



Panel's title : Lawyers in China

Coordinator (Affiliation, University...) : SALMON Nolwenn (Université Rennes 2, ERIMIT ; INALCO-ASIEs)

Language : Français / English

Topics : (Politics and society, Legal system)

Panel presentation :

Since the restoration of the Ministry of Justice and the lawyer's system in the very end of the 1970s in China, the legal profession has developed rapidly. By using the Chinese law to defend the rights of citizens victims of injustice, the lawyers played an essential role in the *weiquan* movement (rights defense movement) which developed since the middle of the 2000s. Under Xi Jinping's party leadership, a wave of repression began against those right defender and especially the rights defense lawyers. This panel aims to show how lawyers can manage to exercise their profession in a country where the judicial system is not independent. After analyzing the functioning of the judicial system in China and its interactions with politics, this panel explains how lawyers used Chinese law but also some extra-legal resources to defend their customers through detailed cases analyses of expropriated farmers and victims of pollution litigation. The role of media and new media is crucial for helping lawyers to win in the trial. But it raises also some questions by creating dependency on public opinion. The various interventions thus propose a reflection on the place granted to the law in China, the status of the profession of lawyer, the way they can exercise, the repression they face and the reaction of the party-state. Its reaction is indeed discussed as a way to reveal the power that this group has gained and the way the party-state tries to thwart it. This panel leads to a more global reflection on the meaning of the "rule of law" in China, the nature of the political power of the CCP and the way it exercises its power.

Key words : lawyer ; China ; weiquan ; legal system ; rule of law ; repression ; new media ; visual advocacy ; visual repression ; expropriation ; environmental rights.

Participants :

1) Name(s) (Affiliation, University...) : PILS Eva (King's College_Dickson Poon School of Law)

Communication's title : From visual advocacy to visual repression: the experience of China's human rights defenders

Language : Français / English :

Presentation :

Discussing a crackdown on Chinese human rights lawyers that led to televised show trials in August 2016, I argue that the smarter and more pervasive forms of repression these trials heralded should be understood as a reaction to more effective advocacy, including visual advocacy, on the part of Chinese human rights defenders, it has also led to. In particular, by visualising repression and making it part of mass propaganda, as well as the legal process, the party-state undermines the



rational and autonomous process China's human rights lawyers and other civil society actors have been seeking to promote. While visual advocacy largely depends on persuasive and rational strategies to support rights-based arguments, visual repression signals a rise of anti-rationalist conceptions of law and political uses of fear that have also been observed in other systems. Visual and other forms of smart repression also challenge the presumed dichotomy of hard and soft power.

Key words : lawyers ; human rights ; visual advocacy ; visual repression ; rational strategies ; use of fear ; hard power ; soft power.

2) Name(s) (Affiliation, University...) : LIN Mao (Institut des Sciences sociales du Politique - ISP)

Communication's title : Cause lawyer? Merchant of law? The Chinese lawyer in the case of Chinese peasants' housing demolition and land expropriation: where is their way out ?

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Language : Français / English :

Presentation :

My study¹ is about the role of Chinese lawyers in the case of housing demolition of peasants and land expropriation in the period of Chinese social transformation. Considering the transformation of Chinese society, what is the future of the committed lawyers compared with the cause lawyers in a liberal democracy? Is it homogenous inside of the Chinese lawyers or is there any difference? To answer these questions, I will explain the Chinese judicial culture and social context. I analyze the role of lawyers from two dimensions. Firstly, it is necessary to analyze the Chinese legal system which explains the specificities of Chinese lawyers, specially the relation between the law and the politics in China. Secondly, on the basis of interviews with the lawyers, observing the activity of lawyers inside and outside of their professional domain, I want to show the specificities of Chinese lawyers, including their legal practices and the differentiation inside of this legal group, in order to explain the relationship between the law and the politics with a perspective –‘law in action’ and ‘law in book’.

Key words : Chinese lawyers ; cause lawyers; expropriation ; demolition

¹ This research is a part of my PhD thesis.



3) Name(s) (Affiliation) : SALMON Nolwenn (Université Rennes 2, ERIMIT ; INALCO-ASIEs)

Communication's title : The use of new media by rights protection lawyers

Language : Français / English :

Presentation :

Despite significant progress in the field of environmental law, the lack of independence of Chinese justice makes the defense of citizens victims of dangerous environmental degradation extremely difficult. Indeed, the outcome of a trial is often decided outside of court. To defend their clients, lawyers cannot simply use laws and persuasive defense speeches: they must find the means to influence real decision makers. Media and social media are some of the most powerful weapons to limit blatant situations of disregard for the rights. This presentation explains how Zeng Xiangbin fought to defend the villagers of Zhongxiang arrested and accused of “blackmailing and extortion” because they were trying to assert their rights against a polluting enterprise. It analyzes what are the requirements and consequences for a lawyer when he decides to go beyond his own sphere of competency and professional attributions to battle outside the court and use the pressure of public opinion. Finally, it raises also questions about the power given to the crowd of anonymous netizens and about the way of governing of the CCP: from whom emanates the power to dispense justice reveals the kind of society that is taking shape and its core values.

Key words : lawyer; China; media; new media; environmental rights; public opinion; legitimacy; expert