

Courageous Fighter

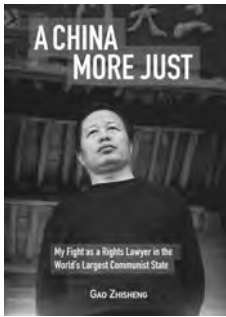
By Kerry Brown

A review of *A China More Just: My Fight as a Rights Lawyer in the World's Largest Communist State*

By Gao Zhisheng

Broad Press USA, 2007

255 pages, US\$14.95



China has received reasonably positive press over the last few years. Part of this is due to the energy and focus that the Chinese government, and its officials and diplomats, have given to soft diplomacy campaigns. Soft diplomacy has in turn been backed up by generous amounts

of aid to and investment in the developing world. China is keen to make friends.

This approach is likely to intensify in the build up to the Beijing Olympics. China will want to extract every ounce of goodwill and positive news coverage it can from the Games. Thus, in its reaction to the resignation of Steven Spielberg as an artistic advisor for the opening and closing ceremonies, China was both defensive and irritated. This demonstrates that reminders of the other China—the hidden China, or, to be more accurate, the dark side of modern China—are not welcome, at least by the central government.

Self-trained lawyer Gao Zhisheng's account comes from this "other China." His is a tale of a Communist Party member who came from the poorest groups of Chinese society. He lost his father as a child and was dependent on the work of his mother, growing up in the hinterland of China in the 1960s and 70s in the midst of widespread poverty and deprivation. But Gao, through hard work and dedication, was to enjoy at least some education, and during a period of work in Xinjiang Uyghur Autonomous Region, discovered a talent for law. He qualified as a lawyer in the 1990s, and started practicing on some of the most difficult, sensitive cases. His inspiration, originally, was the sight of injustices perpetrated in the work place where he was based in his

early career. This exposure motivated him to empower himself through the study of law, and to become active in cases that he felt involved exploitation of others. For this his reward has been harassment by agents of the state, and, most recently, imprisonment. His current whereabouts and situation remain unclear.

A China More Just consists of autobiographical writings, letters, and diary entries. An additional piece is written by Gao's wife. Gao describes how he came to be interested in law, how he gained qualifications, and what drew him to the difficult cases he has taken on. In the past, Gao has defended Falun Gong practitioners, those harassed or imprisoned by the state for property repossession disputes, and individuals like the blind activist Chen Guangcheng, who is currently imprisoned on trumped-up charges for criticizing forced abortions. In one case in Liaoning Province, Gao dealt with Falun Gong believers who had been severely beaten and detained without due legal process, and received a beating himself for getting involved. He has also taken up cases in both Beijing and provincial China involving people whose property was taken from them without proper compensation. As Gao points out, China's legal system sets out clear rules in all of these cases. These rules were simply not followed by the so-called officers of the state in specific regions.

Arbitrary arrest, perverse decisions, lack of transparency, and blatantly political decisions all seem par for the course in Gao's description of the underbelly of modern China.

As a result of Gao's activities, as many as 70 security police have been posted outside his apartment in Beijing, and he has been followed by cars and army vehicles, one of which almost killed him. His friends and associates have been intimidated and his legal practice shut down. Gao's description of this sort of intimidation and psychological pressure—including one attempt in Beijing to run his car off the road—is particularly disturbing. As has happened so often in the past, the agents of the darker reaches of the state have proved adept at isolating their targets and making them feel

vulnerable. Since last year, Gao has been in permanent detention.

Gao's fundamental point is surely right: until China has a credible rule of law, and Chinese citizens have better access to justice—and, for that matter, confidence that the security apparatus of the state won't be turned against them—it is hard to take seriously China's claims to be a modern, developing society. Arbitrary arrest, perverse decisions, lack of transparency, and blatantly political decisions all seem par for the course in Gao's description of the underbelly of modern China. Despite China's modernization, the bottom line in 2008 is that when there is a conflict between the political power of the Communist Party and China's legal system, the Party always wins.

It is important, therefore, to read the sobering reminders of books like these. China has come a long way in the last three decades. No one disputes its economic success. A middle class is thriving and its members are increasingly flexing their muscles. In last year's National Party Congress, China's leaders clearly mentioned the "importance of people's welfare," and the need for the Party to serve society. Chinese people enjoy freedoms they never imagined in the grim Maoist period before 1976, and increasing numbers are suing the government over grievances ranging from environmental pollution to miscarriages of justice. But there are still creaking contradictions in this system. All too often, the strong—largely those in the Communist Party—are able to ride roughshod over the rights



Lawyer Gao Zhisheng with his family before he was detained. Courtesy of Broad Press USA.

of the weak. This book gives first hand descriptions of that. It is written from the unique perspective of a person trying to change China from the inside out, rather than the other way around. And Gao's account of the punishments meted out to practitioners of Falun Gong, whatever one might think of their beliefs or practices, offers plenty of food for thought for those trying to make sense of the new, bold China put on display.

As Gao himself makes clear, he is intensely proud of his country, and of its culture and history. In his view, however, China will only really stand up, as Mao Zedong promised in 1949, when it becomes a country where the law is respected above politics.