VIOLENCE AGAINST WOMEN: CAN THE LAW HELP?

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THE FURORE surrounding the chilling internet video of 'Xiaohuamei' 小花梅 or 'Little Plum Blossom', the chained woman in Jiangsu, had barely died down when a restaurant surveillance camera captured more disturbing vision of violent and misogynistic behaviour that stunned the world and once again put gender relations in the People's Republic of China (PRC) under the spotlight.[1]

It is 2.40am on 10 June 2022. Three young women are dining in a barbecue restaurant in Tangshan, Hebei province, when a middle-aged man — a stranger — approaches one of the women and puts his hand on her back. The woman, who is dressed in white, pushes his arm away and raises her voice at him, questioning his intention, and telling him to leave her alone. The man slaps the woman in the face. While she stands up to fight back, one of her friends (dressed in black) breaks a beer bottle on the man's head. The woman in black is pulled away immediately and beaten by the man and two of his companions. Meanwhile, several other men drag the woman in white outside by the hair; the harasser kicks her repeatedly and smashes a beer bottle on her head. The video ends with the woman lying on the

ground, covered in blood, and it is unclear what has happened to her friends off-camera.

As with 'the woman in chains', this incident triggered a nationwide uproar on social media, with more than 4.8 billion views of the leaked surveillance footage within a few days of it appearing on Sina Weibo.[2] It resonated with many other gender-based acts of violence caught on camera, including the high-profile domestic violence case of Kim Lee, an American, who shared photos of her bruises online in 2013 after being brutally beaten by Li Yang, her Chinese husband and creator of the famous English learning method Crazy English.[3] Then there was footage of a woman being attacked by a man in a Beijing hotel in 2016, with no bystanders or staff stepping in to stop the assault;[4] the livestreamed murder of Tibetan vlogger Lhamo 拉姆, who was set on fire by her ex-husband in 2020 as her horrified followers watched;[5] and a husband frenetically beating his wife right next to their toddler at home in Xi'an, Shaanxi province, in 2022.[6]

Wave after wave, these stories spilled into the public consciousness. Each time they triggered momentary outrage, which then subsided until the next wave rose. Violence against women has been widespread in China but hidden from sight; however, it seems to have become more prominent in recent years, triggered by heightened misogyny that has come about as a backlash against rising feminism. What does it tell us about gender relations, the rule of law, and social morality in China today?

Gender Relations

In 1949, women in the PRC gained constitutional rights equal to those of men as well as increased mobility and higher than ever social and economic status. They were aided by the banning of arranged marriages and concubinage and, in the mid-1950s, by Mao Zedong's dictum that 'women hold up half the sky' (he was commenting on a report that when a village decided to allocate women the same number of 'work points' as men, productivity tripled). However, this did not result in a fundamental change in gender relations. China remains a modern patriarchal society in which most of the power is held by men at all levels of the social and political hierarchy, from the party-state down to the

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Source: Mika Baumeister, Unsplash

village level. And women still live with various forms of gender inequality, from disparity in wages and educational opportunities, workplace discrimination, and unfair distribution of domestic labour, to rampant sexual harassment, and domestic violence. Tech-savvy feminists have been calling out these issues on social media for years — exemplified by the 'Bloody Brides against Domestic Violence' campaign in 2012, in which young women wore red-spattered wedding gowns in public to draw attention to the problem; the #MeToo movement, which began in 2018; and the #SeeingFemaleWorkers campaign on Weibo in 2020 that called for the recognition of women's contribution during the COVID-19 pandemic.[7]

Despite official crackdowns on feminist protests, including the detention of the Feminist Five in 2015 for planning to protest sexual harassment on public transport, feminism has grown stronger in China in recent years, as exemplified by the growing feminist discourse (and its discontents),

emerging feminist activities, and rising accusations against and condemnation of sexual offenders. This has been accompanied by a patriarchal, misogynistic backlash, causing a 'gender war' in cyberspace, where misogynistic sentiment fuels the use of sexist labels such as 'feminist whores' 女权婊 (Chinese feminists who criticise Chinese men harshly but behave warmly towards Western men),[8] 'green tea bitch' 绿茶婊 (an ambitious woman who pretends innocence), and sayings likening women older than thirty to tofu dregs 女人三十豆腐渣.[9] Intertwined with rising nationalistic sentiments, misogynistic labelling was also applied to former US House Speaker Nancy Pelosi during her high-profile visit to Taiwan in early August 2022: misogynistic nationalists mocked her as an 'old witch' 老巫婆, 'old devil' 佩老妖, and an 'unhinged hag' 神经病老太婆 on different online platforms.[10]

Looking back at the Tangshan restaurant attack, even as the majority of netizens were condemning the gang of abusive men, some were blaming the women for going out too late at night or for reacting too strongly to the harassers, with some even calling the attack 'a fight between street rogues'.[11] Authorities censored discussion of the attack, suspending 900 accounts on Chinese social media site Weibo for breaches of the rules against attacking national policies and stirring 'gender confrontation', and the messaging app WeChat removed several articles on this topic.[12] In the contemporary Chinese patriarchal environment — one that exists within an increasingly commercialised society — there is an emerging Sino-'manosphere' (described by Xiaoting Han and Chenjun Yin as 'a fragmented group of digital communities promoting misogynist discourses').[13] It is similar to the misogyny in Western societies that Laura Bates describes in her book *Men Who Hate Women*.[14] This also echoes some feminists' view that sexism functions to maintain the patriarchy and misogyny serves as its 'police force'.[15] From this perspective, wherever women are subjected to the degrading view that they are sexual commodities and inherently inferior to men, misogynistic men may resort to violence when confronted with women strongly defending their rights or 'breaking the gender rules'.

The Chinese government under Xi Jinping is campaigning for boys to toughen up and be more 'masculine'. It also promotes traditional feminine virtues and encourages women to have several (ideally, three) children. While the last has to do with the need to address China's demographic imbalance and ageing population, taken as a whole, these campaigns are about consolidating national identity, social stability, and familial harmony — at the same time as reinforcing patriarchal norms and structures. In this context, misogynistic violence could grow new roots.

Rule of Law

Violence against women takes various forms, including sex trafficking, domestic/intimate partner violence, and sexual harassment and assault — all of which can cause physical, mental, and emotional harm.[16] Soon after the PRC was founded, the Communist Party of China (CPC) implemented a *Marriage Law* (1950) that abolished arranged marriages, the extraction of money or gifts in connection with marriage, and the buying and selling of wives. However, these practices have never completely stopped. Trafficking of women (and children) still happens today in poor and remote areas of China despite a decline in reported trafficking cases, from 14,458 people in 2000 to 1,135 in 2021.[17] With marriage matchmaking and bride prices resurgent, many rural dwellers still do not distinguish between a legitimate marriage and the purchase of a woman.[18] The gender imbalance created by unknown incidents of female infanticide and sex-selective abortion in the years of the One-Child Policy has made many — particularly rural men — desperate. Statistics on the 'missing' girls resulting from sex-selective abortion vary; some sources indicate it is more than 40 million, while others suggest it is likely to be fewer because this figure includes unregistered births of girls.

Under Chinese criminal law, traffickers can be sentenced to five to ten years in prison or death, depending on the seriousness of the crime.[19] However, those who purchase women face maximum imprisonment of three years, and some can evade criminal liability if they do not obstruct the women from returning home if they wish.[20] Three years is less than what the

criminal code prescribes for buying a panda (ten years in prison) or two rare birds (five years).[21] It is a good sign that China has launched a nationwide crackdown on human trafficking since the 'Xiaohuamei' incident, but, more must be done. At the very least, China's lawmakers must consider increasing the penalty for human trafficking, including for the buyers.

In 2001, the Chinese government first introduced the term 'domestic violence' 家庭暴力 into its revised *Marriage Law* and made it a valid reason for divorce (previous laws only prohibited mistreatment 虐待 and abandonment 遗弃 rather than domestic violence. The revised law, however, does not cover marital rape).[22] In 2016, China also introduced its first, belated *Anti–Domestic Violence Law*. This increased public awareness of domestic violence, as evidenced by a growing number of calls to police and anti-domestic-violence hotlines, as well as post-sharing about domestic violence on social media.[23] However, in practice, domestic violence tends to be downplayed by local police as 'a family affair' 家事. They are often unwilling to intervene, in part because the law does not provide details about punishments for such violence.[24] Domestic violence remains rampant: according to the All-China Women's Federation, one woman experiences domestic violence every 7.4 seconds in China.[25] During the COVID-19 pandemic, this problem was amplified not only in China, but also worldwide, when lockdowns trapped women at home with abusive partners.[26]

China has implemented different regulatory frameworks to deal with sexual harassment and assault, including the kinds of gendered violence detailed above. These include the *Law on the Protection of Women's Rights and Interests* (2005), the *Public Security Penalties Law* (2012), the *Criminal Law* (2020), and the *Civil Code* (2020). However, these have not done as much as might be hoped to stem the tide of sexual harassment, assault, and gendered violence; there have been few wins among #MeToo cases, and many Chinese women do not report harassment or assault for fear of victim-shaming and for other reasons. There have also been cases in which the victims were punished and worse off after revealing their plight.[27]

It is reassuring that, after the Tangshan restaurant attack, the deputy chief of the Tangshan police bureau was removed from office for the delay in arresting the women's attackers and that the state launched a 100-day 'Thunderstorm' 雷霆风暴 campaign to 'crack down on illegal behaviours to eliminate security problems'.[28] It is also a relief that the Chinese authorities charged twenty-eight people with eleven different crimes two months after the incident. On 29 August, Chinese state broadcaster *CCTV* also released an eleven-minute segment featuring police officers' description of the attack and a brief account from one of the victims.[29]

However, to date, many questions remain unanswered about the shocking display of violence in Tangshan — for example, why was there no news conference on this incident? Why do the censors appear to be cracking down on internet discussion of the incident? Why is there no detailed information about the victims' injuries (with doctors claiming they had 'second-degree light injuries' and that their conditions were improving) and no direct word from any of the victims or their families? While there is a crackdown on gangs, there is no detailed information about the gangs' 'protective umbrella' (corrupt officials) despite the public loudly demanding answers on these issues.

Social Morality

'Cry out at the sight of injustice, give a hand when others are in need' 路见不平一声吼 该出手时就出手 are lyrics from *The Song of the Heroes* 好汉歌, the very popular theme song of the 1990s TV series *The Water Margin* 水浒传, which was adapted from one of China's four classic novels. This spirit, however, is fading in present-day China. In the security footage from Tangshan, it is disheartening to see that no other men stepped in to stop the violence, leaving the three women diners to defend themselves. In the middle of the fight, one woman bystander tried to intervene but was immediately dragged back by her partner. Others watched and filmed the attack: Were they scared about being beaten or being charged with civil liability if they hurt someone (as has happened in the past)? Did they even care about what was happening to the victims?

In recent decades, people have grown increasingly unwilling to help strangers in distress for fear of extortion, as indicated by online surveys run by Chinese state media including the *People's Daily* and Sina Weibo.[30] There have been several cases of individuals who helped elderly people who had fallen in public spaces but were sued by them as a result, leading to tremendous financial loss.[31] Chinese media have compared these cases with Aesop's fable *The Farmer and the Viper*, in which a kind-hearted farmer is killed by a viper after placing it inside his coat to keep it warm on a freezing day. There have been other incidents that have led to much agonised self-reflection, including that in which a two-year-old, Wang Yue 王悦 (known as Xiao Yueyue 小悦悦), was run over by two vehicles on 13 October 2011, with eighteen passers-by failing to help the little girl, who lay critically injured and bleeding for more than seven minutes before a woman (a rubbish collector) stopped to help. Wang died of severe brain damage within a week.[32] One witness confessed that she did not help because she was afraid of being prosecuted by the girl's family, who might have accused her of causing the child's injuries.[33]

At the time, the media was reporting rising numbers of staged accidents ('porcelain bumping' 碰瓷). These cases, together with reports of abuses of power, official corruption, toxic additives in food, and officials' and celebrities' extramarital affairs, run against the moral frameworks and 'positive energy' the state intends to build.[34] They have triggered widespread concern and debate about the decline of social ethics and morality in contemporary Chinese society. This widely shared perception of a moral crisis has also inspired soul-searching within society.[35] Gendered violence could be unavoidable in patriarchal societies. Whether a 'moral awakening' will result in positive changes will take time to see, as it requires the long-term efforts of both the state and the society working together to address gender inequality.

In a nutshell, violence against women in China reveals numerous issues: systemic inequality between men and women, rising misogyny, loopholes in the criminal justice

system, gang violence connected to official corruption, and a general deterioration in the moral sphere. For China to build a genuinely harmonious, violence-free, and gender-equal society, profound reforms in education, law, policing, and social ethics must be made.

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