linked with trade: “For democratic governments concerned about electoral popularity, [China’s economic growth] raised sharply the question of who such rulers primarily represented: should the possible improved prosperity of one’s own people be bought at the expense of the core human rights of those overseas?”⁷⁴ Such a quandary represents the policy dilemma America found itself in during

⁷⁰ Clinton, *My Life*, 537.

⁷¹ Clinton, 538.

⁷² Foot, *Rights Beyond Borders*, 162.

⁷³ Foot, 163.

⁷⁴ Foot, 158.

Clinton's administration, pitting a human rights agenda against market opportunities. A decision was required to establish once and for all which national interests deserved sufficient prioritization to drive policy.

In what would become the most consequential policy decision to affect human rights efforts during his presidential tenure, Clinton announced on 26 May 1994 the unconditional renewal of MFN trading status for Beijing.⁷⁵ His administration concluded that efforts to maintain the link between trade and human rights were no longer practical: “we have reached the end of the usefulness of that policy, and it is time to take a new path toward the achievement of our constant objectives. We need to place our relationship into a larger and more productive framework.”⁷⁶ The language is important here. The use of the term ‘constant objectives’ refers to economic interests, which suggests that human rights efforts, which for an American policymaker may oscillate along the prioritization spectrum between ‘nice to have’ and ‘must consider,’ should not directly restrain other policies that bolster the consistent, undeniable importance of a strong economy. Clinton himself explained, “because our engagement had produced some positive results, I decided, with the unanimous support of my foreign policy and economic advisors, to extend MFN and, for the future, to delink our human rights efforts from trade.”⁷⁷ Following Clinton's MFN renewal, Human Rights Watch/Asia protested that the delinking action removed the “last vestige of meaningful pressure on China from the international community.”⁷⁸ Wan adds that following the renewal, the Clinton administration, “remained critical of China's human rights record, but it refrained from using pressure tactics to push for the human rights issue in China.”⁷⁹ Clinton's delinking of human rights from trade was a pragmatic policy strategy that, for better or worse, removed the mechanism by which America could exert

⁷⁵ U.S. Department of State, “China's Most-Favored-Nation (MFN) Status, 1997,” accessed September 19, 2022, https://1997-2001.state.gov/regions/eap/china_mfn_1997.html.

⁷⁶ David M. Lampton, “America's China Policy in the Age of the Finance Minister: Clinton Ends Linkage,” *The China Quarterly* 139 (September 1994): 603, <https://doi.org/10.1017/S030574100004306X>.

⁷⁷ Clinton, *My Life*, 538.

⁷⁸ Human Rights Watch/Asia, “Human Rights in the APEC Region: 1994,” November 1994, 16, <https://www.hrw.org/reports/1995/WR95/ASIA-03.htm>.

⁷⁹ Ming Wan, “Human Rights and Sino-US Relations: Policies and Changing Realities,” *The Pacific Review* 10, no. 2 (January 1997): 243, <https://doi.org/10.1080/09512749708719219>.

consequential pressure to signal displeasure over Beijing’s human rights activities. This demonstrates U.S. policymaker preference of maintaining mutually beneficial economic relations over confrontational human rights efforts that threaten to disrupt free trade opportunities and access to Chinese markets.

In defense of the administration’s renewal of China’s MFN status, Winston Lord, the Assistant Secretary of State for East Asia and the Pacific proclaimed in May 1996 before a Senate Foreign Relations Committee,

China has been our fastest growing export market in recent years. Last year alone, our exports increased by more than one-fourth, supporting nearly 170,000 American jobs...China offers enormous commercial opportunities for U.S. business...But if our producers are handicapped in this key market, European, Japanese and other international competitors are ready and able to take their place...Given the stakes involved, the extension of China’s MFN status is a precondition of engagement—both where we seek changes in Chinese behavior and where our interests and policies coincide.⁸⁰

Lord’s case for renewal not only appealed to pragmatic approaches to policy supporting U.S. national interest, it reminded critics that the Clinton administration’s decision was simply a continuation of a well-established policy, since China’s MFN trading status had been extended by every U.S. administration since relations between the U.S. and China were normalized in 1979.⁸¹

Some may argue that by extending MFN status with China, Clinton traded human rights for economic rewards.⁸² In truth, Clinton compromised on a significant albeit controversial human rights leveraging device in the hopes that a win-win outcome from the engagement strategy was achievable. This line of thinking was both plausible and consensus driven, both during Clinton’s administration and continuing through the George W. Bush administration. In fact, the majority of the aforementioned human rights efforts undertaken during the Clinton administration were pursued after the delinking decision of 1996, suggesting that MFN was not the end all for human rights engagement with China.

⁸⁰ Lord, “Extension of China’s Most Favored Nation (MFN) Trading Status.”

⁸¹ Lord.

⁸² Ho-fung Hung, *The China Boom: Why China Will Not Rule the World* (New York: Columbia University Press, 2015), 59, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=4580233>.

What we continue to observe is that human rights as a foreign policy interest is not forsaken wholesale, but rather restrained by competing priorities that demand policy balance.

2. Economic Preferences under Bush (2001–2009)

The need for policy balance and the primacy of maintaining robust Sino-U.S. economic relations transitioned seamlessly from one administration to the next, as the George W. Bush administration determined that the economic relationship was more consequential to bolstering America’s interests than pushing hard on China over human rights issues. Bush explains, “Expanding American access to China’s one billion potential consumers was a high priority for me, just as access to the U.S. market was essential for the Chinese.”⁸³ The preference toward maintaining economic relations may be perceived as a one-for-one trade between choosing pragmatic opportunity over America’s human rights interests. Yet, the hope, which persisted through the Clinton and Bush administrations, that such strategic engagement would engender liberalization in China, represented the pursuit of a genuine convergence of the *real and the ideal*, which potentially amounted to pragmatic policies that bolstered the U.S. economy while also promoting American values, such as human rights. Bush illustrates how he, “saw trade as a tool to promote the freedom agenda,” believing over time, “the freedom inherent in the market would lead people to demand liberty in the public square.”⁸⁴ U.S. policymakers viewed their preference for economic relations over human rights more as a *balancing act* than an *either-or* decision.

One of the key features that defined Bush’s prioritization of economic relations with China was his directive to form the Strategic Economic Dialogue (SED). Bush unveiled the initiative in September 2006, announcing, “President Hu and I agree on the importance of maintaining strong and mutually beneficial U.S.-China economic relations and on the need to establish an overarching bilateral economic framework between our two countries...We must ensure that citizens of both countries benefit equitably from our growing economic relationship and that we work together to address economic challenges

⁸³ Bush, *Decision Points* (Enhanced Edition), 256–57.

⁸⁴ Bush, 256–57.

and opportunities.”⁸⁵ The SED intended to address arising concerns over the bilateral economic relationship, such as unfair trade practices on China’s part, but signaled a strategic commitment to the relationship and a recognition of the importance of cooperation. It also signaled resolve in moving forward despite persistent differences, central among them, the continuation of unresolved human rights practices in China. Henry Paulson, the former U.S. Secretary of the Treasury, adds his view, that the “differences with China must not be allowed to stand in the way of progress and cooperation.”⁸⁶

Other than the direct and obvious benefits associated with mutually beneficial economic opportunities, were the secondary engagement opportunities that maintaining strategic economic relations fostered between China and the United States. Paulson points out that, “robust and sustained economic growth is a social imperative for China and...Beijing views its international interactions primarily through an economic lens. Hence, approaching Beijing through economic issues of interest to both countries is an effective way to produce tangible results in economic and noneconomic areas.”⁸⁷ As an example, he details how the high-level discussions that occurred within the framework of the SED exposed bureaucratic challenges in other sectors such as environmental reform, leading to broader support to problem solving efforts within areas of mutual concern,⁸⁸ not necessarily within the realm of the economic relationship. Paulson concludes that ties between the United States and China,

Have been most stable and mutually beneficial when a common interest has united leaders in Washington and Beijing...On every major economic, political, and security issue, the path that China chooses will affect the United States’ ability to achieve its goals...The Strategic Economic Dialogue must be used to...productively [advance] shared interests while working through enduring differences.⁸⁹

⁸⁵ George W. Bush, “Statement on the Creation of the United States-China Strategic Economic Dialogue” (Government Publishing Office, September 20, 2006), <https://www.govinfo.gov/content/pkg/WCPD-2006-09-25/html/WCPD-2006-09-25-Pg1640.htm>.

⁸⁶ Paulson, “A Strategic Economic Engagement,” 60.

⁸⁷ Paulson, 60–61.

⁸⁸ Paulson, 64.

⁸⁹ Paulson, 76–77.

Paulson captures the depth and multifaceted implications of maintaining the economic relationship, which further demonstrates the immense challenges U.S. policymakers are faced when balancing human rights policies within such a globally significant strategic relationship.

E. U.S. PREFERENCE FOR SECURITY COOPERATION OVER HUMAN RIGHTS

While economic relations represented the most consistently dominant feature of Sino-U.S. strategic relations during the Clinton and Bush administrations, security cooperation was certainly the other half of the strategic engagement apparatus. China's political influence within East Asia as well as their permanent seat on the United Nations Security Council encouraged more cautious approaches to promoting human rights policies for fear that too heavy a hand would close critical doors of security cooperation.

1. Security Preferences under Clinton

Clinton's need to leverage Chinese security cooperation was shaped primarily by the threat posed by North Korea. During the Asia-Pacific Economic Cooperation (APEC) summit meeting in 1993, Clinton had a lengthy, informal discussion with China's president, Jiang Zemin, later remarking that, "we still had differences over human rights, Tibet, and economics, but we had a shared interest in building a relationship that would not isolate but integrate China into the global community." Furthermore, Clinton believed the security threat posed by North Korea served as a common ground for prioritizing a cooperative relationship with China. On the sidelines of the APEC summit Clinton ascertained that both Jiang and Japanese Prime Minister Hosokawa shared his "concern about the looming crisis with North Korea, which seemed determined to become a nuclear power, something I was determined to avoid and would need their help to accomplish."⁹⁰ Clinton's instincts would prove correct, both in terms of the growing threat from North Korea and the pivotal role that China would play in deescalating tensions.

⁹⁰ Clinton, *My Life*, 506.

The North Korean nuclear crisis in 1993 and 1994, “served to highlight the strategic dimension in [the Sino-U.S.] bilateral relationship.”⁹¹ According to Foot, in the spring of 1994, “the USA and North Korea moved frighteningly close to all-out war,” with the U.S. Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and four-star generals and admirals summoned from across the world, to a Pentagon conference room to discuss war planning.⁹² According to a description from an officer on the Joint Staff, it was “a real meeting of real war fighters to decide how they were going to fight a war”⁹³ with North Korea. In addition to war preparations, the U.S. was engaged in developing robust sanctions to punish North Korea’s refusal to cooperate with the International Atomic Energy Authority (IAEA).⁹⁴ The Clinton administration understood the importance of China’s unique position to influence North Korea and relied on its leverage to encourage Kim Jong-il to backdown. Beijing’s warning to Pyongyang, “to retreat from its uncompromising stance on IAEA inspections, ‘or face drastic consequences without Chinese protection,’” had the desired effect of de-escalation, resulting in a major turning point in the nuclear crisis.⁹⁵ China’s influential role in off-ramping the crisis further bolstered their self-perception as holding consequential political clout and reminded the United States of the significant leverage China held within the region and as a permanent member of the UN Security Council. These reminders further punctuate the challenge of pursuing human rights agendas within an international environment that demands multilateral security cooperation, compromise, and a pragmatic prioritization of interests.

2. Security Preferences under Bush

The Bush administration learned similar lessons on the importance of China’s security cooperation in dealing with the North Korea threat; however, Bush’s security needs from China would take on even more dimensions than his predecessor. In addition to North Korea’s nuclear ambitions, Bush’s security perspectives included the Global War

⁹¹ Foot, *Rights Beyond Borders*, 163–64.

⁹² Foot, 163–64.

⁹³ Foot, 163–64.

⁹⁴ Foot, 163–64.

⁹⁵ Foot, 164.

on Terrorism (GWOT) in the aftermath of the 9/11 attacks, and Saddam Hussein’s alleged Weapons of Mass Destruction (WMD) program, all of which relied to varying degrees of Chinese cooperation.

One year into Bush’s administration, intelligence suggested North Korea was hiding a highly enriched uranium program, which was of concern to U.S. officials because of its potential application toward producing nuclear weapons. Bush recalls, “It was a startling revelation...I made a decision: The United States was done negotiating with North Korea on a bilateral basis. Instead, we would rally China, South Korea, Russia, and Japan to present a united front against the regime.”⁹⁶ Bush understood that among those crucial players, it was China that represented the “key to multilateral diplomacy with North Korea,”⁹⁷ due to their close ties. Despite their divergent interests on the Korean Peninsula, China and America agreed that it was in neither’s “interests to let Kim Jong-il have a nuclear weapon.”⁹⁸ Bush engaged personally with Chinese presidents Jiang Zemin and later Hu Jintao on the North Korea security issue, urging them to convince their communist neighbor to halt its nuclear program. Bush even warned President Jiang in February 2003 that, “if we could not solve the problem diplomatically, I would have to consider a military strike against North Korea.”⁹⁹ The first Six-Party Talks meeting took place in Beijing just six months later.

Bush describes, “For the first time, North Korean officials sat down at the table and saw representatives of China, Japan, Russia, South Korea, and the United States looking back at them.”¹⁰⁰ The success of the Six-Party Talks was mixed, with Kim taking on his familiar role as a pendulum swinging between concessions and nuclear provocations according to his need for international attention. However, the talks illustrated the importance of Chinese leverage over North Korean dialogue mechanisms that seemed vital to furthering American security interests in Asia. America’s human rights apprehensions

⁹⁶ Bush, *Decision Points* (Enhanced Edition), 254.

⁹⁷ Bush, 254.

⁹⁸ Bush, 254.

⁹⁹ Bush, 255.

¹⁰⁰ Bush, 255.

with China—who has historically held the greatest diplomatic leverage over North Korea—probably seemed trivial when compared to the destabilizing nuclear threat North Korea posed under Bush’s administration.

Bush would rely on China’s security cooperation that same year, this time in their role within the UN Security Council (UNSC) in support of America’s intention of using force against Saddam Hussein. From a legal standpoint, a UNSC resolution was unnecessary to go to war with Iraq over WMD; however, Bush recalls that “almost every ally I consulted...told me a UN resolution was essential to win public support in their countries.”¹⁰¹ The decisive vote came in November 2002, which would require nine of the fifteen Security Council members, and no veto from France, Russia, or China. The vote was unanimous, with Bush recalling that, “Not only had France voted for the resolution, but so had Russia, China, and Syria.”¹⁰²

With the birth of the Global War on Terror following the 9/11 attacks, Bush’s push for unprecedented global security cooperation naturally included recruiting the efforts of China, who had promised to help in any way they could immediately following the attacks.¹⁰³ While relations between China and the U.S. appeared to have been given a boost with the shared interest in combating terrorism, the human rights narrative did not vanish altogether from the dialogue. Within the antiterrorism struggle, China, “has taken steps to enhance information sharing about terrorist networks,” but Foot notes that, “This has not meant that criticism of China’s human-rights record has disappeared from the U.S. script. The issue has continued to feature in the three Jiang–Bush meetings that have been held since the attack.”¹⁰⁴

As was briefly discussed earlier, U.S. and Chinese security cooperation associated with antiterrorism shed light to activity within the Xinjiang region in western China. However, the events that preceded America’s illumination of China’s bad behavior in

¹⁰¹ Bush, 147.

¹⁰² Bush, 147.

¹⁰³ Bush, 92.

¹⁰⁴ Foot, “Bush, China and Human Rights,” 178.

Xinjiang illustrate hasty security choices without sufficient regard to human rights considerations. As a clear example of U.S. policymaker preference of security cooperation over human rights, Foot articulates that, “the U.S. labelling in August 2002 of the East Turkestan Islamic Movement (ETIM) operating in Xinjiang as a terrorist organization and the April 2003 decision not to sponsor a resolution critical of China at the annual UNCHR have been interpreted as *quid pro quos* for China’s cooperation in the anti-terrorist struggle.”¹⁰⁵ Only later was it concluded that China, “seriously exaggerated [ETIM] transnational significance and its level of influence on other Uyghurs in Xinjiang.”¹⁰⁶ Exacerbated by their acceptance of the Chinese ETIM terrorist label, the Bush administration had no choice but to establish a constant drum beat opposing Chinese human rights abuses under the justification of antiterrorism in Xinjiang. The paradoxical outcomes of the Bush administration’s actions surrounding the Uyghur struggle constituted both implicit endorsement of Chinese human rights abuses and eventually functioned to expose human rights atrocities in the region. Rather than an example of America championing human rights, this case more accurately represents human rights ‘damage control’ efforts and further demonstrates the difficulties surrounding the balancing act between security cooperation and human rights preferences.

As has been demonstrated, U.S. human rights attitudes, efforts, and policies under the Clinton and George W. Bush administrations were promoted within a policy paradigm that prioritized maintaining economic and security cooperation ties with China with neither administration willing to take self-sacrificing measures in those areas to forcefully push a human rights agenda.

F. CONCLUSION

Madeleine Albright’s assertion that “engagement with China does not mean endorsement of Chinese policies” represents the crux of the human rights policy compromise American policymakers settled on during both the Clinton and George W. Bush administrations. This approach allowed the United States to signal displeasure with

¹⁰⁵ Foot, 179.

¹⁰⁶ Foot, 179.

China on human rights on one hand, while reaping the benefits of economic relations and security cooperation interests on the other. Her statement reflects the sentiment of American policymakers navigating the difficulties of a policy dilemma tug-of-war. This tug-of-war imagines a human rights champion on one end pulling desperately against the two powerhouses of economic and security interests on the other. Is it any wonder human rights policies consistently end up the loser with their face in the mud? Others would describe it not as a tug-of-war but a balancing act. But as we have seen, the balancing act typically results in relatively limited progress in the human rights realm, and if the balance is tipped, it most often tips in favor of economic and security interests over a resolute human rights agenda. Evidence throughout both the Clinton and Bush administrations clearly demonstrates that China's overwhelming economic and security influences challenged American policymakers' ability to link engagement policies with human rights policies in any consequential effort to increase their effectiveness, instead engaging in a balancing act of national interests. Furthermore, U.S. policymakers' balance between the triad of economic, security, and human rights agendas was further justified within the paradigm of the engagement strategy, with hopes that China's human rights record would take care of itself when China eventually graduated into a liberalized democracy.

III. U.S. HUMAN RIGHTS POLICIES WITH CHINA: THE OBAMA ADMINISTRATION (2009–2016)

China's role as a linchpin in so many of American policymakers' strategic goals over the last several decades has significantly complicated any aspirations to push a meaningful U.S. human rights agenda with China. Just as Clinton and George W. Bush were hampered in their ability to achieve effective human rights policies with China for fear of undermining greater economic and security priorities, Obama's strategic priorities similarly overshadowed any preferences to advance human rights with China. Obama's strategic objectives and engagement with China followed a similar pattern as previous U.S. administrations, prioritizing economic relations and co-opting security cooperation at the expense of any concerted effort to elevate human rights policies.

It was toward the end of Obama's first term in office that U.S. policymakers started recognizing the need to take a more assertive approach with China due to concerns over their growing military dominance and belligerence over territorial disputes in the region, their continued use of unfair trade practices, and clear intent to reshape the liberal international order rather than adapt to it. This trajectory led to a mounting sentiment among U.S. policymakers during the Obama administration that strategic engagement with China was not going to lead to their natural transition to a liberalized political system, as previous U.S. administrations had hoped it would, and had in kind, built strategic policy around. Nevertheless, the Obama administration's increasingly assertive approach with China did not necessarily translate to a shift in bolder human rights policies.

A. OBAMA'S HUMAN RIGHTS EFFORTS WITH CHINA

Unlike Clinton and George W. Bush, Obama refrained from criticizing his predecessor's human rights record with China on his campaign trail, which may have freed him from enduring a familiar process of having to walk back on campaign promises or detangle human rights efforts from pragmatic economic and security cooperation initiatives with China. From the beginning of his tenure in office, it was clear that his team took lessons from previous administrations on the dangers of being overly passionate or

optimistic in pursuing the American agenda of human rights progress in Asia. According to Jeffrey Bader, Obama’s principal advisor on Asia and special assistant within the National Security Council from 2009 to 2011, the strategy for advancing human rights in the Asia-Pacific region “requires a multipronged approach that treats different situations differently.”¹⁰⁷ He further explained that “principles and values pertaining to human rights and democracy should be articulated so as to persuade, not to score points,” and should be undertaken in a clear, but respectful manner and language that speaks to “issues that matter in the lives of the people of Asia.”¹⁰⁸ This approach underscored that, while the promotion of a human rights agenda with China would remain a stated national interest under Obama, his administration believed a heavy handed strategy would bear no fruit, preferring to utilize the diplomatic tools of dialogue and persuasion over coercion. The approach also highlights the fact that the Obama administration, from the beginning, never intended to put up a fight against human rights violations in China. If China could be *persuaded* to change their bad domestic behavior, that would be ideal. If China could not be persuaded, however, coercion and pressure tactics would not be exercised, and U.S.-China relations would focus on other areas of mutual interest and consider lack of progress in human rights as an acceptable loss.

Bader further explains that the administration’s core beliefs included, “a relationship with China that would enable us to expand areas of cooperation and manage differences, free flows of trade and investment, and giving Asia higher overall priority in our foreign policy.”¹⁰⁹ Another way of interpreting Bader’s characterization of the Obama administration’s approach toward China was that by “managing differences,” particularly in the case of human rights, America would avoid overly confrontational measures on sensitive issues in favor of expanding cooperation. Even further, it was clear that seeking progress in U.S.-China human rights policy would not be at the forefront of the Obama administrations highest priorities, certainly not worth risking progress in economic relations and security cooperation.

¹⁰⁷ Bader, *Obama and China’s Rise*, 8.

¹⁰⁸ Bader, 8.

¹⁰⁹ Bader, 6.

As a representative of the Obama administration’s human rights agenda, Secretary of State Hillary Clinton’s words and actions were frequently the subject of human rights scrutiny. Clinton’s trip to Beijing in 1995, as the First Lady, which was memorable for its hard stance against China’s human rights abuses, undoubtedly served as a reflection point for officials and speculators from both Washington and Beijing as she prepared to return to Beijing in an entirely different role. Washington strategists may have viewed Clinton’s bold human rights history, in her role as the First Lady, as reason for her to tread softly on that subject in her role as Secretary of State, assuming Chinese officials would be on guard. In a pragmatic approach that diverged dramatically from the message she delivered fourteen years prior, Clinton provided one of the more prominently scrutinized comments on human rights during her February 2009 trip to Beijing. She told reporters that America would continue to press China on issues such as Tibet, Taiwan, and human rights, “But our pressing on those issues can’t interfere with the global economic crisis, the global climate change crisis, and the security crisis.”¹¹⁰ U.S. policymakers understood well the prominent role China would play in rebuilding the global economy following the crisis of 2007-2008, which had caused a 4 percent loss of global growth and trillions of dollars of American wealth.¹¹¹ In her 2009 remarks, Secretary Clinton clearly communicated that the human rights agenda with China was the biggest loser among U.S. national interest talking points with China. Furthermore, her comments further clarified that the Obama administration would not consider weighing any economic or security costs in lieu of human rights progress with China.

Critics were quick to suggest her statements represented a betrayal of the stand she took in 1995 when she gave a speech in Beijing some regarded at the time as the “strongest criticism of China’s human rights record by a visiting foreign dignitary.”¹¹² In response, Clinton could do little more than reiterate that, “the promotion of human rights is an

¹¹⁰ “Clinton: Chinese Human Rights Can’t Interfere with Other Crises,” CNN, February 21, 2009, <https://edition.cnn.com/2009/POLITICS/02/21/clinton.china.asia/>.

¹¹¹ Renae Merle, “A Guide to the Financial Crisis — 10 Years Later,” *Washington Post*, September 10, 2018, https://www.washingtonpost.com/business/economy/a-guide-to-the-financial-crisis--10-years-later/2018/09/10/114b76ba-af10-11e8-a20b-5f4f84429666_story.html.

¹¹² “Remarks With Chinese Foreign Minister Yang Jiechi,” U.S. Department of State, February 21, 2009, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2009a/02/119432.htm>.

essential aspect of U.S. global foreign policy,” pointing to “candid discussions” between her and Chinese Foreign Minister Yang, in which “human rights is part of our comprehensive agenda.”¹¹³ Another critic of Clinton’s alleged doubletalk on human rights was former UN ambassador John R. Bolton, who commented, “The issue with whatever she says, candid or not, is whether it has an objective in mind, or whether she is just running at the mouth...Executive branch officials, by definition, are not just bloviating, but executing policies.”¹¹⁴ Bolton’s remarks highlight the difficulty associated with pursuing a human rights agenda based on the approach of dialogue alone; what else is there to do but *talk* and *hope* when the utilization of leverage is not considered as an option?

As expected from the memoirs of an Obama administration team member, Bader provides a stark contrast to the criticisms of Clinton’s human rights remarks discussed above, arguing that during that same trip in 2009, Clinton organized what he described as a “truly creative human rights event in Beijing,”¹¹⁵ in which she invited sixteen prominent women involved in women’s issues to a public forum. According to Bader, these women “made very strong and courageous statements about the problems encountered in China and the failings of authorities...every bit as bold as what one might expect to hear at a U.S. town hall meeting.”¹¹⁶ Bader argues these types of events are “worth more than a hundred sterile exchanges of talking points and breast-beating press releases.”¹¹⁷ These contrasting views of Secretary Clinton’s visit to Beijing and whether her actions and remarks represented positive or negative steps in the U.S. human rights agenda illustrate the tricky negotiations U.S. statesman were forced to engage in with China.

Clinton’s travel to China paved the way for Obama’s own trip in November of that same year. But Obama’s first encounter with his Chinese counterpart, President Hu Jintao, took place in London in April 2009. Bader recalls during that first encounter that Obama

¹¹³ “Remarks With Chinese Foreign Minister Yang Jiechi.”

¹¹⁴ Glenn Kessler, “Clinton’s Candor Abroad Draws Mixed Reviews,” *Washington Post*, February 23, 2009, sec. A SECTION.

¹¹⁵ Bader, *Obama and China’s Rise*, 17.

¹¹⁶ Bader, 17.

¹¹⁷ Bader, 17.

emphasized to Hu the need for China and the U.S. to cooperate in order to “roll back the North Korean nuclear program, respond to the recent North Korean missile test, halt the Iranian nuclear program, stimulate the global economy, and combat climate change.”¹¹⁸ As expected, Obama also took the opportunity to reiterate America’s commitment to global human rights and “urged Hu to undertake a serious dialogue with the Dalai Lama on Tibet’s future.”¹¹⁹ However, as Bolton pointed out in reference to Clinton’s human rights talking points, the main difference between encouraging human rights with China’s president vice a serious discussion on security and economic issues is whether one can reasonably expect administrative staffing and programmatic follow-ups associated with those issues or whether those talking points more accurately represent *checked boxes* of American virtue signaling. Human rights talking points appear in these cases to reflect the latter, in which U.S. officials are simply doing their duty to represent American values—and say that they did—but those discussions rarely lead to effective mechanisms of change.

Nevertheless, in a similar approach to Clinton’s public forum in Beijing, Obama presided over a town hall event in Shanghai when he visited China in November 2009, with the hopes that the meeting would send a “stronger message to Chinese audiences of how democracies functioned.”¹²⁰ The event was broadcasted live on Shanghai TV¹²¹ and included a “a lengthy tribute to the U.S. system of democracy, freedom, protection of human rights, and constitutional law.”¹²² Bader explains that the town hall was meant to provide the people of China, living under an authoritarian system, a vision of a “politically just system and to discreetly promote self-examination on their part.”¹²³ Obama said of the event, “I left the town hall acutely aware that winning over this new generation depended on my ability to show that America’s democratic, rights-based, pluralistic system could

¹¹⁸ Bader, 24.

¹¹⁹ Bader, 24.

¹²⁰ Bader, 57.

¹²¹ White House, Office of the Press Secretary, “Remarks by President Obama at Town Hall Forum with Future Chinese Leaders,” November 16, 2009, <https://obamawhitehouse.archives.gov/the-press-office/remarks-president-barack-obama-town-hall-meeting-with-future-chinese-leaders>.

¹²² Bader, *Obama and China’s Rise*, 57.

¹²³ Bader, *Obama and China’s Rise*, 58.

still deliver on the promise of a better life.”¹²⁴ Despite the hope that his discussions would demonstrate the need for change in China, Obama acknowledged the hard truth that, “China’s economic success had made its brand of authoritarian capitalism a plausible alternative to Western-style liberalism in the minds of young people” both in Shanghai and across the developing world in general.¹²⁵

The town hall style forums Clinton and Obama engaged in during their 2009 trips to China highlight an enduring question among those who postulate on the potential sources and pathways of liberalization within an authoritarian regime. If a political change were to occur within China, would it originate from the top-down or bottom-up? When American leaders urge Chinese officials to take steps in altering their human rights posture, they are investing in a top-down change. However, the Obama administration’s public forum approaches were clearly an effort to plant democracy-promoting seeds in hopes of inspiring bottom-up liberalization, in which human rights progress in China originates from the demands on the government from their populace.

While human rights concerns remained a consistent theme within U.S.-China relations during Obama’s tenure in office, little if any measurable outcomes resulted from his administration’s light-handed approach, which emphasized consistent dialogue over sustained pressure mechanisms. Annual human rights talks between the U.S. and China, which began in the 1990s, continued to yield minimal results under the Obama administration, serving more as a medium for transactional negotiations, such as the occasional prison release of political dissidents, vice a mechanism for fundamental change. Furthermore, it has been argued the talks only serve to further compartmentalize human rights dialogue in order to allow the topic to be avoided the rest of the year.¹²⁶ In this manner, the irritation of discussing human rights can be metaphorically endured all at once like taking a large pill. As one British diplomat likened it, the annual talks allow the

¹²⁴ Obama, *A Promised Land*, 483.

¹²⁵ Obama, 483.

¹²⁶ Andrew Jacobs, “Bleak Outlook for U.S.-China Talks on Human Rights: [Foreign Desk],” *New York Times*, Late Edition (East Coast), April 28, 2011, sec. A.

Chinese to “put all their poison in a box and call it human rights so no other leaders can talk about it.”¹²⁷

Obama’s failure to obtain any quantifiable human rights success with China suggests his preference for diplomatic persuasion was insufficient to inspire any semblance of top-down changes in human rights progress from China’s leadership. Furthermore, the Obama administration’s occasional peddling of the western alternative to China’s authoritarian system did not measurably affect the attitudes and preferences of the Chinese populace, although measuring such a bottom-up influence effort—in terms of access, outcome attribution, and relatively short duration of time span since such efforts were conceived—is inconceivable given currently available materials.

B. ECONOMIC INTERESTS OVERSHADOW HUMAN RIGHTS EFFORTS

America’s human rights agenda with China was overshadowed by the U.S.-China economic relationship under Obama just as it was under the Clinton and George W. Bush’s administrations. However, in addition to the usual promises of increased prosperity, under Obama, China’s economic role in U.S. affairs was perhaps even more consequential, as the global financial crisis of 2007-2008 affected the prioritization of, and ability to address, all other U.S. national interests during that timeframe. As Bader notes, “President Obama had a number of global foreign policy priorities that went beyond particular regions. The most important one in early 2009 was to spur global economic recovery from the financial meltdown and deep global recession of the last six months of the Bush administration.”¹²⁸

The economic crisis, which sparked what was later termed the Great Recession, was the most severe financial disaster since the Great Depression with U.S. unemployment peaking at 10 percent in October 2009, the loss of \$9.8 trillion in American wealth as “home values plummeted,” and a multitude of American “retirement accounts vaporized.”¹²⁹ Worldwide, the financial crisis resulted in the “loss of more than \$2 trillion in global economic growth, or a drop of nearly 4 percent, between the pre-recession peak

¹²⁷ Jacobs.

¹²⁸ Bader, *Obama and China’s Rise*, 21.

¹²⁹ Merle, “A Guide to the Financial Crisis — 10 Years Later.”

in the second quarter of 2008 and the low hit in the first quarter of 2009.”¹³⁰ The impact of those hardships, both globally and within the minds of Americans dealing with significant loss, made the prioritization of economic cooperation with China, instead of pressing hard on their human rights record, an easy choice for U.S. policymakers at the time.

Weighing the issue of China’s impact on the financial crisis, Bader remarked that, “China was then the third largest economy in the world. If it went into recession or turned inward and closed its market, the global recession would be much deeper.”¹³¹ Obama recalled, “China held more than \$700 billion in U.S. debt and had massive foreign currency reserves, making it a necessary partner in managing the financial crisis.”¹³² Fortunately, China chose not to turn inward. Instead, Beijing viewed the crisis as an opportunity to improve their global image and influence through economic means. According to Mitter, the financial crisis increased China’s global economic standing, and “just when major Western economies were on the brink of a systemic disaster, China’s decision to create credit to spend on infrastructure helped stabilize the global economy.”¹³³ China’s role in helping to manage the financial crisis was instrumental, both globally and within the United States, and highlights how pushing a coercive human rights agenda with China in the midst of such consequential global events would be both ineffective and self-defeating overall.

But the Obama administration’s strategic economic interests did not always rely on China’s influence. In fact, as part of what would later be dubbed the “pivot to Asia,” Obama sought to enter into a “multilateral trade agreement with Southeast Asian countries as an alternative to China’s own regional economic ambitions.”¹³⁴ According to Kaufman, Obama believed that signing onto the Trans-Pacific Partnership (TPP) would establish “a high standard, enforceable, meaningful trade agreement” that would be “incredibly

¹³⁰ Merle.

¹³¹ Bader, *Obama and China’s Rise*, 21.

¹³² Obama, *A Promised Land*, 478.

¹³³ Rana Mitter, *China’s Good War: How World War II Is Shaping a New Nationalism* (Cambridge, Massachusetts: Harvard University Press, 2020), 8.

¹³⁴ Burton I. Kaufman, *Barack Obama: Conservative, Pragmatist, Progressive* (Ithaca: Cornell University Press, 2022), 220, <https://doi.org/10.1515/9781501761980>.

powerful for American companies who...have often been locked out of those markets.”¹³⁵ Obama claims that “the overall goal of the ‘pivot to Asia’ wasn’t to contain China or stifle growth,” but rather to “reaffirm U.S. ties to the region”¹³⁶ following a long period of American focus on the Middle East, which had caused many East Asian countries to question U.S. commitments in the Pacific.

However, according to Kaufman, “Most of the foreign policy officials and advisers in the administration agreed,” that Obama regarded the TPP as a mechanism to expand U.S. trade into Southeast Asia, “and to create an economic bloc that would contain Chinese expansion into the region.”¹³⁷ Furthermore, U.S. concerns over Chinese expansion were not one sided. Twelve Asia-Pacific countries signed onto the TPP in February 2016, and despite its critics, many Asians “feared China’s expansionary ambitions in Southeast Asia and, despite being wary of Washington’s commitment to the region, understood that only the United States had the economic and military power to contain the Chinese threat.”¹³⁸

Obama’s passionate initiative to engage the U.S. into the TPP as an alternative economic mechanism to China’s growing influence in the region, demonstrates that U.S. policymakers’ failure to elevate the human rights agenda with China is not always a direct result of treading softly in order to maintain the mutual benefits of the economic relationship—although sometimes that has been shown to be the case in previous administrations. Instead, Obama’s initiatives and priorities appear to be the result of policy preference over the limitations or constraints associated with pursuing a fervent human rights agenda. In other words, Obama was not forced to choose between pursuing an economic policy or a human rights policy—he simply chose to put his time and energy into the former.

¹³⁵ Kaufman, 220.

¹³⁶ Obama, *A Promised Land*, 479.

¹³⁷ Kaufman, *Barack Obama*, 222.

¹³⁸ Kaufman, 221.

C. CRITICAL SECURITY COOPERATION MINIMIZES HUMAN RIGHTS

The security challenges Obama faced during his tenure in office were also difficult for the U.S. human rights agenda to compete with. Bader explains that in addition to inheriting from Bush, “the challenge of halting or curtailing the Iranian and North Korean nuclear weapons programs,”¹³⁹ Obama’s security priorities included the desire to “end the genocide in Darfur, increase U.S. pressure on al Qaeda in Afghanistan and Pakistan, and begin to tackle the problem of climate change.”¹⁴⁰ According to Bader, Obama believed China’s role “in all these issues was important, and in some instances critical.”¹⁴¹ The Obama administration’s reserved, low-key human rights approach remained key to unnecessarily agitating China and thereby closing the door to cooperative efforts to further Obama’s strategic security goals.

Among those security goals was countering North Korea’s nuclear weapons program. As has been demonstrated in the above sections that examined the Clinton and George W. Bush administrations, China’s cooperation has consistently been instrumental in countering North Korean provocations due to their special relationship with Pyongyang and as a permanent seat in the UNSC. In 2009, Pyongyang was engaged in its latest round of provocations and ballistic missile testing. In order to change perceptions and actions, in both Pyongyang and Beijing, Deputy Secretary of State Steinberg, argued that if the U.S. hoped to persuade the Chinese to put pressure on Pyongyang, Beijing would need to be reminded that North Korean behavior had negative ramifications on China’s security interests in the region.¹⁴² A U.S. delegation was sent to Beijing, which proposed to China’s leaders that, if North Korea’s “nuclear weapons and intercontinental ballistic missile programs continued...it would inevitably cause the United States and its allies to alter their security posture to respond to the emerging threat.”¹⁴³ According to Bader, the discussions bore fruit, with U.S. officials working closely “with the Chinese and Russians to pass a UN

¹³⁹ Bader, *Obama and China’s Rise*, 21.

¹⁴⁰ Bader, 21.

¹⁴¹ Bader, 21.

¹⁴² Bader, 37–38.

¹⁴³ Bader, 37–38.

Security Council resolution that imposed the most draconian sanctions ever placed on North Korea.”

In addition to North Korea, Iran’s nuclear program similarly vexed the Obama administration, presenting a grave threat to stability in the Middle East following the aggressive acceleration of uranium-enriching centrifuges from 2003-2009.¹⁴⁴ Obama argues that an Iranian nuclear arsenal would potentially lead to a “nuclear arms race in the world’s most volatile region,” and that Israel, who viewed a nuclear-armed Iran as an existential threat, was allegedly drafting preemptive strikes against Iran’s facilities.¹⁴⁵ According to Obama, “Any action, reaction, or miscalculation...could plunge the Middle East—and the United States—into yet another conflict,” with any spike in oil prices potentially sending “the world economy deeper into a tailspin.”¹⁴⁶ It was clear to the Obama administration that harsher UN sanctions were required in order to get Iran’s attention and slow the advancement of the threat posed by their nuclear program.

China’s permanent seat on the UNSC would once again play a critical role in U.S. efforts to champion a resolution against a destabilizing regime. Obama recalls that, “Getting Russia and China on board had been a team effort,” with Secretary Clinton and Ambassador to the UN, Susan Rice, spending “countless hours cajoling, charming, and occasionally threatening their Russian and Chinese counterparts.”¹⁴⁷ Having secured the key votes from Russia and China, the U.N. Security Council passed resolution 1929 in June 2010, imposing unprecedented sanctions on Iran.¹⁴⁸ Obama observed that, “in combination with a new set of U.S. sanctions, we now had the tools we needed to bring Iran’s economy to a halt unless and until it agreed to negotiate.”¹⁴⁹

¹⁴⁴ Obama, *A Promised Land*, 456.

¹⁴⁵ Obama, 456.

¹⁴⁶ Obama, 456.

¹⁴⁷ Obama, 486.

¹⁴⁸ UN Security Council, “United Nations Security Council Resolution 1929,” June 9, 2010, <https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-2010>.

¹⁴⁹ Obama, *A Promised Land*, 486.

A relatively new feature that finds itself among the official definitions of national security is the issue of climate change. While addressing climate change was a strategic priority for Obama early on, the realities of the global financial crisis of 2007-2008 watered down the immediacy of its importance to Americans struggling to meet their basic needs. Following his first election, Obama recalled how his senior advisor, David Axelrod, bluntly remarked, “Nobody gives a shit about solar panels when their home is in foreclosure.”¹⁵⁰ Obama’s international efforts to garner support to combat climate change were equally challenged, with the outcome of his 2009 summit in Copenhagen, Denmark receiving mixed reviews.¹⁵¹ Kaufman explains that, “Getting representatives from virtually every nation in the world to reach a binding accord proved impossible,” with China acting as an especially resistant force of progress in Copenhagen, leading a group of “other developing nations in opposing stringent emission controls”¹⁵² proposed in Copenhagen.

Nevertheless, in 2012 with the global and American economy on the mend and increasingly alarming climate-related reports being published by the scientific community,¹⁵³ Obama reinvigorated the issue of combating global warming and climate change in what would become a key attribute of his second term in office. In his Second Inaugural address in January 2013, he remarked, “We, the people, still believe that our obligations as Americans are not just to ourselves, but to all posterity. We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations.”¹⁵⁴ The following month in his State of the Union address, he informed legislators he would take executive action “to reduce pollution, prepare our communities for the consequences of climate change, and speed the transition to more

¹⁵⁰ Obama, 492.

¹⁵¹ Kaufman, *Barack Obama*, 223.

¹⁵² Kaufman, 223.

¹⁵³ Kaufman, 224.

¹⁵⁴ The White House, “Inaugural Address by President Barack Obama,” January 21, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/01/21/inaugural-address-president-barack-obama>.

sustainable sources of energy,” if they failed to “pursue a bipartisan, market-based solution to climate change.”¹⁵⁵

However, Obama recognized that all his administrations’ efforts to combat climate change at home, detailed in his *Climate Action Plan*,¹⁵⁶ would be for naught if the rest of the world’s leading carbon emitting nations were not equally committed to the task. According to Obama, “China had surpassed the United States in annual carbon dioxide emissions in 2005 with India’s numbers also on the rise,” noting that “experts projected a doubling of those countries’ carbon footprints in the coming decades,” ultimately concluding that if those predictions materialized, “then the planet was going to be underwater regardless of what anybody else did.”¹⁵⁷ Bader also emphasized that China’s trajectory of greenhouse gas emissions “threatened to undo any progress the West might make in reducing emissions.”¹⁵⁸

Nevertheless, after years of intense multilateral and bilateral negotiations, particular between the U.S. and China, the two countries joined nearly 200 other world powers at the end of 2015 in signing the Paris Climate Agreement, which was a legally binding accord Kaufman describes as the “most far-reaching undertaking ever agreed to by these powers to cut greenhouse gas emissions.”¹⁵⁹ The following year, Obama held a meeting with Xi Jinping and Secretary-General Ban Ki-moon of the United Nations in Hangzhou, China to discuss the two countries’ formal entry into the Paris Agreement. He remarked that “the United States and China were central” to the investment and diplomacy efforts over the course of years, which were instrumental to the success of the Paris

¹⁵⁵ The White House, “Remarks by the President in the State of the Union Address,” February 12, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/remarks-president-state-union-address>.

¹⁵⁶ Jane A Leggett, “President Obama’s Climate Action Plan,” May 28, 2014, <https://crsreports.congress.gov/product/pdf/R/R43120>.

¹⁵⁷ Obama, *A Promised Land*, 508.

¹⁵⁸ Bader, *Obama and China’s Rise*, 21.

¹⁵⁹ Kaufman, *Barack Obama*, 225–26.

Agreement.¹⁶⁰ He further pronounced that the Chinese and American teams “have worked together and developed a strong relationship that should serve us very well. And despite our differences on other issues, we hope that our willingness to work together on this issue will inspire greater ambition and greater action around the world.”¹⁶¹

D. CONCLUSION

As with previous U.S. administrations, China continued to play a critical role in U.S. policymakers’ strategic economic and security priorities during the Obama administration. As was demonstrated above, Obama viewed China’s cooperation as vital for many of his top priorities, despite the occasions in which the goal was to counterbalance China’s influence, such as his pursuit of the TPP. Roth, a Human Rights Watch editor, similarly concluded that, “the Obama administration sought cooperation on North Korea, climate change, trade, and other issues but was unwilling to apply sustained pressure on Beijing’s disastrous rights record,” citing his failure to “to develop anything remotely like a strategy to support those across China struggling to defend basic freedoms.”¹⁶² Each of the security-related examples above illustrate how China’s political influence and, in the North Korea and Iran cases, their permanent seat on the UNSC continue to play crucial elements in the calculus and execution of U.S. foreign security policies. Those time and efforts dedicated to those top priorities consistently overshadowed any desire during the Obama era to exert leverages or coercive mechanisms to advance a human rights agenda with China, which were never part the Obama administration’s low-bar of human rights progress outcomes with China to begin with.

¹⁶⁰ Barack H. Obama, “Remarks Announcing the United States Formal Entry Into the United Nations Framework Convention on Climate Change Paris Agreement in Hangzhou, China,” *Daily Compilation of Presidential Documents* (Washington, United States: Superintendent of Documents, September 3, 2016).

¹⁶¹ Obama.

¹⁶² Roth, “Barack Obama’s Shaky Legacy on Human Rights.”

IV. U.S. HUMAN RIGHTS POLICIES WITH CHINA: THE TRUMP ADMINISTRATION (2017–2021)

While Obama’s strategic objectives and engagement with China followed a similar pattern of prioritizing economic relations and co-opting security cooperation, Trump’s America First foreign policy approach and frequent aversion to international cooperation resulted in foreign policies with China that often appeared to be the exception to the conventional diplomatic behaviors, models, and preferences of previous administrations. In fact, holding China accountable for their human rights violations became a distinguishing feature of the Trump administration’s foreign policy efforts, both as a moral response to increasingly detestable violations from the Chinese government as well as a tool of pragmatic leverage associated with national economic and security policies.

A. STRATEGIC POLICY SHIFTS: FROM ENGAGEMENT TO COMPETITION

The Trump administration ushered in a fundamental shift in the U.S. approach to its strategic relations with China. As has been demonstrated, previous administrations consistently prioritized strategic engagement with China in order to garner economic and security cooperation benefits with the added sentiment that American advocacy of China as a global stakeholder would naturally lead to their eventual political liberalization and subsequent human rights progress. Although it was under the Obama administration that hopes of a natural Chinese liberalization began to die, it was under the Trump administration that U.S. policymakers demonstrated unprecedented willingness to take a confrontational approach against China. H.R. McMaster, Trump’s National Security Advisor from 2017 to 2018, explained that, “U.S. leaders and policymakers from the George H.W. Bush administration through the Obama administration believed that economic, political, and cultural engagement would lead to the liberalization of China’s economy and, eventually, its authoritarian political structure.”¹⁶³ According to McMaster, those leaders’ hopeful aspirations for reform, “overwhelmed any desire to confront China’s

¹⁶³ H. R. McMaster, *Battlegrounds: The Fight to Defend the Free World* (HarperCollins Publishers, 2020), 128.

unfair economic practices, technology theft, abysmal human rights record, and increasingly aggressive military posture.”¹⁶⁴ With the hope of China’s liberalization all but dead, the Trump administration crafted a new strategy, which bluntly acknowledged China’s unwillingness to be a responsible stakeholder of the international order, and signaled U.S. intent to “place less emphasis on engagement.”¹⁶⁵ Furthermore, U.S. leadership’s willingness to fully confront China’s rival agenda allowed them to address China’s human rights issues in a much bolder manner than under previous administrations.

In an indictment to China’s disappointing response to decades of America’s sponsorship of their globalization, Trump’s 2017 National Security Strategy proclaimed that the United States,

Helped expand the liberal economic trading system to countries that did not share our values, in the hopes that these states would liberalize their economic and political practices...[instead] these countries distorted and undermined key economic institutions without undertaking significant reform of their economies or politics...For decades, U.S. policy was rooted in the belief that support for China’s rise and for its integration into the post-war international order would liberalize China. Contrary to our hopes, China expanded its power at the expense of the sovereignty of others.¹⁶⁶

Thus marked a central swing from U.S. strategic engagement with China to strategic competition and an increasing willingness to assert a confrontational stance against China’s multi-pronged efforts to supplant U.S. influence in East Asia and the international order. While economic and security issues continued to make up the prime national interests under the Trump administration, the newfound assertiveness encouraged both executive and legislative U.S. leaders to use human rights as a foreign policy leveraging tool against China in support of America’s strategic goals.

¹⁶⁴ McMaster, 128.

¹⁶⁵ Lum and Weber, “Human Rights in China and U.S. Policy: Issues for the 117th Congress,” 21.

¹⁶⁶ The White House, “2017 National Security Strategy of the United States of America,” December 2017, 17–25, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.

B. ISOLATIONISM DISPLACES CENTRALITY OF U.S.-CHINA SECURITY COOPERATION

In addition to Trump's willingness to be confrontational with China, his foreign policy tendencies toward isolationism often played out in his reluctance to support multilateral institutions and international cooperation, which translated to less emphasis on China's centrality to America's security agendas. In other words, Trump viewed multilateralism as a hinderance to American independence from the influence and leverage of countries like China. Dodson and Brooks characterize Trump's isolationist tendencies as a "general hostility toward *international* cooperation,"¹⁶⁷ emphasizing how Trump withdrew the U.S. from the Paris Agreement, the Trans-Pacific Partnership, and the Intermediate Range Nuclear Forces Treaty, and renegotiated the terms of the North American Free Trade Agreement and North Atlantic Treaty Organization.¹⁶⁸ Comparing policy shifts from one administration to the next, it is clear Trump's foreign policy preferences represented a disdain for what he believed were undesirable compromises associated with America's participation in multilateral institutions. According to Dodson and Brooks, "these decisions exemplified Trump's implementation of an isolationism that departed substantially from the foreign policy goals pursued by previous administrations."¹⁶⁹ The impact of Trump's America First tendencies and aversion to multilateralism were multilayered, with some critics emphasizing the negative outcome of allowing China to fill the voids of influence left by the U.S. in multilateral institutions.¹⁷⁰ On the other hand, Trump's reluctance toward multilateralism also served to relegate the centrality and dependence upon international security *cooperation* in conjunction with Trump's security agendas, which he often proclaimed he was willing to tackle alone, if needed.

¹⁶⁷ Kyle Dodson and Clem Brooks, "All by Himself? Trump, Isolationism, and the American Electorate," *Sociological Quarterly* 63, no. 4 (Fall 2022): 780, <https://doi.org/10.1080/00380253.2021.1966348>.

¹⁶⁸ Dodson and Brooks, 781.

¹⁶⁹ Dodson and Brooks, 781.

¹⁷⁰ Katrina Manson, "China Profits from Donald Trump's UN Isolation," *Financial Times*, September 28, 2018, <https://www.proquest.com/docview/2113689409/citation/152EB9E287914051PQ/1>.

Unlike his predecessors, Trump placed less emphasis on the absolute need to co-opt China’s regional and international influence in supporting U.S. security interests abroad, even in reigning in North Korea’s burgeoning nuclear program. In 2017, Kim Jong Un’s nuclear weapons program began to alarm U.S. policymakers following North Korean tests demonstrating significant improvements in bomb sizes and missile ranges. North Korea tested a dramatically improved bomb yield—assessed to be a thermonuclear-sized device 17 times larger than the bomb dropped on Hiroshima in 1945.¹⁷¹ And for the first time, North Korea successfully tested a ballistic missile capable of ranging the entire continental United States.¹⁷²

Previous administrations considered Beijing’s role in countering North Korea’s nuclear threat as central, both due to China’s special influence on Pyongyang as well as their permanent seat on the UNSC. Although he recognized China as a potentially important factor in influencing Pyongyang’s decision calculus, Trump demonstrated a willingness to take on the North Korea problem directly, with or without Chinese assistance.

Just as in previous administrations, the Trump team encouraged China to get involved in tamping down North Korean aggression both with their influence in Pyongyang,¹⁷³ and eventually within the UNSC, which unanimously passed a resolution the U.S. drafted and negotiated with the Chinese on.¹⁷⁴ However, unlike his predecessors, Trump showed a willingness to take action regardless of China’s disposition to take meaningful security cooperation measures against North Korea. Leading up to North Korea’s first intercontinental ballistic missile test, Trump told press, “China will either

¹⁷¹ Adam Taylor and Tim Meko, “What Made North Korea’s Weapons Programs So Much Scarier in 2017,” *Washington Post*, December 1, 2021, <https://www.washingtonpost.com/news/worldviews/wp/2017/12/21/what-made-north-koreas-weapons-programs-so-much-scarier-in-2017/>.

¹⁷² Taylor and Meko.

¹⁷³ Abigail Williams, “U.S. Keen to Try Sanctions, Diplomacy Before Force on North Korea,” NBC News, April 28, 2017, <https://www.nbcnews.com/news/world/north-korea-agenda-rex-tillerson-chairs-u-n-security-council-n751796>.

¹⁷⁴ Mary Altaffer, “U.N. Imposes Tough New Sanctions on North Korea,” NBC News, August 5, 2017, <https://www.nbcnews.com/news/north-korea/u-n-imposes-tough-new-sanctions-north-korea-n789916>.

decide to help us with North Korea or they won't.”¹⁷⁵ Following the newly signed sanctions condemning Pyongyang's actions, Trump added the threat of American military force against North Korea.

In September 2017, Trump announced in front of the UN General Assembly that if the United States, “is forced to defend ourselves or our allies, we will have no choice but to totally destroy North Korea.”¹⁷⁶ Using his new nickname for Kim Jong-Un, Trump further warned: “Rocket Man is on a suicide mission for himself and for his regime.”¹⁷⁷ He proclaimed the U.S. was “ready, willing, and able” to take military action, but hoped the rest of the world stepped up efforts to constrain North Korea.¹⁷⁸

While 2017 was a year of high tension between the U.S. and North Korea, the relationship from 2018-2019 swung like a pendulum and was characterized by flattering courtship¹⁷⁹ and summitry negotiations¹⁸⁰ between Trump and Kim—a far cry from the saber-rattling and name calling exchanges that had preceded. With the warming of relations between the two leaders, Trump became the first president to meet with a leader of North Korea and the “first sitting president to cross the demilitarized zone into North Korea.”¹⁸¹ The spectrum of rhetoric, threats of force, and ultimately personal dialogue exercised between Trump and Kim illustrated Trump's willingness to deal directly with North Korea without reliance on Chinese facilitation. In this manner, Trump's administration was not

¹⁷⁵ Robert Windrem, Corky Siemaszko, and Daniel Arkin, “North Korea Crisis: How Actions Have Unfolded Under Trump,” NBC News, November 29, 2017, <https://www.nbcnews.com/news/world/north-korea-crisis-how-events-have-unfolded-under-trump-n753996>.

¹⁷⁶ Julian Borger, “Donald Trump Threatens to ‘Totally Destroy’ North Korea in UN Speech,” *The Guardian*, September 19, 2017, <https://www.theguardian.com/us-news/2017/sep/19/donald-trump-threatens-totally-destroy-north-korea-un-speech>.

¹⁷⁷ Borger.

¹⁷⁸ Borger.

¹⁷⁹ Jamie Gangel and Jeremy Herb, “‘A Magical Force’: New Trump-Kim Letters Provide Window Into Their ‘Special Friendship,’” CNN, September 9, 2020, <https://www.cnn.com/2020/09/09/politics/kim-jong-un-trump-letters-rage-book/index.html>.

¹⁸⁰ Peter Baker and Michael Crowley, “Trump Steps Into North Korea and Agrees With Kim Jong-Un to Resume Talks,” *The New York Times*, June 30, 2019, <https://www.nytimes.com/2019/06/30/world/asia/trump-north-korea-dmz.html>.

¹⁸¹ The White House, “Trump Administration Accomplishments,” January 2021, <https://trumpwhitehouse.archives.gov/trump-administration-accomplishments/>.

beholden to the temperament or policies of China’s leaders in carrying out security cooperation initiatives, as previous administrations often wrestled with. In essence America’s diminishing reliance on China’s political influence served to deemphasize the link between U.S. security objectives and U.S. efforts to pursue human rights agendas with China.

C. THE TRADE WAR

While dealing with the threat of North Korean belligerence was a top priority for the Trump administration, it was the rising economic and military threat posed by China that dominated much of Trump’s foreign policy strategies during his tenure in office. John Bolton, Trump’s National Security Advisor from 2018-2019, argued that the Obama administration “sat back and watched” as China’s military transformed into, what Bolton described as, “deeply threatening to U.S. strategic interests.”¹⁸² By contrast, Bolton offers that, in some respects, Trump “embodies the growing U.S. concern about China,” noting how Trump frequently proclaimed that, “stopping China’s unfair economic growth at U.S. expense is the best way to defeat China militarily,”¹⁸³ a sentiment Bolton agreed with. Correcting China’s unfair trade practices and intellectual property theft became Trump’s core interest with China and, for a time, Trump viewed nearly every aspect of the U.S.-China relationship through the kaleidoscope lens of potential leverage within what would become known as the U.S.-China Trade War.

In response to China’s state-funded strategic acquisition of U.S. assets, discriminatory licensing practices, forced technology transfer, and cyber theft of U.S. intellectual property and trade secrets, the Trump Administration in 2018, “increased tariffs on approximately \$250 billion of imports from China.”¹⁸⁴ In response, China imposed

¹⁸² John R. Bolton, *The Room Where It Happened: A White House Memoir*, Illustrated edition (Simon & Schuster, 2020), 289.

¹⁸³ Bolton, 289.

¹⁸⁴ Donald J. Trump, “Presidential Memorandum on the Actions by the United States Related to the Section 301 Investigation,” March 22, 2018, <https://trumpwhitehouse.archives.gov/presidential-actions/presidential-memorandum-actions-united-states-related-section-301-investigation/>.

counter tariffs, “on \$110 billion worth of U.S. products.” Most tariffs remain in effect as of this writing.

The U.S.-China Trade War became the battleground for Trump’s hopes to strike a major deal to make good on campaign promises and even things out. Not only did Trump want China to commit to buying large quantities of American goods and services in order to reduce America’s trade deficit, he wanted China to make structural changes, to include, “ending its practice of requiring American companies to hand over trade secrets as a condition of doing business there.”¹⁸⁵ Bolton commented that Trump, on more than one occasion, had described the trade negotiations as, “the biggest deal in history. Not just the biggest trade deal, but the biggest deal ever.”¹⁸⁶

Trump’s fixation with negotiating a major deal with China on trade was initially a detriment to U.S. human rights efforts with China. For example, Trump relayed to press in 2020 that, despite pressure from a growing number of U.S. legislators and White House officials, “he held off on imposing Treasury sanctions against Chinese officials involved with the Xinjiang mass detention camps because doing so would have interfered with his trade deal with Beijing.”¹⁸⁷ Furthermore, Bolton recalls a telling exchange between Trump and Xi Jinping during an opening dinner of the 2019 Osaka G20 meeting. In the exchange, Bolton claims that after Xi explained to Trump why he was building camps in Xinjiang, Trump indicated that, “Xi should go ahead with building the camps, which he thought was exactly the right thing to do.”¹⁸⁸ From this exchange, Bolton concluded that as long as trade negotiations continued, the repression of Uyghurs would not be a viable reason to sanction China.¹⁸⁹ Trump has since denied the allegation that he supported Xi’s building of

¹⁸⁵ Alan Rappeport and Mark Landler, “Trump Optimistic on Trade Deal; Negotiations Not ‘Off the Rails’”: [Business/Financial Desk],” *New York Times*, Late Edition (East Coast), February 1, 2019, sec. B.

¹⁸⁶ Bolton, *The Room Where It Happened*, 299.

¹⁸⁷ Jonathan Swan, “Exclusive: Trump Held Off on Sanctions over Uighur Detention Camps to Secure China Trade Deal,” *Axios*, June 21, 2020, <https://www.axios.com/2020/06/21/trump-uighur-muslims-sanctions>.

¹⁸⁸ Bolton, *The Room Where It Happened*, 312.

¹⁸⁹ Bolton, 312.

concentration camps for Uyghurs in Xinjiang.¹⁹⁰ Other examples of Trump’s early opposition to pushing China on human rights for fear of damaging trade negotiations included his unwillingness to issue a White House statement on the thirtieth anniversary of the Tiananmen Square massacre, replying inaccurately, “That was fifteen years ago...I’m trying to make a deal. I don’t want anything.”¹⁹¹ Although Trump’s fixation with negotiating a big trade deal initially harmed U.S. human rights policy with China, the Trade War would eventually serve as the basis for elevating human rights as a major leveraging tool against China.

D. CONFRONTING CHINA’S HUMAN RIGHTS ISSUES

While Trump’s human rights efforts with China initially lacked resolve, China’s actions in Xinjiang and Hong Kong eventually led U.S. policymakers to increase the prioritization of human rights accountability policies with China to include linking China’s human rights violations with economic and security issues. During Trump’s tenure, U.S. executive and legislative officials began spotlighting China’s human rights issues as a means to bolster policies intended to protect America’s economic and security interests against malevolent Chinese regional and global influence. However, the rising awareness and concern over China’s abhorrent human rights violations was not limited to national government circles intent on highlighting human rights issues as a means to further U.S. interests. During Trump’s administration, human rights violations in China were being talked about by both regular citizens and politicians alike in America, to a degree not likely observed since the Tiananmen Square Massacre of 1989.

During Trump’s tenure, one of the primary human rights concerns that was raised for American citizens and government leaders were the atrocities China was committing against the Uyghurs in Xinjiang. The Trump administration stoked American concerns of China’s behavior by linking U.S. economic policies to China’s human rights violations. According to Stone and Wan, the Trump administration, “[criticized] China’s oppression of ethnic and religious groups in Xinjiang to induce China, through reputational harm, to

¹⁹⁰ Swan, “Exclusive.”

¹⁹¹ Bolton, *The Room Where It Happened*, 310.

reduce its trade surplus with the United States.”¹⁹² They further argue that, “once the world was focused on the event, sanctions were used pursuant to the Global Magnitsky Human Rights Accountability Act of 2016,” with Commerce and State Department imposing export restrictions on “twenty-one Chinese government entities and sixteen Chinese companies ‘deemed complicit in the abuses in Xinjiang.’”¹⁹³ Furthermore, in June 2020, Trump signed the Uyghur Human Rights Policy Act of 2020 into law,¹⁹⁴ which required the administration to sanction “foreign individuals and entities responsible for human rights abuses in China’s Xinjiang Uyghur Autonomous region,” and to submit “various reports on the topic.”¹⁹⁵ Stone and Wan conclude that the Trump administration, “sought to use pressure on human rights over Xinjiang as a political resource to advance its America First agenda.”¹⁹⁶ While they note the effort failed to change China’s behavior—just as human rights efforts failed to change behavior in previous administrations, “it still had the effect of restoring the U.S.’s position as an advocate for human rights and aided the effort to isolate China.”¹⁹⁷ On the last day in office, the Trump Administration issued an official determination that China had “committed crimes against humanity and genocide”¹⁹⁸ against Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang.¹⁹⁹

While the cultural genocide of the Uyghurs in Xinjiang was a focusing event for the Trump administrations’ human rights efforts, the fight for democracy in Hong Kong was perhaps the Chinese human rights event that most widely captured the attention of the globe. A series of clashes throughout 2019 and 2020 between Hong Kong protestors and

¹⁹² Joshua Stone and Ming Wan, “The Trump Administration’s Human Rights Pressure Campaign on China: How Cynics, Norms, and Social Construction Transformed US-China Relations,” *Human Rights Quarterly* 44, no. 4 (November 2022): 753, <https://doi.org/10.1353/hrq.2022.0044>.

¹⁹³ Stone and Wan, 754.

¹⁹⁴ “Uyghur Human Rights Policy Act of 2020,” Pub. L. No. S.3744 (2020), <https://www.congress.gov/bill/116th-congress/senate-bill/3744>.

¹⁹⁵ Uyghur Human Rights Policy Act of 2020.

¹⁹⁶ Stone and Wan, “The Trump Administration’s Human Rights Pressure Campaign on China,” 755.

¹⁹⁷ Stone and Wan, 755.

¹⁹⁸ Mike R. Pompeo, “Determination of the Secretary of State on Atrocities in Xinjiang,” United States Department of State, January 19, 2021, <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/>.

¹⁹⁹ Lawrence and Sutter, “China Primer: U.S.-China Relations,” 2.

police forces over a proposed extradition bill sparked international condemnation over China's violation of Hong Kong's liberties and political autonomy from the mainland. Such agreements were registered in the Sino-British Joint Declaration stipulating conditions of governance after 1997.²⁰⁰ The civil response in Hong Kong to the extradition bill was significant with demonstrations estimated to have ranged between tens of thousands to two million protestors.²⁰¹

In response to the deteriorating situation, Congress passed, and Trump signed, in late 2019 the Hong Kong Human Rights and Democracy Act, requiring the U.S. to impose sanctions against Chinese and Hong Kong officials responsible for human rights abuses in Hong Kong.²⁰² It also directed the U.S. State Department to conduct an annual review to evaluate Hong Kong's political autonomy from mainland China in order to certify Hong Kong's special trade relation status with the United States.²⁰³ In July of 2020, in accompaniment with the Hong Kong Autonomy Act, Trump signed the executive order on Hong Kong Normalization, which determined that Hong Kong, was "no longer sufficiently autonomous to justify differential treatment in relation to the People's Republic of China."²⁰⁴ In the order, Trump cites China's intention to "unilaterally and arbitrarily impose national security legislation on Hong Kong," which he described as the "latest salvo in a series of actions that have increasingly denied autonomy and freedoms that China promised to the people of Hong Kong" under a 1984 Joint UK-PRC Declaration.²⁰⁵

According to Trump, the draconian national security law gave China, "broad power to initiate and control the prosecutions" of Hong Kongers through the new Office for Safeguarding National Security.²⁰⁶ Under the national security law, the prosecution of

²⁰⁰ "The Joint Declaration," 1984, <https://www.cmab.gov.hk/en/issues/joint2.htm>.

²⁰¹ Brad Sherman, "Hong Kong Autonomy Act," legislation, July 14, 2020, 07/14/2020, <http://www.congress.gov/>.

²⁰² Marco Rubio, "Hong Kong Human Rights and Democracy Act of 2019," legislation, November 27, 2019, 11/27/2019, <http://www.congress.gov/>.

²⁰³ Rubio.

²⁰⁴ Trump, "Hong Kong Normalization."

²⁰⁵ Trump.

²⁰⁶ Trump.

Hong Kongers may include life in prison for what China determines as “acts of secession or subversion of state power—which may include acts like [2019’s] widespread anti-government protests.”²⁰⁷ Other violations of Hong Kong autonomy and protections of individuals’ legal rights include the suspension of the right to trial by jury, the potential for proceedings to be conducted in secret, and the expulsion of foreigners based on China’s mere suspicion of them of violating the law, “potentially making it harder for journalists, human rights organizations, and other outside groups to hold the PRC accountable for its treatment of the people of Hong Kong.”²⁰⁸

One month after Trump ended Hong Kong’s special trade status, in August 2020 the U.S. imposed sanctions on eleven senior Chinese and Hong Kong officials, to include Hong Kong’s top leader, Carrie Lam, with the U.S. secretary of the treasury, Steven Mnuchin, asserting that they were targeted for sanctions for undermining the freedom and autonomy of the people of Hong Kong.²⁰⁹ With the end of Hong Kong’s autonomy from the authoritarian reach of China, the Trump administration ended Hong Kong’s special trade relationship with America. Trump’s Hong Kong Normalization report and subsequent sanctioning actions by other U.S. government entities demonstrated a shift in U.S. government willingness to address China’s human rights abuses head on. Furthermore, calling out China’s human rights issues from this point forward became increasingly linked to U.S. economic and security-related policies.

Senator Mitch McConnell provides an example in late 2020 of how U.S. leadership increasingly invoked China’s actions in Xinjiang or Hong Kong as a cautionary reminder of the urgency required in bolstering American security to counter the growing threat posed by China. McConnell, Senate Majority Leader at the time, brought to the attention of Congress that “the struggle to preserve freedom and autonomy in Hong Kong was dealt

²⁰⁷ Trump.

²⁰⁸ Trump.

²⁰⁹ Emma Graham-Harrison and Julian Borger, “US Imposes Sanctions on Leader Carrie Lam over Hong Kong Crackdown,” *The Guardian*, August 7, 2020, sec. World news, <https://www.theguardian.com/world/2020/aug/07/carrie-lam-us-sanctions-trump-hong-kong-security-law>.

another disturbing blow,”²¹⁰ citing the recent denial of bail for Jimmy Lai, a prominent media figure and pro-democracy activist. McConnell further commented that,

Not long ago, the international community hoped China’s modernization would create more respect for basic freedoms. Unfortunately, the CCP has just marshaled new tools for making its oppression even more stifling... The treatment of Hongkongers in the spotlight reminds the world of the ways we know Beijing is treating Uighurs and Tibetans in the shadows. And if China treats its own citizens with brutal violence, just think how it plans to treat its neighbors. So, I welcome the latest sanctions imposed by the administration and the latest authorities granted by Congress. We are raising the stakes for China’s repression, but our work isn’t over. Our partners will continue to look to us to lead with a tone of zero tolerance for this behavior. The United States must continue to work alongside China’s peaceful neighbors and our democratic allies, like Japan and Australia. We must give voice to those in Hong Kong, Xinjiang, and Tibet who have been repressed and jailed. We must stand against the worst instincts and actions of the Communist Party.²¹¹

McConnell’s reprimand of China and call to action, addressed primarily to members of congress, directly linked America’s international security concerns with the implications of China’s human rights actions in Hong Kong and Xinjiang. His confrontational strategy represented a new approach among U.S. national leadership during Trump’s tenure, which had little resemblance to the muted concerns over China’s human rights coming from the previous U.S. leaders examined in this research.

E. CONCLUSION

U.S. relations with China undertook a major strategic shift under the Trump administration, from engagement to competition rivalry. The strategic shift under Trump was the result of two main factors. First, Trump’s controversial America First tendencies may have allowed China to fill voids of influence in multilateral institutions leftover after U.S. withdrawals, but it also allowed Trump to pursue America’s economic and security interests in ways that previous administrations had not by distancing himself from an overreliance on China to achieve America’s national agendas. In essence, Trump’s attitude

²¹⁰ Mitchell McConnell, “Congressional Record,” legislation, accessed February 15, 2023, <http://www.congress.gov/>.

²¹¹ McConnell.

of “going at it alone” set the tone for other policy makers to be more confrontational with China. Second, China’s glaring human rights abuses in Xinjiang and Hong Kong were stark reminders that they had failed to adopt liberal governance as they grew in power since their 1980s economic reforms, and signaled to U.S. policy makers that maintaining a light touch in calling out China’s behavior under the decades long engagement strategy was no longer useful.

Trump’s Trade War with China was initially his key platform for pushing back against what he, and previous administrations, understood as China’s unfair trading practices. However, China’s reluctance to follow through on negotiated trade commitments and unwillingness to compromise on trade reforms was a sobering reminder to Trump and other U.S. policy makers of the degree to which China was averse to U.S. efforts to coerce them from their divergent, revisionist agendas designed to maximize Chinese advantage within global economic and security practices.

During the Trump administration, Xinjiang and Hong Kong came to represent focusing events, both for Americans and for the world. What U.S. policymakers at the national level concluded from these events was that China’s rise did not, and likely would never, result in CCP leadership adapting principles of liberal governance, either domestically or as a responsible global stakeholder. In this sense, American leadership perceived that China’s domestic human rights abuses represented a reflection of how they would similarly justify the subjugation of other nations and revise the international order to their liking, if the power to do so was within their reach. As such, spotlighting China’s domestic human rights record became interwoven in American leadership’s strategies to protect national security and economic interests.

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V. CONCLUSION

A. SUMMARY OF FINDINGS

The purpose of this research was to determine the factors that have traditionally challenged effective U.S. human rights policies with China, examining U.S. preferences, policies, developments, and conditions from the Clinton administration through the Trump administration, covering a time period from 1993 to 2021.

This thesis primarily investigated the efficacy of U.S. human rights policies with China according to what U.S. policymakers were willing or able to dedicate to those policies, in terms of time, effort, and competing or conflicting impacts to other national interests determined to be of greater consequence to America. I hypothesized that U.S. policy makers would demonstrate a consistent preference to prioritize economic relations and security cooperation with China at the expense of pushing a U.S. human rights agenda with China. In this hypothesis, U.S. policy would require a muted response to China's human rights issues in order to maintain a favorable temperament in U.S.-China relations and keep the door open for pursuing mutually beneficial economic relations as well as working together to counter regional and global threats to stability.

What I found was that my hypothesis tested accurate for the Clinton, George W. Bush, and Obama administrations. Each of those administrations understood the importance of maintaining a visible and consistent agenda to confront China's human rights records as a staple of America's national identity and foreign policy narrative. But in each of those administrations, China's role in furthering U.S. economic and security agendas was too great to sacrifice in exchange for pushing confrontational human rights policies they feared would deteriorate China's willingness to cooperate. Where foreign policy agendas such as human rights, economic relations, and security cooperation intersect or collide, one finds that U.S. policymakers in these administrations generally chose to keep those issues separate and compartmentalized. This was done so as not to allow areas of divergence, such as human rights, to risk progress areas of convergence such as economic interests and security cooperation.

Where my hypothesis seemed to diverge from my research findings was the approach undertaken during the Trump administration. A major shift in U.S. strategic policy towards China emerged during Trump's tenure in office. Each of the administrations prior to Trump operated within the paradigm of the engagement strategy with China vice pursuing a strategy intended to isolate and undermine China's development for fear China's rise might threaten America's power and influence. The engagement strategy also projected that as a natural consequence of China's economic development they would adopt politically liberal governance policies, likely resulting from the anticipated demands of a growing educated and flourishing Chinese populace. This natural liberalization has yet to materialize in China, however. The CCP views the liberalization of China as a great threat to party stability and has thus taken exhaustive measures to counter activities, perceptions, or practices that have the potential to develop into civil rights movements that would threaten the regime's control over all facets of Chinese citizens' lives.

While U.S. policy makers had undoubtedly grown skeptical over the years that China's development would naturally lead to liberalization, it was under Trump's administration that conditions and global events aligned in a way that resulted in a major shift away from the traditional engagement policy and toward a rival competition strategy. The major contributors to the strategy shift were (1) the focusing events of China's human rights issues in Xinjiang and Hong Kong, (2) the acknowledgement among U.S. policy makers that China was growing powerful at the expense of the U.S. and that they would never willingly allow liberalized reforms to take root in their governance of domestic or foreign affairs, and (3) Trump's America First foreign policy tendencies, which rejected the overreliance on China's influence to achieve his national goals.

For these reasons, robust U.S. human rights policies with China were "allowed" to develop during the Trump administration. They were "allowed" in the sense that U.S. policymakers were no longer watering down human rights efforts in order to appease Chinese sensitivities in the pursuit of their high priority economic and security agendas. Rather, spotlighting China's human rights issues became common practice associated with pushing other U.S. economic and security initiatives, largely because many of those initiatives were designed to counter threats posed by China.

While Trump's human rights pressure on China had a late start during his tenure, the concrete accountability measures executed under his administration likely represent the most effective and confrontational U.S. human rights efforts against China when compared to the efforts of Clinton, George W. Bush, and Obama. Nevertheless, the Trump administration's willingness to take measures against China, which were far more confrontational than previous administrations, also serve to highlight that the challenges associated with advancing human rights far exceed the capacity of a single, albeit powerful state.

Ultimately, the shift in strategy as well as the increased effectiveness of U.S. human rights policy under Trump is not at odds with my original hypothesis. Instead, the changes in strategy and preferences during Trump's tenure highlight key factors of consequence that previous administrations were faced with as they operated within the paradigm of the engagement strategy with China. In that paradigm, there was still hope that China would progress into a responsible stakeholder, develop an appreciation for the rule of law and a respect for individual liberties and human rights. There was still hope that China's growing power and influence could co-exist in harmony with those of the United States. However, events in Xinjiang and Hong Kong suggested to America and the world that China was not interested in such an existence. Those events, as well as Trump's America First approach to foreign affairs, resulted in a paradigm shift in the minds of America's policy makers. It was clear that engagement with China was not having the desired effect of guiding them toward responsible governance. Furthermore, Trump proved that America's economic and security interests could survive confrontational approaches with China, which freed U.S. human rights efforts from being held hostage by the notion that pursuing America's national interests would always be beholden to amenable relations with China.

B. BIDEN'S U.S. HUMAN RIGHTS POLICY WITH CHINA: PRELIMINARY ASSESSMENT

Determining the endurance of the strategic shift starts with examining how American policy has developed since under Trump left office. Was the strategic shift from engagement to rival confrontation developed under Trump an anomaly within the overall record of U.S.-China relations? Have those changes reverted back to the old approach of

avoiding confrontation and have U.S. human rights policies lost their teeth now that Trump is no longer setting the tone as the president?

Trump's tenure in office was sandwiched between two democratic presidents whose political outlooks and policies are in many ways diametrically opposite to Trump's political positions. Many of the initiatives and institutions that Trump pulled American support from following Obama's departure from office were immediately reversed once Biden replaced Trump in the oval office. Following Trump's departure, Biden restored America's participation in various multilateral institutions to include rejoining the Paris Agreement on Climate Change,²¹² a return to engaging with the Association of Southeast Asian Nations (ASEAN),²¹³ and resumed membership within the UN Human Rights Council following Trump's withdrawal in 2018.²¹⁴ But while Biden reversed many of policies that were characteristic of Trump's isolationism, the Biden administration and the 117th and 118th Congress have thus far remained consistent in their confrontational approach to China.

What about the tariffs on China that Trump initiated as part of the Trade Wars? And what about Trump's America First agenda, which sought to bolster U.S. manufacturing and limit U.S. dependence on Chinese markets? According to Akhtar and Williams, while Biden has sought to address trade challenges multilaterally through the World Trade Organization (WTO) as well as by engaging partners and allies, they note that "many Trump-era unilateral trade restrictions remain in effect, and the Biden Administration has maintained a focus on addressing China's unfair trade practices and enforcing existing trade agreements."²¹⁵

²¹² Jane A Leggett, "United States Rejoins the Paris Agreement on Climate Change: Options for Congress" (Congressional Research Service, February 24, 2021).

²¹³ Ben Dolven, "The Association of Southeast Asian Nations (ASEAN)" (Congressional Research Service, July 26, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10348>.

²¹⁴ Luisa Blanchfield and Michael A Weber, "The United Nations Human Rights Council: Background and Policy Issues" (Congressional Research Service, January 26, 2022), <https://crsreports.congress.gov/product/pdf/RL/RL33608>.

²¹⁵ Shayerah I. Akhtar and Brock R. Williams, "U.S. Trade Policy: Background and Current Issues" (Congressional Research Service, March 16, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10156>.

But not all U.S. officials agree on the effectiveness of tariffs against China. Following a visit to Europe in 2021, Biden’s Treasury Secretary, Janet Yellen, expressed her personal view that, “tariffs were not put in place on China in a way that was very thoughtful with respect to where there are problems and what is the U.S. interest.”²¹⁶ However, despite Yellen’s negative view of the Trump-era tariffs, which Biden chose to retain, in July 2021 during a speech in Brussels, she demonstrated a consistency with the new U.S. narrative, which links the need to protect America’s economic interests with spotlighting China’s human rights abuses. In that speech, Yellen expressed her view to European finance ministers that they should cooperate in order to counter “China’s unfair economic practices, malign behavior and human rights abuses.”²¹⁷ Despite the Biden administration’s divergent view from Trump over the utility of multilateral solutions, as well as differing views within the Biden administration over the economic strategies the U.S. should be employing to counter China, the new administration has retained the strategic linkage between countering China’s unfair trade practices and their human rights abuses.

In addition to the Biden administration retaining most of the tariffs from Trump’s Trade War with China, Congress has preserved consistency in seeking means to limit U.S. dependence on economic sectors heavily influenced by China. Akhtar et al report that, “In response to China and other concerns, Congress has sought to boost U.S. innovation, production, and supply chain resiliency in strategic sectors; strengthen national security review of foreign investment and export controls; and restrict U.S. imports and investment tied to PRC policies of concern.”²¹⁸

A noteworthy example of Congressional efforts to link trade to China’s human rights abuses is the introduction of the China Trade Relations Act of 2023. The bill would

²¹⁶ Alan Rappeport and Keith Bradsher, “Yellen Says China Trade Deal Has ‘Hurt American Consumers,’” *New York Times*, Late Edition (East Coast), July 16, 2021, <https://www.proquest.com/docview/2552174254/citation/423CCD1AFF1E4AD7PQ/3>.

²¹⁷ Rappeport and Bradsher.

²¹⁸ Shayerah I. Akhtar, Cathleen D. Cimino-Isaacs, and Karen M. Sutter, “U.S. Trade Policy: Background and Current Issues” (Congressional Research Service, January 30, 2023), <https://crsreports.congress.gov/product/pdf/IF/IF10156>.

withdraw Permanent Normal Trade Relations from China—also known as Most Favored Nation—requiring, once again, an annual presidential review for eligibility, although the bill stipulates that the presidential decision could be overridden by joint resolution of disapproval by Congress. Furthermore, the bill would introduce an expanded list of human rights and trade abuse-related requirements for China to become eligible for normal trade relation status.²¹⁹

The legislation and the language surrounding its support provides explicit linkage to China’s human rights behaviors. In support of the newly introduced legislation, Senator Tom Cotton proclaimed, “It’s time to protect American jobs and hold the Chinese Communist Party accountable for their forced labor camps and egregious human rights violations.”²²⁰ And according to Senator Ted Budd, who is also a strong proponent of the proposed legislation,

The Chinese Communist Party is not America’s friend, and it is not a force for good in the world. From human rights abuses to the theft of U.S. jobs and intellectual property, the CCP must be held accountable. One of the most effective ways to push back on the CCP is to enact Senator Cotton’s bill to end China’s Permanent Normal Trade Relations status.²²¹

The list of abuses disqualifying China from Normal Trade Relations status under the proposed bill includes the use of slave labor, the operation of “vocational training and education centers” and camps where people are held against their will, forced abortion, forced sterilization, the harvesting of prisoner organs without consent, hindering freedom of religion, and economic espionage against America, to include intellectual property theft.²²² The list of disqualifications in the bill are clearly inspired by and tailored to confronting the reported abuses the CCP has undertaken against the majority Uyghur

²¹⁹ Christopher H. Smith, “China Trade Relations Act of 2023,” legislation, January 30, 2023, 01/30/2023, <http://www.congress.gov/>.

²²⁰ “Sens. Rick Scott, Tom Cotton & Colleagues Introduce Bill to End China’s Permanent Normal Trade Status,” U.S. Senator Rick Scott, January 27, 2023, <https://www.rickscott.senate.gov/2023/1/sens-rick-scott-tom-cotton-colleagues-introduce-bill-to-end-china-s-permanent-normal-trade-status>.

²²¹ “Sens. Rick Scott, Tom Cotton & Colleagues Introduce Bill to End China’s Permanent Normal Trade Status.”

²²² “Sens. Rick Scott, Tom Cotton & Colleagues Introduce Bill to End China’s Permanent Normal Trade Status.”

population in Xinjiang and can also be applied to their repressive actions in Hong Kong as well as their known trade-related abuses.

These efforts to bolster America’s capacity for self-sufficiency, limit dependency on China, and to hold China accountable for their human rights and trade-related abuses clearly illustrate an enduring sentiment within the executive and legislative branches that taking a more confrontational stance against China remains in the greatest interest of the U.S. strategy ushered in under the Trump administration and continued under Biden.

America’s confrontational stance against China along strategic security and economic sectors were not the only areas that U.S. policy makers chose to carry over from the Trump administration. As previously indicated, on Trump’s last full day in office, the State Department announced their determination that China had committed crimes against humanity and genocide in Xinjiang. According to Lum and Weber, “The Biden Administration has concurred with this determination and has repeatedly referred to ‘ongoing’ genocide and crimes against humanity in Xinjiang.”²²³

As such, Biden appears to have continued carrying the torch on confronting China’s actions in Xinjiang. A revised version of the Uyghur Forced Labor Prevention Act passed in Congress and was signed into law by Biden in December 2021.²²⁴ The legislation made it U.S. policy to assume all manufactured items originating from Xinjiang were produced using forced labor, which effectively banned those products from entering the United States under Section 307 of the Tariff Act of 1930.²²⁵

Another baton passed from the Trump era is Biden’s concurrence with the Trump administration’s determination for the elimination of Hong Kong’s special trade relationship following their loss of autonomy from China. In March 2021, the Biden Administration “indicated it would maintain the suspension of differential treatment of [the

²²³ Thomas Lum and Michael A Weber, “China Primer: Uyghurs” (Congressional Research Service, January 6, 2023), <https://crsreports.congress.gov/product/pdf/IF/IF10281>.

²²⁴ James P. McGovern, “Uyghur Forced Labor Prevention Act,” legislation, December 23, 2021, 12/23/2021, <http://www.congress.gov/>.

²²⁵ Christopher A Casey and Cathleen D Cimino-Isaacs, “Section 307 and Imports Produced by Forced Labor” (Congressional Research Service, July 26, 22AD).

Hong Kong Special Administrative Region]”²²⁶ and has retained all Hong Kong-related laws and sanctions on senior Chinese and Hong Kong officials who were determined to have undermined the freedom and autonomy of the people of Hong Kong.

So far, the U.S. policy makers since Trump left office have retained a significant number of policies intended to counter the economic and security threats posed by China and have remained consistent in their efforts to hold China accountable for their human rights violations in Xinjiang and Hong Kong.

C. THE FUTURE OF U.S. HUMAN RIGHTS POLICY WITH CHINA

The strategic shift in confrontational rivalry with China seems to have endured the transition from the Trump to the Biden administration. Nevertheless, it is helpful to review the factors which drove U.S. human rights policies in the past in order to hypothesize what conditions might facilitate the continuation of the current trajectory or alternatively, which conditions might cause U.S. preferences to retreat from a confrontational human rights agenda with China, to include a potential return to de-linking China’s human rights issues from economic and security relations.

The conditions for these changes can be binned into the three main categories of (1) Chinese government preferences, (2) U.S. government preferences, and (3) focusing events. Developments within these categories more often than not are shaped by their inter relational nature. For example, Chinese government preferences to execute a Sinicization program in Xinjiang led to a U.S. State Department determination that the CCP was engaged in cultural genocide, which became a focusing event for America. That focusing event contributed to the U.S. government’s more confrontational policy stances against the Chinese government.

The current paradigm of competitive rivalry and confrontational human rights policies directed toward China appears to be the new status quo and will likely endure for the near term unless shifts in U.S. and/or Chinese preferences combine with unforeseeable

²²⁶ Ricardo Barrios, “China Primer: Hong Kong” (Congressional Research Service, March 31, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF12070>.

focusing events. Even a newly-elected U.S. president, whether Republican or Democrat, would not likely be compelled to reverse America's confrontational approach to China in the absence of major changes to the Chinese government's unsavory global and domestic authoritarian policies, which have been deemed by bipartisan concurrence to represent significant threats to U.S. national security. While economic and security cooperation interests remain top priorities for U.S. policy makers, those preferences and their relationship and links to China's influence have fundamentally altered since the strategic engagement policy has been de-emphasized. There is now a whole of U.S. government effort to build and innovate American independence in strategic sectors in order to protect against dangerous foreign dependencies. The implications for this status quo to U.S. human rights policies with China is that America will remain committed to effective and confrontational actions in the absence of a change in China's authoritarian behavior.

As such, one of the most likely causes for change away from confrontational U.S. human rights measures against China would be improvements in CCP behavior, both as a responsible stakeholder within the international order as well as in their domestic human rights actions. Perhaps the greatest driver of America's willingness to be confrontational with China is the increasingly urgent threat they pose to U.S. economic and security interests. If the Chinese government were to halt activities such as the cyber theft of U.S. intellectual property and trade secrets and end discriminatory licensing and forced technology transfers from companies competing for Chinese markets, it would likely take the edge off from the sentiment that U.S. policy makers must retain a tough stance against China, to include spotlighting human rights abuses and their implications for threatening U.S. security interests.

An alternative scenario, centered less on changes in Chinese behaviors, is one in which America's economic and security power has diminished to such a degree that U.S. policy makers feel compelled to de-link China's human rights record from economic and security interests in order to justify a return to a deeper engagement strategy. The difference between this potential future scenario and the engagement strategy of the past is the power disparity reversal. U.S. policy makers who operated under the engagement strategy with China over the last several decades did so in part during a time of global unipolarity, in

which America was an uncontested world power following the fall of the Soviet Union and China was a rising power. Looking forward, if China's economic and security power were to significantly supersede America's, prioritizing confrontational and punitive U.S. human rights policies against China would lack efficacy and have limited support from U.S. policy makers preoccupied with matters of greater consequence to America's interests. This policy would support Mearsheimer's assertions that states can pursue non-security goals, such as human rights, "as long as the requisite behavior does not conflict with balance-of-power logic."²²⁷

Efforts to predict what lies ahead is challenging but those efforts have utility. We may not be able to accurately predict what will happen, but the effort helps us reflect on the drivers of previous changes and give us an idea of what factors and conditions would likely influence future changes. This thesis concludes that there is a strategic momentum following the shift from engagement to competition rivalry, which has led to bolder U.S. human rights policies with China—a momentum that will likely remain an enduring feature of U.S.-China relations in the near term. There are two main scenarios that would alter the course of relations, however, the first originating from changes in CCP behaviors and the second from a significant change in absolute U.S. power. First, an overall shift in CCP behavior that suggests they are no longer intent on aggressively threatening American interests would likely dampen U.S. resolve to remain confrontational with China. Second, a significant decrease in U.S. economic and security power would potentially inspire U.S. policy makers to de-link economic and security interests from China's human rights issues in an overall effort to justify a return to engagement.

²²⁷ Mearsheimer, *The Tragedy of Great Power Politics* (Updated Edition), 76.

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