

DEMOCRACY IN THE CITIES: A NEW PROPOSAL FOR CHINESE REFORM

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[I]t has been no easy job for a big developing country like China with a population of nearly 1.3 billion to have so considerably improved its human rights situation in such a short period of time.

—President Hu Jintao, People’s Republic of China.¹

I. THE DILEMMA OF CHINESE DEMOCRACY

A great deal has been written on the question of Chinese democracy. In practice and theory, democracy in China is enormously significant.² This is because China is a rising military threat whose interests are often counter to those of the United States, as well as a demographic powerhouse with as much as a quarter of the world’s population.

In Mainland China, “the current official mythology . . . holds that Chinese culture and democracy are incompatible.”³ Many Mainland Chinese apparently believe that China’s Confucian traditions are inconsistent with democratic practices⁴—an idea with a pedigree that traces both to China’s

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1. President Hu Jintao, Enhanced Mutual Understanding and Trust Towards a Conservative and Cooperative Relationship Between China and the United States, *translated at* www.asiasociety.org/speeches/jintao.html (speech given by then-Vice President Hu Jintao).

2. SHAOHUA HU, EXPLAINING CHINESE DEMOCRATIZATION I (2000).

3. Ilya Garger, *Speaking Out for China’s “Cursed” Characters*, THE ASAHI SHINBUN, available at <http://www.asahi.com/english/culture/K2002011800265.html> (last visited May 12, 2002).

4. Bruce J. Dickson, *Democratic Development in Taiwan: A Model for the PRC?*, PACNET NEWSLETTER No. 43, Oct. 27, 2000, at <http://www.csis.org/pacfor/pac0043.html> (last visited May 12, 2002).

great ancient philosophies⁵ and its most prominent modern political theorist.⁶ It is undeniably the case that the government of the People's Republic of China shares key features with both the Nationalist and Imperial Chinese constitutions.⁷ "One important similarity in each of these constitutions . . . is that the state holds and grants power to the citizens."⁸ The belief that the state is the font of individual rights supports widespread Far Eastern commentary that Western-style democracy is incompatible with so-called "Asian values." A quartet of prominent scholars on China explained this consensus in 1995:

By "China's conditions," participants usually meant that China is geographically and demographically large, that it is backward (at least in certain areas) and that it carries a long history of authoritarianism. Among other things, participants often argued that China is too big for elections, that it has too few lawyers for an adversarial court system, that its national security situation is too difficult to permit constitutional control of foreign affairs, and that its economic challenges preclude immediate fulfillment of human civil and political rights, much less social and economic rights. Some participants went so far as to argue that China's authoritarian tradition wholly precludes a truly constitutional system.⁹

There has been little movement with respect to this notion, at least in the Orient. Indeed, many in Asia "question the value of democracy and quite strongly challenge the validity of Western notions of democratization and even human rights."¹⁰ Such strong negative reactions represent a serious obstacle to the reforms desired by the West.¹¹

If it is true that China cannot sustain democracy, one of the key normative assumptions of the West is significantly undermined. U.S. foreign policy—under both Democratic and Republican administrations—assumes that all people are inherently capable of participating meaningfully in an open society. "All programs must be democracy/human rights sensitive, at the very least doing no harm and preferably contributing positively to democra-

5. See HU, *supra* note 2, at 36 ("Confucianism, Legalism, Mohism, and Taoism contained some democratic elements, but none qualified as being democratic because of their failure to advocate popular sovereignty and individual liberty.").

6. ANDREW J. NATHAN, CHINESE DEMOCRACY 46, 60-61 (Alfred A. Knopf ed., 1985) (discussing Liang Qichao, China's "most influential modern political thinker").

7. See *generally id.* at 108-09 (table summarizing Chinese constitutions and rights).

8. Robert C. Berring, *Farewell to All That*, 19 LOY. L.A. INT'L & COMP. L.J. 431, 441 (1997).

9. R. Randle Edwards, Louis Henkin, J. Paul Martin & Andrew J. Nathan, *Symposium on China and Constitutionalism: Introduction*, 9 J. CHINESE L. 1, 4 (1995).

10. Farhana Y. Khera, *Democratization and International Law: Building the Institutions of Civil Society*, 88 AM. SOC'Y INT'L L. PROC. 197, 197 (1994) (remarks by Thomas Carothers, Carnegie Endowment for International Peace).

11. Dickson, *supra* note 4 ("This pessimistic attitude has placed tremendous inertia on the prospects for democratization.").

tization interests.”¹² Though we may not always live up to the ideal, “[w]e hold these truths to be self-evident, that all men are created equal.”¹³

In the face of this apparent cultural consensus that Chinese democracy is impossible, however, empirical evidence demonstrates rather strongly that Chinese cultural values are perfectly compatible with democracy. Taiwan is a thriving democracy composed largely of ethnic Mainlanders who fled the Communists in 1949.¹⁴ The Communists recognize that fact and consider Taiwan’s democratic developments an implicit challenge to their authority and legitimacy.¹⁵ The Republic of China’s 2000 presidential election—the first democratic, peaceful transition of power in the history of China in Taiwan or on the Mainland—fatally undermined the Communist Party’s long-standing claim that democracy is inconsistent with Chinese values.¹⁶ Hong Kong, similarly, existed as a functioning democracy (albeit with British overseers) until retrocession to the Mainland in 1997.¹⁷

Moreover, the Chinese government has made gestures toward democracy since at least the establishment of the People’s Republic in 1949, building on a democratic tradition that stretches back to 1895.¹⁸ Changing from a dynastic to a communist system resulted in the introduction of a “new democracy.”¹⁹ Though Mao Zedong was not a true democrat, he regularly sought philosophical cover by referring to his schemes as “mass democracy” and the like.²⁰ And Mao’s “totalitarianism unintentionally made it possible and necessary to move toward democracy: possible because democratization presupposes a strong state; necessary because his rule inflicted so many disasters on the Chinese that they desired an alternative system.”²¹ This reform took place under Deng Xiaoping. Deng intended to liberalize China’s econ-

12. Khera, *supra* note 10, at 199 (comments by Larry Garber, Senior Policy Adviser on Democracy, U.S. Agency for International Development).

13. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776); see THE FEDERALIST No. 22, at 199 (Alexander Hamilton) (Benjamin Fletcher Wright ed., 1961) (“The fabric of American empire ought to rest on the solid basis of *the consent of the people*. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.”) (emphasis in original).

14. See generally Lee Teng-hui, *Understanding Taiwan*, FOREIGN AFF., Nov.–Dec. 1999, at 9 (former president of Taiwan discussing the history of political difficulties between Taiwan and Mainland China); Linda Jakobson, *The Taiwan that Beijing Doesn’t Want to See*, WASH. POST, Mar. 12, 2000, at B01 (“[M]ore than three-quarters of Taiwan’s 22 million people trace their ancestry to the Southern Chinese provinces of Fujian and Guangdong.”).

15. Kurt M. Campbell & Derek J. Mitchell, *Crisis in the Taiwan Strait?*, FOREIGN AFF., July–Aug. 2001, at 14, 17.

16. *Id.*

17. See William I. Friedman, *China’s One Country, Two Systems Paradigm Extends Itself Beyond the Mainland’s Borders to the Southern Provincial Government of Hong Kong*, 11 J. TRANSNAT’L L. & POL’Y 65, 66, 76 (2001).

18. NATHAN, *supra* note 6, at x.

19. Hu, *supra* note 2, at 100.

20. *Id.* at 111–12.

21. *Id.* at 113.

omy, not the political sphere, though he too paid lip service to democracy.²² Although Deng's objective in reforming the economy was to make the government appear more legitimate, the reformation instead weakened the government and made democracy more attractive.²³ This is true because "capitalist development transforms the class structure, enlarging the working and middle classes and facilitating their self-organization, thus making it more difficult for elites to exclude them politically."²⁴ As a question of economic organization, Mainland China has long since ceased to practice Communism.²⁵

II. THE PRESSURES TO BECOME DEMOCRATIC

Mainland China is no longer truly "communist," though it is not yet democratic. As a consequence, the Chinese regime faces significant pressures from abroad. First and foremost, worldwide democratization remains official U.S. State Department policy. "[T]he United States seeks to [p]romote democracy as a means to achieve security, stability, and prosperity for the entire world."²⁶ The governmental and non-governmental armature of the United States seems to have the same eventual goal in mind: the rule of law is seen as a reasonable means of fostering democracy in China by the State Department, academics, commentators and most human rights activists.²⁷

Relevant international law also favors democracy. The United Nations' Universal Declaration of Human Rights states that "[e]veryone has the right to take part in the government of his country, directly or through freely chosen representatives."²⁸ It goes on to explain, "[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."²⁹

22. *Id.* at 129-30.

23. *Id.* at 128.

24. Evelyne Huber et al., *The Impact of Economic Development on Democracy*, 7 J. ECON. PERSPECTIVES 71, 83 (1993).

25. S. David Cooper, *The Dot.Com(munist) Revolution: Will the Internet Bring Democracy to China?*, 18 UCLA PAC. BASIN L.J. 98, 109-10 (2000) ("[C]entral control has been loosened so much over the economy that some experts wonder if China is truly a communist country at all. In the beginning of the 1990s, there was a higher percentage of output from China's private sector than in the emerging post-communist democracies.").

26. BUREAU OF DEMOCRACY, HUMAN RIGHTS & LABOR, U.S. DEP'T OF STATE, POLICY ON DEMOCRACY, available at <http://www.state.gov/g/drl/democ/> (last visited May 14, 2002).

27. Harry Williams, *Property Rights and Legal Reform in Township and Village Enterprises in China*, 2 ASIAN-PAC. L. & POL'Y J. 227, 229 (2001).

28. Universal Declaration of Human Rights, art. 21 (1), G.A. Res. 217 (III), U.N. GAOR, 3d Sess., Supp. No. 13, at 75, U.N. Doc. A/810 (1948).

29. *Id.* art. 21(3).

Similarly, the United Nations-sponsored International Covenant on Civil and Political Rights expressly ensures electoral democracy.³⁰

Thus, Western policy broadly holds that China should become democratic.³¹ This normative assertion is bolstered by the evidence of the Tiananmen Square demonstrations and the short-lived democracy movement it spawned nationwide.³² It is not unreasonable to suggest that the Chinese people believe China should become democratic, too. The Taiwanese certainly think so:

Only nations willing to relinquish the known certainties of old-style authoritarianism for the unknowns of modern democracy can ultimately enjoy the flexibility, efficiency, and transparency necessary to meet the competitive challenges of globalization sweeping the world today. . . . It is in the best interest of regional and even global peace and stability for Beijing to embrace democracy rather than try to contain it.³³

The people of Hong Kong evidently agree,³⁴ and even Mainland Chinese elites seem to favor the notion. "Freedom is in fashion in China, but so is the fear of it. The crucial questions on every [Chinese] thinking man's mind are: how much is too much and where will it all lead?"³⁵ Rapid democratization might lead to instability and chaos that would undermine rapid economic development;³⁶ on the other hand, a higher standard of living may be a better guarantor of stable democracy³⁷—albeit a democracy longer in coming.

30. International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 25, 999 U.N.T.S. 171, 179. China is not a signatory. LOUIS HENKIN ET AL., BASIC DOCUMENTS SUPPLEMENT TO INTERNATIONAL LAW: CASES AND MATERIALS 151 (3d ed. 1993).

31. HU, *supra* note 2, at 5-7.

32. See generally Joseph W. Dellapenna, *The Role of Legal Rhetoric in the Failure of Democratic Change in China*, 2 BUFF. J. INT'L L. 231, 253-62 (1996) (discussing the legality and effect of the Tiananmen Square demonstrations); W. Gary Vause, *Tibet to Tiananmen: Chinese Human Rights and the United States Foreign Policy*, 42 VAND. L. REV. 1575, 1576 (1989) ("On June 4, 1989, China's 27th Army brutally crushed democracy demonstrations that had extended for seven weeks in Beijing and other Chinese cities."); THE TIANANMEN PAPERS (Andrew J. Nathan et al. eds., 2001).

33. Lee, *supra* note 14, at 14.

34. Carole J. Petersen, *Preserving Institutions of Autonomy in Hong Kong: The Impact of 1997 on Academia and the Legal Profession*, 22 S. ILL. U. L.J. 337, 367 (1998) ("Of course, in the long term Hong Kong people hope that their freedoms will be enjoyed by all of China.")

35. Brian Mitchell, *Chinese Communists Discover Hope in Forgotten American Conservative*, INVESTOR'S BUS. DAILY, July 25, 2000, at A1.

36. Mancur Olson, Jr., *Rapid Growth as a Destabilizing Force*, 23 J. ECON. HIST. 529, 530-31 (1963).

37. See SEYMOUR MARTIN LIPSET, POLITICAL MAN 45-72 (1960); Robert Barto, *Democracy and Growth*, 1 J. ECON. GROWTH 1 (1996).

China has a modest history of democratic reforms in the early 1900s, which it could perhaps build upon.³⁸ But with or without that history, some warn that China is faced with a stark choice between liberalization and chaos. “Further efforts to resist political change will only squander the benefits of social and economic dynamism, perpetuate the government’s costly battle to contain the populace, drive politics toward increasingly tense domestic confrontation, and ultimately threaten the system with collapse.”³⁹

That said, China’s historical conditions and level of development have not been especially favorable for democracy.⁴⁰ Deng Xiaoping crushed China’s first modern democratic movement in the 1980s, concluding that the aims of the (primarily urban) radical students and workers, if enacted, would undermine state socialism.⁴¹ Following the 1980 debacle (and, later, the Tiananmen crackdown), many commentators within and outside the Chinese leadership advanced the defensive idea that China is not yet ready for full-scale democratic reforms.⁴² They urged that people work within the system rather than trying to overthrow it. “Chinese intellectuals now distinguish between ‘liberals’ and ‘democrats.’ Democrats want to change the political system—in plainer words, to overthrow the party. Liberals just want the party to open up a little more.”⁴³ Following this line, some Western scholars still push the adoption of greater “intraparty democracy” rather than true pluralism.⁴⁴ There is some empirical support for this idea. In practice, China’s rulers now must build support for new policies among party members, business leaders and other influential citizens, regional leaders, and the general public.⁴⁵

President Hu’s comment also rings true. China is still a Third World country.⁴⁶ While literacy rates are high,⁴⁷ as much as two-thirds of China’s

38. HU, *supra* note 2, at 2 (“Before the 1911 Revolution, elected assemblies were successfully established at the local, provincial, and national levels.”); *see id.* at 50-51.

39. George Gilboy & Eric Heginbotham, *China’s Coming Transformation*, FOREIGN AFF., July–Aug. 2001, at 26.

40. HU, *supra* note 2, at 23 (“[I]t is not an exaggeration to say that China’s general conditions were not conducive to democracy.”).

41. A compelling account of the brief and, in retrospect, inevitable 1980 crackdown may be found in NATHAN, *supra* note 6, at 193-223.

42. *See* HU, *supra* note 2, at 8-9 (discussing scholarly analyses of obstacles to democracy in China).

43. Mitchell, *supra* note 35.

44. Gilboy & Heginbotham, *supra* note 39, at 27.

45. BUREAU OF EAST ASIAN & PAC. AFFAIRS, U.S. DEP’T OF STATE, BACKGROUND NOTE: CHINA (Jan. 2002), available at <http://www.state.gov/r/pa/ei/bgn/2742pf.htm> [hereinafter BACKGROUND NOTE].

46. INFORMATION OFFICE OF THE STATE COUNCIL OF THE PEOPLE’S REPUBLIC OF CHINA, THE DEVELOPMENT-ORIENTED POVERTY REDUCTION PROGRAM FOR RURAL CHINA (Oct. 2001), translated at www.chinaembassy.org/il/eng/32276.html (last visited May 12, 2002) [hereinafter POVERTY REDUCTION PROGRAM] (“China is a developing country, and it has a long way to go to shake off poverty.”).

working-age population is employed in subsistence agriculture.⁴⁸ Gross domestic product is only \$4,300 per person,⁴⁹ while the majority of Chinese live on less than \$1,000 a year.⁵⁰

Large-scale Chinese political reforms over the past decades were intended primarily to ensure that a Mao-style dictator can no longer arise, and to facilitate the transition to a market economy.⁵¹ Viewed as a process, it now remains only to expand the scope of free political (as opposed to economic) discourse—but this is, of course, reform's greatest challenge.⁵² Ushering in democracy in a developing nation of almost 1.3 billion⁵³ is no easy task; if not managed properly, democratization could lead to bloodshed not seen in the Middle Kingdom since the Cultural Revolution.⁵⁴

III. DEMOCRACY VERSUS DEVELOPMENT

The developing world is littered with the ghosts of failed attempts at democracy—instances where *de jure* democracy never became *de facto*. A critical lesson from Greek history in Thucydides' *History of the Peloponnesian War* is that democracy is capable of contributing to catastrophic failure.⁵⁵ The framers of the U.S. Constitution kept this firmly in mind when they designed the multiple checks, balances and other safeguards that characterize America's successful democracy.

47. Cooper, *supra* note 25, at 113 ("The Chinese are highly educated. They have a literacy rate of 81.5% and excel at science and engineering."); see CIA, THE WORLD FACTBOOK 2002: CHINA, available at <http://www.odci.gov/cia/publications/factbook/geos/ch.html> (last visited May 14, 2002) [hereinafter CIA FACTBOOK].

48. Estimates range from half to over two-thirds. Compare CIA FACTBOOK, *supra* note 47, and ECONOMIST, POCKET WORLD IN FIGURES, 124 (2002) (fifty percent of the Chinese labor force is employed in the agricultural sector), with INFORMATION OFFICE OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF CHINA, LABOR AND SOCIAL SECURITY IN CHINA (Apr. 2002), translated at www.chinaembassy.org/il/eng/32231.html (last visited May 12, 2002) [hereinafter LABOR AND SOCIAL SECURITY] ("Employees in urban areas accounted for 32.8 percent of the total, and those in rural areas for 67.2 percent.").

49. CIA FACTBOOK, *supra* note 47.

50. POCKET WORLD IN FIGURES, *supra* note 48, at 124 (GDP per head is \$790).

51. Minxin Pei, *Is China Democratizing?*, FOREIGN AFF., Jan.–Feb. 1998, at 68, 73.

52. *Id.* at 77 ("The most challenging aspect of political reform in post-Mao China was the restructuring of relations between the state and society and the establishment of institutions of democratic participation.").

53. LABOR AND SOCIAL SECURITY, *supra* note 48 ("By the end of 2001, the country's population had reached 1.27627 billion . . . excluding Hong Kong and Macao . . .").

54. BACKGROUND NOTE, *supra* note 45. "[T]he 'Great Proletarian Cultural Revolution' . . . was unprecedented in communist history. For the first time, a section of the Chinese communist leadership sought to rally popular opposition against another leadership group. China was set on a course of political and social anarchy that lasted the better part of a decade." *Id.*

55. THE LANDMARK THUCYDIDES: A COMPREHENSIVE GUIDE TO THE PELOPONNESIAN WAR 127-28 (Robert B. Strassler ed., 1996).

Some dispute whether democracy goes hand in hand with rapid development. This is particularly so in Asia, where, in addition to the concept of “Asian values” discussed above, many support the closely-related “Lee thesis,” attributed to Singapore’s former prime minister, Lee Kuan Yew. According to the Lee thesis, the denial of basic civil and political rights is advantageous to economic development.⁵⁶ The statistical support for this assertion, however, is fairly weak.⁵⁷ Many have found strong evidence that democracy promotes economic growth.⁵⁸ Most likely, the impact of full democracy on development is indeterminate,⁵⁹ possibly because “regimes themselves may be endogenous to the forces of development.”⁶⁰

The empirical studies supporting the Lee thesis—though hotly debated⁶¹—find that while higher levels of wealth tend to result in higher levels of democracy, countries with levels of democracy higher than their levels of wealth dictate often experience a reduction of democracy.⁶² In other words, countries that choose to develop before democratizing are more likely to end up with both democracy and a higher level of development, whereas countries that democratize first are more likely to end up with neither:

Democracy—in the sense of political rights and civil liberties—is, in any case, not the characteristic of institutions that matters most for economic performance. There is some evidence that, starting from the worst dictatorships, an increase in democracy is favorable, on average, for economic growth. . . . The favorable economic effects from democracy seem, however, to disappear once a country attains a moderate degree of liberalization, such as that characteristic in recent years of places such as Malaysia and Mexico. Further expansions of democratic freedoms toward the Western ideal seem to come at the expense of economic growth.

This last finding is not surprising if one thinks of democracy as a setup in which decisions are literally made by majority vote. Such a system tends to favor redistributions from rich to poor and, more specifically, the expansion of social welfare programs that have typified and stifled Western Europe. Such programs may have desirable aspects, but they come at the cost of diluted incentives for investment, employment, and growth.⁶³

56. AMARTYA SEN, DEVELOPMENT AS FREEDOM 15, 148 (1999).

57. *Id.* at 152.

58. LIPSET, *supra* note 37, at 45-72.

59. Adam Przeworski & Fernando Limongi, *Political Regimes and Economic Growth*, 7 J. ECON. PERSPECTIVES 51, 51 (1993).

60. Pranab Bardhan, *Symposium on Democracy and Development*, 7 J. ECON. PERSPECTIVES 45, 48 (1993).

61. Reginald Chua, *Development and Democracy: The Debate Post-Crisis*, Lecture Presented at the Research Institute for Asia and Pacific at the University of Sydney (Feb. 25, 2000) (transcript available at www.riap.usyd.edu.au/events/mediadem/chua.htm).

62. Robert J. Barro, *Democracy in Congo? Laugh On*, HOOVER DIG., 1997 No. 4, available at <http://www-hoover.stanford.edu/publications/digest/974/barro2.html> (last visited July 1, 2002).

63. *Id.*

This statement harkens back to more radical arguments in the first half of the nineteenth century, when many thought that universal suffrage would threaten property rights, destroy the economy, and even threaten civilization.⁶⁴ Time has proven these views too extreme, thanks in no small part to the checks and balances developed by the designers of the U.S. Constitution and other democratic governments. However, there is certainly reason to question whether democratization in undeveloped countries undermines the development of property rights and other institutions that underpin successful economies.

However, even if early adoption of democracy in poor countries involves trade-offs in terms of economic development, citizens may be happier with more democracy and a lower economic growth rate, preferring to give up a certain amount of wealth for more freedom.⁶⁵

Particular policies associated with democratic governments tend to support economic growth and prosperity, such as “maintaining secure property rights, promoting the rule of law, fostering free markets domestically and internationally, macroeconomic stability, and investments in education and some forms of infrastructure.”⁶⁶ Development efforts in Chile, Peru, Singapore, South Korea, and Taiwan suggest that these policies do not lead inexorably to democracy.⁶⁷ Yet there is good evidence that material prosperity eventually leads to sustainable expansions of democracy.⁶⁸ As Robert Barro notes, “[e]ven China, as it becomes wealthier, is likely to expand its electoral rights and civil liberties.”⁶⁹

In short, democracy is often (though not always) a product of economic development.⁷⁰ While the statistical evidence is mixed, the broader empirical picture is clear. Every developed country in the world is a stable democracy; in the Third World, stable democracies remain the exception.⁷¹ Even in South Korea and Taiwan, many years of rapid development preceded democratization. At a minimum, economic development greatly increases the probability of stable democracy: “With respect to the effects of economic development on democracy, the analysis shows that improvements in the standard of living . . . substantially raise the probability that political institutions will become more democratic over time. Hence, political freedom emerges as a sort of luxury good.”⁷²

64. 17 THOMAS B. MACAULAY, COMPLETE WRITINGS 263-76 (Houghton, Mifflin and Co. 1900).

65. See SEN, *supra* note 56, at 151-52.

66. Barro, *supra* note 62.

67. *Id.*

68. *Id.*

69. *Id.*

70. LIPSET, *supra* note 37, at 45-72.

71. Przeworski & Limongi, *supra* note 59, at 62.

72. Barro, *supra* note 37, at 23-24.

Because there is a substantial overlap between developed countries and fully democratic countries, the question of whether democracy is good for economic development pertains mostly to less developed countries. Even if the Lee thesis is partially correct, it may soon be inapplicable to many parts of China that are, or soon will be, developed, and ripe for democracy.

The Lee thesis also overlooks the freedom and human rights associated with the adoption of a free market model.⁷³ As in Taiwan and South Korea, once Chinese citizens have become accustomed to exercising the rights and freedoms inherent in capitalism, they may begin to expect and demand an expansion of these freedoms in the form of democracy, free speech and similar rights.

IV. WHAT IS TO BE DONE?⁷⁴

If we accept that China should move toward democracy (and will soon face increased pressure to do so), it still is not clear how to accomplish that goal without the bloodshed and economic shocks President Hu rightly warns against. The question is what level of economic development is necessary to increase the likelihood that democracy will be peacefully and stably adopted? If South Korea, Taiwan, and Hong Kong are any guide, several Chinese cities have likely crossed this threshold. Thus, there is an interim step between totalitarian rule and full-fledged democracy: democracy in the cities.

China is an enormous landmass; at 3.7 million square miles,⁷⁵ it is almost exactly the size of the United States.⁷⁶ It is also the oldest uninterrupted civilization on Earth.⁷⁷ With very few exceptions, it has been politically unified for several thousand years.⁷⁸ But the data on its current demographics and economics paint a more fragmented picture:

China's economy has been described as a three-in-one economy. First, more than 80% of China's people live in an 18th century agrarian society. In many rural villages, especially in the west, roads are mere trails traveled by mule-drawn carts and commerce is done in open-air markets. . . . Second, China also has a large 20th century industrial society. These industries are reminiscent of ones found in Detroit, Pittsburgh and other "blue-collar" towns. Third, China has only a very small 21st-century advanced technology industry.⁷⁹

73. SEN, *supra* note 56, at 24-30, 148-52.

74. VLADIMIR I. LENIN, *WHAT IS TO BE DONE?* (1902).

75. BACKGROUND NOTE, *supra* note 45.

76. China is 3,705,820 square miles; the United States is 3,717,796 square miles. NATIONAL GEOGRAPHIC ATLAS OF THE WORLD 33, 92 (7th ed. 1999).

77. HU, *supra* note 2, at 23.

78. Unification under the Qin dynasty took place in 221 B.C. CIA FACTBOOK, *supra* note 47.

79. Cooper, *supra* note 25, at 99-100.

The Mainland Chinese government acknowledges that economic development varies widely region by region.⁸⁰ Rural China is essentially Third World, despite substantial efforts by the Chinese central government to alleviate rural poverty.⁸¹ “The poverty of China’s rural areas is a problem that arose over long years in the past. Impoverished regions in China are characterized mainly by a large area and population sunk in poverty.”⁸² By contrast, Beijing and the industrial cities of the coast (Shanghai and Guangzhou, for example) are First World cities, with modern amenities and an educated, active workforce. To some, China is experiencing a new “Gilded Age.”⁸³ China’s East Coast is by far the most developed region;⁸⁴ eastern Chinese cities bear more relation to Taipei than to China’s vast rural backwaters.⁸⁵ Indeed, as Taiwan lengthens and deepens its democratic experience, its role as a model and an object lesson can only grow.⁸⁶

There are several disgruntled constituencies in China: embattled student-democracy leaders in common cause with social or religious movements like Falun Gong, increasingly Western-oriented elites, the vast floating population driving economic growth in major Chinese cities, and separatist movements in China’s restive west.⁸⁷ Chinese economic and population pressures increasingly are pushing these constituencies together.⁸⁸

Urban spread is rapid; Chinese officials predict that by 2020 “all major cities will be connected on a 55,000km nationwide grid that will be second in length only to that of the United States.”⁸⁹ Moreover, China’s stated economic goal “is to be a strong and prosperous modernized country with a higher degree of democracy and civilization.”⁹⁰ All of these factors suggest that China should pursue some form of democratic reform.

V. WHY THE CITIES?

Accepting the proposition that China should explore ways to become more democratic, however, does not necessarily validate the idea of democracy in the cities. Indeed, China’s own “minor democratic experiments” have

80. POVERTY REDUCTION PROGRAM, *supra* note 46.

81. *Id.*

82. *Id.*

83. Xiao-huang Yin, *China’s Gilded Age*, ATLANTIC MONTHLY, Apr. 1994, at 42.

84. POVERTY REDUCTION PROGRAM, *supra* note 46.

85. Jakobson, *supra* note 14 (“In its physical appearance and infrastructure, Taipei reminds me of southern mainland cities such as Guangzhou or Fuzhou, the capital of Fujian province.”).

86. Campbell & Mitchell, *supra* note 15, at 14 (“[T]he longer Taiwanese democracy continues to thrive, the more the CCP fears it may serve as a model for disgruntled segments of its own populace.”).

87. See HU, *supra* note 2, at 134-35, 154.

88. *Id.*

89. *Working on the Highway*, ECONOMIST, Apr. 20, 2002, at 40, 40.

90. Cooper, *supra* note 25, at 100.

gone in the opposite direction, with semi-free local elections at the rural small-village level.⁹¹ Urban residents in China enjoy various privileges and prerogatives that they stand to lose, at least at the initial phases of democratization.⁹² Moreover, even in democratic societies, city administrators are not always elected. The city of London elected its first mayor in its two-thousand-year history in 2000.⁹³ Across England, only eight cities recently supported the notion of electing their leaders.⁹⁴ But there are powerful reasons to think that any genuine transitional phase must involve Chinese centers of population, rather than the impoverished rural periphery. Urban residents in China are in many ways already freer than rural residents, due to the move towards, and success of, capitalism in the cities. As a result, city residents are better-positioned to adopt democratic norms. While country towns are seen as a safe place for experimentation, village-level democracy also is an attempt to forestall dissent within a rural population that is becoming increasingly aware of widening differences in wealth and economic freedom within China.⁹⁵ Fear of democracy is driven in significant measure by concerns over allowing relatively uneducated rural Chinese the right to vote.⁹⁶

A. Education

The level of education in Chinese cities is substantially higher than that in the outlying provinces. "Due to the poor conditions for running schools and backward education facilities, a great number of [rural] school-age children are unable to go to school or obliged to discontinue their studies, and the illiteracy rate of the young and middle-aged is high."⁹⁷ These structural impediments do not exist in the cities. More than eighty percent of new urban workers are at least high school graduates.⁹⁸ While there is no necessary correlation between education and the ability to vote, education substantially increases the likelihood that political institutions will grow more democratic

91. Pei, *supra* note 51, at 82; see HU, *supra* note 2, at 2; *Seeds of Change*, ECONOMIST, June 15, 2002, at 7, 7-8.

92. HU, *supra* note 2, at 151.

93. Tony Eufinger, "Red" Candidate: London's Likely Mayor Has Socialist-And Eccentric-Leanings, May 3, 2000, at <http://abcnews.go.com/sections/world/DailyNews/london-mayor000503.html>.

94. *The Enemy of My Enemy*, ECONOMIST, Apr. 27, 2002, at 55, 55 ("[T]o help perk up democracy, Tony Blair hit upon the idea of letting voters elect their own mayors. . . . The residents of 23 towns have so far been asked whether they want to elect a mayor; only eight have endorsed the idea . . .").

95. See, e.g., John Pomfret, *Bringing Revolution to China's Villages*, WASH. POST, Sept. 15, 2002, at A01, available at <http://www.washingtonpost.com/wp-dyn/articles/A19006-2002Sep14.html>.

96. *Id.*

97. POVERTY REDUCTION PROGRAM, *supra* note 46.

98. LABOR AND SOCIAL SECURITY, *supra* note 48.

as time passes.⁹⁹ In addition, most theorists agree that an informed electorate leads to more informed decisions (and, therefore, more responsive decision-makers).

B. *Sophistication and Stability*

Cities are the center of Chinese political life—"Peking has always been a political city."¹⁰⁰ Again, the demographics of urban versus rural China are compelling. As a consequence of China's increased economic openness, urbanites are in regular contact with foreigners, primarily from Western countries. Their additional exposure to persons living under democratic regimes should help ease the transition from subject to citizen-voter. "[D]emocracy encourages stability. The struggle for office is conducted through peaceful means at regular intervals. Politicians do not need to use violence to get office or keep it. Policies, too, are less liable to sudden change since they are the product of protracted bargaining among interest groups."¹⁰¹ The scholarly consensus is that Chinese people prefer stability. Democracy institutionalizes a framework for an increasingly sophisticated populace to take a stake in governance without resorting to protest and violence.

C. *Urban Political Power*

Chinese city administrators wield significant authority—probably far greater than their counterparts in the West. In a recent case, Beijing's city administrators closed down every Internet café in the city on the pretext that they were unsafe following a fire in one café.¹⁰² Such fiat power over the minutiae of day-to-day life could be lessened by democratic oversight without undermining the larger state apparatus of the Chinese Communist Party.

D. *Governability*

China's leaders have, of late, praised the idea of "grassroots democracy."¹⁰³ Democratization, even on a small scale, could act as a safety valve for dissent¹⁰⁴—particularly among the growing "floating population" of un-

99. Barro, *supra* note 37, at 23-24.

100. NATHAN, *supra* note 6, at 7 (referring to Peking).

101. *Id.* at 225.

102. See Jiang Zhuqing, *Net Cafes Face Ban After Fire Kills 24*, CHINA DAILY, June 17, 2002, at 1.

103. *A Dampened Blaze*, ECONOMIST, Mar. 9, 2002, at 46, 46.

104. See NATHAN, *supra* note 6, at 41 ("The party moved cautiously against the democrats [in 1980] in part because it recognized the value of the safety valve the movement provided during the delicate process of negating the Cultural Revolution."); see also *id.* at 224-25.

registered urban residents, which is perhaps 100 million strong.¹⁰⁵ (Many of the unregistered are rural peasants who have been encouraged to relocate.¹⁰⁶) Conflict can be controlled through democracy because inherent in its legal processes is the ability of groups differing socially or ideologically to employ their political voice to effect change rather than resorting to violent or corrupt means.¹⁰⁷ The Chinese government has a significant interest in avoiding a replay of the Tiananmen Square massacre, particularly in the lead-up to the 2008 Summer Olympics.¹⁰⁸ Local-level protests in depressed urban areas are rising,¹⁰⁹ and some estimate that the urban unemployment rate is as high as ten percent.¹¹⁰ This increase in unrest is coupled with a decline in the effectiveness of traditional means of urban social control. "For example, urban neighborhood committees, one of the regime's key means of monitoring its citizens, have dramatically declined in power and relevance. . . . [R]ising incomes, a growing private sector, the contraction of state firms, and the privatization of housing have all conspired to weaken the neighborhood committee system."¹¹¹ The same is true of Party control over the workplace:

In urban China, the Communist Party's roots are weakening fast. In the late 1990s, the number of city dwellers employed by state-owned enterprises dropped to fewer than half the workforce. As the state sector crumbles, so too do the party branches that once controlled the lives of urban Chinese.

. . . .

. . . In a few years' time, this could mean that in urban China at least, the party's grassroots activities will be confined mainly to government departments and institutions, in which party membership remains a prerequisite for advancement.¹¹²

If it is true that traditional modalities of urban control are weakening, the Chinese government has an incentive to implement a system that increases overall political stability without compromising the economic dynamism that characterizes cities like Shanghai. Phrased in somewhat Machiavellian terms, the duty ahead is to guarantee that workers remain disunited—

105. Bates Gill et al., *China's HIV Crisis*, FOREIGN AFF., Mar.-Apr. 2002, at 96, 98-99.

106. POVERTY REDUCTION PROGRAM, *supra* note 46 ("The state encourages and supports poor peasant households to move out of areas with extremely difficult living conditions to more favorable areas, which is a new way to solve their food and clothing problem.").

107. ANDREW J. NATHAN, CHINESE DEMOCRACY 224 (paperback ed. 1986).

108. *See Five Rings for Beijing*, ECONOMIST, July 7, 2001, at 40, 40-41.

109. *See Urban Discontent*, ECONOMIST, June 15, 2002, at 13, 13 ("China will almost certainly face growing urban unrest in the years ahead . . .").

110. CIA FACTBOOK, *supra* note 47.

111. Gilboy & Heginbotham, *supra* note 39, at 31.

112. *The Withering Away of the Party*, ECONOMIST, June 1, 2002, at 40, 40.

directing their grievances at officials of their local governments rather than at the national leadership.¹¹³ Decoupling local government from the Communist Party would certainly accomplish that aim. After all, democratic processes render government more legitimate in the eyes of the governed.¹¹⁴

E. Economics

China is not pursuing democratization for its own sake. Because there appears to be a strong correlation between developed economies and democratic polities, some form of democracy is seen as a way to make socialist China wealthy and strong.¹¹⁵ This is a continuing theme in Chinese political thought, put forward by both the Kuomintang (Chinese Nationalist) Party and the Chinese Communist Party.¹¹⁶ Although democracy might not be a necessary condition for economic development in undeveloped countries, citizens in developed countries inevitably demand more representative government at some point. Preventing democratization in developed Chinese cities could lead to upheaval as citizens demand more rights. This turmoil could undercut China's overall economic development, because the cities are China's drivers of economic growth.

F. "Acceptable" Politics

It should be remembered that the People's Republic of China at least ostensibly is built on socialist and Marxist—which is to say, left-wing—principles. Whether the present ruling cadre in China is genuinely devoted to Communist thought is a matter of conjecture and beyond the scope of this article. But their nominal devotion to Communism is unchanged. That being the case, they are likely to be more comfortable with democratic outcomes that favor the broad agenda of the political Left—and city-based populations generally are substantially more leftist (if not socialist) in orientation than their rural or suburban countrymen.¹¹⁷ After all, Shanghai, China's crown jewel, was the birthplace of the Chinese Communist Party.¹¹⁸ If Chinese city-dwellers can be expected to vote in more reliably left-wing ways than their rural counterparts, the results of Chinese democracy in the cities should be more palatable to the Communists running the country. Furthermore, de-

113. *Protests but No Bullets*, *ECONOMIST*, Apr. 6, 2002, at 37, 37.

114. NATHAN, *supra* note 6, at 224.

115. HU, *supra* note 2, at 130.

116. NATHAN, *supra* note 6, at xii ("Both viewed democracy as a means to national wealth and power rather than a method of public control of government."). The Kuomintang, of course, ruled Taiwan for decades before ceding power in democratic elections. *Id.*

117. HU, *supra* note 2, at 151 ("Peasants are the least advantaged group, but those who suffer most from tyranny are often its most solid basis.").

118. See <http://www.chinatoday.com/org/cpc> (last visited June 24, 2002) (official website of the Chinese Communist Party).

mocracy improves a government's quality. It provides an effective means of supervising large bureaucracies and helps avoid (or at least uncover) corrupt government leaders.¹¹⁹

VI. ONE COUNTRY, MANY SYSTEMS

The final virtue of urban Chinese democracy is that it could conceivably ease tensions surrounding Hong Kong, Macau, and (most importantly) Taiwan.

A. Hong Kong

It is generally acknowledged that Hong Kong is the best-functioning of Chinese cities. Due to its former status as a British colony, Hong Kong enjoys a strong legal system that supports its economy.¹²⁰ This legal system differs greatly from Mainland China's. When the British turned Hong Kong over to the Chinese, residents of Hong Kong had serious misgivings that their relative political democracy would be crushed, which in turn would damage the economy.¹²¹ As a consequence, the United Kingdom initially was reluctant to honor its commitment to turn pluralistic Hong Kong over to totalitarian China.

To allay British concerns, the People's Republic promised "One Country, Two Systems": Hong Kong would continue to operate under the laws created by its Colonial government and be accountable to the Chinese central government only on matters of foreign affairs and national defense.¹²² The People's Republic promised that there would be no alteration in the governing structure for at least fifty years.¹²³ Hong Kong's legal system would remain intact; the laws would remain unchanged; the judiciary would continue to be independent.¹²⁴ Indeed, the Basic Law guarantees Hong Kong's immediate democratic future through its disallowance of socialism.¹²⁵ Despite these promises, Great Britain and Mainland China "never gave a voice to the six million Hong Kong residents whose futures also hang in the balance."¹²⁶

119. NATHAN, *supra* note 6, at 224.

120. Friedman, *supra* note 17, at 66. "As a British colony, Hong Kong enjoyed a democratic political system and a full, free market economic system." Cooper, *supra* note 25, at 111.

121. Cooper, *supra* note 25, at 111.

122. *Id.*

123. Berring, *supra* note 8, at 435-36; see Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, Sept. 26, 1984, P.R.C.-U.K., 23 I.L.M. 1366, 1371-72 (1984).

124. *Id.*

125. Friedman, *supra* note 17, at 74.

126. Berring, *supra* note 8, at 431; see Erik Alexander Rapoport, Comment, *Extradition and the Hong Kong Special Administrative Region: Will Hong Kong Remain a Separate and Independent Jurisdiction After 1997?*, 4 ASIAN L.J. 135, 148 (1997) ("[T]he Joint Declaration

Hong Kong's ultimate aim is to elect a chief executive and legislature by universal suffrage.¹²⁷ Since retrocession, however, the Chinese government has seriously degraded Hong Kong's democracy. Professor Joseph Cheng observes, "[i]f there is no genuine democracy in China, you can't expect to have genuine democracy in Hong Kong."¹²⁸ In April 2002, for example, Hong Kong officials refused to admit U.S. citizen Harry Wu, who had been spuriously charged with "spying for Taiwan" after revealing Chinese prison labor practices.¹²⁹ There is significant pressure from the Mainland to ban the Falun Gong meditation sect.¹³⁰ Informal government pressure on journalists and academics is severe.¹³¹ Nevertheless, Hong Kong remains the most democratic city in Mainland China, and its continuing appeal to Mainlanders is demonstrated by the riots following Hong Kong's efforts to expel "illegal" Mainlanders from the city-state. Thus far, urban democracy has proved a success: Hong Kong's rule of law, market economy, and democratic values remain largely intact, even though they directly contradict China's Marxist official ideology.¹³²

Some argue that Hong Kong's political and economic freedom will eventually infect China, rather than vice versa.¹³³ There is reason to believe that China's hesitance in connection with Hong Kong is born of fear that Hong Kong's democratic contagion will spread to southern sister cities like Guangzhou and (in particular) Shanghai. Allowing small-scale experiments in these cities would help bring Hong Kong more fully into Chinese cultural life—and could eventually form a reservoir for the development of democratic norms further afield.

B. Macau

Like Hong Kong, Macau (a former Portuguese colony) is semi-independent and substantially more free-market than the Chinese Mainland.

was presented to the Hong Kong citizens as a fiat to be accepted in its entirety. There was no referendum on whether to accept the Joint Declaration or not.").

127. *The People's Choice*, ECONOMIST, Dec. 22, 2001, at 48, 49.

128. *Id.* at 49.

129. *One Country, Two Systems*, ECONOMIST, Apr. 20, 2002, at 39, 39.

130. *Jiang Almost Meets the Falun Gong*, ECONOMIST, May 12, 2001, at 45, 45-46.

131. See Petersen, *supra* note 34, at 341.

132. Friedman, *supra* note 17, at 97. *But see* Petersen, *supra* note 34, at 337 ("Hong Kong's main governmental institutions, the Chief Executive, the legislature, and the judiciary have not established themselves as particularly strong defenders of local autonomy.").

133. Friedman, *supra* note 17, at 68-69.

China's Communist Party has subconsciously put into motion a process of modernity that will revolutionize its economy as well as the politics of its government. This process will eventually result in the fall of the old Chinese Communist Guard by giving rise to a new era in Chinese history that is founded on the "rule of law," market economics and democratic values.

Id.

But it seems to have been ill-served by political democracy. Because of the criminal underworld in Macau that emerged under Portuguese control, Macau residents are much more sympathetic to the authoritarian government in Beijing than are their counterparts in Hong Kong.¹³⁴ Macau's governing body currently exists in a state of limbo; limited self-determination would create both an incentive to improve and a mechanism to control these criminal elements.

C. Taiwan

Taiwan and Mainland China will remain separate for the foreseeable future. Taiwan is well-armed and enjoys a comprehensive U.S. security guarantee—more explicitly under the current Bush Administration than at any prior time.¹³⁵ Taiwanese public opinion increasingly favors independence, even in the face of Chinese saber-rattling. They also reject proposed half-measures: “the Hong Kong model will not satisfy the Taiwanese.”¹³⁶ And the Mainland seems to have recognized the fact that Taiwan—buoyed by increasingly clear shows of support from the United States—is no longer intimidated by threats of force. As Taiwan prepared for its December 2001 parliamentary elections, for example, the Mainland government abstained from its customary practice of intimidating Taiwanese voters into supporting candidates partial to reunification.¹³⁷

The Mainland still exerts a gravitational pull. Taiwanese companies are clamoring to invest in China,¹³⁸ and major cultural ties remain—especially amongst the ethnic Mainlanders who make up more than half of Taiwan's population. Economics may force the two together.¹³⁹ Some form of loose confederation can someday be envisioned, but only if China moves substantially toward Taiwan's Western-style norms in areas like press freedom and political expression.¹⁴⁰ Taiwanese leaders still look toward “a relationship conducive to the peaceful and democratic reunification of the Chinese nation

134. Cooper, *supra* note 25, at 111.

135. See generally *Arms and Studied Ambiguity*, *ECONOMIST*, Apr. 28, 2001, at 40; *With Due Respect, Mr. President . . .*, *ECONOMIST*, Feb. 23, 2002, at 45; Campbell & Mitchell, *supra* note 15, at 14 (“Taipei has warmly embraced the increased clarity, stating that the comment made the U.S. commitment to stability in the region ‘more convincing’”).

136. David Shambaugh, *Facing Reality in China Policy*, *FOREIGN AFF.*, Jan.–Feb. 2001, at 50, 52.

137. *China Learns to Live with Chen*, *ECONOMIST*, Dec. 1, 2001, at 39, 39.

138. *Drifting Together*, *ECONOMIST*, Jan. 5, 2002, at 35, 35.

139. *Id.*

140. See Shambaugh, *supra* note 136, at 51 (“The concept of confederation offers the best hope for an ultimate solution: it would bring the island back into the sovereign fold of China while guaranteeing substantial autonomy to Taiwan. Indeed, many intellectuals (and some officials) on both sides of the strait have been actively exploring the implications of the confederal, federal, and commonwealth models.”).

one day."¹⁴¹ Establishing bulwarks of democracy within China would go a long way toward reassuring the Taiwanese that eventual reunification would not threaten core Taiwanese values or the Western way of life to which they have become accustomed.

Without significant movement toward democratization, reunification is impossible.¹⁴² Taiwan's former president Lee Teng-hui writes that

[i]t is fiction to claim that the Chinese nation is not divided—and pernicious fiction to assert that the People's Republic of China (P.R.C.) has any right or imperative to claim sovereignty over Taiwan. The attacks that Beijing makes on the legitimacy of the democratic government affront the people of Taiwan and the prevailing values of the international community.¹⁴³

A demonstration that China's one-country, two-systems approach can succeed in Hong Kong and elsewhere might help set the Taiwanese at ease.¹⁴⁴

VII. A MODEST PROPOSAL

Change does not need to be revolutionary—even in China. Berring muses that “[p]erhaps the PRC will gradually evolve into a regional confederation” because “[t]he southeastern portion of mainland China clearly shares interests with Hong Kong and Taiwan.”¹⁴⁵ A modest move toward local democracy would be a reasonable first step in this evolution, which some view as inevitable.¹⁴⁶ To that end, some commentators recommend that China “let some become constitutionalist first” through the exercise of the rule of law in areas where it is most feasible.¹⁴⁷ Local autonomy at the village- and city-levels, already the subject of small-scale experiments,¹⁴⁸ also might provide an internationally acceptable resolution of the issues sur-

141. Lee, *supra* note 14, at 12.

142. Cooper, *supra* note 25, at 113. “It is likely that the political system in Beijing will morph to some other form of government before Taiwan can be fully assimilated.” *Id.*

143. Lee, *supra* note 14, at 10.

144. See generally Friedman, *supra* note 17. “China needs to demonstrate to the world that its philosophy of ‘one country, two systems’ paradigm is a success in order to be able to one-day fashion a similar plan of reunification with neighboring Taiwan . . .” *Id.* at 70-71.

145. Berring, *supra* note 8, at 445. A federalist solution for China was mooted as early as the early 1920s. HU, *supra* note 2, at 55.

146. HU, *supra* note 2, at 154 (“Although modern technology and nationalism unify China more than ever, the return of Hong Kong and Macao, the existence of a prosperous and democratic Taiwan, the separatist tendencies of several ethnic minorities, and more importantly, the increasing power of provinces will force Beijing to adopt federalism.”).

147. Edwards, Henkin, Martin & Nathan, *supra* note 9, at 4 (quoting Deng Xiaoping).

148. Pei, *supra* note 51, at 77, 82; HU, *supra* note 2, at 130-31; see also Daphne Huang, Comment, *The Right to a Fair Trial in China*, 7 PAC. RIM L. & POL’Y J. 171, 192 (1998) (suggesting that Chinese officials intend to expand rural experiments with democracy into urban areas).

rounding China's uneasy rule in Tibet¹⁴⁹—as has recently been suggested by the Dalai Lama.¹⁵⁰

A patchwork of democratic city-states in a sea of totalitarianism may seem like an odd way to move China toward functioning democracy. But it would be perhaps the best means of ensuring that China's accession to the West is carried out at a pace acceptable to the current regime and in a fashion that does not endanger either China's own people or the rest of the world. A post-communist economy already exists in China.¹⁵¹ Democracy in the cities could guide the way toward a post-communist political system to match.

149. See generally Vause, *supra* note 32 (discussing China's presence in Tibet); Melvyn C. Goldstein, *The Dalai Lama's Dilemma*, FOREIGN AFF., Jan.-Feb. 1998, at 83 (describing the complicated political situation between Tibet and China).

150. Orville Schell, *Tibet Issue Is Ripe for Solving*, L.A. TIMES, Oct. 27, 2002, at M1 ("The Dalai Lama has proposed a reasonable compromise: In return for a high degree of Tibetan autonomy and permission to return home to Lhasa, his government in exile would yield to the Chinese government's claim of sovereignty and its desire to continue controlling Tibet's foreign affairs and defense.").

151. Cooper, *supra* note 25, at 113.