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China Behind the Headlines: Xu Zhiyong

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A few days ago we suggested readings about the disappearance of legal scholar and activist Xu Zhiyong in Beijing. There has been more news on the subject here and here. China Beat contributor Susan Jakes, who has known Xu since 2004, contributed the following comment.

By Susan Jakes

Earlier this year, a graduate of his country’s most prestigious law school with an impressive record of public service, a comfortable academic post at a major university, and a political office he’d won in a trailblazing election summarized his life’s mission for a local newspaper. “I strive to be a worthy citizen, a member of a group of people who promote the progress of the nation,” he told the reporter. “I want to make people believe in ideals and in justice and help them see that there is hope for change.”

Like a more well-known community organizer, Xu Zhiyong has made a career of breaching barriers and raising hopes. But, as we were reminded, painfully, last week, this kind of project looks different in the cavernous plazas and narrow lanes of Beijing than it does on the streets of Chicago. The victories are harder to see, the defeats loom larger.

In the week since Xu was detained at his apartment on July 29, much has been written about the reasons for his disappearance, what they may augur, how much worse things may get. Most stories have mentioned at least a few of Xu’s long list of achievements. But none has quite captured the remarkable breadth of his activities and the distinctive approach he brings to his work.

I’ve known Xu for five years. I met him in my capacity as a journalist and got to know him better through his work with my husband who works at Yale’s China Law Center. As was the case for many people in China, I first heard Xu’s name in June of 2003. A young graphic designer in Shenzhen named Sun Zhigang had been beaten to death in detention after being picked up by police for not carrying his household registration ID. In part because of Xu’s involvement, the case had become a national news event and I was covering the story for TIME. Others protested the brutality of the beating and the way the police had mishandled Sun’s arrest or complained about the notorious corruption of Custody and Repatriation, the system of extra-judicial jails for “vagrants” to which Sun had fallen prey.

But Xu, just 30 at the time, took a different tack. In addition to offering legal advice to Sun’s family, he and two of his law school classmates wrote a petition to the National People’s Congress, demanding that Custody and Repatriation be abolished on the grounds that it was unconstitutional. In a matter of weeks, China’s State Council ordered an end to Custody and Repatriation. And although none of the official statements made reference to Xu or to the constitution, the prospects for both seemed, momentarily, to brighten.

Xu’s advocacy in the Sun Zhigang case displayed what would become the hallmark of his career: the decision to base his calls for political change and social justice in China’s existing laws and political institutions. Rather than just shouting from the sidelines—the only available options for a previous generation of Chinese political critics—Xu has made a point of investigating and trying to improve troubled political institutions from the inside. This approach is evident in the way he handles his advocacy on behalf of death row inmates—Xu conducts exhaustive, Innocence Project-like interviews with prosecutors, witnesses and judges before he takes on the case. It’s evident in the research he put into his calls for reform of China’s petitioning system—he lived for several months among petitioners in their make-shift “village” on the outskirts of Beijing before circulating his findings. When Gongmeng—an outgrowth of the organization he founded along with Teng Biao and Yu Jiang, the other two legal scholars who co-wrote the Sun Zhigang petition—issues an opinion, it’s a safe bet that careful, thorough research has gone into it. This is part of what makes the group’s recent report on Tibet so powerful and so unusual.
Xu has a knack for seeing what’s possible where others see only futility. In 2003 and again in 2006 he ran as one of China’s handful of independent—that is, not CCP pre-approved—candidates in an election for his district People’s Congress. He not only won by a landslide, but in both of his terms in office has sought to prove through his actions—by providing constituent services, demanding budget reviews, preventing the relocation of the Beijing Zoo and lobbying on behalf of aggrieved dog owners—that the congress was not the parody of a political institution it sometimes seemed to be. “Actually,” he explained, “the People’s Congress has real power. It’s just that people don’t take it seriously.” I interviewed Xu shortly after his first election. When I asked him how he decided to run, he looked at me evenly for a moment before replying. “I ran,” he said, “because the law allows me to.”

Of course, Xu has never been naïve about the degree to which his work takes him into sensitive territory. Over the years following his election I tended to see or hear from Xu when things the law allowed him to do put him at odds with officials nominally in charge of law enforcement. In 2005 we had lunch together after his sojourn in the petitioners’ village. He’d been beaten repeatedly in the process, but he was in good spirits, talking about gradual change and talking with quiet conviction about his faith in “step by step progress.”

In 2006 we talked on the phone a few minutes after he’d been released from a night in detention that had also involved a beating; a group of hired thugs had dragged him off the road to keep him from going to court to defend Chen Guangcheng, a blind activist who himself had studied law and tried to use it to defend the rights of victims of forced abortion. Xu swiftly deflected my questions about his night in jail and reminded me that what he’d been through was nothing compared to the ordeal of his client, who was on his way to four years in jail after an absurd trial in which he was convicted of disrupting traffic.

Not everyone is cut out for this kind of work. But Xu, who happens to have been born in Minquan Xian—literally “Civil Rights County”—in Henan Province and was raised in a Christian family, has a temperament that suits the path he’s chosen. He has an impressive capacity for empathy. As he explained in a recent blog post, he feels “anguished” when he’s unable to help clients, but he channels those feelings into focused hard work. He is also—despite the Ph.D., the official title, the international reputation—self-effacing. When he lived in the petitioners’ village, he was often mistaken for a migrant. Mayling Birney, a political scientist and expert on local elections at Princeton who has followed Xu’s career remembers watching him sit down to talk to a group of peasants who’d traveled days to come to Beijing seeking legal aid. “His respect and humility were so clear I could just see these people’s spirits were fortified,” she recalls, “Xu is among the most talented and inspiring public servants I’ve ever met, and I say this having worked in the U.S. Senate for Bill Bradley.”

Xu’s mission was never going to be an easy one. But he’s been a brave and patriotic contributor to the progress China’s leaders say they embrace and he deserves far better than the attacks he’s had to endure in the past few weeks. He often closes his public speeches by telling people he’s an optimist, that the darkest aspects of life in China are brightening and that there’s good reason to jump into the fray, “to do something.” I believe him every time I hear him say that. And I’m hopeful he’ll be back to work making more people believe it very soon.