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The Dangers of Taking Responsibility and Acting on One's Conscience in 21st Century China: A Review Essay of Xu Zhiyong's *To Build a Free China: A Citizen's Journey*

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On Thursday 13 July 2017, China's foremost dissident and Nobel Prize winner, Liu Xiaobo, died of liver cancer, only weeks after his "release" from prison on "medical parole". His closing statement, "I Have No Enemies" (Liu, 2009), delivered in 2009 before his sentencing, was read in his absence at the Nobel Peace Prize Award Ceremony in 2010, and has become a seminal text. Liu's death has had a profound effect on all those with China's interest at heart; it is of particular poignancy for a generation who experienced 1989 and saw it as a possible turning point, only to have their hopes crushed under the tanks that rolled into the square on June 4th. It was 1989 that turned Liu from an academic into a political activist. His activism mostly manifested itself in writings, none more famous than "Charter 08", a moderately worded document calling for political reform, initially signed by over 300 individuals, which he helped draft and for which he "took responsibility". It was a responsibility that ultimately killed him (Link, 2017; Johnson, 2017).

Xu Zhiyong's closing statement to court, "For Freedom, Justice, and Love", was delivered on 22 January 2014, five years after Liu Xiaobo's. At the time of writing, Xu had spent four years behind bars for "disrupting public order". His memoir, *To Build a Free China: A Citizen's Journey*, translated by Joshua Rosenzweig and Yaxue Cao, describes in detail his journey from law student to one of China's most high profile political activists. Born in 1973 in a village in Henan, Xu studied at Lanzhou University and obtained a PhD from Peking University—"the last sacred ground of idealism" (Xu, 2017: 25)—in 2002.

Throughout his adult life, Xu was involved in grassroots political activism; paired with his legal training, this made him one of the most influential, and most important, figures of 21st century China so far.

Xu Zhiyong is part of a group of lawyers generally referred to as *weiquan* 维权 lawyers, which started to appear at the turn of the new century. Practicing law is one of the most difficult and frustrating professions in China; it has also become one of the most dangerous. Xu was detained in August 2013, and was sentenced to four years in prison in January 2014. His arrest was followed, in June 2015, by a systematic crackdown on *weiquan* lawyers, which has affected more than 300 individuals and includes criminal detention, house arrest, and residential surveillance.¹

Lawyers have replaced writers as the most politicised class of professionals in Chinese society today; the frustration and harassment they encounter in the daily experience of the Chinese state are important factors in this development. According to a study from 2010, Chinese lawyers value political rights far more than economic rights, and they are least happy with the extent to which their aspirations for democracy are realised; generally speaking, support for political reform increases when people have had negative, direct experiences with state actors (Michelson & Liu, 2010: 311, 323-8). Xu's memoirs provide the first comprehensive, first-hand account of the movement and activities of one of the main Chinese *weiquan* lawyers, and the myriad of negative experiences they have to contend with. They also provide an invaluable account of the workings and methods of the Chinese state in the 21st century, and should be compulsory reading on all courses on Chinese politics.

The book is organised chronologically by case, starting in 2003 and ending with Xu's closing statement to court, which forms chapter 27. The 27 chapters chart his activities and accompanying thoughts as he took on a variety of ground-breaking cases, including the Sun Zhigang case (a university graduate beaten to death for lacking a residence card) and the Sun Dawu case (a private entrepreneur, whose business was declared "illegal" and whose case should be compulsory reading for everybody wedded to the idea of China having adopted

¹ For a detailed, continuously updated chronology of the crackdown, see HRIC (2017).

“neoliberal” practices). Xu also worked on the cases of Chen Guangcheng and Cai Zhuohua. The former is a self-taught lawyer and human rights activist;² the latter is a house church pastor charged with “illegal business activity” for printing bibles and other religious publications (see Wielander, 2009a). Other chapters reveal the way in which Xu pushed for the right to an education to be upheld equally, particularly for children of migrant workers, so they could sit for their university entrance examinations where they reside. He also called for officials to publicly declare their assets, worked on a case involving *Southern Metropolitan Weekly*, and wrote a lengthy report on Tibet. In between, he also found time to campaign against new rules for dog ownership in Haidian, teach law at the Beijing University of Posts and Telecommunications (until his suspension from teaching in 2009), and carry out investigative work in a whole series of landmark cases.

Some of the cases Xu recounts in his diaries provide indispensable illustrations of things one understands on a conceptual level, but has difficulty imagining. Xu’s matter of fact accounts of the systematic violence meted out to petitioners in Beijing’s “Petitioner Village”, and by those guarding “black jails” (a “holding” place for long-term petitioners after the abolishment of custody and repatriation centres—a direct consequence of Xu’s earlier work), provide vivid descriptions of what Stein Ringen (2016) has dubbed China’s “controlocracy”, of which violence forms a staple and necessary ingredient. Xu’s dry accounts of all the efforts to thwart (successfully) his third attempt to run as a candidate for his local people’s congress (in Haidian), after having been elected twice (in 2003 and 2006), provide insights into China’s “democratic processes” and challenges those who see in China a “different form of democracy”, and who deny China’s authoritarian nature (Keane, 2017).

In all the cases he and his colleagues took on, they tried to achieve several things at once: to take on the defence of individuals, for sure, but also to inform the general public about injustices and their rights, and to improve relevant legislation. Informing the public required access to media, and Xu and his colleagues were avid users of BBSs and China’s internet from its inception. They

² See Lovell (2015) for a review of his memoirs.

made clever use of this new medium, which became an essential tool in his legal battles, as he describes:

Much of the time, when we defended constitutional rights, the judicial process we faced was often overshadowed by external political power. When we defended our clients, we needed to use the tools of public opinion to rescue the judges from that shadow. In some cases, it got to the point where legal technique was less important than salvaging the dignity of the judicial process through public opinion (Xu, 2017: 121).

By his own account, Xu and his colleagues always strove for a low-key compromise, rather than radical, headline-grabbing solutions. At all times, Xu stressed the responsibility of every citizen to take positive action, and to use the rule of law. When pressed about his motives by his local party secretary in 2005, the “only selfish motivation I could think of was that I did these things for my own well-being and happiness ... Yes, I am pursuing my own happiness. Helping others allows me a sense of well-being” (2017: 144).

Xu Zhiyong is Liu Xiaobo’s junior by eighteen years, and exactly the same age as Yu Jie, a well-known, acerbic critic of the Chinese government and former house church leader who has been in exile since 2012. *To Build a Free China* is a collection of Xu’s writings over the years, rather than a memoir written post-hoc. For this reason, very few names of other individuals, apart from some other lawyers, are mentioned in his accounts and writings; name dropping decreases further as time progresses to protect both himself and those working with him, as Xu’s activities (and those of his colleagues) came under closer surveillance. Neither Liu Xiaobo nor Yu Jie are mentioned once in Xu’s book (although Andrew Nathan mentions Liu in his introduction), but one can assume that their paths crossed, in the circles in which they both moved, in the first decade of the 2000s.

Some of these circles will have been Christian churches and groups. The fact that a disproportionate amount of *weiquan* lawyers are Christians is now a well-known fact. This author was the first to point to this connection (Wielander,

2009b), but the phenomenon has since received wider attention.³ The link between a belief in Christianity and political activism remains tentative and complex. Both Liu Xiaobo and Xu Zhiyong have shown an interest in Christianity. Liu read and made extensive notes on Christianity and political action (Wielander, 2013: 130-1); Xu, in his own words, “has dabbled in Christianity” (Xu, 2017: 148). Neither were practicing Christians. However, both are part of a wider movement employing spiritual language to express a political idealism.

Xu’s interest in Christianity was not limited to the philosophical and spiritual realm. Many *weiquan* lawyers, including him, have been active in religious rights defence. This interest emanated from a recognition of its importance in the context of the “house church movement”, and because religious rights defence tests several freedoms allegedly upheld in the Chinese constitution—the starting point for *weiquan* arguments. Many early *weiquan* lawyers were also part of the Association of Human Rights Attorneys for Chinese Christians, which consisted of individuals who were not only eminent figures within their academic fields, but also devoted Christians with their own house church groups. Among them were Gao Zhisheng, Wang Yi, Li Baiguang, Teng Biao, Guo Yan and Fan Yafeng; several of them were close collaborators of Xu’s (Wielander, 2013: 139-40).

Following Liu’s death, *The Economist* went with a cover that called Liu “China’s Conscience” (15 July 2017). In fact, “conscience”, *liangxin* 良心 or *liangzhi* 良知 in Chinese, has been a widely used term in political counter-discourse. It resonates with Chinese cultural sensibilities,⁴ but has gained significance in guiding one’s actions in the context of resistance against what is seen as “not right”. Another key term, used throughout Xu’s writings, is “love”. On 6 February 2010, Xu delivered a powerful speech at a meeting of petitioners entitled “Practice Love on the Road to Justice” (chapter 14), which is steeped in spiritual language and includes several references to God. He concludes with the following words:

³ See, for example, Liu and Halliwell (2016: 104-6).

⁴ See, for example, Oxfeld (2010).

Only love can bring about a better society. Only love can melt the hatred and hostility. ... Only love can truly change this country, long submerged in the hate of dictatorship. Let us use our love to melt this frozen land, to dissolve the despair and hatred deep inside each of our hearts, to establish a free and democratic China—a country where our children and grandchildren can enjoy freedom and dignity (Xu, 2017: 180).

Apart from an interest in Christianity, Xu Zhiyong also shares with Liu Xiaobo an uncompromising belief in the truth. Liu angered many for saying that he did not see anybody killed in the square in 1989 (Link, 2017). Xu, equally, angered many for standing fast in his conclusion that, after thorough investigation, 76 year old Yu Rufa, whose case he was asked to take on, was not beaten to death in a black (i.e. unregistered) jail. As Xu said, “I’ll always stand on the side of the weak, but truth is the precondition for justice. We must never act without principle or bottom line. We cannot substitute lies for the truth or the truth for lies” (2017: 229). Not all who oppose dictatorship go about this in an unscrupulous way, he said; some use “the methods of dictators to oppose dictatorship” (2017: 227)—not something Xu himself can abide.

Despite his continuous activism, his memoirs also reveal Xu as a traditional Chinese intellectual. Not only does he invoke Liang Qichao and Sun Yatsen in his writings, placing himself in a lineage of reformers, but the sheer profligacy of his writings also conforms to intellectual expectations. Readers benefit from incredibly detailed insights into Xu’s work, because he has kept meticulous diaries. Most of the entries in these memoirs were not written with the reader in mind; in his earlier chapters one sometimes wishes for more rigorous editing, only to be reminded that the sheer tedium and frustration—and at times brutality—Xu encountered as a result of efforts made by the party-state and its minders to prevent him from carrying out his work are a crucial aspect of this documentary of one man’s efforts to act as a “good citizen”.

Xu’s approach to making a difference was based on a very simple concept: to take one’s rights and duties as citizen seriously. From this simple and sincere premise, backed up with countless politically motivated, concrete and far-

reaching examples of “model” behaviour, Xu built the “New Citizen Movement”, a platform from which he advocated

a citizenship that begins with the individual and the personal, through small acts making concrete changes to public policy and the encompassing system; through remaining reasonable and constructive, pushing the country along the path to democratic rule of law; by uniting the Chinese people through their common civic identity; pursuing democratic rule of law and justice; forming a community of citizens committed to freedom and democracy; growing into a civil society strengthened by healthy nationalism (Xu, 2017: vii).

Chapter 19 of the book is Xu’s manifesto for China’s New Citizen Movement, which was published on 29 May 2012; it is a powerful political document, far from the low-key compromises that he and his colleagues sought to achieve in their earlier cases. The manifesto was published nine years after the Citizens’ Alliance (known in Chinese as “Gongmeng” 公盟) was formed in 2003. The story of the development of this organisation—by all accounts a civil society organisation in the classic sense judging by its purpose, intent and actions—is woven through various different chapters of the book, and provides a fascinating case study for the student of Chinese social organisations. It was registered as a company, although it was entirely non-profit and existed for the purpose of “conscience and justice” (Xu, 2017: 116). The alliance was inspired by the *weiquan* movement, which, by 2003, was in the process of becoming an important force for promoting social progress in China. The Citizens’ Alliance had three purposes: taking on defence cases, informing the public, and improving legislation. It also called on people to take an active part in local people’s congress elections, and quite simply became an organisation to which people from all walks of life turned to for help.

The organisation encountered difficulties from the start, with its website being shut down, Xu being accused of tax evasion (which led to a twenty day detention in 2009), and no doubt was the main reason for his ultimate detention and sentencing. From a loose alliance with a diverse portfolio, it turned into a

well-known political movement with a clear platform. As Xu writes, the New Citizen Movement was

a political movement through which the people of this ancient nation can bid farewell to autocracy once and for all and make the transition to constitutional government. It's also a social movement that will break with corrupt privilege, abuse of power for personal gain, and the huge gap between rich and poor, and instead build a new order of equality and justice. And it's a cultural movement to create a new national spirit that can replace the authoritarian culture of subjects. Finally, it's a movement for peaceful progress, one that will advance the level of the entire human civilization (2017: 211).

Bearing in mind that Xu was detained in August 2013 and was subsequently sentenced to four years in prison, one could expect his release in the coming weeks. Whenever he is released, we can assume that his health will have significantly deteriorated.⁵ Medicine could no longer offer a solution for Liu Xiaobo when he was “released”, but several before him had been forced to “choose” exile on medical grounds after their bodies, if not their minds, had been weakened to such an extent that leaving the country was their only option. These tend to be the moments when the West can show magnanimity and assume the moral high ground, by offering medical treatment and exile to thus affected individuals. But one has to be clear that the weakening of inmates through torture and other cruel practices is part and parcel of China's systematic suppression of “progressives ... [who] work together to see China through the transition to civilized politics” (Xu, 2017: 277), as well as countless nameless others who will never benefit from the opportunity to go into exile. This suppression and systematic violence is also part of the oft-lauded “China model”, which has gained much admiration and from which many companies and governments in the West benefit.

We can assume and hope that Xu will continue his fight for “freedom, justice, love, and for the sake of our long-held dreams” (2017: 273) for some time to

⁵ The records provided by Human Rights in China clearly document the deterioration in health that occurs following periods of imprisonment (see HRIC, 2017).

come. We can also ponder what our role as students and researchers of China is at this particular juncture, where a newly risen “great nation” and major geopolitical player is systematically cracking down on citizens’ movements and destroying their leaders. Xu Zhiyong’s—as well as Liu Xiaobo’s and the hundreds of detained lawyers’—crimes were, so far as we can tell, no more than to be self-declared patriotic citizens acting on the basis of their conscience to build a “better China” (Xu, 2017: 282), and to take responsibility for their words and the movements they started and inspired. As scholars and teachers, we can start by putting this invaluable source on our reading lists and by ensuring that we train the next generation of sinologists and translators, who have the interest and the ability to read and listen to what Chinese people are saying to each other, to detect the alternative discourses and actions among the clamour of voices trying to explain China, thereby helping them to be heard more widely.

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