



ASIA MAIOR

Special Issue 2 / 2022

US-China Competition, COVID-19 and Democratic Backsliding in Asia

Edited by
Giulio Pugliese
Andrea Fischetti
Michelguglielmo Torri

viella

A large, intricate, golden-colored mandala graphic is positioned on the right side of the cover. It features complex, symmetrical patterns with multiple layers of floral and geometric motifs, resembling traditional Indian or Middle Eastern art.

ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES - EUROPEAN UNIVERSITY INSTITUTE

ASIA MAIOR

The Journal of the Italian think tank on Asia founded by Giorgio Borsa in 1989

Special Issue No. 2 / 2022

US-China Competition, COVID-19 and Democratic Backsliding in Asia

Edited by
Giulio Pugliese
Andrea Fischetti
Michelguglielmo Torri

viella

Asia Maior. The Journal of the Italian Think Tank on Asia founded by Giorgio Borsa in 1989.

Copyright © 2022 - Viella s.r.l. & Associazione Asia Maior

ISBN 978-88-3313-880-00 (Paper) ISBN 979-12-5469-179-3 (Online)

ISSN 2385-2526 (Paper) ISSN 2612-6680 (Online)

Annual journal - Special Issue, No. 2, 2022

The annual issues of this journal are published jointly by the think tank Asia Maior (Associazione Asia Maior) & the CSPE - Centro Studi per i Popoli Extra-europei «Cesare Bonacossa», University of Pavia. The special issues are published jointly by the think tank Asia Maior (Associazione Asia Maior) & by a guest university institution. This issue is published jointly by the think tank Asia Maior (Associazione Asia Maior) & the Robert Schuman Centre – European University Institute.

Asia Maior. The Journal of the Italian Think Tank on Asia founded by Giorgio Borsa in 1989 is an open-access journal, whose issues and single articles can be freely downloaded from the think tank webpage: www.asiamaior.org.

EDITORIAL BOARD

Editor-in-chief (direttore responsabile):

Michelguglielmo Torri, University of Turin.

Co-editors:

Filippo Boni, The Open University.

Diego Maiorano, The University of Naples «L'Orientale».

Co-editors of this special issue:

Giulio Pugliese, University of Oxford and European University Institute;

Andrea Fischetti, Asia Maior – An Italian think tank on Asia.

Associate editors:

Axel Berkofsky, University of Pavia;

Giulio Pugliese, King's College London;

Emanuela Mangiarotti, University of Pavia;

Pierluigi Valsecchi, University of Pavia.

Consulting editors:

Elisabetta Basile, University of Rome «Sapienza»;

Kerry Brown, King's College London;

Peter Brian Ramsay Carey, Oxford University;

Rosa Caroli, University of Venice;

Jaewoo Choo, Kyung Hee University (Seoul, South Korea);

Jamie Seth Davidson, National University of Singapore;

Ritu Dewan, Indian Association for Women Studies;
Laura De Giorgi, University of Venice;
Kevin Hewison, University of North Carolina at Chapel Hill;
Lucia Husenicova, University Matej Bel (Banská Bystrica, Slovakia);
David C. Kang, Maria Crutcher Professor of International Relations,
University of Southern California;
Rohit Karki, Kathmandu School of Law;
Jeff Kingston, Temple University – Japan Campus;
Mirjam Künkler, Swedish Collegium for Advanced Study – Uppsala;
Noemi Lanna, University of Naples «L'Orientale»;
James Manor, School of Advanced Studies – University of London;
Aditya Mukherjee, Jawaharlal Nehru University;
Mridula Mukherjee, Jawaharlal Nehru University;
Parimala Rao, University of Delhi;
Guido Samarani, University of Venice;
Marisa Siddivò, University of Naples «L'Orientale»;
Eswaran Sridharan, Institute for the Advanced Study of India, University of
Pennsylvania;
Arun Swamy, University of Guam;
Akio Takahara, University of Tokyo;
Edsel Tupaz, Harvard University alumnus, Ateneo de Manila University and
Far Eastern University;
Sten Widmalm, Uppsala University;
Ather Zia, University of Northern Colorado.

Graphic project:

Nicola Mocchi, University of Florence.

Before being published in *Asia Maior* – both the annual and the special issue – all articles, whether commissioned or unsolicited, after being first evaluated by the Journal's editors, are then submitted to a double-blind peer review involving up to three anonymous referees. Coherently with the spirit of the double-blind peer review process, *Asia Maior* does not make public the name of the reviewers. However, the reviewers' names – and, if need be, the whole correspondence between the journal's editors and the reviewer/s – can be disclosed to interested institutions, upon a formal request made directly to the Editor in Chief of the journal.

Articles meant for publication should be sent to Michelguglielmo Torri (mg.torri@gmail.com), Filippo Boni (filippo.boni@open.ac.uk), Diego Maiorano (dmaiorano@unior.it); book reviews should be sent to Michelguglielmo Torri (mg.torri@gmail.com).



ASSOCIAZIONE ASIA MAIOR

Steering Committee: Filippo Boni, Marzia Casolari, Matteo Fumagalli, Barbara Onnis, Michelguglielmo Torri (President).

Scientific Board: Guido Abbattista (Università di Trieste), Domenico Amirante (Università «Federico II», Napoli), Elisabetta Basile (Università «La Sapienza», Roma), Luigi Bonanate (Università di Torino), Claudio Cecchi (Università «La Sapienza», Roma), Alessandro Colombo (Università di Milano), Anton Giulio Maria de Robertis (Università di Bari), Thierry Di Costanzo (Université de Strasbourg), Max Guderzo (Università di Firenze), Franco Mazzei (Università «L'Orientale», Napoli), Giorgio Milanetti (Università «La Sapienza», Roma), Paolo Puddinu (Università di Sassari), Adriano Rossi (Università «L'Orientale», Napoli), Giuseppe Sacco (Università «Roma Tre», Roma), Guido Samarani (Università «Ca' Foscari», Venezia), Filippo Sabetti (McGill University, Montréal), Gianni Vaggi (Università di Pavia), Alberto Ventura (Università della Calabria)



GLOBAL
GOVERNANCE
PROGRAMME

Robert Schuman Centre for Advanced Studies
European University Institute
www.eui/rsc



viella

libreria editrice

via delle Alpi, 32

I-00198 ROMA

tel. 06 84 17 758

fax 06 85 35 39 60

www.viella.it

CONTENTS

9	GIULIO PUGLIESE & ANDREA FISCHETTI, <i>Foreword. US-China Competition, COVID-19 and Democratic Backsliding in Asia</i>
17	AXEL BERKOFKY, <i>The US-Japan Security Alliance – Ready and equipped to deal with China?</i>
35	FRANCESCA CONGIU, <i>China, United States, COVID-19 and the Long-standing Question of Human Rights: Problems of a dichotomous approach</i>
51	BEATRICE GALLELLI, <i>China's Official Narratives on Xinjiang: Interethnic mingling, economic prosperity and religious terrorism</i>
73	BARBARA ONNIS, <i>COVID-19 and China's Global Image</i>
89	MARCO MILANI, <i>The role of South Korea amid US-China Competition</i>
101	DIEGO MAIORANO, <i>Democratic backsliding amid the COVID-19 pandemic in India</i>
117	MICHELUGUGLIELMO TORRI, <i>The Road to Galwan Valley: An alternative view of India's relations with China and the US since 2005</i>
159	FILIPPO BONI, <i>The US-China Rivalry in South Asia and Pakistan's hedging dilemma</i>
171	SILVIA TIERI, <i>Migration, Borders, and Security Discourses in the time of COVID-19: The case of migration from Bangladesh to India</i>
197	GIANLUCA COCI, <i>The Young Abe Kōbō's Engagement in Post-war Japanese Literary and Artistic Societies</i>
213	<i>Appendix</i>

CHINA, UNITED STATES, COVID-19 AND THE LONG-STANDING QUESTION
OF HUMAN RIGHTS:
PROBLEMS OF A DICHOTOMOUS APPROACH

Francesca Congiu

University of Cagliari
fcongiu@unica.it

The paper aims to argue that the conflictual debate on human rights between China and United States is characterized by a dichotomous approach which still reflects a Cold War logic and can have a detrimental impact on the full understanding of social, economic, political processes which are undergoing during our age. The argument has been built through a case-study on US-China public discourses on COVID-19 and human rights, which posits that a dichotomous approach has prevented an objective reading of the pandemic processes underway and thus influenced the health crisis' management on both sides.

KEYWORDS – Human rights; Chinese authoritarianism; COVID-19; dichotomy; historical perspective.

1. Introduction

The issue of human rights (HR) has always featured strongly in US-China relations. It is a question that involves both cultural, economic and geopolitical relations. And it is, at the same time, a litmus test for the quality of the relationship itself.

The aim of this work is to highlight one of the main problems concerning the issue of human rights in the US-China relationship. The topic has indeed taken on a dichotomous dimension since the time of the Cold War, one that is identifiable in literature, public discourses and in the policies implemented, in particular, by the United States towards China. Thus, notwithstanding the fact that the Universal Declaration of Human Rights (UDHR) in 1948 has, at least formally, sanctioned the indivisibility of these rights two diverse perspectives on human rights dominates acts and communications between these two countries. This difference in vision has also emerged in two distinct declarations: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights promulgated in 1966, which came into force in 1976. These proclamations present political and civil rights protection which is formally guaranteed in liberal democracies in particular, and, conversely,

social and economic rights which, due to their collective character, are associated with socialist governments¹.

The first part of the article is dedicated to a brief overview of the dichotomous perspective on human rights in the literature and on the historical origins of this perspective and its political use. In its second part, the paper discusses how this dichotomy still influences US-China public discourses on human rights using the case study of the COVID-19 pandemic. The paper analyses the pandemic case-study through political speeches, reports and mass media representations. The study demonstrates how the dichotomy takes the form of an opposition between liberal democracy and Chinese authoritarianism and produces a stereotypical image of 'The Other' party, which prevented an objective assessment of the pandemic processes underway.

2. *A dichotomous approach on human rights: the literature's major arguments*

The literature on China, United States and human rights is quite vast. Here the scope is to present a brief overview of the main arguments.

For decades, the debate on human rights and China has been animated by liberals and realists. The debate was focused on the study of the entrance of the People's Republic of China into the international system of human rights and differences between the two perspectives concerning whether China would totally conform to the rules and values of the system.² Risse and Sikkink called this development 'socialisation', in which the final stage should have been the internalisation of the human rights norms into domestic practice, with a radical political transformation of the behaviour and of the internal structure of a state.³ This transformation would entail a process of liberal democratisation and thus, as a matter of fact, these two perspectives were mainly focused on political and civil human rights, rather than on the economic and social ones. Liberals supported the success of the socialisation process in China. They believed that international cooperation would bring about a final acceptance of the norms and, consequently, a be-

1. Universal Declaration of Human Rights, United Nations General Assembly (Resolution 217 A), Paris, 10 December 1948 (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>).

2. Andrew Nathan, 'Human Rights in Chinese Foreign Policy', *The China Quarterly*, No. 139, September 1994, pp. 622-643; 'China and the International Human Rights Regime', in Elisabeth Economy & Michael Oksenberg, *China Joins the World: progress and prospects*, New York: Council on Foreign Relations Press, 1999, pp. 136-160.

3. Thomas Risse & Kathryn Sikkink, 'The socialization of international human rights' norms into domestic practices: introduction' in Risse Thomas, Ropp Stephen C. & Sikkink Kathryn (eds.), *The Power of Human Rights*, Cambridge: Cambridge University Press, 1999, pp. 1-38.

havioural change and a 'genuine commitment' to the human rights cause.⁴ Realists, on the other hand, believed that the concern for state interests was stronger among the Chinese elite than was cooperation, and that China would never incorporate international norms on human rights into internal values and, as a consequence, would never change its political framework⁵. Recently, and in particular, since the beginning of Xi Jinping's government in 2012, the focus of the debate has changed and mainly targets the nature of China's own agenda of international human rights policy. There is a concentration on the prime reasons for the Chinese Communist Party's (CCP) resilience and a study of the obstacles to the country's liberal democratisation. Furthermore, great attention is placed on the revisionist international influence of the Chinese illiberal model of national development as a new universal framework for the international human rights system.⁶

At the same time, the above-mentioned debate is viewed as an expression of US imperialism, from a left-wing perspective which takes up the argument of the Chinese New Left of the 90s.⁷ According to this perspective, this hegemonic view on human rights is cast as a universal one which privileges civil and political rights and downsizes the importance of the collective economic and social rights to which China has chosen to give priority. This perspective dangerously contends that the Chinese political, social and economic system, for numerous reasons including China's territorial and demographic extension and Confucian tradition too, are not compatible with the protection of civil and political rights, especially if the People's Republic of China (PRC) plans to continue granting economic and social entitlements. The government often makes exceptions to human rights' international standards in the name of 'national conditions or interests', which usually involve social stability and territorial unity.⁸ Currently this view is particularly evident in the contributions of the *Qiao Collective*, formed in January 2020 by intellectuals and activists of the Chinese diaspora, with the main aim of defending China, and what is considered to be 'Chinese socialism', against imperialist aggression.⁹ This view does not take into consideration the fact that, at present, advocating civil rights in China also means

4. G. John Ikenberry, 'The future of liberal world order: internationalism after America', *Foreign Affairs*, vol. 90. No. 3, May/June 2011, pp. 56-68.

5. R. J. Vincent, *Human Rights and International Relations*, Cambridge: Cambridge University Press 1986; Rosemary Foot, *Rights beyond borders: the global community and the struggle over human rights in China*, 2001.

6. Chen Titus C & Hsu Chiahao, 'China's human rights foreign policy in the Xi Jinping era: normative revisionism shrouded in discursive moderation', *The British Journal of Politics and International Relations*, Vol. 23, No. 1, May 2021, pp. 228-247.

7. Cfr. Wang Chaohua, *One China, Many Paths*, London: Verso, 2003.

8. Kang Xiaoguang, 'China: political development and political stability in the reform era', *Modern China Studies*, Vol. 9, No. 3, 2002.

9. For an overview of their major arguments please see 'China and the Left', *Monthly Review* on line, 1 October 2021.

supporting the social organisations and the assistance of poor and vulnerable people. The crackdowns on civil and political rights are detrimental for grassroots mobilisation in the name of equal social and economic rights.¹⁰

The past and the current human rights literature are thus characterized by a dichotomous perspective, pitting liberal democracy against Chinese authoritarianism.

3. A false and instrumental dichotomy: an historical perspective on human rights and China

It is, thus, worth wondering when this dichotomous approach emerged and why. Historiography on the human rights debate in China and on the study of the emergence of the international human rights regime and China's role inside it, provides important instruments to stimulate a discussion and to unveil the origins of the dichotomy and its epistemological groundlessness in the current debate on human rights.

Recent findings pushed human rights historians to move beyond what research outcomes had argued. For a long time, the thought was that the international human rights regime, born in the aftermath of the Second World War with the promulgation of the United Nations Declaration of Human Rights (UDHR) in 1948, was mainly a by-product of the Western capitalist bloc. The declaration suggests that, on the contrary, the regime is the by-product of a concerted effort. Marina Svensson, in her work, indeed asserts that 'the deliberations of the UDHR do not reveal a simple West-East or North-South dichotomy'.¹¹ Historical results show, in fact, a convergence of the democratic liberal vision and the socialist one. The first, expressed in the civil and political rights, implied a limitation of the extension of the state-power described from article 5 to article 21. The latter, expressed in the social and economic rights, concerning the entitlement to social security, to work and to equal pay and work, the right to form trade unions, the right to rest and leisure, the right to adequate standard of living (food, clothing, housing, health) and the right to education. They all implied state programmatic and interventionist characters and are detailed from art. 22 to 27.¹²

10. The benefits of the Chinese well-known extraordinary economic growth are indeed far from been equally distributed. The Gini coefficient, which measures economic and social inequality has grown significantly from 0,29 in the Eighties to 0,46 in 2019. United Nations Development Programme, 'China in Numbers', *Issue Brief*, March 2021, p. 6.

11. Marina Svensson, *Debating Human Rights in China. A Conceptual and Political History*, Oxford: Rowman & Littlefield Publishers, INC., 2002 (ebook - chapter eight).

12. Universal Declaration of Human Rights, United Nations General Assembly (Resolution 217 A), Paris, 10 December 1948 (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>).

It should be also emphasized that the two UDHR covenants postulated an implicit hierarchy between civil and political rights and economic and social rights. The first were indeed constructed as “negative rights” meaning they require governments to abstain from actions that may interfere with individual liberty and political freedoms. The latter appeared as “positive rights” meaning that they require the actions of the governments in order to provide a certain level of access to housing, food, and education. The concept of “progressive realisation” has thus become the key concept underpinning the second covenant. Consequently, while civil and political rights, seen as a legacy of the Enlightenment, were considered more immediately applicable in democratic contexts, the protection of economic and social rights could be postponed to a ‘progressive realisation’. This differentiation between rights reflected the Cold War divide, where economic and social rights were believed to derive mostly from socialist ideologies.¹³

It is quite interesting to underline the role held by China in the drafting processes of the charter held between 1945 and 1948 when the country was still run by the nationalist party and the communists had not occupied yet their ruling position.¹⁴ The Republic of China participated, with the other great powers, at the preparatory conference at Dumbarton Oaks in Washington in 1944.¹⁵ In 1946 the human rights commission in charge of drafting the charter was set up, headed by Eleanor Roosevelt (wife of the then US President Franklin Roosevelt) and by two vice-chairs (one of them was the Chinese representative, Zhang Pengjun). The commission was composed of representatives from the US, the UK, the USSR, Lebanon, France, China, Chile, Australia. During the discussions, Chinese representatives did

13. Office of the United Nations High Commissioner for Human Rights, ‘Frequently asked questions on economic, social and cultural rights’, Fact Sheet n. 33, Geneva (<https://www.ohchr.org/sites/default/files/documents/publications/factsheet33en.pdf>).

14. At that time, the Republic of China (not yet People’s Republic of China) was still ruled by the nationalist party (GMD – Guomindang). As Marina Svensson and Stephen Angle demonstrate there has been a long discourse on human rights in China even before the second post-war. China has had indeed a rich and contested debate on human rights since the late Qing dynasty. In particular, the twenties, beginning with the 1919 May Fourth Movement, have been a very prolific period. In 1920 a *Manifesto for the struggle for freedom* was published demanding freedom of speech, publication, assembly, association. Together with civil and political liberties, Chinese intellectuals, such as Chen Duxiu, Li Dazhao, Lu Xun, began to debate about economic rights, including the right to subsistence. In 1922 another manifesto was published called *Our political proposal*, requesting the welfare for all the people. Marina Svensson, *Debating Human Rights in China.*; Stephen C. Angle & Marina Svensson (eds.), *The Chinese Human Rights Reader. Documents and Commentary 1900-2000*, London and New York: Routledge, 2001.

15. At the time of the drafting processes of the UDHR, the People’s Republic of China had not been founded yet. It was born indeed on October 1 1949. As a matter of fact, who took part to the drafting processes between 1945 and 1948 was the Republic of China, born in 1912, and its Nanjing government started in 1927.

not concentrate on economic and social rights but stressed provisions regarding equality, freedom of speech and expression. The draft declaration submitted by China to the commission on human rights contained ten articles, among which only one dealt with economic and social rights. However, at the final stages of the drafting process, China delegates supported the introduction of the right to food and clothing (art. 25). When the charter was finally put to a vote, many communist countries abstained, and China, which was not communist yet, voted for all kind of human rights to be applicable to all cultures.¹⁶

It should be underlined that, notwithstanding this liberal position adopted at the international level, the Chinese nationalist government was profoundly illiberal and authoritarian in the domestic contest. Nevertheless, the dichotomy between liberal democracy and Chinese authoritarianism emerged only later, with the birth of the People's Republic of China (1949) and with the emergence of the Cold War, as a marker of East and West identities and of the ideological and political differences of the two blocs. On the Chinese side, the CCP dismissed liberal democratic human rights as a bourgeois slogan but Chinese society (students, workers, intellectuals, women), although controlled, persecuted and repressed, never stopped demanding civil liberties in a planned economic system and later, in a state-led capitalist economy: from 1957 with the Hundred Flowers Bloom Movement, in 1967-69 with the Cultural Revolution, in 1976-78 with the Democracy Wall Movement, in 1989 with the Tian'anmen Movement, in 2008 with the movement of the Charter 08. In the West, civil and political rights were presented as the marker of the 'free world', and taunted as the only way to achieve market development and economic well-being. At the same time, market development was presented as the best incentive to democratisation. In this contest, as the next paragraph will argue, human rights were both embodying the old Western civilisation mission and being used in anti-Soviet terms.

During the last phase of the Cold War, human rights were effectively used by the US as a political anti-Soviet tool. The key legislative measure which made this possible in practice was the Jackson-Vanik Amendment to the US Trade Act of 1974, which became effective one year in advance of the two separate International Covenants on Human Rights (1976). The amendment definitely transformed the human rights' concept by limiting it to its political

16. Paul Gordon Laurent, *The Evolution of the International Human Rights: Visions Seen*, Philadelphia, PA: University of Pennsylvania Press, 1998; Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, Philadelphia, PA: University of Pennsylvania Press, 1999. Pierre-Etienne Will, 'The Chinese Contribution to the Universal Declaration of Human Rights, 1947-1948', in Mireille Delmas-Marty & Pierre-Etienne Will (eds.), *China, Democracy and Law. A Historical and Contemporary Approach*, Leiden: Brill 2012, pp. 299-374; Marina Svensson, *Debating Human Rights in China*.

and civil rights' meaning. It acted as an instrument of exclusion/inclusion of all communist regimes from international aid and lending schemes. A relaxation of the rules of exclusion was proposed for those regimes that, although still communist, were in open contrast with the Soviet Union and could represent, at the same time, an attractive opportunity of investment and trade.¹⁷ This has been the case for the People's Republic of China.¹⁸

Since the 70s, human rights issues featured in US engagement strategies. These meant to include China in the international capitalist system, to make her abide by the rules, and to justify her inclusion in front of the international public by promising the potential of feasible democratisation.¹⁹ However, whenever there was government repression of public demonstrations demanding civil liberties or alternative forms of political and social representations paralleled by liberalist economic reforms, United States chose to prize the latter and to fly over the former. In the year 1980, soon after Deng Xiaoping launched the liberalist economic reforms and, at the same time, repressed the Democracy Wall Movement, the People's Republic of China gained the MFN (Most Favoured Nation) status, which guaranteed equal rights in international trade, aids, loans and other credits, together with the entry into the World Bank. This status was subjected to an annual control of progressive steps toward a higher level of protection of human rights. In 2000, after the 1989 Tiananmen military repression, but also after the extensive privatisation campaign of the Nineties, the annual control procedure of the human rights

17. The amendment was proposed to deny permanent normal trading relations to non-market economies, starting with the Soviet Union, that restricted emigration rights and that committed other human rights violations. See F. Joseph Dresen & William E. Pomeranz (eds.), *The Legacy and Consequences of Jackson-Vanik: Reassessing Human Rights in 21st Century Russia*, Conference Proceedings, Occasional Paper n. 305, Kennan Institute, Woodrow Wilson International Center for Scholars, Washington, 2011.

18. Please see: Roberta Cohen, *People's Republic of China: The Human Rights Exception*, Occasional Papers, Reprint Series in Contemporary Asian Studies, n. 3, University of Maryland, 1988.

19. After joining the WTO, the People's Republic of China continued to implement new economic reforms, liberalizing trade and proceeding with its integration in the global economy. The financial sector was liberalized, tariffs were lowered and non-discriminatory trading rights were introduced. The average tariff rate was reduced from 43% in 1992 to less than 10% in 2004. In ten years, after China's accession to WTO, the volume of China-US trade increased from US\$80.5 billion to \$385.3 billion according to Chinese data or from \$121.5 to \$485.8 billion according to US data. American exports to China increased by 80% in three years after China joined the WTO (34% was the growth of the three preceding years); American imports from China rose by 92% (46% was the growth of the three preceding years). Walmart, in 2004 American's largest corporation, had 80% of its 6.000 suppliers in China (its revenues made up 2% of US Gross Domestic Product). In 2011 Starwood Hotels & Resorts built in China one hotel every two weeks and China represented 30% of its worldwide growth. Wang Dong, *The United States and China. A history from the eighteenth century to the present*, Rowman and Littlefield Publisher, Plymouth, 2013, pp. 312-3.

situation was abolished. China was invited to join the World Trade Organization and received permanent MFN status²⁰ the following year.

Today, twenty years after the WTO entry and more than thirty from the end of the Cold War, the US, the European Union, followed by the UK and Canada, took the decision to sanction again China for human rights violations. Their legislative instrument has been the Magnitsky Act, a bipartisan law passed in December 2012 during the Barack Obama administration to repeal the application of the Jackson–Vanik Amendment to Russia and to open the way for US trade relations to Russia and Moldova. From July 2020, the Magnitsky Act began to be applied to China. However, this new system, which has been called the Global Human Rights Sanctions Regime, does not held governments (both central or local) accountable for human rights violations. It specifically targets Chinese individuals and companies, guilty of gross human rights violations, with sanctions such as travel bans, asset freezes, and a prohibition on funds and economic resources.²¹

This brief historical overview over the relationship between China and the human rights regime has shown how the false dichotomy between civil and political rights and economic and social rights has been created and used for political and economic purposes. In the next paragraph, it will be shown how this dichotomous approach still influences and characterizes the main arguments used in public discourses concerning China and United States and how it can affect the understanding of the deeper logic behind contemporary political, social and economic processes, as the case on COVID-19 can demonstrate.

4. The dichotomous approach in public discourses: the COVID-19 case

The COVID-19 pandemic has been a test for democratic and non-democratic governments. As a pandemic with serious potential consequences for the health, economic conditions and the civil freedoms of citizens, COVID-19 represents a particularly interesting case-study to analyse the presence of the dichotomous approach on human rights in public discourses. Here, attention has been directed to political speeches and reports and on mass media representations.

20. Vladimir N. Pregelj, ‘The Jackson–Vanik Amendment: A Survey’, Congress Research Service, August 2005; William H. Cooper, The Jackson–Vanik Amendment and Candidate Countries for WTO Accession: Issues for Congress, Congressional Research Service, 26 July 2012

21. ‘The Global Magnitsky Human Rights Accountability Act’, Congressional Research Service, 28 October 2020; United States Code, Chapter 22 (Foreign Relations and Intercourse), § 2304 – Human Rights and security assistance, in Legal Information Institute, Cornell Law School, accessed 16 September 2021; Council Regulations (EU) 2020/1998 of 7 December 2020, Concerning Restrictive Measures against Human Rights Violations and Abuses, Official Journal of the European Union, vol 63, 7 December 2020.

The current Western public discourse on human rights and COVID-19 is characterized by a dichotomous culturalist clash between Western liberal democracy and Chinese authoritarianism. Western liberal democracy sanctions human rights protection (in their civil and political rights version), economic development and geopolitical influence, and argues for an efficient management of pandemics. Liberal democracy still entails a sense of superiority. This sense of superiority implies the impossibility of making parallels between Western liberal democracy's style of governance and Chinese authoritarianism, as the case of COVID-19 narrative may explain.²²

Two years after the emergence of the pandemic²³, several studies are proving that the People's Republic of China, along with other East Asian countries, both authoritarian and democratic ones (Taiwan; Singapore; South Korea), has been more able and more efficient in containing the illness, even with scarcely effective vaccines in comparison to the high effectiveness of the EU and US vaccines, and thus in quickly and massively granting the protection of the economic and social rights to health, life and work to citizens than has any other US or European country.²⁴ At the expense of only two-months of severe lockdown (which, contrary to what happened in Europe or the US, was only concentrated in outbreak's areas), China was able to contain the virus using a zero-COVID approach, whereas European countries and the United States were still, at the end of 2020, exercising quarantines intermittently and frequently using the status of emergency to justify the suspension of basic rights, such as freedom of movement, thereby provoking a disastrous economic recession. China's COVID-19 emergency management model was based on a sophisticated regulatory and organisational framework, inherited from the 2003 SARS experience, and grounded in a highly-centralized, technological system.²⁵

22. See 'US-Chinese rivalry is a battle over values. Great-power competition can't be won on interests alone', *Foreign Affairs*, 16 March 2021.

23. The present article was handed in December 2021 so it takes into consideration a pandemic time between December 2019 and December 2021.

24. It must be underlined that the paper is referring to the World Health Organization's database that, as far as the PRC is concerned, has been relying on the Chinese National Statistics Council's data. 'Doubts over efficacy of Chinese vaccines stoke anxiety at home and abroad', *Financial Times*, 7 December 2021.

25. Cfr. Francesca Congiu, 'China 2020: The successful struggle against the COVID-19 pandemic and the Xinjiang question', in *Asia Maior*, vol. XXXI/2020, Viella, Bologna, 2021, pp. 19-43. See also 'China beat the coronavirus with science and competent public health measures, not just with authoritarianism', *The Conversation*, 24 November 2020; Ottavio Marzocchi, 'The Impact of Covid-19 Measures on Democracy, the Rule of Law and Fundamental Rights in the EU', *Briefing Requested by the LIBE* (civil liberties, justice and home affairs) committee, Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, April 2020 (<https://www.europarl.europa.eu/cmsdata/207125/Final%20version%20of%20the%20Briefing%20note.pdf>); 'China returns to pre-pandemic growth in Q4 2020', *Statista*, 18 January 2020.

Initially, US and the European Union (EU) governments, watching what was happening in China, did not have a proper capacity to measure the danger concerning COVID-19. This was partially due to the behaviour of the World Health Organization that, following the first information and data coming from Chinese authorities, was reluctant to declare the existence of a public health emergency of international concern.²⁶ However, another major source of this limited capacity to assess the pandemic processes in China, which brought about a *priori* rejection of the Chinese model of governing the illness (with few exceptions, among which the Italian case), has been the dichotomous view between liberal democracy and Chinese authoritarianism. One of the outcomes of this view is a US (or Western) self-representation as radically different from China, in terms of political culture. This diversion in perspective has made the Chinese, the EU and the US Federal governments' models of the health crisis' governance totally incomparable and thus prevented a critical and realistic reading of the facts that could have been helpful for a more efficient political management of the illness.

In the case of COVID-19, the PRC argues that liberal democracy, based on the protection of civil and political rights, is incapable of preserving economic and social rights when confronting a pandemic. The top of the agenda, is the protection of lives and jobs, states China. Civil and political rights, such as the freedom of press, information and speech needs must come second, in order to prevent the spread of an epidemic and to fight against it. During the pandemic, and especially at the beginning, Chinese central and local governments put heavy restrictions on civil and political liberties, causing a significant delay in the transmission of information, which is fundamental to contain the spread of the illness. For at least one month, the virus was conceived of, by local authorities, as 'non-transmittable from human-to-human' and later considered 'preventable and controllable'. When the first cases emerged, Wuhan doctors started to send samples of the pathogen to private local laboratories and, in December 2019, they began to discuss the results across Chinese social networks. This behaviour was soon condemned by political authorities: both local and central governments controlled unauthorized release of information. In an emergency notice of December 30 2019, the Wuhan Health Municipal Commission cautioned individuals and organisations about releasing information without authorisation and the Chinese Center for Disease Control and Prevention issued an order prohibiting medical personnel from speaking with reporters. In addition, internal notices

26. 'How WHO became China's Coronavirus Accomplice', *Foreign Policy*, 2 April 2020.

from local hospitals informed staff who had gone to Wuhan stated: 'Keep yourself politically disciplined' and 'Do not talk to outsiders in private'.²⁷

4.1. *The US/Western approach*

Though the human rights issue was not at the forefront of either the Barack Obama (2009-2017) or the Donald Trump (2017-2021) administrations, although always an aspect of their political agendas,²⁸ the emergence of the COVID-19 pandemic between 2019-2020 gave new strength to the criticism of China through the human rights lens. The US media and political discourses immediately engaged in a denunciation of the Chinese political system. In Western public discourses, the global spread of the epidemic and later, China's successful battle against it, were both due to Chinese authoritarian characteristics. In the first case, the lack of freedom of expression, information, and the overly rigid bureaucratic structure, were held accountable for the emergence of the pandemic,²⁹ publicly labelled by Trump as 'the Chinese virus'. Trump accused the Chinese government of allowing people to leave China in the early stages of the outbreak and demanded that the United Nations 'hold accountable the nation which unleashed this plague onto the world'.³⁰ In May, US Secretary of State, Michael Pompeo again attributed the virus' spread to Chinese authoritarianism: 'This is an enormous crisis created by the fact that the Chinese Communist Party reverted to form, reverted to the kinds of disinformation, the kinds of concealment,

27. '武汉疾控证实：当地现不明原因肺炎病人，发病数在统计' ('Wuhan disease control confirmed: there are pneumonia patients of unknown cause in the local area, and the number of cases is in statistics'), 新北报, 31 December 2019. 疫情與輿情十七年：被瞞報的SARS與被孤立的武漢, ('Seventeen years since the spreading of the epidemic and public opinion: the underreported SARS and the isolated Wuhan'), *The Initium*, 25 January 2020.

28. 'Pressing Asia Agenda, Obama Treads Lightly on Human Rights', *New York Times*, 7 September 2016; 'Obama kowtows to China on human rights, critics say', *Politico*, 23 September 2015; 'Barack Obama's Shaky Legacy on Human Rights', *Human Rights Watch*, 9 January 2017; 'Trump says he avoided punishing China over Uighur Camps', *New York Times*, 9 July 2020.

29. 'China is the real sick man of Asia', *Wall Street Journal*, 3 February 2020. On the Othering and securitization of China-specific discourses in the US and Western countries see also: Giulio Pugliese, 'A Global Rorschach Test: Responding to the Belt and Road Initiative', *Defence Strategic Communications*, NATO Excellence Centre Riga, Vol. 7 (2), December 2019, pp. 113-32; Giulio Pugliese, 'COVID-19 and the Reification of the US-China Cold War', in Jeff Kingston-edited special issue 'COVID-19 in Asia', *Asia-Pacific Journal*. Volume 18, Issue 15, Number 3, Article ID 5436.

30. 'Senator Tom Cotton repeats fringe theory of coronavirus origins', *New York Times*, 17 February 2020; 'US-China tensions take center stage at UN as Trump accuses Beijing of unleashing 'plague'', *Reuters*, 22 September 2020.

that authoritarian regimes do³¹. The reference here was in particular to the punishment of medical staff by Wuhan authorities for spreading rumours about the COVID-19 outbreak, among which the case of Li Wenliang, a Wuhan ophthalmologist, gained particular prominence in the international media. The doctor, who had been very active in warning colleagues about the spread of the virus, was obliged by the local Public Security Bureau to sign a letter in which he was accused of ‘making false comments’ that had ‘severely disturbed social order’.³² His coronavirus’ death has often been associated with his imprisonment and presented as the symbol of China’s failure, wherein the virus was condemned as the ‘Chinese Chernobyl’.³³

Later, when the Chinese government reacted with an iron lockdown to contain the spread of the virus, in the West there was a total rejection of those methods as Maoist, illiberal, anachronistic, medieval and exaggerated, on the part of the mainstream international press. The lockdown was described as a totalitarian measure and as the response of the authoritarian nature of the Chinese political system. At that time, it seemed impossible that Western democracies would ever adopt those same methods, judged as radically opposite to Western political values.³⁴ However, when, in April 2020, the infections in China were decreasing and Europe and US were considering which system, democratic or authoritarian, was better able to deal with the pandemic, China was accused of having built a narrative useful to its search for hegemony; this narrative constituted a threat to democracy because it extolled authoritarian methods for containing the epidemic.³⁵ In May 2020, a Florida representative affirmed on the *Fox News Channel* that

31. For references, please see Bernadette Nadya Jaworsky, Runya Qiaoan, ‘The Politics of Blaming: The Narrative Battle between China and the US over COVID-19’, *Journal of Chinese Political Science*, No. 26, September 2021, pp. 295-315 (p. 310).

32. Minitrue: Delete “Disciplined Doctor Now in Isolation Ward”, *China Digital Times*, 30 January 2020; Li Wenliang: ‘Coronavirus kills Chinese whistleblower doctor’, *BBC News*, 7 February 2020; P. Hessler, ‘Letter from Chengdu. Life on lockdown in China. Forty-five days of avoiding the coronavirus’, in *The New Yorker*, 30 March 2020.

33. ‘Li Wenliang’s death exposes the costs of China’s authoritarianism’, *The Economist*, 13 February 2020; ‘«Hero who told the truth»: Chinese rage over coronavirus death of whistleblower doctor’, *The Guardian*, 7 February 2020; ‘L’épidémie de coronavirus peut-être le Tchernobyl de Xi Jinping’, *France Culture*, 10 February 2020.

34. ‘To Tame Coronavirus, Mao-Style Social Control Blankets China’, *The New York Times*, 20 February 2020.

35. ‘China, the coronavirus and the liberal international order’, *OpenGlobalRights*, 24 April 2020; ‘Coronavirus, the rise of “acceptable authoritarianism” and the battle for democracy’, *Prospect Magazine*, 5 June 2020; Eugénie Mérieau, ‘Covid-19, authoritarianism vs democracy: what the epidemic reveals about the orientalism of our categories of thought’, ‘Democracies are better at fighting outbreaks’, *The Atlantic*, 24 February 2020; ‘China’s Covid success story is also a human rights tragedy’, *Human Rights Watch Organization*, 26 January 2021; ‘The Myth that democracies bungled the pandemic’, *The Atlantic*, 4 October 2021.

China, similar to the Soviet Union during the Cold War, posed the ‘most existential threat to the United States, to liberty around the world, to a free world order that we’ve ever faced’.³⁶

In the most recent US presidential electoral campaign, China’s human rights question was one of the most commonly used issues to challenge the president in charge on critical foreign policy issues. During the election campaign, the Council on Foreign Relations invited presidential candidates to answer twelve questions on critical foreign policy issues. Joe Biden’s answer on that occasion already contained the seeds of the sharp contraposition between values (democracy vs authoritarianism) that became clear during his presidency: ‘The United States should push back on China’s deepening authoritarianism, even as we seek to cooperate on issues where our interests are aligned.’ Biden asked the so called “free world” ‘to come together and to compete with China’s efforts to proliferate its models of high-tech authoritarianism’. Since Biden became president, US political discourse on human rights in China has remained locked into this sharp contraposition between political values, especially in discussions concerning the Xinjiang and Hong Kong situations.³⁷ In his public comments, President Biden frequently underlined the cultural cleavage between Western democracies and autocracies. On the occasion of his first call as president of United States in a meeting with Xi Jinping, the President of the People’s Republic of China, Biden expressed his concern for the Hong Kong crackdown and human rights abuses in Xinjiang.³⁸ Some days later, at a televised CNN event in Wisconsin, he declared that ‘the United States will reassert its global role in speaking up for human rights’.³⁹ In April, in his remarks in an address to a Joint Session of Congress regarding Xi Jinping, he stated that: ‘he (Xi Jinping) and others – autocrats – think that democracy can’t compete in the 21st century with autocracies because it takes too long to get consensus’.⁴⁰ In September, in his State of the Union Address, referring to the assault of Capitol Hill on the 6 January 2021, Biden asserted that the US was living the worst attack on democracy since the

36. For references please see Bernadette Nadya Jaworsky, Runya Qiaoan, ‘The Politics of Blaming: the Narrative Battle between China and the US over COVID-19’, *Journal of Chinese Political Science*, No. 26, September 2021, pp. 295-315 (p. 309). See also Luke Cooper, Guy Aitchison, *The dangers ahead. Covid-19, Authoritarianism and Democracy*, LSE Conflict and Civil Society Research Unit, June 2020.

37. Here the reference is to the two major human rights questions concerning current US-China relations: the persecution and detention of civilians Uighurs in Xinjiang where accusations of terrorism mask Chinese countermeasures against separatism; the crackdown of Hong Kong movement for democracy.

38. ‘Readout of President Joseph R. Biden Jr. Call with President Xi Jinping of China’, *The White House*, 10 February 2021.

39. ‘Biden says China to face repercussions on human rights’, *Reuters*, 16 February 2021.

40. ‘Remarks by President Biden in Address to a Joint Session of Congress’, *White House – briefing room – speeches-remarks*, 28 April 2021.

Civil War and reiterated his intention to revitalize US democracy against the will of ‘the autocrats of the world’.

4.2. *The Chinese approach*

The Chinese approach is based on the belief that emphasis on social and economic rights is the best way to manage a pandemic and to build a more developed and equitable society. The capacity to raise a population’s standard of living is more important than granting civil and political liberties, and is achievable only through the governance of the single-party system led by the CCP. This kind of message, often in reaction to US narrative, is traceable in many articles in Chinese official newspapers. Following here are a few examples of it. The *People’s Daily* on November 9, 2021 argued: ‘if China had dealt with the pandemic as the United States did, its death cases would have been well over three million. [...] Human lives are invaluable. The sufferings, miseries and pains of the patients and their families cannot be measured by “economic cost”’.⁴¹ The *People’s Daily* in August discussed official efforts to punish officials or make them to step down because of their mishandling of the pandemic. This practice was described as being indicative of a prioritisation of the people’s interests and lives, and respect for science and responsibility. In contrast, the article asserted, the US authorities did not punish a single official. This was considered a sign of a ‘loose political environment’ and partly due to the two-party electoral system, which entails a continuous quarrel over who should be held accountable for the policy failure. Although, according to the article, drawing a parallel between China and US is vain, the major difference between China and US is thought to be ‘the governing ideas of the ruling party’. In the US, the ruling party works ‘on behalf of its own interest groups’. In the People’s Republic of China, the CCP ‘has no special interests of its own and always represent the interests of all Chinese people’ as its anti-pandemic work, the article adds, has demonstrated: ‘Since the onset of the pandemic, China, insisting that the rights to subsistence and development are fundamental human rights, has been putting the lives and health of its people front and centre. Compared to the US, which values capital more than its people, China has placed people’s lives even above economic growth. When the virus struck, China took strict and comprehensive control measures, even at the cost of a short-term economic downturn. Nothing is more precious than people’s lives’.⁴² In another issue of August 2021, the *People’s Daily*, in referring to US, stated: ‘Behind the chaos of the nation’s COVID-19 response is the indifference of its

41. ‘Stop questioning China’s zero-COVID approach’, *People’s Daily online*, 9 November 2021.

42. ‘One world, two systems: how China and US deal with derelict officials during COVID-19’, *People’s Daily online*, 19 August 2021.

politicians to basic human rights'.⁴³ In May 2021, referring to 1) Donald Trump's decision to cut World Health Organization funding because the organisation was found to be on China's side of the COVID-19 matter and 2) to US mismanagement of the epidemic, the *People's Daily* argued that the pandemic has revealed the hypocrisy of American democracy, which did not value the rights to life and health as basic human rights: 'Obviously, the American democracy is inhumane'.⁴⁴

5. Conclusion

The paper has argued how the dichotomous vision over human rights was born during the Cold War and how it has been instrumentally used for geopolitical and economic purposes. Using the COVID-19 case-study, the paper has shown as well, how profoundly this dichotomy still permeates US-China public discourses on human rights and how this could affect the mutual perception of the processes concerning the development of the pandemic.

The US and China narratives on COVID-19 and human rights paradoxically reveal the uselessness of the dichotomous approach of liberal democracy versus Chinese authoritarianism in understanding the processes behind the pandemic: '[...] crises are moments of extreme fluidity, conducive to anomy. That is how, with the COVID-19 epidemic, the entire identity-based narrative framework of democracy versus authoritarianism, or the West vs. the Rest, has been profoundly shattered'.⁴⁵ The COVID-19 pandemic is a global health crisis that has exacerbated the ongoing global economic recession as well as conditions for a polarisation of social conflict. It has posed, at once and across all the world, the crucial and historical question of the indivisibility of all human rights. Both the violation of civil and political rights or of economic and social rights, as is evident, have made it more difficult to prevent the pandemic and to struggle against it. As a matter of fact, the perspective of how to handle the pandemic was an opportunity for making liberal democracy and Chinese authoritarianism more comparable, revealing the differences as well as the similarities between these frameworks. This opportunity should be exploited by intellectuals, thinkers, and analysts of US-China relations in order to build a methodological framework of analysis able to better look at the dynamics behind the economic and political international system by moving away from the fictitious ideological contrapositions of our Post-Cold War era.

43. 'Commentary: US fails miserably in COVID-19 response', *People's Daily online*, 10 August 2021.

44. 'COVID-19 pandemic reveals hypocrisy of so-called American democracy', *People's Daily online*, 28 May 2021.

45. Eugénie Mérieau, 'COVID-19, authoritarianism vs. democracy: what the epidemic reveals about the orientalism of our categories of thought', *SciencePo, Center for International Studies*, 28 August 2020.

