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China says that by locking up lawyers it is defending the rule of law

Jul 18th 2015 | BEIJING | From the print edition


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SOME were taken from their homes in the middle of the night. Others had their offices raided, or were summoned to “take tea” at the local police station—a euphemism for being interrogated. According to Amnesty International, around 120 lawyers, as well as more than 50 support staff, family members and activists, have been rounded up across the country since the pre-dawn hours of July 9th. Many have been released, but as *The Economist* went to press at least 31 were still missing or were believed to remain in custody.

The round-up has been remarkable for its speed, geographic extent and the number of people targeted. Teng Biao, a Chinese lawyer and activist currently in America, says it includes nearly all of China’s civil-rights lawyers. They are a harassed lot at the best of times, but this is the most concerted police action against them since such lawyers began to emerge in the early 2000s as defenders of the legal rights of ordinary people in cases against the state. In the past few days state media have vilified them, describing them as rabble-rousers seeking “celebrity and money”.

The police have focused particular attention on Fengrui, a law firm in Beijing. It was set up in 2007 and is known for defending dissidents as well as suing on behalf of people forcibly evicted from their homes and victims of miscarried justice. The police have accused some Fengrui staff of being part of a “major criminal gang” whose members stirred up discontent about the government in more than 40 incidents of “public disorder” in the past three years. They cite the case of a “lawful” police shooting in the north-eastern province of Heilongjiang in May, which they accuse Fengrui’s lawyers of “hyping up” through social media and by organising a demonstration against it. Wang Yu, the first lawyer to disappear (her husband and 16-year-old son were taken too), worked on this case.

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Civil-rights lawyers in China often publicise disputes because they do not trust the legal system. The judiciary is not independent, judges are often beholden to local interests and the law is not applied even-handedly. Popular sentiment can help to sway court decisions. Since taking office in 2012 Xi Jinping, China's leader, has stressed the need for the "rule of law", but has made it clear that he means something different: shoring up the party's control, not holding it to account. Several years ago the party tolerated civil-rights lawyers. Now it treats them as seditious. Some of those detained recently were warned not to get involved in "sensitive" cases. Veiled threats were made to their families.

The sweep follows a particularly dispiriting few months for civil rights in China. Earlier this year five feminists were held for five weeks for campaigning against sexual harassment on public transport (several of their lawyers, who include Ms Wang, are among those interrogated in recent days). This month a bill was passed which could provide a legal basis for the government to define almost anything as a threat to national security. Finding a good lawyer in China may become harder.

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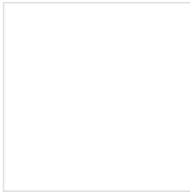
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