



Faith and Law In China

by Rana Siu Inboden and William Inboden



LI SUBIN, A former deputy director of a law firm shuttered for six months by the Chinese government, says that he takes inspiration from Proverbs 21:3, “To do righteousness and justice is more acceptable to the Lord than sacrifice.” Mr. Li, a Christian, is also a human-rights lawyer who has been involved in defending imprisoned HIV/AIDS activist Hu Jia and blind legal activist Chen Guangcheng, among others. Mr. Li’s human-rights work has not come without personal sacrifice. He has been denied renewal of his law license and dismissed from his job.

Mr. Li is at the vanguard of a notable new phenomenon in China, lawyers who combine a dedication to human-rights advocacy with their Christian faith. Professor Fenggang Yang, a Purdue University sociologist focusing on religion in China, observes that “among lawyers who fight for marginalized people in China there are a growing number of Christians.” While their overall numbers are limited, they appear to be exerting a disproportionate influence and have a growing public profile

and impact. Mr. Zhuang Daohe, another Christian human-rights lawyer, notes that while the number of Christian lawyers engaged in human-rights cases has increased, it is still a very small group. “At most there are probably less than 100” rights lawyers explains Mr. Zhuang.

As the 60th anniversary approaches of the Oct. 1, 1949 founding of the People’s Republic of China, many observers are reflecting on the Chinese Communist Party’s six decades in power and on the related question of China’s future direction. This loose cohort of Christian human-rights lawyers may be playing a strategic role in shaping that future. Messrs. Li and Zhuang represent two recent and now intersecting trends in China: the growth of Christianity among educated, urban Chinese and the emergence of the *weiquan*, or rights defense, movement. Other Christians who are part of the informal *weiquan* movement include lawyers Li Baiguang, Zheng Enchong, Li Jinsong, Gao Zhisheng, Li Heping, and public intellectuals Fan Yafeng and Yu Jie.

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The number of Christians in China is growing at a rate of several million annually and is already becoming a trend of potential geopolitical importance. The exact figures are impossible to determine, and even rough estimates vary widely from 40 million to 130 million Protestants, and an additional 10 million to 25 million Catholics. For many years after the Cultural Revolution, the resurgent growth of the Christian church in China was mainly a rural phenomenon. But as Christian writer and political dissident Yu Jie noted in a 2007 speech in Washington, D.C., “in recent years, a large number of the young generation of urban intellectuals have become Christians.” Christians now include business executives, artists, students, professors, lawyers and even Party members (who out of necessity keep their faith secret). Most of these urban converts worship in “house” churches unrecognized by the government and outside the domain of the official Three Self Protestant church.

The weiquan movement includes lawyers, activists, intellectuals and ordinary citizens who aim to push the boundaries of reform by using China’s existing laws and courts to defend human rights—and over time perhaps strengthen the rule of law and restrain abuses of power. The movement is not an official membership organization but rather a loose coalition organized around the common cause of rights defense. Nor is it a political campaign that explicitly challenges the CCP’s authority. Rather, the movement seeks to work within the legal system and, in various ways, calls on the government to honor in practice the standards that it has codified on paper. Despite their diminutive numbers, weiquan lawyers have already enjoyed a number of successes through highlighting cases of abuse, raising citizens’ awareness of their rights and holding the government to its ostensible commitment to the rule of law.

Yet even while weiquan lawyers seek to

work within the system, the government seems to regard the movement as a threat and has continued to place pressure on several NGOs and activists involved in rights defense. The detention of prominent weiquan figure Xu Zhiyong, the Beijing Justice Bureau’s decision to disbar 53 lawyers and the crackdown on the Open Constitution Initiative, a nonprofit organization that took on a number of sensitive cases including representing the parents of children who became ill from tainted milk, are severe blows to the cause. As Teng Biao, a leading movement figure commented recently in the *Washington Post*, the Open Constitution Initiative “had been the primary meeting place for China’s nascent movement of ‘rights lawyers.’” Mr. Xu was released last month after being held for several weeks. He continues to face tax evasion charges and possible prosecution.

While it appears that there may be an uptick in the level of repression, these tactics are, unfortunately, not new. For example, in 2003, Zheng Enchong, a Shanghai lawyer and Christian whose weiquan work includes representing 100 displaced Shanghai residents, received a three-year prison term for the contrived offense of “revealing state secrets.” Since his release from prison in June 2006, he has continued to face government harassment. In October 2006, the organization Human Rights in China reported that as Mr. Zheng and his wife attempted to leave their home to attend church services, a dozen police officers surrounded them and knocked Mr. Zheng to the ground when he tried to keep walking. According to the International Federation for Human Rights, in February 2008, Mr. Zheng was beaten by police officers and detained and questioned for 12 hours.

Mr. Zheng’s case is not isolated, and a number of other human-rights lawyers have suffered harsh treatment at the hands of the government for their work. The recent disappearance of lawyer Gao Zhisheng

is one of the most troubling examples. Mr. Gao has not been seen or heard from since Feb. 4, 2009, when he was forcibly taken from his home by state security police. Mr. Gao's outspoken activism had long antagonized Chinese officials, including his authoring of a series of open letters urging Chinese leaders to stop the repression of Falun Gong, organizing a relay hunger strike, vigorously defending a number of human-rights cases and speaking candidly and critically about the government to the New York Times. Previously, in 2007, Mr. Gao was held for several weeks and reportedly tortured by security forces, including severe beatings, starvation, burning his eyes with cigarettes and electric shocks to his genitals. Even in the face of such harsh repression Mr. Teng observes that "what most impedes our work, though, is the revocation of our licenses to practice law."

Despite the risk of sometimes severe repercussions, these Christian lawyers note that their faith motivates and sustains them. According to Li Subin "God guides his work" to promote equality and justice and defend the oppressed and "we are confident we can get through this because we trust the Lord." Or in Mr. Zhuang's words, "If there is persecution, as believers we should speak out and take action. It is our responsibility." These lawyers have also worked on cases involving other issues and even other faiths, including the Falun Gong. As religious liberty lawyer Angela Wu of The Becket Fund notes, "These human-rights lawyers work on a variety of issues, including ones that have nothing to do with the church, religious freedom or religious people." Mr. Zhuang explained they do this because of their theological convictions about the inherent dignity and equality of

The Christians' stubborn resilience is a source of great discomfort for the Chinese government.

all human beings. In his words, "everyone is equal in front of God." Moreover, we "are advancing the rule of law and democracy by defending individual cases no matter how small a case is. Each case represents the power of our faith."

Despite the Chinese government's harassment and harsh treatment of a number of these activists, they do not appear to hold hostile attitudes toward their rulers. Mr. Zhuang notes that before the Olympics, "a lot of us were praying for Hu Jintao, Wen Jiaobao and the Chinese government" and that "it is normal in Chi-

na for the church to pray for the government—not just us lawyers—but for all believers to be praying for the Chinese government." He also grounds this in what he believes to be a spiritual imperative: "when facing

persecution, instead of resentment and hatred our Christian faith gives us humility." Similarly, Li Subin says that instead of responding to mistreatment with anger, Christianity "makes us more humble and prayerful as we face persecution."

Aside from not expressing malice toward the government, they also remain committed to working within the system and to bolstering the social stability of their deceptively fragile and fractious nation. According to Mr. Li, "Because lots of conflict between officials and citizens has reached the edge of violence, such as in the Yang Jia case... We think that by applying the law, we are helping the Chinese government to resolve these conflicts peacefully." Professor Yang notes that these Christian human-rights lawyers "are unlikely to form or join an opposition political movement ... and will try to work within the existing framework."

Professor Yang suggests that these

lawyers who advocate on behalf of the neglected, powerless, and less fortunate “find Christianity a way to anchor their position because Christianity advocates love for the marginalized and also justice. The Christian God is a God of love and justice. This provides an anchor ... a reason to risk their lives.” He notes that other faiths, such as Buddhism—with its quietism and focus on inner peace and denial of suffering—does not necessarily provide the same “motivation for fighting for justice and persisting in the struggle for human rights.”

As Christians motivated by a calling that they believe transcends transient hardships and the vagaries of government misrule, this group of lawyers is likely to persevere in their work despite their own continued risks. For example, after being abducted and tortured, lawyer Li Heping said in an interview with an overseas human-rights organization, “thank God for giving me an opportunity as an attorney to witness personally the harshness of electric torture...” As The Becket Fund’s Ms. Wu notes, “their Christian faith may give them the courage to do work that could be unpopular with the authorities ... The faith of these lawyers also seems to encourage an ethic of self-sacrifice for the public good, and perseverance in the face of temporal defeats because they believe ultimately what is good will prevail.” It is such stubborn resilience that seems to provoke equal parts aggravation, perplexity, and discomfort among the authorities,

While most of the Christian lawyers who are part of the weiquan movement began their professional careers before they embraced religious faith, their emergence also appears in turn to be influencing many Christian churches to expand their social teaching and involvements. For example, the Ark Church, an unregistered church in Beijing, provides pro bono legal assistance and distributes free pamphlets about the law in order to protect religious adherents

from human-rights abuses. Also, leaders of unregistered churches increasingly are learning about and defending the rights they ostensibly possess under Chinese law, including taking authorities to court for religious freedom violations. This growing political and social consciousness among many churches could mark a new phase in the maturing of indigenous Christianity in China. Yet its potential political ramifications should not be overstated. While future trends in China are notoriously resistant to prediction, it is likely that as unregistered churches become more active in supporting rights defense they will do so in an apolitical way that does not directly challenge the Party’s monopoly on power.

This is not to say that the weiquan movement, and particularly its growing numbers of Christians, does not have at least the potential to exert a decisive influence on China’s future. Indeed, the combination of a commitment to human-rights activism and a sustaining faith may increase the durability and impact of this group. The Chinese government seems well aware of this potential, and as Professor Yang notes in the March 2009 Freeman Report, “instead of equally repressing all religions, the regime has taken cautious measure to promote Buddhism, Daoism, folk/popular religions, and Confucianism, in part to counter the rapid increase of Christianity.”

As China today faces a staggering array of challenges—from an aging population to restive rural areas to imbalanced economic growth to entrenched corruption to brittle governance—perhaps its most viable hope is for the emergence of a healthy civil society and the organic growth of legal rights and norms that undergird genuine rule of law. To this end, the Christian activists who are part of the weiquan movement believe they can make a needful contribution, and remain undeterred even as the government appears to be increasing its pressure on them. ■