

## CSCC Podcast Ep. 13: “Rights Lawyering in China – Teng Biao”

### Introduction:

Welcome to the podcast of the University of Pennsylvania’s Center for the Study of Contemporary China. I’m Neysun Mahboubi, research scholar at the Center, and in today’s episode, you’ll hear my conversation, on the topic of “Rights Lawyering in China”, with one of the most famous and influential Chinese rights lawyers, formerly a professor at the University of Politics and Law, in Beijing, Dr. Teng Biao.

As China has developed its legal system over the past 40 years of “reform and opening”, one dimension attracting special attention from Western observers has been the emergence of an independent legal profession. Within that larger story, nothing has pushed state boundaries further ... and eventually triggered a more pointed state response ... than the rise of a loose-knit group of Chinese lawyers who consciously define their work in terms of the public interest, seeking to protect the rights of disadvantaged Chinese citizens through high-impact litigation and advocacy.

Any history of this so-called “rights protection” (or “rights defense”) movement in China is sure to place special emphasis on the young band of recent Ph.D graduates, from Peking University Law School, who successfully petitioned the National People’s Congress in 2003, to abolish the legal framework which had contributed to the death, in police custody in Guangzhou, of a migrant worker named Sun Zhigang. Celebrated even by official state media for their efforts in that case, the group went on to found the Open Constitution Initiative, or *Gongmeng* in Chinese, which represented a string of high-profile legal cases, and incubated a new generation of “rights defense” lawyers, until it was effectively shut down by the Chinese government in 2009.

Dr. Teng Biao is one of the most prominent members of that group. He continued to represent difficult legal cases, on behalf of some of the most vulnerable people in Chinese society, even as he continued his academic career at one of the top law schools in China ... until about 2012, when the tightening political atmosphere, which has led to lengthy prison sentences for many of his colleagues, compelled him first to Hong Kong, and then into a kind of exile in the United States. In the past few years, Dr. Teng has held visiting appointments at Harvard Law School, at NYU’s US-Asia Law Institute, and at the Institute for Advanced Study in Princeton, NJ ... and he now lives in Princeton with his wife and two daughters, continuing his public advocacy ... most recently before the House Intelligence Committee just one week ago ... but of course no longer from within China itself, much less from the perch of a Chinese institution.

At a personal level, as a scholar of Chinese law, I have to say that this episode means a lot to me. I consider Teng Biao a friend, and someone for whom I have the utmost respect, even though we don’t always see things in the same way, as you’re about to hear. Given his proximity to Philadelphia, we’ve been able to invite him to the University of Pennsylvania a few times in recent years, and I’ve really enjoyed our dialogues about Chinese law, and his work as a charter member of China’s “rights defense” movement. I’m thrilled we were able to record this conversation on his last visit, shortly after last year’s annual meeting of China’s National People’s Congress ... and to share it with you now, just as this year’s NPC meeting commences.

As before, I'm tremendously grateful to my friend Kaiser Kuo, of supChina and the Sinica podcast, for making the episode sound as good as it possibly can.

If there are any listeners who may be less familiar with Teng Biao going into this episode, I'm sure you'll want to read more by and about him, after listening to our conversation. Among many choices, which include lengthy academic pieces, you could start with his recent commentaries in the Washington Post and on ChinaFile. I'd also recommend Ed Wong's profile that appeared in the New York Times last June. And if you want to go further and learn about China's "rights defense" lawyers more generally, I'd especially recommend scholarship by Fu Hualing and Richard Cullen, of Hong Kong University, for their defining analysis.

But for now, let me invite you, first, to listen here to Dr. Teng Biao himself.