

CULTURE MATTERS

A Parable of Talent Gone to Waste

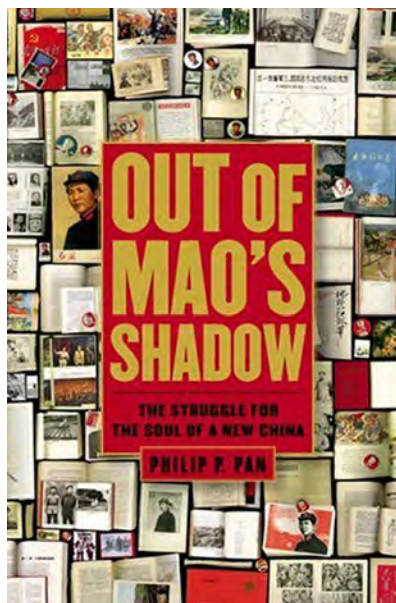
BY THOMAS E. KELLOGG

Philip P. Pan's *Out of Mao's Shadow* is a parable of talent gone to waste. Pan introduces us to Cheng Yizhong, who created China's first fully marketized newspaper, the *Southern Metropolitan Daily*, in 1997. The newspaper, which brought Chinese readers hard-hitting, high-quality news reporting and innovative feature sections on everything from cars to real estate, was an instant hit. It turned its first profit in 1999 and soon became a widely-emulated model for media entrepreneurs nationwide.

Yet Cheng's success was not enough to insulate him from serious trouble. In early 2003, Cheng found himself running afoul of local authorities over his paper's coverage of the government's inept handling of the outbreak of Severe Acute Respiratory Syndrome (SARS). A few months later, Cheng's decision to publish a harrowing account of police brutality in Guangzhou—a story that led to the repeal of a notorious decades-old administrative detention system known as *shourong qiansong* ("custody and repatriation" 收容遣送)—earned him a spot on the government's enemies list. In March 2004, Cheng was detained on allegations of corruption. His detention was seen by many as politically-motivated payback for his paper's hard-edged reporting. Although he was eventually released, Cheng's marvelous creation was taken away from him. He now spends his days ducking the spotlight and editing a local sports magazine.

Barefoot lawyer and disability rights activist Chen Guangcheng is another case in point. Blind from an early age, Chen seems to have willed himself to overcome the formidable obstacles set before him, including not only his own disability but also his background as a

***Out of Mao's Shadow:
The Struggle for the Soul
of a New China***
By Philip P. Pan
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368 pages, \$28.00



poor peasant from rural Shandong province. After winning a widely-publicized case securing free access to the Beijing subway for handicapped persons, Chen was besieged with requests for help from local villagers on any number of egregious injustices. Ignoring advice from friends impressed by his courage but fearing for his safety, Chen took on several cases certain to rankle the authorities. In the nearby city of Linyi, Chen challenged local officials to end their abusive enforcement of the one-child policy. It proved to be a costly decision.

For his efforts on behalf of the poor and the dispossessed in his home county, Chen was arrested on the streets of Beijing in September 2005. He was dealt a much harsher penalty than Cheng Yizhong: after a brief trial in August 2006, Chen was sentenced to more than four years in prison for “damaging property and organizing a mob to disturb traffic.”¹

Other examples abound: SARS doctor Jiang Yanyong was taken into custody for several weeks after he wrote a letter to senior officials urging the government to reconsider its verdict on the Tiananmen Square protests. Accidental labor activist Xiao Yunliang was sentenced to four years in jail for organizing protests against corruption and job losses at his former factory in northeastern Liaoning province. Their stories, beautifully rendered by Pan, illustrate a paradox that the Chinese government has yet to resolve: the problems that China currently faces can't be meaningfully addressed without the help of committed individuals and the ever growing number of civil society groups. Yet the government is often fearful of those who have the most to give.

Any country would be lucky to have a journalist as creative and innovative as Cheng Yizhong, or a grassroots activist as brave and committed as Chen Guangcheng. The success of social movements rests in no small part on the willingness of individual citizens to put aside what are often more lucrative and less risky career options for the sake of the issues they care about.

Out of Mao's Shadow is also about the choice between pragmatism and moral purity. Does it make more sense to push for change while carefully avoiding arrest and imprisonment, or must one make a moral statement in the face of injustice, regardless of cost? When do moral statements cause a backlash that might be counter-productive to the goals of the movement? And if pragmatism delivers diminishing returns—as with the defense of Chen Guangcheng—then why choose that approach?

During 2005 and 2006, many of the top human rights activists—most of whom are part of the loosely-affiliated group of so-called *weiquan*, or rights defense, lawyers—were drawn into the debate. It is true that, for a time, the conversation generated more heat than light: I remember interviewing a prominent *weiquan* lawyer in a Beijing coffeehouse as that debate was going on, and his anger over what he viewed as both mistaken and harmful moves by those on the moralist side was evident. His voice shook as he named the names of those who were, to his mind, doing much harm and little good.

Yet the passage of time has healed many of the small wounds inflicted then. And here Pan makes a rare error in his analysis: he suggests toward the end of the book that the *weiquan* movement, driven by factional disputes over long-term strategy and short-term tactics, will have difficulty in maintaining any influence. “The lawyers who rallied to defend (Chen Guangcheng) are a demoralized and divided bunch, and the greater *weiquan* movement is foundering and on the verge of collapse,” Pan concludes.² This may have been the case when Pan was putting the finishing touches on his book manuscript, but the factional divisions that cut deep divisions in the *weiquan* movement, though by no means completely vanished, have dissipated. Pragmatism is the name of the game, for now, and the imple-

mentation of strategic approaches is what most *weiquan* lawyers are focused on.

Instead, the largest challenge confronting the *weiquan* movement—still very much in the early stages of development and very vulnerable—is external. Over the past few years, China has seen the rise of tactics once considered unthinkable in the Chinese context: the use of state violence to curb the activities of activists, journalists, lawyers, and other troublemakers.³ In the past, governments would limit themselves to the threat and promise of jail terms to control would-be activists. Yet the lawyers who made their way to Linyi to defend Chen Guangcheng in 2006 were beaten by thugs apparently hired by the local government. In September 2007, rights lawyer Li Heping was kidnapped and beaten by a group of unidentified men.⁴ Although Li’s assailants did not make clear the reasons for their attack, it is believed that the beating was tied to Li’s human rights work.

Ironically, some have traced this deeply troubling trend of violence against lawyers to the *weiquan* movement itself: as human rights lawyers have taken an interest in cases far from Beijing, local governments, unused to being challenged on their home turf, have been forced to respond. Many local officials cannot abide having their authority questioned. They react to these interlopers just as they handle unruly behavior by local peasants: with force. For other officials, a more complex calculus may be in effect: given the prominence that many *weiquan* lawyers enjoy, any arrest will bring with it a chain of unwanted phone calls from nervous central government officials. Using hired thugs to kidnap and beat a lawyer may not, perhaps, generate a similar response, in part because the government’s hand is partially hidden.⁵ How can Beijing—or Washington or Brussels—call to complain when no one knows which government official was ultimately responsible?

Many of the *weiquan* lawyers I spoke to—none of them strangers to oppressive government behavior—still had the capacity to express shock and surprise, and even disappointment, over the use of violence by government actors. This reaction is indicative of the faith that Chinese human rights activists have in their country, and the government’s ability to, over time, live up to the promises that it has made. It is in the best interest of

senior government officials to take steps to preserve that faith, that long-term optimism, among its most rigorous critics. If the current willingness to engage were replaced by a lingering cynicism or even defeatism, it would have negative consequences that would spread far beyond Beijing.

One would hope that, at some point, the central government would realize that the activists and individual citizens profiled in Pan's book are in fact serving society, and, in doing so, serving the government's interest in preserving social harmony through social justice. While government officials may wonder whether non-governmental organizations, a marketized press, and a small but dedicated troupe of human rights lawyers aren't more trouble than they are worth, they might well ask themselves a very difficult question: what would China look like without these nascent and still very fragile institutions and groups? Might it not look uncomfortably like Burma or North Korea? Surely most Chinese officials—their occasional and likely unreachable dreams of a Singapore writ large notwithstanding—would rather see their country evolve in the direction of South Korea or Taiwan? If so, then the government should take steps to increase the political space available to those who are trying to engage in constructive evolutionary change within the system.

Reading Pan's book, it is difficult not to nod one's head in agreement over Pan's suggestion that it is not the rich who will push China to change. One of Pan's most fascinating profiles in the book is of real estate magnate and property developer Chen Lihua, the chubby, 59-year-old woman who learned how to play the game of charming officials and crushing the protests of urban residents who were forced to relocate so that Beijing could be remade. The sums of money to be had from metamorphosing Beijing from what was one of the world's most beautiful cities into one of its least compelling capitals are enough to make a reader's head spin. One scholar estimated that Beijing-based developers like Chen, working hand in glove with government officials, walked away with more than \$17 billion in ill-gotten gains during the 1990s. The same story played out in city after city across China.

Pan makes clear that Chen's careful cultivation of rela-

tionships with both officials in the municipal government and inside Zhongnanhai—the Beijing residential complex that houses the highest-level Communist Party leaders—were crucial to her stratospheric success. Entrepreneurs who, like Chen, made their fortunes in part through government connections, will almost certainly not turn around and bite the hand that fed them. According to Pan:

... those counting on the capitalists to lead the charge for democratization in China are likely to be disappointed. China's emerging business elite is a diverse and disparate bunch, and for every entrepreneur who would embrace political reform, there are others who support and depend on the authoritarian system, who believe in one-party rule and owe their success to it. Chen Lihua fits in this latter category, and her story is a reminder that those with the most wealth—and thus the most resources to devote either to maintaining the status quo or promoting change—are also the most likely to be in bed with the party.⁶

So count out China's new rich. And, by extension, most government officials, many of whom are more interested in lining their pockets than pursuing liberal reforms. It seems almost certain that, for the next few years at least, progressive change in China will be more of a bottom-up process than a top-down one. More often than not, the government will not initiate, it will react. That means that the activism and professionalism of the lawyers, journalists, and others profiled in Pan's book will become even more important. What they are able to accomplish will play a significant role in determining the course of change in China over the next several years.

Pan's *Out of Mao's Shadow* is, without a doubt, one of the best journalistic portraits of China to come along in some time. It edges out even some of my longtime favorites, including Ian Johnson's *Wild Grass: Three Portraits of Change in Modern China* and Nicholas Kristof and Sheryl WuDunn's *China Wakes: The Struggle for the Soul of a Rising Power*. What makes the book so compelling is its combination of rich, on-the-ground reporting, and hard-edged analysis of China's present status and future course. As China enters a period of economic uncertainty, the questions raised by Pan will

become all the more urgent, the potential pitfalls he points out all the more dangerous. His book should be required reading for those looking to better understand the challenges that China faces as it attempts to navigate its way through what will almost certainly be very trying times.

Notes

1. Ching-Ching Ni, "Chinese Activist Gets Jail Sentence," *Los Angeles Times*, August 25, 2006, <http://articles.latimes.com/2006/aug/25/world/fg-blind25>.
2. Philip P. Pan, *Out of Mao's Shadow* (Simon & Schuster, 2008), 322.
3. Philip P. Pan, *Out of Mao's Shadow* (Simon & Schuster, 2008), 314.
4. "Lawyer for Chinese Dissidents Says He Was Beaten, Told to Stop Making 'Trouble,'" Associated Press, October 3, 2007.
5. Author interviews, Beijing and New York, October and November 2008.
6. Philip P. Pan, *Out of Mao's Shadow* (Simon & Schuster, 2008), 156.

A Field Guide to China's "Low Cost" Factories

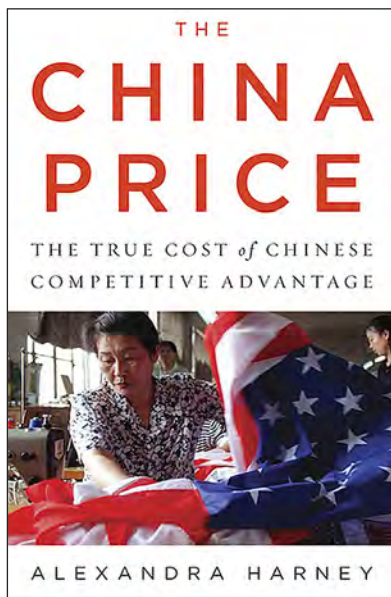
BY GEOFF CROTHALL

If you really want to know why your DVD player costs just US \$30 and that t-shirt retails at under US \$3, you should read *The China Price: The True Cost of Chinese Competitive Advantage*, by former *Financial Times* journalist Alexandra Harney.

Ms. Harney has written a detailed and precisely structured guidebook for American consumers, which reveals the real cost—low wages, hazardous working conditions and environmental degradation—of the products that line the shelves of Wal-Mart and just about every other retail outlet in the United States. The book blends macroeconomic and geopolitical analysis with touching profiles of ordinary Chinese workers and labor activists to create a comprehensive and accessible picture of life in China's factories, and asks how long this situation can last.

During her research for this book, Ms. Harney interviewed individual migrant workers, representatives of workers' rights centers, and corporate social responsibility (CSR) managers throughout China. The result is a well-balanced and grittily realistic account, not only of the problems Chinese workers face in dealing with

***The China Price:*
The True Cost of Chinese
Competitive Advantage
By Alexandra Harney
Penguin Press
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employers hell-bent on increasing profits at any social cost, but also of how workers nowadays are starting to stand up for their rights—both individually and collectively.

She notes, for example, how migrant workers, particularly the second generation of migrant workers now entering the workforce, are far more aware of their legal rights than before, and are now insisting that employers respect them. The book profiles a young labor activist who lost his hand soon after beginning work at a plastics factory and went on to become a self-taught legal aid worker dedicated to helping other victims of work-related injury and illness. It also cites the case of Deng Wenping, a victim of the silicosis¹ epidemic in the gemstone industry, to illustrate both the health hazards faced by China's workers and the determination of those workers to seek redress for workplace-related

injuries and illnesses.

Deng, as a gem grinder in the Hong Kong-owned Perfect Gem factory in Huizhou, Guangdong Province, first contracted the deadly illness in 2002 because there were no ventilation or air-extraction facilities in his

workshop. When he and other fellow workers were diagnosed as having silicosis, the company fired them all and bitterly fought their requests for compensation. When Deng died in January 2006, his wife and children were left in total penury. But eventually, a series of groundbreaking lawsuits brought by 11 silicosis-afflicted jewelry workers in Guangdong resulted in court orders that forced the delinquent companies to compensate all the victims.

Ms. Harney describes a nascent labor movement in China:

Today, Chinese workers are more likely to shun factories with poor conditions, more prone to protest or strike, and more willing to sue their employers than in the past... By the standards of labor rights movements in the rest of the world, the shift underway in China is subtle. There is no national labor movement, no nationally coordinated strikes or sit-ins, no collective consciousness of the daily struggle of a Chinese factory worker. There is not even a charismatic leader... And yet, the stirrings of activism among Chinese workers are already creating challenges for the country's manufacturing sector.

The book also examines in detail the CSR initiatives and anti-sweatshop movements in the United States that are increasingly influencing the behavior of transnational companies, and the effect these efforts are having on their Chinese suppliers. It reveals how "five-star factories" conform to the codes of conduct laid down by the major brands while their suppliers use "shadow factories" to make sure they can meet the cost and time demands made by those brands. Ms. Harney describes the auditing and compliance work of Wal-Mart and shows that, all too frequently, American companies are more concerned with removing the stigma of "sweatshop" than actually protecting workers' rights:

The inspector asked the manager to retrieve payroll and other records and choose 15 assembly-line workers she could interview later that morning. "Do it as fast as you can," she said. "I have to finish by one P.M. at the latest"... The factory managers watched her warily, afraid of what she might find. At the end of the tour, she pronounced the factory "pretty good"... A

ten minute drive away, another factory owned by the same manager was humming away. This factory was making the same products for Wal-Mart as the factory the auditor saw, but under wholly different conditions and a cloak of secrecy... No one from Wal-Mart has ever seen this factory, though Wal-Mart buys much of the factory's output, according to its owner. Officially, this factory does not even exist.

The situation in China's factories remains fluid, however, and Ms. Harney suggests that one way forward for American brands and their Chinese suppliers is to encourage the election of workers' representatives to negotiate directly with management, and for managers to appreciate that a contented workforce is a more productive and efficient workforce. Moreover, she says, the Chinese government needs to more effectively implement its own labor and environmental legislation, and:

Create an organization that truly represents workers, particularly migrants, in their negotiations with government agencies, the judicial system and employers. It's not unthinkable that this organization could be the ACFTU, but the state-backed union would need to undergo substantial reform in order to serve workers more effectively.

Finally, Ms. Harney suggests that if the government:

Applied the same elbow grease to policing its factories that it does to policing political debate on the internet, it would improve the standard of its manufacturing base, reduce the caseload of lawsuits and protests by disgruntled workers and ease tensions with its trading partners.

Publication of *The China Price* could hardly be timelier, as 2008 has proven to be a red-letter year for workers' rights in China. Three new national labor laws have come into force since January (the *Labor Contract Law*, *Employment Promotion Law*, and *Law on the Mediation and Arbitration of Labor Disputes*); the government-sponsored All-China Federation of Trade Unions (ACFTU) is in full-swing to "unionize" the entire private sector; and in recent months various city governments and official trade union centers have even begun promoting the use of collective bargaining.

Much of this new thinking by the authorities on labor issues has been driven by the unavoidable reality of rising worker consciousness and labor militancy in China—a factor that threatens to derail the government’s “harmonious society” project and therefore compels it to start making concessions to workers’ demands. Ms. Harney’s gripping and well-researched account provides the essential background to under-

standing this crucial new dynamic in Chinese labor relations today.

Note

1. Silicosis—the inflammation and scarring of the lungs—is caused by inhalation of crystalline silica dust.

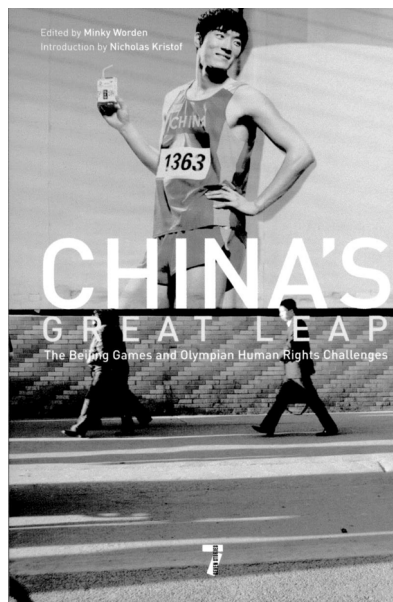
Table Talk about the Olympics and Human Rights

BY JEFFREY N. WASSERSTROM

The “Acknowledgements” section of *China’s Great Leap* comes at the end of the book rather than the beginning, but I read it first and am glad I did. Why? Because in it Minky Worden uses a lovely simile to describe the role she played in pulling together this thought-provoking volume. “Producing an anthology,” she writes, “is like planning a dinner party—you imagine the people you’d most like to have around a dinner table, and how their expertise and life experiences will combine to make the most interesting and engaging discussion possible.”

This dinner party image stayed with me while I read her wide-ranging book, which covers everything from the plight of members of the “invisible army” of migrants who built stunning venues such as the Bird’s Nest Stadium (the subject of Mei Fong’s powerful chapter and a poignant photo essay by Dutch photographer Kadir van Lohuizen), to limits on press freedom (the focus of Phelim Kine’s “A Gold Medal in Media Censorship”). I kept musing on how interesting it would have been to be a dinner guest at an actual pre-Olympics gathering with the international group that Worden assembled, with its mixture of expected and unexpected participants in a discussion of Chinese human rights. For, thankfully, Worden took her self-imposed charge of trying to line up “guests” with varied “life experiences” and forms of “expertise” very seriously. Thus we

China’s Great Leap: The Beijing Games and Olympian Human Rights Challenges
 Edited by Minky Worden
 Seven Stories Press
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 336 pages, \$18.95



get to hear from both a sometime contributor to *Sports Illustrated* (Dave Zirin) and an internationally-renowned expert on the Chinese legal system and law professor at New York University (Jerome A. Cohen), from a former child laborer in a garment factory who struck it rich in Hong Kong’s clothing and media worlds (Jimmy Lai), as well as from an iconoclastic literary critic and wonderfully articulate political gadfly who heads the independent Chinese PEN Center in Beijing (Liu Xiaobo).

It is pure fantasy, of course, to think that such a dinner party could have taken place. There are, after all, some very busy people represented in this volume, such as journalist Nicholas Kristof (who wrote the “Introduction”), Hong Kong democracy activist Martin Lee (who gives us a lively survey of post-1997 trends in the former Crown Colony), Human Rights Watch

Executive Director Kenneth Roth (who weighs in with “A Dual Approach to Rights Reform”), and former law professor turned Human Rights in China Executive Director Sharon K. Hom (represented here by “The Promise of a ‘People’s Olympics’”).

In addition, there’s nowhere on earth that everyone who wrote for the volume would be able to convene. At least one contributor, Bao Tong, a former confidant of Zhao Ziyang who is now an outspoken critic of the

Party, can't leave China. And at least one other contributor, the U.S.-based one-time Tiananmen protest leader Wang Dan, can't enter the PRC.

The book that resulted from Worden's dream dinner party is admirable in many ways, but not without its flaws. Let's begin with issues of style. The volume contains a few fresh and memorable turns of phrase, such as Bao Tong's reference to the Chinese Communist Party growing "addicted to tactical cosmetic patches, such as hosting the Olympics," in order to distract attention from its "social justice" failures. And some of the chapters are written in a very lively and engaging manner, such as Emily Parker's look at sports and nationalism in recent PRC history. Nevertheless, the book suffers from some repetitiveness, both in terms of rhetoric (too many uses of stock phrases such as the Olympics as a "coming out" moment for China) and subject matter.

Another shortcoming or pair of shortcomings has to do with historical and comparative context. Too often, authors seem hesitant to look any further in Chinese history than the Cultural Revolution. And too often they seem to take for granted that it is enough to bring in one, or at most two, foreign examples when thinking through a Chinese dilemma. Here the most obvious illustration is that past Olympics other than those that took place in Berlin in 1936 (held up as a cause for despair) and Seoul in 1988 (held up as a cause for hope) are rarely discussed. (It is true, though, that Zirin's chapter breaks from the mold in a refreshing manner, highlighting the relevance of thinking about the repressive and politicized aspects of Games that have taken place or will take place in countries that are neither Fascist, run by a Communist Party, nor located in Asia.)

Readers with little previous familiarity with China would have benefited from being told just a bit more

about a few historical and comparative matters. The book could have been improved by discussing more of the complex ways that ideas about rights (including the "now-you-see-it-now-you-don't" issue of gender equal-



Petitioners hold letters of complaint in the "Petitioners' Village," which housed up to 4,000 petitioners in Beijing. It was torn down in the fall of 2007. Photo credit: 2007 Kadir van Lohuizen/NOOR.

ity) figured in the revolutionary upsurges of the 1910s–1940s and the first years of the People's Republic. And, for comparison, by hearing more about how concepts of human rights have been understood differently in varied settings. More specifically, it is important to mention—even if ultimately to debunk—the fact that Chinese officials have sometimes claimed that "Asian Val-

ues" or socialist traditions justify an interpretation of UN documents, such as 1948's *Universal Declaration of Human Rights*, that differs from that which is the norm in the United States.

It may be churlish when dealing with a volume that covers so much to say that it could have done still more. Nevertheless, the kind of added historical and comparative context I have in mind could have been dealt with simply. All it would have taken is the working in of a chapter by someone like Marina Svensson or Merle Goldman, to name just two scholars who have done academic research on China's past and shown an ability to write accessibly and forcefully about the Party's discourse on, and abuse of, human rights.

Last of all, there is what seems at first to be a flaw in the book, but perhaps need not be thought of as one in the end: how quickly it has already begun to seem dated. The problem here is not just that the chapters were written with the Olympics still on the horizon, and now they have come and gone, but also that the chapters were written before the torch run protests, the May earthquake, and other notable early-to-mid 2008 events had occurred. Reading the volume post 08/08/08, I found myself wishing, with even the best chapters in the volume, that they came with epilogues that con-

tained reflections on how the Olympics had defied or confirmed the author's expectations, and whether other headline-grabbing Chinese developments made them rethink any of their conclusions.

In one sense, then, *China's Great Leap* now needs to be read not as something that prepares us for a coming event but as a kind of period piece. It offers us a valuable window onto how the PRC was, and how it was being thought about and discussed, before a series of major developments took place.

But there's also a more forward-looking way to view it. This is a work that makes for stimulating reading for anyone trying to get a head start on thinking about the twentieth anniversary of the Tiananmen protests and

the June Fourth Massacre that crushed them. *China's Great Leap* may focus on the Olympics, but one of its appealing features is that it offers us a good sense of what some of the most inspiring and thoughtful participants in 1989's drama—not just Wang Dan and Bao Tong, but also Liu Xiaobo (who co-wrote the moving June 2nd hunger strike manifesto that remains perhaps the most powerful and insightful document produced during the movement) and the courageous labor activist Han Dongfang—now think about important issues. So, *China's Great Leap* may be just as interesting to read with the upcoming 2009 anniversaries in mind (that year will also see the Communist Party marking the passage of 60 years since the PRC was founded) as it was to pick up when China's Olympic moment was on the horizon.