

Breaking point?

The persecution of 'barefoot lawyer' Chen Guangcheng adds to China's miserable record

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How much persecution can Chinese law reformers, political activists and religious practitioners endure? How much suffering is the Chinese government willing to inflict upon them in the name of stability and harmony? Why do "rights lawyers" like Gao Zhisheng and Zheng Enchong , intellectuals like Liu Xiaobo and Hu Jia , and millions of adherents of "house churches" and the Falun Gong resist a regime that has fostered remarkable economic development and lifted several hundred million people out of poverty?

Last week's release from prison of the blind "barefoot lawyer" Chen Guangcheng raises such questions again, especially since the 38-year-old Chen, after completing his 51-month sentence, has merely been transferred from one type of detention to another. His home - a humble farmhouse in Dongshigu village, a literally dirt-poor area of Shandong province - is not his castle, but his prison.

For seven months before police detained him in March 2006, his home had been under illegal around-the-clock siege by dozens of police officers and their henchmen. Their job was not only to prevent Chen and his wife, Yuan Weijing , from leaving the village but also to prevent lawyers, journalists and admirers of the already famous Chen from entering. When he once managed to escape to Beijing, they brought him back by force and thrashed lawyers who followed. This police harassment continued against his wife for most of the period Chen was imprisoned, and now it has been strengthened.

How long will this lawless nightmare last? The local government has been determined to break the will of this idealistic couple. It denied Chen's family

the regular monthly prison visits authorised by law. Soon after detention he was badly beaten. When, in 2007, Chen was awarded Asia's prestigious Magsaysay prize for emergent leadership, Yuan was not permitted to accept it for him. Beginning in 2008, when he first suffered the chronic diarrhoea that has left him emaciated and ill, the government denied him adequate treatment and medical parole, raising suspicions that it might be seeking to permanently incapacitate him. Last year, Yuan's minders told her that they had already spent 15 million yuan (HK\$17.2 million) on restricting the family and had set aside 50 million more.

What had Chen done to deserve all this? After two farcical "trials", this son of poor peasants was convicted on trumped-up charges of organising a crowd to block traffic and damaging public property. His real offence, however, was to attempt to use the legal system to right some of the wrongs of rural government. After training, like many other blind Chinese, to be a massage therapist, Chen decided to devote himself instead to stopping the official discrimination against the disabled that he experienced. Yet he received no help from any of the four lawyers in Yinan county, who needed good relations with local government and saw no money in such cases. Even the Yinan office of the China Disabled Persons' Federation refused to help him enforce the country's anti-discrimination law, since that office depended on local government.

So Chen decided to take advantage of the Chinese legal system's openness to non-professional participation in litigation and soon became well known for helping the helpless gain access to the courts. He tried to hold local officials accountable for various violations of national tax, anti-discrimination and criminal laws. Initially successful, Chen gradually met resistance from judges caught between national law and local officials on whom they too were dependent for funding and promotions. A 2002 cover story in *Newsweek* led to a US State Department tour of American legal institutions in 2003. That enabled me to befriend this young, charismatic figure, but it also fed the fires of official resentment against him at home.

In September that year, while teaching at Tsinghua University, I invited Chen to Beijing to meet several legal educators in an effort to enlist support for his desire to train the hundreds of "barefoot lawyers" he thought necessary to provide legal services in Yinan county alone. We also bought

him good handbooks instructing laymen how to navigate the complexities of Chinese laws and judicial procedures.

The next month, my wife and I spent several days in Dongshigu. We met his neighbours, interviewed his "clients" - a sad but hopeful group of people with various disabilities - and made plans for training "barefoot lawyers". I was impressed by Chen's evident popularity with both clients and other villagers, many of whom were later prevented from testifying at his trials. I was also impressed by the well-thumbed, heavily-underlined pages of the handbooks we had acquired only weeks earlier. They had been read to him by his wife and brother, who had both become involved in his amateur legal aid operation.

Unfortunately, our plans were overtaken by a vicious provincial campaign to fulfil centrally allocated birth control targets. Thousands of Shandong women who sought to elude forced abortion and sterilisation, together with their families, were subjected to brutal abuses by local officials. Many victims asked Chen for help, and he became increasingly depressed by his inability to persuade either officials or judges to halt the violations of the country's family planning and criminal justice laws.

The last time I saw Chen, in the summer of 2005, he was nervous, chain-smoking and wan from insomnia. Whatever the risks to himself, he was desperate to use the internet and foreign journalists to expose the abuses that the courts refused to handle. And he did so - too effectively for his own safety.

"What do the party leaders want me to do, go into the streets and lead a riot?" he asked me rhetorically. "Why can't I use the legal system?" The Communist Party answered by unjustly convicting him of the kind of protest he always avoided. Although the central authorities belatedly condemned Shandong's population abuses, it was the whistle-blower who was punished.

Last week, on release from prison, Chen told friends he had not changed at all. Will endless house arrest finally break him?

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