

論文の英文要旨

Title	Sustainability of Grassroots Legal Aid in Contemporary Urban China : Focusing on Chinese Lawyers' "Fellowship"
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Author	SATO Nao
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This thesis discusses the sustainability of grassroots social movements in contemporary China. Specifically, regarding the behavior of lawyers who participate in grassroots legal aid activities in urban China, it discovers the mechanism that makes lawyers' legal aid activities sustainable, by focusing on the sense shared by a lawyer in his or her relationship with others.

Grassroots legal aid refers to the activities provided by lawyers voluntarily at the grassroots level, apart from legal aid services promoted by the Chinese government (法律援助制度). Although those who engage in grassroots legal aid activities are not necessarily licensed to practice law, they are included in this thesis as the subject of analysis along with licensed lawyers.

At the end of the Hu Jintao era, when the author conducted interviews with lawyers, grassroots legal aid was more active than in today's Xi Jinping era. During this period, many lawyers contributed to social changes related to the day-to-day rights and interests of ordinary people, or to protests to the Chinese Communist Party. Many scholars and journalists have been seen legal aid activities by human rights lawyers from the perspective of rights consciousness. In this context, lawyers championing vulnerable people tend to be described as heroes on a quest for social justice, insisting on "freedom", "rule of law", and "democracy" even though this exposed them to the risk of arrest and assaults.

Now, the author raises one question: why do lawyers continue with these activities in spite of the exposure to such risks? The first answer that comes to mind is their sense of justice. Indeed, it is convincing to think that grassroots legal aid is sustainable by the altruistic actions based on lawyers' sense of justice. However, is it really possible for them to continue altruistic action in such a harsh environment? It would be more reasonable to consider that over and above their sense of justice these lawyers see some "return" which makes their participation in grassroots legal aid sustainable. Thus, examining how grassroots legal aid is sustainable should also prove useful in the research area concerning social movements and civil society in China beyond the context of grassroots legal aid.

This thesis spotlights moderate lawyers about whom previous studies have paid little attention. However, these lawyers are considered to be in the majority of those

attending to grassroots legal aid, compared to the radical lawyers opposed to the One-Party System(OPS) (Fu and Cullen 2008) .

It was the lawyers' narratives encountered through fieldwork that prompted the idea that a mechanism exists that makes grassroots legal aid activities sustainable in addition to their sense of justice. The author conducted interviews with moderate lawyers who had been voluntarily attending to the grassroots NGO called "Little Bird Mutual-Assistance Hotline for Migrant Workers" (小小鸟打工互助热线) in Beijing. Based on interviews with these lawyers, it appears that their motives to continue participating in grassroots legal aid tended to be an affinity to the OPS, for example, "to promote the state-led 'rule of law' project and to contribute in the building of harmonious society [和谐社会]" (Interview with Lawyer Huang [pseudonym], 22 March 2010) . In addition, they talked about their motives that were obviously unrelated to social change such as "just to help others", "to accumulate work experience", and "because I am a migrant worker as well", which the author noticed when reading the transcripts repeatedly after leaving the field. If it were possible to consider they don't necessarily participate in grassroots legal aid as a means of social change or protest, how is it reasonable to explain their activities' sustainability? The purpose of this thesis is to illuminate the existence of the mechanisms which make legal aid sustainable over and above their sense of justice.

This thesis consists of six chapters with an introduction and a final chapter.

The introductory chapter reviews previous studies, sets up the framework of the thesis, and defines "fellowship". Here, "fellowship" refers to a lawyer's sense that is shared with others in their relationships with both members of the community to which they belong as well as his or her each client beyond the community, and which generates their support action.

Chapter 1 discusses the method to analyze grassroots legal aid in urban China, by reviewing previous studies about peasant leaders who have engaged in collective resistance in rural China since the 1980s. The key logic of their action is that they are forced to keep leading the resistance even though they no longer necessarily want to do so in order to retain recognition of the other peasants in that community. The author calls this "Logic of Recognition" and regards it as one component of "fellowship".

Chapter 2 examines how the prosperity of grassroots legal aid has occurred, based on policy documents, statistical data, and previous studies.

Chapters 3 to Chapter5 consist of case analysis.

Chapter3 interprets the behavior of 13 lawyers from the *Weiquan* (rights-protection) framework. The sustainability of their legal aid activities can be

explained as quests for social justice.

Chapter 4 then interprets the behavior of the same 13 lawyers, from the standpoint of “Logic of Recognition”. In this chapter, in contrast to Chapter 3, the sustainability of their legal aid activities can be explained as their necessity to maintain recognition by members belonging to the same community.

Chapter 5 explores “Logic of Mutual Help”, the other component of “fellowship”, by analyzing the narratives of lawyers who voluntarily participate in grassroots legal aid activities for migrant workers at the NGO, Little Bird Mutual-Assistance Hotline for Migrant Workers.

Chapter 6 considers the relationship between “Logic of Recognition” and “Logic of Mutual Help”, as the components of “fellowship” and points out that both coexist in one moderate lawyer and work simultaneously. Furthermore, this chapter indicates that the logic of the radical lawyers and peasant leaders can be explained in the same way, by inserting the logic of moderate lawyers between them. Finally, a further hypothesis is raised as to whether “fellowship” rooted in peasant leaders penetrates from moderate lawyers to radical lawyers to achieve their sustainability of the grassroots legal aid activities.

The conclusion of this thesis is that the “fellowship” approach is useful to reveal that lawyers’ self-protection and self-interest can support their sustainability of grassroots legal aid activities in their relationship with others although such activities seem to be quite altruistic at first glance. The “fellowship” approach is valid in that it complements rights consciousness approach.

The last chapter refers to the significance and future tasks of this thesis.

The significance of this thesis is outlined in the following three points. First, the analytical perspective of this thesis, the “fellowship” approach as a complement of the rights consciousness approach, could be also useful for the analysis of other social movements in contemporary urban China beyond the field of grassroots legal aid activities. Second, the further hypothesis that the “fellowship” rooted in the peasant leaders is penetrated from moderates to radicals will propose a new perspective from which to analyze human rights lawyers. Third, the “fellowship” approach should make it possible to realize the dialogue with previous studies such as Hatada(1973) and Muramatsu(1975), indicating that Chinese peoples’ support activities and philanthropy have immutably relied on individual and computational relationships in both rural and urban areas since before the People’s Republic of China.